



TECHNICIANS OF HUMAN DIGNITY

BODIES, SOULS,
AND THE MAKING OF
INTRINSIC WORTH

GAYMON BENNETT

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just ideas

transformative ideals of justice in ethical and political thought

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OF INTRINSIC WORTH

Gaymon Bennett

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Contents

<i>Preface: The Motion of Inquiry</i>	ix
Introduction: Figuring Human Dignity	I
■ Human Dignity and the Vatican	
1. The Church, the Secular, and Pastoral Power	25
2. The Ontology of Vocation: <i>Gaudium et spes</i>	63
■ Human Dignity and the United Nations	
3. Incapacity by Design: Politics, Sovereignty, and Human Rights	107
4. Dignity and Governance: The Universal Declaration of Human Rights	134
Diagnostic Excursus: Economies of Life and Power	165
■ Human Dignity and the President's Council on Bioethics	
5. Bioethics and the Reconfiguration of Biopolitics	201
6. The Biopolitical Pastoral: <i>Beyond Therapy</i>	238
Methodological Epilogue: Toward an Anthropology of Figuration	275
<i>Notes</i>	287
<i>Index</i>	313

Preface: The Motion of Inquiry

I began the work that led to this book amid breakdowns connected to the notion of human dignity and to the politics of intrinsic worth that have accompanied that term since the mid-twentieth century.

Despite what some have suggested, these breakdowns have not been primarily discursive¹—though ever since the global expansion of human rights discourses in the 1970s, one prominent response has been a multiplication of talk about human dignity and its discontents.² These breakdowns, rather, have been taking place at other critical junctures. Most importantly, they have been taking place at those junctures where the question of how to talk about human dignity has become bound up in the problem of how to turn it into a practice.

SPIRITUAL POLITICS

In the postwar era, human dignity began to be fashioned as the anchor point for what might be called a “spiritual politics”: *spiritual* in that the politics of human dignity have been indexed to something “essential” about human life that needs to be made the norm of material existence, *political* in that human dignity has become the animating concern of sustained efforts to rethink dominant modes and forms of power.

Despite being elaborated across diverse venues, the spiritual politics of human dignity have been fashioned in a remarkably consistent manner. In the first place, human dignity has been fashioned as *intrinsic*. It has been talked about, acted on, and instituted as though “grounded” in nothing other than itself. It is for this reason, for example, that the authors of the Universal Declaration on Human Rights

simply declaimed dignity and never directly explained what they meant by the term. Dignity, rendered in a declamatory style, can be thought of as *self-justifying*.

In the second place, dignity has been put forward as a *matrix of human worth* par excellence. Human dignity (to put it in negative terms) has not been cast as one aspect of human worth alongside others—and certainly not as an aspect of human worth derived from other features of human life, such as the capacity for reason or self-governance. It has been fashioned, rather, as original and defining. Human dignity has been styled as *primordial*.

In the third place, while fashioned as intrinsic and primordial, human dignity has also been cast as *vulnerable*, threatened by distinctively modern forms of power. Concerned actors have insisted that under the shadow of modernity something unequivocally valuable and vulnerable is at stake. Dignity, thus styled, must urgently be *defended*.

That today all three of these characteristics are treated as self-evident by proponents of “dignitarian politics”—and dismissed as self-evidently problematic by critics—is testament to the ubiquity of dignity’s postwar elaboration. In what follows I will unpack how this self-evidence was achieved. The point I want to draw out here is simply that whatever one makes of this figure of human dignity—as self-justifying, primordial, and vulnerable—it stabilized and became dominant in the postwar era. In recent decades, however, it has been destabilized, and its dominance has been put to the test.

BIOPOLITICAL TESTS

Over the past three decades, the figure of human dignity has been mobilized as a guiding norm for governing the biopolitical body. By *biopolitical* I mean those dimensions of human vitality that since the nineteenth century have been made the target of sustained political energies—from how grain is grown and circulated to the economy, of birthrates, morbidity, and mortality, to city planning and the spread of infectious disease.³ It is within the space of these mobilizations—within these efforts to govern the politics of human vitality in the name of human dignity—that the ethics and politics of intrinsic worth have begun to break down. They have begun to break down in the sense that previous ways of acting, relating, and thinking can no longer be taken for granted.

There are, no doubt, countless local and circumstantial reasons for this breakdown. But at the heart of things lies a tension of conceptual and operational logics. To put simply here what I will detail further on: the logic of biopolitics and the logic of human dignity are sharply contrastive. The first is relative and ameliorative, the second intrinsic and invariable.

The biopolitical operates through mechanisms of normalization. It seeks to determine what is biologically “normal” for a given population in order to inflect those norms—the World Health Organization’s “Millennial Development Goals” is a prominent example. In the postwar period, the politics of human dignity were made to operate on an orthogonal logic to such normalization. One might say that since World War II, the term human dignity has been used precisely to name that feature of human life that cannot and should not be normalized. In this light, it is not surprising that the answer to the question of how to govern human vitality in the name of intrinsic worth remains elusive.

But there is a twist. Despite apparent tensions, over the past few decades a heterogeneous range of actors, concerned in one way or another with the health and well-being of various populations, have pressed forward with the work of giving form to an ethics of intrinsic dignity enacted through the strategies of biopolitical reason. The intriguing feature of these efforts is not actually the seeming incommensurability of logics. The intriguing feature, rather, is that this seeming incommensurability has proven highly generative. For better or worse, the troubled efforts to govern human bodily life in the name of human dignity have issued in a vast expansion of ethical, political, and biological practice.⁴

This successful expansion has itself proven problematic. While generating new practices, the interplay of human dignity and biopolitics has produced indeterminate effects, with the attendant states of uncertainty that such effects bring in their wake. No determinative resolution is in sight. This indeterminacy and uncertainty can be seen, for example, in the now decades-long effort to discern universal ethical significance in “the human” of human genomics even while major players continue to leverage genomics for addressing the health needs of specific populations.⁵ They can be seen in attempts, in multiple countries, to shift grounds for asylum from political to biomedical vulnerability.⁶ They can be seen in the failed attempts in international law to discern the biological meaning of *genos* in cases of genocide,⁷ in attempts in global health to quantify care for human dignity by counting calories,⁸ in disjunctive efforts to combine state-assured healthcare with practices of biomedical abandonment,⁹ and in the ad hoc efforts of some medical practitioners to inter-articulate an ethic of self-determination with an ethic of intrinsic worth in cases of physician-assisted suicide.¹⁰

The list could go on. In all cases, the question of what human dignity means as a guide to biopolitical action remains far from clear. Still, attempts to meet its demands continue apace.

ONE SITE OF BREAKDOWN

For my part, I first encountered the discords of human dignity in a zone of biotechnology. In the early years of the 2000s, I was working as a research assistant to the Ethics Advisory Board (EAB) of a Bay Area biotech company called Geron. At the time, Geron held a monopoly on the intellectual property needed for commercializing human embryonic stem cells, including the technologies for embryo cloning.

Geron exemplified Silicon Valley's culture of salvational promise. The company had been founded on a research platform dedicated to "radical" life-extending cellular technologies. Its founders had been proponents of the proposition that age-related death is linked to a failure of individual cells in the body to rejuvenate themselves. Geron's founders convinced investors that if Geron could learn how to control the mechanisms of cell regeneration, the company might be able to extend biological life, perhaps even (in their more utopian declarations) indefinitely.

In 1997, a research team from the University of Wisconsin, led by the biologist James Thomson, announced that they had successfully generated human embryonic stem cells. Thomson's work was funded by Geron. Three days later, the U.S. Senate held hearings to parse the ethical and economic significance of the work. Richard Doerflinger, a political journeyman from the U.S. Council of Catholic Bishops' Secretariat for Pro-Life Activities, was asked to testify. He rehearsed a now-familiar Roman Catholic position: "there is no distinction between defending human life and promoting the dignity of the human . . . every human life is sacred from conception to natural death." The extraction of human embryonic stem cells destroys the developing embryo. Because of this, Doerflinger concluded, the research violates human dignity.

The research catalyzed the Vatican's politics of intrinsic worth and indexed those politics to the task of protecting the integrity of the biological body. In so doing, it brought to sharp articulation an ontologically fraught question that politically could no longer be avoided. The question was this: is it possible to identify a specific point along an embryo's developmental pathway when human life—which is biologically context dependent and relational—can be said to become the bearer of an intrinsic and unchanging dignity? The question generated the notorious impasses of stem cell politics.

For a time, the Geron EAB remained blocked by this intractable question. All its members, including its Catholic members, initially supported Geron's research—albeit for different reasons and with varying degrees of reservation. The question, then, was how to move forward given the theological-political dilemmas put in play by Doerflinger's testimony. In the end, the EAB formulated a joint position in support of research, supplemented by minority statements. The joint position reso-

nated with a 1984 report on research with human embryos in the United Kingdom known as the Warnock Report. The Warnock Report argued that a minimal mark of personhood, even potential personhood, is strict individuation—a legal criterion that would seem to have a biological correlate.

With the publication of their position paper, the EAB tried to set aside the question of intrinsic dignity and focus on Geron's ongoing research. But if they believed they had earned the right to move on, almost no one else did. The logic of the Warnock Report satisfied virtually no one—least of all those with views consistent with the U.S. Council of Catholic Bishops. The EAB remained caught in a tortured game of definition and counterdefinition, a game whose stakes turned as much on securing the capacity to govern the ethical imaginary of biotechnology as it did in clarifying the interrelations of dignity, science, and the body.

I remained in an adjacent position to these micropolitics. I was close enough to the center of things to observe the binds that were entangling first-order players. But I was not far enough outside to avoid being caught in those binds myself. Amid these tangles, I took up what seemed to be an urgent task: namely, the work of articulating an outside to the dominant subject positions on offer—an ontological as well as ethical outside that might be more concordant with the contingencies of biological and historical life and with a religious ethos worthy of the name. Working alongside bioethical and theological colleagues, I tried to frame human dignity in what could be glossed as eschatological terms: a view of dignity adhering in the making of a just future rather than in an *a priori* philosophy of nature.¹¹

To put it plainly: I found the dominant renderings of human dignity to be intellectually unsatisfactory, pragmatically unhelpful, and, in a normative sense, untrue. Add to this that I found the possibility of establishing a counterposition to the prevailing politics to be seductive and the combative game of trying to displace those politics to be a pleasure. But operating within this space of refusal, seduction, and combat I was insufficiently attentive to the ways in which my efforts to formulate a normative outside to the politics of intrinsic worth actually reproduced the dynamics of a situation I otherwise knew to be blocked.

I had not yet begun to take seriously enough that human dignity, understood as self-justifying, primordial, and vulnerable, had become a constitutive and institutionally secure feature of late modern politics. That means I had also not yet grasped that a primary ethical task consisted not so much in redefining human dignity but in trying to get clearer about the manner in which this figure of intrinsic worth has been brought into being, made to operate, and set into motion in the world.

Said differently: in my efforts to elaborate an outside to the politics of intrinsic worth, I had not yet internalized Nietzsche's insight that "unspeakably more depends on what things are called than on what they are" and that "only a fool would

think it was enough to point to this misty mantle of illusion in order to destroy the world that counts as essential.”¹²

CONCEPTUAL AND ETHICAL EQUIPMENT

I began the labor of extracting myself from Nietzschean foolishness by stepping back from bioethics and concentrating on the broader landscape of political theology within which debates over stem cell research were playing out. Given how the debates had unfolded, this decision seemed self-evident. I remained vocationally and intellectually uneasy, however. It’s not that I found the texts and problems of political theology deficient. It’s that I did not know how to put them to work in the world as a means of contextualizing the critical limitations of religious bioethics and its uses of human dignity.

The terms of my uneasiness were partially clarified by way of an encounter with Michel Foucault’s now infamous notions of *biopower* and *biopolitics*. Given my prior entanglements, these notions initially seemed apt. They had, after all, become terms of art in contemporary theory, taken to be definitive of the excesses of the modern age.¹³ I became convinced, however, that whatever Foucault had meant by these terms, he did not intend anything as epochal or nefarious as leading theorists were proposing.¹⁴ He had introduced the terms as part of his effort to distinguish one distinctive economy of modern power among others.¹⁵ For me this meant that the terms did not so much provide answers as indications. They indicated the need to specify the economies of life and power proper to the politics of intrinsic worth.

I began to look beyond political theology and bioethics for conceptual and ethical equipment. I eventually found that equipment in anthropology. Through a series of fortuitous opportunities, my turn to anthropology eventually led to a multiyear collaboration with two anthropologists, Paul Rabinow and Anthony Stavrianakis.¹⁶ Within this space of collaborative inquiry, I began to reformulate my project. I began to shift my attention away from the question of philosophical and theological definitions per se and toward an examination of the specific venues within which human dignity has been redefined and mobilized.

This reformulation opened up a different relation to the politics of intrinsic worth: I undertook the work problematizing human dignity as an artifact of the recent past and of facing the existential difficulties of rethinking my relation to that past. I recast my project as a kind of “discourse of modernity on modernity,”¹⁷ positioning dignity less as the kind of thing one might be for or against and more as an event in the recent history of relations between the body and human worth, one in need of further investigation.

POLITICAL SPIRITUALITY

My reformulation was oriented, in part, by my rereading of Foucault's 1981–1982 lectures at the Collège de France.¹⁸ The lectures deal centrally with the problem of how to think about shifting relations of knowledge, capacity, and care—relations that have been vital to the history of human dignity as well as to my own efforts to engage that history.

In the lectures, Foucault proposes a conceptual distinction between philosophy and spirituality and their relation to Antique notions of care—care for oneself and care for others.¹⁹ Foucault asserts what other historians have argued: that for the Antique philosophical schools and the early Christian monastics, philosophy was distinguishable but ultimately inseparable from spirituality. “Philosophy” was understood to be a form of life that asks “how can truth and falsehood be distinguished?” “Spirituality” concerned the question of what needed to be done in order to gain access to the truth. To quote Foucault, spirituality concerns “the set of these researches, practices, and experiences, which may be purifications, ascetic exercises, renunciations, conversions of looking, modifications of existence, etc., which are, not for knowledge but for the subject, for the subject's very being, the price to be paid for access to the truth.”²⁰

Hence care. In order to gain access to the truth one had to learn how to care for oneself—how to attend to oneself and how to direct one's attention—as well as how to care for others—how to constitute ethical communities with others such that a life dedicated to truth might become mutually salvational.

For the primary actors considered in this book, the question of how to care for human dignity—of how to speak and act in the name of human dignity—required tending to this same set of distinctions. It required determining the conditions under which one can have access to the truth about human worth and vulnerability as well as weighing the costs one might have to pay in gaining access to those truths, costs measured in institutional transformations, political renunciations, and religious modifications.

The theme of spirituality and care actually appeared in Foucault's work two years earlier, during a decisive transition from a sustained investigation of modernity, turning on biopower, to truth, politics, and subjectivity, turning on ethics. In a 1978 roundtable with historians, Foucault explained that he had been haunted “from the first” by the problem of how certain modes and forms of truth speaking—“regimes of veridiction”—and modes and forms of governance—“regimes of jurisdiction”—had come to define the history of the West. Among other difficulties, this conjunction of veridiction and jurisdiction puts in question the practice of history itself,

given that the historian's tools—the historian's own modes of truth speaking and forms of governance—are implicated in the very histories under investigation.²¹

Foucault proposed that this historical problem and this problem of history constituted a “decisive arrangement”: the challenge of discovering new ways of distinguishing true and false is linked to the challenge of discovering new ways of governing oneself and others. This decisive arrangement, he suggested, can be thought of as the political problem in its most general form, a form that brings the object and subject of thought into the same frame. He concluded by asking: “[what should we call] the search for a new formulation of each of these practices, in itself and in relation to the other, the will to discover a different way of governing oneself through a different way of dividing up true and false?” His answer: “political spirituality.”

PRACTICING POLITICAL SPIRITUALITY

The concept of political spirituality is not an answer to the problem of human dignity. It is an indication of possible analytic variables, which can be used to specify elements that have shaped human dignity as well as one's relation to those elements. The use of these analytic variables set my project into motion. Equally important, it helped me begin to exit the first-order binds characteristic of the debates over stem cell research.

Meditating on the games of truth and power entailed in those debates was clarifying. I was better able to see that my work might actually be more fruitful—for myself and others—as an inquiry into how the politics of intrinsic worth were made and how the terms of this fabrication ultimately produced critical limitations. Such an inquiry seemed more salient than yet another contribution to the normative redefinition of the dignified human.

Equally important, I was able to actively accept and pursue what had become the de facto ethical status of my work. My work had become marked by what might be thought of as a Deweyan sensibility. The American pragmatist John Dewey argued that the task of thinking begins in an indeterminate or discordant situation and strives to work through the elements of that situation in order to move toward greater determination and greater concord.²² If one is successful, one might find a way of turning breakdown into an opportunity for insight and response.

For Dewey, the work of ethics—the ethics of thinking—does not require an explicit further step beyond the intellectual labor of scientific inquiry, that is, beyond the critical investigations entailed in the work of moving from lesser to greater determination in a troubled situation. That intellectual labor, after all, already requires the thinker to discern and formulate those aspects of the situation that count

as significant and, in so doing, open up the possibility of a different relation—a reconstructed relation—to the present and the near future.

The motion of inquiry became clear to me: the movement of thought from a situation of breakdown to a range of possible solutions not only constituted something to be studied “out there” in the world. It also constituted a practice for the thinker embedded in the troubled situation. In other words, it became clear to me that the work of thought on human dignity required conceptualizing the history of how human dignity had been figured—and that this might already constitute an ethical contribution.

In this light, it bears stating that my work on human dignity and my attempt to bring to articulation a more satisfying account of this figure of *anthropos* did not constitute an exit from bioethics or political theology. Rather, it constituted an attempt to secede from the dominant modes of practice in those domains as well as the norms and forms of subjectivity mandated as part of those modes. Secession, in this sense, consists of committed adjacency whereby insight is generated by motion into and out of a particular situation.

I am not sure what others would call this motion of critical adjacency, but anthropology seems apposite. Or perhaps, as one of the reviewers of this book put it, the position of adjacency articulated in this book can be thought of as an experiment in “theologizing the theologians.” Either way, what follows is a theologically inflected anthropology of the ways in which the figure of human dignity has been imagined and made into a practice over the past half-century, an examination conducted with dedicated attention to the interconnections of truth, power, and care entailed in the question of political spirituality.

Over the course of this examination, I have actually moved closer to the stakes of the domains under investigation than I was when directly engaged in the first-order games of defining human dignity and the biological body. Putting the games of definition, counterdefinition, denunciation, and counterdenunciation into anthropological and theological perspective has opened up the possibility of rethinking the historical contours of a problem as well as my own unsettled relation to it.

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Figuring Human Dignity

My aim in this book is to offer a more anthropologically satisfying account of human dignity—or at least the minimal archaeological elements needed for such an account. By human dignity here I don't mean that universal feature of human reality that has been enshrined in political, religious, and ethical discourses, practices, and institutions. I mean, rather, human dignity, the notion and phrase—the figure of speech—which animates those discourses, gets turned into those practices, and gets incorporated in those institutions. My attention in this book is captured by a curious fact: namely, that since the middle of the twentieth century heterogeneous actors (from ambassadors, doctors, and activists to priests and popes), working in only loosely related venues (international governance, faith-based missions, bioethical commissions), have employed this formerly philosophical and theological term as though its political meanings and obligations are obvious. The results of this practice have been remarkable: the creation of a new universal figure of the intrinsically dignified human. This figure of human dignity—that is, the conception of human dignity as politically self-evident—has arguably shaped all subsequent

formulations and uses. Its political forms, force, and flexibility are such that it has subsequently been mobilized in response to a still-growing number of problems and has been made the central object of an ever-diversifying range of institutions.¹ To put all this differently, I begin in this book from a point of engaged curiosity: I want to understand how it is that the figure of human dignity has, since the late 1940s, become a commonplace of political, ethical, and religious discourse and practice. Though human dignity is often talked about as self-evident, its installation as the centerpiece of the global politics of intrinsic worth is not.

In an effort to understand better the terms of that installation, I have undertaken an inquiry into how human dignity, in the post–World War II era, has been reimagined. I have proceeded by way of an examination of the key documents in the key institutions through which human dignity has been articulated and turned into a practice. To put it a bit formalistically, I have proceeded on the assumption that the postwar formulation of human dignity constitute a threshold event in the history of truth and power. It is an event in which concerned actors, responding to a confluence of historical forces, have struggled to connect truth speaking (*logos*) about themselves and their situation (*anthropos*) with strategies for governing themselves and their situation. It is in this sense that I think a more satisfying *anthropological* account of human dignity is needed. My use of the comparative here might suggest that other anthropological accounts currently exist, accounts I find to be unsatisfactory. As it turns out, they don't—at least not in any systematic form. There are several worthwhile anthropological works on the problem of the universal notion of humanity in twentieth- and twenty-first-century discourse and politics and a significant corpus on human rights.² Despite sharing a semantic field with human dignity, however, these works do not directly address the problem I take up here. My use of the comparative, in other words, does not refer to existing anthropological work on human dignity; it refers to a lack of it.

HUMAN DIGNITY AS EVENT: A FIGURE OF TRUTH, POWER, AND ETHICS

Over the past half-decade, human dignity has introduced a shift in relations among ways of reasoning about human worth, normative terms for the governmental and nongovernmental regulation of conduct, and new possible modes of existence. This shift has been defined by novel conceptions of intrinsic worth as well as by vociferous debates about what these conceptions demand, ethically and politically. Yet despite all the talk about human dignity, this event remains underexplored and underexplained.³

Since the middle of the twentieth century human dignity has served as the object and anchor point of arguably the only religious and secular counterpolitics with

anything like the broad legitimacy and proliferative capacity to weigh against the dominant logics of national sovereignty, capitalist expansion, and scientific triumphalism. In retrospect, it might seem that given the horrors of World War II the turn to human dignity as a foundation for political thinking—the proposal that universal human dignity can provide the warrant for new regimes of governance and care—was an obvious one. The excesses of that war, after all, have rightly been cast as the paroxysmal form of the pathologies of modern power. Add to this Hannah Arendt's famous dictum that in modernity being stripped of official attachment to a nation-state leaves one in the most vulnerable of political positions, and dignity's logic of universal political inclusion appears altogether apt. But *how* this has taken place and *what* it means for the creation of new political and ethical practices is far from obvious. We shouldn't forget that the post-war formulation of human dignity as self-evident required considerable political and conceptual labor, as I will show. The institution of dignity as self-evident is itself an artifact of the politics of intrinsic worth.⁴

Humanist discourses have been around for centuries.⁵ Yet it's not until the mid-twentieth century that the notion of human dignity is articulated as an extradiscursive practice and norm of institutional formation. Where human dignity was previously conceived as a potential in need of cultivation, it began to be cast as a given in need of recognition and protection. Adjusting Paul Rabinow's provocation regarding human rights, one might ask: if human dignity is "natural, or God-given, or merely self-evident, then how is it that protection at the scale of 'humanity' has not been previously invented?"⁶ Rabinow's provocation should not be mistaken for a simple expression of anthropological skepticism. The point is not to insist, yet again, that representations of anthropological universals are always inevitably historically and politically particular. The provocation, rather, is a call to inquiry. How is it, exactly, that programs for governance in the name of human dignity came to be articulated as urgent and necessary? What has the institutionalization and declaration of dignity's universality and self-evidence actually done, politically and ethically? What kinds of specialists and specialized techniques have been brought into being as a means of actualizing dignity's protection? In short, how has human dignity been reimagined such that it could become an anchor point of contemporary counterdiscourses and counterpolitics?

The most intuitive place to begin answering these questions might be human rights, which, in the end, constitute the most widely recognized form of dignitarian counterpolitics. Inquiry in this direction might reasonably begin with the United Nations and the monumental 1948 Universal Declaration of Human Rights. The animating problem for the Commission on Human Rights (CHR), who drafted the declaration, was how to respond to the failures, intransigence, and excesses of national sovereignty. Following the CHR's initial formulations it would take almost

another quarter-century before human dignity and human rights were made practicable: it was not until they became a guiding rationale of nongovernmental organizations that the terms took on their familiar operational meanings. Since the 1970s, regimes of humanitarian intervention have continued to expand, with global health and international development being primary drivers. Supporters as well as critics have put human rights to myriad strategic purposes, inflecting and further transforming their meaning along the way. The fact of this conceptual and pragmatic proliferation casts clarifying light back onto the way in which the notion of human dignity was formulated at the United Nations. Specifically, it throws into relief the way in which talk of human dignity was initially disconnected from politically and legally binding obligations and made weak in relation to the *de facto* sovereign power of member states. No less significant, however, is the fact that, although politically limited in this original setting, the notion of dignity shaped at the United Nations ultimately provided the conceptions of intrinsic worth that would be taken up and advanced by a subsequent generation of countersovereigntist political actors from Oxfam to Lutheran World Relief.

Less widely recognized but arguably no less influential is the place of human dignity in the political theology of the twentieth-century Roman Catholic Church and the counterdiscourses this has enabled. Since at least the 1930s, human dignity has been mobilized as part of the church's internal struggles with modernism—that is, its theological and ecclesial struggles concerning how, and to what extent, Catholics ought to valorize the figure of the modern over the figure of tradition. Those who were initially accused of being modernists advanced human dignity as part of their diagnosis of the anomie and social breakdown of the modern world.⁷ In something of a theopolitical reversal, at the Second Vatican Council in the 1960s, this same view of human dignity was taken up by church officials. Dignity was put forward as an answer to the problem of how the church should relate pastorally to the secular world. Appealing to its teaching authority, the Council Fathers proposed that the church was uniquely positioned to discern dignity's meanings and interpret its requirements. Their turn to dignity brought with it a call for the invention of new pastoral practices. It also raised the question of whether human dignity, framed as intrinsic and universal, could be recognized and understood apart from the church's theological vernacular and doctrinal commitments. The answers given to that question triggered multiple ramifications. In the global south, for example, they further justified the political engagements of liberation theology while simultaneously inspiring the Vatican's juridical response to those engagements. Similarly, in the global north, the notion of human dignity was made the crux of the church's response to a range of developments in the life sciences: to questions of the technical meanings of

life and death in the 1970s; in vitro fertilization, genomics, and cloning in the 1980s and 1990s; and stem cell research in the late 1990s and early 2000s.

Given the central place of Catholic thought in the history of its development, it's not surprising that bioethics has been the scene for the emergence of yet other dignitarian counterpolitics. In the early 2000s, the U.S. President's Council on Bioethics, directed by a group of self-styled counterestablishment bioethicists, proposed making human dignity the guiding term for the governance of science. They began with the proposition that life, understood as the object of the biological and biomedical sciences, needed to be understood in terms equivalent to life figured in bioethics. They reasoned that if *bios*, the object of both biology and bioethics, can be characterized in terms of human dignity, this is because the dignified human is a living being. This conceptual a priori required the President's Council to demonstrate exactly how human dignity, which had been framed in political-spiritual terms in other venues, could be identified with embodied human life and with humanity understood as a living population. Members of the President's Council thus put themselves in the position of having to speak as specialists of a distinctive sort: technicians capable of articulating a program whereby notions of intrinsic worth could be made the absolute norm of otherwise relative biomedical practices. Whereas at the United Nations and the Vatican the notion of human dignity was mobile and expansive, in bioethics the definitional motion became centripetal: the question of the relation between human dignity and biotechnical practice was posed in increasingly tighter terms. This circumspection ultimately served to undermine, within bioethics, the previously generative and expansive character of the term. In the end, it opened up ethical and political problems beyond both human dignity and its biopolitical object of critique.

In view of these developments, one could argue that human dignity is one of the more important recent examples of what Michel Foucault described as "those innumerable intersections between jurisdiction and veridiction that is undoubtedly a fundamental phenomenon in the history of the modern West."⁸ In the name of human dignity a flexible and heterogeneous collection of political interventions and truth claims have been brought together, legitimated, and put to work in the world. In the midst of this eclectic collection, technicians of human dignity have struggled to find strategies for managing contradictory conceptual and pragmatic demands. Proponents have insisted that human dignity is threatened by its own successful history: the worldwide elaboration of dignitarian politics has left those politics without coherence or self-consistency. Critics have insisted that the notion suffers conceptual "thinness." This, they argue, issues in delocalized and ungrounded political practice, a fact taken to be especially problematic in the justification and application

of human rights. Lost in the mix has been sufficient examination of human dignity as a historical event of anthropological consequence, one in which the incessant re-definitions and denunciations themselves constitute important aspects of the term's social life. Taken in this sense, the politics of human dignity constitute less the sort of thing one would be for or against and more a dimension of our historical being as late moderns in need of elucidation.

One strategy for pursuing that elucidation consists in establishing an analytic of truth, power, and ethics in relation to which the primary source materials might be taken up. That analytic might then be used to think through how the key actors in select venues defined human dignity and worked to articulate new modes of governance and care. The analytic might need to be adjusted and perhaps even set aside as inquiry proceeded and material details tested its limitations.

With regard to this book, I have sought to establish a rhythm of recursive movement between analytics and source materials pertinent to the three cases of counterpolitics just outlined. I have given critical attention to significant episodes within the life of each of those cases, episodes through which the terms of human dignity were articulated, put into play, and contested. I have examined the key documents that resulted from those episodes, with an eye to how the logic of human dignity formulated therein established parameters for subsequent practices.

The book begins with a close reading of the theological politics of the Vatican and the transformation of these politics during the Second Vatican Council. Beginning with Vatican II rather than, say, the United Nations is analytically useful for several reasons, as I will explain at more length in the next chapter. Among other reasons, it helps clarify the distinctive conceptual problems introduced by the notion of human dignity conceived as an intrinsic and defining feature of humanity. The vehement debates among the Council Fathers exemplify how the turn to dignity as a response to modernity ultimately constitutes a pastoral problem—even for those working in secular settings. Having introduced the terms of that pastoral problem, the book then shifts to the United Nations and the foundational work of the Commission on Human Rights. It examines the commission's attempt to articulate a framework for international human rights articulated as an expression of human dignity. It focuses on the circumspect micropolitics through which it was proposed that the appropriate response to human dignity is "declaration and recognition." This turn to "mere" declaration was enshrined in the Universal Declaration of Human Rights. The third case, U.S. federal bioethics, gives close attention to the framing of human dignity in the writings of the President's Council on Bioethics in the early 2000s. It gives particular attention to the ways in which the President's Council attempted to use the notion of human dignity as a means of moving bioethics beyond what might be called a biopolitical frame of reference. This move was ultimately elaborated as a

strategy for supervening on biopolitics and fostering a culture of scientific practice indexed to dignity. The effect of that strategy—comparable to developments in other domains—was to introduce a seeming incommensurability between a biotechnological logic keyed to normalizing bodies and populations and an ethical logic keyed to protecting the inviolability of dignity.

In each of these cases, my analysis has been guided by two central, if broad, hypotheses. First: the notion of human dignity, which has had a long and varied history in philosophy and theology, only began to coalesce and take on seemingly singular and coherent political and ethical forms within and through these three venues. Second: human dignity only became a problem when the actors in these venues tried to transform it into the object and objective of new ethical and political practices and strove therein to establish themselves as specialists uniquely equipped to care for it.

I use the term *venue* here rather than, say, institution or organization. Taken in the sense of a scene or setting in which an event takes place, the term venue signals the fact that the Vatican, the United Nations, and the President's Council served as settings for, and thereby facilitated, dignity's reconceptualization and pragmatic reworking.⁹ This facilitation involved the creation of a distinctive kind of specialist—an extraphilosophical expert on human dignity. I use the term *specialist* to designate the fact that the actors involved were put in a distinctive and privileged position. They were positioned to establish the technical terms according to which human dignity would be allowed to be discussed and interventions imagined. Borrowing a term first proposed by Paul Rabinow, one could say the specialists involved in the formulation and elaboration of human dignity were *technicians of general ideas*: they set out to define the broad terms in relation to which it might subsequently be possible to invent practices of care and governance. In this way, they also established the programmatic outlines according to which subsequent actors could take up human dignity in a technocratic manner, that is, could make use of, and work to maintain, the ethical and political equipment for protecting human dignity first imagined through these venues.¹⁰ In the case of the United Nations, for example, the members of the CHR engaged in extensive debate concerning whether or not recognition of human dignity in human rights ultimately required the creation of international courts located within, but not under the jurisdiction of, all UN member states. Though the debates were ultimately settled in favor of preserving national sovereignty, these discussions indirectly contributed to the creation of human rights observers in humanitarian organizations who, in the name of human dignity, could reject the ultimate priority of national sovereignty.

To say that the participants involved were positioned as technicians of general ideas is to highlight the fact that their primary task was to carry out the work of *figu-*

ration: imagining the figure of human dignity as a response to perceived breakdowns in modern regimes of power.¹¹ This task consisted of putting together an otherwise discordant ensemble of ways of thinking, acting, and relating (for example, philosophical notions, political institutions, ecclesial precedence, norms of research, etc.) and conceiving of that ensemble as a conceptually and functionally coherent whole. This ensemble could then be talked about as an integrated and even singular object by using the term human dignity. Put the other way round: when these participants said “human dignity,” the referent consisted of a complicated assemblage of ways of thinking, acting, and relating. In this way, these specialists opened up the possibility of discerning what it is about the world that puts human dignity at risk and what, technically and bureaucratically, needs to be done to protect it.

The terms of this practice of figuration were not especially complicated: human dignity needed to be cast as the central element in a diagnosis of the excesses and deficiencies of modern power. To that end, it was conceived as a uniquely valuable and vulnerable object of care. This object was positioned as urgently in need of protection in the face of the secularization of the primary spheres of life, the dominance of state sovereignty, and the unguided power of the biological sciences. Specialists reimaged their respective venues as distinctly responsible for—and uniquely capable of—caring for human dignity. This imaginative task was not, as it were, strictly discursive. It consisted, rather, of the more difficult labor of articulating a logic of governance and care that could subsequently be turned into infrastructures and practices. Said differently, in each of these venues the specialists involved undertook the work of reimagining and redescribing their respective institutions as venues dedicated to the care of human dignity.

It bears noting that in practice actors in all three venues took human dignity for granted, in the sense that dignity was more premise than problem. Human dignity was simply announced as the object and objective of their respective venues. This act of announcement, however, opened up a more fraught problem: specifying what they meant, exactly, when they used the term—what it referred to in the world and what obligations would fall (or not) to their respective institutions. Their task, in sum, was to figure human dignity in such a way that it could be discursively taken for granted. Only then could it be considered as an object whose character and vulnerabilities formed the programmatic rationale for political governance and ethical care.

TRUTH: HUMANITY, INTRINSIC WORTH, AND THE ARCHONIC

In one of the most lucid reconstructions of his own work, Michel Foucault described his general project as a “history of thought,” distinct from either “the his-

tory of ideas” or the “history of representations.” A history of thought consists in the study of “the focal points of experience” (*foyers d’expérience*) characteristic of modernity and late modernity.¹² Famously for Foucault, these included the study of madness, incarceration, sexuality, governmentality, and political spirituality. The question was how to approach these focal points of experience. Foucault proposed proceeding by way of three constitutive aspects: the possible forms of knowledge that take shape within these focal points, the normative frameworks of behavior which govern them, and, in view of these first two, the potential modes of existence that are either opened up or closed down.

Meditating on the first of these, Foucault explained that he had consistently sought to move away from more familiar modes of historical practice, such as critiquing the content of ideas, discerning the “mentalities” that accompany actual behaviors, or assessing the representational value of systems of thought.¹³ The reason for this move is that it allowed him to study experience as a matrix through which new forms of knowledge production become possible, thus reconfiguring experience. In the case of his work on madness, for example, Foucault sought to investigate how, through multiple forms of knowledge (psychology, psychiatry, sociology, etc.), it became possible to grasp “madness” as a singular and fundamental experience. It thereby also became possible to institutionalize norms of behavior and normative modes of subjectivity. Inquiry into focal points of experience thus required paying careful attention to a vital relation: the relation between actual discursive practices (how things are said or not said) and what Dreyfus and Rabinow called “possible serious speech acts,” that is, the rules of authorized knowledge that determine which statements are allowed to count as true and false and which actions can thereby be talked about as necessary and urgent.¹⁴ As matrices of possible forms of knowledge, actual discursive practices could then be analyzed as regulated forms of “veridiction.”¹⁵

Even a passing examination of the ways in which theologians, humanitarians, and bioethicists have talked about human dignity indicates that regulated forms of veridiction are in play. The difference with dignity is that the regulative element of discursive practice does not seem to turn on epistemic rules that structure thought—as Foucault had speculated early in the development of his work.¹⁶ The debates at the United Nations about the legal requirements of rights, for example, were conducted using markedly different modes and forms of reasoning than, say, the bishops’ debates over the relation between dignity and the teaching authority of the church. With dignity, the regulative element seems to lie, rather, in what might be called an *ontological* rule. The specialists in these venues shared a convergent sense of the way in which human dignity exists in the world. In each case, human dignity was talked about in terms that seem to take as a given that human dignity is

intrinsic, inviolable, and vulnerable. In other words—and to introduce a technical term central to this book—human dignity was talked about as existing in the world in a fashion that can be called *archonic*.

The term archonic is derived from a combination of two Greek terms: *arkhē*, meaning “the beginning or the primordial,” and *arkhōn*, meaning “the ruler or the judge.”¹⁷ It was coined as part of philosophical and theological debates during the last quarter-century, which critically revisited nineteenth-century questions concerning the nature of causation in history. More specifically, it was coined as part of attempts to parse the relative significance of theological notions of creation and eschatology—that is, theological ideas about how things in the world originate and culminate—for understanding the historical character of human affairs. In the course of these debates, the theologian Ted Peters advanced the notion of the archonic to characterize a particular mode of being-in-history, one that can be thought of as ontologically unsettled. This is a mode in which the human is imagined as a creature whose form of life is contingently elaborated over time but whose norm of existence is not. The norm of existence, as primordial, is internal to historical being and remains unchanged within and across the contingencies of life.¹⁸ The actualities of historical existence may be variable, but the norm is not. The primordial origin governs historical existence. This mode of being can be said to be unsettled insofar as the archonic norm is not identical to the actualities of historical being as experienced. The archonic, in short, names an internally and permanently present (that is, imminent) possibility of historical existence, which is its norm and guide but not always its actuality. Charles Taylor has proposed that modern conceptions of moral order almost always begin with descriptions of reality and that these descriptions only subsequently take on a kind of normative life to the extent that they are used to measure out deviations from “the nature of things.”¹⁹ With the archonic, the distance between the descriptive and the normative is collapsed at the outset. The difference, however, is not lost.

Analytically speaking, debates about the archonic do not simply reactivate the tired polemics of essentialism versus constructivism. More interestingly, they offer insight into one way in which human ontologies and temporalities can be reworked and remobilized as a practice of ethical and political critique—the archonic has been articulated as a practice of critique. Despite differences in self-stylization and purported *telos*, actors in each of these venues formulated human dignity as a description of primordial human being as well as the norm and metric by way of which historical reality should be judged and responded to. Human dignity was advanced as simultaneously immanent to historical existence while also being the norm of historical being. The conspicuous differences between historical existence and the norms of human dignity were thus reimagined. Human dignity was not

thought of as incomplete or in need of further historical development, as though it would one day be actualized at the end of a dialectical or evolutionary series. The difference between historical existence and its norm, rather, was imagined as a matter of violation calling for redress.

Conceived as *archaic*, human dignity is that which is most fundamental and hence most true about human existence. Conceived as *archonic*, human dignity is self-grounding and self-justifying as well. It does not need to appeal to anything other than itself in order to establish its political and moral rectitude. It is the archonic that constitutes the distinctive shift introduced into the conception of dignity in the late modern politics of intrinsic worth. In classical formulations, human dignity was thought of as deriving from some particular feature of human existence—the fact of being a reasonable being, the ability to cultivate godlike capacities, the fact of being created in the image of the divine, and so on. As archonic, human dignity does not need to be explained or defined by reference to anything other than itself—it is not derivative of some positive feature of human capability or status. The answer to the question “what is the source of human dignity?” is simply “human dignity.” This self-reference may be circular, but it has proven to be politically and rhetorically powerful. Take, for example, the notion of dignity in the Universal Declaration on Human Rights. In the declaration human dignity is announced as that feature of political existence which needs to be recognized in order for political goods to be assured. It is not demonstrated, established, argued about, defined, or specified. It is talked about as self-evident and prescriptive: human rights are expressions of dignity’s intrinsic obligations. In the case of Vatican II and the President’s Council, the archonic character of dignity is less conspicuous but no less forceful. For the Council Fathers human dignity is defined in the relation between the human and the divine. However—and this became a primary point of innovation and contention—dignity must nonetheless be conceived as fully imminent and proper to the human—the “supernatural” in the “natural.” For the President’s Council, the archonic is also conceptually in play insofar as human dignity is used to name an unchanging feature of human existence that can be set against the changing norms of scientific practice. In each case, the salience of the archonic for political critique is that when human dignity is said to be at risk of violation this is not because, say, the autonomy of the person has been compromised or God’s creation besmirched. It is because the primordial has passed judgment.

The practical question in each of these venues thus became how to interpret the unchanging norm of archonic dignity within the changing complexes of the modern world. What needs to be known and what needs to be done? On one level, the answer is unambiguous and seemingly uncomplicated: human dignity needs to be protected. If human dignity is intrinsic, inviolable, and under threat, then the

political and ethical stakes consist neither in establishing nor cultivating dignity. They consist in protecting it. This may seem an altogether banal point—protection as a mode of intervention is characteristic of familiar liberal notions about the relation between the individual and the state. But the fact that archonic human dignity entails a specific logic of intervention, and the fact that this logic is a protectionist one, has proven to be absolutely crucial to dignity’s political fortunes.

Though specific and unequivocal, this protectionist logic has been highly generative. Strategies for protecting human dignity have included, among others: interpretive frameworks for monitoring political affairs and diagnosing their limitations, regimes of rights and the institutions needed to act in the name of those rights, emergency health interventions into situations where notions of state sovereignty need to be ignored or reinterpreted, justifications for armed interventions that similarly redefine the limits of sovereignty, and rhetorical devices for reimagining the life sciences and how they fit within existing national and transnational regulatory frameworks. These strategies are heterogeneous in their operational details. But they are similar in that each has been promoted as a means of protecting human dignity. Saba Mahmood has adroitly pointed out that the dominance of seemingly uncomplicated norms often covers over the fact that, in practice, those norms are taken up and embodied in multiple and contested ways.²⁰ If the answer to the question of the problem of modern power is “human dignity must be protected,” it is an answer that admits to seemingly limitless instantiations.

A protectionist logic assures that the archonic can be directly set against characteristically modern modalities of governmental power. It introduces an invariable ethic into an otherwise variable situation. In doing so, it activates and reinforces Georges Canguilhem’s incisive distinction between the norm as ideal and the norm as statistical mean.²¹ The logic of modern governmental power links the two sides of the norm through processes of normalization. Power works to establish norms and in this sense can be said to operate in the name of ideal states. But those ideals are formulated and pursued by reference to existing and desired statistical distributions. Populations are thus normed in a double sense: measured and ameliorated according to a common scale. This means that governmental power is relative and does not need to be comprehensive or total. It needs to do just enough to get the numbers to work. This also means—to recast Ian Hacking’s insight—that power doesn’t need to help or hurt anyone in particular so long as the norms improve.²² Or, to borrow Foucault’s more provocative formulation, modern modalities of power that aim at making some thrive often do so at the price of letting others wither.²³ Archonic human dignity, by contrast, is precisely that aspect of things human that cannot be normalized. It is primordial, unchanging, and inclusive. The form of its demands

may vary as circumstances do, but its obligation is the same: protection. The archonic is orthogonal to the governmental.

This is not to say that dignitarian politics have not been problematic, exclusivist, or violent. It's to say that the logic of the archonic dictates the terms of political and ethical obligation with regard to human dignity. One could put it this way: in view of the governmental, dignity tells us what to do. It's for this reason that situated debates over dignity have almost always turned on the question of what dignity obliges rather than on how it is defined. Of course, as any number of critics has pointed out, in practice this means that a kind of reversal takes place: the particular courses of action that are said to follow from human dignity actually lead it.²⁴ Dignity's critics insist that the term thus has no proper, but only derivative, meanings: it takes on whatever meaning actors want to give it in order to justify their actions. The problem with these critiques, however, is that they fail to appreciate the generative and normative character of the archonic as a delimiting source for the imagination and articulation of possible modes of intervention. They overlook the way in which the notion of protection itself is veridictionally and jurisdictionally determinative. Whatever course of action, it must be brought to articulation in the name of protecting human dignity. This is not merely a matter of rhetorical or semantic adjustment. It is also a matter of ethical and political logic.

The protectionist logic entailed in the archonic—it needs to be underscored—constitutes a distinctive moment in the history of human dignity. Previously, human dignity had almost always been imagined as corresponding to the human ability to cultivate certain capabilities or achieve a certain status—we might think of Pico della Mirandola's famous image of the dignified human climbing from beast to angel. Human dignity in these formulations might be potentially universal, in the sense that any given person might one day cultivate those capabilities or realize that status. But human dignity was not imagined as being a universal and immanent given—a feature of all humans awaiting recognition and protection. The relative novelty of the archonic is no doubt part of dignity's rhetorical force and political success. The difference it introduces, however, has also proven troublesome. What does it mean, pragmatically and institutionally, to make human dignity an object of care if the archonic cuts across familiar modes of exercising power? Dignity, after all, not only can't be normalized; it's really not even an object of governance—it does not need its conduct conducted. What needs to be governed—and governed differently—are those milieus within which human dignity resides. It shouldn't be overlooked that the actors examined in this book talked at length about caring for human dignity but did not actually propose courses of action that would require intervening directly on human dignity. They proposed courses of action, rather,

that consisted in working on and working over those forces that threaten to violate dignity or otherwise keep it from existing as it should.

This may all sound perfectly obvious—particularly when considered decades after the fact. Anyone who has been involved even peripherally with human rights and humanitarianism, or who has read statements by the Vatican’s Congregation for the Doctrine of the Faith on the affairs of the modern world, or who has followed the now decades-long debates concerning the moral status of the embryo knows that human dignity is almost always talked about as that which is under threat and needs to be protected. As a number of commentators have pointed out, universal conceptions of humanity are often defined by way of perceived violations: the positive features of the human are reverse engineered (as it were) from conceptions of breakdown and suffering.²⁵ In this sense, the correlation between human dignity conceived as archonic and the seeming reasonableness of a protectionist mode of intervention might appear unremarkable. It does not follow, however, that this correlation is unimportant. The question and challenge is to figure out what one ought to make of such a seemingly unremarkable fact. In what ways is this situation actually quite specific? What kind of shifts has it introduced relative to prior ways of reasoning? And how might reproblematising this seemingly evident fact—the archonic character of human dignity and the need to protect it—open up significant new insights about the ethical and political topology of our current situation?

POWER: THE ARCHONIC, THE PASTORATE, AND THE SALVATIONAL

If the archonic implies protection as a norm of power, the analytic question is this: what forms of practice have been put forward as appropriate to that norm? In each of the three cases examined in this book, the principal actors looked to human dignity to do both critical, that is delimiting, as well as productive work: they advanced dignity as a constraint on what they took to be dangerous excesses of power but also, and often at the same time, took dignity as a warrant and justification for the invention of new modes and forms through which power might be exercised differently. In each case, the key actors advanced dignity as a critical outside to the dominant order of targeted modern domains—life in and of the state, life under the presumption of secularism, and the life of science. It was a critical outside because it constituted a reality more basic and permanent than each of those domains. The U.S. President’s Council on Bioethics, for example, defined human dignity in terms of the enduring way in which humans strive to overcome limitations; the aim of bioethical power is thus not to aid humans in that striving per se but to discern where and whether the biomedical sciences undermine it. At the same time, actors in these venues also conceived of human dignity as a point of internal limitation: certain activities and

practices in modern domains were framed as following from and dependent on human dignity. At the United Nations, for example, political goods such as justice and peace were said to depend on the recognition of human dignity. These actors, in short, sought something more, something different, from existing power relations. They articulated that difference in terms of external and internal limits designed to reorder domains of contemporary life to meet the demands of human dignity.

The challenge of establishing the capacities and practices needed to contribute directly to that reordering was institutionally unprecedented. Institutional efforts had been made in relation to other universal notions. Experiments with constituting the means to act in relation to cognate terms such as the “human person,” “mankind,” or the “human creature” had been tried out in the institutional antecedents to all three venues. Human dignity, articulated in archonic terms, had not. For example, in the case of Vatican II the constitutional documents concerning human dignity were replete with formulations from medieval and early Christian theology. Despite the use of these sources, and notwithstanding of the performance of theological continuity, the fact remains that no ecclesial body had previously instituted human dignity as the basis for a pastoral relation to the modern world.

The turn to human dignity and the attempt to institute practices and capacities adequate to its protection ultimately reactivated and reconfigured the seemingly intractable problem that Michel Foucault named “pastoral power.”²⁶ In its classical forms, pastoral power was defined by a double obligation, which, though conceptually straightforward, required complex institutional arrangements to put into practice. The pastor was obliged to take care of all the members of the flock, as a whole, while also taking care of each member of the flock individually—*omnes et singulatim*, as the Latin phrase has it. Foucault coined the term pastoral power in order to distinguish what he took to be a defining aspect of the relation between reason and power in the West: the creation of political technologies of individualization, that is, techniques and procedures by way of which individuals could be marked out as individuals in such a way that they could subsequently be governed in a more or less continuous fashion.²⁷ Foucault used the term pastoral power to track points of connection and transmutation between the emerging politics of the modern state and those of the ecclesial late Middle Ages.²⁸ With the development of the modern state, Foucault speculated, the pastoral problem of individualization characterized by the Christian care for the soul did not so much go away as it shifted locations, objectives, and techniques. The transition from the late Middle Ages to modernity, he provocatively suggested, is not typified by the shift from the church to the state. It is typified, rather, by a shift in the venues within which and through which the figure of the minister conducts his work.

Pastoral power, in short, helps analytically specify key shifts attendant to the

obligation of caring “for all and for each one.” Several shifts in particular are pertinent to human dignity. First, the problem of pastoral power was given global dimensions: the obligation to care, institutionally and directly, for all of humanity and for each individual human. The technocrats of human dignity were faced with the task of turning a pastoral obligation into a global practice. This was particularly problematic insofar as human dignity was not only a norm of critical judgment for the denunciation of power but a term of operational reorientation implying a new possibility of universal care. The fact that such a universal obligation might be unfeasible as a practice, and the fact that attempts to incorporate this universal norm would inevitably result in exclusion and selection, is, on one level, beside the point. The key factor here is that the combination of the archonic with the logic of pastoral power put these technocrats and these institutions in a posture of absolute responsibility not only for the good—the salvation—of humanity but also for the salvation of each and every individual human. The flipside of the ability to lay claim to the primordial nature of human dignity as a critical intervention into, say, the rights of sovereignty was that any and all violations of human dignity became potential sites of institutional responsibility and scandal.

A second related shift concerned institutional form. Neither the United Nations, nor the Vatican, nor federal commissions were operationally suited to the demands of pastoral power in any fashion parallel to previous instantiations. The medieval church’s ability to individualize and govern the soul, for example, or the modern state’s ability to individualize and govern the population required the capacity to intervene in the quotidian affairs of everyday life. That capacity allowed these institutions to carry out a kind of direct and sustained cultivational work on individuals and collectives. The classic model is the monastery in which the individual monk could be permanently directed through daily routines by a spiritual director. Modern institutions like the hospital, the school, or even the plan of the city comparably served to give institutional form to norms of social order, operating on the presumption that these norms and forms would allow individuals to embody an otherwise inaccessible form of life.²⁹ The extension of institutions into the quotidian affairs of daily life, in other words, facilitated the work of governance. Human dignity as archonic, however, did not seem to require such sustained intervention. It seemed to require recognition and protection. The archonic thus brought with it the need for new institutional models.

The difficulties implied in the reconfiguration of pastoral power were not only matters of institutional reach and form. They also concerned the complexity of the pastoral object itself. Human dignity is a hybrid object that presumes to draw together the two sides of pastoral power—individual humans and the whole of humanity—into a unified object of care. The problem of pastoral power gets inverted.

Conceptually, and in a nonlinear fashion, human dignity requires pastoral practices that move from consolidation back toward individualization. Dignity requires technologies that bring to visibility humanity in each individual. Only in that way can humanity be individualized. In all three venues, humanity was diagnosed as fragmented in the modern world. In a speech to the UN General Assembly in 1965, Pope Paul VI expressed this by proposing that the United Nations and the Vatican share a common pastoral mission: to bring about the reality of humanity through the politics of unification.³⁰ In the speech, Paul VI acknowledged dignity's double status—that it is both a predicate of humanity and its goal. Dignity does not require the creation of humanity—as though humanity did not yet exist. It requires, rather, doing away with those things in the world that prevent historical humanity from existing according to its own inner norm. Humanity—to use the older theological formula—is both “already and not yet.” What was new here is that the work of actualizing humanity is made the mutual objective of political institutions and not just, say, the hope of the church in view of divine grace.³¹

Foucault proposed that in order to understand pastoral power (at least in its traditional forms) the observer must make sense of “the force and complexity of the moral ties binding the shepherd to each member of his flock.”³² The central feature of these moral ties is that the salvation of the pastor is bound up (for better or worse) with the salvation of the flock—a “salvational exchange,” as Foucault called it. In this light, one might speculate that part of the difficulty with institutionalizing the care of human dignity over the past fifty years has been that the actors involved were faced with the challenge of inventing new and distinctive “moral ties” with their imagined flocks and doing so in a fashion that admits of some form of salvational interdependence.³³ One could further speculate that this is why over the past fifty years so many actors have found it useful to think about the demands of human dignity in terms of emergency intervention. On one level, the universal pastoral obligations implied by human dignity might seem to involve a salvational exchange whose scope and character is simply not feasible. On that level, the politics of human dignity, in the end, would be primarily critical and never really productive. On another level, that very infeasibility may be part of why human dignity gets cast as archonic in the first place. After all, with the archonic, daily governance of human dignity is neither the demand nor expectation—protection is. Emergency intervention, in the end, might not only be the appropriate response to dignity, that is, intervening when human dignity has been violated. But it might also be a kind of ethicopolitical triage by way of which those who are responsible for “all and for each one” are able to turn a universal pastoral obligation into a seemingly feasible course of action.

The need to establish a relationship of salvational exchange means that actors in

each of these venues had to consider human dignity not only as an object but as an objective of care. How they proposed to do this is a question that orients this book.

ETHICS: ARCHONIC MODES OF EXISTENCE

The formulation and use of human dignity over the past number of decades constitutes a fundamental reproblematicization of human worth. That reproblematicization has consisted of an attempt to bring into being a different relationship among truth speaking, the exercise of power, and possible modes of existence. That work of ontological innovation remains unsettled and riddled with conceptual inconsistencies and practical blockages. In view of these inconsistencies and blockages Ruth Macklin—expressing a sentiment shared by other philosophers—notoriously concluded that “dignity is a useless concept.”³⁴ Unlike the posture taken by Macklin and other critics, this book does not seek to denounce human dignity—or rectify it. It seeks, rather, to make sense of how these inconsistencies and blockages have become defining characteristics.

This book seeks, in other words, to make human dignity into an object of the anthropology of ethics—taking the term ethics in its broad etymological sense of the study of character, habits, and dispositions in their connections to customs. In this sense, the analysis in this book is consonant with the third aspect of the general project of the history of thought, sketched above—the study of “potential modes of existence for possible subjects.” This includes inquiry into the discursive and normative matrices through which an individual is encouraged to constitute a relation to her- or himself as a particular kind of subject. It also includes inquiry into the forms of possible political resistance and ethical practice through which an individual might attempt to rethink and rework that relation. With regard to human dignity, the ethical question is this: how did specialists working in key venues create the conceptual and pragmatic means by which a different way of existing might become possible, a way of existing consistent with the protection of human dignity? The twist and difficulty in answering this question is that for proponents, human dignity is always already given. The anthropological question, then, is how that given became the reference point for a possible form of life.

Much has been made of the fact that over the past three decades anthropologists and philosophers alike have paid increased attention to what is sometimes referred to as “virtue ethics,” sometimes “Aristotelian ethics,” sometimes, using Foucault’s coinage, “the techniques and technologies of the self.”³⁵ Foucault’s own intensive focus on techniques and technologies characteristic of the Antique world, and his elaboration of analytic tools for thinking about subjectivation, has had the posi-

tive effect of opening up a substantial and varied body of work on contemporary domains in which practices of ethical *autopoiesis*, self-making, play a vital role in establishing and testing the social and political order of things.³⁶ This emphasis on ethics as self-formation, however, has had other less salubrious effects, as James Faubion has pointed out.³⁷ Principally, it has encouraged anthropologists as well as virtue ethicists to overlook the simple but crucial fact that for many Antique thinkers, Aristotle in particular, the ethical was not only about self-formation and transformation; it was also about maintaining the stability of the *polis*. If a key dimension of the ethical is the free cultivation and exercise of virtue, another is that the ethical helps ensure the homeostasis of political life. Ethics, we should recall, derives from *ethos*.

In this view, as Faubion has insisted, the dynamic and homeostatic dimensions of ethics are not so much opposed as mutually constitutive. Saba Mahmood has made a similar point in her critique of dominant conceptions of agency.³⁸ The notion of agency presupposed by much of critical political theory is often characterized by the individual's ability to resist dominant norms. Actors who do not resist are not truly agents. Mahmood points out, however, that for individuals in many ethical and religious traditions the question of agency is not so much how to resist norms or even how to invent new ones. The question, rather, is how to embody them. Debates and struggles over that question suggest that life lived in relation to dominant norms can facilitate agency as much as diminish it. Anthropologically speaking, the lesson learned is that sufficient accounts of possible forms of existence require giving as much attention to aspects of ethical relations that are stable and self-reproducing, such as the dominant norms of tradition, as to aspects marked by invention and self-making—to say nothing of the complicated relations between them.

In an effort to name and pin down analytically the stable and self-reproductive dimension of ethics, Faubion has proposed the term “themitical.” Faubion derives the term from the Greek *themitos*, meaning that which is “allowed by the laws of the gods and of men, righteous.”³⁹ Despite the inevitable difficulties of relying on a neologism, Faubion's term is warranted by the fact that it calls to mind and names the need for a more careful characterization of this somewhat overlooked dimension of ethics. Likewise the term facilitates more systematic investigation of the discursive practices, material conditions, and power relations that have allowed those dimensions to stabilize. Using Faubion's term, it is fair to say that human dignity has become themitical. It has achieved sufficiently widespread stability in its modes and forms of operation to have become easily reproduced and reused in and across disparate domains of contemporary life and most all quarters the world. This book provides what might be thought of as an attempt to sketch out the basic elements of human dignity in its themitical dimensions.

It is also fair to say that human dignity has become the stabilizing element of an institutionalized *apparatus*, taking the term apparatus in the technical sense indicated by Dreyfus and Rabinow.⁴⁰ First, dignity has become a tool, a device with a set of delimited purposes: it has a diagnostic purpose, used in specifying the pathologies of power; it has a critical purpose, announcing a feature of intrinsic worth in order to cast those pathologies of power as contingent and merely derivative; and it has an anchoring purpose, programmatically holding together the elements of a counterpolitics that can be mobilized against those pathologies. Second, and in connection to its anchoring purpose, human dignity has become an apparatus in the sense of a distributed system or structure with an integrative and coordinative function. In the name of human dignity disparate elements—from discourses to institutions, experts, laws, political statements, and ethical norms, to rationales for military action, ecclesial offices, and justifications for scientific work—have been drawn into a flexible but coherent and durable constellation. In this way human dignity has also become a grid of intelligibility. It allows one to isolate this disparate range of elements as aspects of a single apparatus and thereby clarify its significance.

To say that human dignity has become stable and reproducible in its modes and forms of operation is not to suggest that it has become either homogenous or static. One of the defining characteristics of human dignity is that the meanings and practices attached to it are often widely divergent, if not contradictory. A conspicuous feature of human dignity today, one that has made it a target of criticism, is its lack of conceptual coherence and practical uniformity. This lack, however, means that to whatever extent human dignity has become stable and reproducible, it has also and simultaneously become a site of reinvention and elaboration. This reinvention and elaboration is currently serving to transform the archonic logic of human dignity, even leading in some instances to disorder and breakdown. Moreover, as I will show in relation to bioethics, the extension of the politics of human dignity into domains where the vitality of human biological existence is at stake—sites of “vital politics,” as they’ve been called—has accelerated dignitarian politics toward such breakdown. To state briefly a point that will need further elaboration: the attempt to connect the human dignity to governance of the biopolitical body has effectively undone the archonic settlement. It has undone it insofar as it has required the actors involved to specify the material dimensions and limits of dignity. The need to connect dignity to specific interventions into human biological life throws into question the presumption of dignity’s self-evidence.

Transformations in the archonic logic of dignity have complicated efforts to act in its name. But it is worth underscoring that, far from stemming the use of the term, these transformations and complications have opened up new ethical and political possibilities. Increasingly, the politics of human dignity are imbricated

into other political and ethical discourses and not just mobilized against them. One might think, for example, of the efforts over the last two decades to connect UN frameworks for human rights to international frameworks for climate change and biodiversity. It seems worth thinking about whether such reconceptualizations and remobilizations of dignity will ultimately bring into being new figures of truth and new regimes of ethical and political practice. After all, the turn to human dignity itself was a means by which concerned actors addressed previous breakdowns in formerly stable ethical and political situations.

I stress this last point in part to situate the work I have undertaken in this book. I have not set out to characterize how human dignity became thematical, *per se*, nor how it became settled as part of an institutionalized apparatus. Nor have I devoted particular energy to unearthing sources of absolute originality, as though the notion of human dignity as figured over the past half-century is utterly novel and disconnected from older humanisms. Indeed, as I will explore in the next chapter, conceptions of human dignity elaborated over the past few decades have consistently relied on new as well as old arguments and institutional arrangements. Human dignity in the postwar period, however distinctive, is not an achievement of sheer invention. Working between the analytic poles of autopoiesis and the thematical, I have set out to specify institutional situations in which theologians, humanitarians, and ethicists reimagined the notion of human dignity and tried to define it in such a way that it could be turned into a practice. In this sense, I have turned my attention to the formal efforts to specify the meaning and obligations of human dignity, efforts that established the initial programmatic elements according to which dignity has subsequently been taken up, elaborated, adapted, and extended into other domains. These elements are programmatic in the sense that they have constituted “reasoned prescriptions” in relation to which other institutions and specialists have been able to advance their work.⁴¹ With the case of bioethics, I have also turned my attention to how these programmatic formulations are beginning to break apart and to how institutionalized forms and practices are again being reimagined. It is clear that neither the early programmatic formulations nor more recent critical developments have produced venues or specialists fully adequate to the ambitious visions for the politics of human dignity that originally inspired them. Nevertheless, they have provided the basic materials through which human dignity has been rationalized and made a major feature of the contemporary political landscape.



Human Dignity and the Vatican

The Church, the Secular, and Pastoral Power

On October 11, 1965, almost three years to the day after the opening of the Second Vatican Council, Pope Paul VI offered an address to the General Assembly of the United Nations.¹ The timing of the address was strategically important. It was scheduled during the last of Vatican II's official working sessions. The council participants, including some 2,200 bishops, hundreds of theological *periti* (official expert advisors), and many dozens of outside observers, had met for several months every fall since 1962, when Paul's predecessor, Pope John XXIII, had convened the council. Although some of Pope Paul's allies advised against leaving the Vatican during a period of official convocation, Paul understood the advantages of making the trip while the council was still in session: the visibility of his trip to New York would be amplified by the fact that television and radio audiences around the world were already held in rapt attention by the council's "elegant, elaborate, colorful, and magnificently choreographed public ceremonies," which stood out so sharply against the ordinary affairs of the church.²

Paul's address came on the eve of his final push to complete and ratify a document known as Schema XII—the document that would eventually be known as *Gaudium et spes* (hope and joy) or, more officially, the Pastoral Constitution on the Church and the Modern World. It would be a mistake to characterize the Pastoral Constitution as the culmination of the council: there were simply too many major and minor issues dealt with during the four years, from the question of the use of Latin in mass, to the church's relation to non-Christians, to the use of the organ in liturgy and the proper clothing for nuns. This multitude of issues was enshrined in the council's sixteen official documents (three other council "constitutions," along with nine "decrees" and three "declarations"). It is fair to say, nonetheless, that *Gaudium et spes* constituted the drawing to a close of several of the council's defining themes, not least the question of the Catholic Church and its relation to the politics of human dignity.

Vatican II was convened by Pope John XXIII as the twenty-first ecumenical council. Like most of the councils since the split between the Eastern and Western Church in the eleventh century, Vatican II's official participants, the "council fathers," did not include representatives of the non-Roman Catholic Christian world—though many other religious leaders were invited to attend as distinguished observers. Like previous ecumenical councils, Pope John's reasons and timing for convening the twenty-first were multiple and divergent and were as much theological as circumstantial. The principal justifications he and his supporters gave for why a council was warranted included the need to deal (yet again) with the fact that since at least the nineteenth century the Catholic Church had been living in a world that sometimes gets glossed as post-Constantinian—a world in which the Catholic Church could no longer take for granted the institutionally privileged place it had held in the cultural and political order of Europe since late Antiquity. Official justifications also included the need to deal conclusively with the still formative effects of the Protestant Reformation and the sixteenth-century Council of Trent, a council that, though often described as a key to the "Counter-Reformation," produced theological and political legacies many in the church (including Pope John) believed to be entirely too consistent with many of the Reformation's defining theological assumptions.

Above all, justifications for the council centered on the need (in John's and others' view) for the church to become forward looking in relation to the modern world. This problem too was multiple. It included the question of what to do with the ramifications of what O'Malley calls the church's "long nineteenth century"—that is, the place of the church in a world shaped by the cataclysmic effects (from the Church's point of view) of the French Revolution, the establish-

ment of new modes of secular and sovereign national powers, and the church's previously negative reaction to modernity exemplified by the First Vatican Council's assertion of papal infallibility (to say nothing of the lingering global effects of World War II, colonialism, postcolonialism, and the intensifying Cold War). The problem of the modern world also included the need to sort out what the church should say and do in relation to specific modern technological and industrial transformations: the stockpiling of nuclear weapons, the invention of birth control, and transformed views of natural history brought about by evolutionary biology. And the church needed to deal with its relation to, and participation in, the center-periphery effects of globalized capitalism and the asymmetries between the North Atlantic and the rest of the world with regard to issues of health, poverty, and development.

Bound up in all of these was the question of what to do about the church's relationship to non-Christian individuals and institutions: its relation to the *ecclesia ad extra*—those “in addition to the called.” This included the church's relation to other religious communities, most contentiously, in view of World War II, its relationship to Jewish communities. Somewhat less contentiously but no less pressingly, it also included the question of how the church should relate to modern nation-states, international corporations, civil society organizations, and, as reflected in Pope Paul VI's address to the United Nations, institutions of international and multinational governance. The broadest framing of the *ecclesia ad extra*, however, was “humanity”: the problem of the church's relation to humanity. This framing of the question of the church in the modern world elicited perhaps the most difficult and pernicious problem (outside of the question of internal church governance and authority, which was also on the agenda). The problem of the church and humanity, understood as the *ecclesia ad extra*, was central to the church's salvational and pastoral imaginary: to what extent and in what ways should the church imagine itself as part of humanity, and to what extent and in what ways does it stand outside of, and beyond, humanity?

This question is one that many Catholic theologians (including Pope John's immediate theological mentors) had framed using the classical Christian language of the relation between nature and grace, the natural and the supernatural, or, as it is sometimes put, the relation between the being of the world and the being of God: in what ways and to what extent do humans need the grace of God to achieve their highest good, understood as the fulfillment of their own nature? The question for John (and others)—a question that became one of the defining and bitterly disputed aspects of Vatican II—was how to understand the vocation of the church and its pastoral practices within this space of nature and grace. If the church's pastoral

vocation included some kind of mediating role between what could be given by nature and what was needed of grace, one question was: could and should that mediating role be understood as extending to those outside the church? On one level the answer to that question would seem, for those involved, to be self-evidently “yes”—the church’s doors are open to everyone who is willing to pay the price. But the twist here was whether the church could play that mediating role in a fashion that did not turn primarily on an older discourse of repentance and return. Could the church establish a pastoral relationship to those who *continue* to stand outside the church in a manner predicated on something other than an insistence on the difference between orthodoxy and heterodoxy, or a call to nonbelievers to turn to the life of faith? For John and others the answer was, again, affirmative. In his opening address, which I examine below, John described the need for the church “to be the loving mother of all, benign, patient, full of mercy and goodness toward the children separated from her.” The answer was “yes,” in other words, because the church, along with those “in addition to the called,” formed part of a single human family, albeit a family in which the church is figured in the role of parent and caretaker.

Pope John framed all of this as the pastoral problem of the church in the modern world. He cast it as a matter of *aggiornamento*—of “updating” the church and its place in the modern world. Pope John’s critics, however, interpreted *aggiornamento* as code for “reform”—an interpretation that only served to reinforce their fear that Vatican II constituted an attempt to adapt the church to the modern world rather than offering a critical repudiation of it. *Aggiornamento* became a kind of slogan for the purpose of the council. As a result, the question of the relationship between the relative authority of the new and the old remained pressing throughout. Pope John’s and then Pope Paul’s efforts to update the church in its pastoral relation to the modern world was seen by many as tantamount to the innovation of doctrine. This meant that the problem of elaborating the church’s relation to the modern world, to quote from O’Malley’s elegant introduction to Vatican II, “went beyond, or might even seem to contravene, previous teachings: in a word, the problem of change in an institution that draws its lifeblood from a belief in the transcendent validity of the message it received from the past, which it is duty-bound to proclaim unadulterated.”³ Or, to put it differently, Pope John’s call for the church to consider a pastoral relationship to the modern world in noncondemnatory terms was seen by many as a move toward the secularization of the church, taking the term secular in its older sense of “ordinary time.” Updating the church’s relation to the modern world was interpreted by critics as a move to reform the church according to the needs of the modern world rather than the modern world according to the solutions of the church.

HUMANITY AND THE CHURCH: THE OUTLINES
OF THE PASTORAL PROBLEM

Pope Paul VI's 1965 address to the United Nations provides a sketch of the problem of the church and the modern world as it was framed at Vatican II and of the ways in which that problem ultimately induced significant shifts in the church's ecclesial and pastoral imaginary, despite frequent claims that the council provided a more authentic relation to tradition.

The crux of Paul's address, and its eventual significance for the politics of human dignity, concerns his characterization of the mission of the United Nations, which he describes as shared with and parallel to the mission of the Catholic Church. Paul proposed that the United Nations is a sort of reflection, in the temporal order, of the defining characteristic of the Catholic Church in the spiritual order. On one level there is nothing particularly novel about such a framing. A distinction between the secular and spiritual orders has been basic to the church's style of discourse about politics and power since the fourth century. The difference between the church as the governor of souls and the empire, the city, the nation, or the state as the governor of worldly affairs was not new. What was new—or at least distinctive—were the transitions in the political situation of the modern world, which characterized nineteenth- and twentieth-century Europe as well as much of the colonial and postcolonial world. These transitions gave a distinctive cast to Paul's otherwise classical distinction. First, the difference between the secular and religious, for much of the modern world, was no longer a distinction of modes of temporality internal to the life of faith. It was not a distinction between the ordinary historical time of this world (and the material needs of that world, including the exercise of political powers) and the religious time of the church (insofar as the church was understood to be the mediator and representative of timeless and eternal truths within history). The church's theology was anchored in the double notion of Jesus Christ as the eternal become incarnate in history and the church as the guardian and representative of that divine incarnation in an ongoing fashion throughout history. The church, in other words, understood itself to be the embodiment of the realization of a conjuncture between secular and religious temporalities and secular and religious modes of being. Broadly speaking, with the rise of the modern nation-state and the partial displacement of the church from the direct exercise of political power in Europe, the relation between the religious and the secular became one in which, institutionally and socially, the former became one domain within the latter rather than the other way round. There was a sort of inversion of the inside and the outside in the order of powers. In describing the United Nations' mission as parallel to the mission of the church in the secular order, Paul evokes an older

political imaginary but places it within a frame of reference in which the secular has become dominant.

The second thing that is different about Paul's distinction between the United Nations and the church as two orders of care in the world is that Paul is actually bringing the United Nations' mission—its secular mission—much closer to the church's own mission than the older language of religious and secular orders usually implied. The older language implied distinctive spheres of activities and even different, if complementary, ends—the ordering of worldly affairs on the one side and the care of the soul on the other. In Paul's address, however, the United Nations is called—and is described as being uniquely equipped—to help the church in its mission to actualize “fraternal unity” among all people. For much of the nineteenth and twentieth centuries, Catholic theologians had striven to diagnose and address critically the perceived social fragmentations that accompanied the development of modern forms of sociality in Europe and other parts of the world. This is most conspicuously captured in critiques of political liberalism and the idea of the individual as the founding element of social and political existence. Liberalism and individualism, effected through both political and economic developments, was held to cut against an older Catholic view of participatory sociality in which individual life is predicated on social forms and not the other way round. Against modern fragmentations, Catholic theologians identified the problems of unity and unification as major elements of the church's critique of, and response to, modernity. This was sometimes—as it was in Paul's address—framed in terms of the need to unify humanity. Humanity is figured both as the premise and object of the church's work in the world: humanity as a unity already given in the singular fact of God as the creator of the world. But humanity is also figured as in need of full actualization: humanity is not only a premise and object of the church's work in the world, but the actualization of humanity is the church's objective and obligation. Paul describes the United Nations as a pastoral partner in this work: in view of humanity's essential unity, it is the obligation of the United Nations, like the church, to make what is primordially given actual and to do this by overcoming those factors in the world that continue to produce disunity.

