

我們能通過生物技術構建道德更
為完善的人類嗎？——

對傑森·T·埃伯爾

和瑪蒂達·阿吉博拉的回應

Can We Biotechnologically
Construct a Morally Better
Human? —

A Response to Jason T. Eberl
and Matilda Ajibola

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摘要

埃伯爾 (Eberl) 和阿吉博拉 (Ajibola) 主張在特定條件下通過生物技術手段實現道德增強。我們注意到兩位作者在論文中關於道德增強的社會正當性辯護。這種辯護使得對道德增強施加相關的規範性 (政治性) 約束變得必要。因此，兩位作者若能更多地從政治維度考量其所持有的觀點，將會有所裨益。

基於此，我們的評論結合政治自由主義的關鍵理念，探討了兩位元作者的視角與自由主義在善的問題上的中立性之間的張力。作為這一討論的一部分，我們詳細闡述了助推 (nudging) ——兩位作者為實現道德增強所訴諸的一種手段——為何也面臨著自由主義的挑戰。

Eberl and Ajibola argue that given the high stakes moral issues that we face today, for example, environmental devastation, we have a motivation to use biotechnology to enhance the morality of humans. In the paper, the authors provide a comparison between traditional, indirect approaches to moral enhancement, such as moral education, and using biotechnology to directly enhance human morality. Examples of the latter include pharmaceutical and genetic interventions. The authors argue that some direct enhancement can help with the moral weakness of will problem without sacrificing agency, autonomy, or authenticity. They make the case, however, that significant practical obstacles to direct enhancement remain.

In our commentary, we examine political constraints on moral enhancement and argue that the authors' position would benefit from clarifying and engaging with the political dimensions that their qualified support of moral bioenhancement might involve.

Eberl and Ajibola (2025, 98) write the following:

Responsibility for enhancing individuals' moral dispositions does not fall only upon the state, though; in fact, modern liberal democracies tend to shy away from "legislating morality," even though laws against racial segregation and gender discrimination,

as well as legal recognition of same-sex marriages and other LGBT rights, are doing just that—that is, shaping a nation’s moral ethos through legislation. Laws alone, however, cannot effectively shape the hearts and minds of a citizenry; for individuals may vehemently object to such laws even though they adhere to them out of fear of reprisal.

There is a distinction between laws and policies “shaping a nation’s moral ethos” as in (i) having effects on “a nation’s moral ethos” vs. (ii) state-legislation intentionally changing such ethos. The distinction here is crucially important from a politically liberal perspective, which prizes principles such as the “priority of the right over the good” (Rawls 1993) and that of democratic legitimacy (Habermas 1996). The debate between Herbert Hart and Lord Devlin on the decriminalization of homosexual acts in the United Kingdom is an example within legal philosophy of liberal justification in law as opposed to moral (or legal moralist) justification (Stanton-Ife 2022). In many cases, one may plausibly hold that the liberal rationale is that the state should avoid actively promoting particular conceptions of the good life by adopting state neutrality on such matters, or, in cases where active decisions are to be made, codifying in law only those opinions that command a widespread democratic consensus.

In contrast to Aristotelian understandings of politics (which Eberl and Ajibola cite approvingly), the commitment of the liberal state to not interfere with (or at least *intentionally and actively* interfere with) individual ethical decisions is a deep feature of the legitimacy claims of modern liberal-democratic states, as they have little legitimate means to claim – aside from through widespread democratic consensus – that it knows substantively what ethical living is for all amidst pluralism and disagreement. The liberal distancing from ethical substance makes it reasonable for various communities with conflicting conceptions of the good to support the state. Such core features of liberal legitimacy, even if one disagrees, should not be shoved aside in favour of one where the state’s intentionally educative role is unproblematically assumed. While a liberal approach to the law may have effects on a national’s moral ethos, or may even make some conceptions of selfhood more prominent (consider communitarian critiques of liberalism), such broad liberties shouldn’t easily be interpreted as indicating an intention to promote a particular moral ethos in society.

This discussion leads us to further questions related to the political ambiguities of the paper. Perhaps the most important one is whether

moral enhancement should be seen as primarily a private, ethical one or a social/political project. If it is the latter, the political concerns are minor, perhaps limited to whether the agents opt in a voluntary and informed manner. But the authors' embrace of the Aristotelian view of education and their comparison of biotechnological means with nudges and educational institutions as tools for moral enhancement throughout the paper suggests the latter. For liberalism, whether it is the former or the latter matters as the state should not be in the business of promoting one group's particular conception of morality.

