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## *The politics of human enhancement (a few observations by a historian of political thought)*

**Abstract:** Regardless of the judgments about the end of the Anthropocene as a phase of the evolutionary development of life, which is soon to be replaced by a subsequent phase, perhaps dominated by “more highly evolved beings from the point of view of evolution” (with a question of whether life will be sustained?), there is much debate today concerning the human ‘enhancement’, perhaps as a means of increasing our chances of survival. The text discusses issues related to the understanding of the state and human nature, revealing the multitude of perspectives that determine the variety of avenues explored also by researchers who consider a wide range of issues, including not only biotechnological, but also political ones. The erosion of deontic ethics is one of the hallmarks of contemporary problems associated with the possible adoption of public policies aimed at ‘enhancing’ human beings, as well as establishment of legal norms and state agendas defining the rules of research pursued by scholars.

**Keywords:** human nature, state, biopolitics, liberalism, deontic ethics, utilitarianism, consequentialist ethics

The conference<sup>1</sup> organisers presented me with quite a challenge: I am to discuss the attitude of the state (understood in what sense?) towards the concept of *human enhancement* associated with intentional pharmacological, genetic, technological and other interventions for the purpose of enhancing human nature (again, understood in what sense?). Moreover, they pointed to the need to reflect on the

<sup>1</sup> Text based on a lecture delivered on 19 May 2023 as part of the academic seminar “The Politics of «Human Enhancement»” organised by the Institute of Political Sciences and Administration of the Cardinal Stefan Wyszyński University in Warsaw (UKSW) and the Centre for Catholic Social Sciences of the Cardinal Stefan Wyszyński University.

following issues: *whether the state should only create a general legal framework, leaving considerable freedom to citizens, or whether it should regulate the field of human enhancement in a strictly specified manner, and how decisions in this area should be taken in practice in a given country*. This is indeed an extraordinary challenge, prompting reflection on the concept of the state, as I have already pointed out, and on the goals set for it not of yore, long ago, but today (which I would add), as well as reflections on the concept of human nature, which I have also already mentioned, and its contemporary 'scientific approaches' (which I would add). These two areas of reflection: one concerning the understanding of the state and its goals, and the other concerning the understanding of human nature and its contemporary, 'scientific' conception, will be predominant in the introductory remarks. These will usher in more specific issues, also expected by the organisers of the conference, relating to the scope of legal regulations along with the question of how, in what manner, they should be developed (for the focus is clearly not on legislative procedures), who would possibly grant legitimacy to 'non-parliamentary participants' in the preparatory work, and who would determine its main directions. The key issue in the 'more specific' considerations seems to be the justification for the existence and actions of an 'authority' (a public authority? A special commission?) which sets out the objectives of legislative measures, taking into consideration any normative restrictions on its 'legislative will'. Such restrictions became problematic when past attempts at a normative grounding of the determination of human intentions or behaviour, which referred to revealed divine law, the variously understood natural law or nature (reason) or to the cultural heritage accumulated over a long period of time, carried by (but also shaping) the collective identity of communities enjoying political independence. They became problematic in light of the recognition that each of them, as possessing 'moral value' expressed in various deontological ethics, places obligations on the 'democratic legislator' and conflicts with the consequentialist ethics usually espoused by the latter, the ethics which no longer takes into account 'moral obligations', but instead requires weighing arguments based on the 'sense of happiness' or 'benefits' of the individuals participating in the process, either directly (e.g. in referendum procedures) or through their representatives chosen in elections. Since the mid-19<sup>th</sup> century at the latest, the belief has taken hold that particular forces are struggling in parliament, which do not aim to 'recognise the common reason shared by all', or to 'consensually determine' what others also accept/recognise as rational or serving the 'abstract' concept of the state, but which are waging a struggle for victory, engaging in a game rather than a search, fighting to impose their particular convictions on others.

Therefore, when the old approach was replaced by the increasingly popular belief that norms are established solely by law (law that might take into account arbitrarily justified moral obligations), which is established in the game of mass political groups acting on the basis of 'particular interests' of 'classes', 'nations' or 'nationalities' or some 'ideology' (liberal, socialist, conservative, or even Catholic social teaching), then the 'field of normative action' has been taken over by numerous political players or actors as those 'free of any normative-moral preconditions'. Herein lies the source of the 'positivist approach': what is universally binding can only be the established law, 'imposed' by the current 'qu deliberativists who dream of joint determination by – ideally all – participants in democracy, presumed to be 'rationally communicable', of 'contents of reason' accepted by them as forming a binding whole]. This reservation is sometimes expressed as a dramatic statement: man no longer finds a binding moral plan because morality is only a name given to his actual decisions or even behaviours; what remains as 'scientific' is merely 'descriptive ethics', which generalises the opinions that prevail in society regarding the 'emotions of good' that guide voters, members of legislative bodies and experts who evaluate various legislative acts.

To simplify: in an era of domination of the positivist approach, reinforced rather than mitigated by 'interpretivism', due to its emphasis – also by its proponents – on the need to limit oneself to 'facts available to the eye' (this time differentiated not only culturally, but even in terms of gender), it is futile to look for a common 'moral foundation' for legislative acts. It turns out that 'normativity' can only be determined by legislative bodies, which also establish what is sometimes referred to as 'the rule of law', enacted by people operating and making decisions in such bodies. It is not a matter of demonstrating the dangers of substituting 'rule of law' with 'rule of people', or of highlighting the paradox that goes back to Aristotle and his criticism of the 'fifth type of democracy' [Szlachta 2022], but of reminding us that, as Benedict XVI put it in his speech at the UN in 2008, experience has already taught us that "legality often prevails over justice". This happens "when the insistence upon rights makes them appear as the exclusive result of legislative enactments or normative decisions taken by the various agencies of those in power", when law is "presented purely in terms of legality", while rights become "weak propositions divorced from the ethical and rational dimension which is their foundation and their goal" [Benedict XVI 2008]. This reminder is important and represents a longing, rarely expressed today, for the state of affairs described in 2009 in a document of the International Theological Commission entitled *In Search of a Universal Ethic: A New Look at the Natural Law* [SUE], and

subsequently reiterated by Benedict XVI in his memorable speech on the foundations of law, entitled ‘The Listening Heart’, delivered in 2011 at the *Bundestag*. It was in that speech that the Pope disclosed his disappointment with the treatment of ‘Christian thinking about law’ as banishing it “to the status of subculture” from the perspective of the positivist approach that has dominated Western culture at the turn of the 20<sup>th</sup> and 21<sup>st</sup> centuries [Benedict XVI 2011], which removes the “ethical and rational dimension” as the basis of subjective rights and as a ‘normative framework’ for legal norms [Benedict XVI 2008]. Benedict XVI recognised that the negation of this dimension is carried out in favour of “a narrowly utilitarian perspective” [Benedict XVI 2008] and of the recognition that only moral relativism “can safeguard the pluralism of values and democracy”, since “every claim to possess an objective and universal truth [can] be the source of intolerance and violence” [SUE, 7]. One of the few remaining defenders of “an objective ontological criterion of what is just”, he openly criticised the prevailing view that “the final horizon of law and the moral norm is the law in force, which is considered to be just by definition since it is the will of the legislator” [SUE, 7]. Let us add that statutory or ‘civil’ law is, however, not only “the final horizon of law”, but also “the final horizon of (...) the moral norm”, that the latter are to be derived from it, and not determined by it. Moral norms are not ‘prior’ to or ‘more fundamental’ than legal norms, and thus can no longer constitute a criterion for their correctness, validity or justice, since they are established by them. It is no longer possible to argue for the existence of some ‘higher law’ that would constitute both the justification for the existence of human rights and the basis for conscientious objection. Contrary to the prevailing approach, the authors of the document [SEU] published in 2009 by the International Theological Commission find “ultimate foundations of” both “ethics and of the juridical and political order” other than the will of the legislator, which establishes legal norms, regardless of who he is: even when the legislator has the legitimacy of the voters as a ‘democratic legislator’ (a ‘representative of the sovereign’), he or she should not act contrary to what every individual, guided by “the light of reason”, is capable of recognising as corresponding to “the very nature of the human subject”, and, moreover, “expressing these orientations in a normative fashion in the form of precepts or commandments” [SUE, 9]. At the beginning of the 21<sup>st</sup> century AD, we are referred to a perspective associated with the nature of the species, more precisely with tendencies, “inclinations” [SUE, 46, 48] inherent in the nature of every member of the human species, and to “precepts, objective and universal”, which – as it is stated – “are called upon to establish and inspire the collection of moral, juridical and political determinations that govern the life of human beings and societies” [SUE, 9]. It is these precepts that constitute

