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BOOK REVIEW


Jude P. Dougherty**

Leon Kass is a professor of the Committee on Social Thought at the University of Chicago and Roger and Susan Hertog Fellow at the American Enterprise Institute. Among his books are Toward a Moral Natural Science: Biology and Human Affairs; The Hungry Soul: The Ethics of Human Cloning (with James Q. Wilson); and Wing to Wing, Oar to Oar: Readings on Courting and Marrying (with Amy A. Kass). In August 2001, President George W. Bush created the President’s Council on Bioethics to monitor stem cell research and to consider the medical and ethical ramifications of biomedical innovation and appointed Kass to chair this council. Kass brings to his task a near-lifetime reflection on the key moral issues confronting researchers, corporations, and policy makers in the field of biomedical ethics. While moral principles are time transcending, the situations that call for their application are not. As a physician and in the light of his extensive investigation of the issues pressing resolution, few are better positioned to offer cautionary advice if not outright moral guidance. Kass approaches his task armed with Aristotle’s anthropology and the biblical account of creation. This enables him to recognize that there is such a thing as human nature with its distinctive propensities and the fact that nature itself is purposive, the product of an intelligent creating source. The Book of Genesis, he implies, should be the starting point of any moral outlook. While it is fashionable in academic circles to look upon man as a purely material organism, adequately studied as Descartes would have it, as a mechanism subject to the laws of physics and chemistry, Kass points to a facet of human nature more difficult to describe, a facet which renders man

* Citations in this review are in accordance with the author’s preference and do not conform to the standards in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass’n et al. eds., 17th ed. 2000).

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distinct from the rest of nature by virtue of his interiority, one may say, spirituality.

A popular fiction is that there is such a thing as "bioethics," similar in character to physics, chemistry, or biology itself. Most of what we call ethics is prudential judgment made in the light of more fundamental principles of a metaphysical sort. The term "ethics" also fudges a distinction between moral philosophy and moral theology. It may be obvious that the latter depends on one's theology, grounded in religious beliefs of one sort or another. The same is equally true of philosophy. Philosophizing in the tradition of Aristotle or Aquinas will lead one to conclusions not shared by those steeped in the Weltanschuung of the Enlightenment. A theistic metaphysics will provide one outlook, an agnostic epistemology another. One cannot reconcile the difference between Aristotle and David Hume or between Luther and Aquinas. Common ground will forever elude those who seek harmony between the philosopher who holds that there are natures independent of the mind which govern inquiry, that there is purpose in nature, and the philosopher who denies such. The sanctity of human life and the ethics it entails depend upon one's conception of human life. We may argue about when human life begins, but that issue is easily settled by microbiology assuming that participants in the debate are intellectually honest. The quality of life and the dignity owed to each human being is a different matter.

Many issues confronted by the moralist, theologian, or philosopher have their implicit resolution in what one considers good for the family, for society, indeed for a people or nation, and while their exploration or study does not all fall into the "biological" category, nevertheless they are not to be considered apart from their biological roots. Though deeply entangled with commerce, Kass writes, "[T]he biomedical enterprise occupies the high ground of compassionate humanitarianism, upholding the supreme values of modern life - cure disease, prolong life, relieve suffering." Other moral goods rarely stand a chance in competition with these. "Our cultural pluralism and easygoing relativism," he continues, "make it difficult to reach a consensus on what we should embrace and what we should oppose." Serious moral concerns are often dismissed as religious or sectarian. With respect to runaway biotechnology, there are powerful economic interests which proceed without regard for social consequences and with no economic incentive to go slowly.

"We are quick to notice dangers to life, threats to freedom, risks to discrimination or exploitation of the poor, and anyone's interference with the pursuit of pleasure. But we are slow to recognize threats to human dignity, to ways of doing and feeling and being in the world that make life rich, deep and fulfilling." True enough, but whence the source of human
dignity? The moral context, Kass insists demands a concept of human nature and the recognition of purpose in nature. The liberal principles and rights asserted in the Declaration of Independence, although narrowly political, rested on certain presuppositions. The Founding Fathers took for granted that the morals and mores of the people who formed the new nation were to be informed by biblical morality, the source of a richer and fuller treatment about the whole of human life. "Though the national government eschewed religious establishment or religious tests for office, the Founders were not neutral between religion and irreligion and several of the states had established churches."

