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Meeting Transcript
December 9, 2005

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WELCOME AND ANNOUNCEMENTS

CHAIRMAN PELLEGRINO: This morning our focus changes a bit. We’ll be talking about the concept of dignity. The Council in its discussions, as well as in its published reports, has referred to and used the word “dignity.” It’s one which raises many questions, and we thought it might be a good idea to step back and look at the implications, the denotations and the connotations of this very, very important word.

I won’t vex you by repeating over and over again how important it is, but rather say that we’re very fortunate to have two experts in the area of if not dignity per se, the questions of the fundamentals of bioethics and ethics generally, Dr. James Childress and Dr. Paul Weithman.

SESSION 5: HUMAN DIGNITY AS A BIOETHICAL CONCEPT
CHAIRMAN PELLEGRINO: We will start with Dr. Childress, and anyone who is in the field of bioethics knows Jim Childress, but if Jim will allow me to repeat a few aspects of his career, but only a few, as you know, he is co-author with Tom Beauchamp of the most widely quoted text in biomedical ethics in the world today.

Jim is the John Allen Hollingsworth Professor of Ethics and of medical education at the University of Virginia. He teaches in the Department of Religious Studies and directs the Institute for Practical Ethics and Public Life.

Dr. Childress earned his Bachelor's degree at Guilford College, his divinity degree at the Bachelor's level from Yale Divinity School, and his Master's and Ph.D. also at Yale University.

Jim is the author of innumerable articles, I would say. I have already mentioned his work with Tom Beauchamp. Of course, on his own he has published many papers. He serves on many national boards and committees, the National Bioethics Commission which preceded this one, and he currently chairs an Institute of Medicine committee on increasing the rates of organ donation, which I understand from Jim will have its concluding meeting next week, and we look forward to that one as well because I know it will be of interest to the members of this Council.

Jim.

DR.CHILDRESS: Thank you very much.

It is good to be with you and to see friends and former colleagues and others whose work I've appreciated over the years.

And it is a pleasure and honor to share some reflections about human dignity with the President’s Council. As several of you have heard me say in other settings, I greatly admire the work of the President’s Council since its origins and the kind of vision that Leon Kass sketched for it. Even when I disagree with particular recommendations or conclusions, I always find the reports, and in addition, the transcripts of the meetings with their analyses and argumentation and discussion quite illuminating, and you really have provided a great resource for the field of bioethics.

Having served on the National Bioethics Advisory Commission, I can appreciate the difficulties of getting recommendations enacted into public policy since I'm not sure I can point to very many that we ever got in place.

But apart from that, the contribution to public discourse has been immense and a resource I direct students to all the time is the Website for the Council.

As a participant in both academic and public policy debates in bioethics and biolaw, I have long been interested in the role and functions, possibilities, and limitations of principles like human dignity, especially over against other widely recognized principles.

And human dignity has been evoked in the United States in several debates, particularly about physician assisted suicide and euthanasia, where it has been evoked on both sides. And then, of course, it was evoked pretty widely about human reproductive cloning.

But on the whole, it has played a much more prominent role in European and international contexts. In general, philosophers from the Anglo-American analytic tradition tend to be more suspicious of appeals to human dignity than philosophers in the Kantian tradition or phenomenological tradition, and ethicists within particular religious traditions or philosophers who are attuned to and are more sympathetic with religious traditions have also tended to be more sympathetic to appeals to human dignity, as are efforts to work with the international human rights tradition.

Now, the appeals to human dignity internationally and then in the U.S. in contexts such as discussion of death with dignity and discussion of human reproductive cloning, those have aroused a lot of criticism, criticism focused in part on the protean nature of human dignity. You can appeal to it in so many different ways that some critics have charged that it is simply a loose cannon, and as you know from the paper that was circulated to you, some stronger criticisms and one that I'll come back to a little bit later is that indications of human dignity actually damage the quality of public discourse.

Well, some of the recent discussion about the possible role of human dignity in bioethics discourse has focused on the report of the Council on Human Cloning and Human Dignity, and some of the criticisms that have emerged note that this report tended to invoke rather than really use the idea of
human dignity. There's a contention that it tended largely to leave the idea unanalyzed and the connections with human cloning undeveloped.

Now, if one looks at the report carefully, and I'll just offer a comment about it, a couple of comments about it here at the outset because I think in a way you can see how this serves as a focal point for a lot of the current debate about the possibilities and limitations of the use of the concept of human dignity.

Other than in the title and the running head, the phrase appears about 15 times in the whole report and in the chair's letter of transmittal, and even in the report the phrase several times relates to research involving human subjects where there has been historically specification of human dignity in such rules as voluntary informed consent, and some of the other uses appear in a list of values.

Now, that's kind of staying on the body of the report. Obviously, there are other uses I do not include in that count, in the Council member's personal statements. Nevertheless, even though it's not fully analyzed, even though the links are not fully established, the very fact that it appears in the title and in the running head frames the discussion.

And so this has led, I think, on the part of many who have looked at the document to wonder whether it would be possible to make a judgment based on the report that actually there is a cogent argument for a ban on human reproductive cloning based on human dignity because the links have not been established thoroughly in the report.

And that has led to a suspicion on the part of some, for example, Steven Marks, that leaving the notion unanalyzed then permits too much else to come in. For example, he would suggest a variety of theological concepts might be working behind that, but to analyze it would, indeed, expose that.

I think several of these criticisms are unwarranted, but what I want to note is the way the notion was left unanalyzed in the report can give rise to that sort of exaggerated, overstated criticism. So it's good, I think, that the President's Council is considering whether to return to this either directly by making this a focal point of an examination or less directly by developing it more fully in relation to particular topics.

So what I want to do is not defend or oppose a particular conception of human dignity, but rather to raise a few questions, identify a few distinctions that might be useful if you return to this topic more fully, again, directly or indirectly.

And on the outline, I've listed a few of the things I want to cover. You should have that at your seat.

I want, first, to think about human dignity, what I call "Conception 1," as a standard of duties and rights because this is one particular way to think about human dignity or the principle of human dignity or respect for human dignity, and I think it tends to be the paradigmatic concept of human dignity. When someone appeals to it, that's what I think people tend to think of first.

And it presupposes some property or characteristic or capacity of human beings or persons that is the basis for dignity and respect for dignity, and I think it appears in both duty-based and rights-based approaches, and I don't think it's necessary to draw a sharp line between those here. I think there are other variations that are much more important in conceptions of human dignity as a standard of duties and/or rights.

And one of those is whether we should think about human dignity as an overarching foundational standard, to use two different metaphors there, or simply one standard among others. I think this, within this first conception, is a fundamental issue to face.

Now, clearly, there are frameworks, for example, in the international covenants on civil and political rights or economic, social and cultural rights where it appears that human dignity serves as a foundational concept from which then specific rights are derived. Louis Henkin, referring to these documents, says that the authors of these documents in seeking a theoretical foundation for the international human rights movement that would be acceptable to all peoples, cultures, and political ideologies justified human rights by relating them to human dignity.

And clearly, that is one approach to the notion of human dignity. Do it as foundational or overarching.

But there's also another approach that's widespread, particularly in European discussions. For example, often you find four ethical principles in biolaw or bioethics, as these discussions put them: autonomy, dignity, integrity, and vulnerability, often set in the context of solidarity and
responsibility, or another variation in the European context, dignity, precaution, and solidarity. Whatever the formulation, these approaches think about human dignity as one among several principles.

Now, you can see that also in the recent universal declaration on bioethics and human rights, where it says at one point, "Human dignity, human rights, and fundamental freedoms are to be respected," and they are in that context put alongside each other rather than one viewed as foundational.

There are a variety of other related distinctions that would need to be thought about, objective, subjective, as well as then if you take this approach, the relation between human dignity and various other conceptions. So how might one begin to think about those?

Well, one thing that would need to be done is to try to specify the range in scope of the principle of human dignity or value of human dignity, and this is in two different senses. One would be to determine — and the Council has done a bit with this, for example, in coming up with notions about the intermediate moral status of the human embryo — questions about the entities to which this principle refers or which entities get encompassed under it, and there, of course, to develop this in a rich way and rigorous way would require attention to the various qualities that have been offered and determine which ones could actually be defended in relation to the assignment of human dignity to various entities.

So that’s important for trying to specify this broad principle even when one is trying to bring it alongside others.

But then there are other questions about specification, and that would somewhat have to do with trying to determine content, and I've listed just a few examples in recent discourse, human rights tradition. Clearly there's been an effort to specify quite a number of human rights that could be seen as at least derivative from or consistent with the notion of human dignity.

And then the tradition that tends to focus a lot on avoiding objectification or instrumentalization as part of what it means to respect human dignity or within the Roman Catholic tradition, particular attention to the sanctity of life.

Well, all of these are possible ways and perhaps incomplete ways of trying to specify the content to a principle of human dignity understood now as one principle alongside a variety of others.

One of the big questions to raise in going this route would be to try to determine when you have violations of specific duties and rights derived from or backed by human dignity, and those are ruled out; to ask what exactly does the appeal to human dignity capture beyond that because, clearly, there is an attempt to say that there’s more involved even if you end up with the specification, that there really is more involved in the appeal to human dignity.

Is it captured in some further notion of what might count as indignity or insult or affront to human beings?

So the question is, once you get the specification of rights and duties, what is the value that remains in relation to the notion of human dignity.

Well, that's one important dimension and to try to specify the range or scope of a value or principle of human dignity. But a second question that arises focuses on a second dimension, and that is, if you recognize several different principles or values, human dignity being one of them, then how would you think about the relation among those principles and values if conflicts arise?

Is human dignity one that needs to be considered absolute? And does that mean that that’s at such a broad level of generality that any time there’s a conflict it captures enough that it always wins, or is it rank-ordered as superior to the others, or is it one among several, each of which would have independent and presumptive value, but perhaps could be overridden in some cases?

Again, if you’re going down the route of thinking about human dignity as a standard of duties and rights, those are some of the important considerations.

There is a second conception, and that conception is of human dignity as a standard of virtue. Now, in getting into this, let me draw on some comments by Deryck Beyleveld. In discussing reproductive technology, he focused at one point on a set of considerations that might be distinct from basic rights, but that might be said to concern human dignity, and here’s what he wrote.

"What I have in mind is that it might be argued that certain uses of reproductive technology violate
human dignity not in the way in which they treat the human embryo, but in how they reflect upon the character of those who wish to avail themselves of those technologies.

"In ordinary uses persons that are characteristically said to act in undignified ways when they display weaknesses that they ought not to display, for example, by failing to display fortitude in the face of adversity or by seeming to evade responsibility for their actions."

And then he goes on to say along those lines he could imagine — and he's imagining this, not necessarily defending it — an argument that the use of in vitro fertilization for postmenopausal women is a violation of human dignity, again, in terms of this standard of character.

Well —

**PROF. GEORGE:** Jim, could I interrupt just to ask who you're quoting there? I didn't hear it.

Jim, it's Robby.

**DR.CHILDRESS:** I'm sorry.

**PROF. GEORGE:** Jim, it's Robby.

Who are you quoting there?

**DR.CHILDRESS:** Derick Beyleved. His name appears under Introduction, third bullet.

**PROF. GEORGE:** Thank you.

**DR.CHILDRESS:** And he along with Roger Brownsword have co-authored, I think, a very useful book on human dignity in the area of bioethics and biolaw.

Now, I think that if Leon will forgive me, I think that his approach also is one that often in his own writings can be seen as human dignity as a standard of virtue and excellence, and I'm not going to elaborate his position. Obviously he's here in the Council meetings and can easily do that himself.

But it seems to me this conception is one that focused on violations of human dignity that go beyond concerns about rights and duties and they often focus more on the agents who act rather than the humans who are acted upon, not that they are mutually exclusive. They are not. I think it's a matter, in part, of which conception tends to be taken as the starting point and perhaps even as the controlling one.

Well, in contrast to the language of violation of rights and duties that we find in the first conception, it seems to me the primary valuative language in this second conception tends to be dehumanization, degradation, debasement, et cetera, where people depart from a standard that should apply to them as a standard of virtue and excellence.

And often, and we find this, I think, in some of Leon Kass's writings, the emphasis may fall on the experience of repugnance or repulsion, sometimes as an epistomological starting point for trying to discern the content of the standard of virtue and excellence.

Now, a few points in drawing this to a close, begin conscious of the time limit of 20 to 25 minutes that was indicated. However powerful a conception of human dignity as a standard of virtue, I think that it's harder to make the case for laws and public policies reflecting this conception in a liberal, pluralistic society. For example, harder to make the case to ban human reproductive cloning from this standpoint.

Harder also, I think, to make the case for the ban on buying and selling organs from this standpoint.

I think it's easier, given the framework of moral discourse within a liberal, pluralistic society if we can develop an approach that focuses on the human dignity as a standard of rights and duties. For that you need, obviously, as I have suggested, an operational definition of human dignity, along with a variety of specific arguments that would connect those conceptions of rights and duties to, for example, reproductive cloning or to buying and selling organs. It seems to me one of the critical parts, again, is drawing those connections and links.

Now, Carmel Shalev, a philosopher in Israel, observes that arguments about human dignity do not hold up well under rational reflection, and she's doing this in relation to human reproductive cloning. But I'm not sure that is what the source of the problem is here, and it may simply be, again, a failure on the part of defenders of human dignity to develop the clear, careful, rigorous arguments
that would be required, and this would, in part, mean spelling the matter out in a transparent way, but also building what I would call an ethical bridgework or links to the activity that is being brought into relation for critical purposes to the standard of human dignity.

Now, I noted at the outset that several philosophers in the analytic tradition and others call on the society to avoid the rhetoric of human dignity. Some even as I suggested recommend purging it from our moral, social, political vocabulary.

