The purpose of the previous chapter was to begin to characterize the problem space within which a specific venue—the U.S. President’s Council on Bioethics—was asked to take up human dignity as central to the practice of bioethics. I certainly could have chosen other venues in which human dignity was brought to bear on biology and ethics. The phrase “human dignity” circulates in the bioethical writings of the Vatican’s Congregation for the Doctrine of the Faith, for example, or in the UN commissions on genomics or cloning. The German government faced the question of human embryonic stem cell research and human dignity when they were asked to take up the question of whether the embryo was legally protected by their constitutional commitment to “inviolable” human dignity. What is distinctive about the President’s Council, and one reason why I selected it as part of this series of cases, is that the work of defining and securing human dignity against the dangers of bioscience was put forward by the PCBE as the unequivocal and defining task of bioethics and therefore as a matter of self-constitution: what modes and forms of bioethical practice are adequate to the defense of human dignity?
In the previous chapter I also set out to indicate three characteristics of this self-constitutional challenge, which I think are significant. The first is that the problem proposed by Leon Kass to the President’s Council differed from the problems addressed in other bioethical venues. Ultimately this meant that the mode of practice proposed differed as well. In the 1970s, a core problem was how to protect research subjects without unduly compromising the general goods of research. In the 1980s and 1990s a core problem became how to decipher the extent to which genomics were determinative of things human and therefore the extent to which the human genome should be intervened on. In the late 1990s and the early 2000s a core problem concerned the moral status of the embryo and whether or not the embryo as a locus and bearer of human life ought to be destroyed in the name of saving patients’ lives. In all three of these bioethical moments the task and challenge was different from the task and challenge put before the members of the President’s Council. Although the phrase “human dignity” had certainly circulated in all of these previous bioethical venues (in connection with issues of end-of-life care, for example), it was not taken as the central problem or principle of organization in anything like the way Leon Kass proposed. So, a shift in problems and modes: this is the first characteristic I want to highlight.

The second characteristic is that the President’s Council articulated the challenge of securing human dignity as a problem of discerning and sorting out goods of higher worth from among goods of lesser worth or goods of only apparent worth. In this way, it was proposed, it might become possible to orient biology in the name of those higher goods. The difficulty for bioethics, as Kass framed it, is precisely that biotechnology is not advanced in the name of any evident evils. Rather, it is advanced in the name of goods such as freedom of inquiry and medical beneficence. And though under the conditions of late capitalism these goods may be defensible in individual instances, the danger is that they are likely to aggregate to overall dehumanization.

Kass thus posed the question: is bioethics capable of deciphering the character of modern biotechnology in such a way that dehumanization can be avoided and the goods of a “truly human life” secured? The answer, he thought, would turn on the extent to which bioethics can be made to discern the difference between the ethics of “life as such” and the ethics of “life lived humanly,” so as to develop modes and forms of practice determined by the latter. All of this left the President’s Council with three questions. What constitutes truly human life? What is the character of the biotechnological sciences today? And what needs to be done about the relation between them? Bioethics taken up in response to these questions would seem to call for two sorts of ethical equipment: hermeneutic equipment that would allow the council to discern the truly human so as to diagnose the relation of the truly human
and developments in biotechnology and moderative equipment that would allow it to help redirect any forms of research that seem to be putting human dignity at risk.

The third characteristic of the challenge to secure human dignity is that bioethics under these conditions can no longer be considered as a matter of balancing the juridical and the biopolitical. Securing human dignity will not consist in the multiplication of principles through which the rights of the individual are balanced against the goods of the health of the population or the general expansion of knowledge. Rather, bioethics needs to be a kind of pastoral exercise. This pastoral exercise will consist in orienting the work of the life sciences to the nature of human dignity. But something changes here that we did not see with either the Vatican or the United Nations. This pastoral exercise will come to resemble something much closer to a kind of governmental power, what one might call a sort of “biopolitical pastoral.”

Recall that in my excursus on pastoral power I pointed to a double fact: (1) that with human dignity the classical mandate to take care of all and of each one was taken up and reconfigured but (2) that it was constituted, for both pragmatic and conceptual reasons, without direct recourse to the instruments of the conduct of conduct. With the President’s Council this double fact remains in place, but it is troubled on both sides. On the first side it is no longer clear whether or how the care of human dignity will require attention to the good of all or each one. Concentration on the “truly human” and the aggregate outcomes of biotechnological research are articulated as a matter of caring directly for “life humanly lived” and less directly for individuals living life. On the second side, although the stakes will once again concern human dignity in an archonic mode, and therefore human dignity as that which cannot be cultivated but only defended, a more direct effort will be made to regulate a zone of activity directly. That zone of activity is biotechnology. So, although it remains the case that human dignity is not an object of the conduct of conduct, it is nevertheless also the case that, in the name of human dignity, biotechnology is such an object. The catch, however, is this: in an effort to define the human of human dignity as integral to, and as identical with, the body understood as the object of biotechnological intervention, the council effectively elides the prior view that it is the milieu within which human dignity resides and not human dignity per se that needs to be interpreted and intervened on. This drawing together of what one might call the spirit of dignity and the body of biology produces a generative effect: it catalyzes a prolific debate about the definition of human dignity and its relative usefulness as a term of bioethical art. Unlike in the cases of the United Nations and the Vatican, however, this bioethical conjuncture of dignity and the body did not prove generative in nondiscursive registers; that is, it did not prove helpful in the work of turning human dignity into a practice.
The proposed warrant for the council’s efforts is Kass’ assertion that bioethics has not previously been a matter of caring for _bios_ understood as the human life lived in a truly human fashion. Bioethics therefore needs to be made into a practice according to which and by way of which the _logos_ of _bios_ can be more effectively discerned, articulated, and made into an instrument for the regulation of biology. Bioethics in this strict etymological sense is already a matter of biology. The mandate to create a “richer bioethics” can be put like this: the life sciences should be conducted in such a way that they contribute to the security of biology understood as the truth of life humanly lived. Human dignity is thus figured as an external principle of limitation in the conduct of the life sciences. But it is also figured as an internal metric for calibrating the life sciences, a metric according to which certain programs, activities, and applications must be pursued. I suggested that in the case of the United Nations human dignity was never actually integrated into the _raison d’état_. Nor was it simply a point of juridical delimitation. It was, rather, positioned in a liminal space alongside of and in view of governmental practice. Kass’s proposal for a richer bioethics moves beyond this liminality. It brings human dignity closer to the center of things. _Bios_, the human life in its multiple senses, needs to be made the governing object of care. Bioethics needs to be made into the self-moderation of biology.

**BEYOND THERAPY**

The hermeneutic side of Kass’s call for a richer bioethics occupied the council in an immediate and sustained way for the first eighteen months of its work. The questions of what constitutes a truly human life, how such a life relates to biotechnology, and what should be done about this relation were introduced in the first meeting in January 2002 and occupied a place on the monthly agenda until September 2003.1 The council worked at an intense pace. Within the first two years they published three major volumes of work. The second of these three, _Beyond Therapy: Biotechnology and the Pursuit of Happiness_, published in October 2003, constituted the council’s first systematic statement of what bioethics of a “richer” sort might consist in. In it they gave sustained attention to the question of the character of biotechnology.2 They also gave sustained attention to the question of what constitutes a truly human life. They also set out criteria on the basis of which biotechnological developments might be conducted differently and, relative to human dignity, in a more secure fashion.

In what follows, I propose to recapitulate the arguments developed in _Beyond Therapy_. Before doing this, however, it bears repeating that this volume is only one among the many produced by the council. In this sense it does not have any special standing or authoritative status in the corpus of their work. It is not constitutional
in anything like the same fashion as the Universal Declaration was for the United Nations’ activities on human rights or *Gaudium et spes* for the Vatican on pastoral care for the modern world. This means that *Beyond Therapy* is neither the key to the council’s formulations nor a definitive statement summarizing the essence of their work. However, the volume constitutes an important published outcome of the council’s effort to address directly the constitutional problem introduced by Kass’ opening address. Their response to this problem required them to answer the questions of what human dignity is such that it is put in danger by biotechnology, what biotechnology is such that it should endanger human dignity, and what bioethical practice will need to be invented in order to mitigate all this. *Beyond Therapy* can be read as one of the council’s major attempts to answer these questions.

For the purposes of my analysis, two chapters of *Beyond Therapy* warrant particular attention. The first chapter in the volume provides an account of the problem being addressed. It also presents and justifies the mode in which this problem is taken up. The last chapter in the volume—in view of four cases presented in the course of the book—provides a set of summary and orienting conclusions. It also lays out the case for why the stakes of bioethics are particularly high today. In recapitulating the formulations developed in these two chapters I will reflect on the reasons offered and the evidence marshaled in support of the core assertion Kass made at the outset: that in the face of biotechnology a truly human way of life is in danger and needs to be preserved.

I will focus attention on a particular difficulty faced by the council: demonstrating human dignity. Unlike the United Nations, the President’s Council *does* say something about the origins of “human nature and human dignity.” And unlike the United Nations and the Vatican the council attempts to provide a substantive definition of human dignity, or, more exactly, a substantive definition of that which is truly human and thus that which can be taken to count as “the human” in human dignity. The analytic question that can be posed to their work is this: what happens to what Klaus Dicke calls the “founding function” of human dignity? What happens to the “archonic settlement,” when an attempt is made to demonstrate and define human dignity in substantive terms? What kind of work can this figure do once it is demonstrated and not simply declaimed? Richard McKeon predicted that philosophic unanimity with regard to human dignity and human rights would compromise unity of political action. At the Vatican the question of the source of dignity is answered by way of a nonsubstantive notion of a call into being that produces ontological continuity between nature and the supernatural. In the case of United Nations the question of the source and substance of dignity created a problem of competing frames of reference and modes of reasoning, which was resolved by way of simply declaring human dignity and excluding the question of
Th e Biopolitical Pastoral

origins. Despite these differences, in both cases the result was the production of an archonic rendering of things human. In Beyond Therapy, in distinction to each of these, human life is defined through an exercise in what might be called a naturalistic demonstration of human dignity or, to put it more precisely, an exercise in verifying human dignity. The content of the truly human, it is argued, can be shown to consist in a set of tensions between the limitations of body, mind, and soul on the one side and “the deepest human desires” on the other. These tensions are susceptible to demonstration, to verification. Human dignity is susceptible to verification.