a “permanent critical instance” [ibid.], to which the individual must reach in order to determine justice<sup>2</sup> that is prior to any activity of any legislator, and which thus constitutes “the normative horizon” for the legislator as well, the ‘horizon’ that “appear[s] as humanizing for a society”, as it is founded on “the requirements of (...) humanity” common to all human persons [SUE, 86].

I have taken the liberty of introducing the above reservation, being aware that I am delivering my lecture at the University named after Cardinal Stefan Wyszyński. Catholics do indeed continue to adhere ‘in principle’ to a viewpoint that emphasises the primacy of moral requirements based on recognised inclinations inherent in human nature as established by the one God over the activity of legislative bodies. They react with horror to what I tried to highlight in the introductory section, namely the thesis that it is no longer possible to honour such primacy, but that it must instead be recognised that what is moral is to be decided by the legislator, that, in other words, it is not the law that must adapt to moral requirements, but rather what is moral must be derived from the law. However, what is much more essential for our topic is that references to the nature of the species as an ontological or metaphysical foundation, protected by natural law, even if merely setting negative limits on the activity of the legislator, are invalidated. The belief in the existence of such a nature, especially in association with God’s

<sup>2</sup> The authors of the 2009 document add that moral principles determined by innate human reason, which recognises ‘aspirations’ (‘dynamisms’, “inclinations”) in the nature of the human species, “at least in their general formulation, can be considered as universal, since they apply to all humanity. They also take on the character of immutability to the extent that they derive from a human nature whose essential components remain the same throughout history” [SUE, 52]. Even though they are sometimes “obscured or even erased from the human heart [which seems highly problematic, considering the thesis expressed earlier that they have been inscribed by God Himself] because of sin and because of cultural and historical conditioning”, it is precisely in these precepts that one is to “recognise (...) the common foundation for a dialogue in search of a universal ethic” ibid. It is also worth noting, however, that “the concrete application of the precepts of the natural law can” – in the opinion of the authors of the document – “take different forms in different cultures, or even in different epochs within a single culture” [SUE, 53], which means that the subject, a specific human person, “must not lose himself in the concrete and the particular, a fault for which ‘situation ethics’ was criticized”, but “must discover the ‘right rule of acting’ and establish an adequate norm of action” [SUE, 57]). An outstanding role in this regard is played not only by the teaching on individual conscience, presented, *inter alia*, in the encyclical *Veritatis splendor*, but also by the teaching on the virtues – both elements are mentioned in points 57–59 of the SUE, culminating in an important statement at the end of paragraph 59: “Natural law could not, therefore, be presented as an already established set of rules that impose themselves *a priori* on the moral subject; rather, it is a source of objective inspiration for the deeply personal process of making a decision”.

creation, is dismissed as marked by an erroneous belief in the existence of God and His creative work. Man ceased to be His child long ago, He ‘is dead’, and ‘nature’, in which man is entrenched, is the result of an evolutionary process. Such a person, subject to legal regulation that barely implies morality, is to be ‘enhanced’. He no longer carries within himself the ‘nature of the species’ that is to be changed, so it is not this nature that will be ‘enhanced’, and those who still speak of it are wrong because they fail to realise that their way of thinking has lost its meaning in a ‘positivist culture’. The state is no longer supposed to promote the fulfilment of what is inherent in the human nature of every citizen, nor is it to prohibit acts contrary to it, because it too, like every ‘moral agent’, has been ‘freed’ from its connection with such nature, from its connection with the inclinations and tendencies inherent in it and defining it. The modern state has been conceived differently: it is to serve its citizens, protecting not their common natural inclinations, but their individual lives or their individual rights. Without delving into a broader presentation of the various perspectives that shape our thinking about the modern or, rather, contemporary state, I will limit myself to discussing what I believe to be the two main theoretical proposals in order to – after outlining the ‘negative’ or, rather, ‘outdated’ for many, context – indicate the roots of our problem. We already know that, despite constant reminders of the old proposal, which placed a ‘species-based ethics’ above man-made law – a different approach prevails, one that does not take it into consideration, emphasising instead, in a ‘newer’ and more current approach, not what is constant and uniform in human subjects, but what is advantageous to them. Benedict XVI and members of the International Theological Commission have reminded us that a “narrowly utilitarian perspective” currently prevails, one that invalidates references to the nature of the species as something immutable and derived from God.

### **Human nature**

The dearth of terminology causes us to continue to resort to the category of ‘human nature’, but this category is defined in many ways, often diverting from its former associations with ‘that which is the essence’, with approaches leading to the identification of a ‘factor X’ (*Factor X*, as in the work of Francis Fukuyama [2003: 149–151], a highly popular English-language author, one of those who are sometimes uncritically regarded as the ‘luminaries of Western intellect’ of the turn of the 20<sup>th</sup> and 21<sup>st</sup> centuries AD). The authors of a handbook, also available in Polish, identified ten ‘conceptions of human nature’, including three ancient religious traditions: Confucianism, Hinduism and the Bible, five philosophical proposals: Plato, Kant, Marx, Freud and Sartre, and two ‘scientific conceptions

of human nature': behavioural psychology and the evolutionary psychology [Stevenson, Haberman 1998 and 2001]. Before we turn to some of them, let us note the peculiar gradation that appears in the book by Leslie Stevenson from Scotland and David L. Haberman from the United States: they follow the classification by the founder of 'positive philosophy', Auguste Comte, assuming that what comes first has religious (if not 'magical') qualities, what comes second has philosophical (again, if not 'metaphysical') qualities, and only what comes third reaches the heights of 'scientific' quality. In our age, the twentieth and twenty-first centuries, we are attached to treating 'scientificity' as something that transcends both the magical-religious and the higher philosophical or metaphysical levels. We have become accustomed to treating 'science' as a specific social practice, one that is liberated or freeing itself from the influence of the two previous stages of human intellectual development, to 'believing' in its unique value, and we should therefore also pay special attention to it in our own inquiries. While the question of how to understand the 'nature' that is to be 'enhanced' will require us to draw on its 'scientific' concepts, as presented by Watson and Skinner on the one hand, and Lorentz on the other, the question of how to understand the state will not be considered from such a 'recent perspective', because – once again: in my opinion – the concepts formulated in the 17<sup>th</sup> century by Thomas Hobbes and John Locke are more significant.