I'm somewhat more optimistic about appeals to human dignity and public discourse, not only recognizing that those appeals tap into a variety of religious and philosophical convictions, as well as ones that relate to the human rights tradition in our society.

But at a very minimum it seems to me that those who are appealing to human dignity in debates about biotechnology, for example, need to distinguish two conceptions and perhaps others as well of human dignity as a standard in moral, social, and political discourse, and here I distinguish again a standard of rights and duties versus a standard of excellence and virtue.

And, again, in my judgment these clarifications are important as a matter of transparency and also integrity in public discourse, and one reason I would suggest this is important is that rhetorically in our society appeals to human dignity gain considerable force from the duty-based and rights-based approaches.

However, some of those appeals to human dignity may, in fact, be based on another conception or other conceptions, such as a standard of virtue and excellence. And it seems to me that we need to be as clear and transparent as possible in public discourse when we're invoking concepts such as human dignity.

So I think this first step is a crucial one if you decide to go along the path of further explication and elaboration of human dignity, and that is to determine what kind of standard it is or if the appeal that you want to make is to both, to indicate exactly how they're related and how much of the heavy work is done by which standard.

Now, it seems to me that in the process of developing, explicating, and elaborating the notion of human dignity after clarifying these standards, it's also going to be important to avoid over-inflationary and over-extended uses of the concept of human dignity. I occasionally see in the bioethics discourse a view that human dignity can do most of the work, if not all of the work that needs to be done in this area, and I'm skeptical of that. I think that even if we take it as a broad overarching or foundational concept, once we spell out or elaborate or specify the various rights and duties connected with that, I think that we'll see several of those also have independent appeals, and it may be important to give them due weight along with our notion of human dignity.

So I think that the discourse itself is likely to challenge this as a single overarching principle or value that can do most of the work for us.

Furthermore, I think in the process of explicating and elaborating this notion it's important to avoid — and this is connected with the previous point in some ways — appeals to human dignity as a conversation stopper because sometimes — and there are other concepts that ultimately work this way in our discourse as well — sometimes it tends to function that way.

But, again, I'm suggesting that there's a lot more analysis and argumentation that would be needed to enable us to appeal to the principle or value or concept of human dignity in ways that can really eliminate the issues that have to be faced in both public culture, as these matters are debated; whether reproductive cloning or buying and selling organs or assisted suicide, but also and perhaps particularly at the point of trying to recommend public policies.

Thank you very much.

CHAIRMAN PELLEGRINO: Thank you very much.

I think what we will do is ask Professor Weithman to comment next, and then the Council can direct its questions and comments to both speakers, and they can exchange as well and have kind of a mini panel.

So I would like to introduce next Dr. Paul Weithman, who is Chairman of the Department of Philosophy at Notre Dame University. He earned his first degree in philosophy from the University of Notre Dame and his Master's and Doctoral degrees from Harvard University.
Among his many published books and articles, his "Religion and the Obligation of Citizenship," from Cambridge University Press. He was awarded the North American Society for Social Philosophy Annual Book Award in 2003 and has thought very carefully about this question and would like to relate it to the broader issues of the Council.

Thank you very much, Dr. Weithman.

DR. WEITHMAN: Thank you.

I'd like to thank you for inviting me here for your session this morning. It's a real pleasure to be here.

I know that your time is scarce and valuable, and that I have a time limit. It is a special honor to be here because your time is scarce and valuable, but despite the fact that your time is at a premium and that I have a time limit, I'd like to begin, if I might, with a couple of preliminary remarks.

The first is that, to say the least, I am not an assiduous reader of government reports. I'm not aware of what kind of work other government committees do or the standards to which they hold themselves. When I sat down all too recently, I confess, to read through the reports that the Council has produced, I was, I must say, very impressed with what you've done with your presidential mandate.

You've taken up a wide range of some of the most difficult ethical questions of the day. You've clearly worked very hard, where necessary, to educate yourselves about the science, the medicine, the philosophy. You've produced reports and personal statements that reflect a range of sophisticated reasoning and opinion and that will, if assimilated, do a lot to raise the level of public discussion and argument of the problems that you have taken up.

And I especially appreciate the searching humanism that you've brought to the task. The questions before you are not merely scientific questions or technical questions. They're ethical questions. Those ethical questions cannot be answered simply by pointing to the promise of medical benefits. They go, I think, to what we are as individuals and as a people.

And questions that go so far, questions that go to what we are as a people are questions that demand humanistic reflection, and I think you have engaged in that, and I commend you for doing so.

If national discussion of issues and bioethics remains less deep or sophisticated than it might be, that surely cannot be laid at your door. As a teacher myself, I commend the way you've used your mandate as an occasion to educate the public.

I am, as I said, a teacher, but I don't come before you as a teacher of bioethics or of science. I come to you rather as a student and teacher of political philosophy, and that you would include a session on the notion of human dignity that is bound to be somewhat philosophical and abstract itself bespeaks the depth you've tried to give to your deliberations and to our national conversation.

And it's a special honor for me to be here precisely because by inviting me, you've extended yourselves and construed your mandate broadly in a way that I commend, and I hope that my participation will be useful to you and worth your trouble.

Well, you've invited me today to join your discussion about the concept of human dignity and its usefulness in deliberations of the kind the Council has conducted and will conduct in the future. It is a concept the utility of which can be doubted, as you know, and doubted for a variety of reasons. Some of those reasons are good ones; some are not.

The concept of human dignity is one of which the Council has made a great deal of use. In relying on the concept in its published reports, the Council has drawn on the descriptive and rhetorical force of the concept and drawn out its normative implications.

I had expected before I sat down to look through the reports that the greatest reliance on the concept of human dignity would be in the report on human cloning which bears the title Human Cloning and Human Dignity. I was surprised to find the mention of dignity and human dignity occur with greatest frequency — search functions, search engines are wonderful things — occur with greatest frequency in Beyond Therapy, and that many of the occurrences of those notions are to be found in one of the most sensitive appreciations of athletic performance of which I'm aware.

There I thought many of the benefits of talking about human dignity and the dignity of human action were evident, yet I gather from Dr. Pellegrino and from reading around that your reliance on the
The notion of human dignity has been subject to challenge, and those are challenges you're interested in taking up.

So there are three questions that I want to take up this morning. One, what are the benefits of talking about human dignity and what are the problems of talking about it?

Second, in light of the benefits and problems, is the notion of human dignity useful or illuminating?

And third, will the Council's future work benefit from talking about or arguing in terms of human dignity?

Well, the notion of human dignity occurs frequently in Catholic moral thinking, especially in some of the social teachings issued in recent years and is, therefore, a notion that I've had to confront regularly and with which I have had to grapple.

I have never felt I fully understood the concept of human dignity or the conditions under which it should be applied, even though the notion sometimes enables me to say some of the things I want to say, leads me to some quite useful reflections, I think, and helps me to express agreement with people with whom I would like to agree.

Well, let me begin with the usefulness of the notion of human dignity. To say of human beings, to say of human adults, normally functioning human adults to take an easy case, that they have inherent dignity seems to imply that they have moral status, a status which places them above other things, including other animals.

To say that their status is exalted sounds a little grand in our democratic age, but I have always liked Immanuel Kant's remark that implies that we are, in fact, exalted, his remark that human beings are not the highest among the animals but the lowest among the hosts. Kant said few enough poetic things that it is worth searching them out and commending him when one can do so.

In fact, I think Kant isn't quite right, and we are both the highest among the animals and the lowest among the hosts, but let that pass.

Because of having the status that dignity suggests, it seems that human beings have worth. Their worth and status have to be honored and acknowledged. Human beings are, if talk of dignity is correct, human beings are to be treated with the respect due to creatures of such status. There are some things one cannot do to human beings because to do such things to them would be inconsistent with their status. It would be in many cases to treat them as beings of lesser status than they have.

Such actions include those that degrade, demean or violate human beings. So this much seems clear enough and suggests that the notion of human dignity is a useful one when we want to call attention to the status that human beings have and when we want to condemn actions done to human beings and to say something about what makes those actions wrong or objectionable.

Adherents of many moral and religious traditions have agreed that human beings have special status and have agreed on some of the implications of the status they have. The concept of dignity has proven useful in expressing their agreement. That I think is an important point about the concept and one to which I'll return.

But problems with reliance on the concept of human dignity are also clear. First, even those who agree that human beings have dignity can disagree about why it is that human beings have it. Those who agree that human beings have a moral status that demands respect can disagree about in virtue of what that status is attained or is held.

Some people will think that we are worth what we are because God loves us; others, because we resemble God or are images of God. People have different stories to tell about in virtue of what we image God. Is it because we have capacities for reason and execution, for reason and will as Aquinas seems to have thought, or are there other ways in which we image God instead?

Still others will think that we have dignity because we can rise above the causal determinism of nature to give ourselves ends and principles of action.

Still others may look at the highest achievements of the species, the drawings of Leonardo, the cantatas of Bach, the fastballs of Roger Clemens, and say that a species that can do that or that can produce those things is a species that's worthy of respect.

Second, these differences will have — another problem appealing to dignity, is that these differences
have implications for the question of who has dignity. Disagreement about the basis of dignity leads to disagreement about its possession. If one thinks that human beings have dignity in virtue of having a capacity to set ends for themselves and act on those ends, then one may reach different conclusions about just who has dignity or what to do when those capacities are lost than somebody who has some quite different story to tell about why we’re dignified.

A third problem with appealing to the notion of human dignity is that we can disagree about what human dignity and respect for it demand. We can disagree about what actions if done to other people violate their dignity, and we can disagree about what conditions are incompatible with dignity.

Is the life of an elderly person with advanced dementia an undignified life or not? If it is beneath human dignity, what can be done about it?

As Jim noted, human dignity, the notion of human dignity is appealed to by both sides on the debate about assisted suicide and by both sides in many other ethical debates as well.

The difficulty of bringing some order to our judgments about these matters is compounded by another difficulty. Not every wrong done to people is wrong because it violates human dignity. Not every wrong done to people is wrong because it violates human dignity. Not every condition for which people should be helped or removed, not even conditions in which they should be helped or removed as a matter of justice is a condition from which they should be aided or in which they should be aided because it’s a condition in which their dignity is violated.

I think an example from health care ethics makes this clear. Reproductive technology, technology of assisted reproduction, including pharmaceutical technology, is available, at least in many places, available only to people with means. Insurance doesn’t always cover treatments, doesn’t always cover the drugs needed to make reproduction more likely.

One might think this is an injustice, but I don’t think that even if one does, one doesn’t have to think it’s an injustice because infertility is an undignified condition. So there’s an example of a condition in which people should arguably be aided as a matter of justice, but it’s not a condition in which their dignity is compromised or lacking, or at least it’s not obviously so.

So there’s controversy about the grounds and the implications of human dignity and about who has it. The concept of human dignity is not self-explanatory. It’s, therefore, not, I think, foundational. It’s not the sort of concept that is appropriate to use as a moral foundation.

Rather, it’s a concept the application of which draws upon other moral considerations that are, I think, more fundamental.

It’s also not a master concept, either. It’s not one such that if we get clear about it, we’ll be able to answer all of the questions we want to answer. Rather, human dignity, if we can get clear about it, is one moral consideration, one important moral consideration, among many. It’s one that has to be weighed against others, and the weighing will itself be a very difficult matter.

Now, I am not at all sure that the conflicts about human dignity and its implications or all of those conflicts can be explained by appealing to the clash of a couple of different conceptions. It does seem to me very useful to distinguish different conceptions of dignity and the briefing paper that you commissioned, the very fine briefing paper that you commissioned, I think does a wonderful job mapping the various tributaries and streams of thought about dignity that come together in contemporary use of the notion.

And I think it’s that kind of detailed historical work and much more of it that’s needed to figure out just how many traditions of thought about human dignity there are and about whether various uses of it that seem to belong to different traditions, can, in fact, sometimes be found in the same one.

And so sometimes discussions of human dignity that seem quite closely tied to a rights conception of dignity also have within them very moving passages that suggest an excellence or an aretetic conception of human dignity as well.

Well, do these problems with human dignity imply that the concept of human dignity is useless because it’s empty or that it masks disagreement or that it should be dispensed with?

To see that it should not be, I think that we need only ask what moral reasoning would be like without it, and to explore that, I’d like to digress for a moment. On a mention of human dignity in one of the Council documents that I found especially interesting, a remark in Reproduction and
Responsibility, that fundamental American law, unlike fundamental European law, doesn’t speak of human dignity.

Well, what does talk of human dignity add to talk about rights, say? Reflecting on that for a moment might give us some idea of just how useful the notion of dignity is, and I do think that talk of dignity adds something to moral discourse that can’t be captured simply by talk about rights and liberties, and that talk about dignity and talk about rights can pull apart.

For one thing, not every offense against rights is an offense against human dignity. If one thinks with the philosopher John Rawls that political rights and liberties should have fair value, then the failure to guarantee the fair value of political rights and liberties is an offense against rights. It’s not clear to me that it’s an offense again dignity.

If one thinks with the philosopher John Rawls that it’s an offense against justice that people not have fair equality of opportunity, then one will think it unjust if inequalities of opportunity are not rectified, but I’m not sure that inequalities of opportunity are offenses against human dignity.

So these seem to be cases in which talk of justice or talk of rights might add something or draw our attention to important moral considerations that talk of human dignity does not.

But there are also places where talk of human dignity can add a great deal and take us beyond talk about rights, and that, too, I think is worth noting.

For one thing, not all rights are created equal. The claim that some act violates human dignity can call attention to the fact that some violations of rights are special affronts to persons. Rights violations which temporarily or permanently rob someone of the powers of agency, for example, the violation of rights by torture, are affronts to human dignity that I think affronts to property rights are not.

Some exercises of one's own rights are affronts to one's own dignity. Having sex in a place that's publicly visible is, for example. I think it may well be an exercise of one's right, but I also think it's an example of people exercising their rights to degrade themselves and rob themselves of dignity.

