Reconsidering Autonomy and Consensus in Habermas's Discourse Ethics

By

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A Thesis Submitted in Partial Fulfillment
of the Requirements for the Degree of

MASTER OF ARTS

In the Department of Philosophy

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ABSTRACT

In Habermas’s latest work, The Future of Human Nature, he points out that with our newfound ability to intervene in the physical substratum of an as yet to be realized subjectivity we have unveiled the well-entrenched presuppositions that support our modern conception of autonomy. Habermas recognizes that autonomy may depend upon on critical assumptions concerning the nature of substance and this dependence threatens to undermine the Habermasian project of rational moral universalism by forcing it to reconsider its very foundations. Habermas argues that if we limit the extent to which we intervene in the human genome then we can protect our current concept of autonomy and thereby protect and maintain an egalitarian universalist morality and our ability to universalize moral norms. His proposed method for accomplishing this is via a “species-ethic”. I argue that Habermas’s species-ethic does not prevent the erosion of human autonomy. Moreover, makes this attempt comes at the expense of a procedural and cognitively empty rationality and is replaced with a rationality oriented by substantive values; in direct opposition to Habermas’s process of a culturally unbiased framework. A comparative analysis of Kant’s conception of freedom/autonomy lays the foundation for a rigorous examination of the process by which Habermas inaugurates the subject and develops human autonomy. Ultimately, Habermas’s discourse ethic is shown to have a metaphysical bias in the form of a universal human nature that lends stability and unity to the moral realm.
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INTRODUCTION

1. Thesis Trajectory: Examining the Project of Moral Universalism

There are few things that one might be certain of in life and, that Habermas was an ardent defender of deontological moral universalism was one of them. For Habermas it is possible to epistemically access the moral universe through a dialogical process called discourse ethics. If morality is rationally structured, universal in scope and moral knowledge is available to us, then although there are no moral ‘states-of-affairs’ that correspond to judgments concerning moral norms we can nonetheless confidently consider it possible that a moral norm is an accurate articulation of moral truth.\textsuperscript{1} This, of course, is with respect to us recognizing that we as human beings are prone to error and there may arise unforeseeable reasons that cause us to reconsider certain moral norms.\textsuperscript{2} The dialogical legitimation process (consensus), the range of applicability of moral norms (universality) and the reason we find ourselves in moral relationships that entail obligatory duties (deontological), all depend upon our concept of the human individual as a fundamentally autonomous being.

However, with the advent of eugenics, our ability to intervene in the physical substratum of an as yet to be realized subjectivity has unveiled the well-entrenched presuppositions that support our modern conception of autonomy. The recognition that autonomy may depend upon critical assumptions concerning the nature of substance threatens to undermine the Habermasian project of rational moral universalism by forcing it to reconsider its very foundations. These foundations are best understood through an
examination of Habermas’s process of legitimating hypothetical moral norms - discourse ethics. These main characteristics are:

(1) Autonomy is the (non-platonic) essence of human nature.
(2) The individual is the fundamental moral agent on account of this autonomy.
(3) In order to legitimize universal moral norms we must pronounce them from the standpoint of an impartial judge; this is the ‘moral point of view.’
(4) The validity of moral norms is ensured because the dialogical process of moral argumentation results in a consensual outcome.
(5) Reasonable disagreement over moral norms in the long run is impossible due to the universality of human nature and therefore the moral universe.
(6) The prioritization of the right over the good is a prerequisite for moral argumentation on the grounds that the human individual is first and foremost an autonomous being and morality’s purpose is to protect that autonomy.

Habermas realizes that if he is going to continue to claim that any serious moral consideration must be approached from the standpoint of rational moral universalism, then he must ensure the inviolability of human autonomy. Thus, he proposes an “ethics-of-the-species”: a normative moral anchor that is meant to prevent eugenics from becoming a threat. For Habermas the danger posed by eugenic intervention is the dissolution of what have always been categorical distinctions. There are certain boundaries, such as an undetermined genetic heritage, that ground the identity formation of a future human subject and once it becomes possible to cross these boundaries there is a risk that one may not be able to view oneself as the authentic author of one’s own life. Moreover, eugenics also raises the question of whether such categorical distinction wherever really categorical to begin with, thereby revealing the chimerical character of such ‘natural’ boundaries. Thus it remains to be seen as to whether or not a species-ethnic can rebuild these boundaries and whether this can be accomplished without abandoning the Kantian prioritization of the right over the good.
I proceed to argue that we need not actually intervene in the genome of a future subject in order to threaten our current concept of autonomy. Rather, the very possibility of eugenic intervention brings to light that the positive condition for the formation of autonomy under Habermas’s intersubjective model is that subject can view himself as having once been an undetermined substance and not just, as per Habermas, being an undesigned substance. To best understand this argument I begin with an examination of how Kant’s concept of autonomy informs Habermas’s concept. Second, how has Habermas gone about taking the idea of freedom and articulating it within a postmetaphysical framework as the idea of communicative freedom? Third, how does discourse ethics depend on Habermas’s conception of autonomy and, how has the prospect of eugenic intervention destabilized this version? And lastly, can Habermas’s proposed species-ethnic salvage deontological moral universalism or do we need to look at the processes of moral argumentation in a new way?

2. Chapter Methodology

The first chapter begins with an acceptance of Habermas’s claim that any form of moral argumentation must adhere to the Kantian prioritization of the right over the good. Since much of the objective of this thesis is to interrogate Habermas’s claim that a species-ethnic preserves this Kantian prioritization it seems only just to at first accept this claim at face value.

In order to best understand Habermas’s role in the project of moral universalism a comparison between Kant’s concept of freedom and Habermas’s is undertaken. This examination is conducted through a reading of Kant’s Groundwork of the Metaphysics of
Morals wherein it is determined that both Habermas and Kant share the belief that it is the attribute of autonomy that gives human beings the exclusive status of moral agents. From here a discussion comparing Kant’s Categorical Imperative with Habermas’s consensus is meant to draw out the presuppositions for moral action that are shared by both Kant and Habermas.

Once we understand how close Habermas is to Kant in terms of his derivation of freedom, chapter two indulges in an exposition of how Habermas tries to move freedom into a post-metaphysical environment via his conception of communicative freedom. Habermas offers us a just-so story, albeit a reasonable one, regarding the emergence of language. Once language appears on the scene then Habermas proceeds to delineate the possibility conditions for the formation of autonomy. Habermas has always held these to be found in the presuppositions for communicative action; translatable into the foundational values of equality and respect. The autonomous ethical individual emerges as a response to the demands of the very structure of language, however, these demands must initially occur in and through the intersection of bodies.

With the advent of eugenic intervention the previously unthematized human body becomes problematized. What is the body? What is the physical substratum that I call body and what is its role as the ground upon which I construct an identity? These sorts of questions that bring to light the perceived distinction between the grown and the made lead Habermas to argue for the importance of maintaining bodily integrity in order for the individual to view oneself as an autonomous individual.

Thus, an undetermined genetic heritage becomes a condition for autonomy. The question Habermas is beginning to formulate is how to preserve this undesigned genetic
heritage? This will become crucial, particularly as it becomes more evident that if rational moral universalism is to prevail, then the status of the individual as an autonomous entity must be guaranteed.

Chapter three begins with the premise that it is a given that eugenics threatens our conception of the autonomous individual, therefore, we must ask ourselves how does a destabilized version of autonomy affect discourse ethics? In order to respond to this question an in-depth analysis of discourse ethics and the conditions upon which it depends is undertaken: In particular, the question of whether a consensual outcome that proceeds from a formal framework of moral argumentation (discourse ethics) can result in universal moral truths.

To better understand the process by which we arrive at moral norms, I turn to Young and her objections to the requirements of universality, unity and symmetrical reciprocity that Habermas’s discourse ethics insists upon. With the help of Young I hope to show that Habermas has an even more embodied conception of freedom then even he realized.

To a degree Habermas seems to accept that a conception of autonomy that is solely derived from the intersubjective is no longer sustainable. Given this acceptance he proposes a species-ethnic that would serve the role of stabilizing human autonomy by effectively eliminating corporeal integrity as a possibility condition for autonomy formation.

In the last chapter I point out the dilemma that Habermas faces and utilize Mendieta to elucidate how a species-ethnic is counterproductive to Habermas’s own project regardless of the role of corporeal integrity to autonomy formation. I try to show
that a species-ethic explicitly rejects the prioritization of the right over the good.

Moreover, I go farther than Mendieta and argue that even if one ignored that problem, the
species-ethic does not stabilize human autonomy since it must be reconsidered with the
rise of genomics.

Lastly, from the pragmatic standpoint regarding the processes of moral
argumentation, I argue that the new way of thinking about human autonomy is evidence
that the moral realm should not be considered in terms of a unified totality that be broken
down into finite rational propositions. The sea of morality is something that we all find
ourselves adrift upon, however, the ethical shorebreak and the moral swell are different in
color and need to be approached differently. If so, then morality may be something
we all participate in, and in this sense has a universal character, but it does not mean that
we should all act in the same way with respect to it. Rather, the importance of
recognizing instances of reasonable disagreement as legitimate outcomes of moral
dialogues needs to be considered. This approach elevates difference to the point of being
respected rather than viewing difference solely as something to be overcome.
Moral Freedom: A Groundwork for the Postmetaphysics of Morals

1. Introduction

The project of political modernity, loosely understood as the liberal-democratic paradigm, posits the protection of rights and freedoms of the autonomous individual as the objective of morality. Moreover, it is precisely the concept of the individual as morally autonomous that serves as the ideological foundation that sustains modernity itself. The subject, so conceived, is largely shared by both followers of consequentialist theorists such as Mill, and deontological cognitivists such as Habermas. The divergence between these two approaches begins with the Kantian tradition’s maintenance of the separation within the moral sphere between questions of ‘right’ and the ‘good’ (morality and ethics).

No one has been a stronger defender of the necessity of this division than Habermas. He has, until recently, insisted that any contemporary moral theory that takes into account the pluralistic nature of modern societies must necessarily take a cognitive approach to morality. In other words, if all human subjects find themselves in an intersubjectively shared lifeworld that is rationally structured, then universal access to the moral can only be available via something we all share and can only be properly articulated in a rational fashion. This commonality arrives in the form of our cognitive process which, for Habermas, structures and is structured by the intersubjective. Here we have the beginnings of the complex relations of interdependencies between autonomy, freedom and the possibility conditions for understanding. Unlike Kant, Habermas does
not offer a metaphysical beyond to explain freewill and instead provides a communicatively derived version that details the conditions which sustain autonomy. It should come as no surprise that of foremost importance is the protection of these conditions, thereby ensuring that the individual is free to engage in moral argumentation and taken as an aggregate of individuals, to come together in consensus and articulate moral norms that reflect a rational autonomous morality.

This idea of freedom, although supposedly not latent in the human as it is for Kant, can be articulated within a legal framework in the form of rights. According to Habermas, it is not the job of philosophy to articulate the nature of the good, but rather to articulate where the boundaries lie for the domain of freedom inherent in the individual. In other words, how do we best protect the freedom of individual subjects from other members of society whose actions cannot be ‘universalized’, and who therefore might unreasonably interfere with an individual’s ‘right’ to put together a life-project that is perceived by that particular individual as a good life.

This same autonomous individual is also the fertile ground from which our ideas of ‘respect’ and ‘equality’ are tilled: ideas which presuppose that the individual is entitled to basic human dignity on account of his free will. It follows, theoretically, that the structure of the moral sphere can be derived and delineated as a rational whole based on the necessary presupposition that we, as rational beings, have free wills. For Kant these free wills represent a unified totality originating in the noumenal beyond; for Habermas the question is how to make the will function in an analogous way but without a metaphysical foundation.
In our post-metaphysical world, concepts that represent empty logical space such as the noumenal are not available to us; it does not suffice to explain the knowable by appealing to the unknowable. Therefore fundamental human values proposed by Kant, such as equality and respect, having been relieved of their previous metaphysical foundation in the 'idea of freedom', must be grounded anew if they are to retain their fundamental claim. It is Habermas who offers a quasi-transcendental argument to locate these values at the root of communication oriented toward understanding and therefore within the anthropological self-understanding of the species. In doing so he attempts to return these values to their fundamental status. And, it is from here that he devises a procedural approach for the validation (universalization) of moral norms.

Without the unity of practical reason grounded in an autonomous rational will that is located in the 'intelligible' realm, one can no longer utilize Kant's monological introspection to 'universalize' moral norms. Habermas's alternative is to take an intersubjective approach: reason is treated as the unavoidable product of communicative action within a community of language users. Moreover, it is critical to note that the community is not considered as an aggregate of wills whose homogeneity consists in them all being phenomenal manifestations of the rational will, but instead as a diverse collection of concrete particular individuals who forge a coherent homogeneous moral community through the power of consensus. When community is seen in this way it is easy to see why Habermas puts forth the claim that we must participate in a dialogical process of common will formation in order to come to decisions about the nature of the moral realm.
In this first chapter I examine the relationship between the Kantian tradition and the approach Habermas takes with his discourse ethics. The analysis begins with a reading of the *Groundwork of the Metaphysics of Morals* and the Kantian intuition that human beings are the basic units of morality; a claim that is premised primarily on the argument that moral agency is only available to beings who possess and exercise a rational autonomous will, the possibility of which depends on only one thing: the idea of freedom.

Next, the role of the autonomous individual within Habermas’s formal-pragmatic framework of discourse ethics is explained while tracing the move from Kant’s monological approach to Habermas’s dialogical approach. With Habermas’s basic framework securely in place I proceed to introduce how Habermas’s thought is analogous to Kant’s in so far as he considers equality and respect as transcultural values that are unavoidable, fundamental presuppositions of communicative action and therefore moral argumentation. Habermas writes, “Among the universal and unavoidable presuppositions of action oriented toward reaching an understanding is the presupposition that the speaker qua actor lays claim to recognition as an autonomous will and as an individuated being.”

Although Habermas wishes to champion Kant’s project, he also needs to release his theory from the metaphysical bonds that tie together Kant’s thoughts on practical reason. At this point, it is hoped that the tension surrounding Habermas’s concept of freedom is begins to reveal itself. As Habermas himself points out, “Kant’s freewill no longer descends from the sky as a property of intelligent beings.” He is well aware that in a post-metaphysical world one no longer has recourse to either concepts which find their origin in the noumenal, or to platonic essences from which we can derive moral
laws. In light of the ‘linguistic turn’, if Habermas is to make universal claims concerning the “nature” of the human he must do so within what he claims is the necessary structure of language itself.

At the conclusion of this chapter we should have a better understanding of the relationship between Habermas’s idea of freedom and Kant’s which creates a good foundation for an analysis of how Habermas derives the autonomous individual from the lifeworld and whether Habermas is guilty of metaphysics in the form of substance. If so, then how does a metaphysically grounded concept of freedom affect the project of moral universalism in the form of discourse ethics?

2. The Kantian Project

Habermas has a strong theoretical link to the Kantian project of deontological moral universalism. They both assume that the moral realm is rationally structured, although for Habermas rationality takes on an intersubjective character and therefore moral validity claims are and must be subject to public scrutiny. The transcendental unity of apperception no longer provides the unity to practical reason in the form of world-constitutive ideas. The intersubjective character of reason is grounded, for Habermas, in the pragmatics of communication, which reveals the objective character of the lifeworld and the unity of the moral, through the primary linguistic function of world-disclosure, rather than from the standpoint of the world-generating ideas of the transcendental subject. Language, as world-disclosing, enables us to reach an understanding about the objective moral laws which should govern our actions by systematically linking all to all
within linguistic relations. There is no incommensurability of moral intuition between value frameworks for Habermas, just thick and thin levels of understanding.

As a Neo-Kantian, his intention is to explain, within a post-metaphysical framework, the unity of the moral universe as a rationally structured totality and how the autonomous individual is exclusive moral agent and the fundamental unit of democracy as well as its normative goal. For Kant and for Habermas the human is seen as the basic 'moral unit'. However, unlike Kant, Habermas needs to demonstrate how the autonomous individual is 'free' to raise claims within moral discourse without that freedom being an intrinsic or 'natural' property of the human. The purpose of morality, as Habermas sees it, is to create a framework wherein the individual is free to further develop his own autonomy.

For Habermas, philosophy is no longer in a position to judge or even comment effectively on questions concerning the 'good'. Instead, it is part of philosophy's role to help clarify the distinction between questions of 'right' and questions concerning the 'good' and to maintain the Kantian prioritization of the former over the latter. By prioritizing the 'right', a deontological universalist morality empowers individual autonomy and creates the sphere of freedom necessary for the individual to put together one's life-project in a manner that is consistent with one's own particular conception of what constitutes a good life. It is not surprising, then, that in the language of the nation state the idea of fundamental rights is embodied in virtually every modern legal constitution across the globe. It is Habermas's contention that the idea of fundamental rights reflects the intuition that some form of egalitarian universalism is foundational to our conception of the moral.
What is right, according to Habermas, is not relative or exclusive to a particular set of social values, rather, what is ‘right’ is derived from the reciprocal forms of recognition that are necessary for communication and the development of a particular form of life. Hence, it is from a quasi-transcendental ground that Habermas derives the idea that latent within language itself are foundational moral values necessarily shared by all language users: a universal form of moral intuition.

For Habermas this intuition is a recognition of the necessary Kantian prioritization of the right over the good, or in more contemporary terms, morality over ethics. For Kantians, the moral is universal in nature, while ethics applies only to a particular situation and makes no claim to universality. No doubt, there are those that maintain that this separation is impossible: a well known objection is that one cannot have a conception of ‘right’, without an idea of it being ‘good’ to do the ‘right’ thing. However that problem is a paper unto itself so for now let us grant Habermas this distinction and try and understand why this prioritization is so important within a democratic framework that focuses on the freedom of the individual.

Although Habermas is historically a defender of a deontological cognitivist morality, that does not mean he denies that cross-culturally there are a multiplicity of value-frameworks, and there are therefore multiple ways of contemplating and realizing a ‘good life’. If we consider the Aristotelian conception of the good life, then we come back to the importance of reflection in consideration of virtuous choices. That is, the virtuous person lives a good life by making rational choices in light of critical reflection. Not everyone needs to be a lute player, but to be a good lute player and therefore to live a good life, one must make the sort of choices that a good lute player would make. What is
highlighted here is the importance of autonomy. It is dogmatic and foolish, maybe even
dangerous, to try and impose one particular view of the ‘good life’ on such a varied
landscape as humanity. Instead, excluding the prospect of serious misfortune, a good life
is achievable by all if they make virtuous choices with respect to their particular concrete
situation.

Habermas’s project then, is to establish a framework that is empty of content
(value neutral) in regard to questions of the ‘good’ and thereby create a space where
individuals are able to exercise their own choice in an autonomous direction of their own
lives. Thus Habermas focuses on two guiding principles that he argues are unavoidable,
fundamental and universal features of the human condition, namely, symmetry [equality]
and reciprocal recognition [respect]. As we will see later, Habermas makes this claim by
working backward from the conditions that must obtain in order for communication to be
possible. Through an analysis of the Kantian foundations from which Habermas draws,
the ground upon which the above claim is premised should begin to reveal itself: “For,
since morality serves as a law for us only as rational beings, it must also hold for all
rational beings; and since it must be derived solely from the property of freedom, freedom
must also be proved as a property of rational beings” [AK4:448].