Although it was only since Darwin, with the popularisation of the 'theory of evolution', that attention began to be paid to the origins of morality, whose "elements" started to be found both in human behaviour and in the behaviour of animals evolutionarily related to humans, and although it has only been for a century and a half that man has sometimes been treated as a 'purely natural being' or an 'exclusively corporeal being' (as some would have it, thereby falling into the 'anthropological fallacy'), traces of such an approach can already be found in the deliberations of Hobbes, who, after the 'nominalist revolution', no longer takes into account the nature of the species and the natural law that protects it. Man no longer shares a common nature with other people, nor is he embedded in a community that imposes rules on him: neither in a nation that is slowly forming and gradually gaining self-identity, nor in a class that is meant to possess awareness of what is historically necessary, nor in any collective culture. He is primary with regard to such 'collective content', striving only to survive as this very body, according to the 'expectations' of his and every other human being's self-preservation instinct. According to one interpretation of Hobbes' approach, we note that the state – which does not exist in the 'state of nature' – is constituted by

individuals striving to preserve the life of their bodies and, as such, represents no one but each separate citizen, formerly referred to simply as an individual. The citizen now, like the individual before, strives for personal survival, continuing – even after the establishment of the ‘abstract’ state – to be guided by this ‘instinct’, always seeking to preserve his existence as this very body. Now, however, he or she is not alone, but accompanied by a state that serves to support and protect them from aggression by others who also wish to keep their bodies alive. In matters not regulated by the state through legal norms, citizens are free. This conception of freedom, often presented as opposed to the republican position, emphasises not the legal protection of some ‘content’ carried by a community culture that has developed over a long period of time (as the republicans believe), resulting from God’s will or associated with the ‘nature’, or ‘essence’, or the ‘form of a species’ common to all human beings, but stresses the legal protection of what is most intimate for the individual, his or her personal, bodily life. Referring to concepts rooted in some kind of ‘moral content’ shared by people, for whatever reason, is not justified from the point of view of Hobbes’ followers, since the law is not meant to protect what they have in common (again, for whatever reason), but only what is specific to each of them separately; law is not to protect what makes them similar and binds them together, such as a common culture, the will of the One and Only God, or the ‘nature’, ‘essence’ or ‘form’ of the species that defines their similar intentions corresponding to their innate inclinations or drives, which this will is to confirm or deny, but rather what distinguishes them from each other, what characterises their distinctiveness and uniqueness. Somewhat paradoxically, Hobbes, considered by some researchers to be the forerunner of liberalism with its characteristic justification of the ‘cultural neutrality’ of the state that is not to protect the ‘particularities’ of any part of society, as a defender of the ‘principle of equality before impartial law’ ensuring everyone an equal ‘share of entitlement’, does not exclude extensive activity on the part of the legislator, and even anticipates its support for every citizen to the same extent. Social stratification or a citizen’s wealth is irrelevant, just as his or her pursuit of ‘spiritual perfection’ or even ‘salvation’ is irrelevant. The support provided to the citizen in the quest to survive as this particular body heralds, according to some researchers, a ‘biopolitical tendency’ that focuses the state’s actions on creating conditions for increasingly ‘productive’ or ‘more efficient’ activity of the body.<sup>3</sup> However, this is not the issue

<sup>3</sup> Despite any reservations regarding Hobbes’ concepts, this seemed to be how Michel Foucault approached the biopolitical problem. Thomas Lemke put it aptly when he wrote that “Foucault’s concept of biopolitics remains bound (just as in Hobbes’ argument, when read literally) to the notion of an integral body. His analyses of disciplinary technologies which

are directed at the body, in order to form and fragment it, are based on the idea of a closed and delimited body". However, biotechnology makes it increasingly possible, let us note, "the body's dismantling and recombination to an extent that Foucault did not anticipate", just like Hobbes. A «recombinant biopolitics» now operates not only within, but also "beyond the body's boundaries". Moreover, a 'molecular politics' is developed, "that no longer proffers an anatomical view of individuals but rather presents a genetic one which situates the individual in the 'gene pool'". In this process, it is not merely "a matter of enhancing preexisting technologies and instruments", because "genetic engineering" aims not so much to change what is, without disturbing the integrity of "metabolic processes", or merely modifying them, but seeks to "reprogram" these processes. Thus, it is no longer about "control of external nature but rather the transformation of inner nature. As a consequence," – Lemke adds – "biology is conceived of no longer as a science of discovery that registers and documents life processes but rather as a science of transformation that creates life and actively changes living organisms". A consequence of this transformation, consisting of an "enhanced access to the body", is to establish "a new relationship between life and death", since "human material" transcends the living person", since – after death – some of its parts "can continue to exist in the bodies of other people", and therefore also the one who has died somehow 'continues to live' (or 'they [body parts] continue to live'), albeit in a different body; parts of the very body, which is, after all, dying. It is worth adding that the integrity of the body, which we as 'humanity' have long accepted in connection with the development of organ transplantation, rejoicing in the achievements of ever more complex transplants, is thus called into question. The dispute between the protagonists of Mann's *The Magic Mountain*, Naphtha and Settembrini, about the fate of the body and its 'sickliness', its relative disgustingness and imperfection, has been abandoned, as it transpires that not the whole body dies, that the 'enhancement' of another human being can be achieved thanks to the gift of the dying person or his family. The 'quality of life' of the other can be improved thanks to such a gift, but moreover, his very life can be saved thanks to this gift, and the moment of his death can be put off into the future. It also transpires that the "organic materials of life are not subordinate to the same biological rhythms as the body is. These materials can be stored as information in biobanks or cultivated in stem cell lines. Death can be part of a productive circuit and used to improve and extend life". But this is not all: not only may "[t]he death of one person (...) guarantee the life and survival of another", but it also becomes "flexible and compartmentalized". "The concept of 'brain death' and the development of reanimation technologies, as well as the splitting of death into different regions of the body and moments in time, has allowed for the growth and spread of transplantation medicine. Today, it is not so much state sovereignty as medical-administrative authorities who decide on matters of life and death. They define what human life is and when it begins and ends". Thus, it is not so much the state powers that pursue 'thanatopolitics', which becomes part of 'biopolitics', but rather these 'authorities'. Whether they can be controlled in any way by such state powers is a fundamental question that leads us to a thorough consideration of Hobbes' project above all, and – nevertheless – that of Foucault, revised by numerous researchers dealing with the weaknesses of his biopolitical project that does not, after all, also cover what is of concern to an increasing number of people (including those who are increasingly 'immersed in the ordinary'), namely environmental protection or rather "the administration and control of the conditions of life" and the emergence of 'social actors' other than humans. Not only humans are supposed to possess 'agency' quality but, as Bruno Latour argued at the end of the 20<sup>th</sup> century, so do non-human actors. 'Anthropopolitics' also takes into account multiple non-human 'actors' as having agency capacities 'in the image of' humans, while agency-possessing class was preciously restricted to human actors. Perhaps it was habits rooted in ancient

here. Rather, the point is the implication, which does not appear explicitly in Hobbes, but can be inferred from the 'spirit' of his inquiries, that since the state is to support every citizen in keeping their body alive, it is not excluded that it should spend public resources for this purpose. The state could thus support research not only on the conditions for prolonging life, but also on making life safer (for example, through easy access to 'spare parts'). It certainly could not support those who are not citizens, nor those who wish, despite challenges, to 'perpetuate the species' (the issue of *in vitro* fertilisation), since its activities are to be directed towards assisting solely citizens as 'authors of the state' before they attain the 'status of citizen'. It seems that with such an understanding of Hobbes' conclusions, not only can the state establish norms without regard to any 'moral constraints', regulate all research using legal norms and support all efforts to achieve the goal of preserving life, it can even 'improve' it, since it is the state that provides the 'normative framework' that sets the bounds of behaviour for citizens who are politically indebted to it. However, even with this interpretation of the mid-17<sup>th</sup>-century English thinker's stance, the problem already mentioned in the footnote arises: control over the 'boundary of life' is increasingly shifting from political powers to 'medical and administrative authorities'. If we remain within the scope of Hobbes' concept (once again, according to the interpretation presented above), the claim of those in power to establish normative limits on the decisions rendered by such 'authorities' remains legitimate: it is those in power who, while remaining aware of the conditions of 'representing' the 'a-personal' or even 'abstract' state as a 'religiously and culturally neutral instance', are the only ones with the mandate to do so, and therefore 'medical and administrative authorities' should act in accordance with the norms imposed by political powers, should respect their prohibitions and should even obey their orders. Where these powers remain 'normatively silent', the 'authorities' also seem to gain 'freedom' of action; they seem to, for the 'freedom' that exists where 'the law is silent' should only be enjoyed by citizens. This is a vast, multifaceted and extremely complex problem