I think there are lots of ways to compromise one's own dignity even if you can't violate your own rights, and so there, too, is a set of cases in which talk about rights and talk about dignity can pull apart, and then which talk of dignity can draw our attention to important moral considerations of independent force.

Clearly, some affronts to dignity don't violate or entail violations of human rights. For example, burning the corpses of Islamic soldiers is, I think, an affront to dignity, but I'm not sure that there's anybody whose rights are violated. The people in question are, after all, dead. So their rights surely are not violated by violating their corpses, and yet I think there's an affront to dignity in the neighborhood.

I mean, there's another example of the case in which talk about dignity can, I think, be morally illuminating or helpful even where talk of rights fails to capture what's gone wrong.

There are goods of human life that the concept of dignity seems especially apt to capture. The dignity of a good performance, dignity in the face of death or infirmity. Perhaps in these cases talk of dignity can be dispensed with in favor of talk of self-mastery or self-command, self-mastery or self-command in the face of especially demanding conditions.

But the talk of dignity calls our attention to the fact that self-possession under such conditions merits our respect and admiration, and that behavior of that kind is an ideal to be honored and perhaps promoted.

Yet none of this, I think, can be captured by talk about rights and liberties. It is hard, for example, to make arguments for promoting ideals of self-possession or the good performance I think without some concepts in the perfectionist family.

And if one thinks as I do that society has an interest in promoting good artistic performance or in safeguarding good athletic performance, then one will find talk of dignity or may find talk of dignity quite useful in saying what it is about such performance that we want to promote.

There are some conditions into which people can be forced by a conspiracy of circumstances and bad luck that are, I think, affronts to their dignity as persons even if no violations of their rights or liberties are involved: being homeless, living in squalor, having to eat cat food, having to beg on the
street with one's children present, being unable to discharge the responsibilities of parenthood by securing basic hearing for one's children. These, I think, are all conditions in which one's dignity is violated, but it's not clear that there's any rights violation in the neighborhood.

Finally, I am reluctant to ascribe rights to communities, but I think communities, peoples and nations can have or aspire to dignity among the people's of the earth and that it gives the lie to a nation's pretensions to dignity if certain practices are condoned within those nations or if some of its people are allowed to live in degrading conditions.

Well, we may disagree about moral and political conclusions to which talk of dignity points. Indeed, I've already suggested that we do in many cases, but for now the point is that the concept of human dignity stimulates moral reasoning and that the Council has made a very interesting point in Reproduction and Responsibility in suggesting that our legal, our moral, and especially our legal and political thinking are impoverished by its absence.

Well, where does this leave us with respect to the questions I said I'd take up? I surveyed the merits and demerits of talk of dignity. Despite the demerits of talk of dignity, I think that it's a very useful concept and for a number of reasons.

For one thing, I think dignity seems an appropriate concept to describe us. It seems to be true of human beings that we have dignity as, to vary an example from one of Krauthammer's personal statements, it seems true that the Grand Canyon is awesome.

For another, the concept of human dignity has connotations which resonate with many of the moral traditions that shape us. Those connotations give the concept of dignity rhetorical power that commands a reader's or a hearer's attention, and it signifies moral seriousness.

In that way talk of dignity differs from talk of awesomeness, which while it may have had some power in the 17th Century, as I believe it did, has been cheapened by careless adolescent application.

Third, talk about dignity is fruitful. The connotations or resonances with our moral tradition suggest normative implications. They suggest implications for how we ought to treat and respond to human beings and human actions, at least those human actions in which our human powers seem to be most engaged or which have the potential for distinctive forms of human excellence.

Those connotations suggest implications for what our attitudes, our doings, and our refrainings ought to be in virtue of the fact that human beings and actions have dignity.

And finally, because the concept of dignity seems capable of expressing judgments of adherence of many moral traditions, it seems to be an apt concept in which to phrase documents which must be the object of consensus, and I think it important as you reason through the use you want to make of human dignity to remember just what an odd genre of document you are producing, at least that you're producing collectively. You're not producing philosophical treatises. You're producing documents which have to gain the consensus of people on the Council who have very different views and that one hopes will command some consensus in the public at large.

For that reason, reliance on mid-level concepts like dignity rather than more foundational concepts derived from Kantianism or Aristotelianism, Utilitarianism, Catholicism or what have you, might be most useful.

Well, how useful is the concept of dignity for the work to which the Council is turning now? I understand that you're turning now to various questions about health care ethics and children, questions about guidelines for drug experimentation for treatment of children, for children's access to care.

And here I confess uncertainty about the usefulness of the notion of human dignity, and I'm uncertain because I think our intuitions about the dignity of children are somewhat rubbery and unsure. It is surely possible to treat children as mere means, to use them, to abuse them, to exploit, degrade and demean them, to humiliate them.

It is easy to forget what a sense of themselves children, even very young children, have and how easily they can be humiliated. It's very easy, I think, to forget that, and unfortunately it's possible to violate children.

There are many things it is possible to do to children that all too often get done to children that seem in the neighborhood of violations of dignity. It's also possible to say of conditions in which children live that those conditions are subhuman.
But whether any of this should be discussed as violation of the dignity of children is something about which, as I said, I’m a bit unsure, and I’m unsure enough about this to suggest that some other way of reasoning about children may be better. I don’t suggest any relaxing of strict prohibitions on the abuse, the exploitation, the demeaning or the degradation of children, nor do I mean to suggest anything that would license allowing them to live in conditions that are subhuman.

Talk about dignity seems to me to suggest or to depend perhaps upon what children will become when fully developed and emancipated rather than what they are, and I wonder if talking about, reasoning about what it’s right and wrong to do to children might, therefore, better proceed in some other terms.

I worry about talking of the dignity of children in part because it seems to me it might distract from the real issues at stake, but also because it threatens to cheapen talk about human dignity and, therefore, to evacuate it of its force when it is, I have suggested, a concept that has some force that can be quite useful to us.

All of us who were at dinner last night were privileged to see the pictures of Dr. Hurlbut’s baby son. How you reason about how to treat a gift like that is very hard. It depends upon and will draw upon many of the moral resources that we have available to us. I am just not sure that in the end talk of human dignity will be one of them.

Thank you very much.

CHAIRMAN PELLEGRINO: Thank you very much, Dr. Weithman. Both you and Jim deserve our gratitude, especially mine for adhering so rigorously and so well to the time restriction. It provides ample opportunity for the members of the Council to explore your presentations.

And I'll open up the discussion now, and direct your questions to either one or both of the presenters.

Sure — sorry, Gil.

DR. GÓMEZ-LOBO: Well, I want to thank both of you for excellent presentations. This may be a little bit more rambling than my usual interventions, but of course, there are many very, very interesting suggestions in both expositions, and I'd like to perhaps focus attention on the last remarks by Paul, if I may.

Of course, there are many different notions of human dignity, but in my perception in American public life, it's the Kantian tradition that seems to be preeminent. In other words, when in public discussions or in discussions with other people you mention slavery and you ask on what principles should we reject slavery, invariably you go back to this idea that, of course, we should not treat other human beings instrumentally, right?

So it seems to me that the sharp Kantian contrast between dignity and, well, the symmetrical concept is price, if I recall correctly, things that the value of different things is expressed in a different way. The value of humanity or human beings is expressed in the concept of dignity. The value of things is expressed in the notion of price.

Now, in that regard, couldn’t it be the case that, for instance, the way we focus on children may be aided by that? In other words, for instance, the case of research of Willowbrook and all of those cases, it seems to me that there is a flawless conceptual connection between making certain children, in this case disabled or retarded children, instruments maybe for the sake of other children or for the sake of future generations or whatever.

That seems to me to be a way of arguing for what went wrong there. Now, if this is acceptable, then it seems to me rather important to say, well, young children, Bill Hurlbut’s son among them, have dignity. It’s hard for us perhaps visually to pinpoint this because we think of a dignified person as an elderly gentleman of some sort.

But I think it’s the extension of the concert of dignity to all stages of life that is important, even to the unborn, and there it seems to me there might be a useful application of the concept of dignity.

DR. WEITHMAN: I certainly think that in thinking about how children might be employed in medical studies, say, that it’s useful to think about whether or not we’re treating them as mere means. I certainly think that’s so.

Whether if they are treated as mere means we have violated their dignity, though it may follow given
the way Kant sets things up, it just doesn’t strike me as the most useful way of expressing it. Perhaps
violating humanity within them or something like that would be a good way of talking.

But I guess talking about the children’s having dignity, of which they are deprived by being treated
as means strikes me as a way of talking that might simply invite objections that we needn’t get into.
Why isn’t it enough to say that the children aren’t to be treated as mere means; that it is an
exploitation of them if we do so; and that it is for that reason wrong?

I just wonder why we need to take an extra step that simply might invite controversy where no
controversy is needed. When we say that treating children as mere means is exploitative, it seems to
me that we have done enough.

DR. GÓMEZ-LOBO: Yeah, it seems to me that the two notions are analytically tied to each other.

DR. CHILDRESS: I very much agree with Paul’s point, and as I was suggesting, when we talk about
trying to specify a notion of human dignity, a lot of these other conceptions do come up, avoiding
exploiting people, avoiding instrumentalizing them, avoiding objectifying them in the various ways.

But then, again, they often function as free-floating concepts, and you may well be right that, I guess,
remnants of the Kantian tradition may be most dominant in thinking in this area, but it seems to me
that they’re rarely worked out in a clear way in relation to the Kantian premises and much more
likely to have infiltrated the social, cultural, moral discourse in a way that people appeal to them
independently of that appeal to human dignity.

And I think as Paul has suggested, the big question is what the appeal adds to or in some ways
supports the concerns that might well be expressed in other more specific and concrete ways.

DR. Weithman: Let me just try to loosen the connection between treating something as a means
and depriving it of dignity. I’m not sure that I can do it, but let me just explore it for a second.

Suppose that the right way of thinking about our relationship to our children is that of stewardship.
Stewardship is not something that I think in which the Kantian tradition is particularly strong. I
mean, its reflections on stewardship, I think, are not as helpful as they might be, though I’m not a
Kant scholar. I could be wrong about that.

But clearly, we can be stewards of the earth, stewards of the Grand Canyon or of the great sequoias,
and we can fail at stewardship by treating those things as mere means to our satisfaction so that we
can chop down sequoias and panel our billiard rooms with them, for example, and it seems to me
that in doing so we’re failing at stewardship. The ways in which we fail might appropriately be
described as using these grand creations of nature as mere means when they shouldn’t be that.

But I’m not sure that it’s appropriate to describe what we’ve done as violations of the dignity of the
things in question. Now, maybe we can think of our relationship with our children as that of
stewardship and that failing by treating children as mere means is a failure of stewardship. Does it
follow then that we’re violating their dignity? I’m not sure.

At least I’m trying to loosen the connection between treating something as a mere means and
violating its dignity. I’m not sure whether the attempt succeeds or not.

CHAIRMAN PELLEGRINO: Dr. Lawler.

DR. LAWLER: Right. The problem with Kant in this context is that Kant ain’t American, but with
respect to the right of the children, you don’t have to go into this instrumental objectification sort of
language. All you have to say is children have rights, and they have Lockean rights, and Lockean
rights based upon consent, and children don’t fully consent, of course, but you have to understand
children as full human beings, and this not using them as means can be rephrased as simply you
can’t understand them to be compelled to do anything they wouldn’t consent to do as free human
beings.

But the problem though with the fact that Kant isn’t American, as both of you have pointed out in
different ways, would be something like this. We have rights, and that’s a good thing. I’m all for
rights, but oftentimes we exercise our rights in undignified ways. So it’s our characteristically
American tendency in looking at our founding principles to go back prior to the founding to the
Christians and the Stoics and Leon to Genesis.

And you go forward to Kant and subsequent philosophers. So we do have trouble talking about
dignity, but I don’t think we have trouble talking about why we shouldn’t treat children as
instruments because Locke by himself gives us enough there.

**DR. WEITHMAN:** Locke isn’t American either, and in fact, my colleague Alasdair MacIntyre says that Locke’s political philosophy is so thoroughly suffused with religion that it probably couldn’t be taught in American public schools.

(Laughter.)

**DR. WEITHMAN:** There is a regrettable tendency, I think, to secularize Locke in an attempt to make him more American than I think he is. I think that’s very unfortunate both as a matter of Locke scholarship and I think it’s irresponsible to our own intellectual heritage as Americans.

There are, I think, a number of difficulties with appealing to Locke to ground the claim that children have rights. I mean Locke’s writings about children are, I think, quite interesting. The stuff in the Treatise about why children in the state of nature aren’t free is, I think, particularly interesting in this connection. It’s not clear to me that Locke thought children, at least young children, do have rights because they’re not capable of exercising reason and capable of apprehending the law of nature. That’s why they need to be entrusted to someone else until they reach the age of maturity, at which point those to whom they’re entrusted lose their authority claims over them.

Even if we suppose the children have some kind of rights based on consent and say that they shouldn’t be treated in ways to which they would not consent, trying to figure out to what children would consent is a very difficult matter.

I have difficulty getting mine to decide what they like in their lunch boxes. Getting them to decide or figuring out what they would consent to on very complicated matters of treatment seems to me very difficult, particularly if one thinks one has to ask oneself what they would consent to as adults.

And what muddies the water still further, I think, is that we, their parents, have a certain amount of control over what adults they become and, therefore, what they would consent to when they reach the age of adulthood.

Trying to figure out what children would consent to seems to me extraordinarily difficult and not an idea that’s going to provide us a lot of guidance, I think.

**CHAIRMAN PELLEGRINO:** Lawler, Meilaender and George.

**DR. LAWLER:** Locke says the guardianship for parents over children is temporary and nondespotic. So I don’t think it’s so hard, and whatever Locke thought in some deep way, you know, this would radically disagree, but that’s not a big deal.