3. Freedom for Kant

Kant is faced with what seems to be a paradox. There is a world of appearances
that is causally ordered, yet, as rational agents we appear to ourselves to be performing
actions that do not seem to be the effect of a cause that is external to our own will to
perform that action. The dilemma for Kant is to reconcile an idea of freedom that is
foundational for the individual to conceive of himself as the author of his own actions, with an individual who finds himself firmly in a causally structured world, a world that obeys the laws of nature.

Thankfully, for Kant, one has recourse to the world of the understanding. As is commonly understood, Kant divides reality into two realms, the phenomenal and the noumenal. Causality is merely the structuring principle of the phenomenal world; all representations must appear to us according to the laws of causality, which is simply the manner in which reason structures the world and therefore how it appears to us. As for how things are in themselves, this is forever outside of the range of objects of possible experience and therefore outside of knowledge itself. Freedom, negatively defined, is that which is not caused or determined by something else and therefore freedom has great difficulty settling down in a causally ordered phenomenal realm.

It may help to think of the will for Kant as a causal force. As rational agents we are the cause of our own actions, but as free beings our actions are not determined external to our own choices. Therefore for Kant, the idea of freedom is the idea of an uncaused cause. So, it seems that the rational being must find oneself straddling the ontological divide between the phenomenal and the noumenal. Kant writes, “As a rational being, and thus as belonging to the intelligible world, the human being can never think of the causality of his own will otherwise than under the idea of freedom; for, independence from the determining causes of the world of sense (which reason must always ascribe to itself) is freedom” [AK 4:453]. Our placement across the great ontological divide is traced through the causal independence of our actions: as agents who manifest appearances in the phenomenal world in the form of our actions, we must also belong to
the noumenal as a thing in itself because in the individual is the ground of his own
actions (appearances) and the "world of the understanding contains the grounds of the
world of sense" [AK 4:453].

It is noteworthy here that Kant points to the unity of the rational will by
mentioning that it is not the ego as such that finds itself in the noumenal realm but is the
"pure activity of consciousness" that assumes the status of a thing-in-itself. Kant writes:

"Even to himself, the human being cannot claim to cognize what he is in himself
through the cognizance he has by inner sensation....beyond this constitution of his
own subject, made up of nothing but appearances, he must necessarily assume
something else lying at their basis, namely his ego as it may be constituted in
itself; and thus...he must count himself as belonging to the world of sense, but
with regard to what there may be of pure activity in him...he must count himself
as belonging to the intellectual world, of which however he has no further
cognizance" [AK 4:451].

Kant, it seems, allows for the individual's ego to be constituted, and in this way one can
'know oneself' as an object of sense; i.e., Bobby knows that he does not like cheese, but
know that he likes ponies. But this 'Bobby' is knowable only insofar as 'Bobby the ego'
represents itself to himself through the 'appearance of his nature', which is a sensible
occurrence. As for the true basis for our actions, our will, this is not something knowable
to us as it is in itself, however, it is nonetheless the very ground of our being as rational
creatures.

In an analogous fashion to the search for the laws of nature (causality) that govern
the world of appearances, Kant asks the question: how do we determine what laws
govern our will?

If freedom is negatively defined as uncaused efficient cause, then any laws that
apply to the will cannot be externally applied; that is they cannot be heteronomous.
Freedom can make sense for Kant only if the laws that govern it are laws that are self-
imposed or autonomous. Kant writes, “what, then, can freedom of the will be other than autonomy, that is, the will’s property of being a law to itself” [AK 4:447].

With this equation of freedom with self-governance in accordance with reason, Kant analytically combines morality with autonomy. It is now imperative that if an action is to be considered moral it is a necessary condition that the action is understood as rational and universalizable, otherwise the will is not acting only according to its own legislation and correspondingly entails a loss of freedom as the will becomes heteronomously determined. So for Kant, morality requires universal laws since the human being is universal in its ability to be free and it is the actions of the autonomous individual (good will) that forms the basic unit of morality itself.

Morality is a question of what actions ‘ought’ to be undertaken. What ‘is’, is the outcome of causal determination and could necessarily be no other way and therefore, according to Kant, is not an object of moral inquiry. The moral question, then, is what should have happened rather then what in fact did. Kant writes, “The moral ‘ought’ is then his own necessary ‘will’ as a member of an intelligible world, and is thought by him as ‘ought’ only insofar as he regards himself at the same time as a member of the world of sense” [AK 4:455]. What should have happened could have occurred only had some individual changed the chain of causality by interjecting a new cause which altered the original causal path. Moreover, such an action undertaken by the individual is an act of the will, that is, the moral ‘ought’ proceeds from an individual decision to act when they could have done otherwise.
4. Habermas's Interpretation of Kant

Habermas shares Kant’s fundamental intuition that practical reason articulates an autonomous rational morality. Although Habermas is trying to conceive of morality within a post-metaphysical context, he struggles to shed, in its entirety, the metaphysical skin that encapsulates much of Kant’s work. Habermas, taking Kant’s practical reason and idea of freedom as his starting point, tries to move away from a subject-centered reason and toward a communicatively derived form of reason or what he calls intersubjective reason.

Habermas breathes new life into Kant’s ideas by reformulating them in terms of a postmetaphysical communicative reason. The wellspring of practical reason is no longer the autonomous will with its metaphysical roots in the noumenal beyond. Instead, as reason moves from within to without, the ground of intersubjective practical reason and thus morality is derived, “[i]n the last analysis...from conditions of symmetry and reciprocal recognition which are unavoidable presuppositions of communicative action.”¹ Habermas would prefer not to derive morality from the will as it entails metaphysical assumptions. So, rather than refer to a domain of freedom in the form of the will that captures the essence of the human being, Habermas tries to first concentrate on the derivative values of equality (symmetry) and respect (reciprocity) and their relationship with human autonomy. His justification for these values as universal values is based on the claim that they are necessary presuppositions for communication, rather than the notion that reason requires that we presuppose an idea of freedom.² Nonetheless, for Habermas as well, there is latent in the idea of a subject that participates in communicative action is the idea that the subject freely raises validity claims and freely
offers her ‘yes’/‘no’ (to the validity claims raised by others) in response to the reasons provided as evidence for a claim to validity. Although preferring not to ground morality in the autonomous rational will, Habermas’s Kantian persuasion requires that he offer a full and thorough alternative to this moral foundation.

Consider Habermas’s interpretation of Kant’s conception of an autonomous will compared to his own definition of what an autonomous will consists in: “Kant conceived of ‘free will’ as the ability to subordinate one’s free choice to norms one accepts on the basis of moral insight.”13 Concerning his own view on the will Habermas writes, “Only a will that is open to determination by what all could will in common, and thus by moral insight, is autonomous; and that reason is practical which conceives of everything that is justified in accordance with its impartial judgment as the product of a legislating will”14 Now Kant’s words as previously quoted, “what, then, can freedom of the will be other than autonomy, that is, the will’s property of being a law to itself? …hence a free will and a will under moral laws are one and the same” [AK 4:447]. There seems, at first, to be little difference between these two positions. The only ‘real’ difference is the metaphysical assumptions that surround them. Kant’s will is based on the idea that freedom is a necessary presupposition of reason and that a ‘freewill’ must be located in the noumenal since it is outside the deterministic world of appearances because the will functions as an uncaused cause, i.e., it is the cause of the appearance of things (our actions) in the world of appearances.

On the other hand, Habermas’s idea of the will is grounded in the necessary presuppositions for communicative action; the autonomous will is developed through interpersonal linguistic relationships. Habermas writes, “From the standpoint of the
theory of intersubjectivity, autonomy does not signify the discretionary power of a
subject who disposes of himself as his own property but the independence of a person
made possible by relations of reciprocal recognition that can exist only in conjunction
with the correlative independence of the other.”15 Obviously Kant’s autonomous will can
be traced to its metaphysical roots. Habermas, however, maintains that his conception of
the will can neither be deconstructed into its parts, and shown to be a merely normative
construct, nor does it depend upon a metaphysical foundation such as the intelligible
realm. Instead, through an analysis of moral language games, freedom and practical
reason can be shown to be intersubjective in character; neither entirely socially
constituted nor metaphysically dependent.16

With what seems to be a post-metaphysical version of freedom, Habermas
proposes a form of moral argumentation meant to enable consensus, require universal
participation and thereby allow the formulation of agreement that expresses the common
will of all concerned parties.17 Habermas’s discourse ethics incorporates the idea of an
intersubjective autonomous rational morality with the Kantian idea of deontological
universalism that is premised on the human being as autonomous and the basic moral
unit; the human being as a Kingdom of Ends. The fundamental distinction for Habermas
is that he uproots the Kingdom of Ends from the noumenal realm and replants it on the
horizon of the lifeworld; still the human bridges the gap as both a subject in-the-world
and a subject that constitutes-the-world, only now the status of this ontological gap is no
longer a valid question as metaphysics is banished from the lifeworld.18 Freedom then
becomes a product of language while at the same time being assumed to be a possibility
condition for it. In this way freedom, as for Kant, is not and cannot be an object of
knowledge. However, this does not seem to be a satisfactory explanation of freedom coming from a philosopher who prides himself on post-metaphysics, the purpose of which is to avoid explaining the knowable by the unknowable.

5. Discourse Ethics and the Subject

Morality will ensure the freedom of the individual to lead his own life only if the application of generalized norms does not unreasonably lace in the scope for choosing and developing one’s life project. In the very universality of valid norms, a nonassimilative, noncoercive intersubjective communality gets expressed in view of the whole range of a reasonable variety of interests and interpretive perspectives, neither leveling out nor suppressing nor marginalizing nor excluding the voices of the others - the strangers, the dissidents, and the powerless. Such are the requirements which must be met by the rationally motivated consent of independent subjects who are capable of saying no.²⁰

Discourse ethics is a formal-pragmatic framework that gives procedural structure to moral argumentation in order to test the universalizability (validity) of moral norms that in principle, through practical discourse, issue in a consensus.²¹ Moreover, discourse ethics is supposed to recognize the need for concerned parties to participate in dialogue in virtue of the multiplicity of cultural value frameworks that inform our different understandings of the moral. Given this multiplicity, Habermas points to the necessity of common will formation that is dialogical.²² The problem of formulating universal laws according to the Kantian method of monological introspection will soon be evident.

However, I argue that although Habermas’s dialogical process is more inclusive, it does not reflect the ‘ought’ in human ‘nature’ as he had hoped. Since, as we will see in chapter two, in the section called Freedom Embodied, the human has no given ‘nature’; ‘nature’ itself is the result of a normative intersubjective conceptualization process that depends on an operative myth: the myth of the given.
In order to understand why Habermas feels that discourse ethics avoids the ethnocentric pitfalls of other moral theories, let us consider the Greek distinction between form and content. Habermas writes, "Practical discourse is not a procedure for generating justified norms but a procedure for testing the validity of norms...practical discourses depend on content being brought to them from the outside."23 The framework itself is supposed to be empty of content and thus impartial to socio-cultural biases; discourse ethics claims to be value neutral. All participants are free to raise or challenge any validity claim (content) whatsoever. Through the establishment of a 'level' playing field, the possibility for strict equality between participants, insofar as they are able to raise, criticizable validity claims, is assured. Notice that equality does not mean all concerned parties have an equal understanding of the issues at hand; certainly those whose lives have been devoted to the pursuit of moral wisdom may have better arguments than those who have not been the least concerned. Equality only refers to the presumed moral equality of each individual as ethically irreplaceable and the right of all parties to participate in dialogue in whatever fashion they feel is appropriate so long as they take a performative attitude oriented toward reaching an understanding.24

The justification process (test of validity) for moral norms depends on the arrival of a consensus between free and equal participants; a consensus that is the 'natural' outcome of the 'unforced force' of reasonable argumentation. Consensus, for Habermas, is authoritative because it represents an idea that all individuals, considered as authentic selves, can assent to. That is, consensus is not a compromise but a reflection of what all individuals can will in common.
"[W]hat is expressed in normative validity is the authority of a general will shared by all concerned, a will that has been divested of its imperative quality and has taken on a moral quality. This will invokes a universal interest, which we can ascertain through discourse, that is, grasp cognitively from our perspectives as participants."

This normative process is seen as unproblematic when considered under ideal conditions. All parties who will be or who could possibility be affected by the moral norm in question must assent to its moral value without any party being subject to any form of coercion. The moral norm is universal because it represents the common will of all concerned since it is arrived at through rational discourse among self-determining individuals who respect each other as moral equals. Moreover, the norm applies to any and all things that find themselves in the category of human being. It is Habermas’s contention that valid moral norms are applicable (although revisable in light of the principle of fallibilism) to future subjects because those subjects are considered to be equal to the human of today. However, he must show the reason for this equality without referring to some essential quality that naturally demarcates the category of ‘human’.

With so much focus on will formation, universalization of moral norms, and the presumed equality of participants, it is appropriate to consider Habermas’s justification for assuming moral equality and respect for the other. As such, a comparison of Habermas’ principle of U and D with Kant’s categorical imperative is in order.

6. Kant’s Categorical Imperative and Habermas’s Consensus

For Kant, the categorical imperative is an a priori synthetic proposition and ipso facto is a natural law that can be analytically deduced from the idea of an autonomous will. In other words, the justification of the categorical imperative rests on the assumption
that the human being is, from a moral point of view, essentially a rational will. So, the 
validity of a moral norm rests on the possibility of willing into universal law the actions 
that said moral norm would entail. For Habermas, monological derivations of moral laws 
are far too abstract and do not, as previously noted, take into account the diversity of the 
socio-cultural landscape or the particular situations that concrete individuals find 
themselves in. Thus moral norm validation must occur from the ground up through a 
process of argumentation. Quoting McCarthy, Habermas writes:

“The categorical imperative needs to be reformulated as follows: ‘Rather than 
ascripting as valid to all others any maxim that I can will to be a universal law, I 
must submit my maxim to all others for purposes of discursively testing its claim 
to universality. The emphasis shifts from what each can will without contradiction 
to be a general law, to what all can will in agreement to be a universal norm.’”

The above quote captures the thrust behind Habermas’s principle of U and D. The 
formation of the common will that represents what all could will to be a universal norm 
must come about, according to Habermas, dialogically; the will cannot find its origin in 
the noumenal beyond. For Habermas there is no a priori equality, in light of a Kantian 
dual ontology, that posits the human as the embodiment of the Kingdom of Freedoms. In 
a post-metaphysical world subjects find themselves firmly in the world. And, although 
they make idealizations within practical discourse that point beyond the horizon of the 
lifeworld in an attempt to universalize norms, the origin of any moral norm is not 
grounded in a subject who straddles the ontological divide between sense and 
intelligence, but instead is in the individual who must struggle linguistically to find 
common ground in his encounter with the other.

Everybody is and must be included in the determination of valid moral norms, 
because they apply to everybody. For the universality of moral norms to be possible,
equality of applicability and equality of participation must be ensured. Future subjects who might contravene a legitimately established moral norm can nonetheless be held accountable because moral norms refer to the ‘ought’ that is located in human nature.

Thus, for Habermas as for Kant, what it is to be human, to be a moral agent, is something that is essentially shared by all subjects. The difference lies in the manner in which the conditions that define the human arise. For Kant, the human is simply the embodiment of the rational will and on this metaphysical ground the human category can be delineated and universal laws deduced. For Habermas, the human being is defined through quasi-transcendental conditions (symmetry and reciprocity) that are necessary presuppositions for participation in communicative action. Thus the subject is not defined as what the human essentially is, but as the capacities for action that the subject must have. In chapter two, I present Habermas’s argument that what manifests out of these possibility conditions of symmetry and reciprocity is the ability to be an individual, to be singular. The subject identifies with the unity of the historical narrative that constitutes her life-history and can relate to that history as a history of her choices. These conditions, according to Habermas, offer a post-metaphysical explanation for the free and unique individual.

At the end of the day the fundamental condition that individuals must be able to achieve is autonomy. If individuals (who can hardly be considered as individualized if not for their capacity for autonomous action) were not capable of autonomous action, then the validity of any moral norm would always be questionable as the ‘consensus’ reached would not be achieved solely on the grounds of the unforced force of argument. In fact, without the individualization of unique beings, (in the sense of ethically
irreplaceable) the moral sphere is not possible, not even as a conceptual exercise.

Habermas writes: "In moral discourse, interlocutors who can contradict one another
encounter each other not in the role of arbitrary others, but as particular individuals. Only
as irreplaceable and unmistakable persons do they belong to the moral realm."\(^{28}\)

There are a number of arguments against consensus (ideal speech situation) being
the equivalent to moral truth, but for now let us examine what consensus depends under
Habermas's model.

In order for consensus to have the force of validation, then individuals need to
arrive at these norms via their own free will or communicative freedom. That is, not only
is coercion exempt from the process, but the 'determined' human is as well. Consensus is
not possible in a scenario where the individual has been 'brain washed'. The purpose of
consensus is to arrive at a position on the basis of reasons, which have themselves been
adopted and internalized by all concerned as their own reasons.\(^{29}\) That is, a participant
agrees with a particular moral norm because of the strength of the reasoning and is
convinced by those reasons and motivated by these reasons. Thus, consensus regarding a
moral norm requires all participants to be free to say yes/no. It comes as no surprise that
morality for Habermas, as for Kant, is grounded in the idea of freedom.

[There is a] universal core of moral intuition in all times and in all societies...[and]...these intuitions have the same origin. In the last analysis, they stem from conditions of symmetry and reciprocal recognition which are unavoidable presuppositions of communicative action. 30

Habermas is quick to point out that the presuppositions of communicative action are not constitutive of practical discourse but merely reflect the form that the language game of moral argumentation necessarily takes. 31 So moral norms such as: “(3.1) Every subject with the competence to speak and act is allowed to take part in a discourse. (3.2a) Everyone is allowed to question any assertion whatsoever”, cannot be accused of ethnocentricity because they are necessarily presupposed in any practical discourse. 32

Although there are a number of these ‘unavoidable presuppositions’, by focusing on the two which seem almost fundamental to the Western democratic paradigm, equality and respect, we will come closer to the real assumptions about the nature of the human which lies at the root of discourse ethics: the free autonomous will.

It is Habermas’s contention that the values of equality and respect are not just arbitrary moral norms but are actually essential foundational relationships necessary for humans to come to an understanding. Habermas writes,

“Among the universal and unavoidable presuppositions of action oriented to reaching an understanding is the presupposition that the speaker qua actor lays claim to recognition both as an autonomous will and as an individuated being. And indeed the self, which is able to assure itself of itself though the recognition of this identity by others, shows up in language as the meaning of the performatively employed personal pronoun of the first person.” 33

Freedom, for Habermas, needs to be discursively derived; it cannot simply be an anthropological fact. But freedom is also not something that Habermas argues underlies the idea of equality and respect. However, in trying to avoid positing a metaphysical view
of the will, Habermas now has to explain how freedom is coeval with equality and respect. How is it that the subject must presuppose his individuality and autonomous will before engaging in communicative action, when Habermas notes that at the most fundamental level, moral intuition comes from the idea of equality and respect. Habermas seems either to be caught in a chicken/egg situation regarding linguistic communication and the will, or, he has to resort to a metaphysical conception of the will; a two pronged dilemma. Let us consider, for ourselves, the intrinsic nature of equality and respect.

