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## Empathy and Alteration: The Ethical Relevance of a Phenomenological Species Concept

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*The debate over the ethics of radically, technologically altering the capacities and traditional form of the human body is rife with appeals to and dismissals of the importance of the integrity of the human species. Species-integrist arguments can be found in authors are varied as Annas, Fukuyama, Habermas, and Agar. However the ethical salience of species integrity is widely contested by authors such as Buchanan, Daniels, Fenton and Jeungst. This paper proposes a Phenomenological approach to the question of species-integrity, arguing in favor of a phenomenon of species-recognition that carries an ethical pull. Building on Edmund Husserl's Phenomenological account of empathy and the lived-body, as well as Schopenhauer's concept of compassion as an ethical urphenomenon, I develop a "Phenomenological species concept" (PSC), which I argue has the ethical significance that biological species concepts do not. The PSC reorients the debate over human alteration and species integrity.*

**Keywords:** *human enhancement, species concept, phenomenology, empathy, intersubjectivity, compassion, vulnerability, embodiment, Edmund Husserl, Arthur Schopenhauer*

And, for an instant, she stared directly into those soft blue eyes and knew, with instinctive mammalian certainty, that the exceedingly rich were no longer even remotely human.

– William Gibson, *Count Zero*, 16

### I. INTRODUCTION

The debate over the ethics of radically altering the capacities and traditional form of the human body through technological means is rife with appeals to and dismissals of the importance of the integrity of the human species. Those who list it as relevant to the debate over human technological alteration tend to argue that: (1) human

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alteration technology (HAT)<sup>1</sup> risks creating a kind of rift in the human species such that altered and non-altered subjects or differently altered subjects might not longer share the same nature, or more radically be able to be considered members of the same species, or recognize each other as conspecifics; and (2) there is an ethical significance to species membership, i.e. species co-membership carries with it a certain ethical force or normative significance that we should be very wary of disturbing because it could break down the empirical or transcendental foundations of human rights discourse and other institutions of justice.<sup>2</sup>

This position is represented by a wide range of thinkers including, most vehemently, George Annas and the co-authors of “Protecting the Endangered Human: Toward an International Treaty Prohibiting Cloning and Inheritable Alterations” who argue, “membership in the human species is central to the meaning and enforcement of human rights” (Annas et al., 2002). More recently the liberal philosopher and proponent of reproductive freedom Nicholas Agar has also argued against what he calls radical enhancement on the basis of the moral import of species integrity (Agar, 2010).<sup>3</sup> A similar concern is expressed succinctly and elegantly, but in a slightly different register, by Buchanan et al. in *From Chance to Choice, Genetics and Justice* (2000):

We must consider the possibility that at some point in the future different groups of humans may follow divergent paths of development through the use of genetic technology. If this happens there will be different groups of beings, each with its own “nature,” related to one another only through a common ancestor [...] For all we know it might turn out that if differences among groups in characteristics other than a common rationality become pronounced enough, they would not treat each other as moral equals (Buchanan et al., 2001, 92)

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Jürgen Habermas takes up Buchanan et al.'s wording in his arguments against what he calls treading onto the “ethical virgin soil” of injecting uncertainty into the “identity of the species” (Habermas 2003, 39, 121). Habermas speaks of species identity as having an “almost transcendental necessity” in relation to our own moral self-understanding (41).<sup>4</sup> Conceptually, the basis of the species integrity concern is, I think, best articulated via the position dubbed “speculative post-humanism”: “speculative posthumanists claim that descendants of current humans could cease to be human by virtue of a history of technical alteration” and “posthumans might have experiences so different from ours that we cannot envisage what living a post-human life would be like” (Roden, 2013, 283).

Skeptics of the importance of species integrity to ethical debates about radical alteration tend to argue that (1) biological species concepts and species boundary concepts are too problematic and slippery to carry the kind of ethical weight demanded by authors like Annas, Habermas, or Agar (Jeungst, 2009; Buchanan, 2011a, 41);<sup>5</sup> (2) the possibility of changing the nature of an individual subject or population group to such a degree that a species boundary could be said to have been breached lies purely in the realm of science fiction (Daniels, 2009); and (3) species membership is not normative; even if technological alterations could create a rift in the species—as speculative post-humanism postulates—this would not result in a change of moral obligations or moral framework.<sup>6</sup> Buchanan (2011b, 225-27) agrees that a “practical concern” may arise about how differently altered groups will treat each other. In this respect he says that Annas’s concerns should be taken seriously. Where he differs is in the idea that this practical concern issues from alterations changing the moral status of beings or the underlying structure of our moral systems. I

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think that these criticisms are salient when applied to the ethical use of biological species concept(s).

However, because I wish to shift the frame of the ethical debate over species integrity from a biological concept to a phenomenological one, I take issue with the two points made most eloquently by Buchanan: (1) That species barriers do not make sense and (2) that any concern over species barriers (if we allow them in) has to do with a misunderstanding of moral status and not with a relation between moral status and species co-membership.

What I wish to argue here is that both of these approaches tend to overlook what is properly at stake in the debate over the ethical significance of species co-membership. They do so in favor of over-emphasizing the question of whether biological species concepts can carry the ethical weight needed to make species integrity a real ethical concern. Or, they sometimes neglect to ask what it is about species integrity that really ethically matters, and how tied up this is with the biological notion(s) of species.<sup>7</sup> Contrary to this, I think that the question of whether there is such a phenomenon as *human species recognition* in ethical situations and what kind of ethical work this phenomenon does should be the focus of our ethical and theoretical attention. In other words, is there a type of experience wherein I recognize another being as a conspecific and if so what is the ethical significance of this type of experience? This *phenomenological shift* reorients the debate around HAT in a sense from essence to existence, i.e. it focuses on the lived experience of being a species member instead of the moral significance or not of the various biological species concepts.

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The alternative that I suggest draws upon the insights of the Phenomenological tradition and especially Edmund Husserl's theory of empathy to develop what I call a "phenomenological species concept" (PSC). I contend that by shifting the focus of the debate towards a phenomenology of species recognition the properly ethically salient dimension of "species integrity" to the enhancement debate can be brought to the fore. In other words, it is specific kind of intersubjective relation that I think warrants the name "species recognition" that is most significant to the ethical debate. It remains to be seen what kind of relation the PSC has to the genre biological species concepts, i.e. can the PSC itself be considered a biological species concept, or does it use the term species in an altogether different manner? This is not a question that I am able to address here.

