What Is the Habermasian Perspective in Bioethics?

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Introduction

The overarching question addressed in this article is whether there is something that might reasonably be called a Habermasian approach or perspective that bioethical enquiry might utilize. The article seeks an answer in the arguments and conclusions advanced in *The Future of Human Nature*[1] (TFHN)—perhaps Habermas's best-known work within the bioethics community—and in those in his earlier work on metaethics and normative ethical theory.[2,3,4,5]

The article starts by examining the arguments presented in TFHN. The next section briefly describes the Kantian influence on Habermas's earlier work and how the perceived problems with Kant influenced his normative ethical approach—his "discourse ethics" (DE). After describing DE and noting some common criticisms, the article explores how the approach might be useful to bioethical inquiry.

The article concludes with the view that there are some features in Habermas's earlier work that could be applied to bioethics, notably those examining moral and argumentative competence and also using DE as a standard of rational inclusive communication. The later work contributes to the ongoing "discourse" surrounding biotechnology, especially as it relates to reproductive selection and modification, and foregrounds the important question of the impact that new technologies may have on our existing ethical self-understandings.

The Future of Human Nature

In TFHN Habermas is keenly aware that philosophy no longer has compelling answers to the question of the personal or collective conduct of life. For this reason philosophy is forced to abstract away from the traditional pictures of the good life that previously served to give content to our existential self-understanding.[6] Forced as the retreat may be by the recognition of the diversity of ethical views and the rise of individualism in Western societies, it comes at a price. The cost is that philosophy is no longer able to motivate people in the way that it could previously. In its efforts to remain neutral regarding how people should live, it has no recourse to the particular traditions that are the grounds for our ethical self-understanding and moral motivation. Describing what rules or principles are actually followed is the work of social science. Philosophy should restrict itself to formal tasks of constructing procedures by which people can settle their ethical and moral differences.

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Except, that is, when the question of a species ethics emerges and when "the self-understanding of language-using agents is at stake *in its entirety*, philosophy can no longer avoid taking a substantive position."[7] The situation we face with the advance of biotechnology, especially the potential application of genetic techniques, is serious enough to prompt Habermas to descend into the fray. What seems to be at stake is that new biotechnological applications are making possible things that threaten to shift what was once fixed into the realm of "artefacts and production."[8] And this means that some of the ideas that help form our conceptions of ourselves are threatened. Habermas claims that the contingency of nongenetically manipulated forms of human fertilization is "a necessary presupposition of our being-able-to-be-oneself and for the fundamentally egalitarian nature of our interpersonal relationships."[9] The consequences of modifying the human genome are suitably grave, apparently affecting the ability of future genetically engineered people to take personal responsibility for their actions as free and equal members of society. This means that we should prohibit gene selection for desirable or undesirable traits, somatic enhancement, germ line enhancement, and human reproductive cloning.

The Arguments in Detail

Habermas has a lot to say about the prospect of genetic modification (GM) to change natural traits. There appear to be four main arguments discussed, although it is not always clear which he thinks is the most convincing. The arguments are as follows:

1. GM will actually undermine future children's ability to be moral agents.
2. GM will affect their perception of themselves as free, moral agents.
3. GM will upset our ethical self-understanding by shifting its balance between humans as grown, rather than made.
4. GM is not morally acceptable because future generations cannot consent.

Future GM People Will Be Less Free

One argument that is considered by Habermas is that the manipulation of the genome of GM people will, in some way, affect their freedom to be moral agents. Selecting genes would undermine children's ability to conceive of themselves as the "undivided author" of their own lives, something that would, apparently, affect their ability to believe that they should assume responsibility for their actions. It would affect their ability to conceive of themselves as "equal members of the moral community," which would ultimately undermine their status as moral agents.[10]

Habermas does, in places, write as though he thinks they would be justified in thinking this because the belief would in fact be true. It is, however, implausible to think that it is. Genes are not deterministic in this way.[11] They contribute to the phenotype or trait but do not determine it. If the life of a person is not determined, then his or her ability to be a moral agent possessed of free will—the ability to choose a course of action based on what he or she may perceive as right—will be untouched. Habermas says, "Eugenic interventions aiming at enhancement reduce ethical freedom insofar as they tie down the person

concerned to rejected, but irreversible intentions of third parties, barring him from the spontaneous self-perception of being the undivided author of his own life.''[12] Of course, this may not be very far at all. Even if we could say with some confidence that genetic modification would lead to certain traits, providing that they were highly general ones that did not reduce the GM person's choices, it is hard to see that there could be much justified objection here. Habermas also discusses what appears to be a slightly different variant of this theme.