In addition to examining Beyond Therapy, I will also offer a brief examination of the President’s Council’s 2008 book Human Dignity and Bioethics. Given the title of this later work, I should perhaps make it more central to my study. The principal reason why I am giving it less attention is that Human Dignity is, in my estimation, something of a response to—a solution for—the conceptual difficulties and eventual polarizations opened up by the council’s earlier work. It is, in this sense, one ramification of the attempt to constitute bioethics as a matter of human dignity. As such, although it consists of a set of essays written by council members and other invited philosophers, it is less of a constitutional or orienting statement of the council’s work and more an attempt to deal with the agenda and partial blockages that their orienting work had produced. That said, it is important to give some attention to the way in which the council’s work began to ramify and fragment after seven years of intense engagement. It is also important that this later volume was commissioned by a new council chair, Edmond Pellegrino, and not by Leon Kass. In any event, for seven years the concept of human dignity held a strategically crucial place in the council’s work. In their examination of topics ranging from cloning, to stem cell research, to death and dying, the concept of human dignity is used to name what is at stake and serves to calibrate the council’s practical recommendations. In all of this, it bears underscoring, the definition of “human dignity” was never formally settled—although, as I will discuss at length, the specific terms of a “truly human life” were carefully defined and put forward as a kind of proxy definition for human dignity. In this way, the figure of human dignity was made to function in a more or less regular and coherent manner throughout the course of the council’s work under Kass. One of the important legacies of that work is that the eventual demand for more definitional precision produced cacophonous philosophical debate, exemplified by the council’s own volume of essays.

I have paid particular attention to several characteristics of the council’s conception of human dignity. First is the fact that they often used the phrase in an under-defined manner. This is not remarkable and basically coheres with how the term has been deployed in other settings. However, it continued to be deployed regularly and
continued to operate in a fairly consistent manner in part because the notion of the
to which it was attached was, in fact, given a more or less stable definition.
When the term was given direct and concerted philosophic attention in 2008 it
began to fragment; this marked a threshold in the council’s ability to work with the
term. It is worth thinking through how it is that a lack of direct conceptual clarity
did not impede ethical and political activity, at least not for the council itself, as
well as how it is that when the council decided to reflect in a sustained way on the
concept of “human dignity,” rather than on “the truly human life” as a proxy for
human dignity, the outcome was the generation of a set of fragmented and contesta-
tory essays. A certain coherence and operability gets lost in the scrutiny. That being
said, a more central consideration for my purposes is the fact that the definition of
the human at play in the early writings of the council, especially in *Beyond Therapy*,
effectively combined the archonic and the governmental in the name of a richer
bioethics. The attempt to put an archonic figure of the human to work as the basis
for a governmental logic of human life ultimately constitutes a shift in the politics
of intrinsic worth connected to the history of human dignity.

In the introduction to *Human Dignity and Bioethics* Adam Schulman, a member
of the council’s staff, posed the question of whether or not the term human dignity
is a useful one. On some level the question should strike us as strange: it obviously
is; it had helped facilitate a considerable amount of work throughout the council’s
tenure up to that point. Such usefulness is exemplified by the positions elaborated
in *Beyond Therapy*. The “truly human” life, under threat from biotechnology, is the
central figure in *Beyond Therapy*. And it is clear in that book that for the members
of the council (insofar as the book can be said to represent their view of things) the
figure of the truly human is precisely the site of dignity and hence precisely that
which needs to be protected. The interesting question, then, is not whether or not
the figure of human dignity is a useful one. The question is, rather, how is it used
and to what effect.

BEYOND THE FORMAL: SPECIFYING THE TRULY HUMAN

The end of the introductory chapter to *Beyond Therapy* poses this question: “What
does and what will [biotechnology] mean for us—as individuals, as members of
American society, and as human beings eager to live well in an age of biotechnol-
ology?” The text explains that this is the “first” question, the question that orients the
method and spirit of the inquiry which will follow. The question serves well as a de-
vice for specifying and analyzing the elements and relations of the council’s broader
proposal for a richer bioethics as imagined under Kass’s leadership. Five elements
stand out. I list them in the order I will take them up. The first element is “human
beings.” At the center of the council’s efforts is the proposal that a richer bioethics will consist of an account of the “full human meaning” of biotechnology. The “human being” is put forward as a core metric for bioethics. The second element is “eager to live well.” This element has two sides. The first side is affective. The text states that the mode of inquiry will be to examine “desires and goals” that drive biotechnology. The second side is ethical, in the sense of practices that give form to life. The council’s ethical inquiry will involve a question of the relation between affect and the ordering of life. The third element is “age of biotechnology.” This element has two sides as well. The council will need to define biotechnology in such a way that its challenges are clear. And they will also need to answer to the question of how these challenges are intensified by an “age,” which is obviously a comprehensive and totalizing term. The fourth element is “American society.” The council argues that the dangers of biotechnology are connected to a broader American ethos. How this ethos constitutes a “society” and how such a society catalyzes the stakes of bioethics is put forward as a critical matter. The fifth and final element concerns the question of what biotechnology and bioethics might “mean for us.” Here the council tells us what kind of challenge it is taking up and what kind of practice it is engaged in. The challenge centers on the question of meaning. The Letter of Transmittal to the President reads: “biotechnical powers may blind us to the larger meaning.” It follows that the mode of practice the council is engaged in is, on some level, hermeneutic; it consists of “interpreting and making sense of something.” Bioethics begins with a hermeneutic practice. The significance of this claim, and the ways in which such a hermeneutic practice might be translated into mechanisms for the governance of biotechnology, remained a central problem.

1. Human Being

In a subsection of the introductory chapter the council proposes to make “the case for public attention” to biotechnology and to do so by casting biotechnology as a “problem of power” that takes medicine and the manipulation of the human body “beyond therapy.” I will take up what they mean by “beyond therapy” and “biotechnology as power” momentarily. Here I want to specify the terms of the case they offer up. The council is concerned by what its members take to be a lack of attention in “public bioethics” to questions raised by efforts to “improve on human nature.” They state that they are disquieted by the fact that many bioethicists either think that there is no such thing as “human nature” or, if there is, that “altering it is not ethically problematic.” The council acknowledges that specifying the “nature, shape, and content” of human being and specifying the questions raised in trying to improve human being are difficult, if not ultimately elusive, tasks. Nevertheless, in something of a tone of self-attributed courage, they propose to take up these
tasks, which make up “some of the weightiest questions in bioethics.” They are the weightiest because they bear on matters of human flourishing, the threat of dehumanization, and the meaning of what it means to live as a human being.  

Although the text does not provide anything like a philosophically systematic anthropology, it does elaborate several defining anthropological features. These features can be characterized, in turn, as ontological, affective, and ethical. I will examine the ontological first and the affective and ethical in the next subsection. On the ontological level two sets of terms are emphasized. The first set consists in “natural limits,” the second in “natural gifts.” In a section of the text entitled “Beyond Natural Limits,” the council advances a series of distinctions that guide the elaboration of these two sets of terms. First, they tell us that the familiar distinction between therapy and enhancement offers a certain conceptual advantage for their work. The advantage is that it underscores the notion that medicine addresses itself to a “natural human whole” in relation to which actions that exceed therapy could, in principle, be specified. Therapy is said to fulfill “human wholeness” and enhancement to exceed it. Second, however, they tell us that the distinction between therapy and enhancement turns out to be less helpful when thinking ethically than it does when one is thinking medically. It is less helpful in the first place because the ethical boundaries are notoriously difficult to specify. More important, it is less helpful because “the human being whose wholeness or healing is sought or accomplished by biomedical therapy is finite and frail, medicine or no medicine.” Even if medically whole, the human will be marked by limitation and therefore, as we will see, marked in its very being by the temptation to try to exceed limitation. Finite and frail: at several points the text emphasizes that human existence is defined by what the council describes as “natural limits.” To this extent the human being is like the rest of the natural world. The body wears out. The mind slows down. The soul has unrealized aspirations. “Even at its fittest, the fatigable and the limited human body rarely carries out flawlessly even the ordinary desires of the soul.” Whatever is meant by “the soul,” the point is that the human is limited in all dimensions of its being and that these limitations are constituted by “nature,” by which the authors sometimes seem to mean “biology”—“highly complex and delicately balanced as a result of eons of gradual and exacting evolution.” Complex and balanced but limited and frail all the same.

Yet, according to the text, these natural limits, despite the problems they attend, are not altogether problematic. Natural limitations may include such things as “smallpox and malaria, concern and Alzheimer disease, decline and decay.” And natural limitations can be the source of the experience of inequality; some human beings, after all, are more limited than others depending on one’s standard. However, and this is a crucial point for the council, the natural limits of psyche
and soma “are the source of its—our—loftiest aspirations, whose weakness are the source of its—our—loftiest aspirations.” Natural limitations are the predicate of human striving. Human striving is the predicate of human excellence. Human excellence is the predicate of human flourishing. And this, they conclude, constitutes a life “humanly lived.” So, a double-sided ontological claim is made: the human is limited and these limits are a predicate of flourishing.

A second set of ontological terms concerns what the council refers to as “natural gifts.” The council proposes that there is another aspect, or point of emphasis, to consider with regard to the idea that human existence is characterized by natural limits. This is that these limits and predicates are given. That is to say, they are not cultivated. Human beings are not simply limited; they are limited by nature. To the extent that human excellence depends on a prior set of limitations, these limitations, these predicates of excellence, are naturally given. The council puts it this way: human bodies, minds, souls, powers, and talents “are not wholly our own doing.” The world is “gifted” by nature. This may seem an obvious point, but the council underscores it precisely because it will be vital to their archonic rendering of human life.