I would understand Locke the way the great author of the Declaration of Independence understood Locke, which is not so Christian.

**CHAIRMAN PELLEGRINO:** Gil.

**PROF. MEILAENDER:** If each of these presentations had not been as interesting to me as they were, I would have a question for you.

(Laughter.)

**PROF. MEILAENDER:** But because they were interesting, I’d like to think out loud just a little bit and let you say anything that occurs to you in response.

I’m interested less in Kant, the philosopher, and more in Kant, the poet, that nice phrase “highest among the animals and lowest among the hosts.” And I wonder if that doesn’t, in fact, get at something rather important about what we mean when we make these appeals to the concept of dignity.

Human being is not quite a beast and not quite a god, but somewhere in between these two, and therefore, unlike the beasts, how we come into being and go out of being has importance and significance. We can give meaning and point to suffering, for instance.

So that although we’re animals, we’re not quite that. Not quite gods either. So that whatever exactly human excellence means, it’s excellence within certain kinds of limits, limits of the body, for instance, and so forth, and I just wonder — and if you’ve got nothing to say about it, that’s okay, too.—but I just wonder if maybe, in fact, a lot of the appeals to the language of dignity aren’t aimed at trying to think through what it means to be this peculiar sort of in between creature who occupies
this very unusual status.

And I'd just be interested in anything you had to say about that.

**CHAIRMAN PELLEGRINO:** Jim.

**DR.CHILDRESS:** Gil, I think your direction is both an appropriate and an important one, and I think that for a variety of moral discourse, spiritual discourse, et cetera, to think in terms of the good or better ways of or less so for various ways of living, patterns of life, confronting mortality, trying to figure out who we are, et cetera; that's very appropriate, and that is then a place, I think, for a conception of human dignity as a standard of virtue and excellence that one can develop that direction.

I guess I tend to think about a lot of these matters in the context of the public policies and how we can defend various kinds of public policies, and one of the points I was underlining in my presentation is that when we then move to try to develop and defend the public policy, for example, one that involves coercion, it seems to me that we obviously have a stronger case if we're able to tie this with some kinds of rights and duties, and I'm treating both of those together because I'm not working here or thinking here as a rights based philosopher, but rather one who can see these two as closely correlated.

And I think it's more difficult then to move from whatever standard of excellence we come up with to defense of the course of public policies. Clearly, it can be done in some settings, but I'm much more inclined to think in terms whether we view as Paul suggested human dignity as a mid-level concept. It certainly in many forms of discourse will function parallel to a number of other conceptions that I think may have as much weight.

So I guess in terms of the notion of human dignity you point an important direction. Then when we try to spell this out, it may go two different ways in terms of the kinds of standards that are involved, and I think that either way can be appropriate for development of public culture and the way we approach children and a variety of other topics.

But as we move toward thinking of what kinds of public policies are appropriate, then it seems to me we should end up trying to specify this in ways that will pick up a variety of kinds of interests and the like that won't quite be captured in the notion of the Center of Excellence.

**CHAIRMAN PELLEGRINO:** Dr. George.

**PROF. GEORGE:** Thank you.

Jim and Paul, thanks for those fine presentations. Wonderful.

I want to just set out an argument that one sometimes hears and ask you to — both of you — to respond to it. The argument goes this way.

Science is about the business of rigorous, rational inquiry into the facts of the natural order. Any ethics that appeals to dignity or similar, difficult, perhaps somewhat slippery, difficult, hard to define concepts. Indeed, any ethics other than a utilitarian ethics, and especially an ethics that is derived from or associated with religious traditions is simply insufficient to provide valid reasons for limiting the freedom of scientists to conduct their research inquiries.

And this is especially true, the argument goes, where we grant as we must today that scientists are people of goodwill and good faith whose research objectives are to benefit humanity, especially by finding treatments and cures for dreaded diseases and by improving the conditions of life for vast numbers of people.

How would you respond? Perhaps, Jim, you could go first.

**DR.CHILDRESS:** It seems to me that, yes, we can think along the lines that you have suggested as an approach to science that we sometimes hear, but it seems to me that we also recognize a variety of moral constraints that are appropriate.

And the question is: which of those moral constraints relate to, in the context of this discussion today, to notions of human dignity versus other kinds of moral conceptions?

And so I think that we can have rational discourse and not some of your science as a rational enterprise, but we can have rational discourse about a variety of moral directions and constraints that we can appropriately bring to bear on science, and then appropriately use in terms of directing
and justifying public policies that constrain and limit what scientists do.

However, the way I would be inclined to think about that would be, again, to try to work out a conception even for connecting with human dignity of the rights and duties that we find defensible, some of which will connect with some conception of human dignity and some may have quite different sources. But I would at least see that as a possibility of rational discourse and argumentation over and against those who would limit the rationality to the scientific enterprise.

**DR. Weithman:** Three quick responses. The first, why carve out an exception for utilitarianism? I mean, I’m not sure why utilitarianism gets a free pass when other forms of ethics don’t, from the consequences to which any plausible version of utilitarianism appeals.

Well, themselves, it seems to me to be described in quite rich ethical terms. So we want to look at what the consequences of human cloning on a large scale are likely to be.

It seems to me very unlikely that the most plausible way to describe the consequences for purposes of constraining or liberating science is simply in terms of pleasure and pain. One simply needs to appeal to a far richer description of the consequences to get any ethical traction. Once you allow rich, ethical descriptions of the consequences, I’m not sure why the utilitarian way of adding up the consequences is the right way to go about deciding what to do.

So one reaction is: why carve out an exception for utilitarianism?

The second reaction appeals to the claim that scientists are people of goodwill. That is a claim that I have absolutely no interest in denying. I also don’t want to suppose that the scientists are any better than the rest of us. The scientific enterprise, like the enterprises, the professional enterprises in which we all engage, is an enterprise that presumably sets up incentives which tempt people to do what they can and make what progress they can on their own watch and to their own credit.

That isn’t to impugn the goodwill of scientists for a moment. It’s simply to note a fact about the human condition and about professional life as we all know it, given that those incentives are in place and that they are bound to be sorely tempting to scientists, as they certainly would be to me and to many others.

I think it appropriate to talk about how to constrain the pursuit of the incentives and what the incentives ought to be.

And finally, a third reaction is that it does seem science and biotechnology, in particular, have the possibility so to impact human life, basic human institutions, the way in which humans think of themselves, that we have to be extraordinarily careful in pursuing things that will change those dramatically.

I mean, we are, as Gil repeated, creatures of an intermediate status, creatures whose way of thinking about ourselves is profoundly tied to our natural condition, to the way in which we come to be, to the way in which we go out of existence or have whatever change in existence is brought about by death. Those are basic facts of human life, and things that alter them by changing the ways in which we come to be, by changing the relationship between generations, by changing the conditions in which we go out of the world or prolonging human life dramatically, all are bound to have profound consequences for human beings, for the way we think of ourselves for how human life is lived.

That in itself, I think, is a reason to be very, very careful and to think with all the tools we can about just what the consequences of science are likely to be. In that way I think the third reaction builds upon the first. We need the most sophisticated description of the consequences of scientific progress that we can get, and we need to evaluate them in the most sophisticated way.

**CHAIRMAN PELLEGRINO:** Lawler — oh, did you?

**PROF. GEORGE:** Could I have a second question?

**CHAIRMAN PELLEGRINO:** Please, go ahead.

**PROF. GEORGE:** Specifically for Paul, and it’s not a long one.

Paul, you really usefully contrasted talk of dignity and the usefulness of the concept of dignity with an ethics of rights and liberties and explained that there were some moral propositions that couldn’t be captured with the concept of dignity that can be with the concept of rights and liberties, and vice versa.
What I’m wondering is could an ethics of duty — and I mention it specifically in this question of whether there are some things that an ethics of rights and liberties just can’t capture that the concept of dignity supplies — but could an ethics of duties when attached to an ethics of rights and liberties, and Jim was talking about a ethics of rights and duties, but could an ethics of duties, especially if not a purely deontological, but rather one rooted in an eudaimonistic understanding of our moral life, supply everything that the concept of dignity supplies? So there wouldn’t be anything left over.

Now, even if the answer to that is yes, I’m not supposing that that means we should ditch the concept of dignity at all. That’s not my question. I’m trying to understand the concept of dignity by asking whether a eudaimonistic ethics that was the grounds of an ethics of duty attached to an ethics of rights would complete the picture.

**DR. WEITHMAN:** I don’t think so. I think the kind of hybrid ethics in which duties and excellences or duties and virtues work together is one that needs to be spelled out carefully and investigated carefully. It seems to me there are better and worse ways to build such an ethic, and the problems with some of the worst ways to do it are, in fact, pointed out by virtue ethicists who don’t want to have much truck with duties at all.

But leave those problems aside. Are there moral intuitions that we have or morally important considerations that we recognize that couldn’t be helpfully captured by such an ethic?

I guess I’m inclined to think so. I think moral perfectionism plays an important role in our moral thinking, and so there’s an important niche in our moral thinking that is reserved for people who excel in ways that go beyond what they are duty bound to do and that part of ethical thinking and part of ethical training and moral formation depends upon holding up such people at exemplars, and so I think we need to talk about human excellence and human perfection at least in certain areas in order to do that, and we need to be able to talk in many of these cases about the dignity of the people we are holding up as ideals.

I also think that we as a society have an interest in promoting certain ideals of artistic perfection, say, or athletic perfection or good athletic performance. I’m not sure that that interest is a duty that we have, and so I think the talk about rights and duties would leave us unable to capture that.

**CHAIRMAN PELLEGRINO:** Meilaender, Lawler. I’m sorry, Jim.

A point of information. Time is rapidly disappearing. So conciseness would be helpful.

Thank you very much.

Go ahead, Dr. Meilaender. Jim, have you got a short one?

**DR. CHILDRESS:** Yes, very quickly.

**CHAIRMAN PELLEGRINO:** Sorry.

**DR. CHILDRESS:** It seems to me the direction you proposed would be quite useful, but then notions that might be built into that are duties to sell, for example, which are particularly contestable.

And back on the other point about utility for a moment and giving it a free pass, I guess I would also add perhaps an application that the controversy about the values related to the consequences is one that persists, and those values for assessing consequences are ones that are much up for grabs as the other issues, and that following Paul, the notion of a precautionary approach or a principle might well be an important addition, even within that framework.

So there are ways to enrich it as well, I suppose.

**CHAIRMAN PELLEGRINO:** Meilaender, Paul McHugh and Kass.

**PROF. MEILAENDER:** I think I’ll pass because, I mean, I’ve got plenty I’d like to say, but I’ll give an opportunity for people who haven’t said anything.

**CHAIRMAN PELLEGRINO:** Lawler.

**DR. LAWLER:** Very quickly. So rights aren’t enough; duties aren’t enough; dignity is not enough because it’s an ambiguous term. Got to stick excellence in there somewhere. So how about this? We’ll go back to the most old fashioned way imaginable of looking at this, but still philosophic. Can we once again start to talk about natural human goods and tie dignity as a mid-level concept to that?
The bottom line is we are created in a good way by nature, and the undignified modern project taken to an extreme would threaten these goods we were given by nature.

CHAIRMAN PELLEGRINO: McHugh.

DR. McHUGH: Well, I too enjoyed both your presentations. They were stimulating to me, and I’d like to comment what our Council is about.

And our Council is a Council on Bioethics, and you've presented to us material that makes me wonder the place of bioethics in the analysis and the future of our world, particularly in the world that I live in.

I live in a — I'm a teacher of medicine. My job is to try to make the doctors of the future, and in order to do that, I have to teach them various things. A lot of them are technical skills, and we talked yesterday about the absence of technical skills in developing a problem if we didn't have the technical skills and the problem really wasn’t what you thought it was.

But then there is this issue of developing the character of people. The best doctors are those who have courage and temperance and prudence and things of that sort, which, Dr. Childress, you made the point that these are virtues in relationship to dignity that tie to the practice, to the person, to the individual.

And of course, in our Council we have made this emphasis not only in relationship to the way we have discussed things, but even in our publications. We published a set of stories, plays, poems that we thought were better descriptions of what we meant by human dignity than the philosophical, analytical, and you might say bioethical approach.

PARTICIPANT: You were right.

DR. McHUGH: Well, I think I'm on the right track anyway to my question.

The question becomes to, again, return to Professor Childress' point, that in these areas in a pluralistic society, we can't get agreement. We certainly can't seem to get agreement over laws derived from an analytic position, but we certainly in our history as a country have moved ourselves ethically in a direction primarily over products of art.

Harriet Beacher Stowe moved more people about what slavery did not just for the slaves, but for the slave owners than anybody else did. Solzhenitsyn in One Day in the Life of Ivan Denisovich did more to disrupt the sophistic ideas about communism than all of the analytic people.

We also know that this process can be deranged. I mean, Ayn Rand can write stories that lead us in very wrong directions.

Now, all of this is to bring you around to the point about I'm trying to make doctors, and I'm trying to be a citizen as well. Does it mean that your role as analytical philosophers fundamentally comes to be as critics, more as critics than creators, more as analysis of what we are being driven for by the pictures, everything from the Aristrean tragedies right till now, or do you really think that bioethics is something that is more creative and capable of doing something in a pluralistic society?

CHAIRMAN PELLEGRINO: Leon.

DR. KASS: Thank you.

And I want to thank you both for really very stimulating presentations. If there were many hours, there would be many things to discuss.

Let me say just to Jim I probably as much as any of the critics of our use of the term "dignity" feel the force of those criticisms. I know that we have not done a careful thematic analysis of it, and your very gentlemanly, gentle hortatory remarks at the end are, at least speaking for myself, absolutely well taken.

