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## REMARKS

### REMARKS FOR THE CELEBRATION OF THE TWENTIETH ANNIVERSARY OF *THE JOURNAL OF CONTEMPORARY HEALTH LAW AND POLICY*

*Leon R. Kass, M.D.*

When I was told that the *Health Law Journal* wished to dedicate its twentieth volume to me, in appreciation of my work, I was very pleased and flattered, but—quite frankly—even more astonished. For unlike the people from whom I have learned so much—both the great authors of the West, from Aristotle to C.S. Lewis, and my more immediate mentors in the area of biomedical ethics, Paul Ramsey and Hans Jonas—I do not regard my own writings as amounting to anything like a coherent body of work, much less one deserving of such an honor. In my own self-understanding, I am primarily a teacher, one who has been blessed with the opportunity—for over thirty years—to study and discuss great works of philosophy, science, literature, and religion with outstandingly thoughtful students from whom I have learned at least as much as they have from me. I was blessed too in my parents, unschooled but deeply wise immigrants from Eastern Europe, who by example and explicit instruction pointed me toward the human and moral concerns that have guided my teaching and my writings: to live an honorable and upstanding life, to help other people to do so as well, and to speak up in defense of what is right and true and good. When I was twenty years old, the great cosmic match-maker sent me a perfect soul mate and now wife of nearly forty-three years: my shared life and work and enduring conversations with Amy Kass are written into all that I am and everything that I do, say, and write. Finally, the privilege that President Bush gave me to try to repay my great debt to the country that took in my parents and that handed me the blessings of freedom, education, and opportunity has made it possible for me—with the help of the members and superb staff of the President's Council on Bioethics—to try to enrich and deepen the public discourse about the new age of biotechnology, now emerging. Whatever value there may be in the things I have written or done owes nearly everything to the gifts that I have received and the many wonderful people who have given them to me. I am grateful to them even as I am

grateful to the *Health Law Journal* for the honor you bestow upon me in this dedicatory volume.

Gratitude is, in fact, a neglected theme in bioethical discourse. Indeed, one might suggest that gratitude is not only a neglected theme but a neglected posture in much of modern life. We are today showered on all sides by the fruits of human ingenuity, with their remarkable ability to make human life less nasty, poor, brutish, and short. Yet although we live better even than kings and queens of old, we are on the whole not satisfied with our lot. Our growing prosperity and our mounting power over nature and fortune have not produced contentment, but rather the restless striving for more and more. This should not be surprising: the entire modern project for the mastery and possession of nature, begun in the seventeenth century by giants like Francis Bacon and Rene Descartes, adopts not the posture of gratitude but of cosmic discontent. It rests on the (at least tacit) belief that nature and Nature's God are very stingy benefactors, leaving human beings to live like sickly orphans abandoned to the mercies of chance and necessity. And it summons us to transform the given world according to our own lights and by the working of our own hands, turning man into a god unto man.

The human project for the mastery and possession of nature has, in recent decades, turned its growing powers on the master himself, in the first instance to provide greater relief for the still recalcitrant miseries of the human body and soul, but also and increasingly to try to improve upon human nature, to relieve man's estate by transforming our humanity. Dual use technologies open up opportunities to seek better children, superior performance, ageless bodies, and happy souls though altogether novel means, not by human effort but, as it were, by chemical and other "magic." Many of our contemporaries, restless and discontent, will accept the Faustian bargain, and society will adopt an ever increasing medicalization of human life. The disposition of gratitude is too weak to withstand the disposition to mastery, with its utopian promise of longer life and peace of mind through pharmacology, especially when nearly all the economic incentives drive the technological juggernaut forward.

What must we do to counter these dangerous tendencies? The challenge is two-fold. On the side of thought, we need to try to correct the reductionist and materialist science on whose findings the biotechnological revolution is based. We need to try to recover or discover a "more natural science," one that does justice to life as lived—not only by human beings but by all higher forms of life—a life characterized by activities of awareness, action, and appetite, and not merely of genes and enzymes and neurotransmitters. We need to try once again to articulate an anthropology that pays tribute to the full

range of human possibilities, psychic and social, and that can offer some guidance for distinguishing those uses of technology that serve to enrich and perfect human life from those that serve instead to degrade and dehumanize it. For without some clear understanding of the truly human, we are intellectually powerless even to recognize dehumanization for what it is.

On the side of action, we face an equally grave challenge: Is it possible for human beings to find a way to govern the uses of biotechnology, so as to have it serve worthy human ends without eroding human freedom and dignity? And if we can, *how* shall we do it? In a market-driven, pluralistic, laissez-faire society, propelled by the technological imperative and the humanitarian impulse, and with the forces of caution and prudence in full retreat, it is difficult to be optimistic. Yet it is my hope that we may soon be able to make a small step in this direction, should Congress adopt some recommendations in the Council on Bioethics' forthcoming report on *Reproduction and Responsibility: The Regulation of New Biotechnologies*, to be issued next week. Having set ourselves the task of finding common moral ground that might unite liberals and conservatives, pro-lifers and research scientists—even while we continue to disagree, for example, about the moral status of early human embryos—the Council has succeeded in putting forward—unanimously—certain legislative suggestions that, if adopted, would for the first time erect social and legal barriers to protect fundamental goods and values in the realm of human procreation, goods and values that all reasonable people hold dear. No one on our much-divided Council has gotten everything that he wanted. But all the measures that we propose together are things that everyone wants, or should want. Leaving for ongoing debates the issues that still divide us, we hope to seize the moment to alter the standard way of doing business in the realm of biotechnology. We seek, for the first time, to place the burden of persuasion on any innovators who would gladly break social taboos and transgress moral boundaries to demonstrate *why* we as a society should allow these taboos and boundaries to be broken and transgressed. In the debates that we hope our work will stimulate, we may soon have an opportunity to discover whether we as a nation are up to the task of governing where biotechnology may be taking us.

In facing this and related serious social and moral challenges, the nation is fortunate to have the principled and knowledgeable thinkers and writers that appear regularly in the pages of the *Journal of Contemporary Health Law and Policy*, now entering upon its year of majority. I am deeply honored to be associated with the *Journal*, and I look forward to many more years of mutual efforts to meet both the theoretical and the practical challenges of our time. Thank you.