What's moral and not moral is not obvious and is sometimes controversial. Is it morally permissible to gamble? Is eating meat morally wrong? Should we have provision for medically assisted suicide? This should be important for Eberl and Ajibola, given the case they see for using direct moral enhancement interventions to help with the moral weakness of will problem. Even if moral enhancement interventions are intended not to result in us having specific moral beliefs but to improve our moral decision making in some way, strengthening moral resolve without knowing whether in particular cases, that will lead to good moral decision making or not seems somewhat risky.

In bioethical debates, it's not unusual for theorists to indicate what they take to provide a justificatory ground for biotechnological interventions. Such justificatory grounds may include autonomy-based justifications (Bostrom's morphological freedom), individual well-being-based approaches (Savulescu and Kahane's procreative beneficence), as well justification on the basis of promoting social good (as we see in Elster's work) (de Melo-Martin, Inmaculada and Sara Goering 2022). While the most obvious interpretation of the authors' position, although they highlight the importance of autonomy, agency, and authenticity, is that they support the latter sort of approach. This, however, brings into question the broader political theoretical framework within which they envisage moral enhancement taking place. The justificatory approach of promoting social good is in tension with Rawlsian political liberalism, which demands state neutrality on contested conceptions of the good (Rawls 1993).

An approach to moral enhancement that emphasises nudging may be regarded as bringing about moral enhancement without sacrificing the values of agency, autonomy, and authenticity. Nudging, also originally known as libertarian paternalism, developed by Thaler and Sunstein (2008), is a popular policy tool for Western governments precisely because it is regarded by Thaler and Sunstein (2008) as

liberty preserving. A nudge is not supposed to be a shove. They're not supposed to force someone to do something. They use choice architecture and our knowledge of social psychology and cognitive biases to make more likely what is thought to be for the good of the target of the act. For example, we have lots of evidence that having a pension is good for people. We also know that while people often regret not saving for their pensions or not saving earlier, often people will procrastinate starting a pension plan. A classic example of a nudge is to make enrolment in a pension the default. After all, we have to choose between an opt in or an opt out system anyway. By choosing an opt out system, we make it more likely that people will have something that is good for them. They can still opt out of pension enrolled if they really want, so such a nudge can still be said to respect autonomy. Similarly, Eberl's and Ajibola's examples of fostering virtues by 'social designs' such as building spaces that enhance community engagement can be understood as ways that 'nudge' without clear violations of the agent's autonomy.

While such examples seem largely unobjectionable, the use of nudges raises some concerns. Aside from the more innocuous nudges, other nudges make use of other scholarly findings, for example the anchoring effect, and a common criticism that nudge theory faces is that it manipulates nudgees to make it more likely that preferred results are achieved (Wilkinson 2013). Besides, as sociologists have observed, the 'nudge' problematic tends to frame social and political problems under frameworks of cognitively rational decision-making of the *homo economicus* at the expense of policy sensitivity to social and cultural contexts. Its deployment in the behavioural policy making is hardly value-neutral nor non-compulsive. (Davies 2014, Malecka 2023) In the nudge model, nudgers assume that they *know* the norms that constitute a good decision, and 'help' the agent make what they think is rational, economical, and ethical.

Eberl and Ajibola avoid obvious political dangers when they rule out compulsive and covert forms of nudging and bioenhancement. In arguing against purely "external" interventions, they also avoided recommending interventions that create purely behavioural changes without engaging the autonomous and character-defining ethical capacities of the agent. But still, is it right for them to assume that they *know* what cultivating virtues involves in a similar way that nudge economists do? Consider how, in a significant section of their paper, Eberl and Ajibola read the problem of cultivating dispositions in virtue theory as a problem of *akrasia*, that is to be resolved by aligning one's first-order desires with second-order desires. But is this a good

representation of the problem? What does this say to readings of virtue theory that emphasises how ethical reflection changes “the structure of possibilities in which life can be lived” – presumably opening up new avenues for both first-order and higher-order desires altogether? What about those in non-Western traditions that focus more on ritualistic performance, or even more radical theories that consider volition and judgements second-rate? Are Daoist exemplars all Frankfurt-ian wantons then, and do they need to be ‘nudged’ and enhanced?

This is not the place to settle disputes in ethical theories and frameworks, but rather to demonstrate that, even when we restrict our scope to non-compulsive and non-covert forms of moral bioenhancement, questions of moral and political disagreement can still emerge. If liberal intuitions are right that the only reliable way modern states can command legitimacy for their policies is through appeal to neutrality or democratic consensus, then political puzzles will likely arise in state policies that deploy or encourage means of moral bioenhancement. Once more, if our broader political framework from which we are operating is a liberal one, then again potential incompatibilities appear between the authors’ well-argued proposals for moral enhancement and our political constraints.

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