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heritage, especially Greco-Roman and Judeo-Christian, which continued to emphasise the uniqueness of a single species, namely humans, that blinded those who benefited from them to the existence of other 'actors' endowed with the same capacities. Even if we leave aside the fascinating issues raised by Paul Rabinow related to 'biosociality' and 'postdisciplinary order', we should recognise that they lead to a certain reversal: whereas 'sociobiologists' once sought a form of culture "constructed on the basis of a metaphor of nature (...)", "in biosociality, nature will be modeled on culture understood as practice" (Rabinow, 1996, p. 99). This will cause "[n]ature (...) [to] be known and remade through technique and will finally become artificial, just as culture becomes natural" [Rabinow 1996: 99; the entire footnote, see Lemke 2011: 94–97].

that is emerging and intensifying in contemporary liberal democracies, as evidenced, for example, by the outbreak and continuation of the COVID-19 pandemic: experts (as 'medical and administrative authorities') indicate what those in power should do; admittedly, the former adhere to the norms derived from the latter, but they do influence the content of those norms. It is no longer the 'political nation' as the 'sovereign' electing its representatives that decisively influences the content of norms, but those who do not derive their legitimacy from it, yet obtain it thanks to their expert knowledge or – and this stage is necessary – obtain it from those who hold democratic legitimacy and recognise these 'authorities' as possessing such knowledge. The problem of the 'democratic deficit' does not necessarily have to be associated with European Union institutions, as it appears in every country when we have a closer look at the processes that have been taking place in recent decades. Even if we set aside issues related to the pandemic, so worrying to many also in the aforementioned area, we will see that they are analogous to those that arise in much broader debates, touching on various ways of 'enhancing' the human being, both while preserving the integrity of the human body and going beyond it, when treating the human body as a 'molecular programme'. Lemke, in the chapter 'The end and reinvention of nature' of the aforementioned work *Biopolitics*, analyses not only "the manner in which new scientific knowledge and the development of biotechnologies increase the control of life processes", but also points out that "the image of a natural origin of all living organisms is gradually being replaced by the idea of an artificial plurality of life forms, which resemble technical artifacts more than they do natural entities. The redefinition of life as text by geneticists, advancements in biomedicine that range from brain scans to DNA analysis, transplant medicine, and reproductive technologies (...) represent a rupture with the perception of an integral body. The body is increasingly seen not as an organic substratum but as molecular software that can be read and rewritten" [Lemke 2011: 93]. This leads to the abandonment of the Hobbesian (and, once again, despite all criticism, Foucauldian) attachment to the integrity of the body, in relation to which the state is supposed to act, protecting the body in its integrity.

Admittedly, language that extols the 'enhancement of human nature' is not close to Hobbes and his followers, because nature as conceived in the Aristotelian-Thomistic tradition no longer exists in their perspective, but the purpose for which the state is established does seem to justify its activity in regulating and supporting efforts to sustain the lives of its citizens. It is not only the citizens who are to strive towards this goal, but also the state, which is established precisely to support the

citizens in this endeavour. Among the norms of the law of nature (law of reason, law of the state), Hobbes does not provide a norm that could serve as a reference point for similar state activity. However, we should note that these norms are not aimed at justifying the state's actions, but at setting limits on the natural rights already possessed by individuals; rights that are not inviolable but are subject to normative restrictions specified by the state, which 'reveals' the norms of the law of nature (law of reason, law of the state). It is therefore impossible to indicate the limits of state activity in the field of sustaining life, although it seems obvious that there are clear boundaries that the state cannot transgress: after all, it cannot encourage citizens to take actions contrary to their instinct for self-preservation. But it is not a matter of encouraging such actions; on the contrary, it is a matter of supporting individuals in their efforts to preserve their lives, and in this respect, the state's activity knows no bounds. It can therefore be argued that the liberal project derived from Hobbes not only does not prevent but even justifies the formulation of norms encouraging the 'enhancement of a person' not as someone who strives for 'salvation', but as someone who strives to sustain his or her life. At the same time, it can be argued that state activity may go beyond setting out a general legal framework: since it is the first 'institution' to define the 'normative corset' of activity for all 'intermediary bodies', even the Churches, it cannot be bound by limits indicated by them; it may designate or even allow individual 'institutions' to act on its behalf or in its stead, but it cannot be restricted in its actions by citizens or groups formed by them.

I have made Hobbes into an author who, centuries ago, justified the virtually unlimited activity of the state in sustaining the lives of its citizens, both by creating merely a general framework and leaving citizens considerable freedom in this regard, and by managing the sphere of *human enhancement*. However, Hobbes' reflection, interpreted here in a rather specific manner, raises a fundamental problem that the organisers of the conference put before me: it is impossible to give an unambiguous answer to the question of how, in practice, decisions should be made in a state. They are to be exercised by the state, but after all, the state is an 'abstract', an 'imaginary entity' which Hobbes portrayed as Leviathan, a 'mortal god' or even a 'city' (*civitas*) or a republic (*res publica*). He did not know how to resolve the issue of how to represent this peculiar entity, which would 'reveal' the content of legal norms, even though, as an abstract concept, it possessed no will. It was not a personalised entity with a will, similar in any way to the 'people' known to Rousseau, who spoke of this 'collective subject's', general legislative will. Herein lies the catch: a state free from moral entanglements, unfamiliar with

normative limits on its actions, was not, however, arbitrary, given that its goal was to support individuals who wished to preserve the life of their bodies. The state was, nevertheless, free from obligations except those related to its *raison d'être*, and in this regard, it was free to choose any means it saw fit. Once again, however: who could do this 'for the state' or rather 'on its behalf'? Neither Hobbes nor his followers provide an answer. Their silence opens up a multitude of possibilities, including one that involves any authority ruling on behalf of the state, who can arbitrarily select 'experts' to help it identify ways of 'improving' life, extending it through, for example, legally permitted pharmacological, genetic or technological interventions, including molecular ones, which allow the life of the body to be 'read', recorded and 'reprogrammed', transforming the 'nature' of the person who bore it, or rather bringing the 'nature' to an end and inventing it anew. Certainly, no one can act in such spheres without the consent of the state or 'usurpers' acting on its behalf, but who, unlike the state, act on the basis of particular interests, or even refer to the 'classically understood' nature of the species, or wish to replace mortal humans with 'cyborgs' sought by the military (which already enables the 'enhancement' of combatants through the use of various pharmacological means or the 'construction' of new soldiers who are more resilient, or may even be 'machines' or 'robots' guided by 'artificial intelligence'). The hopes of post- and/or transhumanists are already being fulfilled, in part, not only in 'military medicine' but also in 'civilian medicine'. It would seem that Hobbes opens up, or at least does not close, the paths to their formulation. However, for post- and transhumanists to emerge, changes were necessary that the 17<sup>th</sup>-century English thinker could not have foreseen [Gajewska 2010]. If those searching for the conditions for the emergence or rather the establishment of the post-human expected not only his liberation from the 'oppression of culture,' but also liberation from the 'oppression of nature' and pointed to the need to move away from his evolutionarily determined biological content, they do so by justifying the possibility of his transcending such conditions. The issue is not about choosing gender, which seeks to downplay biological determinants, but about a much broader phenomenon of negating the human nature or essence<sup>4</sup>. "Nomadic subjectivity (...)" as a posthumanist Rosi Braidotti [2010] notes "[is] about the posthuman as becoming animal", for all that remains of it is a body that is becoming, and not that which it is. Furthermore, such a nomadic subject, which some still consider to be a 'human person' derived from God and striving towards Him for the sake of eternal salvation, is "becoming other", "becoming imperceptible", even "fading, with death"