My contention is that what is at stake in this question is, at heart, a phenomenological question about (1) the ways in which we experience others, namely as conspecifics or not. I will argue that there is a phenomenon of (human) species recognition and that it can be characterized phenomenologically, i.e. in terms of an analysis of the structural invariants of human experience and meaning formation. According to the view that I put forward here, a speciation event, phenomenologically speaking, would entail a shift in the species-specific structural invariants of experience. (2) The second question is: if there is an ethical force that is attached to or grounded in the experience of species-recognition, how can it be characterized? I will argue that species-recognition does indeed entail an ethical force, which can be localized in the vulnerability of the body, and more specifically in the body's expression of that vulnerability to others.<sup>8</sup> This entails that a (phenomenological) speciation event could have ramifications for the grounding of an ethics. I will try to

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explain precisely how I think this is possible in section five. (3) The third question then becomes whether we should be seriously concerned about the possibility of species-disconnection through technological alteration of the body? How robust is the experience of species recognition? Here I want to take on a precautionary tone, arguing that while species-recognition is probably quite stable and inclusive, i.e. the scope of our phenomenological species community potentially quite wide, we should be very wary of making the kind of alterations that might start to stretch it to breaking point. In brief, I contend that the various concerns expressed about species disconnection are concerns about the possibility or ground of intersubjective relations, and more specifically ethical relations. The upshot here is that species recognition and disconnection are relevant to the understanding of intersubjectivity in general. And if empathy (as understood in the phenomenological tradition) is at the basis of species-recognition, then empathy must be understood as the ground for all intersubjective relations, and hence all ethical relations.

Before characterizing the phenomenology of species recognition and trying to develop the PSC, I will briefly explain what it is about the Phenomenological approach that I find productive in this instance, and what (broadly) characterizes it. I will then elaborate the PSC, and make the case that the phenomenological species concept is already an ethical concept, i.e. the phenomenon of species recognition carries an ethical force. Finally, I will draw some conclusions concerning the upshots of the PSC for the debate over human alteration.

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## II. WHY TAKE A PHENOMENOLOGICAL APPROACH?

Phenomenology, the philosophical tradition founded by Edmund Husserl at the turn of the last century, is best described as a “style of thinking” (Merleau-Ponty, 2012, lxxi) rather than a school of philosophy or a doctrine. Its proponents (including Sartre, Heidegger, Merleau-Ponty) take varying and often opposing stances on methodological and ontological issues. For the sake of both clarity and brevity, I will use a fairly orthodox working definition of Phenomenological thinking here that is largely based on Husserl’s and Merleau-Ponty’s work. Phenomenology can be understood as the descriptive science of the structural invariants of experience and meaning formation (constitution), studied from the perspective of pure experience. At its most succinct, it can be said to be the study of subjective experience *qua* subjective experience. This usage of the term Phenomenology differs somewhat from how the term is often used in contemporary analytic philosophy where it has come to mean something along the lines of introspective analysis of mental states or an introspective description of sensory qualia—describing “what it is like.” Phenomenological (capital P) thinking focuses on the appearance, maintenance, and modulation of meaning for subjective consciousness. Thus the emphasis must be placed squarely on the meaning for consciousness, arising through a myriad of different structures, of various forms of experience, perception, memory, imagination, and of particular importance to the task of this paper, intersubjectivity.

It is important to note that while Phenomenology is concerned with meaning constitution, this does not make it introspective. For the Phenomenologist, meaning is constituted for consciousness *in the world*. The meaningful structures of experience, be they the color of a leaf on a tree, the anger of a friend, or ties one feels to a

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particular community, i.e. the meaning structures that do not just fill our conscious lives, but in fact *are* our lives, are experienced as being in the world, not as being mental states available and analyzable according to introspective method. Generally speaking, phenomenology rejects the inner/outer distinction.

Further, the Phenomenologist, in her quest to describe the constitution of sense, may find that it is not only constituted by conscious subjectivities (persons). Research in the area dubbed neurophenomenology looks at sense-constitution in biological systems independent of what we would normally call subjective consciousness.<sup>9</sup> The argument is not simply that sense appears in these systems to the conscious scientists who study them, but that sense-structures emerge in the development of complex systems that cannot but be thought of as meaningful within the system itself. In other words, sense-constitution is not limited to the domain of consciousness. This kind of Phenomenological research obviously goes beyond the orthodox working definition I offered above, but in its quest to describe the constitution of meaning at all levels it remains distinctly loyal to the Husserlian project and rather distinct from phenomenology as the term is used in analytic philosophy of mind. It also remains Phenomenological in that it is concerned with describing and analyzing the constitution of meaning for a living system, even if that system is not a conscious one. It is important to note the possibility of a-subjective phenomenology in this context, because it may offer the possibility of extending the PSC beyond our own human experience and applying it to other life forms. I will not explore that possibility further here.

This paper is concerned with a “human problem” of the foundations of ethical solidarity and ethical experience in general, and beyond that the grounding of ethics in



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intersubjective relations. The British philosopher, David Wiggins expresses the problem of the foundation of the ethical in a manner most appropriate to our concerns in his essay, “The Solidarity at the Root of the Ethical”: “the concern for another needs to have an import that cannot be diminished or dwarfed in relation to other preoccupations, least of all in relation to the abstractions of aggregative calculation” (Wiggins, 2009, 241). He goes on to add that when we express such formulations we are not yet on the level of human rights, but rather on the level of a “phenomenological-cum-genealogical basis or root for human rights.” Put simply, we are concerned with how it is that one perceptually experiences another being as imbued with a specific kind of sense, namely (I will argue) the sense of being a conspecific, and from there how species membership grounds or is coeval with a specific kind of ethical solidarity that is felt with other conspecifics on an originary and pre-reflective level.