Equality and respect are: (1) not just normative ideals, but are necessary presuppositions for communicative action, (2) internally related to the concepts of individuality and autonomy. The idea of equality presupposes individuality; there needs to be more than one individuated substance which can be considered as equivalent to another substance. Since we are thinking in terms of morality, these individuated substances are not considered equal in virtue of their physicality, but in virtue of their ability to participate within communicative action. Habermas articulates the process of individuation in terms of the form of language itself:

"The individuation effected by the linguistically mediated process of socialization is explained by the linguistic medium itself. It belongs to the logic of the use of the personal pronouns, and especially to the perspective of a speaker who orients himself to a second person, that this speaker cannot in actu rid himself of his irreplaceability, cannot take refuge in the anonymity of a third person, but must lay claim to recognition as an individuated being."134

Habermas's idea of the individual as a free being depends upon intersubjective recognition; the individual becomes free. Habermas cannot claim, like Rousseau, that man is born free, as this would pave the way for the accusation of strong naturalism.

Instead, he tries to demonstrate how language itself individuates and creates a sphere of
freedom where the subject can act autonomously within the causal chains of the empirical world.

Freedom is also the foundation for respect. Respect depends upon the idea that individual subjects are in a position to make choices that reflect their own desires. I respect an individual’s ability to choose, even when those preferences do not reflect my own because I recognize the other as a free individual. Without the idea of freedom, respect for the other vanishes. There is no perceived harm in imprisoning a thing that is not already free, no ethical dilemma in placing a rock in a cage or a plant in a pot. However, the treatment of animals (whom we consider to be somewhat free in their capacity to choose) is regulated in virtually all modern societies. Moreover, for most there is an ethical reaction when we encounter an animal being physically abused or in an otherwise inhumane conditions. Our respect for the ‘other’ is our respect for freedom, which is respect for oneself. For Habermas, the purpose of morality is seen as an attempt to maintain the values of equality and respect from which our form of life has sprang.

8. Conclusion

Let us trace the argument so far which claims that at the root of Habermas’s thinking about the ethical nature of the human is the presupposition that the individual is intrinsically free. Morality for Kant is “derived solely from the property of freedom” [AK4:448], and although Habermas agrees he articulates a different concept of what is entailed by ‘freedom’.

Habermas’s acceptance of the prioritization of the right over the good is the justification behind choosing a procedural framework, such as discourse ethics, for moral
argumentation. The importance of freedom is evidently foremost as it is both the goal and foundation of discourse ethics. That said, the maintenance of the division between the right and the good is necessary if we are to avoid sacrificing the good upon the alter of freedom.

Moral norms are only valid (‘right’) when they are universalizable; that is, when they represent the common will. In order to form a common will, agreement among all concerned individuals is necessary; monological introspection is not sufficient. Consensus, then, is both a necessary and sufficient condition for common will formation.

Habermas argues, convincingly, that consensus is only possible when participants orient themselves toward reaching an understanding. In other words, consensus requires communicative action. Moreover, communicative action necessarily “presupposes that the speaker qua actor lays claim to recognition both as an autonomous will and as an individuated being.” It is consensus among individuals that gives legitimacy to the procedure of discourse ethics, but what does the concept of the individual presuppose? The individual is only possible through relations of symmetry and reciprocal recognition: equality and respect. And finally, as argued above, our idea of respect for the individual as a moral equal is grounded in our respect for freedom. So we come full circle, from freedom as the ground for morality for Kant to freedom as the ground (and objective) of Habermas’s discourse ethics.
The question now is whether Habermas can in fact adequately show that freedom is not something that he just assumes (like Kant) to be a property of the human, without making freedom something that is entirely normatively constructed. The next chapter will take up Habermas's conception of freedom and whether he is guilty of depending on a metaphysically-laden version of freewill.
Constituting Autonomy Intersubjectively

1. Introduction

The subject awakens always already emerged within a lifeworld that is a systematic structure of causal relations. Fire causes heat, bread nourishes: so how is it that I have the ability to choose to move closer to the fire to warm my hands? What gives me the freedom to choose or not to choose; how is it that my ‘inner nature’ is found outside of causality? The problem of freewill, for Habermas, is one that requires an explanation of how I can be the undivided author of my own actions without this capability referring to either a metaphysical ‘beyond’ or a natural capacity latent within me.

For Kant, freedom is my capacity to choose spontaneously from among a set of possibilities that are presented to me “independently of any coercion through sensuous impulses.” In a sense I enable ‘this’ causal chain to manifest rather than ‘that’ one by choosing to place a piece of wood on the fire rather than not: “our will [is] a causality...which can therefore begin a series of events entirely of itself.” However, I do not make the wood appear out of nothing, nor do I decide to have fire stop producing heat. Freedom problematizes the principle of ‘ex nihilo nihil fit’ by enabling the actualization of one possibility instead of another equally possible possibility for no reason other than the act of choice. My freedom is the freedom to be spontaneous, to be the source of an action that is itself outside of causal determination.
In a post-metaphysical world, freedom for Habermas is communicative freedom. The linguistic medium whereby the subject exercises this freedom is hermeneutically related to a subject who is never found outside of it. The subject herself is, since Habermas’s linguistic turn, a linguistically structured form of life. Language is an intersubjective network of relations that constitutes both the lifeworld and the subject and is in turn constituted by both. It is in a sense a paradoxical relationship: language is no one’s and everyone’s property; it represents the world, it forms the world, and it is informed by the world. The subject stands upon the precipice between what language represents to him and what the lifeworld represents to language, and he is in turn influenced by both.

For Habermas, freedom is coeval with language.\textsuperscript{3} The individual is presented with a choice and expected to respond by either assenting to a validity claim or dissenting from it: a simple binary yes/no. Although this ability to make a choice (irrespective of the level of understanding associated with it) seems to presuppose a “negative liberty on a fundamental level”\textsuperscript{4}, this is viewed by Habermas as more of a ‘capacity’ that is part of our biological being than as something like freedom which is more often associated with rational choice. Rather, our perception of ourselves as free beings is possible only through language because it is only through language that I am presented with a choice from an Other and through the act of choosing I come to see myself as the origin of my own actions and to see the Other (who is so much like myself) as the origin of theirs. On these grounds, freedom is not considered as a property of human nature but as embedded within a linguistically structured form of life; morality is wedded to the structures of the
linguistic medium itself. A free act can then be seen as being present in the illocutionary act: in the subject's yes/no.

Habermas argues that the logic of language itself demands of the subject that he claim responsibility for his individuality, ethical irreplacability and thus his autonomy. Once language demands of me to claim my ethical uniqueness I become assured of my status as a freewill. It is on these grounds that Habermas rejects the traditional philosophical model of consciousness, which he calls the reflective model, for an intersubjective approach to the generation of subjectivity. The intersubjective approach prioritizes the subject as primarily ethical, not epistemic.

Habermas's broader philosophical aim is to defend the enlightenment project of political modernity, in particular the idea of a unified and rationally structured moral realm. Both of these ideas depend upon a conception of the human subject as essentially autonomous in her thoughts and her actions. The rise of genetic engineering brings to light certain fundamental presuppositions that we have taken for granted with regard to our ideas of freedom and autonomy. Eugenics enables us to manipulate areas of our organic substrate that we had previously held to be inviolable in principle. The idea of 'genome as subject' may be considered allegorically to Kant's noumenon: a logical limit that Kant held as a positive condition of our freedom. I argue that in The Future of Human Nature, Habermas's thought changes in regard to the role that intersubjective socialization plays in the constitution of the autonomous subject. Habermas acknowledges more so than ever before the importance of the embodied concrete singularity of moral agents and the vulnerability of our "inner space", of our
deontological core that was previously considered to be the ‘natural’ outcome of a process that was beyond our control.

Habermas argues that if we are to preserve this deontological core then the positive condition for our current concept of autonomy, the ability to view our organic substrate as being the unforeseeable product of contingent natural processes, must be maintained. His fear is that the distinction between subject/object will collapse once eugenic intervention enables human beings to not only be ‘grown’ but also to be ‘made’. The result of such eugenic intervention provokes two concerns: (1) humans who have been genetically ‘designed’ may not be able to see themselves as the undivided authors of their own life history, and (2) they may find themselves in an asymmetrical relationship with either their designer, others who are not designed or both, which could fundamentally undermine the egalitarian nature of our interpersonal relationships.

Habermas’s analysis begins by arguing that in order for one to consider oneself as the undivided author of one’s own life, the presuppositions of equality and respect that were previously considered to be fundamental may in fact be inadequate. This might be the case if these presuppositions further depend upon meeting the necessary condition of being able to view oneself as an undesigned organic substrate. Freedom, for Habermas, begins to take on a new more embodied role and the subject must be seen through the light of her concrete particularity. In response to the problem that liberal eugenics poses for a theory of communicative action, Habermas focuses on answering the following question: whether and to what degree should moral limits be imposed upon liberal eugenics in order to maintain our modern idea of freedom and thus protect the project of political modernity from having to rethink its foundations.
I argue, with the aid of Zizek, that the concept of human nature itself is becoming fractured when we begin to consider how our subjective preferences are influenced by our genomic structure irrespective of whether or not this structure is the result of intentional design. Although Habermas focuses on the dangers of eugenic intervention (a fear which is no doubt legitimate), he fails to recognize that his argument regarding the distinction between the grown and the made revolves around the idea of a determinate substrate not necessarily a designed one. If human nature is on the chopping block, then modern project of egalitarian universalism is in serious danger. The question that Habermas needs to ask himself is not how do we limit eugenics in order to preserve the positive condition(s) that ensure our current conception of freedom and thereby maintain the illusion of a universal human nature. The proper question is: “how do these new conditions compel us to transform and reinvent the very notions of freedom, autonomy and ethical responsibility?”

2. Habermas’s Rejection of the Reflective Model of Consciousness

In order for it even to be possible for the human to be free, freedom itself must first be possible. However, within a post-metaphysical framework freedom needs to be conceived as something that is ‘in-the-world’. That is, it cannot find its origins somewhere ‘beyond’ the lifeworld, but must be a feature of it. That said, neither can freedom be a property of the human being that is somehow latent in the human himself, nor can it be a transcendental condition of subjectivity as per Kant. If freedom is a property of the human then it must be conceived of as metaphysical since it refers not to the subject as an object in the world, but to the subject as world-constituter, as the one
who finds oneself over and against the world. Recognizing the importance of these limits for a post-metaphysical theory, Habermas argues for the generation of freedom and subjectivity through the intersubjective process of communicative action. However, he must begin by explaining how language gets off the ground in the first place without there already being a subject to either develop language or use language: the problem of originary self-consciousness.

Habermas explicitly rejects the subject-centered approach to reason, what he calls the philosophy of consciousness. This perspective utilizes a reflective model of awakening the self, for instance, the Cartesian *Cogito* or Kierkegaard’s ethical self. For Descartes the subject is able to inaugurate himself merely through an autonomous act of the will: realizing with the help of the “natural light” that he must necessarily exist since an object of thought requires a subject to have that thought. For Kierkegaard, the burden of responsibility on the self is reduced, since man cannot ‘pull himself up by his own bootstraps’ as such but is dependent on an Encounter with an Other which awakens in him his spontaneous subjectivity; freedom is thrust upon him. However, in his Encounter with the Other, in order to see his historical self (which is the outcome of a contingent historical process) as belonging to his authentic individuality he must take himself for himself; he must be able to see himself as a product of his own making. So, although the Other is the catalyst for the formation of subjectivity, the awakening that occurs within the Encounter is still produced by an act of the individual’s will: “The authentic individual has himself to thank for his individuation; as this determinate product of determinate historical surroundings, he has made himself responsible for himself.”

11
Whether or not the intervention of an Other is required, throughout the philosophy of consciousness one thing remains the same: “In its spontaneous activity the ego is supposed to make itself into an object.” Habermas astutely points out that if it is possible for the ego to perform such an act, then one is presupposing the very thing one is trying to prove: if the ego is able to freely make itself free, then it must have always already been free.

The reflective model depends on the idea that latent within us, a priori, is the potential to act freely, spontaneously. One emancipates oneself from oneself; through a pure (the purest; as it is yet to be directed at an object, it is in a sense the only unintentional act of consciousness) act of will I recognize myself as a self through an encounter with myself (qua object) by myself (qua subject). What is obviously presupposed here is that whether in the moment of primary reflection one is able to recognize it or not, the individual human being is fundamentally a free being. Thus, freedom is considered as a property of the human being. The human must somehow exist in a realm of freedom that allows him to encounter himself and come to know himself. This originary act of self-consciousness is metaphysical in nature, because our ability to be ourselves is explained by reference to our existence as free beings. Our freedom is not explained but is considered as self-evident, as the capability of a world-constituting subject who stands over and against the world, which is of course only possible if this aspect of one’s self is outside of causality. This sort of ex nihilo constitution of the subject is unacceptable for Habermas and inevitably produces a subject-centered view of reason.
Moreover, it ignores the primacy of language as both representative of the lifeworld and constitutive of it. The subject is “socially constituted through and through” and needs to be conceived of in and through the intersubjective process of communicative action. Habermas stresses that we must not be “like all philosophers of consciousness [and] peer right through language as though it were a glassy medium without properties.”

3. Transcendence from Without to Within

Self-Consciousness forms itself on the path from without to within, through the symbolically mediated relationship to a partner in interaction. To this extent it possesses an intersubjective core.

It is a given that self-consciousness for Habermas cannot be a priori, but must be something that is produced. Language is not only the mechanism through which the human is able to become a conscious being and an autonomous self; what it is to be human is to participate in a linguistically structured form of life. In fact, Habermas argues that the creation of subjectivity and individualization is inherent in the structures of language itself. However, before explaining how it is possible for something in-the-world (communicative action) to produce something outside or causally independent of the world (autonomy), he needs to resolve the following dilemma: how it is that reciprocal symbolic interaction is able to produce originary self-consciousness when consciousness itself is a possibility condition for linguistic communication. The proclamation: ‘let there be light’ is obviously a non-starter. So to resolve the ‘which came first’ dilemma, Habermas examines the issue with a sense of anthropological naturalism
to help provide an empirical account of the evolution of communication and *ipso facto* consciousness itself.

To begin, Habermas starts with what looks to be dangerously close to a human 'state-of-nature'; however, from this position he makes no attempts to derive any true propositions that would admit something of the fundamental 'essence' of the human. His only claim regarding this position is a reasonable one: there was once an organism that existed in a pre-linguistic state from which we moderns developed. That seems to be a rather weak and uncontroversial claim. Furthermore, given that evolutionary development is paradigmatic to our current form of thinking, it seems doubtful that humans could one day 'decide' to become language-users. Rather, it seems much more plausible that communication developed slowly through the processes of recognition by beings that were capable of recognizing something of one's self-in-the-other. The ability for this type of recognition suggests the beginnings of a relationship oriented toward understanding. For example, a minimal sense of understanding might have become apparent when, in the presence of another, one made a gesture toward water in an attempt to represent one's thirst. The other *seemed* to interpret one's act and respond in a way that seemed appropriate to the gesturer, in this case, filling a receptacle with water and bringing it to the gesturer. Notice, it is not important at this early stage of communication that humans understand one another, it suffices that their actions are interpreted by one another *as if* they do understand one another. Thus, shared understanding need not be *a priori* on Habermas's account, intersubjective understanding is developed in conjunction with a lifeworld that we share. It is through this historical developmental process that
Habermas envisions the shift from mere gestural communication to linguistic interaction and with it the production of originary self-consciousness.\textsuperscript{18}

“One organism can understand another organism’s behavioral reaction that is triggered by the first’s gesture as if it were an interpretation of this gesture. This idea of recognizing oneself-in-the-other serves Mead as the key to his explanation, according to which the elementary form of self-relation is made possible by the interpretive accomplishment of another participant in the interaction...\textit{gesture-mediated interaction is still steered by instinct.}”\textsuperscript{19}

What is noteworthy here is the evident naturalism in Habermas’s thought. He is effectively saying that human beings have a ‘natural’ instinct which functions in such and such a way and we can depend on these instincts to create uniformity and universality across the species. Although freedom is not considered to be a property of the ‘natural state’ of the human being, the capacity for some basic degree of understanding is.\textsuperscript{20} Habermas assumes that there is a starting point (albeit it is \textit{almost} empty of content) and this ‘state of nature’ is an accurate description about the ‘being of our being’, of the way things ‘are’. Human beings share a universal capacity for subjectivity and it is this “potential essence” that gives rise to the possibility of a deontological core.

Thus, the concept of a \textit{human nature} produces a plane of sameness, a unified stable ground (that looks suspiciously ontological), from which Habermas argues it is possible to derive truths about the production of consciousness. Habermas writes, “It is only here, in the space of reasons disclosed through discourse, that \textit{the innate faculty of reason can, in the difference of the manifold perspectives of the world, unfold its unifying and consensus-creating force.”}\textsuperscript{21} Moreover, we can also \textit{discover} moral truths in an analogous way, since they claim normative validity in regard to how one should act if one’s goal is to produce and maintain well-ordered stable relationships between
fundamentally unchanging entities. In this sense it seems that Habermas, although explicitly a deontological cognitivist, is also providing a foundationalist approach in his explanation of the human experience. Habermas would retort that he has avoided a foundationalist epistemology grounded in the autonomy of the subject by rejecting the philosophy of consciousness and adopting an intersubjective (as opposed to a subject-centered) view of reason.

To avoid a foundationalist approach it is important for Habermas to convincingly argue that human freedom is something that is not given but is constituted; in this case it is coeval with the production of consciousness. For Kant, the human being is always essentially a free rational being and this inherent freedom provides the ability to be conscious and to be autonomous in one’s choices. Habermas, on the other hand, is aware that freedom must be coeval with communicative rationality, otherwise he may be guilty of positing a *petitio principii*: either we start with language and constitute the subject, or, we start with a spontaneously acting subject and create language. However, although Habermas’s approach will reject freedom as a ‘natural’ capacity of the human being, I show that his argument implicitly depends upon a unifying principle which assumes that fundamentally human nature is a given.

If one accepts the natural evolution of a minimal sense of self-consciousness that occurs in tandem with the movement from gestural communication to linguistic communication, then the process of individualization occurs primarily in and through the locutionary act. For Habermas the linguistic utterance turns the social gesture into a vocal gesture, and with this, the vocal gesture becomes a symbolic bearer of meaning. The ‘word’ stands for a meaning that represents an object in the world and through the
utterance a reciprocal symbolic interaction takes place that stimulates a response from the other. Habermas writes, “Original self-consciousness is not a phenomenon inherent in the subject but one that is communicatively generated.” It is the demand for a response that is implied in the assertion of a validity claim that requires one to view oneself as an individual subject who is being addressed and who is expected to respond.

The creation of subjectivity and individuation is thus a process of transcendence from without to within which Habermas shows to coincide with the paradigmatic shift from the primacy of an epistemic subject to an ethical one. Habermas recognizes that language creates ethical relations that are a fundamental part of the internal functioning of the process of communication itself. Although language aims at achieving understanding, it is also a process that distinguishes, differentiates and individualizes. The individual begins to take shape within language not as the vision of a knowing subject’s relation to herself (reflective model), but as an ethically unique and irreplaceable individual (Habermas’s intersubjective model).

The problem that the reflective model incurs is precisely the problem of the knowing subject’s relation to self. The movement from epistemology to ethics is the renunciation of a spontaneous generation of the self. In order for one to posit oneself for oneself and encounter oneself as an object, freedom must be a human property to an extent that is sufficient to drive the desire for self-inquiry. According to the reflective model, without the Encounter within oneself one never awakens one’s subjectivity. Why would the human posit himself for himself if not to satisfy a desire, if there was no lack, no space of freedom that provided the impetus for self-exploration? Desire implies want and want implies lack, all of which presuppose a subject who possesses a will that in
some way longs to be fulfilled. Therefore, without freewill being latent in the human himself there is no other reason to suppose that a private Encounter will ever occur.