Why should the council take time to emphasize the fact that limits are given by nature? Because they think that the notion of natural givenness carries with it a tacit ethical mandate. The mandate consists in a call to adopt an attitude of respect and gratitude for what is given. The call is not only a matter of respecting a kind of sanctity of nature—though it is certainly that as well: the mandate is part “religious sensibility” consisting in the admonishment to be “nature’s servant” and not “her aspiring master.” But the mandate is also cast as a matter of prudence, and it is this part of the naturalistic mandate that proves decisive. The call to humility and gratitude in the face of naturally given limits is an ethical exercise that will allow humans to cultivate a capacity for discerning between those things that can be “tinkered with”—the council’s term—and those that “should be left alone.” The exhortation to respect giftedness is not so much a moral metric that could, itself, indicate which things to intervene on and which not to, which natural limits to ameliorate and which to respect. It is, rather, something closer to a virtue that needs to be cultivated so as to establish a “humanly proper” disposition.

What then is the metric that would allow us to discern which limits to respect, if it is not the “naturally given”? The answer is “human ‘givenness.’” It is not entirely clear what the accent on “human” means or adds in substantive terms for the council. However, as a kind of formal principle, the council writes that human givenness or a given humanness is that which could be “perfected without ceasing to be itself.” This is crucial and is the point on which richer bioethics as proposed in the text finds its center. The question of what should be altered by biotechnology
and to what degree can be answered by appeal to, by reference to, a “given human nature.” This given human nature, or gifted nature, is, we are told, “inherently good and dignified.” Why this is the case we are not told, other than the circular fact that without this given human nature we could not be ourselves. Nevertheless, and this is really the point, the ontological fact of given limits as the predicate of human flourishing is that which is both the site of human dignity and that which must not be violated.

2. Eager to Live Well

The first claim about human being is that it is limited, that limits are given, and the human is therein dignified. That is to say, of course, that human being is archonic. A second anthropological feature concerns affect: the linking of desire and purpose. Human beings, recalling the quote above, are “eager to live well.” In the opening pages of Beyond Therapy the council members indicate that an analysis of desires and purposes is part their strategic orientation. If the purpose of the book is to reflect on biotechnology “beyond therapy,” then the core ethical questions revolve less around specific technologies and more around “the desires and goals of human beings.” According to the text, biotechnology is significant because it is a mode of power through which different forms can be given to human life. (I will return to this below.) This means, among other things, that what counts ethically are not the specific techniques but how they are put to use. The question of use, on the view of the council, is a question of desires and goals.

At two key junctures in the text, the council inserts comments in footnotes that are presented as asides but that on examination seem rather important. The first is a brief note on the title of the volume. The footnote tells us that the title Beyond Therapy was chosen for two reasons. First, it indicates a point of entry into, and delimitation of, the question of the uses of biotechnological power, a question that might otherwise be open-ended. Second, it both calls to mind and points beyond the familiar distinction between therapy and enhancement. The footnote tells us that this familiar distinction, in turn, has two limitations. The first limitation is that it is notoriously difficult to pin down. The distinction depends in large part on what one considers to be “normal” health. It is an easily observable fact that as the techniques and technologies of medicine and public health evolve the norms of health evolve. The council writes that “ordinary experience. . . recognizes the difference between ‘restoring to normal’ and ‘going beyond normal.’” But because all therapeutic interventions are ameliorative and therefore overlap with those interventions that might be a matter of enhancement, the “ordinary” difference cannot be specified in general terms. There is a second limitation, however, that is more significant still. The second limitation is that the distinction between therapy and
enhancement is usually taken to be a matter of distinguishing various kinds of uses to which medical techniques and technologies can be put. The ethical question, however, turns less on the purposes of technology and more on the relation of “human beings and their purposes.” So, we are told, the title Beyond Therapy is meant to indicate that what is at stake is that something more than therapy is going on but also that this something more should be specified through an examination of human purposes.

So, to which purposes should we pay attention? Here I turn to the second footnote. It reads: “By his very nature, man is the animal constantly looking for ways to better his life through artful means and devices; man is the animal with what Rousseau called ‘perfectibility.’” What does this mean? Minimally, it means that human being is not only defined by naturally given limitations but also by the aspiration and desire to overcome those limitations. This desire is implied by the notion that limitations are the predicate of flourishing but that this needs to be given explicit attention: “As a result of these infirmities, particular and universal, human beings have long dreamed of overcoming limitations of body and soul, in particular the limitations of bodily decay, psychic distress, and the frustration of human aspiration.” This inclination to overcome naturally given limits is as crucial to what it means to be a human being as the ontological fact of being limited.

All this is seems to be to the good on the council’s estimation. Human desire, formulated as human purpose, becomes the possibility of human excellence. The problem is that the dream of overcoming limitations becomes the dream of overcoming all limits. The text cites a classical term that frequently circulates in questions of biotechnology: the Greek hubris. The council provides a two-part definition. Hubris is, in the first place, the desire for the perfection of the gods. In the second place, it is the fact that this desire emerges where there is insufficient wisdom guiding human desire and purpose. The drive to hubris, the text reminds us, is the crux of Greek tragedy. Achilles and Prometheus are cited. And what is the source of wisdom that impedes this drive and saves us from tragedy? The wisdom of the givenness of nature—respect for and defense of “what is naturally human,” “humanly dignified,” “for what is naturally and dignifiedly human.”

The council here presents a difficulty. How can humans discern between those dreams of overcoming limitation that are proper to “truly human life,” and that therefore fall short of hubris, and those dreams that are a drive to perfection and therefore tragic? The council admits that a general rule is difficult to formulate and apply, except to say that those desires that would take us past the point at which we would “cease to be human” should be forbidden. They suggest that the distinction between human desires and purposes and “super-human” desires and purposes should be assessed on a case-by-case basis. Such case work, in fact, constitutes the
bulk of the book. The council examines four cases of biotechnical zones within which the human impulse to perfection can become tragic: better children, ageless bodies, superior performance, and happier souls. The details of these cases are quite interesting, but the general conclusion to draw from them is what concerns us here: the council advises that in cultivating desires and purposes we must be sure that our ends can be achieved by “natural” and not only “unnatural” means.

If the distinction between therapy and enhancement is difficult to specify and maintain, certainly the distinction between “natural” and “unnatural” means is all the more problematic. The question of natural and unnatural, it turns out, does not turn on the difference between “the given” and “the cultivated,” as one might expect. What the council suggests instead is that “natural” means of striving for excellence are those means in which the connection between the mode of intervention and the outcome is constituted by a “knowing and striving subject.” Human effort in human achievement by way of meaningful activity can be distinguished from interventions in which the subject is a passive recipient. On one level the point seems to be that natural means of overcoming limits are a matter of the subject working on herself as a subject, a situation of nonestrangement in which “the relations between the knowing subject and his activities, and between his activities and their fulfillments and pleasures” coincide and cohere. On another level all of this may seem terribly problematic. Conceptually, what does it mean to say that ethics should be concerned with “the possibility of natural, unimpeded, for-itself human activity” and that this concern should illuminate our relation to biotechnology?

Whatever one makes of the ethical appeal to “natural means” of human striving, the anthropological point that the council wants to make is clear. The human is that being who is naturally limited and who strives to overcome these limits. This striving is the source of human excellence but can also be the site of human tragedy. The Promethean impulse must be tempered with the wisdom of the givenness of human being and the drive to perfection curbed. The payoff of all this for bioethics is the specification of what counts as the “truly human” and thereby what counts as dignified human life: the assurance and protection of dignified bios. In rather poetic terms, an anthropological summary is offered, some of which I have already quoted: “It is to see the human being as a creature ‘in-between,’ neither god nor beast, neither dumb nor disembodied soul, but as a puzzling, upward-pointing unity of psyche and soma whose precise limitations are the source of its—our—loftiest aspirations, whose weaknesses are the source of its—our—keenest attachments, and whose natural gifts may be, if we do not squander or destroy them, exactly what we need to flourish and perfect ourselves—as human beings.” Or, to offer another evocative quote, this one from a volume published two months later: “What is it about us, unique among the species, that enables our suffering to be (at least par-
tially) redeemed? What is it about us, unique among the species, that enables us to strive upward against the downward pull of necessity or to meet the world and our fellow creatures fully and directly, actively and honestly, feelingly and truly? The name we give to this excellence is ‘human dignity.’

The balance of striving and limitation. This is the *bios* that is at stake for the ethics of life. If we are to ask the question: what danger does biotechnology pose today? The council’s first answer must be: a danger to the human as that being whose dignity lies in the balance of limitation and striving. The problem with the “age of biotechnology” in “American society,” we might anticipate, is precisely that this balance is likely to be upset.

3. The Age of Biotechnology

Now to the third element: “the age of biotechnology.” “Biotechnology” first, and then “age.” In the first pages of the volume, Kass, addressing the reader as the chair of the council, writes that biotechnology offers both relief for the sick as well as the prospect of becoming more “perfect.” The trope is familiar: biotechnology is a concern of dual use. What Kass makes of that trope is quite interesting, however. Biotechnology, he suggests, is a matter of capacities. It is a mode and form of power that works to give shape to human life. If ethical inquiry takes as its point of focus the scientific basis of the “uses” of biotechnology, this is not simply because biotechnology is, after all, instrumental. It is, rather, a question generated by the fact that biotechnology intensifies capacities. Moreover, it is a question generated by the fact that the source of intensification is not merely technoscientific breakthrough but also the ways in which humans order their lives by way of these intensified capacities.

It is, in this light, that the authors give sustained attention to the definition of biotechnology in the volume. The key feature of their definition is that they do not develop it by way of the question “What is biotechnology?”—as though one could specify its essence. Their approach, rather, is to pose multiple questions concerning the *telos* of biotechnology: “What is biotechnology for?” “Toward what ends is it taking us?” and “What should it be for?” The question of biotechnology, then, is less one of processes and products (although the council does take these seriously as well). The question instead is how biotechnology manifests a form of ethical practice and outlook, how it serves as a way of working on and working over human life. Biotechnology is a question of power and orientation: what is biotechnology such that it allows us to give human life one form rather than another?