A comment and then a question to try to engage the two of you where you seem to have probably more difference than, in fact, exists.

A comment is that it does seem to me that Professor Weithman and Gil's question and your response, Jim, suggest that somehow the anthropological question even prior to the moral question is somehow central here and needs a careful consideration, and it is, I think, indispensable for thinking about some bioethical questions, by no means all of them, when we are acquiring the power
to alter the ways in which human beings have hitherto entered life, left life, and conduct their activities.

The notions of freedom and equality don’t do the whole work of thinking through those concerns that people have, and the interest in human dignity might be one way of trying to flag an interest in what are the human goods that we wish to defend and what are the human goods that we feel are threatened.

But so I think that that's right, and I think we need to do more work to try to spell that out, and “dignity” might not be the right language, but there’s something missing from the way in which we’ve gone about talking about things for the most part, and part of our effort here has been to call attention to those things that have been missing.

The thing that interests me and the difference between your presentations had to do with Jim’s rightful caution that in a pluralistic society certain kinds of efforts to promote virtue in the community in ways that actually had coerced behaviors on others were problematic, and that one would do far better if one talked about violations of rights or duties.

Whereas Professor Weighman talked about communities have virtues and there’s a concern about what kind of a community we are building for our children and for the future, and you know, we coerce children to go to school. We started to coerce them to go to school not because we wanted them to become computer experts, but because we thought that it was good for them as human beings.

We have had blue laws, still I think defensible, laws about prostitution, laws against voluntary servitude. We tolerate discussions of banning the use of steroids in athletics not just because they're unsafe or because their use is unfair.

There are ways in which both by the things that we prohibit, but even by the things we, in fact, encourage through federal funding and through public decision. We try to promote a society of the sort we think is good, and I wonder whether or not the view of a good society is exhausted by the rights and duties approach or whether we don’t need some kind of positive view of an ideal granting a great deal of pluralism, but that the world of the future is in a way our to shape. We shape it all the time with some tacit notion of what a good community is, and I don’t see how sensible public policy — I guess my challenge is how could sensible policy do without such conception however difficult it is to get an agreement and knowing that we’re going to fight about these things.

CHAIRMAN PELLEGRINO: Could I ask our two speakers to hold for just a moment?

I am going to use the Chairman’s privilege to extend this discussion for a few moments. Dr. Meilaender wants to make a statement, and then if you two would respond as you wish, and then we’ll conclude.

Thank you very much, Leon.

PROF. MEILAENDER: Well, this is just to raise the issue I was going to raise before, but I’ll chime in with it now because it follows up on what Leon said, and it was really what I was thinking, Jim, in response to what you had said earlier about pluralism, and it’s two basic things.

The first is that it’s not clear to me how useful rights talk always is. Talk about a conversation stopper. Rights talk is very often a conversation stopper. Talk about a concept that’s hard to clarify on many occasions that it’s difficult to know what we mean by that language; it’s very difficult to know what the reason or basis for rights are. So exactly how much better off is rights talk in a pluralistic society?

I’m just not sure about that. That’s not exactly a confidence statement, but it’s a question.

And then the second point I was going to make, and this is what chimes in with what Leon says, it’s not clear to me how we — if ultimately what we’re talking about is who we are here, what kind of creatures we are, if that’s what the dignity language at least in part is getting at, how could the public not care about that?

It doesn’t mean we’d necessarily agree on it. It doesn’t mean that I could necessarily come up with something that you’d find persuasive, but how could we not think it was important for us to argue about even? It seems to me inevitable that it has a place.

CHAIRMAN PELLEGRINO: Jim, and then Dr. Weithman.
DR.CHILDRESS: Well, thanks very much.

And this always happens in meetings. Things really build up to a crescendo at the end. So we'll probably need to have a discussion afterwards, but thanks very much for the points.

First of all, I would distinguish public culture from public policy, and I think the Council has done a wonderful job in this regard of enriching public culture with attention to a variety of things.

At the point of justifying public policies, I didn't say it was impossible to do from the other standpoint of, say, the standard of virtue or excellence, just to use shorthand language now, but there was more problematic, and I think that for many areas I agree that we don't have agreement always on rights or duties, and I put both of those together because I think about them together.

There will still be disputes there. However, within our social, political, legal framework, there are presumptions in favor of liberty, for example, that we have come over time to view as presumptions that should be overridden only under certain kinds of circumstances, and it is, I think, more problematic to override them on the basis of a standard of virtue than it is on the other.

That's not to say it can't be done. It's more problematic. Often, and we'll have some debate here in some of the areas whether it's prostitution or selling organs or what. There are issues that would relate to coercion or exploitation or the like that could be seen in terms of a rights or duties framework without necessarily going the other direction.

Again, I think the standard of virtue approach, absolutely important for public culture, along with the other, and it's more problematic at the point of justifying coercive laws, but not impossible to do.

One quick comment in relation to Dr. McHugh's point about whether bioethics ends up being always kind of a critical perspective when one is thinking about this philosophically. I very much agree that narrative, et cetera, in terms of character, individual character for professionals in training, such as physicians, nurses, teachers, but also for the society at large, that the narrative approach is obviously going to be much more important for shaping character, individual and social over time, and the work of being human, my colleague Bill May, formerly on the Council, has used it last year, using it again this year in an undergraduate course very successfully, actually for the students who took it one of the highlights of their undergraduate experience. So cudos.

Now, it seems to me though that there's still another aspect to this, and that is processes of moral reasoning that need to be thought about as well, and there it seems to me the philosopher, theologian or whoever plays some role, but it probably is a subsidiary, secondary role in trying to probe some of the assumptions and implications of positions. So I would see it more in that way, and so it looks like a critical perspective, but actually it's one that I think can work in tandem with the other.

CHAIRMAN PELLEGRINO: thank you, Jim.

Dr. Weighman, closing statement?

DR.WEITHMAN: Sure, and I will try to be brief. That will not be easy because there were so many interesting things to respond to in the Council's last set of remarks.

It's often assumed the disagreement, moral disagreement even when public policy is concerned automatically means retreat to the lowest common denominator of discussion, and I myself think that that is a mistake. Disagreement in some areas is more important than disagreement in others.

There may be disagreement about whether we should fund the arts. There may be disagreement about what art is. I don't think that that means we have to retreat to the lowest common denominator of art or artistic expression or be afraid to fund the arts even in the face of disagreement about whether we should do so. There are some kinds of human perfection and human excellence that communities should foster even if there's disagreement about the standards to be employed in assessing it.

And other areas in which disagreement may be much more telling in which we might think excellence is not something that we need totcly or to subsidize or encourage using public power. I'm much more interested in fostering excellence of artistic expression than I am in thinking excellence of sexual expression in privacy between consenting adults. Some kinds of excellences are worth pursuing; others aren't. Not all disagreement forces us into silence. I think important to bear that in mind.

There may be deep disagreement in society about the big questions of what a good life is, perhaps
deep disagreement about what artistic expression is good, very deep disagreement about what forms of sexual expression are good, excellent, tolerable, or ought to be legal.

I wonder whether — and this now goes to Dr. McHugh’s question — whether there is such profound disagreement about what makes for a good doctor or what people want in their doctors. I would be very surprised if people want to give up the traditional virtues and excellences associated with the practice of medicine.

One of my worries about physician assisted suicide, for example, is that it’s advocates play on the traditional excellences while promoting a practice that I fear will undermine them. People who want physician assisted suicide want physician assisted suicide from doctors who are caring and compassionate and have all the traditional virtues and yet are willing to kill them.

I’m deeply worried about people trying to have it both ways. That people want to have it both ways suggest that there is one traditional way in which they do want to have it. If there is widespread consensus on what virtues we want physicians to have, then by all means encourage them, and I think the arts are a splendid way to do it.

The report on human cloning that you all produced is excellent. Is it going to persuade people? Perhaps. Far more persuasive, I should think, would be a novel I’ve not read by the author of The Remains of the Day and The Unconsoled on the consequences of cloning people simply as repositories for organs to be transplanted. I have not read the book. I read reviews of it. It sounds absolutely chilling.

I would put that in the hands — in fact, if you can overcome copyright problems, attach it as an appendix to the second edition of your report on cloning.

(Laughter.)

DR. WEITHMAN: Thank you all very much for having me. It’s been a wonderful experience. I appreciate your attention.

CHAIRMAN PELLEGRINO: Thank you very much to the speakers and the commentators for a spirited discussion.

We will have to shorten our break just a little bit. We will certainly have the public participation as promised with the time allotted.

(Whereupon, the foregoing matter went off the record at 10:16 a.m. and went back on the record at 10:26 a.m.)

SESSION 6: DISCUSSION OF STAFF WORKING PAPER ON "BIOETHICS AND HUMAN DIGNITY"

CHAIRMAN PELLEGRINO: The next item on our agenda — this technology is overwhelming. The ones I use you have to hold your finger down. They’re older.

The item on our agenda now is the consideration of a staff working paper on the subject of dignity about which we’ve heard considerably in the last few moments and we’ll hear more.

Here there will be no presentation. The paper was prepared by Dr. Adam Schulman with the participation of other members of the staff. And so I think here we can start right in with questions and/or comments about the paper, and I would entertain suggestions of anyone who wants to begin to comment.

Anyone? Adam is not going to make — I asked him if he wished to do so, and he preferred not to so you have more time on the paper, on the substance of the paper itself.

However, if Adam wants to sit here and people may ask a question about what a term means, I’d appreciate it very much.

Adam, I want to thank you on behalf of the Council for doing this preliminary work.

Dr. George, you look like you’re about to ask a question. Have I interpreted you correctly?

PROF. GEORGE: Thank you, Dr. Pellegrino.

I did want to begin by first thanking Adam for his work on the paper, which is very stimulating and
I want to ask Adam whether it might be possible for us to say that there is, in fact, a national commitment that we as a people have made to a certain understanding of dignity or at least to a limited range of possible understandings, that is, excluding some others. And if, therefore, given our own role as an agency or body of the United States government, while it’s interesting to explore other concepts of dignity, whether we can say with some confidence that we should as a matter of public policy be working within the nation’s commitments.

Now, of course, the term doesn’t appear in any of the founding documents of the nation, but my question is: is it possible to glean from the Constitution and particularly from the Declaration of Independence a certain understanding of the dignity of the human being, one that excludes not only some possible alternative ethical understandings, but also some alternative understandings of dignity coming from other traditions which could reasonably be judged as just alien to the one to which we’ve committed ourselves?

This is not to suggest that even if this is true that there is an understanding embodied in our own national commitments, that that understanding requires no defense. I would be all for defending it, for sure, but is one there? Can we make some progress toward understanding what concept of dignity, if any, American policy should be made on the basis of by trying deeply to understand what is already embedded in our founding documents?

DR. SCHULMAN: My feeling on that subject is that if you take the Declaration of Independence and its trio of rights, life, liberty, and the pursuit of happiness, it’s not impossible, but it’s difficult to get from that a rich enough conception of the positive content of the good life to address the bioethical controversies that are upon us now and are coming in the future.

It seems to me it’s certainly true that it would be wrong to treat Lockean rights as simply negative or devoid of positive content, and there are, I think, successful efforts to find a conception of human virtue or excellence that goes along with Locke’s rights.

A teacher of mine at the University of Chicago, Nathan Tarcov, wrote a book called Locke’s Education for Liberty in which he, I think, shows that the Lockean conception of rights leads to a kind of notion of the sort of citizen that one would have to be in order to exercise those rights.

But, again, it seems to me that I don’t see how that goes very far in the coming age of the power of science to modify human nature. I’m not sure how far that would go toward spelling out what aspects of our humanity are really essential and inviolable. Maybe you have some ideas on that.

PROF. GEORGE: Well, I was wondering if in addition to the invocation of rights to life, liberty and the pursuit of happiness which in the declaration are explicitly a nonexhaustive list. Is there anything to be gleaned from the idea that human beings are created and that they are created equal. Is there anything that is implicit; is there an understanding of human dignity that might be implicit in the concept of a creature who is endowed by his creator with unalienable rights, and who is created equal.

So if we go beyond just the attention to the rights, to the sort of deeper context in which that expressly nonexhaustive list is set forth, whether we’d have a richer understanding.

DR. SCHULMAN: It seems possible. I guess I’d leave that to you members of the Council to discuss.

CHAIRMAN PELLEGRINO: Is it on this point, Paul?

DR. McHUGH: Yes, it is on this point.

CHAIRMAN PELLEGRINO: Okay.

DR. McHUGH: If I can continue on that point because Robby is speaking exactly in the same direction I am because if we are created, and we are created equal, that truly makes — and there is a creator who made us — not only do the rights and duties and ultimate responsibilities come with that, but also a kind of relationship amongst each other comes from that because to some extent that is the definition of brotherhood or sisterhood, that we come from a particular place.

It’s that theme of brotherhood — you talk when you go to the Biblical religion that the Judeo-Christian thing talks about man being made in God’s image, which you know I think that’s kind of interesting, and Augustine develops that, of course, in his Trinity, but the thing that’s more telling, it
seems, for Americans today is this brotherhood that we have, that we're equal, but we have responsibilities to one another that comes from being brothers, and even the responsibilities and duties we carry.

I was saying to several people yesterday there was this picture of that statute outside of Boys Town: "he ain't heavy, Father. He's my brother." And to some extent that's a kind of thing that we in this society want to be able to say for all of us. Yes, caring for the sick, caring for the child, caring for everybody can be construed as heavy from outside, but the person who is caring if they think of each other as brothers, he ain't so heavy in that way.

CHAIRMAN PELLEGRINO: Thank you, Paul.

I have Hurlbut, Lawler, and Meilaender, in that order, and Dr. Kass.

DR. HURLBUT: Well, it seems to me that maybe your answer to Robby contained a little bit of your answer in spite of the fact that you didn't claim it.