Humanity, in its essence and need for actualization, is a common object of responsibility for the church and for the United Nations. As such, humanity is a common missional anchor point for the activities of both. Humanity, in Paul's address, is figured as obliging care and responsibility for both the church and the United Nations. In its intrinsic but not yet actual being, humanity calls both the United Nations and the church to account. The ontology of humanity is, one might say, “nomic” in that it exists like a law that obliges response and care. The church and the United Nations are both responsible to humanity but also for humanity.

According to Paul, humanity's nomic mode of being is one side of a shared mission. The other side is closely connected. It consists in the fact that the United Nations and the church together are part of, even as they are exceeded by, humanity. On the surface this may sound self-evident. But theologically it is not at all obvious that Paul would assert such a thing about the nature of the church. It is not obvious for two reasons. The first reason is that it can be interpreted as reflecting a view of the church's relation to the world characterized by what Charles Taylor has referred to as a nonmediated view of social reality. Taylor understands such a view to be one of the defining features of a modern social imaginary, one of the diacritics that cuts across, links, and distinguishes modernity in its multiplicity. This view of sociality can be set against what might be called a hierarchical imaginary, in which one's identity is bound up in various ordered collectives and in which their hierarchical relations become the media of one's relationship to power. In such a hierarchical view, the church has often figured itself as a kind of crown of an ordered cosmos, insofar as the church understands itself to be pastorally responsible for that cosmos and insofar as the church understands itself to be uniquely called and positioned to serve as the mediator of God's grace for and in that cosmos. The question of hierarchy, the distribution of authority, and the ratios of power and service for the pastoral vocation of church leaders were all in play at Vatican II insofar as they pertained to the church's internal governance. Paul's emphasis on the fact of the church's internal relationship to humanity, and the parallel mission it shares with the United Nations in being called to help actualize humanity's intrinsic unity as a participating aspect of that potential unity, highlighted questions of hierarchy, power, and pastoral service with regard to the church's external relations.

The figure of the church as part of humanity and not only external to or above it is reflected in Paul's characterization of a two-part concern of the council fathers. The council fathers, he suggested, are thinking about the church and its own affairs and so are addressing themselves to the church in its internal relations. They are also, however, thinking about how the church can address itself rightly and effectively "to the entire world." The church needs to address humanity as an "expert on humanity." The church is an expert on humanity not only because it understands itself to be the guardian of eternal truths about the human condition. It is also an expert on humanity because it is part of humanity and can therefore speak in the voice of humanity as humanity's representative. It speaks to and for humanity. Paul attributes this ontological doubling—this mode of existence by way of which the church is capable of speaking both *to* humanity and *as* humanity—to the United Nations. The church and the United Nations are both immanent to humanity, even as they can take responsibility for its actualization. The church and the United Nations both provide a kind of reflexive pastoral care. They are responsible for

and to that of which they constitute a part: to humanity, for humanity, as humanity. Retrospectively, it is fair to say that at Vatican II the supposition, articulation, and disagreement over the terms of this series—the church to, for, and as humanity—constituted a fundamental reproblematicization of the church, those outside the church, and the possibility of a relation of pastoral care between the two. The factor that held these elements together and offered one possible solution to this reproblematicization—and this is the factor that bound the United Nations and the church into a shared pastoral mission—is, as I'll explain, human dignity.

It bears noting that Pope Paul's address did not elaborate any of this in theological or anthropological detail. The shared mission of the church and the United Nations in caring for humanity's unity, in the name of a shared responsibility for human dignity, was simply declared—as if it could simply be taken for granted. It bears noting because this declarative mode was not only rhetorically strategic—which to some extent it no doubt was. It bears noting because it represents one outcome of several years of intense theological negotiations and struggle among the council fathers concerning four interconnected questions. (1) What is humanity such that the church should think of itself as responsible for and to it? (2) What is the church such that it should think of itself as responsible to and for humanity as an object of care? (3) Can the relation between the church and humanity be formulated in such a way as to provide a basis for clearly discerning as well as organizing appropriate pastoral interventions? (4) And can these pastoral interventions—this pastoral obligation—be formulated, explained, and justified in such a way that the relation between the church and humanity can be accepted and understood by both the *ecclesia interna* as well as the *ecclesia ad extra*? These interconnected questions—humanity, church, pastoral relation, and mode of formulation—were consolidated and responded to at the Second Vatican Council. A critical element in drawing these questions together and in formulating a response to them was the notion of human dignity. Said another way, human dignity, formulated in quite precise terms, was put forward as an answer to the pastoral problem of the church and its relation to humanity.

THE WORLD OF TODAY

I proposed in the introduction that the concept of human dignity as an institutional object of care only began to coalesce and take on a kind of singular, coherent, and operable status within and through a series of specific twentieth-century venues and events. I proposed that this coalescence, this status, and these venues and events were pastoral in character—albeit in a contemporary and restylized form. This fact—the fact of the pastoral restylization and its connection to the emerging coher-

ence of the politics of intrinsic worth—seems to me to be crucial to understanding the forms and functions of the notion of human dignity today. It is for this reason that I think it is important to begin my inquiry into the contemporary politics of human dignity with the Second Vatican Council, despite the fact that Vatican II is chronologically preceded by the second of my three cases, that is, the formulation of the concept of human dignity within the United Nations through the early work of the Commission on Human Rights. At Vatican II, the bishops and theological experts took up in an explicit and sustained manner a series of key difficulties and questions connected to human dignity crucial to understanding all three cases. Another way of saying this is that the *pastoral* problem of human dignity, which preceded the Second Vatican Council, is nonetheless most clearly articulated at the Second Vatican Council.

One of the principal difficulties concerning human dignity at Vatican II, which became a vector of controversy, is whether or not—or the extent to which—the turn to human dignity as an object of pastoral care constitutes a sharp break with prior modes of ethical and political reasoning. In the case of Vatican II this question of continuity and discontinuity was taken up with regard to the question of doctrinal precedent. The term human dignity is clearly part of a longer tradition of theological and philosophical reasoning within the church. But at Vatican II and (in a legal rather than doctrinal register at the United Nations) the question of precedent, and the relative authority of precedent, became a significant one. To put it in other terms: the American philosopher Richard McKeon frequently reminded his students that when studying intellectual history it is vital to keep in mind that a *term* is composed of a *word* plus a *concept* plus a *referent*. Over time, words stay the same; concepts and referents change. The question for the council fathers at Vatican II was whether the term human dignity as it was being used to think about the church's pastoral relation to the modern world brought with it new concepts and new referents.

Despite talk of *aggiornamento*, of renewing the church, it was vital to the council fathers that they be seen as conducting themselves in continuity with previous ways of thinking, acting, and relating—even if their deliberations were being carried out in the name of the church's relation to the “*mundo huius temporis*,” a phrase that literally means “the world at this time” but that was often translated during the council as “modern times” or “the modern world.” In his opening address, for example, Pope John encouraged the council fathers to proceed in “perfect conformity to authentic doctrine” while also encouraging them to keep in mind the need to articulate doctrine in a manner consonant with “the methods of research” and “the literary forms of modern thought.”

The difference between the literal and interpretive translations of “*mundo huius*

temporis” is worth thinking about in light of the challenge the council fathers faced in maintaining a sense of continuity with tradition even while taking seriously non-traditional methods of research and expression. In the more biting and polemical moments of dispute, the critics of Pope John’s vision for the *aggiornamento* of the church held that the council fathers were allowing forms of modern thought to determine (and even dominate) the substance of doctrine. The modern, as figured in these criticisms, was cast as an attitude that valorizes the new over the old. Against John’s call for renewal, these critics appealed to an ideal of tradition. They did this in a fashion that, one could argue, merely inverted the terms of their critique of the modern. They expressed and advocated an ecclesial and conciliar attitude that valorized the old over the new: theological responses to the modern world could be considered legitimate only insofar as they could pass the test of being judged against the standards of tradition. It is fair to say that everyone involved, even those who were in favor of using the council as a venue for innovation, knew to speak their theological truths in the name of tradition. The vital political question was a familiar one: whose interpretation of tradition and traditional veridictional modes would ultimately govern the council’s proceedings and legacy?

Despite the rhetorical weight of tradition, it is nonetheless also fair to say that the deliberations at Vatican II were, in fact, neither modern nor traditional. They were—to use a technical term—contemporary.⁴ The problem of human dignity as they approached it is, in a strict sense, a contemporary problem. If the modern is thought of as an attitude that valorizes the new over the old and tradition an attitude that valorizes the old over the new, the contemporary names an attitude in which elements of past configurations are reconfigured with new elements in such a way that the resulting form and its significance are neither reducible to those past configurations nor the new elements but to the stylized relation between them. A contemporary attitude indexes significance neither to continuity or discontinuity with the new or the old. It indexes its significance, rather, to the production of forms of discourse and practice that are taken to be adequate to dealing with situations of breakdown, uncertainty, or discord.⁵

At Vatican II, the contests and struggles over the relation of the church and the modern world, and the characterization of humanity and human dignity as part of that relation, was enacted and narrated as though these characterizations were traditional. Even the supporters of *aggiornamento* insisted that their efforts to speak to the needs of the modern world were, in fact, anchored in the church’s doctrinal legacy in a fashion that was not only fundamentally consistent with that legacy but more consistent with that legacy than the positions of their detractors.⁶ The question and struggle for the council fathers turned on which version of tradition would, in the end, be made to count as authoritative. However, when closely

examined, it is clear that the substance of these struggles—for the critics as well as the supporters of *aggiornamento*—can more adequately be described as contemporary. The task was to reconfigure traditional theological concepts and arguments in a fashion that made them adequate to the pastoral challenge that Pope John placed before the council. Despite talk of tradition and continuity, what the fathers said and did had the effect of introducing important transformations into prior formulations, sensibilities, and modes of action—without abandoning those prior formulations, sensibilities, and modes of action. The ramifications of these transformations for the politics of intrinsic worth connected to the figure of human dignity are still being contended with today, theologically, politically, institutionally, and pastorally.

MOTHER CHURCH AND THE MODERN WORLD

The notion of universal humanity and the relation of the church to universal humanity has been a major theme of Christian life from the first century C.E., appearing in Christian doctrine, practice, scripture, and theology.⁷ This theme, and the question of the ecclesial practices connected to it, was reconfigured in the council's struggles over the question of the church in the modern world. From the outset—and to considerable consternation on the part of many of the council's more wary participants—the question of universal humanity and the church was put forward as a pastoral problem, and, as a pastoral problem, it was ultimately shaped by the related question of how the church ought to account for (think about and adjust itself to) the exigencies and conditions of the modern world.⁸

The problem of church and humanity thus entailed a reassessment of the church's pastoral rationality. The root of the term rationality is the Latin *ratio*. The term *ratio* refers to a system of relationships that serve to establish the metrics or standards according to which comparisons and judgments can be made among multiple variables, comparisons and judgments that allow for those variables and their relationships subsequently to be adjusted. In this way, the *ratio* calibrates the logic on the basis of which particular relations can be constituted and ordered in an ongoing fashion. The problem of the church and humanity, as a pastoral problem, required participants in Vatican II to revisit the logic on the basis of which the church might constitute and order its relationship to the modern world as well as the regime of practices and roles consistent with that logic.

In a connected fashion, it might be said that the problem of the church and the modern world likewise required the council fathers to rethink the church's pastoral *techniques* (*tekhne*) and *equipment* (*paraskeue*)—to introduce two other classical designations. In the domain of pastoral practice and directed spiritual care, *tekhne*

can be thought of as referring to those studied arts that inform and are expressed through a practice in such a way that the practitioner can successfully conduct the spiritual life. A technique both calibrates and embodies a mode of practice. *Tekhnē* is, in this sense, a modal term connected to the practice of an art. The art of pastoral and spiritual care in the Christian church, and especially in the Christian monasteries, borrowed from the *tekhmē tou biou*, the “arts of living,” first formulated and exercised within the Greek and Roman philosophical schools.⁹ Similarly, in this context, *paraskeuē* (literally “preparation”), equipment can be thought of as the forms of practice by way of which one spiritually prepares oneself for life in an uncertain world. Classically it was understood that in the conduct of the spiritual life one needs equipment, which can then be exercised as part of the arts of spiritual practice. In this way one can move toward the ability to free oneself from prior habits and dispositions and constitute, in one’s very being, new habits and dispositions understood as new capabilities: equipment was exercised as part of the struggle one undertook to become the subject one believed one needed to be.¹⁰ If the question of humanity and the church was to be considered as a reconsideration of the logic of a pastoral relation with the modern world, the church would need to rethink techniques and equipment, modes and forms of practice, adequate to such a pastoral art carried out as part of that relationship. It is fair to say that at Vatican II the council fathers were confronted with the problem of how to constitute a contemporary logic, technique, and equipment for a pastoral relation between the church and the modern world.

The pastoral problem of the church and the modern world defined a significant part of the council agenda from the opening session, and the elements of that problem can be usefully summarized through a reading of Pope John’s opening address to the council participants. A more thorough investigation of the complexities of the problem and how those complexities were managed by the council fathers would require a sustained investigation of the multiple interconnected issues raised during the four years of the council, as well as of the strategic constitution (and tactical reconstitution) of the various subcommittees that dealt directly with those issues, and, perhaps most importantly, a careful review of the development of the schema (the background papers, which served to structure and guide the production of the council’s final documents) prepared in advance for the council—especially those schema that dealt directly with the church’s relation to non-Christian religious traditions, nation-states and other political institutions, and to the other specified instances of the *ecclesia ad extra*.¹¹ Keeping this in mind, one can nonetheless see retrospectively how John’s opening address gave articulation not only to his aspirations for the council but to the conceptual and pragmatic elements that would continue to occupy the council fathers, even after John’s untimely death at the end

of the council's first year, and how these elements would be assembled such that the concept of human dignity might be put forward as a privileged answer to the church's pastoral problem.¹²

On October 11, 1962, more than three thousand official participants, including nearly 2,500 bishops in their formal robes and miters, processed through a crowd of tens of thousands in St. Peter's Square into the basilica to open Vatican II. Following the mass, Pope John offered what, for many outside observers, seemed a rhetorically simple and theologically understated exordium. However unadorned and declarative, his address subsequently became a touchstone both for the council's supporters and its critics. In addition to laying out many of the defining themes, Pope John brought to articulation what would amount to the council's unofficial (though forcefully, if tacitly, maintained) disposition toward the modern world. This disposition would prove as crucial for delimiting the council's approach to the pastoral problem as any of the more theologically explicit aspects of his address. The disposition toward the modern world is captured in the title of John's address: *Gaudet Mater Ecclesia*—"Mother Church rejoices"—named (in official church fashion) after his address's first line. Although the joy expressed in the title actually refers to the fact of the opening of the council per se, which John had been working to convene for several years, it also captures John's sense that the church and the modern world found themselves in an auspicious moment, a moment in which—for all of modernity's other shortcomings—John saw the possibility for new, mutually enriching forms of pastoral care, care that the council might bring into being.

John began his address in an unassuming fashion: "In calling this vast assembly of bishops," he intended "to assert once again the magisterium, which is unfailing and endures until the end of time."¹³ The line is unassuming in that it is the kind of rationale that might be put forward for any type of ecumenical council. If unassuming, however, John nonetheless immediately signals a first significant feature of the mode of pastoral relation he envisions, namely, that it will be a mode of practices predicated on the church's magisterium, that is, the authority vested in the pope and the bishops to determine what counts as the church's authentic teaching. The pastoral relation that John envisions with the modern world is first of all a teaching relation, a relation constituted by the church in its capacity as a teaching authority. John articulates what his fellow council fathers would have already taken for granted: the idea that the church's teaching authority is defined by a kind of historical permanence—that although the magisterium may be given multiple forms in and across history, its substance endures in an unchanging fashion across history. John reminds his listeners of the fact that the magisterium has a two-sided temporality. On the one side, the pope and the bishops are endowed with the task of, and ability to, safeguard truths that are unchanging and even eternal. On the other side,

in exercising their teaching authority they speak to and must account for a historically determined and situationally defined world, a world whose specific contours require constant assessment and reassessment: how does the world exist in this place and this moment? What is the world of today? Or, as the council fathers would put it, using a biblical designation, how should the church read the “signs of the time”? On one side, the magisterium draws on and safeguards eternal truths for history, and, on the other side, it takes account of history in the articulation of those truths. The double temporality of the magisterium is vital to the church’s pastoral relation to the modern world, and it is the first element of the pastoral problem of the church and the modern world John calls to mind. The church’s teaching authority and its double temporality has traditionally been oriented toward those within the church, or perhaps to those who have deviated from the church—taking account of historical deviation in a bid to cultivate an eternally informed order. John’s opening lines signal what he will later make explicit: in his view, the magisterium is also pastorally central to the church’s relation to the contemporary world.

John immediately signals a second significant feature of the pastoral problem, which can be thought of as the other side of the first. John explains that in convening the council he is calling the enduring magisterium to take account of “the errors, the requirements, and the opportunities of our time.” If the church is to have a pastoral relation with those beyond the church, it is a relation that must be appropriate to the world of today. The term “our time” holds together a series: errors, requirements, opportunities. Nothing in this series would have seemed remarkable to those in attendance, and not one was unique to the Second Vatican Council. Councils have always been justified as responses to historically specific errors and opportunities. But this fact of timeliness is no less significant for being typical. Its significance lies in two conditions. The first is that contemporary problems—taken again in the technical sense of the term—involve a certain *temporality* without thereby suggesting *history*.¹⁴ The contemporary is a moving ratio of the recent past and the near future. John’s address is calling the church to a contemporary problem, which is, by definition, singular in certain respects. Apart from this singularity a council would not be needed, after all. The second condition of significance is that the contemporary world is not being addressed simply as a site of doctrinal controversy. In the case of doctrinal dispute, the task of the church is to reassert the “unfailing and enduring” authority of the magisterium *against* history. In this way, the contemporary world as a site of deviation or failure can be rectified and its deviations overcome. But something else is going on here. The magisterium is being called to *pastoral* account. It is being called to care for the contemporary world beyond the condemnation of its errors. In this light, the character of the contemporary world becomes much more problematic. Caring for the contemporary as a

noncondemnatory form of the pastorate is something quite distinctive: it raises the question of a possible mutual adjustment between the historically enduring and the historically specific, an adjustment that risks unsettling the ostensible timelessness of the magisterium.

The contemporary world, John says, should be taken account of so that the church's teachings "might be presented in exceptional form to all men throughout the world." Here is a third significant feature of John's address: he calls the bishops to exercise their teaching authority in relation to a particular audience: the *ecclesia ad extra*. (I will come back to this idea of an "exceptional form.") By calling the council fathers to address themselves to "all men throughout the world," John signals that they will not only be responsible to and for the souls of the faithful. Nor is he calling them together to address those outside the church as lost sheep in need of returning to the fold—a century before, the First Vatican Council had responded to the problems of modernity precisely by telling the world to return to the authority of the church. The call to repentance is not the reason why John has convened the council. Rather, John convened the council so that the bishops as the keepers of the church's magisterium could exercise their authority in a fashion that treats the world as that which is simultaneously internal and external to the church.

John recognizes that this task means presenting the church's teachings in an "exceptional form"; this task requires the invention of new forms. The bishops must find ways to give the magisterium form suited to the task of addressing "all men of the world." If the bishops are to give form to a pastoral relation with the *ecclesia ad extra* by way of the church's magisterium, then the magisterium will need to be presented in and through a form appropriate to "all men of the world." A challenge was laid before the council fathers: to find a way of speaking the truth—a veridictional mode—that is appropriate to (coherent with, operable within, and taken to be plausible by) the world of today. What this means is that even before the work of the council began, a crucial question had been put on the table, a question whose answer would deeply shape the legacy and politics of the post-Vatican II church. The question is this: is an ecumenical council the kind of venue that *can* give exceptional form to the church's teachings and speak the truth in a way that can be taken seriously by those who do not convert to the church, that is, by the *ecclesia ad extra*? Can the enduring and timeless teachings of the church be given a form that can be taken seriously by those who do not otherwise share the church's faith? John's critics would add: and does a council betray itself by even attempting to take up such a demand? Is a council the appropriate venue through which to mold the church's teaching authority to the needs and care of the contemporary world? Ecumenical councils had traditionally been a venue of ecclesial governance through which ostensibly timeless questions of dogma were taken up and only applied in judgment

to historical questions, limitations, and deviations, and then later to the pastoral question of how best to act in view of such judgment. Should a council articulate the church's teaching authority in terms and modes that will be taken seriously by the world of today? This question would become a major blockage point for many of the council fathers and for many of those in the Catholic Church observing the proceedings. The appeal to human dignity would ultimately form part of a strategy for moving past such blockages. But this is to jump ahead. The point here is that the demand John is placing upon the council fathers involves converting the church's magisterium into a mode of truth speaking that will be suitable to establishing a pastoral relation with an object of care that is not in the first place lost sheep, or fallen souls, or those in theological error. Rather, the object of the pastoral relation is, in the first place, "all men" of a world of today, with its errors, requirements, limitations, and opportunities.

A key analytic question is this: how does Pope John position and justify his pastoral expectation? He proposes that the church should be future oriented and that it should face the future without fear and with optimism. The significance of this posture of optimism about the future of the modern world and the church's relation to it needs to be read against the church's "long nineteenth century," that is to say, against its relative displacement, beginning with the French Revolution, from the center of political affairs in Europe and elsewhere. During much of the nineteenth century, the Vatican responded to the institutionalization of a secular political imagination, through, alternatively, a repudiation of modernity and an intensification of claims to infallibility. John specifically positions himself against the mood and style of Vatican I, in which the modern world was figured in primarily negative terms: "we must disagree with those prophets of gloom." This posture, as I have already noted, proves to be crucial. A pastoral relation calibrated to the care of a world whose future is taken to be favorable and whose faults are taken to be matters of limitation and incompleteness requires different modes and forms of pastoral activity than those indexed to a world whose future is taken to be dire, perverse, or apostate. John's optimism about the future, it bears underscoring, is not simply a variant of progressivism or an alternative philosophy of history. Indeed, he explicitly sets himself against progressivism of a secular sort, which he casts as unguided and incapable of orientation to humanity's highest goods.¹⁵ The future of the modern world is bright not because it is destined to unfold in an ameliorative fashion. It is bright because of what John sees as the possibility that humans in the modern world will learn to actualize a set of defining and intrinsic capacities: namely, humanity will actualize its essential unity, and therein its essential dignity, insofar as it is guided by the church. John voices optimism about the church's ability to facilitate humanity's actualization within, and partially as a result of, the modern world.

John projects two favorable outcomes of the council's optimistic approach to the future. The first is favorable for the church itself. By "bringing herself up to date," the church will gain in "spiritual riches." The church will gain in spiritual riches because it will become more capable of fulfilling the sort of pastoral vocation that John has indicated. The modern world as a pastoral opportunity is an occasion for the church's spiritual enrichment. The other outcome favors the *ecclesia ad extra*. If the council fathers direct the church's teaching authority toward the needs and opportunities of the world, "men, families, and peoples" will be oriented to those spiritual things (activities, relations, aspirations) in relation to which they can ultimately be made "humanly complete." A startling diagnostic begins to take shape at this point in John's address: the claim that the council should face the future with optimism is warranted in part by the character of the modern human condition. The modern human condition is a point of conjunction in the relation between the church and the world. The modern world, John says, has demonstrated "humankind's ingenuity." The twist and the tragedy is that modern ingenuity is not oriented toward the fulfillment of humanity's highest good—its *summum bonum*. John invokes and reconstructs St. Augustine's classic response to the "cities of the world." The cities of the world, in Augustine's estimation, were good—even marked by God's grace insofar as humans remain capable of cultivating their own goods. But those goods, on Augustine's view, are ultimately incomplete unless and until they were oriented toward humanity's *highest* good, namely, participation in what Augustine calls the order of the spirit. With these Augustinian echoes, John insists that the modern world, marvelous in its human achievement, requires proper orientation—proper *reorientation*. The church as an expert on humanity's highest good is capable of providing that reorientation.

Here John gives things what might be called a Thomistic twist. Thomas Aquinas, following Aristotle, proposed that humanity's highest good, which he took to be contemplation of God, is intrinsic to its nature as a rational being, even if the fulfillment of that highest good (that is, God) is not intrinsic. If humanity in the modern world needs orientation to its highest good, that highest good is nonetheless proper to its own being. This means that the church's capacity for the pastoral orientation of the world is actually a matter of the church pointing out to humanity its own proper, that is, intrinsic ends. The pastoral orientation is fitted to the nature of human nature: the human, like the church, is a being whose most significant capacities are proper to it. The actualization of those capacities—the actualization of the anthropological *summum bonum*—requires a working out of what is, in fact, always already humanly available. John signals that the pastoral problem of the church and the modern world coincides with the longstanding theological question of nature and grace: how do things natural participate in and become defined by

things supernatural? Are the goods implied in the participation of the natural and supernatural (that is, in the human participation in the being of God) immanent to nature and hence require the church's cultivation and assistance, or do they, because of human evil and fallenness, ultimately lie beyond human nature per se and hence require the church to serve as a spiritual bridge between the being of the world and the being of God? What does the church need to be in order for the human to attain to its highest good? And, however these questions are answered, how might the church's teaching authority need to be reimagined if it is to become the source of a pastoral relation? On John's view, the teaching authority needs to be reimagined as the means by which each human and all of humanity actualize a naturally inherent capacity for the supernatural. Optimism about the future of the modern world and the church's pastoral capacities turns on a vision for humanity in which its highest good constitutes a realization of itself. This is the first and most basic supposition of John's vision for pastoral power and the church's *aggiornamento*.

A second and equally important supposition of John's vision for the church's pastoral relation to the modern world has already been suggested. John presumed a certain ontological and temporal adequacy between the church, especially in its teaching authority, and humans as objects of pastoral care. John's presumption of an ontological and temporal adequacy is classic and basically Thomistic, and it touched on a source of considerable Roman Catholic theological dispute concerning modernity that had existed for more than a century before Vatican II.

First the ontology: John speaks about things human in a manner that reflects his sense that humans are naturally oriented to the supernatural. John's optimistic reading of things human in the modern world suggests, tacitly, that human nature cannot be adequately accounted for without reference to the supernatural. As a "whole man" composed of body and soul, he says, the human "tends toward heaven." In this affirmation, John follows the lead of the so-called integralist theologians: in humans one finds an integral relation between the natural and supernatural.¹⁶ The so-called integralist dispute, the dispute over the relation of nature and the supernatural, or nature and grace, shadowed all of the proceedings at Vatican II and particularly the work on human nature and human dignity. The dispute, which John and his theological mentors argued went back to the Middle Ages, centered on the question of whether human sinfulness and disobedience to God totally separates humans from God in their very being: does human sinfulness produce a radical ontological break between the divine and the human, the supernatural and the natural? Much of Reformation and Counter-Reformation theology presumed that it in fact did and proposed that such a break was the ontological predicate of the gratuity of God's salvation of humans in Christ: salvation can be thought of as entirely a free work of God on behalf of humanity precisely because humans after

“the fall” were no longer in a place, ontologically speaking, to participate in bringing about their own highest good, that is, their salvation, through the cultivation of their own Godlike potentials. The integralist theologians set themselves against both the Protestant Reformation and the Catholic Counter-Reformation. They argued that the church did not need to presume such an absolute ontological break in the relation between nature and the supernatural in order to affirm and assure the “pure gratuity” of salvation. They argued that the presumption of a fully secular domain of “pure nature” (that is, a domain devoid of participation in the divine life resulting from human sin) as a warrant and guarantee of “pure gratuity” introduces a fundamental departure from classical thought. They argued, moreover, that the presumption of “pure nature” had facilitated the generation of many of the ills of the modern world precisely because it (in their view) allowed for the corollary presumption that the being of the world was characterized primarily by games of power and not by participation in the life of God. I will say more about this dispute and its conceptual and practical ramifications for thinking about human dignity in the next chapter.¹⁷ Here it is enough to signal that by effectively (and by no means naïvely) taking up an integralist ontology as predicate of the pastoral relation, John’s address established a very specific set of parameters within which a pastoral relation between the church and humanity might be imagined and worked out. In short: the notion that the human by nature tends to the supernatural calls for a different pastoral use of the church’s teaching authority than an anthropology predicated on the notion of complete depravity. In the former the church needs to care for and tend to what is properly human. In the latter the church needs to function as an exclusive mediator of an otherwise inaccessible supernatural grace.

John’s optimism about the future did not only turn on a Thomistic reading of human nature, however. It also turned on his sense of “the present order of things.” If part of the rationale for the council is to bring the church into a new pastoral relation to the world, the question can rightly be asked: why now? What is it about the “present order of things” that makes such a council appropriate? John proposes that a new order of human relations is near at hand, an order that calls for a shift in the church’s pastoral relation to the world. This new order will be produced by what he refers to as the concert of Divine Providence and human effort. The role of the church is to provide orientation in this concerted effort. Humanity by nature *tends to* the supernatural; humanity oriented by the church and facilitated by Divine Providence will *attain to* the supernatural.

But again the hanging question was: why *now*? What is it about the modern world that makes such a fulfillment a possibility? Multiple answers are suggested in John’s address—but only suggested. For example, John refers to current positive relations of ecclesial and nonecclesial powers and a current human disposition to the

idea of a unified humanity. But John does not really provide a clear and satisfactory answer. The assertion of such an auspicious present order of things, however, turns out to be generative despite (or perhaps because of) his lack of a clear answer. It introduces an interpretive task for the council fathers: a need to understand the world of today in such a fashion that the church's relation to it can help facilitate the actualization of humanity's intrinsic potentials. This task was given form as a question: what are "the signs of the times," and how might they be read as pastorally auspicious? As I will discuss in the next chapter, *Gaudium et spes*, the Pastoral Constitution, is formulated precisely as an answer to this question. Needless to say, not everyone was satisfied either with the question or the answer. In any case, John asserts the auspicious character of the modern world and links it with the ontological question of the relation of nature and the supernatural.

The ontological axis nature/supernatural implies and involves a temporal axis: historical/eternal. Like the first, the second axis, in various forms, has been the subject of theological debate for millennia. And again, like the first, the pastoral demand put to the council gives the temporality of the relation of the natural and the supernatural—framed as the relation of the historical and the eternal—distinctive form and significance. If, ontologically, the human is by nature oriented to the supernatural, what is the temporal mode of this ontology? Is the fulfillment of the natural in the supernatural a question of this-worldly or other-worldly salvation (to use Max Weber's distinction)? The answer is precisely that the distinction between this-world and other-world needs to be problematized. Temporally, the human is historical but oriented in history to eternity. But what does this mean conceptually and pastorally? How do the historical and the eternal intersect if not orthogonally? What does it mean that the human is a continuum or even coincidence between the historical and the eternal? What is the human such that it finds its actuality in eternity and such that the temporal mode of eternity plays a defining role for the historical? John's address states about the human that "since he [*sic*] is a pilgrim on this earth, [his nature] commands him to tend always toward heaven." The question is: what does this mean for the church's pastoral relation to humanity? What is the church such that it might be capable of offering care to humanity marked by this temporality? These questions will be taken up in terms of the church's own double temporality. Like the church, the defining features of humanity are both within and beyond history. As I will explain in the next chapter, this doubling—the temporality and ontology of humanity and the temporality and ontology of the church—coincides at human dignity.

So, John's optimism about the modern world is carried by the presumption of an ontological and temporal adequacy between things human and things ecclesial.

A further question follows: what is the mode according to which this pastoral relation can be established and made to operate? John's answer is: the effective teaching of Christian doctrine in light of contemporary needs and conditions. Much has been made of the fact that John called the council to a pastoral and not only a doctrinal set of tasks. The council's written constitutions (the documentary legacy of the council's work) are, in fact, distinguished according to their status as either doctrinal or pastoral. Emphasis on the strict distinction between the pastoral and the doctrinal, however, obscures the integral relation of teaching and care in the pastoral mode to which John calls the church. The pastoral relation that John emphasizes and to which he calls the church is a teaching relation. The mode of the pastoral relation is not the shepherding of the flock or the conduct of souls. Rather, it is a matter of guarding the "sacred deposit of Christian doctrine" and fashioning it in such a way that it can become the basis of a pastoral relation between the church and the world. Three things must be mutually adjusted: the church, humanity, and teaching as a mode of pastoral practice. John's challenge to the council is to give form to this mode and to give form by way of the magisterium.

The problem that John presents is thus not a matter of discriminating between doctrinal and pastoral concerns and of constituting a relation between the two in which the latter is the application of the former. Rather, the problem is precisely a matter of converting "authority in truth," that is, converting the authority of the magisterium from an instrument of doctrine *within* the church to a mode and form of pastoral care for what is beyond the church, the *ecclesia ad extra*. It is worth quoting John at length here. His phrasing throws into relief the problem of linking the pastoral and the doctrinal:

Our duty is not only to guard this precious treasure, as if we were concerned only with its antiquity. . . . The salient point of this Council is not, therefore, a discussion of one article or another of the fundamental doctrine of the Church . . . [but] a step forward toward a doctrinal penetration and formation of consciousness . . . through the methods of research and through the literary forms of modern thought. The substance of the ancient doctrine of the deposit of faith is one thing, and the way in which it is presented is another. And it is the latter that must be taken into great consideration with patience if necessary, everything being measured in the forms and proportions of a magisterium which is predominantly pastoral in character.

What kind of practice could this consist in—the church's teaching authority caring for the human in the modern world? John's answer is that the church must show humans how mortal life is to be properly ordered. Crucially, John's emphasis is not

placed on the *conduct* of that ordering, per se. The church's pastoral relation to the world does not consist in ordering, but in the demonstration or indication of right order. Given the status of humanity, as that creature who lives on an axis of nature and the supernatural, this proper ordering consists in indicating how to fulfill "our duties as citizens of earth and of heaven." Such ordering, John says, entails tending ceaselessly to the attainment of eternal happiness, and doing so by coordinating earthly goods to that end. John stresses that in this ceaseless attainment the church needs to be "useful to society today." This usefulness consists in the church helping guide humanity in the pursuit of its proper ends. John's critics took this call to usefulness to be an inversion of authority: why should the church need to prove itself useful to a secular world? The answer, articulated by Paul in his address to the United Nations, is that the church needs to be useful because it is internal and not merely external to humanity, internal and not merely external to history. If the call is for the church to be useful, in other words, this is not a call for a departure from its own nature—a reduction to mere "utility." At the level of proper order, the capacities of the church and the world may not overlap entirely, but their purpose and goal is shared.

John's presumption of an ontological and temporal adequacy of the church in its pastoral relation to humanity raises the question of practice in relation to truth. How is the church's teaching authority to be put to work as pastoral equipment? How can doctrinal authority be given form as a mode of pastoral care between the church and the world? The church's usefulness to society insofar as doctrine "influences the numerous fields of human activity" requires that the church, while not departing from "the sacred patrimony of truth . . . must ever look to the present, to the new conditions and forms of life." John's wording presumes the possibility of preserving eternal substance in new forms, a presumption that was not at all obvious to his detractors. In this, John again introduces a dilemma that will remain unresolved throughout the council's proceedings: according to what rationality, calculation, or type of thought can the pastorate guide humanity to its proper ends within the framework of the teaching authority of the church?¹⁸

Prior councils have converted doctrine to power through condemnation, judgment, and even persecution. Although acknowledging the failings of the modern world ("fallacious teachings," "dangerous concepts"), John explicitly rejects condemnation as unnecessary and as veridictionally inappropriate to the circumstances at hand. It is unnecessary because, John says, humans today are already inclined to condemn these errors themselves. Humans today are inclined to condemn these errors themselves because they are, he insists, "ever more deeply convinced of the paramount dignity of the human person and of his perfection as well as of the duties which that implies." In particular, humans realize that violence cannot solve the "grave problems which afflict them." In his address John may have been stylizing

his point for rhetorical effect and to set out a pole in relation to which the council would have to orient itself. However—and this point must be kept in mind—the supposition that the world to which the church addresses itself is basically good and, indeed, in terms of the nature of humanity, is defined by an intrinsic potential for the supernatural functions to parameterize the logic of pastoral practice put forward during the course of the council, as well as the way in which the object of that practice—human dignity—will be imagined.

The crux of a pastoral relation with the modern world, for John, lies in this: “Humans today are convinced of the paramount dignity of the human.” This means, in John’s view, that the church does not need to convert its teaching authority to pastoral practice through condemnation. Rather, the church needs to calibrate its practices of truth speaking to the task of orienting the modern world toward a proper relation to human dignity. The fact that the modern world already recognizes human dignity and thereby also recognizes the authoritative status of dignity in guiding human affairs means that the world is also prepared to be shepherded by the church. The dignity of the human is paramount and calls for a response in terms of the orientation of human affairs: the world recognizes it, and the church is uniquely positioned to articulate the terms of that response. The magisterium needs to be mobilized in view of, and in response to, the need to articulate the meaning and demands of human dignity.

It is at this conjuncture of a shared persuasion, between the church and the modern world, that human dignity needs to be cared for that the magisterium finds that it can be fitted to a pastoral logic for the *ecclesia ad extra*. Equipped by an understanding of the natural and the supernatural, the magisterium is able to read the signs of the times in such a way as to discern what the dignity demands in relation to the particular contours of modern situations. And by articulating what the church understands and discerns about human dignity and its demands, it will be able to “raise men” to the actualization of their proper dignity. It is in this way that doctrine can become “life giving,” even for those outside the church. It follows for John that the modern world itself, for all of its failings, is marked by a “lofty dignity.” This dignity occasions an ensemble of elements that will be definitive of the logic of the church’s relation to the world: dignity is properly human (“a more human life”), life is ordained by God (“in the life of Christ”), and it is the responsibility of the church to connect these together (“her life-given doctrine . . . efficacious in promoting concord, just peace, and the brotherly unity of all”).

Doctrine, taken up as a mode of pastoral care for the world, will need to be rendered as a mode of truth speaking by way of which the world can come to understand how to live in a manner such that human dignity can be actualized. The church can shepherd the world. It can shepherd the world not because it is able

to submit the world to its internal mechanisms of discipline or governance. It can shepherd the world through its insights and sense of proper human orientation concerning a shared object of concern. Dignity is, after all, proper to the human, and humans will be capable of fully actualizing this properly human dignity if, amid the vicissitudes of modern life, they are properly guided. John is not calling the church to cultivate dignity through the direct formation of the world or to offer dignity to the world by mediating grace. Rather, he is calling them to illuminate the character of dignity and clarify its requirements for the modern world.

John's address culminates with a question: "What is salvation?" He answers: it is the will of God for all humanity. And what is the will of God? The orientation of human nature to the supernatural. This is not just a directive for individual human life; it is also a destiny for humanity as a universal collective. John puts it this way: God wills salvation for all. Salvation, *salutis*, the good, will be realized in the form of "complete and firm unity of minds." Salvation is the peace of unity. This is a classical proposition, and John cites Augustine in making this concluding point. What is distinctive here, what makes John's assertion contemporary and not merely traditional is that salvation understood as human unity is connected to the work of the magisterium as an organ of pastoral direction for human minds and to a moment in the history of the world in which "humanity" has come to recognize its own unity in dignity. The goal of salvation, understood as the actualization of human unity, can be achieved through knowledge of how to live in the modern world. In asserting the church's ability to provide that knowledge, John borrows Augustine's classic distinction: "in order that the earthly city may be brought to the resemblance of that heavenly city where truth reigns, charity is the law, and whose extent is eternity." The pastoral relation of the church and the world has as its aim the work of helping to bring the earthly city to a resemblance of the heavenly city. Moreover, as Augustine first suggested, such a resemblance can be read as the actualization in the earthly city of the order that was first proper to it—the innate dignity of humans and the possibility of the historical flourishing of dignity understood as the actualization of humanity. This is a central purpose of the Second Vatican Council, according to the opening address.¹⁹ This, for John, was a structuring rationale for the council: the salvation of humanity through right knowledge of the truth of its unity in dignity.

John closes with a summary diagnosis: the church as a pastorate is well fitted to the needs of the modern world. The ecumenical council is called to order not only for the sake of the church, *per se*—though the rethinking of doctrine, liturgy, the role of laity, etc. also forms part of the rationale for the council. But most centrally and above all, the council is called to order by the needs of the modern world and the capacity and responsibility of the church, as a teacher, to meet those needs. The

church, of course, has always understood itself as being responsible for all: the missiological impulse is basic to the Christian affirmation of a gospel. What is distinctive about John's vision for Vatican II is the proposition that the world of today is neither figured as existing outside the church as that which is estranged and in need of return, nor is it figured as within the church as if a deviant or lost sheep to be reprimanded and redirected. The world is portrayed neither as having fallen to the exterior nor as being in tension with the interior. Rather, and quite distinctively, the world is figured as sharing an identity with the church without therein coinciding with the church. The world and the church stand together, in some sense, at the intersection of "heaven and earth." That intersection is named using a moral repertoire whose coordinating term is human dignity.²⁰

John's opening address framed Vatican II as a venue within which the junction between heaven and earth can be rethought and as a venue through which the proper means of inhabiting that junction can be brought to articulation: "We might say that heaven and earth are united in the holding of the Council—the saints of heaven to protect our work, the faithful of the earth continuing in prayer to the Lord, and you, seconding the inspiration of the Holy Spirit in order that the work of all may correspond to the modern expectations and needs of the various peoples of the world." Salvation of humanity may, on the surface, not seem to be a need of the church, strictly speaking, but rather a need of the world, a need for which the church must be made responsive and adequate. But, as I will discuss in the excursus later in this book, the salvation of the pastor is always caught up in and determined by the salvation of the flock. In calling the council to think about the church's pastoral relation to the modern world, John is also calling the church to rethink the terms of its own good, its own salvation. The church's own salvation turns in part on its ability to refashion doctrine as an art of care for human dignity.

On a rhetorical level all of this is put forward as if it is longstanding and simply in continuity with the history of the church's exercise of pastoral power. And indeed, many of the elements invoked have been part of theological and ecclesiastical reflection since the early church. But in John's address these elements are reworked, connected with new elements, and rendered as a timely and not a perennial problem.

John's statement of a fortuitous convergence of humanity and the church in the modern world proved to be a major source of contention throughout the council—as did the connected formulation of the mode by which the church plays a vital role in the actualization of humanity's immanent capacities.²¹ John placed at the center of the council's deliberation a theological contest that, for many of the bishops and theologians present, including John and John's theological mentors, comprised a bitter struggle over the question of the nature of sin, history, and the church, which had been a defining feature of the longstanding fight over the appro-

priate role of the church in a post-Reformation world. John's implied position on this controversial set of themes—a sense that the church's vocation lies in orienting nature to its supernatural ends—would itself prove controversial, in part because it seemed to be a central theological warrant for his affirmation of the modern world and for a posture of openness and mutual enrichment in the church's relation to the modern world. Some of John's critics—the critics of *aggiornamento*—saw in this affirmation unwarranted doctrinal innovation and an inversion of authority. It was doctrinal innovation because it seemed to make the “fallen” world less dependent on the mediating authority of the church in matters of salvation. It was an inversion of authority because it seemed to place the world at the center, making its needs definitive for the church's pastoral practices. John and his supporters offered the rebuttals that had been articulated by their theological teachers, who similarly had been accused of introducing a *nouvelle theologie*: they argued that a more integral view of nature and grace had, in fact, defined the church's understanding of its pastoral role prior to the modern world and was therefore actually less modern than the “traditional” views of their critics.

Equally important and vehement were the criticisms of those who repudiated John's optimistic view of modernity not so much in the name of a different theology of grace, or a contrastive theory of the church's status, or its authority to mediate salvation. Rather, these critics understood modernity to be defined by the creation of new forms of exploitation, domination, and alienation. Like the disputes over the accusation of “new theology,” these criticisms of optimism could not be avoided. Immediately following his opening address, John's theological advisors set to work composing and circulating a statement underscoring the desire of the pope and the other councilors to address themselves and their work to the suffering and hopeless, those impoverished and diminished by the modern world. The twist—and the continued justification offered for John's affirmative pastoral disposition toward the world's future—was the proposition that the global community, despite pervasive violence and exploitation, had actually begun to develop in such a way and to such an extent that the possibility of global human unity, the possibility of the actualization of humanity, was within reach, albeit not without the church's orienting pastoral care.

SCHEMA XIII

If one can see, retrospectively, how John's opening address gave articulation to his aspirations for the council and to the conceptual and pragmatic elements that would continue to occupy the council fathers, as well as how these elements might be assembled such that the concept of human dignity could be put forward as an

answer to the problem of the church's pastoral problem to the modern world, the document known as Schema XIII, which would become *Gaudium et spes*, can be seen as the council's most sustained and direct response to John's call for reformulation and renewal.²² Initially drafted in preparation for the council, Schema XIII was first taken up and debated by a subcommittee of council fathers during what is typically referred to as the "third period" of the council—October and November 1964. The theological, political, and pastoral differences over the schema would not be resolved that fall, and the need for further work on it was part of a justification for the addition of a fourth conciliar period slated for late 1965. Given its direct relationship to the stated rationale for Vatican II, work on the schema received considerable attention. Official participants, as well as Christian and non-Christian observers, came to look at the schema as a definitive response of the church to the political and social challenges of the twentieth century (from poverty and capitalism to biology and birth control) and as an indication of the role the Roman Catholic Church planned to take with respect to these challenges. One of the principal theological participants in the development of the schema was the theologian Yves Congar, who also played a significant role in the political negotiations that finally brought it to completion. Congar described the schema as the council's "promised land."²³

The political path that the schema followed to its final form need not be recounted in detailed fashion. A brief sketch of the practical difficulties facing the members of the subcommittee assigned the task of reworking it, however, reinforces the point that very little about the schema could be taken for granted as obvious or self-evident—despite the declarative tone of the document in its final form. Like all of the council's constitutions, the development of Schema XIII was marked by contests, difficulties, and rivalries as well as by patience, labor, thought, and negotiation. From 1962 to 1965 the elements that would make up the schema passed through multiple preparatory commissions: a mixed commission of members from the Doctrinal Commission and from the Commission for the Lay Apostolate, with its own various and multiple subcommissions, and it was reviewed during the plenary periods with the entire body of council fathers. The schema was revised dozens of times in response to the theological and pastoral disagreements of commission members, advisory theologians, and unofficial redrafts submitted by national groupings of bishops. At several junctures political differences among commission secretaries, the general secretary of the council, and the Holy See threatened to table the schema altogether. Commission participants, council fathers as well as theological consultants, were eliminated from the process or strategically added.²⁴ The fact that the drafting of the schema was finished at all and subsequently voted in by the council fathers as one of the four Constitutions of Vatican II is a tribute to the pro-

ductive organizational machinery of the council and belies the fierce disagreements that emerged—and persist today—concerning its meaning and requirements. It is more striking still that Schema XIII was successful in addressing the core problems articulated by John in his opening address, despite subsequent difficulties in turning that articulation into practice.

A principal outcome of these difficulties, which I will focus on here, is the way in which “humanity” was ultimately figured in connection with “dignity,” and in connection with the church as a venue called to a pastoral responsibility for dignified humanity. The core problem was, of course, felt throughout the council. Schema XIII is distinctive in that it took up the pastoral problem of the church and the modern world explicitly and directly and in that it generated pressures for how this external relation would affect the church in its internal relations. Schema XIII, in this sense, is not only significant as a textual artifact of the council’s work—a major theological document and reference point in contemporary canon law. It is certainly this, too; dozens of subsequent statements made by the Vatican concerning the view of the church on, say, scientific and technological developments cite the Pastoral Constitution as a theological and pastoral warrant. The schema is also, and equally, significant as a point of convergence or consolidation at which a set of problems set into motion well before Vatican II were further sharpened, combined, and given focused articulation. Schema XIII in this sense can be thought of as a vector point at which a number of prior problems converged, were given synthetic and operable form, and from which a set of relatively manageable solutions have subsequently been derived. These solutions are ultimately anchored in a single pastoral object: dignified humanity—an object that could then be referred to as self-evident and as self-evidently in a pastoral relation with the church.

In the process of the schema’s formulation and drafting three practical difficulties were encountered, strategically and theologically conceptualized, and made the object of argument and political maneuvering. These difficulties were encountered by the first subcommission in the spring of 1964, and they exercised an ongoing influence on the commission’s deliberations and drafting.²⁵ The first of these difficulties concerned the audience for the schema. Who was it actually addressed to? On some straightforward level the answer was “the world.” The schema, after all, was a response to John’s call for the council to inaugurate a renewed pastoral relation to the modern world. But it was not at all clear what, practically, that could mean in terms of the work of the subcommission: was the schema written “for the world” as an instruction to the pastorate or the laity, or was it to be directly addressed to the *ecclesia ad extra*, and hence did it need to be formulated in terms that those beyond the church could take seriously? John called the church not only to “shoulder responsibility” for the problems of the modern world but to do so “before

the world.”²⁶ If expectations were high for the outcome of Schema XIII, this was in part because the challenge put before the council was not simply to act as an organ of the internal magisterium of the church, not simply to debate the church’s internal self-understanding and self-direction, but also to rise to the challenge of giving form to the teaching authority in and for the world. The pastoral relation between the church and the world might thereby be facilitated. As Paul VI would put it in his encyclical *Ecclesiam suam*, which he delivered on the eve of plenary consideration of Schema XIII, the church must engage in “dialogue” with the contemporary world to the end of “serving” the world.²⁷ So, a first practical difficulty faced by the sub-commissions composing the schema was the problem of audience: who or what is this “world” to whom they would be offering this schema?

This first practical difficulty was given articulation by the influential French Dominican Marie-Dominique Chenu.²⁸ If the difficulty was the audience, the question was: is the church speaking to something outside of itself? To what extent does the church, in its pastoral vocation, address that which is outside of it, strictly speaking? A predicate of much of the council’s reflections on the modern world was that the church exists in solidarity with the human race. *Lumen gentium*, the Dogmatic Constitution on the Church, which was considered in the same session as Schema XIII, stated that the church is the instrument and sign of salvation for “the whole human race.”²⁹ Chenu wanted to know: what should the council fathers make of this? The problem turns, in part, on the conception of the church’s temporality, that is, its relation to history. John had already indicated that the church involves a double temporality. The question here was pragmatic: how is this double status to be parsed, which aspects are to be emphasized, and how should it inform the style of the Pastoral Constitution? Chenu and others, including Pope Paul, held that the church existed as part of and therefore within the history of the world’s salvation. The church is part of that history in its concrete form. The church can thus be thought of as the collection of believers who bear witness to a salvation to which all are called and thus who also share in the world’s situation. The church shoulders responsibility for the world’s needs because it shares in those needs; they are its own needs.³⁰

Chenu’s position carried significant pastoral implications. If the church considers itself as having its actuality within the history of salvation (which of course it must, at least in part) then Schema XIII should call for and enable a regularized practice of critical theological self-adjustment: the world of today needs to be characterized and recharacterized as it changes, and the church needs to think continually about how to adjust its modes of action and understanding to those needs. It is not surprising that some council fathers worried that the worth and authority of the church under these conditions would ultimately be overly determined by its re-

sponsibility to the world in its inner-historical life and struggles. The concrete challenges of the world would be definitive for the church's pastoral responsibilities and thereby its pastoral self-constitution.³¹ These difficulties ultimately carried through beyond Vatican II, evidenced by the still unresolved and divisive debates over the status of Liberation Theology, which draws on an understanding of the church's inner-historical character to identify with the political aspirations of the Catholic and non-Catholic poor. Against the position staked out by Chenu and others were those who placed emphasis on the supernatural and eternal characteristics of the church as "the bride of Christ" and as the inheritor of Christ's extrawordly authority. These critics conceived of the church as being especially graced by a divinely secured position across history and in this sense "outside" of the modern world. The church's teachings and its judgments are not first of all calibrated to the concrete challenges of a given situation, even if finally directed to that situation. They are defined, rather, by its "sacred deposit" of revelation and the authority to interpret that revelation. The distinction is, of course, one of emphasis. But emphasis inflects ramifications. To the extent that the church thinks of itself as a historical reality, its pastoral relation to the world is constituted from within. To the extent the church considers itself a supernatural reality, its pastoral relation to the world is constituted from without. One might say, then, that the persistent practical difficulty concerning audience, with all it entails rhetorically and philosophically, was formulated as a problem of how to map the church on an axis of exteriority/interiority with regard to its relation to the world's history.³²

A second practical difficulty, closely related to the first, concerned the obvious tensions between the church's address to "humanity," understood as a unified reality, and the actual historical and moral fragmentation of people in the world. A challenge for the members of the subcommittee working on schema XIII consisted in proclaiming the unity of the church and the world in a bond of pastoral care while accounting for and being realistic about the needs created by the world's actual disunity. Is the world's disunity a false appearance, covering over the essential and timeless unity of the human family? Is disunity one of the evils of the modern world that needs to be overcome? Or, put the other way, the question was: how should the subcommission conceptualize the unity of humanity? Is it a hoped-for reality only to be achieved in the fullness of time? Is it actual already but just not yet complete? Is it a primordial truth or a teleological vision? All these framed the problem of the extent to which, or the fashion in which, all of "humanity" was real as a unity because of a "common and integral human vocation."³³ Put differently, there was no question of disputing the essential unity of humanity, *per se*. The question was: how it should be conceptualized, how should the church interpret the notion of a common calling, which makes humanity unified? On some level this was not,

theologically speaking, a new problem. Christian thought is rife with discussions of realities that are “already” but “not yet.” A particular difficulty here, however, was that the schema was not intended to be a theological treatise but hortatory and thereby pastoral. Moreover, part of John’s reading of the auspicious character of the modern world was that, for all of its failings, it had created the planetary conditions under which a theological vision for a unified humanity might be practically realized. Being pastoral and situated, the schema was not any less conceptual, and the stakes of its conceptualization were all the higher for not being able to rely on the relatively esoteric luxuries of a theological treatise. Theological negotiations had to be distilled and given form as an instrument susceptible of being turned into practice. The phrasing of *Gaudet Mater Ecclesia* typified the problem: doctrine must function to help humans “understand well what they really are, what their lofty dignity and their purpose are,” and doctrine must do this so as to “influence the numerous fields of human activity.”

The question of how the relation between a unifying lofty purpose and a diversity of human practices ought to be articulated was pressed with intensity in the spring of 1964 during the early drafting of the schema. Among others, the German Jesuit Karl Rahner found the treatment of this question profoundly inadequate. He found the distinction between the natural and the supernatural aspects of human vocation confused and argued that clearer definition was needed. In September 1964, one month prior to the first plenary debate on the schema, two new subcommissions were formed to respond to Rahner’s and others’ persistent dissatisfactions with the draft. The first subcommission took up the question of how the church should go about constituting the forms of expertise needed to “read the signs of the times,” which I will describe below. The second subcommission was given the task of working on the problem of theological definitions, especially as they pertained to the question of human vocation. Rahner was appointed to this second commission and undertook the task of reconceptualizing nature and the supernatural.³⁴

As I described above, the integralist controversy—the controversy over how to interpret the relation of nature and the supernatural, the relation of nature and grace—formed a crucial part of the immediate theological background to decision to convene Vatican II. Arguably the most important figure in that controversy was the Jesuit theologian Henri de Lubac. De Lubac’s writings on the relation of nature and the supernatural had strongly emphasized the ways in which this relation critically informs the role and function of the church, especially at the level of how pastoral work is organized and justified.³⁵ Indeed, throughout his theological labors, de Lubac devoted considerable energy to demonstrating the mutually constitutive links between theological anthropology and ecclesiology. This critical and constitutive relation became central to the unfolding debates over Schema XIII and

were framed using John's language of human vocation. Rahner and others felt the shadow of de Lubac's work and insisted that the anthropology-ecclesiology formula be dealt with in precise terms.

This effectively meant two things. First, they insisted that the task of clarifying nature and supernatural dimensions of human vocation depended, in part, on determining which modes of reasoning and analysis would be included in the discussion and therefore which theological and nontheological consultants would be invited to contribute to the subcommission's formulations. Second, they insisted that the task of clarifying nature and the supernatural also depended in part on how evil was (and was not) being conceptualized as essential to the constitution of the modern world. The subcommission needed to decide on the mode and extent to which the evil of the modern world should be included in their characterization of human vocation. The problem was easy enough to frame, theologically and ecclesially. It was, however, politically difficult to resolve. In thinking about the human, the church, and the world of today, to what extent should the excesses, exclusions, injustices, and other evils of the modern world be definitive for characterizing the logic of the church's pastoral relation and the object of the church's pastoral care? Bishops from South America, Africa, Asia, and from communist parts of the world argued vehemently in favor of including a strong emphasis on evil in defining the character of the modern world. Political, social, and economic developments of the twentieth century had, of course, been devastating for much of the world. John's optimism about the modern world, which was central to his vision for and justification of the council, was flatly refused and contested. These bishops argued that the schema on the church and the modern world should be oriented less by an ideal vision of a common and integral human vocation and more by the effort to underscore the myriad ways in which such an integral vocation is actually and actively violated, fragmented, and rendered increasingly unlikely in and by the modern world. Theologically speaking, Thomistic reflections on "human nature" were basically pitted against Augustinian tropes of a world enslaved to sin. That John optimistically framed the world as being on the threshold of transformation was taken by some to be at best naïve and at worst deceptive and debilitating of any meaningful pastoral relation to modern power.³⁶

John's critics argued that the more the evil of the world is emphasized in the church's understanding of the modern world, the better able the church will be to position itself outside of that evil and thereby constitute itself as solace to those exploited by the world's injustices. The more the potential goodness of the world is emphasized, by contrast, the more likely it is that the church will position itself as responsible for simply facilitating the unfolding of otherwise natural human capacities, which, however distracted by false desires or perverted by evil, basically just

come down to an issue of proper guidance. To put it simply, John's critics problematized the unity of humanity's vocation in relation to the question of how to think about humanity's need for radical critique, repentance, and transformation. The question of the evil of the modern world would never be satisfactorily sorted out, as attested to by the still-lengthening history of debates between Liberation Theology and its Vatican critics. But the problem of how to account for evil in the pastoral relation to the modern world contributed directly to the form ultimately given to the church's anthropology of the dignified human and its understanding of the church's responsibility for that dignity.

The third difficulty, connected to the other two, concerned the question of expertise. Those involved in drafting schema XIII understood their task as centrally involving the biblical injunction from the book of Matthew to "read the signs of the times." They framed this injunction as a hermeneutical challenge: the question of how to interpret the needs and difficulties of the modern world in light of the magisterium's patrimony of eternal truths. The practical difficulty was whether and how nontheological forms of expertise were needed in providing a satisfactory account of the affairs of the world. What forms of expert knowledge were needed for the church, in the modern world, to take up successfully and effectively its long-standing hermeneutic labor? To what extent and in what ways could the modern world be satisfactorily described by theology, the church, and the life of faith, and to what extent were the resources of other modes of insight and inquiry needed—from philosophy, the social sciences, biology, and so on?³⁷ The question of expertise was more or less latent in John's formulation of the challenge to the magisterium to take seriously the modes of reasoning characteristic of the modern world and in that way give "exceptional form" to the church's doctrinal truth as its pastoral mission. Following the first sustained round of drafts in spring of 1964, this question was put on the table in terms of who should be invited to provide advice to the council fathers: to what extent should the schema be informed by the theological sciences alone, or by the social and human sciences as well? The first half-dozen drafts of the schema testify to the subcommission's inability to resolve this question to everyone's satisfaction. The drafts were alternatively characterized by lesser and greater philosophical and sociological emphases. By the summer of 1964 a pragmatic and structural resolution was proposed whereby the introductory sections of the schema were almost exclusively theological and philosophical. The subsequent sections, including the appendices, presented the church's position on specific modern challenges (marriage and the family, culture, economic and social life, promoting solidarity, war and peace, and the like). These subsequent sections included diagnoses of the modern world framed using the analytic terms of the human sciences.³⁸

This partition of the report was partially helpful in addressing the veridictional

question. But it left unanswered the underlying conceptual difficulties concerning the place of modern modes of reasoning and truth speaking in helping the church read the “signs of the times” and in formulating the terms of its pastoral relation to the modern world. As I will discuss in the next chapter, the council fathers put themselves in something of a double bind. On the one side, their diagnosis of the modern world turned on the notion that scientific knowledge *per se* could not tell us how to live our lives. As such, the modern world, in which the sciences had become dominant, was proceeding in an unguided fashion and therefore away from the actualization of human dignity. Their diagnosis, one might say, accepted Max Weber’s dictum that the modern sciences “cannot tell you what to do.” On the other side, however, the council fathers’ feel for the social and economic ills of the modern world depended in part on insights articulated by sociologists and others. The question, then, was how to incorporate these modern understandings of the modern world in such a way as to account for the fact that they could not “tell one what to do.” The bind was obviously not unique to deliberations over the schema. Not only was it immanent to John’s rationale for the council; it had been a major topic of theological dispute since at least the middle of the nineteenth century. In fact, many of the theologians whose work informed the rationale for the council—de Lubac, Congar, and others—had been deeply formed by efforts since the late nineteenth century to formulate theologies that explicitly rejected the terms of the modern separation of “natural philosophy” from theological reasoning. These debates now needed to be transformed into equipment for pastoral care. In the view of many participants, the material problems and needs of the modern world simply could not be sufficiently well understood and effectively addressed without making some use of extratheological modes of reasoning.

Those who held that the church’s “patrimony of truth” was sufficient appealed to something of a form-substance distinction: the substance of doctrine needed only to be faithfully rendered in a form indexed to the modern world.³⁹ But this formulation seemed to suggest that the problem was simply a diagnostic, rhetorical, and communicative one. The question of the signs of the times was, however, more profound than this and entailed the question of the extent to which the church would allow for the reformulation of its self-understanding, implicit in the pastoral challenge of Schema XIII, to be shaped by the use of distinctive and differentiated modes of reasoning.⁴⁰ The question thereby consisted of the extent to which the conceptions of the world produced by those modes of reasoning should be incorporated into the church’s understanding of its objects of pastoral care and thereby how they might weigh on the question of how that object should be cared for. The difficulty, in the end, pivoted on the pastoral question: if the needs of the world contribute to defining the pastoral vocation of the church, then in what ways and to

what extent should those needs be articulated by modes of reasoning other than the theological? To what extent will the exceptional form of the magisterial pastorate consist of knowing and speaking the truth in extratheological terms?

Work on the schema took the form of a kind of combative but forward-moving set of exchanges between natural law and the sciences, deductive and inductive exercises, historical and ahistorical ontologies. But if one tracks the interactions and negotiations it is clear that drafts of the text progressed without really resolving the underlying question of who ultimately should be allowed to contribute to interpreting the signs of the times. The question of expertise was taken particularly seriously by Chenu and theologians of so-called *nouvelle theologie*, for whom the rejection of a presumed split between nature and the supernatural carried with it a rejection of a presumed split between natural and supernatural knowledge. But even these theologians could not really, in the end, simply dismiss out of hand knowledge of the world produced by the modern social sciences, and so the practical difficulty stood. The answer to it would determine such matters as who would be invited as contributing consultants (for example, the bishops of South America wanted more representatives from Third World countries, French bishops wanted experts on current trends in humanist philosophy, Polish bishops wanted experts capable of sustained analysis of state-sponsored communism, etc.). The question of whether or not signs of the times would be taken seriously as *loci theologici*, resources for theology and not just objects of theological reflection, needed to be resolved.⁴¹

Through the first plenary work on Schema XIII and during the third council period and the ensuing year of revision, formal and informal debate over the question of the signs of the times remained in play. The issue, sharpened to its finest point, was articulated as a problem of conciliar genre: which type of document would the schema be in its final form, and, hence, what kind of lasting authority would it have?⁴² Could an ecumenical council, a venue traditionally used to consider questions of doctrine taken to be universally valid, produce a constitutional document pastoral in character? Conciliar constitutions were taken by many to be reserved for the formulation of doctrine. Pastoral matters were taken to be matters of the application of doctrine. Doctrine was timeless, pastoral concerns timely.

As late as the weeks prior to the final council period (September 1965), German, French, and Italian bishops were calling for the schema to be tabled and left to a postconciliar commission. And if not tabled, they asked for the schema to be reduced to the status of a “letter” and not a constitution—a political resolution to the problem of authority and genre. The requests were ultimately rejected, and the argument was made that even with these tensions unresolved, the schema constituted an important instrument of reorientation for the church’s future pastoral relations to the world.⁴³ Moreover, the claim that the Pastoral Constitution represented a

fundamental betrayal of conciliar genre depended on a prior presumption that the doctrinal and pastoral needed to be strictly distinguished and even separated. But such a separation would have put in question the basic rationale for the council itself as articulated by John XXIII, which, of course, in some minds it did.

TOWARD PASTORAL EQUIPMENT

The effort to divide doctrine and pastoral power—to position one as upstream and conceptual, the other as downstream and practical—can be thought of as a rejection of the design parameters for pastoral power that John first put in place in his opening address. He had given the council fathers the difficult charge of constituting Vatican II as a venue for the doctrinal work of the magisterium as well as a venue for the elaboration of new pastoral practices. In setting out his designs for the council, John introduced the problem of pastoral power in such a way that there could be no clean or total separation of the doctrinal from the pastoral. The veridictional character of the former and the jurisdictional demands of the latter needed to be interfaced, mutually adjusted, and combined into a distinctive mode and form of care for the world.⁴⁴ John's call for such a mode and form was predicated on his sense of a kind of ontological and temporal parallel between things human and things ecclesial, a parallel in which humanity and the church are taken to be pastorally fitted to each other.

John's expectation that pastoral power could be made something more, something other than just the direction of the flock or the condemnation of errors, that it could also be constituted as care for "all men" of "our times," was based on the presumption that the council fathers could convert the church's doctrinal authority into a form of pastoral practice adequate to, and capable of, caring for the world of today. The task consisted in designing modes of reasoning and acting by way of which the timeless doctrine of the church could be rendered as a response to and clarification of the problems of the modern world. To meet the demands of this task, the council fathers would need to connect and resolve the series of ontological, methodological, and philosophical problems that I've outlined in this chapter: what is the church such that it is capable of caring for the world? What is the world such that the church is susceptible to being cared for by the church without ceasing to be the world? How is the pastoral venue of the church to be related to its object of care? And how is all of this to be articulated through the magisterium yet in such a way that it is acceptable "before the world"? These problems required the council fathers to specify the object of reflection and concern in relation to which each of these questions could be worked out as a single ensemble. That object and ensemble, as I will explain in the next chapter, was the figure of human dignity.

Two orienting diagnoses can be ventured at this point. The first reiterates a point

I made in the introduction. Whatever the function and significance of the figure of human dignity today, that figure has been brought to articulation in part by the fact that it offered an answer to a constitutional, or reconstititional, difficulty for several venues charged with the task of caring for the affairs of the modern world. In the case of Vatican II, this constitutional difficulty was framed as the challenge of giving form to a pastoral relation to the modern world. This challenge was taken up as the labor of imagining the church as a pastorate for and to those beyond the church. The object and objective of that pastoral relation is human dignity. Human dignity was made the object and objective insofar as it provided a term that answered the council fathers' work on the problem of the pastorate, grace, and the modern world. Another way of saying this is that human dignity as it is named and talked about today is, in part, an artifact of a response to these problems.

The conception of human dignity that emerged from Vatican II was characterized by a relative singularity and coherence despite the problematized field of relations within which it was brought to articulation. This singularity and coherence is remarkable in that it was fashioned through the theological and political negotiations of more than two thousand council fathers and four hundred advisory theologians, the diversity and number of theological contests inherited, in part, from a century of debates set in motion by the first Vatican Council, and through the strictures, mandates, and consequences of the council as a unique class of ecclesial event with a specific doctrinal and pastoral authority. The singularity and coherence of the formulation of human dignity is significant not simply because it indicates theological or ecclesiological novelty. It is significant because it brought to order a range of longstanding problems and because of the mode of pastoral intervention it facilitated in view of those problems.

The second orienting diagnosis is that at Vatican II human dignity was made into an object for the reconfiguration of pastoral power. The broader significance of this reconfiguration will form the substance of this book's "Diagnostic Excursus." Here it is enough to reiterate three important characteristics of this reconfiguration. First, in his address to the United Nations Paul VI suggested that the church and the United Nations share a kind of defining pastoral mission: they are both pastoral venues of a sort. Paul certainly did not mean that the United Nations should concern itself with the shepherding of the flock or with the daily conduct of souls. Nor did he mean that the church should stand alongside other sovereign powers as an organ of international government. Rather, what Paul indicated by this characterization is that both the church and the United Nations are venues in which a mode and form of power is called for that allows them both to sort through a classic pastoral dilemma: *omnes et singulatim*. The United Nations and the church must find a way to care for all humanity and each human.

The second characteristic is that this reconfiguration of pastoral power is to be carried out without recourse to familiar and longstanding instruments of governance—whether ecclesial or political. The church was already equipped with a plurality of mechanisms for conducting daily conduct at the level of the souls of individual Christians, congregations, and the Roman Catholic Church taken as a whole. But the demand made by John that the council fathers constitute a new form of pastoral relation is predicated on the notion that the church can form a kind of pastorate for the *ecclesia ad extra*. So, whatever it means to take up the mandate of caring for all and each one in relation to humanity and humans, it must be taken up without direct recourse to the church's familiar instruments of spiritual government. This second characteristic, as I try to show in the next chapter, justifies the design of what could be called hermeneutic equipment: equipment for the interpretation of the modern world by way of which the magisterium can help orient, even if not directly conduct, the life and actualization of humanity.

A third characteristic, which I have not really unpacked but which is the subject of the next chapter, is that the object of this reconfigured pastoral power is human dignity. More specifically it is human dignity conceived as archonic—as intrinsic, primordial, and commanding. This conception of things human proves to be a useful response to the two-part demand of *omnes et singulatim* and the relative absence of mechanisms for the pastoral conduct of “all and each one,” when taken up at the scale of humanity and every human. Dignity as primordial, as archonic, is not the kind of pastoral object that requires vigilant and continual cultivation. It is, after all, given. Dignity, however, can certainly be violated or compromised and, under the sign of the modern world, may in fact be quite vulnerable to violation or compromise. Whatever form of pastoral practices are needed, they do not need to consist in generating dignity, *per se*. Rather, they need to consist in guarding dignity from violation and compromise by providing humanity with a better understanding of its own ends, and in this they can help cultivate a life calibrated to its proper ends without disruption, misdirection, or blockage. This does, of course, raise the practical question: to what extent is the human capable of actualizing its own proper ends without the church's intervention? This question will continue to trouble the church well after the close of the council. Whatever a pastoral relation with the world consists in, it must take account of difficulties connected to the relation of nature and grace, the relation of nature and the supernatural, and the church's role in mediating that relation. In any case, given the implications of the papal address and the initial work on Schema XIII, human dignity in the “world of today” requires a venue through which practices of care, consisting in interpreting the meaning and challenges of the modern world, can be formulated and facilitated.

The Ontology of Vocation:

Gaudium et spes

Everything we have said about the dignity of the human person, and about the human community and the profound meaning of human activity, lays the foundation for the relationship between the Church and the world, and provides the basis for dialogue between them.

—The Pastoral Constitution on the Church and the Modern World¹

In the last chapter I began to characterize one of the key themes and sites of contestation at the Second Vatican Council: the demand for a new kind of pastoral relation between the church and the modern world. I gave particular attention to the main predicates of this demand as they were set out in Pope John XXIII's opening address: an ontological and temporal conjunction between the church and the modern world in the figure of the human as natural but fulfilled in the supernatural. This is a conjunction that, for John, invites and justifies a reconfigured pastoral relation. John expected that pastoral relation to pass through the magisterium, the teaching authority of the church as embodied in the council fathers, and pass through in such a way that the church's teaching authority could illuminate and orient humanity in its proper orientation to the divine.

I underscored the importance of the fact that the mode of pastoral care called for in John's opening address was directed to "humanity" and not, per se, to the soul, the flock, the sinner, Christendom, or another figure of the *ecclesia ad interna*.

This proposition that the church can have a pastoral relation to the contemporary world that centers on and takes as its object “the human” or “humanity” became a vector point for working out a number of questions: what is the church such that it can have a pastoral relation to “humanity” in the contemporary world? What is “humanity” such that it is in need of such a relation? And what kinds of practices can possibly be designed and facilitated in the space of this relation, given precisely that “humanity” is considered as that which forms part of, but which also exceeds, the church? The challenge John gave to the council fathers was to bring to articulation a logic of pastoral care fit to the needs of the modern world in light of and in response to these questions as well as the outlines of the pastoral equipment needed to turn that logic into a practice.

In characterizing this theme of, and demand for, a new pastoral relation I also pointed to some of the points of blockage that the council fathers began to encounter in responding to John’s call. There was serious debate concerning the anthropological optimism figured in John’s address. Can the church be so optimistic about the human condition in the modern world, and what is it about the modern world that changes the classical proposition that the human, in its very nature, tends to the supernatural? And how might such an integralist position be articulated in such a way as to serve as a basis for a relation to those beyond the church—how might it be brought to articulation “for all men”? My aim in characterizing these difficulties was to elaborate a series of problems that began to coalesce in such a way that the notion of human dignity could be put forward as a response. I have made reference to the figure of human dignity at Vatican II several times but have not actually shown how it was elaborated in relation to the pastoral question. That elaboration is the goal of this present chapter. I will do this by examining the Pastoral Constitution *Gaudium et spes*—the final form of Schema XIII—in order to give a detailed account of the politico-theological anthropology developed there.

In offering this reading of the Pastoral Constitution, I hope to make three things clear. The first is to show how a specific form of hermeneutic practice and equipment was introduced as appropriate both to human needs in the modern world as well as to the capacities of the church’s teaching authority to meet those needs. The second is to show how this practice and this equipment depended on an understanding of the human as called, in its very nature, to unity with the divine. This vocational anthropology, if you will, is central to the definition of human dignity and the care of human dignity brought forward in the Pastoral Constitution. Third and finally, I will say something about the price to be paid for this conception of human dignity. Among other things, this conception of human dignity opened the door to the question of the church’s exclusive right and capacity to provide salvational care to the human and to humanity in the modern world.