The question of power and orientation exposes four “complications,” the council tells us. The first complication is that biotechnology, taken as a power that intensifies the capacity to give form to human life, is a means with variable ends. This first
complication is familiar. The same biotechnology can facilitate different kinds of interventions on ourselves and others. The question of whether or not to intervene cannot be sorted out on the technological side of the ledger.\(^3\) The second complication concerns the metric for orienting and evaluating these new capacities. How do we know which aspects of human being should be made the target of intervention? The answer: those that allow us to remain truly human. As we have seen, such an answer entails evident difficulties. But let us say these difficulties can be managed. Let us say we have specified those things about being human that are definitive and therefore precious and that will serve as a standard to guide intervention.\(^4\)

A third difficulty inevitably arises: what if, in our interventions, which all appear worthwhile according to the goods we have chosen to pursue, we find that the interventions do not redound to a better human existence? This third difficulty is not a matter of unintended consequences. It is a matter of the problem of the relation between apparent goods and actual goods. Our interventions might proceed in the name of apparent goods but actually ramify in such a way that we find ourselves less well off relative to actual goods.\(^5\)

The fourth complication is more subtle and presents a more fundamental difficulty than the other three. The fourth concerns the mutually conditioning relation between capacities and desires. The council argues that as biotechnology intensifies the capacity for intervening on limitations it also generates ever greater desire for such capacities and interventions. Two cascading effects ensue. Things that once might have been taken as naturally given and therefore as sites of natural determination are reconceived as insertion points for technological self-determination. And things that might once have been taken to be exotic become not only normal but necessary and urgent as well. Human striving, a “natural” and dignified part of being human, is technologically catalyzed and the impulse to perfection intensified.

The analysis of this dynamic is familiar fare of medical sociology, as the council notes. It is something like the process of “medicalization” writ biotechnically large. On the council’s usage, medicalization describes a dynamic wherein the expansion of biomedical capacity both drives and is reciprocally driven by an increase in the range of human experiences and phenomena which can be conceived as problems susceptible to and calling for medical resolution. If it is the case that the increase of biotechnological capacities reconfigures human experiences, practices, conditions, and limitations as sites of biotechnological resolution or enrichment, then the ethical question becomes: what does such an intensification entail? First and foremost it entails carrying human desires and purposes beyond what the council takes to be the natural balance of limitation and striving. The human is that finite creature that strains against limits. “Biotechnologization” works progressively to undo the predicate of “given humanness,” both at the level of desire and at the level of actual
practices. The desire for the elimination of the predicate of the naturally given is the desire for the elimination of the predicate of human excellence.\textsuperscript{34}

So, the first answer to the question “what is biotechnology?” is this: biotechnology is a power that intensifies the capacity to give form to human life. The second answer is that it is a power that intensifies the desire to eliminate all human limitations. We can say that for the council biotechnology is not only a catalyst for hubris but also holds the prospect of actualizing a series of never-ending attempts to eliminate limitations and the never-ending process of seeing each new limitation as an imperfection in need of elimination. That is to say, of course, that on the council’s view biotechnology brings with it the prospect and danger of dehumanization.

Two factors make all of this a matter of particularly urgency for the council. The first is their conclusion that ours is a “biotechnological age.” The second is that the biotechnological age is catalyzed by the excesses of liberal democracy. I will address the second in the next section. The council writes: “By all accounts, we have entered upon a golden age for biology, medicine, and biotechnology.”\textsuperscript{35} What does the council mean by this? On one level the statement is a criticism of the hype connected to biotechnological innovations. By any number of measures the account of a golden age does not add up. The council obviously does not take things to be “golden.” What is more, if one takes seriously Kass’s claim that we live in a world marked by insecurity on multiple fronts, then biotechnology can hardly be thought of as an “age” at all. It is one threat among others.

On another level, of course, the council seems perfectly comfortable proposing that we live in something of an “age” and that biotechnology is its diacritic. The form of that diacritic is not simply that biotechnology is more ubiquitous today than ever before. It is not just that the last decades of the twentieth century saw the movement of biotechnological sciences beyond a small number of elite U.S. centers to universities and industries around the world. It is not that the expansion of the worldwide use of the Internet means that knowhow and materials of biology are ever more accessible, and it is not a reference to the fact that the flow of global capital into the biosciences runs into the many billions of dollars. All of these things certainly contribute to the fact of a “biotechnological age,” but these do not capture what the council means by this term. The contemporary world is characterized as a “biotechnological age” because the expansion of biotechnology has normalized the logic of “biotechnicalization.”\textsuperscript{36} Today, we are told, “biotechnologists are steadily increasing our power ever more precisely to intervene into the workings of our bodies and minds and to alter them by rational design.” We live in a biotechnological age because the ostensibly ageless desire for “healthier bodies, decreased pain and suffering, peace of mind, and longer life”—“all perfectly human”—is being rethought as
a problem of biotechnological intervention. Biotechnology has become a privileged site for rethinking “our very humanity.”

Given the heterogeneous character of the contemporary world, the idea that we live in an age of any kind, biotechnical or otherwise, might seem difficult to sustain. Nonetheless, the term “age” is crucial to what the council takes to be the theme and stakes of its work: the problem at hand is cast as a total problem. As to theme, the council’s work bears on a dynamic of humanization and dehumanization. This problem is taken to be at the heart of the logic of biotechnology itself. Because of this biotechnology is a fraught loop of saving ourselves, losing ourselves, and saving ourselves from ourselves. It is in this sense that biotechnology will take us “beyond therapy.” As to the stakes, the term “age” is used because biotechnologization is a total problem. Nothing falls outside of it. All aspects of human life are potentially open to biotechnical intervention, and all biotechnical practices, at least potentially, raise the specter of dehumanization. Other desires—the freedom of inquiry, the social goods of medicine, and the like—are recast as, at best, distractions, at worst indirect means of reinforcing the problem.

The real warrant for referring to these dynamics as a biotechnological age is that it allows the council to offer a totalizing claim about the dystopic trajectory of the current state of play: the prospect of “flat, empty lives devoid of love and longing” like those imagined almost a century ago by Aldous Huxley. The council takes Brave New World as a kind of prophesy to be heeded. Biotechnology is a problem calling for ethical reflection because it is a power that can upset the balance between human limits and striving and because today we face the dystopian prospects of an age of a biotechnologically facilitated drive to increase our psychic, somatic, and spiritual capacities. All of this is cast as deeply tragic: biotechnology is driven forward on the hope of human self-amelioration. Human dignity, in an age of biotechnology, is threatened with the best of intentions.

4. American Society

In the “first question,” quoted above, the council states that the work of a richer bioethics concerns not just human beings generally but “American Society” in particular. No doubt this particularity is underscored in part because of the council’s setting and mandate—it is an advisory council to the U.S. President, after all. The emphasis on America, however, turns out to be a matter of more substantive concern. Biotechnology is not only a concern because of the variable purposes and capacities of the technologies themselves. It is not only a concern because it is a power to “rationally design” human life according to specifications of our own making. And it is not only a concern because it lends itself to the increase and technologization of a desire for limitlessness. All of this is a matter of considerable concern to the
council. Besides and beyond all of this, however, biotechnology is a problem today because of the character of the world within which it is developing. On the council’s diagnosis bioethics faces something like the challenge confronted by Vatican II: human dignity is in danger not solely because biotechnology is developing but because biotechnology is developing in the late modern world. And what is this late modern world that constitutes a problem for bioethics? “American society.”

The term “society” is ubiquitous in bioethics. The concept and the referent, however, are rarely clear. If the term “human” is notoriously difficult to define, “society” may be equally problematic. Strictly speaking, of course, “society” is the object and objective of the modern welfare state and is not the universal and self-evident category it is often taken to be. When the term is discursively invoked as the concern of bioethics, it serves as a kind of underdefined gesture to “all those who are likely to be effected by scientific developments.” And when the term becomes an object of bioethical practice, such as in the European Union’s efforts to create forums for “science and society,” the practical problem of picking out who counts as “society’s” representative remains a constant difficulty.

Despite these familiar underdeterminations and practical difficulties, the term “society” indicates something quite specific for the council. Society in Beyond Therapy is the aggregate counterpart to the figure of the liberal individual. Society is an incorporation of individuals who make their “own free choices” about what to do with and about biotechnology. Of course—and this is a matter of some concern for the council—society is not just the sum of individuals making free choices. It is also a matrix that determines those individual choices and a vector of amplification in which matters that might be of little concern in any individual case become troublesome. If society, or “the social good,” was occasionally cited in the debates over human subject research as that which threatened the individual, the council in Beyond Therapy offers something of an inversion. In an “age of biotechnology,” the freely consenting individual is both a source of trouble as well as a tragic victim. In a kind of circular fashion, through the amplification of individual choices determined by “society,” biotechnology threatens to undermine the social good. Biotechnology in “American society” thereby poses a threat to humanity. Put schematically: the problem is no longer how to protect the individual from the social. The problem, rather, is how to protect the social from the individual.

The council’s diagnosis of “American society” is not unfamiliar. It resonates with the philosophies sometimes described as neoconservative and so was coherent with much of what was happening in Washington at the time Beyond Therapy was composed. The diagnosis has the feel of Kass’s own project, articulated in his work Life, Liberty, and the Pursuit of Dignity, and it largely conforms with a working paper he wrote for the commission entitled “Beyond Therapy: Biotechnology and the
Pursuit of Human Improvement.” The familiarity of the diagnosis, however, does not detract from its significance in the context of the council’s work. It constitutes a more or less coherent and comprehensive, if underdeveloped, theory of American political and economic life. This theory, as much as anything else, functions as the warrant for the double claim that with biotechnology human dignity is in danger and that bioethics of a more familiar sort is not capable of providing security.