<sup>4</sup> See, for example [Gierycz 2021] and, on the other hand [Krupa 2021: especially pp. 80–83].

or being – as a merely material body – simply “just another sequence in time” [Braidotti 2010: 178; more on the issue: Soniewicka 2018: 298–302]. Some researchers derive very far-reaching consequences from this belief of the ‘posthumanist’ and her allies, arguing that human life, stripped of its subjectivity, is or can be subjected to arbitrary, even cruel, treatment by those in power, who may even go as far as to commit what amounts to a ‘genocide’ [Grabowiec 2022: 82]. Such an interpretation implies that scientists who, according to Lemke, were to take on a leading role as ‘authorities’ deciding on life and death at the hands of those in power acting on behalf of the state, once again become mere ‘tools’ at the disposal of politicians obsessed with a murderous ideology. Transhumanism is no longer limited to posthumanists’ prophecies about the ‘end’ of the ‘species-related nature’ or, more simply and generally, its substance or essence. Transhumanism proclaims something even more, namely the “creation of a new biological species which, thanks to genetic engineering and new technologies, will be able not only to gain greater dominion over nature (understood as the natural world around us and that which has thus far characterised humans, including their mortality), but above all to gain absolute power over humans, sometimes associated with biopower” [Roskal 2015: 256]. The ‘morphological freedom’ that post- and transhumanists speak of is to be possible not despite, but alongside the existence and – perhaps – thanks to active political power, which should favour the “separation of the self from the body, the transfer of consciousness to external storage media”, and, most generally, taking decisions about “changing the physical form of humans through enhancement using technology, genetic engineering, medicine and other scientific developments” [Osiński 2018].<sup>5</sup> However, can such freedom be ‘decreed’ by an

<sup>5</sup> Analysing the outcomes of the TransVision conference held in Brussels in 2017, the author draws attention, on the one hand, to the calls made during the conference for the introduction of “new legislation on freedom, ‘morphological freedom’”, and on the other hand, he recalls that this is not a new project, but an attempt to “implement in practice the concept proposed in 1993 by the English philosopher Max More”, aimed at fulfilment of the vision of “the new man”. Grzegorz Osiński further argues that morphological freedom opens up “entirely new possibilities for the use of technological implants in healthy individuals for the purpose of their enhancement. Such a law would allow anyone unlimited freedom to modify their body”. Moreover, Osiński notes that Andreas Sandberg, known for his work on human cognitive enhancement, claims that humans have already become “technological beings”, since they use “technology on a daily basis to improve themselves and create new social relationships”, becoming “techno-persons”. More importantly, however, as Sandberg adds, thanks to technology, humans are getting closer to moral enhancement because they can control their emotions more and more efficiently, “suppress and eliminate ‘undesirable feelings’ that are incompatible with the standards of a ‘modern, progressive society’” using not only pharmacological means that already eliminate “anxiety, sadness and loneliness”, but also using “appropriate implants inserted into the brain tissue that control our natural

abstract state, or rather – in an era of dominant liberal democracies – is it to be expected that the citizens who ‘act in its stead’ will themselves take decisions in this area, if only to improve the mood or ‘social balance’ or to ease social tensions? According to our interpretation of Hobbes, one cannot rule out a situation in which peace is supported to enable the living of bodies, or perhaps the ‘quality’ or the ‘comfort of their continued existence in relations with other bodies’, where this interpretation opens up the path towards a ruling by the ‘collective sovereign’ or its representatives that individuals/citizens should finally be granted ‘second-generation human rights’ and given legal capacity to exercise them, which will not be enjoyed only by the rich, but – albeit probably in a slightly different way and to varying degrees – also by all participants in future liberal democracies.<sup>6</sup> A genera-

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emotional centres and limbic system structures”, and even undergoing or, more seriously – subjected to “transcranial magnetic stimulation (TMS), which would help to permanently eliminate negative feelings”.

<sup>6</sup> Grzegorz Osiński argues that for many participants of the Brussels conference, it is “society itself that must express (...) its desire to acquire a new freedom – currently referred to as morphological freedom”. And he adds: “‘Morphological freedom’ will allow abortion to be treated as merely a component that no one will debate anymore, because it will be guaranteed automatically. Euthanasia and surgical changes to biological determinants of sex will be treated in the same way. After all, morphological freedom will give people much broader rights and the opportunity to create not only new human attitudes, but also entirely new societies. But who will act as guardian of these new values? Will the European Commission establish something akin to a Morphological Standards Committee?”. However, the following words are significant and consistent with our findings regarding the ‘Hobbesian tradition’: “Scientists will certainly stand guard over the new order. After all, it was humanists – particularly philosophers from the best European universities – who laid the technological, legal and ethical foundations for these important changes. Highly fashionable and generously financed by EU funds, projects such as Humanities 2.0, Culture 2.0 and Politics 2.0 are already educating a new generation of academics who are proudly pursuing the ethos of the new humanities. (...) It was at Oxford University that a project on hedonistic transhumanism was developed, whose ultimate goal is to define a new truth as the legitimacy of only those actions that enhance pleasure and hinder negative feelings. Anyone who opposes total pleasure must be consigned to the dustbin of history, first labelled a bio-conservative, then probably a reactionary, and finally a bumpkin from the sticks who does not understand the necessity of the luminous progress charted by enlightened science”. For those in favour of establishing a new ‘subjective right’ to ‘morphological freedom’, attention is drawn not so much to ‘political’ or even ‘legal’ inhibitions, but rather to an economic problem: “only a few will be able to afford new technologies that will enhance humans through technological means. (...) That is why the most influential and wealthiest representatives of this trend, such as Ray Kurzweil, who works for Google, or Mark Zuckerberg, the owner of Facebook, promote egalitarian transhumanism”. This project calls for “the introduction of a basic income or guaranteed income, i.e. an adequate amount of money that every citizen receives; such programmes are already being piloted in Canada and Finland. People will not have to work because all jobs will be automated and robotised, and work itself will become a privilege. In this scenario, the majority of society will be provided with the conditions for a basic subsistence financed by a guaranteed income, and their feelings and desires will be appropriately modified through methods of expanded morality” [ibid.].

tion later, John Locke pursued a slightly different direction from Hobbes. Although Locke also outlined the concept of an individual who is not culturally or socially conditioned and who initially exists in a state of nature, he did not seek to establish an 'abstract' and thus 'worldview-neutral' but rather to show the inviolable rights of individuals, including the rights to life and health on the one hand (which is of particular interest to us), and the right to owned property on the other. The fact that Locke suggests in many instances that the sources of these rights are different cannot obscure another fact, namely that these rights are often treated similarly, regardless of whether they relate to an individual's actions towards their own body or only to their relationship with things acquired through their own labour. In other words, despite the different sources of their 'origin', the entitled person is treated both as the owner of the thing and as a similar 'owner' of their body, having the exclusive right to use it and the exclusive right to dispose of it as if it were a thing belonging to them, remaining solely at their disposal, and the ways in which the body-thing is used and dealt with lie within the disposal of the determining subject, without interference from anyone else. We know that Locke suggested that individuals enter into a contract and, on the basis of this contract, join a community called 'civil society,' but that this 'new instance' – so different from Hobbes' 'abstract state' (not only because it is not 'external' to those who constitute it) – does not establish or limit the rights possessed by individuals, nor does it even change the prohibition imposed by natural law known to every individual prior to the conclusion of the contract.