THE COMMUNITY OF THE CALLED AND THE HUMAN VOCATION

The final debate on the constitution of the church and the modern world was carried out from October through November 1965. Despite several years of contestation, reformulation, and challenge, Schema XIII was voted on and finally approved by the 95 percent needed to establish it as a constitution of the ecumenical council. Within just a few weeks final revisions were completed, and the final draft of the constitution—*Gaudium et spes*—was settled and made part of the church.² All told, as of the closing of the council, four and a half years had passed since John called for the church to rethink and articulate the outlines of a reconstituted pastoral relation to the world.

Analytically, one can say that the fathers' formulations in the Pastoral Constitution are a response to three questions. The first is: *what is the contemporary world such that it can—indeed must—be the object of the church's pastoral power?* The second: *what is the church such that it can and must take the world as the object of its pastoral concern?* The third: *how can the church accomplish this by means of its capacities as a teaching authority?* At the center of the fathers' response to these questions is a link, an interface, a structural joint between the church and the modern world. That structural joint is the human cast as inherently dignified. Decades of prior theological and pastoral problematization, four years of debate at the council among hundreds of theologians, thousands of clergy, announcements, negotiations, dealings, intimidations, reasons, and vehement passions were made to coalesce into a single anthropological point: human dignity. A defining feature of this anthropological point is precisely that human dignity is that which speaks for itself.

Final work on *Gaudium et spes* was conducted on the heels of work on *Lumen gentium*, the Dogmatic Constitution on the Church. The opening lines of the Pastoral Constitution make reference to something of a linear development in the council's thought and work: having offered a dogmatic statement on the church *ad interna*, it proposes to turn to the consideration of the church *ad extra*. Having "settled the question of the Church," the council can now "explain to everyone how it conceives of the presence and activity of the Church in the world of today."³ The presumption of a kind of linear move from the formulation of doctrine to the pastoral application of doctrine may have conformed to the view of many of the council fathers concerning the proper relation of the theological and the pastoral, but of course it is neither how things actually progressed, nor is it a faithful reading of the relation of doctrine and the pastorate as that relation is actually developed in the Pastoral Constitution. A crucial feature of the constitution is that the organ of doctrine, the magisterium, true to John's initial vision for the council, is positioned

to serve as a kind of pastoral apparatus. The conceptual difficulty of Vatican II with regard to the question of pastoral power, after all, is not how to apply doctrine in pastoral care. The question was how to convert the teaching authority into an apparatus of care for the modern world.

In actual fact, work carried out in *Gaudium et spes* consisted in an exercise of what has been called recursive rectification.⁴ Work on the constitution passed through anthropological questions, ecclesial questions, and questions of pastoral practice. With each pass adjustments were made. The end result was a rectified set of relations in which the human was conceived as that being in pressing need of the church's care and the church as that venue uniquely equipped to respond to the needs of the day. Neither in substance nor form was *Gaudium et spes* merely the pastoral application of doctrine.

My analysis here will focus only on Part One of the Pastoral Constitution: *De Ecclesia et Vocatione Hominis*—the Church and the Human Vocation. In Part One of the constitution the council fathers develop their conception of human dignity as well as their conception of the church's pastoral relation to human dignity. Part Two of the Pastoral Constitution dealt directly with specific questions of the day—war, poverty, family, and technology, among others. In many ways Part Two, being more concrete, captured more of the world's attention. In that part, more than in the first, the authors of the Pastoral Constitution had to demonstrate and carry out the proposals made in Part One. It is the material of Part One, however, that most directly concerns the theme of this inquiry.

Three features of Part One are most relevant. The first is that the relation between the church and the modern world is conceived in terms of the relation of the church to the human as a vocational being. The human is a creature who is called, called into being. That the concept of vocation should be given central consideration by the council fathers is, perhaps, not surprising. The term “vocation,” or “calling,” after all, has a complicated and consequential theological and political status in the modern world, as Max Weber has famously shown.⁵ As conceptualized in the Pastoral Constitution, however, vocation arises out of a different theological tradition than the one Weber analyzed and has a different political status than it does in the largely Protestant emphasis of his study.

The second feature that deserves attention is that the church's relation to the modern world is figured as passing through dignity. Dignity and human vocation are linked. The human understood as a being with a dignified calling is the structural joint between the church and the modern world.

The third feature is the ontological parallel or similarity, the analogical participation established, from the outset, between the church in its being and the human vocation (human dignity as a matter of ecclesiological and anthropological par-

icipation). Recall that the term vocation—*vocatione*—is the Vulgate translation of St. Paul’s term *klēse*, calling (from *kaleō*, to call). Recall also that *ecclesia* is the Vulgate translation of *ekklēssia*, the community of the called, most often translated in English as “the church”—another word arising from the same family as *kaleō*. The human, then, is that creature which is called. And the *ecclesia* is the community of those who are called. By way of human vocation the world is ontologically linked with, and a matter of concern for, the church.

De Ecclesia et Vocatione Hominis can be thought of as thematically structured according to two questions. The first is: *Quid Ecclesia de homine sentit?* What does the church think about the human? And *Quid Ecclesia venit prout ipsa, in hoc mundo existit et cum eo vivit atque agit?* What is the church, inasmuch as she exists in the world, living and acting with it? These two questions can be rephrased to facilitate the analysis of human dignity and pastoral power. First: what is the human such that it should be rightly thought of as a pastoral object of the church’s care? Second: what is the church such that it should rightly care for the human as its pastoral object? Following the structure of Part One of the Pastoral Constitution, I will examine these two questions in turn.

QUID ECCLESIA DE HOMINE SENTIT?

What is the human such that it should be rightly thought of as a pastoral object of the church’s care? A first answer to the question is indicated by the subsections of *De Ecclesia et Vocatione Hominis*. The first subsection considers the human as a dignified being. The second subsection considers the human as a community, that is, as humanity. This distinction of “the human” and “humanity” is crucial to understanding the object of the church’s pastoral care as imagined in the Pastoral Constitution. Insofar as it is an object of pastoral care, the constitution conceives of human dignity as a relation. The object of the church’s attention is not the human, per se, nor humanity, per se. It is the relation human-humanity, with all this implies about the ontological and pastoral unity of elements that might otherwise be taken up as matters of heterogeneous quality and scale.⁶

An important aspect of taking up things human as a relation is that the distinction between “the human” and “humanity” is not simply one of the individual and the collective. The pastorate is certainly responsible for both the individual and the collective. But this more or less quantitative and scalar distinction misses the proposed integral ontological relation between the human and humanity in relation to the church. The distinction, which opens up two poles or vector points in a single relation, is a matter of distinct ontological modes. In the first place, the Pastoral Constitution is concerned with the human, taken up in terms of its nature

and destiny, its origin and ends. In the second place, it is concerned with the non-disrupted actualization of that nature and ends as a being-in-unity (“socialization”) and, thereby, as a corporate and unified thing (“the whole of humanity”). The joint that holds these two poles together is human dignity, but human dignity understood through a particular concept. That concept is vocation. The human vocation, understood theologically and thereby anthropologically, is what both defines and actualizes human dignity.

Vocation

The Pastoral Constitution asks: *Quid est autem homo?* What is the human? In answering, it distinguishes and connects two elements. The constitution conceives of the human as created—a creature made in God’s image (the classic notion of the *imago dei*)—and thereby capable, by nature, of knowing and communing with its Creator. In the *imago dei* the human creature is ontologically capable of God, as it were, because it participates in God’s being. The constitution also conceives of the human as a creature that is defined, in its creation, by a particular end—a destiny proper to (that is, characteristic of and belonging to) its origin. That end is communion with God. The link that connects these two (origin and destiny) into a single being with an integrated nature is *vocation*. The human is called *into being*; the human is called *to the end of* communion with God. The dignity of the human, as the constitution figures it, adheres in this conjunction, this participation, of origin and destiny in vocation: “the dignity of the human vocation.” The human is dignified by virtue of human vocation—*vocatione hominis*.⁷

Theologically, the term vocation is drawn from the writings of St. Paul. The place of this term in the modern world, and its ecclesial and extraecclesial importance in the ordering of human life and activity, has been the subject of some dispute. Most notable, of course, are Max Weber’s reflections on the significance of Luther’s notion of “worldly vocation,” connected to his translation of the biblical *klēsis* as the German *Beruf* and the subsequent connections he makes between the Protestant ethic of work, a this-worldly asceticism, and the *Geist* of capitalism. Less familiar are debates concerning the relation of the Pauline notion of vocation and the messianic themes that Paul connects to that notion. These connections, and their significance for diagnosing the modern world, have been taken up in the political theologies of Walter Benjamin, Jacob Taubes, and, somewhat more recently, Giorgio Agamben. A brief reminder of Weber’s reflections as well as those offered by Agamben will serve to situate the distinctive way in which the notion of vocation is taken up by the council fathers.

According to Weber, the Pauline concept of *klēsis* signifies the calling of God to eternal salvation. It is, in this sense, a “purely religious” concept of vocation. Weber

argues, however, that in the Pauline texts, *klēsis* indicates an attitude of “eschatological indifference” toward the question of whether some worldly occupations are more important, spiritually and salvationally, than others. To quote Weber, “Since everyone was awaiting the coming of the Lord, then let everyone remain in the estate in which the call of the Lord has found him, and continue to labor as before.”⁸ Weber shows how, in Luther, the meaning of vocation eventually shifts. Although Luther initially emphasized a kind of eschatological indifference in connection to God’s call, from the time of the Peasant Revolts, which were quite brutal on all sides, he began to connect vocation more directly with a duty to fulfill one’s worldly profession, whether religious or secular. He formulates a conception of vocation defined by God’s command to remain in, and fulfill the duties of, the worldly position one finds oneself in. This shift from indifference to diligence corresponds to Luther’s understanding of the spheres of creation and the providential nature of politics: one’s position in a worldly order corresponds to God’s calling insofar as that order is taken to be necessary to peace and integral to fulfilling the commandment of “brotherly love.” To quote Weber again, “the individual should remain once and for all in the station and calling in which God had placed him, and should restrain his worldly activity within the limits imposed by his established station in life.”⁹ The point I want to lift out is that in Weber we see a tracing of the meaning of vocation from an eschatological attitude of indifference to worldly affairs to an ethic of duty in one’s professional station corresponding to the interoperations of the spheres of creation in which the spiritual and the secular are distinguished, and therein separate, but guided by a common purpose of neighborly love.

The key to Weber’s analysis of Luther is 1 Corinthians 7:20: “Let each man abide in that calling wherein he was called (*en tē klēse hē ēklēthē*).” Following the Old Testament scholar Adalbert Merx, Weber argues that in this verse the term vocation does correspond more or less to the German concept of *Ruf*, meaning “stand,” referring to status or condition (for example, in a married state, or the condition of a servant). Weber in this way reads the verse as indicating something like an ontological split between the worldly station one finds oneself in and the salvation to which one is called. The presumption of this ontological split is important and should be kept in mind as a background against which the council’s work develops. In any case, according to Weber, vocation thus produces ontological separation in the name of an eschatological indifference. It is precisely this separation that begins to get taken for granted, and thereby covered over, in the Lutheran account of vocation.¹⁰ Worldly vocation, which remains a strict duty, begins to be separated from one’s salvation in God.

Giorgio Agamben challenges Weber’s reading. Elucidating the significance of *klēsis* differently, Agamben asks: “Is it correct to interpret the Pauline concept of

the call, like Weber does, as an expression of ‘eschatological indifference’ toward worldly conditions?’¹¹ Rather than the eschatological, *klēsis* on Agamben’s reading (following Jacob Taubes) indicates a messianic condition—it is a technical term of Paul’s messianic vocabulary. Crucial to Agamben’s analysis is that although *klēsis* puts in question the “factual” and “juridical” conditions of worldly activities and stations, it does not thereby point to another identity beyond these in connection to which one might take up a posture of indifference toward things worldly. That is to say, in putting things worldly into question *klēsis* does not therewith open up a kind of ontological separation, but rather, in Agamben’s terms, Paul’s messianic vocation “hollows out” and “nullifies” worldly vocations without replacing them with something else one might devote oneself to.¹² The call puts worldly vocations into permanent question, but not in the name of a nonworldly answer.

Agamben interprets 1 Corinthians 7:20 differently than Weber’s reading of Luther. Agamben notes that in the Vulgate, the fourth-century translation of the Bible, St. Jerome translates *en tēē klēse hē ēklēthē* as *qua vocatione vocatus est*. The key term here for Agamben is the Greek anaphoric pronoun *hē*, which Jerome renders *qua*, “as.” The crucial function of this term becomes apparent in subsequent verses. In 29–30 Paul’s text defines the messianic life by way of a series of revocations or nullifications: “those having wives may be as not having, and those weeping as not weeping, and those rejoicing as not rejoicing, and those buying as not possessing, and those using the world as not using it up.”¹³ Agamben interrogates the relation of verse 7:20 to verses 29–30. At the center of these lengthy efforts is his attention to the phrase “as not,” *hōs mē*. The meaning of Paul’s injunction to “abide in the calling as that to which one is called” is found in the *as not*. The injunction of verse 20 has a “peculiar tautegorical movement” that only makes sense in view of the *hōs mē*. One is called to revoke every worldly condition precisely as a means of remaining in that worldly condition while existing in critical tension with that condition. One remains in the calling to which one is called in a mode of perpetual critique. Vocation names a critical posture: one remains as not remaining.¹⁴

On Agamben’s reading, the messianic vocation puts into question all worldly conditions as a critical act of remaining in those conditions. Vocation is an enactment of revocation. This is simply to say that, for Agamben, *klēsis*, *vocatione*, is messianic and not eschatological, understanding eschatological as in some way otherworldly. Vocation as messianic vocation “signifies the expropriation of each and every juridical-factual property (circumcised/uncircumcised; free/slave; man/woman) under the form of the *as not*. This expropriation does not, however, found a new identity; the ‘new creature’ is none other than the use and messianic vocation of the old.”¹⁵ In this reading, vocation is neither a state of being nor an orientation

to a world beyond the world, nor can it be identified with any specific content or activity. It is, rather, an ontological disruption, a permanent revocation of the world without fleeing the world.

“*Vocatione*,” “vocation,” in *Gaudium et spes* indicates neither the ontological split of eschatological indifference, nor a coordinated sphere of existence, nor a messianic revocation. Vocation is not a call beyond the world, nor is it a call to remain in one’s station in order to help fulfill the coordinated order of the worldly and the spiritual, nor is it a matter of putting the world in question (although an understanding of “true human vocation” provides a standard by which to evaluate and reject activities in conflict with such a “true” vocation). The ontological character and temporality of vocation for the council fathers is different from either the eschatological or the messianic. It is *archonic*. To repeat what I noted in the introduction: combining the Greek *arkhōn* and *archē*, the term *archonic* carries a double meaning. In the first place it refers to origin, to a primordial origin; in the second place to it refers to judgment or governance.¹⁶ To characterize vocation as archonic is to say that its definition is found in its origin, its primordial origin. The meaning of vocation is primordial and thereby constitutive. It is not at all accidental, in the Thomistic sense of that term. Vocation is not something added on to a creature with an origin. Vocation is original. To characterize vocation as archonic is also to say that the principles that govern the proper form and ends of the calling are connected to and implied in its origins. In his reflections on the concept of the archonic, the theologian Ted Peters notes the subtle relation between origins and destiny at play in archonic conceptualization. To say that the essence of the human is archonic is not to say that it is either nonhistorical or static, although in some cases it might be both, as I will explain in my examination of the United Nations’ work on human rights. Rather, the archonic can be conceived in *genetic* as distinct from *epigenetic* terms.¹⁷ This means that the essence of things human might include or involve a developmental trajectory, but this trajectory is determined and governed by potentials that are inherent in the origin. The norm and metric of the human is present and set from the outset.

It follows that the concept *archonic* designates a way of being, an ontological mode, in which ends and origins have a synthetic and nonlinear relation to each other. They are synthetic in that destiny and origin are folded into each other; the one indicates and is constituted by the other. Their relation is nonlinear in that destiny is not a state subsequent to origins but rather is the actualization and completion of the rule anticipated and prescribed in the origin. It is in this sense that *vocatio* in *Gaudium et spes* is archonic. As archonic it is definitive of the human. The answer to the question *Quid est autem homo?* is, in the first place, the creature who has an archonic vocation.

The Human

Strictly speaking, the phrase “human vocation” in the Pastoral Constitution has an ontological referent. It refers to the notion that the human is called to be, is called into being. Vocation thus holds within it a double signification. To be called *into being*, of course, means to originate, to have origins. With regard to origins, vocation signifies a call into being. To be *called* into being means to be drawn toward an end, to be oriented to a purpose. In terms of ends, vocation signifies that the human originates according to a purpose. The Pastoral Constitution proposes that the original human purpose, the call into being, *vocatione hominis*, is unity with God. This proposition is consistent with the classical theological notion of *theōsis*, or divinization, the transformative process by which a human creature is called away from sin, from *hamartia*, literally “missing the mark,” and oriented toward its proper end, unity with the being of God. The human is called into being by God and needs to overcome the tendency to miss the mark in order to realize unity with the divine. The subtlety that needs to be kept track of is that the telos of union with God is proper to human origins and is in this sense properly human. It is a truth, a primary truth of things human—the *logos* of *anthropos*. Put in terms consistent with the writings of Thomas Aquinas, which informed the language of the Pastoral Constitution, the divine call establishes the inner principle that determines the proper ends of the human: that to which the human is, by nature, oriented. Vocation founds the nature of the human. The reciprocal site of human destiny is human origins. To use the more exact theological phrase (which does not appear in the Pastoral Constitution but which is implied throughout): the human is, by nature, called to the supernatural. It is for this reason that the human is said to be dignified. And it is for this reason that one can say, analytically, that the dignified human is archonic.

It is important to note that the term *dignity* in the pair human dignity is not, in fact, explicitly defined in the constitution. It is, however, conceptualized indirectly in that it is said to be the character of the human in its archonic vocation. This explains why the council fathers describe dignity both as a “noble destiny” and as “properly human.” It is vocational and therefore original. It is a divine attribution, but an attribution bestowed as a calling. Crucially for the council fathers, it is God that calls. Dignity is therefore a theological truth about things human in the strict sense that it is the *logos* of *theos* that establishes dignity. This means that dignity is not a conditional status or occasional estate—something to be achieved through human station. The call of the divine takes form in and as human being in its origins. Human being originates from a dignified destiny. But in this sense, to repeat the point, dignity is also properly anthropological: the *logos* of *anthropos* is the form of dignity. In this sense the human is in its embodied existence dignified—incarna-

tional in the Christian sense of the divine logos taking on flesh. Dignity (theologically and anthropologically) is archonic insofar as vocation is archonic.

The logic of all of this is captured by the following quote from the Pastoral Constitution: “The root reason for human dignity lies in man’s call to communion with God. From the very circumstance of his origin man is already invited to converse with God.”¹⁸ The archonic is being brought to articulation here. Human dignity, the council fathers tell us, has a root. It is the kind of thing that can be described by an organic analogy (elsewhere the constitution uses the term “seed”). The root of human dignity is the call to communion with God. At root, dignity consists in the human being united with the divine. Dignity is rooted—and this point is crucial to what is being figured here—so we must resist thinking that it is extrinsic to the human qua human. Dignity is the very circumstance—the event—of human origins. Dignity is properly rooted in the human while at the same time being divinely planted. Vocation is the site at which human origins and destiny are made a synthetic unity. Vocation is the site of human dignity.

One problem that arises out of this proposal of the synthetic unity of origins and ends will prove particularly troublesome for the council fathers—one could even venture that, pastorally and thereby politically and ethically, it is *the* problem. The problem is this: if human dignity is original but originates in a divine call, can dignity be recognized, declared, and defended without an appeal to the supernatural? Is dignity naturally apparent? Does one need to share a belief in a creating God in order to properly recognize dignity? The consequences for how this question is answered are high, practically and politically, as becomes clear in multiple subsequent post-Vatican II debates. The debate concerning whether Christians should make cause with non-Christian politics and the debate over the status of human embryonic research are two sites of controversy connected to this question. The problem is that if a divinely planted dignity is properly human, and if it can be recognized by those who do not share the faith, then what is the distinctive role and purpose of the church in relation to the defense of human dignity?

The archonic dignity of the human vocation thus introduces a subtle but difficult aspect of the pastoral challenge taken up in *Gaudium et spes*. The challenge, as John put it, is to constitute the pastoral relation between the church and the modern world in terms that are meaningful and comprehensible to the world—the veridictional challenge of how to speak the truth in a mode acceptable to the *ecclesia ad extra*. Can the vocational logic of the archonic be formulated in strictly anthropological terms, that is to say, terms that sever the theological from the anthropological? From the council fathers’ point of view the answer is certainly “no.” At the heart of the constitution’s understanding of vocation is a Christological formulation, as I will discuss below. This formulation constitutes one proposal for how

to think the relation between the properly anthropological and properly theological as integral. Nonetheless, the question will be pressed as to whether one needs to be Christian to recognize human dignity, in the sense put forward in the constitution, and therefore the question of whether the council fathers have actually met the demands entailed in bringing to articulation a figure of human dignity that facilitates a meaningful pastoral relation between the church and the modern world. The answer to this lies in how one goes about conceiving the relation of human nature and the supernatural.

Joseph Ratzinger, who would become Pope Benedict XVI, insisted during the debates that Christology (that is, the doctrine of Jesus as the Christ, the “anointed one,” the messiah) is the conceptual space within which the problem of the relation of nature and the supernatural has traditionally been taken up by the church—particularly when that problem is considered with attention to its anthropological dimensions.¹⁹ Ratzinger argued that the distinction St. Paul makes in the book of Romans between the first and second “Adam,” wherein Christ is “the new human,” is a privileged scriptural formula for how the Christological informs, and thereby determines, the anthropological. In this way, the Christological also provides the basis for understanding the church’s relation to things human; that is, the church’s relation to Jesus as the Christ informs the church’s relation to humans per se. Following Ratzinger’s lead, the authors of the Pastoral Constitution ultimately did articulate the relation of the church and the modern world using a Christological formula. The Christic illuminates and (theologically speaking) justifies the archonic.²⁰ The constitution reads: “The truth is that only in the mystery of the incarnate Word does the mystery of man take on light. For Adam, the first man, was a figure of Him Who was to come, namely Christ the Lord. Christ, the final Adam, by the revelation of the mystery of the Father and His love, fully reveals man to man himself and makes his supreme calling clear. It is not surprising, then, that in Him all the aforementioned truths find their root and attain their crown.” Christ, one could say in reading this passage, is the exemplar of the archonic nature of the human. Christ is also the means by which the divinity of the archonic calling is made humanly clear and thereby provides orientation and actualization. Simply put: the Christological illumines and actualizes the anthropological and thereby indicates what the properly ecclesiastical relationship consists in. The archonic is explained by the Christic indicating the ecclesiastic.

Of course the veridictional question remains. In the church’s pastoral relation to the world, can the archonic ever be conceptually loosed from its theological moorings and in that way be offered to the world as anthropological common ground for a pastoral relation? To what extent does the Christological only show or demonstrate or even fully clarify that which is otherwise properly anthropological and

that which might be recognized or confirmed on extra- or nontheological grounds? The Pastoral Constitution does not provide an unambiguous answer, although it certainly purports to offer properly anthropological claims about things human. But for those outside the church this only begs the question of the necessary relation between anthropological and theological claims. This point cannot be stressed too much in terms of the legacy of pastoral and political difficulties this ambivalence opens up for the church, as the work of John Milbank and other contemporary theologians has subsequently made clear.²¹ A basic supposition of the Pastoral Constitution is that it is defining the human as the human is in itself and, therefore, in the world. Dignity is inherent and intrinsic. This is really what is at stake. The question is: can the human be known and therefore properly cared for in its inherent and intrinsic essence without reference to the divine? If not, if dignity is “fully secular,” how can the church, by way of the magisterium, establish a pastoral relation to the *ecclesia ad extra* anchored in dignity? Once justified and explained theologically, can human dignity then simply be declared—or, to use the United Nations’ famous formulation, “recognized”—in nontheological terms? The problem of the pastoral relation of the church and the modern world is predicated on the notion that the human such as it is is in need of the church’s pastoral care. The question here is: how do the council fathers shift from the Christological to extratheological claims about things anthropological such that this need for pastoral care is legible on the part of the world?

Several answers are given in the course of the constitution, all of which perform a similar kind of conceptual work. That work attempts to demonstrate that the *experience* of being a human in the contemporary world, upon examination, confirms an adequacy, a fittedness, a necessary relation, between the nature of things human in themselves and the pastoral capacities of the church. Moreover, it attempts to demonstrate a fittedness that overcomes or bypasses the veridictional challenge precisely by refusing the idea that there is a meaningful split between the genuinely anthropological and the genuinely theological.

The principal move in accomplishing this conceptual work involves a turn to what the authors of the constitution frame as the universally existential. This move is not unfamiliar in diagnoses of the modern world and is, in fact, consistent with many of the modes of modern reason the constitution took itself to be putting into question. The authors of the Pastoral Constitution assert that the modern human individual, quite apart from the church, senses that it is not only a bodily entity existing for the sake of “the city of man,” for “material existence” alone.²² This means, among other things, that whatever advances might be made in the “practical sciences” and in efforts to control or manage material existence, humans remain aware of the fact that intellectual life is not confined to “observable data alone.” The

human, rather, is a creature that can and does “with genuine certitude attain to reality itself as knowable.”²³ By its nature—*intellectualis natura*—the human can pass through visible realities, from what is seen to what is unseen. The human is a creature whose destiny is in its nature, one who “is perfected by wisdom, for wisdom gently attracts the mind of man to a quest and a love for what is true and good.”²⁴ The human individual in the modern world senses the need for this quest and senses that the conditions of the modern world do not provide an orientation to what is ultimately true and good beyond the observable.

There is, of course, something classical about this assertion—although this classical assertion carries an altogether contemporary significance. Speaking in a scholastic vernacular, the council fathers state that the human is a creature of intellectual nature that can therefore only find its proper ends in those things that include the fulfillment of its intellectual nature. A certain strategic fashioning or adjusting of things anthropological is going on here. Because the conceptualization is scholastic and therefore not particularly distinctive, it can slip by without much notice. But the authors’ formulation is really quite crucial to how the church justifies (that is, brings into alignment) its relation to the modern world. If the pastoral question is *what is anthropos such that the magisterium of the church can, as a doctrinal organ, be understood as both fitted and necessary as a pastoral venue for the human qua human?*—then the answer begins: *the human is properly and anthropologically a creature of intellectual nature, of an intellectual dignity.* In the modern world this intellectual dignity is not altogether fulfilled by material events, needs, or desires. As such, the pastoral question is this: what must be done, what is it that is called for, anthropologically? The church must provide discernment needed to orient human activities toward their proper end in the midst of other false ends. The magisterium must discriminate which activities are appropriate, necessary, and even urgent given the intellectual nature of the human. How can and should such pastoral work be accomplished? In the midst of the modern world the terms of the archonic must be clarified. The modern must be converted—turned—to the archonic so that its excesses and deficiencies are made plain and so that appropriate reordering can begin.

The council fathers ask: if the human is called as an intellectual creature, what can this mean if not that God wills and makes the human to be a rational soul, an *anima rationalis*? To be human is to be animated according to an intellectual vocation. This means that the human is also marked with the responsibility and challenges of being that creature whose nature is such that it is eminently capable of acting against its own nature. As an intellectual animal the human is made to be capable of exercising self-control. It is in this way, by taking a hand in its own formation, that the human pursues its call. The vocation is original; actualization involves the exercise of freedom in relation to rational being. Freedom here must be

understood as a term of capacity: the capacity of the creature to pursue the Creator. This capacity requires orientation: knowledge of how that pursuit needs to be carried out. Knowledge of the Creator facilitates and actualizes the capacity to pursue the Creator. The intellectual soul is called to exercise the capacity of self-orientation in the pursuit of God. This pursuit thus requires the cultivation of capacity and proper knowledge, knowledge of the soul, knowledge of the world in which the soul comes into being, and knowledge of God. “Human dignity” the council fathers conclude, “demands” (the archonic demands) that the *humanae personae* act according to knowledge and freedom and not according to ignorance or compulsion. The interface between things human and things ecclesiastical begins to take shape. Dignity is made right when, “emancipating himself [*sic*] from all captivity to passion, [man] pursues his goal in a spontaneous choice of what is good, and procures for himself through effective and skillful action, apt helps to that end.”²⁵

At the interface between the church and the modern world, the human, as a vocational being, is in need of apt help. The vocational being must procure help in pursuit of the “truly human” goal of communion with the divine. Why apt help? After all, the human is fashioned for such communion. A Thomistic answer might be given: help is needed precisely because the human, oriented to the supernatural, is that peculiar animal encumbered by the fact that it is not capable of perfecting its own nature. The council fathers, however, propose that apt help is needed because human freedom and knowledge have been compromised by “sin,” *hamartia* “missing the mark.” Because the human has been “damaged by sin, only by the aid of God’s grace can he bring such a relationship with God into full flower.”²⁶ “Damaged by sin”: this conception of incapacity provoked disagreement among the council fathers as well as other church theologians. It suggests that without sin, the human called to communion with God would in fact be capable of accomplishing such communion. It can be inferred—and such inference has been made to much effect—that the *inability* to actualize supernatural ends naturally is not properly anthropological; it is hamartiological. That is, inability is not a problem of the nature of things human; it is a problem of sin. This suggests that in the absence of sin the human would be that creature, who as such, would be capable of God.

In any case, the human by nature is that creature who by God’s grace is capable of bringing a relation with God, that is, a relation of dignity, into full flower. The first pole or vector point of the human-humanity relation is conceived by the council fathers in terms both striking and subtle: “*vocatio hominis ultima vera una sit, scilicet divina*”—“the ultimate vocation of the human is in fact one, and divine.”²⁷ The ultimate vocation is one: it is definitive; it defines what it is to be human. The human is that one with this ultimate vocation. And this ultimate vocation is divine: union with God, while nonetheless remaining a properly human vocation. Divine

call; human origin. "Such is the mystery of man," the Pastoral Constitution puts it, "and it is a great one, as seen by believers in the light of Christian revelation."²⁸ Origin and destiny: Christic light, archonic being.

Humanity

The human is the creature who has an archonic vocation. Before moving to the second half of the pastoral problem, that is, the question of the church as fitted to the human and not only the human as fitted to the church, I need to examine the second pole or element of human dignity: humanity, the human as community.

The Pastoral Constitution asserts that the Christian, oriented to God in Christ, represents the actualization ("the first fruits") of that which is definitive for all humans ("the ultimate vocation of man is in fact one"). The "one" characteristic of human vocation carries a double meaning. The first meaning I have already noted: that singular condition which specifies and distinguishes what counts as human. Or, in the words of the constitution, it is the feature that indicates the "fully human." The second meaning concerns the second pole of the object of the church's pastoral attentions: human vocation is only fully actual as human unity. The human in its full actuality is a "social" reality. The ultimate vocation of the human is to be one not only with God but with other humans as well. To be fully human is to be one with other humans in God.

I explained that according to the Pastoral Constitution's diagnosis, humans desire more than material comforts. They desire a "full and free life worthy of man." This desire indicates, in the first place, a natural, that is to say, inherent longing for God in the fulfillment of the intellectual nature. In the second place, it indicates "a kind of universal community": a natural desire for the fulfillment of a social reality. If dignity is the unity of the individual human in the integral relation of origin and call; it is also the unity of all humans insofar as they all participate in this same origin and call.²⁹

"For by his innermost nature man is a social being, and unless he relates himself to others he can neither live nor develop his potential."³⁰ In this statement the Pastoral Constitution offers a double allusion, bringing to mind both the biblical passage from Genesis 1:27 ("So God created man in his own image . . . male and female he created them") and book I, chapter 2 of Aristotle's *Politica* ("man is by nature a political animal"). The council fathers propose that the human is created with a social nature (*natura socialis*) and not in isolation. In a similar fashion, the human is saved as a social creature and not in isolation. The terms of origins and the terms of ends again coincide. The point of coincidence in this case is community. This communal coincidence is formulated in terms of the problem of salvation (*salutis*). Understood as a historical reality (*historiae salutis*), salvation is formulated

as the “social” concurrence and coherence of origins and ends—a socioarchonic coherence: “from the beginning of salvation history [God] has chosen men not just as individuals but as members of a certain community.”³¹

Human salvation is matter of “*dynamismo socialis*,” social dynamics (sometimes translated as “socialization”). In the context of the Pastoral Constitution, social dynamics or socialization refers to a process by which humanity’s “innermost nature” increasingly comes to historical actuality—“an evolution toward unity.”³² The modern world, according to the constitution, is characterized by an increase in occasions for socialization. “An evolution toward unity” is facilitated by intensified civic, economic, and technological interdependence. Modern dynamics of social interdependence thus share an affinity with ontological dynamics of being-in-community. They are linked in such a way that occasions of increased interdependence offer distinctive forms of, and opportunities for, the salvational actualization of humanity. The modern world, in this way, is both theologically and anthropologically auspicious.

On one level this diagnosis is striking, even perplexing. Much of Catholic social teaching in the nineteenth and twentieth centuries portrays the social dynamics of the modern world as fragmentary and divisive and not, in fact, as an opportunity for the greater unification of humanity. In this light, it is worth underscoring that the council fathers’ point here is only that these social dynamics can be cast as an occasion for an accomplishing of unity. Social dynamics occasioned by way of increased “technological interdependence” can be made to serve as an “aid” to the human in “responding to his destiny” and as an “aid” in responding to “his full spiritual dignity.”³³ Human dignity is, once again, connected to destiny. Dignity and destiny have an inner relation. That inner relation, however, does not turn on “interdependence,” per se, but on the proper occasions for socialization, an “aid” to the proper *dynamismo socialis*. Human dignity, it thus goes without saying, is not accomplished by means of technological interdependence—indeed, dignity is not accomplished at all. Dignity is, rather, responded to. It is intrinsic, albeit in such a way as in need of actualization. Nonetheless, the portrayal of the condition of the modern world in *Gaudium et spes* is consistent with John’s opening address; that is, it is far more positive in terms of the question of the social in the modern world than in previous social teachings of the church.

The council fathers distinguish human dignity from the dynamics of interdependence characteristic of the modern world while also connecting the possibility of actualizing dignity to those dynamics. A conceptual connection is made between the modern and the archonic. This connection is vital to the logic of the relation between the church and the world put forward by the Pastoral Constitution. If the church is an apt help to the human with regard to the fulfillment of the intellectual

nature, it is also an apt help with regard to the proper fulfillment of the dynamics of socialization. The challenge, of course, is to figure out what this means in practice: how can the church go about the work of helping to achieve the proper actualization of human dignity in the unity of humanity through the interdependencies created by the modern world? Such a response, whatever else it consists in, involves facilitating the actualization of dignity (keeping in mind that facilitation here consists in being guided by that which is established vocationally in and as creation, and is, in this sense, primordial). The creature is called forth. The question is how to respond to that call in a manner consistent with the human as a social being. The twist—and this moves us toward the justification for a revised sense of pastoral power—is that human dignity as a call to a destiny, a destiny characterized by social dynamics, is a call that can be properly as well as improperly responded to. The church's pastoral care must consist in helping to determine the difference.

The Pastoral Constitution tells us that the proper response to the “full spiritual dignity,” for which the modern world might be made an occasion and an aid, is to cultivate “interpersonal relationships”: relations between persons.³⁴ Again, on one level, this is not a surprising proposition. Since Immanuel Kant the problem of how to relate as persons has been put forward as a challenge and task for modern political and ethical thought. But there is something unusual going on here under the cover of familiar language. The human person being imagined here is quite different from the Kantian figure of the rational and self-governing being. It is a creature called to communion with God. *Socialis hominis*, the social human, is a creature called to communion with God and saved as “one family.” The human is vocational twice over—a double anthropology of the call: by nature called to communion with God, by nature called to communion with and as those called to communion with God. *Klēsis* and *ekklēsia*. Although the modern world offers opportunities for interpersonal relationships, it only offers opportunities. Technological interdependence facilitates a kind of convergence or proximity. It needs to be made interpersonal.

The question, the pastoral question, is how to convert interdependence into unity, how to make the modern world an occasion for a successful response to dignity. The first step is that the archonic vocation of *socialis hominis* must be discerned in the midst of the modern world—the signs of the times must be “properly read,” as the Pastoral Constitution puts it. Read correctly, the modern world can then be made an occasion of proper response to archonic unity. The council fathers propose that a kind of ontological conversion is called for. A turn from one ontological mode to another: the modern converted to unity in the archonic. Such conversion requires discernment. But where can such equipment of discernment and conversion come from? The answer, of course, is the church in its own experience of unity, in the predicate of its being as catholic, as universal. “Thanks to her relationship

with Christ,” the church can exist and act as “a sacramental sign and an instrument of intimate union with God, and of the unity of the whole human race.”³⁵

Once again the archonic and the Christic are brought into a kind of revelatory alignment. The church knows what human unity should consist in because of its experience of unity in Jesus understood as the Christ. What it knows, what the Christic reveals, is again properly anthropological. And the veridictional question resurfaces: if the church knows what it knows about the social nature of the human theologically (“called and saved by God not as individuals but as community”), can this truth be recognized and confirmed extratheologically, that is, apart from the church’s Christocentric vision of things? The challenge, after all, is not just to conceive of a pastoral relation between the church and those in addition to the church. Simple condemnation could accomplish as much. The challenge, rather, is to conceive of a pastoral relation in terms sensible to the modern. Can archonic dignity, discerned and experienced by the church Christologically, be justified or confirmed apart from an explicit reference to the Christological?

The question ultimately turns on the council fathers’ reading of the biblical command to love, the biblical confirmation of God’s love for humanity, and the biblical notion of the *imago dei*—the idea that humans are created in the image of God. God, the council fathers state, has concern for everyone. If one is created, one is created by God and one is called by God. Furthermore, God in calling humans into being wills that all those called should constitute (should act and exist as) a family. Family here means “spirit of brotherhood.” Spirit of brotherhood, in turn, means mutual communion. God’s will for mutual communion is an ontological predicate of the creation of things human. This ontological predicate is articulated in terms of the *imago dei*: humans are created in the image of God. The God in whose image humans are created wills that all humans should share concern for one another. The vocational, ontological, and ethical converge: “God, Who ‘from one man has created the whole human race and made them live all over the face of the earth’ (Acts 17:26), all men are called to one and the same goal, namely God Himself.”³⁶ The biblical commandments to love God and to love one’s neighbor are bound together in an archonic knot.

The commandment to love is thus, in its turn, connected to human vocation. But as a human call, it is a commandment held to be most fully realized by the church in Jesus as the Christ. The council fathers quote the Gospel of John, when Jesus, speaking to God of his relation to God, prays that his disciples “all may be one . . . as we are one.” The Pastoral Constitution suggests that in this prayer Jesus “opened up vistas [otherwise] closed to human reason.”³⁷ What vistas are these? What truth about itself does humanity not know through its own reason? The truth that it does not otherwise know is that there is an ontological likeness between the

union of the divine persons—the Christian belief in the unity of God as the Son and the Father in the Spirit—and the unity of humans with one another. The first conclusion to be drawn from this is that humanity is a synthetic unity of persons. Like the Christian trinitarian view of God, humanity is, ontologically speaking, a community. The second conclusion is that this ontological state of affairs cannot be fully realized (“man cannot fully find himself”) except through *caritas*, through love, understood as the giving of oneself to another.

The council fathers’ Christological claim, as one sees in the relation of origin and destiny, is put forward again as a properly anthropological claim. This means that theology, whatever special province of insight and discourse it might otherwise claim for itself, really serves to clarify that which is open to experience and reason—if only opaquely and ambiguously so. After all, as the council fathers repeat at several points in the Pastoral Constitution, the church merely brings to light an “innermost truth.” Here, for a second time, the modern world is cast as auspicious. The increasing interdependence of the world today (“becoming more unified every day”) gives rise to an increasing recognition of the truth and importance of *caritas*, charity, the biblical vision of love and care for God and neighbor.³⁸ What is more, charity in this sense is put forward as anthropologically definitive. The provocative language of the Pastoral Constitution reads like this: the fathers surmise that *generis humani* today is characterized by a “sense of responsibility” for existing as *universos homines*; the human species as a universal people. The interdependence of the modern world occasions a reconsideration of the social nature of humanity on a universal scale. Echoing John’s opening address to the council, *Gaudium et spes* proposes that “Now a man can scarcely arrive at the needed sense of responsibility, unless his living conditions allow him to become conscious of his dignity.”³⁹ What does such consciousness of dignity consist in? The need to “rise to one’s destiny.” And what is this destiny that one rises to in the consciousness of dignity? “Spending” oneself for God and for others: *caritas* is a vector through which human dignity becomes conscious and human destiny is actualized.

The Pastoral Constitution suggests that humans in the modern world, quite apart from the church’s teachings, are in an oblique fashion already on the way to actualizing their proper destiny. Given this reading of the modern, it might be fair to ask: then why is the church needed? Is it the church’s role only to confirm that *anthropos* is a creature made for communion and community? The constitution gives two responses, one following from the other: the first is taken to be evident in itself; the second is taken to be evident as an implication of the first. The first concerns social dynamics and sin. In considering the constitution’s formulation of the human as origin and destiny, I noted the problem of capacity/incapacity. I suggested that the incapacity to actualize the supernatural ends to which the human is naturally called

is not, strictly speaking, an anthropological problem. It is, rather, formulated as a hamartiological problem—a problem of sin. A similar kind of formulation bears on the relation of modern technological interdependence and the actualization of interpersonal community. The constitution offers a positive assertion: the “laws of social life” are “written into man’s moral and spiritual nature.”⁴⁰ The constitution also offers a negative assertion: the capacity to read and interpret rightly and act on those moral and spiritual laws has been compromised—“crippled,” to use the constitution’s term. The capacity to live by the law of social nature (that is, charity) has been crippled by the same modern conditions that occasion socialization. Modern technological developments have brought with them “extreme poverty” as well as “many of life’s comforts.” The modern, however auspicious, is also hamartiologically marked.⁴¹

The second response to the question “can humanity rise to unity by nature?” concerns the question of the extent to which the church’s teaching authority is really needed. If humanity is naturally called to community, is the magisterium needed only as a kind of emergency measure—as a response to a world crippled by sin? To what extent is the capacity for communion proper to humanity but only disrupted by the vicissitudes of human sin? To what extent can the terms of such disruption be discerned apart from the church and view of salvation history? Is the problem modernity? If it were not for sin—occasioned in this case by the modern world but not unique to the modern world—would humanity naturally be capable of a supernatural unity of persons in God and with one another? This string of problems emerges forcefully following the council, when the pastoral propositions of the constitution begin to be put to work. With regard to the Pastoral Constitution the question concerns what might be called the design of pastoral equipment. With regard to design, the council fathers seem to take it as a matter of course that the church’s “apt help” is still humanly required. The laws of social life may be opaque to the modern world, but they can be read and interpreted rightly by the church. Humanity needs to discriminate and order rightly its technological interdependence so that it can be converted to interpersonal unity. It needs equipment for the conversion of the modern to the archonic, and this equipment consists in discerning and interpreting the ways in which the sin as well as the opportunities of the modern world can be made into a reality of human unity. Humanity as a unity of humans, like the human as a unity of origin and destiny, is in need of the church’s interpretation and orientation.

The constitution asks: *Quid Ecclesia venit prout ipsa, in hoc mundo existit et cum eo vivit atque agit?* What is the church inasmuch as she exists in the world, living and acting with it? The church can be thought of as that venue which displays for the world the character of authentic human unity, a unity “unbreakably rooted in

the Holy Spirit.” To quote again from the constitution concerning the relation of origins and destiny: “from the beginning of salvation history [God] has chosen men not just as individuals but as members of a certain community.”⁴² If the human is saved as a social creature, then the object of the church’s pastoral care is the human called to be a member of a human community. Such pastoral orientation does not supersede what was indicated earlier. The object of the church’s pastoral care is also the human as that creature called to union with God. Neither the human alone nor humanity alone. Rather, elements of differing scale: the individual and the collective are taken up together as the human who by nature is humanity.

WHAT IS THE CHURCH AS SHE EXISTS IN THE WORLD?

What is human being? A being called to communion with God and unity with one another. Origin and destiny: the human is that creature with a call. The “supreme dignity” of the human vocation establishes the human as an archonic being. The first half of the problem of the church and the modern world is: what is the human such that it is in need of the church? I now want to turn to the second half of the problem: what is the church that it is pastorally fitted to the contemporary world? A first answer has already been implied: the church is the *ekklesia*—a venue of those who have been called. But how is it that the Pastoral Constitution imagines the church as a venue of those who have been called, and given that humanity is also defined by a call to unity, how is the church distinctively suited to the pastoral care of human dignity?

The Purpose of Pastoral Power

The Pastoral Constitution puts things human in question first in terms of the human person, then as the human community. It is in view of the doubling that the constitution takes up the question of the church. Anthropology and ecclesiology, as suggested by the council fathers’ Christology, are taken to form a connected pair: a mutually determinative pair forming a single pastoral ensemble. In view of this mutual determination, the constitution now takes up the problem from the other side: “What is the Church inasmuch as she exists in the world, living and acting with it?”

On a certain level and at a cursory glance the question may not be particularly striking or, for that matter, engaging for those not part of the Christian ecclesia or proximate to it. Moreover, the initial response—Trinitarian and otherworldly—reinforces the sense that nothing theologically new is in play in the constitution’s formulations: “Coming forth from the eternal Father’s love, founded in time by Christ the Redeemer and made one in the Holy Spirit, the Church has a saving and an eschatological purpose which can be fully attained only in the future world.”⁴³

But the question is quite striking if we pause to consider the suppositions at work in it. The church acknowledges about itself that it exists in the world. But what is the church *as a venue that exists in the world*? The question was a point of methodological and ontological blockage for the committees drafting the pastoral constitution, as I noted in the last chapter. The church, on the one hand, is founded in view of a salvation that can only be experienced “in the world to come.” But that future salvation now needs to be considered in light of the fact that the church is actually constituted in the world. This means, first of all, that the council fathers needed to make sense of how it is that the church participates in the very characteristics that define things human. Moreover, making sense of this participation would appear to solve a number of conceptual problems given the pastoral question at hand—and it no doubt does. But it also introduces the difficulty of thinking about what the church is if it not only offers a future but also belongs to the world.

From the opening lines of the Pastoral Constitution the church is framed as having a participatory being in and with the world. “Why are the joys of the world also the joys of the followers of Christ?” it asks. It answers: because the followers of Christ are human; that which is human concerns them.⁴⁴ The church, one is given to understand, is bound up with the world—its histories, its ends, and its problems. The church is a venue that is in the world. The proposition is more controversial than it might sound. There were, after all, many other answers that could have been given. The church could be the magisterium as a priestly class. The church could be that reality to which the world is called, out of itself. Instead the church is said to consist of the followers of Christ who are “humans.” The church is composed of those creatures discussed in the first section of the Pastoral Constitution. It is composed of those who are “members of the earthly city who have a call to form the family of God.” The church is not composed of those who are defined in distinction to the world. The difference between Christians and others is that Christians are cast as those who have formally responded to the twofold call to union with God and communion with others and, in this sense, are anthropologically ahead of the game (if one can be “ahead” in archonic matters). This means that whatever the church is, it is not foreign to the world. The church has been “constituted and structured as a society in this world” by Christ and is equipped “by appropriate means for visible and social union.”⁴⁵ If the church is ontologically suited to pastoral care of the world, this is the case in the first place because it is in the world. This must at least suggest that the church, like the world and with the world, is characterized by an archonic mode of being. Its ends must be found in its origins and its origins in its ends.

A second supposition of the idea that the church in some sense has its being in the world is the idea that the world’s activities, while perhaps distinct from the church’s

activities, are nevertheless also in some way the church's activities. The church acts with and in the world. Pastorally, what can this mean? What is the church as a pastoral venue that acts in the world with the world? Traditional answers might include: the church acts in the world to rectify the souls of the deviant and to shepherd the conduct of the faithful. But how would such an answer constitute acting *with the world*? From the opening address of the council, John called for a quite different form of pastoral relation. Condemnation as a mode of relating to the world was more or less taken off the table, and pastoral care for the modern world was basically distinguished as a separate problem from care of the faithful. It was a basic premise of the council—disputed and even refused on some fronts—that the church could no longer sustain a relation to the modern world in which the world was taken as apostate such that it was the church's primary responsibility to demand its return and then vigilantly to guard the flock. More important still is the pastoral challenge raised by *Gaudium et spes* itself: the object of the church's pastoral activity in the world is human dignity understood as a primordial call. The question "what is the church inasmuch as it acts with the world?" can only be answered thus: the church, in the world, cares for human dignity. This means, among other things, that the activity of the world should also consist of care for human dignity. To suggest that the human, by nature, is called to the supernatural and that dignity is found in that call is also to suggest that humans should, qua humans, care for dignity. The question of what the church is and does becomes the question of why and how dignity needs to be cared for by the church and why the pastorate is uniquely capable of such care.

The council fathers propose that the church knows something about the world that the world does not know about itself. The church knows something about the world that the world does not fully know, and where it partially knows, it does not yet fully grasp the significance of what it knows. The church knows that "The earthly city and the heavenly city penetrate each other."⁴⁶ In human history this fact remains obscure. Sin, the constitution suggests, makes this fact opaque. The phrasing here is classical; the meaning, however, takes its significance in relation to a contemporary problem. The notion that the heavenly city and earthly city interpenetrate is a reworking of the Augustinian insight that human affairs are created according to a divine order. The church has received this notion "in herself." The church has received into herself the actualization of participation in divine life as the actualization of an anthropological potential. It is in this actualization that it has the capacity to help facilitate the actualization of an anthropological potential in the world.

When the council fathers state that the church has a "saving purpose" and that this saving purpose is proper to what the church is, it is clear what they are really saying: the church is called to communicate archonic life. Recall that in its clas-

sical theological meaning communicate refers to the Christian sacrament of the Eucharist—a ritual held to be an ontological participation with Jesus in the taking of the wine and the bread in the Christian Mass. The meaning of communication is slightly different here while also retaining a sacramental overtone. The church's saving purpose in relation to the world is to share the life that is properly anthropological, though perhaps only potentially and not yet actually so. And how will such communication be achieved? In the words of the Pastoral Constitution, it will be achieved by casting the "light of that life over the entire earth," thereby "healing and elevating . . . the dignity of the person" and also strengthening "the seams of human society." An archonic light will illuminate the need for and the means of living in accordance to an archonic mode of being. "Through her individual matters and her whole community, the Church believes she can contribute greatly toward making the family of man and its history more human."⁴⁷ An unfamiliar, though not totally novel, notion in the history of ecclesiology: the church as what makes the human more human—and not, strictly speaking, through religious conversion. This is the purpose of a pastoral relation to the modern world.

The Modern World

The specification of the purpose of a pastoral relation, however, does not answer the questions regarding the mode and form of pastoral practice. How is it that the church, acting with the world, actually goes about helping to make human dignity actual? The Pastoral Constitution's answer involves three components. The first is proclamation. The church proclaims "the noble destiny of man." The church proclaims the dignity of human ends. The second is to champion. The church champions "the Godlike seed which has been sown in him." The church champions the Godlike origins of the human. The third, by way of the first two, is that the church offers honest assistance. The church offers honest assistance in "fostering that brotherhood of all men which corresponds to this destiny of theirs."⁴⁸ The church proclaims and champions the human in its destiny and origin and in the integral relation between destiny and seed. It thereby is able to discern what, in any given situation, is needed to secure the dignity of humanity.

The Pastoral Constitution's diagnosis of the modern world—its reading of the signs of the times—is that human dignity is at risk. One of the curious features of the Pastoral Constitution is that the human per se is never really defined as a creature in need of pastoral care. The human creature per se is created in a call from God. If the actualization or proper response to that call is lacking, this is not because the human creature is lacking. The problem, rather, is that the archonic, as the enfolding of origin and destiny, is blocked or violated. Such blockage or violation is not the result of something native to the human. It is the result of sin.

Sin is treated in a rather precise fashion by the Pastoral Constitution. Whereas the human as archonic is primordial and destined and therefore not defined by the modern world, it nonetheless finds itself inhabiting a world that is modern. This world, which is not primordial or destined, troubles the archonic by creating conditions wherein humans “miss the mark.” The modern world can be thought of as a zone in which the archonic takes form but that is not, ontologically speaking, coincident with the archonic. The modern world is thus always occasional for the archonic in the sense that it is an occasion for the actualization of the archonic and it is an occasion for the blockage or deformation of the archonic. The problem for the human in the world is how to live in such a way as to fit the demands of the day to the demands of the archonic.

As I have already explained, according to the Pastoral Constitution’s diagnosis the modern world is auspicious, anthropologically speaking. To be auspicious is to be marked by the promise of success, to be favorable, propitious. The justification offered by John for holding an ecumenical council was precisely that the modern world is marked by the promise of success. It is marked by the promise of success on two fronts. It is marked by the promise of success in the human individual’s realization of communion with the supernatural. There is a promise of success on this first front for several reasons. In the face of rapid and profound technological, economic, and civic changes characteristic of the modern world, people are inquiring into the meaning of human life. Despite the tremendous violence characteristic of twentieth-century political and economic developments, people are more conscious and committed to the dignity of all humans. On a second front, the modern today is marked by the promise of success in attaining to the unity of the human family, which is definitive of human social nature. I have already discussed this above, so I do not need to say much here, other than to repeat that in the assessment of the Pastoral Constitution technological interdependence appears to be turning attention and efforts to the task of forging a worldwide community. If peace can be defined as the unity of peoples in the actualization of humanity (which it is in the Pastoral Constitution), then the modern is auspicious in that interdependence offers an occasion for peace. The modern world is characterized by the occasion to become human and to become humanity. On two fronts the modern world is anthropologically auspicious.

The authors of the Pastoral Constitution could not, of course, overlook the excesses and deficiencies of the modern world. If auspicious, the modern world is also inauspicious. It is also marked by the possibility that the future is not promising, that the occasion will not be found advantageous but will rather prove to be unfavorable and ominous. Were the modern world only auspicious, then the church’s pastoral task could be limited to proclamation, celebration, and patience. It may be

the case that “stricken with wonder at its own discoveries and power,” humans today are raising questions about “the place and role of man in the universe, about the meaning of its individual and collective strivings, and about the ultimate destiny of reality and of humanity.”⁴⁹ It may also be the case that the fact of such questioning offers the promise of success in answering these questions. But it is equally the case that whatever else defines it, the modern world is a space of life in which humans are left asking questions about their place and role, the meaning of their strivings, and about their ultimate destiny. Today, the constitution insists, echoing other diagnoses of modernity, humans are unsure of themselves.

Similarly, on a social front, the world of today may offer occasions for unity. But it is also the case that the world of today is marked by tensions and strife that provide the warrant for greater unity. As the concrete destiny of humanity becomes “all of a piece,” opportunities abound for exploitation and domination. Intensifications of interdependence are also occasions for the intensification of relations of power. All of this means that on two fronts the modern world can also be read as inauspicious, anthropologically speaking: humans and humanity are in need of apt help.⁵⁰

Put simply, the modern world is “at once powerful and weak.”⁵¹ It is powerful in that unprecedented dominion is being extended over space and time. This dominion is being conducted through and facilitated by technological interventions. Its zones of application include “biology, psychology, the social, the political, and the future.”⁵² Such interventions ameliorate health and well-being and function to accelerate interdependence. It is weak in that despite having produced the means for expanding welfare, the modern world is ignorant “of the terms of true welfare.” Scientific and technological “strivings to investigate ourselves” leave us “unsure of ourselves.” Having probed the depths of “mind and society,” modern humans are paralyzed and uncertain with regard to the question of who they are and who they need to become. As a result, rapid technological changes, scientific and social, have begun to “recoil” on the humans who bring these changes about. “Recoil” here means that humans, while capable of technological expansion, have become incapable of a corresponding spiritual development. Such a state of affairs produces a “crisis of growth.” What counts as appropriate and worthwhile in terms of “decisions,” “desires,” “thinking,” and “acting” is largely blocked. In short, “man [*sic*] is putting questions to himself.” And the human is putting itself in question.⁵³

Of course the problem is not only occasional. “Sin” is not only a matter of circumstance. All of these difficulties occasioned by the modern world are catalyzed by a kind of constitutive trouble. In the course of their diagnosis, the council fathers invoke a familiar Thomistic-Aristotelian problem: the human is “summoned to a higher life”; however, the human also experiences a range of desires, some of which correspond to this higher life and some of which do not. Now, with the amenities of

the modern world ready to hand, the human experience of multiple desires has been amplified. The modern human “feels itself to be boundless in desires.” Conflicted desire is catalyzed by the multiplication of opportunities to fulfill desire. Such a state of affairs, like other ethically fraught arrangements, requires careful discernment, the cultivation of virtue, as well as vigilant denial. Insofar as humans are sinful and ignorant, the multiplication of opportunities for choice and the growth in capacity as well as incapacity can leave them further from where they should be: less happy, more blind, more divided, more discordant, lacking in serenity and emancipation, convinced that rule over the world and others will satisfy, and so on. What does such a state of affairs amount to? “Many think that human existence is devoid of total meaning beyond the ingenuity of the individual alone.”

What is interesting here is the conclusion, which the council fathers draw from this state of affairs, a conclusion that effectively splits the difference between those bishops who embraced John’s optimism about things modern and those bishops who insisted on excess and deficiency as the modern world’s defining characteristics. The modern human is cast as divided: it experiences an increased capacity for technical intervention while also experiencing a decreased capacity to understand the significance and to manage the ramifications of those interventions. At the line of this division a lack of meaning is identified. This lack of meaning is taken as an indication that, although humans today are putting things human to question, they are not finding satisfactory answers. This lack redounds to an ignorance of human origins and destiny. It redounds to an inability to respond appropriately to full human dignity. The human in the modern world does not know what to think or what to do. It does not understand how to satisfy its own nature, personally or in terms of community. The point made is that the modern world, as such, does not indicate how to discern the relation and therefore does not facilitate the capacity to respond to the relation of natural origins and supernatural ends.

Such capacity requires understanding the archonic human vocation as the innermost truth and innermost good of things human. In principle such truth is available to everyone: it is, after all, truth concerning the nature of human being. Humans in the modern world, however, suffer from vocational ignorance and thereby suffer anthropological compromise. The modern world, as an anthropological occasion, does not illuminate the integrity of origin and destiny. And where the modern world functions as an occasion for generating distrust, enmity, conflict, and hardship, it therein serves to obscure the integrity of origin and destiny. Today the archonic is obscured. Not absent, but obscured, and insofar as it is obscured, compromised.

If the authors of the Pastoral Constitution thought that the archonic was compromised in the modern world, they were also convinced that humans today know

that something is not right. Hence the world seems to be marked by openness to a pastoral relation, and hence despite the difficulties and deficiencies of the modern world, it remains auspicious. Following John, the authors of the Pastoral Constitution proposed that two convictions shape the modern world, and both convictions continue to intensify. The first is “the conviction . . . that humanity can and should increasingly consolidate its control over creation.”⁵⁴ This conviction, however, is coupled with a growing belief that “it devolves on humanity to establish a political, social, and economic order which will growingly serve man and help individuals as well as groups to affirm and develop the dignity proper to them.” Aspiring to technical control and affirmative of a proper dignity. The problem is how to interface these convictions such that humanity can live by and develop the potential of its “innermost nature.” Recall that the term “potential” derives from the Latin *potentia*, power. The problem of interfacing the aim of technical control and the affirmation of a proper dignity consists in fostering the power needed for the human to be actualized. The human is archonically potent. The problem of the human in the modern world is how to make that potential actual, how to conform to (be formed to and with) the archonic. The challenge is not a matter of knowing how to cultivate or establish dignity as if humans did not yet have dignity or did not have enough dignity. Dignity is proper, planted like a divine seed in human origins. The challenge is how to respond to an original dignity in such a way that the destiny enfolded in that origin unfolds. How should humans live and act in the modern world such that it becomes an occasion for the actualization of human dignity?

If for the council fathers the auspicious character of the modern world ultimately wins out over the inauspicious—and it does—this is because they proceeded in the hope that the church offers pastoral equipment capable of making the modern world into occasions of archonic fulfillment. This pastoral equipment consists of a triple operation. It is demonstrative; that is, it functions to indicate and point out. What it functions to indicate and point out is the relation of the modern to the archonic. Demonstration consists of indicating how it is that the archonic is the inner truth of things human in the modern world and how that inner truth is faring. The pastoral equipment is also pedagogic. The church demonstrates the relation of the contemporary and the archonic in such a way that humans can become capable of discerning proper ends and capable of contributing to their own formation as humans. Humans come to know themselves in such a way that they can become increasingly capable of responding properly to their “full spiritual dignity.” In this way—and this is the third operation—the pastoral equipment converts. It converts in the sense of turning to, or changing into, something different. The church’s pastoral equipment facilitates conceptual conversion of the modern world into occasions for actualizing the archonic dignity of human vocation. It also thereby equips

humans to turn away from those things (for example, desires, needs, interpretations, actions, etc.) that demean the archonic. This is what it means to say that the church, inasmuch as it is in the world, acts with the world. Humans today, as the Pastoral Constitution puts it, require a careful education. Careful education consists in facilitating the human being human. Demonstrative, pedagogic, convertive: taken together we can say that the church's pastoral equipment conforms (in the strict sense of being-formed-with) the modern to the archonic. This is precisely the task to which the Pastoral Constitution insists the magisterium is uniquely and pastorally suited.

The Christic, the Archonic, the Ecclesiastic

The council fathers map things human on two axes. The first axis is nature/destiny ("from the beginning . . . God has chosen"). The second axis is interdependence/unity ("not just as individuals but as . . . community"). Echoing John's opening address, *Gaudium et spes* conceives of the modern world as auspicious on both axes—anthropologically promising. It is promising because the modern world constitutes an opportunity for the integration of both axes individually and with each other. It also constitutes an opportunity because in the modern world the church is able to provide pastoral equipment for conforming human life to the archonic. Insofar as the modern is *anthropologically* auspicious, it is *ecclesiologically* auspicious. Along the first axis: in the world of today "questions of human meaning" are being posed quite independently from the church. The church is capable of responding to these questions, thereby orienting things human in a proper response to proper destiny. Along the second axis: in the modern world, technological, political, and economic developments have produced a more "interdependent world." In the midst of such interdependence, the church is capable of orienting things human toward the unity proper to *socialis humani*. The *ekklēsia*, the Pastoral Constitution concludes, is a "supremely human" venue. It is a venue that facilitates human *klēsis*.⁵⁵

A question remains: if the church is in the world, acting with the world, how is it capable of accomplishing, or contributing to the accomplishment of, things human, in a way that the world on its own does not? I anticipated the answer above: the relation of the church to its doctrinal and pastoral legacy in Jesus understood to be the Christ. The Pastoral Constitution proposes that the truth of human dignity is revealed and fully actualized in Jesus as the Christ. The proposition is not surprising. But it is not for that reason any less important to the logic and legacy of Vatican II's re-visioning of pastoral power. The Pastoral Constitution does not propose that human dignity is Christological per se (although classical arguments do insist that things human are dignified precisely by way of the "doctrine of the incarnation"). The Christological, rather, makes plain, and thereby available to thought

and action, that which is fundamentally anthropological. The Christological reveals and makes available the archonic: divine call/human origins. What this means, in terms of pastoral equipment, is that the magisterium offers a kind of Christological illumination. In the church and by way of a Christic light, the modern world can be made to exhibit the extent of its archonic character. The Pastoral Constitution puts it this way: scrutinizing the signs of the times in light of the Gospel, the church can “respond to the perennial questions which men ask about this present life and the life to come, and about the relationship of the one to the other.”⁵⁶

The figure of Jesus as the Christ in the Pastoral Constitution is characterized as the one who offers the human to the human and humanity to humanity. Thus figured, Jesus serves as the anthropological light that orients and facilitates the human “to measure up to his supreme destiny.” This double formulation is taken to validate and explain the basis of the church’s relation to the modern world: the human in its predicaments and destiny is interfaced with Christ as that one who relieves the predicament and actualizes the destiny. Salvation is understood here in anthropological terms: for the human to be saved is to actualize “his supreme destiny.” Soteriology, the *logos of sotēria*, the truth about the good, consists in bringing together the Christological and the anthropological. The fusion point is the archonic. The Pastoral Constitution reads: “The Church firmly believes that Christ, who died and was raised up for all, can through His Spirit offer man the light and the strength to measure up to his supreme destiny.”⁵⁷ The lower case “his” has a blended relation the upper case “His.” It is the supreme destiny of the human spoken of here. But it is a supreme destiny that is known because it was also His supreme destiny. If the church, as a pastoral venue, can be said to have a saving purpose, it is to equip the human to be an archonic animal: to measure up to the supreme destiny and thereby the full spiritual dignity of things human.

If the axis origin/destiny is actualized in Christ as the model of human dignity, so too is the axis interdependence/unity. Unity, the council fathers repeat, belongs to the innermost nature of the church. One again finds the archonic and the Christic brought into a kind of revelatory alignment: “thanks to her relationship with Christ, a sacramental sign and an instrument of intimate union with God, and of the unity of the whole human race.” The church, we are told, should be thought of as a kind of “soul for human society.”⁵⁸ Citing the dogmatic constitution on the church, *Gaudium et spes* proposes that the church’s role in relation to the world is, “above all,” to “erase division” so that “the whole human race may be led to the unity of God’s family.” The warrant for this mode of pastoral power, of course, is that humanity today is “increasingly” moving in this direction in the modern world. If, as I proposed in the introduction, following Foucault, pastoral power in the ancient church was, among other things, a technology of individuation, it is here

recalibrated as a technology of unification. The unity of the human as origin-call and humanity as the corporate actuality of the human. So, although there is the familiar language of the *genre humain* here, the conceptualization has changed. The human is that which is destined for dignity, called in its origins. It is the dignified human and, as such, it is the structural joint between the church and the world.

In the view of the Pastoral Constitution the properly anthropological nature of dignity is constituted by “supernatural grace,” to be sure. But this grace is given in a call-into-being that is fully actualized a communion of humanity. Such a theologico-anthropological reality is modeled and made actual in a Christological frame. Nevertheless—and this is the key—in the view of the authors of the Pastoral Constitution it is not thereby any less anthropological either in its essence or, for that matter, in its veridictional accessibility to those outside the church: the world can agree to this common object of pastoral care without signing on to the church’s Christology. The key is that the object of the church’s care is human dignity understood both in terms of human nature and human unity. This relation is taken to be modeled, called for, and fulfilled in Christ. However, it can be known and agreed to by those outside the church. That is to say, modes of reasoning suited to things Christological are consonant with modes of reasoning suited to things archonic. It should not surprise us that Pope Paul VI spoke to the United Nations in such declarative modes about a shared calling.

From the Christic to the archonic to the ecclesiastic: an equipmental relation between the church and the world is figured in and with human dignity and thereby fashioned as a basis for pastoral practice. The church is cast as a venue within which a particular kind of equipment can be produced and made operational: equipment for the discernment and the conversion of the modern into the archonic. This equipment is put forward as that which facilitates discernment and actualization of human dignity. Human dignity is the object and objective. As archonic, human dignity is neither cultivated nor established. Rather it is recognized and conformed to. The reconfigured pastoral power, called for by John at the interface of the church and the world, is established by way of care for human dignity. Human dignity, said the other way round, is cast as simultaneously making possible and thereby opening up a new form of pastoral power. Pastoral power in this case, as I have noted, does not consist of the conduct of souls, the pursuit of the lost sheep of the flock, or in the condemnation of the damned. It certainly retains its orientation to the classical pastoral mandate to care for “all and to each one”: *omnes et singulatim*, figured here as humanity and the human. The difference here is that the mode of equipmental engagement is ontological and temporal conversion: the modern to the archonic.

So, what is the church in the world of today? It is a venue that, through pastoral power, facilitates things human in the call to be human. It is a venue of the call, that

is, the venue of those that discern how it is that in the modern world the human can conform to the archonic. It does this by demonstrating, teaching, and converting the modern to the archonic. In more familiar language, it recognizes, pronounces, and defends human dignity. This form of pastoral work is a kind of assistance or facilitation carried out through a hermeneutic practice. The magisterium assists the human in actualizing its naturally supernatural destiny by interpreting the meaning and demands of human dignity under the conditions presented by the modern world. The human, particularly the modern human, “is on the road to a more thorough development of his own personality.”⁵⁹ By revealing the “ultimate goal of man,” the church “opens up the meaning of his own existence, that is, the innermost truth about himself.” In the end, this is what the church does in the modern world: it “fully reveals man to man himself and makes his supreme calling clear.”⁶⁰ Insofar as the human is that being whose dignity lies in the relation of origin and call, and insofar as the modern human experiences disorientation and disruption of a movement toward this call, the church’s teaching can be offered as an anthropological assistance. So, what is the payoff of the magisterium’s relation to the modern world? It is not the familiar practices of pastoral power: the daily conduct of souls and the flock. It is, rather, the assurance of human dignity: reoriented and enabled, humans can “attain their crown.”⁶¹

NATURE AND THE SUPERNATURAL: THE VERIDICTIONAL AND JURISDICTIONAL PRICE OF THE ARCHONIC

The price to be paid for such a proposition, the price to be paid for taking the dignified and archonic human as the object of pastoral concern, is that the church, conceiving of the human as that being capable of things supernatural, puts its own vocation in question. It puts itself in question in the first place with regard to its pastoral capacities. It is not only, or not merely, the shepherd of souls. It is a pastor of humanity. It facilitates what is proper to the human. This pastoral posture reopens the question of the extent to which, apart from the church’s mediating interventions, humans are capable of achieving their highest good. The church puts itself in question in the second place with regard to its own ontological status. By priming the notion of the church within history, the Pastoral Constitution begins to color the *ecclesia* in archonic colors. It too can be conceived in terms of origin/destiny, interdependence/unity. The possible limit that this emphasis on the church-in-the-world suggests is that to the extent that the church does not exceed or stand outside of history, to that same extent it cannot call humanity out of its own limitations and into the church. But the point is precisely that humanity does not need to be called out of itself and into the church. This is the imagined strength of the pastoral equip-

ment on offer: it proposes to the human an apt help in being human; it proposes to humanity to be an aid, ready to hand, in being and becoming humanity.

For critics of the Pastoral Constitution, the other side of this emphasis on the role of the church in helping to actualize human dignity was the implication that the church might no longer be seen primarily as the exclusive mediator of grace between nature and the supernatural. Unlike the idea of a radical break between God and the world in “the fall,” the idea of a humanly integral relation between nature and the supernatural meant that the church’s Christological function was less about a monopoly on the means of salvation and more about its role in discerning the appropriate means of living in the world according to an archonic dignity.⁶² The archonic fashioning of things human produced an arrangement in which anthropological factors called for the church to be pastorally present to the world. Rather than founding the necessity of the church on an insurmountable break between nature and grace, John’s vision for a relation to the modern world grounded the church’s pastoral call on the spiritual clarity of the church’s teaching and the opacity of the world: the church discloses the demands of human dignity. But this shift had the effect of opening up a field of contestation, which, in the years following Vatican II, became increasingly crowded with combatants: might a theologico-anthropological truth of things human, the archonic in the midst of the modern, have the indirect effect of marginalizing the church in the world? In what ways might Christians make common political and ethical cause with non-Christians precisely because the archonic, once theologically clarified, can speak for itself as a primordial human truth? Such a possibility seems consistent with John’s opening address to the council as well as with Paul’s speech to the United Nations. How else could Paul speak so freely and easily about the pastoral coincidence of the Vatican and the United Nations other than by way of the presumption of a shared object of care: the human in its archonic dignity? The church may cast Christological light, but it casts it on an anthropological object that could conceivably be taken seriously and recognized without that light.

Two decades after Vatican II, in a book titled *Brief Catechesis*, the French Jesuit Henri de Lubac examined the legacy of the council with regard to the question of human nature and the pastoral obligations of the church. In a short appendix to that short book de Lubac proposes that the success of Vatican II must ultimately be judged on its treatment of the supernatural.⁶³ The appendix is interesting for a number of reasons, but most striking is its tone, which is not quite triumphant, but almost. It conveys a mood of earned satisfaction. In the appendix de Lubac asks: how did Vatican II formulate the relation of human nature and the supernatural? (The question was a deeply personal one for de Lubac, as I will describe below.) De Lubac responds to his own question by first telling the reader that those who say

“the supernatural” was not mentioned in the constitutions of the council are “not quite right.” The word, he admits, was only used once. This relative absence of the *term*, he suggests, is a reflection of the council fathers’ understanding of their modern audience. The *concept* of the supernatural—or, more precisely, the conception of the relation of the supernatural and human nature as a unified reality—is, however, “found everywhere in the Council texts,” even if found “in other terms and under many aspects.”⁶⁴ The anthropology at work in the council texts, de Lubac forcefully insists, is never brought to expression using the familiar language of a Reformation or post-Reformation “two orders”—whether understood as the separation of God and the world, the religious and the secular, the ecclesial and the political, or nature and the supernatural. Rather, the anthropology expressed in the texts is one expressed in terms of a divine vocation and of the world’s participation in the being of the divine. The human, in other words, is not conceived in terms of “the hypothesis of ‘a purely natural order,’ complete in itself,” one standing outside of and in counterdistinction to a supernatural order. The human is conceived and talked about as a being created in the goal of unity with God in Christ. “The two notions of creation and of vocation to divine communion are always associated.”⁶⁵

The significance of de Lubac’s review of Vatican II’s anthropology for my analysis of human dignity and pastoral power is that it helps mark the fact that at the council the church undertook a basic rethinking of its anthropology and its pastoral vocation. The consequential character of this rethinking is captured in de Lubac’s own biography.⁶⁶ Prior to the council, de Lubac’s work had become central to the long struggle, across late nineteenth- and early twentieth-century philosophy, theology, and anthropology, to put in question the presumption of an ontological split between nature and the supernatural and to formulate a theological anthropology predicated on different ontological terrain. This conceptual and pragmatic struggle involved, in one way or another, an august cast of major French philosophers and theologians from Maurice Blondel to Henri Bergson to Etienne Gilson, to French anthropologists and historians such as Lucien Lévy-Bruhl and Michel de Certeau. The question of the human and the supernatural, for many of these thinkers, marks precisely that point at which a kind of anthropological, ethical, and theological excess had begun to overflow the limitations of modern thought.

