

## *Nonconfrontational Rationality or Critical Reasoning*

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*Rationality and the Genetic Challenge* by Matti Häyry is a well-written and thoughtful book about important issues in the contemporary ethical discussion of genetics. The book is well structured around seven practical themes that the author takes to exemplify “the genetic challenge.” He also refers to them as “seven ways of making people better,” which the subtitle of the book already puts into question form: *Making People Better?* In the first chapter of the book, Häyry introduces these seven themes and he discusses each of them in Chapters 3–9. In the remaining two chapters, 2 and 10, he describes the main normative positions analyzed in the book and clarifies his own methodology and position. He chooses six authors, or three pairs of authors, whom he takes to “represent the three normative doctrines of Western Moral philosophy” (p. 27)<sup>1</sup> in order to demonstrate six “divergent rationalities” or “methods of genethics.” In this way, Häyry both summarizes the main prescriptive positions in contemporary bioethical debate and contrasts them with his own “nonconfrontational notion of rationality,” which aims to show that there is a variety of divergent, not mutually exclusive normative views, the justification of which “depends ultimately on the choice of worldviews, attitudes, and ideas about the foundation of moral worth” (p. 47). If this is not acknowledged and the views are put forth as “universally right,” whereas others are regarded as “universally wrong,” “the result is a heated doctrinal shouting match camouflaged as a dispute over what makes sense and what is reasonable” (p. 47).

This is a most interesting approach and shows in many ways a refreshing tolerance and a sensible demand that representatives of divergent views need to listen more to each other and try to gain more mutual understanding. In this article, I, however, concentrate on what I take to be the main weaknesses or shortcomings of Matti Häyry’s approach and I proceed as follows. First, I discuss the rationality thesis and evaluate its meaning and function in Häyry’s argument. I then argue that he could have gained much more than he does from Habermas’s theory of communicative rationality in order to flesh out his thesis. I explain this partly by his adoration of the more individualistic approach by Harris and Glover, whose assumptions about rationality he does not sufficiently question, which results in an occasional bias against Kass and Sandel. Finally, I provide some concluding remarks.

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### **The Rationality Thesis**

The rationality thesis is argued for negatively in the sense that none of the normative views chosen by the author is regarded as “*the* one that should be endorsed by everyone in all places and at all times” (p. 42). This is a strangely strong requirement, and the argument for it seems to move from a normative statement to a factual description. None of these views “should be endorsed” because some views “will never be accepted by the proponents” (p. 42) of some of the other views. This fact makes it unlikely, according to Häyry, that any one view is the right one in the strong sense stated. Instead of entering into a critical discussion with the authors chosen—“I do *not* aim in this book to criticise other ethicists’ views at a normative level” (p. 40)—his method is to show “politely and from a distance” (p. 50) how each of the divergent views forms a coherent whole, given its various premises that are largely tied to noncomparable worldviews, basic moral ideas, and the meaning of life.

The main upshot of this is that the reader is provided with a mapping of some of the main types of arguments in contemporary bioethics and a selection of substantive viewpoints they lead to, where the emphasis is on explaining why these conclusions are reached rather than on assessing whether any of these conclusions is better justified than others. It is fair to ask whether the notion of “rationality” adds anything to this description. One can see it as the reason why the author does not take on the task of critically evaluating them more than he does; he regards them as “distinct and self-contained ways of thinking,” which all make sense if one makes an authentic effort to understand them. By choosing the strong notion of rationality, Häyry emphasizes the intelligibility of each of the views discussed and the practical importance of acknowledging that. Hence, the main practical conclusion of the book as I read it: “People should listen to each other more and try to understand each other’s ways of thinking” (p. xii).

This is a classical topic that has been widely discussed, not least in relation to understanding cultures that are radically different from one’s own.<sup>2</sup> Peter Winch, for example, was under the influence of Wittgenstein preoccupied with the question of “divergent and distinct rationalities,” and the following passage shows well the affinity with Häyry’s view: “A human society [consists] in different and competing ways of life, each offering a different account of the intelligibility of things. To take an uncommitted view on such competing conceptions is peculiarly the task of philosophy; it is not its business to award prizes to science, religion, or anything else.”<sup>3</sup> Häyry does not see it as his task to “award prizes” to the positions of Harris, Glover, Sandel, Kass, Green, or Habermas, but rather to “take an uncommitted view” that shows how each author offers “a different account of the intelligibility of things” in relation to the genetic challenge.