For Habermas, a spontaneous generation of the self is unacceptable (as it should be) and Kierkegaard’s introduction of the other as catalyst, although in the right direction, does not go far enough to solve the problem of the ex nihilo creation of subjectivity. Kierkegaard moves the Encounter outside of the private domain of introspection with the hope of removing the need for spontaneity by placing the burden of the Encounter in the hands of the Other, rather than ask it of a subject who is as of yet to become a subject. Habermas notes the most important move by Kierkegaard is to remove the ‘desire’ to become subject from within the human and make the generation of subjectivity a response to the demand of the Other: “[T]he call, the demand, or the expectation of an Other is needed in order to awaken the consciousness of spontaneous activity in me.”

What Kierkegaard fails to do is actually generate subjectivity, the Encounter with the other is still an ‘awakening’: one becomes aware of one’s freedom and one’s subjectivity. Habermas reconsiders the idea of the Encounter and the Other by transposing them onto a linguistically structured lifeworld and then derives freedom through the lens of the intersubjective. Habermas writes, “For they [speakers] are free only in virtue of the binding force of the justifiable claims they raise toward one another. The logos of language embodies the power of the intersubjective, which precedes and grounds the subjectivity of speakers.”

The pre-subject Encounters the intersubjective demand of the Other and must give a response which is, regardless of content, inescapably ethical. What is demanded of the subject is not substantial but formal as it is part of the logic of linguistic communication. The subject must, in her response, make a claim to recognition
that her response is in fact her own; that she is solely responsible for her ‘yes’/’no’.

Whether her response is ‘correct’ is not important. What is important is that communicative action demands that she recognize that it is ‘I’ who speaks, and ‘I’ who responds. And who is this ‘I’? I am a set of historical circumstances, that unless I take retroactive responsibility for as a history of my own choices then I am in no way unique but merely a contingent bundle of subjectless experiences; a rather incoherent result (what does it mean to have a subjectless experience?). Thus, the ‘I’ is itself a claim to uniqueness: I am only I and no other and it is I who accompanies my experiences.

The ‘I’, the individual, can now be seen according to Habermas, as a generated response to an ethical demand. The I is not a spontaneous creation that has privileged access to itself and knows itself to be unique. Rather, through reciprocal symbolic interaction, the individual is reassured of his status as a free-being. Habermas writes, “In the practical [ethical] relation-to-self…the acting subject does not want to recognize itself; rather, it wants to reassure itself about itself as the initiator of an action that is attributable solely to it - in short, to become sure of itself as a freewill.”\(^{28}\) In a paradoxical act, the freedom of the individual, the spontaneity of the self, is generated through an intersubjective process. According to Habermas, the origin of freedom resides in the primordial ethical encounter.

4. The Primacy of the Ethical Subject

The movement toward seeing the subject as primarily ethical instead of epistemic begins with Kierkegaard. The manifestation of the self through the Other prioritizes the ethical subject over the knowing subject. Before it is possible for two people to orient
themselves toward an understanding, there are a number of fundamental presuppositions
that must obtain, such as a sense of respect for the Other as a being worthy of
consideration and a sense of being part of a relationship that is aimed at an understanding.
There is a primordial ethical grounding that must precede the subject's ability to see
himself as a self, if we are to understand the emergence of subjectivity in an
intersubjective fashion. The Encounter with the Other is not a moment of radical
otherness but a moment when one is, in a sense, able to be with oneself through the
Other. This possibility is premised on the idea that I see my self-in-the-other. So, in the
Encounter with the Other, I recognize both the wholly otherness of the Other as well as
that which is the same: the similarity of the Other to my self. Even in the pre-vocal
Encounter a minimal ethical bond is established through the recognition of self-in-the-
Other.

Habermas, following Mead, transposes the metaphysical Other (God) of
Kierkegaard into an empirically situated Other in the form of a community of
communicative actors. The primacy of the ethical relation is the result of a linguistically
structured intersubjective constitution of the subject. The subject does not begin with
privileged introspection, but with a response to a demand from the community to
recognize his responsibility as an ethically irreplaceable individual among other ethically
autonomous individuals. Habermas writes, "The self of an ethical self-understanding is
dependent upon recognition by addresses because it generates itself as a response to the
demands of an other in the first place." 29

The individual emerges within language as an ethically irreplaceable being. The
individuation of the subject is supposed to be independent of the idea of substance. That
is, substance does not and cannot delineate the individual since the very idea of a substratum is the idea of an underlying unity. The problem faced by a post-metaphysical thinker is how does the particular individual emerge from a substance that is universal without making ontological claims or ascribing an explicitly essential element to the human such as a soul. A soul, for instance, would allow for individuation (contingency) while maintaining the fundamental unity (necessity) of the human species. Thus, for Habermas, the idea of human freedom can not be a property of the individuated human being qua substance, but instead must be a product of a community of human beings that form societal institutions that empower the human to see himself as a free acting individual whose ego is, although related to his body, not wholly derived from it. The core ego can then be seen as being composed of symbolic relations (which are insubstantial) which would explain: (1) how individuation is possible given the idea of substance, (2) why the individual ego is vulnerable not only to physical injury but also to symbolic injury (insults). The interdependency of the individual self with a linguistically structured community is evident not only with the emergence of the individual self, but also with its maintenance. Habermas writes, "[the self] can only be stabilized within the network of undamaged relations of mutual recognition." It seems that Habermas places a large burden on the role of social/political institutions in the development and maintenance of autonomy.

A strong relation is established between the ethical demand and freedom: the reason responsibility is demanded of the individual is because the individual is viewed as a freewill, as the ground and cause of her own actions. For Habermas this is not a metaphysical claim, but an assumption that we must make if we are to view each other as
responsible agents. Gunther explicated communicative freedom for Habermas as follows: “We authorize each other to place one another at the beginning of an action. According to the tradition of metaphysics, the actor is recognized by the singular action community as a *causa sui* and *causa libera* the traditional notions of freedom. We authorize each other to assume the position of authorship of our actions.”

Through linguistic interaction we are able to exercise our freedom because we constantly are embedded in ethical relationships towards others, relationships which demand a yes/no response from us. A metaphysical conception of freedom that is the product of subject-centered reason is here avoided by refusing to claim that I ‘know’ I am free, only that I must act as if I am free: “Self-consciousness is articulated not as the self-relation of a knowing subject but as the ethical self-reassurance of an accountable person.” The knowledge that one is a rational freewill is not a necessary condition for our autonomy, only the assumption that one is ethically responsible for one’s actions.

In fact, for Kant as for Habermas, some degree of ignorance of the future consequences of our actions seems to be a possibility condition for our freedom. If it were possible to understand the noumenal realm the human would no longer be free. Our freedom and therefore our ability to make moral choices and to be morally responsible depends on keeping these two (ontological) spheres distinct from one another. Zizek writes with reference to Kant, “[W]e are ‘really free’ at the noumenal level, but our freedom would be meaningless if we were also to have the cognitive insight into the noumenal domain, since that insight would always determine our choices — who would choose evil, when confronted with the fact that the price of doing evil will be the divine punishment.” If we were able to acquire divine knowledge then the possibility of choice
would vanish, as one would know in advance the way that *everything* must necessarily happen. Given that the entire phenomenal realm is causally structured and that these appearances must be caused by something in the noumenal, then if we had knowledge of the noumenal realm we could predict with perfect accuracy how the noumenon would manifest into the phenomenon. It is, in part, on the premise that we do have the experience of choice that Kant insisted on the absolute impossibility of gaining any understanding of the noumenal realm. It necessarily remains a logical void.

Habermas’s fear is that we may find ourselves staring at an irreversible determinism if we start equating the genome with our future dispositions and range of possibilities. However, the question is not simply whether our subjective preferences depend upon our genome, the question is also how to keep the knowledge of one’s genetic information from the individual so that he may maintain his idea of autonomy and moral choice. To reduce appearance to reality would be, in effect, to resign the individual to his fate. Zizek eloquently illustrates the fear that is creeping within Habermas as his ethical subject becomes more embodied and more easily reducible to his genetic makeup: “So, basically, what Habermas is saying is although we now know that our dispositions depend on meaningless genetic contingency, let us pretend and act as if this is not the case so that we can maintain our sense of dignity and autonomy.”

But is Zizek being too bold here? Do the insights provided to us through the human genome project really place us on the precipice of divine knowledge about our selves to the extent that we could know our fate in advance? (This is true about certain diseases that we can predict, with 100% accuracy, when information stored in our genetic code is unpacked.) Or, is it more realistic to simply question how an increased
understanding of our genetic heritage forces us to reconsider our idea of freedom and ethical dignity? According to the Habermas we have seen so far, bodily integrity is far less of an issue for human freedom than socialization; freedom is specifically constituted within a framework of communicative action: "How speakers and hearers make use of their communicative freedom to take yes – or no – positions is not a matter of subjective discretion. For they are free only in virtue of the binding force of the justifiable claims they raise toward one another." The subject is an ethically accountable individual and it is only on this ground that he is also a free will. Whether one has one leg or three has nothing to do with whether one can view oneself as a free being. So, one would think that Habermas’s early work would not have much difficulty with eugenics; after all does he not reject the conceptual dependency of the subject on its physical substratum, irrespective of ontological claims? Does he not seem unconcerned with the corporality of ethical agents and focused on the institutions of socialization that provide an intersubjective framework for the language of moral argumentation?

In the proceeding argument, I try to show that Habermas recognizes the importance of bodily integrity/being as fundamentally constitutive to our understanding of human autonomy. Habermas reconsiders the conditions for the formation of autonomy from being constitutive/derivative of human beings engaged in moral communication, to being a concept that further depends upon the individual considering himself as an undesigned substance. At first it seems that Habermas’s distinction between the ‘grown’ and the ‘made’, between determined (‘natural’ processes have structure) and designed is sufficient to preserve a concept of autonomy that is premised on substance. I argue, contra Habermas, that his concept of an intersubjectively produced autonomy furthur
depends on a universal substance that is wholly undetermined and thus the difference he hopes to make clear between ‘determined’ and ‘designed’ is only a matter of degree. In chapter three, I argue that this way of problematizing autonomy has serious consequences for a discourse ethics then depends upon a universal subject to achieve universal moral norms.

5. The Relation Between Autonomy and Corporeality: Necessary Presuppositions for Autonomy

Here I will only point out one aspect of the underlying problem – the challenge posed by the modern understanding of freedom. The decoding of the human genome opens up the prospect of interventions that cast a peculiar light on a condition of our normative self-understanding, a condition that, although natural and thus far unthematized, now turns out to be nonetheless essential.\(^37\)

For the deontological cognitivist, the challenge is to explain how individual freedom is possible without appealing to naturalism while maintaining that freedom is not something that is merely normative in the sense that it bestowed upon the human and can be rejected by him. Rather, freedom needs to be fundamental to what it is to be human if a moral duties based approach is to make sense in terms of the individual’s invioable deontological shell.\(^38\)

Although we desire to view the human as ‘naturally’ free, this is not something that has of yet been convincingly argued for. Hence, Habermas’s account of the normative status of autonomy itself bears witness to the importance of the project of political modernity. Since the human does not seem to be free by ‘nature’, the significance of political and social institutions, of “social dependence”, is paramount in maintaining and furthering the autonomy of the individual.
The realization that dawns upon Habermas in *The Future of Human Nature* is that we have taken for granted our ‘natural’ organic backgrounds and have not recognized that in our everyday interaction this presumed naturalism has become a necessary presupposition for calling ourselves free wills. Human ‘nature’ has become the context against which freedom can manifest. Habermas writes,

“What is placed at our disposal today is...the previous uncontrollability of the contingent process of human fertilization that results from what is now an unforeseeable combination of two different sets of chromosomes. However, this rather ordinary contingency proves to be...a necessary presupposition for being-able-to-be-oneseif and for the fundamentally egalitarian nature of our interpersonal relationships.”

Habermas demonstrates here a contingent-necessary-contingent relationship. Working backwards: when one critically reflects upon one’s life, the events that have occurred are viewed as accidental. Not accidental in the sense of uncontrollable: that is, it was not mere luck that precipitated their occurrence. Rather, the historical events that make up one’s life history could have happened differently only had *I chosen to act otherwise*. This historical sequence of events is contingent in so far as these events depend on something else causing them to occur, namely, an act of my will. In order for my will to make these choices freely, it must itself be the result of a process that is not predetermined. Otherwise it is conceivable that my freedom would be limited and partially determined by the structure of the conditions upon which my will depends for its very existence. What comes to light, according to Habermas, is that there are necessary empirical conditions that must obtain in order for me to be able to view myself as a free will.
The manner in which I currently conceive of my freedom necessarily depends upon my being able to view myself as the contingent result of a natural process, thereby creating an undesigned 'empty' space for my subjectivity that is then given content by the processes of socialization. For Habermas, the primacy of having an undesigned substrate gives me the freedom to theoretically reject my learned preferences that are the result of the processes of socialization; a freedom I do not have viz-a-viz the 'preferences' of my physical body if these preferences are not those of my own choosing. For example, consider the actions taken by a highly sophisticated robot. Although, it may appear to us that the robot is making choices we do not attribute a will to the robot. This is because we do not bestow subjectivity upon the robot since its perceived act of choice can be traced to previous designed features that have been determined by another. The robot is not the product of random happenings, but of purposeful activity that was not only aimed at the production of the robot but also determines according to programmed criteria, the sort of choices the robot will make. If our robot reacts to Mozart by saying, "what a lovely melody" he is doing so because someone intentionally designed him to respond that way. The robot cannot 'decide' to respond in such and such a way if it was not compatible with its programming.

So, the necessary ground of our contingent actions is our freedom. But, our freedom is a freedom to think/act, to choose to move our bodies to make them dance, speak or stare up at the heavens and dream. Thus, our bodies cannot be predetermined or programmed to respond in a particular way, for if they were it would make no sense to speak of freedom in this context. Although our bodies may be part of a causal network the motivation behind many of our physical actions, such as the decision to raise a hand,
must be outside of the causal network. Otherwise the actions of an individual would not represent one’s choice, but rather the outcome of a biological process that could be accurately predicted in advance (hard determinism). That is why Kant’s subject straddles the gap between the noumenal and phenomenal and helps explain why Habermas points to Helmuth Pfeffner’s distinction between being a body and having a body as being “surprisingly current”.

For Habermas, the ground of our freedom, our natural bodies, must be completely undesigned, but what appears to be the case is that they need to be undetermined. The body must be the unforeseeable result of a contingent process that could have been otherwise had a different sperm been a better swimmer. We may more or less know the outcomes that result from eugenic intervention, but with advanced genetic screening and the decoding of the human genome, the outcome of natural processes are also more or less predicatable. So, why does Habermas think that an undesigned genetic heritage is so important?

What this contingent corporeal grounding enables us to do is refer to a point that represents one’s self that is ‘beyond/before’ the social constitution of one’s subjectivity. That is, it allows one to be able to view oneself as naturally grown, not made or designed. The robot is an object, the robot is made. Only objects are made and objects which are made are done so in accordance with another’s desires/preferences. Subjects, however, are grown. The subject is considered to be a natural product that is not, in advance of socialization, determined in anyway beyond certain characteristics of the phenotype that do not seem to be relevant to securing our modern conception of freedom. That is, one who is born without arms or legs, although physically restricted from doing certain
things, does not in any way feel that the ability to exercise autonomous choice is breeched.

Habermas argues that genetic intervention in the pre-subject’s genome threatens to dissolve the boundary between the *grown* and the *made*. The subject may no longer be able to retroactively view herself as the outcome of a natural process (grown) and may instead begin to view herself as made. This distinction is crucial for understanding Habermas’s position. This may create existential turmoil by collapsing the subject/object distinction as the subject objectifies herself as the arbitrary product of another’s subjective discretionary preferences, instead of an end in herself whose retroactive consent can unquestionably be assumed. Habermas writes:

“[we refer] to a bodily existence which is itself the continuation of a natural fate going back beyond the socialization process. The fact that this natural fate, this past before our past, so to speak, is not at our human disposal seems to be essential for our awareness of freedom – but is it also essential for the capacity, as such, of being oneself?”

Without this extensionless point that acts as a placeholder for the will, one may not be able to assume a critical position with respect to one’s own choices. What makes it crucial that we associate our “past before our past” with nature-like growth is that this process is being identified with *indeterminacy*. The concept of autonomy is the idea that the individual can self-legislate, can impose rules upon himself and give himself structure. If it is possible to give oneself structure, we must do so against an unstructured substrate. Habermas argues that our substrate can be determined but the structure cannot be the result of intentional design.

Our moral identity is strongly related to our physical integrity, we view ourselves as both being a body and having a body. We are the body that was ‘given’ to us by nature.
and we have the body that we make for ourselves through medical intervention, eating habits, and so on. Although we also can alter the body that we are through physical exercise and other actions, these activities are consciously undertaken as an expression of an individual’s will. When one views oneself as being a body prior to conscious life, it is crucial for Habermas that from this perspective one sees oneself as being grown. The human must be grounded in nature in order to have one.\(^4\) Seen from the vantage point of the deontological cognitivist Habermas writes, “What for Kant still belonged to the ‘kingdom of necessity’ had, in the perspective of evolutionary theory, changed to become the ‘kingdom of contingency.’”\(^4\) As soon as another person is able to design one’s physical substrate according to their own preferences, (even if we assume that the designed human could give their consent retroactively - but wouldn’t this be an appeal to an illegitimate ground?) it creates the problem of not being able to view oneself as the ground of one’s own decision, as not being the undivided author of one’s own life.

Habermas identifies this ‘natural’ organic ground as a necessary condition (although not without some reservations) for our modern understanding of a morality wherein subjects are considered to be equal to one another and autonomous in regards to their own life decisions.\(^4\) The danger posed by eugenics is not only the creation of an asymmetrical relationship between the designed and the designer, but more importantly, it dissolves the boundaries between subjective and objective; distinctions that, at the most fundamental level, inform our conception of freedom. The concern, writes Habermas, is that the ‘designed’ human will have only two choices: “fatalism and resentment.”\(^5\) The focus herein is on the latter of the two challenges and how it affects Habermas’s idea of
freedom. Later, I shall return to this quote to question the purpose of protecting the conditions that enable modernity.

"What is at stake is a dedifferentiation, through bio-technology, of deep-rooted categorical distinctions...the conditions, that is, of nature-like growth which alone allow us to conceive of ourselves as the authors of our own lives and as equal members of the moral community."

The first problem is that of genetic manipulation undermining the assumption of political modernity that human relationships are fundamentally egalitarian: "When one person makes an irreversible decision that deeply intervenes in another’s organic disposition, the fundamental symmetry of responsibility that exists among free and equal persons is restricted." The ‘designed’ human will forever be in an asymmetrical relationship with his designer, provided we cannot assume with certainty that the future subject will consent to medical intervention. The ‘designed’ human cannot retrospectively consider the choices that were made by her designer in accordance with her subjective preferences, and either acquiesce or reject them. In this case the designed human has only resentment. However, this issue affects only the designed individual and applies only to the particular relationship between designer and designed.