On August 12, 1950, Pontiff Pius XII published an encyclical titled *Humani Genensis*.⁶⁷ The encyclical was a key event in the history of the Vatican’s struggles with “modernism.” It constituted a point of consolidation in the church’s antimodernist efforts and served as a point of contrast in relation to which some of the key elements at play in *Gaudium et spes* can be traced. The encyclical was also, as John Milbank has put it, a key event in “the personal drama of the life of Henri de Lubac.”⁶⁸ De Lubac and his work formed a significant part of a theological pathway

in France, which, with some adjustments in emphasis and orientation, ran from the early part of the twentieth century to its closing decades.⁶⁹ The pathway originated in a rejection of so-called Neo-Scholasticism, particularly in its Counter-Reformation and speculative bent, and ran to a call for a constructive return to medieval and patristic theological sources—a movement of *ressourcement*, re-sourcing, as it was often referred to. This return was a constructive one in that the medieval and patristic sources were used to elaborate a distinctive theological grammar. The theological grammar was distinctive in that it consisted of elements of classical and medieval thought restylized in response to contemporary blockages and problems. In this sense, although the modes of reflection and productivity were largely historical (many of the *ressourcement* scholars worked professionally as academic historians), the outcome of these historical engagements—their effects in the life of the church—were far reaching both theologically and ecclesiastically.⁷⁰

Two of de Lubac's works catalyzed and exemplified the work of *ressourcement*, or *nouvelle théologie*, as it was sometimes dubbed by its detractors. The two works put in place a kind of double "paradoxical" axis.⁷¹ The first book, *Catholicisme*, published in 1938, articulated the first axis.⁷² In it de Lubac argues that the nature of the human, and therein the nature of the church, is fundamentally and definitively social. He argues that the church is not a venue for the salvation of individual souls. It is, rather, the universal community of humanity "in embryo." The word "catholic" expresses this social nature. "Catholic" indicates that there is a universality to things human. This universality is predicated on the *imago dei*, the image of God, believed to be present to and in all humans. Divine grace is thus, in de Lubac's view, all-encompassing, extending "beyond the explicit profession of Christianity." However, the word also refers to a universality whose full meaning is "only spelled out in the life of the incarnate *Logos*."⁷³ This paradoxical axis is captured in the subtitle of the book: *Christ and the Common Destiny of Man*.

The second book, entitled *Surnaturel*, followed in 1947.⁷⁴ *Surnaturel* was a direct confrontation with Neo-Scholastic conceptions of nature and grace and thereby a challenge to conceptions of the relation of modes of theological reasoning and ecclesiastical governance that had come to dominate the church since the Council of Trent in the sixteenth century. The book puts in question Neo-Scholastic theology in two respects. First, the volume purports to offer a historical recovery of the "authentic" elements of tradition and not to offer a constructive metaphysics or theology. This mode of production turns the antimodernist critique back on itself: turning the attacks of a post-Tridentine theology back on the post-Tridentine church by arguing that the church had, for several centuries, been living in a disjunctive relation to tradition. Second, and more to the point here, de Lubac offers a reading of the relation of nature and the supernatural that confronts what he takes

to be the core supposition of modern thought, a supposition that had become characteristic not only of Catholic theology but of secular philosophy. De Lubac refused the supposition of “ontology” as “a purely philosophical classification of being, cognitively prior to a consideration of the divine.”⁷⁵ He thereby contested the notion of an ontological field of purely immanent being (“pure nature,” as he referred to it) proper to things human or things natural and separate from this divine or things supernatural. He refused what he took to be the ontological premises of a “purely” secular world. He refused the proposition that the purely natural, understood as the purely secular, was the other of, or independent from, the supernatural.

De Lubac argued that theology must reject the notion of an ontological division of nature (particularly human nature) and the supernatural (and must above all reject the idea of a “supernature” as a metaphysical reality outside of the natural proper only to God). Here is where his second paradoxical axis comes in: human nature is always intrinsically “raised above itself” to the divine, to the supernatural. The first side of the paradoxical structure is that nature, in its most ordinary and basic character, points beyond itself to the supernatural. In this way the natural is elevated beyond itself toward the supernatural but is not in this way either surpassed or destroyed. The second side of the paradox is that the human’s elevation to the supernatural, which is definitive of human nature, can, in his words, “only be received from God as a gift.”⁷⁶ Nature is, by its nature, graceful.

Above all, de Lubac’s two paradoxical axes constituted a challenge to reigning Neo-Scholastic understandings of the nature of grace and therein the relation of the church as a mediator of divine grace to human nature. He puts in question what he saw to be the church’s tactic of trying to preserve the pure gratuity of communion between the divine and the human as well as the pure gratuity of communion among and between humans in the divine by way of an appeal to the existence of two ontological orders—a pure nature and a pure supernature. The existence of the two orders could then be invoked as a justification for the unique role of the church as a mediator. By contrast, de Lubac argued that the human can only be properly understood in the tension of the claim that the human is constituted in its very being by this double communion with God and as humanity. If the church is instrumental in the divine’s offer of grace, this means that the church contributes to the actualization of the supernatural calling of nature. Put in condensed form, de Lubac’s argument was this: that the call to humanity’s highest good is characteristic of all beings with an intellectual soul. The gratuity of the divine must be thought without appeal to an ontological segregation of nature and the supernatural; nature must be conceived as constituted by grace, that is, by its elevation to, in, and by the supernatural.

Since the Council of Trent, de Lubac argues, the church had come to see its rela-

tion to the world in terms consistent with the Protestant Reformation—which the Council of Trent had supposedly repudiated. This relation had been formulated in terms of the doctrine of original sin, and the doctrine of original sin, in turn, had been formulated in terms of the strict break between the supernatural and nature.⁷⁷ Given this longstanding presumption, it is not altogether surprising that de Lubac’s anthropology, with its ecclesiological entailments, came under attack. The most significant form of this attack was the encyclical *Humani Generis*. The encyclical makes clear the Vatican’s rejection of de Lubac’s propositions concerning the supernatural. It reads: “Others destroy the gratuity of the supernatural order, since God, they say, cannot create intellectual beings without ordering and calling them to the beatific life.”⁷⁸ In 1950, in conjunction with the publication of the encyclical, de Lubac was removed from his post as a professor of theology in Lyon and relieved of his other official church duties. He was asked to leave the province of Lyon, and his books were removed from all Jesuit libraries. Both he and his work would be reinstated in 1958. His commitment to the agenda of constructing a post-Tridentine theology, however, was never really revitalized, despite what many saw as his vindication at Vatican II.

Fifteen years after the publication of *Humani Generis*, *Gaudium et spes* inverted the Vatican’s earlier conclusions. The Pastoral Constitution argues that the human is created as an intellectual being naturally ordered and called to the beatific life. The natural is not ontologically separated from the supernatural; human nature is enfolded into the supernatural as an integrated archonic vocation. De Lubac strenuously argued that this enfolding did not lessen the gratuity of the whole affair—the human may be oriented to the divine by nature, but that nature could never achieve its proper ends without divine elevation. As Milbank has put it, the position that de Lubac developed, a position consonant with the prior work of Maurice Blondel, can be thought of as a position of integralism.⁷⁹ This designation is meant to indicate that the human in its nature is destined to be “supernaturalized.” Such a position, in Milbank’s view, is distinct from the work of other Catholic theologians, such as the German Karl Rahner, and from the work of post-Vatican II liberation theologians, wherein the supernatural is, as it were, “naturalized”—a position Milbank refers to as “integralist.” In the former position human nature is never hypostasized and so never secularized, as Milbank suggests it is in the latter.⁸⁰

The theological and pastoral stakes of the difference between these two positions, however seemingly a matter of the theological esoteric, turn out to be quite high. They have issued in quite different political theologies and thereby different theologies of political and pastoral action. Integralism refuses the notion that humans and human actions can rightly be understood as existing in an autonomous secular sphere of creation. There is according to this position no “pure nature” that can be

understood on its own terms apart from the divine. The secular as an ontologically distinct space to which the church must relate is flatly refused by the integralist position as a fiction (however powerful and effective) of modern liberalism and as an artifact of Reformation struggles over church authority. The *integrist* position, by contrast, effectively naturalizes the supernatural—places the characteristics of the supernatural within the natural. It can, thereby, grant the human an autonomous sphere of existence as always already “grace imbued” and can therefore think about and engage with that autonomous sphere in a pretheological or even extratheological manner. As a consequence, the political theology of the *integrist* variety can make common cause with the secular and even found itself on nontheological social theories, themselves predicated on the notion of the autonomy of the secular.⁸¹ To put a point on it—and I will return to this in the Diagnostic Excursus below—the difference between naturalizing the supernatural and supernaturalizing the natural turns on different visions for political salvation and pastoral power. If, in the human, the supernatural is naturalized, a form of salvation and pastoral power can be elaborated in which the ostensible end is the protection of the archonic. If, on the other hand, in the human, nature is supernaturalized, then the church remains ontologically and metaphysically central to all things human as the mediating factor in communion with God and in the socialization of humanity.⁸²

The formulations introduced in *Gaudium et spes* opened as many questions as they resolved at the level of integralist and *integrist* theological anthropologies and political theologies. This, I think, was the price to be paid for figuring a theological anthropology in an archonic mode. In any event, the archonic fashioning of human dignity as a solution to the problem of the church in the modern world, quite despite itself, opened the possibility of a kind of anthropological secularization twice over. For the integralists among the council fathers human dignity, though constituted as a supernatural call, could nonetheless be known as properly and originally anthropological—a figuration that took as its predicate that human dignity could be intuited in history and by way of “natural reason.” What they hoped to add to this was the notion that such secular recognition would always remain incomplete without the interpretation and direction offered by the magisterium’s teaching. For the so-called *integrist*s, on the other side, if the supernatural were imagined to be folded into the natural, dignity likewise could be recognized as immanent and proper. That immanent dignity could, in principle, be recognized and protected quite apart from the magisterium, even if the magisterium retained a privileged capacity to interpret things rightly. In either case, however, pastoral practice appears as a kind of hermeneutic engagement: offering an interpretation of the meaning of historical life as an aid to clarifying the intrinsic and primordial demands of human dignity.

The difference between the two positions seems to turn on degrees of exclusivity and authority with regard to the church's authority. That difference, of course, is not nothing; it subsequently informed a restructuring of the Vatican's curia and its mechanisms for testing the orthodoxy of the faithful and for "reading the signs" of the modern world. This restructuring was not only institutional but also created a new web of theological fault lines. It contributed—to pick one poignant interpersonal example—to a parting of ways between Henri de Lubac and his onetime student and friend Michel de Certeau. De Lubac would remain dedicated to the proposition that the church retains a privileged position in the mediation of the divine life; de Certeau, who by the time of Vatican II was already a noted scholar of Christian and non-Christian mysticism, embraced the council's anthropology as further theological warrant for taking seriously the spiritual practices and experiences of non-Christians on their own terms. For de Certeau this never amounted to an abandonment of his faith. It did, however, contribute to the dissolution of a friendship—a dissolution not at all unusual across the church in the wake of the council.

For what it's worth, the council fathers seemed to have resisted any secular readings of their anthropology and were, in fact, eager not to be interpreted in something like an integrist fashion: "we are not saying that the meaning of temporal affairs does not depend on reference to the Creator."⁸³ If the question is put in terms of the equipment they offered, their resistance can be justified. They cautioned: "When God is forgotten . . . the creature itself grows unintelligible." The task of the church is to proclaim and champion the "dignity of the human vocation." Yet the object of pastoral care is human. So the equipmental question works both ways. A secular or, at least, an extraecclesial response to things human is certainly opened up by the anthropology offered in *Gaudium et spes*. To the extent that human nature really is defined by the supernatural, it would seem one does not need to accept the church's propositions of faith, per se, to agree with the form of pastoral care on offer. By figuring the human in archonic terms, the council fathers both respond to the problem of the church's pastoral relation to the modern world and fashion an object of pastoral care that might be addressed otherwise. It is in this sense not at all surprising that, in the midst of the debates over Schema XIII, Paul spoke of the cooperation of the Vatican and the United Nations in terms of a common pastoral interest.

Gaudium et spes proposes to answer the core pastoral problem of Vatican II. In doing so, at least three significant outcomes can be pointed to. The first is that a concept of human dignity is fashioned as the pastoral and structural juncture point of the church and the modern world. The second is that, in this conception of human dignity, multiple lines of theological contestation concerning the church's

pastoral power and teaching authority coalesce as a single ensemble. The third is that all of this is given archonic and vocational form. Let me return to two questions I posed earlier. The first: what is the human such that it is in need of the church's pastoral care? The human is a creature dignified in its origins by a supernatural vocation. It is thereby primordially dignified. It must live in proper response to this dignity, a response both opened up and threatened by the contemporary world. And the second: what is the church such that it is capable of caring for things human? It is that venue oriented to the care of those who are called. It does this by conforming the modern into the archonic.

In closing, it seems appropriate to quote once more from the Pastoral Constitution. Today this quote may strike some as unremarkable. Despite the familiarity of the rhetoric, the practical and pastoral orientation expressed in this quote is, historically and ecclesiastically speaking, quite unusual. The Pastoral Constitution reads: "The Church guards the heritage of God's word and draws from it moral and religious principles without always having at hand the solution to particular problems."⁸⁴ The church guards an inheritance of divine truth. What does this issue in? The condemnation of the deviant? The pursuit of lost souls? The conduct of the faithful? It is not quite any of these—though these modes of pastoral engagement remain part of the church's self-care and were addressed at length in other schema. This guardianship, rather, issues in principles for, and not solutions to, particular problems. The magisterium is not fitted to the daily conduct of conduct in the modern world, *per se*. Rather, the magisterium is put forward as capable of adjusting the truth of doctrine in such a way as to discriminate among the demands of human dignity. The "path that humanity" takes in the modern world need "not be a dark one." The magisterium will illuminate the archonic for the modern world. The mode, the *tekhmē*, offered by the church will be hermeneutic. The form, the *paraskeuē*, will be the conformation of the modern to and with the archonic.

Broadly speaking, then, to the question of human dignity we can say that through Vatican II human dignity is fashioned as the structural joint of pastoral power, holding together the church and the modern world. This structural joint is archonic, which means that it is immanent and primordial for all and for each one. This also means that it commands: all and each one must be cared for. But this mandate—*omnes et singulatim*—is no longer connected to a mechanism for the governance of conduct. After all, this is a mandate that applies to the church in its relation to the *ecclesia ad extra*, the world beyond the church in relation to which the church is in no position to wield the tools of governance. What's more, the archonic is not the kind of object of care that calls for active governance, *per se*. Given that the archonic consists in an integral and genetic relation between origins and destiny, it is not surprising that care for human dignity will be articulated in

terms of “developing,” or “perfecting,” or “fulfilling” human dignity. But the pattern and norm of this development is primordial and inherent. It is in this sense then that the art of pastoral care must consist, first of all, in discernment—discerning the true nature of things human amid the conditions of the contemporary world—and, second of all, in protection—understanding which forms of life to guard against so as to facilitate the unfolding and actualization of the human vocation. The extent to which these dynamics are in play in political as well as ecclesial venues will be the subject of the next case.

Human Dignity and the United Nations

Incapacity by Design: Politics, Sovereignty, and Human Rights

In short, in relation to his sovereignty, and in relation to the pastorate, something more is demanded from [the sovereign], something different, something else. This is government. It is more than sovereignty, it is supplementary in relation to sovereignty, and it is something other than the pastorate, and this something without a model, which must find its model, is the art of government.

—Michel Foucault¹

In the previous chapter, I began to specify some of the critical elements that were brought together and that contribute to the form of human dignity as an object of thought and care in relation to the problem of pastoral power. I also attempted to specify the kind of pastoral equipment that the council fathers proposed would be appropriate to this figure of human dignity. This pastoral equipment consisted in the obligation to care for humanity and each human by interpreting the terms of a primordial calling amid the flux of the modern world and by speaking the truth about the demands of dignity in light of that flux. Care for human dignity was constituted as a hermeneutic and truth-telling practice.

All of this concerned one particular venue and one particular event: the Roman Catholic Church at Vatican II. The extent to which the characteristics of human dignity formulated and problematized at Vatican II can be generalized to other venues remains to be seen. Nevertheless, I have tried to show how during Vatican II, and through the work on *Gaudium et spes* in particular, the council fathers addressed the challenge of reconstituting the church's object and objective of pastoral

care in the modern world as a problem concerning human dignity. In working on that problem, the council fathers contributed to the form of a distinctive mode of pastoral and ecclesiastical intervention, a mode of veridictional intervention for the care of human dignity.

The problem taken up at Vatican II was a problem without a model, ecclesiastically speaking. That said, several of the aspects of the problem were shaped by ecclesial and nonecclesial histories of discourse and practice connected to the universal figure of the human. The human conceived universally had been a consistent theme of theological reasoning for centuries, questions of the church in relation to modern political and social projects had been debated in various forms for more than a century, and the authority of the magisterium in relation to the problem of historical change was a constant theme of twentieth-century church politics. All of this had been in play before the council. But the configuration of it all, put together as an ensemble that could be thought of as a single, if complex, problem (the pastoral problem of the modern world) and anchored in a single, if complex, object (archonic human dignity): this did not have a model.

It did have prior indications and relative precedents. Human dignity had functioned as a constitutional object for at least one other significant venue and as a calibrating factor in that venue's designs of modes and forms of practice. I opened Chapter 1 with an account of Pope Paul VI's address to the United Nations, an address in which Paul offered a series of remarkable statements concerning the consonance between the ministry of the Roman Catholic Church and the ministry of the United Nations. The statements certainly had strategic intent—both in terms of the internal politics of Vatican II and in terms of the need to open up a connection between the Vatican and the United Nations. All the same, Paul was indicating something that, although asserted as self-evident, was in fact quite strange: the idea that the United Nations and the church minister to the same object. Differences abound, and other objects of concern and other instruments of care are not shared. The church, for example, continues to minister to the souls of the faithful, and the United Nations organizes itself in view of the interests of its member states. Nonetheless—and in addition to all these differences—the United Nations, like the Vatican, had conceived of and had worked to constitute itself in view of a responsibility to and for human dignity.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

With all of this in mind, I propose to examine a second case—a second venue and event: the formulation of the United Nations' Universal Declaration of Human Rights.² The declaration, and the micropolitics of its development, occupies

a significant place in the history of the United Nations' self-conception and self-constitution and thereby a significant place in the history of efforts to think about and carry out the politics of human dignity. What is crucial about work on the declaration is that it marks the point at which the United Nations attempted to invent for itself a mode and form of political practice predicated on something other than, or in addition to, the sovereignty of its member states. Regardless of what one makes of the outcomes of these efforts—and there is much to be said about its relative failures and successes—work on the declaration is an event of considerable consequence for the politics of intrinsic worth: an effort is made to design a political practice anchored in and focused on human dignity.

As with the council fathers, the authors of the declaration faced the task of responding to a demand for something more from power.³ This something more included some of the familiar features of political humanism—the call for a universal political ethic, the question of where and how to set limitations on the excesses of sovereign forms of power, as well as the relative absence of a model and form of power predicated on care for a universal and seemingly self-justifying object.⁴ Their task, in part, was how to articulate a mode and form of political power that, on the one side, is oriented toward this-worldly problems and this-worldly goods but that, on the other side, is anchored in and justified by a transcendent or transcendental logic of care. The council fathers at Vatican II dealt with this problem in terms of the relation between nature and the supernatural, in which the human was understood to be a creature that is, by nature, called to unity with the divine and with other humans. The members of the UN Commission on Human Rights (CHR) dealt with this problem quite differently. Although for a short time they dealt with it through philosophical debate over the definitions and source of dignity and over the political requirements implied by different definitions, the dilemma was ultimately resolved procedurally: debate was simply cut off, and human dignity was asserted as given, as this-worldly, and as definitive for legitimate and effective political action.⁵ Dignity was, in other words, simply declared. Conceptually, the result of this procedural resolution was the production of a figure of the human whose worth is self-referential, whose moral rectitude commands without an appeal to other sources of authority, and whose recognition is, *per se*, the guarantee of human good. The result was, in other words, the production of another archonic figure of human dignity.

In light of the challenge and demand that the CHR articulate a mode of political practice beyond the perceived limitations of state sovereignty, it is worth saying a word or two about why I am concentrating on the Universal Declaration and not on some other aspect of the United Nations' self-constitution, such as the formulation of the UN Charter, which also connects the United Nations to care for human

dignity. The choice to concentrate on the declaration is not as obvious as it may seem. Broadly speaking, the UN Charter has arguably played a more significant role in determining the character and actions of the United Nations and its member states than the Universal Declaration. The declaration does not have the legally binding status of the charter, and its influence on the actual practices of sovereign member states arguably remains (at best) inconsistent.⁶ The charter, first and foremost, established the terms of the UN Security Council, a body that has never been overly determined by the politics of intrinsic worth implied in the contemporary notion of human dignity. A study examining the UN Security Council's rationales for action compared the relative frequency with which concern for human dignity and human rights has been propounded as an orienting principle in contrast to the relative infrequency with which these principles have been put to work in any direct and effective manner.⁷ Another study concluded that it is impressive to think "how these powers managed to separate the promotion of human rights principles from their ineffectual and selective enforcement without discrediting the universal basis of the entire human rights project."⁸

More than one author has remarked on the fact that the twentieth century was characterized by forms of political violence more widespread and more brutal than perhaps any other.⁹ Genocide, others have proposed, is its most notorious invention.¹⁰ Whether it is singular in its scale of human grief might be arguable; that such grief was one of the twentieth century's defining features, however, is not. In seeming contrast, the twentieth century also saw the rise of the figure of human dignity and the global expansion of human rights. Some scholarly attention has been paid to the relation between these two contrastive characteristics, and it has been argued that the two are mutually generative and represent two faces of a single political logic and epoch.¹¹ I will examine these proposals in the Diagnostic Excursus following this second case. Less scholarly attention has been paid to a question that is actually more historically concrete and, in my view, equally significant: namely, how it is that the politics of human dignity has not been capable of stemming the excesses of political violence, despite the institution of venues, such as the United Nations, ostensibly designed in response to such excesses. Normand and Zaidi, calling into question the political worth of the Universal Declaration, put it bluntly: "the persistence—some would argue increase—of persecution, exploitation, and inequality since the triumphant arrival of the Universal Declaration of Human Rights (UDHR) in 1948 raises serious questions about the value added to [the] ongoing struggle for justice."¹² It seems to me that more attention needs to be paid to the question of how the politics of human dignity were actually designed at the United Nations and how talk of human dignity and human rights were effectively separated out from the institution of effective practices connected to such talk. A related ques-

tion concerns how it was that human dignity was conceived such that this separation was not only possible but even actively facilitated.¹³ In the examination that follows, I will propose that a kind of practical incapacity was actually designed into the declaration from the outset, and that in connection to this built-in incapacity, a conception of human dignity emerged that subsequently became a model for other venues, venues that, in various ways and to various degrees, began to overcome this incapacity. Said differently: if talk of human dignity and human rights at the United Nations entailed a kind of incapacity by design (and I will argue that it did), it is striking that these designs have nonetheless proven generative for the proliferation of relatively more effective practices connected to human dignity and human rights in other venues.

A final word on why I have selected the UN Declaration and not the UN Charter as the point of orientation for thinking about human dignity. It is important to keep in mind that the Security Council was the first and central body established by the UN Charter and that the permanent members of the Security Council consisted of those “great powers” that animated the United Nations in the first place. Given this centrality and this membership, it is not surprising that whatever else the UN Charter accomplished it did not offer designs for modes or forms of political practice that would place any substantial restrictions on existing power relations. Human dignity, taken as a central object of political concern, would seem to require such restrictions. The Security Council was constituted in a manner partially insulated from the demands of a politics of human dignity. The term “human dignity” does appear in the preamble to the charter, but the key terms of the charter—the operative terms—are all basic to familiar and well-established economies of state sovereignty: peace, social progress, security, and so on.¹⁴ It is on the basis of these terms that the charter constituted the initial relations of power and their rationale for the United Nations and its members. An analysis of these relations of power and of how they structure the problem space within which work on the declaration proceeded will be part of this chapter.

All of this indicates a key point: the constitutional terms of the UN Charter do not (yet) require anything more of power, they do not call for new modes of power, and they do not demand anything more beyond better coordination of existing apparatuses. They may require new interfaces as well as new forums and forms for international affairs—which certainly cannot be taken for granted. They may also initiate new terms for moral legitimacy in international and even intranational affairs. But they do not determine or set out concrete proposals for a shift in power or for the rationality on the basis of which such a shift could take place. This is why it is no small thing that the obligation to think about what it means to govern and act in the name of human dignity and human rights is a problem explicitly excluded

from the UN Charter. It is no small thing that this problem was deferred: Article 68 of the charter hands this task over to the Commission on Human Rights. The work of formulating the terms of human dignity, its ethical and political import, and the modes and forms of practice it calls for fell to the CHR and its work on human rights.

THREE POINTS OF REFERENCE

Three points of reference bear noting from the outset. The first concerns the prominence of discourse concerning human dignity and human rights today. A number of thinkers, in fields ranging from theology to law to anthropology, have commented on the fact that no other discourse has anything like the widespread moral authority of the discourse on human rights; the discourse on human rights is premised on human dignity, variously conceived.¹⁵ The extent to which such claims about human rights discourse and their relative significance in terms of political and ethical practices continues to hold true is a question I will return to in the conclusion. At a minimum, however, it is fair to say that talk of human rights and human dignity remains a central term in a highly mobile and global discursive apparatus. This fact needs to be kept in mind when examining the work and legacy of the CHR.

The second point of reference concerns the mandate given to the CHR and the work carried out in response to that mandate. The CHR's mandate was twofold: to formulate a jurisdictional framework for human rights premised on the notion of universal human dignity and to design means for the implementation and enforcement of such a framework.¹⁶ The commission successfully achieved the first part. After a short period of intense work the CHR produced a draft of a declaration, composed as the orienting principles that would inform further work on the question of enforcement. A good portion of this initial success, however, can be attributed to an explicit and repeated emphasis on the fact that the declaration itself was not legally binding for the member states signing on to it.¹⁷ The question of how the declaration came to be nonbinding and why it is significant for the legacy of thinking about human dignity will be considered in this chapter and the next. For now it is enough simply to note that although the CHR was successful in articulating a framework of principles for the protection of human dignity by way of human rights, they were unsuccessful in producing effective jurisdictional mechanisms connected to it. Or perhaps it is more accurate to say that they were successful in failing to produce jurisdictional mechanisms; the jurisdictional incapacities of the United Nations with regard to establishing effective forms of practice under the sign of human dignity were not arrived at through accidental turns. As such—and this is really the crux of the second point of reference—the legacy of the

CHR's work includes a built-in asymmetry between the figure of the dignified human at the heart of the declaration, with the notion of human rights as the practical elaboration of that figure, and the jurisdictional mechanisms connected to that figure and those practices.

A third point of reference follows from the second and brings us back to the first. Taking into account some notable exceptions—not least of which is the Roman Catholic Church—I echo at least one scholar of human rights when I say that the conception of human dignity elaborated in the Universal Declaration has become predominant in national and international legal and moral schemas concerned with such matters.¹⁸ This means that even though the jurisdictional mechanisms sketched out by the CHR have remained basically ineffectual (at least in terms of their original designs), the figure of the human that they elaborated and put into play and the regimes of universal rights they articulate as the primary means of rendering that figure susceptible to political care have continued to be mobilized as the object of concern and rationale of practice across multiple and varied institutional settings.¹⁹

FRAGMENTING TRUTH AND POWER

Article 68 of the UN Charter called for the creation of a Commission on Human Rights as part of the work of the UN Economic and Social Council. The article reads: “The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.” The CHR was subsequently established in 1946 and charged with a dual mandate: to design a framework within which human rights could be “promoted” as well as the equipment “required for the performance of its functions,” that is, equipment for the implementation and enforcement of human rights.

Sixty years later, in 2006 the CHR was dissolved and its mandate reconstituted under the aegis of the Human Rights Council, coordinated by the UN High Commissioner for Human Rights.²⁰ A central reason given for the dissolution was the long history of the commission's inability (and therein the United Nations' inability) to design and implement effective instruments for the enforcement of human rights. It was widely determined that the CHR had failed in realizing the better part of its mandate. That the commission should be judged incapable is unsurprising. That it took sixty years to rectify a shortcoming present from the outset turns out not to be surprising either, when one considers the players and stakes involved.

In their book on the history of the United Nations Normand and Zaidi offer what would seem to be a self-evident statement: during and immediately after World War II there was tremendous energy and enthusiasm for establishing interna-

tional political mechanisms calibrated to a universal humanism and oriented by the concept of human rights.²¹ The statement is no doubt basically correct. One could, for example, construct a fairly thick catalogue of prominent thinkers—principally European and American but not exclusively so—whose work turned to the practical and conceptual problems of humanity, politics, and the modern state during those years. More telling still are the thousands of individual petitions from around the world concerning human rights violations that flooded the United Nations even before the first official meeting of the CHR.

A conclusion that we should resist drawing from this, however, is that the intense attention given to the problem of human worth as a problem of human rights was either a natural or obvious outcome of the ravages of World War II. The war was undeniably the major catalyst. But for the sake of analytic clarity it is important to keep track of the fact that the claim to the self-evidence of human dignity and human rights as the means of addressing and redressing questions of human worth and state sovereignty was itself an important outcome of the formulations and practices developed in postwar politics and ethics. A more analytically useful inference to draw at this point is that the flood of energy and excitement connected to the work of the CHR and the Declaration of Human Rights is evidence of the intense demand for political institutions and mechanisms beyond existing norms and forms of state sovereignty.

Part of the attention paid to the work of the CHR came from the fact that in the late 1920s the League of Nations had inaugurated a practice of receiving individual complaints of violations of human rights. The expectation was that the CHR would carry this practice forward, and that they would address the fact that sovereign states were basically immune to such complaints, goes some way to explaining the scrutiny under which the CHR's work proceeded in its initial phases. It also goes some way to explaining the widespread hope and even expectation that the commission would approach its mandate as a largely pragmatic affair. With regard to human dignity and human rights, the pressing question was how, and if, any meaningful instruments and practices could be put into place to redress violations, not whether such practices were needed. The commission, in short, was expected to create a venue capable of facilitating human rights.²²

From the outset there were indications that such a pragmatic demand would not be satisfactorily met. The council was certainly given considerable latitude in formulating the content of human rights and establishing priorities among them. But in view of the twofold fact that the commission was made up of representatives of member states with strong interests in protecting existing power relations (many of whom had already been accused of human rights violations) and that expectations among these member states were sharply dissonant, there was some question as

to whether effective jurisdictional standards and practices would ever be designed, let alone implemented. Nonetheless, the hope was held out that the commission would articulate the mechanisms by way of which the United Nations would become a venue capable of redressing the violation of human rights. To this end, the CHR undertook the conceptual, organizational, and political work of inventing an art of political care for human dignity.

In the early days, critics of the CHR's work complained that the United States had a disproportionate influence on the proceedings. The complaint has been bolstered by subsequent statements made by U.S. State Department officials that, in fact, in the lead up to the ratification of the declaration, all U.S. demands were met.²³ No other country could reasonably make such a claim. That said, the significance of the complaint can easily be overinterpreted. The declaration was the product of considerable negotiation. If major components were shaped and secured by the United States and its allies, while being unsuccessfully criticized or blocked by others, this only partially diminishes the fact that the work of the commission in other ways proceeded in inventive and even unexpected directions. The final draft of the declaration carried the imprint of the challenges and protests raised by non-U.S. members of the CHR, an imprint that shows itself in the way in which the concepts of human dignity and human rights remained somewhat fragmented and inconsistent within the declaration.

The CHR was chaired by Eleanor Roosevelt, representing the United States. Seventeen other countries also held seats. Given her position as chair, as well as her close relation to the U.S. State Department, Roosevelt was the most influential member of the commission during the time when the declaration was being composed. Other members who significantly shaped the declaration included Colonel William Hodgson, the Australian delegate, a strong advocate of internationalism; Charles Malik of Lebanon, a Thomist and pragmatist who pushed for a workable set of rights; and Peng Cheng Chang of China, a pluralist in his approach to rights and a key player in negotiating deadlocks over the nature and origin of human dignity. It is perhaps not incidental that although the CHR had several prominent members from non-Western countries, most were educated in Western philosophical traditions and took the mandate of the commission, the promotion of human rights, to be self-evident.²⁴

The commission's first order of business was to draft an International Bill of Rights. Under Roosevelt's leadership this task was conceived as consisting of three components: identifying which rights to recognize and deciding how to prioritize those rights, proposing a framework for legally formalizing the relation between these rights and the obligations of individual member states, and developing an effective means of political enforcement. A triple problem: moral, legal, political.

No element of this problem was straightforward, though the second and third elements were clearly more fraught than the first. On one level, no member of the commission could afford to be against—or even be suspected of being against—developing a means of implementation. On another level, virtually all members actively protested the various means of implementation actually on offer. Knowing how difficult the problem of implementation would ultimately be, most members supported the idea of establishing a single comprehensive instrument in which all three problems would be taken up together. In this way, the more difficult challenges could not be bracketed off from the work of accomplishing the relatively less difficult. The idea was that if the commission was to propose solutions to any of the three problems, they had to propose solutions to all of them. Normand and Zaidi point out that for many members, “human rights were above all a matter of practice, not theory, and that it made little sense to proclaim recognition of human rights in grandiose terms if neither the political will nor the practical machinery existed to bring the concept down to earth.”²⁵

In the end, however, the United States and the Soviet Union joined forces to block any attempt to take up all aspects of a Bill of Rights as a single integrated instrument. They thereby effectively blocked efforts at connecting declaration to implementation. It goes without saying that neither country explicitly rejected the idea of implementation, *per se*; too much was at stake in terms of moral credibility to take such a position. But both were active in generating procedural obstructions to the creation of any serious mechanism of implementation.

In the face of U.S. and Soviet resistance, the drafting committee for the Bill of Rights proposed two alternative ways forward. The first option was to present the General Assembly with a legally binding convention in which human rights and the means of their enforcement would be spelled out. Such a legal convention would mean that both the framework for human rights and some machinery of enforcement would be in place from the outset. The second option would be to present the General Assembly with a “Declaration” on human rights, a documentary form that was not legally binding and that therefore could consist only of a statement of moral principles and intentions.²⁶

The U.S. representatives insisted that the first of these two options was simply not workable. Given the complexity of the threefold task, they argued, bundling them together would mean that no one part would ever be completed. They argued that mechanisms for enforcement should be designed on the basis of a clear definition of human rights and hence should be deferred until such a definition was in place. They further argued that the question of moral definition should be disconnected from legal and political questions and worked on separately until the disagreements over issues of implementation were resolved. Roosevelt in particular

insisted that the commission proceed in a somewhat staged and procedurally structured fashion.²⁷

The resistance of the Soviet members to issues of implementation was more fundamental and connected to the political and anthropological bases on which the work of the commission was proceeding. I will take up the anthropological concerns in the next chapter. Politically, the Soviet members rejected the idea of implementation on the basis of their claim that a multinational organization was simply the wrong venue for guaranteeing human rights. Human dignity and human rights, they argued, should not be set against the sovereignty of individual nation-states. Modern political experience, they argued, had taught us that human dignity can only be effectively realized within a just social and economic order. Such an order, in turn, could only be effectively realized within the state.²⁸ So, while the Soviet representatives did not disagree with the need for a declaration identifying human rights nor disagree with the need for the implementation of such rights, they did disagree with the notion that the United Nations needed to invent a mode and form of jurisdiction distinct from the existing sovereign jurisdiction of the member states. In their view, it was enough to ask the member states to implement their own measures to protect human dignity.

Under the influence of pressure from the U.S. delegation, applied with the support of the Soviets, work on a Bill of Rights was ultimately divided into moral, legal, and political components. In a coordinated fashion, the Belgian representative proposed that the CHR set up its work according to three stages and three working groups.²⁹ The first working group would address itself to the question of a general declaration. The second would take up the task of developing a legal convention. The third would focus on the question of possible strategies and apparatuses of implementation. Although this proposal moved work forward, it also created procedural insertion points that could be used to block attempts to move toward implementation. By formally separating out work on a declaration from the other aspects, member states could effectively endorse a set of orienting truth claims about human dignity and human rights, thereby retaining moral legitimacy, while simultaneously putting off or refusing attempts to turn those truth claims into binding political practices.

This procedural fragmentation was considered by some on the commission, as well as by some outside observers, to be “far and away the most damaging decision for the long-term viability of the human rights system.”³⁰ Members of the CHR voiced concern that the drafting of a declaration without legally binding requirements would do irreparable harm to the political usefulness of the concept of human rights, turning human rights and with it human dignity into objects of discursive and moral concern without also making them objects of legal and politi-

cal intervention. The British delegation derided the idea of a simple declaration as “nothing more than a document of propaganda.” In terms of the United Nations’ capacity to solve the practical problem of designing a workable mode of power centered on human dignity and human rights, such judgments would, in retrospect, seem to have been warranted; the CHR, after all, would not have a legally binding convention in place for another thirty years.

Implementation fared even worse than the elaboration of a legal framework. Recommendations from the subcommission on implementation, which included facilitating individual petitions from nonstate entities and the creation of a jurisdictional apparatus that could function within the borders of, but in an independent capacity from, individual member states, would be basically dropped. Although many of these proposals would resurface in other forms, subsequently they were only taken up in a fragmented and ad hoc manner.³¹

The judgment that the breakup of human rights work into separate moral, legal, and political stages was “the most damaging decision” for the long-term viability of human rights practices may be warranted. It needs to be understood, however, not only in light of the persistent efforts on the part the U.S. and Soviet delegations to encumber serious implementation but in view of the genuine tensions between a political logic anchored in human dignity and human rights and the logic of state sovereignty—tensions that were unlikely to be overcome in a multistate venue such as the United Nations whose power basically derives from the power of its members. It is certainly fair to say that the procedural fragmentation of the CHR’s mandate contributed to the United Nations’ lasting difficulties in shifting from designs for a mode of jurisdiction to effective equipment of implementation. But it is also fair to say that this fragmentation is exemplary of a deeper problem connected to human dignity and human rights, a problem sharpened by the CHR but that has proven persistent in other human rights venues: how to constitute institutions capable of turning discourse on human dignity into equipment and capable of facilitating the effective use of such equipment. Perhaps more importantly, what critics at the time could not have accounted for is how the procedural fragmentation of the CHR’s mandate would actually ramify. Ultimately, it contributed to the way in which human dignity would be figured and how other actors in other venues would subsequently take up the language of human dignity and the challenge of turning dignity into a practice.

One of the curious features of the CHR’s work is that, despite its other failings, it actually proved quite capable of producing a conception of human dignity and human rights. Moreover, by formally separating out the problem of articulating truths about the worth and rights of humans from the problem of jurisdictional implementation, the commission produced a legacy of conceptualization whose

defining features include the fact that it could be detached from any specific logic of implementation and thereby mobilized in different forms in other situations. They contributed to the work of formulating human worth as a problem of dignity and rights in such a way that subsequently a wide range of possible solutions could be offered. The fact of this double legacy—an inability to formulate means for effective practice as well as the conception of humanity formulated in the declaration—should give us pause in drawing the conclusion that the concept of human dignity in the declaration appears to be anthropologically and philosophically thin. A relative lack of definitional substance that might direct a more consistent set of practices has actually served to facilitate the mobility of the notion of human dignity and human rights, allowing the notions to work for the elaboration and justification of a seemingly never-ending series of practical actions. Whatever the CHR's limitations with regard to the question of implementation, it is worth keeping in mind that (somewhat despite themselves) they were able to produce quite a specific political anthropology, one that, though troubled by the politics of implementation, has continued to have significant ramifications for how human dignity is talked about as an object of international political concern.

In any event, the commission's mandate to contribute to the constitution of the United Nations by formulating a framework for human dignity and human rights, a framework that might serve as the object and anchor point for a new mode of exercising political power, was, in the end, carried forward as a three-part series. The declaration and the conception of human dignity formulated in it, a formulation that has had such a significant discursive legacy, was, from the outset, decoupled from the question of political practice. Other venues have partially overcome this decoupling.³² Multiple and diverse humanitarian organizations and other multinational NGOs, both secular and religious, have been able to take up the basic conception of human dignity and human rights fashioned by the CHR as the basis and object of their political, ethical, economic, or media interventions. The question then is this: what is it about the conception of human dignity developed through the commission's work on the declaration that is simultaneously susceptible to an announcement of moral rectitude but is underdetermined with regard to its susceptibility to being turned into a practice?

Once the question of implementation was taken off the table, the drafting of the Universal Declaration moved ahead fairly rapidly. A final draft was completed and ratified within the first years of work. Throughout this early period of work, Roosevelt continued to emphasize the nonbinding nature of the declaration while at the same time suggesting that it nevertheless had significant worth as a new articulation of international morality.³³ Her optimistic assessment is certainly debatable. The fragmentation of the commission's work into moral, legal, and political com-

ponents may have facilitated work on the declaration, but on the level of practice, on the level of workable equipment, this fragmentation left at least a partial legacy of incapacity. Yet what the CHR accomplished was nonetheless a major event in the history of contemporary political and moral discourse. It was a major event in that it put into play a new conception of human dignity and a reworked rationale for the politics of intrinsic worth.³⁴

THE POLITICS OF DIGNITY: STATE SOVEREIGNTY AND TRUTH

In the next chapter I will examine the work of the subcommission on the declaration in more detail and turn to an examination of the declaration itself. Before that, however, I think it is worth stepping back and trying to get a clearer sense of the political problem space within which the commission was taking up its charge. I propose to do this by trying to establish an analytic difference between the political logic of human rights and human dignity and the economy of power relations into which this logic was being articulated. The contrast is ideal-typical—in Max Weber's sense of drawing historical distinctions and sharpening contrasts. The purpose in establishing and sharpening analytic contrasts is twofold. First, it will help pick out the distinctive characteristics of human dignity as a political figure and of human rights as political equipment. Second, it will contribute to greater clarity about what was at stake in proposing human dignity as a new rationale for political order and practice. Clarity about these stakes goes some way toward indicating why the CHR was blocked in their efforts to turn moral declarations into jurisdictional practice.

I will proceed by offering a brief and ideal-typical sketch of prior relations between state sovereignty and the question of the limits and obligations of sovereign power, such as those implied by the introduction of the concept of human rights. This sketch will orient my reading of the declaration in the next chapter and mark out a series of analytic points to which I will make reference. It is important to say that these prior relations are, of course, not the point of my analysis. The point is to make sense of human dignity at the United Nations. One of the suppositions of my analysis, however, is that the work on human dignity at the United Nations was an event in the history of truth, power, and ethics that, although framed by a certain prior history, cannot be reduced to that history. The factors contributing to this event are numerous and can reasonably be taken to range from the intensification of eugenics by National Socialism, to the development of state-centered communism in the postwar period and its inflections within the Soviet Union, to the hybridized relations between market liberalism and constitutional government in the United States. In other words, to borrow an investigatory rule of thumb from

Michel Foucault speaking in relation to the rise of liberalism, the multiplicity of causes is such that “I do not think we need to look for—and consequently I do not think we can find—*the* cause” for the constitution of human dignity and human rights as objects of concern at the United Nations.³⁵ As such, I will not present anything like a thoroughgoing history of the development of political rights, the range of their prior justifications, and the ways in which they did or did not contribute to the form of power being articulated in postwar international politics. The task here is simply to offer up enough of an analytic contrast between sovereigntist and dignitarian politics to gain analytic purchase on the significance of human dignity as it developed at the United Nations.

There are obviously different ways such a contrast could be elaborated. I propose to do it by contrasting modes and forms of power at play in modern state sovereignty with what was initiated by the Commission on Human Rights. What I offer is brief and schematic and to that extent less than sufficient. But it is quite important that one get a sense for how the logic of what is produced by the CHR calls for a different set of practices than what was characteristic of prior arrangements.

As something of a strategic device for characterizing the political problem space within which the CHR took up their mandate I propose to borrow from the analysis of “the art of government” elaborated by Michel Foucault in two of his lecture courses at the Collège de France, those of 1977–1978 and 1978–1979. There Foucault addressed the emergence and development of what he referred to as the “general economy of power” characteristic of and particular to the modern nation-state.³⁶ Foucault produced a striking and provocative reassessment of the character of modern power and its relation to shifts in modes of reasoning about the objects and objectives of state power. This reassessment offers a set of analytic points of reference I consider useful for thinking about the significance and distinctive character of the relation of care and human dignity at the United Nations. In this sense, though several of his specific points have subsequently been challenged by both historians and political philosophers, the broad schematics of Foucault’s analytic approach help facilitate a diagnosis of why the politics of dignity proved so significant and problematic.

The Art of Government

Foucault referred to what he took to be a typically modern “general economy of power” using various terms. In the introduction to the first of the two courses (1977–1978), he tells us that what he is setting out to examine is “biopower” (a term that has since become notoriously clouded, as I will discuss in my *Diagnostic Excursus*).³⁷ In the introduction to the second course (1978–1979), he tells us that what he has been trying to work through over the course of several years is an analysis of “the art of government,” or “governmentality.”³⁸ In other places, his analysis

narrows in on the “rationality” of the art of government, the “*raison d’état*,” and even more sharply on the liberal refinements of the *raison d’état* that took place from the eighteenth century forward.

Approached schematically, Foucault’s conception of the art of government marks out three useful points of distinction: (1) an answer to the question of what the art of government is and is not, (2) a description of the kind of limitedness and unlimitedness characteristic of the modern state under the art of government, and (3) an assessment of the role of truth practices in the art of government.

Briefly recapitulated, the first of these is the most straightforward. The art of government characteristic of the rise of the modern state is a distinctive jurisdictional mode that cannot be reduced to prior modes of either aristocratic sovereignty or pastoral power, although it overlapped with and shared elements of these prior modes. From the sixteenth century forward a mode of governmental power begins to emerge, not replacing previous modes, but repositioning them in relation to a new set of problems and demands.³⁹ Foucault writes: “in relation to his [the sovereign’s] sovereignty, and in relation to the pastorate, something more is demanded from [the sovereign ruler], something different, something else. This is government. It is more than sovereignty, it is supplementary in relation to sovereignty, and it is something other than the pastorate, and this something without a model, which must find its model, is the art of government.”⁴⁰ Although the development of this “something more,” and the arts connected to it, took place across and through a range of venues, Foucault was particularly interested in the state as a distinctive kind of political institution. He summarized this “something more” as a question of how the political sovereign came to be responsible for and capable of governing the “conduct of conduct”: “guiding men, directing their conduct, constraining their actions and reactions, and so on.”⁴¹ Power was not a matter of the sovereign enforcement of law, exercising divine right, protecting the body of the king, or directing souls toward heaven. It was a matter of the conduct of conduct—this is the first point to note about the art of government.

The second point is that the art of government was characterized by a particular rationality, the *raison d’état*, which reconfigured the question of the relative limitations and unlimitedness of the state’s exercise of power. Foucault emphasizes that his study of the *raison d’état* should be distinguished from a study of the particular situations, problems, tactics, and instruments of the art of government addressed or taken up by specific states. His examination, rather, consists in studying the rise and elaboration of the question of “the reasoned way of governing best” as the key problem for political rule, a problem connected to “reflection on the best possible way of governing.”⁴² The object in relation to which the problem of the reasoned way of governing best was posed was the nation-state, considered both in terms of

a political entity that actually exists and therefore needs to be worked on and improved and the imagined state that does not exist yet but that ought to be brought into being. “*Raison d'état* is precisely a practice, or rather the rationalization of a practice, which places itself between a state presented as given and a state presented as having to be constructed and built.”⁴³ The state is the object of the *raison d'état* and its objective. And what is the state that ought to be built, the state that is both object and objective? It is the state characterized by the interdependence of wealth, health, and, above all, by the security of the population.

Foucault suggests that the modern state, considered as the object and objective of the *raison d'état*, is given form according to a double and mutually reinforcing condition: strict limitation with regard to its external relations and objectives and unlimitedness with regard to internal relations and objectives.⁴⁴ First the state's external relations. The *raison d'état* is a political rationality that separates out the state as an autonomous reality, existing only for itself and through itself, and thereby positions the state amid a plurality of other states. Foucault proposes that government according to the *raison d'état* has nothing of the imperial impulse of the medieval sovereign, in which power takes as its objectives an unlimited horizon constituted as a kind of eschatological theophany. Rather, and in contrast to this, each state “must limit its objectives, ensure its independence, and ensure that its forces are such that it will never be in an inferior position with respect to the set of other countries or to its neighbors.”⁴⁵ The objective of mutual self-limitation, and therefore of autonomy, is characteristic of the *raison d'état* in Europe from the seventeenth century forward. Generally speaking, from this point forward a style of military-diplomatic policy emerges according to which the claim that states are entitled to their own domain of sovereignty and autonomy is no longer simply a matter of divine right or the right of individuals to self-governance (though it may be these as well). It is, rather, a matter of the *raison d'état*.

This autonomy in international relations has a correlative: the absence of limitation in the exercise of power within the state. The *raison d'état* is characterized by unlimited objectives with regard to the conduct and regulation of the activity of groups, institutions, orders, and individuals within the state. Autonomic, the state rules itself without limit, per se—per se, because obviously sovereign powers governing according to the *raison d'état* cannot actually do whatever they want; the state is still conditioned by a number of limiting factors: divine laws, moral sensibilities, natural laws or natural rights or the rights of man, and so on. Theology and philosophy, Foucault reminds us, were often called upon to fix the limitations of *raison d'état* even with regard to the internal affairs of government. These conditions and principles of limitation, however, were not intrinsic to *raison d'état*. We might say that these conditions and principles formed part of a juridical rationality and

not the rationality of the conduct of conduct, a juridical rationality that could be brought into an orthogonal relation to the governmental rationality of the *raison d'état*.⁴⁶ (This point is crucial and, as I will explain in the next chapter, bears directly on the difficulty of bringing the politics of human dignity into a nonorthogonal but nonetheless delimiting relation with state apparatuses.) The effectiveness of these limiting conditions was precisely that they were extrinsic to it. They marked out points beyond which the state could not exercise its power: the state may rule up to this point, in these ways, and under these conditions, but not any further. By way of contrast, Foucault notes that in the Middle Ages royal power multiplied itself by way of judicial institutions and a judicial mode: fundamental laws, divine laws, natural laws, and contracts between sovereign and subjects served to justify and extend royal power, and, most importantly, they were also intrinsic to royal power.⁴⁷ In relation to *raison d'état*, these fundamental laws were extrinsic to and not at all intrinsic to rational political order. *Raison d'état* indicates the unlimitedness of the states' power with regard to its internal objectives—how to govern in a rational manner—even if this unlimitedness in actual practice continues to be challenged in the seventeenth and eighteenth centuries by the appeal to a juridical rationality of one kind or another.

So, to recapitulate, the first observation is that the art of government can be thought of as a particular economy of power that is concerned with the state beyond and in distinction from either juridical sovereignty or pastoral power. The art of government concerns the conduct of conduct. The second observation is that the art of government was, especially in the sixteenth and seventeenth centuries, constituted by a particular rationality, the *raison d'état*, which had the effect of creating strict limitations with regard to the external objectives of the state and that opened up a kind of unlimitedness with regard to the state's internal objectives.

Now the third characteristic of the art of government: Foucault tells us that over the course of the eighteenth and nineteenth centuries the art of government begins to undergo a development in its logic of self-limitation, a development altogether different from the external juridical limitations of natural or divine law. It is a development in self-limitation that is precisely not constituted in opposition to *raison d'état* but is a further refinement of its inner logic—it is for this reason that it should be called self-limitation.⁴⁸ This practice of self-limitation takes multiple concrete forms depending on particular circumstances and particular developments but is nevertheless quite general. This general practice of self-limitation is constituted by the establishment of a different type of political reasoning, a different mode of reasoning about what counts as the proper objective of political thought, within and as part of the operations of government. The shift can be characterized in this way: rather than centering on the juridical question of legitimacy, on the question

of where, how, and whether sovereign power has the right to exercise power according to fundamental laws, political reasoning becomes a matter of discerning what might be called the empirical difference between “what must be done, and what it is advisable not to do” to ensure health, wealth, and security.⁴⁹ Political reasoning, the mode or style of reasoning connected to the art of government, concerns political prudence and not political rights, strictly speaking. And the question of political prudence, in principle, will be determined entirely by the consideration of the nature of the object being governed.

The rationality of government begins to concern itself with a particular kind of object according to whose nature or naturalness the technologies of government will need to adjust themselves. Foucault puts it like this: rather than concerning itself with the discovery of rights, in the name of which it would act, under the sign of the *raison d'état* the state discovers “a certain naturalness specific to the practice of government itself.” The challenge of government becomes how to understand this “naturalness” and how to design, develop, and adjust the mechanisms of power in order to regulate this naturalness. The object in relation to which government must adjust its understanding and regulation of naturalness is, to be more specific, “a milieu.” This political milieu is both given and produced; its nature is precisely that it is both natural and cultivated. This milieu consists, in the first place, of populations of bodies, humans as living entities, interacting and constituted with and by not only other natural elements but also with the institutions, mechanisms, and practices of government.⁵⁰

In its liberal forms, this milieu, this relation of the living and cultivated human, is constituted as “society,” and the exemplary form of reasoning connected to the governance of this objectification of the milieu is political economy.⁵¹ It is plausible to argue that there are illiberal forms of the art of governance as well, in which the idea of society is rejected in favor of attention to the material elements that are taken to be the compositional things within a milieu.⁵² In either case, what is crucial is that the object at stake can be conceived as a multiplicity of elements, which can be identified, assessed, and arrayed as a series in relation to which certain regular patterns can be identified and certain probabilities can be calculated. To say this differently, the objects at stake in the refinement of the *raison d'état* are constituted and conceived as objects that are susceptible to statistical reasoning. This means these objects also have a particular mode of being in the world to which government will have to attend: they exist for the mechanisms of government as probabilistic series in relation to which desirable and undesirable norms of health, wealth, and security can, in principle, be discerned, established, or avoided.⁵³ If the objects of concern for an art of government are probabilistic in character, then a central feature of governmentality follows: power can no longer concern itself

primarily with matters that are taken to be unchanging, timeless, or otherwise transcendent or absolute. It is not the soul of the believer, the creature of natural law, or the divinely appointed sovereign in relation to which certain fundamental rights or laws need to be discerned and obeyed. Such objects are, as it were, figures of anthropos without a political nature that can be normalized. They are too absolute; they fall outside the mode of reasoning characteristic of the art of government. The measures of good governance in the refinement of the *raison d'état* state, by contrast, are made to turn on a logic of minimization and maximization: the question is how to intervene in the naturalness of the object in such a way that the goods of wealth, health, and security can be maximized and those things that impede wealth, health, and security, minimized. The practice of self-limitation characteristic of a refined *raison d'état* is constituted in terms of minimization and maximization: how to not to govern too little nor too much but rather according to the nature of the object of government.⁵⁴

The characteristic of the relation of truth practice and the art of government that needs to be underscored here (and this characteristic marks the point at which the sharpest difference from human dignity is perceived) is that the *raison d'état* demands a different mode of reasoning from either royal sovereignty under juridical regimes or the power of the church under pastoral regimes. In this mode of reasoning a different class of truth claims is called for and taken seriously. In the case of juridical modes of power those truth claims were taken seriously that demonstrated or followed from matters of fundamental law, whether natural or divine. In the case of pastoral power (which I will return to at some length in the Diagnostic Excursus), only those truth claims could be taken seriously that contributed to the direction of souls and the salvation of the flock. In the art of government, those truth claims will be taken seriously that bear on the nature of the object to be governed—verified claims about the nature of the political milieu. And of all the things that might enter into this particular class of truth claims, only those will receive careful attention that are likely to contribute to the governmental work of regulating and normalizing political milieus. In other words, a mode of reasoning is called for that can contribute to normalization as a mode of political intervention. Foucault takes political economy as a privileged example of this mode of reasoning, although it is fair to say that all of the human sciences and functionary practices that leverage statistics—“state numbers”—to the end of ameliorating the health, wealth, and security of society will be both central to, and a product of, the coupling of knowledge and power in the art of government.⁵⁵

Foucault refers to this mode of reasoning using various terms. It is typified by what he calls “the analytic of finitude” but that might also be called a “verificationalist” mode of reasoning.⁵⁶ As a mode of reasoning, an analytic of finitude stands in

an uneasy tension with, and constitutes a key part of the background to, the kinds of nonchanging and absolute truth claims that the CHR will make about human dignity and human rights. Moreover, as I will show in the third case taken up in this book, bioethics, it is a mode of reasoning that will continue to trouble the question of how or whether one can demonstrate the origin, nature, and material dimensions of human dignity as well as the question of what modes of care are appropriate to it.

With this in mind, let me summarize the key features of this verificationist mode of reasoning. Once again, it bears acknowledging that this is all schematic and ideal-typical, put in the service of emphasizing distinctions so as to establish a kind of grid of analytic variables. The mode of reasoning, which becomes typical of the nineteenth-century human sciences, operates according to a strict logic: only those truth claims will be taken seriously which can be verified through the process of reducing particulars to calculable regularities.⁵⁷ The art of government requires an ever-expanding collection of facts and an ever-receding attempt to ground that collection of facts in definitive calculations about the relation of governmental practices and the populations that need to be normalized.⁵⁸ This incessant movement between the accumulation of data and the attempt to verify it systematically through calculable regularities provides the basis upon which the question concerning whether or not government is asserting too much or too little power, in an appropriate or inappropriate manner, can be effectively settled. Of all the truth claims that can be generated by an analytic of finitude only those will count for the art of government that can contribute to the work of discriminating the border, the distinction, between governing in the right way, under the right conditions, and not governing too much or too little. Since milieus will never be static, and since regularities are likely to change over time, the task of discerning truth and the task of discriminating which activities will be appropriate is a never-ending one, and the unlimited mandate of *raison d'état* will only ever be limited by the reciprocal relations of the knowledge and the mutual adjustment of governmental practice and the analytics of finitude—the biopolitical goods of wealth, health, and security, and the apparatuses of power within the state.⁵⁹

One orienting conclusion suggested by this is that the art of government characteristic of modern governmental power will attempt to limit itself on the basis of the discrimination between true and false within a verificationist mode of reasoning—and not, for example, on the basis of claims about fundamental laws and rights. Of course such rights and laws, where enshrined, may continue to check power, but they are not a principle of self-limitation, a principle internal to the mechanisms of the governmental power of the state per se. This point bears repeating because one of the questions about human dignity and human rights is whether

or not they are simply a reiteration or reproduction of the juridical tactic of using fundamental laws as a negative limit on normalizing state power. The challenge for the CHR, however, is different than this prior juridical challenge. The challenge for the CHR is this: how to reformulate the notions of dignity and rights so that they not only provide a point of limitation but also function as the positive criteria for a new mode of political practice and power beyond either the juridical or the governmental, a mode that can somehow interpolate itself into, or otherwise positively interface with, the governmental logic of the sovereign state. This challenge, the attempt to facilitate this shift, goes some way to indicating why the task of implementing and not only declaring human rights remained so difficult within the United Nations.

So, a number of elements formed part of the immediate background to the work of the CHR and can be used as points of analytic contrast between governmental power and human dignity as it was formulated at the United Nations. The first is that the mode of power characteristic of modern states, of the art of government, is distinctive and not reducible to the juridical and pastoral modes prior to it. The second is that *raison d'état* establishes a hinge between the limited character of state sovereignty in relation to other states and its unlimited character with regard to its internal objectives. And the third is that although apparatuses of self-limitation begin to emerge within the state, these are calibrated to the nature of the object to be governed and not to fundamental laws. "In short," to quote Foucault again, "there is the simultaneous entry into the art of government of, first, the possibility of self-limitation, that is, of governmental action limiting itself by reference to the nature of what it does and of that on which it is brought to bear, and second, the question of truth."⁶⁰ Of course I am only identifying and highlighting elements that will help me position the work of the CHR and thereby indicate those points at which the introduction of new forms of political practice are likely to be particularly difficult. I am interested in drawing an analytic contrast between the mode of governmental power characteristic of modern regimes of state sovereignty and the mode of political practices, practices that might be glossed as a politics of intrinsic worth, as called for in the Universal Declaration. I think these schematic and strategically selected elements give a sense of the difficulties attendant to advancing a new figure of anthropos, one that will require a different veridictional and jurisdictional mode.

Human dignity, after all, like the art of government, functions according to a particular mode of reasoning and is constituted by particular kinds of truth claims. We saw this with Vatican II. Likewise, it requires the discrimination between what should be done and what should not be done. But where a verificationist mode of reasoning will only admit as true and false those claims that are useful (or not) in regulating political milieus, the practices that center on the care of human dignity

will admit only those that bear on an absolute: namely, those that either violate or conform to a metric of dignity.

At the CHR, the challenge was subtle and difficult. The commission's mandate did not consist first and foremost of the work of putting the legitimacy of sovereign states into question. Such work would amount to a reproduction of juridical limitations of the *raison d'état*. The mandate, rather, was a matter of discerning a different kind of alignment of governmental practice with a series of goods according to the metric of dignity. The situation at the United Nations was not one, as it would be thirty years later, in which nongovernmental organizations—nonstate actors—put the sovereignty of state government in question through a discourse of human dignity and human rights. Rather, the members of the CHR were representatives of sovereign states and so were put in the difficult position of having to rethink the relation of an absolute metric to the nonabsolute practices of government and to give form to that relation in such a way that the United Nations might establish itself as a venue capable of facilitating human rights in the name of human dignity.

A last word on the politics of dignity before shifting to an analysis of the Universal Declaration: the range of actual governmental practices, and the forms these practices took, varied considerably across the member states who had delegates on the commission—the United States, the Soviet Union, Latin American countries, colonial Britain, etc. The analytic contrast I propose to draw between the art of government and developments at the United Nations concerning human dignity is a general one and is put forward as a strategy of orientation and clarification. But it is a generalization that I think applies fairly well to the major powers at the table at the CHR. Certainly it applies to the attitudes and positions staked out by the U.S. and Soviet delegates: a presumption that sovereign states only need to be limited in the conduct of conduct according to a mode of reasoning that adjusts the practices of government to the nature of the object to be governed and that does this to the end of maximizing what might be called the biopolitical goods of wealth, health, and security. Obviously the particular elements to be governed, a sense of their nature, and an answer to the question of “too much” or “too little” government varied according to different delegates. But in most cases what these states had in common was a sense that as sovereign nations they had the right to govern in such a way that the objects of government could be maximized and minimized.

Certainly in practice negotiations at the CHR as to how to navigate the differences between sovereign power and the demand for a human rights apparatus had as much to do with the play of interests and micropolitics as it did with contrasting rationales for government. Yet despite this—and here is the analytic point I would like to make with regard to what I will examine in the next chapter—many of the member states argued vehemently for the retention and protection of basic limita-

tions and unlimitedness characteristic of state sovereignty under the *raison d'état*. Certainly not all members explicitly used the rhetoric of state sovereignty. Indeed, many explicitly argued that the privileges of state sovereignty had to be adjusted in favor of the more basic claims of human dignity and human rights. Given that these members were basically unsuccessful in their efforts to produce means for implementation, however, such critiques of sovereignty did not matter much in the end.

TRUTH AND THE ARCHONIC

At the beginning of this chapter I noted that the Commission on Human Rights had a double mandate: to articulate a framework for the promotion of human rights and to design and propose mechanisms for implementation and enforcement. The mandate represented a kind of deferral on the part of the General Assembly concerning the problem of how to respond to the demand for something more from power. The rationale for the United Nations, after all, was in part that it could facilitate modes and forms of political practice that were different from, and hopefully better than, the politics of national sovereignty that had shown themselves to be so problematic over the course of the two world wars.

The demand for something more from power, however, was a conflicted proposition. The United Nations really had no source of power other than what would be offered up by its constitutive members. And though its charter explicitly mentions a commitment to human dignity and human rights, it also carries forward and internalizes familiar tropes of state sovereignty. I have suggested that, analytically speaking, this amounted to a situation in which the CHR had to take up its mandate within and against the rationality of the *raison d'état*. Given this situation, it is not at all surprising that the commission found it much easier to deal with the moral and veridictional aspects of their mandate in a manner decoupled from the political and jurisdictional aspects.

With pressure from both the U.S. and the Soviet delegations it was proposed that the CHR should take up their mandate in terms of three different tasks, each assigned to a different working group. As I have already noted, the working group charged with implementation fared the worst. At the group's first meeting, the Ukrainian representative, Klekovkin, opposed any implementation measures at all. He argued that equality between autonomous nations was the only mechanism needed for enforcement.⁶¹ His arguments did not carry the day, but they did set the tone. More important, his arguments were indicative of the fate of implementation. The working group proposed multiple measures, including the establishment of a series of courts and local agencies by way of which human rights as a political mode of care for human dignity could be given form.⁶²

No one at the CHR took the commission's challenge to be one of inventing a mode of political action; human rights were presumed and mandated from the outset. The challenge rather was at the level of equipment: how to give form to this mode as a practice. On one level the difficulties faced by the CHR were not altogether different from those faced by the Vatican. The council was inaugurated with a demand for something more from ecclesial power, and with the supposition that this "something more" would pass through the teaching authority of the church. The commission was inaugurated with a demand for something more from political power, and with the supposition that this "something more" would pass through human rights. In the case of the Vatican the demand and the mode suggested more or less from the outset that the new form of pastoral practice was likely to be of a truth telling, that is, veridictional, sort. The church's equipment was never really designed to be connected to any jurisdictional mechanism, *per se*. The form of practice was not going to be a matter of the conduct of conduct but only of the discernment and orientation of conduct.

It is at this point that the problem faced by the CHR looks quite different from Vatican II. It is, in fact, not presumed from the outset that the mode of political equipment, human rights, will be disconnected from mechanisms of implementation. Such mechanisms may not be governmental in character, strictly speaking, but they would clearly need to have something more than an orthogonal relation to the governmental. They would need to be capable of reordering states' internal relations through a different logic of self-limitation. The working group on implementation's proposed system of courts and agencies was one proposal for interfacing dignity with the sovereign power of states. The courts would be international and supervisory. The agencies would be located within sovereign nations but would answer to the United Nations. Across the course of the next half-century some of the working group's proposals were ultimately taken up. These efforts, however, positioned human rights equipment as external to the logic of the sovereignty of the nation-state while also operating within the internal spaces of the nation-state.⁶⁵ To the degree that this double positioning has been effective, it has been thanks as much to the leverage of individual nations as it has been to the authority of any reliable human rights apparatus. In any case, as we will see in the next chapter, the proposal of a kind of independent relation of human rights to the self-limitation of sovereign power was ultimately blocked at the United Nations. As a result of this blockage, the United Nations ultimately formulated an understanding of human dignity that, much like the Vatican's formulations, called for a mode of intervention and care predicated less on the conduct of conduct and more on recognition and protection. That is to say, the formulations were, in the end, archonic.

It bears noting that from the outset of their deliberations the Commission on

Human Rights did not spend much time defining human dignity, its sources, its character, its conceptual structure, or its referent—though they did give more attention to these questions than most subsequent philosophical analyses of the declaration itself credit. As Shultziner has shown in a helpful article on the status of human dignity in spheres of legal discourse, the phrase “human dignity” has, more or less from the declaration forward, functioned more as a justification for various claims about rights and duties and less as a coherent and fundamental anthropology. As a result of this so-called founding function, the content of claims about rights tends to differ from context to context while nonetheless appealing to universal human dignity as a kind of “a priori bedrock truth justification.” The strategic use of dignity, as Shultziner explains, simultaneously anchors different concepts and views of rights and their requirements in it. One result of this, of course, is that human dignity seems to lack any fixed or genuinely universal content and thus any circumscribed course of action following from it.⁶⁴

As I will discuss in the next chapter, however, Shultziner tells only half of the story. It is certainly the case that substantive debate about human dignity was limited at the CHR. This is not to say that it was not discussed at all—indeed, several members of the CHR proposed language that would have provided explicit conceptual grounding for human dignity: grounded in reason, in the nation, the race, in the divine, and so on. Nevertheless, as Shultziner notes, these proposals all sparked dissent and were ultimately rejected in favor of simply leaving the phrase underdefined. The point I will argue in the next chapter is that the primary outcome of this practice of leaving the term underdefined is not only that human dignity can therefore be mobilized as the anchor point for a wide range of concepts and referents. The primary result of the underdefinition, rather, was a kind of indirect generation of a fairly stable and specific anthropology. Human dignity was conceived as archonic. If at the Vatican the archonic was generated through a debate over the relation of nature and the supernatural, here it is generated by the fact of a procedural intervention, that is, the cutting off of debate on the question of dignity’s source and meaning.

The reasons for ultimately failing to articulate a systematic philosophical grounding of human dignity were straightforwardly pragmatic. The ramifications, however, were conceptual and ontological. Cutting off philosophical debate in favor of simple “recognition” meant that the conception of human dignity actually put into play in the declaration (that is, dignity as an object that should be “recognized”) was a conception that was effectively self-referential and self-justifying. It also meant that the ontology of human dignity called for a mode of care calibrated more to protection than to creation or cultivation. This calibration proved to be both remarkably resilient and remarkably adaptable, as can be seen in the range of actors

who have subsequently made use of the notions of human dignity and human rights, while at the same time accommodating the continued predominance of state sovereignty. While acknowledging all of the obvious contradictions and failures of the CHR, this archonic rendering of human dignity admitted to a mode of political practice that might occasionally stand in contradiction to the exercise of sovereignty predicated on the *raison d'état*, but only occasionally.

Dignity and Governance: The Universal Declaration of Human Rights

“Yes,” they said, “we agree about the rights but on condition that no one asks us why.”

—Anonymous, UNESCO National Commission, 1947¹

In the previous chapter I tried to identify some of the significant characteristics of the political problem space within which work on the Universal Declaration on Human Rights was carried out. The problem consisted of a demand for something more from power: political relations and practices calibrated to universal human dignity and carried out by means of human rights. I tried to show how the challenge of constituting the United Nations as a venue capable of formulating and facilitating human rights equipment was taken up against the background of the *raison d'état* and the interests of state sovereignty. In short, the Commission on Human Rights faced a particular and peculiar difficulty: how to give form to a human rights mode of jurisdiction within a structure that depended on existing modes and forms of state power. The commission, and thereby the United Nations, proved to be a venue quite capable of formulating a conception of human dignity and human rights but not quite capable of overcoming blockages to implementation. Nonetheless, and this is the curious twist, the figure of human dignity that was so difficult

to turn into practice within the United Nations has subsequently served to facilitate a proliferation of practices in other venues, a fact that raises interesting questions about the exercise undertaken by the CHR to bring human dignity into a productive relation to state sovereignty.

It is worth noting that this troublesome relation between the discourse of dignity and extradiscursive implementation surprised almost no one. Indeed, it was explicitly anticipated by the American philosopher Richard McKeon and other observers before work on the declaration really got going, as I will explain below.² One of the questions taken up in this chapter will be how and in what ways the tradeoffs between conceptualization and political implementation is particular to the situation and limitations of the United Nations and in what ways these tradeoffs seem to be connected to an archonic figure of human dignity in relation to politics more broadly.

The core of this chapter will consist of an analysis of the text of the Universal Declaration of Human Rights, with a focus on the way in which human dignity is figured therein. I will also give attention to how the attempt to bracket the question of the substantive definition of human dignity actually, if indirectly, produced a significant conceptual and political legacy. This legacy includes the fact that the conception of things human at play in the declaration was subsequently taken up as the object and objective of other human rights venues, governmental as well as nongovernmental.³ Insofar as that conception implies a particular ontology and demands a particular mode of intervention, it is fair to say that work on the declaration contributed to the circumscription of the logic of ethical and political practices that would be linked to human dignity.

What I am interested in providing here is an analysis of the logic at work in the declaration and how that logic is anchored in and serves to inform human dignity. To this end, I will pick out and focus on those elements that I think contribute to the definition of that logic, so as to think through their relations and significance. This means that my analysis will say less about the practical outcomes of work on human dignity and human rights in the decades following the work of the CHR than would probably be helpful. I am focusing more on what was taken to be the most favorable—or at least most politically acceptable—way of talking about human dignity and forms of possible political practice and less on the mobilization of these forms in particular situations, the difficulties encountered in those situations, and the instruments and tactics subsequently invented in response to those difficulties. In this sense I am focusing on the art of caring for human dignity at the level of the design and figuration in the constitution of venues and practices rather than at the level of their actualization or implementation.

Part of my task will be to analyze how the CHR dealt with the problem of giving form to the politics of human dignity. One of my tactics for carrying out this task will be to review the assessment of the notion of universal human rights and human dignity offered by Richard McKeon at the time of the commission's work. McKeon's assessment is interesting in that it serves as a kind of second-order observation of the work of the CHR as it unfolded. His assessment is significant in that he suggests that the task of giving practical form to human rights might require tradeoffs between philosophic coherence and political unanimity. My analysis follows McKeon's up to a point: the crucial components of work on human dignity and human rights for the CHR did, in fact, generate such tradeoffs. For reasons of expediency the commission limited efforts to discern and articulate the truth of human dignity and human rights in something like a philosophic mode. They also limited discussion of which political activities are appropriate to and follow from such philosophic definition. As Schultziner notes, the task, in the end, was a matter of grounding a series of heterogeneous rights and duties on and in the phrase "human dignity."⁴

What I propose to add to McKeon's analysis is this: the philosophic and political tradeoffs found in the declaration facilitated, albeit indirectly, the production of an archonic figure of human dignity. The significance of this fact needs to be examined in light of what Klaus Dicke has called the "founding function" of human dignity.⁵ The negotiation, coalescence, and mutual adjustment of philosophic and political elements gave rise to a reworked form of what I have referred to as pastoral power. One of the tasks of this chapter will be to specify that form and to connect it to the formulation of human dignity and form of equipment produced at Vatican II. A more thoroughgoing comparative analysis will be the subject of my Diagnostic Excursus. And all of this has direct bearing on my third case on human dignity and bioethics.

PRAGMATICS AND THE ARCHONIC

The CHR's mandate was to produce a conceptual framework for human rights as well as the jurisdictional mechanisms for enforcement and, of course, to establish the means by which these two would interface and connect. Three components: work on a nonbinding declaration, work on the machinery of implementation, and work on a legal covenant to connect them. The decision to work on these three separately and to form working groups for each was made at the first session of the CHR in 1947. At that first session the CHR also requested that the UN Secretariat provide them with preparatory materials consisting of an outline of candidate rights that might be included in an initial draft of the declaration. The CHR requested

that these preparatory materials be drawn from existing collections and statements and presented to the members of the commission in time to be reviewed and edited by a drafting subcommittee before the CHR's second session, to be held in the fall of 1947.⁶

The task of preparing the materials fell to a Canadian legal scholar, John Humphrey, who in 1946 had been appointed "director of the United Nations Division of Human Rights" by the Office of the Secretary-General.⁷ Three things are worth noting about the materials Humphrey prepared. First, he did not merely prepare an outline of possible rights to be included; rather he produced an entire working draft of the declaration. Second, his draft drew much of its material from existing statements of rights, most of which were of European or American origin. These existing statements were strongly liberal in character, which is to say that they emphasized the rights of individuals in the face of the possibility of excessive governance.⁸ Third, much of Humphrey's working draft would ultimately pass into the final version of the declaration.

Humphrey submitted his work to the drafting committee in June 1947. The drafting committee reviewed the work and assigned the French legal scholar and commission member René Cassin the task of revising it. Cassin, like Humphrey, retained an emphasis on individual rights. His work passed through several reviews and revisions before being presented to the full CHR at the second session. NGOs who held consultative status with the commission, as well as other NGOs and individuals, also submitted drafts and comments. At the second session an eight-member group reworked Cassin's materials to produce what became known as the Geneva draft. The Geneva draft was adjusted to the other submitted materials and packaged as a single report, to be debated, revised, and ratified at the third session.

Initial work on the declaration proceeded relatively quickly. As the third session approached things became more difficult. Work on the legal covenant and on implementation was beginning to stall out. The members of these two working groups faced a difficulty, which would become acute for the working group on the declaration as well. Analytically speaking one can say that the difficulty was anthropological, although these difficulties took form in and through the micropolitics of positioning and counterpositioning between representatives of the major powers. The challenge of forming the notions of human dignity into legal and political equipment for the implementation of human rights threw into relief a series of basic differences about what is meant by the dignified human and how it is that rights and dignity should be conceived and connected. The core differences among the participants were neither new nor unfamiliar. The particularities of their resolution nonetheless proved consequential.

The principal blockage point was the question of whether to include those

classes of rights that were understood to be economic and social, or whether the commission should concentrate only on matters of civil freedom and political protection. The former, of course, included rights whose guarantee would require the active exercise of governmental power by states in the production of new conditions within those states, an exercise that could be contrasted to a mode of exercise indexed to the protection of dignity against possible violations. The latter included only those rights that are ostensibly amenable to the defense and safeguarding of individual freedoms and in that sense are governmental only insofar as they cohere with and reinforce certain kinds of limitations on the exercise of power. The difference between these classes of rights was first raised as a problem by self-identified communist countries as well as several Latin American countries who also insisted on the inclusion of economic and social rights in the legal covenant. With regard to the declaration, the question was pressed and sustained by the primary Soviet representative, Koretsky. Koretsky insisted that insofar as that the declaration was designed to orient and calibrate legal and political practice, the question of political anthropology needed to be resolved.⁹

The question as Koretsky and others pushed it turned on two familiar points. First was the basic approach initiated by Humphrey and Cassin.¹⁰ The early drafts framed human rights and their connection to human dignity as matters requiring the active intervention of the United Nations in the affairs of individual states insofar as those states have been found to have violated the rights of its citizens qua humans endowed with dignity. The violation of dignity in this case was understood to show itself through the violation of certain inalienable rights. This framing, in other words, tacitly distinguished between the individual as citizen and the individual as human. The human as the bearer of dignity and rights was qualitatively antecedent to and more basic and universal than the citizen. The human therefore served as an external principle of limitation for the state. The second point followed: the positioning of human dignity and rights as basically antecedent to the state suggested a particular rationale for the United Nations: insofar as the United Nations is to be constituted as a venue responsible for human dignity and human rights, it would need to reserve the right to act to protect individuals from the violations brought about by their own governments. Again, all of this was more or less familiar.

However—and this was Koretsky's point—if dignity is constituted by, rather than threatened by, the bonds of social life, and if the bonds of social life need to be established and cultivated in part by governmental apparatuses, then the art of caring for human dignity and human rights is not primarily a matter of "mere" protection. It consists, rather, in the active fostering of an economic and political order wherein things human could be made to flourish. Given this, Koretsky ar-

gued against the design or development of any jurisdictional mechanisms by way of which the United Nations might claim the right to intervene in the relation of the state to its citizens and thereby assume for itself a kind of governmental independence from the power and sovereignty of the individual member states.¹¹

Koretsky called for an alternative mode of action. Rather than providing means for the protection of humans from excessive government, the declaration should include language that requires signatories to implement their own state-facilitated measures to create the economic and social conditions through which human rights (produced through economic and social intervention) and the rights of the citizens could be seen as coincident.¹² Otherwise said, Koretsky, by way of the notion of human dignity, argued in favor of retaining state autonomy, autonomy characterized by external limitation relative to other states and internal unlimitedness. Human dignity and human rights should be fully synthesized with the dignity and rights of citizens and thereby function as aspects of governmental self-limitation.

As I noted in the last chapter, the United States slowed work on legal and political enforcement of human rights on procedural and pragmatic grounds. They offered no in-principled reasons why the United Nations should not constitute itself as a political venue capable of acting on the basis of objectives, objects, and practices distinct from, if connected to, those of its individual member states. On the anthropological and practical point pushed by the Soviet delegation, the U.S. representatives, Roosevelt in particular, flatly refused the inclusion of any language that would impose requirements on sovereign states to develop economic and social mechanisms for the cultivation of human rights through state apparatuses.¹³

A twofold resolution was proposed. In the first place the United States and its allies agreed to the inclusion of certain rights designated as economic, social, and cultural. The inclusion, however, was predicated on a tacit hierarchy according to which these rights would be placed in the document following statements concerning the protection of civil and political rights.¹⁴ All parties understood that this tacit hierarchy carried with it the suggestion that civil and political rights were more basic and more urgent than social and economic rights. There was also a suggestion that the latter actually followed from the former. The heterogeneity of the collection of rights, and its possible anthropological contradictions, was not commented on or problematized. On the surface of things, the so-called civil and political rights would seem to function according to a juridical and absolute metric. And, on the surface of things, the economic and social rights would seem to function according to a governmental and normalizing metric. One could hardly be said to follow from the other. Despite this implicit heterogeneity, however, a kind of anthropological distance between the human as the bearer of dignity and the human understood

in other modes either as the figure of foundational natural or divine law, or, as a governmental population, was indirectly opened up and stabilized. This anthropological distance was marked out by and as the archonic, as I discuss below. What is important to note here is that the familiar parsing of things, by which “liberal” rights were placed above and over “social” rights did not, in actual practice, hold.

The second part of the pragmatic resolution—and this proved all the more significant for the legacy of the figure of human dignity—the anthropological and practical differences between the United States and the Soviet Union were resolved not only by way of a tacit hierarchy of rights but also by way of a certain set of exclusions. During the drafting process, an initial challenge concerned the question of the source of human dignity and how certain terms, such as “person” or “creature,” carried with them implied answers to that question.¹⁵ What is it that makes the human distinctively human? Where does dignity derive from? How is dignity grounded? Does human dignity derive from God (are humans in the first place creatures made in the image of God)? Does human dignity derive from conscience and reason (are humans in the first place Kantian persons)? Does it derive from nature (are humans in the first place part of “mankind,” or participants in the “the human race”)? And what are the modes of reasoning by way of which these questions can be debated?

The question of the source of human dignity obviously carried with it formative implications for human rights as a mode of jurisdictional practice. What are the criteria according to which appropriate and inappropriate political activities can be discriminated? Which ethics follow from which truth claims? The question of source also bore on matters of venue: given this source of dignity, what kind of venue is needed for the protection and care of human rights? Is the United Nations appropriately suited to human dignity? Is “the human” a kind of object that is susceptible or in need of care or protection from an international governing body? Problems of origins, practices, and venue were linked.

These questions were never resolved, strictly speaking. The delegates were not capable of meeting the philosophic demand for a shared formulation of the origins and substance of human dignity. No one tradition of political, philosophical, or theological reasoning proved sufficiently acceptable to all participants to overcome their differences. The delegates could not agree to the standards by way of which statements regarding the origin of human dignity could be assessed as true or false, good or bad, better or worse. The delegates were veridictionally blocked. They could not speak a shared truth, as it were. They could not even agree to formulate their differences as shared problems to which convergent solutions might eventually be proposed.

In the end, the philosophical blockage was overcome procedurally. Because the delegates could not agree on the origins of human dignity, the chair, Roosevelt, simply closed discussion. The question was set to the side. It was decided that no explicit mention of the source of dignity would be offered in the declaration and that language that seemed to favor one philosophical position over another would be removed. The logic of this decision, to quote one thinker who puts it nicely, turned on the idea that the problem could be resolved “by simply allowing silence to speak for all viewpoints.”¹⁶ The phrase “human dignity” was decoupled from any explicit referent, concept, philosophical explanation, or political justification. It was simply declaimed. Given that all parties agreed that human dignity and human rights were of unique worth and of central concern, and given that all parties agreed that human rights follow from and are grounded in human dignity, human dignity was put forth in a purely formal way. Procedurally speaking it was simply taken for granted that the referent of human dignity was obvious and stable and could simply be “recognized” in the world. Strategically speaking, the declaration would be crafted so as to allow for variable concepts to be attached to the term and thereby to the referent. In cutting off debate, the members of the commission knew what they were doing. It is not clear, however, whether they understood how what they were doing would ramify.

THE FORMALIZATION OF DIGNITY

The final wording of the Universal Declaration has become familiar.¹⁷ It does not strike us as particular and certainly not peculiar—if it ever did. The wording is similar enough to both previous and subsequent political formulations that its subtleties easily can be passed over as though the declaration were simply the latest variation on the long history of humanisms in the West. However, both ontologically and anthropologically—not to mention ethically and politically—the wording and its function warrants careful attention.

Several lines are particularly significant. The preamble tells us that the declaration is premised on “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family,” that such inherent dignity and rights are “the foundation of freedom, justice and peace in the world,” and therefore that the abuse or refusal of dignity and rights results “in barbarous acts which have outraged the conscience of mankind.” The preamble affirms “faith in fundamental human rights, in the dignity and worth of the human person” and pledges commitment to “the promotion of universal respect for and observance of human rights.” Article 1 then asserts that “All human beings are born free and equal in dignity and

rights.” It tells us that humans are “endowed with reason and conscience” and that they should thereby act in “a spirit of brotherhood.”

What is human dignity then? Whatever else it may be, human dignity is that which is inherent and it is that which can be, and must be, recognized. It is the kind of thing that one can have faith in. It does not need to account for itself by pointing beyond itself to a feature of human nature, reason, or the divine. It is not derivative of these features, nor is it cultivated or produced. It is, rather, what defines humans as part of the human family. Moreover, and in addition to all this, it is the source of political goods. The recognition of dignity issues in freedom, justice, and peace, and its violation brings with it outrage and disunity.

A number of years ago, the legal scholar Klaus Dicke published an essay that, among other things, offers a meditation on the significance of the fact that human dignity in these passages is set forth in a strictly formal manner.¹⁸ This formalism, Dicke suggested, was elaborated in a threefold manner. First, dignity was figured as a given. Second, it was figured without explicit substantive definition—at least insofar as the question of origins is concerned. Third, it was figured as the source and guarantee of human good. Human dignity, as a given, is also a moral mandate and places an absolute obligation on conscience and thereby political action. However, in the course of the declaration, human dignity does not remain a matter of pure form. Where explicit substantive definition might be lacking, tacit and operational definition quickly fills in. It fills in by way of something like retrodiction. In the declaration, human dignity is declaimed as the ground for human rights. What proves to be the case, however, is that human rights, which are subsequently elaborated, effectively define the substance of human dignity. Dignity is only a guarantee of goods to the extent that the rights that adhere in it are assured. Dignity and rights share a mutually formative and constraining relation, and that relation defines what it means to be human, politically speaking. Among other things, all of this means that, in the declaration, a heterogeneous and novel anthropology is synthesized.

Several aspects about this anthropology are particularly crucial. First, the human is that being whose dignity is immanent and inherent. It is immanent in that dignity does not point beyond itself to another source. It is inherent in that dignity is coincident with being human, *per se*, and is therefore an essential truth about human being. And insofar as it is coincident with the actuality of being human, dignity is self-referential. I do not mean to say that the delegates to the CHR proclaimed dignity to be self-referential; the debate over sources indicates that most delegates conceived of dignity as grounded in origins of one sort or another. In the course of these debates dignity was not taken to be self-referential. Nevertheless, human dignity, as formulated in the declaration, simply refers to

itself; it is self-grounding. This is a first crucial anthropological artifact of the pragmatic and procedural solution to the problem of origins: self-referentiality and self-grounding.

The second artifact concerns the mode of reasoning proper to a self-referential dignity. Terms such as “recognition,” “faith,” and of course “declaration” are not incidental but rather indicate that the speech-acts that can be taken to be true about human dignity are those produced and authorized in a declamatory fashion. I think it is reasonable to suggest that this conception of the human, this immanent form of dignity, would not have been put in play and would not have come to be commonplace in discussions of human rights if any of the alternatives in the debate over the question of the source of dignity had been found acceptable: reason, God, nature, or the like. Neither these terms nor the modes of reasoning recommending them carried the day. Instead, human dignity was simply declaimed. Consequently, the human was enshrined as that being whose truth could be conceived through a mode of reasoning that was neither theological nor scientific, neither demonstrative nor verificational, but declamatory. The second anthropological artifact of the declaration is that the human is that being whose dignity must simply be declaimed.

The third artifact concerns the mode of jurisdiction appropriate to, even prescribed by, human dignity. The declaration states that human dignity is inherent, and, as inherent, it is the guarantee of human goods. It is morally non-negotiable. As a guarantee of human goods it functions as both absolute and transcendental. It is therefore inviolable: violations of dignity result in outrageous and barbarous acts. It is also demanding: given the fact of past barbarism and the constant threat of further outrage, human dignity prescribes what must be done. And what is it that must be done? Insofar as human dignity is inherent and absolute, it is not susceptible to the play of minimization and maximization. It does not derive from a capacity or a characteristic that could be variable or cultivated. Human dignity does not require the daily conduct of conduct either toward the governmental ends of wealth and security or toward ethical ends of virtue and justice (although dignity will certainly provide the metric according to which governance and ethics might be rightly aligned). Rather, dignity requires protection, reorientation, and redress. Dignity must be protected against violation. Dignity must reorient those practices that threaten to violate it. And dignity commands us to redress those situations where dignity has been compromised. The third anthropological artifact, then, is this: in relation to human dignity practices of protection, reorientation, and redress are uniquely appropriate and urgently needed. Human dignity is simultaneously the guarantee of peace and the warrant for emergency intervention where peace has been compromised.

In *Gaudium et spes* human dignity is not, strictly speaking, self-referential (after all, the challenge there was to show how such inherent dignity is ontologically established by the supernatural as cause and aim of humanity), and the goods it ensures are not only this-worldly (the challenge, of course, was to show how the goods of this world can be put in continuity with eternal goods). At the same time, the figure of the human in the declaration is not altogether inconsistent with the figure produced at Vatican II. The dignity of the human is constitutive, essential, available to declamation, and in need of protection. It is archonic. Human dignity in the declaration is primordial; it thereby governs what must be done.¹⁹

Let me return to Dicke's "founding function" of dignity for a moment. Although human dignity is not given substantive definition by the CHR, it is given formal definition. The declaration defines the substance of dignity indirectly by elaborating the forms that it takes in human life. Dignified human life is marked by certain characteristics, certain goods, such as freedom, equality, and participation. These goods, in turn, are given definition by the collection of specific rights and duties attached to them (for example, the right to life, equality before the law, freedom of religion, etc.). Two key definitional claims follow. Human dignity is actual as a set of goods. This set of goods takes concrete form in specific rights and duties. The subtlety of these two claims is that they are presented in the declaration as though specific rights and duties, via goods, are deduced from human dignity. In fact, within the content of the document, quite the opposite is the case—a point made by Schultziner. Even a brief survey of the range of rights that were included in the declaration suggests that the figure of the human, insofar as it is taken to be the object and anchor of all of these rights, must be something of complex and possibly inconsistent being. What counts in the end, however, is not whether this complexity or inconsistency can be philosophically or legally justified. Rather, what counts is whether human dignity as figured in the declaration is ontologically capable of synthesizing and fixing these rights without regard to their relative consistency. Again: a reciprocal relation is produced. Human dignity receives its substantive definition from rights and duties. Rights are the form of the primordial and the outward sign of its status. The archonic grounds and synthesizes while being defined and given form by the derivative and heterogeneous.

One of the crucial accomplishments of the Universal Declaration is that it successfully specifies a rationale and a mode according to which mechanisms of jurisdiction can be fashioned and implemented. Put in general terms, the declaration determines a concrete, if complex, problem within a broader problem space. And it articulates a possible solution to that problem. The broader problem space consists in the question of the worth of human beings and the limits and failings of

existing modes and instruments of power relative to that worth—a question taken to be particularly acute in the wake of World War II. The concrete problem that it determines is how to make recognition of inherent human dignity the guarantor of core human goods—freedom, justice, peace—and the failure to recognize human dignity the cause of outrage and atrocity. The outward sign of that recognition or lack of recognition is the support for or violation of fundamental rights. A series of indeterminations, difficulties, and blockages are taken up through the declamation of human dignity and framed as a problem of the violation of inherent rights.

As a result two possibilities emerge. First, the archonic can function as an absolute and primordial ground. Second, through human rights, the archonic, which otherwise is not available to intervention and could not otherwise be worked on, becomes available to equipmental intervention. What's more (and this is the subject of the concluding section of this chapter), a mode of jurisdiction is designed that appears to be amenable to being interfaced with, and where needed reordering of, existing modes of state power. This mode is emergency intervention. The violation of human dignities constitutes an exceptional circumstance, in the sense that the goods of political order otherwise arise out of the recognition of dignity. Human rights are one type of equipment for intervening in the internal life of sovereign states, but only where dignity is being violated. The notion of a “humanitarian crisis” won't be articulated for another twenty years, and even then by NGOs and not by the United Nations.²⁰ But the idea that the violation of human dignity and human rights is an exceptional circumstance calling for and justifying intervention is already in play with the declaration. Human dignity is not the kind of thing that needs to be managed as a matter of the daily conduct of conduct. It needs protection. Of course, the declaration does in fact call for the guarantee of certain positive rights and duties—rights to marry, to change nationality, etc. These rights and duties would seem to indicate a mode of intervention beyond protection, one moving in the direction of cultivation or development. It is important to note how these rights are framed, however. Their actualization does not amount to the cultivation or development of human dignity. Rather, these rights, with the others, indicate that human dignity is being *recognized*, that is, guaranteed and protected. The commission's work was certainly not the first attempt to connect the protection of dignity to the guarantee of rights. It was exemplary, however. Moreover, given that the major world powers were crafting the declaration, it was also constitutional both in terms of the United Nations and in terms of the history of discourse on rights. In short, human rights functioned as a pragmatic means of transforming human dignity

into the concrete problem of violation such that a set of possible practical solutions could become available.²¹

In the end, such practical solutions were not forthcoming. As Charles Malik, the delegate from Lebanon put it: “the crux of the whole question of human rights lay in the *implementation* of measures for their protection.”²² On this score, work on the declaration was initially seen as only a modest success. The fact that other venues, such as NGOs and other religious and secular humanitarian organizations, have taken the conception of human dignity as developed in the declaration as the object and warrant for their interventions changes the assessment.

The third session of the CHR took place from September to December 1948. During this session delegates held eighty-five meetings to discuss the declaration. The final draft submitted by the subcommittee was passed by the full CHR 29–0. The declaration was sent on to the General Assembly. The CHR decided to forgo also sending recommendations on the covenant or on implementation; too little progress had been made on those fronts. Debate at the General Assembly echoed that in the commission: the hierarchy of rights, the question of origins, instruments of implementation, and so on. Nonetheless, on December 10 the declaration was passed by a vote of 48–0, with multiple abstentions.

As Normand and Zaidi underscore, the vote was far from the global consensus that has subsequently been claimed for the declaration. The Soviet delegation as well as many Latin American countries continued to insist that their amendments and vision for the relation of human dignity to national sovereignty were unfairly blocked. A few of these were among those who abstained. Nevertheless, even these countries were happy to take credit for the significance of what had been accomplished. Perhaps Roosevelt overstated that significance when she said that the declaration would “serve as a common standard of achievement for all peoples of all nations.”²³ She was, after all, among those who failed to facilitate any serious mechanism for implementation. Nevertheless, by bracketing the question of the source of human dignity and by fragmenting the relations between moral declaration, legal convention, and political implementation, human dignity was ultimately figured in archonic form, a form ratified by almost all involved, a form that has subsequently proved generative as an anchor point for a wide range of humanitarian practices. It is no small thing that through negotiation and compromise, reformulation and omission, a distinctive mode of talking about things human was put into political play. The question remains, however, as to why it is that the United Nations had such a difficult time making itself into a venue capable of taking up human dignity as an object of active care and therein making itself capable of turning talk of human rights into a practice.

RICHARD MCKEON AND THE PROBLEM OF UNIVERSAL HUMAN DIGNITY

At more or less the same time as the formation of the CHR, the United Nations Educational Scientific and Cultural Organization (UNESCO) convened a parallel project on human rights and human dignity.²⁴ This project focused on philosophical issues and practical dilemmas likely to be encountered in the work of producing a universal declaration on human rights within the sort of international setting found at the United Nations. Participants in the UNESCO project included an array of seminal thinkers including, among others, the British international theorist E. H. Carr, the French Thomist philosopher Jacques Maritain, the revolutionary leader of the Indian nonviolence movement Mohandas Gandhi, the Indian poet and philosopher Humayun Kabir, and the American philosopher Richard McKeon. The project was overseen by Julian Huxley, who, at the time, was serving as UNESCO's director general.²⁵

The project served to provide second-order observation and analysis of the commission's work as it unfolded. The participants took up the question of rights and dignity without the burden of the commission's own first-order constraints, that is, having to produce practicable and politically negotiated results, and therefore they were able to make the CHR's work and deliberations part of their own object of analysis. The results of the UNESCO project are striking in that many of the challenges of producing the Universal Declaration were anticipated and analytically parsed. The project is also noteworthy in that its diagnoses, offered in what amounts to real time, remain pertinent.

One contribution is exemplary in this regard: an essay by Richard McKeon entitled "The Philosophic Bases and Material Circumstances of the Rights of Man." The essay, completed in advance of the CHR's final session of work on the declaration, anticipates what was subsequently confirmed: that the difficulties faced by the CHR in constituting a venue centered on a universal conception of human dignity and the transformation of human rights talk into nondiscursive practice are problems more basic than micropolitics between delegates of member states. McKeon's essay proposes that the double work of philosophical and moral formulation on the one side and of legal and political implementation on the other inevitably involves a series of tradeoffs between conceptual clarity and pragmatic headway.²⁶ This means that the anticipated goods associated with the formulation of a Declaration of Human Rights come at a cost, a cost that one must be willing to pay either in terms of truth or power. The procedural fragmentation played out by the CHR, while by no means inevitable, can be understood as a strategy for managing the types of tradeoffs McKeon describes. The fact that the CHR was not, in the end, willing to pay the

full price of such tradeoffs, one that might have led more directly to implementation, is clear. That efforts were made in this direction, however, is significant.

McKeon's essay centers on a pragmatic question: in a multinational context such as the United Nations, what is the worth of a declaration of human rights, and how can such a declaration be made workable? The answer to the first is given in straightforward terms: a declaration, rightly conceived, can produce a frame "within which men may move peacefully to a uniform practice and to a universal understanding of fundamental human rights."²⁷ Note the double supposition: both a uniform practice and universal understanding are lacking. Uniformity and universality are at stake. The answer to the second question is more complicated and forms the core of McKeon's essay.

McKeon's proposal for developing a workable declaration begins with a two-part diagnosis. First is that the problem of developing a bill of rights in the postwar world is not at all the same thing as constituting a bill of rights in other centuries and under other political arrangements. If a workable declaration is to be produced, this first point must be understood: the problem has changed. Second is that a workable solution depends on "the possibility of separating the political from the philosophical question." The task of formulating a universal declaration can be conceived either as a matter of elaborating philosophic solutions from which an agreed-upon list of rights could be derived. Or it can be conceived of as a matter of elaborating a political frame within which common actions and common ends can be specified and philosophic differences more or less bracketed. "The utility of a declaration of human rights," says McKeon, requires more than the distinction of these two approaches. It depends on a kind of strategic separation—recognizing points of connection and interdependence—according to which the two problems are related to each other in a recursive and not sequential manner. A workable declaration depends on understanding that the problem has changed and that philosophic and political aspects of the problem need to be taken up recursively.

McKeon elaborates this two-part diagnosis in three sections. In the first section McKeon argues that the problem of creating a bill of rights has changed in two basic respects, which map onto his separation of the philosophic and the political.²⁸ With regard to the philosophical, it has come to be taken for granted, McKeon proposes, that the world is basically divided into two mutually opposed and conflicting ideologies—socialism and liberalism. These ideologies draw together and synthesize a range of philosophical, political, religious, and economic differences and serve to reduce an otherwise complicated array of variables into two sets of simple oppositions. Whether or not the world really is divided in this way, and whether or not the synthesis of all differences into prevailing ideologies is philosophically defensible, matters less than the objective fact that those working out a world declaration take

this division and this synthesis to be real and defining. In addition, and equally important, this division appears amenable to resolution only through the emergence of a new single philosophy that reconciles and absorbs both, a philosophical reconciliation that is likely not forthcoming, or, much more likely, through all-out war.²⁹

McKeon suggests that this philosophic or ideological blockage needs to be resolved through agreement on courses of action calibrated not to a universal philosophy but to the identification of shared values and ends. A commitment to common action and shared values takes form and is stabilized in the first place by constitutional frameworks, like that of the UN Charter. Specialized agencies, such as the United Nations' commissions, furnish the means by which such agreement, common action, and the equitable solution of common problems can be reached. The focus can thus be on a commitment to facilitating human welfare and the common good and perhaps, along the way, on the achievement of common moral understandings. The formulation of a declaration of human rights will be basic to establishing a pragmatic way forward. But the declaration will need to be rooted in practical and not philosophic unanimity.³⁰

The second section: If the problem today is different because the world is philosophically divided, it is also different because the meaning of key terms, such as rights, freedom, or democracy, has also shifted.³¹ Such shifts carry with them considerable implications for political practice. McKeon tells us that these differences and implications become most apparent in the introduction of a new class of rights. Eighteenth-century formulations consisted principally of the elaboration of those rights "inherent in the nature of man" and that function to set the limits on the excesses of governmental interference. Rights set the external boundaries on governmental power in the name of fundamental laws, natural or divine. As I proposed in the previous chapter, fundamental laws, natural and divine, in the Middle Ages served as the basis and multiplier of sovereign power, sovereign power as juridical power. In the seventeenth and eighteenth centuries, however, these fundamental laws were reconceived not as sources of power but as checks on the new governmental modes of power characteristic of the *raison d'état*. However—and this is the point McKeon draws our attention to—at the time the CHR was beginning its work on the Declaration of Human Rights, rights were no longer restricted to a negative limit on the state. A new series of rights has been placed alongside rights protecting the individual from governmental interference. These rights demand something from government. They demand the cultivation of opportunities and conditions that can only be secured by governmental action: economic and social rights, the right to education, the right to work, the right to a fair share of the gains of science and civilization. Rights are not just a matter of limitation but call for a new mode of power to be exercised.³²

With the introduction of this new regime of rights, unanimity of action was likely to be difficult. These difficulties are familiar, and McKeon merely abbreviates the challenges. These economic and social rights suggest a very different political anthropology than the figure of the human at work in classical renderings of the “rights of man.” The “human” of social rights depends on a certain ordering of material circumstances in order to flourish, where the human of individual rights stands before a contracted social order as its end and limit. All of this is well known. The distinctive point that McKeon wants to make is that because of these changes in the meaning and situation of rights the attempt to solve the philosophic problem by way of a political mechanism cannot be straightforward. The ways in which rights are conceived carry with them anthropological and ontological dimensions that encumber the task of selecting out and agreeing on common courses of action—especially insofar as those dimensions are connected to existing institutions and practices. The veridictional dimensions and the jurisdictional dimensions continue to form part of a conjoined problematic.

The third section of McKeon’s essay concerns the question of what, then, to do. If the problem today is such that neither an exclusively philosophic nor a political solution is available, a strategy needs to be identified by way of which the two can be sorted out in relation to each other. McKeon suggests one possible way forward. The separation of the philosophic and political aspects of the problem, and the characterization of the differences and dependencies between those aspects, opens up a third problem space, within which work on a declaration might be conducted. If the philosophic, in McKeon’s formulation, concerns the relation of “men” to “governments” and the political concerns “governments” to one another, this third problem space concerns “the relation of groups of men and of states to one another.”³³ This third problem space is given form within venues such as the United Nations in which a constitutional frame facilitates the creation of new meta-state or interstate agencies and provides the structures within which the practical relations between these agencies and states can be worked out. It is here, in this space between agencies and states, that McKeon thinks that “a world declaration of human rights” can be effectively elaborated. Among other things this space focuses energy and attention on the real stakes of the matter: the negotiation of modes and apparatuses of power and the terms of mutual adjustment that such apparatuses require.

The challenge in activating a declaration will not merely consist in “the recognition of agencies” within which a declaration of human rights can be worked out or even in the empowerment of those agencies to implement and carry forward such a declaration—although obviously neither of those can be taken for granted. The challenge, rather, is to establish a relation between the agencies and states, to work

out the power relations and sites of exchange between them in such a way that the philosophic and political problems can be addressed in a case-by-case fashion. In something of a circular procedure, such a case-based approach entails at least two requirements. In the first place it requires that all parties recognize that the legal and political implementation of rights and the philosophic interpretation of rights will vary under different circumstances, among different sovereign nations, and, likely, within different UN agencies depending on their missions.³⁴ In the second place, it obviously also requires the creation of administrative, legislative, and judicial mechanisms by way of which and within which such a broad range of interpretations can be worked through. In this way, a catalogue of practical definitions will begin to fill in the spaces between divergent philosophies, and a history of practical actions will begin to align practices.

According to McKeon's proposal the promulgation of a universal declaration—or "world declaration" as he refers to it—will, in the end, depend on tolerance for definitional ambiguity and the political equipment needed to work through such ambiguity while still enforcing human rights. One must be realistic about the fact that ambiguities will remain with regard to the question and problem of a uniform administration of human rights. There is no single basic philosophy that could rationalize such administration from the outset. One must also be realistic about the fact that ambiguities will persist with regard to philosophic matters. Without accepting ambiguity on this count, administrative practices cannot begin to move forward on a case-by-case basis. This double realism about ambiguity might allow concerned actors to eliminate enough of the sharp differences between them to allow for a single declaration of rights to be produced and for action on those rights to begin. At least this is what McKeon proposes as a possible means by which "men may move peacefully to a uniform practice and to a universal understanding of fundamental human rights."³⁵

What does McKeon's proposal add to our analysis of human dignity? First of all, as I have already noted, it suggests that the procedural fragmentation and the pragmatic closure of the conversation over the source and nature of human dignity, though enacted through the micropolitics of the CHR, could never be reducible to those micropolitics. The problem of fashioning a human rights apparatus predicated on human dignity but carried out by and in relation to sovereign nations includes the usual conceptual difficulties attending any political problem, but it additionally includes difficulties pertaining to the work of unsettling and readjusting relations of power. Moreover, McKeon's proposal reminds us that the problem is not just the intransigence of power, *per se*, but the host of specific veridictional and jurisdictional encumbrances connected to introducing shifts into the general logic of power. It suggests that the veridictional and jurisdictional elements of the situa-

tion not only need to be analytically distinguished (which, on some level, is evident) but that they also need to be historically contextualized and brought into an underdetermined and mutually adjusted relation. Modes and forms of truth production need to be brought into relation with modes and forms of governing in a recursive and mutually rectifying manner. Hence the need for tolerating a certain measure of ambiguity in the formation of both the definition of rights and the administration of the mechanisms of enforcement. Crucial to this is that the work of forming the relation between the philosophical and political needs to be facilitated by the creation of new venues. In the case of McKeon's proposal, these would be venues that take philosophic coherence and uniformity of political action not as givens but as outcomes to be generated through case-based processes.

Needless to say McKeon's proposal was not carried forward. Nevertheless, the declaration does exhibit characteristics not wholly unlike what McKeon anticipated. Three differences between what McKeon recommended and how the CHR actually proceeded are worth attending to. Although the CHR separated the philosophic and political problems, they never brought them back into a sustained recursive relation, whether through the implementation of case-based mechanisms such as those McKeon proposed or some other mechanism. The second difference, which on some level is more interesting, is that the separation of the political and the philosophical at the CHR did not so much result in a tolerance for underdefinition or ambiguity but actually served to produce a positive conception of human dignity that not only has endured and has even become predominant in the history of human rights but that was characterized by a coherent, if tacit, anthropology. This conception carries with it a quite specific set of parameters for formulating which political actions can be considered necessary and even urgent. Which is to say, although the CHR may not have produced a workable form of political equipment for the care of human dignity, they certainly determined a logic and mode according to which such equipment might be elaborated. The third difference is simply that the declamation of human dignity in the Universal Declaration served to insert an object of political care as well as a metric of political rationality into the heart of a political problem space otherwise defined and dominated by the apparatuses of state sovereignty. Although this insertion did not immediately produce a shift in practice, it nevertheless introduced the design parameters for a style of political reasoning that is not reducible to prior models. In this sense, and perhaps only in this sense, the CHR made good on the demand for something more from power: a form of care for human dignity. Whatever else McKeon's analysis foresaw, it did not anticipate the effects of a pragmatic tradeoff between the veridictional and the jurisdictional at the level of refiguring political rationality or how the invention and elaboration of such a refigured rationality might prove to be significant.

PASTORAL POWER AND THE POLITICS OF DIGNITY

Along the course of analyzing the development of modern arts of government, Foucault took time to clarify the stakes of his experimental inquiry. “The point,” as he described it, “is to show how the coupling of a set of practices and a regime of truth form an apparatus (*dispositif*) of knowledge-power that effectively marks out in reality that which did not exist and legitimately submits it to the division between true and false.”³⁶ Such a division requires both a metric and a mode. The metric, in the case of the *raison d'état*, is normalization: privileging attention to things in the world that can be measured, arrayed, and normed. Its mode is regulation: the work of appropriately minimizing and maximizing governmental practices.³⁷ The question of appropriateness, in turn, becomes a matter of constant adjustment and calibration in terms of knowledge of the nature of the object being governed and in terms of the presumed naturalness of the governmental practices themselves.

Human dignity and human rights likewise mark out in reality that to which governmental practices need to be submitted in terms of the division between true and false. But, of course, human dignity calls for a different mode and a different metric and therefore a different coupling of practices and truth into a different sort of apparatus. The metric is precisely that which cannot be normalized. And the appropriate mode called for cannot be a matter of minimization and maximization of governmental practice, per se (it is not a question, for example, of normalizing freedom of speech). However—and here is the twist and the point of distinction from the older juridical rights and their external limitation of the art of government—the question of appropriateness in the case of human dignity does remain, and it remains as a matter of knowledge of the nature of the object being governed and thereby a matter of the naturalness of the practices of power.

The declaration, after all, asserts that unless governments recognize human dignity, they cannot achieve the goods of peace and freedom. A truth claim about appropriate practices is being made here. The problem is how to adjust or reconcile the metric and mode of human dignity with the metric and mode characteristic of the biopolitical state. What is more, the problem is not simply that human dignity sets an outside limitation on state power. The Commission on Human Rights consisted of nothing more than delegates from sovereign states. The Universal Declaration on Human Rights serves as a stent by way of which human dignity is inserted not exactly into governance but into the field of political practice inside of state sovereignty. It is inserted into the body of sovereignty, if you will, although it is not integrated into it. Human dignity is formulated in an adjacent position to state power, a position neither entirely internal nor external to governmental apparatuses but that connects governmental apparatuses to a new apparatus of knowledge-power.

Said differently, human dignity as figured by the commission introduces a different logic of limitation into the *raison d'état*. The moral variable, which had been partially removed, is reinserted and combined with the veridictional calculus of governance. It takes the moral question of the *right to govern* and connects it with the scientific question of *how to govern* according to the nature of political objects. The question of the nature of peace, justice, and freedom, however, is said to turn on the political ontology of human dignity rather than on milieus made up of markets and populations. In this way human dignity functions to reintroduce the question of moral limitations back into the game of governance, but precisely as a matter of political *reason* and not only political *right*. Of course, it is not inserted as the object to be governed—human dignity is certainly not to be governed—but rather as a determinant of the field of relations within which governance takes place.

It should be said straightway that on a formal and binding level, the price to be paid at the United Nations would appear not to be that high for the insertion of this determinant. As Eleanor Roosevelt reminded the General Assembly, the declaration entailed no legal or contractual obligations of any kind on the part of governments actually to guarantee human rights. Despite this limitation, the fact that the declaration included language of pledge and promise is not nothing.³⁸ As I have already noted, several scholars have argued that in international politics today almost no discourse has the moral legitimacy and traction of the discourse of human dignity and human rights. The Universal Declaration undoubtedly set one trajectory for this rise to prominence. But it is worth asking: is adjustment to the “soft power” of moral legitimacy the only price that sovereign states were asked to pay with regard to human dignity and human rights, which certainly do extract a cost at this level? As Foucault pointed out, the rationality of the art of government entails as a shift away from the question of legitimate/illegitimate rule to the question of effective/ineffective. The question then is this: does human dignity, taken up in an archonic mode, ask anything more of power in terms of its calculation of effectiveness and ineffectiveness, or does it only work as an external principle of limitation on questions of moral legitimacy?

I think this question can be responded to by running through a course of distinctions similar to those laid out in the last chapter regarding the art of government. Recall first that the mode of power characteristic of modern states, of the art of government, is distinctive in that it is not reducible to the juridical and pastoral modes that are prior to it. Second, *raison d'état* establishes a hinge between the limited character of state sovereignty and its unlimited character with regard to internal objectives. Third, although apparatuses of self-limitation begin to emerge within the state, these are calibrated to the task of governing according to the na-

ture of the object to be governed and the naturalness of the practice of government itself.

In a kind of parallel fashion, several distinctions can be made with regard to human dignity as it is fashioned in the declaration. The first point I want to be absolutely clear about is that human dignity is the anchor point for a distinctive jurisdictional mode. It is a central hypothesis of this book that this mode cannot be reduced to prior modes of power, generally speaking, and cannot be reduced to governmental, juridical, or pastoral modes in particular—though it overlaps with and shares elements of all three of these modes, particularly the pastoral. This means that whatever is significant about it, human dignity does not mark out the opening of a new political epoch or the exit out of a prior epoch. Apparatuses of human dignity today exist alongside of and in interconnected assemblages with other modes.

With this in mind, it is nonetheless clear that human dignity is not governmental. Whatever else we say about the archonic, it is not susceptible to normalization. The claim that it is not juridical is not as clear, however. Human dignity shares some resemblance to juridical modes in their classical forms. Foucault is clear that even with the emergence of the *raison d'état* nation-states do not abandon their relation to the juridical apparatuses characteristic of the late Middle Ages.³⁹ A prominent feature of the development of modern states is the pressures generated by claims to divine law or the law of nature or to fundamental rights, which are regularly put forward as key limiting factors. The *raison d'état* in the seventeenth century may not be characterized by any mechanism of self-limitation, but it is often limited by appeal to the external and absolute character of fundamental laws and rights. The question is: is human dignity simply an appeal to such strategies of external limitation? It certainly must be this in part. Human dignity as archonic does establish criteria of limitation in terms of that which cannot be violated. However—and this point is absolutely crucial—human dignity is put forward by the CHR not just as an external limitation on governmental power. Rather, it is put forward as an internal factor that contributes to a positive form of government. The declaration claims that the worldly goods with which member states are concerned are predicated on a certain positive agenda: faith in and recognition of human dignity.⁴⁰ What is more, the archonic does not only tell us what must not be done or what lines must not be crossed. It also tells us what must be done: human dignity must be protected, and political equipment that would facilitate such projection must be developed. So, human dignity may function as a principle of delimitation, but it is not simply a principle of external juridical limitation, and for this reason it is not only the remainder, the reciprocal face, or outside of governmental power.

Thus, working typologically, one can conclude that, although human dignity

interfaces with governmental and juridical modes and shares elements with both, it is not reducible to either. However, as I have already proposed, human dignity is in some ways closely aligned with pastoral power. Actually, the claim is not entirely my own. Foucault speculated that as long as forms of humanism persist as a positive political agenda, the modes of power once associated with the Christian pastorate would continue to operate even in political venues, and that their relative lack of prominence in the eighteenth and nineteenth centuries should not lead us to assume that pastoral power was somehow merely a remnant of a prior epoch. The conception of human dignity put forward in the declaration purports to be universal, which is obvious by the declaration's title. This universality is not simple, but synthetic. A read through of the list of human rights included in the declaration indicate a very particular obligation: these are the rights of individual humans as well as the rights of humanity. There is an inner link between humans and humanity that overcomes the scalar difference between individuals and collectives. What this means, among other things, is that the declaration, as a pledge on the part of the member states to care for humans as members of the human family, invokes the classical mandate of the Christian pastorate: *omnes et singulatim*, care "for all and for each one." The archonic is not susceptible to cultivation or to normalization, at least not directly. So, although human dignity invokes the classic mandate of the pastorate, the mode of intervention appropriate to it is not that of the shepherd, either as the conductor of souls or the conductor of populations.

A first conclusion one can draw about human dignity, then, is that it is not reducible to prior modes of power even while being connected to them. The second is that it troubles the dynamics between the limitedness of external objectives and the unlimitedness of internal objectives characteristic of *raison d'état*, even in its later and more refined manifestations. I said in the last chapter that the declaration functioned as a device by which human dignity passes beyond a relation of external limitation to the *raison d'état* (such as was characteristic of previous juridical limitations) to something like a position inside of the *raison d'état*, inside in the sense that it is proposed as a positive variable in state practices of self-limitation. I also said that in doing this, human dignity does not actually become an integrated part of the *raison d'état*. Human dignity does not refine the conduct of conduct. It does not become a further refinement of governmental rationality. Rather, what human dignity does (or one thing that it is proposed that human dignity can be made to do) is reconfigure the dynamics according to which the state calibrates the logic of its relative limitations and unlimitedness.

On the one side, with regard to external relations, where peace had been a matter of mutual respect for autonomy among a multiplicity of states and where the *raison d'état* had set strict limits on states' external objectives, it is now asserted

that peace is founded on a faith in human dignity and that states must take as an unlimited obligation to recognize and promote human dignity. On the other side, where the *raison d'état* had called for near-unlimited objectives within the life of the state, objectives only limited by the nature of the objects being governed and the biopolitical goods to be achieved through such governance, it is now asserted that the realization of better standards of political life depends on states checking their governmental practices against the claims of human dignity. Moreover, the declaration indicates how this adjustment of limitedness and unlimitedness should be accomplished: through the recognition, protection, and redress of human rights. If in the nineteenth and twentieth centuries the art of government had been refined by attention to the nature of the object to be governed and by attention to the naturalness of government to that nature, with the Universal Declaration the art of government must recognize that it is responsible to another object and therefore must take stock of the nature of that object in constituting the terms of its self-limitation.

So, human dignity is not just a juridical limitation on governmental practice. It is also a positive mode of jurisdiction. And this positive mode of jurisdiction troubles the relative limitedness of the external objectives and unlimitedness of the internal objectives of the state. With human dignity a distinct metric and mode of reasoning enter into the calculation of political practice. If the problem for the art of government is how to act in accordance with the nature of the object it governs, then the nature of human dignity does not so much require a different political problem as a different style of reasoning, one appropriate to an object with a different nature. This is the third conclusion one can draw about human dignity. It is a conclusion by which the difference between human dignity and human rights on the one side and the art of government on the other becomes clearer still. It also indicates the point where the problem of interfacing human dignity with governmental modes of political power and making that interface into a practice becomes most difficult.

The members of the CHR could not settle on a mode of reasoning—philosophical, theological, or legal—according to which human dignity could be defined and justified and according to which specific rights could be shown to reasonably follow. They did, however, agree on a metric according to which truth claims could be picked out and included in the declaration. The metric, of course, was dignity. Dignity was asserted as the defining feature of the human and the human family without reference to origin, source, or ground. It was thus put forward as if self-referential and archonic. Where the commission members had been unable to formulate a shared veridictional mode about the nature of dignity, their simple assertion of human dignity and the need to recognize dignity brought such a mode tacitly in tow. This veridictional mode can be called declamatory.⁴¹ Where the analytic of finitude will only admit as true or false those claims that are susceptible to

a metric of normalization, the politics of human dignity, operating according to a declamatory mode, will only admit as true or false those claims that concern the violation or protection of an absolute metric, dignity.

Foucault experimented with an analytic exercise helpful in thinking about dignity as a metric for the ordering of truth claims. He showed how a series of questions about power get inflected as new “regimes of truth” and enter into the art of governing. From the juridical to the governmental, he wrote, the question “Am I governing in conformity with fundamental divine or natural law?” shifts and becomes “Am I governing between the maximum and the minimum fixed for me by the nature of things?”⁴² With the assertion of archonic human dignity, a three-fold shift comes into play: “Can I govern in such a way that human dignity will be secure; can I intervene where it is being violated; and can I reorient other fields of activity so that dignity can be said to be recognized?” These questions do not turn on matters of the legitimacy and illegitimacy of power, although this might be implied. Rather, they turn on the question of how political equipment should be calibrated. Which activities should we care about, and which practices should be blocked or facilitated? In this way the notion of human rights becomes critical. How will we know if human dignity is being violated and if peace and freedom are being put at risk? We will know because human rights are not being protected or ensured.

One can see that the challenge faced by the Commission on Human Rights was both difficult and subtle. The challenge did not consist, first and foremost, in elaborating new criteria of legitimacy or in establishing external limitations and in that way blocking the excesses of state sovereignty. Nor did the challenge consist in recalibrating the instruments of governmentality so as to cultivate human dignity better through the creation of economic and social conditions, as the Soviet delegation had called for. The challenge for the CHR consisted, rather, in figuring out how to position governmental practice and this-worldly goods within the purview of the metric of dignity and how to invent and facilitate practices according to which such alignment can be implemented. At the CHR sovereign member states were effectively put in the position of having to rethink the relation of the absolute and the governmental and to give form to that relation such that the United Nations could constitute itself as a venue capable of facilitating the recognition of dignity and the elaboration of human rights.

The point of transforming the metric and mode of human dignity into political practice, however, was the point at which the CHR became blocked. The question of how human dignity can be institutionally connected to a mode of practice and put into play in the field of governmental relations was never satisfactorily resolved.

This juncture point between the conceptual and the equipmental is the point at which—to use McKeon’s terms—the philosophic problem was bracketed out in favor of the political problem. One can credit the CHR for what it did accomplish. It did in fact contribute to the problem of “the reasoned way of governing best” with regard to human dignity.

Perhaps more important, other organizations have subsequently taken up the figure of human dignity put forward in the declaration and have elaborated practices of intervention taking that figure as a warrant and point of reference. If the conception of things human offered in the declaration has worked better for, say, NGOs, this may be because, in the end, NGOs are not faced with the question of inventing modes of sovereign self-limitation. The problem for the CHR was precisely how to interface the demands of the art of governance and the demands of human dignity within a single venue: member states were asked to sign on to the proposition that they could and would recognize the humanity of their citizens as a source of political goods and thereby govern in accordance with that recognition. How to assemble the archonic and the biopolitical, and the extent to which such assemblage is possible, remain open questions. As we will see in the third case, this is a question that bioethicists, among others, have had to confront.

A crucial outcome of the CHR’s work was that the conception of human dignity and human rights they articulated could be used by subsequent actors to calibrate a mode of jurisdiction that is, in fact, orthogonal to the internal lives of states, if not altogether orthogonal to the art of government. The archonic, after all, is precisely that which cannot be cultivated, maximized, or minimized but only violated or protected. And it is not surprising that human dignity has been turned into a practice most effectively in situations cast as emergencies or crises. Such as it is, the human is dignified. As the declaration puts it, the human is born with dignity even if, at times, that dignity relies on a particular national or international order to be sustained. Where that order is taken to be lacking and human dignity is under threat, actors operating in the name of dignity take it as their right to cut across the claims of sovereignty and intervene in the internal affairs of nations. If human dignity is a matter of protection under emergency conditions, then human rights equipment requires a range of strategies and instruments. It requires vigilant monitoring to determine the extent to which governments are recognizing human dignity. Where human rights and therein human dignity are found to be violated, equipment is needed to intervene, to rectify, and to redress. The forms of this rectification and redress often incorporate techniques and technologies that might otherwise be part of “biopolitical” apparatuses—as can be seen in almost any situation of emergency aid where aid organizations are stepping in to fulfill what might otherwise be thought

of as the obligations of the state, from providing clean water to basic healthcare. It is for this reason, I suspect, that many scholars studying global public health and other humanitarian aid have found the concept of the biopolitical to be illuminative.⁴³ In any event, whatever equipment was or was not elaborated by the United Nations, the orthogonal character of human dignity, exercised through human rights, has been a key to turning human dignity into a practice of care in the face of the perceived excesses and deficiencies of the art of government.

There is a price to be paid for this orthogonal relation to governance. And it is a price that for some will begin to seem too high, as I hope to show in the case of bioethics. The price to be paid is that human dignity, whatever the CHR imagined, has never really been made an integral part of governmental instruments. A relation of critical tension remains between dignitarian and biopolitical reasoning. If human dignity is not the kind of thing amenable to cultivation, this means, on the one side, that the archonic can put into question the excesses of biopolitical pursuits of wealth, health, and security. On the other side, this nonintegrated position means that human dignity is less useful for promoting, orienting, and supporting practices (whether scientific, political, or ethical) designed to increase such biopolitical goods. The archonic will retain a difficult relation with apparatuses of government. Whatever forms the art of caring for human dignity might take, when advanced in an archonic mode it remains in that strange and unresolved adjacency to government in which the CHR put it.

This indicates a second price to be paid for conceiving of human dignity in an archonic mode. To the extent that human dignity calls for a new mode of political practice, the question remains: what types of venues are actually capable of facilitating such practice? The answer will turn on two further questions. The first is methodological. How does one constitute a venue such that it is capable of bringing a new mode of power into relation with human dignity as the object of care and concern? This constitutional question obviously raises other difficulties, as we have seen. Which activities are appropriate to a given mode of power? Which are necessary, and which are urgent? And how will one know that these activities are urgent and necessary? Which truths about human dignity will need to be settled before equipment can be designed through which such activities can be facilitated? And, of course, what then does the venue in question need to be in order to facilitate these activities? What kind of equipment is to be facilitated in the name of protecting human dignity? Will the equipment be articulated as human rights? Will there be apparatuses of emergency intervention? Will the equipment be used to curb the excesses of government or to redress violations? The question of the capability of venues has everything to do with the challenge of turning truth claims about hu-

man dignity into practices. This question of how to constitute a venue capable of caring for human dignity becomes increasingly crucial as the discursive apparatus of human dignity begins to circulate into ever wider and more diverse domains. What is more, as this circulation increases and fragments, the problem of defining the terms of human dignity becomes more acute. The demand for better definitions gets made on all sides.

If the price to be paid on the side of human rights apparatuses for an orthogonal relation to sovereignty is a difficulty in access to governmental instruments, the ultimate price to be paid for state sovereignty is, of course, having its power limited. The difficulty at the United Nations was precisely how to reconcile all of this. The commission was expected to bring human dignity into zones of activity otherwise taken as proper to the exercise of state power. This insertion was largely discursive—declarative to be more precise—but the insertion was made nevertheless. Although human dignity as the CHR imagined it has not been integrated into state apparatuses, it was not conceived by the CHR as simply an external and limiting principle, either. This means, at the level of the CHR's proposals, that the state could no longer exercise power only according to a metric of maximization and minimization. Analytically, one can say that with the declaration member states were put in a position in which they had to say to themselves and to other members: we are responsible for this object that cannot be normalized and that is not reducible to the unlimited exercise of power under the *raison d'état*; we must govern within view of this thing that we cannot violate and that we might have to protect. The declaration, after all, asserts that the guarantee of worldly goods not only requires the art of government but also the recognition of the archonic.

POLITICAL EQUIPMENT AND HUMAN DIGNITY: LIBERALISM AND SOCIALISM

Normand and Zaidi make a claim about the work of the CHR, which on the surface of things does not seem problematic. The claim is a sort of summary diagnosis of the CHR's early work. They tell us that, in the end, the majority of the delegates to the CHR rejected any fundamental challenges to "the predominance of a Western liberal frame for thinking about rights."⁴⁴ Such a diagnosis has a certain truth to it, as far as it goes. The commission members did in fact make a distinction between so-called civil and political rights, which are ostensibly attached to individuals without reference to their group identifications, and economic and social rights, which ostensibly could only be realized when a certain order of things was put into place governmentally. But such a diagnosis, suggesting that at the end of

the day the work of the CHR amounted to a kind of standoff between “liberalism” and “socialism,” covers over as much as it explains. As McKeon suggested, the presumption that the world is divided into two philosophical camps is itself one of the historical peculiarities of the modern situation. That is to say, the presumption of the analytic salience of this dyad does not take seriously enough the fact that the historical circumstances under which these designations are produced cannot be taken for granted. The fact is that member states on all sides resisted giving form to practices for the care of human dignity in a mode of human rights, insofar as these practices stood in tension with the regnant modes of exercising power characteristic of existing regimes. An emphasis on conflict between liberalism and socialism also covers over the ways in which, in an attempt to negotiate philosophic and political impasses, a distinctive figure of political thought and action was introduced into the world. Whatever the terms “liberalism” and “socialism” might refer to in regard to the work of the CHR, a significant outcome was the insertion of the archonic into governmental apparatuses, an insertion that cannot be reduced to either tropes of juridical limit or a biopolitical remainder.

The question, I think, is not whether liberalism or socialism wins out with human rights. The question is: what mode of political practice did the declaration recommend? As a kind of summary we can enumerate several elements. The first is the most apparent. The political practice recommended by the declaration is that which gives attention to and turns its activity toward human dignity. Human dignity is what needs to be cared for. The problem is not just that human dignity is at risk of violation and that such violations are scandalous. In addition, the declaration tells us that the goods of peace, justice, freedom, etc. depend on a proper recognition of dignity. What, then, would proper recognition consist in? What *tekhmē*, what art of care, is appropriate to it? What techniques are appropriate to the archonic? The forms of practice one might foster as a means of realizing the protection of the archonic are no doubt numerous. But what all practices would need to have in common, a shared calibrating factor across all of them, is that they would need to take up a vigilant relation to possible excesses of other modes and relations of power. The crucial activities would not be those that orient other modes of power, per se. Nor would they be those that limit other modes in a kind of regularized and constitutive sort of way. Rather, they would need to be practices that remain close enough to other forms of power so as to inflect or reorder them when the occasion is called for.

We might say that the equipmental mode recommended by the archonic conception of human dignity is moderative. As a verb, the term “moderate” refers both to an adjustment in quantity, intensity, or portion, as well as to exercise control or influence over something, to preside. As an adjective, the term can mean to avoid

excess or extremes of conduct. Moderative practices for the care of the archonic would neither be an outside limitation on state power, nor would they form part of the *raison d'état* as that object whose nature one would need to attend to in order to know whether or not one was governing too much. The care of human dignity is not about the governmental conduct of conduct, per se. Rather, human rights equipment would need to be positioned alongside state power. In this space, neither outside nor inside of the art of government, two things could be facilitated. The first is that the United Nations could watch over human dignity and intervene at those places where rights were being violated. The second is that governments could operate with human dignity just in view as the source and guarantee of certain kinds of worldly goods. It bears noting that it is here that we see the clearest deviation from classical modes of juridical reason. Where fundamental rights had previously been a matter of limiting the space of government, and therefore letting sovereignty be within its proper sphere, human dignity will not limit sovereignty but will seek to moderate sovereignty within its own sphere.

The extent to which the United Nations has been successful in implementing equipment of this sort is obviously open to question. It is clear that other organizations have found means of animating the vigilant observation of the governmental activities and strategic interventions involving, among other things, both the work of making violations visible and, where possible, intervening in an emergency and limited fashion. The fact that these efforts have been increasingly entangled in governmental and military apparatuses of multiple sorts, all in the name of human dignity, is a topic that warrants still more attention than it is currently receiving.⁴⁵ The militarization of humanitarian work is yet another zone in which new problems and new modes and forms of practice are reconfiguring the ways in which we think about and intervene on things human.⁴⁶

Whatever the pragmatic outcome, it is fair to say that in a fashion not altogether dissimilar to the Vatican, the CHR proposed a reconfigured and restylized form of pastoral power. It was oriented by an updated form of the classical mandate of *omnes et singulatim*. Despite being composed of sovereign states, the United Nations had presumed to constitute itself, by way of human rights, as capable of a mode and form of political practice calibrated to the care of “the human family,” all and each one as dignified. In this sense, what the United Nations was attempting to do—again, not unlike the Vatican—did have a kind of rough precedent, insofar as they did not invent the general logic of pastoral power as a mode of exercising power. But by interpolating that logic into a new problem space, it opened up a different range of practices and a different range of ramifications. As with the Vatican, one of the challenges was to take up this demand without direct access to the mechanisms of government, ecclesial or political. And as with the Vatican, the conception of

human dignity formulated by the CHR calls for a mode of care that recognizes and protects human dignity. This means that human dignity itself does not need to be moderated. It means that those practices that bear on human dignity, those practices that constitute or violate human rights, need to be moderated in the name of human dignity.

diagnostic excursus Economies of Life and Power

In the early 2000s, at their annual meeting, the American Academy of Religion convened a session on the now well-worn theme of “philosophy’s return to religion.” The session brought together a slate of thinkers that included, among others, the theologian John Milbank, the cultural critic Slavoj Žižek, and the philosopher Alain Badiou (who failed to attend). On one level, those present in the overfilled hotel ballroom could have been forgiven thinking this group a rather peculiar collection, considering the sharp intellectual and dispositional divergences among them. John Milbank had become the central figure of the self-named “Radical Orthodoxy” theologians; his antiseccular and antiliberal vehemence was almost as polarizing as his efforts to revitalize the notion that theology is the “queen of the sciences,” enjoying a comprehensive, and to that extent superior, analytic position relative to other modes of thought.¹ Žižek, of course already a highly visible critic, had in the previous half-decade captured the attention of religious scholars, who did not know whether to be drawn to or repulsed by his sardonic writings that both praise and parochialize Christianity.² Alain Badiou in his counter-Nietzschean writings on St. Paul had made sure that his readers did not overlook his credentials as an atheist and that he was only taking religious themes so seriously because of their crucial conceptual ramifications.³ On another level, of course, no one in the room took this particular collection of participants as anything but obvious and propitious, if potentially polemic. In the previous few years each had produced much-debated works on the question of “religion” and its philosophical “excesses”—to say nothing of the fact that each of them was simply, in their respective niches, academic stars, stars whose profiles had risen, at least in part, as a result of their work on questions of power and the contemporary fate of religion.

One thing immediately clear to those in the room was that the polemics that had attended some of the previous exchanges between some of these thinkers had very little to do with why they were finding it fruitful to interact with one another on this particular day. The energy in the room was generated by something else, namely, a shared diagnosis of the character of “the problem with the world today,” particularly with regard to the question of the religious and the political. To simplify, though not to misrepresent, the diagnosis these thinkers seemed to share was that the ills and evils of the modern world could in one way or another be traced back to the dominance of the “liberal political imaginary” and its “biopolitical” formations. The shared diagnosis is familiar and not particularly complicated: the problem with the relation of politics and religion today is that governmental forms of power in the “West” tend to be predicated on the questionable idea that politics is a way of giving order to a world otherwise dominated by nefarious power and that the state’s monopoly on intervening into these fields of power is predicated on the presumption of an ontological distinction between the secular and the religious. These two notions are, of course, at the heart of what is presumed to be a more or less unified political logic operating under the sign of liberalism. And liberalism—or neoliberalism—is ostensibly the defining rationality of the age. Politics, under this (counter)liberal vision, is constituted by and of the never-ending management of violence, and the ontological reality (and therefore political necessity) of the secular allows the state to establish an order of things in which spheres of existence, which might otherwise be the source and warrant of violence, can be kept apart. Everyone in the room seemed to agree that the heart of the problem today is that liberal regimes cannot understand, let alone curtail, the multiple ways in which their disciplinary and normalizing regimes are actually the structural source of the violence that they purport to stand against. The work of thought, it is taken to follow, consists in exposing the pathologies of secular liberalism so as to put them into question. It was taken as evident that such critique constitutes a uniquely pressing demand of the day. In this way, the shared diagnosis in the room could be cast as something of an inversion of what is promulgated as the “dominant” critique of religious politics by avowed secularists, namely, that religion remains a dangerous anachronism whose continued presence in the modern state needs to be judged “a stain on what should be a more spotlessly secular present and future.”⁴

At the time of this encounter, I had just begun to work in earnest on the themes that would eventually generate materials for this book. The exchange on philosophy and religion proved both troubling and catalytic. It was troubling for the simple reason that the critique of liberalism circulating among and between these thinkers—a critique consistent with a range of counter- and postliberal projects in philosophy

and the human sciences—functions analytically to reduce the figure of human dignity, as well as the venues and practices connected to it, to nothing more than a residue of liberalism. It was catalytic in that this session was the first time I had gotten clear, for myself, about a fact of the contemporary academic world and its reigning analytical doxa that I should have been clear about from the outset of my project. Despite the fact that human dignity and the apparatuses connected to it, especially human rights apparatuses, are clearly a predominant feature of the world today, there is in certain philosophical circles something of a disdain for thinking seriously about them on their own terms. The disdain is articulated differently, but the core rationale is more or less consistent: human dignity, and human rights in particular, are only the latest manifestation of a long history of humanism, a history whose modernist variants, whether liberal or Marxist, have played themselves out either as a source of interest or political possibility. They have played themselves out because, despite the fact that they are often articulated in a mode of resistance, they are part of the logic of the political worlds they claim to resist and therefore part of the political failings of modernity. Human dignity and human rights, in this view, are taken to be exemplary of the turn to a kind of anthropological universal in politics that can only issue in the kind of violence identified by the philosopher Carl Schmitt, wherein the universally human provides the justification for casting one's enemies "outside" of what counts as human. They are likewise taken to be exemplary of the problematic turn to a kind of universal individualism—the notorious universal autonomous subject of liberalism—which is neither empirically nor ethically tenable.⁵ In any event, it was not until I attended this session at the AAR that it became clear to me that for many of those at the putative vanguard of cultural criticism the question of human dignity really held no serious interest. It held no serious interest because if something more is being demanded of power in a liberal age—and it certainly is—then a response keyed to human dignity can only be, at best, to quote Giorgio Agamben, "a dream of peace," which allows the worst excesses of liberalism to be covered over in the ethics of the "human family," for which there will always be a permanent "exception to the rule."⁶ Or, at worst, the turn to dignity and human rights is taken as no more than one more universal mode of self-justification taken up by those instituting "the bloody mystification of a new planetary order."⁷ In any event, the idea that secular liberalism is the secret clue to understanding the essence of a nefarious modern political epoch means that anyone persuaded that human dignity is nothing other than a residue of the liberal will fail to take seriously the possibility that it constitutes anything like a significant event in the relations between truth and power—except as a failed attempt to deflect those nefarious relations that have come to dominate the modern.

THE CONTEMPORARY AND THE BIOPOLITICAL

As I explained in the preface, my reasons for beginning the project on human dignity were basically pragmatic: I had been working as a junior bioethicist when the political-theological debates in the United States and, then, in a reconfigured fashion, in many other parts of the world, concerning human embryonic stem cell research, first exploded. I had been working with and studying the Geron Corporation, which had funded Jamie Thomson's successful derivation of human embryonic stem cells, and I had been directly caught up in the ensuing politics. One of the twists of that politics was the way in which it seemed to transform the practice of bioethics, for a few years, definitively shifting moral attentions to the question of human dignity—a shift that proved as consequential for the figure of human dignity as it did for bioethics, as I will discuss in the next chapter. For my part, I contributed to the effort, taken up by many bioethicists, to articulate definitions for human dignity that might help make sense of how this figure of human life and worth could be made to relate to questions of the body and of health at play in stem cell research. I had become increasingly troubled by what I have described as the “intellectual blackmail” attached to these debates: one was either for or against human dignity. What human dignity was as a term of political and ethical reasoning, where the term had come from, what kinds of practices it might or might not facilitate, and how it might or might not help make sense of, or intervene into, the contemporary political situation were questions that were simply not being posed among the major actors involved. This lack is somewhat surprising given that the figure of human dignity was not particularly new to bioethics, *per se*—although its ascendancy to the status of a defining term for the governance of the sciences had only really begun in the early 1990s. With the formulation and expansion of the human genome projects in both the United States and Europe, the figure of human dignity had begun to take shape as a major site of bioethical concern and debate. This was obviously not the first time the notion of dignity had been elaborated in response to developments in the biomedical sciences. As I will explain in the next chapter, in the early 1970s, with the early professionalization of bioethics, the question of death with dignity, so-called, had intensified. Also in the early 1970s, and in a kind of parallel fashion, the question of human dignity and the definition of life were posed in relation to *in vitro* fertilization technologies. These debates were connected in quite a direct fashion to the legacy of Vatican II. Neither in the case of dignity and death nor the question of dignity and life, however, was there any attempt to formalize the notion of human dignity as an institutional factor in the regulation of the life sciences—at least not in anything like what would happen two decades later following genomics and stem cell research.⁸ Moreover, the question in

the 1970s really concerned the “human person,” that is, the question of what constitutes “personhood.” With the advance of human genomics, and then the advent of somatic cell nuclear transfer (cloning), and then acutely with human embryonic stem cell research, the question of the relation of human dignity to the material body of the biotechnical sciences was made central.

It was as part of an effort to move beyond the polemics connected to the debates over human dignity in bioethics that I first began to take up the work of constructing something like a “history of the present.” It soon became clear to me that what I needed, more than a fully developed genealogy of human dignity and its attendant politics, was simply a clearer sense of how human dignity had been brought to articulation and made to function in key twentieth-century settings, as well as a minimal understanding of the logic of those articulations and those functions. Hence my eventual focus on the venues within and through which the figure of human dignity was put into the play of serious discourse about the political and ethical excesses of late modernity. It was for this reason that I also began to think about human dignity as a “contemporary problem.”⁹ It seemed to me that most of those arguing in bioethics that human dignity was at stake in biotechnological manipulations of the human genome and human embryo were tending (analytically speaking) to operate according to an ethos of “tradition,” wherein biotechnical developments needed to be weighed against a longer history of respect for and commitment to dignity. Those inveighing against the use of this term as a meaningful or useful response to biotechnology seemed to be operating according to something like an ethos of the “modern,” in the sense that they saw the rhetoric and politics of human dignity to be a tired mid-twentieth-century invention and a philosophically thin term to which any political or ethical position might be attached. In this way, as Rabinow had argued, “tradition” and “the modern” were not being opposed but paired in contrastive ratios.¹⁰

My initial examinations of the early developments in the United Nations and the Second Vatican Council had suggested that neither of these dominant rhetorical positions nor their associated politics were illuminative of the historical character of the use of the term human dignity and certainly not of the place of these recent polarizations within and as part of that history. In that light, Rabinow’s concept of the contemporary seemed apposite and worthwhile as conceptual equipment for analytically moving beyond my impasse. Particularly helpful was Rabinow’s characterization and critique of the tendency of twentieth-century “modernists” to fixate on “the new” and the correlated resistance of “traditionalists” to such fixation.¹¹ The identification and valorization of the new over the old have frequently been tied to a more or less explicit philosophy of history in which those involved posit that seemingly diverse domains of practice and history are actually held together by

certain defining characteristics—characteristics that warrant treating this diversity as a unified and coherent epoch or era. As Rabinow argues, analytic dissatisfaction with such epochal thinking has become widespread, despite its persistence. This dissatisfaction has issued in, among other critical projects, historical studies aimed at demonstrating the contingencies and inconsistencies underlying the apparent unity. Another approach, one that Rabinow endorses and practices, is simply to abandon epochal thinking as an analytic *a priori* and begin instead to examine the ways in which, in many domains, “old and new elements coexist in multiple configurations and variations,” some of which might be coherent, widespread, and stable but are not thereby diacritics of epochs or eras. These sights of coexistence and configuration are what Rabinow designates the contemporary.

Whatever else might be said about the developments at the Vatican and the United Nations concerning human dignity and the eventual developments in U.S. federal bioethics, they were marked by the configuration of old and new elements. The task and challenge for all three consisted in discerning how, in these situations, such diverse elements could be brought together and assembled. The analytic task for the observer of these configurations is to discern their distinctive form as well as the significance of those forms. In this light, I began the work of recasting my approach to the religious politics of the stem cell debate and its connections to the history of efforts to figure human dignity more as a matter of how to understand the logic of the present debates, and the way in which they form part of the specific character of the contemporary, and less as a matter of contributing directly to those politics in their present form.

Part of this effort to recast my work consisted in trying to identify contemporary thinkers whose work was related to the problem of human dignity, or other closely adjacent ethical and political themes, and whose intellectual dispositions might be characterized by something like a feel for the contemporary. It was in this spirit that I first began reading the work of the so-called Radical Orthodoxy theologians and in a connected fashion other critical theorists working on the question of the religious and the political. Given that bioethics and the stem cell debate in the United States had, from the outset, been framed and elaborated as a matter of political religion, and given that the work of the Radical Orthodoxy group, and especially John Milbank, was, at that time, a flashpoint in political theology, it is hardly surprising that I would turn to that somewhat eclectic group of Protestant, Catholic, and Orthodox Christians as one possible resource for “getting outside” of the polemics. These theologians, broadly speaking, were dedicated to something like a Counter-Reformation agenda and were pursuing lines of work consonant with the legacies of Maurice Blondel and Henri Bergson very much in the spirit of the problematics raised at the Second Vatican Council; it did not seem a stretch to think that they

might have something to teach me pertinent to the politics of human dignity as they were unfolding in relation to the sciences.

The Radical Orthodoxy theologians had dedicated themselves to a thoroughgoing rejection of “the modern,” or “the secular,” or “liberalism,” variously conceived, rendering each as a kind of post-Reformation pathology. Milbank’s writings were exemplary in this regard. His celebrated *Theology and Social Theory* had been stylized as a kind of genealogy of the secular taken as an epistemological bastard of post-Reformation metaphysics of power, which, in Milbank’s view, had contributed directly to the rise and development of the modern state and its logics of governmentality. A central claim of his work, one both explicit and tacit, is that his intellectual project was to get beyond the limitations of the modern. To do this, the critical thinker, in Milbank’s view, must set aside “modern social theory” as a mode and tradition of thought. Social theory, on his assessment, is ultimately bound together and bound up with the presumption of a secular order in the world that is taken to be metaphysically autonomous from a religious or spiritual order and that therefore proceeds in assessing reality without reference to the transcendent. Breaking with social theory and the presumption of the secular allows the thinker to conduct a “skeptical demolition” of social theory as well as a “dismantling” of sociologically dependent philosophical and theological perspectives, generating an “idolatrous” acceptance of the view that the world can be understood without reference to the divine as the real source of political and ontological peace.¹² This is not to say that Milbank rejects interaction with the social or human sciences out of hand; on some level his status as an intellectual elite has depended on such interactions, however polemic. It is rather that these interactions can only be undertaken with those who are sufficiently post-Nietzschean, in the sense that they have given up on the problematic enterprise of constructing secular theodicies, according to which “nature,” saturated with violent power relations, finds peace through the counterbalancing and management of those forces through politics. And, likewise, they need to be sufficiently post-MacIntyrean in that they have to have given up on the idea that the modern world can manage modern power relations through a supplemental return to ancient virtues, practiced nonetheless in a world of individuals that remains otherwise liberal.

Given his thematics, it seemed to me during the early phases of my project that Milbank’s work was worth exploring in connection to the politics of intrinsic worth, even if only as a kind of critical exercise by way of which my blocked situation in bioethics might be loosened up by running the elements of human dignity through the paces of Milbank’s diagnosis of the secular modern. Given my attempt to think about human dignity as a *contemporary* problem, however, Milbank’s diagnosis proved limiting twice over. First, his diagnosis of the modern was obviously

epochal, despite his frequent references to “history,” “praxis,” and “difference.” Second, and by way of the first, his epochalist reading of the modern was characterized by an ethics of denunciation in which modernity could never be anything other than a “fall from grace.” Taken together, Milbank’s work and self-stylization, it seemed to me, could easily lead one, as Foucault put it, to “despise the present,” a posture that could only issue in an ethos of disdain. Analytically and ethically such an ethos struck me as at best unhelpful.

It was in the midst of a growing unease with the Radical Orthodoxy project and its countersecular and counterliberal theological politics that I nonetheless decided to attend the session on philosophy and religion at the AAR meeting. On one level, the session served to reinforce my sense that these thinkers were not going to offer equipment for moving beyond the troubled polemics of the debate over human dignity. In this sense, attending the meeting might not have been worth my time—other than the pleasures of seeing Žižek at his sardonic best and Milbank perform his acerbic rejection of the secular. However, Milbank’s presentation, quite unexpectedly, proved to be something of a catalyst. The question, it occurred to me, was less whether or not the work of these thinkers was helpful for studying the politics of human dignity. I was already clear that they likely would not. The question, rather, was: how is it, exactly, that they were not likely to prove helpful?

That day at the religion meetings Milbank offered a working paper, which he ultimately published as “Paul Against Biopolitics.”¹³ The title alone sparked interest; for the previous year I had been working with Paul Rabinow and Anthony Stavrianakis in thinking through the limits of the concepts of “biopower” and “biopolitics” for thinking about the contemporary.¹⁴ It had seemed to us that, whatever Michel Foucault had meant by these evocative terms, they were not markers of an epoch in anything like the way in which they were being used by major figures in contemporary philosophy. Our question—which I will return to below—was how to get clear about the salient elements of these terms so as to test them against current developments in the world. Moreover, I had begun to suspect (although I would not characterize it using these terms until later) that the use of “biopower” and “biopolitics” had entered into the play of the “modern,” in Rabinow’s sense of the term—a moving ratio of the new and the old in which the new is valorized against the old. In the works of thinkers such as Giorgio Agamben and the philosophers Michael Hardt and Antonio Negri, the “biopolitical” had been cast as a term of novel insight capable of opening up the secret nature of the age.¹⁵

Milbank’s paper began with a summary of his core position. He sternly asserted that “liberalism” presumes and advances the idea that politics is fundamentally a problem of self-governance in which the challenge is the “capture and disciplining of natural forces of aggression and desire within the framework of a cultural game,

governed by civil conventions and instituted laws.”¹⁶ In this view of the nature of politics, a kind of paradox is at work. On the one side, liberalism imagines that the “naturalness of life” is always self-regulating, in that the play of forces calls forward and institutes mechanisms of management. On the other side, liberalism imagines the world as “intrinsically wild and untameable.”¹⁷ Through this paradoxical framework a kind of threshold of order is crossed and a kind of secular and pagan theodicy achieved. Despite the play of violent forces, life can be managed, and, indeed, life is that which self-manages. Whether the form of liberalism is contract theory or Scottish political economy, the theodicy works itself out: “it is deemed that, by nature, a spontaneously competing and to a degree co-operating (through natural mutual sympathy) human multitude erects an artificial framework that will channel this spontaneity for further mutual benefit. Life itself is seen as generating contract and law. Contract and law are seen as disciplining life, but only in order to further it.”¹⁸

Up to this point, Milbank’s thesis was familiar and followed the lines of his previous work. Milbank, however, concluded his opening diagnosis by inflecting the terms of his critical project, saying that given this paradoxical play of self-regulating life and the violent play of natural forces, liberalism is rightly thought of as “biopolitics.” Unifying diverse voices under the sign of this term, Milbank stated, as though it were self-evident: “As Walter Benjamin and later Michel Foucault argued, liberalism concerns the biopolitical.” In his published article he would further add that from Darwin forward a biological account of life is coterminous with violence and that Foucault defined this set of events in terms of the “biopolitical paradigm in the sense that I am discussing it here.” As the climax of this opening foray, a foray that provides the setup for his theological reparations, Milbank proposed that “it is finally Giorgio Agamben who makes the crucial connection between biopolitics and the political philosophy of Carl Schmitt (ultimately it is a Hobbesian legacy that binds all this together).”¹⁹

In his book *Homo Sacer*, published a half-decade earlier, Agamben had asserted that the notion of biopolitics reveals that there is a fundamental link between “bare life and politics” and that this fundamental link is the key to understanding how modern life is “secretly” governed. Contemporary politics are portrayed as fundamentally oriented toward the domination and exploitation of the “vital existence” of political subjects. Biopower, he proposes, names the ways in which modern politics bears on humans as mere living animals, a politics that finally drives toward death and elimination.²⁰ Two points are noteworthy about Agamben’s proposal. First, he tells us that, by way of Aristotle, Benjamin, and Foucault, he (Agamben) has hit on and revealed the secret logic governing modern politics—and perhaps even the hidden logic of politics per se.

Foucault's 1977–1978 lectures on the art of government begin with the statement that the lectures should be received as a reflection on “biopower,” suggesting that governmentality, and hence the form of power characteristic of the modern world, might be summed up in that term.²¹ His 1978–1979 lectures, entitled *The Birth of Biopolitics*, implicitly carry the thesis that the art of government characteristic of late modernity is “liberalism.”²² According to Agamben, Foucault's thesis “needs to be completed” and brought through to its full implications. Citing an oft-quoted line from the first volume of Foucault's *The History of Sexuality*—“For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question”²³—Agamben adds that “modern life is not so much the inclusion of *zoē* in the *polis*—which is, in itself, absolutely ancient—nor the simple fact that life as such becomes a principal object of the projections and calculations of State power.” Rather, the characteristic of modern life is that “exception [that is, taking human life despite human life being ostensibly sacred] everywhere becomes the rule, [and] the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoē*, right and fact, enter into a zone of irreducible distinction.”²⁴ It is in this sense that Agamben claims to have discovered that biopower is the secret of the age.

In one fell theoretic swoop Agamben covers over what had been Foucault's subtle and incisive accomplishment. Through a detailed analysis of shifts in relations between modes of reasoning and modes of governing, Foucault had demonstrated that something quite unusual and unprecedented had emerged in the modern world, a relation between the state and the management of biological life that had never before existed in quite the same way. Loosening up Foucault's terms and shifting the grounds of analysis from historical particularity to epochal essence, Agamben provides us with a total answer to the question of politics in the modern world. It bears acknowledging that, in the end, it is not altogether clear what analytic work Foucault wanted the terms biopower and biopolitics to do for his thinking about things modern. His few references to the terms cover over an unsettled range of meanings. Like many of his other highly experimental and highly generative concepts, however, the worth of these two terms is that, minimally, they indicated new problems and problem spaces. They facilitated inquiry into those problems and problem spaces precisely because, whatever their range of meanings, they referred to a very specific set of historical arrangements. They did not—and Foucault is clear about this—reveal the essence of the age.²⁵ Of course, according to Agamben, this is precisely what Foucault either missed or did not have the courage to embrace.

The analytic costs of presuming such a total explanation under the sign of “bio-

politics” are, in my view, obvious, in that one no longer needs to attend to the specificity of things. There is, in addition to this, a somewhat less obvious pragmatic price to be paid for Agamben’s shift from inquiry to theory, one that I found in Milbank and one that I judged to be too high. In connecting Agamben’s epochal diagnosis of the biopolitical with his own integralist project, Milbank enjoys what he takes to be a kind of Foucauldian ratification of his core thesis: the theological presumption of an ontological schism between nature and the supernatural carries over into social theory in the form of the “purely” secular as a space of political thought and practice in which power becomes concentrated on “bare life.” In the constructive portion of his paper Milbank goes on to suggest that Agamben, despite the prescience of his diagnosis, cannot find a way out, insofar as he too retains the secularist and immanentist suppositions about the nature of the secular and the political. Milbank writes: “is there a secular, immanentist way out of the biopolitical? No, I shall now argue that there can only be an authentically religious route out of the biopolitical.”²⁶ His proposal is consonant with that put forward at Vatican II: the Christian vision for the ecclesia as the community of resurrected life is the only way out of the biopolitical situation in which human life has been targeted as bare life in a state of permanent exception.

The problem is that, whatever else one makes of Milbank’s theological conclusions, it is not at all clear that there even is a biopolitical situation human life needs to get out of—or at least not one of epochal proportion. It might be argued that Agamben’s claims to have revealed the secret essence of modern political life is meant to be a kind of fictive and productive overstatement. It is fictive, an advocate might say, because he does not intend for it to be read as a kind of map to empirical practices. And it is productive in that it nevertheless lifts out a kind of essence of modern politics in relation to which one must be alert and vigilant. *Bios*, life humanly lived, is in a state of permanent threat. Perhaps there is something to this reading of Agamben’s intentions. But whatever is the case on Agamben’s side of the ledger, through Milbank (and others), his revision and inflation of the notion of biopolitics found its way into the ethos of the modern as part of the diagnosis of the contemporary world.

I say “found its way” and not “has found its way”—the latter implying that it is still with us. It is not obvious that it is, or at least not in the same fashion. The biopolitical understood as the key to the epoch seemed to hold the attentions of the philosophical and theological elite for roughly a decade, and although Agamben’s *Homo Sacer* and the *Empire* series by Hardt and Negri remain common references in certain circles of political thought, they are no longer *en mode* in quite the same way. Biopower as epoch, in this sense, was something of a brief norm in the modernist style: it thrived as a part of the moving ratio in which the new could be valorized

against the old. As theory, however, biopower and biopolitics are no longer new or fashionable. In this sense, the place of such theoretical renderings of these two terms today can be taken up and analyzed as part of the recent past being configured with the near future—that is, the fact of the declining fashion of the biopolitical is a fact of the contemporary: “The contemporary is a moving ratio of modernity, moving through the recent past and near future in a (nonlinear) space that gauges modernity as an ethos already becoming historical.”²⁷ The biopolitical as a master trope is already becoming historical. Or, said differently, one need not accept or reject the notion of the biopolitical as a master trope marking the signs of the time; one can, rather, take up the fact that it has served as just such a trope as part of understanding the contemporary. The virtue of this contemporary view is that it might now be easier to take up the biopolitical as a term of analytic precision and not just as an attractor. In this way, one might be able to get clearer about the specific ways in which the figures of biopower and the biopolitical remain part of the contemporary world. The virtue of such clarity for my own project, in turn, is that it facilitates the work of thinking through the figure of human dignity as the marker of a distinctive event in the history of truth and power and not merely as a biopolitical or liberal remainder. Getting clear about the distinctions and connections between biopower and human dignity, moreover, is crucial for understanding how these figures and their attendant political equipment have been further troubled by developments in bioethics.

BEYOND BIOPOWER

After several years of frustration with the analytic dispersion and subsequent analytic devaluation of the concept of biopower, in 2006 Paul Rabinow and Nikolas Rose undertook efforts to formulate a tighter and more conceptually rigorous definition.²⁸ Rabinow and Rose noted that, thanks in large part to the publication of widely read works of political philosophy,²⁹ the term biopower was increasingly being taken up not as a tool for the orientation of inquiry but as an explanation for the “nature and essence of the present epoch.”³⁰ It was being assumed that biopower explains the way in which present politics bears on humans as mere living animals, driving certain populations toward death and elimination.³¹ In addition to the philosophical fault of explaining nothing by explaining too much, inflated uses of the term seemed to suggest (1) that biopower is always pathological and (2) that liberal modernism, as a form of biopower, should also be seen as pathological.

Following several evocative but underdeveloped uses of the terms biopower and biopolitics in his lectures at the Collège de France,³² Michel Foucault offered a relatively more systematic, if still somewhat general, elaboration of the concepts

in what has become a critically important ten-page section of the first volume of his *History of Sexuality*. In that section he promised to refine the concepts in one of the five projected volumes to come. Fundamental shifts in the orientation of his research, as well as his untimely death, cut short these efforts.³³ Foucault's initial elaborations are well known: the terms formed part of his effort to conceptualize the ways in which human biological life and practices of governance had become connected and mutually formative in the nineteenth and early twentieth centuries, generating a regime of truth and power that could be distinguished from regimes associated with classical forms of state sovereignty. In an oft-quoted turn of phrase Foucault wrote that where the sovereign power of the classical age can be characterized by the right to "let live and make die," the new rationality of modern biopower can be characterized as the political obligation to "make live and let die."³⁴ Following from this distinction Foucault used the term to clarify a rather precise set of developments: the term biopower, Foucault explained, designates a set of arrangements that brings two related but distinct objects—the disciplined individual human body and the normalized human population—into a single field of political relations, regulated by a single, if general, political rationality.

In their article, Rabinow and Rose proposed that if the term biopower is to prove analytically fruitful, it would again need to be delimited by a specified set of characteristics. They argued, through a close reading of Foucault's ten-page passage, that four characteristics are particularly important. A regime of power relations can usefully be referred to as biopower when it is marked by (1) a set of truth discourses about "the 'vital' character" of individual and collective human life, (2) experts authorized to speak competently about such truth, (3) strategies and technologies of intervention advanced in the name of increasing life and health, and (4) modes of subjectification by which individuals engage in self-formation, also in the name of increasing life and health.³⁵ Although Rabinow and Rose specified the term biopower in much stricter terms than is typical of its circulation in contemporary discourse, their specifications nevertheless retained a kind of flexible generality useful for orienting research.

Since the publication of their article on biopower, both Rabinow and Rose have continued to work on economies of life, science, technology, and the politics of biology. Both doubt, however, that biopower, even when defined more carefully, is the most useful term for clarifying contemporary configurations. A few years after their article, Rose proposed that biopower might yet be useful for bringing into analytic view "a whole range of more or less rationalized attempts by different authorities to intervene upon the vital characteristics of human existence." Taken in this sense, he would continue to use the term.³⁶ But even defined as a somewhat broad orienting term, the notions of biopower and biopolitics have fallen away from the center of

Rose's analytic attention. Rabinow, for his part, has moved through biopower to what lies, as it were, analytically beyond it—beyond not in the sense of a linear progression where one configuration replaces another but beyond in the sense of giving attention to formations in the world today that simply cannot be explained as instances of biopolitics.

In our joint work, Rabinow and I began attending to contemporary events, formations, modes of practice, scientific objects, and sociotechnical venues, in which formerly biopolitical apparatuses have become vectors of ethical and scientific contestation and transformation. In order ultimately to move beyond the term, we have proposed a still tighter reading of biopower: as a figure that designates assemblages of power and knowledge marked by a series of rather exacting characteristics. Above, all, analytically, one can say that biopower names configurations in which modes and forms of power take populations and bodies as objects of normalization to the end of ameliorating health, wealth, and security.³⁷ It is clear that whatever else is happening in the medical and biological sciences today their interfaces with ethics and power are no longer characterized primarily by the effort to normalize populations and bodies. Since the 1990s the genomic sciences and the so-called postgenomic sciences have been given a privileged role by governments and industries in defining the character of life and the vitality of humans and other beings. Alongside these biotechnical efforts and sometimes in connection to them, talk of human rights as the locus of human and environmental goods has continued to function as a predominant counterdiscourse in both national and international settings. The analytic work of bringing these two sites—bioscience and human rights—together and making sense of them remains a pressing task, one for which the concepts of biopower and biopolitics will likely be only partially helpful.

Approached in an anthropologically more careful mode, it seems clear that whatever else might be said about its logic and significance, human dignity is not simply a liberal remainder or a biopolitical residual—and certainly not merely a point of resistance that marks out an otherwise biopolitical age. The analytic payoff of a more careful specification of biopower is that, even if biopower can be used to explore a certain amount of what is happening in the world today, it nonetheless can be seen to have an analytic outside. Although apparatuses of biopower might be connected to many things in the world—including the discourses and practices of human dignity—it does not comprehend those things. Whatever human dignity has consisted in—at least in the case of the constitutional work of the United Nations or the Second Vatican Council—it is neither an ethics nor a politics indexed to the normalization of populations. Nor is it simply the external limit on such normalization. It consists, rather, in the call for a mode and form of practice in

which the archonic is simultaneously a point of limitation as well as a demand for new and positive actions.

An analytic move to the outside of biopower constitutes a challenge for a contemporary mode of inquiry in that it introduces objects and relations that remain underdetermined and in the process of formation. Foucault, recall, operated in a mode he called a history of the present. The problems and objects he took up in such a mode may continue to bear on the contemporary, but their forms have long since stabilized. The archive for Foucault, one might say, was closed. Keeping this modal distinction between an analytic of the contemporary and a history of the present in mind, there is nonetheless much to be learned from Foucault's approach to biopower for thinking about human dignity today. In his 1977–1978 lectures Foucault proposed that the problem of the art of government began to emerge in response to a demand for “something more from power.” The epigraph from Foucault opening Chapter 3 gave articulation to this point. Speaking of sovereign power in the sixteenth century Foucault wrote that “in relation to the pastorate, something more is demanded . . . something different, something else. This is government. It is more than sovereignty, it is supplementary in relation to sovereignty, and it is something other than the pastorate, and this something without a model, which must find its model, is the art of government.”³⁸

Taking this quote as a prompt, two important aspects of human dignity can be better diagnosed. First, something similar, though not identical, to the emergence of governmentality has happened with human dignity. In quite a direct and explicit fashion, with both the Second Vatican Council and with the UN Commission on Human Rights, something more is demanded from power. Where this demand is similar and not identical is that, in the case of governmentality, a “general economy of power” begins to take shape. Whatever else Foucault means by this idea of a general economy, it involves a fundamental shift throughout multiple domains spread across multiple centuries. Whether or not the demand that human dignity become an object of care ever results in such a widespread and long-term shift remains to be seen. Initial indications are that such a shift would be unlikely. Although venues and practices are increasingly appealing to the figure of human dignity as a justification and point of orientation, these venues and practices are frequently integrated into other apparatuses, governmental and nongovernmental. Moreover, unlike shifts concerning the art of government, the invention and reorganization of practices connected with human dignity is still under way and is arguably characterized by more destabilization and reconfiguration than the durability and stability implied by the idea of a general economy of power. That said, it is the case that human dignity continues to be appealed to as an object and objective of power across a broad range of domains and problem spaces; the archonic has proven re-

markably susceptible to reinvention and remobilization. As is evident in the cases of the United Nations and the Vatican, this appeal to dignity has produced shifts in how to think about and care for things human, shifts “without a model” producing venues that “must find a model.”³⁹

Another diagnostic point should be made in connection to the above quote from Foucault: this concerns the challenge of specifying the care of human dignity as an analytic “outside” of governmentality. At a particularly reflective and reflexive moment in Foucault’s analysis, he poses the question: “Why should one want to study this insubstantial and vague domain covered by a notion as problematic and artificial as that of ‘governmentality’?” His first answer: “in order to tackle the problem of the state and population.” He straightaway notes an objection: “but we know what the state and population are, or, at any rate, we think we do.”⁴⁰ Thousands upon thousands of pages have been written on the population and the state, so why introduce this obscure notion of governmentality? Foucault’s further response to his own question is to remind his listeners of his more general project. From the outset of his work as a historian, he explains, he has been interested in analytically “moving to the outside.” What he means by this is that from the first he has been interested in a mode of analysis that gets outside of venues such as the asylum, the hospital, the prison, the clinic, and so forth in order to conceptualize and diagnose the redistributions of power and knowledge within which these venues have taken their specific historical forms—the milieus within which these venues have taken form.⁴¹ With the concept of governmentality and the notion of the art of government understood as the “conduct of conduct,” Foucault is looking to make this analytic move to the outside once again. Here it is a question of moving to the historical milieus that allow one to take up an analytic position outside of the modern state.

Where does this take me with regard to the problem of human dignity? On one level, my approach to the problem of human dignity uses an analytic strategy Foucault means to avoid—I am moving to the inside of specific venues in order to see how they have constituted themselves in relation to human dignity. But such a difference in approach can be explained by the contemporary character of the problem space I am working in. As I have noted, the milieus within which the politics of human dignity is being formulated and responded to are still in motion, unsettled, and unsettling. On another level, however, I am seeking to elaborate an approach that borrows tools, at least in part, from a kind of “analytic of the outside,” one that is not dissonant with Foucault’s treatment of governmentality in that my aim is to understand better how human dignity has become an event in the history of thought and practice, to distinguish it from other modes and forms of practice, and thereby to put its worth and critical limitations to the test.

RECONFIGURING PASTORAL POWER

As I explained in the introduction, in his efforts to distinguish the modes and forms of power characteristic of the modern state from other economies of power, Foucault proposes to characterize a logic and order of power that he took to be a vital antecedent to the modern, one whose breakdown, reconfiguration, and partial incorporation contributed to the emergence of governmentality. Foucault referred to this previous economy as “pastoral power.”⁴² Given the dominance of the notions of governmentality and biopower in critical theory and the human sciences over the past two decades, it is perhaps not surprising that Foucault’s concept of pastoral power has received relatively little attention.⁴³ As I explained at the outset, it is an orienting proposition of this present study that this concept and Foucault’s initial analysis of it have provided me with a number of analytic variables that I have used in my research to help distinguish and characterize the distinctive features of human dignity. In the first two cases presented in this book I proposed that human dignity today can be read as a reconfiguration of classical forms of pastoral power. In this excursus I propose to unpack that initial claim and meditate on its relevance for further inquiries into the politics of intrinsic worth.

With *pastoral power* Foucault, as was his habit, set out to render visible a historically and analytically specific configuration of relations and practices. His introduction of the concept in his lectures was provocative and experimental. It amounted to a schematic outlay, which he described as an “extremely vague sketch, not of the history, but of some reference points . . . possible tracks for you, if you wish, and maybe for myself, to follow.”⁴⁴ However underdeveloped, Foucault’s vague sketch, and the distinctions and the points of reference it opened up, put into play a series of analytic distinctions that are, in my view, fruitful for delineating the specificity and significance of the contemporary figure of human dignity.

In his February 8 lecture from 1978, Foucault begins with a question. He asks his auditors: what is the meaning or meanings of the term “to govern”? Passing through several nuances and variations, he proposed that, whatever else, “to govern” means “to conduct someone.” If (as Foucault would eventually argue during his course that year) the notion of governing, of conducting someone, of “conducting the conduct of conduct” of someone, became one of the dominant modes of exercising power in the West, then it is important to ask: where did this mode of power come from, what is the source of this kind of political logic? Offering a very brief sketch of forms of rule in the Greek polis (which he later returned to in considerable detail), Foucault offered this assertion: “generally speaking, I think we can say that the origin of the idea of a government of men should be sought in the East, in a pre-Christian East first of all, and then in the Christian East, and in two forms: first, in

the idea and organization of a pastoral type of power, and second, in the practice of spiritual direction, the direction of souls.”⁴⁵

By the end of the February 8 lecture Foucault had tightened this assertion: the conduct of conduct as a mode of power characteristic of the West, a mode of power that first takes form as pastoral power, is “introduced into the Western world by way of the Christian Church. The Christian Church coagulated all these themes of pastoral power into precise mechanisms and definite institutions, it organized a pastoral power that was both specific and autonomous, it implanted its apparatuses within the Roman Empire, and at the heart of the Empire it organized a type of power that I think was unknown to any other civilization.”⁴⁶ The conduct of conduct, as an economy of power, is introduced through and is coextensive with the Christian Church.

Over the course of several lectures Foucault proceeds to enumerate a series of defining features of pastoral power. I propose to recapitulate those features here that I think remain especially salient for an inquiry into human dignity. I will lay them out as two sets of three variables.

The first element in the first set of features is that, as Foucault reminds his listeners, the notion of the pastorate as a metaphor for political power derives from the shepherding cultures of the ancient Near and Middle East. The notion that God is the shepherd or pastor of things human is referred to frequently in these cultures, as is the idea that the king, as God’s representative, also serves as a kind of shepherd. This notion is particularly important in the Hebraic tradition; the Hebrew king represents God’s shepherding of the people. Foucault notes that this metaphoric connection between God and the king through the idea of the shepherd is not at all common to the Greeks. The ancient Greek gods are territorial gods, gods of privileged places, towns, and temples. The Hebrew God, however, is a God of a people, of a multitude, a God who moves from place to place.⁴⁷ It is a God who shepherds a flock.

The second element, the second feature of pastoral power, is that it is “fundamentally a beneficent power.” The shepherd must look out for the good and the salvation of the flock. This notion of power as fundamentally a matter of beneficence, Foucault tells his audience, is again more typical of the Hebrew God than the Greek gods. The Greek gods exhibit a range of characteristics, including splendor and power. Of course, the notion of God’s power is part of the notion of the shepherd, who, after all, must look out for and protect the flock. But this power is a saving power and a power that acts in justice for God’s flock. The Greek sovereign may exercise power for the good of the people as well, but there is something particular about the notion of salvation when connected to the shepherd. Salvation here is first of all a matter of subsistence. The shepherd tends to the daily needs of the flock.

The flock lives its daily life under the careful management of the shepherd. In other words, pastoral power is a matter of care. This also means that the king, in the place of God, has a duty to care for the flock. The obligation of the ruler in pastoral power is to care for and to be the salvation of the flock. This is the second feature of pastoral power: it is defined by beneficent care to the end of the salvation of the flock.⁴⁸

The third feature of pastoral power connects the first and the second. Foucault suggests that pastoral power is “an individualizing power.” What he means by this is that the shepherd “counts the sheep; he counts them in the morning when he leads them to pasture, and he counts them in the evening to see that they are all there, and he looks after each of them individually.” This fact of counting the sheep is significant. It means that the shepherd is not only responsible for the totality of the flock, which of course the shepherd is. But the shepherd is only responsible for the totality of the flock by way of caring for, looking out for, the salvation of each individual sheep. This notion of counting the sheep, of caring not only for the totality but also for each member of the flock, is a central and defining feature of pastoral power. It is a feature that I have argued connects the classical model of pastoral power to the challenges of caring for human dignity. This defining feature is, of course, the mandate of *omnes et singulatim*.⁴⁹

This mandate proves to be the great practical challenge for the Vatican as well as the United Nations. What does it mean to care for all and for each one at the scale of humanity? This was the great problem of *tekhne* and *paraskeue*, of the art of care and the form of care, for the power of the early Christian pastorate. In a different form it will also be a problem for modern governance. But in the case of the state and the *raison d'état* the problem will not be so universal. The boundaries and differences—the autonomy—between and among states will set off a kind of outside horizon to the governing responsibility of state. When the problem of *omnes et singulatim* is taken up into the Vatican and into the United Nations, by contrast, the object of care is a universal multitude, a universal multitude that must be cared for to the end of its salvation. With and alongside that multitude, alongside humanity, is each and every human. Each human, which both exemplifies and must be made part of humanity, must be cared for to the end of its salvation: *omnes et singulatim* as the object of care for a pastor who saves. These are the first three key features of the classical model of pastoral power that will bear on those responsible for the care of human dignity.

The second set of three features also bears on questions concerning the object and mode of care but concentrates more directly on the form of pastoral power. Foucault tells his listeners that the conduct of conduct as a mode of power typical and definitive of the West is, in the first place, connected to and coextensive with the Christian Church. Although the notion of the pastorate might be a widely

circulated model of power in the ancient Mediterranean, pastoral power is given a form and refinement in the Christian Church, which is quite unlike the notion of pastoral power elsewhere. These differences concern the organization of power into a pastorate and the application of pastoral power in practices of spiritual discipline.

Foucault explains that formalization of the Christian Church brings about fundamental shifts in pastoral power specifically, and also in relations of power in the West more generally, when, as an institution, the church claims as its responsibility the need to “govern men in their daily life on the grounds of leading them to eternal life in the other world, and to do this not only on the scale of a definite group, of a city or a state, but of the whole of humanity.”⁵⁰ Pastoral power is refined and extended such that beyond a given domain, place, or people the Christian Church will take as the object of its responsibility “the whole of humanity.” The whole of humanity must be governed in the daily details of life. Put the other way round, pastoral power is imagined and constituted as a matter to be taken up within and by a very particular, which is to say unique, venue: the church.

This refinement, extension, and institutionalization of pastoral power are carried forward with regard to the second set of three key features. Reading through a series of texts Foucault takes to be crucial to the early development of the Christian pastorate,⁵¹ he proposes that the first way in which the Christian Church refined, extended, and institutionalized the pastorate concerned the notion of salvation. The notion of salvation is, of course, central to pastoral power, as I have already noted. Its central and defining objective is to shepherd the individual sheep as well as the whole flock on the path of salvation. One of the crucial features of the idea of salvation in pastoral power is that there is a common destiny in the salvation of the flock and the individual sheep: it is a scandal (even if sometimes it is a necessity) either to sacrifice the individual for the flock or the flock for the individual. We saw this emphasized in the interlinked poles of the human and humanity in *Gaudium et spes*. But there is also a kind of reciprocal relation between the common destiny of the community and the individual with the pastor. The pastor is saved only to the extent that the community and the individual are saved.

This total reciprocity is distributed and carried out in a particular way in the Christian pastorate. The Christian pastor leads all and each one to salvation differently. First, the pastor has an analytic and not only numeric responsibility for each sheep. The pastor must not only count every individual but must understand and account for the actions and states of grace for every individual. This means there is a need to devise mechanisms for a fine-grained understanding of each member of the flock. The second particularity is that the pastor shares in a transfer of merit and goods with the flock. The experiences of good and evil for each individual will be experienced by the pastor as his own experience of good and evil. And, on the

other side, the flock is also always vulnerable to the evils and demerits of the pastor. The question and problem of this transfer will, of course, be crucial to the multiple crises of authority and legitimacy in the history of the church, most consequentially in the Protestant Reformation and Counter-Reformation. A third particularity is thus a kind of sacrificial reversal: the pastor must be willing to die in the place of the flock or in the place of any individual sheep in response to their reciprocal burden of goods and evils.⁵²

So, the first refinement of pastoral power by the Christian Church concerns the problem of salvation. All of this is, of course, problematized and reproblemated throughout Christian history and particularly so in the Reformation and Counter-Reformation debates with regard to the question of who can act effectively in the name of salvation, in what venues, and to what ends. This first refinement of pastoral power will also prove to be a site of significant reconfiguration with human dignity. A fine-grained analytics of the soul, the transfer of merits, and the willingness to sacrifice in the name of *omnes et singulatim*—none of these will be practices formally constituted at either the Vatican or the United Nations, but the shadow of the expectation of a salvational refinement, of a salvational specificity, transfer, and reversal, will remain present and a challenge to the legitimacy of these institutions in their claims to caring for human dignity.

The second refinement of pastoral power in the institutionalization of the Christian Church concerns the relation of the pastorate to the law. Power obviously had a relation to the law before the Christian Church reconfigured things. However, to quote Foucault: “for individuals and communities to earn their salvation, [pastoral power] must make sure that they really submit to the order, command, or will of God.”⁵³ Among the Greeks the master speaks the law in order to persuade the student, and the sovereign may enforce the law so as to preserve the city. But with the Christian pastorate a whole system or network of practices are put into place by way of which obedience to the will of God can be secured in a fashion that is an end in itself insofar as obedience is made to coincide with salvation. It is a crucial peculiarity of Christianity in its self-differentiation from Judaism that it is explicitly not a religion of the law, but this does not mean it does not require obedience. Christianity “is a religion of God’s will, a religion of what God wills for each in particular.”⁵⁴ The beneficent shepherding of the church must include practices to help the flock discern and follow God’s will.

These practices of discernment and following—of obedience to God’s will—include several key components. The first is that, in addition to analytic and not only numeric care of each individual, the pastor needs to be able to treat each soul as a case according to its own specific needs. There is no generic application of the law. Such specification carries with it a kind of subordination in which each individual

must submit not only to the will of God but to one another and particularly to the pastor as the expert on the state or condition of one's salvation. The model for this submission is, of course, the monastery, in which the monk is the person who obeys the *subditus*. The second key component is that these practices of submission to God's will and to the mediating authority of the pastorate is not a form of practice with an end or discrete horizon; rather, it is a permanent form of life. One submits to God's will not in order only to have obeyed; one submits in order to live a life of obedience. Foucault quotes St. Benedict on the figure of the good monk: "They no longer live by their free will, *ambulantes alieno iudicio et imperio*, in marching under the judgment and the *imperium* of another, they always desire that someone command them."⁵⁵ The third and final key component of obedience is that it will include the problem of "the flesh." This problem is not simply a question of controlling the passions, as it is with the Greeks.⁵⁶ But rather, as St. Augustine will argue at length, it is a question of managing the flesh with the will as a means of and as a process through which one conforms to the will of God. Mechanisms for the renunciation of the flesh, and not only for the virtuous control of the passions, will need to be put in place in order to live the life of obedience successfully.

So, taken together, the relation of pastoral power to the law will shift in the church to be a matter of obeying the will of God. Further, this matter of obedience will be a mediated practice carried out through the course of one's lifetime, involving submission to others and particularly submission to the analytic mastery of the pastor. Although the need to be obedient is a general and reciprocal rule (pastors must submit as well), it is a strongly individualized practice in which the individual must be constantly sure about the form of life. This includes all of one's being, including the alignment of the flesh with the will of God through renunciation.

To repeat a point made above, this question of the complete obedience and submission of the object of pastoral power to the mechanisms of authority and obedience will be put in question with the Reformation and the Counter-Reformation. The question will certainly remain one of authority, but it will also be one of practice. The Reformation put the salvific capacities of the church—the ability of the church to offer salvation—into question. And once the salvific capacities of the church are put in question, the problem of the mediating practices of obedience to God's will have to be rethought as well. This will play out, again, as a question of which authorities, in which venues, and which practices, to what end, and so on. All of which will need to be rethought again with human dignity: far from the object of pastoral care being that which must submit and obey to the mechanisms of governance, the dignified human in the United Nations, and in a different way in the Vatican, is itself authoritative, and its needs must be obeyed. The human is archonic insofar as the human, in its primordial nature, is that which needs to be obeyed.

This obedience will be shifted from the object of care—the flock as obedient to the pastor—back to the pastorate who must live a life dedicated to meeting the needs of the flock. The pastorate, the one called to care for human dignity, will need to submit to the command of the archonic. The pastorate must protect human dignity from violation, and this protection, this obedience to the moral rectitude of the dignified human, must be taken up in a permanent and complete fashion. This is the way in which the pastorate's responsibility for a beneficent care for human dignity plays out: the dignified human does not need to submit to obedience; rather, the pastorate submits and obeys, and this obedience is a permanent form of life.

The first factor in the Christian Church's refinement of pastoral power as the conduct of conduct concerns salvation. The second concerns law and obedience. The third, Foucault explains, concerns a particular relation to the truth.⁵⁷ Pastoral power in Christianity, as with other modes of the exercise of power, concerns a relation to the truth. Salvation and submission will turn on, be mediated by, and be oriented to the acceptance of particular truths. What changes with the Christian pastorate is the means by which the truth is approached, established, and practiced.

The pastor, of course, has a teaching task in relation to the flock. The pastor will be responsible for teaching the truth. This was clear in the analysis of the first case. The problem, after all, was how to reconfigure the teaching authority of the church so that it can serve a pastoral function. The teaching authority on one level has always been relevant to the pastorate. The challenge with Vatican II was how to change a model of the pastorate into a practice through which the church could speak the truth to those who are not, strictly speaking, part of the church but who are, by dint of being human, nonetheless objects of the church's pastoral care. What is not new about the challenges at Vatican II is that teaching the truth has always been part of the pastorate. What is particular to the classic model of the Christian pastorate, a particularity that we see articulated in terms of the notion of the call in *Gaudium et spes*, is that the pastor must not only provide liturgical or theological instruction. The pastor must also teach by example. The life of the pastor must embody the life of truth. All of the verbal teaching will be nullified if the pastor's life is not exemplary.

Again Foucault emphasizes three dimensions of this need for the pastor to be exemplary, dimensions that can be used to indicate something about the contemporary problem of human dignity.⁵⁸ First of all, this exemplary teaching must be a matter of daily conduct. The pastor will need to teach what must be known and what must be done in general. But these general teachings will also need to be given form through daily modulations of practice; the daily integration of the truth needs to be carried out in a fine-grained and exhaustive manner. Connected to the analysis of the soul and practices of submission, exemplary teaching also must be turned

into a matter of practice and thereby integrated into the reciprocal life of the pastor and the flock.⁵⁹

Second, and following from the first, this exemplary teaching will need to be carried out through practices of spiritual direction. These practices too will find their exemplary form, their model, in the monastery, forms that will ultimately be institutionalized and extended to all believers. Spiritual direction in the church will be characterized by the direction of conscience. The pastor is not only an example in his or her own life; the pastor is also the one who conducts the conscience of the believer. This means, among other things, that spiritual care will not be circumstantial, not a matter of responding to difficult times. Rather, it will be a permanent way of conducting one's life. What is more—and this is the third element—insofar as spiritual direction is connected to obedience to God's will, spiritual direction will not be discretionary. It is absolutely necessary that the Christian soul must be guided under the shelter of the shepherd's direction. Finally, with regard to this question of truth and exemplary teaching, of pastoral power in the early Christian Church, if spiritual direction through the course of one's life is absolutely necessary, then the pastorate will be required to establish a multitude of structures and techniques by way of which work on the soul as the subject and object of truth and the exemplary life can be carried out.⁶⁰

This third element of pastoral power, involving careful integration of truth into the daily practices of Christian life under the guidance of the pastorate and to the end of salvation, this too will be put in question with the Reformation and the rise of the modern problem of governance. As is well known, a central question for the Reformation was the question of the extent to which the daily practice of Christian faith could be made to contribute to the end of one's salvation. That question extended to and critically involved the authority and capacity of the pastorate as an aid to salvation. As I will discuss further below, the problem of salvation, which was central to Reformation and Counter-Reformation debates, was played out according to the question of who was spiritually fit, who was capable of caring for the soul. Martin Luther's famous proposal that the fallen soul can only be saved by faith in Jesus Christ thus had tremendous effects on the practice of pastoral power and the regimes of direction and obedience connected to it. No pastorate, in this view, is spiritually up to the task of mediating salvation. Salvation is God's work alone. The notion of a relatively unmediated relation with God implied in Luther's view of salvation, as well as the notion that one could do nothing to participate in one's own salvation other than to turn to God in faith, was as much a matter of working through the problem of pastoral power as it was a matter of confessing a different theology. The question of who is fit to care for and bring about the salvation of the human, of humanity, in view of archonic dignity reflects a similar problematic in

that it involves a critical reworking of regimes that have a bearing on the affairs of everyday life, as can be seen in the debates about the kind and number of human rights to be included in the Universal Declaration.⁶¹

So, pastoral power as reconstituted by the early Christian Church and pastoral power as co-extensive with the institution of the church will not only be a matter of the shepherd's beneficent care for all and for each one—though it will certainly be this. It will also be a matter of inventing modes and forms of practice, as well as institutional structures, for the facilitation of practices concerned with salvation, obedience, and the truth. Salvationally, the analytics of the soul must be given a form. In terms of obedience, submission to one another and to God will need to be given a form. And with regard to truth, forms will need to be developed that allow for a kind of hermeneutics of the soul to be carried out under the pastor's spiritual direction in a permanent fashion. Again, all of this will be put into question during the Reformation and Counter-Reformation, which is to say, during that period of time in which the art of government will begin to be as much a problem for the state and for the sovereign as it was for the Christian pastorate.

This classical model of pastoral power will similarly be reconfigured within venues that take human dignity as their object of care and the care of human dignity as their objective. The demand for something more from power, something more from ecclesial power and something more from political power, was taken up as a question of how to be attentive to, how to organize one's activities in light of, human dignity. Whatever we might say about what was going on at Vatican II and at the United Nations, we must recognize that this response to the demand that power be more, be something else, played out as a demand for a return to the mandate at the heart of pastoral power. It was a demand for a kind of beneficent care for the salvation of "all and for each one." The challenge connected to this demand was not unlike that faced by the early Christian Church or for that matter by the state in the face of the demand for an art of governance. It was a problem of modes and forms of practice that could be facilitated by specific kinds of venues.

More important, just as the problems of salvation, obedience, and truth changed with the Christian pastorate, they changed once again with the appeal to human dignity. In the first place and with regard to salvation, unlike the soul or the flock as the object of care, the archonic will not need to be governed and cultivated in the daily affairs of life. Rather, the archonic will only depend on the saving practices of the pastorate insofar as the archonic needs to be protected from those forces in the world that would compromise and violate it. Neither will the human as archonic be in need of a reciprocal relation of merits with the pastorate. The good of the pastorate is not transferred to the good of the archonic, or vice versa—although the legitimacy of the pastorate will certainly be in play. Human dignity for both

the Vatican and the United Nations is a primordial good. What matters is that this primordial good be attended to and cared for. Lastly, the archonic, unlike the soul, will not need to be analyzed in specific detail and in an individualized fashion relative to the will of God. The archonic will demand a kind of pastoral analysis, but not of itself. It requires an analysis of those things in the modern world that might violate it. A kind of pastoral hermeneutics will in fact be necessary, but only one that discerns the state and fate of the archonic in the face of contemporary developments. Of course the archonic, as the object of pastoral care, will not need to obey, as I have already said. Rather, a kind of reversal of authority takes place. The archonic will demand the moderation of practices in other venues (the CHR will declare that international peace depends on the recognition of, and hence a kind of obedience to, dignity). Those who would care for human dignity will need to obey the commands of the archonic. And the truth of the human insofar as it is a being of archonic dignity is neither that which needs to be exemplified, nor is it that which needs to be instilled through the daily conduct of conduct. It is that which needs to be allowed to unfold into the actuality of what it is in itself. This does not mean that the archonic is autonomous. Human dignity does not obey and protect itself. Rather, the human as archonic is nomic. It commands the pastorate to protect it.

This demand for protection will be the central challenge for venues constituting themselves in the name of human dignity. What practices are sufficient to such a demand, especially when the forces weighing against it, whether the secular or the sovereign, outstrip and exceed these venues in terms of the daily exercise of power? These venues will need to have a very particular relation to mechanisms of government and to the dynamics whereby the conduct of humanity is conducted. This particularity is constituted in part by the fact that human dignity does not require the conduct of conduct in order to be itself. Dignity is primordial. Human dignity, however, is figured as requiring that the forces of governance be understood and moderated such that it is not violated. This means that the venues taking human dignity as their object and objective of care need not themselves be sites of governmental power. The church cares for the *ecclesia ad extra*. The United Nations cares for humans insofar as their humanity exceeds their place in the world as citizens. They do need to have a relation with the powers governing everyday life such that the integrity and rectitude of human dignity can be assured. In the face of the demand for something more from power, something that will take account of the salvational care for all and for each one, the challenge for venues caring for human dignity consists in the problem of discerning or discovering appropriate modes of care and in discriminating or designing forms of care appropriate to the archonic.

THE CRITICAL LIMITATIONS OF PASTORAL POWER

I have made references to the Reformation and the Counter-Reformation as key juncture points in the history and formulation of pastoral power. My purpose in referencing these juncture points is to identify elements of a problem that I think has purchase for thinking about human dignity today. While recognizing the obvious differences, the Reformation and Counter-Reformation problem nonetheless resonates with the contemporary problem of human dignity in that questions of power relations, venues, and practices of care were being put into question through institutional breakdown and reconstruction. These questions played out in relation to the church's role in mediating grace, in relation to the limitation of human capacities for participating in their own salvation, in relation to the extent of human sin and human virtue, and all of this was connected to the question of what can be done, if anything, in the face of the desire for salvation. All of this has bearing on where we are today, not because the prior formulations or responses to these difficulties remain sufficient to our current problem but, rather, because the elements of the Reformation and Counter-Reformation problematic alert us to aspects of the present situation that we might have otherwise overlooked.

In the last of the 1977–1978 lectures devoted to the theme of pastoral power, Foucault posed the question: where and in what way did resistance to the classical model of pastoral power begin to emerge? What were the forms of “counterconduct” that were oriented against the practices of ecclesial governance?⁶² I think that Foucault's answers to these questions not only tell us something about the critical limitations of pastoral power in the sixteenth century—in the Reformation and Counter-Reformation—but they also indicate something useful about the critical limitations of efforts to care for human dignity today. Specifying these critical limitations, in however brief a manner, will orient us to the third case: the question of human dignity in bioethics, a case in which the critical limitations of pastoral power and the archonic begin to show themselves, leading toward a breakdown and reconfiguration of the practices of care formulated at the Vatican and the United Nations.

Foucault's lecture begins with a proposition: in the late Middle Ages pastoral power in its classical forms began to shift locations and change form. The governmental mandate of pastoral power, the obligation of the shepherd to conduct the conduct of the flock, began to break free from the Roman Church and reappear in other venues. As Foucault put it elsewhere, a major threshold for the modern world consisted not only in a separation between church and state but in the change in institutional settings for those who called themselves ministers.⁶³ These shifts, this loosening and reformation, certainly did not spell the end of pastoral power in the

church. But beyond the church pastoral power did begin to reconfigure, allowing, among other things, for an intensification of the demand for governmental power within the spaces of everyday life that would eventually fall under the purview of the modern state. The central thesis for Foucault is that a principal vector for this set of shifts and redistributions concerned the internal conditions and constitution of pastoral power itself. Certainly external factors such as developments in the European economy, the emergence and combat of extra-Christian and “heretical” sects, and the intensification of nonecclesial state powers were a major factor in the repositioning of classical pastoral power. While acknowledging these factors, Foucault gives particular attention to those sites of resistance and transformation internal to Christianity and the practices of pastoral power which drove reassemblage from within.

Among these sites or zones of resistance Foucault identifies “counterconducts” as particularly important. If the goal of pastoral power was the conduct of conduct, counterconducts constitute those places where existing forms of pastoral power were actively resisted.⁶⁴ Foucault details five forms of counterconduct that he takes to be particularly crucial.⁶⁵ Each of these bears on and contributes to the problematization of the three key elements of pastoral power as an extension of the Christian Church—salvation, obedience, and truth. Many of these sites of counterconduct are familiar and constituted the heart of Reformation and Counter-Reformation developments. The five forms are: new forms of ascesis, or spiritual practice; doctrinal disputes turning on the question of how to constitute a Christian community; the rise and proliferation of mysticism and the authority of mystics; questions of eschatology; and the changing role and authority of scripture.

The particulars of the constitution of each of these forms and sites of counterconduct are less pertinent here than the conclusions Foucault is able to draw in examining them. The first conclusion is that pastoral power begins to loosen not primarily because something from the outside infects the pastorate but because the exclusion of certain critical elements of Christian life can no longer be sustained. To pick a key example, the turn to the question of the authority of scripture and the spread of access to original scriptural sources ultimately served to undermine previous practices of submission to pastoral authority. Or to pick another example, the constitution of religious communities in relation to new ways of thinking about the ecclesia or salvation worked to disrupt the tight networks of institutional practice that had previously sustained pastoral power by reproducing its mechanisms of governance. These limitations on pastoral power did not come from the outside but rather from internal modes of counterconduct.

The second conclusion Foucault draws is that the emergence of other modes and forms of practice as well as other venues within which new practices could be

conducted (and, eventually, the emergence of governmentality) takes place as much in response to the limitations of the church in the face of new internal demands as it does the dominance of external factors. That is to say that other modes and practices are called for when settled forms of pastoral power can no longer be sustained in the face of a whole series of exclusions (for example, counterconducts) by way of which they were originally constituted.

One of the difficulties faced by both the Vatican and the United Nations in conceiving how to care of human dignity is that they knew that they did not have recourse to the conduct of conduct in anything like the early church or the modern state. What this means is that if we are to begin to assess the critical limitations of pastoral power as it is being reconfigured today, a primary analytic point of orientation is not likely to be counterconducts. It is the case that since Vatican II and since the original development of the bases of human rights at the United Nations multiple adjustments have been made by these two institutions in response to the challenge of turning the recognition of human dignity into a practice. The Vatican's Congregation for the Doctrine of the Faith, to pick just one example, has developed mechanisms for facilitating the kind of pastoral hermeneutic equipment proposed in *Gaudium et spes*. The United Nations has reworked their human rights apparatus in such a way as to move closer to the moderative demands of the Universal Declaration, such as constituting the Office of the High Commissioner for Human Rights. In both of these cases, one could look for sites of breakdown in their ability to meet the universal demand to care for human dignity. For the sake of the analysis here, however, inquiry into such breakdowns would be premature. What needs to be attended to first is how the formulation of dignity as archonic, whatever the other advantages of this figure as a point of universal critique, actually created a new range of difficulties for the actors in these venues.

In the case of the Vatican, the conditions of internal limitation connected to the archonic figure of dignity were obvious from the outset. The demand was for a form of pastoral care in which the teaching authority of the church could address itself to that which is not the church. The response to this demand was to conceive of things anthropological in such a way as to show how the human, per se, in its own being, is called to union with the divine and union with humanity. A feature of this anthropology is precisely to put in question the legitimacy of the secular as a space of absolute distinction and autonomy from the ecclesia. How does one care for that which is beyond the church? One shows how what is beyond the church, that is, humanity, is really constituted as what is proper to the church, or, more accurately, that the church is proper to humanity: the called and the community of the called. The structural joint between the church and the world is the human as archonic. But for those who are outside the church this anthropological solution

simply denies the premise of the problem. There really is no *ecclesia ad extra*, strictly speaking. Nature is folded into the supernatural. At the crux of this integration is the Christian notion of Jesus as the incarnate Christ.

The price to be paid for the Vatican's archonic solution to the pastoral demand is that those who are not part of the church may not accept the church's teachings as a "purely" anthropological proposal, which of course it is not. What is more, there are those within the church for whom the price to be paid for Vatican II's integralist solution is too high. Some theologians read *Gaudium et spes* not only as the supernaturalizing of nature but also as the naturalizing of the supernatural. They read the constitution as a warrant for claiming that the church cares for that which is properly and immanently dignified, and for this reason they called on Christians to make common cause with nonecclesial venues in the care of human dignity—even those who reject the notion of the supernatural altogether. The pastoral apparatuses of the church, in this view, certainly teach us things we might not otherwise know about the relation of the human and the divine, but Jesus as the Christ is more model than mediator.

In the case of the United Nations, the internal conditions of limitation are conceptually less obvious but politically more straightforward. From the outset, the CHR had to contend with the fact that powerful members of the commission were committed to the preservation of the rights of sovereignty in the face of interpretations of human rights that might disrupt or diminish existing power relations. But the notion of human dignity and human rights clearly does pose such a disruption. This is clear in their turn to the archonic: relations of power are not just a matter of managing populations and citizens. Such relations also concern the dignified human. And what is this dignified human? It is that being whose violation will compromise peace and whose lack of recognition will cost us freedom. If the *raison d'état* is a form of practice in which the question of power is calibrated to the nature of the object being governed, governance must now attend to the nature of human dignity. But human dignity is not thereby integrated into the art of government. It does not become another principle of self-limitation within the logic of the *raison d'état*. Nor does it simply exist as a juridical outside to sovereignty—after all it is the member states themselves who are formulating the declaration. Human dignity is left in a zone somewhere between the outside and inside of government. The advantage of placing the archonic in such a liminal position is that it can be put forward as a means of moderating sovereignty in situations where rights are thought to be violated; as adjacent but not altogether internal it moderates the practices of government. The price to be paid for this liminality, however, is that the mechanisms for the enforcement of human rights are easy to block. The claims of human dignity do not call for the constant management of state sovereignty; they only call

for monitoring the actions and inactions of sovereign states so as to identify the exceptional moments where intervention in the name of dignity is warranted.

In terms of internal conditions of limitation, we see in both cases that there is something basic that is underaddressed. The figure of the human as original, and as that which commands, produces situations in which internal conditions of limitation become points of critical limitation. It is at these points that the figure of human dignity and the equipment attached to it are no longer taken to be adequate to the problem of power and human worth. These situations and these points produce breakdown, as we will see in the case of bioethics. The first point of critical limitation is that the archonic, though seemingly robust as an anchor point for a wide range of practices styled as protective of dignity, does not figure the human as that being whose dignity must be fostered, elaborated, or cultivated. One of the characteristics of bioethics, however, as I will discuss in the next chapter, is that since at least the early 1980s the work of the moral imagination has been cantoned off into the far future. Insofar as dignity is put into the service of elaborating a future, then something more than protection is at stake. In this case it is no longer obvious how care for the archonic ought to be made into a practice. One effect of this point of limitation is to generate practices of the imagination in which futures that are taken to be counter to dignity are simply proscribed. Imagining how to proscribe futures that might violate human dignity becomes a proxy for the protection of human dignity. The question remains, however, of what one does about the fact that the question of human worth and human goods in these situations may not only turn on the primordial but also on the proleptic, that is, the question of how the fostering of a bioethically good future places demands on the present. The second point of difficulty that will show itself in bioethics is that the archonic allows only those truths to count that cohere with the *arkhōn*, that is, with a mode of and form of being that justifies itself and so must be recognized and declared. In the case of the Vatican this limitation is accommodated by making the practice of care consist in reading the signs of the times so as to adjust the affairs of contemporary human life to the demands of the archonic. And in the case of the United Nations, the task is to elaborate new rights and to declare and protect those rights as an outward sign of the protection of the inward, that is to say archonic, reality of dignity. In the case of bioethics, a different problem will appear: how to map the archonic onto the human biological body and biological future. What does it mean to say that the archonic is the character of that embodied being whose vitality and future are the object of biological technologies? Said differently: if human dignity is treated as the spiritual essence of the human family by the Vatican and the United Nations, the turn to dignity in bioethics will provoke the question of how it is that human dignity is the essence of the biological body.

THE QUESTION OF CRITIQUE

Foucault's lecture on counterconduct and pastoral power was given on March 8, 1978. A little more than two months later Foucault gave another lecture, this one to the French Philosophical Society. His lecture on that occasion was entitled "What Is Critique?" In that lecture Foucault suggested that one of the marks of the history of the Christian pastorate was that its efforts to establish and sustain practices of spiritual governance leading to salvation were always accompanied by the critical question of whether or not to govern or to be governed in this or that manner. This critical question exploded with the proliferation of counterconducts in the fifteenth and sixteenth centuries. The Reformation critique of pastoral power, after all, did not consist in the desire "not to be governed at all." Rather, the critique turned on "how not to be governed *like that*, by that, in the name of those principles, with such and such an objective in mind and by means of such procedures, not like that, not for that, not by them."⁶⁶

At the critical horizon of the classical forms of pastoral power and the emergence of the art of government, the counterconducts of the Reformation and then the Counter-Reformation were constituted, in part, by an art of critique. This art of critique put into question and thereby put into play the problem of political spirituality. Luther—to pick perhaps the most visible figure—certainly contributed to the reformation of doctrine, but his attacks on doctrine took form as a fundamental rethinking of how, where, and under which conditions power could be legitimately exercised in secular and spiritual affairs. Luther put the regnant modes of pastoral power into question by cracking open the politics of salvation: the question of legitimate modes and forms of salvational practice, the effects and countereffects of such practice, and the venues within and through which such practice ought or ought not be facilitated. One of Luther's definitive formulations of all this was his doctrine of the two spheres of creation, a demarcation and segregation of sacred and secular powers. Luther dealt with the problem of salvation, political spirituality, and pastoral power by reimagining the demarcations among and between spheres of life as fundamental. As the Catholic debate over integralism has shown, such a doctrine of separate spheres is no longer sufficient to address the problem of pastoral power in the modern world. That said, it may also be the case that the lesson learned from the history of counterconduct is that the wholesale rejection of the metaphysics of the modern world—liberal, biopolitical, or otherwise—won't be of much help either. The question might be, rather: how should we think about things human today, which venues need to be reformulated or reconstructed, and which modes and forms of practice are called for in light of persistent problems of human worth and the exercise of power?

In his paper “Paul Against Biopolitics,” Milbank, following Agamben, diagnoses the modern, *tout court*, as dangerous and excessive, summing up that excess in terms of biopolitics and connecting this biopolitical excess with secularism and state politics arranged under the sign of liberalism. The modern is biopolitical, it is secular, and it is liberal. And insofar as it is defined by these things it is taken to be spiritually and materially dangerous. Milbank connected his denunciation of liberalism to the broader diagnosis and repudiation of modernity offered by Henri de Lubac, namely the proposition that the Reformation and the Counter-Reformation were a kind of theological “fall from grace” in that they imagined the world in terms of an ontological break between nature and the supernatural, paving the way for the discontents of the modern world. Milbank, in short, makes common cause with those who understand us to be living in a biopolitical age, one that is, in the end, dangerous and illegitimate.

A year after the event at the religion meetings, when Milbank published his paper, he proposed, in passing, that the notions of human rights and their secular connections to human dignity are nothing more than a biopolitical residue—nothing more than a form of resistance to biopower that ultimately borrows so heavily from the presuppositions of the world it resists as ultimately to be defined by it. The fact that Milbank cast the world of today in terms of a modern epoch of the biopolitical, and the fact that he thereby obscures the need to pay attention to the character and logic of human dignity, is, on some level, inconsequential to the analysis developed here. His work, however, has served as an occasion in the development of my project. His easy dismissal of twentieth-century talk of human dignity as a biopolitical remainder served as an irritation and a prompt. To repeat the point made above, whatever else Foucault intended by the term biopower, he certainly did not mean for it to be used as the instrument of philosophical or theological epochalism—the sign of the times. For all of the talk of history and practice and difference in Milbank’s work and in the work of other “critics of the age,” he and they in fact do not offer us a feel for the particular. Rather, what is offered is an exercise in what might be glossed as historical metaphysics—an exercise of presuming that the modern world has an essence and that this essence is illegitimate and even pathological. It is not a far step from Milbank’s rejection of the modern as the bastard of a Reformation metaphysics of power and depravity to Agamben’s grave insistence that the epoch of biopolitics shows itself in the logic of the death camp. It is some consolation that the presumption that biopolitics is the diacritic of the age has itself become part of the recent past and therefore can be thought of and situated as part of the modern already becoming historical. Such resituating itself facilitates the work of thought.

I stated in the introduction and repeated in my examination of the Vatican and

the United Nations that much of the consternation over the phrase “human dignity” has arisen in response to a demand for something more from power. If I have tried to think through the figure of human dignity as a distinctive response to that demand, it is in part because I think the significance of human dignity in twentieth-century thought and practice adheres precisely in the attempt to bring into being a different kind of object, practice, and logic of power. Denunciation of the essential evils of the liberal or the modern or the biopolitical simply covers over these differences, and it covers them over in the name of, on the one side, epochal continuity, and, on the other, the need for a radical break: the fall into the modern and the break toward a total exit. My project is attentive to events and discontinuity not as breaches in history that open up epochs or eras but rather as sites of indeterminacy at which the stakes of thinking and practice become unsettled and reconfigured. Discontinuity in this sense is not only a mark of the modern; it is also a useful tool in the analysis of the relationship between truth and power.

Radical Orthodox theologians have called for a world made on a classical model—the hope that “there can be again a cosmos, a psyche, a polis.” In this, it seems to me, their rhetorical flourishes risk obscuring what their work actually risks: it risks shifting analytic attention and energy away from the concrete practices by which and through which the politics of intrinsic worth connected to human dignity have been formulated and made to ramify.⁶⁷ While recognizing that their reference to the “cosmos, a psyche, a polis” may be only provocation and stylization, the question of how to conduct inquiry into matters of truth and power today cannot be answered by a return to the ancients, however cherished they may be as philosophic friends.

The approach taken by Milbank and his cohort is not, as some critics have argued, “conservative.” There is no real sense in which they are trying to preserve a tradition. Tradition for these scholars is, I submit, “a moving image of the past, opposed not to modernity but to alienation.”⁶⁸ The question for this present study, by contrast, is not at all one of alienation. The question, rather, is how to establish a different relation to the contemporary, one in which we might take stock of the fact that we are part of the history of ramifications attendant to the figure of human dignity, and the by now more or less stable problem of pastoral power that has been reconfigured and put into play because of the politics of intrinsic worth. Both analytically and ethically, this contemporary relation demands more than denunciation and exit. It also demands a spirit of remediation in which and through which the problem of human dignity might first be rendered through a different analytic media (for example, case studies of knowledge and power) and perhaps thereby be made better—whatever that term might eventually mean.⁶⁹

Human Dignity and the President's
Council on Bioethics

Bioethics and the Reconfiguration of Biopolitics

In the Diagnostic Excursus, working somewhat schematically, I sought to recapitulate and recompose the elements of human dignity in terms of pastoral power, and to do so with reference to the two venues I have examined thus far: the Vatican at the Second Vatican Council and the United Nations in its work on the Universal Declaration of Human Rights. As I proposed there, it seems to me that the figure of human dignity and the effort to turn that figure into a practice can usefully be thought about as a restylization and reconfiguration of the principal elements of pastoral power as it was constituted in its classical form. I also pressed the point that my claim should be taken in a strictly technical and precise sense. In both of these venues, one ecclesial and one political, the challenge was to take up an ancient mandate: *omnes et singulatim*—care extended to all and to each one. The object of concern at the center of this mandate was not the Christian soul in relation to the flock. Nor was it the juridical citizen in relation to the nation. And the object was certainly not the biopolitical body in relation to the population. Rather, the object

of concern was the human in relation to humanity, understood as inherently and primordially dignified.

Unlike the classical model of the Christian pastorate, the mandate to care for all and for each one was not carried out in connection to the traditional equipment of ecclesial and political governance. The goal, after all, was not to create technologies to cultivate or to regulate the daily conduct of conduct. Rather, and in consonance with the archonic, the goal was to discern and moderate those things that violate or compromise the essential character of things human so as to design practices whereby dignity might be protected and allowed to be. Human dignity is archonic, which is to say its moral rectitude and authority are immanent. Human dignity is nomic but not autonomic, one might say. It demands care but it does not care for itself. What it requires is that a space—conceptual and practical—be cleared in which the human can be what it is essentially. Traditional ecclesial and political equipment must be reformulated or new equipment invented so as to discern where human dignity is in danger and what range of other practices need to be restrained.¹ In the case of Vatican II, the church was conceived as uniquely positioned to facilitate hermeneutic equipment: developments of the contemporary world must be read as signs so as to orient humans to a true ontological calling. In the case of the United Nations, human dignity was conceived in such a way as to call for equipment of recognition and self-moderation with the understanding that the United Nations could, through human rights, position itself to facilitate such equipment.

My proposal and working hypothesis is that actors in both venues faced a similar challenge: to constitute themselves as responsible for and capable of caring for human dignity. In the course of this challenge being taking up, human dignity was conceived as archonic. Conceived as archonic, human dignity was made the anchor point and object of a distinctive mode of reasoning about and caring for things human. This distinctive mode amounted to a reconfiguration of pastoral power. Human dignity, in an archonic mode, is a problem of pastoral power.

This brings me to my third case: the formation and development of the U.S. President's Council on Bioethics (PCBE)—the U.S. federal bioethics committee constituted under the presidency of George W. Bush.² I will begin this third part of my inquiry by saying a word about why I selected U.S. federal bioethics as a third case, about the significance of the other cases in relation to it, and, finally, about how I will proceed.

By any of several measures the U.S. President's Council on Bioethics is not as significant as either of the venues in my other two cases. No other event in the last century compares to the Second Vatican Council in terms of ecclesial transformation, with the possible exception of the rise of nondenominationalism in the United States. No other venue of international politics has the profile of the United

Nations, recognizing that other multinational and nongovernmental organizations are obviously crucial venues of international power in connection to questions of dignity and rights. The President's Council—or federal bioethics commissions *per se* for that matter—is not at the authorial apex of any worldwide community, nor is it global in scale or reach, despite the fact that many of its actions have served as a triggers for bioethical activities in other governmental settings. Moreover, the outcome of its legacy with regard to the care of human dignity is quite different, as I will explain in this chapter and the next.

Keeping all of this in mind, however, the President's Council does share crucial characteristics with the other two cases, characteristics that make it particularly interesting for my study. In the first place, as I noted in the introduction, the PCBE was a venue that took up the challenge of constituting itself according to the double proposition that human dignity is a uniquely worthwhile object of concern and that the work of developing modes for thinking about and protecting human dignity is a uniquely urgent one. In the second place, although it did not take itself to be uniquely qualified to care for human dignity in anything like the same way as the Vatican or the United Nations, the President's Council did take its work to be momentous and exemplary. In quite a deliberate fashion, the council took as its first order of business the task of rethinking the meaning and purpose of bioethics, giving focused attention to the extent to which bioethics is capable of—in their words—“securing human dignity.” The stated goal of this initial work was to demand something more of ethics in relation to science generally, and biology in particular, so as to invent a form of practice consonant with that demand. To quote the first chair of the council, Leon Kass, the goal was to establish the terms and practices of a “richer bioethics.”³ The metric of that richer bioethics would be human dignity.

In the third place, and perhaps most significantly, as of the early years of the twenty-first century, bioethics had become a trading zone within which human dignity was being rethought and reconfigured. Human dignity had, over the course of the last decade of the twentieth century, increasingly been invoked as a principal mandate and guide for ethical and regulatory interventions into a growing array of bioscientific endeavors. This broad use of dignity, however, had generated a number of basic conceptual and practical blockages: attempts to connect human dignity to the objects and practices of the genomic and postgenomic life sciences served to problematize the term's previous meanings and uses. On the one side, this problematization produced conceptual stasis and philosophical fragmentation.⁴ Yet on the other side, despite such stasis and fragmentation—or even by way of such stasis and fragmentation—the phrase “human dignity” continued to circulate as the object and objective of an ever expanding catalogue of possible practices.⁵ One outcome of all this is that prior conceptions of human dignity and the practices

connected to them began to be retooled and put to work in the name of problems that were ostensibly similar to those in relation to which the term previously had been defined. That is to say, if human dignity was said to be at stake in biology and biotechnology, this was assumed to be the same object of care that had been put at risk by sovereignty and secularism. The upshot is that the meaning and function of human dignity as a central object of ethical concern was put to work in relation to a new problem, and, thereby, its hermeneutic and politically moderative capacities were put to the test and ultimately reconceived.

The President's Council on Bioethics is one particularly important site at which the logic of human dignity was taken up as the object of focused work on the relation of human worth and the biotechnical body, a site at which a concerted effort was made to design, develop, and carry out practices calibrated to this archonic logic. Where the Vatican offered designs for ecclesial equipment in relation to the problem of interpreting the meanings of the modern world, and where the United Nations offered political equipment in relation to governmentality and sovereign nations, the President's Council offered designs for ethical equipment for work on the relation of the human body to the emerging life sciences and their technologies.

In both of the first two cases I argued that, for different reasons, human dignity was conceived according to a particular ontology: the archonic. With the President's Council the archonic is once again characteristic, as I will show. And, like the first two cases, the reasons for figuring the human as archonic are likewise distinctive. In *Gaudium et spes* human dignity is conceived as archonic in response to the demand that the church's magisterium be put to work as an instrument of pastoral care for the modern world. Human dignity, in turn, was defined by way of a supernatural call constitutive of human nature. In the Universal Declaration human dignity is archonic by way of a series of procedural exclusions. Human dignity is formulated as that object of care which speaks for itself in such a way that it need only be recognized and declaimed. In the work of the President's Council, or, at least in the council's early work, human dignity was conceived as archonic by way of another shift in the mode of reasoning: the council was faced with the challenge of demonstrating an inner connection between the problem of human worth, the nature of nature, the character of contemporary biotechnology, and the problem of security. As I will describe, this configuration of variables changes a bit in the council's later work. But what the council's work on and with the figure of human dignity demonstrates throughout are the difficulties and tradeoffs attendant to thinking about and trying to define human dignity in relation to the material body and the materiality of science.

In bioethics generally, and in the President's Council specifically, the appeal to human dignity during the early part of the twenty-first century was figured in such

a way as to require bioethicists to take up both types of equipment examined in the previous cases—the hermeneutic and the moderative—connect them, and give them cooperative form. In the first place, the attempt was made to establish an interpretive framework through which the relative differences and correspondences between the essence of things human (“the truly human,” as the council put it) and the goals, practices, and contexts of biotechnology need to be discerned. In a fashion similar to the Vatican, the challenge is something like “reading the signs of the times” so as to evaluate those signs according to a naturalized conception of the truly human—humans are called to be human, and science cannot be allowed to upset or violate that syllogistic dictum. In the second place, an attempt was made to situate human dignity in a position of critical adjacency to the apparatuses of government. In a fashion not dissimilar to the United Nations, the members of the President’s Council were quite deliberate in fashioning a conception of human dignity as that which ought to moderate and inflect the practices of government. The members of the council embraced the notion that they were “not politicians” and were therefore free from the pragmatic constraints of government. Despite this, a politics of human dignity was nonetheless put forward as capable of modulating existing modes of governmental reason. To this extent human dignity, once again, was put forward not so much as an external constraint on governmental practice but as a point of self-limitation; human dignity was put forward as that object whose nature needs to be taken account of in the governance of science: the nature of human dignity will indicate to us whether our practices really can deliver the goods we think they can. Unlike the United Nations’ declaration, in which human dignity is connected to the goods pursued in the exercise of state power, the President’s Council on Bioethics put forward human dignity as an object and an objective of ethical intervention into contemporary scientific spaces as well as into the economic, academic, and political spaces in which biotechnological goods are promoted and pursued. In this sense, despite their refusal of identity with politics, the members of the PCBE put human dignity forward as crucial to the art of governing science. So the first point of significance is that the President’s Council formulates human dignity in an ontological mode consistent with figurations at the Vatican and the United Nations.

The second point of significance is that the President’s Council, from an analytic point of view, attempts to articulate and bring together hermeneutic and moderative practices similar to what we saw elaborated in *Gaudium et spes* and in the Universal Declaration of Human Rights. An important clarification needs to be made here. Given these parallels, an obvious question is: to what extent did the members of the President’s Council draw on or otherwise model their efforts on discourses and practices that originated with the United Nations and with the Vatican? On a simple level the answer has to be that the uses of human dignity formulated

in these venues had to have had some effect on the council's deliberations, given their scope and importance. That being said, the extent to which one could draw direct explicit links to the formulations from these other venues is not an easy one to answer. One would need to take a more carefully historiographical approach to the question. For my purposes here, it is enough to recognize that the work of the PCBE can be thought of as taking place within a durational problem space shared with the Vatican and the United Nations: like these previous venues they problematized human worth through the language of dignity with the aim thereby of turning human dignity into an object of practice for the inflection of power. No doubt the PCBE would not have proceeded the way they did if human dignity had not been enshrined in these other venues, but there are no linear lines of conceptual or pragmatic inheritance that can be drawn between the efforts of the council and these previous events. This is, in part, because there are multiple intervening developments that shaped the council's work. In addition to prior efforts to define human dignity, the council would simply not have taken up the problem of human dignity the way that it did if not for the debates in the United States and elsewhere over human embryonic stem cell research; the attempt to connect those debates to the abortion controversies, and thus to draw American evangelicals and Roman Catholics into a shared political orbit; the rise of the biotechnology and pharmaceutical industries as major forces in the development of the biological sciences; the completion of the first stage of the human genome project; the widespread belief that DNA holds the secret to human identity; the increased profile of bioethics in public life; and the attacks of September 11, 2001, and the subsequent attempt to connect bioethics to a rhetoric of security. So, though one can find rather direct points of connection between the formulations of the Vatican and the United Nations and the thinking developed by the President's Council and its members, the influence of such points of connection cannot be disentangled from other events.

Hence, to take once again Foucault's advice offered in relation to other significant "intersections between jurisdiction and veridiction"—and this is the third point of significance—"I do not think that we need to look for—and consequently I do not think we can find—*the* cause" of how and why the President's Council took up human dignity in an archonic mode.⁶ We need to pay close attention to the range, influence, and interactions of the multiple conditioning factors in play. We must be willing to refuse the terms of what might be cast as a "Kantian analytics," in which the goal is to identify necessary conditions of possibility. The goal, rather, is to examine these reconfigurations of human dignity as the actualizations of possibilities among others. These are contemporary events, which is to say that although constrained and formed by the recent past, they are also characterized by a measure of irreducibility in relation to that past.⁷ Perhaps it can be put this way: the

aim of analysis, as I am pursuing it here, is not simply the discovery of the conditions of possibility for how human dignity has been figured but to characterize what has been made actual. In this way, my analysis might facilitate the further work of giving form to new possibilities. In this manner, the stakes of inquiry consist in diagnosing the logic according to which distinctive modes of thought and practice have been and are being produced, so as to discriminate the forms they have taken, the capacities and incapacities of those forms, and how they are continuing to shape contemporary life.⁸

Having said all this, it is obviously important to keep in mind the fact that the past does weigh on the present, even if not to the point of overdetermination, and much of the material in this chapter will be genealogical. The ramifications of Vatican II and *Gaudium et spes* continue to shape contemporary Roman Catholic bioethics in direct and explicit ways, both in the United States and elsewhere. The United Nations has worked to formally connect developments in both genomics and embryonic research to the Universal Declaration on Human Rights. And members of the President's Council spent time as prominent figures in both of these other venues. In this sense the conditioning effects of the Vatican's work on human dignity, as well as the United Nations' work, can be said to have had a rather straightforward influence on the work of the President's Council.

Genealogical analysis of these ramifications and connections would no doubt bring to light other significant dimensions of the contemporary problem space. Such historical analyses free up thought and multiply contingencies precisely at those places where historical or anthropological constants were most expected. The problem today, however, is different from those taken up under what one might call a mode of "the history of the present." The problem today is precisely that the concept of human dignity and the equipment associated with it has simultaneously been put in question while continuing to be mobilized in ever more diverse problem spaces. During the 1990s and 2000s bioethics was exemplary in this regard. It is in view of this mobilization and remobilization, as well as the conceptual and pragmatic breakdowns that accompany the use of human dignity in bioethics, that I have selected the particular cases in this book. I think that these cases not only tell us something about the way in which the figure of human dignity has been fashioned but also something about the shaping effect of particular conceptual and pragmatic circumstances on this work of figuration, and the interdependencies among human dignity, the venues in which it is thought and rethought, and the equipment that has been proposed as a means of turning human dignity into a practice. The work of the President's Council, like Vatican II and the United Nations, is worth exploring in this regard.

So, to put it more concisely: this third case will provide a brief and schematic ac-

count of the rise and formalization of federal bioethics in the United States and will mark the particular shifts introduced by the President's Council's work on human dignity relative to that history. My account will describe modes, objects, and objectives of ethical practice that were taken to be strategically appropriate to previous developments in biology and medicine and that were subsequently made generally normative for the practice of bioethics. A first goal is to establish a set of analytic contrasts. The President's Council attempted to move beyond what Leon Kass and other influential members cast as the perceived shortcomings of prior bioethical modes by trying to demonstrate the externalities and critical limitations of those modes—that is, showing what they leave out as well as showing the cost of such exclusions. Whatever one makes of the council's work and the ramifications of that work, it is worth taking seriously the fact that in rethinking the practice of bioethics, both in terms of the formulation of ethical obligations as well as activities and capacities, the council attempted to discern what a "bioethics commission" is and what it is not, as a venue capable of facilitating the governance of science. Moreover, council members attempted to understand what the price to be paid is when these limitations are overlooked, underappreciated, or overstated. This is really what was taken to be at stake in the quite deliberate, systematic, and sustained self-constitutional work of the President's Council on Bioethics. Their stated worry was that the objects, modes of reasoning, and jurisdictional practices of bioethics had become dangerously insufficient. Something more was demanded from power. Hence a proposal for a different bioethics: one centered on human dignity.

Looking toward the concluding portions of my inquiry, I signal once again what I take to be at stake. The stakes of my analysis are not altogether dissimilar to those articulated by the President's Council—though their first-order aim of defining human dignity so as to care for it can only be said to be my own if it is recognized that I want to take up a second-order relation to what they have done. I think that the deliberations of the President's Council (and my analytic deliberations too, for that matter) form part of what constitutes human dignity today. To cite Rabinow again: representations are social facts, mine no less so than the President's Commission.⁹ I also think that today it is time to put to the analytic test the functions and limitations of prior modes of ethical reasoning and practice, the truth claims produced by those modes, and the equipment connected to them, again, my own as much as others'. My aim is to diagnose the logic and limitations of human dignity, understood as archonic, not so much to embrace or denounce those limitations but to situate them as part of the historical event of human dignity. This means, among other things, getting clearer about the logic and effects of the archonic as it has been mobilized in new domains and connected to new practices. In this way one might be prepared to study the fashion and extent to which other ways of thinking about

things human, and other modes of care, might be given form and opened up as a result of the contemporary ramifications of the stated goal of caring for human dignity.

BIOETHICS AND BIOPOLITICS

Since the 1960s, concerns regarding the capacity of the life sciences to understand and cope with the ethical and ontological ramifications of their own developments have been brought to articulation by an increasing number of actors, individual and institutional. Speaking schematically, we can say that working through a series of events, problems, and venues from the 1960s forward, these actors began to connect their concerns to a discrete number of topics and thereby began to consolidate their work, eventually creating regularized and authorized genres of discourse and practice. By the mid-1970s “bioethics” as a term and as a specialized domain of practice had been formally and institutionally situated alongside biology and medicine, and the bioethicist had been authorized, alongside the biologist and physician, as a specialist in thinking about the meaning and worth of health, the body, science, and technology.¹⁰

In this section, I will review how these early bioethical formations developed, stabilized, and shifted. Proceeding in a manner that is no doubt too schematic and linear, and therefore that risks oversimplification, I will examine three bioethical “ensembles” or “assemblages,” each consisting of events, problems, and venues in which the question was posed and reposed of how it is bioethics should be practiced and of how the norms of bioethical reasoning should be institutionalized and put to work in the world. The three ensembles that I will examine are (1) efforts to think through and establish mechanisms for protection of human subjects of research in the 1970s, (2) developments connected to the human genome initiatives of the late 1980s, and (3) responses to cloning and embryonic stem cell research in the 1990s and in the first decade of the twenty-first century. My examination will be relatively brief given the scope of each of these three assemblages and given that there is already a large collection of work devoted to these three ensembles. My goal is to specify enough about each ensemble to throw into relief critical shifts in the modes, objects, and objectives of bioethics—shifts that preceded the work of the President’s Council and in relation to which the council often tried to distance itself. I will spend more time on the first ensemble than on the other three. The reason for this relative weight is that several members of the President’s Council, Leon Kass in particular, picked out the developments connected to human subject research as the bioethical “other” in relation to which they called for new practices grounded in the defense of human dignity.

Throughout this section two points of orientation should be kept in mind. The first is that although bioethics is occasionally discussed as if it were a timeless domain with stable and self-evident objects and objectives, it is—as is true of many disciplines today—a heterogeneous and contested collection of practices, institutions, and actors. Bioethics first coalesced around a specific number of problems and situations, and its initial methods and modes were elaborated accordingly. Its practitioners and institutions have since had to deal with a range of new problems and circumstances and thus have had to rethink core practices regularly.

The second point of orientation is that the rise to predominance of human dignity as a term in bioethics has been neither inevitable nor straightforward. No doubt those who have worked to enshrine human dignity as the centerpiece of bioethical reasoning would disagree. It is true that since World War II the idea of dignity has frequently been set forth not only as an *a priori* limit on the moral and political excesses of scientific practice and as an anchor point for the elaboration of new, ostensibly more ethically sound, modes of practice.¹¹ What is more, as I tried to show in regard to Vatican and the United Nations, human dignity had already been conceived as immanent, absolute, and universally obligatory.¹² Accordingly, the invention of hermeneutic and protectionist equipment had been in the works for at least several decades, and the effects of that invention, and the concurrent institutional transformations, had been felt globally.¹³ Many in bioethics had made the concept of human dignity central to their work from the earliest days of bioethics forward, especially those connected to Catholic traditions of moral theology. The President's Council on Bioethics is distinctive, and its work is unprecedented in bioethics, however, insofar as it was the first federal bioethics commission for which the protection of human dignity was put forward as a founding and defining mandate.

ENSEMBLE I: HUMANS AS BIOMEDICAL SUBJECTS

In the United States in the 1960s, serious discourse about the ethics of biological and biomedical research began to move from informal channels of communication among researchers to more formal and public interactions between select biologists, doctors, and philosophers and theologians. These formal interactions consisted primarily of conferences and published articles, the details of which have subsequently been catalogued by several of the major players involved.¹⁴ The early conferences were especially crucial to what would be the formalization of a new scholarly field: by the 1970s the early participants, most connected to elite academic circles, began the arduous work of learning to adjust and remake settled practices of problem specification and modes of thinking and engagement, with all such adjustments en-

tailed in terms of self-formation, overcoming blockages, and the eventual creation of new forms of expertise and authority.

Assessing these early developments in quite general terms, it is fair to say that at the outset no one was equipped to deal with the questions being posed, which ranged from the moral salience of using artificial organs, to how to prioritize recipients for transplantation, to the meaning of death. The capacities needed to deal with these questions needed first to be invented and then put to the test. The theologians involved, most of whom, initially, were Christian, concerned themselves with discerning the extent to which developments in biology and medicine raised genuinely new ethical and theological questions and hence the extent to which traditional theological resources and modes of analysis could simply be applied or needed to be more fundamentally reworked.¹⁵ Philosophers, for their part, found themselves working in problem spaces where the stakes and constraints of thinking were by and large more pragmatic and instrumentally consequential than work conducted in other academic settings. Obviously philosophers had long been concerned with practical matters. But with the exception of those few philosophers who had had occasion to contribute directly to other political situations, most of the scholars involved had been intellectually raised on metaethics as part of the dominant trends in U.S. philosophy departments in the mid-twentieth century.¹⁶ For the first time, to quote Daniel Callahan's rather pointed assessment, philosophers (among whom he counted himself) had to "say something about real life."¹⁷ The biologists and doctors arguably had to adjust most of all. They had to confront directly the limited resources within their own disciplinary traditions for conceptualizing questions of significance. In addition, they had the most to risk in terms of their established institutional authority by allowing nonbiologists and nonphysicians to help set the agenda. In short, the pragmatics and situational constraints of the ethics of biological and biomedical research required the cultivation of new capacities for everyone involved.

In the early 1970s, forums of interaction were regularized, and normative practices began to stabilize. One case of this regularization and stabilization stands out as particularly important to the genealogy of the President's Council: developments concerning biomedical research on human subjects. From the point of view of the council's work, early thinking about the ethics of research with human subjects was cast as definitive of the purposes and frameworks for moral reasoning that would subsequently become "bioethics." Said differently, when the members of the President's Council called for a "richer bioethics," they were, more or less, referring to bioethics as it was formulated in response to the problem of human subjects research. In this light, I will outline elements of these prior developments that did, in

fact, become characteristic of a major segment of institutional bioethics, elements that members of the PCBE, its chair Leon Kass in particular, took as exemplary of its limitations.

Several events mark off the problem space in which the ethics of research with human subjects took form. Particularly consequential were the revelations of deception and exploitation that characterized a series of government-funded biomedical studies. Of these the Tuskegee Alabama syphilis studies had particularly catalytic effects on the formation of bioethics, and they have since come to stand in for the dangers of nonregulated medical research. Prior to 1972, when a *New York Times* story about Tuskegee first broke, a number of researchers and philosophers had thought about, and published articles on, the question of how research with human subjects should be conducted. Likewise, prior to 1972, there was a history of the regulation of such research, particularly in the wake of the Nuremberg Trials. But research with human subjects became a political problem of a different caliber once the *Times'* story was published. Where the ethics of the conduct of research with human subject had been taken to be a question for the scientific community, it now received sustained governmental and public attention.¹⁸

The Tuskegee studies began in 1932 and lasted until they were framed as matter of ethical crisis and violation in 1972. The purpose of the study was to understand the "natural history" of syphilis in untreated patients. The studies were by no means secret. They had been sponsored by the U.S. Public Health Service. The studies targeted over six hundred black men, mostly poor and mostly uneducated. The men involved were never told they were involved in a study of syphilis, never told they had syphilis, and never told that their conditions were treatable. As a result, not only did the men suffer unnecessarily, so did their partners and children.

As I noted in the Diagnostic Excursus, the term biopolitics has been made to circulate widely in academic venues, and as it has been used to explain such a broad swath of objects and events, there is some risk of analytic imprecision attendant to taking it up. Biopower can easily explain nothing by explaining too much. Keeping this in mind, carefully defined, the term biopolitics does seem to apply to the kind of power relations and veridictional practices characteristic of the Tuskegee affair. These power relations were characterized by a willingness on the part of researchers to let certain population groups die in the name of helping others to live. Indeed, when the principal researchers in the study were called to account for their work, the benefits to "society" were put forward as the justifying rationale. This tradeoff, made in the name of public health, was ultimately taken to exemplify the moral deficits of a bioscientific mode of research that takes no account of the effects of research on the individuals directly involved. What came to be seen as particularly nefarious in all of this was that the bioscientific claim to generating health seemed

to have no intrinsic principle of self-limitation, other than what might be needed for the technical design of a successful study. As I noted in Chapter 2 with regard to governmentality more generally, biopower only finds its limits in the nature of the object and the ends of power: one only knows one has intervened too much or too little when one fails to achieve the amelioration of the health, wealth, or security of the population.

The affective response generated by the media coverage in 1972 was shock and outrage, exemplifying the changing American political ethos. The justifications offered up by public health officials for the Tuskegee studies were strongly countered by a mix of claims that the researchers had violated the subjects' common humanity and civil rights. The *New York Times* story emphasized that "human beings" were made to serve as "guinea pigs."¹⁹ The expression of outrage was compounded by the fact that the studies had been tracked by individuals in relevant research communities through published results for almost half a century and had regularly been reapproved for ongoing funding. The tone and affect of the *Times* report was crucial to how the politics would subsequently unfold: it connected the treatment of the Tuskegee men by the U.S. government to widespread repulsion over Nazi medicine. The fact that the deception and exploitation of the Tuskegee studies had been justified in the name of public health at the cost of the individuals involved tightened the affective ties of this connection.

Other studies, such as research with mentally disabled children at the Willowbrook State School in Staten Island, who were intentionally given hepatitis, were cast in the same moral light as Tuskegee. The revelations and their framing helped catalyze efforts, already underway by members of the U.S. Congress, to form new oversight bodies dedicated to the ethics of research conducted with federal funds. The most meaningful of these proposed bodies were government bioethics commissions. The first commission would finally be established in 1973: the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, or "the National Commission," as it was subsequently called. Among other things, the National Commission was designed and brought into being to transform the affect of outrage and betrayal into practices of ethical analysis and regulation.²⁰

The work of the National Commission proved to be crucial to the founding of bioethics. It constituted the first serious attempt by the U.S. government to establish ethics as a formal part of the government apparatuses concerned with the biological sciences. Previously, the U.S. government's involvement in the creation of bioethical apparatuses had been limited and ad hoc. Questions pertaining to the appropriate conduct of research had certainly circulated through the internal channels of individual funding agencies, but these informal practices only began to be

formalized when Walter Mondale held congressional hearings, in which he (unsuccessfully) called for the formation of a President's Commission on Health Science and Society. Teddy Kennedy likewise sponsored senate hearings, which focused particularly on the question of research on human subjects and fetal research.²¹

A question circulated throughout these early efforts: to what extent should biomedical research be subjected to oversight and regulation in the name of goods beyond those of health, and if so, which goods, and what would be the price, scientifically and politically, of such oversight? The Mondale and Kennedy hearings included a parade of elite biomedical researchers arguing that both public health and U.S. dominance in research would be compromised if mechanisms were created in which nonmedical specialists were given power to intervene in research. "Bioethicists" from newly created research centers at Georgetown University in Washington, D.C., and the Hastings Center in Hastings, New York, also testified. These scholars recounted a litany of ethical problems that nonregulated research had produced. If scientists emphasized the goods of maximizing health and accelerating U.S. wealth, bioethicists emphasized the rights of individual persons and vulnerable communities.²²

In the end, these hearings, along with the growing public outcry over Tuskegee and Willowbrook, intensified the demand for a distinctive kind of venue capable of connecting ethics and the regulation of biomedical research. The practical question continued to be: what must a bioethical venue, constituted as a government commission serving in the executive branch, be capable of doing? One initial answer was that such a commission must be capable of formulating "principles" that could be transformed into "regulations" that could, in turn, interface with the potential goods of scientific research. Such potential goods were framed by Senator Kennedy as consisting primarily in "society's demands for the advancement of knowledge" and "the rights of its individual members."²³ What he meant by either "society" or "the rights of the individual" was not yet clear. The challenge, in any case, was to establish a venue capable of inventing bioethical equipment indexed to the goods of research and public health as well as the well-being of the individuals participating in research.

In 1974, Public Law 93-348 created the National Commission to take up the task of sorting out the terms of this challenge. The congressional mandate specifying the responsibilities of the National Commission, however, had the effect of overdetermining how the members of the commission might go about their work.²⁴ Among other things, the commission was asked to identify the criterion or criteria according to which ethically "favorable" research on human subjects could be discerned from unfavorable research. It was expected that this would be done by discerning those principles that underlie research with human subjects when it is done ethi-

cally and by formulating mechanisms for reforming research in view of such “immanent” principles.

One culmination of the commission’s work was the publication of the so-called Belmont Report.²⁵ The report had lasting effects. The principles it enumerated became standard for bioethics and were taken up and recirculated in research centers and authorized publications: if the principles laid out in the report began as principles for the conduct of federally funded research on human subjects, they became principles of bioethical thought and practice *per se*. This legacy, on one level, is surprising given the pains the authors took to be quite context specific in their design of the report. For example, the commission members actually delayed answering the question of which principles should be enshrined in regulations for their first three years of work so that they could work through a series of specific cases of abuses of research subjects—for example, research with children, with prisoners, and with the mentally handicapped. The general principles articulated in the report, in short, were formulated through a careful meditation on the specific contours of the research domains that would be regulated through the use of those principles.

In the end, the Belmont Report offered three principles for research, which, in turn, were connected to three regulatory practices thought to be appropriate to existing scientific and institutional practices. The principles were: respect for persons, beneficence, and justice. The practices were: the requirement of informed consent, risk/benefit assessment, and the just selection of the subjects for research.²⁶ The philosopher Stephen Toulmin, a member of the commission, summarized the challenge at the heart of the commission’s mandate in this way: “the central question is how to reconcile protection of individual rights with fruitful pursuit of the collective enterprise.”²⁷ No doubt this is right—up to a point. How to reconcile a competing set of goods was indeed the core problematic. But more needs to be said, particularly in light of how human dignity would later be mobilized. The central question might also be put like this: Who is the human figured as a subject of research? And, what needs to be done to care for that figure of the human? Framed this way, this question has three principal components, which form a single anthropological grid: first, the human needed to be defined; second, research needs to be defined; and, of course, the relation between them needs to be defined.

The first question: what is the human as a subject of research? The first answer: the human subject of research is a person, strictly speaking.²⁸ This means that the human as the subject of research is not only a biological body or a statistical member of a population—although the human must be these as well for biomedical research to proceed. Likewise the human is also not just the subject of health and vitality—although the practice of cost/benefit analysis suggests that this way of thinking about things human must be a predicate of research as well. So, in addition to being

addressed as a biological body or part of a vital population, the human must also be an individual person. The history of thought on the ethical meaning of personhood since Kant need not be rehearsed here. It suffices to say that, among other things, the person is that figure of *anthropos* defined by the capacity for and right to reasoned autonomy, reasoned self-rule. The research subject is therefore cast by the National Commission as an individual capable of making informed choices.²⁹ So, in answer to the question “what is the human as a subject of research?” the first answer is that it is not just a biological body or part of a living population. The subject of research is also a person on whom research must only be conducted after a reasoned choice has been made to participate in research. A certain anthropological heterogeneity is in play, which needs to be tolerated and sustained—the human is a body, part of a vital population, and also a consenting person.

If the human as a research subject is a consenting person, the human is also a figure and subject of justice.³⁰ Research subjects are selected for inclusion in research and can be selected more or less justly. The outrage over Tuskegee, after all, was not only expressed in relation to the fact that human persons were deceived, though it was certainly this. It also was expressed in relation to the fact that the humans who had been deceived had been picked out for exploitation because they belonged to groups with less access to power. Anthropologically it follows that in the Belmont Report the human is not only an individual but also a member of specific collectivities. These collectivities are themselves vulnerable to the excesses of power exercised through science.³¹ The report not only called for practices of informed consent but also for the just selection of research subjects. Justice and personal freedom are put forward as mutually balanced principles in the Belmont Report, and the two are not arranged in any kind of hierarchy, either ethical or anthropological. Perhaps this goes without saying, but the fact that the human is a figure of justice and not only a figure of reasoned autonomy is often overlooked in accounts of the work of the National Commission. For example, Albert Jonsen, a commission member whose writings have become a standard reference on the history of these events, recounts the arguments several of the commissioners put forward concerning the human as person, but the human as a concern of just selection is left more or less underexamined.

In any case, with regard to the question “what is the human as a subject of research?” the answer is that it is not just a biological body or a member of a vital population, but, in addition to these but without excluding these, the human is a person on whom research must not be conducted until that person has made a reasoned choice to participate, and the human is also a member of collectives that must be included or excluded from research on the basis of just access. What counts as ethically sound research, it is taken to follow, is not just technical breakthroughs

and medical advances. It is research that constitutes itself in reference to personhood and justice.

Again, an anthropological heterogeneity: the human is conceived as a single object constituted of elements of heterogeneous scale and quality (individual persons and vulnerable collectives, as well as biomedical bodies and vital populations). This anthropological plurality is perhaps not surprising given the philosophical and political constraints within which these matters were taken up. As Jonsen put it, work on the commission, with its deadlines, diversity of members, and policy stakes, required a certain tolerance for theoretical indeterminacy as a means of facilitating practice. In this it differed from the consideration of the human in the constitutional work of the President's Council, as we will see.

So, the first element of the question—what is the human as a subject of biomedical research?—is a consenting person and, potentially, a member of a vulnerable population. This is the figure that needs to be protected from abusive research practices. But if bioethics is going to care for this human as a subject of research it must, of course, be capable of answering the question: what counts as research? What kind of goods are at play in research? How might these goods be understood such that it is clear what is at stake relative to the human who is the subject of research?

Jonsen, in recounting the commission's history, makes a point, to which he does not give very much attention but that concerns a matter proving to be quite significant. The point he makes is that when the National Commission took up the task of defining what constitutes "research," they "implicitly abolished the long cherished distinction between therapeutic and non-therapeutic research."³² Jonsen reminds his readers that in other key works, such as the Helsinki Declaration, and even in other National Commission documents this distinction had been central. In the Belmont Report the question of whether or not the human needs to be protected from research does not turn on the distinction between therapy and nontherapy. Rather, the question turns on the goal of "the generalization of knowledge." Why is this significant? First: in the first major publication of the President's Council, this will be reversed. For the President's Council, the question of research and protection will once again involve the distinction between therapy and nontherapy. Human dignity, as the council considers it there, requires this distinction, as I will show. Second: emphasis on the "generalization of knowledge" places the weight of ethical concern on a balance between the direct goods and rights of the individual person and the goods that can be derived more broadly beyond the individual involved. This metric of balance, which proves vital to the commission and their heterogeneous anthropology, does not appear in the council's work on dignity; balance will not be an approach commensurate with the logic of dignity.

The question follows: what are the goods of research, and, relative to the indi-

vidual subject, do they come at too high a cost; where does this balance lie and what does it consist in? The commission's answer—which is framed as the definition of research—involves making a connection between the practice of cost/benefit analysis, the definition of research, and the free participation of the subject. Let me quote the definition: “‘Research’ designates an activity designed to test an hypothesis, permit conclusions to be drawn, and thereby to develop or contribute to the generalization of knowledge (expressed, for example, in theories, principles and statements of relationships). Research is usually described in a formal protocol that sets for an objective and a set of procedures to reach that objective.”³³ What is the objective of research? It will certainly vary from protocol to protocol, but if it is to count as research, it will include at least the goal of contributing to the generalization of knowledge. What is it then that the subject needs to be protected from? Paying too high a cost for the benefit of generalizable knowledge. A contrast is made between the direct goods received by the individuals involved and the generalizable goods of scientific knowledge, and that contrast is figured as requiring balance.

Now, the third element: the relation between the human subject and research. The first question is: what is the human? The second: what is research? The third is: how should we understand the relation between the human and research such that we know what to do? Several years before the National Commission took up its work culminating in the Belmont Report, a study of human experimentation was organized by the American Academy of Arts and Sciences. As a result of this study, quite a famous article was produced and published by the philosopher Hans Jonas, in which Jonas attempts to lay out how the goods of research and the figure of the individual could be interfaced as a balancing of goods.³⁴ All of the commission members were familiar with Jonas's essay.

Jonas puts in question the notion that social and individual goods and rights exist in an ethical asymmetry of kind and not only degree. He argues instead that the individual should be thought of as the site of rights as well as freedom and that science should be thought of as a means by which goods are produced. The goods of research are melioristic whereas the rights of the individual are obligatory. The challenge in his view is not to pick one over the other but rather to interface them appropriately. And what does he propose? Very briefly put: if the pursuit of science is not a right but rather a means of generating goods, then its pursuit is not a matter of obedience but rather is a matter of the exercise of freedom. This is Jonas's point of emphasis: “participation in research must be seen, in all its aspects and for all participants, as an exercise in freedom.” It follows that “Society cannot infringe on individual rights for the production of its future goods.”³⁵ What society means here is not clear, except that it is obviously a domain of goods distinct from the rights

and freedoms of any specific individual. The thing to be noted is the frame by way of which Jonas takes up the problem. Research on humans as subjects is, in the first place, a juridical matter consisting of rights and freedoms. The challenge: how do these limit scientific research? They limit research only in that science must proceed on the basis of the exercise of personal freedom. We might say that utility must result from the gratuitous exercise of the free individual.

So, if the relation of the human person and research is a matter of the exercise of freedom, if it is a matter of creating a situation of proper balance between not two kinds of goods but rather between rights and goods, what kind of ethical practices does this call for? No doubt several kinds of mechanisms might have been put forward as possible answers. But in line with the congressional mandate, the report offers multiple principles. The human is that thing characterized by multiple and heterogeneous truths and goods: the human is a person of consent, a member of communities prone to justice and injustice, a biological body that can be studied, an element of vital populations whose health can be normalized. There is a kind of elective affinity or even correspondence between this multiplicity and the multiplication of principles. Multiple principles are advanced as metrics according to which judgments can be made about which research programs are to be pursued and how they are to be pursued. On an equipmental level, then, what is needed? Something like a hybridization of principlism and casuistry. On the one hand, how do we know subjects are protected? Informed consent. But how do we know if consent is informed? We must review protocols. How do we know research will be beneficent? We must calculate anticipated benefits and costs. And so on. The point is that the relation of the person and research is mediated through the use of principles that, in a case-by-case fashion, will balance the multiple goods and truths bearing on the human as a subject of research.

The multiplication of principles generates two outcomes. The first is the production of a mechanism according to which favorable biomedical research could be discriminated from unfavorable. This means that the principles enumerated had a double status as both givens (these are the principles that underlie good research) and as objectives (research must be done in this way in order to be good). The principles, then, are metrics of discrimination. The point is not that they function to put research in question, *per se*. Nor are they designed to make research thrive scientifically. Rather, they are a recalibration of the terms according to which research could proceed, and could proceed as both useful and legitimate. This means—and this is a second aspect—that the mode of bioethical reasoning and practice called for was not one that would stop research *per se*. Nor was it a matter of establishing a hierarchy of standards whereby the “real” or “good” goal of research could be used to

trump other purposes (for example, the rights of the individual or the social goods of science). The multiplication of principles functions as a practice of discrimination and balance, as instruments of limitation and as well as reorientation.

Broadly speaking it is not surprising that the commission's work centered on persons and the exercise of principles. It was, after all, carried out largely through the guidance of the philosophers on the commission, all of whom had been trained in liberal philosophical traditions (the inclusion of justice is a bit more surprising in this regard and can be attributed as much to the insistent work of Commissioner Karen Lebacqz and the affective effects of Tuskegee as to any other factor³⁶). As I pointed out in Chapter 3, and as is well known, since the seventeenth century the individual as a juridical figure, as the site of fundamental rights and freedoms (whether these are endowed by God, nature, reason, etc.), has been invoked as an external limitation on the otherwise nonlimited aims of biopolitical reason. Keeping in mind that biopolitical reason continued to thrive in the postwar years through the venue of the welfare state, it is nevertheless the case that important points of resistance formed at precisely those points at which biopolitics was taken to have become paroxysmal and excessive.³⁷ That resistance was sometimes articulated in terms of the inner logic of governmentality (for example, government has done too much because our sciences were wrong, our implementations too hasty, and the like). But it was more often articulated by way of the appeal to a metric and an ethical outside. Human dignity was one of these. The judicial figure of the person as the bearer of rights and freedoms was another.

The work of the National Commission is distinctive in this regard. The multiplication of principles operates not by way of setting the absolute and essential against the variable and normalizable. The challenge, keep in mind, was not how to establish the outside limits of research but how to orient research according to the nature of the object at play and at risk, that is, the human subject. The human person is not a conception of things human that sets fixed limits on scientific practice. This is crucial to keep in mind. With the exception of attention to the just selection of research subjects, no a priori limits were placed on research. Rather, variable limits were set. Further, the standard of variability is an ensemble of principles: respect for persons, beneficence, justice. Unregulated research was taken to be vulnerable to the excessive exercise of power. And the standard for determining what counts as excess was obviously not limited to technical success. Rather, the individual person was put forward as that which can make a reasoned choice to limit the power relations embedded in the drive of scientific research by choosing not to participate. However, the human person can also choose to give herself over to the objectives of research. The person marks one passage point through which research can proceed and proceed legitimately. A kind of parallel was created between judicial figures and biopolitical fig-

ures of things human: on the one side persons and communities, on the other bodies and populations. This parallel allowed for the principle of balance to be a mode of ethics by way of which the biopolitical was not undone but rather reconfigured. In this way the individual person, conceived as both the object as well as freely consenting threshold of medical research, is perfectly capable of simply reproducing rather than limiting or balancing out the biopolitical. As figures of biomedical research and participants in health care, subjects of research, as any number of sociologists have shown, are positioned such that the only choices that are allowed to count as reasonable are those that conform to the goods of governmental reason—the amelioration of populations and the measured delimitation of that amelioration.³⁸

The point here is that emphasis on the human as a consenting person, at the level of the design of ethical practices, is a significant fact that must be accounted for. A range of formative practices are made to follow from it. The form of the relation between ethics and biology is calibrated to it. And this form will have a certain functionality, certain outcomes, and, of course, certain limitations. In order for it to do what it does, it must forgo other possibilities. The biopolitical understood as the normalization of the social is put alongside of a juridical rationality centered on the person. The excess of events such as Tuskegee is not taken to call for absolute or fixed limits. It is taken to call for the variable limits predicated on informed consent and just selection. Bioethics as a practice involving the identification, articulation, and application of principles is made to be a way of producing a space of scientific practice and governmental regulation capable of balancing a set of goods and aligning those goods through the play of mutual production and limitation.

Jonsen points out that, in the end, the person as the object of ethical concern is as much a logical predicate of a certain ethical practice as it is an actuality. If we were to analyze the actual practices and situations that unfolded in relation to this emphasis on this choosing person, we might indeed find vectors for the reproduction of the “neoliberal subject,” as the sociologists warn us we will, and hence very little real delimitation of biopolitical reason. But on one level that would be beside the point: at the level of design and the level of the invention of bioethical practice, in the face of a specific problem and a specific mandate, the human person needed to be not so much a given, an actuality—although it was certainly taken to be these—so much as a logical condition for the promotion and regulation of a specific set of goods and practices. The human person in research was the object and objective of ethical work.³⁹

Let me return to the question of human dignity for a moment in order to track the trajectory of my analysis. If the conception of the human at stake in human subjects research is the human as person, and if the defining characteristics of the human person are reason, freedom, and participation in particular communities,

then it appears perfectly consistent that the ethical practices advocated by the commission, practices suited to the existing infrastructures of biomedical research, consisted in informed consent and just selection. In this problem space and under this metric, such practices can be cast as both urgent and necessary, affectively suited to the conditions of excess to which the commission was, indirectly, addressing itself: there cannot be another Tuskegee. It is also clear how these practices could be reconciled with the goods of research: research must pursue the ends of generalizable knowledge, but only if it passes across the threshold of an individual's consent to participate. Autonomy, self-rule, must be assured in the course of research. This means that a certain anthropological multiplicity is accepted: the human can be treated both as a biomedical object and as a person.

Now, this calculation will change considerably with human dignity—a different result following from a different problem space and different metric. The charge for the President's Council, as we will see, will be a familiar one, one that has now been circulated for years in relation to biomedical controversies such as abortion: what is life such that it should be protected? What is dignity as a marker of human life? If the answers to those questions involve an archonic figure of the human, if the defining characteristics of things human are essential, self-justifying, and commanding, then the question will again be: which ethical practices must follow? But those that follow will be those issuing from the command of dignity. Human essence will be that which cannot be violated and must be protected. And that essence will no longer be autonomy. Even the person will not be allowed, cannot be allowed, even by way of its free and consenting personhood to violate the archonic. The archonic, after all, is not autonomous. It is nomic. It commands, but it does not rule or protect or otherwise care for itself. It is not autonomous, and so it must be vigilantly guarded. What is more, because it is essential and primordial, the archonic does not tolerate any kind of anthropological multiplicity as a strategy of balancing principles and practices. If research violates it in any way, it must be categorically rejected. We can begin to see here why the distinction between therapy and nontherapy will matter to the President's Council: the question will become "which forms of research violate the archonic?" It might be said with regard to the ethics of human subject research that the modes of power in play are characterized as a balance of the juridical and governmental. The question that will tacitly be taken up by the President's Council will be whether or not the modes of power are sufficiently pastoral.

HUMANS AS GENOMES

In the late 1980s, human genomics was made to be the major focus and concern for bioethics. In the United States, the biggest government-funded research project

in molecular biology, the Human Genome Project, as a condition of funding, included a designated percentage of funds to be dedicated to “Ethical, Legal, and Social Implications.” As a bioethical problem space, genomics was not really a matter of human subject research. As such, in major publications, conferences, and commissions the problem of the human person as the object of ethical analysis and concern began to recede from view. Of course it did not disappear from view, and questions of genomics, personal identification, and the consenting of genetically related populations would continue to form a major part of the work and concern of professional bioethicists. But the question of experimentation with human subjects, the question of consent, the specter of paternalistic medicine, and the question of the just treatment of population groups would be dealt with through more or less stable institutional apparatuses, such as Institutional Review Boards. However, on one level with genomics the person is no longer the central object of concern. The protection of the person is no longer the only, or even in some cases, the principal objective. As such, the modes and forms of practice that are elaborated as pressing or appropriate are no longer predominantly calibrated to the balancing of personal freedoms and social goods. Or, to be more precise, while much of the infrastructure of bioethics continues to frame most problems as though they were questions of balancing freedoms and goods, a different set of questions indexed to a different figure of the human will begin to show the limitations of that prior framing and the infrastructures attached to it.

So, what was at the center of this inflected problem space if it was not the human subject? It was the problem of human essence, now taken up as the question of the genome. On both biological and ethical fronts the object of thought, intervention, and care was not exactly “the human” or “humanity.” It was something closer to “humanness.” Past ethical anthropologies and practices were taken by many to be insufficient to the prospect, and provocations introduced by genomics cast it as the science that would “read the book of life.” A rather wide range of new bioethical formulations and solutions were proposed for how to move forward.

Of course the problem of human essence was far from new. To paraphrase what Jean-Luc Marion has said of his own work: one studies the human precisely because the human is that animal who has long been a mystery to itself. Indeed, even the problem of human essence in connection to the genetic sciences had a fairly long history prior to the genome projects. The theologian Karl Rahner called for caution in face of the “new powers” of molecular engineering during the buildup to the debates over *Gaudium et spes*.⁴⁰ The challenge of trying to understand things human in terms of essences obviously has a long and venerable, if discontinuous and fraught, history.

With genomics, however, something distinctive happened relative to this history. The blockages and difficulties were singular to the extent that the question was not exactly “what is the human?” or “what is human essence?” but rather: to what extent is the human, in its essence, a genome? And what should and should not be done in light of our answer to this? In what way is the genome a synecdoche for things human, found in its most essential form? Paul Rabinow put it rather nicely when he wrote that for more and more people around the world genomes are taken to “contain precious information that tells the truth about who they, and their pets and plants and food, really are and provides clues to what their future holds.”⁴¹ The question is: how did genomics become a matter of human essence, and how did this reconfigure bioethics?

As with other significant conjunctures involving shifts and recombinations of thought and practice, contributing factors could be proliferated at length: the rise of the biotech industry, the insertion of global capital into the life sciences, innovations in computational technology, and the like. In all of this three factors stand out. First, the event most obviously central to this problematic was the proposal and funding of the Human Genome Project (HGP). The project was carried out over the last decade of the twentieth century by an international consortium of publicly funded labs led and coordinated by the United States but involving labs from many other countries. By 1998 the public project would have a private competitor, Celera, led by Craig Venter.⁴² Using different technologies, and each imbued with a different ethos, the competitors nonetheless shared two central goals. The goal was to determine the sequence of the three billion base pairs that make up the DNA in the human chromosome. The second was to determine the position and spacing (that is, map) of the so-called expressed genes in the human body. These first two goals were basically technology challenges. The problem was creating and coordinating computational technology and facilities. It was widely expected (or at least widely proclaimed) that realizing these two goals would catalyze a revolution in the molecular biosciences generally and biomedicine in particular.⁴³

The second factor was the rhetoric of essentialism, which imbued political debates about the stakes and significance of the project from the outset.⁴⁴ This rhetoric took many forms but almost always centered on the question I have already noted: to what extent is the genome the essence of things human and indeed the essence of all living things? The question was circulated, if tacitly, by those promoting as well as those challenging the project. Certain phrases and mantras appeared with increasing frequency: the genome as the “code of codes,” the “book of life,” “the blueprint” of human nature. This last was a particular favorite of the directors of the Human Genome Project. Writing in 2001, near the end of the project, Director Francis Collins offered an extended metaphor that exemplifies the notion that the

human genome was the essence of humankind: “It’s a history book—a narrative of the journey of our species through time. It’s a shop manual, with an incredibly detailed blueprint for building every human cell. And it’s a transformative textbook of medicine, with insights that will give health care providers immense new powers to treat, prevent and cure disease.”⁴⁵ In the years since the end of the first phase of the project, the rhetoric used to assess the significance of the genome has taken on a decidedly more modest tone. Whatever the genome projects delivered, it was not the “code of codes,” at least not in the essentialized and determinative sense that the early breathless rhetoric implied. The accomplishments of the projects were significant to be sure, but to paraphrase Sidney Brenner, it was the end of the beginning for genomics and certainly not the secret to life.

It bears noting that, as critics of genetic essentialism pointed out all along, the idea that the genome was the essence of human life was clearly a dubious one even to the biologists. It was well understood that there is no overly deterministic causal line running from the human genome, understood as the full complement of genetic material, and the full range the physiological aspects of human life. Genetic material, whatever its significance, does not overdetermine who we are in any strict sense. In February 2001, when the findings of the Human Genome Project and Celera Genomics were concurrently published, the broader scientific community was surprised to discover that the human genome contains roughly thirty thousand genes; a far cry from the numbers predicted just years earlier. Among others, the network scientist Albert-László Barabási noted at the time that the worm *C. elegans* has twenty thousand genes and only three hundred neurons whereas “our extra 10,000 genes have to account for the billion nerve cells present in our brain.”⁴⁶ It was, as it were, not all in the genes, which was obvious to biologists but not to those listening to them. Nonetheless—and this is the crucial point here—those promoting the Human Genome Project as well as the critics of genomic and genetic intervention largely framed the terms of the debate as a question of discovering or protecting human essence. Even those who reject the notion that the genome was definitive were still caught by and in this framing. This meant that the ethical question at the center of things, basically from the outset, was whether or not the human is in essence a genome, and what needs to be done about it.

The third factor in connection to all of this, as I’ve already mentioned, was the creation of a massive bioethics component connected to and funded by the Human Genome Project: the Ethical Legal and Social Implications project.⁴⁷ ELSI was far larger and better funded than any other bioethics project to date. The goal of ELSI, obviously, was to consider what the range of nontechnical implications of the genome projects might consist in. ELSI was created essentially through a political deal made between Senator Ted Kennedy and James Watson, then the director of

the HGP. The deal was that 3 to 5 percent of the overall HGP budget, which at the outset was three billion dollars, would go to ELSI, to be distributed to ethicists, legal scholars, and others to think about and produce work (research papers, policy recommendations, PBS videos, and so on) telling us what the implications of research might be. The word “implications” was crucial and defining. A second side of the deal between Watson and Kennedy was that the ethicists would do their work basically outside and downstream of the biological research. Those working on the ELSI grants could have regular interaction with genomic researchers, but the ethical research itself did not have any upstream role in shaping the scientific agenda.

Not surprisingly, the better part of the questions raised by the ELSI scholars were not new. As Eric Juengst and Al Jonsen, among others, argued at the time many of the core issues presented by the genome project had been thought about in other settings. Indeed, these issues had been a core part of bioethical discussions of genetic research and engineering at least since the publication of *Splicing Life* by the President's Commission in 1982.⁴⁸ *Splicing Life* in fact detailed many of the themes and problems that would form part of the core list of topics for the first phase of ELSI grants. Among these were a set of very specific concerns, including governmental oversight, public education, genetic screening and diagnosis, and somatic cell intervention.

Also included in the report was a discussion of what Jonsen called the “amorphous and vague feeling that we can do things we have never done before and that we may change the human species for the worst.” This amorphous feeling was articulated as a concern that geneticists were “interfering with nature” or intervening on “the sense of personal identity” or as concerns over limits to “the malleability of human nature.” Which is to say that *Splicing Life* did in fact put on the table, in a rather serious and direct way, the question of genetic science and the essence of things human. But Jonsen and Juengst overstate the similarity of the Human Genome Project and past work on the ethics of genetics insofar as the ethos and institutional situation within which this was all developing was distinctive. In familiar usage, *ethos* refers both to “an accustomed or cultivated venue” as well as “capable ethical practices.” The space of practice at the interface of bioethics and the cultural venue of the genome projects was not at all that of genetic engineering in the late 1970s.⁴⁹ Practices, capacities, expectations, and conceptualizations had changed. There is no doubt that, philosophically speaking, the questions posed with the Human Genome Project had been posed before. But those questions had never been catalyzed and structured by the persistent and globally spread specter of what Ted Peters has called the “gene myth.” That is, the notion that genomes “contain precious information that tells the truth about

who they, and their pets and plants and food, really are and provides clues to what their future holds.”⁵⁰

HUMANS AS LIFE

With the Human Genome Project we see a shift in bioethical emphasis from humans as subjects of research and the excesses of biopower to an emphasis on the problem of human genomes as essential and defining. Speaking broadly and schematically we can say that another shift takes place with human embryonic stem cell research. With stem cell research other problems and questions are taken up as particularly urgent, with another set of objects and objectives. Again, as with genomics, the point is not that other questions and objects disappeared entirely, nor is it that the issues and debates connected to stem cell research are radically new. Rather, the point is one of emphasis, ethos, and the focus and form of practice.

In the November 6, 1998, issue of *Science*, James Thomson and his collaborators from the University of Wisconsin announced that they had successfully derived human embryonic stem cells (hES cells).⁵¹ The announcement was accompanied by two ethically significant pronouncements. The first was that derivation of hES cells represented a revolutionary step in the treatment of degenerative diseases. The cells offered the potential of permanent repair of failing organs—“regenerative medicine” as it was coined. The prospect of regenerative medicine, as one researcher framed it, was styled as constituting “a totally new value paradigm for clinical therapeutics.”⁵² The second pronouncement came from the U.S. Conference of Catholic Bishops, given as testimony to the U.S. Congress several days later. Because hES cell research entails the destruction of the embryo, the bishops pronounced the research morally illicit. The therapeutic potential of the research represents a “good end” pursued by way of “an evil means.” Embryonic stem cell research must be judged “fundamentally wrong.”⁵³ The means were considered evil, of course, because the destruction of the embryo amounted to the destruction of human life.

Although the debate over stem cell research has proliferated ethical positions, in the United States questions amounting to a tradeoff of lives cared for between the embryo and the patient remained central, until the creation of so-called Induced Pluripotent Stem Cells more or less took the need for the disaggregation of embryos off the table. As debate over this tradeoff unfolded and intensified, differences of political consequence among “human life” as an object of ethical concern and “human persons” or “human nature” or “human essence” began to show themselves. These various figurations had previously circulated in something of an interchangeable fashion in talk of bioethics, but with the problem of human life, particularly when

articulated as the question of the moral status of the embryo, the differences among these became a matter of pressing concern.

Two words of background. The first scientific. Human embryonic stem cell research is ontologically significant, as is by now well known. It is a basic biological truism that all cells come from cells, as Rudolph Virchow first asserted in the 1850s. The large majority of the cells in the human body are, as it were, highly differentiated and developmentally fated. This means that they have highly specialized functions within specific systems and limited life spans determined by a certain number of cell divisions. When embryonic stem cells were first derived they constituted a class of cells that are neither developmentally fated (they are, as the biologists put it, "pluripotent"), nor do they die off after a certain number of divisions (thus, the infamous designation that they are "immortal"). The point is that, given these particular ontological features, many researchers, particularly in the response to Thomson's successful derivation, believed that embryonic stem cell research would bring about a revolution in medicine. Degenerative diseases would no longer need to be treated through the rather temporary measures of intervention and symptom amelioration but might be susceptible to regeneration. All that was needed, we were told, was the ability to direct and manage the capacities of stem cells.

A second fact about stem cells concerns the ontological status of the early embryo. In order to derive stem cells, the early blastocyst needs to be destroyed. This destruction revealed something ontologically interesting: embryos not only have the potential to become babies; they also (or at least their same cellular material) have the capacity to produce cells that might save the lives of patients. For supporters of embryonic stem cell research, this ontological variability was a matter of relations and a matter of hope. It was a matter of relations in that Thomson et al. discovered that when placed in a medium other than the inside of the blastocyst, the cells of the early embryo exhibited capacities that they would never have exhibited if either left in a Petri dish or implanted in a womb. It was a matter of hope in that, given these remediated capacities, the lives of patients suffering from degenerative disease might be saved.

Hence the second background point. For at least two decades prior to the derivation of stem cells the Roman Catholic magisterium had been thinking intensely about the status of the early embryo. This was done first in relation to the question of abortion, then in relation to in vitro technologies. In the course of this work a number of positions were established that became theological and ethical precedents for evaluating stem cell research. Among the work produced was *Donum Vitae*, which directly addressed the question of the moral status of the embryo, and it did so with frequent reference to the Pastoral Constitution *Gaudium et spes*. *Donum Vitae*, however, introduced a consequential shift in terminology. In *Gaudium*

et spes the question of human dignity was developed in relation to the human as individual on the one hand and as the community of humanity on the other. Human dignity was a matter of this relation human–humanity. With the embryo, neither individual persons nor communities appeared to be at stake. As such, the question of the human as a “unified totality” of body and soul, and that which is called in its nature to union with the supernatural, had to be transposed from the object “human person” to the object “human life.” One of the subtleties of the early stem cell debate that was often overlooked by proponents is that the position staked out by the Roman Catholic magisteria, a position echoed by other Christian groups, was never that the embryo is a human person. It is that the embryo is a human life.

The shift that took the arguments of *Gaudium et spes* and applied them to the embryo does not need to be rehearsed in detail. It should only be mentioned that at the core of the matter were two propositions. First is that *Donum Vitae* defines human life as a union of the mother, father, and a divinely implanted soul. Second is that this union shows itself in a natural and self-directed tendency to union with God. *Donum Vitae* postulated that, although biology could never tell us when the soul is implanted by God, it does tell us that in the union of the gametes a novel genome is produced. It also tells us that this genome naturally directs the embryo down a developmental pathway toward personhood. This means that both origin and goal of the human are genetically united, in the broad sense of genetic as the unfolding of potentialities. The genome is a kind of proxy and image of the archonic. Of course, under closer scrutiny neither biological proposition really holds the philosophical weight put on it. Genomes are not always novel. And genomes do not direct the embryo in any strictly “self-directed” fashion; interactions with the mother’s body are vital to the fetus’s formation. Be this as it may, *Donum Vitae*, although drawing on arguments from *Gaudium et spes*, shifted the site of human dignity to human life as a kind of biological minimum.⁵⁴

Certainly the question of the status of the embryo was not the only question in play. As I mentioned, any number of positions, questions, and framings were set on the table. But, much like the question of the person in human subject research and the question of the essence of human life in genomics, the problem that came to dominate the stem cell debate centered on which form of human life should be saved: the life of the embryo or the life of the patient. The common object and objective in this was biological life. Was it licit or not to disaggregate the early blastocyst in the name of saving the life of patients?

One of the more prescient insights of Professor Leon Kass, of the University of Chicago, was his diagnosis of the state of affairs in biotechnology and bioethics as they were being transformed by the stem cell debate.⁵⁵ He noted that the problem became not just an ontological or metaphysical matter proving or disproving the

moral status of the embryo but a political question of which form of life ought to be made to live. Kass's assessment may not have accounted for the variety of discursive positions taken up in the debate over stem cell research, but it proved consequential on two counts. First, in rather neat terms, Kass summarized the principal blockage point at the level of political and ethical practice in the stem cell debate and connected this blockage to quite a specific bioethical object and objective. Second, Kass took the state of affairs in the debate over stem cell research to be exemplary of contemporary bioethics more broadly.⁵⁶ Whether or not Kass's generalizations were warranted was certainly debated. But they nonetheless served as a central rationale in his efforts to constitute the President's Council on Bioethics as a venue that would focus its bioethical efforts on the care of human dignity.

THE PRESIDENT'S COUNCIL ON BIOETHICS

Three shifts of problem space and three shifts in mode of practice: the problem of human persons and the social good of research taken up as a matter of balancing principles; the problem of the nature of human essence taken up as a matter of opening or restricting research downstream of the human genome; and the question of the worth of forms of life, addressed as the protection of the embryo or the amelioration of the patient. With all of this in mind I pose again the question raised in the introduction to this chapter: what changed with the President's Council on Bioethics? The answer is presumed in my selection of it as a case: what changed is that human dignity was made the central matter of concern. But human dignity was already circulating in bioethics. The Vatican responses to stem cell research had invoked dignity. The U.N. declarations on genomics and cloning connected human dignity to the life sciences. So why focus on the President's Council? The answer is that the council, in a manner comparable to both the Vatican and the United Nations, figured human dignity as both the object and means of their self-constitution. The effects of that figuration, as measured by a legacy of perpetuation and proliferation, however, proved quite different.

It is worth rehearsing the immediate circumstances within which the President's Council was created. Three elements are relevant. The first is that, four years after the first successful derivations by James Thomson, research on human embryonic stem cells was nowhere close to delivering on its core promise: to revolutionize medicine. Researchers were not surprised by this. The prophets of revolution had anticipated a long road from the outset. What this means is that the question of the medical worth of the research remained open and hotly contested.

The second element is that embryonic stem cell research had proven to be at least as significant politically as medically. By 2001—the year in which the President's

Council was formed—embryonic stem cell research had been given a place alongside abortion and evolution as a political and moral litmus test among a certain religious segment of U.S. voters. What this meant, among other things, is that in the first year of George W. Bush's presidential administration, stem cell research became a first order of business. His administration asserted that his political base as wanting immediate action on the restriction of federal funds for embryonic stem cell research, research that had been funded under the previous administration.

In August 2001 Bush gave his first significant policy address. It was on stem cell research. In that address he stated that he wanted his policies to “foster and encourage respect for life in America and throughout the world.” At first glance, of course, this position does not seem at all surprising. It appears to reinforce a connection between stem cell research and abortion politics. But what makes it unexpected was that Bush did not appeal to the moral status of the embryo, or at least not directly. Rather, he advocated limiting federal funding on the basis of the idea that stem cell research *per se* (and not only because of the destruction of the embryo) made human life vulnerable to devaluation by making embryos effectively available to commodification. In this way, he said, it made human life vulnerable to dehumanization (and again, not just because the embryo was taken to be a human life as such). In that same address the president announced the creation of his bioethics council, to be organized and chaired by Leon Kass. The executive order stated a central mandate: “fundamental inquiry into the human and moral significance in developments in biomedical and behavioral science and technology.”⁵⁷ It would only later become clear that Kass had, more than anyone else, shaped the mandate.

The third element that structured the work and development of the President's Council, and thereby the development of bioethics under the council, is on one level quite obvious but nonetheless almost always overlooked. That is to say, it is a factor that does not show up in assessments of how and why they attempted to change the objects and objectives of bioethics. This third element is the events of September 11, 2001. The attacks of 9/11 served as a political vector that changed, or at least deeply inflected, the stated rationale and problem space of most dimensions of governance in the United States. This includes bioethics. In the immediate aftermath 9/11, stem cell research was displaced from what had been a position of central public attention and concern for several years. In the ensuing months and years, the attacks and the security environment that they helped give rise to introduced two changes that bore on the commission's reading of bioethics. The first and most pronounced is that biosecurity emerged as a problem comparable to and connected to bioethics as a site of sustained concern. The second (and this is what I will focus on) is that the post-9/11 security environment inflected the terms on which bioethics could be justified. Indeed, security remains a matter of central concern for bioeth-

ics, as can be seen in the work of subsequent federal bioethics commissions. It has not, however, remained definitive, *per se*, except in as far as questions of "risk" are held up as especially pressing. In the case of the President's Council, however, its mandate, its initial composition, and its set of tasks were brought to articulation within and through a security ethos generated by 9/11.

The first meeting of the President's Council was convened on January 17, 2002. Leon Kass opened that meeting and inaugurated the work of the council with a statement summarizing his assessment of the state of affairs in biotechnology and bioethics therein.⁵⁸ He began by arguing that the stakes of biotechnology and bioethics and the stakes of a post-9/11 security environment are integrally connected. Of course, on one level his argument was a device, a rhetorical way back into the concerns of bioethics given a political situation in which security had been made the only matter of consequence. Kass acknowledged as much: "everyone today is paying attention to terrorism"; "the stakes of bioethics, which seemed so important only a few months ago, now appear to be less significant"; "resources have been diverted"; and so on. But nonetheless Kass's view of the connection between bioethics and security was quite serious and needs to be considered as such. It was not only a substantive proposal for the reconfiguration of bioethics; it also became an official articulation of the council's understanding of the difficulties and dangers of biotechnology today and the relative shortcomings of bioethics in the face of such dangers.

So, what was Kass's proposal? It began with an acknowledgment, which was not, as it were, a concession. Most think, he acknowledged, that in a post-9/11 environment the work of the bioethicist will be more difficult: resources and attention will be diverted, the familiar issues will seem to be relatively less significant, and energy for policy disputes over biology will dissipate in the face of the "real" problems of security. The events of September 11, he pointed out, not only turned attention away from stem cell research, which had seemed so pressing for so long, but had delayed the organization and animation of the President's Council itself, a delay that might be taken to indicate a diminishment of priority and concern for the place of bioethics in contemporary governance.

However, Kass asserted, things can be made to move forward differently, in a more relevant fashion, and the President's Council can help facilitate this difference. Kass proposed to his audience that the events of 9/11 had brought a "new moral seriousness" to the United States. He suggested that Americans had for too long been debilitated by an unthinking and easygoing "relativism." With 9/11, or since 9/11, Americans could again see "evil as evil." They have a "deepened appreciation of human finitude and vulnerability." He suggested that a kind of moral and politi-

cal fog had been lifted, which has had the effect of putting Americans in a moral frame of mind such that they will not only be able to recognize the evils, threats, and vulnerabilities of international terrorism, but also the evil, threats, and vulnerabilities presented by biotechnology. In the face of both the advance of terrorism and in the advance of biotechnology, a kind of alertness and moral vigilance is realized. This moral vigilance tells us that something fundamental is in danger that must be secured. And what is endangered? Our humanity. Or, as Kass put it, a “truly human” way of life. The post-9/11 ethos allows for bioethics to be carried forward with a new vigilance, a new object, and a new objective: the work of securing the truly human.

What warrants this diagnosis? Kass proposed that the life sciences and their technological powers constitute a threat, and he gravely suggested that the nature of that threat is not easy to identify. It is a subtle, ambiguous, and often hidden threat. Unlike terrorism, this threat is not obvious. Why so? “The evils we face, if indeed they are evil,” are intertwined with a series of goods “which we keenly seek.” Research, he stated, is pursued in the name of “cures for disease, relief for suffering and preservation of life,” “commitment to compassionate humanitarianism,” and “freedom of inquiry.” All of this is, of course, good. That is, so far as it goes. So what is the problem with research and its array of goods? “The greatest dangers we confront in connection with the biological revolution arise not from principles alien to our way of life but rather from those that are central to our self-definition and well-being.” This was the heart of Kass’s provocation: the goods that we seek through medicine and science, goods we take to be definitive of our form of life, actually, and quite despite ourselves, put us in danger.

Kass insisted that the problem we face is not proper to biology per se. The problem that we encounter in biology and biotechnology is created and made to operate by the contemporary ethos within which technoscientific research has been elaborated. That ethos is market driven, oriented toward the mastery of nature, and characterized by the celebration of the individual. Actions and choices made by individuals, actions and choices made in the name of individual and economic goods, are likely to have aggregate effects that are both unexpected and tragic. They are unexpected because we think we are acting in the name of core goods. They are tragic because despite the fact that our motives are pure, the world fashioned through and by those motives will aggregate to self-destruction. The aggregate effect that Kass put forward and offered up as the central and defining concern of bioethics is the erosion of those things constitutive of “truly human” life. Biotechnological research, conducted in the name of otherwise good principles, is “taking us down the dehumanizing path toward a brave new world.” We must be alert to the forces and practices taking us down this road and vigilantly steer another course. “Thus

just as we must do battle with the antimodern fanaticism and barbaric disregard for human life, so we must avoid runaway scientists and the utopian project to remake humankind in our own image.”

So, the problem, the threat, for Kass is that free research, ramifying according to utopian images, is likely to culminate in the erosion of humanity. The problem for bioethics, then, is not, as it may have been with the question of human subject research, the balancing of the freedom of the person and the generalizable goods of science. And is not in this sense a matter of balancing the juridical and the biopolitical. After all, according to Kass, research is now a site of the exercise of freedom, the exercise of freedom in the name of both individual as well as corporate goods. The problem is that this exercise of freedom needs to be shepherded. Biotechnology is a pastoral problem. We cannot be allowed to remake humankind in the image of our individualized and immediate goods; such freedom is precisely what puts us in danger.

So who can shepherd us away from this slide down a dehumanizing path? The challenge must fall to bioethics. But what kind of pastorate is bioethics today? Can the apparatuses and practices of bioethics help secure us against the drive to remake humankind in our own image? The answer, of course, depends on what one takes bioethics to be. In his opening address Kass indicated two definitions. The first concerned a domain of problems, the second a form of expertise. Kass noted with evident pride that “very few” on the council were bioethicists of the “expert variety.” Most members come to bioethics from other disciplines in order to engage a domain of problems that have a “supreme significance.” These are problems constituted “at the many junctions between biology, biotechnology and life as humanly lived.” The question, for Kass, was whether bioethics as a form of expertise was capable of inflecting the biotechnological sciences away from a dehumanizing path.

Following and inflecting a set of distinctions offered by Hannah Arendt, Kass then proposed a brief etymological exercise. He asked those in attendance, what is this “bio” in the term “bioethics”? It means “life,” of course. Bioethics is the ethics of life. But what does the term life mean? The Greek *bios*, Kass went on, should be distinguished from the Greek *zoe*. *Zoe* is a term that designates life as such, animate or animal life. *Bios* by contrast is a term that designates a “course of life or a manner of living or a human life as lived.” Animals, Kass concluded, have *zoe*. Only humans have *bios*, “life lived not merely physiologically but also mentally, socially, culturally, politically and spiritually.”

Although not prominent in bioethics, the *bios/zoe* distinction had in other circles become a prominent one. Though first introduced by Arendt, the distinction was taken up by Giorgio Agamben and made the turning point of his assessment of biopolitics as the character of the age. The hidden truth about politics in the modern

world is that human life is subjugated to forms of power that target not “humans” as political animals, as Aristotle famously put it, not humans as animals with a *bios*, but rather humans as bearers of “bare life,” animals reduced to *zoe*. The use of the distinction by Kass to define the stakes of bioethics was not altogether different from Agamben’s. The “ethics of life,” he stressed, must not be only a question of *zoe*, a question of preserving bare life. The “ethics of life” must be made a matter of *bios*, of life as humanly lived, a matter of life composed of mental, social, cultural, political, and spiritual and not only physiological affairs. Bioethics must take seriously the work of producing truth about life humanly lived—the *logos* of *bios*. In a strict sense, the life sciences must not be the only form of biology in play.

On Kass’s rendering, the insufficiency and even danger of bioethics was that it had become an exercise in the *logos* of *zoe*. According to Kass’s diagnosis, this had happened in large part through the debate over stem cell research. Both sides of the debate, as he framed them, had reduced the argument to the “life principle.” The “life principle,” he explained, presumes that what is really at stake in bioethics is the protection and preservation of life. Both those supporting and those rejecting embryonic stem cell research lay claim to saving human life. There are those who think that stem cell research saves the lives of patients. There are those who think that we must save embryos that would be destroyed if research continues. In both cases, a sort of sheer “vitalism” consumes bioethics. The question in the stem cell debate is not actually whether life is at stake. Everyone seemed to agree that it is life that is at stake. The question, rather, is *which life* matters most. As such, Kass concluded, the stakes of bioethical reasoning and practice have been made to devolve onto *zoe* and not onto *bios*. If it is really “life humanly lived” and not “life as such” that is under threat today, then bioethics in a vitalistic mode will not do.

Kass acknowledged that bioethics as shaped by the stem cell debate is not characteristic of all bioethics. But the “bioethics of the bioethicists,” as he cast it, the ethical discourse and practices of those assigned the role of experts, will not help us any more than the polemics of stem cell research will. In a book published shortly after he gave his opening address, Kass argued that the bioethics of bioethicists cannot help us preserve a truly human way of life because they take as the object of their concern the figure of the human as a person.⁵⁹ The object and objective of establishment bioethics, on this account, is the human as elaborated in the controversies over human subject research. This Kantian figure, as he described it, only bears on matters of reason, choice, and beneficence—the very goods he had insisted become tragic when attached to biotechnological research. Bioethics, whether of a vitalistic or personalist variety, cannot help us, according to Kass’s diagnosis. Hence the need to reorient bioethics: neither the protection of life nor of persons will forestall dehumanization.

So, what is the way forward? All of this was prolegomena to a question: "How ought we to do bioethics and do it well?" In the first place, doing bioethics well would entail attending to "the deep character of human individual and social 'bio.'" In the second place, it would entail attending to how this "deep character" interfaces with "findings of biology and the technical powers they make possible." This presents a series of challenges that Kass will insist the council take up before proceeding to work on any specific case of biotechnical development: what counts as a truly human life? What is the relation of the truly human and developments in biotechnological research? What future is likely to unfold, in an aggregated and unexpected fashion, when the "truly human" is drawn into the space of biotechnology? And of course, what is to be done? How can the truly human be secured?

The first answer, which Kass only alluded to in his opening address but which would be elaborated in the course of the council's deliberations, is that bioethics must cultivate new forms of hermeneutical practice: the meaning of the human and the meaning of science need to be discerned. The second answer is that bioethics must cultivate instruments of reorientation. There is something not altogether different from a governmental logic in play: the goal of bioethics is to regulate science in the name of favorable and unfavorable outcomes. Such regulation should not be established on a juridical basis of rights and freedoms. The question is not whether science is legitimate or illegitimate. The question is: what is the nature of the object to be attended to, and what is the relative "naturalness" of the relations and practices that bear on that object? That object, of course, is the truly human. Science must be intervened on so as to produce futures in which the truly human is secure. A twist in all of this, and the basis for a claim to a unique capacity to care for things human, is Kass's suggestion that science can violate the truly human without really knowing it. It is in this light that Kass challenged the President's Council to (1) provide an account of the "truly human" so that (2) scientific practices can be evaluated as either contributing to or detracting from the human. As this challenge was taken up, the question would no longer be "does research contribute to generalizable knowledge?" but, rather, "is research a matter of therapy (that is, research that reinforces and sustains the truly human), or is it a matter of enhancement (research that risks taking us beyond the truly human and thus opening up the human to tragic violations and losses)?" The "truly human" will be summarized in the phrase "human dignity."

In a fashion not dissimilar to the Second Vatican Council and the United Nations, in his opening address, Kass proposed that bioethics (in my terms) must become a new kind of pastorate and that the President's Commission must become an exemplary pastoral venue. The object of the pastoral power exercised by bioethics will be the "truly human" articulated as human dignity. The challenge will be

to demonstrate the nature of truly human life so as to establish the terms of such a life in the face of biotechnological developments that might otherwise compromise it. Among other things, such violation will turn on the distinction of therapy and enhancement, a distinction that proves quite difficult to make given the frequent confluence between the objectives of healing and amelioration. The danger in all of this, he insisted, is that bioethics will not be up to the task. Neither a commitment to persons nor a commitment to life will be enough. What's more, it is precisely the attractiveness of these goods that might push biotechnology toward the path of dehumanization. If today biotechnology is both dangerous and tragic, so too is bioethics. Bioethics must take up a new mandate: the work of interpreting the truly human and the aggregate effects of science pursued in the name of other goods. Which is to say that the work of a new bioethics is to foster a pastorate of human dignity as that which must be secured.

Kass's opening remarks turned on a connection between terrorism and biotechnology. The two on some level are obviously not the same kind of threat. But the stakes in his framing coincide and the mode of practice called for coincides as well. There is a need for moral vigilance, and the challenge is to find ways of giving form to such moral vigilance. Kass proposed that security opens a zone in which a single task must be taken utterly seriously: "safeguarding the human future." If terrorism represents a threat to our humanity from without—an "antimodern fanaticism and barbaric disregard for human life"—biotechnology risks being a threat from within—a "utopian project to remake humankind in our own image." How ought we do bioethics and do it well? In such a way that we remain vigilant in our attention to possible threats to human *bios*. Both the "inhumanity of Osama bin Laden on the one hand and the post-human Mustafa Mond, Aldous Huxley's spokesman for the brave new world, on the other," challenge bioethics to safeguard "the good life, of humanization and dehumanization." The task of bioethics does not need to be the balance of personal freedom and social good, not the manipulation or protection of the genome, and not a vitalistic calculation. Perhaps all of these have their places, albeit secondary ones. The primary task needs to be to secure what is truly human. It is not incidental that Kass's title was *Life, Liberty, and the Defense of Dignity*. Working out the terms of such a defense was the constitutional task of the President's Council.

The Biopolitical Pastoral:

Beyond Therapy

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

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 human 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 contestatory 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.³ 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.⁴ 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 biotechnology?"⁵ 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 device 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.”⁶ 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.⁷

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.⁸ 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.”⁹ 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.”¹⁰ 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.¹¹

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.”¹² 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 some “are the source of its—our—loftiest aspirations, whose weakness are the source of its—our—loftiest aspirations.”¹³ 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.”¹⁴ 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.¹⁵ 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 *cum* giftedness 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.”¹⁶ 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.”¹⁷ 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*.”¹⁸ 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.”¹⁹ 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.²⁰ 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.”²¹ 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.’”²² 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.”²³ 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 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.”²⁴

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.²⁵

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?²⁶

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*.”²⁷ 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.’”²⁸

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.”²⁹ 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?³⁰

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.³¹ 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.³² 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.³³

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.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.”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.”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.”³⁷

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.³⁸ The council takes *Brave New World* as a kind of prophesy to be heeded.³⁹ 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.⁴⁰

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."⁴¹

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.⁴² 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.⁴³

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.⁴⁴ 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.⁴⁵ “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.⁴⁶ 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.⁴⁷

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.⁴⁸

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.⁴⁹ 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.”⁵⁰ 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.⁵¹

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."⁵² 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 moderative, 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-

entially 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.⁵³ 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.⁵⁴

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.⁵⁸ 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. Declamation 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 declaiming 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.⁵⁹ 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.⁶⁰ 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 verificationist 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 verificationist 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 zoe* 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 verificationist 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."⁶¹

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.⁶² 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.⁶³ 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.⁶⁴ This doubling has inspired doubts about the usefulness of the term.⁶⁵ 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 logoi*.

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.⁶⁶ 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—however 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.⁶⁷ 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, Pellegrino almost immediately reopened the question of dignity, recasting it precisely as a problem of philosophic definition.⁶⁸ 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.⁶⁹ 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."⁷⁰ 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 antisience. 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 *zoe*, with simple vitality, and not with *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 *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.⁷¹

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 dissatisfactory 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.

Methodological Epilogue: Toward an Anthropology of Figuration

I have been guided in this book by the proposition that the turn to human dignity in the last half-century marks out a shift, or a series of shifts, in relations among conceptions of human worth, modes of exercising power, and the elaboration of ethical equipment. Equally important has been the conjoined proposition that this series of shifts was put into motion by breakdowns in prior ways of imagining and acting on these relations. In each of the three cases I have tried to provide a sketch, however minimal, of the situations wherein these breakdowns and shifts occurred. To be more precise, I have provided a sketch of situations wherein concerned actors in key venues began to bring about a shift in these relations by problematizing various domains (the secular, the sovereign, and the scientific) in terms of a breakdown in care for human dignity.

HUMAN DIGNITY AS AN EVENT

By giving focused attention to shifts in the conception of relations among truth speaking, power, and ethics I have attempted to grasp the theme of human dignity as the marker of an event.¹ I have tried to grasp human dignity as a marker of an event insofar as the efforts to problematize this figure drew together, gave name to, and helped produce an ensemble of complex historical and imaginative processes: a heterogeneous object of study whose elements and rationality, though diverse and even diffuse, can nonetheless be located in specific venues and specific situations. I have taken it to follow that any sufficient analysis of human dignity will need to include the study of specific institutions, the modes and forms of knowledge used by the actors in those institutions, the efforts of those actors to rationalize their work and their institutions in view of those modes and forms, and the attempts to articulate a politics of care that might facilitate intervention. Among all of these variables I have chosen to focus on one aspect that I think has been more or less overlooked, or at least overlooked as a constitutive part of this historically specific event: the reflective practices undertaken by concerned actors to give articulation to what human dignity means, signifies, and requires. These reflective practices constitute one crucial matrix through which the figure of human dignity and the politics of intrinsic worth have been actualized. To put a sharper point on it (and to introduce a term that is a bit awkward insofar as it is unfamiliar, if accurate), I have focused on the *practices of figuration* at play in the event of human dignity. Insofar as human dignity names and marks out an event, it is an event wherein concerned actors were (and still are) actively trying to constitute human dignity as the axiological element in what one might cautiously refer to as a “global moral imaginary,” as well as the rationalizing element of this imaginary. Human dignity has been made to constitute (simultaneously) the outside, the limit, and the principle of order for the activities and rationale of enculturated secularization, of state sovereignty, and of the biological sciences. However “global” the formulations of these concerned actors, it is crucial to remain true what has become a basic rule of thumb in the interpretive human sciences: never to lose sight of the fact that these problematizations of human worth and power, formulated as universals, were actually given form by way of a number of specific episodes that can be identified and characterized, even if they cannot really be summed up. On one level, this may all seem obvious and thus go without saying. But given the long history of human dignity as a term of philosophical art in which the universal has been put into play at the expense of the particular, it strikes me as worth underlining.

Implicit in all of this is that I have treated the practices of figuration connected to human dignity as though these practices were more or less discontinuous with

the histories of reasoning about human dignity that preceded the efforts undertaken in the three venues I have examined. I chose to proceed in this fashion for both strategic and stylistic reasons. It is the case that existing work on human dignity has often presumed too much continuity in the history of the definition and use of the term—the long and complex history of dignity as part of broader efforts to articulate humanisms of both the left and the right. For this reason, it seemed to me that it was worth lifting out and emphasizing discontinuity, even at the risk of underemphasizing those points at which the concerned actors involved did not, in fact, break from older traditions. The actors in each of these venues, in different ways and to varying degrees, were, of course, well aware of the traditions of thought and practice within which and in view of which they were problematizing human dignity. Indeed, there was a sense among almost all of the participants that they were bringing human dignity to articulation not only as part of a tradition but that in talking about dignity they were merely pointing to a permanent and defining feature of human reality.

Put differently, human dignity can be thought of as a *contemporary event*, taking the term in the technical sense I have discussed.² To say that human dignity is contemporary is to say that it is an ensemble made up of characteristics, relationships, and elements both old and new. Perforce, human dignity, even when studied as an event marked by institutional change, unexpected breaks in political form, and the invention of new modes of reasoning, exists in a dependent relation to the history of previous efforts to think about human worth and the exercise of power. The challenge I have tried to take up is to make sense of these relations between the old and the new in such a way as to be able to determine better the logic and significance of the resulting configuration. As one means to a similar end, Rabinow, taking a cue from Michel Foucault (who himself follows Immanuel Kant's lead on this point), has proposed a conceptual strategy for distinguishing among modes of historical being in order to facilitate the work of discerning how elements within a given situation get assembled and how their significance gets constituted.³ He has proposed that we understand "the modern" as an *ethos* term, designating a reflective mode of relating to the present rather than as a term that marks out a specific *epoch*. In this way, we can think of the modern as a moving ratio of the new and the old, in which the metric of significance is the extent to which the new breaks from and supersedes the old. In a parallel fashion, one can say that "the traditional" can also be thought of as an *ethos* rather than a prior period of time. In this way, one can think of tradition as a moving ratio of the old and the new in which the metric of significance is the normativity of the old triumphing over the new. In distinction to both of these, Rabinow insists that today there is a need to undertake inquiries into "the contemporary" understood as an *ethos* in which ensembles of new and old elements are

stylized in such a way that significance adheres neither in the triumph of the new over the old nor in the pull of tradition slowing down the impulsive thrust of the new. The contemporary, rather, is a stylization of the new and the old in which the resulting assemblage and its significance is determined by how it constitutes, and allows one to contend with, heterogeneous and unsettled problems.

Human dignity, it seems to me, is just such a contemporary assemblage: an assemblage of discourses, practices, and relationships that can be characterized as “a moving ratio of modernity, moving through the recent past and near future in a (nonlinear) space that gauges modernity as an ethos already become historical.”⁴ Understood in this sense, any sufficient study of human dignity will need to include the genealogical work of showing how such an event is not only discontinuous with, but also a response to and an extension of, prior assemblages.

In terms of my own efforts, further work on the contemporary norms and forms of human dignity clearly remains to be done. In this book I have explored some of the primary conditions and rationales, definitions and logics, within which human dignity, over the past half-century, has been brought to articulation as a response to previous breakdowns. I have not yet undertaken the work of jumping to the other side of those breakdowns so as to discover where, precisely, the old elements in contemporary assemblages came from. Nor have I run these formative events forward in order to determine how elements ramifying out of each of the three cases are being re-formed as part of other contemporary assemblages—though these ramifications have been very much on my mind. My focus in this book on discontinuity in the recent history of human dignity has nonetheless been warranted. Several aspects of the politics of intrinsic worth today suggest that human dignity may in fact be as much a “modern” feature of reality as a contemporary one, in that its “new” conceptual and institutional features have been primed. These features were advanced vigorously by the primary actors involved—even if they were advanced in a manner that seemed to take for granted continuity with the older forms of reasoning. Perhaps more importantly, over the previous few decades, human dignity has continued to be asserted as a rationale for political and humanitarian action into new domains and situations in such a way that its archonic character puts in question existing power relations and in such a way that the archonic and the practices of care connected to it need to be reworked and reinvented. Indeed, actors in domains from bioethics to global health continue to invent practices through which the “archonic settlement” can be remobilized. These strategic mobilizations, however, are putting the limits of that previous settlement to the test. I explored one example of this putting-to-the-test in my third case study: the use of human dignity as a term for governing contemporary biology. Other similar examples of breakdown that might have been taken up in this book include such events as the

militarization of humanitarian interventions that has taken place over the last few decades, the articulation of so-called preemptive war in the logic of action against “terrorists,” and the shifts in the international governance of climate change, which simultaneously invoke the intrinsic politics of human dignity, the normalizing politics of biopower, and the sovereign politics of national self-determination. In a fashion parallel to writings in bioethics, these uses of human dignity have excited a number of discursive exchanges in which, yet again, the definition of human dignity and its self-evidence have been taken up: a fight over the definition of human dignity as a means of deciding to take military action (or not), or curtailing the excesses of global industry (or not).⁵ Developments in global public health and second-generation human rights work need to be rethought in this light as well. A challenge in each of these cases is to determine where the extension of the “archonic settlement” might be leading: where it might prove to be generative of new ethical figures of human and nonhuman life, where it might occasion the invention of new discursive and political practices, and where it might, in the end, fail to sustain the politics of intrinsic worth. In either case—reconfiguration or breakdown—it seems clear that human dignity continues to be an event whose shifting features warrant sustained attention.

THE RECENT PAST AND THE NEAR FUTURE

In each of the cases which I have examined, human dignity marks a moment of significant institutional constitution or reconstitution. In these cases, even where human dignity is presumed to be a continuous or permanent feature of reality, and even where actors appeal to older legacies of thought, such as with the Vatican, there is something new put in play that must be accounted for. I have tried to make the case that in undertaking the work of establishing themselves as capable—even uniquely capable—of caring for human dignity, the actors in each of these venues defined human dignity and defined their own capacities and obligations in a fashion that was historically distinctive. Nonetheless, and despite my effort to treat human dignity as an event, I take seriously a basic insight of inquiry into the contemporary: in contemporary assemblages such as those formed by human dignity the old plays as significant a role as the new. Given this, questions of historical continuity and therein historical causality remain open to further exploration. To that end it would be worth addressing the contemporary forms of human dignity in a fashion keyed to those places where the activities of the central actors involved depended on, and conformed to, prior histories of discourse and practice. It is worth considering, for example, the extent to which human dignity, as brought to articulation within these institutional settings in the twentieth century, connects

to and diverges from conceptions of the dignity of persons in nineteenth-century philosophical, judicial, and social theory. In the case of the Second Vatican Council, the notion of dignified persons is frequently used interchangeably with the dignity of humans, or with the dignity of human persons. Few if any of the participating theologians, however, conceived of dignity as grounded in those features of personhood famously called out in Kant's work, features such as rationality or autonomy. They did, however, connect their notions of human dignity to the rise of Catholic social thought of the late nineteenth century. In a similar fashion, members of the Commission on Human Rights as well as the President's Council on Bioethics explicitly distanced themselves from an ethics of the rational person in their efforts to get clearer about how dignity is absolute and does not derive from any specific feature of human life. Nonetheless, despite such self-conscious distancing on the part of some of the participants involved, the relation between twentieth-century figures of human dignity and the complicated legacy of nineteenth-century thinking about the dignity of persons needs to be examined more carefully.⁶

Similarly, it would be fruitful to think through the relation of the contemporary figure of archonic human dignity to notions of the "dignity of man" as conceived in the romantic philosophy of the early nineteenth century and the Marxist and other socialist philosophies of the latter nineteenth and early twentieth centuries. Socialist assessments of dignity, and the conditions under which such dignity can be brought to historical actualization, played an influential role both in the formulations of the Commission on Human Rights and the politics of the Second Vatican Council. In the former case, disagreements over the extent to which direct remediation of economic conditions is necessary for the cultivation of dignity were a primary blockage point in relation to which the procedural decision not to "define" human dignity was ultimately taken. In the latter case, members of the clergy representing strongly socialist parts of the world differed considerably in their assessment of the relative worth of modernity. Insofar as the authors of *Gaudium et spes* set out to interpret the "signs of the time," their reading of modernity set the terms according to which, from Vatican II forward, theologians were able both to connect their thinking to a socialist political agenda and to reject the political excesses of state-centered communist thought. The legacy of South American liberation theologies, and their use of notions of human dignity, the connection of those uses to early Catholic social thought, as well as the Vatican's strong theologico-legal response to the Cold War suppression of the Catholic Church, are examples of where a deeper history of thinking about the dignity of man might illuminate contemporary notions of human dignity.

Similar to these two—the dignity of persons and the dignity of man—I believe it would be valuable to rethink the relation of contemporary figures of human dig-

nity to those understandings of dignity first brought to articulation in late medieval humanist philosophy. Pico della Mirandola's *De hominis dignitate* has been cited as the first time the notion of human dignity, per se, is brought to articulation. Pico's rendering of the human as a figure standing between "gods and beasts" has been taken up by at least one contemporary thinker closely involved in the work of the PCBE.⁷ The differences between the kind of actions and communities that are taken to follow from classical notions of human dignity and those put forward in recent years are striking. In Pico, the human is capable of relative ascension and decline, and dignity remains a kind of nascent possibility that only comes to actualization through regimes of striving and cultivation. It is, in this sense, articulated both as a kind of universal and permanent truth about the human reality, but one infrequently actualized. Understood in this way, Pico's vision for human dignity might be compared both to the formulations from *Gaudium et spes* and *Beyond Therapy*. The difference—and it is not an incidental difference—is that dignity in Pico's rendering is not an actuality that is present and thereby susceptible to violation. It is, rather, a possibility that must be achieved; the *dignity* in human dignity is an achievement and not a given.

In light of this last point, it seems to me that it would be especially worthwhile to think through how the contemporary figure of human dignity fits within a wider horizon of the history of humanism. The worth of such an undertaking goes up, in my estimation, to the extent that such history can be examined as a series of critical interventions, that is, an examination of the ways in which humanisms of both the left and the right have been used to enact ethical and political intervention. In Foucault's inestimable essay "What Is Enlightenment?" he suggests that a history of humanism presents a particularly difficult undertaking insofar as the humanistic thematic is too supple and diffuse to serve as a stable axis for reflection. The key term is thematic. Humanism, on Foucault's account, is a theme in the history of thought. This theme, he suggests, can be contrasted to an event, such as, in the case of his essay, the Enlightenment. The salient difference, he asserts, is that as an event the Enlightenment is characterized by a "principle of a critique and permanent creation of ourselves in our autonomy." The theme of humanism, or the set of themes that can be designated as humanism, although critical—for example, humanism as a critique of religion, humanism as a critique of science, of politics, and so on—always ends up falling back on conceptions of "man" borrowed from religion, science, or politics. Its difference is that it recasts these conceptions in a valuative fashion. So, on the one side, Enlightenment can be thought of as a permanent critique and a practice of self-creation, and on the other, appeals to the nature of man constitute a means by which humanity might be conceived and defined in a range of ways, but it is always given and valorized.

From the standpoint of those elaborating human dignity, one can acknowledge the incisiveness of Foucault's assessment. But it seems to me that from the standpoint of the history of thought and its critical relationship to power, Foucault's assessment leaves something out. What it leaves out is the fact that in the case of contemporary conceptions of human dignity, whatever the intentions of the primary actors involved, the effect of their actions was precisely to put in question the existing set of relations between truth and power. In this respect, these technicians of human dignity did, in fact, produce a set of artifacts and historical effects that can plausibly be cast as a practice of critique wherein a new figure of the human was invented. This figure was certainly not brought to articulation as a practice of self-invention on the part of the actors involved; they were not, to use Foucault's language, engaged in a critical ontology of themselves so as to free themselves from their own histories. From the standpoint of those who now live in the worlds that they helped create by institutionalizing an archonic form of human dignity, however, these actors did put into play a set of possibilities that have ramified globally. One can certainly agree with Foucault that humanism should not be confused with the Enlightenment understood as a critical practice of freedom. But it might prove worthwhile, nonetheless, to think through human dignity and its contemporary effects as part of a somewhat more continuous history of humanisms—not so much to identify the contemporary figure of human dignity with other themes in that history but to see what insights might come of reading that history as a series of critical events and not only as an enduring thematic.

Such an exercise might help focus attention on the role of human dignity in the play of the *autopoietic* and the *themitical*—to return to James Faubion's distinction. As I suggested in the introduction, it is reasonable to claim that over the past half-century the archonic figure of human dignity has become "themitical" insofar as it has become a relatively homeostatic dimension of ethical and political fields of practice and has thereby become available for recalibration, reproduction, and reuse in and across disparate domains of contemporary life.⁸ Faubion's term, recall, is meant to mark out for anthropological investigation a dimension of the study of ethical life that has sometimes been overlooked by those who proceed in something like an Aristotelian fashion, that is, in a fashion particularly attentive to practices of self-making or *autopoiesis*. Faubion argues that if ethics is taken to be a practice of freedom leading to work on one's subjectivity—practices of the care of the self—that practice is often facilitated by and enacted through relatively stable ethical traditions.⁹ Analytically speaking, practices of self-making can be examined as mediated through and dependent on traditions while also intervening in and reworking the historically contingent life of those traditions. Of course, this is just analytically speaking; in any concrete situation things are likely to escape any clean

distinction between the reproductive and the self-making. These designations, after all, are simply points of orientation and therefore an aid in studying the cacophony of human affairs. They are neither explanations nor conclusions. All of this is to say that however homeostatic the archonic logic of human dignity has become, it has also and simultaneously become a site of regular reinvention and elaboration, leading, in some cases, to breakdown. Dignity's susceptibility to proliferation and remobilization is a vector for its reconfiguration; the task is to account for these reconfigurations and their effects.

I assert here—and I only assert—that the attempt to bring together the biological sciences and human dignity under the sign of governance has proven to be one such vector of reconfiguration and perhaps even a privileged one. One reason for this is that this conjuncture of biology and dignity brings a humanitarian apparatus and dignitarian politics into an essentially biopolitical problem space. “The dignified human,” introduced as an ethical norm and solution to problems of the biological body, instead has become a problem. The figure of human dignity in these cases has become a trading zone within which discourses and practices associated with the development of the medical and biological sciences have begun to be reassembled such that the objects, discourses, and practices of biopower are being interpolated into and put in tension with the objects, discourses, and practices of dignity. Unwittingly, within this zone, other problems and practices have arisen that have proven to be beyond the metrics of either biopower or human dignity. Bioethics is a case in point.¹⁰ To borrow the title of a prominent article on these themes, transformations in the logic and practice of human dignity at the interface of the biological and biomedical sciences seem to be opening up multiple new forms of the “politics of life.” Or, to be more precise, they are opening multiple new politics of *anthropos*.¹¹ Multiple scholars, after all, have indicated places where the prior logics of biopower are being reworked and hence where a new figure, *bios*, is becoming available to the operations of power. If one can say that human dignity is not simply a residual of the biopolitical but has, in fact, introduced an alternative, if critically adjacent, political and ethical rationality, then one might also say that the breakdown of the archonic logic of human dignity today may be serving as a site for the constitution of new figure of *anthropos*.

This seems to indicate that any anthropologically sufficient account of human dignity will need to situate its energies and attentions somewhere between stabilized conceptions of moral order and the apparatuses calibrated to them, and the practices of freedom that allow for the invention of ethical and political possibility. I have suggested that the biosciences represent one privileged site for such an undertaking; there are no doubt others. Perhaps it goes without saying, but such practices of freedom, insofar as they include what I have called, for lack of a better

term, “practices of figuration,” must not be confused with “mere discourse.” Representations, after all, are social facts.¹² Human dignity is not a kind of rhetorical remainder either of a longer history of humanism, a concern for justifying human rights, or of biopolitical reason. One ought to resist the temptation to think that the only real anthropological action connected to human dignity lies in the extradiscursive activities of those institutions that justify themselves by appeal to it. The micropolitics connected to talk of human dignity ramify in significant ways. Moreover, in the case of the three venues I have examined, the discursive problem is not only conceptual. The problem, rather, is how to bring to articulation and thereby give possible institutional form to something like “programs” for reality.¹³ Such calculated attempts to reimagine moral order and its institutional dimensions are rarely identical to the actual practices that develop in connection to them. In this sense, if talk of human dignity is not identical to the real-world apparatuses that have developed in connection to that talk, one needs to take care not to disregard such talk as utopian. These programmatic renderings of dignity are, rather, something closer to “fragments of reality that induce such particular effects in the real as the distinction between true and false implicit in the way men ‘direct,’ ‘govern,’ and ‘conduct’ themselves and others.”¹⁴ Even for the actors most closely involved in its figuration, human dignity, as a way of “dividing up the true and the false so as to produce a different way of exercising power,” is always simultaneously treated as a given (human dignity is primordial) and that which is in need of actualization (human dignity is under duress). Both premise and obligation: hence, the analytic challenge of specifying the effects on the real being produced today by the figural and institutional play of human dignity.

CODA ON DIGNITY AND THE BODY

Within a remarkably short period of time after James Thomson’s announcement that his team had successfully derived human embryonic stem cells, the religious politics of the affair had intensified worldwide. The research excited policy debates and political blockages well beyond the Catholic Church and American vital politics, both nationally and internationally. Eventually even the United Nations sounded in. And although it is unsurprising that the affair played out differently across different cultural and juridical contexts, the frequency with which stem cell politics returned to the binds of human dignity and the body is remarkable.¹⁵ For those committed to fighting over the terms of human dignity—what it means and what it demands in relation to human vitality—these binds ultimately redounded to a tacit intellectual blackmail. In the end, one either had to be for or against human dignity.

The terms of that blackmail are not unique to the ethics and politics of biotechnology, and they need to be refused. They need to be refused because they are part of the blockage and breakdown that troubles the contemporary. Human dignity and its unsettled relation to questions of intrinsic worth cannot reasonably be made the object of a simple polemic. The notion of human dignity is a social fact of our recent history, and the politics of intrinsic worth have shaped the current topology of life, ethics, and power. The game of being told one must either support human dignity as an inescapably intrinsic feature of human reality or denounce it as the residue of an opportunistic politics is entirely misplaced. We would be wise to take another word of advice from Michel Foucault, who once suggested that in order to think clearly one must refuse everything presented in the form of “a simplistic and authoritarian alternative.”¹⁶

In composing this book I have proceeded in a manner commensurate with that maxim. I have done this by taking up human dignity and its contemporary breakdowns as an event of our historical ontology. I have sketched this event across religious, political, and scientific domains. I have attended to the ways it has shaped these domains: the ways they have been imagined, talked about, valorized, and resisted. More or less all of the actors and institutions I studied as part of this book take human dignity utterly seriously. The proposition that human dignity must be made a norm for the critique of modern forms of truth and power remains crucial to how they conduct their ethics and politics. For a significant portion of them, the only question is where and how that norm should be given form. The question that they have left unanswered, however, is the second-order one: how, exactly, have they gone about this work of giving form to human dignity? What has their form giving done? And what is yet to do?

Notes

PREFACE: THE MOTION OF INQUIRY

1. For an early version of that diagnosis, see Ruth Macklin, “Dignity Is a Useless Concept,” *BMJ* 327 (2003): 1419–1420.
2. Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2012).
3. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2007).
4. See, for example, the range of cases detailed in Ilana Feldman and Miriam Ticktin, eds., *In the Name of Humanity: The Government of Threat and Care* (Durham, N.C.: Duke University Press, 2010).
5. Paul Rabinow, *French DNA: Trouble in Purgatory* (Chicago: University of Chicago Press, 1999).
6. Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University of California Press, 2011).
7. Richard Ashby Wilson, *Writing History in International Criminal Trials* (Cambridge: Cambridge University Press, 2011).
8. Peter Redfield, *Life in Crisis: The Ethical Journey of Doctors Without Borders* (Berkeley: University of California Press, 2013).
9. João Biehl, *Vita: Life in a Zone of Social Abandonment* (Berkeley: University of California Press, 2005).
10. Anthony Stavrianakis, “Voluntary Death After Social Modernity: Toward Contemporary Form and Ethos for Counter-Norms,” unpublished paper.
11. Ted Peters, Karen Lebacqz, and Gaymon Bennett, *Sacred Cell? Why Chris-*

tians Should Support Stem Cell Research (Lanham, Md.: Rowman & Littlefield, 2010).

12. Friedrich Nietzsche, “Aphorism 58,” in *The Gay Science*, trans. Thomas Common (Mineola, N.Y.: Dover, 2006).

13. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, Calif.: Stanford University Press, 1998); Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass.: Harvard University Press, 2001).

14. See Paul Rabinow and Nikolas Rose, “Biopower Today,” *BioSocieties* 1 (2006): 195–217.

15. See especially Foucault, *Security, Territory, Population*.

16. See Paul Rabinow and Gaymon Bennett, *Designing Human Practices: An Experiment with Synthetic Biology* (Chicago: University of Chicago Press, 2012).

17. Michel Foucault and Jürgen Habermas, *Critique and Power: Recasting the Foucault/Habermas Debate*, ed. Michael Kelly (Cambridge, Mass.: MIT Press, 1994), 141.

18. Michel Foucault, *The Hermeneutics of the Subject: Lectures at the Collège de France, 1981–1982*, ed. Frédéric Gros, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2005).

19. *Ibid.*, 2–17.

20. *Ibid.*, 15.

21. Michel Foucault, “Questions of Method,” in *Power, Essential Works of Foucault, 1954–1984*, vol. 3, ed. James D. Faubion and Paul Rabinow (New York: The New Press, 2001), 223–238.

22. John Dewey, *Reconstruction in Philosophy*, enlarged ed. (Mineola, N.Y.: Dover, 2004).

INTRODUCTION: FIGURING HUMAN DIGNITY

1. On the historically distinctive formulations of human dignity in twentieth-century politics see, among others, Herbert Spiegelberg, “Human Dignity: A Challenge to Contemporary Politics,” in *Human Dignity: This Century and the Next*, ed. Rubin Gotesky and Ervin Laszlo (New York: Gordon and Breach, 1970); Yehoshua Arieli, “On the Necessary and Sufficient Conditions for the Emergence of the Doctrine of the Dignity of Man and His Rights,” in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Echart Kline (The Hague: Kluwer Law International, 2002); Roger Normand and Sarah Zaidi, *Human Rights at the U.N.: The Political History of Universal Justice* (Bloomington: Indiana University Press, 2008); Ilana Feldman and Miriam Ticktin, eds., *In the Name of Humanity: The Government of Threat and Care* (Durham, N.C.: Duke University Press, 2010); Oliver Sensen, “Human Dignity in Historical Perspec-

tive: The Contemporary and Traditional Paradigms,” *European Journal of Political Theory* 10, no. 1 (January 2011): 71–91; and Michael Rosen, *Dignity: Its History and Meaning* (Cambridge, Mass.: Harvard University Press, 2012).

2. See, for example, the body of works represented by contributing authors in Feldman and Ticktin’s *In the Name of Humanity* or in Erica Bornstein and Peter Redfield, eds., *Forces of Compassion: Humanitarianism Between Ethics and Politics* (New York: SAR, 2011); see also Peter Redfield, *Life in Crisis: The Ethical Journey of Doctors Without Borders* (Berkeley: University of California Press, 2013).

3. Important exceptions include Jonathan Rosen’s *Dignity: A History* (Cambridge, Mass.: Harvard University Press) and Samuel Moyn’s *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Harvard University Press, 2012). See also Michael Barilan, *Human Dignity, Human Rights, and Responsibility: The New Language of Global Ethics and Biolaw* (Cambridge, Mass.: The MIT Press, 2013).

4. Normand and Zaidi, *Human Rights at the U.N.*

5. See Jonathan Rosen’s *Dignity: Its History and Meaning* (Cambridge, Mass.: Harvard University Press, 2012).

6. Paul Rabinow, *Anthropos Today: Reflections on Modern Equipment* (Chicago: University of Chicago Press, 2003).

7. John Milbank, *The Suspended Middle: Henri de Lubac and the Debate Concerning the Supernatural* (Grand Rapids, Mich.: Eerdmans, 2005).

8. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, Francois Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 34.

9. Cf. Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf.

10. Paul Rabinow, *French Modern: Norms and Forms of the Social Environment* (Chicago: University of Chicago Press, 1995).

11. Erich Auerbach, *Mimesis: The Representation of Reality in Western Literature* (Princeton, N.J.: Princeton University Press, 2003).

12. Michel Foucault, *The Government of the Self and Others, Lectures at the Collège de France, 1982–1983*, ed. François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2011), 2ff.

13. *Ibid.*, 2.

14. Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Hermeneutics and Structuralism*, 2nd ed. (Chicago: University of Chicago Press, 1983).

15. Foucault, *Government of the Self*, 4–5.

16. Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage, 1994).

17. See especially Ted Peters, *God—The World's Future*, 2nd ed. (Minneapolis, Minn.: Fortress, 2002).

18. *Ibid.*

19. Charles Taylor, *Modern Social Imaginaries* (Durham, N.C.: Duke University Press, 2003).

20. Saba Mahmood, *The Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2005).

21. Georges Canguilhem, "The Normal and the Pathological," in *Knowledge of Life*, trans. Stefanos Geroulanos and Daniela Ginsburg (New York: Fordham University Press, 2008).

22. Ian Hacking, *The Emergence of Probability: A Philosophical Study of Early Ideas About Probability, Induction, and Statistical Inference* (Cambridge: Cambridge University Press, 2006).

23. Michel Foucault, "Society Must Be Defended": *Lectures at the Collège de France, 1975–1976*, ed. Mario Bertani, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. David Macey (New York: Picador, 2003).

24. D. Shultziner, "Human Dignity—Functions and Meanings," *Global Jurist Topics* 3, no. 3 (February 5, 2004); Klaus Dicke, "The Founding Function of Human Dignity in the Universal Declaration of Human Rights," in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Echart Kline (The Hague: Kluwer Law International, 2002).

25. See, e.g., Richard Ashby Wilson and Richard D. Brown, eds., *Humanitarianism and Suffering: The Mobilization of Empathy* (Cambridge: Cambridge University Press, 2011).

26. Michel Foucault, "Omnes et singulatim," in *Power, Essential Works of Foucault, 1954–1984*, vol. 3, ed. James D. Faubion and Paul Rabinow (New York: The New Press, 2001).

27. *Ibid.*; cf. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2007).

28. Foucault, *Security, Territory, Population*. See also Foucault, "Omnes et singulatim."

29. Paul Rabinow, *French Modern: Norms and Forms of the Social Environment* (Chicago: University of Chicago Press, 1995).

30. Pope Paul VI, "Discours du Pape Paul VI a l'organisation des Nations Unie a l'occasion du 20eme anniversaire de l'organisation," 1965. http://www.vatican.va/holy_father/paul_vi/speeches/1965/documents/hf_p-vi_spe_19651004_united-nations_fr.html.

31. On parallel dynamics in the conception and development of the modern state, see Foucault, *Security, Territory, Population*.
32. Foucault, “*Omnes et singulatim*.”
33. See Didier Fassin on the operational asymmetry between the worth of European and local employees of Doctors Without Borders.
34. Ruth Macklin, “Dignity Is a Useless Concept,” *BMJ* 327 (2003): 1419–1420.
35. See, among key texts, Michel Foucault, “The Ethics of the Concern for Self as a Practice of Freedom,” in *Ethics: Subjectivity and Truth, Essential Works of Foucault, 1954–1984*, vol. 1, ed. Paul Rabinow (New York: The New Press, 1998). For a concise summary and appraisal of Foucault’s analytics of ethics, see also Rabinow’s introduction to that same volume.
36. Among key early work see Paul Rabinow’s and Talal Asad’s contributions to James Clifford and George E. Marcus, eds., *Writing Culture: The Poetics and Politics of Ethnography* (Berkeley: University of California Press, 1986); see also James D. Faubion, *The Shadows and Lights of Waco: Millennialism Today* (Princeton, N.J.: Princeton University Press, 2001); and Mahmood, *The Politics of Piety*.
37. James D. Faubion, *Toward an Anthropology of Ethics* (Cambridge: Cambridge University Press, 2011).
38. Mahmood, *The Politics of Piety*.
39. On the homeostatic dimensions of moral thought and practice, see Faubion, *Toward an Anthropology of Ethics*, esp. chap. 3. See also his “The Themetical in the Ethical,” paper presented on March 27, 2009, as part of the seminar series “What Is Ethics? And Who Cares?” hosted by the Kenan Institute for Ethics at Duke University.
40. On the notion of an apparatus, see Dreyfus and Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics*, 120–121.
41. *Ibid.*

I. THE CHURCH, THE SECULAR, AND PASTORAL POWER

1. All of my quotes from the address are taken from the version catalogued in the Vatican’s online archive: Pope Paul VI, “*Discours du Pape Paul VI a l’organisation des Nations Unie a l’occasion du 20eme anniversaire de l’organisation*,” 1965. http://www.vatican.va/holy_father/paul_vi/speeches/1965/documents/hf_p-vi_spe_19651004_united-nations_fr.html.
2. John W. O’Malley, *What Happened at Vatican II* (Cambridge, Mass.: Belknap Press, 2012).
3. *Ibid.*
4. Paul Rabinow, *Marking Time: On the Anthropology of the Contemporary* (Princeton, N.J.: Princeton University Press, 2007), 1–2. Cf. Paul Rabinow et al.,

Designs for an Anthropology of the Contemporary (Durham, N.C.: Duke University Press, 2008).

5. *Ibid.*

6. John Milbank, *The Suspended Middle: Henri de Lubac and the Debate Concerning the Supernatural* (Grand Rapids, Mich.: Eerdmans, 2005).

7. Henri de Lubac, *Catholicism: A Study of Dogma in Relation to the Corporate Destiny of Mankind* (New York: Longmans, Green and Co., 1950), 3–14. Cf. Alain Badiou, *Saint Paul: The Foundation of Universalism* (Palo Alto, Calif.: Stanford University Press, 2003); and Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2006).

8. For a thorough account of the buildup to the council, as well as the ways in which Pope John XXIII structured the event as a matter of reconstituting the church's pastoral relation to the contemporary world, see Andrea Riccardi, "I. Tumultuous Opening Days of the Council," in *History of Vatican II*, vol. 2: *The Formation of the Council's Identity, First Period, and Intersession, October 1962–September 1963*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 1997).

9. Michel Foucault, *The Hermeneutics of the Subject: Lectures at the Collège de France, 1981–1982*, ed. Frédéric Gros, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2005), 177–178, 223–225.

10. *Ibid.*, 319–321.

11. The exhaustive five-volume *History of Vatican II*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 1995–2006), provides most of the elements of such an account.

12. Riccardi, "I. Tumultuous Opening Days of the Council," 14.

13. It is important to note that the opening address and this passage in particular was cited and rehearsed throughout the council and became a kind of point of orientation, focus, and, eventually, contestation. All of my quotes from John's address come from the online archives of the Catholic Forum: Pope John XXIII, "Gaudet Mater Ecclesia" (October 11, 1962), Catholic Forum archives, <http://www.catholic-forum.com/saints/popeo26ii.htm>.

14. Rabinow, *Marking Time*, 2.

15. See *Gaudium et spes* on this point, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html; the Latin can be found at <http://www.ewtn.com/library/councils/v2gaulat.htm>.

16. Norman Tanner, "V. The Church in the World (*Ecclesia Ad Extra*)," in *History of Vatican II*, vol. 2: *Church as Communion, Third Period and Intersession*,

September 1946–1965, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 2003), 289.

17. See Henri de Lubac, “The Mystery of the Supernatural,” in *Theology in History* (San Francisco: Ignatius, 1996); and Henri de Lubac, *Surnaturel. Études historiques* (Paris: Desclée de Brouwer, 1991 [1946]). See also John Milbank, *Theology and Social Theory: Beyond Secular Reason*, 2nd ed. (Oxford: Blackwell, 2006), 206–225.

18. Tanner, “V. The Church in the World (*Ecclesia Ad Extra*),” 295.

19. Riccardi, “I. Tumultuous Opening Days of the Council,” 18.

20. For more on the difficulties John XXIII faced in calling for a council focused (1) on pastoral matters and (2) on pastoral matters relative to the contemporary world as an auspicious moment in human history, see J. A. Komonchak, “III. The Struggle for the Council During the Preparation of Vatican II (1960–1962),” in *History of Vatican II*, vol. 1: *Announcing and Preparing Vatican Council II, Toward a New Era in Catholicism*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 1995).

21. Tanner, “V. The Church in the World (*Ecclesia Ad Extra*),” 286–295.

22. *Ibid.*, 270–328.

23. *Ibid.*, 402.

24. *Ibid.*, 270–277; Gilles Routhier, “Finishing the Work Begun: The Trying Experience of the Fourth Council,” in *History of Vatican II*, vol. 5: *The Council and the Transition, The Fourth Period and the End of the Council, September 1965–December 1965*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 2006), 122–171.

25. Peter Hünderman, “The Final Weeks of the Council,” in *History of Vatican II*, vol. 5: *The Council and the Transition, The Fourth Period and the End of the Council, September 1965–December 1965*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 2006), 386–426.

26. *Gaudet Mater Ecclesia*.

27. Pope Paul VI, “*Ecclesiam suam*,” http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_06081964_ecclesiam_en.html.

28. Tanner, “V. The Church in the World (*Ecclesia Ad Extra*),” 272–277.

29. “*Lumen gentium*,” http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

30. Tanner, “V. The Church in the World (*Ecclesia Ad Extra*),” 272.

31. *Ibid.*, 281–284.

32. Routhier, “Finishing the Work Begun,” 136–139.

33. *Ibid.*

34. Hünderman, “The Final Weeks of the Council,” 394–398.

35. See “The Church,” in Henri de Lubac’s *Brief Catechesis on Nature and Grace* (San Francisco: Ignatius, 1984); see also de Lubac, *Catholicism*.
36. Routhier, “Finishing the Work Begun,” 138–139.
37. *Ibid.*, 143–153.
38. Tanner, “V. The Church in the World (*Ecclesia Ad Extra*),” 313–318.
39. Routhier, “Finishing the Work Begun,” 143–148.
40. *Ibid.*, 136–137.
41. *Ibid.*, 143–153; Hünderman, “The Final Weeks of the Council,” 398.
42. Routhier, “Finishing the Work Begun,” 142.
43. Giovanni Turbanti, “I. Toward the Fourth Period,” *History of Vatican II*, vol. 5: *The Council and the Transition, The Fourth Period and the End of the Council, September 1965–December 1965*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 2006), 39–44.
44. Michel Foucault, “Questions of Method,” in *Power, Essential Works of Foucault, 1954–1984*, vol. 3, ed. James D. Faubion and Paul Rabinow (New York: The New Press, 2001), 230–233.

2. THE ONTOLOGY OF VOCATION: GAUDIUM ET SPES

1. All of the quotes from the Pastoral Constitution in this chapter are taken from the edition found in the Vatican’s online archive. I have worked with both the Latin and English translations. The English translation can be found at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.
2. For an account of the final negotiations over the Pastoral Constitution, see Peter Hünderman, “The Final Weeks of the Council,” in *History of Vatican II*, vol. 5: *The Council and the Transition, The Fourth Period, and the End of the Council, September 1965–December 1965*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 2006), 404–422. For a review of the ramifications of *Gaudium et spes* and the attempt to remake the magisterium such that it is not only an organ of doctrine but also an instrument of the pastorate, see Felix-Alejandro Pastor, “Human Beings and Their Search for God: The Doctrine of the Magisterium of the Church Between Vatican I and Vatican II,” in *Vatican II Assessment and Perspectives: Twenty-Five Years After (1962–1987)*, vol. 2, ed. Rene Latourelle (New York: Paulist Press, 1989).
3. *Gaudium et spes*, para. 2.
4. Cf. Paul Rabinow, *Anthropos Today: Reflections on Modern Equipment* (Chicago: University of Chicago Press, 2003).
5. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (London: Routledge, 1992); see also Jacob Taubes, *The Political Theology*

of Paul, trans. Dana Hollander (Stanford, Calif.: Stanford University Press, 1993); and Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*, trans. Patricia Dailey (Stanford, Calif.: Stanford University Press, 2005).

6. See the definition of “object” in Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf.

7. *Gaudium et spes*, para. 91.

8. Weber, *Protestant Ethic*, 85.

9. *Ibid.*

10. *Ibid.*, 154–157.

11. Agamben, *The Time That Remains*, 22.

12. *Ibid.*, 23–27.

13. *Ibid.*, 26.

14. *Ibid.*

15. *Ibid.*

16. Ted Peters, *God—The World’s Future: Systematic Theology for a New Era*, 2nd ed. (Minneapolis: Fortress, 2000), 19.

17. *Ibid.*

18. *Gaudium et spes*, para. 19.

19. Gilles Routhier, “Finishing the Work Begun: The Trying Experience of the Fourth Council,” in *History of Vatican II*, vol. 5: *The Council and the Transition, The Fourth Period, and the End of the Council, September 1965–December 1965*, ed. Giuseppe Albergio and Joseph A. Komonchak (Maryknoll, N.Y.: Orbis, 2006), 126–127.

20. Many council fathers called for a full Christological treatise in traditional liturgical form as the basic response to the question of the human. *Ibid.*

21. John Milbank, *Theology and Social Theory: Beyond Secular Reason*, 2nd ed. (Oxford: Blackwell, 2006), 206–210.

22. *Gaudium et spes*, para. 14.

23. *Ibid.*, para. 15.

24. *Ibid.*

25. *Ibid.*, para. 19.

26. *Ibid.*, para. 17.

27. *Ibid.*

28. *Ibid.*, para. 22.

29. *Ibid.*, para. 9.

30. *Ibid.*, para. 12.

31. *Ibid.*, para. 32.

32. *Ibid.*, para. 42.

33. Ibid., para. 23.
34. Ibid.
35. Ibid., para. 42.
36. Ibid., para. 24.
37. Ibid.
38. Ibid.
39. Ibid., para. 31.
40. Ibid., para. 23.
41. Ibid.
42. Ibid., para. 32.
43. Ibid., para. 40.
44. Ibid., para. 1.
45. Ibid., para. 40.
46. Ibid.
47. Ibid.
48. Ibid., para. 3.
49. Ibid., para. 3.
50. Ibid., paras. 4–10.
51. Ibid., para. 9.
52. Ibid., para. 5.
53. Ibid., paras. 9–10.
54. Ibid., para. 9.
55. Ibid., para. 11.
56. Ibid., para. 4.
57. Ibid., para. 10.
58. Ibid., para. 40.
59. Ibid., para. 41.
60. Ibid., para. 22.
61. Ibid., para. 22.
62. Henri de Lubac, *Athéisme et sens de l'homme, une double requête de Gaudium et spes* (Paris: Éditions du Cerf, 1968).
63. Henri de Lubac, "Appendix A. The 'Supernatural' at Vatican II," in *A Brief Catechism on Nature and Grace* (San Francisco: Ignatius, 1984).
64. Ibid., 186.
65. Ibid., 189.
66. John Milbank, *The Suspended Middle: Henri de Lubac and the Debate Concerning the Supernatural* (Grand Rapids, Mich.: Eerdmans, 2005).
67. "Humani Generis," http://www.vatican.va/holy_father/pius_xii/encyclicals/documents/hf_p-xii_enc_12081950_humani-generis_en.html.

68. Milbank, *The Suspended Middle*, ix.
69. *Ibid.*, 1–48.
70. Milbank, *Theology and Social Theory*, 220.
71. Milbank, *The Suspended Middle*, 2.
72. Henri de Lubac, *Catholicism: A Study of Dogma in Relation to the Corporate Destiny of Mankind* (New York: Longmans, Green, 1950).
73. *Ibid.*, 10.
74. Henri de Lubac, *Surnatural: Etudes Historique* (Paris: Edition Montaigne, 1946).
75. Milbank, *The Suspended Middle*, 5.
76. *Ibid.*, 6.
77. Henri de Lubac, “Mystery of the Supernatural,” in *Theology in History* (San Francisco: Ignatius, 1996).
78. *Humani Generis*, para. 26.
79. John Milbank, *Theology and Social Theory*, 206–210.
80. *Ibid.*, 225–256.
81. *Ibid.*, 250–253.
82. It bears noting that my reading of the integralist/integrist controversy relies in good part on Milbank’s account of things. Although this account holds up under scrutiny, there are those who think the political advantages of an integrist anthropology and ecclesiology outweigh the purported costs. See Rosemary Radford Ruether and Marion Grau, *Interpreting the Postmodern: Responses to “Radical Orthodoxy”* (London: T&T Clark, 2006).
83. *Gaudium et spes*, para. 36.
84. *Ibid.*, para. 33.

3. INCAPACITY BY DESIGN: POLITICS, SOVEREIGNTY, AND HUMAN RIGHTS

1. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), 311.
2. “The Universal Declaration of Human Rights,” <http://www.un.org/Overview/rights.html>.
3. For an overview of the antecedent demands and pressures to work on the declaration, see Roger Normand and Sarah Zaidi, *Human Rights at the U.N.: The Political History of Universal Justice* (Bloomington: Indiana University Press, 2008), 81–139.
4. *Ibid.*, 6–10.

5. *Ibid.*, 186–187.
6. For an overview of the basic legal standing of the declaration in relation to the UN Charter, as well as the centrality of the Security Council, see Lawrence Ziring, Robert E. Riggs, and Jack C. Plano, *The United Nations: International Organization and World Politics*, 3rd ed. (New York: Harcourt College Publishers, 2000), 27–65.
7. Eileen Chamberlain, *Humanitarian Military Intervention: The Ethical Imperative Versus the Rule of Law*, Doctoral Dissertation, Graduate Theological Union, 2006.
8. Normand and Zaidi, *Human Rights at the U.N.*, 28.
9. Cf. *Ibid.*
10. Samantha Powers, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002).
11. See Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, ed. Mario Bertani, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. David Macey (New York: Picador, 2003); see also Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, Calif.: Stanford University Press, 1998).
12. Normand and Zaidi, *Human Rights at the U.N.*, 2.
13. Samuel Moyn’s *The Last Utopia* goes some way toward putting these matters in clearer historical perspective.
14. The “United Nations Charter,” <http://www.un.org/aboutun/charter/>.
15. Among others, see Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge, Mass.: Belknap Press, 2012); Paul Rabinow, *Anthropos Today: Reflections on Modern Equipment* (Princeton, N.J.: Princeton University Press, 2003); Herbert Spiegelberg “Human Dignity: A Challenge to Contemporary Politics,” in *Human Dignity: This Century and the Next*, ed. Rubin Gotesky and Ervin Laszlo (New York: Gordon and Breach, 1970); and Yehoshua Arieli, “On the Necessary and Sufficient Conditions for the Emergence of the Doctrine of the Dignity of Man and His Rights,” in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Echart Kline (The Hague: Kluwer Law International, 2002).
16. On the mandate, see Normand and Zaidi, *Human Rights at the U.N.*, 143–146.
17. *Ibid.*, 160.
18. Arieli, “The Emergence of the Doctrine of the Dignity of Man,” 4. “Standing on the threshold of the twenty-first century, one is permitted to say that the conception of humanity as expressed by the Universal Declaration of Human Rights has become the only valid framework of values, norms and principles

capable of structuring a meaningful and yet feasible scheme of national and international civilized life. Such a development demands explanation.” See also William Korey, *NGOs and the Universal Declaration of Human Rights* (New York: St. Martin’s Press, 1998).

19. See Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley: University of California Press, 2011); and Peter Redfield, *Life in Crisis: The Ethical Journey of Doctors Without Borders* (Berkeley: University of California Press, 2013).

20. Normand and Zaidi, *Human Rights at the U.N.*, 143–144.

21. *Ibid.*, 143ff.

22. *Ibid.*, 157–159.

23. *Ibid.*, 194–196.

24. *Ibid.*, 154–155.

25. *Ibid.*, 168.

26. *Ibid.*, 166–173.

27. *Ibid.*, 169–171.

28. *Ibid.*, 180–181.

29. *Ibid.*, 172.

30. *Ibid.*, 165.

31. *Ibid.*, 173–176.

32. Cf. Moyn, *The Last Utopia*; Redfield, *Life in Crisis*.

33. Normand and Zaidi, *Human Rights at the U.N.*, 179.

34. *Ibid.*, 177.

35. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, Francois Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 33.

36. Foucault, *Security, Territory, Population*; Foucault, *The Birth of Biopolitics*.

37. Foucault, *Security, Territory, Population*, 16.

38. Foucault, *The Birth of Biopolitics*, 1–3.

39. Foucault, *Security, Territory, Population*, 18–34.

40. *Ibid.*, 311.

41. Foucault, *The Birth of Biopolitics*, 1–2.

42. *Ibid.*, 2.

43. *Ibid.*, 4.

44. *Ibid.*, 6–12.

45. *Ibid.*, 6.

46. *Ibid.*, 8–11.

47. *Ibid.*, 7–9.

48. *Ibid.*, 14–19.

49. *Ibid.*, 11.
50. Foucault, *Security, Territory, Population*, 83–103.
51. Foucault, *The Birth of Biopolitics*, 13–15.
52. Stephen Collier, *Post-Soviet Social: Neoliberalism, Social Modernity, Biopolitics* (Princeton, N.J.: Princeton University Press, 2011).
53. Foucault, *Security, Territory, Population*, 136–137.
54. Foucault, *The Birth of Biopolitics*, 19.
55. *Ibid.*, 136–137.
56. Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf.
57. *Ibid.*
58. Foucault, *Security, Territory, Population*, 83–85.
59. *Ibid.*, 136–138.
60. Foucault, *The Birth of Biopolitics*, 17.
61. Normand and Zaidi, *Human Rights at the U.N.*, 174.
62. *Ibid.*, 173–176.
63. *Ibid.*, 176.
64. D. Shultziner, “Human Dignity—Functions and Meanings,” *Global Jurist Topics* 3, no. 3 (February 5, 2004).

4. DIGNITY AND GOVERNANCE: THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1. Quoted in Roger Normand and Sarah Zaidi, *Human Rights at the U.N.: The Political History of Universal Justice* (Bloomington: Indiana University Press, 2008), 185.
2. Richard McKeon, “The Philosophic Bases and Material Circumstances of the Rights of Man,” *Ethics* 58, no. 3 (April 1948): 180–187.
3. Yehoshua Arieli, “The Emergence of the Doctrine of the Dignity of Man,” in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Eckart Klein (The Hague: Kluwer Law International, 2002).
4. D. Shultziner, “Human Dignity—Functions and Meanings,” *Global Jurist Topics* 3, no. 3 (February 5, 2004).
5. Klaus Dicke, “The Founding Function of Human Dignity in the Universal Declaration of Human Rights,” in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Eckart Klein (The Hague: Kluwer Law International, 2002).
6. Normand and Zaidi, *Human Rights at the U.N.*, 143–176.
7. *Ibid.*, 178.
8. *Ibid.*, 179–180.

9. Ibid., 180–181.
10. Ibid., 179–182.
11. Ibid., 190.
12. Ibid., 180–181.
13. Ibid., 182.
14. Ibid., 188–192.
15. Ibid., 186. See also Dicke, “The Founding Function of Human Dignity.”
16. Normand and Zaidi, *Human Rights at the U.N.*, 187.
17. The quotes taken from the Universal Declaration of Human Rights in this section are from the online version at the UN website: <http://www.un.org/Overview/rights.html>.
18. Dicke, “The Founding Function of Human Dignity.”
19. Ted Peters, *God—The World’s Future: Systematic Theology for a New Era*, 2nd ed. (Minneapolis, Minn.: Fortress, 2000), 19.
20. Peter Redfield, *Life in Crisis: The Ethical Journey of Doctors Without Borders* (Berkeley: University of California Press, 2013).
21. Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf. Cf. Ilana Feldman and Miriam Ticktin, eds., *In the Name of Humanity: The Government of Threat and Care* (Durham, N.C.: Duke University Press, 2010).
22. Normand and Zaidi, *Human Rights at the U.N.*, 198, my emphasis.
23. Ibid., 179.
24. UNESCO, *Human Rights: Comments and Interpretations* (London: Allan Wingate, 1948).
25. Ibid., 7–8.
26. McKeon, “The Philosophic Bases,” 180–181.
27. Ibid., 187.
28. Ibid., 182.
29. Ibid., 183–184.
30. Ibid., 184.
31. Ibid., 185.
32. Ibid.
33. Ibid., 183.
34. Ibid., 186.
35. Ibid., 187.
36. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, Francois Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 19.

37. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), 183–185.

38. Normand and Zaidi, *Human Rights at the U.N.*, 1–6.

39. Foucault, *The Birth of Biopolitics*, 7–9.

40. See the Preamble, in particular.

41. Cf. Rabinow and Bennett, *Contemporary Equipment*.

42. Foucault, *The Birth of Biopolitics*, 18.

43. Cf. Didier Fassin, “Another Politics of Life is Possible,” *Theory, Culture & Society Theory* 26, no. 5): 44–60.

44. Normand and Zaidi, *Human Rights at the U.N.*, 196.

45. See, e.g., Ticktin and Feldman, *In the Name of Humanity*.

46. See, e.g., Erica Bornstein and Peter Redfield, eds., *Forces of Compassion: Humanitarianism Between Ethics and Politics* (New York: SAR, 2011).

DIAGNOSTIC EXCURSUS: ECONOMIES OF LIFE AND POWER

1. John Milbank, *Theology and Social Theory: Beyond Secular Reason*, 2nd ed. (Oxford: Blackwell, 2006), 1–6.

2. Slavoj Žižek, *The Puppet and the Dwarf: The Perverse Core of Christianity* (Cambridge, Mass.: The MIT Press, 2003).

3. Alain Badiou, *Saint Paul: The Foundation of Universalism*, trans. Ray Brassier (Stanford, Calif.: Stanford University Press, 2003).

4. James D. Faubion, “Cosmopolitics,” unpublished paper.

5. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press, 2006).

6. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2003).

7. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, Calif.: Stanford University Press, 1998), 12.

8. Albert Jonsen, *The Birth of Bioethics* (Oxford: Oxford University Press, 2003).

9. Paul Rabinow, *Marking Time: On the Anthropology of the Contemporary* (Princeton, N.J.: Princeton University Press, 2007); Paul Rabinow et al., *Designs for an Anthropology of the Contemporary* (Durham, N.C.: Duke University Press, 2008).

10. Rabinow, *Marking Time*.

11. *Ibid.*

12. Ibid., 6.
13. John Milbank, “Paul Against Biopolitics,” <http://www.theologyphilosophycentre.co.uk/papers.php>.
14. Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf.
15. Agamben, *Homo Sacer*; Michael Hardt and Antonio Negri, *Empire* (Cambridge, Mass.: Harvard University Press, 2001).
16. Milbank, “Paul Against Biopolitics,” 2.
17. Ibid., 2.
18. Ibid., 2–3.
19. See Agamben, *Homo Sacer*.
20. Paul Rabinow and Nikolas Rose, “Biopower Today,” *BioSocieties* 1 (2006): 195–217.
21. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2007).
22. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2008).
23. Michel Foucault, *The History of Sexuality*, vol. 1: *An Introduction*, trans. Robert Hurley (New York: Vintage, 1990), 184.
24. Agamben, *Homo Sacer*, 9.
25. Foucault, *Security, Territory, Population*, 21: “So, there is not a series of successive elements, the appearance of the new causing the earlier ones to disappear.” See also Paul Rabinow and Gaymon Bennett, *Designing Human Practices: An Experiment with Synthetic Biology* (Chicago: University of Chicago Press, 2012).
26. Milbank, “Paul Against Biopolitics,” 18.
27. Rabinow, *Marking Time*.
28. Rabinow and Rose, “Biopower Today.”
29. Namely, Agamben’s *Homo Sacer* and Hardt and Negri’s *Empire*.
30. Rabinow and Rose, “Biopower Today.”
31. Ibid.
32. Cf. Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, ed. Mario Bertani, François Ewald, Alessandro Fontana, and Arnold Davidson, trans. David Macey (New York: Picador, 2003).
33. Rabinow and Rose, “Biopower Today.”
34. Foucault, “*Society Must Be Defended*,” 241.

35. Rabinow and Rose, “Biopower Today.”
36. Nikolas Rose, *The Politics of Life Itself* (Princeton, N.J.: Princeton University Press, 2006), 54.
37. See Rabinow and Bennett, *Designing Human Practices*.
38. Foucault, *Security, Territory, Population*, 311.
39. Ibid.
40. Ibid., 161.
41. Ibid., 161–162.
42. See *ibid.*, 161–323.
43. Some careful attention has been paid by scholars of philosophy and religion and, in a different mode, by the anthropologist James D. Faubion; the sociologist Nikolas Rose gives brief attention to the question of pastoral power as a general designation for “individualizing power” in his *The Politics of Life Itself*.
44. Foucault, *Security, Territory, Population*, 186.
45. Ibid., 166.
46. Ibid., 170.
47. Ibid., 167.
48. Ibid., 168.
49. Ibid., 169.
50. Ibid., 196.
51. John Chrysostom’s *De sacerdotio*, the *Epistles* of Saint Cyprian, Saint Ambrose’s *De officiis ministrorum* and the *Liber pastoralis*, John Cassian’s *Conferences* and the *Cenobite Institutes*, the *Letters* of Saint Jerome, and the *Rule* or *Rules* of Saint Benedict.
52. Foucault, *Security, Territory, Population*, 223–227.
53. Ibid., 223.
54. Ibid., 228.
55. Ibid., 230.
56. Ibid., 229–231.
57. Ibid., 231–233.
58. Ibid.
59. Ibid. 231–232.
60. Ibid., 232.
61. Ibid., 233.
62. Ibid., 256–272.
63. Michel Foucault, “The Subject and Power,” in Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1983).
64. Foucault, *Security, Territory, Population*, 259.
65. Ibid., 264–270.

66. Michel Foucault, “What Is Critique?” in *The Politics of Truth*, ed. Sylvère Lotringer, trans. Lysa Hochroth (Los Angeles: Semiotext(e), 2007), 45.

67. *Ibid.*, 20.

68. Rabinow, *Marking Time*.

69. On the double valence of “remediation,” see Rabinow, *Marking Time*.

5. BIOETHICS AND THE RECONFIGURATION OF BIOPOLITICS

1. On the problematization of equipment as a topic of anthropological and philosophical inquiry see Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf.

2. All of the texts from the President’s Council, as well as transcripts of their meetings, can be found at <http://www.bioethics.gov>.

3. Leon Kass, opening address from the January 17, 2002, inaugural meeting of the President’s Council. <http://www.bioethics.gov/transcripts/jan02/jan17session1.html>.

4. See, as examples of this, President’s Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington, D.C.: Government Printing Office, 2008); Adam Schulman, “Staff Working Paper: Bioethics and Human Dignity,” prepared for the President’s Council on Bioethics (2007), http://www.bioethics.gov/background/human_dignity.html; Ruth Macklin, “Dignity Is a Useless Concept,” *BMJ* 327 (2003): 1419–1420; Dieter Birnbacher, “Human Cloning and Human Dignity,” *Reproductive BioMedicine Online* 10, suppl. 1 (2005): 50–55.

5. See Timothy Caulfield and Audrey Chapman, “Human Dignity as a Criterion for Science Policy,” *PLoS Medicine* 2, no. 8 (August 2005): 736–738; D. Shultziner, “Human Dignity—Functions and Meanings,” *Global Jurist Topics* 3, no. 3 (February 5, 2004).

6. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, Francois Ewald, Alessandro Fontana, and Arnold Davidson, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), 33.

7. Paul Rabinow, *Marking Time: On the Anthropology of the Contemporary* (Princeton, N.J.: Princeton University Press, 2007).

8. On abundance as an ethical standard, see Ted Peters, Karen Lebacqz, and Gaymon Bennett, *Sacred Cells? Why Christians Should Support Stem Cell Research* (Lanham, Md.: Rowman & Littlefield, 2008), 71–84.

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10. On the history of the development of bioethics, see Albert Jonsen, *The Birth of Bioethics* (Oxford: Oxford University Press, 1998).

11. Paul Rabinow and Nikolas Rose, “Biopower Today,” *BioSocieties* 1 (2006): 195–217; Evan Luard, *A History of the United Nations* (New York: St. Martin’s Press, 1989); Vatican Council II, “*Gaudium et spes*,” http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.

12. Herbert Spiegelberg, “Human Dignity: A Challenge to Contemporary Politics,” in *Human Dignity: This Century and the Next*, ed. Rubin Gotesky and Ervin Laszlo (New York: Gordon and Breach, Science Publishers, 1970); Yehoshua Arieli, “On the Necessary and Sufficient Conditions for the Emergence of the Doctrine of the Dignity of Man and His Rights,” in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Echart Kline (The Hague: Kluwer Law International, 2002).

13. Klaus Dicke, “The Founding Function of Human Dignity in the Universal Declaration of Human Rights,” in *The Concept of Human Dignity in Human Rights Discourse*, ed. David Kretzmer and Echart Kline (The Hague: Kluwer Law International, 2002); Ted Peters, *God—The World’s Future: Systematic Theology for a Postmodern Era*, 2nd ed. (Minneapolis, Minn.: Fortress, 2000).

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15. Jonsen, *The Birth of Bioethics*, 34–58.

16. *Ibid.*, 65–89.

17. *Ibid.*, 65–66.

18. *Ibid.*, 146–148.

19. *Ibid.*, 96.

20. *Ibid.*, 99–106.

21. *Ibid.*, 94–98.

22. *Ibid.*, 98.

23. *Ibid.*, 99–101.

24. *Ibid.*, 101.

25. The Belmont Report can be found online in the President’s Council’s archives, <http://www.nihtraining.com/ohsr/site/guidelines/belmont.html>.

26. *Ibid.*; see also Jonsen, *The Birth of Bioethics*, 103–104.

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28. Belmont Report, part B.1.

29. Jonsen, *The Birth of Bioethics*, 148–151.

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38. Nikolas Rose, *The Politics of Life Itself* (Princeton, N.J.: Princeton University Press, 2003).
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44. *Ibid.*, 1–28.
45. From the National Human Genome Research Institute website, <http://www.genome.gov/12011238>.
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47. For the HGP’s description of ELSI, see http://www.ornl.gov/sci/techresources/Human_Genome/research/elsi.shtml; see also Peters *Playing God?*, 73.
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50. *Ibid.*, 21.
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53. U.S. Council of Catholic Bishops, <http://www.usccb.org/comm/archives/1998/98–261.htm>.

54. *Donum Vitae*, section 3, http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19870222_respect-for-human-life_en.html.

55. Leon Kass, *Life, Liberty, and the Defense of Dignity: The Challenge for Bioethics* (San Francisco: Encounter, 2002), 86–95.

56. *Ibid.*, 55–81.

57. The council was created by Executive Order 13237, <http://www.bioethics.gov/about/executive.html>.

58. All the quotes from Kass in this section are taken from his opening address from the January 17, 2002, inaugural meeting of the President’s Council unless otherwise specified.

59. Leon Kass, *Life, Liberty, and the Defense of Dignity*, 55–80.

6. THE BIOPOLITICAL PASTORAL: BEYOND THERAPY

1. Meeting agendas and transcripts can be found at <http://www.bioethics.gov/meetings/index.html>.

2. President’s Council on Bioethics, *Beyond Therapy: Biotechnology and the Pursuit of Happiness* (Washington D.C.: Government Printing Office, 2003).

3. Adam Schulman, “Bioethics and the Question of Human Dignity,” in *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington, D.C.: Government Printing Office, 2008), 3.

4. Leon Kass, in a footnote to “Defending Human Dignity,” in President’s Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington, D.C.: Government Printing Office, 2008), 330, provides a list of places in which the phrase “human dignity” plays a strategically important role for the council in “defending” human dignity: *Human Cloning and Human Dignity: An Ethical Inquiry* (2002), esp. chap. 5, “The Ethics of Cloning-to-Produce-Children,” and chap. 6, “The Ethics of Cloning-for-Biomedical-Research”; *Monitoring Stem Cell Research* (2004), esp. chap. 3, “Recent Developments in the Ethical and Policy Debates”; *Beyond Therapy: Biotechnology and the Pursuit of Happiness* (2004), all chapters, and esp. the discussion of “The

Dignity of Human Activity” in chap. 3, “Superior Performance”; *Reproduction and Responsibility: The Regulation of New Biotechnologies* (2005), esp. the section on “The Character and Significance of Human Procreation” in (the introductory) chap. 1, chap. 6 on “Commerce,” and the section on “Targeted Legislative Measures” in chap. 10, “Recommendations”; *Being Human: Readings from the President’s Council on Bioethics* (2004), esp. chap. 10, “Human Dignity”; and *Taking Care: Ethical Caregiving in Our Aging Society* (2005), esp. chaps. 3 and 4, “The Ethics of Caregiving: General Principles,” and “The Ethics of Caregiving: Principle and Prudence in Hard Cases.”

5. President’s Council on Bioethics, *Beyond Therapy*, 23–24.
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7. *Ibid.*, 7–8.
8. *Ibid.*, 17–19.
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10. *Ibid.*
11. *Ibid.*, 287.
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13. *Ibid.*, 308.
14. *Ibid.*, 295–300.
15. *Ibid.*, 287–290.
16. *Ibid.*, 288.
17. *Ibid.*, 289.
18. *Ibid.*
19. *Ibid.*, xvi.
20. *Ibid.*, 13.
21. *Ibid.*
22. *Ibid.*, 291.
23. *Ibid.*, 18.
24. *Ibid.*, 286–287.
25. On the distinction between “natural” and “unnatural means,” see *ibid.*, 290–292; as well as Gilbert Meilander, “Human Dignity: Exploring and Explicating the Council’s Vision,” in President’s Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics* (Washington, D.C.: Government Printing Office, 2008).
26. President’s Council on Bioethics, *Beyond Therapy*, 292.
27. *Ibid.*, 308.
28. President’s Council on Bioethics, “Introduction” to chap. 10, “Human Dignity,” *Being Human: Readings from the President’s Council on Bioethics*, <http://www.bioethics.gov/bookshelf/reader/chapter10.html#introduction>.

29. President's Council on Bioethics, *Beyond Therapy*, xv–xvi.
30. *Ibid.*, 4–7.
31. *Ibid.*, 5.
32. *Ibid.*
33. *Ibid.*, 6.
34. *Ibid.*, 305.
35. *Ibid.*, 4.
36. *Ibid.*, 305–308.
37. *Ibid.*, 5.
38. *Ibid.*, 7.
39. Aldous Huxley, *Brave New World* (Norwalk: Easton, 1978).
40. President's Council on Bioethics, *Beyond Therapy*, 301.
41. *Ibid.*, 301–310.
42. Paul Rabinow, *French Modern: The Norms and Forms of Social Life* (Chicago: University of Chicago Press, 1989).
43. Helga Nowotny, Peter Scott, and Michael T. Gibbons, *Re-Thinking Science: Knowledge and the Public in an Age of Uncertainty* (New York: John Wiley & Sons, 2013).
44. President's Council on Bioethics, *Beyond Therapy*, 301.
45. *Ibid.*, 305.
46. *Ibid.*, 301.
47. *Ibid.*, 302.
48. *Ibid.*, 305–308.
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50. Nikolas Rose, "The Politics of Life Itself," *Theory, Culture & Society* 18, no. 6 (December 2001): 1–30.
51. President's Council on Bioethics, *Beyond Therapy*, 308–310.
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56. *Ibid.*, 11.
57. D. Shultziner, "Human Dignity—Functions and Meanings," *Global Jurist Topics* 3, no. 3 (February 5, 2004).
58. UNESCO, *Human Rights: Comments and Interpretations* (London: Allan Wingate, 1948).
59. Edmund Pellegrino, "Letter of Transmittal," in *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington, D.C.: Government Printing Office, 2008), xi.

60. See Paul Rabinow and Gaymon Bennett, *Contemporary Equipment: A Diagnostic*, http://bios-technika.net/assets/pdf/Orientation_to_Diagnostics_Rabinow_Bennett_2012.pdf.
61. President's Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C.: Government Printing Office, 2008), xi.
62. Meilander, "Human Dignity: Exploring and Explicating the Council's Vision," 254–255.
63. Leon Kass makes the same point in his essay in the volume.
64. Paul Rabinow, *Anthropos Today: Reflections on Modern Equipment* (Princeton, N.J.: Princeton University Press, 2003)23.
65. Ruth Macklin, "Dignity Is a Useless Concept," *BMJ* 327 (2003): 1419–1420.
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68. President's Council on Bioethics, *Human Dignity*.
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71. See Spiegelberg, "Human Dignity"; and R. K. Soulen and L. Woodhead, "Introduction: Contextualizing Human Dignity," in *God and Human Dignity*, ed. R. K. Soulen and L. Woodhead (Grand Rapids, Mich.: Eerdmans, 2006).

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2. Paul Rabinow, *Marking Time: On the Anthropology of the Contemporary* (Princeton, N.J.: Princeton University Press, 2007).
3. *Ibid.*
4. *Ibid.*, 2.
5. Cf. Ilana Ticktin and Miriam Feldman, eds., *In the Name of Humanity: The Government of Threat and Care* (Durham, N.C.: Duke University Press, 2010).
6. In this light see Michael Rosen, *Dignity: Its History and Meaning* (Cambridge, Mass.: Harvard University Press, 2012).

7. Gilbert Meilander, *Neither Beast nor God: The Dignity of the Human Person* (New York: Encounter, 2009).

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9. On the play of ethics and tradition in anthropology, see also Saba Mahmood, “The Subject of Freedom,” in *The Politics of Piety* (Princeton, N.J.: Princeton University Press, 2004).

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13. Michel Foucault, “Questions of Method,” in *Power, Essential Works of Foucault, 1954–1984*, vol. 3, ed. James D. Faubion and Paul Rabinow (New York: The New Press, 2001).

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Index

- Agamben, Giorgio: 68–70, 167, 172–175, 197, 234–235
aggiornamento: 28, 33–35, 42, 50
analytic of finitude: 126–127, 157, 263
anthropology (anthropological): xiv, xvii, 1–3, 6, 18–19, 32, 41, 43, 55–57, 64–66, 68, 72–77, 79–90, 91–97, 100–102, 112, 117, 119, 132, 137–139, 140–143, 150, 152, 167, 178, 193–194, 207, 215–217, 222, 246, 248, 250, 261–262, 270, 282–284
anthropos: xvii, 2, 72, 76, 82, 126, 128, 216, 268, 283
apparatus: 20–21, 66, 111–112, 117–118, 124, 127–129, 131, 138–139, 150–155, 159–163, 167, 178–179, 182, 193–194, 205, 213, 223, 234, 261, 265, 272–273, 283–284
Aquinas, Thomas (Thomistic): 41–43, 56, 72, 77, 89
archonic (archon): 8, 10–18, 20, 62, 71–74, 76–81, 83–88, 90–96, 100–103, 108–109, 130–133, 135–136, 140, 144–146, 154, 163–179, 186–187, 189–191, 193–195, 202, 204, 206, 208, 222, 229, 240, 242–244, 247–248, 258, 260–261, 264–265, 267, 271, 273–274, 278–280, 282–283
Arendt, Hannah: 3, 234
Aristotle (Aristotelian): 19, 41, 79, 173–174, 235
art of government: 107, 121–122, 124–129, 153–154, 157, 159–161, 163, 174, 179–180, 189, 194, 196
arts of living (*tekhnē tou biou*): 35–36
Augustine, St. (Augustinian): 41, 48, 56, 86, 186
autopoiesis: 19, 21, 282
Badiou, Alain: 165
Benedict XVI, Pope: 74
Benjamin, Walter: 68, 173
Bergson, Henri: 97
biopolitics (biopolitical): x–xi, xiv, 5–7, 20, 127, 129, 153, 157, 159–160, 162, 166, 168, 172–178, 196–198, 201, 209, 220–221, 234, 240, 256–257, 262–263, 270–271, 273, 283–284
biopower: xiv–xv, 121, 172–179, 181, 197, 212–213, 227, 271–272, 279, 283
Blondel, Maurice: 97
body (bodies): x, xii–xiv, xvii, 7, 15–16, 19–20, 42, 51, 110–111, 122, 125, 140, 153, 168–169, 177–178, 187, 195, 201, 204, 209, 213, 215–217, 219, 221, 224, 228–229, 240, 243, 245–247, 249–250, 253, 257, 259, 271–272, 274, 283–284
Canguilhem, Georges: 12
Cassin, René: 137
Certeau, Michel de: 97, 102
Chenu, Marie-Dominique: 53–54

- Christ (Christic): 29, 42, 47, 54, 74, 78, 81, 84–85, 92–94, 97–98, 188, 194
- Christological (Christology): 73–75, 81–82, 84, 92–94, 96
- Commission on Human Rights (CHR): 3, 6–7, 33, 109, 112–115, 117–122, 127–133, 135–137, 142, 144, 146–147, 149, 151–153, 155, 157–164, 179, 190, 194, 260–261, 280
- Congar, Yves: 51, 58
- Congregation for the Doctrine of the Faith: 14, 193, 238
- contemporary: 3, 15, 19, 21, 32–33, 34–36, 38, 39, 45, 48, 52–53, 64, 65, 75–76, 84, 86, 91, 98, 103–104, 110, 120, 165, 167–173, 176–181, 187, 190, 195, 198, 202, 204–207, 209, 230, 232–233, 253–254, 258, 262, 265, 268, 273, 277–282, 285
- Counter-Reformation: 26, 42–43, 98, 170, 185–186, 188–189, 191–192, 196–197
- declamation: 144–145, 152, 260–262
- declamatory mode of reasoning: x, 143, 157–158
- Dewey, John (Deweyan): xvi, 270
- Dicke, Klaus: 136, 142, 144, 242
- Doerflinger, Richard: xii
- Ecclesia*: 67, 83–84, 95, 175, 192–193
- Ecclesia ad extra*: 27, 32, 36, 39, 41, 45, 47, 52, 62, 73, 75, 103, 190, 194
- Ecclesia interna*: 32
- ecclesiological (ecclesiology): 55–56, 61, 66, 84, 87, 92, 100
- embryo: xii–xiii, 14, 73, 98, 168–169, 206–207, 209, 227–232, 235, 238–239, 272, 284
- equipment (*paraskeuē*): 7, 14, 35–36, 46, 58, 60, 62, 64, 80, 83, 91–94, 102, 107, 113, 118, 120, 131, 134, 136–137, 145, 151–152, 155, 158–163, 169, 172, 176, 193, 195, 202, 204–205, 207–208, 210, 214, 219, 249–250, 259, 261, 265, 268–269, 271, 275
- Faubion, James: 19, 282
- figuration: 8, 135, 205, 207, 227, 230, 265, 276
- First Vatican Council (Vatican I): 27, 39–40
- Foucault, Michel: xiv–xvi, 5, 8–9, 12, 15, 17–18, 93, 107, 121–128, 153–156, 158, 172–174, 176–177, 179–187, 191–192, 196–197, 206–207, 277, 281–282, 285
- founding function (of human dignity): 132, 136, 144, 242
- genome (genomics): xi, 5, 168–169, 178, 203, 206–207, 209, 222–227, 229–230, 237–239, 272–273
- Geron Corporation: xii–xiii, 168
- Gilson, Etienne: 97
- governance: x, xv, xvi, 1, 3, 5–8, 13, 16–17, 20, 27, 31, 39, 48, 62, 71, 98, 103, 123, 125–126, 137, 143, 153–154, 159–160, 168, 172, 177, 183, 186, 188–192, 194, 196, 202, 205, 208, 231–232, 245, 274, 279, 283
- governmentality: 9, 125, 158, 171, 174, 179–181, 193, 204, 213, 220
- Hacking, Ian: 12
- hermeneutic equipment: 62, 193, 202, 239
- humanitarianism (humanitarian): 4, 7, 9, 14, 21, 119, 145–146, 160, 163, 233, 278–279, 283
- Humphrey, John: 137–138
- Huxley, Julian: 147
- imago dei* (image of God): 68, 81, 98, 140
- integralist: 42–43, 55, 64, 101, 175, 194
- integrist: 100–102
- intrinsic worth (politics of intrinsic worth): ix–xvi, 2, 4–5, 8, 11, 20, 33, 35, 109–110, 120, 128, 171, 181, 198, 244, 276, 278–279, 285
- Jesus of Nazareth: 29, 74, 81, 87, 92–93, 188, 194
- John XXIII, Pope: 25–29, 33–53, 55–58, 60, 62–65, 73, 79, 82, 86, 88, 90–92, 94, 96
- Jonas, Hans: 218–219
- Jonsen, Albert: 216–217, 221, 226
- Juengst, Eric: 226
- juridical: 4, 70, 123–124, 126, 128–129, 139, 153–158, 162–163, 194, 201, 219–222, 234, 236, 240–241, 261, 273, 284
- jurisdiction (jurisdictional): xv, 5, 7, 13, 60, 95, 112–113, 115, 117–118, 120, 122, 128,

- 130–131, 134, 136, 139–140, 143–145,
150–152, 155, 157, 159, 206, 208,
264–265, 273
- Kant, Immanuel (Kantian): 80, 140, 206,
216, 235, 262, 277, 280
- Kass, Leon: 203, 208–209, 212, 229–237,
239, 241–244, 251, 253, 255, 261,
264–265, 271–272
- Koretsky, Vladimir: 138–139
- Lebacqz, Karen: 220
- Lévy-Bruhl, Lucien: 97
- liberal (liberalism): 12, 30, 101, 120–122, 125,
137, 140, 161–162, 165–167, 171–174,
176, 178, 196, 198, 220–221, 253, 255
- Lubac, Henri de: 55–56, 58, 96–100, 102,
197
- Luther, Martin: 68–70, 188, 196
- Lutheran World Relief: 4
- Macklin, Ruth: 18, 270
- magisterium: 37–39, 45, 47–48, 53, 57, 60,
62–63, 65, 75–76, 83, 85, 92–93, 95,
101, 103, 108, 204, 228
- Mahmood, Saba: 12, 19
- Maritan, Jacques: 147
- McKeon, Richard: 33, 135–136, 147–152,
159, 162, 242, 267, 269
- Milbank, John: 75, 97, 100, 165, 170–173,
175, 197–198
- milieu (milieus): 13, 125–128, 154, 180, 240
- mode of reasoning: 124, 126–129, 143, 157,
202, 204, 261, 263, 272
- moderate: 162–163, 193, 204–205, 240,
258, 265
- moderate equipment: 240, 265
- nature and the supernatural: 42–44, 46, 62,
74, 95–99, 109, 175
- Neo-Scholastic (Neo-Scholasticism): 98–99
- Nietzsche, Friedrich (Nietzschean): xiii–
xiv, 165, 171
- norm: ix, x, xvii, 3, 5, 10, 11–12, 14, 16,
17–20, 104, 114, 125, 175, 209, 248,
252, 257–259, 262–264, 267, 283, 285
- normalization (normalize): xi, 7, 126–128,
139, 153, 155–156, 158, 161, 166,
177–178, 219–221, 248, 253, 263, 264,
274, 278
- Normand, Roger: 110, 113, 116, 146, 161
normative: xiii, xvi, 2, 9, 13, 208, 211, 264,
277, 279
nouvelle theologie: 50, 59, 98
- O'Malley, John: 26, 28
omnes et singulatim: 15, 61–62, 94, 103, 156,
163, 183, 185, 201
- Oxfam: 4
- pastoral equipment: 36, 46, 60, 64, 83,
91–93, 95–96, 107
- pastoral power: 15–17, 42, 60, 62, 65–67,
80, 84, 93–95, 97, 101, 103, 107, 122,
124, 126, 136, 152, 156, 163, 181–189,
191–193, 196, 198, 201–202, 236, 240,
264, 273
- pastoral problem: 6, 15, 28–29, 32–33,
35–38, 41, 51–52, 65, 78, 102, 108, 234
- Paul, Saint: 67–70, 74, 165, 172, 197
- Paul XI, Pope: 17, 25–32, 46, 53, 61, 94, 96,
102, 108
- Pellegrino, Edmund: 243, 261, 265–271
- Peters, Ted: 10, 71, 226
- Pico della Mirandola: 13, 281
- Pius XII, Pope: 97
- political spirituality: xv–xvii, 9, 196
- political theology: xiv, xvii, 4, 101, 170
- population: xii, 5, 7, 12, 16, 123, 125, 127,
140, 154, 156, 176–178, 180, 194, 201,
212–213, 215–217, 219, 221, 223, 240,
263, 265, 271–272, 274
- power: ix, x, xiv–xvi, 2–4, 6, 8, 11–20, 25,
27, 29, 31, 42–44, 46–47, 49, 60, 62,
65–67, 80, 84, 89, 91–95, 97, 101, 103,
107, 109–111, 113–114, 118–131, 134,
136–139, 145–147, 149–158, 160–163,
165–167, 169–194, 196–198, 201–203,
205–206, 208, 212, 213–214, 216,
220, 222–223, 225, 227, 233, 235–236,
240, 245, 247–248, 251, 253–254,
257–258, 260, 264, 270–273, 275–279,
282–285
- President's Council on Bioethics (PCBE):
6, 14, 199, 202–206, 208, 210, 212,
230, 238, 261, 267, 280–281
- Rabinow, Paul: xiv, 3, 7, 9, 169–170, 172,
176–178, 208, 224, 226, 268, 277
- Rahner, Karl: 55–56, 100, 223

- raison d'état*: 122–130, 133–134, 149, 153–157, 163, 183, 194, 241
- rationality: 35, 46, 111, 122–125, 130, 152, 154, 156, 166, 177, 221, 276, 280, 283
- Ratzinger, Joseph: 74
- Reformation: 26, 42–43, 50, 97–98, 100–101, 170–171, 185–186, 188–189, 191–192, 197
- Roosevelt, Eleanor: 115–116, 119, 139, 141, 146, 154
- Rose, Nikolas: 176–178, 257
- salvation: xii, xvii, 14, 16–17, 27, 42–44, 48–50, 53, 64, 68–69, 78–79, 83–85, 93, 96, 98, 101, 126, 182–192, 196
- Shultziner, Doron: 136, 144
- Stavrianakis, Anthony: xiv, 172
- Taubes, Jacob: 68, 70
- Taylor, Charles: 10, 31
- theological politics: 6, 172
- theology: xiv, xvii, 4, 7, 15, 29, 35, 42, 50, 57, 59, 82, 97, 99–101, 112, 165, 170, 188, 210, 268
- thēosis*: 72
- Thomson, James: xii, 168, 227–228, 230, 284
- tradition (traditional): 4, 17, 19, 29, 33–36, 38–39, 48, 50, 59, 66, 74, 86, 98, 115, 140, 169, 171, 182, 198, 202, 210–211, 220, 262, 267, 277–278, 282
- U.N. Security Council: 110–111
- UNESCO: 134, 147, 261, 270
- U.S. Council of Catholic Bishops: xii–xiii
- veridiction: xv, 5, 9, 13, 34, 39, 46, 57, 60, 73–75, 81, 94–94, 108, 128, 130–131, 140, 150–152, 154, 157, 206, 212, 263, 265
- verificationist mode of reasoning: 126–127
- vocation: xiv, 3, 27–28, 31, 53–54, 56–58, 64–73, 76–78, 80–81, 84, 90–91, 95, 97, 100, 102, 104
- Weber, Max: 44, 58, 66, 68–70, 120
- World Health Organization: xi
- Zaidi, Sarah: 110, 113, 116, 146, 161
- Žižek, Slavoj: 165, 172

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