Häyry certainly could have drawn upon discussions about divergent rationalities in science and religion, not least because they are directly related to his assessment of the different intelligibility of the “scientific” views of Harris and the more “religious” views of Kass, for example. It would have given the rationality thesis more weight and provided opportunities to deepen the discussion philosophically. For example, the attitude of nonconfrontational rationality inevitably needs to take a stance toward internally intelligible views that are morally reprehensible, at least according to prevailing “traditional

European" (p. 164) views. Are there moral limits to nonconfrontational politeness, and, if so, how are they to be defended? Is it possible to see a certain internal consistency in the most abhorrent views and acknowledge their rationality given certain premises of worldview and attitudes toward moral worth? The scary historical fact is that masses of people have not even had many "qualms against killing or enslaving other people" (p. 133). In light of Häyry's pluralistic tolerance and "postmodern" remarks about how views are rooted in tradition, worldviews, and attitudes, it would have been a particular challenge for him to consider the moral limits of nonconfrontational rationality.

On a generous reading, one could suppose that the choice of authors to display the divergent rationalities are intended to demonstrate these moral limits. Häyry indicates this when he writes that in his choice of views, "opinions are polarized into two extreme positions" (p. 51). It could be conjectured that views more "liberal" than Harris's and more "conservative" than Kass's would not be morally unacceptable. But they could nevertheless possibly fulfill all the main features of rationality listed by Häyry (pp. 44–6). At one point he mentions the possibility of "an unavoidable clash between *rationality* and *morality*" (p. 43). He describes this in terms of the tension, on the one hand, between "traditional moral norms" respected by Kass and Sandel and, on the other hand, the tradition eroding "excessive rationality" that characterizes the works of Harris and Glover. This is certainly an important conflict, but it does not reach beyond the limits where rationality, as defined by Häyry (p. 43), could conflict with defensible moral ideas. Perhaps the reason why Häyry does not ask that question is that it would imply a more extrinsic stance than is generally taken in the book, which moves within the rationalities at work in the theories under discussion.

There is a reason to ask why Häyry chooses the views and their representatives the way he does and how he justifies that choice. I have already mentioned the polarization reason. But there are others: "One way of describing the three approaches is to say that they represent the three normative doctrines of Western moral philosophy: consequentialism (outcome- and utility-directed ethics), teleology (purpose- and virtue-oriented ethics), and deontology (rule- and duty-based ethics)" (p. 27). This could have been an opportunity for Häyry to deepen his notion of the types of rationalities he has chosen for discussion and show how they have emerged historically, an approach that would be conducive to the enhancement of understanding that he is proposing. In fact, when he discusses the main historical representatives of these positions, he states: "Plato, Aristotle, Kant, and Mill diverge in their notions of rationality, and this corresponds with their main normative differences" (p. 57). This is exemplified by their different views toward parental responsibility but, disappointingly, not developed more generally in terms of the different types of rationality internal to their theories.

Even more disappointing is that Häyry does not pursue the rich possibilities opened up by his following remark: "Rationalities in the sense that I understand them come close to Max Weber's motivators on social action: instrumental rationality, value-oriented rationality, emotion, and tradition" (p. 76). This remark is followed by a few important sentences about ends and values but leaves this crucial issue otherwise undiscussed. This is all the more striking because one of the authors that Häyry has chosen for discussion has been preoccupied with Weber's notions of rationality and has developed them further, for example, in

relation to the three main normative doctrines of Western moral philosophy that Häyry takes his divergent views on rationality to exemplify.<sup>4</sup> This author is Jürgen Habermas.

### **The Use of Habermas**

Along with Ronald M. Green, Habermas is taken to represent a deontological position toward the genetic challenge in the spirit of Immanuel Kant. The company with Green is not a particularly happy one for Habermas who would, in my opinion, fit better with very influential bioethicists influenced by Rawls, such as Norman Daniels or Onora O'Neill. The choice of Green, however, is probably to show a Kantian approach to bioethics that leads to quite different substantial positions than adopted by Habermas. In this way, Häyry can align Green with the permissive positions of Glover and Harris and Habermas with the more restrictive positions of Kass and Sandel while showing the different "rationalities" involved. But in his attempt to put Habermas and Green generally in the same category, Häyry needs to make some sweeping statements that are misleading, at least as far as Habermas is concerned. This is most obvious when the "third approach" (of Green and Habermas) is described in terms like this one: "The entities that matters for them are rules and principles" (p. 229). What matters for Habermas is human interests, and the point of moral rules and principles is to protect the generalizable interests that will be agreed upon in an unconstrained dialogue.