Habermas is also concerned that the assumption of equality between humans of ‘natural’ birth and humans who have been genetically modified may be ruptured. However, it is not clear how this would occur except from the perspective of the designed who may see his fate as tied to the preferences of the designer who intervened in his genome, rather than see himself as the author of his own autonomous choices and influenced solely by his ‘natural’ dispositions. That said, would a human being who undergoes a genetic screening to decipher his ‘natural talents’/dispositions also be subject
to the same existential turmoil? If the only difference between the structure given to us by
nature and the structure given to us by another is that the later is the product of another’s
will, then the only foreseeable moral issue developing is between the designed individual
and his designer. This is an issue that Habermas addresses, noting that the designed
individual may hold his designer accountable, but this is a very limited instance. In either
the case of the grown human or the made human, the fundamental commonality is that of
a determinate substrate, with minor epistemic limits placed on the “unforeseeable
combination of two different sets of chromosomes”; a limit which may no longer be an
issue in the near future.

In the intersubjective process of constituting the subject, the self must still take
oneself for oneself. That is, in order for one to recognize oneself as an individual and as
this individual, the subject critically re-appropriates the past occurrences that make up her
life history as a history of her own choices and decisions. So, the lessons presented to an
individual by one’s music teacher, although no doubt a part of the formation of this
person’s particular subjectivity, can retroactively be accepted or rejected by the
individual in question. For example, although I was placed in piano lessons at an early
age with the anticipation that I would enjoy piano, I can as an adult decide that in fact I
do not enjoy piano no matter how often I was made to practice or study. This is possible
precisely because I am not designed to like piano, it is merely something that has been
presented to me as one choice among many. Ultimately, whether I like piano is left to my
subjective discretion/choice, which reflects my authentic preferences. In all probability
my choice is also influenced by my dispositions: by whether or not I have quick reflexes
in my fingers, a good range of hearing that enables me to easily distinguish different
tones or even the capacity to focus for long periods of time so that I might practice the piano without being distracted. All these ‘natural’ dispositions may affect my desire to be a pianist. Although we as a society seem to put great value on perseverance in the face of adversity, when it comes to individual choices and direction we are most likely to pressure our children in areas where they excel. It is not uncommon for parents to try and develop their children’s natural talents. The same holds for our individual choices, one tends to continue to perform activities one is good at and to cease to try others that have been met with repeated failure.

So what happens when the possibility of genetic architects designing my preferences is no longer science fiction? How do I take a critical standpoint as regards myself when it comes to my enjoyment of the piano? Do “I” in fact enjoy the piano, or was I merely designed to enjoy it? I cannot say that I wish I had not been designed to enjoy the piano because it is presently true to say that I am a person who enjoys the piano and someone who did not enjoy it would not be me. How do I assure myself that I am the source of my own motivations and desires? How are my preferences not authentic when they are in fact my preferences, regardless of whether they are the result of design or ‘natural’ processes? What does it mean to have a preference that is my own but not authentically my own? For Habermas, the fear is that there is nothing for this person save fatalism and resentment.

Although Habermas maintains that there is a fundamental difference between eugenics and education (nature/nurture) it is not clear that this is in fact the case. A different sort of bodily being may occur between the ‘natural’ human and the designed human. But this is more a question of egalitarian relationships on the level of skin color,
physical capability or intellectual astuteness. What genomics is revealing is that our physical ganglia is always already determined. Although there is no intervention on behalf of another subject, the subject itself is already limited and determined to a large degree by the information that is encoded in one’s genome. ‘Will I like math and be a great mathematician?’ If the genetic information you possess limits your ability to understand complex mathematics, the chances are unlikely that you will either like math or pursue it. Habermas seems to want to maintain that the remaining possibility that you might like math, regardless of your genome, is indicative of our autonomy being the normative result of an intersubjective process of socialization. The frustrating element that returns in Habermas’s thought, again and again, like the gadfly is: Although intersubjective socialization does most of the work in the manifestation of a subject’s autonomy, this process always further depends upon the idea of human nature as ‘given’, as fundamentally universal in its naturalness (sameness). What genomics reveals is that this just simply is not the case.

6. Liberal Eugenics: Saving Political Modernity

The question that plagues Habermas with this new embodied subject is whether it is still possible for subjects to take a critical stance toward their own choices and to see each other as moral equals, Habermas writes, “Will we still be able to come to a self-understanding as persons who are the undivided authors of their own lives, and approach others, without exception, as persons of equal birth?”51 Habermas is unsure what the correct answer is here, but he wishes to limit the possibility of having to ask this question
by limiting the scope of eugenic intervention that would be considered permissible. The justificatory grounds for doing this are difficult to clarify.

Habermas acknowledges the problem that he is facing and that is from the perspective of the moral point of view there does not seem to be a problem with eugenic intervention.\textsuperscript{52} Consider that the moral point of view is universal: all persons affected or who may be affected consent to the validity of the proposed moral norm from what is supposed to be an inclusive/impartial viewpoint. Moral norms must meet with the criterion of universalization that is implicit in the consensus that results from a dialogical process of reasoning conducted by all concerned participants. Since eugenic intervention refers to the pre-natal production of what is not as of yet a subject it has no ground to claim a right to be included in the process of moral argumentation, as there is no subject that could be the recipient of moral duties.\textsuperscript{53}

Habermas is trying to find a way to re-establish the formulation of the Categorical Imperative that states that one should treat persons only as ends and never as means as the goal of moral reasoning. The ability to instrumentalize the genome risks undermining the very foundations that enable the subject to be a self. We would effectively be treating the \textit{future} subject (an end) as a means by altering the conditions of her emergence. As argued above, if the naturalness of our genetic heritage is violated by a third party then one’s ability to be the undivided author of one’s own life may be problematized; therefore, “the morally relevant limit to instrumentalization is set by what, in the second person, will be out of my reach as long as the communicative relationship, that is, the possibility of assuming a yes - or no-position remains unimpaired.”\textsuperscript{54}

However, in setting this moral limit is Habermas recognizing that the subject is the
genome itself? Habermas is facing a justificatory problem here as this moral limitation would not be necessary if it in fact concerned only the conditions of possibility for selfhood. There would be no fear of instrumentalizing another individual, since there is, at the time, no subject to which this maxim would apply nor, *ipso facto*, would there be in the future if we were able to alter the possibility conditions of selfhood. The alternative is that Habermas needs to argue that in light of the potential essence represented by the genome it is not a *good* thing to be instrumentalizing human life. This line of argument, concerning potentialities, gets even more complicated since not only is it an ethical claim rather than a moral one, it also raises the issue of equating the subject with the genome and may be logically extended to include abortion, stem cell research and even male masturbation.

Since the maxim of the deontological cognitivist is to avoid treating the individual human as a means to an end it seems difficult indeed to delineate the moral grounds for limiting the scope of genetic intervention. In Habermas’s own theory of intersubjective socialization, the subject does not emerge, not even in the most minimal sense, prior to his Encounter with an Other. Without appealing to ontological judgment(s) on what constitutes the beginning(s) of “human life”, Habermas has no moral ground to prevent the instrumentalization of the human genome. Thus, Habermas makes the radical suggestion of embedding morality in a species-ethics.55

With this recommendation, as controversial as it is considering Habermas’s previous views on the non-universality of ethical claims, Habermas seems to be missing the extent to which the very possibility of eugenic intervention has radically altered our
concept of autonomy. Autonomy can no longer be conceived of as something that is purely the result of intersubjective processes as even these processes have been shown to further depend upon treating the substratum of the subject as something that is wholly undetermined and reminiscent of a *tabla rasa*. This is certainly not the perspective that Habermas would like to embrace.

Is not Habermas really arguing that by assigning limits to eugenic intervention we are preserving the liberal-democratic subject by effectively choosing to remain ignorant - and ignorance of the absolute is a *necessary condition for our conception of freedom*. Zizek writes, "[W]e are only free insofar as our horizon is that of the phenomenal, insofar as the noumenal domain remains inaccessible to us...the closure of the gap between appearance and reality would deprive us of our freedom and thus of our ethical dignity." For Habermas, we must maintain the epistemic gap between the grown and the made, between the subjective and the objective (analogous to the noumenal and phenomenal) irrespective of any ontological implications, so that we can retain a sense of human dignity that privileges our concept of freedom and without which the Kantian project of an egalitarian universalist morality cannot go forward.

Should we stand with Zizek here and defend knowledge against ignorance? Or, by exhorting ‘knowledge’ are we actually embracing a form of genetic determinism that equates the subject with her genome? It is clear that Habermas rejects a hard form of genetic determinism, but he cannot fail to recognize that autonomy appears to be grounded in a notion of undesigned (I argue undetermined) substance; a metaphysical concept to say the least. The question then is how do we navigate a passage between the linguistic, the physical and the metaphysical?
What purpose is served by denying what we are except to protect a liberal regime that must either crumble or re-invent itself with the loss of its foundation? At its pinnacle the liberal democratic paradigm has delivered to its subjects what it has always promised: radical autonomy, which arrives in the form of eugenic intervention. But in doing so it has discovered that its moment of ultimate triumph is also its moment of ultimate tragedy. In order to save autonomy, and with it modernity, Habermas is trying to limit our autonomy to avoid having to reconceive it anew. Is it fair to say that Habermas is trying to save us moderates from the fate of Icarus? Or, is this just the modern subject talking in a bid to save itself from itself? Should we throw up our hands in defeat and accept our corporality as the reality of who/what we are?

7. Denying Dispositional Determinism or Defending Determined Dispositions

The confrontation with the meaningless Real of the genome thus obliterates the fantasy-screen through which I perceive reality: in the formula of the genome, I am compelled to directly access the Real. Contrary to Habermas, one should assert the ethical necessity of assuming the full genome objectivization: this reduction of my substantial being to the senseless genome formula obliterates the fantasasmatic etoffe du moi, the stuff of which our egos are made, thereby reducing me to the pure subject: faced with the genome, I am nothing and this nothing is the subject itself.  

It is Zizek's contention that Habermas must accept the fullness of his own argument: he must accept that although eugenic intervention threatens to unravel the 'naturalness' of our background that is essential to our conception of modern subjecthood, what it in fact reveals is that our dispositions/preferences are, to a large degree, always already determined anyway. Perhaps all that Habermas is suggesting is that we continue to delude ourselves about the genetic dispositions that play a significant role in the governance of our egos until such a day that genetic screening is so advanced
that the emergence of a world reminiscent of *Gattaca* is inevitable. If so, then the idea of human dignity grounded in autonomy is phantasmagorical, no matter how much work intersubjective socialization does down the road. Zizek reduces intersubjectively produced autonomy (in Habermas’s theory) to genetic determinism, discounting the role of institutional structures as superfluous, so that when they encounter the smooth surface of the subject *qua* genome their effects slide off revealing the superfluidity of their character.

In order for our conception of freedom to be dependent upon the ignorance of our fate, then Zizek must show that we are in fact at the mercy of the genome that we are. He must show that our subjective preferences depend, if not entirely, then to a large extent on the genetic code that governs our corporeal being. This does not seem to be Zizek’s own belief as his subject is essential only insofar as it is the subject herself who accompanies her thoughts/intentions. That is not to say that the subject is *res extensa*. Rather it is pure nothing, the spectre of unrepresentability, the ‘that’ which goes along with the cognition of an object: If there is nothing ‘here’ except an object then what accompanies it? Nothing/subject.

So, if we do not wholly discount that our dispositions are largely developed through an intersubjective process of socialization, then, is Zizek’s interpretation of Habermas more concerned with the Terror that eugenics may reveal in the form of absolute knowledge than he need be?

The idea of the genome *qua* subject seems to tear open the democratic tapestry that lays draped over human nature, revealing the subject for what it is: nothing. But in this moment of emptiness, the horizon of possibility is also revealed. Zizek’s
interpretation of Habermas equates the subject with his physicality in too strong a sense. It seems as if the subject could be programmed to act, think and feel at the whim of the diabolical eugenicist. But Habermas tries to show us that freedom is primarily maintained through social institutions that empower autonomy and (in)form subjectivity. He takes seriously the importance of the naturalness of the taken-for-granted background that serve, in his words, as a possibility condition for the autonomous subject. What he does not take seriously enough are the consequences that a necessarily revised conception of autonomy has for a deontological egalitarian universalist morality.

We can no longer pretend that there is, outside of ontological classifications that appeal to religious foundations, a human nature. If eugenics reveals the conceptual presuppositions that delineate the horizon for the manifestation of the human condition, then it also reveals the impermanence of that condition. Contra Habermas, it does not seem necessary to go to the point of introducing a third party who intervenes in the pre-personal life of a future subject to illuminate the fracturing that has occurred within the modern subject. Is the slope slippery enough here that one can question whether one is the undivided author of one’s life without eugenic intervention? Do we need only transpose the determination of the subjective preferences of an individual that is rooted in the genome formula from the hands of an outsider to the hands of mother nature? With the exception of the asymmetry between designed and designer that is not problematized when one is naturally grown, would knowing the subjective preferences (as a child), that you will develop from undergoing a genetic screening that reveals your ‘natural’ dispositions create the same cognitive dissonance when one considers the authorship of one’s actions?
A moral limit on eugenic intervention would be either arbitrary or grounded only in an ethical point of view, which by Habermas’s own arguments cannot be considered in universal terms. Habermas writes, “No arguments from the moral language game itself can be mustered against a eugenic self-instrumentalization of the human species which changes the very rules of the game.” A limit on eugenic intervention could only appeal to a tautological justification: the possibility conditions for our current conception of the autonomous subject must be maintained if the project of political modernity, which in turn depends on our current conception of the subject, is to continue. It is bitter irony that Habermas argues that the ends justify the means in this context.

8. Conclusion

We have seen how Habermas’s subject emerges from linguistic practices and how human autonomy which was once related solely to these practices is now seen as depending on an undetermined substrate. Habermas argues that the determination of the substrate can be avoided if we take precautionary measures to avoid blurring the distinction between the grown and the made and thereby maintain the egalitarian nature of our relationships. This egalitarian relation is dependent, Habermas argues, on one being able to view oneself as a fully autonomous member of the linguistic community who in the act of speaking is able to represent oneself authentically.

This chapter has argued that due to the intimate relationship between corporeality and autonomy any distinction between education and eugenics that purports to be one of kind is in fact one of degree. Therefore, if we accept that certain types of eugenic intervention alter the indeterministic nature of our substratum by introducing the concept
of design and thereby affect our ability to consider ourselves as autonomous beings, then, if our substrate is in anyway already determined then we must reconsider what the concept autonomous means. For Habermas design means determination with purpose. I have argued that the addition of ‘purpose’ can only be applicable in the case of an encounter between designed and designer and not in the case of the individual’s relationship to herself. That is, if the individual has existential turmoil on the grounds that she was the object of eugenic intervention then she may legitimately have the same turmoil on the grounds that her mother did not eat well and smoked during pregnancy.

In the following chapter we consider the implications for discourse ethics and moral universalism when it is deprived of the power it once derived from a linguistic community whose members were completely autonomous and wherein consensus was truly universal in the sense that it was an accurate reflection of a group of authentic selves. What happens to the universality of moral norms when consensus can no longer assure us that a particular norm is representative of a universal human nature?
The Co-Dependency of the Universal: Discourse Ethics, Autonomy and Consensus

1. Introduction

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, and enjoys equal treatment with complete reciprocity of rights and duties. But if eugenic manipulation changes the rules of the language game itself, this act can no longer be criticized according to those rules. Therefore, liberal eugenics provokes the question of how to value morality as a whole.¹

I agree with Habermas that in order to undertake right moral action a continuous dialogue among those who are or might be affected is paramount. Moreover, I strongly endorse the general project of a communicative ethics whose objective is to enable more inclusive discourse by reaching out across cultural and socio-economic divides to further a shared understanding of one another’s perspectives. This chapter focuses on two areas that seem problematic: (1) Habermas’s insistence that discourse ethics take a deontological approach, (2) discourse ethics treats difference as something to be overcome, as something that in principle can and must be eliminated.²

Both of these concerns result from the conceptual differences raised by eugenic intersubjectivity and how this idea radically affects our modern western understanding of human autonomy. The argument in the previous chapter is that Habermas has not gone far enough in his reconsideration of autonomy and the boundary between the grown and the made is not categorical in the sense that Habermas had argued. While Habermas tried to show that autonomy was in danger if the individual viewed his organic substrate as being determined by another, even if these determinations were relatively minor, I tried
to show that although the issue of intervention is crucial for Habermas, his argument regarding autonomy might depend only on the weaker claim that one need only view oneself as determined and not as designed. We saw that genetic dispositions that are ‘natural’ could perform the same role in problematizing our desire to equate ‘autonomous’ subjectivity with authenticity. This reveals what seems to be an inherent metaphysical bias upon which discourse ethics and its modus operandi (consensus) is premised.\(^3\) In other words, Habermas’s story of the intersubjective constitution of individual autonomy and the socio-political institutions that develop/maintain it is not adequate to account for the relationship between a rationally structured morality and its raison d’être: the morally autonomous nature of the human being.\(^4\)

In this chapter I begin with the argument that the ontological ground which a universal form of subjectivity (human autonomy) is premised upon is fractured. This fracturing is a consequence of (re)considering the previously unconsidered internal relationship between the modern idea of individual autonomy and its conceptual grounding in a ‘natural’ substrate. I argue that even without direct eugenic intervention in our ‘organic’ nature we need not necessarily perceive autonomous individual expressions as a reflection of our authentic natural selves. This affects problem (1) because it destabilizes the very idea of a human nature, a necessary possibility condition if one takes an exclusively deontological approach to morality. Habermas refers to this as the problem of our ‘deontological shell’ becoming permeable.

Secondly, once the quasi-transcendental universality of subjectivity is problematized, the outcome of a consensual process as unquestionably legitimate, in the sense of absolutely spatiotemporally inclusive, is no longer assured. This is moreover the
case since discourse ethics leaves no room for rational disagreement as it is motivated by
the idea that the rational structure of the moral universe ensures that, in principle, any
moral argumentation is subject to a consensual/universal arrangement. Habermas
sometimes refers to moral argumentation as the process of repairing a disrupted
consensus. There is a real pragmatic danger that discourse ethics’ inability to recognize
rational disagreement may lead to coercive means to impose universality in the name of a
unified rational morality.

The problem of delimiting a universal form of subjectivity is articulated, in part,
via Young’s criticism of the route to consensus; namely, the role of symmetrical
reciprocity or reversing perspectives. Habermas himself is concerned that the perceived
closing of a previously undisclosed future threatens our freedom since ignorance of our
fate is a possibility condition for autonomy itself. If the idea of eugenics problematizes
the concept of the ‘authentic’ self as the subject is perceived as being more of a ‘victim’
of a genetically motivated causal web then this in turn affects the ability of consensus to
operate as a unifying force. This leads Habermas to reconsider the process-formation of
the moral point of view and ground it anew in a species-ethnic: a seemingly explicit
reversal of his previous unwavering commitment to the prioritization of the right over the
good.

By considering Young’s argument against symmetrical reciprocity (Habermas’s
process-formation of the moral point of view) and the idea of impartiality that is lauded
by the moral point of view, I hope to further illuminate how without the guarantee
provided by (what Habermas calls) ‘idealizing presuppositions’ that inform our modern
conception of individual autonomy, a procedural dialogical method such as discourse
ethics needs to recognize difference as legitimate possible outcome rather than always trying to overcome it. The purpose of introducing Young here is to aid in demonstrating how a reconceptualization of autonomy disrupts not only the consensual process, but also the project of moral universalism as whole.