The diagnosis consists of several parts. The first concerns the basic makeup of “American society” and the connection of that basic makeup to commerce and industry. The second concerns the relation between “medicalization” as a drive beyond therapy and bioethics as a response that needs to take up a critical position outside such a drive. The third concerns “American society” and the “meaning” of ideals. “American society,” we are told, consists of “private individuals looking to realize their personal dream of a better life, for themselves and for their children.” It is crucial that bioethics take account of this fact. Where early work in bioethics had been conducted in response to the biopolitical threat of “central planners looking to realize some dream of a more perfect future society,” the threat today has become, on the council’s account, more insidious. It is more insidious in that it is more subtly and slowly destructive. Where the threat of biomedicine and biotechnology had consisted the sacrifice of the lives of some individuals in the name of helping others to thrive, the threat of a biotechnology driven by the choices of “private individuals looking to realize their personal dream of a better life” is that the aggregate effect of these “countless private choices” may result in biological inequality, biotechnical narcissism, and the biotechnical production of a trivial and shallow form of life. One important driver for such possible aggregate outcomes is the linking of the life sciences and commerce. The council notes a basic fact of biology and biotechnology today: for good or for ill, biological research is increasingly conducted under the mandate to produce instrumental goods. And the metric of what counts as an instrumental good is generated by the “free market.” The “free” here has two referents. The first is free inquiry. Biology is driven, we are told, by researchers anxious to leverage the freedom of inquiry for entrepreneurial gain. These biologists and engineers are “leery of public scrutiny” and regulation. The second is the freedom of industry to manufacture desire. Industry markets biotechnology as the solution to the problem of a more perfect life and as the quick answer for the satisfaction of desires we did not even know we had. These forces, animated in the name of the virtues of “freedom,” risk redounding to the undermining of truly human life.

Such a state of affairs catalyzes and is catalyzed by the dynamics of medicalization as a central feature of biotechnological development. The council enumerates the causes of medicalization. Certainly there is the expansion of medical capacities. But there are also, therein and thereby, the rising expectations of patients: the desire
to take embodied life not as a given but as an object of mastery. The point that the council draws out is that many of these causes, taken on their own, might be innocuous. Taken together, and catalyzed by the freedom of entrepreneurial science and the interests of industry, all of it adds up to a drive “beyond therapy.” Beyond therapy, to repeat what I noted above, is not simply a shift from therapy to enhancement. Rather, it refers to a dynamic in which the norms of necessary and urgent medical intervention evolve through the mutual acceleration of medical advance and desire.

The danger here is that “there is a risk of viewing everything in human life—not only human frailties, disappointments, and death itself, but also human relations, pride and shame, love and sorrow, and all self-discontent—under the lens of disease and disability.” Worse still is “the risk of attacking human limitation altogether” as a widespread social norm. If in fact humans are and will always be frail and finite, such a line of attack can only pass through cycles of disappointment and calls for still more forceful advances. The council’s recommendation in the face of these dangers is to step back from health as a “lens” for viewing what counts as a human good. The call, one might say, is to resist and refuse to think of ourselves as biopolitical individuals, or, to use Nikolas Rose’s terms, to refuse “molecular politics” and the ethics of “somatic individualism.” The motor driving the maximization of health may no longer be “central planning.” But the motor is driving nevertheless.

What view of the human good should we take, then? The answer is already clear: the mutually sustaining tensions between limitation and striving. This means that in the face of the promise of biotechnology to revolutionize psychic, somatic, and environmental domains of human life, a position of relative deprivation must be taken up: accepting relatively shorter lives, weaker bodies, less happy souls, and perhaps less superior performances and children as the price to be paid for ensuring “lofty aspirations” and “keen attachments.” Weakness as a matter of natural gifts needs to be allowed to flourish.

This also means, of course, that the position of relative deprivation is only apparent. It is actually a mode of preservation and assurance, or, more exactly, a mode of security. The council closes the text by suggesting that such a mode of security entails or facilitates a distinction between “American ideals” on the one side, including “life, liberty, and the pursuit of happiness,” and the “power of free markets and the prestige of medicine” on the other. The former must moderate the latter, and the latter must be kept from defining the former. This means resisting the proposition that life, liberty, or happiness are goods that can be preserved or achieved through biotechnological maximization of health. It means taking life, liberty, and happiness as sites of the testing and moderation of biotechnology in the name of the “humanly” good life.
A key thought offered in what can be characterized as the council’s closing admonition is that bioethics, taken as a matter of securing things “truly human,” demands that makers and users of biotechnology forgo the impulse to the mastery of biology as the correlate of the drive to make ourselves into an image of perfection. The admonition echoes a point made throughout the text. Referencing C. S. Lewis, the council argues that the drive to mastery without a sense of proper ends is a form of enslavement. Indirectly evoking the excesses of Nazi medicine, the council instructs us to resist the “despotism of man over man, with powerful new technology serving as the whips of new slave-masters.” The task is to moderate the power of biotechnology and thereby moderate desire. Such moderation provides a means to “savor some of the fruits of the age of biotechnology without succumbing to its most dangerous temptations.” What does this amount to in terms of practice? What does bioethics need to be in the face of biotechnology? It needs to be a hermeneutic practice that is capable of contributing to and orienting practices of moderation. Hermeneutics and moderation together form the means needed to secure human dignity.

5. What It Means
If the task is hermeneutic and moderate, what is the challenge? The challenge the President’s Council puts forward for bioethics is not unlike the challenge articulated by the Council Fathers at Vatican II. The challenge in Gaudium et spes was to discern the archonic in the midst of the contemporary such that those features of the contemporary that contribute to a true human calling could be picked out and reinforced and those that did not contribute could be blocked. The question was ontological and temporal. Amid the flux of the contemporary world, the primordial substance of human being must be discerned and defended.

A similar ontological and temporal dilemma is in play for the President’s Council. If bioethics is to be made adequate to the stakes of an “age of biotechnology,” it must be capable of discerning the defining and enduring features of the “truly human” within a field of underdefined and evolving norms and practices. The human here is certainly not ahistorical, but it is essential. It is defined by a way of being in the world that must be preserved as essential if it is to “be itself.” Amid the variability of human experiences and conditions the council seeks to identify those characteristics and patterns that are an enduring source of good—enduring, that is, if they are not compromised by the power and desires facilitated by biotechnology. The trouble is, then, that the human is an object of ethical concern that has a defined essence on the one side but that is vulnerable to deviating from or upsetting this precariously balanced essence in the name of biotechnological goods. The es-
sentially human way of being must be discerned in such a way that it can be made clear where the nonessential is becoming dangerous.

The strategy for thinking through this ontological and temporal dilemma is closer to an Antique model of ethical equipment than it is to the model formulated in *Gaudium et spes*. This Antique equipment, to simplify, consisted in the exercise of true discourses in the face of future events whose form could not be known in advance. This technique of exercising one’s thought in the present so as to prepare oneself for an unknown future is taken up and reworked by the President’s Council as a mode appropriate to a “richer bioethics.” There is a short passage in the introduction to *Beyond Therapy* that spells this out in dense but clear terms. The passage bears on the question of how truth claims in ethics are turned into practices. Read schematically, the council’s reanimation of Antique equipment consists of three major elements, the third of which is more complex than the other two. The first element is an emphasis on the uncertain future as the site of ethical reflection. The work of bioethics needs to consist in thinking about how goals and practices today might aggregate to dangerous outcomes. Thinking about these possible outcomes provides a different point of reference from which to evaluate current practices. But these imagined futures beyond the changing norms of therapy are only possibilities among others. The goal then cannot be to prophesy or even to forecast, because the exercise of thought is speculative: the testing of biotechnological goals and practices against the “truly human.”

The second element follows from the first. If the goal is not to prophesy or to forecast, what is the goal? The goal, we are told, is educational. Education here refers to pedagogy and not to rote training. Training would require memorizing standardized and settled knowledge. Pedagogy in this case is a matter of capacity building. The goal of bioethics in thinking about possible futures is to “help us shape our thinking” in the face of futures we might have to face. The goal is to prepare us for the future.

The third element consists of an analytic and equipmental grid. That is to say, it consists of specific categories of ethical inquiry and the kinds of practical outcomes such inquiry is designed to facilitate. The council explains that *Beyond Therapy* is not a “research report” but rather “an ethical inquiry.” The council proposes to take up a series of four cases through a set of four points of inquiry. The four cases consist of sites of desire: biotechnological efforts to produce “better children,” efforts to achieve “superior performance” through biotechnology, efforts to produce “ageless bodies,” and efforts to produce “happy souls.” This fourfold selection of cases is analyzed in terms of four questions. What are the “goals” being pursued? What are the “means” of pursuing those goals? What are the “implications” for individuals? And
what are the “implications” for “broader society?” This four-by-four grid of sites and goals is constituted as a space of practice. And what is the form of that practice? Again a fourfold. The practice of inquiry consists in (1) helping to “shape our thinking.” (2) This aid in thinking does not apply to everything; it only applies to types of a particular sort, namely, “a range of powers” that “we are likely to face in the future.” (3) This aid in thinking about types will make us (philosophers, biologists, policy makers, social scientists, publics, etc.) better able to identify “sorts of questions.” (4) And, of course, the sorts of questions concern a truly human future.55

All of this is intended to facilitate a form of bioethical practice adequate to securing human dignity against two things. The first is “humankind’s deep dissatisfaction with natural limits and his ardent desire to overcome them.” The second is the impulse to take up science-based powers as a means of remaking “ourselves after images of our own devising.”56 The first is only problematic in view of the second, and the second would not be dangerous without the first. What is more, all of this matters because human beings are the kinds of beings that can in fact choose and strive to be other than they are but should in fact not choose and strive to be other than they are. The archonic, after all, may not be able to secure itself, but it is precisely what commands us to be exactly what we are and not otherwise. In a rich bioethics the longstanding philosophical question of what counts as a good life needs to be modulated into a practice of discerning the truly human and thereby moderating biotechnology.

DECLAMATION AND DEMONSTRATION

In Chapter 3 I explained that a crucial factor in the formulation of the Universal Declaration of Human Rights was the impasse concerning the question of the nature and source of dignity and rights. Not only were the members of the CHR unable to come to an agreement on this question; they were not even able to agree on the philosophic terms by way of which such an agreement might be worked out. Some members appealed to reason, some nature, some God, some the nation, and so on. The solution to the impasse was pragmatic. The question was bracketed, and human dignity was simply declaimed.