The very notion that there might be some ways of living which preserve freedom itself might have a meaning here. There might be things that we could do to ourselves that would diminish our scope of our freedom and, therefore, our capacities to operate for the good.

Of course, freedom finally doesn't mean much unless it's attached to some notion of the good. It can't just be floating.

So what I want to come back to somehow or another in this conversation — I'm not quite sure how to do it — is what Leon was saying at the end. Below the notion of dignity, there has to be some notion of a natural good which we could mess up with our biotechnology, and one dimension of that we might explore would be the concept of freedom.

But it does strike me that dignity intrinsically carries a notion of moral valuation in it because human beings have some open indeterminacy, and therefore, we can't just speak of a human nature because human nature is full of all sorts of stuff, some very bad stuff.

So we've got to have some reference to where we're getting the notion of what is good, and just to add a little to it, I think we need to add to the notion of the Biblical description maybe the term "love." Maybe that's a little too vague, but God according to the Christian tradition — and I think this is very resonant with all Biblical tradition — is God is love. Love seems to me to be the notion that carries the coherent wholeness of the good, and therefore, it is intrinsically preserving both the possibilities, the freedom and the use of the possibilities in the positive and just one last piece of that.

We in this current world, you hear it around universities a lot, this flippant claim that you can't derive an "ought" from an "is," the so-called naturalistic fallacy associated with G.E. Moore, but I think it goes back to Hume, right?

And yet it strikes me that if you don't derive your good somehow from what is, it's hard to know where you would get it. Robby is usually a big authority on this, right? You can tell us, Robby, but it seems to me that there must be some kind of a coherent good that both preserves freedom and allows the manifestation of that which is unquestionably good for human beings, that they would go hand in hand.

And that's a complicated thought.

CHAIRMAN PELLEGRINO: Lawler, if you want to comment. Lawler.

DR. LAWLER: I agree with Bill, but I'm not going to talk about that. Among the great contributions of this paper is the criticism of Kant, which is radical and correct. Adam says on page 8, "In locating human dignity entirely in rational autonomy, Kant was forced to deny any moral significance to other aspects of our humanity, including our family life, our loves, our loyalties, and other emotions, as well as our way of coming into the world and all other merely biological facts about the human organism."

And skipping a sentence, "if the rational will alone is the seat of human dignity, why should it matter if we are born of cloned embryos or if we enhance our muscles or control our moods with drugs or if we sell our organs on the open market?"

note 11, "one will not, for example, find much hint of dignity in Kant’s definition of marriage as the association of two persons of different sex" — that’s the only controversial part nowadays — "two
persons of different sex for the lifelong reciprocal possession of their sexual faculties."

So if dignity has something to do with family, loyalty and love, Kant provides no guidance whatsoever, zero, because for Kant the idea, as Bill pointed out, of human nature is an oxymoron insofar as we’re not human.

So the big question is in what respect does the Declaration of Independence and our founders differ from Kant on this, and in looking at the Declaration of Independence, you can say the list of rights is nonexhaustive, and I’m sympathetic to that, although not as a matter of judicial review, but the Declaration of Independence itself was a product of legislative compromise, so often recommended by Justice Scalia, and at the end, there were references added by the whole body to the draft, to the act of the providential god, to the judgmental god, and to sacred honor.

So in looking for an adequate conception of our dignity, wouldn’t we have to look to these fairly countercultural American traditions mentioned by Adam? The Biblical tradition, and I’m glad you brought this in because I really like it; our stoic tradition, most recently talked up by Tom Wolfe not only in *A Man in Full*, but also in *I Am Charlotte Simmons* with respect to college athletes, Jo Jo, the college basketball player freeing himself from the slavery of big time college athletics through the study of the Greeks.

**CHAIRMAN PELLEGRINO:** Meilaender.

**PROF. MEILAENDER:** Well, I’m not sure what I have to say relates to wherever we are. I think every undergraduate ought to have to read some Kant before getting the Bachelor’s degree conferred upon them, but I want to just ask a question about the paper, which I do not want to direct simply to Adam because I think a question-answer sort of session isn’t very helpful. Adam may want to provide his own reply at some point.

But I’m interested to know what the rest of you think. I mean, it’s a very nice paper. It sorts out these different conceptions which are in certain respects complementary, though also to some degree in tension with each other.

And what I’m not sure about is the meaning, I guess I want to say, the meaning of the conclusion to the paper, “dignity understood as humanity.”

What happens there in the conclusion? How did the rest of you read it? Is that an alternative concept? That is to say we’ve had four delineated and now we get a fifth.

Is this one that gathers up certain strands of the four that have been delineated and somehow captures what is most essential to them? What happens in the conclusion of the paper? What does “dignity as humanity” mean sort of for its own sake in relation to those four strands that have been delineated?

I wasn’t quite sure, which I don’t make that as a criticism of the paper. I mean, you only gave yourself a couple pages to conclude it, after all, and one can only do so much there, but I wasn’t quite sure.

I’d be interested to know what the rest of you made of it.

**CHAIRMAN PELLEGRINO:** Adam, would you like to comment?

**DR. SCHULMAN:** I’d rather hear what they made of it myself.

(Laughter.)

**DR. KASS:** I’ll bite because I very much welcome Gil’s question. The end sort of surprised me, and Gil’s generous way of putting it I would endorse completely. This is something very useful here.

But if we tied this particular conclusion of this paper to some of the discussion in the last session, it seems to me that various of these attempts to articulate some teaching of human dignity are a way of highlighting certain features of what it means to be human and making them matters of regard, respect, encouragement and the like, and that I took Adam not necessarily yet to be collecting all of those things, but recognizing something of what they had in common, still leaving open the question of which of those previous accounts might be still in the conversation.

At least whatever criticisms he levels at them, I don’t think even in his own mind are fully damaging to them, as there’s some element there that commands our attention. And I took this to be maybe an attempt to try our hand not at the language of dignity, but to do the same thing sort of closer to the
ground.

I mean, what are the human goods or what is good about our humanity that we should be mindful of it, to do apologies for the presumption of that substitution?

But, I mean, it means all the work is still to be done, obviously, but I think it's the right work.

DR. HURLBUT: Leon, would our humanity then mean our preservation of our capacity for evil, too?

DR. KASS: If you're a friend of freedom, then you are a friend of the capacity for evil. If you don't like freedom, then you say, "Do not eat of the Tree of Knowledge for good and bad."

To be a free being is to live with those two alternatives, and if you want something that's incapable of evil, be a chipmunk.

CHAIRMAN PELLEGRINO: Adam.

DR. SCHULMAN: It seems to me one could raise for discussion the question would it be compatible with human dignity if biomedical progress produced a drug or an operation on the brain that simply removed our capacity for evil. Would that be something that would be required for all human beings that reach a certain age? And would that be something conducive to our humanity and dignity?

CHAIRMAN PELLEGRINO: Anyone want to respond to this utopian question or dystopian?

PROF. GEORGE: Well, it would be, would it not, precisely an abolition of human freedom? Is there any dissent from that? I mean, is there a sense in which it would not be an abolition of human freedom, Gil?

PROF. MEILAENDER: Well, there are some slightly deeper questions, too, that Leon has raised. We might want to think about whether there would be a difference between producing a drug that eliminated that capacity, and training a person or perhaps "training" isn't even the right word; bringing about a condition of a person who was so virtuous that he was no longer in any way inclined or drawn to evil. I would not think of such a person as a chipmunk.

DR. McNUGH: Well, Durkheim did go so far as to say even in the company of saints there would still be deviants. The saints themselves would begin to find the deviants in places that we hadn't thought of as deviant before.

PROF. MEILAENDER: But I take my depictions of heaven from elsewhere actually.

(Laughter.)

CHAIRMAN PELLEGRINO: Dr. Lawler.

DR. LAWLER: You worry too much, right? It's absolutely beyond our power to create a world beyond good and bad or good and evil. I'm absolutely sure of this even though you can't prove the future, right?

For example, the operation you're talking about, those who prescribe the operation will inevitably exempt themselves from it, and say mood control, so that we can always be in good moods. Mood management, we wouldn't want to be completely unconscious though. We'd want to have moods that would allow some creativity, but not too much. So we would be creative, but we wouldn't be that miserable. We wouldn't get so moody that we wouldn't be late for work or kind of like the contemporary professor or something, you know, kind of the careerist creative type guy.

So mood management would require an absolutely perfect understanding of human self-consciousness which I think will forever elude us, and not only that, but lurking behind mood management will always be this thought: life really stinks. I can't even get through the day without managing my mood.

So lurking behind every attempt to create good moods will be an ineradicable, really bad mood. So I just don't think we have the capacity to abolish good and evil. We just have the capacity to really screw ourselves up by not understanding the good to make life worth living.

So I actually think dignity is an intermediate concept and the foundational concepts are the human goods we've been given by nature.
CHAIRMAN PELLEGRINO: Hurlbut.

DR. LAWLER: That dignity — for example, what's wrong with dignity. I'm not against dignity. I'm pro dignity, but that dignity is in a certain sense an intermediate concept. The foundational concept is the appreciation, gratitude for those goods that have been given by nature and our perverse capacity to remove ourselves from them.

CHAIRMAN PELLEGRINO: Dr. Hurlbut.

DR. HURLBUT: When I asked Leon about human evil, I didn't mean having just previously said something about freedom that we would eliminate the freedom from humanity. I was just questioning the equation, dignity equals humanity. That was what I was after, and so dignity, if we're going to use this term meaningfully, has to refer both to a capacity for the employment of our freedom, but also some kind of reference to what's good in our freedom within our capacities.

I mean, earlier when we were talking about children and dignity, it struck me that I used the term dignity in a way that reflects onto childhood, and yet I use it in a slightly different meaning. I think children, for example, you watch children and people with child-like mental capacities, very severely retarded people, for example. You can sense right away in a hospital setting that you can violate the dignity of any human being. It's an amazing thing how everybody has the center to themselves that they know when they're being violated, and that relates to the concept of dignity in my mind, and it strikes me that this term is a beautiful term because it subsumes the dimensions of human beings that our only capacities are intrinsic natures and then goes on to be inclusive of those manifestations of human freedom as we mature into our freedoms.

But if we're going to use this term, we can't just make it an equation that dignity equals humanity somehow, can we?

We mean what's best in humanity, don't we, when we say that?

DR. KASS: Well, I think that the term is equivocal in that sense, I mean, the same way as you would talk about the nature of something you could say that whatever happens to arise naturally is natural or you might say what you really mean by the nature of the thing is the thing in its perfection or in its peak.

There is that kind of ambiguity. You say that's a wonderful specimen of humanity. You don't mean it's whatever the world has tossed up, but there is a kind of idea or you would say of the Black Stallion in a way in which you wouldn't say of Old Dobbin, "That's a Horse," because that's somehow the embodiment of what the thing is at its best.

I think that's partly what we mean. It's not just anything that the human species, God help us, has somehow put into the world, much of it regrettable, but sorry.

PROF. GEORGE: Yes, Bill. I just wanted to say that if we look at Adam's final paragraph, I think he has captured the essential idea you're after. Notice that it's not a simple equation of humanity and dignity. What Adam says is or what he makes reference to is human dignity understood as our essential and inviolable humanity.

I think what Adam must have in mind, and, Adam, you can clarify this for us, is the human being understood as having inherent worth, the human being as not reasonably or rightly reduced to instrumental status, the human being who may have many nonessential things about him, including emotions which may lead us to do inhumane, even inhuman things, hatred, anger, and so forth, but those aren't what's essential.

What would be essential is what I think, Bill, you're trying to capture with the idea of the human good or the human goods or the natural human goods, those things that, when considered as aspects of the well-being flourishing of a creature who has inherent and not just instrumental value, must be regarded as what — well, Adam has given us, I think, a very apt term here — inviolable, that which we cannot violate without violating something essential to the human being, human being now considered as some entity, as a creature of inherent worth, of profound - well, what other word can we choose but dignity?

CHAIRMAN PELLEGRINO: Alfonso.

DR. GÓMEZ-LOBO: This in a way tags onto what Robby was but I'm taking it a little bit further back. I personally like the cashing out some of the claims about dignity in terms of human goods. I need that that can be worked out, particularly given the steps that dignity invokes or requires respect,
and if one tries to figure out respect for what, it seems to me that respect of the goods of a person is one of the most reasonable replies one can give.

But I want to take it back to Kant, and I think Adam’s criticisms of Kant are very well taken. In fact, the definition of marriage I always considered a terrible inconsistency within Kant’s thought. In fact, if I recall correctly, the German word for possession here was a word that indicates rather use, not just possession, but Benutzen or something like that, but I can’t vouch for that.

But what I’m worried about is this. It’s how can we give power in a sense to the notion of dignity within the bioethical discussion, and there it seems to me that the emphasis on the notion that to consider that human beings have dignity is to consider them as ends in themselves, and what follows from that is that it’s instrumentalization of human beings that constitute failures in bioethical procedures.

For instance, in the question of the reasons why human cloning might be wrong in principle, Adam lists because it violates interpreting Kant, of course, and rightly so; it violates an inalienable right or because of effects exactly, et cetera.

It seems to me that prior to that one could say, well, reproducing or having children by cloning is a clear case of instrumentalization. It's selecting a genome for reproductive purpose, and selecting a genome would only be done with some kind of end and goal to reproduce a great genius or whatever.

So it seems to me that there is this prior consideration of instrumentalization of a human being that can be made fruitful for bioethics, and it seems to me that when that is explained, it could have much wider acceptance than it seems at first sight.

CHAIRMAN PELLEGRINO: Thank you.

Gil.

PROF. MEILAENDER: I don’t disagree, Alfonso, with what you said, but I’m not sure instrumentalization gets everything that we want to talk about. If you think about the cloning example, for instance, I mean, there are some arguments that just seem to go on forever about whether bringing a person into being in a certain way instrumentalizes that person since, after all, only by bringing them into being do they exist at all, and you have conferred the good of existence upon them.