At this point, what is not important is the question of 'self-interested' individuals joining such a supposedly 'disinterested' 'collective body' (a key issue for the liberal tradition), or even another question, equally important for this tradition, namely the 'origin' of the norm prohibiting individuals from infringing each other's rights. Although the first question raises an issue that is significant for determining the permissibility, under the law established by a majority, of allocating public funds not so much by 'public reason' as by a majority of individuals/voters/members of political parties participating in the legislative process who are driven by emotions, we can leave it aside, noting only that every individual has rights over their own body and that each individual, according to their own particular standards, interprets the law of nature or the law of reason, and the prohibition of infringing on their own rights and those of other individuals. Although the second question gives rise to libertarian speculation about a possible relationship of the individual benefiting from the rights to God as the 'giver' of some of these rights, the 'moral aspect' associated with the individual's responsibility towards God cannot obscure

the far more important observation that the ‘instance’ established by individuals, called, once again, ‘civil society’,

cannot encroach upon their rights, cannot assist those who are entitled to exercise what pertains exclusively to the domain of the individual. After all, individuals enter into a contract to reinforce the prohibition of mutual infringement of rights or, more precisely, to establish a ‘disinterested instance’ performing two powers that were previously problematic due to their ‘partiality’: the power to ‘interpret’ this prohibition and the power to ‘adjudicate’ in a given case whether someone has violated this prohibition. Thus, ‘civil society’ ‘removes the stigma of partiality’ from the individuals who join it, because it ‘replaces’ them as an ‘instance’ that revokes their ‘partiality’, though it is unable to overcome the prohibition imposed by natural law, unable to encroach upon the rights of individuals or – importantly, in contrast to Hobbes’ position – to curtail them.

Locke’s project, again: according to the above interpretation [Szlachta 2022], does not open the door as widely to attempts to ‘enhance human nature’ as Hobbes does. After all, the earlier concept mentioned ‘natural law’, but did not link it to human nature defined in any specific way; rather, it led to the establishment of normative boundaries for the actions of people leaving the ‘state of nature’, already ‘bidding farewell’ to that state, whereas Locke’s project – even though it also equates ‘natural law’ with ‘the law of reason’ – does not link it to the ‘activity of an “abstract” state’ but to the normative content present in the mind of every human subject, regardless of their cultural rootedness. Both projects break with the Aristotelian tradition; they do not recognise what is still referred to in reference to that tradition as ‘essence’, ‘form’ or ‘species nature’, but instead refer to a variously understood contract concluded for the purpose of achieving a certain goal, whether it be stronger protection of the life of the body, or to gain stronger and impartial protection of natural rights, which every subject would enjoy without fear of interference from other subjects, civil society or the legislators, however these may be understood. Locke’s approach – important for our contemporary supporters of ‘animal rights’<sup>7</sup>, ‘rights’ which perhaps even humans, reduced to the level of animals, will one day ‘receive’ or will one day rejoice in having these rights assigned to them – prohibits

<sup>7</sup> “[M]any advocates and activists in the field have adopted an animal rights framework”, note [Donaldson, Kymlicka 2011: 4]. “In strong versions of this view, animals, like humans, should be seen as possessing certain *inviolable rights*: there are some things that should not be done to animals even in pursuit of human interests or ecosystem vitality” (emphasis after the original).

encroachment on the domain defined by the rights possessed by individuals who are not rooted in culture, society, religion, etc. To assist individuals in this field, to assist them in the exercise of their rights, is not permissible, because rights define a ‘negative sphere’ that belongs exclusively to the individual. The fact that this approach, in its ‘common usage,’ complements democracy associated with ruling on the content of norms binding on all addressees according to the ‘majority rule,’ has probably never been used in liberal democracies, since these emerged after the establishment of ‘new liberalism,’ which introduced a positive rather than negative understanding of the rights or entitlements of individuals<sup>8</sup>, is of limited relevance to our topic. However, it is important to understand that, based on Locke’s position, state assistance to individuals in terms of the realisation or use of even the right to life or health becomes questionable or at least problematic. Since it is solely the individual who is to exercise this right, since it is the individual who is to decide how to exercise it or decide to refrain from exercising it, free from concerns about external interference, then assisting the individual, for example through public health services, may be considered questionable or problematic. Admittedly, a given individual, possibly together with others, may spend resources on prolonging or protecting own life, and may even – as it seems – spend them on ‘enhancing’ own life or improving its ‘quality’ or ‘comfort’, but cannot count on receiving funds from outside, on obtaining external support, because such support would after all violate the prohibition on infringing the rights known to every individual. Locke seems to reject external instructions on how to act within the scope of one’s rights, or to justify opposition to decisions on vaccination or isolation in connection with an epidemiological or pandemic threat, but he does not rule out a situation in which ‘enhancement’ will take place. However, the science that would allow it will be viewed critically, as it was by those who trusted Locke and who valued freedom understood as a clearly defined area of individual independence during the pandemic. Science will not be able to justify, any more than the legislator can, anyone’s encroachment on this area: even a ‘scientifically justified’ need cannot, after all, infringe upon what is reserved for the individual as something that is solely the individual’s realm. Neither political powers nor “administrative and medical authorities” can trespass into this domain.

Here we have two liberal projects, both – let us reiterate – critical of the Aristotelian or Aristotelian-Thomistic tradition, for they reject the appeals to species nature

<sup>8</sup> I have addressed this issue in my 2022 monograph referred to above, doubting even in the title whether democracy, in its ‘liberal moment’ as understood by Locke, has ever been established, see: [Szlachta 2022].

and the natural law that protects it, a law that sought or seeks to protect what defines a human being, namely, a set of innate inclinations that are identical in every human. One of the projects justifies the state's efforts to sustain life, while the other prohibits such efforts, leaving the relevant decision to the individual. The first project assigns to the state a fundamental objective similar to that driving the individual; the second project makes 'civil society,' which establishes its own bodies, the 'guardian' of the rights of individuals as inviolable both in relation to other individuals and in relation to themselves and their own bodies. The first project is aimed at strengthening the protection of citizens' lives equally, regardless of their roles or social positions, while the second is aimed at protecting the exclusive rights of each citizen. Both projects are associated with the liberal tradition and, despite any differences, are oriented towards what is, what already exists, placing responsibility for life either on the citizen and the state, or exclusively on the citizen. It is no longer 'species nature' that matters, but the environment in which the individual lives; it does not matter what each individual has 'within', but only what the individual encounters around oneself, to some extent 'beyond oneself'. Here, we are no longer far from judgments close to us, people of today, that instead of existing rooted in the being that is proper to us, we remain rather in 'being' with what surrounds us. This view, in somewhat vulgarised forms, encouraging liberation from what surrounds and 'enslaves' us (a problem reflected in research into the relationship between what is natural and what is brought about by culture as contrary to nature, requiring account to be taken of the singularity of perceiving nature as 'the beginning' or as that which is 'primordial') or prompting to blend into one's surroundings (even if only through dialogue with others and shared empathy in so-called intersubjectivity), appears in various propositions. Some led to the assertion that in intersubjectivity, we, people, are capable of establishing an order that defines the political world, or to the assertion that in this intersubjectivity, understood as the political world, we possess the power to establish such an order, or to the assertion that our intersubjectivity must be supplemented by the intervention of some Supreme Being that does not, however, act through nature, but rules arbitrarily or imperiously, or to the assertion that our intellects have innate content that determines the order governing our behaviour, or finally to the assertion that the search for such an order is essentially futile because all order is merely temporary, and any attempt to preserve it brings with it the danger of levelling the diversity, spontaneity, or originality of individuals and groups. However, an approach is gaining particular significance, according to which each entity is separate and embedded in their own 'narrative' and, as such, is to establish legal norms binding both on themselves and on every other entity