A number of thinkers have remarked on the significance of this turn to declamation as a means of formulating the fact and terms of human dignity. As I described in Chapter 2, Doron Shultziner’s work is useful on this point.57 Shultziner argues that for the CHR, as well as for several other subsequent commissions working on the question of human rights, the concept of human dignity served as an anchor point and integrating term for what might otherwise have been an ungrounded and heterogeneous list of rights. Shultziner echoes a key point made by the 1947
UNESCO study group when he explains that although international commissions might be able to agree to a list of rights and might even be able to agree to treat these rights as fundamental, they are likely to be less capable of agreeing to specific details about how and why these rights should be selected over others and justified. Human dignity in such a situation can serve as a political and philosophic, not to mention rhetorical, anchor.

What fewer thinkers have noted, and what I emphasized in chapter 3 is that this turn to declamation as a means of formulating human dignity indirectly generates an answer to the question of content and origin. Declaration of human dignity might be a strategy. But it also becomes a mode of veridiction taken to be adequate to the self-evident character of dignity. Declamation is a mode that treats dignity as if it were self-referential, which is to say archonic. This means that there is a certain price to be paid for declaring human dignity. That price is that human dignity becomes formulated as the kind of thing that must be defended and not the kind of thing that must be elaborated. The price of the archonic is that it positions human dignity neither outside of governmental apparatuses as a kind of juridical limitation nor within governmental apparatuses as a principle of their functionality. These alternatives were taken to be the basic conceptual sticking point between the United States and the Soviet Union. This price was not taken to be too high by the CHR. If declamation left the question of the content and origin of human dignity vulnerable to being determined indirectly by a list of rights, it also facilitated a kind of coherence of thought and action. The task of drafting an acceptable Universal Declaration could be completed, and although it would be decades before any political and judicial equipment was in place to facilitate the implementation of those formulations, the declaration established a minimal politico-anthropological point of reference for subsequent work on human rights. Much of that subsequent work was carried out in venues better suited for turning thought into practice.

The President’s Council on Bioethics found itself in a position where the CHR’s pragmatic solution to the problem of human dignity was no longer really available to them. A supposition of the council’s work, or at least the council’s work under the leadership of Leon Kass, was that the human was the bearer of intrinsic dignity and that this dignity was put in danger by biotechnology. And although there might be something to the claim made by Kass’s replacement, Edmund Pellegrino, that, until 2008, the council had never really engaged in sustained reflection directly on the concept of “human dignity” despite its ubiquity in their work, it is in fact the case that the council gave sustained attention to the question of what this “human” is that is the bearer of human dignity. What is more, the idea of the “truly human” served, from the outset, as a stand-in and alternative for the term human
dignity. The anthropological conclusion to Beyond Therapy is that the human, the truly human, is the figure marked by a tension between naturally given limits and the excellence fostered in striving to overcome those limits. And this definition is precisely the definition of “human dignity” offered in the council’s subsequent work Being Human.

In any event, by asserting that “truly human life” was put in danger by an “age of biotechnology,” the council could not escape facing the question of what might be called the material stakes of dignity: what is the human such that developments in biology and biotechnology should be so fundamentally threatening? Whatever else the response to this question, it is clear that strategic appeal to sheer declamation could no longer suffice. The council needed to say something more about the substance of human dignity.

This presented a difficulty that the CHR tried to sidestep and that the Council Fathers at Vatican II took up in a quite direct fashion: what mode of reason could possibly be adequate to the task of demonstrating human dignity in relation to a contemporary problem? What kind of truth claims are adequate to an account of the inherent dignity of the human being as an object of ethical concern? The demonstrations of natural law? Metaphysical speculation? Pragmatic reconstruction? Statistical inference? As I explained in Chapter 1, at Vatican II this problem took form as a debate over the relative weight to give to the social sciences within a theological evaluation of the modern world. But the problem was neither so explicit nor so relatively straightforward for the President’s Council. Unlike the Vatican, the President’s Council was not working within a formal tradition (although obviously all of the members of the council were working within or alongside different traditions of thought, and the precedents of prior federal bioethics commissions). Two additional factors made the challenge still more difficult. The first was the claim of the chair and of other key members that bioethics needed to fundamentally rethink its objects, objectives, and mode of practice. The second was the fact that the problem of human dignity and biotechnology was a question of this-worldly goods. The significance of that fact is that it raises all of the familiar modern questions about how to establish absolute norms for moral discourse without appeal to the transcendent. After all, the council explicitly rejects either the appeal to the biopolitical goods of health and wealth or the Kantian appeal to a transcendental person.

We have seen that the council gives a two-part answer to the question of the “truly human”: naturally given limits and striving to excel in response to those limits. The dynamic tension between these is taken to be both an anthropological and historical constant. A crucial feature about this two-part answer is that it is formulated using modes of reasoning similar to those of the modern human sciences,
which is to say, using what I referred to in Chapter 2 as “an analytic of finitude.” This term, recall, refers to a mode of reasoning in which the aim is to verify one’s claims through the movement between an array of particulars and general patterns drawn from those particulars. This mode of reasoning is one in which only those truth claims count in which particulars can be indexed to predictable patterns or regularities. In the modern human sciences this mode of reasoning has both positivist and hermeneutic poles. The positivist pole consists in ongoing the accumulation of data. The hermeneutic pole consists in the synthesis and formulation of that data in terms of general theories. These general theories, in turn, provide reorientation back to the collection of data. Verificational reasoning of this kind thus implies an incessant and never totally stable movement between particulars and patterns. All of this, it is important to add, passes through a series of cases that are taken to be exemplary and useful for the further generation of generalized truth claims, cases that in turn are positioned as examples of the general theories they helped articulate.

It is important to see that a mode of reasoning that resembles an analytic of finitude is at work in Beyond Therapy and to understand what such a mode allows the council to do and to not do. On a first level, this mode facilitates a kind of veridictional parallel between the council’s analysis of the “naturally given” aspects of the “truly human life” and the living objects of the biotechnical sciences. The human is examined through the positivist move of accumulating instances of naturally given limitations. Taken up as natural, these sites of limitation are also the sites of biomedical intervention. The human then is examined through a positivist move of accumulating instances of desires and goals wherein those naturally given limitations become objects of striving. The instances of desire can then be correlated with the rationales for biotechnical innovation and intervention. All of this is then passed through the hermeneutic pole of the analytic: the tension between limitation and striving is interpreted as the site of human longings, attachments, and excellence. This tension is then taken to be a point of inherent worth or dignity.

Once that point of inherent worth is specified, a critical shift takes place. This shift is the second important point about the verificational mode of reasoning in the council’s work. The shift consists in a move from the analytic to the evaluative. This shift, per se, is not remarkable. The veridictional modes in the human sciences, after all, developed, in part, under the exigencies of the biopolitical demand to improve the norms of health and security of populations. That is to say that a verificationalist mode of reasoning produced the knowledge by way of which techniques to normalize populations could be developed and deployed. So, a shift from analytics to evaluation is not unusual in this mode: verification is part of normalization. What is distinctive about the work of the council, however, is that the
evaluative is not calibrated to norms. Norms, after all, are statistical mechanisms for maximization and minimization. Taken in this etymological sense we can say that the normative is always relative. The outcome of verificational analysis on the part of the council, however, is not relative at all. The metric at play in the shift from the analytic to the evaluative is an absolute metric: human dignity. Equipped with this metric, the council's movement between the positivist and hermeneutic poles in their determination of the “truly human life” freezes, becomes resolutely non-normative (again in the etymological sense), and is thereby put forward as an absolutely nonrelativistic metric by way of which the biotechnical sciences can be tested and, where needed, moderated. The test will not consist in determining whether or not the biotechnical sciences are maximizing the goods of public health or minimizing harms to individual persons. The test will consist in determining whether or not the biotechnical sciences, in a biotechnical age, are compromising a "life humanly lived."

What counts in the final analysis is this shift to an absolute metric within a verificationalist framework. It is this unusual coupling that allows the council to make good on Kass's call for a mode of ethical practice, an ethics of bios, that on the one hand can account for developments in the biotechnical sciences but can account for them in such a way as to not be seduced by a set of false and relative goods. This coupling of verification with a metric of the truly human establishes the terms according to which the council can continue to take seriously the details of the biotechnical sciences while being attentive to where they pass beyond the threshold of therapy. This mode of ethical practice can be thought of as the hermeneutics of the archonic.

The hermeneutics of the archonic reconfigures pastoral power yet again, as I noted in the introduction to this chapter. On the one side, the hermeneutics of the archonic reduces the mandate to care for all and for each one to care for the essence of the human. In practice this means that bioethics takes as its object and objective not the protection of the individual person in face of the threat of claims to the general goods of science but rather the protection of life humanly lived from the excesses of either individual choice or the medicalized collective. The human is distilled out of the individual and the collective and posited as that which instructs us as to which practices to take up and which to set aside. This suggests yet another side of the reconfiguration of pastoral power. I have pointed out several times now that one of the crucial features of an archonic understanding of the human is that it focuses upon the inherent and primordial character of human worth. It follows from this focus that the mode of jurisdiction taken to be both appropriate and necessary is one of protection. I have tried to show that this protectionist mode disarticulates pastoral power from the conduct of conduct, either of a governmental
or ecclesial variety. Human dignity cannot be cultivated, and for this reason it is not conducted in anything like the way the flock or the population might be. However, all of this is inflected with the President's Council. Although it remains the case that the dignified human is not the object of direct intervention, the conduct of conduct is reinserted into the pastoral equation. What is conducted is not the human but rather those biotechnological developments that might upset the balance between limits and striving.

The human understood as bios, as the truly human life, must be secured from the dehumanizing forces of biotechnology. Biotechnology, thus, is that which must be conducted in such a way that its aim is no longer the logos of zoē but rather the logos of bios. And bioethics is that which must do the work of discerning the terms of that conduct through a hermeneutics of the archonic. In this way governing apparatuses, such as the U.S. government, and the management of biotechnological corporations, multinational institutions, and the like might subsequently become capable of regulating biotechnological practices in the name of the truly human. In the name of human dignity bioethics can thus become a venue of hermeneutic and moderative equipment.

In attempting to demonstrate the terms of human dignity on grounds that are taken to be adequate to a reading of “the natural,” “natural means,” “natural gifts,” and the like, the council enacts the style of veridictional adequacy between multiple meanings of biology, in the fashion that Kass did in his opening address—the logos of bios as a contemporary technical science and the logos of bios as the truth about a life humanly lived. Two meanings of biology, one mode of veridiction. This veridictional adequacy suggests the possibility and prospect of a jurisdictional adequacy, namely that the truth about a life humanly lived will be adequate to the task of governing a contemporary biotechnology that will otherwise give shape to our lives. But the truth about a life humanly lived is archonic, however much verificationalist reasoning played a role in specifying that archonic truth, and the contemporary technical sciences are anything but. However successful the appeal to a kind of veridictional adequacy between a “richer bioethics” and biology might be, it is far from clear how the archonic can be operationalized as the basis of governmental practice. Even within the council’s own tenure it was far from clear whether they would be able to turn dignity into a practice in any fashion adequate to their pastoral figurations.

DISSIPATION AND RESILIENCE

In 2008, six years after Beyond Therapy, under the chairmanship of Edmund Pellegrino, the council published a volume of essays entitled Human Dignity and
Bioethics. I have already noted why I did not choose this volume as the centerpiece of my analysis, despite the obvious connection to the theme of my study. The book did not serve to constitute the practices of the President’s Council so much as react to it. It is a collection of essays in which individual authors were invited to provide their own defense or rejection of the notion and to put one another’s definitions to the test. The essays diverge in many of their core claims, which, while not surprising, is nonetheless important. This meant that Human Dignity and Bioethics exemplified what came to be a curious fact about the figure of human dignity in bioethics: a strange interplay of the dissipation and contestation of philosophical definitions, on the one side, and the continued resilience of the concept as a metric of thinking and practice, on the other.

In his “Letter of Transmittal” for the volume Pellegrino underscores two aspects of the book. The first is that although the commission has used the concept of human dignity in strategically important ways throughout the course of its deliberations, they have never really given sustained and direct attention to this critical concept—despite repeated calls for such clarification on the part of the council’s supporters and detractors alike. The second is that the volume makes it clear that “there is no universal agreement on the meaning of the term.”

Pellegrino’s first point is not altogether obvious, as I have already suggested. It is certainly the case that the Human Dignity volume gives direct and sustained attention to the concept of human dignity per se in a fashion unlike other volumes published by the council. However, it is equally the case that the term had functioned in consistent ways throughout the council’s work. Human dignity appears at strategic junctures as that which is both the object of concern as well as the stakes of bioethics. I have made this point repeatedly, and Pellegrino acknowledges that the term has “figured frequently.” What Pellegrino fails to take seriously enough, in my estimation, is that the concept of human dignity has been defined by its use and its connection to the assiduous definition of what counts as the “truly human,” if not by direct philosophic consideration. As Gilbert Meilander notes in his chapter of Human Dignity, although the council may not have analyzed the concept to the extent desired by its critics, it had in fact used the term to open up problem spaces that may have otherwise gone underexamined. Human dignity was consistently evoked as that which allows one to identify the point at which biotechnology can be seen as excessive and dangerous. This means that although philosophically the council’s use of the term “human dignity” can be understood in a variety of ways (and I will get to this in a moment), the council consistently used it as a means of opening up an examination of the relation between what counts as a humanly lived life and developments in biotechnology and biomedicine. A consistent strategy in this opening up, as Meilander explains, is the hermeneutic exercise of passing bio-
technology through the light of the proposition that the human is, in his words, a creature “in-between.” Moreover, the “in-between” character of things human is calibrated to this elusive idea of “nature” or the “naturally given” or the “naturally human” way of pursuing excellence. This may not settle the matter of how human dignity applies in particular cases. And it is the case that this means that human dignity is usually invoked simply to signal the need to vigilantly prohibit violations. Nevertheless, the use is consistent, and the archonic remains the norm. So, although the volume recognizes that there are many traditional approaches to the problem of human worth and human dignity, it is in fact the case that within the council’s own corpus, human dignity was almost always deployed in a mode “of constraint,” to quote Meilander again. And what is crucial about this mode of constraint is that it is not a relative position. It is not a precautionary mode, in the simple sense of “proceeding with caution.” And it is not a term of balance, in the sense of trying not to weigh certain goods a bit more than others. Rather, it is a constraint arising out of a determination or set of determinations about what it “means to be human.”

A more important insight needs to be lifted out of Pellegrino’s statement. Despite questions about how sustained or direct the analysis of the concept of human dignity has been in the course of the council’s work, discursively speaking the term functioned just fine. Whatever else ensued as a result of underdefinition or confused usages, it was not the disruption of practice. A conclusion can be drawn from this not altogether different than McKeon’s assessment over a half-century earlier. The conclusion is that whatever else the figure of human dignity was or is in bioethics, it is not a term whose definitions need to be specified in order for it to function. This is particularly the case of human dignity in an archonic mode. If human dignity simply signals that point at which violations are to be vigilantly watched for and deflected, then the practical use of dignity, or the use of dignity as an ethical practice, can proceed apace. To put a point on it: the President’s Council on Bioethics used the term human dignity across seven years without publishing a volume on its meaning (although, as I have argued this was effectively a core outcome of Beyond Therapy). Their bioethical practices did not break down as a result, even if those practices were exclusively discursive. It might be argued that they used the term loosely and even that as a result the regulatory practices their work recommends were insufficient. But even if these arguments stood up it must still be noted that for the council human dignity was a term that continued to function while being underspecified in a philosophic register. This also means that human dignity was also a term whose meaning could be unfolded in a partially casuistic manner. After all, the hermeneutics of the archonic may involve an absolute moral standard, but it is a standard that is needed only because the world can be approached as an evolving series of cases.
Pellegrino’s further point—that “there is no universal agreement on the meaning of the term”—brings me back around to where I started my inquiry. There are two parts of this point that need to be picked out. The first concerns lack of universal agreement. It is a curious fact about human dignity that multiple thinkers in bioethics and theology, and in a different way in international law and human rights, have given it sustained attention for several decades. It is a second curious fact that these thinkers are almost all offering claims about dignity’s universality, either to the effect that it has a universal status or to the effect that universality is questionable. In either case, an ever-proliferating series of rather global claims are being made, few of which seem to converge. Others have commented on the strangeness of this doubling before me: a universal nonconvergence. This doubling has inspired doubts about the usefulness of the term. But it would seem that the opposite conclusion can be drawn. Anthropos, as Rabinow has put it, seems to be that creature with too many truth claims about itself—a creature of hetero logos.

But if human dignity is a site of universal claims that often do not converge or even cohere, this suggests that we need some way of specifying its significance that is not simply a theory for the reconciliation of other theories. What seems to be needed are practices of inquiry that might aid us in understanding how to know what is being done with the concept and what the concept is doing. We need to know what human dignity is as a matter of practice and what happens when it is made a matter of practice. Of course, the truth content of human dignity matters as well. Human dignity, even as a concept, should not be reduced to a series of discursive functions; too much is at stake in the domains where it is being mobilized. If we are going to examine what human dignity is in terms of practice, we have to attend closely to the truth dimension of that practice. What is more, if we are not indifferent to the kinds of relations of truth and practice (whether analytic, ecclesial, political, ethical, etc.) anchored in the phrase human dignity, then we will also be concerned with the question of venues. Practices do not happen out of space and time; they are facilitated. This is why even though a major concern of my inquiry has been the study of contemporary equipment connected to human dignity, I have centered my examination on the venues in which that equipment was first proposed.

I insert these comments here in order to lift out a final crucial feature of the book Human Dignity, a feature Pellegrino alerts us to. The collected essays in this volume do not all represent efforts to elaborate the concept of human dignity as a problem for practice within a specific venue. Many of them take up the concept as a theme that can be considered outside of any particular demand for, or expectation of, putting the term into practice. This is not to say that the question of practice is absent. Indeed, a crucial difference among the essays is the kind of mode of ethical practice that is called for as either urgent or necessary, inappropriate or worthwhile in the
name of human dignity. But this discourse of urgency can be distinguished from the way in which the council tried to put the concept to work in their other volumes. This suggests that when the pragmatic constraints are lifted, definitions proliferate, a fact that poses something of a conundrum for those in bioethics who have argued that human dignity is in crisis today and that what is needed is clearer definitions. If clearer definitions result in the proliferation of meanings and the ever-widening discursive expansion of the term, then the pragmatic horizon of ethical equipment might fade into an ever-receding horizon. Of course this recession is precisely one of the interesting answers to the question of what human dignity is doing today.

This brings us to the second half of Pellegrino’s point. The problem, he tells us, is not that there are no universal agreements, per se. The problem is that there are no universal agreements about meaning. Richard McKeon proposed that the problem with thinking about the history of terms is not just that we have words whose concepts and referents are unstable and change over time—though we certainly have this. The problem with human dignity in particular is that we have a term whose meaning is in doubt. This suggests once again that the stakes are primarily hermeneutic: here is human dignity; we need to know what it means. This also suggests that perhaps there is a stable referent behind all of this apparent disagreement, and we just need to uncover or conceive it. Or perhaps it tells us that there is no stable referent, and therefore a more exacting term is called for. One might wonder how the engagements over human dignity would change if the stakes were not primarily taken to turn on the hermeneutic questions, the question of the meaning of the term, as Pellegrino suggests, but rather the question of significance. If nothing else, the question of significance (which must include the truth question) might take us back into the venues within which human dignity is being mobilized in order to determine what the character of the problem is, what mode of practice is called for, and what other forms of practice would be worthwhile to design and implement.

HUMAN DIGNITY AND THE PRODUCTION OF CONCEPTUAL STASIS

The volume Human Dignity served to reinforce what many in bioethics already took to be the difficulty at hand with human dignity, namely that its meanings could not be stabilized. There was during the time of the council’s work fairly widespread agreement among bioethicists that human dignity was both a conceptual and practical problem for thinking about and responding to developments in biology. But there was no agreement as to what kind of problem it might be, outside the polarizations of those calling for better definitions and those calling for the term to be set aside. Taking note of the chapters in Human Dignity and characterizing them as a set of heterogeneous if universal claims, it seems fair to conclude that, as Dewey
might have put it, if the figure of human dignity in bioethics has not issued in the same heterogeneous range of practices that the figure has in other settings, it has certainly been capable of generating both ontological indeterminacy as well as ethical discordancy.