I mean, those arguments never seem to come to an end in the bioethics literature, and I’ve never really known what exactly to say about them, and so it seems to me that it might be that the issue in that case, for instance, is not just instrumentalization of a particular being, but the nature of the relation between the generations or the fact that how we come into being is part of what we mean by human dignity in some way.

And I’m not sure that that can all be captured in the language of instrumentalization, though that language captures some things that we mean. So it’s in that sense that I think it’s a larger concept. It is what in the last session near the end Leon referred to as sort of an anthropological concept before it gets to some of these other issues. It just seems to me that it will get a little too narrow and won’t do all of the work it’s supposed to do if we reduce it to that, though I don’t deny that that’s an important aspect of it.

DR. GÓMEZ-LOBO: Well, I agree with that, but it seemed to me that this reduction or narrowing is what might be helpful in the public domain, but incidentally, I would also interpret the way the two generations would relate to each other in the case of cloning, again, as instrumentalization.

CHAIRMAN PELLEGRINO: Adam, I think you wanted to respond.

DR. SCHULMAN: I just wanted to amplify what Gil said. It seems to me the prohibition against instrumentalization or objectification can be helpful in certain biomedical, bioethical contexts, but it’s not clear to me that it can do all of the work that you suggest.

And in particular, there are a couple of problems with it. One is that in Kant’s formulation it’s not so much that instrumentalization is forbidden. Kant doesn’t ever say that it’s wrong to use someone as a means. He says it’s wrong to use someone only as a means and not at the same time as an end, and that’s a serious problem in interpreting that principle even in traditional moral problems, let alone newfangled ones like cloning.

But it has also been suggested by some critics of the notion of human dignity in the bioethical
context that it's really not adequate to say that cloning essentially amounts to instrumentalization because it all depends on how the child is treated after it's born, and it's certainly imaginable that someone could be the product of cloning and never know about it and be adopted by a family that never knows about it and treated as a human being with all of the rights and freedoms.

So the argument is made that you can't prove that just because someone is cloned he has been treated like an object and has been essentially deprived of dignity, and so it seems to me that one would have to find a broader account of what is troubling or incompatible with human dignity about the technology of cloning.

CHAIRMAN PELLEGRINO: Thank you.

Leon. Oh, I'm sorry.

DR. KASS: I want to change directions, Peter. I want to pick up on some things in the paper that have also been part of our discussions in the past and led to some rather heated exchanges in the work on the Taking Care document as to how we speak about worth and dignity, and Robby has already weighed in with a deep reading of the Declaration and the meaning of equality in which equality means more than having equal rights.

And in the paper there are suggestions that at least certain ancient notions of dignity are aristocratic and are unsuitable therefore for the discussion of democratic times, and as a matter of rhetoric I think there's something to be said for that, but people, Peter, Bill, Gil, willing to talk about the human goods or what is a good community, they don't seem to be shying away from — they wouldn't necessarily put it always in terms of virtue.

Paul speaks about the virtues of the physician, and I'm not sure whether it's fair to say that some notion of what's humanly admirable is necessarily off the table just because we are egalitarians also.

And it seems to me part of the difficulty of some of these presentations is you've given us for the sake of clarity a certain polarization, and the question is, I suppose, can one give an account, an anthropological account of the human that would hold together both the higher and the lower without having to drive a wedge between them. There will be circumstances in which we'll be invited when you've got someone who has lost all of their higher functions and they are simply reduced to a largely vegetative state. The question is what does their residual humanity or residual dignity, if they have it, apply just to how we are obliged to honor and recognize that.

But I'm not sure that the people who hold only that that should not be eliminated are denying — this is to refer to an old conversation where Alfonso said any other kind of notion of dignity is purely a social construct or matter of social convention.

I don't think he really would — I know I don't want to hold you to that, but we all look up to and find admirable certain kinds of displays of our humanity and not just among the greats. I mean, there is human dignity in the embrace in the house of mourning, and what we're honoring there is not an act of willfulness or of reason, but of some kind of expression of the understanding of what our humanity calls for, and when we see it we appreciate it.

So I'm fumbling towards saying I think that the task here is to try to give an account of the human that Kant, for his own reasons was obliged not to be able to give, having surrendered so much of the rest of the world to Newton, but which holds together the high and the low in the account of human life that doesn't force us to start with to drive the wedge between them. Circumstances may make those questions hard.

Now, if I may be indulged, Mr. Chairman, just a little longer, there is a Biblical passage whose truth, it seems to me doesn't depend upon the place you find it. It's in the Noahide Code where it says, "Whosoever sheds man's blood by man shall his blood be shed, for in God's image was he created." I may have the subject and the verb wrong in the last. He created him. It might have been active.

There is an attempt to give an account as to why homicide is wrong. It's not just fear of punishment. There's a reason given. To shed human blood is the destruction of a creature made in God's image. One amongst the animals, it's in the context of the law about the eating of the animals, but not nearly on all fours with the animals, and indeed, humanity takes responsibility for defending human life against its violation precisely in that law.

But the funny thing about the injunction is although man is god-like, what is somehow sacred is his blood or at least you shall not spill the blood, and that the blood of the human, the mere circulation
is somehow also dignified by virtue of its being part of the being that's an image, admittedly nearly an image, but a god-like being.

Now, there's a way in which there's an attempt to hold together a unity of the being however hard it might be theoretically finally to justify, which begins to give a picture of the human person not only in terms of the higher things, but in the very terms of the psychophysical unity, to use an anachronistic term that would support the intuition that it would be a violation of being itself to shed human blood.

And that, it seems to me, is a place to start where you don't have to begin to pull all of these things apart, but to see certain kinds of foundational things beginning with the good of human life in which human dignity and the sanctity of life are not simply at odds with each other, but are somehow friends.

CHAIRMAN PELLEGRINO: Thank you.

I think we have — oh, excuse me. Sorry.

DR. KASS: No.

CHAIRMAN PELLEGRINO: I think we have time for one more comment, and I'm going to give that to Adam who was kind enough to pull this together. Do you have any comment, Adam?

DR. SCHULMAN: Actually I'd rather hear from — I think Robby George had something to say.

CHAIRMAN PELLEGRINO: Oh, I'm sorry. Did you have your hand up?

PROF. GEORGE: No, I don't want to take Adam's.

CHAIRMAN PELLEGRINO: No, please.

DR. SCHULMAN: Well, I thought what Leon just had to say is very fine. I wanted to say that in the paper I think, though I tried to present as vividly as possible some of the problems with the sources of the modern notion of dignity, it seems to me that none of those problems are simply decisive and that there may well be wisdom in all of those sources, including the Bible and Kant's moral philosophy and classical notions, including the Stoic and also the Aristotelian notion of excellence, and that all of them may serve as useful sources in seeking a concrete understanding of dignity that would be sufficient to help us weather the storms of modern biotechnology.

CHAIRMAN PELLEGRINO: Thank you, Adam.

Did you want to add?

PROF. GEORGE: Well, if we had just another second I would say how valuable I think Leon's comment is. One of the points he made, and it's certainly true, is that it's difficult to give a satisfactory, intellectually satisfactory, account of the unity of the human being, but the other side of that coin is that it's also difficult, indeed, notoriously difficult to deny the unity of the human being, to defend an account of the human being under which one's true humanity is one's consciousness or conscious awareness and one's bodily self is a subpersonal instrument of the consciousness considered as the true self.

There are many different versions, many different efforts to defend that kind of dualism, and they have as far as I can tell, at least, come to naught. So it's a very difficult problem on both sides, not just on the one.

CHAIRMAN PELLEGRINO: Thank you very much.

Adam, I want to thank you very much for undertaking the heroic task of trying to address this very, very complicated issue, and I think Adam's intent is to provide us with a tentative draft so that we could look at it, and I want to thank all of you for your input, and I know you're going to take this under advisement and probably work on it and come back with something further, but I do want to thank you.

It's a daunting task, as you know from the discussion this morning, to deal with this concept of dignity, and I think we owe him tremendous gratitude.

(Applause.)
SESSION 7: PUBLIC COMMENTS

CHAIRMAN PELLEGRINO: I think we’d like to move now to the final session, which is comments from the public, and I have one person who has requested the privilege and that is Mr. Del Farris of the Arkansas Children’s Hospital, Little Rock, Arkansas.

MR. FARRIS: Yes, my comments basically come from yesterday’s session primarily with Dr. Nelson because his topic is where I live. I’m the Director of Pastoral Care and the Director of the Palliative Care Program at Arkansas Children’s Hospital.

And some of the things he said, there were two things in particular that were a little bit concerning for me that I wanted to give a voice for you to hear, and as you go further in your deliberations hopefully you can take some of this with you.

The first was when Dr. Nelson mentioned that he asked this question. I can’t remember the exact context, but he said do CAPTA and EMTALA make any form of palliative care illegal, and I don’t know that he was throwing that out there as just a theoretical possibility or is there some legitimacy to what he’s saying if you apply directly the language of those regulations?

If so, that’s very concerning to those of us in the palliative care movement, and any kind of difficulties to prevent families from having access to and provision of palliative care would be very alarming.

So I would like to ask you as you have influence in this area going forward, if that does have any reality to it, any substance to it, that you take to heart the needs for access and provision of palliative care for patients and families.

Secondly, as a chaplain, he talked about right orthodoxy and faith. I had to make a couple of comments on that, but in a way I’m not really sure this was his intent. It may have been more of how I was hearing it, but I got the impression that he was talking about having the medical profession work with families to kind of subdue somewhat their belief system, their right orthodoxy and to go with their feelings. Parental love I think was one of the phrases that was used there.

And, again, as a chaplain I would say that that’s a very dangerous thing to do because families and patients in these critical situations probably at a core of who they are is their belief system, and so I just couldn’t let that go by without addressing that and saying that we need to be careful in those arenas. Hopefully we can engage chaplains and others who have some training and expertise in that to allow the belief systems, even though they may be contrary to what we think is right in the circumstances, allow the families to draw strength and support from them and to facilitate that and not use that as an opportunity to subdue those types of things, but even in those situations where the families are greatly relying upon God for healing, as we’ve worked with families like that, often medical communities believe that they’re in denial when the reality is that that’s not so. It’s just their faith system, and until they go through that process of exercising their faith the way that they’ve been taught and brought up, they’re not able to accept the end result.

And so we have to support them and enable them and advocate for them with the medical team, and so I would just caution going forward in those regards.

There were just a couple of other things. One, the quality of life discussion. It has been my experience in working with families in the NICUs and the PICUs that it’s not so much that they’re trying to make the child’s life go away, which I think was a phrase that was used around the table here.

My experience is it’s because they have come to the place where they are agonizing over the continued infliction of pain and harm and discomfort and suffering that their child is undergoing. So they’re not thinking about we need to put an end to this life, but they are thinking about that we want to end this ongoing suffering.

And just the agony that those families go through in those circumstances, we theoretically can talk about quality of life, but that’s not really where families are. The parents are there in the trenches just deeply moved that their baby is suffering, and they can tolerate that for a certain extent if there is hope, but a lot of times the hope comes essentially to an end, and then they want to put an end to the ongoing aspects of suffering.

Yes, sir.
CHAIRMAN PELLEGRINO: Thank you very much.

MR. FARRIS: Okay.

CHAIRMAN PELLEGRINO: Oh, I'm sorry.

MR. FARRIS: Just had one more thing, which was on community.

CHAIRMAN PELLEGRINO: Right.

MR. FARRIS: That came up about talking, physicians talking. I'm a preacher. I'm sorry. I may be taking more time than I need to here.

But that is the bottom line issue I see with families and ethical situations. I've been a member of our Ethics Committee for ten years, and a lot of times what we've discovered is that if we go and have an opportunity for a couple of Ethics Committee members to get together with the family and then with the physicians, it's simply a matter of family and physicians talking past each other, and not being able to communicate.

Often we can avoid going through a full committee meeting if we just sit down and have some good communication. So remember that also, Dr. McHugh's point there about communicating and taking the time. I really believe that is an essential part of what we need to do in providing good care that's ethical and meets those needs.

Thank you for your time.

CHAIRMAN PELLEGRINO: Thank you very much.

I have one more request, which we did not have at the beginning. Richard Doerflinger of the Untied States Conference of Catholic Bishops.

MR. DOERFLINGER: Well, thank you, Doctor.

I didn't sign up yesterday because I wasn't sure whether the snow would keep me from coming at all.

As someone who participated in the events of the 1980s on Baby Doe and resulting legislation, I wonder if I could comment on that because it has already been stated here yesterday that you need to understand the context in which that legislation was framed.

The Baby Doe case in Indiana was one of the more egregious cases, but it was by no means an isolated case. There was a survey showing 77 percent of pediatricians at the time would have done the same thing, refuse routine surgery for a child simply because the child also had Down's Syndrome.

There were cases at Yale-New Haven, at Johns Hopkins, University of Oklahoma, which is depriving handicapped children for surgery for spina bifida based on the formula Q equals NE times H plus S, quality of life equals natural endowment times contribution from home and society.

Children were denied treatment not only because they were expected to be mentally retarded, but simply because they were poor and black. And that led to a court case that was settled out of court.

The response to that initially was by Surgeon General C. Everett Koop, who of course himself was one of the great pediatric surgeons of our time, and that was exactly the principle that has been discussed here yesterday: equal treatment for equal cases based on the equal dignity of every human life, and so you had a nondiscrimination standard for giving children with other disabilities the same medically indicated surgery you would give to others.

Now, that was fiercely opposed by the American Academy of Pediatrics. Dr. Fost, who was here yesterday, wrote against it, said it would be a much better standard to say that you can withdraw treatment when the disabilities are such as to render the child incapable of experiencing any benefit of the treatment. Severe disabilities beyond Down's Syndrome should be, he argued a case for removing otherwise routine life saving treatment.