At the core of Phenomenological method sit two concepts that are both important to the case that I wish to make here: epoché and lived-body. The epoché is a method of temporarily purifying experience of all metaphysical or ontological pre-suppositions so that it can be studied in pure isolation—as experience *qua* experience. But purification must not be understood as negation or nullification. The purpose of the epoché is to suspend judgment as to the (natural-empirical) ontological status of the objects and acts of experience so that they can be described and analyzed in their experiential purity, i.e. purely in terms of meaning structures. From Husserl's perspective, as all further descriptive (natural and human) sciences were founded in our original experiential correlation between subject and world, a science of pure experience was necessary to ground the natural-empirical claims of these special

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sciences. The epoché was the sole means by which this could be done.

To provide a very simple example: when confronted with an object of perception—a chair—what the epoché accomplishes is to suspend judgments about the empirical reality of the chair and focus on how it is that the chair, as it appears in experience, is constituted in its many faceted meaning to consciousness. In this sense Phenomenological method bears some resemblance to methods of employing methodological doubt, in the putting out of play of empirical judgments about the real being of the objects of experience, but it is not at all a form of skepticism. The ontological skeptic and the most stringent realist should be able to agree on the meaning content of experience under the epoché for the simple reason that all presuppositions about the natural-empirical ontological status of the object have been suspended.<sup>10</sup>

For our purposes, the epoché is a helpful tool insofar as it allows for the suspension of judgment concerning natural-scientific species concepts. In discerning the PSC we need not concern ourselves with the species concepts or taxonomy of the biological sciences. The PSC must be described from a perspective of experiential purity. For it to have meaning, species being must appear to experience. We can also suspend judgments about the applicability or veracity of various natural-scientific species concepts in relation to ethics. Rather, we are left with the question of whether there are some beings that are given to me in perception in a special manner, i.e. having such and such characteristics such that they appear in a manner that we call species co-membership. What is isolated in the epoché, or rather what we are looking for in carrying out the epoché is the *experience of species co-membership* and its possible ethical dimension.

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A difficult question to ask would then be if the PSC then performs the function of grounding what we would call natural-scientific biological species concepts. Put otherwise, are the formal objects of science that we call biological species concepts possible, or would they have been possible without the initial primordial experience of species co-membership. To be clear, in suspending judgment about the natural-empirical ontological status of objects of experience, an ontological priority is given to experience itself. To put this in Husserlian terms, the formal objects of the natural sciences, e.g. species concepts, are founded in a more originary stratum of lifeworld experience which is revealed by the epoché. The aim of Phenomenology is to describe and analyze this originary stratum of experience, as experience for consciousness, and to understand how it founds derivative orders of experience, namely the formal objects of the natural sciences. To relate this back to the task of this essay, the core of ethical experience that we are after—species co-membership—lays at the level of this original stratum not at the level of the ideal objects of the natural sciences, in this case biological species concepts.

This also addresses a possible objection to the method I propose here. The epoché does indeed involve the bracketing of the objectivities of the natural sciences (Husserl, 1970, §35) as a first step on the way to arriving at a pure study of experience. But the PSC is not a scientific objectivity or ideality in the manner of other species concepts at work in the biological sciences. It is a grouping of a certain type of living organisms that occurs at the originary or “pre-scientific” level of lifeworld experience and is thus admissible as a properly Phenomenological cum experiential concept.<sup>11</sup>

The second Phenomenological concept that merits an initial explication is that

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of lived-body (*Leib* in the phenomenological lexicon). The lived-body is perhaps best and most simply understood as the body as it is experienced in the first person as the nexus of all feeling and motile possibility and also as a center of all subjective acts. Importantly, the lived-body is also experienced as the bearer of habits, and thus as most often operating outside of the explicit control of volitional consciousness. This is why, when seeking to characterize the pre-reflective perceptual life of the subject, the French philosopher of the body *par excellence*, Merleau-Ponty, turned to Husserl's concept of lived-body (while also expanding and developing it in large part on the basis of Kurt Goldstein's findings in Gestalt psychology). The lived-body is thus distinguished from the body-object (*Körper*): the thingly, material body that is the traditional object of the biological and medical sciences. In fact, there is not a hard and fast distinction between the two aspects of the body, as the lived-body incorporates the body as object, although by incorporating the experience of future possibilities and a past sedimented in habits, the lived-body extends temporally beyond the present of the material body-object. It is of course also fully possible to objectify one's own body or the bodies of others in various forms of theoretical or practical discourse, medicine being the most obvious.<sup>12</sup> The sameness of these two aspects of the body is perhaps as important to stress as their differences: in speaking of *Leib* and *Körper* we are speaking of two modes of appearance of the same body.

Central to the concept of the lived-body is also its expressiveness. The best way to put this is that the movement of a lived body, whether my own or that of another cannot but exude meaning for an embodied subject, it is for me always an expressive movement. It is in this sense that Merleau-Ponty reformulates Sartre's famous statement that we are "condemned to freedom" by saying that we are

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“condemned to sense” (Merleau-Ponty, 2012, lxxxiv). This immediate and originary expressiveness of the body is a kind of proto-language, leading Merleau-Ponty to call the body of the other “the very first cultural object” (362). This is not at all to discount that the expressiveness of the lived-body *qua* proto-language is always brought into a particular cultural and linguistic context which conditions its meaning. The expressiveness of the body in this sense is not a language like other natural languages, but rather foundational for them. All language proceeds from the originary expressiveness of the movement of the lived-body. What phenomenological analyses of the body’s expressivity in its relation to intersubjectivity almost always tacitly assumes is that the expressive other is what I call a phenomenological conspecific (in the manner I describe below).<sup>13</sup>

The expressivity of the lived-body is an essential component of the theory of empathy that I will use to develop the PSC. In brief, another body-object is experienced as being expressive in a manner that is ‘analogous’ to my experience of the expressivity of my own lived-body. On this basis I experience the other body-object as a lived-body or embodied subject “analogous” to myself. From this encounter with another body-object cum lived-body the other is immediately perceived as experiencing the world in a suitably similar manner to my own experience of the world, since their manner of manifesting their experience of the world is suitably similar to my own. “Suitably similar” here means similar enough that I have the *potential* (in terms of the meaning forming structures of experience) to experience the world in the same way as this other, and this possibility of sharing experience—empathy in the normal sense of the world—is manifest or expressed in the initial perceptual contact with another subject. It cannot but be; this is why we are

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condemned to sense. The word “analogous” is put into scare quotes above because Husserl wants to stress that while the empathic relation functions like an analogy, the body of the other human subject is immediately perceived as being like, or of the same “general type” as my own Husserl (1989, 282). We can add the word experiential to this, meaning that the body of the other is experienced by me as experiencing the world in the same general manner as my own body. I will try to roughly delimit the boundaries of this generality below. There is not an analogy here in the sense that a conscious (cognitive) judgment is made, the experience of the other in this manner is an immediate and originary aspect of our experience of the world prior to any reflective cognition about that world. Husserl’s understanding of intersubjectivity is not by analogy in the conventional sense. Also, while the expressivity of the other (species-member’s) body is given as structurally similar to my own, it is also explicitly given as *not my own*, so even the idea of what Husserl call an “analogous apperception” that I have of another on the basis of the expressivity of the body must be taken with some nuance.