embedded in a different, I.e. their own, ‘narrative’. Former approaches: ‘classical’ (referring to the species nature, to what is common to all representatives of the species), the ‘individualistic-rationalist’ (leading to contractual arrangements, emphasising what is unique to individuals as separate actors rather than what is common to all people) and ‘spontaneity-based’ (emphasising instead an order that is not permanent but rather defines similar human behaviours), have played or continue to play a certain role in philosophical and political inquiries, although at first glance, especially in modern times, the second approach seems to prevail (or be more popular). Surely, it would seem that all of us who are embedded in so-called Western culture honour individualism and are intent on protecting the dignity of every individual (even those on the brink of starvation), constantly calling for respect for the rights that enable the fullest possible expression of individuality and difference. However, the problem is that today the concept of nature is no longer commonly associated with naturalness as spontaneity and originality of our behaviour. The issue is not only that political institutions are increasingly and more deeply controlling our behaviour, to the extent that they are sometimes regarded as instruments of oppression, even if they mainly pursue the objective known to Hobbes. What is also important is that nature is increasingly associated with what is ‘purely biological’, not so much around, as within, the human being. Nature becomes either the main foundation for political action or its main object, which in both cases can lead to the removal of other ‘levels of man’ – apart from the ‘purely vegetative’ – from the scope of interest of participants in the ‘political world’, or to the “dissociation and abstraction of life from its concrete physical bearers”, which in turn – as in the critiques of Michel Foucault – leads to the establishment of standards concerning not so much the supposedly diverse individuals as what in them is average, objective, and measurable, “a collective reality that can be epistemologically and practically separated from concrete living beings and the singularity of individual experience” [Lemke 2011: 3–5].<sup>9</sup>

<sup>9</sup> Lemke’s remarks on the multifaceted and often misunderstood phenomenon in the political world, referred to as ‘biopolitics’ concern in particular the problematic nature of attempts to explain social reality from the typically liberal perspective of the participant or participants acting within that reality, and the attempts by analysts of this phenomenon to view each ‘subject’ solely as a product of biocultural developmental processes rather than as their creator [Lemke 2011: 3–5 *passim*]. From this perspective, considerations about man as a ‘political animal’ who transcends biological existence lose their meaning; it is not a specific and knowable (human) nature that is to be the point of reference for politics, but rather it is politics that is to determine what is to be considered nature (life). The criteria of justice or righteousness, so often discussed by proponents of the ‘classical’ approach, lose their fulcrum and are replaced by variable normative standards serving to maintain conditions conducive to the development of the collective; liberal thinking, which supposedly still drives ‘Westerners’, also loses its footing.

### *The turn of modern times*

The change taking place in this sphere in ‘our times’ is significant, and references to old approaches, considered outdated, are treated as trivial. However, in order to recognise this change, it is worth recalling those concepts and noting that they served as a ‘classical’ foundation for a certain liberal project that treated nature-reason and, consequently, natural law as the law of reason, as the basis and measure of the restrictions on government. However, this basis and measure were deprived of any connection with that which does not originate from the human being, and in the liberal tradition they became associated with the ‘guarantee of the safety of the bodies’ of citizens or the guarantee of the protection of their natural rights. This led to the destruction of the permanence associated with the ‘hard measures’ that guided those in power, and it directed them and others towards a reality – unstable, multi-layered, full of tensions and contradictions – in which they are seeking a point of orientation in ‘nature’ associated no longer with the universal, but with phenomena, or rather with facts devoid of an ‘immanent’ order, organised by man. Foucault’s attempts, which regarded war as a ‘driving force’ similar to Hobbes’ instinct for self-preservation, as ‘the sole principle’ explaining and justifying ‘rational political theory’, but also introducing, alongside ‘disciplinary power,’ another form of power referred to as ‘biopower,’ were based on the conviction that “one of the basic phenomena of the nineteenth century was what might be called power’s hold over life[...] (...) the acquisition of power over man insofar as man is a living being” [Foucault, 2003: 239, 242]. Increasingly since then, “the biological came under State control, that there was at least a certain tendency that leads to what might be termed State control of the biological”. Whereas in the ‘classical theory of sovereignty’ espoused by Hobbes, “the right of life and death was one of sovereignty’s basic attributes”, whereby “the sovereign (...) can, basically, either have people put to death or let them live”, since the 19<sup>th</sup> century, the ‘right of power’ has been different: it is not associated with a sovereign related to the law, by virtue of which he condemns to death or allows life, but rather exercises a ‘new right’ (Foucault uses this category, although he rejects the entanglement of the holder of power in legal relations), namely “the power to ‘make’ live” (and not put to death) and “the power to ‘let’ die” (and not let live) [Foucault 2003: 240–241]. The new ‘technology of power’ gains greater strength through disciplinary technique, but it already exists on a different level than the latter and employs different tools: “[u]nlike discipline, which is addressed to bodies, the new nondisciplinary power is applied not to man-as-body but to the living man, to man-as-living-being”; it is not the body that is important to it, but life itself. Once upon a time, disciplinary power was wielded over many human bodies “kept under surveillance,

trained, used, and, if need be, punished. And (...) the new technology that is being established is addressed to a multiplicity of men, not to the extent that they are nothing more than their individual bodies, but to the extent that they form, on the contrary, a global mass that is affected by overall processes characteristic of birth, death, production, illness, and so on. So after a first seizure of power over the body in an individualizing mode, we have a second seizure of power that is not individualizing but, if you like, massifying, that is directed not at man-as-body but at man-as-species. After the anatomo-politics of the human body established in the course of the eighteenth century, we have, at the end of that century, the emergence of something that is no longer an anatomo-politics of the human body, but what I would call a 'biopolitics' of the human race" allowing decisions to be made about processes such as "the birth rate, the mortality rate, longevity, and so on" [ibid.: 242–243].

Does this perspective still have anything in common with the classic perspective, which encompasses the theoretical and practical aspects, as well as reflection on what is universal and what determines the content of the good? In the perspective of a second half of the 20<sup>th</sup>-century scholar, does not the exclusively negative nature of the function performed by political power reinforced by the thesis that those in power not only establish 'the principles of elementary justice', but also, by virtue of their "power to 'make' live" and the "power to 'let' die", thereby arbitrarily decide on the composition of the population under their rule? Is politics, in the Aristotelian sense, still possible, given that it is losing its reference not only to what is theoretically conceivable, but also to what constitutes the ability for practical regulation of elementary peace? To repeat, is politics, in the classical sense, and even in the understanding of St Augustine, still possible? Does the concept of 'politics' retain any of its former meanings when "[b]eneath that great absolute power, beneath the dramatic and somber absolute power that was the power of sovereignty, and which consisted in the power to take life, we now have the emergence, with this technology of biopower, of this technology of power over 'the' population as such, over men insofar as they are living beings. It is continuous, scientific, and it is the power to make live" [ibid.: 247]? The 'scholarliness of power', associated with the juxtaposition of knowledge and power, is most characteristic: it is no longer a question of supporting or not supporting a given individual, the given individual's body or life, nor a question of supporting or not supporting a given particular body, but rather a question of capturing each body in the mass and making decisions about that mass, and through it, decisions about the individual and the individual's body. There will undoubtedly be researchers

who see a 'republican trace' in Foucault's reflection, since he 'melts' the individual into the whole that encompasses him or her, making even decisions regarding the 'field of individual rights' – which liberals such as Locke reserve for the individual – 'dependent' on that whole. The point, however, is not to discuss this interpretation, and it is not even about the position of the French thinker, corrected by 'theorists of biopolitics', whose attempts Lemke was helping us to understand. Rather, it is about pointing out that we should no longer look from the perspective of a particular individual, as Hobbes and Locke wanted, but adopt a different perspective: individuals, especially affluent individuals, will find ways to support science and 'medical authorities' that will allow them to 'improve' themselves, not so much to 'enhance their beauty' as to 'prolong their lives' or gain ever greater physical strength or intelligence. However, it is not them we should be discussing, but rather the 'mass' – about whose life we should decide according to the criteria of the 'learned' because it is the 'scholarly authorities' who are to decide, for the benefit of whose life it is acceptable to sacrifice others, be they unborn or too costly to care for because they are already receiving palliative care, those who are only 'vegetating' and are merely 'moral objects' (but not subjects) – and also conducting research and implementing its results if the 'quality' or 'comfort' of the life of the mass are to be improved.