Frankly, to disability rights groups this was a bit like saying there will be no racism against the more light skinned racial minorities, and the outrage about these cases continued.

It has been said also that Peter Singer has a chair in ethics at Princeton University. Perhaps more relevant to this discussion is that Peter Singer wrote the guest editorial in the official journal of the...
American Academy of Pediatrics on this issue opposing the Koop rule in which he famously said that a pig or a dog is smarter than a handicapped newborn and perhaps has more rights.

The American Academy of Pediatrics sued successfully against the Koop rule and decided it would prefer an actual standard of care to be specifically written into policy and engaged in a negotiation with right to life and disability rights groups, which they all signed, including the AAP, and that is the language you have before you now.

I think my organization was the only one engaged in the negotiation not to sign the final language because we did have a concern that burdensomeness of treatment and inhumaneness of treatment can be a factor even in cases where it is not going to be virtually futile in sustaining life, but understandably, the disability rights groups did not want that burden standard because (a) it’s inherently subjective and (b) they feared, I think, with reason that the medical profession would translate that through its prism in which an unhappy or unproductive life can itself be a burden.

And so that is what produced the language you have before you now, and I’m delighted to see pediatricians now discovering the nuances of Catholic teaching on burdensome treatment. Even death bed conversions are welcome, but in this case it may be 20 years late.

Thank you.

CHAIRMAN PELLEGRINO: Thank you very much.

Dr. George.

PROF. GEORGE: Yes. If I could ask Richard Doerflinger a question, one of our presenters yesterday said that she thought even if the rules were loosened, as she suggested they be loosened, we would not today have circumstances like the Baby Doe case. We wouldn’t have the outcome we got in the original Baby Doe case, and she gave some reasons, including, she said, our understanding of Down’s Syndrome children, our appreciation of their abilities and their worth has improved so that no one today, no responsible person today would think it would be okay to deprive the child of an operation just because he was handicapped.

Now, that did, I must say, I didn’t have an opportunity to get in on the discussion at that point, but it did strike me as dubious, especially in view of the widespread practice of eugenic abortion of Down’s Syndrome children, something that Dr. Kass called attention to in a profound talk that he gave at the Holocaust Museum a few months ago.

But I wonder what your perspective is on the question of whether the loosening of the rules might, in fact, result in more cases like the actual Baby Doe case or do you think she’s right that we’re pass that now?

MR. DOERFLINGER: I’m not sure the situation has changed that much. Frankly, at the time, in 1983 and so on, the groups opposing Dr. Koop’s regulation were perfectly willing to say using Down’s Syndrome was not the right way to go, and there were, you know, recognitions that Down’s Syndrome children can lead happy and productive lives, but there are other disabilities that are more serious in which a happy and productive life is not the case, and the disability rights groups I think rightly said, “It’s not your job as a doctor to make me happy. It’s your job to heal my suffering body when it’s in need and not to make your judgments about what kinds of people ultimately are going to be happy and productive and, therefore, have worthwhile lives.”

So I don’t think Down’s Syndrome, though it was the most egregious case that prompted the whole debate, it was the part of the debate that people were sort of willing even then to agree on, at least in principle, and they opposed the regulation because it would also apply to other cases that in their view are more egregious.

I think the problem is with the standard itself. What is the role of medicine in this case? Is it to make us happy or else? And I think that issue remains.

CHAIRMAN PELLEGRINO: Thank you very much.

I’d like to thank the members of the Council, the speakers, the staff, everyone who participated in this 22nd meeting of the Council.

We now stand adjourned. Thank you all very much.

(Whereupon, at 11:27 a.m., the meeting in the above-entitled matter was concluded.)
Dr. Pellegrino is Professor Emeritus of Medicine and Medical Ethics and Adjunct Professor of Philosophy at Georgetown University.

He has served as Director of the Center for Clinical Bioethics at Georgetown University; head of the Kennedy Institute of Ethics and director of the Center for the Advanced Study of Ethics at Georgetown; President of Catholic University; President and Chairman of the Yale-New Haven Medical Center; Chancellor and Vice President of Health Affairs at the University of Tennessee; founding Chairman of the Department of Medicine at the University of Kentucky; and Founding Director and Vice President of the Health Sciences Center, State University of New York, Stony Brook, where he oversaw six schools of health sciences and the hospital, and served as Health Affairs Dean of the School of Medicine.

He has authored or co-authored 24 books and more than 550 published articles; is founding editor of the *Journal of Medicine and Philosophy*; a Master of the American College of Physicians; Fellow of the American Association for the Advancement of Science; member of the Institute of Medicine of the National Academy of Sciences; recipient of a number of honorary doctorates; and a recipient of the Benjamin Rush Award from the American Medical Association, and the Abraham Flexner Award of the Association of American Medical Colleges.

In 2004, Pellegrino was named to the International Bioethics Committee of the United Nations Education, Scientific and Cultural Organization (UNESCO), which is the only advisory body within the United Nations system to engage in reflection on the ethical implications of advances in life sciences.

Throughout his career, Dr. Pellegrino has continued seeing patients in clinical consults, teaching medical students, interns and residents, and doing research. Since his retirement in 2000, Dr. Pellegrino has remained at Georgetown, continuing to write, teach medicine and bioethics, and participate in regular clinical attending services.
REBECCA DRESSER, J.D., M.S.

COUNCIL MEMBER


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ROBERT P. GEORGE, J.D, D.PHIL.

COUNCIL MEMBER

Robert P. George is McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University.


In 2008, Professor George received the Presidential Citizens Medal at a ceremony in the Oval Office of the White House. He is a winner the Bradley Prize for Intellectual and Civic Achievement; the Sidney Hook Memorial Award of the National Association of Scholars; and the Philip Merrill Award for Outstanding Contributions to the Liberal Arts of the American Council of Trustees and Alumni.

A graduate of Swarthmore College and Harvard Law School, Professor George earned a doctorate in philosophy of law from Oxford University. He was elected to Phi Beta Kappa at Swarthmore, and received a Knox Fellowship from Harvard for graduate study in law and philosophy at Oxford. He holds honorary doctorates of law, letters, science, ethics, civil law, humane letters, and juridical science.

Professor George is a member of UNESCO’s World Commission on the Ethics of Scientific Knowledge and Technology. From 1993-98, he served as a presidential appointee to the United States Commission on Civil Rights. He is also a former Judicial Fellow at the Supreme Court of the United States, where he received the 1990 Justice Tom C. Clark Award. He is the recipient of a Silver Gavel Award of the American Bar Association, the Paul Bator Award of the Federalist Society for Law and Public Policy. In 2007 he gave the John Dewey Lecture in Philosophy of Law at Harvard. In 2008 he gave the Judge Guido Calabresi Lecture at Yale and the Sir Malcolm Knox Lecture at the University of St. Andrews in Scotland.

Professor George is a member of the Council on Foreign Relations, and serves as Of Counsel to the law firm of Robinson & McElwee.
ALFONSO GÓMEZ-LOBO,
DR. PHIL.

COUNCIL MEMBER

Alfonso Gómez-Lobo, Dr. phil. Ryan Family Professor of Metaphysics and Moral Philosophy, Georgetown University. Professor Gómez-Lobo specializes in Greek philosophy, Greek historiography, the history of ethics, and contemporary natural law theory. He is the recipient of several awards, including a research fellowship from the Guggenheim Foundation. His latest book, *Morality and the Human Goods*, was published by Georgetown University Press in 2002.
William B. Hurlbut, M.D. Consulting Professor, Department of Neurology and Neurological Sciences, Stanford Medical Center, Stanford University. Dr. Hurlbut's main areas of interest involve the ethical issues associated with advancing biotechnology and neuroscience, the evolutionary origins of spiritual and moral awareness, and the integration of philosophy of biology with theology. He has worked with the Center for International Security and Cooperation on a project formulating policy on Chemical and Biological Warfare and with NASA on projects in astrobiology. He is the author of "Altered Nuclear Transfer," a technological proposal to our nation's impasse over stem cell research.
Leon R. Kass, M.D., Ph.D., is the Addie Clark Harding Professor in the Committee on Social Thought and the College at the University of Chicago and Hertog Fellow in Social Thought at the American Enterprise Institute. He was chairman of the President’s Council on Bioethics from 2001 to 2005.

A native of Chicago, Dr. Kass was educated at the University of Chicago where he earned his B.S. and M.D. degrees (1958; 1962) and at Harvard where he took a Ph.D. in biochemistry (1967). Afterwards, he did research in molecular biology at the National Institutes of Health, while serving in the United States Public Health Service.

Shifting directions from doing science to thinking about its human meaning, he has been engaged for more than 30 years with ethical and philosophical issues raised by biomedical advance, and, more recently, with broader moral and cultural issues. From 1970-72, Dr. Kass served as Executive Secretary of the Committee on the Life Sciences and Social Policy of the National Research Council/National Academy of Sciences, whose report, Assessing Biomedical Technologies, provided one of the first overviews of the emerging moral and social questions posed by biomedical advance.

He taught at St. John’s College, Annapolis, MD, and served as Joseph P. Kennedy, Sr., Research Professor in Bioethics at the Kennedy Institute of Ethics at Georgetown University, before returning in 1976 to the University of Chicago, where he has been an award-winning teacher deeply involved in undergraduate education and committed to the study of classic texts.


His widely reprinted essays in biomedical ethics have dealt with issues raised by in vitro fertilization, cloning, genetic screening and genetic technology, organ transplantation, aging research, euthanasia and assisted suicide, and the moral nature of the medical profession.

Dr. Kass is married to Amy Apfel Kass, Senior Lecturer in the Humanities at the University of Chicago and Senior Fellow at the Hudson Institute. The Kasses have two married daughters and four young granddaughters.
CHARLES KRAUTHAMMER, M.D.

COUNCIL MEMBER

Charles Krauthammer, M.D., Syndicated columnist. Dr. Krauthammer, a board-certified psychiatrist who received his medical degree from Harvard Medical School and practiced psychiatry at Massachusetts General Hospital for several years, writes a nationally syndicated editorial page column for The Washington Post Writers Group. He won the 1987 Pulitzer Prize for distinguished commentary. For 20 years, he has written articles on several bioethical topics, including human experimentation, stem cell research, cloning, euthanasia, and assisted suicide.

Dr. Krauthammer was a recipient of the Inaugural (2003) Bradley Prize, awarded by the Lynde and Harry Bradley Foundation, as well as the recipient of the 2004 Irving Kristol Award, given by the American Enterprise Institute.
PETER A. LAWLER, PH.D.

COUNCIL MEMBER

Peter Augustine Lawler is Dana Professor and Chair of the Department of Government and International Studies at Berry College. He teaches courses in political philosophy and American politics and has won several awards from Berry for doing so.

He is executive editor of the acclaimed quarterly journal, *Perspectives on Political Science*, and has been chair of the politics and literature section of the American Political Science Association. He also serves on the editorial board of the new bilingual critical edition of Alexis de Tocqueville’s *Democracy in America* and on the editorial boards of several journals. He is a member of the Society of Scholars at the Madison Center at Princeton University, the George Washington Professor on the American founding for the Society of Cincinnati for the state of Georgia, and he is a member of President Bush’s Council on Bioethics.

He has written or edited ten books. His newest book, *Aliens in America: The Strange Truth about Our Souls* is a starred, featured selection in *Booklist*, the journal of the American Library Association. Another recent book, *Postmodernism Rightly Understood*, was also widely reviewed and praised. His very long introduction to a new edition of Orestes Brownson’s *The American Republic* is now available.

His *American Political Rhetoric* (edited with Robert Schaefer) is used in introductory American government courses at a sizeable number of colleges and universities. The fifth edition was just published.


Some of the topics of his recent articles and chapters include Shakespeare’s *The Tempest*, William Alexander Percy, Walker Percy, Alexis de Tocqueville, biotechnology, bourgeois bohemian virtue, religion and conservatism, compassionate conservatism, conservatism, the filmmaker Whit Stillman on nature and grace, disco and democracy, *Casablanca* and the American dream, the future of human nature, the utopian eugenics of our time, the rise and fall of sociobiology, Richard Rorty, grade inflation and the Ivy League, Harvey Mansfield and Carey McWilliams, caregiving and the American individual, Christopher Lasch, virtue voters, culture wars, Flannery O’Connor and nihilism, Orestes Brownson, and postmodernism rightly understood.

Lawler has given invited lectures at more than 50 colleges and universities. He has received a large number of grants from both the Liberty Fund and the Earhart Foundation, as well as numerous other foundations.

Dr. Lawler recently edited a book on Tocqueville and American political life today and the fifth edition of *American Political Rhetoric*. He wrote an introduction to the new Sheed and Ward edition of John Courtney Murray’s *We Hold These Truths*, and book chapters on religion and the American founding, Locke and American greatness, Flannery O’Connor, and *Casablanca*. 
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Paul R. McHugh, M.D. is the University Distinguished Service Professor of Psychiatry at the Johns Hopkins University School of Medicine. He was the Henry Phipps Professor of Psychiatry, Director of the Department of Psychiatry and Behavioral Sciences at the Johns Hopkins University School of Medicine, and psychiatrist-in-chief at the Johns Hopkins Hospital from 1975-2001. He is the author of 4 books and more than 150 papers.
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Gilbert Meilaender, Ph.D. Richard & Phyllis Duesenberg Professor of Christian Ethics at Valparaiso University. Professor Meilaender is an associate editor for the Journal of Religious Ethics. He has taken a special interest in bioethics and is a Fellow of the Hastings Center. His books include Bioethics: A Primer for Christians (1996, 2005), Body, Soul, and Bioethics (1995). He has recently edited (together with William Werpehowski) The Oxford Handbook of Theological Ethics.

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