The shedding of our particular subjective preferences and the joining together in a shared ‘we’ perspective is an ‘impartial objective’ position that Habermas calls the moral point of view and is supposed to be representative of a universal subject, that to Habermas’s credit, is meant to recognize the multiplicity of viewpoints inherent in a pluralistic society. Nonetheless, I argue, in conjunction with Young, that not only does the moral point of view tend to lead to hegemonic imbalances since certain forms of communication are considered reasonable while others are not, but it also privileges a conception of reason that depends on a fundamentally universal form of subjectivity that is solely the product of a theory of communicative action that transcends culture. Young writes, “Habermas seems unwilling to abandon a standpoint of universal normative reason that transcends particularist perspectives...he vacillates between privileging the neutral and impartial standpoint of the ‘generalized other’ and what she [Benhabib] calls the standpoint of the ‘concrete other’.”

Once we have considered Young’s objections to considering the moral point of view as being one that is universal in scope and have a better grasp of the shortcomings of consensus, we will have set the stage for understanding why Habermas’s proposed species-ethics cannot overcome the argumentative divide that consensus is unable to bridge – the topic of the final chapter.
2. Discourse Ethics: To What Does the Truth of a Moral Norm Refer?

A detailed survey of what is entailed in discourse ethics is not appropriate herein. However, in order to best articulate how discourse ethics fails to make the transition from *mere* agreement on a moral norm to the justification of a moral norm as universally valid (in an analogous way to the truth of an assertoric statement), it is first necessary to understand the presuppositions that Habermas assumes regarding consensus. In particular Habermas argues that consensus relies on the presumed autonomous nature of the individual who engages in moral argumentation (discourse ethics) to justify moral norms as universal.

Discourse ethics is: deontological, cognitivist, formalist and universalist.\(^7\) The formal framework is supposed to be an inclusive mechanism that functions in a negative way: namely, by trying to include all possible discourses that raise criticizable validity claims (which for Habermas falls under the term argumentation), so that agreement is only the result of the force of the better argument.\(^8\) The framework has been criticized as Eurocentric: the structure of rational unemotional disembodied argumentation privileges those who have been educated in western universities (the white middle-class well-educated male comes to mind) while the process of understanding among, for instance, female Australian Aboriginals often takes the form of sensuous embodied narratives that persuade through a tapestry of emotion, mythology and empathy. This latter form of moral speech does not adhere to a syllogistic logic or to what we in the West would conventionally consider rational. However, the accusation of Eurocentricism is not altogether warranted here.
The purpose of having a formal structure is to enable it to be truly vacuous of content, so that the form of moral argumentation is left to the participants of the discourse without any form being intrinsically privileged. This ensures, according to Habermas, that the persuasive power of the sensual narrative is not dismissed as invalid. If during moral discourse the narrative form lends itself to shared understandings amongst the participants then its legitimacy and applicability is immediately confirmed. Although this is certainly a justifiable concern, as any structural form by its very nature may be more accommodating to certain types of content than others (try pouring water into a sieve, then try again with Jell-O), this aspect of discourse ethics does not seem to be, from my perspective, an insurmountable problem.

Discourse ethics is also deontological, which refers in part, to the relationship between truth and moral norms. These are internally related precisely because the moral realm is rationally structured and universal in scope. Since the moral realm, according to Habermas, is exhaustible by a finite number of propositions, we can consider certain propositions (which take the form of moral norms) as true while other statements that are exclusive of the propositions that exhaust the moral realm as false. Habermas writes, “A deontological ethics [morality] conceives the rightness of norms and commands on analogy with the truth of an assertoric statement.” He rightly points out that a correspondence theory of truth is not applicable in reference to moral action or ‘oughts’. Unlike the statement, ‘it is true that the table is blue’, there is no object of reference to which the truth of a moral norm could refer in terms of the moral act; to this extent Habermas recognizes that discourse ethics may be in danger of committing a normative fallacy when claiming that certain moral norms are true. Consider, ‘it is true that one
should not drown one’s own child.’ The truth of this moral norm cannot refer to the action itself, which has not and may never happen. Moreover, unlike the child or the water in which he may drown, the action itself is not quantifiable, it is not substantial; one might act in such and such a way but the ontic status of the ‘act’ itself is nothing. The term ‘act’ merely refers to what it is that one does and to the intention of the actor. For Habermas, what is important here is that we conceive of the truth of a moral norm as analogous to the truth of an assertoric statement, but the question remains as to how Habermas might surmount committing a normative fallacy. Thus, Habermas requires something stable to which the norm could refer.

There is some direct correspondence in regards to the truth of a moral norm and the object to which it refers: the norm corresponds/applies to a certain type of subject. In order to conceive of the drowning example as articulating a true moral norm, we need to consider to whom is the norm being applied. Are they the appropriate subjects of moral norms? If the subject under consideration is a raccoon, then the applicability of the moral norm in the drowning example is immediately put into question. Are raccoons moral agents? Does it make sense to speak of right/wrong moral action in reference to raccoons? So, for the term ‘one’ (as in ‘one should not drown one’s child’) the only seemingly legitimate substitution is ‘human’. In other words, the truth of the above moral norm only holds when it refers to the actions of a human being and these actions are, more or less, the direct result of this human’s intentions. The obvious next question is: What is a human being? Habermas would be loath to explicitly define (and I don’t blame him) a human being as essentially such-and-such a creature. Nonetheless, moral norms do not apply to robots that look and act like human beings, to Zombies, or to some degree to
comatose/severely mentally impaired individuals. Why? Because we judge their autonomy to be drastically reduced; however, they are often considered as the recipients of moral duties. A moral norm, then, refers only to something that is essential exclusively to humans; moral norms refer to our 'human nature' and whether we intentionally go against that nature. Therefore insofar as discourse ethics is deontological it is also universalist, as it necessarily assumes a universal form of subjectivity. It thus follows by the principle of transitivity that moral norms must be universal in their scope of application.

Habermas consistently refuses to make ontological claims regarding 'essence' but nonetheless wants to maintain that there is a core human nature: in the universal form (not the contents) of subjectivity itself. And, this form of subjectivity is both constituted by and a constituter of the intersubjective, linguistically structured lifeworld in which we always already find ourselves. If the 'truth' of a moral norm is always in reference to its 'correspondence' or fit with our human nature and if Habermas is to maintain that the moral realm is not only rationally structured but also universal in scope, then human nature must necessarily be stable and unified. Otherwise, moral norms valid for us may not be legitimately applied to past or future subjects, or as I will argue, it may even problematize the universal validity of a consensually arrived at moral norm for those who may have initially consented to its validity.
3. Consensus: A Universalizing Force?

It is only here, in the space of reasons disclosed through discourse, that the innate faculty of reason can, in the difference of the manifold perspectives of the self and the world, unfold its unifying consensus-creating force.¹³

The main aspect of discourse ethics that is problematized due to a necessary reconsideration of autonomy and the resulting impermanence of human nature is the process of reaching consensus. Moreover, as consensus is the constitutive process for the formation of the ‘moral point of view’, the objective impartiality of this perspective is jeopardized. It is important to understand that “practical discourse is only a procedure for testing the validity of hypothetical norms, not for producing justified norms.”¹⁴ In other words, people make normative moral claims they submit to everyone for validation. Discourse ethics is meant to justify the proposed norms as valid or invalid based on whether or not consensus over the proposed norm is possible. Habermas recognizes the autonomous nature of the human and the rational structure (and therefore universal accessibility) of morality itself. Therefore if consensus, or rational agreement is attained then the norm must be considered as universally valid. What will be considered herein is whether it is possible to claim that a moral norm is universally valid given that a problematized conception of autonomy affects the ability to claim universal status for consensually produced outcomes.

In order to address the problem of consensus as constructing a moral point of view that legitimately reflects valid universal norms, we must first consider what presuppositions make consensus a universalizing force. Mere agreement cannot be considered as consensus in Habermas’s view. Consensus must empower moral norms as
accurate reflections of the ‘generalizable interests’ of all concerned participants. That is, the autonomy of all subjects is protected and acknowledged in a consensual arrangement. Habermas writes, “The agreement made possible by discourse depends on two things: the individual’s inalienable right to say yes or no and his overcoming of his egocentric viewpoint. Without the individual’s uninfringeable freedom to respond with a ‘yes’ or ‘no’ to criticizable validity claims, consent is merely factual rather than truly universal.”

The moral point of view is the result of a dialogical process undertaken by all concerned parties and is supposed to enable us to make impartial moral judgments. According to Habermas, all participants must, without abandoning their own identities as socially embedded individuals, take up the viewpoint of all others concerned in order that the resulting moral judgments will be both impartial (inclusive) and universal, since all perspectives are taken into consideration and the outcome is consensual. The moral norm that is articulated from this ‘impartial’ viewpoint is applicable to not only the active participants who engage in moral argumentation, it also assumes the consent of those for whom it is impossible to offer their own perspective, such as future subjects and those who are dead. This assumption is only possible since consensus, for Habermas, is not just a compromise achieved between competing subjective preferences but is an accurate portrayal of the fundamental moral intuitions that are derived from the possibility conditions for subjectivity itself. It is also a necessary assumption if moral norms are to make legitimate claims regarding historical figures. Without this assumption Habermas loses the universal character of moral norms and risks temporal moral relativism. This is not the form that moral norms are meant to take; rather, moral judgments made from the moral point of view (they would not be moral otherwise, according to Habermas) must be
universal in character since they reflect the 'ought' located in human nature. Habermas writes, "An ethics is termed universalist when it alleges that this (or a similar) moral principle, far from reflecting the intuitions of a particular culture or epoch, is valid universally." 

How can it be possible that a moral norm applies universally? Obviously, one of the possibility conditions for the universality of moral norms is that their object (subject) of reference is fundamentally the same. Young, criticizing the concept of the moral point of view writes, "The most important way that the ideal of impartiality reduces particularity to unity is in reducing the plurality of moral subjects to one subjectivity." 

Although meant as a criticism, it seems Habermas would wholly agree. In fact, the need for moral norms to be universal not only depends on, but is derived from, the assumption that humans are fundamentally the same. Habermas must assume that although subjects may appear to be different with regard to their particular actions (which is in accordance with their own perception of the 'good'), at the core of our being (even if it is considered to be the result of an intersubjective process of socialization) is the essence of what it is to be human (which Habermas identifies as autonomy). This common ground enables us to share in a universal form of subjectivity that reveals itself as the 'moral point of view'. It is precisely this assumption that is the metaphysical bias implicit in discourse ethics. 

If consensus is viewed by Habermas as an accurate reflection of the generalizable (universal) interests of all, how then can he be assured that the consensus attained is the result of individuals representing themselves honestly, and not only to others but also to themselves? In other words, how can the individual assure himself that the concerns he articulates are truthful expressions of his authentic interests and not the necessary result
of his genetic dispositions? Have we not all lied to ourselves at some point? Or, have we not expressed a particular interest in something only to discover later that we were wrong about our own desires and thoughts? Is not the indeterminacy of one's own preferences what leads to one 'changing one's mind'?²⁰

Habermas argues that discourse ethics overcomes this introspective problem by turning to the universality of reason conceived of intersubjectively. It is precisely because we utilize a dialogic process that employs reason and only reason as the guiding principle that we can be assured that our generalizable interests are incorporated in the justification of moral norms. Since consensus is the result of the employment of reason (in a free and equitable manner) and the autonomy of reason is something that we all share universally then consensus must reflect universal principles. Young in reference to Habermas's view writes, "Normative reason is defined as impartial, and reason defines the unity of the moral subject, both in the sense that it knows the universal principles of morality and in the same sense that it is what all moral subjects have in common in the same way."²¹

One of the problems Habermas fails to recognize is that even if it is granted that we all share in intersubjective reason, the role of genetic dispositions casts suspicion on the authenticity of individual autonomy when they engage in a process of reasoning. The individual is a participant in communicative reason as well as the ground of the employment of reason. So, we cannot say that we are assured that the individual is expressing authentic beliefs based on the intersubjectivity of reason, because this still requires the foundational approach of the individual employing reason itself. That is, the individual's speech act should not necessarily be viewed as the expression of his autonomous authentic preferences (even if Habermas's conditions of truthfulness,
sincerity, and rightness are meet), because the concept of ‘individual authenticity’ is problematized when we reconsider the way we perceive the organic substrate that authenticity depends upon for stability.

Genomics reveals that dispositions may be determined, at least to some degree, by the structure of the individual genome, in which case some ‘authentic’ preferences may be the carrying out of a particular genetic program.\textsuperscript{22} This problematizes the concept of autonomy, as there is no method or approach that would enable us to distinguish ‘authentic’ preferences from genetic predispositions. This is not to say that we should begin to view humanity as a heteronomous group of automatons mindless playing out their genetic programming. Rather, it only reveals that the categorical boundaries that define the public/private distinction of the human are not categorical at all; the essence of the ‘human’, irrespective of ontological claims, is in fact not a stable entity grounded in something like autonomy.\textsuperscript{23}

Nonetheless, we can still come to a shared understanding when it comes to making moral judgments. However, we must be cautious in regard to the extent of what consensus reveals. Does the employment of reason in fact provide us with access to “the universal principles of morality”? If not, does the project of moral universalism need to be reconsidered? We should be careful not to create hegemonic structures that speak in the language of ‘high morality’ and in their claim to righteousness and the universal applicability of moral norms, impose a foreign morality upon other cultures and even go so far as to tie the fate of the living to the throne of the dead.

As we have seen, if moral universalism is to be a coherent concept for Habermas the individual must be able to go beyond his own particular situatedness and consider a
validity claim from the viewpoint of all concerned parties by symmetrically exchanging
perspectives. The process of achieving an impartial viewpoint is for Habermas only
possible through ideal role-taking, or reversing perspectives with the other. Habermas
writes, "The discursive procedure, in fact, reflects the very operations Kohlberg
postulates for moral judgments at the postconventional level: complete reversibility of the
perspectives from which participants produce their arguments." The complete
reversibility of perspectives is a mechanism to ensure inclusion and impartiality since
each individual entirely understands the viewpoint of the other and empathizes with that
perspective as if it was his own.

I will utilize Young's criticism of the reversibility of perspectives, or,
symmetrical reciprocity to further delineate the embodied nature of the human situation
and the ontological problem that eugenics poses for autonomy's relation to consensus.

4. Young on Perspective-Taking: The methodological and ontological objections

_The mirroring evoked by the ideas of symmetry and reversibility suggests that we are
able to understand one another because we are able to see ourselves reflected in the
other people and find that they see themselves reflected in us. But such images of
reflection and substitutability, I suggest, support a conceptual projection of sameness
among people and perspectives, at the expense of their differences._

Young seems more or less to agree that a discursive framework wherein the
subject transcends his own perspective and listens to the standpoint of the other is
essential for arriving at mutual understanding and fundamental to developing creative
solutions to moral dilemmas. Where she remains concerned is with the false assumption
that human nature is fundamentally shared and unified: therefore 'universal' moral norms
may in fact be exclusionary. Moreover, she argues that the process of arriving at an
understanding is not best undertaken by what Habermas calls ‘ideal role-taking’. This approach can and often does result in situations of domination and oppression.

Young’s concern is that because the outcome of consensus is, for Habermas, the expression of the “general will” of all participants, its claim to universality comes at the expense of particularity since its focus is on impartiality. Young writes, “Universality in the sense of participation and inclusion of everyone in moral and social life does not imply universality in the sense of the adoption of a general point of view that leaves behind particular affiliations, feelings, commitments, and desires.” Young argues that for moral reason to be conceived as “universal” (inclusive but non-absolutist) it does not need to adhere to an ideal of impartiality. I agree, and in the following section shall argue that Habermas has a metaphysically biased concept of autonomy, which motivates the perspective of moral norms being justifiable in an absolute sense.

Young offers two main arguments against symmetrical reciprocity, the methodological and the ontological objection, both of which relate to the problem of hegemony. The methodological objection states that placing oneself in the position of the other often results in the individual importing much of their own biases considered from their social position, which is often (if not always) in a relation of privilege or oppression viz-a-viz the vantage point of the other. Young writes, “The perspective of the other can all too easily be represented as the self’s other represented to itself – its fantasies, desires, and fears.” Symmetrical reciprocity, from a methodological point of view, tends to retain the hegemonic structures that discourse ethics is trying to systematically eliminate by utilizing what is supposed to be a non-substantial framework. The result is that the hegemonic structure that is supposed to be ‘left-out’ in the construction of an impartial
viewpoint sneaks in through the backdoor. The assumption of sameness required in order for perspective reversal to be possible results in the imposition of sameness upon the differentiated other since individuals may not be able to shed their own preferences.

The ontological objection argues that since each individual's position as an 'I' is constituted through an internal relation with the other, it is impossible to reverse perspectives, as the giving up of one's own perspective necessarily affects the perspective of the other. Young writes, "This structure of reciprocal recognition is indeed a condition of communicative action. But this structure neither describes nor presupposes a reversibility of standpoints. In fact, it precludes such reversibility because it describes how each standpoint is constituted by its internal relations to other standpoints." Thus, Young argues that reversing perspectives, in the moment of reversal, fundamentally alters each vantage point.

The methodological objection does not seem to me to create much of a problem for discourse ethics. In fact, the problem of projecting one's fears onto the other is a large part of what discourse ethics is trying to circumvent. The purpose of constructing the moral point of view through formal dialogue is to prevent the imposition of a particular subject's or group of subjects' argumentative position upon others who may not agree. No doubt there is a pragmatic problem of assuming that the other shares similar preferences to oneself, but there is no reason to assume that this subjective filter will not operate whether or not we take the approach of reversing perspectives. Why should we suppose that if one tries to listen to the other as an 'other' instead of trying to reverse perspectives, that one will not place the expressed interests of the 'other' into a
conceptual relation with one’s already accepted preferences? In a sense it is true that one
hears what one wants to hear.

The Habermasian reply may be that although Young may have good practical
objections to the framework of discourse ethics, they are not objections that are
insurmountable; we only need to pay more attention to a hegemony that may be implicit
in certain moral conversations and to try even harder to truly place oneself in the
perspective of the other. The accusation that the methodology of symmetrical reciprocity
totalizes the other and reduces difference is not a structural problem inherent in the
framework of discourse ethics but is the result of the participants not adhering to the
possibility conditions for consensus that discourse ethics makes explicit. In other words,
Habermasians argue that we must prevent people from engaging in strategic action that
has its motivation in egocentric preferences and instead orient ourselves toward true
understanding by participating solely in communicative action; once this is accomplished
then discourse ethics will truly reflect the universality of moral norms.

The project of moral universalism is not endangered by the possibility that
dialogue often, if not almost always, results in imperfect communication. This seems to
suggest that more effort and more dialogue is required so that we might come closer to
articulating the universal moral norms that Habermas is so keen to expose. Are there
hegemonic structures that are difficult to expel from deliberative dialogue? Yes. How can
we best expunge them? By revealing and making explicit these hegemonic structures so
as to render them meaningless. Hegemony, once revealed, is no longer hegemonic.

The ontological objection comes closer to revealing the ultimate impossibility of
dialogical consensus issuing in moral ‘truths. Young suggests that it is ontologically
impossible to exchange roles due to the internal relation between ‘I’ and ‘other’ that constitutes each position. Moreover, “if it were possible for agents to reverse perspective[s] with one another in making moral judgments, this condition that all voices and perspectives should be represented might not be necessary.”