Having provided some explanation of and justification for a Phenomenological approach to the species recognition problem, and having given a brief sketch of the Phenomenological concepts that will be central to this approach, I will now offer an account of the PSC before examining some of its problems and finally making a case for its relevance to bioethical debate.

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### III. THE PHENOMENOLOGICAL SPECIES CONCEPT

Wiggins provides an excellent way into the PSC when he asks:

What goes on when one person finds or happens upon another person? In confrontation with the human form, in recognizing another person, we recognize (entirely pre-reflectively, however theoretical the philosophical description makes things sound) not merely a subject of consciousness but a being who will try to make sense of us even as we try to make sense of him or her, each of us bringing to bear more or less similar expectations, a canon of the reasonable not entirely at variance with our own, and a comparable proclivity to reciprocity or retaliation. (Wiggins, 2009, 249)

Wiggins's account here mirrors Husserl's of what it means to share a capacity for world building (the co-constitution of meaning) with another and what is immediately conveyed in the encounter with the other that Husserl names empathy. Several important phenomenological clues jump from this passage. First, according to Wiggins it is in recognition of the "*human form*" that another is recognized as a fellow "person," which presumably can be taken as synonymous with human. Second, Wiggins asserts that this encounter is imbued with a *pre-reflective* understanding that the other who is encountered will try to "make sense" of us and that there is a pre-reflective assumption in this encounter that the other human has more or less *similar structures of experience* to our own, allowing us to form expectations about the other's behavior or thoughts on the basis that they could indeed be our own. "Pre-reflective" means that the recognition of another in this way is prior to any explicit judgment or cognition that we are consciously aware of. Wiggins turns to Simone Weil's *The Iliad or the Poem of Force* to put some phenomenological meat on the philosophical skeleton laid out above:

The human beings around us exercise a certain power over us by their very presence, that only belongs to them, the power of halting, repressing, modifying each movement that our body sketches out. If we step aside for a passer-by on the road, it is not the same thing as

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stepping aside to avoid a billboard. Alone in our rooms we get up, walk about, sit down again quite differently from the way we do when we have a visitor. (Weil, 1999, 532)<sup>14</sup>

Weil's description locates what I am calling species recognition squarely on the *topos* of the body, and specifically in the movement of the body. Her assertion is that the bodily presence of another has an immediate impact on the movement of the lived body of the perceiver: it alters the body's pre-reflective self-awareness and expression in a way that is unique to the encounter with another conspecific as described by Wiggins above: "a being who will try to make sense of us even as we try to make sense of him or her, each of us bringing to bear more or less similar expectation." Presumably, unless the species-recognition is mistaken or somehow abnormal the impact is reciprocal. The presence of my body in its expressivity impacts immediately upon the movement of the other as hers does upon my movement. The most primordial layer of expressivity that the body exudes (and cannot but do so) is seemingly precisely this species-recognition. This means that another body that I perceive to be of the same general experiential type as my own is immediately expressive of a type of meaning specific to this kind of encounter, and that type of meaning is *species recognition*.

Turning back to Husserl, the relations described above by Wiggins and Weil can be analyzed in terms of empathy: the basis for all intersubjective relations. Empathy for Husserl entails an immediate apperception (the perceptual presentation of something not immediately present) of another being as having a structure of experience that is analogous to my own; or, empathy is the pre-reflective experience of another being as having experiences that could potentially be my own—this need not entail that I actually imagine the experiences of the other as my own. The shared



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structure of experience is apperceived rather than directly perceived as it is mediated by the expressivity of the body. The use of the term pre-reflective is also important here. Any further elaboration of the empathic experience involving judgment or active acts of cognition, if for example I imaginatively actively try to put myself into the flow of experience of another exploring the possibilities therein, can only proceed on the basis of the initial experience of empathy. On this originary level, empathy means sharing a *general style of motivation* with another being or at least perceiving that we do (we might be mistaken in our perceptions). What this means is that the temporal structure of experience, how consciousness modulates from one experience to another and what leads it in this movement, structurally speaking, is broadly analogous between two or more beings sharing a (potential) relation of empathy, and, importantly that this structural analogy is communicable on the most basic level of bodily movement and expression. On the basis of the expressivity of the other's lived-body there is first a synthesis of pairing with the body of the other wherein it is recognized as an expressive body in a style similar to my own, therein establishing a perceptive type, and on that basis we have an immediate "analogizing apperception" of the other's sense-forming life as being of the same style as my own. The perceived type in this case is a specific class of living being that shares my general structure of experience, my style of motivation, in a manner that is robust and pervasive enough for sustained communication and collective projects to take place—a phenomenological species

The PSC is based in the Phenomenological concept of empathy. But, empathy is not an all or nothing term. There are degrees and variations of empathy. It is, for example, arguable that some level of empathic relation is possible with other animals

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that we would not normally include in our species, or with whom we do not share the kind of relations that Wiggins and Weil described above. Husserl himself argued that the only way that an animal could have an initial sense for us was through a variation of empathy (Husserl, 2013). In a similar vein the philosopher Hans Jonas has argued that “life can only be known by life” (Jonas, 1966, 91), i.e. that only a living being can recognize another as living.<sup>15</sup> This type of recognition, although not elaborated by Jonas, presumably also functions on the basis of some variation of empathy as described here: all living organisms share certain structures of being that can only be identified by other living being through some form of empathy.