Pellegrino suggests what others have stated: in bioethics, conceptual stasis is the problem. In what was briefly something of a notorious bioethical essay, Ruth Macklin, reflecting in part on the work of the President’s Council, argued that “human dignity” had become a useless concept. The thrust of her argument was that unless or until human dignity can be given more precise definition it should not be invoked as a justification for the regulation of research. On one level, given the chorus of protest occasioned by the work of the President’s Council among professional bioethicists Macklin’s assessment is hardly surprising. On another level, however, her argument can be judged curious. The question, as I’ve already stated, is not so much whether human dignity is useful. Clearly for the council it was. The multiple volumes of the council’s work are a testament to the utility of the concept—how one judges the council’s work. The question is: how is it used, and to what effect?

Macklin is hardly the first person to worry about conceptual fragmentation and stasis in connection to the concept of human dignity. Within bioethics others had voiced similar concerns, not to mention critics in law, politics, philosophy, and anthropology. Moreover, her concern was not new. In 1971—just to pick out one example—the philosopher Herbert Spiegelberg argued that human dignity was in crisis in part because the concept was confused and that therefore political action could not be effectively mobilized. These arguments were similarly unsurprising. As I discussed in the case on the United Nations, the 1947 UNESCO study group recognized that whatever the fate of human dignity as a matter of political, legal, and ethical practice, it was unlikely that philosophic unity was going to be among its hallmarks. All of which is to say that conceptual fragmentation and stasis have been characteristic of the efforts to institutionalize and turn human dignity into a practice since it became an explicit concern of power relations in the twentieth century. Whatever the problem of human dignity in bioethics, it seems to me, it is not exactly conceptual stasis. Rather, the problem is what to make of conceptual stasis as part of the history of the figure of human dignity.

In the end, the President’s Council’s proposed coupling of verificational definitions with a metric of the truly human stalled out. The council had attempted to transform dignity as a hermeneutic practice into dignity as a matter of the governmental regulation of biology. This attempt to bring into being what might be called a “biopolitical pastoral” not only intensified the conceptual and discursive cacophony surrounding the notion (which it certainly did); it also turned the figure of human dignity into something whose practical dimensions were no longer
generative. Unlike what happened in the other venues, the council, despite its series of publications in which the figure of human dignity regularly appears, never successfully turned dignity into practice in a fashion that proved self-sustaining or self-proliferative. Indeed, once Kass stepped down from the head of the council, Pelligrino almost immediately reopened the question of dignity, recasting it precisely as a problem of philosophic definition. On one level this too was not surprising: after all, the council’s efforts to define the “truly human” and deploy it as a metric for the regulation of biology had provoked intense criticism. On another level, it is a curious turn: in the Vatican and the United Nations, after all, there had been a diligent refusal to ground dignity in anything beyond itself; dignity, in both cases, was ultimately put forward as identical to itself, albeit, in the case of the Vatican, identical to itself as part of nature’s relation to the supernatural. The definitional labor that took place within the council, the attempt to render human dignity as a term of substance, had the effect of producing a figure of human dignity that ultimately suffered the burdens of self-justification, a figure made to account for itself, a figure no longer standing outside of history awaiting recognition and offering guidance. The attempt to define dignity as adequate to biotechnology, in sum, had the effect of undoing a certain flexibility and generativity. Giving up the archonic pastoral in favor of the biopolitical pastoral came at the price of losing a certain ability to transform dignity into a practice.

In retrospect, we can say that the work of ethicists, theologians, and others on the problem of human subject research remained conditioned by a “modern equipmental mode.” What I mean is that from the outset bioethicists addressed in a direct fashion the excesses of biomedical research conducted in a biopolitical mode. Biopolitics, whatever else is meant by the term, indicates a mode of political power in which bodies and populations are targeted in the name of the health, wealth, and security of the social. In appealing to the human subject of research as a person and as part of communities prone to justice and injustice, the National Commission took as its task the work of balancing multiple goods through the articulation of multiple principles. What this accomplished, among other things, was a demonstration of possible limits within the practice of science itself. The goal, after all, was to identify those principles on the basis of which scientific research could be conducted. The work of the National Commission was not antiscience. Rather, they recalibrated those goods in the name of which science could be made to operate. In this way their work could be interpolated into the narrative of science and society and thereby reconciled with biopolitical operations.

Said differently, the objects of ethical concern addressed by the National Commission’s work on human subjects functioned in a rather straightforward fashion as the regulatory guardians of the objects of biopower. Where biopower targets
the health of populations, the question of the just treatment of communities was brought to bear. Where biopower targets the individual body, the consent of persons was offered as a counterbalance. With the rise of genomics and other developments in molecular and developmental biology, however, this set of arrangements became problematic. Well before the explosion of ethical and regulatory discourses in response to the Human Genome Project, a number of ethicists had begun to worry that molecular genetics and genetic engineering put something more than persons and communities in danger. Human nature and even humanity itself became a widespread object of concern. The question was whether or not something essential about the human was at risk in genomics and whether or not anything needs to be done either to constrain or direct genomic research. With stem cell research and cloning things were inflected once again. For many, the question of the essence of the human now began to coincide with the moral, metaphysical, and biological status of the embryo. The question was not whether or not the embryo is a person, nor was it really whether or not the embryo was a human by virtue of possessing a genome—though both of these questions circulated. Rather, the question was whether or not the embryo constitutes a human life whose worth could be measured over against other human lives.

All of this set the stage for the work of the President’s Council. From the outset Leon Kass argued that the debate over stem cell research had transformed bioethics into a practice concerned with \textit{zoe}, with simple vitality, and not with \textit{bios}, understood as a life humanly lived. What this meant for Kass is that bioethics was not yet fit to secure the truly human against the excesses of biotechnology. What is more, he thought a return to the virtues of the human person and the freedoms of individual consent only exacerbated the problem. As such, bioethics needed to constitute a new venue and a new kind of practice. This practice would discern the truly human and think about the fate of the truly human in view of possible ramifications of biotechnological research. As the centerpiece of bioethical reasoning and practice, human dignity is taken to function as a bulwark against the danger of dehumanization.

But as the volume \textit{Being Human} makes clear, whether or not the concept of human dignity can be made to function as such a bulwark in bioethics is not obvious. The problem, in part, is that the tensions produced by demands for discursive and philosophic unanimity and the demands of practical and political mobility continue to intensify. Whatever else is clear about human dignity, the mode of reasoning about it determines the ways in which different courses of action are justified as urgent or necessary. An additional challenge for Kass and the President’s Council was the fact that prior ways of thinking and practicing in bioethics, the biosciences, and within regulatory apparatuses remained present to what they were attempting
to do. This means, among other things, that bioethics as a matter of human dignity had to be articulated into existing structures and habits. Schematically, we can say that in attempting to transform bioethics into a domain of thinking and acting centered on the protection of human dignity the elements of a reconfigured mode of pastoral power were interpolated into and therefore began to reassemble the elements of a biopolitical apparatus. But what it means to take *bios* as a truly human life and how to constitute biology as a science that takes account of such a life in its practices was never settled. Human dignity, introduced as a solution to the problem of bioethics, remained a problem.

What is clear is that the work of the President’s Council served to reactivate bioethics as a zone of turbulence in which metrics and modes of reasoning are disputed in view of metrics and modes of jurisdiction. Whether or not such turbulence and the conceptual fragmentation that it seems to entail will prove to be a site for the emergence of a new figure of truth remains to be seen. In the meanwhile, the figure of human dignity in connection to the genomic and postgenomic biotechnical sciences has proven to be as much a site of breakdown as proliferation. The contemporary uses of human dignity in bioethics, the logic of its formulation, and its appropriate range of application have never been specified in a fashion widely found to be satisfactory.

The Second Vatican Council took up human dignity as a matter of the divine call on the human formulated as an inner connection between nature and the supernatural. The price to be paid for this was an opening to the possibility that human dignity could be read as fully immanent and therefore the object of an integrist politics. The United Nations turned human dignity into a formal principle by bracketing the question of origin. This shift to the declarative brought with it the costs discussed in Chapter 3 and in the Diagnostic Excursus, namely the situating of human dignity in a kind of liminal space between mechanisms of government, on the one side, and the juridical claims characteristic of early rights discourse, on the other. In these first two cases what was fashioned was a mode of pastoral power in which the mandate to care for all and for each one could be taken up without direct recourse to existing apparatuses of the conduct of conduct. The archonic human, after all, needs to be protected, not cultivated.

The President’s Council began to shift beyond this configuration of pastoral power. Its formulation of bioethics as a practice concerned with the protection of the “truly human” introduced a shift in which it is neither the human nor humanity that is the site of human dignity but some kind of essence in between. And it is no longer the declarative that allows for us to invoke this essence, but, rather, dignity can be demonstrated through verificational processes. And if it can be demonstrated through verificational processes, it can be brought to bear on the conduct of science.
The verification of human dignity was intended to serve as the metric for the regulation of biotechnology, that is, as the standard by which certain practices would be allowed to proceed in the spirit of a “truly human life.” But it is precisely at this point of ethical judgment where the council’s substantive account of dignity proved most cumbersome and most dissatisfaction to its critics. How can the balancing of limitation and striving be operationally mapped onto efforts in the biotechnical sciences to minimize and maximize aspects of living systems, including those systems that make up human bodies and populations? The question indicates a site of fundamental ethical discordancy: biotechnical and biomedical interventions function as a means of normalizing living systems; dignity, as archonic, is precisely that figure of the human which is not susceptible to either minimization or maximization but is, rather, a universal absolute. Biotechnology and human dignity might be shown to coincide analytically, but they could not in the end, despite the council’s efforts, be made to share a regulative logic. Given that point of noncoincidence it was never clear how, exactly, to turn human dignity into a practice of governance.