Future GM People Will Feel Less Free

The modified version is that GM people who are genetically enhanced (or cloned) might *think* they are less free, or *feel* that this is the case, even though they are not actually less free.[13] But once again, such an argument is easily rebutted.[14] For one thing, even Habermas admits that we do not really know what effect knowledge of their GM status will have on their ethical self-understanding.[15] However, he does seem to think that if possession of knowledge that some elements of their genome had been chosen by a third party did make them feel less free, then this would be an important consideration against GM in general. But, of course, even if GM people did feel this way, it should be possible to dissuade them from continuing to think in such a way. Indeed, perhaps we ought to, given that, as we have seen, the belief would be false.

Grown versus Made: Upsetting Our Ethical Self-Understanding

In chapter IV of TFHN we begin to see what Habermas considers the main argument supporting his bioconservative views. The argument seems to be that the uses of biotechnology he opposes would upset our ''ethical self-understanding.'' We can reconstruct the argument as follows:

1. The ethical understanding of the species has at least two central elements.
2. We understand each other as beings that are to some extent grown but also made.[16]
3. We are grown insofar as our physical and mental capacities are not determined by the intentions of others.
4. We are made insofar as we or others can and do exercise some control over our lives and our capacities.
5. Uses of biotechnology for reproductive selection purposes that do not aim at restoring health upset the balance between our self-understanding as grown beings and our perception of ourselves as made.[17]
6. Therefore such uses should be banned.

The argument at the heart of TFHN is not that future modified people would *be* less free; neither is it that they would *feel* as though they were. Rather, the problem seems to be conceptual. GM people will not fit within our existing concepts of made and grown and how they relate to our understanding of these. As Habermas says,

> This now is where the long-prepared argument comes in that the advances of genetic engineering tend to blur the deeply rooted categorical distinctions

> between the subjective and the objective, the grown and the made. What is at stake, therefore, with the instrumentalization of prepersonal life is the ethical self-understanding of the species, which is crucial for whether we may go on to see ourselves as beings committed to moral judgement and action.[18]

Here I think it is useful to distinguish between two ways of understanding this claim about human ethical self-understanding. The first is as a descriptive claim that, as a matter of fact, people do understand themselves more or less in the way that Habermas suggests. Understood in this way, the Habermasian perspective may require empirical work as to what people actually do think. Do we really have this concept of ourselves as partly made, partly grown? Or, as is probably closer to Habermas's own methodology, the conceptual distinction between made and grown may be examined from the point of view of philosophical anthropology—in terms of the philosophical ideas that permeate social discourses about such matters but that may or may not be part of the consciousness of concrete people. However, even though this is possible as an interpretation of Habermas, it does not get us very far, because it is clear that we are to understand Habermas's argument as normative. It is not that people do share a self-understanding as being both made and grown, or even that our culture contains ideas that suggest this, but rather that the correct balance of these elements is something that *ought* to feature in our self-conception. It may even be that Habermas is arguing that it *must* feature in our ethical self-understanding.

If this is really the main argument of TFHN, then we can ask whether or not it constitutes something that could be considered an essential part of a Habermasian perspective, and also whether we need to take it seriously. A number of further questions suggest themselves. One is that we need to know more about what the appropriate balance between the two elements is. This suggests avenues for further work in philosophical anthropology.[19] Another equally important question concerns the consequences of upsetting the balance. On this point Habermas is not very helpful. He has already told us that his argument is not about moral freedom, actual or perceived; so presumably we should conclude that the loss of moral autonomy will not be a consequence of upsetting the balance.

One explanation for the textual ambivalence regarding the arguments about freedom and moral autonomy is that Habermas really does think that people will feel less free. However, as we saw, even if, as a consequence, people would *think* they are unable to exercise moral responsibility, it is dubious that this perception will actually be true. Even if Habermas is correct about the way we do understand ourselves, or at least how this is represented in philosophy and other disciplines, and even if he is also correct about the consequences of upsetting this balance, the argument begs the question against those who favor the use of GM and other biotechnologies. The point is, of course, that, even accounting for the hyperbole surrounding such advances, humanity may well be able to do things that will affect existing self-understandings. The question is, should we do it? To answer that we should not because it will change our perceptions is unlikely to persuade anyone who is in favor of GM.

Exercising charity of interpretation, one might suggest that Habermas is pointing to the fact that GM people will start to blur the distinctions that

our moral self-understanding has hitherto relied on, thus creating ethical confusion. Thus, the conclusion may well be precautionary, not because our self-understanding cannot be revised or because the consequences are metaphysically damaging to the conditions for moral agency, but merely because it would sow confusion, which itself could be harmful. At the very least it suggests that we should look carefully at the likely effect on deep-rooted, if revisable, cultural understandings. In my view this is the central thesis in TFHN, and it is the one that has most promise for contributing to the discourse surrounding genetic engineering of future people.

Future Generations Cannot Consent

There is one final argumentative thread that runs through TFHN, linking the previously sketched arguments with some of the principles central to his earlier work. As we shall see in the next section, one of the central features of Habermas's metaethical theory is a principle that says that norms for action are only justified when they have the consent of all who are affected by their implementation. If this principle is applied in the case of GM people, then it may preclude any modifications at all. This would be for the obvious reason that GM people are future people who do not already exist to give their consent to interventions in their genomes.

This might be considered a reductio ad absurdum of the principle itself, for there are many things we do allow that affect future people and which are not thought to be problematic. Some of these things, such as disease treatment, are even ethically required. Indeed, given that we do not need the consent of future people for other things that will benefit them, why do we need it for GM? There will always be people affected by our current decisions who are not able to consent. If we apply the principle—all affected should agree—literally, it would preclude us from doing anything that we think would benefit our future children. The right thing to say, it might be contended, is that we should seek to gain the consent of proxies (parents, for example) who will represent the interests of the children.

Recognizing this, Habermas attempts to distinguish between those interventions that are acceptable and those that are not. Some are acceptable because we can expect the children to give retrospective assent, whereas for others (GM enhancements) no such presumption can be made. However, even if we agree with Habermas that retrospective consent is a good criterion for the acceptability of interventions, which therefore saves the principle, it is clear that this principle is entirely speculative as to what GM people might say or think. Indeed, provided that the interventions are not of a kind that restrict the potential life plans of GM people but rather are of a kind that enlarge that scope, there is no good reason to think that GM people would rather have been unenhanced.[20]

If we think this principle is right, then the attempt to restore equilibrium between it and practices that do affect future generations without their consent suggests a kind of best interests constraint on procedures; providing they are in the interests of the child, procedures will be allowed. Although this is defensible, it is not distinctively Habermasian.

The discussion so far has suggested some ideas that might be part of a defensible Habermasian perspective: the effect of GM on our conceptual understanding as grown and made and the consent of future generations. The next

section departs from TFHN and examines Habermas's metaethical theory with a view to understanding how this might bear on bioethical discussion.

The Kantian Background

Habermas's metaethics is self-consciously Kantian, sharing the concerns of deontology, ethical cognitivism, formalism, and universalism.[21] Kant's framework is deontological, focusing on the duty of the rational, autonomous person to follow only courses of action that can support universalizable maxims. The rightness of such maxims is justified in terms of general principles—the moral law—especially the principle of universalizability. Habermas is also concerned with the question of the rightness of norms and the validity of the principles from which they are derived.

Both Kant and Habermas afford a central place to the dual properties of human reason—"the force of reason"[22]—to reveal what one ought to do and to compel one to accept it. Their approaches are also cognitivistic, regarding questions of normative rightness as analogous to truth claims and as fit objects for rational scrutiny and justification.[23] The emphasis on establishing the validity of norms rather than their specific content makes both theories formalistic. In Kant it is the categorical imperative (particularly the universal law formulation) that acts as a principle of justification for subsequent maxims, whereas this is replaced in Habermasian theory by a procedure of moral argumentation.[24] Habermas's idea is a significant departure from Kant, while arguably still Kantian in spirit. The departure concerns the concept of the autonomous person and the role it plays in moral decisionmaking. For Kant, an autonomous person is anyone who can subject himself to the laws of morality. One way of doing this is to consider what maxims might be derived from some proposed course of action. The question then is whether one can will that the maxim should become a universal law. Habermas regards this as paying insufficient attention to collective decision-making; the autonomous individual cannot be the final arbiter of what is right. This has to be achieved through discussion with others, especially through discourse. Finally, Kant and Habermas regard their viewpoints as genuinely universal, as valid for all cultures and epochs, on pain of committing the ethnocentric fallacy.[25]

Hegel criticized Kantian ethics because of its empty formalism.[26] The general thrust of this argument is that ethical rules are always embedded in specific, concrete ways of life and it is this that gives them their content and their force. This is a problem for universalist philosophies, and one to which Habermas is sensitive,[27] because universalist philosophers see moral rules as applicable to everyone but cannot base such rules on a favored way of life if this contradicts the concrete traditions of other ways of life. The Kantian answer is to abstract from actual ethical traditions, but this tactic risks rendering the approach unable to provide sufficient motivations for action. Habermas's own view is to invoke Hegel's distinction between ethical life and morality.[28] The former is the source of ethical norms, and the latter is the domain in which candidate universal norms can be tested through argument or discourse, based on principles that are, according to Habermas, presupposed by every rational being.

Discourse Ethics

The Kantian influence leads to a "theory of communicative action" and a theory of "discourse ethics."[29] It is a procedural ethic that seeks to lay out the basic formal principles that ought to govern normative debates in any modern society, without presupposing any substantive moral content.[30] Principles should be the upshot of a consensus between all parties affected by them, based on a discursive examination of the arguments for and against accepting them. Norms for action are themselves justified by referring back to the principles. The force of the better argument is crucial here, and there are some rules of discourse that are meant to capture the ideal conditions for rational consensus to prevail. At the heart of DE is the principle of moral argumentation—U: "All affected can *freely* accept the consequences and the side effects that the *general* observance of a controversial norm can be expected to have for the satisfaction of the interests of *each individual*."[31]

The basic strategy of justification of this principle is to try and show that it follows from some unavoidable presuppositions of argumentation and discourse. Habermas suggests that something like the following rules are presupposed by all competent speakers of a language, and therefore by all potential participants in discourse:

1. Every subject with competence to speak and act is allowed to take part.
2. a. Everyone is allowed to question any assertion.
   b. Everyone is allowed to introduce any assertion.
   c. Everyone is allowed to express his attitudes, desires, and needs.
3. No speaker may be prevented from exercising his rights as specified in 1 and 2.[32]

The claim is that if a person assumes 1, 2, and 3 (as Habermas thinks we all must), and if that person understands what it is to have a hypothetical discussion about whether norms should be adopted, then anyone who does try to provide reasons for his or her views must also implicitly accept the moral principle U. With the derivation of U, the basic idea of DE (D), which we encountered in the discussion of TFHN, is derived: "Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity as participants in a practical discourse."[33]

There are many possible avenues of criticism of this project, particularly in the technical details of the argument and the supposed derivations of U and D. For example, one might take issue with the claim that competence with language does involve a capacity to reach a rational consensus over disputed normative issues, undermining the priority given to the communicative over strategic or instrumental uses of language.[34] One general criticism is that, contrary to the assumption of the universality of rationality, what counts as rationality may not be the same for everyone. Even if Habermas has captured something that *many* people do understand by discourse and rational discussion, and even if his claim is correct that U is implicit within that, one might argue that he has only given us a statement of a principle that *some* people (perhaps those living in Western, liberal democracies) seem to be guided by.[35] This is an important point because it suggests that the procedural approach may not be as content-free as might be supposed, and therefore its universal applicability is questionable.

Defending the universalism of DE, Habermas argues that there is no choice but to engage in rational discussion, understood broadly as he construes it.