This problem, at first, seems as if it can be taken as a methodological one. It may be beyond our conceptual capabilities to imaginatively assume the perspective of the other. So trying to take the perspective of the other into account when considering one’s own preferences may be the better method. This does not, at first glance, preclude the possibility of dialogically emancipating oneself from one’s individual position in order to share in the moral point of view. It only precludes reversing perspectives as the best method of achieving the moral point of view. This may be the case because the moral point of view does not represent any individual’s position but is rather an impartial viewpoint that is supposed to take into account the interests that have been expressed by all concerned since it is the outcome of a consensual process. It is not that we abandon our concrete individuality, rather, it is through reciprocal argumentation that we transform ourselves from autonomous I’s to a shared universal ‘we’ perspective.

However, this response misses the deeper ontological premise that Young depends upon, namely, that it is only possible to arrive at universal subjectivity if we assume that we are always already sharing in a universal subjectivity in the first place, even if this occurs for the individual in a confusing egocentric way.

What is at the root of the ontological problem is Habermas’s assumption that there is something fundamentally shared about human nature, and inherent in this is a universal moral core. What is required, according to Young, is that moral agents
recognize that there may be instances where we encounter irreducible differences and yet there may be no rational explanation that privileges one position over the next. This approach, as we will see in the next chapter, is unattractive to Habermas as it rejects the necessity of moral norms being universal.

5. Conclusion

Habermas himself has noted that in a post-metaphysical environment there may be a need to ground morality in a stable foundation in order to preserve its claim to universality. The argument all along has been that a post-metaphysical morality, as Habermas conceives of it, has lost the stable foundation that was claimed in the form of modern autonomy. Furthermore, this destabilization has demonstrated that consensus can no longer lay claim to a quasi-divine status in the mortal realm. Hence my first concern, that discourse ethics takes a deontological approach, remains unresolved.

Habermas continues to insist that morality is necessarily deontological, and since this requires the concept of a human core in order to be coherent, he considers how one must proceed in order to (re)stabilize autonomy and preserve it as a fundamental attribute of human nature. This is not to accuse him of some form of Platonism as human nature need not be wholly metaphysical in scope and can certainly be, as Habermas argues so frequently, derived from the possibility conditions for communicative action. The requirement for a deontological approach to morality is that our concept of human nature be stable. Its ontological status is of less importance.

My second concern, that Habermas is overly concerned with overcoming difference, becomes even more problematized in the next chapter when we consider the
proposed species-ethic. A species-ethic is supposed to provide a stable foundation, shoring up our deontological core and creating a plane of sameness that enables the equitable application of moral norms, reaffirms the legitimacy of consensus and empowers the unifying force of the moral point of view. Already it seems obvious that Habermas is painting himself into a corner. To ensure that consensus legitimates, Habermas needs to protect the autonomous ‘nature’ of the human, which requires that we all agree on a species-ethic and in doing so we will provide the much needed stabilization. In other words, since we all currently agree that consensus is empowered by autonomy and since the rise of eugenics puts autonomy at risk, then in order to protect autonomy (and the power it lends to consensus) we all need to agree that autonomy will continue to empower consensus and consensus that legitimates. Of course, this move is legitimate because it is consensual. Feel free to shake your head.

In the final chapter I argue that an ethics of the species firstly runs counter to the project of discourse ethics and secondly, is open to the same criticism that the unified space of the autonomous subject has been fractured.
A Species-Ethic: We Need Unity not Totality

1. Introduction

Habermas recognizes that the concept of autonomy is not derived solely from the presuppositions of communicative action that (in)form our intersubjective understanding of the lifeworld but is also dependent upon corporeal integrity.¹ The ‘discovery’ of this co-dependent relationship points Habermas in an unfamiliar direction in regards to the way we should consider a theory of morality. He argues that with the decoding of the human genome the prospect of eugenic intervention threatens to undermine the hallmark of modernity: an egalitarian universalist morality. Habermas writes, “Egalitarian universalism is widely acknowledged as a great achievement of modernity...It is the ceaseless drive of biotechnological development, and not naturalistic worldviews, that undermines the natural (and consequently mental) presuppositions of a form of morality that hardly anybody wants to challenge explicitly.”²

Habermas has justification for his concerns. A deontological, rational, egalitarian, universalist morality is being threatened. The question then is can it be saved and how? Habermas argues that through the universal adaptation of a “species-ethic” that would limit the practice of eugenic intervention to cases where the individual’s retrospective consent can be unquestionably assumed (such as severe genetic deformities) we would not risk undermining the ability of individuals to perceive themselves as autonomous agents.
For Habermas, the prospect of prenatal eugenic intervention “changes the initial conditions for the identity formation of another person in an asymmetrical and irrevocable manner.” Autonomy, so conceived, can no longer serve to anchor the moral point of view; the smooth space of subjectivity has become fractured. The problem that we encounter here and that Habermas recognizes, is that we cannot muster up moral arguments against this sort of intervention as it does not affect the rights of moral subject but the conditions for the formation of a moral subject.

Moreover, with the loss of a religious foundation for the moral, we have also lost a shared background conception of the good. The previous metaphysical horizon in the form of religion served to ground the moral in a value-laden foundation making it possible to answer questions such as, ‘why be moral?’ with judgments, ‘because it is good to be moral.’ Moreover, since autonomy has been associated with physical identity it is no longer able to serve as a stabilizing and unifying force in moral terms, Habermas suggests a normative construct, in the form of a species-ethic that would serve to embed the moral point of view in a stable ground. Habermas writes, “What helps in opposing it [the drive toward liberal eugenics] is the work of stabilizing our morality by embedding it in the context of a species-ethical self-understanding which reminds us of the value of egalitarian universalism, and the preconditions for it, before we get accustomed to the insidious revision of as yet self-evident assumptions about the sense of autonomy and of intergenerational equality.”

However, an ethics of the species has always been treated by Habermas as part of the taken-for-granted horizon of the lifeworld against which we make judgments, not a previously agreed upon condition that serves to stabilize the concept of human nature as
autonomous and ensures that consensus has the power to adjudicate moral norms as universal. Although by his own admission moral justification is not possible for a species ethic, to even suggest such a course of action seems to be a reversal of Habermas’s previously unwavering commitment to the prioritization of the right over the good, which he has always maintained is a necessary condition for moral norms.  

Although Habermas recognizes that moral norms are only possible in the context of an ethical self-understanding, this self-understanding has never been considered as something that is universal beyond the fact that we all have some sort of ethical horizon. In fact, Habermas defines ethical questions as that which regards, “our own weal and woe and arise in the context of a particular life history or a unique form of life. They are wedded to questions of identity”, which is why he argues that ethical questions should not be judged on their rational acceptability.

Eduardo Mendieta opposes the formation of a species-ethic; he writes, “[A]n ethics of the species and political self-affirmation of political modernity motivated by an ethical perspective put [communicative freedom] in jeopardy.” I agree with Mendieta that a species-ethic jeopardizes Habermas’s project of discourse ethics and will argue, in conjunction with him, that a species-ethic puts Habermas’s whole project in peril. However, while Mendieta argues that a species-ethic is an inappropriate response to protect the concept of autonomy, I further argue that, even without the practice of eugenic intervention, autonomy should not be treated as the foundation from which reason can construct the unifying force of consensus.

I oppose the idea of a species-ethic on the grounds that a political attempt to stabilize the foundations of moral universalism does not address the inherent instability of
the procedural framework of discourse ethics that occurs at the level of individual autonomy. A species-ethic serves only to reinforce a framework of argumentation, by means of political agreement, in order to ignore the fact that the postmetaphysical framework is dependent upon a metaphysical conception of autonomy that relies on substance.

Genomics demonstrates to us that there is no stable concept that can determine our human nature and as such it should provide the impetus to move away from the demand for universality and toward the recognition that some outcomes may finish in reasonable disagreement. The pragmatic consequence of this refusal to recognize the possibility of reasonable disagreement within the moral realm often leads to the termination of dialogue or even, given enough time, the imposition of one group's view of moral norms upon the other. Since Habermas fails to notice in his analysis of autonomy and corporality the limitations that discourse ethics faces in its commitment and dependence upon consensus, I thus recommend that we should reject a species-ethic and that moral dialogue should not necessarily be approached from a deontological universalist standpoint. Instead, we should consider the role of reasonable disagreement in moral argumentation and place greater emphasis on recognition-worthy difference so as to encourage our respect (not tolerance) for the irreducibility of the other.

2. Habermas's Dilemma

Habermas's analysis of the relation between corporeality and moral identity leads him into a dilemma with regard to his proposed ethics of the species. He is faced with the following choice. (1) He must reject a species-ethic and accept a destabilized version of
autonomy and therefore human nature and by doing so, also accept the loss of consensus
to legitimate moral norms as universal. In essence, morality would no longer need to be
conceived of solely in deontological universalist terms and reasonable disagreement
becomes a real possibility. Or, (2) he must accept that a species-ethic is primarily an
attempt to reassert the autonomy of the individual as a fundamental human trait. This
choice results in the necessary rejection of the prioritization of the right over the good by
embedding morality in an ethics that is the function of universal linguistic agreement and
not of existential self-understanding, which furthers a universal vision of morality that
cannot accept the possibility of irreducible difference, that cannot acquiesce to the
possibility of reasonable disagreement and that is in danger of confusing unity with
totality.

3. Habermas’s Prioritization of the Right Over the Good

*The moral language game having lost its religious foundation [shared conception of the
good] needs to be grounded anew.*

Until the publication of the *Future of Human Nature*, Habermas had consistently
maintained the necessary prioritization of the right over the good for two reasons. First,
given the multiplicity of the views in modern pluralistic societies, the possibility of
finding shared conceptions of what is good that are in any way significant is virtually
impossible. Habermas writes, “ [Participants] initial impulse is to engage in deliberation
and work out a shared ethical self-understanding on secular basis. But given the
differentiated forms of life characteristic of pluralistic societies, such an effort is doomed
to failure.” Second, there is a real danger of imposing a particular view of the good or
ethical life upon those who may not accept that view. Consider the radical born-again Christian who feels it is his duty to 'save' others, or even more dramatically, the recent ruling in Afghanistan that called for the death penalty for an individual who had converted to Christianity. The individual in this case was seen as rejecting the good life (Islam) and in doing so he was seen as engaging in an action that was morally deplorable; an action tantamount to rejecting life itself. If morality is supposed to be concerned with creating a space within which an individual is able to give autonomous direction to his own life, then, to give priority to the good effectively eliminates this space allowing 'moral norms' to turn despotict. An ethical dictatorship of this sort is exemplified by the Afghan Christian who is not free to pursue his vision of the ethical life. Habermas has always tried to avoid enabling a tyrannical approach to ethics.

Therefore, given the pluralistic nature of modern societies and the fundamental premise of egalitarian universalism (the autonomy of the individual), the concept of the 'right' necessarily refers to the actions we must undertake if we are to live harmoniously with one another in a social environment. The Universal Declaration of Human Rights is a document designed to recognize that humans have a fundamental right to autonomy and in order to assist in maintaining their autonomy they have a fundamental right to access certain sociopolitical institutions which function to preserve, protect and enlarge that autonomy. The good, on the other hand, refers to an individual's particular views and interests, to the relationship one has with oneself concerning how one should live one's life if one is to feel that it has been a life well-lived. Often what counts as a good-life is a reflection of an individual's cultural background and is shared to some extent among similar ethno-social groups. One need only look at 'Chinatown' in Vancouver, or 'Little
Italy’ in New York to see the diversity within unity. However, the idea of the good is by no means universal; we can by no means expect universal rational agreement on what constitutes a good-life.

It is therefore surprising to see Habermas suggest that we can universally agree on what constitutes a good life, or at least what constitutes the necessary value-oriented foundation for the construction of a good life. Mendieta is correct when he writes that what an ethics of the species is asking for is, “that prior to a commitment to abstract, universalistic, deontological justification of moral norms, we must opt for an ethical stance toward humanity. In other words, the standpoint of justice is posterior to an ethical standpoint that is oriented by substantive values.”

The danger of a reversal of the just over the good is a result of Habermas utilizing ethics in two conflicting ways. Habermas has always correctly maintained that moral argumentation necessarily takes place against a background of ethical presuppositions that we take for granted as part of our individual or group identity, however, one cannot expect universal agreement as regards them. Habermas writes,

“No such rational acceptability may be expected, by contrast, if the description of the conflictual situation as well as the justification of pertinent norms are themselves shaped by the preferred way of life and the existential self-understanding of an individual or a group of citizens, that is, by their identity-forming beliefs. Background conflicts of this kind touch upon ‘ethical issues’.”

The conflation of two ways of understanding ethics occurs when Habermas recognizes that background beliefs can be ethical and then extrapolates from this to the horizon of the lifeworld and frames this background belief in terms of a species-ethic. What Habermas is doing here is asking for universal linguistic agreement regarding an ethical question, but arguing that it is deserving of special status because it is a species-
ethical question. Habermas writes, "[T]his 'priority of the just over the good' must not blind us to the fact that the abstract morality of reason proper to subjects of human rights is itself sustained by a prior ethical self-understanding of the species, which is shared by all moral persons."  

Habermas seems to be doing little more than simply substituting the term 'species' for 'universal'. It is true that morality is itself sustained by an ethical self-understanding, but it this self-understanding, by Habermas' own definition, is not universal. The danger posed to autonomy by eugenic intervention may be of no consequence to someone who believes that every human being has a soul. Therefore no matter what degree of genetic manipulation may occur, for someone holding these sort of beliefs an individual will still be subject to human rights proper in virtue of possessing a soul. Thus, contrary to Habermas, it does not seem self-evident to expect universal or nearly universal agreement regarding a species-ethic.  

Habermas is ardently trying to defend the necessary conditions for discourse ethics (equality and respect) and is doing so by appealing to a so-called universal moral self-understanding. If our moral self-understanding were in fact as Habermas describes, then the need for moral argumentation would be quite small. What of racism, sexism, anti-Semitism and anti-Islamism? Certainly those who feel Israel should be 'wiped off the map' do not share in Habermas's sense of moral equality.  

The loss of a religious foundation did not present the same difficulties (previous to the publication of The Future of Human Nature) for discourse ethics as it does now because Habermas claimed to recognize a commonality among the multiplicity of cultural/religious perspectives, all of which could be addressed within a dialogically
structured framework that is cognitively empty. This commonality is the idea that morality is rational and that its objective is the maintenance and protection of individual autonomy. Thus, regardless of one’s interpretation of the good, the underlying focus is foremost the autonomy of the individual. Habermas writes,

"Like the great world religions, metaphysical doctrines and humanistic traditions also provide contexts in which the ‘overall structure of our moral experience’ is embedded. They express, in one way or the other, an anthropological self-understanding of the species that is consistent with an autonomous morality. The religious interpretations of the self and the world that were elaborated by highly advanced civilizations during the axial age converge, so to speak, in a minimal ethical self-understanding of the species sustaining this kind of morality."

Under these societal conditions the priority of the right over the good requires only that we adhere to the presuppositions of discourse ethics: equality and respect.

Habermas is aware that without shared backgrounds/horizons, the possibility of effective communication and mutual understanding taking place is effectively zero. This shared contextual understanding is often what he is referring to when he writes of the ‘intersubjective’. Thus, an ethics of the species is not a question of the good in the ordinary sense, it is a response to an ethical/moral crisis (eugenic intervention) that reaffirms the necessity of considering morality in egalitarian universalist terms. He treats this assumption regarding morality as if it were something we all already agreed upon and there is therefore no need of further discussion. Furthermore, since moral self-understanding is for Habermas a direct derivation of the unavoidable conditions for communicative action, an ethics-of-the-species is only an explicit affirmation of these conditions that may be imperiled by eugenic intervention. Habermas writes, “Will we still be able to come to a self-understanding as persons who are the undivided authors of their own lives, and approach others, without exception, as persons of equal birth? With this,
two presuppositions of our moral self-understanding, spelled out in terms of an ethics of the species, are at stake.”17

An ethical point of view (as opposed to the moral point of view) is exclusive in a pluralistic society since it cannot maintain the equality of all individuals. It must firstly recognize members of the community who share the same conception of the good, before considering the moral status of those who do not. Thus, a morality grounded by an ethical perspective cannot be guided by universal norms since those who do not share the same ethical understanding cannot even participate in the moral language game. Mendieta also recognizes this, writing “It truly might be disastrous in an age of dialogical cosmopolitanism…to smuggle under the mantle of an ethical imperative an ethnocentric blackmail: either you are moral, by accepting our ethical values, and reject genetic engineering, or you are not, because you reject our ethical values and thus cannot now [sic] ascend to the moral.”18

The political act of imposing a limit on eugenic intervention for the protection of already established individuals’ rights premised upon autonomy is a normative act that cannot be justified inside the moral language game itself, it therefore functions as a threat to modernity by grounding the political in an act of exclusion. What would be the fate of the genetically engineered human born outside of a society that accepted Habermas’s proposed species-ethic? Is he to be excluded from the moral language game altogether? Must this necessarily be the case since the non-acceptance of the species-ethics amounts to a rejection of our conception of the good and, as the ‘new’ ground of morality, is tantamount to a rejection of the moral itself. No moral reasons could be presented for necessitating the inclusion of this individual as a moral agent.
Not only does the establishment of a normative foundation for morality threaten to undermine both the project of political modernity and moral universalism, it does not repair our destabilized autonomy. If autonomy no longer has any ‘essential’ claim upon human nature and our nature is being seen as malleable, then is Habermas’s call for a species-ethic a desperate bid to save a Western view of morality? Without autonomy functioning as the ‘essence’ of what it is to be human then consensus is demoted to the role of moral guidepost rather than its previous function as the universal stamp of approval. We can see how the argument in chapter one, that Habermas has premised his idea of autonomy upon Kant’s, is returning and how he is now being forced back into metaphysics in order to reclaim autonomy. Mendieta writes:

“To ground an ethical response to the challenges presented to us by genomics in terms of an ethics of the species, the acceptance of which is the precondition for the proceduralist and cognitivist postconventional morality that is the hallmark of modern societies, means that we have retreated behind the post-Eurocentric, or anti-ethnocentric aspect of postmetaphysical reason. The argument for the acceptance of an ethics of the species masks the imposition of a Western understanding of what is essential to be human.”

It appears that Habermas is trying to smuggle essence back into the idea of the human. To accept a species-ethic is for Habermas to impale himself upon the second horn of his dilemma; a regression back into metaphysics regarding the essence of the human in an attempt to salvage autonomy.

What if Habermas rejects the species-ethic? Does this spell the end of discourse ethics and dialogically legitimated moral norms?
4. A Dialogue of Difference

Autonomy for Habermas is not entirely lost. His view is not that we are all doomed to the fate of our genome, but rather we need to (re)consider the concrete particularity of our ego as well as the shared, intersubjective nature of our subjecthood. (Can we conceive of eugenic intersubjectivity?) From the vantage point of socialization, it is still imperative that we develop intersubjective frameworks that increase the scope of the individual’s autonomy. The project of political modernity is not dead, but it must think through its foundations. It must fold back on itself and become other to itself and in doing so it may recognize the irreducible differences that are intrinsic to a pluralistic society.

What Habermas needs to recognize is a new conception of autonomy that does not pretend to reflect a rigid, idealized form of human ‘nature’. We can abandon our strict adherence to a logic of identity and begin to revise our standards of justification, of legitimization, of universalization. Political modernity’s appetite for sameness needs to be replaced with the craving for alterity. The sameness of the universal subject is gone; relationships oriented toward understanding do not need to depend on universal agreement as their goal once we stop totalizing subjectivity. Without sameness of ground Habermas cannot have an a priori guarantee of eventually arriving at a consensus regarding moral validity claims, but this recognition of fundamental difference should not be viewed as a negative result.

Discourse ethics, as a procedural framework for the adjudication of moral norms, should not be cast overboard into the sea of failed ideas. Certainly the power of moral argumentation that leads to consensus cannot be denied as the best standard we have for
the legitimization of moral norms. However, we should take care to consider legitimacy as legitimacy for us, for now. Habermas makes a valiant attempt to recognize this with his principle of fallibilism which states: even though we all might agree on something, new unforeseeable reasons may come to light that cause us to reconsider our previously consensual arrangement. What is fundamentally different about this approach versus an approach that allows for reasonable disagreement is that while the latter does not assume that there are moral truths, the former assumes that the revision of moral norms occurs because our consensual judgment was wrong. Habermas allows for this sort of revision because of the limitations of our epistemic accessibility, while reasonable disagreement allows for revision because it recognizes a relationship between morality and temporality.

In other words, Habermas is saying that humans can make mistakes about the moral realm precisely because there is a universal criterion of ‘right’ and ‘wrong’ and that criterion is moral truth. Coming to a reasonable disagreement is not something that is recognized by Habermas. He often refers to argument as a process of repairing a ‘disrupted consensus’, such that the unity of reason is a priori assumed. Understanding refers, for Habermas, to agreement over those things that we have in common.

The alternative approach is to see moral norms deriving their temporary legitimacy from consensus and losing their status as legitimate when the discourse becomes highly fragmented. However, at no time does this approach purport that moral norms are analogous to moral truths. Young argues that we need to create more epistemic space to allow for a greater range of moral perspectives. Young writes, “understanding across difference is both possible and necessary. Recognizing the asymmetry of subjects, however, does imply giving a different account of what understanding is and what makes
it possible."\textsuperscript{20} Although she endorses a version of communicative ethics, she argues that approaches which demand unity unavoidably marginalize the other. This alternative approach allows us to treat past 'legitimate' moral norms not as mistakes but as no longer applicable. Since there is no rational moral realm to which moral norms could correspond there are pluralistic ways to approach moral problems. This does not mean that any moral argument is as good as the next, rather it provides legitimacy to other widely held viewpoints which may not be the current dominant argument. Discourse ethics needs to refrain from treating the moral realm as necessarily universal, such that there is no room for reasonable disagreement.

Camus wrote, "If there is no human nature, then, the malleability of man, is in fact, infinite."\textsuperscript{21} Once human nature has become malleable we are faced with an unlimited moral horizon, which is not to suggest that the solution lies in radical moral relativism. Rather, it reveals the need to focus the dialogue on a profound respect for difference. This approach retains the derivation of values (equality and respect) from the presuppositions of communicative action without enforcing unity from above. As Camus tells us, "Totality is not unity."\textsuperscript{22}

By enabling the possibility for reasonable disagreement we refrain from merely paying lip-service to the value of respect in the form of tolerance. Tolerance has long been held as a virtue: Canada is a multicultural and tolerant society; in the United States of America we tolerate dissent, etc. Tolerance was considered as a way of respecting the otherness of the other, but in fact tolerance is and can only be a temporary state; how long can you tolerate being tortured? If our societal goal is unification, if we see divergence as an obstacle to a universal morality then patience for the other's ('incorrect') viewpoint
will at some point run out and tolerance will turn oppressive. Therefore we must
internalize a genuine admiration for diversity and this begins with the acknowledgement
of the malleability of human nature, of irreducible difference. However, it should go
without saying that not all types of difference are admirable, certainly they are also
instances where we should find the difference of the other, such as the views of the
Nazi's toward the Jewish people, as deplorable.

Reasonable disagreement leads not to moral relativism but moral realism. Moral
argumentation that results in reasonable disagreement does not take the form of the
absurd. For instance, one side of the dialogue argues that Jews deserve equal rights and
the other side argues for their annihilation. This is not a case of argumentation but of
confrontation between mortal enemies. Reasonable disagreement occurs when both sides
have compelling arguments for their particular viewpoints and yet neither side is
motivated to agree with the other. This impasse for Habermas is resolvable by time; the
ideal speech situation with an infinite temporal horizon. Reasonable disagreement does
not have such a caveat. There may be instances where there really is fundamental
disagreement that cannot in principle be resolved. For Habermas this was never the case
as there was a stable form of human nature and given such universality there were
necessarily only certain moral norms that applied to all. The alternative approach
recognizes that human nature is not static and, most importantly, re-orient the dialogue
in the direction of mutual respect for diversity without needing to ground itself in a
substantive value foundation such as a species-ethnic.
ENDNOTES

Introduction

1 The problem that some have detailed concerning moral truth is that unlike judgments concerning the nature of reality there is no corresponding objective, quantifiable and existent state-of-affairs to which the judgment might correspond. For instance, there is no existent state-of-affairs entitled “thou shalt not kill” as compared to corresponding state-of-affairs that confirms the judgment, “the red chair has four legs”.

2 Habermas refers to this as ‘the principle of fallibilism’.

Chapter One

3 Postmetaphysical Thinking, p.153.
4 Kant does not claim to have ‘proven’ that freedom is a property of human beings, he writes: “we could not even prove the latter [freedom] as something real in ourselves and in human nature…” but he insists on idea of freedom as a necessary presupposition of rational beings, he continues: “we saw only that we must presuppose it [freedom] if we want to think of a being as rational and endowed with consciousness…” AK 4:449. However, although Kant claims that freedom can only be shown to be an “idea of reason” this still allows for the possibility of the will being free as it is in-itself: “A rational being counts himself...as belonging to the world of understanding, and only as an efficient cause belonging to this does he call this causality a will.” AK 4:454.
6 “Interestingly enough, in trying to identify such a moral principle, philosophers of diverse backgrounds always come up with principles whose basic idea is the same. All variants of cognitivist ethics take their bearings from the basic intuition contained in Kant’s categorical imperative.” Habermas, Jurgen Moral Consciousness and Communicative Action, (Cambridge: MIT Press, 1990, p.63.
7 Kant’s work will be cited throughout using the conventional notation. All references refer to the following version: Kant, Immanual The Groundwork of the Metaphysics of Morals Mary Gregor (trans., ed.) (New York: Cambridge University Press, 1998).
8 “[R]epresentations that come to us involuntarily...enable us to cognize objects only as they affect us and we remain ignorant of what they may be in themselves so that...we can achieve only cognition of appearances, never of things in themselves.” AK 4:451.
9 “This, however, is precisely the formula of the categorical imperative and is the principle of morality; hence a free will and a will under moral laws are one and the same. If, therefore, freedom of the will is presupposed, morality together with its principle follows from it by mere analysis of the concept.” AK 4:447.
10 “It is impossible to think of anything at all in the world, or indeed even beyond it, that could be considered good without limitation except a good will.” AK 4:393.
12 “We could not even prove the latter [freedom] as something real in ourselves and in human nature; we saw only that we must presuppose it if we want to think of a being as rational and endowed with...a will.” AK 4:449.
15 *Ibid*, p.43.
16 *Ibid*, p.43.
17 *MCCA*, p.67.
18 “The transcendentalization of facts or existential experiences of the self has the unfortunate consequence of requiring us to attribute a world-constituting status to something which occurs within the world. If the transcendental grounding of selfhood as not-being-in-despair is to succeed, then a despondent wanting-to-be-onethelf must belong to the human condition, and represent something like a general anthropological fact.” Habermas, Jurgen *Religion and Rationality: Essays on Reason, God and Modernity*, Eduardo Mendieta ed., (Mass: MIT Press, 2002) p.122.
19 “Freedom, however, is a mere idea, the objective reality of which can in no way be presented in accordance with laws of nature and so too cannot be presented in any possible experience.” AK 4:459.
20 *FHN*, p.57.
21 “The principle of discourse ethics (D) makes reference to a procedure, namely the discursive redemption of normative claims to validity. To that extent discourse ethics can properly be characterized as formal, for it provides no substantive guidelines but only a procedure: practical discourse.” *MCCA*, p.103.
22 “Needs and wants are interpreted in the light of cultural values. Since cultural values are always components of intersubjectively shared traditions, the revision of the values used to interpret needs and wants cannot be a matter for individuals to handle monologically.” *MCCA*, p.67.
23 *MCCA*, p.103.
24 “I call interactions communicative when the participants coordinate their plans of action consensually, with the agreement reached at any point being evaluated in terms of the intersubjective recognition of validity claims.” See *MCCA*, pp.57-59
25 *MCCA*, p.74.
27 “Only an intersubjective process of reaching understanding can produce an agreement that is reflexive in nature; only it can give the participants the knowledge that they have collectively become convinced of something.” *MCCA*, p.67.
28 *Truth and Justification*, p.235 Emphasis mine.
30 *Autonomy and Solidarity*, p.201.
31 *MCCA*, p.91.
32 Ibid, p.89.
33 Postmetaphysical Thinking, p.191.
34 Ibid, p.191.
35 Animals are usually considered by us to be quasi-free. That is, they evidently make choices that are their own. This is not the same as the claim that animals are autonomous in the sense that they reflect, chose and act in accordance with a rational principle; even if it seems as if they are acting in accordance with a rule.
36 Postmetaphysical Thinking, p.191.
37 “Autonomy does not signify the discretionary power of a subject who disposes of himself as his own property but the independence of a person made possible by relations of reciprocal recognition that can exist only in conjunction with the correlative independence of the other.” Justification and Application, p.43.

Chapter Two

2 Ibid.
3 “The one must have recognized the other as an accountable actor whenever he expects him to take a position with ‘yes’ or ‘no’ to his speech-act offers. In communicative action everyone thus recognizes in the other his own autonomy.” Habermas, Jurgen Postmetaphysical Thinking, (Cambridge: MIT Press, 1992) p.190 See also FHN pp10-11.
6 “The individuation effected by the linguistically mediated process of socialization is explained by the linguistic medium itself. It belongs to the logic of the use of the personal pronouns, and especially to the perspective of a speaker who cannot in actu rid himself of his irreplaceability, cannot take refuge in the anonymity of a third person, but must lay claim to recognition as an individuated being.” PostMetaphysical Thinking, p.191.
7 “Egalitarian universalism is widely acknowledged as a great achievement of modernity...It is the ceaseless drive of biotechnological development, and not naturalistic worldviews, that undermines the natural (and consequently mental) presuppositions of a form of morality whose status hardly anybody wants to challenge explicitly.” FHN, pp94-95.
8 Habermas often refers to the essential nature of the human while trying to maintain distance from ontological claims associated with platonic essentialism. Whether this sort of separation can in fact be made is not clear. See FHN, p.30.
9 FHN, p.79.
10 Ibid, p.43.
11 PT, p.165.
13 Habermas’s intersubjective model has a similar problem. If the structure inherent in a linguistic community is able to bestow autonomy upon the subject and individuate the subject than it must be acting upon a medium that is either undetermined or universally
determined in the same manner. The later choice requires ascribing a sort of essence to the human being and is not the preferred option. Habermas recognizes that human being qua medium needs to arrive on the scene, so to speak, without any given structure but limits the idea of a given structure to being the product of design rather than natural determination.

16 Ibid, p.177.
17 "The perspective of reconciliation and freedom is ingrained in the communicative socialization of individuals; it is built into the linguistic mechanism of the reproduction of the species." Habermas, Jurgen Theory of Communicative Action Thomas McCarthy trans., (Boston: Beacon Press 1984), p.398.
18 For Mead, the move from gestural communication to language is facilitated by viewing language as a "highly specialized form of social gesture." Mead, George The Individual and the Social Self: The unpublished works of George Mead David Miller ed., (Chicago: University of Chicago Press 1982), p.132.
19 PT, p.175.
20 "As a member of the species, as a specimen of a community of procreation, the genetically individuated child in utero is by no means a fully fledged person 'from the very beginning'. It takes entrance in the public sphere of a linguistici community for a natural creature to develop into both and individual person and a person endowed with reason." FHN p.35
21 Ibid, p.35 (Italics mine.)
22 The evaporating idea of a natural state of the human being is what gives rise to the later Habermas thoughts about what it means to talk about human 'nature'. But it suffices for now to make a note of this rubicon crossing and return to the production of consciousness.
23 There are of course many philosophers (Derrida, Wittgenstein to name a few) who dispute the theory that language represents the world with such formal closed meaning systems, but that is a topic for another paper.
24 PT, p.177.
25 PT, p.165.
26 FHN, pp10 italics mine
27 PT, p.189.
28 PT, p.181.
29 PT, p.170.
30 PT, p.157.
31 FHN, p.34.
33 PT, p.168.
35 OWB, p.126.
36 FHN, p.10.
37 FHN, p.13 Italics mine.
38 FHN, p.82.
39 FHN, p.13 Italics in last sentence mine.
40 Is this not the idea of freedom that Gunther writes about? “This possibility is also included in the traditional definition of ‘freedom of action’ as the awareness of an actor that he or she could have done otherwise, if he or she had the will to do so.” Communicative Freedom, p.1038.
41 “We have a fundamentally different kind of freedom toward the fate produced through the contingencies of our socialization than we would have toward the prenatal production of our genome.” FHN, p.14.
42 FHN, p.60.
43 “What is so unsettling is the fact that the dividing line between the nature we are and the organic equipment we give ourselves is being blurred.” “In this we may see, with W. van den Daele, an attempt at ‘moralizing human nature’: ‘That which science made technologically manipulable reacquires, from a normative perspective, its character as something we may not control.’” FHN, p.22, 24.
44 FHN, p.28.
45 “With the genetic programming of human beings, domination of nature turns into an act of self-empowering of man, thus changing our self-understanding as members of the species – and perhaps touching upon a necessary condition for an autonomous conduct of life and a universalistic understanding of morality.” FHN, p.48.
47 FHN, p.42.
48 FHN, p.14 Italics mine.
49 PT, p.165.
50 “We have a fundamentally different kind of freedom toward the fate produced through the contingencies of our socialization than we would have toward the prenatal production of our genome.” FHN, p.14.
51 FHN, p.72.
52 Ibid., p.94.
53 I am not discounting the role of moral agency here, wherein the living can act in proxy for an anticipated subjectivity. This is may be the case in the consideration of abortion. However, regardless of when one believes human life begins, eugenic intervention can potentially determine the likelihood of the future subject having certain dispositions by merely screening the prospective egg or sperm. Intervention can occur prior to conception. There are few if any moral advocates for the rights of spermazoids.
54 FHN, p.55.
55 I emphasis the radical nature of this suggestion since in previous work Habermas has persuasively and without restraint that morality must precede ethics.” Habermas, Jurgen The Philosophical Discourse of Modernity: Twelve Lectures Fredrick Lawrence trans., (Mass: MIT Press 1987), p.39.
56 OWB, p.132.
57 OWB, p.133.
58 To be fair, Habermas recognizes the implications this new conception of freedom has for discourse ethics: it forces us to reconsider both the foundation of discourse ethics (the
autonomous subject) and the objective of discourse ethics (a universal morality containing moral truths).

In *Gattaca* one’s societal role is determined at birth through a process of genetic screening. Those who display “good genes” are placed in positions of importance, educated in the best schools and provided with immense opportunity. Those who do not have such characteristics are denied higher education and relegated to low-paying, manual labor jobs. Societal class structuring occurs along genetic lines.

The wholly empty subject, is Zizek’s interpretation of Lacan’s ‘object petit a’.

*FHN*, p.92.

**Chapter Three**

2 “[Moral] conflicts of this type may be reasonably expected to be in principle amenable to rational solutions that are in the equal interests of all.” *Ibid*, p.38.
3 Habermas seems to be aware that his treatment of morality may be “found guilty of a metaphysical bias” but he dismisses this charge on the grounds that pragmatically this possibility makes no difference. See *FHN*, p.38.
4 “Autonomy, rather, is a precarious achievement of finite beings who may attain something like ‘strength’, if at all, only if they are mindful of their physical vulnerability and social dependence. *If this is the ‘purpose’ of morality, it also explains its ‘limits.’”
9 “Discourse ethics does not set up substantive orientations. Instead, it establishes a *procedure* based on presuppositions and designed to guarantee the impartiality of the process of judging...*Any* content, no matter how fundamental the action norms in question may be, must be made subject to real discourse.” *Ibid*, p.122.
11 How can something non-existent be true? The obvious exception that it is true that “X” does not exist, but the truth of this statement refers to the ontological state of ‘X’ and not to ‘X’ itself.
12 See Chapter 2, *The Primacy of the Ethical Subject*.
13 *FHN*, p.35.
14 By ‘producing’ Habermas is referring to the fact that discourse ethics is not a mechanism for generating moral norms only for justifying hypothetical norms, through a process of moral argumentation, that have been preconceived. *Ibid*, p.122.
16 “The viewpoint from which moral questions can be judged *impartially* is called the moral point of view.” *Ibid*, p.198.
18 *Justice and the Politics of Difference*, p.100.
See Chapter Two.

Admittedly Habermas recognizes that new reasons may come to light that cause the community/individual to reconsider their previous consensual conclusion; what he calls the ‘principle of fallibilism’ acts to prevent the dogmatic application of moral norms. However, it functions mainly to protect us from our own ignorance. Our previous consensus maybe disrupted due to new compelling reasons that were previously unknown to us. Nonetheless, the idealizing presupposition that a moral norm is either universally true or universally false is still necessarily the case. The principle of fallibilism is only a methodological device and does nothing to refute the charge that discourse ethics is ultimately foundational.

Justice and the Politics of Difference, p.100.

See Chapter 2, Denying Dispositional Determinism or Defending Determined Dispositions.

"This sort of alienating dilution or fracturing of one’s own identity is a sign that an important boundary has become permeable – the deontological shell which assures the inviolability of the person, the uniqueness of the individual, and the irreplaceability of one’s own subjectivity." FHN, p.82.

MCCA, p.122.


"In any case, normative evaluation is not possible unless we ourselves adopt the perspective of the persons concerned." FHN, p.53.


Ibid, p.45.

Ibid, p.46.

"I speak of communicative action when actors are prepared to harmonize their plans of action through internal means, committing themselves to pursuing their goals only on the condition of an agreement... The kind of agreement that is the goal of efforts to reach understanding depends on rationally motivated approval of the substance of an utterance. Agreement cannot be imposed or brought about by manipulating one’s partner in interaction, for something that patently owes its existence to external pressure cannot even be considered an agreement." MCCA, p.134.

Intersecting Voices, p.59.

James Tully refers to this impasse that occurs in dialogue as “reasonable disagreement”.

Chapter Four

"The irreversible choice a person makes for the desired makeup of the genome of another person initiates a type of relationship between these two which jeopardizes a precondition for the moral self-understanding of autonomous actors." (Italics mine)


FHN, pp.94-95.
5 “Moral insights effectively bind the will only when they are embedded in an ethical self-understanding that joins the concern about one’s own well-being with the interest of justice.” *FHN*, p.4.
6 *FHN* p.3.
11 “I call ‘moral’ such issues as deal with the just way of living together.” *FHN*, p.38.
12 Mendieta, p.129.
13 *FHN*, p.38.
15 *FHN*, p.40 Italics mine.
16 “What helps in opposing it [the consequences of eugenic intervention] is the work of stabilizing our morality by embedding it in the context of a species-ethical self-understanding which reminds us of the value of egalitarian universalism…” *Ibid*, p.95
17 *FHN*, p.72.
18 Mendieta, p.136.
20 *Intersecting Voices*, p.52.
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