This is an important distinction in this context because Kantian ethics is very often distorted by ignoring it. All too often, partly due to an influential but largely wrongheaded criticism of Anscombe,<sup>5</sup> it is described in terms of rigid rules, such as in a game. Onora O'Neill describes moral rules well in the following way: "Kant . . . takes it that the rules that are relevant to ethics or to justice are practical principles which may be referred to, adopted, modified or rejected by free agents."<sup>6</sup> Moral rules and principles have no intrinsic value in Kantian ethics; they are only the means we have to protect or enhance the values and interests at stake in human interaction. Kant famously introduced the universalizability method for determining which subjective rules of behavior (maxims) are not worthy of moral recognition. Habermas transforms this method into a dialogical test of the validity of norms such that, in Häyry's words, "everyone affected by a norm's general observance should have a say in its approval" (p. 37).

In this way, Habermas tries to implement his "communicative rationality," which he takes to be appropriate for morality, as opposed to the instrumental rationality of technical, goal-directed action, on the one hand, and to the value rationality appropriate to the ethical issues of personal lifestyle or cultural identity, on the other hand.<sup>7</sup> Habermas draws upon and develops Weber's notions of rationality<sup>8</sup> and relates them to the different schools of thought in the Western tradition of moral philosophy, which has direct significance for Häyry's project. According to Habermas' analysis, a utilitarian mode of thinking falls squarely within the purposive rationality of pragmatic action. As in the ethics of Harris and Glover, objectives are determined by individual desires and preferences that should be fulfilled within certain ramifications. In Häyry's words, these "authors conceptualise the ethical questions of germ-line therapies purely

in terms of harms and their prevention" (p. 179). I would add "harms and their prevention" for individuals, which is what counts in the determination of restrictions on individual preference satisfaction. This is, at bottom, instrumental thinking, which explains partly why it is so uncritical of technological developments in genetics and their contribution to human happiness.

The other main category of rationality for Weber is value rationality, which differs from instrumental or purposive rationality by proceeding from the "givenness" of moral values that need to be protected. These values are typically deeply rooted in a culture and thus constitutive of the identity of individuals or populations. An argument can start by stating that because such and such a value is of importance, some actions or policies should not be allowed. Protection of these deep-rooted values takes precedence over individual preference satisfaction much in the way that is reflected in the positions of Kass and Sandel of the genetic challenges. For Habermas, this mode of thinking is proper to the hermeneutical clarification of individual or collective identity and flourishing, but it does not reach the level of moral reasoning, which is characterized by argumentation, unrestrained by any norms other than those that deserve recognition because they protect generalizable interests. The test for this is a communicative exchange of arguments in practical discourse.

This idea of communicative rationality makes Habermas quite different from all the other authors considered by Matti Häyry. The "rationality" of his view is not to be read off from the substantial position he has taken on particular issues but rather from the mode of argumentation he proposes as a way to deal with them. This also provides a better way to compare and contrast the rationality of Habermas's views with the other authors. He neither regards it as a proper mode of moral reasoning to facilitate preference satisfaction for individuals within certain limits (as Harris and Glover do) nor determines these restrictions by an appeal to commonly accepted values or shared traditions (as Kass and Sandel do). As I said above, pointing to moral rules and principles has no given value for Habermas either, unless they can be shown to protect general human interests. The only rational way, from the moral point of view, is to find out whether all those affected by a certain policy can "accept the consequences and the side effects its general observance can be anticipated to have for the satisfaction of everyone's interests" (p. 35).<sup>9</sup>