Even those who disagree with his emphasis on universal rationality will find themselves drawn into having to do precisely the kind of thing they might be trying to deny. Anyone capable of speech and action in accord with others presupposes in their moral competence a commitment to the procedural principles that the theory details, especially the principle U.[36] The skeptic involves himself in a performative contradiction.[37]

This brief excursion into the philosophical influences of Habermas's thought allows us to appreciate why the theory is as it is. The Kantian commitment to rationalism, universalism, ethical cognitivism, and the problems that such ideas face leads to DE. The discussion of the technical strategy for justifying the central principles of DE provides the background for understanding an ambiguity concerning the status of the U, D, and DE that has practical implications for the question of the applicability of Habermasian theory to bioethics. The ambiguity concerns how we are to understand DE—as a reconstruction of linguistic, moral, and argumentative competence, or as a counterfactual supposition that has the status of a never fully realized ideal.[38]

DE as a Reconstruction of Competence

DE may be understood as part of a reconstruction of communicative competence.[39,40] As such, it is supported by a quasi-transcendental argument about what is necessary if people are to communicate at all; it is an exercise in "reconstructive science."[41] This has the following argumentative form: given that we do x (coexist, have such a thing as morality or ethical rules, or communicate), we must also be able to do y, because x either presupposes or is constituted by y.

This reconstructive approach raises a number of theoretical questions, the answers to which may be of some importance to bioethics.

1. It prompts the question of what exactly it is that we do, or think we are doing, whenever we converse generally and argue normatively.
2. It suggests roles for empirical and theoretical investigation. Empirical studies of what people do when they argue normatively would be important, as would theoretical work aimed at drawing out the implicit knowledge and presuppositions on which our communicative competence rests.

Such work, as part of bioethical inquiry, may point to the limits of what we might expect in terms of consensus and rational discussion. For example, it might reveal, as Habermas thinks, that our everyday competence does contain precisely the procedural elements he supports. It may also reveal that in our everyday communicative practices we do, in some way, presuppose that we could come to a reasonable consensus over disputed norms. But, reconstructing linguistic (and by extension normative-argumentative) competence might reveal something else. The logic of the reconstructive approach is conditional.

1. If x (communication), then y (presupposition of consensus through discourse on general norms).
2. X (we do communicate).

3. Therefore y (it must be possible to achieve a consensus through rational discourse).

Research may lead to the rejection of x; a denial, on the basis of empirical research, that we do actually communicate in the rational, communicative, nonstrategic way that Habermas suggests. Perhaps we are more strategic and instrumental than we like to think. Such a possibility would not be to deny that we ever reach consensus, but Habermas's notion of consensus based on communicative rationality is a much stricter test.

Another possibility is to deny the conditional phrase—that communication does presuppose y. The question here would be whether it really is the case that in order to communicate we are implicitly committed to U and its auxiliary rules? Perhaps we are not.

A third option is to deny the significance of the supposed presuppositions; even if we accept that communicative competence *presupposes* that consensus is possible through unconstrained discourse, in the sense that people anticipate that they could achieve it, it may be an assumption that, like many assumptions, proves to be false. This would be a significant finding for bioethics and for other disciplines that seek to justify moral principles by consensus through rational argument and inclusive discourse.

By raising such possibilities, the approach of DE reveals avenues of inquiry that could contribute to bioethics at the level of theory and reflexive self-understanding, by shining a light on some of our most basic assumptions about our capacity to act morally and rationally.

DE as an Ideal Standard

On the other hand, one might see DE as an ideal theory.[42] That is, even though we often fail to conduct ourselves in a way that fits with the basic insights of the model, we ought to try. In this sense DE can be thought of as a yardstick to measure the validity of the process of consensus formation. The relevance to bioethics here would be that it suggests not that we *must*, in some quasi-metaphysically compelling way, behave according to DE, but rather that, even though in reality we often do not do this, we *should.* Understood in this manner, DE can become a test for the extent to which decisions about collective norms are communicatively rational. This approach has been used elsewhere in research on public enquiries[43] and also as a basis for criticizing urban policy in Scotland.[44] Bioethics, with its controversial subject matter, its constant examination of norms and values, and its interest in the way regulatory decisions are made, may be able to utilize the DE approach. It could be used as a framework against which to judge consultation, discourse, and consensus formation about bioethical matters.

The Habermasian perspective of DE therefore suggests at least two bioethically relevant applications: as a project of reconstructing linguistic or moral competence and the questions it raises and as an ideal standard for assessing the communicative rationality of decisions. However, it remains true that the DE approach is strong on justification of the basic rules but less so on their application. The framework says nothing about the specific norms we should adopt, save that whatever they are, they are to be justified as the upshot of the procedure. The approach tells of the need for principles required for DE—U and

those that are implicit within it, such as autonomy, solidarity, and equality—and their justification, but these principles do not of themselves determine their application in specific circumstances. So, even though the approach is relevant, potentially useful, and interesting to bioethics, this does not mean that it can resolve all disputes.

Conclusion

Habermas's earlier work has promise as a normative standard for shared decisionmaking, as well as by raising deep questions regarding the capacities that human beings have for communicative rationality. The distinctive features of the Habermasian approach based on DE are the procedure for collective decisionmaking and the philosophical justification for the procedural rules. In many ways, the ideal of inclusive rational decisionmaking over social norms is uncontroversial. Indeed, we may see Habermas's arguments in TFHN as a contribution to the ethical discourse of biotechnology. Nonetheless, when the questions of who should be included and whose consent is required are raised, we see that we have to return, once again, to the procedural rules and their interpretation and justification.

In addition to these aspects of the DE approach, we have seen that the arguments in TFHN do have significant flaws. On this basis it is tempting to dismiss Habermas's ''participation'' in the discourse as just another easily rebutted brand of bioconservatism, as somehow antifreedom, antichoice, and antiprogress. This would be a natural conclusion, but it is one that I think should be resisted. In my view we should read Habermas as rendering visible some hitherto unnoticed, but nonetheless important, considerations. Habermas has reminded us of a number of important things:

1. As a species we do share a basic ethical self-understanding of the kinds of beings we are.
2. This is important to us for our *sense* of identity, moral agency, and responsibility.
3. GE threatens to upset our ethical self-understanding.
4. We should be cautious and go slowly with GE.
5. Whatever we say ''objectively'' about freedom and responsibility, if people will not *feel* free or *perceive* themselves to be free, then this is a significant effect that bioethics cannot and should not ignore.

Whether we should call this a unified perspective is not clear. If that means endorsing all that Habermas says, then it is doubtful that we should. It is quite coherent to accept some or all of the DE approach without endorsing the specific views in TFHN. One might think, as I do, that the value of those arguments lies in their precautionary sentiments, rather than their conclusive rejection of GM and other biotechnologies.

Notes

1. Habermas J. *The Future of Human Nature*. Cambridge: Polity Press; 2003.
2. Habermas J. *The Theory of Communicative Action, Vol. 1: Reason and the Rationalisation of Society.* Boston: Beacon Press; 1984.