This approach, which shows the individual as embedded in a people/nation, social class, culture, gender, etc., as immersed in moments that differentiate the individual from others, giving them distinctiveness and even a basis for identification with variously defined 'we', was presented by Leib/Leo Naphta in Mann's novel *The Magic Mountain* as a sign of a renewed reduction of the individual to the position of a member of a community, who does not reach for what is 'transcendent' in relation to it. Such 'ontological reduction' took place in the 19<sup>th</sup> and especially in the 20<sup>th</sup> century, when, along with rapid technological progress, individuals were clearly differentiated into those belonging to a class or nation possessing 'historical rights' and those who did not belong to them, and who were therefore isolated or even exterminated. In the face of many tragic experiences, such as Auschwitz and Kolyma Gulag, but also colonisation, abortion and euthanasia, a particular cultural movement called transhumanism has emerged, which directly raises the question of the justification and admissibility of 'human enhancement', rejecting the objections of bio-conservatives. The leaders of this movement argue that it is not only justified but also admissible to interfere with the human body and psyche for the sake of 'enhancement', sometimes referring to a 'scientific concept' of human nature derived from behavioural studies: John [Broadus] Watson did not acknowledge

the experiences of the subject and of the subject's 'psyche' as 'expressed' by or within them, limiting his analysis to the subject's behaviour treated as observable 'facts'. The old, albeit diverse, philosophical concepts of the soul, mind, and even consciousness were losing their significance, because "just observable stimuli and responses" were now entering the picture; even the previously popular 'introspective method' was losing its importance, while the thesis about the possibility and necessity of introducing various stimuli to elicit specific responses manifested in the analysed behaviours was gaining 'scientific' value [Stevenson, Haberman 1998: 191]. Those who continued to cling to old concepts remained at the second, if not the first, stage of human intellectual development according to Auguste Comte's classification, failing to reach – like 'bio-conservatives' – the 'scientific (positive) stage', which surpasses and invalidates both the magical-theological stage and the metaphysical-philosophical stage. No longer possessing 'stability of existence', the human subject, along with his or her consciousness, was becoming 'dynamic' (constituting oneself in relation to others, who were equally undefined) and 'malleable' (submitting to the influence of the 'social environment', which was supposed to determine human behaviour). Continuing Watson's research, Barrhus Frederic [B.F.] Skinner, whose views dominated 'scientific' psychology in the mid-20<sup>th</sup> century, already argued that the "technology of behavior" [*orig. spell.*] to be developed in the future "could solve the problems of human life and society, if only people would give up their illusions about individual free will, responsibility for action, and" – so important, not least in Catholic social teaching – the illusion of "dignity" [ibid.: 192–193].<sup>10</sup> The behaviourist approach, still relevant to many psychologists, marks a convenient point of departure for speculation about various ways in which numerous 'machines' condition the behaviour of 'objectified' subjects, and moreover opens up the prospect of searching for ways to 'enhance' the human being. The reservations raised by those who, like Nikolas Rose, highlight the importance of "ethopolitics" [Rose 2007: 27] directed not at what constitutes the mass, but at each subject individually; not at "racial hygiene" (as in the old approaches to genetics associated with the 'body of the population'), but at the genetic condition of individuals; not at the old eugenic programmes decreed by the state (with which it is no longer possible to link our search, despite the associations raised by many publicists, since science does not serve to 'enhance races' or select 'racially superior' parents, but to "enhance the

<sup>10</sup> Skinner, add the authors of the aforementioned textbook, had so much faith in science that, like Comte before him, he claimed that there is "potential of science to solve human problems", to establish "order (that) will eventually be achieved in the field of human affairs" [Stevenson, Haberman 1998: 193].

human being' using public or private funds), but on numerous strategies pushed by the state, for example, but only to encourage individuals to take care of themselves; all these are irrelevant to those who are no longer concerned with the 'democratisation of biopolitics' but with being "no longer (...) slaves to our genes", as noted by one of the best-known transhumanists, Max More. In his opinion, 'humanity' is to "take charge over our genetic programming and achieve mastery over our biological, and neurological processes" [More 2009], the processes taking place not in humanity treated as a mass, but in each human being taken separately, as an individual.

### Conclusions

If, as behaviourists argued, humans no longer have a permanent structure of existence, if they do not even possess free will and dignity, then it is possible to conduct experiments that are not limited by any 'moral standards' described by antiquated ethicists, experiments which will not only shape human behaviour, but also 'enhance' the processes taking place within the human being in order to prolong the human life or make it 'more comfortable'. Without delving into undoubtedly important issues, such as the extent to which such steps question the species nature that Thomists or authors such as Alasdair MacIntyre still recall, referring to Aristotle; the extent to which such steps violate or may violate human 'intrinsic inclinations'; and to what extent prolonging life challenges the role of God as the giver of existence who sustains the existence (also) of human beings, in short: without embarking on a thesis about those who want to 'enhance' the human being placing themselves in 'God's place', I will take the liberty of formulating three conclusions as a scholar of the history of political thought.

Firstly, even if we limit ourselves to highlighting three main approaches, the oldest of which focused on what is common to all people, on their common nature or species form; the intermediate, early modern approach that focused on what is most intimate to a specific individual as distinguished from others; and the most recent, gaining in importance particularly since the 19<sup>th</sup> century, focused on what situates the individual in the mass, the individual against whom 'biopolitical measures' are carried out, we can easily see that the individual is increasingly subject to the disposal of people as a result of the expectations of businesses seeking to increase their profits or the influence of the 'community of scholars' with little government involvement, right up to formal regulations made by 'law-making bodies' that are more or less binding on researchers who find solutions that aim to 'enhance the human being', even if it is just to 'correct' the individual's 'molecular structure',

and control by specialised ‘government regulators’ [for more, see Fukuyama 2003: 195–202 and the entire Chapter 12]. ‘Human nature’ is no longer protected by natural law safeguarding the existence of human entity bearing within oneself what every human being should possess, i.e. innate inclinations, or by the striving to preserve the life of this body or the rights possessed by individuals, thus becoming incorporated into a whole that seeks its own characteristics. The search for this whole, undertaken by leaders, once led, *inter alia*, to ‘eugenic measures’, which were critically judged by supporters of ‘ethopolitics’, but were to a certain extent accepted by supporters of ‘biopolitics’, which was ‘directed’ at the life processes of the masses, collectivising and socialising them in accordance with the goals set by politicians and implemented with the assistance of ‘scientists’ by means of ‘scientific methods’ with which they were acquainted. Such methods have already been used against people whose lives were deemed ‘worthless’ because they were considered ