

*The Liberalism of Life:
Bioethics in the Face of Biopower*

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We are learning to know precisely the location of our genes, but significant numbers of us don't know the whereabouts of our children.

—Wendell Berry

THE FIRST HALF of the twentieth century was the era of atomic physics, the second half of the century was a break-through era in biomedicine and the biological sciences. New discoveries, bold incursions into the human body, and increasingly sophisticated technologies in these fields—genetics, proteomics, cell biology, cell differentiation and regeneration, aging, and human reproduction, to say nothing of neuroscience, psycho-pharmacology, and agricultural science—will continue to accumulate apace, and to interconnect. Thus the biotechnology project of the twenty-first century will be formed. We know what it is to live in the shadow of the applications of physics; we are beginning to learn what it is to live in the shadow of cell biology.

This essay is an attempt to think through the ontological claims inherent in the biotechnology project and in what I shall refer to as "biopower." Thus far ethical discourse has failed to grasp the nettle of the ontological crisis at stake in the era of biopower; perhaps ethical discourse has conceptual limitations that disable it from doing so. Later I shall argue that some of these limitations come from the fact that contemporary political theorists and bioethicists have focused ethics on the problems of using biotechnology and distributing its fruits. This all but rules out a radical or fundamental critique of the very nature and idea of the biotechnology project. Even more important, though, is the conceptual place of ethics in a broader philosophical inquiry. The ontological issues with which we must deal are

not so much a *part* of ethics as they are the *context* of ethics and its precondition. What even counts as a moral reason or a moral judgment will be affected by the initial ontological stance we take toward the world and toward one another. This much is a commonplace. What has not yet been recognized sufficiently is that the stance we take toward life itself—our own position in the history of life and in the locality of living systems—also structures our perception of the nature and possibilities of ethical discourse. As long as bioethicists remain unmindful of this, we will be like fish who don't realize they live in water.

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Two aspects of the ontological situation of humankind stand in tension and require our greatest effort to reach equilibrium. They are the rage to make (or remake) the world, "the blessed rage for order" Wallace Stevens called it, and the frailty that demands acceptance of the world as given. The human situation is to stand pulled in one way by the exercise of power over being and in another by the patience to let being be. Politics is the fashioning of a social and institutional housing within which that tension can be sustained, that fabricating power bridled. Lest it destroy us. And within which patience can be aroused. Lest it dehumanize us.

An ethical response to the implications of the emerging biotechnology project, once naively referred to as the "biological revolution," has been hobbled by misdirection, conceptual impoverishment, and the failure to identify the most fundamental nature of the moral, and ultimately political, challenges posed. Neither side in the biotechnology debate so far has grasped that a new form of power has arisen and with it a new form of the quintessentially "political" question of how to tame—to civilize—power.

Power is the effort to shape reality in accordance with the human will. Power is the drive to form, to shape, to direct or redirect, to make, to artifice. Biopower is the manifestation of the rage to make in the realm of the biological. The biotechnology project is a cultural-technological system that is single-mindedly devoted to the

triumph of biopower. Against power stands the other axis of the human condition, the "givenness" of the conditions of life. Heidegger referred to this as the awareness of being thrown or projected. We experience this "thrownness" (*Geworfenheit*) when we understand that we are beings thrust into a world we did not make, but that is the place of our being nonetheless. To be thrown is to be off balance; we are out of fit with the condition of our own being. Not fully at home, we must act upon the world into which we have been thrown to impress our image upon it, to reshape it according to our designs and desires, according to our will.

The political problem is to find a form of society that will balance power, or the rage to make, with the givenness of existence, an acceptance of the givenness of life to which we must accommodate ourselves. This tension between man the maker (*homo faber*) and man the "creature" (the recipient of the gift of being) pervades all the realms of human activity.

Recognizing the current imbalance in the West, and in particular the United States, in a pervasive emphasis on fabrication and the urge to remake the world into our own image, Wendell Berry, in *Life Is a Miracle*, calls for a "new, or a renewed, propriety in the study and the use of the living world," and urges us to "risk an unfashionable recourse to our cultural tradition," to draw upon "our ability in time of need, to return to our cultural landmarks and reorient ourselves." Berry goes on to say that "propriety" is a word whose value comes from its reference to the fact that we are not alone. "The idea of propriety," he observes, "makes an issue of the fittingness of our conduct to our place or circumstances. . . . It acknowledges the always-pressing realities of context and of influence; we cannot speak or act or live out of context. . . . We are being measured, in other words, by a standard that we did not make and cannot destroy. It is by that standard, and only by that standard, that we know we are in a crisis in our relationship to nature."

Far too much of the debate over the implications of biotechnology has been framed in terms of religion versus secular science, and more specifically in terms of the abortion question. Debates

about biotechnology are framed around the battle lines of abortion in the areas of medically assisted reproduction, cloning or somatic cell nuclear transfer, fetal tissue transplantation, and, most recently, embryonic stem cell research. Critics of biotechnology have argued that individual human beings, from the time of biological conception, should be protected against either willful destruction or deliberate scientific manipulation, and eventual destruction. Behind a phrase such as the "sanctity of life" or the "right to life" is lost a crucial distinction between the importance of respect for the dignity of the human person and the recognition of the ultimate value of given life itself, between the value of the living and the value of life.

At other times, mainly in the agricultural areas of biotechnology, but also in the early days of recombinant DNA research, the central ethical issue of the biotechnology project has been posed as one of public health and safety. Occasionally it is posed as one of environmental protection, which ultimately redounds back to human safety and commodious living. Finally, broad theological concerns have been voiced to the effect that with biotechnology, mankind is exceeding the proper bounds of its knowledge and action, that we are overreaching ourselves and interfering with processes that should not be violated.

Thus we have four arguments: respect for embryonic persons, public safety, environmental protection, and the prohibition of crossing the boundary between the human and the divine ("playing God"). None of them has been either generally persuasive or effective in countering the advance of biotechnology. Although addressing matters of profound significance to public life, they are not cast as *public* arguments, manifesting appeals to public reason, but rather as tendentious and sectarian perspectives, voices crying out in the wilderness of a faithless, prideful, and materialistic society. The sermon or the howl of frustration and despair fills the void left by the absence of genuine political discourse.

Moreover, critics of biotechnology, of both the right and the left, often attempt to defeat the technologists at their own game. They base their objections on matters of technical detail or expertise that

can be easily countered or corrected by experts and apologists for the emerging global biotechnocracy. These critics, so far, seem to have little in the way of an alternative vision to offer, except the seemingly coldhearted and reactionary stance that would accept as a part of the human condition the terrible maladies from which biotechnology claims to offer liberation. It warms one only a little when the critics go on to remind us that in the past the promises of biotechnology have been overblown and should now ring hollow.

These and other arguments fail to grasp how radical is the challenge posed by the project of biotechnology and the regime of biopower. This radicalism takes two principal forms:

Biopower tears time. It strives to disconnect past from future. No past failure can mitigate against the desire for future hope and promise. There is also no vitality worth worrying about in any tradition or settled practices or customs. Biotechnology sees tradition, the authority and weight of what has come before, as an oppressive weight, a millstone, when it might be better seen as a cloak of dense fabric protecting us from the ice of the unprecedented and the chill of the unknown. Modes of conduct and expectation shaped in the past and grounded on experience passed down through generations seemingly provide no guidance in a world of biopower, for this is a world so drastically accelerated that the process of revision, the slow carving of hard wood, turns into the process of constant and virtually continuous invention.

Selective breeding of plants and animals ("domestication") is as old as human history; it is human history. But the new technologies of genetic engineering present a qualitative as well as quantitative break with those traditional techniques due to the speed and scale with which they can be implemented and due to their biologically far-reaching effects. To work with—rather than against—natural cycles and systems is to adopt a certain rhythm of life and sense of time, and it is to become beholden to the passage of forms of practice across time (tradition) in a special way. Experience transmitted from generation to generation about soil and climate, about crop rotation and cultivation techniques, directs the minds of farmers to

the fabric of life and the interconnected relationships between the soil and the biota it sustains. If that fabric is to persist, it must be tended and cared for. And cared about. In the new agriculture of biotechnology, that ecology, and the sense of time that goes with it, is reinvented anew every few years. It is reinvented using seeds with periodically updated genomes, and using an ever changing mix of high-tech fertilizers and pesticides that struggle to keep up with the biological disorder caused by breaking the fabric of natural cycles and careful agricultural practices.

Biopower dislocates place. The rage to fabricate is fueled by a form of knowledge that is inherently abstract and deracinated. The laws of molecular biology and genetics promise a lever of control over the way plants and animals exist and manifest their being. But such control dissociates these biological processes from their place in a natural, balanced ecosystem. It also alters the sustained interaction with animals, land, and crops that has given farmers and herdsmen their sense of natural place for millennia.

The milking machine was a first step away from the practice of dairy farming conducted with a particular sense (and experience) of place. This was a technological dislocation in the service of biopower. Add now a second level of dislocation: much as the machinery freed the human hand and touch from milk retrieval, so the synthetic hormones of agricultural biotechnology free milk production from the vagaries of husbandry and care, once necessary so that the cow's feelings and temperament were conducive to milk production. Biopower in agriculture quite literally dislocates the farm from a place embedded within a surrounding ecosystem. It fabricates farming anew. It rejects the givenness of ecological constraints and of the patterns of tradition.

Aside from their failure to appreciate the true extent of its radicalism, the final problem with most ethical critiques of biotechnology so far is that they, ever fascinated by the appearance of the new, concentrate their gaze on biotechnology narrowly. That is, they understand it as conceptual models, laboratory procedures and processes, and as an array of machinery, rather than as a "technology"

properly understood. A technology is a structure of interrelated ways of thinking and acting; ways of thinking about reality, nature, other people, and cognate ways of interacting with nature and with other people. A technology is a complex of modes of production and relations of production. It is also a structure and a culture of fabrication. It marshals thought and action in the service of power, in the service of refashioning the given in accordance with human will and desire. So defined, biotechnology cannot be understood apart from an appreciation of the phenomenon of biopower. But so long as biotechnology is seen as some new and amazing processes for making molecules do things, ethics will fail to come to grips with the deep connections between biotechnology, the political economy of advanced capitalism, and the culture of postmodernity. We gravitate, at alarming speed, toward the regime of biopower, not because it is foreign to us, a Brave New World, but because it is a new manifestation of who we have become as a society and what we have been taught to desire. Aldous Huxley projected his insight forward; we need to supplement that to look, as C. S. Lewis did, backward and within.

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Have we no philosophical and political vocabulary sufficient to name the true challenge of this historically unprecedented capacity to manipulate the very material and substance of life at its ontological foundations? Have we no vision, no conceptual framework, sufficient to grasp the nature of biotechnology as a political phenomenon in the basic sense of that term? That is to say, to grasp it as a system of power that not only directly manipulates the physical and chemical matter of biological life, but also has the potency to shape the social, ethical, and spiritual matter of communal and political life?

I believe that we do indeed have in ethics and political theory the necessary conceptual resources and the tradition of discourse available to comprehend the regime of biotechnology as a political phenomenon and as a historically new structure and type of power. Some of the key concepts we need to recover are to be found in one strand of the tradition of philosophical liberalism, particularly in the

founding period of that tradition in the seventeenth century. (Other concepts, of course, will have to come from more contemporary sources, and there are rich veins to mine in the areas of social ecology, hermeneutics, and critical theory.) This strand of liberalism, lately resurrected by numerous political theorists for other purposes, is often referred to in a phrase coined by Judith Shklar, "the liberalism of fear." She might better have said, the liberalism of life.

My recourse to liberalism in this context is unconventional and requires a word of explanation. In the standard interpretations, liberalism is portrayed as the ideological basis for much of the growth of science and technology. I believe that the liberal tradition of political and moral discourse has many facets, many voices, and that particularly early on it was supremely interested in the ontological foundation of what we would today call a "sustainable" society. To be sure, the resources we must seek to retrieve are not those of the late liberal tradition, as best exemplified in our own time by the remarkable work of John Rawls, and standing behind him figures such as Mill, Kant, and Hume. Rather it is at the very origins of liberal thought, indeed in the most audacious moments when deep thinking about the human was redefining itself and its subject, especially in the now nearly forgotten works of Michel de Montaigne and Thomas Hobbes, that we find the core problem to which the liberal sensibility was meant to be the modern answer.

This core problem can be stated as follows: *How is the natural integrity and the moral significance of sheer life (the givenness of life) to be affirmed in the face of structures of discursive and political power that take life to be, not a gift or a given, but a raw material for correction, repair, improvement, or refinement?* The living of some persons (particularly the well born) was clearly valued before liberalism dawned in the late sixteenth and seventeenth centuries. But to assert the value of life itself, life as such ("bare life" as the contemporary Italian philosopher Giorgio Agamben calls it), and to put its protection at the foundation of our central moral and political institutions—that was a profound turning point in the history of western political theory. In doing so, early liberalism embraced the problem

of political ontology and ontological politics as I have defined them, and, indeed, as Hobbes very nearly defined them. How to create an artificial kind of power, a political covenant and society, in order to bridle power itself and to keep it from turning back upon human life destructively even as it rages to improve that life? This was the fundamental problem that Hobbes had the genius to recognize.

This is not the place to construct a reading of either Montaigne or Hobbes. A few words only about the irascible Englishman. Reference to two key passages from his masterwork *Leviathan* (1651) will suffice to indicate the way he frames the problem of reconciling the human drive to make with vulnerable, mortal humanity, and turns that problem into the political-moral question par excellence. Literally the first word of *Leviathan* is "nature," and the restraint of human desire by the given, by the social mode of existence we are thrown into, is the constant leitmotif of Hobbesian thought. Natural givens, however, are not enough for a creature such as man, the reach, intensity, and destructive potential of whose desires and symbolically charged imagination go far beyond those of other animals, despite their superior physical size and strength. The limits, the givens, that will tame the human will to power must be created by human imitation of the divine. The human fabricator must make the covenants and support the institutions that bridle the drive to fabricate. Thus the necessity of the political, the civitas, the great Leviathan that imitates and protects God's natural creation.

Note that Leviathan imitates, but does not rival God; hence the irony of Hobbes's choice, as an inspiration for his title and as an epigraph on the title page of the printed edition, of a passage from Job 41:33 in which God is reminding humankind in the person of Job, the best of the faithful, that his proper vocation is as a patient sufferer of being, not as a sovereign creator of his own life or circumstances. Here is Hobbes as he opens his political theory:

Nature (the art whereby God hath made and governs the world) is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal. . . . Art goes yet further, imitating that rational and most excellent work of nature,

man. For by art is created that great Leviathan called a Commonwealth, or State (in Latin Civitas), which is but an artificial man, though of greater strength and stature than the natural, for whose protection and defense it was intended.

Hobbes goes on to say that the covenants that create the civitas are acts of mortal men that are to be likened to the original creative act of God. At first glance, the thrust of this formulation would seem to be on the side of fabrication, and the use of power to remake and to reshape the world in the human image. The fundamental intention of the political artificer's art, however, is the protection and defense of man as he comes from nature, the protection of human life as it is given. Later, in a famous passage in chapter eleven, Hobbes states most fully and clearly his vision of the human ontological predicament and his rejection of the classical (Aristotelian) aspiration for a politics of human self-fulfillment in favor of a politics of the preservation of life. Hobbes sees the civitas as a housing within which the tension between the exercise of power by each person on others and the world will be balanced off against the restraint and acceptance of the world and others as given. Outside that housing (in what Hobbes called the state of nature/state of war), life is everyone's for the taking. *Sauve-qui-peut*. But inside the house of Leviathan state, power preserves the givenness of life, it does not threaten it. Hobbesian political ontology then is a defense of life through the collective power of all defending each against the individual or cooperative power of a few.

To which end [i.e., those qualities of mankind that concern their living together in peace and unity] we are to consider that the felicity of this life consisteth not in the repose of a mind satisfied. For there is no such *Finis ultimus* (utmost aim) nor *Summum Bonum* (greatest good) as is spoken of in the books of the old moral philosophers. Nor can a man any more live, whose desires are at an end, than he whose senses and imaginations are at a stand. Felicity is a continual progress of the desire, from one object to another, the attaining of the former being but the way

to the latter. The cause whereof is that the object of man's desire is not to enjoy once only, and for one instant of time, but to assure forever the way of his future desire. . . . So that in the first place, I put for a general inclination of all mankind, a perpetual and restless desire of power after power, that ceaseth only in death. And the cause of this is not always that a man hopes for a more intensive delight than he has already attained to, or that he cannot be content with a moderate power, but because he cannot assure the power and means to live well which he hath present, without the acquisition of more.