Thus there must be a further refinement of the species relationship. Husserl provides this refinement by introducing the concept of “world” as a horizon of meaning that is shared or potentially shared by conspecifics. The sharing of a world is part and parcel with the initial encounter as described by Wiggins above: there is enough of a similarity in structure of experience that the experience of the other is simultaneous with an experience of a common world, meaning that the surrounding environment is filled with sense structures that are either shared between species members or could be. The world of a conspecific is always one that I could potentially share to a sufficient degree to makes practical and theoretical engagement possible. Further, this common world can be a subject of possible communication in a sufficiently complex manner that reciprocal engagement in common practical and theoretical endeavors is possible. In these phenomenological terms a speciation event would be a significant enough shift in the structural invariants of experience, brought upon by a phenotypic (bodily) alteration, that the world appear as fundamentally different to the extent that competing truth claims about it, or shared projects are no

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longer possible. In other words, a speciation event would involve the impossibility of the complex sense structures necessary for world building between the new and antecedent species. The outer horizon of beings sharing a general style of motivation can be thought of as the phenomenological species boundary. As a phenomenological concept the species-horizon relates to the possibilities of my experience. But the boundaries of that horizon are also shared by a set of beings, myself included, this is my phenomenological species, this shared space of possible experience (or types of experience) is a species-world.<sup>16</sup>

This then is the sketch of the PSC: world sharing and building on the basis of a sufficiently complex empathic relation. The species integrity question then becomes: can we envision a technological alteration of the form of the human body such that species recognition in the phenomenological sense would no longer be possible?

#### IV. OBJECTIONS TO THE PSC

Several possible objections relating to the scope of the PSC should be addressed before fleshing out its ethical dimension. Grounding the PSC in the possibility of sufficiently robust empathic relations raises the issue of some uncomfortable potential inclusions and exclusions from our species. Most worrisome are the potential exclusions, namely infants and individuals who are severely empathically disabled, or comatose. Concerning infant children, Husserl, at least, is quite clear: the first empathic relation that a human being has is with its primary caregiver; the caregiver likewise has an immediate experience of empathy with the infant. It is for this reason that Husserl maintains that the world is always shared for us; consciousness (or at

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least human consciousness) always emerges into a species-world that is already inhabited and structured in its meaning by other species members. Whatever dissimilarities there are between infant and adult bodies, they are not great enough to override a reciprocal and communicable bodily expressivity that brings the infant immediately into the species-world. Newborn children communicate through body language in a manner that is empathically comprehensible (to a large enough degree) enough that the flux of experience seems structurally analogous. Though a “canon of the reasonable” is not yet shared with infants we recognize in them a human form and human reactions that make sense to us as adults, even if they are no longer our reactions. This is perhaps most the case when it comes to expressions of love and suffering. Empathy in this sense is not a cognitive act but rather an affective and corporeal one that sustains itself and develops into more and more robust forms.

There are however individuals who are seemingly unable to empathize (the severely autistic for example) whom we would be deeply uneasy about casting out of the species-horizon. Here several things are necessary to bear in mind. An inability to empathize on the part of an individual does not preclude others from having a relation of empathy with that individual. But it is the case that an isolated group of individuals completely unable to empathize would be without a species-world. As they would not be able to understand the behavior of anyone but him or herself, and most likely not even that, the possibility of a generative community of empathyless individuals is nil. Moreover, our species-world is a historical one with more or less stable structures of meaning that change over time but also persevere and display remarkable inertia: in the language of anthropology inspired by Levi-Strauss this would be called a symbolic order. The integration of the traditional form of the human body into the

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symbolic order with a particular signification would allow for even a lived-body that seemed incapable of sustained empathic contact to be integrated via the symbolic order into the species-horizon. This would also allow for the corpse to remain within the species-horizon (at least for a time) and to have a similar affect on the living body as described by Weil if not to the extent described by Wiggins. It is important to remember here that species membership and empathy is not all there is to solidarity and moral behavior, it merely provides a ground for it.

At the other end of the spectrum, the PSC is forced to make certain inclusions that might not sit comfortably with those wedded to certain other species concepts, but that under the epoché would have to be allowed. This would include, most radically, android or cyborg life forms with whom a sustained empathic relation is possible and with whom we could share in and reciprocally construct a world in the manner Husserl imagined: by engaging in common practical, theoretical, and we might now add, emotional projects. In this case the distinction between natural and artificial life forms is not relevant. Life is not qualifiable in this sense, if a being properly demonstrates the signs of life, then it is alive and a candidate for admission into the human species-horizon. Somewhat less radical is the inclusion of extra-terrestrial life forms. Merleau-Ponty makes that case for this on the basis of Husserl's understanding of empathy and communication as the keys to the horizon of humanity: if an empathic relation with an alien life form is possible in the requisite manner, then that life form can be brought into the horizon of humanity (Merleau-Ponty, 1996, 45).

The empathy based PSC is also, I think, immune from the “campaign against empathy” spearheaded by Jesse Prinz (2011). The same holds for the ethical grounding developed below. The reason for this is simply that we are using different

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definitions of empathy (Prinz's is certainly the better recognized one). For Prinz, "empathy requires a kind of emotional mimicry," it is "emotional contagion," a "kind of vicarious emotion [...] feeling what ones takes another person to be feeling. And the taking can be a matter of automatic contagion or the result of a complicated exercise of the imagination" (212). For Husserl, by contrast, empathy does not always involve emotion, nor does it involve mimicry or vicarious feeling. Empathy is the immediate communicability of intentional states on the basis of a shared general structure, or style, of motivation (what is phenomenologically behind intention). Empathy is the basis for all intersubjective relations, not a type of intersubjective relation. When this communicability is robust, sustained, and complex enough for world-building, we have species co-membership. Intra-species empathy, at least for humans, is a kind of experiencing along with another', but it is not necessarily emotional or intentional mimicry. Below I refer to Schopenhauer's notion of "compassion," which seems much closer to Prinz's understanding. But two things need should be noted: Schopenhauer's notion of compassion is limited to suffering, and again it is an "along-with" that is not mimicry. In this sense, it is a communication of experience not duplication. And finally, I draw the ethical force of this communication from Jonas's conception of value. To answer Prinz's question: Is empathy *necessary* for morality? (211) Yes, insofar as it is necessary for a shared world *per se*, but not as a form of emotional mimicry or contagion.