It seems to me that Häyry could have gained some mileage from this Weberian–Habermasian approach in his evaluation of the divergent rationalities in contemporary bioethics. This would, however, have led him into more critical and confrontational reasoning than is allowed for by the polite and uncritical position that he adopts. And, of course, he adopts it for a reason. The most deep-seated reason, it seems to me, is that he does not believe in the value of moral reasoning in the Kantian–Habermasian sense, which demands that the normative core of views can be separated from their cultural context, that *Genesis* and *Geltung*, the origin and validity of views, can be clearly distinguished. Häyry reveals his latent postmodern cynicism in a few places, most radically perhaps when he writes: "According to a traditional European view, the intentional killing of innocent human beings is always wrong" (p. 164). In the context of his argument, this is more than a provocative wording; it is an inherent part of a position that regards all "rationalities" as equally justifiable, making internal sense and not being strictly comparable. Another example is the following

argument where cloning and cleaning are put on the same level: Long ago humans did not have soap; now we welcome that change. Why would we not welcome the change brought about by cloning (pp. 142–3)?

As I have already mentioned, the beautiful aspect of this is the lesson that we all need to listen more to each other and reach for mutual understanding. A more problematic aspect of this position appears when we, after having listened to each other, contest each other's claim. If we choose a "rational"—as opposed to violent—way to meet the person who puts the validity of our statements into question, we enter into an argument with her and examine the nature of the validity claim implied and whether it stands to scrutiny.<sup>10</sup> In such an exchange of arguments, neither can we legitimately stop the discussion by claiming that one view is universally right whereas others are universally wrong nor should we silence the disagreement by reducing it to a mere difference of "rationalities." These are false alternatives that do not reflect the real conversations that take place in sensible bioethical discussion. One of the main contributions of Habermas to moral philosophy is to analyze the conditions for such a discussion to take place, without "monologically" determining the substantial outcome of the discussion.

Having said that, it must be admitted that Habermas's essay on the future of human nature marks a divergence from this procedural position.<sup>11</sup> Here he argues for a substantial view on certain issues in human genetics and, somewhat understandably, Häyry builds mostly on this essay in his discussion of Habermas. The problem with this book, however, as regards the question of rationality that is Häyry's main topic, is that in this essay Habermas is more concerned with the presuppositions of moral equality and hence of practical discourse than with the rationality of the discourse itself, which occupies him in most other texts on moral philosophy. But Häyry is most interested in teasing out the "rationality" that is implicit in the substantial viewpoints or implicated by them, which is one of the reasons why it is often hard to see what the notion of rationality adds to simply talking about a view or a position. There are instances, however, in the text where I doubt Häyry's reading of Habermas's position even though he does his best to be fair in the description of his position.

I take two different examples. The former regards Habermas's view toward savior siblings. Häyry argues that Habermas is against savior siblings "since it stands to reason that being a saviour sibling is a commitment that curtails an individual's self-definition" (p. 115). I have doubts about this interpretation for two reasons. First, because the genetic makeup of savior siblings is not tampered with in order to enhance their qualities but in order to help another person that is already born. The second reason is that the change brought about does not change "the initial conditions for identity formation of another person."<sup>12</sup> I do not find it obvious, therefore, that such actions curtail the self-definition of either individual in such cases. The desired quality in the donating sibling is a life-saving quality for the other sibling and could thus meet Habermas's condition for assumed consent, that is, "of avoiding evils which are unquestionably extreme and likely to be rejected by all."<sup>13</sup>

The other example about questionable interpretations of Habermas's position is the following statement about his views regarding reproductive cloning: "Universal, democratic moral discourse between equals would necessarily come to an end with the first human clone entering the negotiations on norms and

values" (p. 142). This is a tricky point. It is clearly Habermas's understanding that cloning "jeopardizes a precondition for the moral understanding of autonomous actors" and creates an "irreversible dependence" of one person upon another.<sup>14</sup> However, once such a person would enter practical discourse she would have to be regarded as a moral equal with the same rights as any other participant. Habermas explicitly states: "The designer, choosing according to his own preferences (or social habits), does not violate the rights of another person."<sup>15</sup> The problem that Häyry's remark rightly points out is that, according to Habermas, the clone would regard herself as a product of design and thus have a damaged "consciousness of her own autonomy."<sup>16</sup>

### The "Commonsense" Rationality and Its Biases

Häyry honestly admits early in the book that he has "a lot of sympathy for the commonsense and dedication of Glover and Harris. Their prescriptions are always designed to reduce suffering and to promote the physical and psychological good of humanity in an impartial and equitable manner. If traditional rules or prevailing opinions seem to intervene, they are brushed aside with arguments that show their intellectual weaknesses" (p. 40). At the same time, he admits that he finds the philosophy of Kass and Sandel "shallow" because of their "reliance on concepts that have deep cultural meaning" (p. 41). Methodological or ontological individualism is rather prevailing in the mode of thinking in the book, which partly explains the sometimes apparent lack of understanding of more social, communitarian, or collectively conceptualized views of Habermas, Sandel, and Kass.