3. Habermas J. *The Theory of Communicative Action, Vol. 2: Lifeworld and System: A Critique of Functionalist Reason*. Boston: Beacon Press, 1985.
4. Habermas J. *The Philosophical Discourse of Modernity*. Cambridge: Polity; 1987.
5. Habermas J. *Moral Consciousness and Communicative Action*. Oxford: Polity; 1990.
6. See note 1, Habermas 2003, at 5.
7. See note 1, Habermas 2003, at 11.
8. See note 1, Habermas 2003, at 12.
9. See note 1, Habermas 2003, at 13.
10. See note 1, Habermas 2003, at 42.
11. Although Habermas is very much aware that genes do not determine exactly how a child will "turn out," he does sometimes write as though genetic determinism is true. For example, "But in the case of a genetic determinism carried out according to the parents' own preferences. . . ." See note 1, Habermas 2003, at 62.
12. See note 1, Habermas 2003, at 63.
13. "Liberal eugenics needs to face the question of whether the *perceived* dedifferentiation of the grown and the made is likely to affect the autonomous conduct and moral self-understanding of the programmed person." See note 1, Habermas 2003, at 52–3 (emphasis in the original).
14. See Mameli M. Reproductive cloning, genetic engineering and the autonomy of the child: The moral agent and the open future. *Journal of Medical Ethics* 2007;33(2):87–93.
15. "We should remain sceptical about this imaginary dramatisation of anticipated facts." See note 1, Habermas 2003, at 54.
16. See note 1, Habermas 2003, at 47.
17. We might gloss this as related to the values of dignity and autonomy. Dignity seems to depend on accepting an element of ourselves as given or beyond human control, whereas we also understand ourselves as autonomous beings. This means that we can make choices about how to live and about other aspects of our lives. See Häyry M. *Rationality and the Genetic Challenge: Making People Better?* Cambridge: Cambridge University Press; 2010. According to Häyry, some may say that Habermas overstresses the choice part and does not protect the grown part, whereas others would say that he does not protect the choice element enough.
18. See note 1, Habermas 2003, at 71.
19. By this I mean tracing conceptual connections between the central ideas that form part of the cultural background to our societies, and also, perhaps, working out the consequences of upsetting these connections. This may include philosophical ideas, but also things that shape our cultural understanding of ourselves, such as art and literature.
20. I have in mind something like Rawls's "natural primary goods," which all people could be expected to benefit from, because they are regarded as essential for any life project, whatever it might be. Still, just what such goods are might be quite difficult to determine. Even something such as health has been questioned. Habermas, for example, queries whether health qualifies, given that its value may differ in the context of different life histories. "Parents can't even know whether a mild physical handicap may not prove in the end to be an advantage to their child" (see note 1, Habermas 2003, at 86). This may be so, but as others have argued, this uncertainty is a perennial feature of the relationship between us and future generations; the uncertainty does not allow us to avoid the responsibility for doing what we think is right (Harris J. *Enhancing Evolution: The Ethical Case for Making Better People*. Princeton, NJ, and Oxford: Princeton University Press; 2007, at 142).
21. See note 5, Habermas 1990:196–215.
22. Brand A. *The Force of Reason*. Sydney: Allen and Unwin; 1990.
23. "Analogous to" because normative claims are not true or false; rather, according to Habermas, they are validated along the same lines as any other claim—by appeals to antecedent principles or criteria for establishing them.
24. See note 5, Habermas 1990, at 197.
25. As Habermas puts it, "I must prove that my moral principle is not just a reflection of the prejudices of adult, white, well-educated Western males of today." See note 5, Habermas 1990, at 197.
26. Hegel GWF. *Natural Law*. Philadelphia: UPP; 1975, at 77.
27. See note 5, Habermas 1990, at 205–6.
28. Cf. Habermas 1990, at 201.

29. Habermas J. Discourse ethics: Notes on a program of philosophical justification. In his *Moral Consciousness and Communicative Action*. Cambridge: MIT Press; 1990:43–116.
30. For the view that Kant builds his substantive moral views into his conception of rationality see Walker R. *Kant*. London: Routledge, Kegan & Paul; 1978, at 158. It may also be argued that Habermas's procedural concept of communicative rationality trades on culturally specific ideas about autonomy, respect, inclusion, and so on (see Gunson D. Global bioethics, collective identities and the limits of rationality. *Studies in Ethics, Law, and Technology* 2010;4(1):1–37).
31. See note 5, Habermas 1990, at 93, emphasis in the original.
32. See note 5, Habermas 1990, at 89.
33. See note 5, Habermas 1990, at 93.
34. See, for example, Culler J. Communicative competence and normative force. *New German Critique* 1984;35:133–44.
35. For a discussion of this and related points see note 30, Gunson 2010.
36. See note 5, Habermas 1990, at 65–6.
37. Cf. Benhabib S. *Critique, Norm and Utopia*. New York: Columbia University Press; 1980, at 294–5.
38. See Outhwaite W. *Habermas: A Critical Introduction*. Cambridge: Polity; 1994:44–57.
39. For a discussion of the idea of a reconstructive science see Habermas J. What is universal pragmatics? In: *Communication and the Evolution of Society*. London: Heinemann; 1979.
40. Cf. Habermas J. Reconstruction and interpretation in the social sciences. In his *Moral Consciousness and Communicative Action*. Oxford: Polity; 1990.
41. See note 5, Habermas 1990.
42. See Gunson D, Collins C. From the *I* to the *We*: Discourse ethics, identity and the pragmatics of partnership in the west of Scotland. *Communication Theory* 1997;7(4):278–300.
43. Forester J, ed. *Critical Theory and Public Life*. Cambridge: MIT Press; 1985. The discussion of public inquiries might serve as a useful model for the assessment of bioethical decisionmaking.
44. See note 43. This is an example of the application of DE to the process of establishing community partnerships in the west of Scotland.