## V. THE ETHICAL SIGNIFICANCE OF THE PSC

The ethical significance of the PSC, i.e. the normative force of species co-membership issues from the same expressive capacity of the lived-body that grounds

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the experience of empathy and with it species recognition, but the normative force is grounded in a universal negative valuation of suffering. In order to buy into this account we must accept that value is rooted in feeling, and most primordially in corporeal feelings of pain or suffering. As Hans Jonas puts it: “feeling is the mother of all value” (Jonas, 1992, 36). For Jonas, the most basic feeling and hence value is pain and its negative valuation. This applies to humans and other complex life forms, but even on the level of creatures without nervous systems developed enough to feel pain, Jonas asserts that living itself which has the character of striving towards its own continuation gives a negative valuation to what would negate it and run contrary to its striving. The ethical force of the PSC thus issues from a negative value that all life attaches to suffering or the negation of its own drive. Suffering and the vulnerability of the body to suffering are expressed by the lived-body. It is of course not only conspecifics whose bodies display suffering in a manner that is broadly understandable to us through empathy. But that understanding, and with it the normative force of the negative valuation is most robust in the sustained and complex empathic encounter that we have with a conspecific. The suffering of another being is more meaningful for us the greater the possible and actual degree of empathic relation. It is the expressiveness of suffering and vulnerability and its negative valuation that forms what Wiggins calls “the solidarity at the root of the ethical.” Like empathy in general, this solidarity is not an all or nothing experience, it is also there when we judge, for example, that taking pleasure from causing pain to animals of other species is pathological behavior. In fact, this is not a judgment, but an immediate valuation that is then translated into a judgment. In this sense, we are capable of a kind of ethical solidarity with all life, but on an immediate level this is

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strongest with conspecifics.

There is a distinct similarity here between the model I propose and that of the German philosopher Arthur Schopenhauer who described sympathy or compassion as a primordial response to the suffering of others, and named it as the ground for all ethical action: the ethical “*urphenomenon*” (Schopenhauer, 2010, 213). Schopenhauer argues that the only properly moral incentive lies in a desire to alleviate the suffering of another that is devoid of an egoistic interest. True moral incentive *per se* must be completely devoid of egoism (concern for one’s own well-being or woe) (211). The problem that arises here is how one’s own will could be motivated by the suffering of another. This is only possible through the phenomenon of “compassion”: “the quite immediate participation, independent of considerations of any other sort, primarily in the suffering of another” (213). Schopenhauer adds two important qualifications to his description of compassion. First, the “immediate participation” is limited to another’s experience of suffering. Well-being, suffering’s counterpart, is excluded on the grounds that it is not immediately felt even by the happy subjects themselves, it is always mediated through a negation of need. Need or privation is antecedent to well-being (214). Second, Schopenhauer is quick to rule out that compassion is based on an imaginary act of putting oneself in the place of the suffering other. While the suffering of the other could be my own, it is experienced as specifically not my own: “We suffer *with* him, thus *in* him, we feel his pain as his and do not imagine that it is ours” (215). As Schopenhauer considers compassion to be the *urphenomenon* grounding all ethics, he says it is beyond empirical psychological explanation and in need of a metaphysical one, which he provides by way of combining a pantheist metaphysics with the Kantian transcendental aesthetic—we participate in a



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metaphysical unity of being ontologically prior to the individuation of being in space-time, compassion is evidence of this (259-71).

I think that Jonas's phenomenological account of biology provides a way in which we can avoid the need for metaphysical explanation (at least in part, and without ruling out the possible validity of Schopenhauer's explanation). This was indeed the goal of Jonas's project, to bring metaphysical questions into biology through a phenomenological method: examining the genesis of structures of meaning in and for living systems. One of Jonas's (1992) findings is the claim that where there is life there is value and suffering has universal negative valuation for all life.

What I wish to add to this is the claim that some life forms are able to generalise that valuation beyond the self-interest of their own "egoistic" spheres. But the robustness of this generalisation, the robustness of compassion in the Schopenhauerian sense, is dependent on the robustness of empathic relations between individual beings. These are strongest in the case of species co-membership. Cross phenomenological species-boundary ethical motivation is in principle possible, even likely under certain circumstances, but it is unlikely to be as pervasive, sustained and robust as ethical incentive directed towards and motivated by a conspecific. Where the account that I offer differs from Schopenhauer is that rather than metaphysically founding compassion in the oneness of being that is clothed by spatial and temporal individuation, I think that it can be founded in a theory of empathy and negative valuation of suffering, both of which are phenomenologically grounded. Suffering is not the only experience that I can have *along with* another, but it is the one that engenders the ethical feeling of solidarity. And this feeling is strongest between conspecifics.

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I wish to go one step further. The compassion and solidarity engendered by suffering *along with* is strongest in the case of disease and physical injury. But I think that ethical solidarity cum compassion is also engendered by the perception of a shared vulnerability to injury and disease.<sup>17</sup> It is not just actual suffering that is given a negative valuation, communicated via empathy, but potential suffering too. As is the case with all forms of empathy, the empathic communication of this vulnerability to suffering is dependent on sharing the structures of experience linked to the apperception of our own vulnerability (these are myriad and varied), and the bodily expression of the vulnerability and the experience of vulnerability.<sup>18</sup> This in turn seems dependent on sharing a similar corporeal and expressive form.

#### VI. Conclusion: The PSC and the debate over Human Alteration Technology

I think that several conclusions can be drawn about how the PSC might relate to debates about human alteration technology and specifically the relevance of species identity and boundaries to these debates. The first is that what matters in ethical debates is not whether a biological species boundary has been crossed, but if we experience other individuals or groups in a manner that engenders more, or less, or no sentiment of ethical solidarity (the PSC is also a biological concept in the broad sense as it pertains to a *logos* of life, and drawing boundaries around groups of living beings, so here I mean biology as a natural science). Ethical solidarity may indeed be found across species boundaries (conceived phenomenologically or biologically), but the possibility for its most robust manifestation is within a phenomenological species-horizon. Simply put, this has to do with the kind of theoretical, practical, and emotional world-building relationships that full-blown empathy makes possible

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within such a horizon. Our phenomenological species-horizon however may have the capacity for expansion beyond the biological species boundaries that some bioethicists worry about (and others dismiss). It also seems potentially more robust than a biological species concept thanks to its cultural infrastructure of sense. So, while phenomenological species boundaries, identities, and horizons are ethically salient, biological boundaries may or may not be, depending on whether they map onto the phenomenological ones or not.