I must admit that I find it a bit farfetched to characterize the positions of Harris and Glover as "commonsense." Albert Einstein is said to have defined *common sense* as "the collection of prejudices acquired by age eighteen." These "prejudices" are handed over from traditions that frame our understanding of the world and limits its horizon.<sup>17</sup> Contrary to this, what is striking about Harris and Glover is that they seem to approach their subject matters fully convinced that they are free from all prejudices. They have "brushed them aside" with the intellectual fervor of their arguments, which draw their strength only from their own intelligence and individual skills of reasoning. This could be characterized as philosophical *hubris* rather than common sense. Häyry writes that "Glover and Harris do not see much value in traditional moral norms when these cannot be upheld by rational argument" (p. 43). Habermas could not agree more. But instead of monologically and singlehandedly determining the rationality of traditional norms by his own intellectual powers, Habermas invites those affected by the norm to participate in practical discourse, the task of which is to distinguish between the norms that are upheld by power, ignorance, and distorting ideology serving special interests from those norms that protect the general interest of all affected.

Both these suspicious approaches to the validity of traditional norms obviously clash with the more tradition-bound views of Kass and Sandel. Their view, however, can be said to be at an advantage when treated by the nonconfrontational method of Matti Häyry. From that perspective, they are not required to defend the traditional norms on which they base their views, but merely to clarify their internal coherence. The main question becomes: what worldview do you

adhere to? In Weber's words, there are several value spheres with different gods residing in them, and it is a matter of choice which god you worship. The only rational requirement is that of internal consistency.<sup>18</sup> This attitude floats from Weber's disbelief in rational argumentation about values that Habermas's theory of communicative rationality or practical reasoning aims to overcome. Häyry's nonconfrontational rationality, however, is committed to such decisionism, which is not easily reconciled with the scientific rationality of Harris and Glover.

As a rule, Häyry provides a fair and interesting summary of the views of Kass and Sandel. Nevertheless, his admiration for the intellectual gymnastics of Harris and Glover results in an occasional bias against what he calls the "moral transcendence" view. This is particularly striking when Kass's position on longevity, based on a most sensible and even commonsensical theory of the meaning of life, is unfairly reduced to a religious dogma (p. 213). As compared to Kass, I find Harris's views on the meaning of life and happiness philosophically shallow and his arguments for the value of longevity unconvincing. The following shows well the arrogance of a philosopher who takes his own private reason to trump classical wisdom: "Harris rebuffs as ridiculous and void of argumentative power the appeals that Kass makes to imaginary gods and their activities in ancient poems" (p. 207). It is quite understandable that there are diverging views on the meaning of life and what constitutes the good life, and in these matters arts and religion, expressing the wisdom of the generations, are often more fruitful sources than the "argumentative power" of individual smart philosophers.

It is surprising that Häyry is not more critical of Harris's position on the longevity issue, because, as he puts it well: "This question concerns the proper shape, size, and content of human existence; or the meaning of life" (p. 215). The reason is that he seems to share the debatable "menneskosyn," or the vision of human life, put forth by Harris. This view of human beings is a peculiar mixture of individualistic preference satisfaction and utilitarian calculus, where the common good is a monological construct primarily based on the individual philosopher's "choice of worldview" (p. 47). This view implies a quantity position toward happiness, "to have as many worthwhile experiences as possible," which is foreign to the ancient views of moderation as key to the good life. I disagree, therefore, with Häyry that Epicureanism is more akin to Harris's than to Kass's view. The quantitative criterion of Harris, that "more life is better than less," assuming that "more life" will bring more "worthwhile experiences," implicitly brings with it an obsessive emphasis on the evil of death that is contrary to the basic tenet of Epicureanism. It is a cheap description of Kass's view to say that "the meaning of life is to keep moral and religious traditions alive" and use that to show that "Kass's view is qualitatively different from that of Epicurus and his followers" (p. 215). As Häyry rightly indicates, the comparison is more complex and could, if carried out in depth, eventually work more in favor of Kass than Harris.