There is a great deal of pathos in this ontology. It has the mixture of exhilaration and entrapment that Camus was later to expound in his version of existentialism and in his reading of the Sisyphus myth. The key in terms of Hobbes's ontology and his biology is the presence of movement. Being, for Hobbes, was motion, and its underlying principle was what he called the "endeavor," the elemental urge in all beings to continue to exist. The implications of this emphasis for ethical and political inquiry are not immediately clear and require much difficult philosophical reflection.

One impressive attempt to develop the lines of reasoning that can be opened up is the work of Hans Jonas, particularly *The Imperative of Responsibility*. In a way reminiscent of Hobbes (and also Spinoza), Jonas builds upon what he sees as the dynamism, the restlessness, the impulse to interact with the environment that is inherent in all metabolic life. Another suggestive reading of Hobbes and the liberal tradition is developed by the political theorist Aryeh Botwinick in *Skepticism, Belief, and the Modern* and in "Post-Shoah Political Theology," published in *Telos* (Fall 2001). He places liberalism in the context of older theological and philosophical traditions that posit the contingency of human knowledge and the incomprehensibility of God, the source of order and being. In so doing, Botwinick finds a systematic rationale for acceptance of the givenness of life and for the political control of the fabricating power of humankind. He also argues that there are epistemological as well as ethical grounds for thinking that such political control ought to take

egalitarian and democratic, rather than authoritarian, forms.

A second key theme in this passage is the problem of insecurity and uncertainty. Hobbesian man needs the housing of politics and the civitas, not because he is incorrigibly selfish, violent, or insatiable. He could accept limits, he could be content with a moderate living, a due portion that met Berry's test of propriety, if he were not insecure (that is, rationally insecure, not neurotically so). Indeed, for the truly evil, grasping, insatiable self, Leviathan state offers no home and no solution. (Hobbes darkly admits that there are a few such people in every society and they simply have to be driven out, imprisoned, or killed. But he does not think the number will be large, for this is not our nature.) The solution to the ontological problem then, the political tension between the exercise of power and the acceptance of the givenness of one's own life and the living of others, is the security provided by the common collective power and authority of the sovereign.

This identification of life itself as the first thing, the privileged thing, provided the only solid foundation for human equality, and eventually for the development of democracy, that mankind has ever known. The idea is certainly not new—its roots go deep into ancient Judaism, for example; but placing it at the foundation of the state, the foundation of the just political community, was new, and we still today do not grasp its full implications. At the very least, it poses a paradox. It is so rare and fragile that even those societies that identify themselves with the liberal tradition rarely act as though they really believe it, and yet it is so deeply ingrained in us, so much now a part of the furniture of our minds and the reflexes of our hearts, that we are deeply horrified by a wanton disregard for human life, or even animal life, for that matter.

Properly understood, biotechnology is a form of biopower because it aims to replace bare life with a form of life and existence, even down to the roots of its genetic makeup and biochemical functioning, that is in the deepest way an artifact of human design and will. The biotechnology project that begins as a compassionate response to biological malfunction or abnormality or disease will not,

and cannot by its very nature, rest content with the project of restoration, because it literally cannot restore the fabric of life. Unable to restore, the biotechnology project must substitute for the begotten fabric of life that is torn, or the begotten function that is disabled, another fabric, a made fabric, functionally equivalent to the former perhaps (although in fact it never is), but made by human design and manipulation. The cloned child, if human cloning is ever made safe and permitted, will not replace the source child prematurely taken from us by cancer. Nor will CC (an experimentally cloned cat, like Dolly the sheep) truly replace its twin predecessor. This is only partly because genetic determinism is false and the new organism will have its own mind and personality. It is also because the new person or cat will be made, not given or begotten.

Moreover, biotechnology cannot abide the distinction between therapy (or restoration of normal function) and enhancement. The regime of biopower seeks perfection and will reshape bodies, landscapes, and even minds to achieve it. When bare life is not respected as such, the biological is open for the exercise of human power and the pursuit of human desires and interests. Hobbes understood this well and attempted to craft a regime of power founded on the preservation of life and the avoidance of death. This regime rests on the covenant of life and is a bulwark to protect bare life against biopower, given life against fabricated life.

If we take the regime of biopower to be inevitable or triumphant, then a central ethical and political question becomes, who defines perfection? It will make a tremendous difference how democratically we answer that question, if it comes to that. But it is also important to notice that, if we get to that question, biopower will already have triumphed. When and if we truly arrive at this question we will be beyond the political reach of a liberalism of life. For such a liberalism, the quest for perfection stops at the skin of bare life. For such a liberalism, imperfection, while not to be sought out, is neither to be shunned. Disability, vulnerability, dependency on the care and protection of others are not to be willed but are to be accommodated and accepted into the proper realm of human experience, and

they should not be taken as signs of our immaturity as beings. The fragility of our given life and its frail imperfection have their rightful place as aspects of the human moral situation and as elements in the economy of human dignity. Hard to live with, they nonetheless must be understood to enrich our existence and can be learned from in some sense.

These are difficult sentiments to grasp with your bare hands. The impulse to reject them is palpable. It may already be very late to begin such defenses of imperfection and disability, or projects of cultural recovery, such as Berry's renewal of propriety, or my search in liberalism's archive for a renewed covenant of given life.

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This reading of liberalism is no less unconventional than the broader philosophical purpose it is trying to achieve. Those who see the liberal tradition as a more or less seamless conversation overlook the distinctive sensibility I find in early liberalism, a sensibility lost or at least mostly silenced in late liberalism, and consequently in contemporary bioethics, which draws most of its conceptual vocabulary and much of its moral vision from late liberalism. This is a liberalism and a bioethics of justice. In the last century, much of liberal political theory has turned its attention away from matters of political ontology and turned toward governing the use of technology and distributing its benefits and burdens. An important recent work in this vein is *From Chance to Choice* by Allan Buchanan, Dan Brock, Norman Daniels, and Daniel Wikler, four of the most distinguished and respected philosophers in the field of bioethics. I do not mean to suggest that the concerns of the late liberal agenda—concerns about privacy, choice, and distributive justice—are unimportant. Still, I wonder whether even the basic questions late liberal thinkers ask are fully answerable within the conceptual terms of their paradigm, or whether even on its own terms the perspective of late liberalism ultimately requires recourse to its early liberal cousin.

As we emerge from what was arguably the most brutal and violent century in human history, we can at least ask whether the fair

management and just distribution functions of political theory are any longer enough. The religious warfare of the 1500s made that redoubtable century one to rival the twentieth in its brutality. It seems to be at such historical moments that someone finally asks whether there is a limit to the destruction of bare life in the name of life dressed in a certain way. It was not long afterward, of course, that Montaigne (who wrote in the last decades of the sixteenth century) and Hobbes (who wrote in the middle decades of the seventeenth) took political theory back to a more fundamental level. I suggest that remembering an older kind of liberalism—recovering something of its original ontological context and intentions, and placing it practically in the face of biopower—will help to revitalize our discourse about public policy controls on biotechnology.

And what of the ethical framing of biotechnology and the discourse of bioethics? Late liberalism—managerial and distributive liberalism—has had a strong effect on the way questions are framed and on the analytic concepts and categories that are used in bioethics for the purposes of social and moral critique. Mainstream bioethics is currently mired in the discursive framework and the debates about biotechnology mentioned earlier. The nature of technology as the kind of power that shapes life itself, and with it a whole form of moral imagination and social life, is largely invisible in the discourse of bioethics at the present time. Technology is seen as a tool, an instrumental means for individuals (who are cast in the role of consumers of technology, not its subjects, and not ever as democratic citizens) to realize their own pregiven ends.

To remember the covenant of life in the face of biopower, we need to expand the purportedly practical, but often obtuse, discourse of bioethics, in renewed dialogue with the dark side of the liberal tradition. Bioethicists need to listen to and learn from a liberalism that has lived through the Flanders fields, the death camps, the gulags, the mass starvation in China associated with the Great Leap Forward, and the bloodshed in the Balkans—to name but a few mementos of the twentieth century. Then perhaps bioethics will join the search for a new propriety toward nature and the renewal of a liberalism of life.