One might object that from what we can tell, biological boundaries are relevant, as, rather generally speaking, humans seem to display little evidence of compassion about the wholesale slaughter of sophisticated mammals like primates, dolphins, and whales. Then again, generally speaking, humans do not seem to display much compassion for each other either. Migrants suffering and fleeing from many forms of need and privation who drown everyday in the Mediterranean Sea are for the most part not met with Schopenhauerian compassion but rather a collective shrug from most (though certainly not all) Europeans (to give one local example). It would seem that the species level is a lousy place to go looking for ethical solidarity. We are a long way off from what Vaclav Havel once referred to as a (ethical) species-consciousness. But we would also do well here to remind ourselves of the section of Simone Weil's quote that I left out above: "But this indefinable influence of human presence is not had by men whom an impatient movement can deprive of life, before even a thought has a chance to sentence them to death. In their presence others move about as if they were not there" (Weil 1999, 532). The argument for an ethical pull issuing from the lived-experience of species co-membership in no ways rules out its suppression. Biological racism could be understood as one effective manner of

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justifying the suppression of the ethical significance of species co-membership.

Although I have argued for the breadth and robustness of the PSC, I do not think we are quite yet out of the woods *vis-à-vis* biomedical alteration. It is the most likely candidates for alteration that might pose a threat to the PSC, or at least open the possibility of weakening its ethical force. On the one hand, the US military is already experimenting with ways in which the empathy levels of soldiers can be intentionally altered so as to make them more comfortable and hence adept at killing. This obviously points to a manner in which certain alterations might have (in this case intended) consequences on ethical behavior. Military researchers are also looking for biochemical ways to boost empathy levels when combat ready and weary soldiers quickly have to switch to dealing with civilian populations who might be useful allies or have useful information. Since the goal of this type of alteration is precisely to lessen ethical bonds at will, it does not serve as a good warning case. It does however reinforce the idea that empathy levels can be altered through biomedical intervention, and most importantly that they are what ground certain types of ethical behavior, in this case the injunction against killing species co-members.

Other, more beneficent types of alteration may also have unintended consequences of a similar type, if not magnitude. Changes in the way that injury, disease and vulnerability are experienced may lessen the ability of differently altered groups to empathize with another in relation to these types of experiences. To use Schopenhauer's terms, alterations of this type may make compassion less likely. This is not a shattering of the species-horizon (as apocalyptically envisioned by someone like Annas) but a weakening of its bonds. We might find ourselves sharing a bit less of a world with differently altered others, and this has ethical consequences. If, for

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example, my genetic makeup or that of my ancestors has been altered in such a fashion that certain types of pain or other experience are totally foreign to my scope of experience, then I will lack the ability to empathize in as full-blown a manner with those who might still have such experiences. This refers us back to a weakened version of Roden's description of post-human disconnection: differently altered groups, especially when those alterations concern our vulnerability to injury and disease, might have experiences sufficiently different from ours that we cannot envisage what significant aspects of their lives would be like. This inability to empathize will at the very least dampen the possibility for the type of empathic species solidarity that I have argued is the ground of ethics. And which I think is institutionalised in various ways (public health care and poverty relief being the most obvious).

It might be objected that pain is pain, or privation is privation, and given its obvious utility, it seems very unlikely that any population group would alter themselves so as to eliminate it from its scope of experience. This may be the case to an extent, but there are certainly, for example, different types of pain, knowing one does not mean knowing them all. It is not just the actual or potential structuring of vulnerability that is important here, but also the possibilities available of expressing it. A shared general style of the body correlates to a general style of motivation and a general style of expression that is shared among conspecifics. Alterations in the general style of the body, its traditional evolutionary-historical form, may translate into a decreased capacity for the empathic proto-linguistic communication that grounds species recognition and with it ethical solidarity. The thickness of communication depends on the degree of commonality of the empathically shared

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structure of experience. This may matter most when we are dealing with the expression of suffering or other manifestations of our vulnerability.<sup>19</sup> One central point returns here time and again: any alterations that lessen the commonality of experience may have the unintended side effects of weakening the bonds of empathy that lay at the root of the ethical.<sup>20</sup>

## NOTES

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<sup>1</sup> I have opted for the term “alteration” over “enhancement.” The latter seems to be the standard nomenclature of the discourse, but is not without issues, namely it is not value neutral, so to use the term enhancement in an ethical debate would seem to already stack the deck to one side. Alteration would for this reason be a more value neutral and preferable term. Alteration also avoids some of the difficulties associated with the therapy-enhancement distinction by positing a continuum of alteration rather than a break between therapy and enhancement.

<sup>2</sup> E.g. Habermas (2003) uses the expression “almost transcendental” in his argument against genetic modification *vis-à-vis* the conditions of possibility of the experience of autonomy and freedom. A transcendental argument deduces the conditions of possibility of an actual, in this case the experience of freedom and autonomy. In this sense, Habermas’ argument in *The Future of Human Nature* is a transcendental phenomenological argument against cloning and intervention in the human genome. I think that the reception of Habermas’s argument in the Anglo-American bioethical literature has largely missed this point.

<sup>3</sup> See, for example, “radical enhancement is a way of exiting the species that threatens many but not all of our valuable experiences” (Agar, 2010, 15). To my knowledge Agar is one of the few biological “species integrists” to explain what species concept he is working with and lending ethical weight to. He is referring to Mayr’s biological or reproductive isolation species concept: “I define humans as members of the biological species *Homo sapiens*. A biological species is a group of populations whose members are capable of interbreeding successfully and are reproductively isolated from other groups” (19).

<sup>4</sup> I do not think that Habermas’s or any of the other species-integrist arguments require holding on to an essentialist species concept.

<sup>5</sup> Allen Buchanan (2011a, 41) states the criticism of species–integrist arguments very succinctly: “Talk about species barriers is evocative -, but it’s unclear how apt it is. Given how many genes we have in common with other species and given that species aren’t rigidly fixed, but constantly evolving, it’s doubtful whether the idea of species barriers even makes sense.”

<sup>6</sup> On this point see, Fenton (2008, 3), “Annas’s core argument claims that human nature, described in terms of fixed biological traits that define membership in the species *homo sapiens* is the foundation for human rights. This claim implies that fixed biological traits are normatively significant, that their presence or absence determines membership not only in a species, but also in a moral community [...] I reject Annas’ assumption that human nature is reducible to biological traits, and his assumption that

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fixed biological traits are normatively connected to moral status or the notion of human rights”; and Buchanan (2009, 348): “Some participants in the enhancement debate have gone so far as to say that enhancements might render the concept of human rights obsolete. They worry about the obsolescence of the concept of human rights because they believe that enhancements could result in beings that were not human beings, and apparently assume that the concept of human rights applies only to human beings. [...] Thus, even if the prospect of biomedical enhancements does not challenge the assumption that all who qualify as persons have the same moral status (The Equal Moral Status Assumption) or render the concept of human rights obsolete, it may nevertheless pose a serious threat to equality.”

<sup>7</sup> There are of course many species concepts at work in the biological sciences, and when ethicists talk about species it is not always clear what concept of species they are working with, Agar excluded. James Mallet (2006) provides a helpful guide to the variants of species concepts.

<sup>8</sup> I share the general framework of this position with Habermas, who writes: “I conceive of moral behaviour as a constructive response to the dependencies rooted in the incompleteness of our organic makeup and in the persistent frailty (mostly felt in the phases of childhood, illness, and old age) of our bodily existence. Normative regulation of interpersonal relations may be seen as a porous shell protecting a vulnerable body and the person incorporated in that body from the contingencies they are exposed to” (Habermas, 2003, 33).

<sup>9</sup> See, for example, Evan Thompson (2009).

<sup>10</sup> For a good description of the epoché see, “I ask now: Can we not attain an attitude of such a kind that the *empirical*, being the characteristic of givenness of the natural attitude, remains completely disengaged, and indeed in such a way that *also its essence as essence of nature remains disengaged*, while, on the one hand, components that enter into the essence of nature or, to be more precise, that enter into nature itself *in individuo*, are maintained [...] We put in brackets, as it were, every empirical act, which may rush forward, so to speak, or which we enacted a short while ago. In no way do we accept what any empirical act presents to us as being” (Husserl, 2006, 32, 39).

<sup>11</sup> There is not space here to go into the relation that Husserl saw between biology and Phenomenology. Husserl thought biology to be a universal science of the structures of life and proceeding by way of variant forms of empathy (*Einfühlung*). He thus saw the path from biology to transcendental phenomenology to be a clear one (Husserl 2013). See also Meacham (2013).

<sup>12</sup> There is a rich literature in the Phenomenology of illness explaining the appearance of these two aspects of the body in medical practice, see, e.g. Carel (2011).

<sup>13</sup> The bodies of some animals are also expressive for us in this manner, but, for Husserl, at least, not given in the same “analogous” manner as a conspecific. It might be argued that the “analogous” givenness of animal bodies is phenomenologically anthropomorphic or grounded in the type of analogous transfer of sense from the bodies of conspecifics. This would fit with Husserl’s assertion that the first empathic or intersubjective relation is always with the mother or original primary care giver. On the other hand, the possibility of empathic contact with animals and indeed all life seems given in Husserl’s insistence on biology proceeding according to various forms of empathy (see, Meacham 2013). The sense we make of other species is in some way derivative of the sense we make of our conspecifics.

<sup>14</sup> Wiggins explains his choice of Weil's description over other for the following reason: “I choose Simone Weil over numerous others such as Hegel or Levinas who have been concerned with the same phenomena because she focuses so closely on the pre-reflective and does not intellectualize or moralize the phenomena. She focuses on that which precedes the ethical as such and on that which is not a matter of judgment or choice.” In other words, Weil's description comes closest to a pure phenomenological description of human species recognition.

<sup>15</sup> More recently, this idea has also been taken up by Thompson (2009, 163).

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<sup>16</sup> A serious objection not to the PSC itself but to the idea of species-recognition, for which I am indebted to an anonymous reviewer, is if and how the generality of the species-horizon is recognized or appears in the particularity of each intersubjective encounter. There is not space to adequately address this important point here, but I will make two brief comments: First, species-recognition is most often passive in a phenomenological sense: I am not consciously or explicitly aware of every phenomenological conspecific as such in every interaction. Nonetheless the experience of species recognition in the manner described by Wiggins and Weil can be analyzed phenomenologically once it has been thematized. And, this passive awareness, which founds more explicit intersubjective relations, can still exert a pull on my behavior that can be characterized as a normative force. Second, individual intersubjective relations of a robust and sustained enough manner are nested (so to speak) in the general structure of a species-horizon. So in this sense, species recognition is always at play as a kind of baseline upon which more particular or idiosyncratic relations are built, even if we are not always consciously or explicitly aware of it.

<sup>17</sup> For a phenomenological analysis of the communication of vulnerability through bodily expressivity, see, Carel (2009, 218).

<sup>18</sup> I experience the body of the other as vulnerable in a manner similar to my own and I also can have an experience of the others experience of their own vulnerability, since it is of the same general structure as my own. Both experiences of the other are analyzable in terms of empathy and the pre-reflective expressiveness of the body.

<sup>19</sup> It could be objected that it is problematic to claim that I, for example, do not know what polio is like, but I share in a structure of bodily experience where polio is possible. The point however is that I would empathically share a structure of bodily experience that allows me to empathize with a conspecific who has polio. As I have been altered through vaccination, polio is no longer within my actual scope of possible experience. We could, I think, imagine medical treatments like vaccination that would alter an individual's or a population's experience of illness per se to such an extent that empathy with the ill become more difficult. Or, from a first person perspective, where others are not seen as sharing the same vulnerabilities as me.

<sup>20</sup> On a practical level, I take a position here similar to that of Ori Lev: "Determining which kind of enhancements would undermine solidarity is thus essential; the mere unequal access to enhancements does not necessarily mean erosion in solidarity. As a society we would have to sift those enhancements that have the potential to undermine solidarity from those that do not. The former should be assessed as to the potential harms they could bring about. If the harm is likely and substantial then such enhancements ought to be restricted to some degree. The latter category should also be assessed; enhancement that can promote solidarity should be candidates for state support. Those that do not affect solidarity should be assessed in light of other values" (Lev, 2009, 181).

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