### **Concluding Remarks**

In this article, I have mainly discussed critically what could broadly be called methodological issues in Matti Häyry's book, *Rationality and the Genetic Challenge*.



I have been rather silent about its many merits. In my estimation, the best chapter of the book is Chapter 8, where the author successfully demonstrates his main idea in the book. He discusses the rationalities of gene therapies more in light of the philosophical background of the prevailing and diverging attitudes than in terms of speculations about their effects. Debates about enhancement versus therapy are placed in both theoretical and ideological-historical context. Häyry provides a good summary of the thinking of Harris, Green, and Glover. His usually well-balanced attitudes are well demonstrated in this chapter, even though his utilitarianism is not concealed. In this chapter, Häyry also shows a good sense for the global question of distribution (pp. 183–4), which is all too often neglected in this context.

As I have said before, it is an appealing characteristic of the author's approach how he emphasizes the importance of tolerance, philosophical pluralism, dialogue, and generous listening. All of this aims to facilitate mutual understanding between advocates of diverging positions. This "hermeneutics of faith," which emphasizes the internal rationality and coherent meaning of each philosophically relevant view, is a significant part of good thinking that needs to be furthered. It would have been stronger, however, if the author would also have exercised more "hermeneutics of suspicion,"<sup>19</sup> which emphasizes critical reflection and reveals ideological distortion of meaning. There are hints at this in Häyry's critical remarks about the views of Kass and Sandel, but he does not, for example, critically evaluate the technological optimism of Harris and its ideological impact. And in the end his approach makes no important distinction between these "divergent views"; the readers are simply encouraged "to make up their own minds" (p. 238). This readers' empowerment is a valuable practical purpose, but I wonder whether Häyry's postmodern symptoms hindered him in seizing opportunities to develop his position through critical reasoning rather than the overly nonconfrontational rationality that leaves things much as they are.

## Notes

1. Häyry M. *Rationality and the Genetic Challenge: Making People Better?* Cambridge, UK: Cambridge University Press; 2010. References to this book are placed in parentheses in the text.
2. Cf. Wilson BR. *Rationality*. Oxford: Blackwell; 1970.
3. Winch P. *The Idea of Social Science*. London: Routledge and Kegan Paul; 1958:103.
4. Habermas J. On the pragmatic, the ethical and the moral employments of practical reason. In: *Justification and Application*. Cronin C, trans. Cambridge, UK: Polity Press; 1993:1–18.
5. Anscombe GEM. Modern moral philosophy. *Philosophy* 1958;33: many reprints.
6. O'Neill O. *Towards Justice and Virtue. A Constructive Account of Practical Reasoning*. Cambridge, UK: Cambridge University Press; 1996:82.
7. See note 4, Habermas 1993.
8. Weber M. *Economy and Society*. Roth G, Wittich C, eds. New York: Bedminster Press; 1968:24–6.
9. Häyry quotes Habermas J. *Moral Consciousness and Communicative Action*, Cronin C, NicholSEN SW, trans. Cambridge, MA: The MIT Press; 1990:65.
10. Cf. Árnason V. Sensible discussion in bioethics: Reflections on interdisciplinary research. *Cambridge Quarterly of Healthcare Ethics* 2005;14:322–8.
11. Habermas J. *The Future of Human Nature*, Rehg W, Pinsky M, Beister H, trans. Cambridge, UK: Polity Press; 2003.
12. See note 11, Habermas 2003:81.
13. See note 11, Habermas 2003:43.
14. See note 11, Habermas 2003:63.

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15. See note 11, Habermas 2003:81.
16. See note 11, Habermas 2003:81.
17. Cf. Gadamer HG. *Truth and Method*, Barden G, Cumming J, trans. New York: The Seabury Press; 1975.
18. Weber M. Science as vocation. In: Gerth HH, Wright Mills C, trans. and eds. *From Max Weber: Essays in Sociology*. New York: Oxford University Press; 1946:129–56.
19. Cf. Ricoeur P. *Freud and Philosophy: An Essay on Interpretation*, Savage D, trans. New Haven, CT: Yale University Press; 1970:32–6.