The most fundamental challenge posed by the brave new technology comes not from the biotechnologies it spawns but from the underlying scientific thought. Reductive science, Kass maintains, stands in need of a fuller account of human nature. From Aristotle, he says, we can learn that the human soul is not a ghost in a machine but an empowered form of a naturally organic body. From Genesis we can learn that man was created in the image and likeness of God and why the remedy for man's aloneness is a sexual complement, why a respect for a being created in God's image means respect for everything about him and what contributes to his human flourishing.

Aristotle and Plato agree, Kass points out, that understanding the best life for man presupposes a clear conception of what man is and by what he should be measured. For them both, man's primary goal is to obtain likeness to God. Both theist and non-theist rely on right reason to produce a list of goods, but depending on whether God exists or not, reason will come up with different lists. On the theistic view, worship and contemplation of God and self-sacrifice will appear as goods. Acknowledging God's existence will affect one's understanding of the nature and ordering of other goods. If there is no God, if the grave is the end of man, not eternal union with God as the end of our knowing and willing, then the material goods are the highest goods. Charity, long suffering, humility make no sense. If we are designed by God for eternal union with Him, life and self-discipline take on a new meaning. Unfortunately, says Kass, liberal democracy has now reached the point where it can no longer defend intellectually its founding principles. We are adrift without a compass.

In successive chapters, the author addresses problem areas for both ethics and legislative policy, i.e., the initiation and growth of human life in the laboratory, genetic technology, including gene therapy, human cloning, the sale of human organs, the so-called "right to die" or "death with dignity." In Chapter VII, where he addresses the right-to-die issue, he observes that it has become fashionable for people to demand what they want as a matter of rights. We hear claims made in the language of
rights to health care, education, employment, clean air, and the list goes on. Reminding his reader that a legal or moral right is not identical to a desire or even a need, Kass asserts that there is no "right to die." Somewhat sarcastically, he says, "Why claim a right to what is inevitable? Are we in danger of bodily immortality?" Medical technology or treatments seek in principle to prolong life indefinitely; if not indefinitely, then for longer than in many cases is reasonable or necessary.

It has long been recognized that one has a right to refuse extraordinary life-sustaining medical treatment, but the "right-to-die" claim has to do with bringing about death through lethal injection, the withholding of food and water, or other means of assisted suicide. It is not the recognition that one has the choice of passively submitting to an inevitable course of events, natural death, when the time has come. We are not merely biological entities, Kass says time and again, but moral and cultural beings. The first task of ethics is proper description. We are not merely self-replicating machines assembled by an evolutionary process, designed for reproduction, and ruled by our genes. Proper description includes the moral and cultural.

In discussing human cloning, Kass is reminded of a scenario found in Aldous Huxley's *Brave New World*. In a disturbing piece of science fiction Huxley depicts human life seven centuries hence. Kass writes, "The Brave New World has achieved prosperity, community, stability, and near universal contentment, only to be inhabited by creatures of human shape but stunted humanity. They consume, fornicate, take 'soma,' enjoy 'centrifugal bumble-puppy,' and operate the machinery that makes it all possible. They do not read, write, think, love or govern themselves. Art and science, virtue and religion, family and friendship are all passé. What matters most is bodily health and immediate gratification." Against this backdrop, Kass speaks of the profundity of sex. Biological truths concerning procreation - namely, that each child is genetically (equally) kin to both parents, the result of two biological progenitors. Each child results from and unites two lineages, determined by a combination of nature and chance. "These biological truths about our origins foretell deep truths about our identity and our human condition altogether. . . . Though less momentous than our common humanity, our genetic individuality is not humanly trivial." "Human societies," he says later, "virtually everywhere have structured child-rearing responsibilities and systems of identity and relationship on the base of natural facts of begetting." These facts cannot be ignored in discussions of asexual reproduction.

Other facts should give us pause. In all animal experiments, fewer than four percent of cloning attempts have succeeded. Not only are these failures in reality fetal deaths and stillborn infants, but many of the so-
called successes are in fact failures. Furthermore, almost nobody talks about what it would be like to be a cloned child. The very fact that we talk about human cloning indicates a profound misunderstanding of the meaning of having children and the parent-child relationship. "The prospect of human cloning, so repulsive to contemplate, is the occasion for deciding whether we shall be slaves of unregulated innovation, and ultimately its artifacts, or whether we shall remain free human beings who guide our powers toward the enhancement of human dignity."

In a concluding chapter, "The Permanent Limitations of Biology," Kass suggests that: (1) in modern practice biology foolishly pursues limitless goals: (2) in modern theory, it proceeds by methods and concepts that impose artificial boundaries that are not true to life; and (3) at any time, it faces insuperable limitations posed both by the deficiencies of human reason and by the mysteries of its subject, life itself. Kass is convinced that in spite of the distinction often made between theoretical and applied science, it is important to grasp the essentially practical, social, and technical character of modern science. The Cartesian model of science, though proposed as early as the 17th century, began to be realized only in our century. In a trenchant passage, Kass writes, "We learn to prevent genetic disease, but only by turning procreation into manufacture. We have safe and shame free sex, but little romance or lasting intimacy. . . . We live much longer, but can't remember why we wanted to."

In speaking of "philosophical limitations," Kass reminds us that when taken as objects in a laboratory setting, whole organisms tend to be confusing. Greater precision in research is achieved if one works with cells or, better still, cell-free systems, preferably with isolated and purified molecules. "Organisms are 'explained' in terms of genes; vital functions are 'explained' by the motions and interactions of nonliving molecules." The drawback is that the functions of parts studied in isolation often differ from what they are normally in the functioning organism.

As suggested previously, the mechanical model in modern biology goes back at least to Descartes, but Descartes does not say the organism is, in fact, a machine but that we do well to consider it as a machine for the sake of attaining useful knowledge. The mechanistic account is not true to life; vital processes cannot be regarded as merely mechanical. The mechanical account leaves no room for self-initiated action. It ignores all inwardness of the agent, interested awareness, intentionality. Its incompleteness must be recognized at all levels of inquiry.

Living things must be regarded as purposive beings, Kass insists. Organisms come into being through an orderly self-directed process, the parts contributing to the maintenance of the whole. In the animal kingdom one finds an elaborate pattern of behavior leading to self-perpetuation. The activity is not planned or consciously intended, yet it is
just the same a directed and inwardly determined activity for the sake of
an end, for a purpose. One can study these activities mechanistically as
one can study any process in nature, but one ought not to conclude the
reform that purposiveness is an illusion.

Speaking of evolutionary biology, Kass asks, “Can evolutionary biology
tell us why a non-teleological nature would generate and sustain
teleological beings?” “Do we really understand what we are claiming
when we accept the view that a mindless universe gave rise to mind?”
“Modern biology will never be able to tell us what life is, what is
responsible for it, or what it is for.” Kass is acutely aware of the limited
success of bioethics as a moral tutor. “Though originally intended to
improve our deeds, the reigning practice of ethics, if the truth be told,
has, at best, improved our speech.”

John M. Rist, in a book entitled Real Ethics, published almost
simultaneously with that of Kass, calls attention to what he calls the
deception, equivocation, outright lying, and humbug that pass for
contemporary moral discourse - humbug that extends from the
universities into the marketplace, legislative assemblies, and juridical
bodies. Like Kass, Rist offers a defense of traditional biblical morality
grounded in classical metaphysics. In rather forceful language he writes
that there is “no need to look in the public lavatory for the lowest
common denominator.”2 The habits of what was low life morality have
become the norms of moral and political discourse. “In the wake of any
clear sense of what ‘low life’ might suggest, intellectuals are becoming
‘downwardly mobile’ and while losing their grip on an overall concept of
virtue, often see such a direction as in itself virtuous and high minded or
sentimentally as solidarity with the marginalized or dispossessed.”3

Despairing of any principled agreement on the foundations of morality
between theist and non-theist, Rist takes the position that upholders of
the realist tradition must recover its history, learning from the skills and
insights of those who advance it and from those who reject it. “Those
who reject it,” Rist writes, “must be forced to acknowledge their own
Nietzschean parentage, a lineage that gives license to force majeure, lies,
hypocrisy, and intellectual dishonesty or triviality which make it palatable
to a credulous and largely pre-philosophic public.”4 Realism or deception
are the only moral and political alternatives available. If morality is to be

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1. John M. Rist, Real Ethics: Rethinking the Foundations of Morality
   (Cambridge: Cambridge University Press, 2002).
2. Ibid., p. 5
3. Ibid., p. 6.
4. Ibid., pp. 282-3.
more than enlightened self-interest, it has to be rationally justified, that is, established on metaphysical principles. Rist believes that in Western societies we are confronted with ubiquitous and ill-defined appeals to the priority of choice, freedom, and human dignity, all unanchored in a coherent account of nature and human nature. Moral obligation, the only obligation clearly separable from prudence or self-interest, remains a utopian dream apart from an acknowledged theistic context. A theistic or religious context and its accompanying moral sense can only be achieved by regaining a perspective which lays bare its classical and Christian roots. Appeals to comradeliness, fraternity, and community are illusory apart from an inherited culture, symbolized for Rist by attachment to land, village and the local churchyard where one's ancestors have lain for generations. Community entails a common commitment to the rule of law and all that such law entails - viz., due process, habeas corpus, and trial by jury. Absent an historical sense, Rist believes, we are prisoners of our own time. One who is ignorant of the past, is likely to assume the persona put upon him by the current fashions and pressures, which in the present age will most often mean reduction to economic man.

Rist foresees a bleak future for the West. In losing its grip on its Christian past - something of which Kass takes no note - and in the absence of a clear sense of civic virtue, Western society is preparing itself for a totalitarian democracy. Unable to choose between conflicting claims to the good and the resulting propensity to tolerate all, it is subverting the principle of toleration itself. Unfortunately, recovering a sense of the past may not be an easy task. Rist is aware that the past can be clouded by the authoritarian or ideological mentality of academics and humanists or be rewritten or invented to promote a political agenda. Moreover, history is only one vehicle for transmitting the inherited. Whatever wisdom a society has acquired can be passed on only if it is instantiated in institutional structures designed to maintain inherited practices, beliefs, and intellectual acumen. As for the individual caught in an unrooted modernity, those apt to keep their wits in a godless future are those who possess a knowledge - however acquired - of their roots, that is, their own past and traditions.

Although Kass takes no note of a moral tradition that extends from the Apostle Paul to John Paul II, every judgment he makes about nature and human nature is consonant with that tradition. That said, it must be asked whether philosophy can replace religion, specifically Christianity as a moral tutor in the West. John Dewey thought that it could. Three-quarters of a century after he first advanced that claim and with more than two hundred years of the skepticism spawned by the Enlightenment, Western society, to most observers, seems to be in a state of moral and cultural chaos, no longer capable of defending itself. Not only Huxley
but his contemporary George Santayana saw it coming. In 1913, Santayana on the opening page of his book, *The Winds of Doctrine*, wrote: "The civilization characteristic of Christendom has not disappeared, yet another civilization has begun to take its place. We still understand the value of religious faith; ... On the other hand, the shell of Christendom is broken. The unconquerable mind of the East, the pagan past, the industrial socialistic future confront it with their equal authority. Our whole life and mind is saturated with the slow upward filtration of a new spirit - that of an emancipated, atheistic, international democracy."\(^5\)

Recognizing the limited focus of the present volume, one may hope that Leon Kass, with similar acuteness of observation and depth of analysis, will devote a similar volume to the larger historical and cultural context which of necessity provides the bedrock of any moral outlook. Is there any way out of the Enlightenment mentality, and if not, what does the future portend for the West? *Life, Liberty and the Defense of Dignity* is a refreshing - one may say honest - look at the frightening implications of a runaway biomedical technology. Nearly every page is worth the price of the whole. It must be said that President Bush could not have appointed a wiser man to head the President's Council on Bioethics.

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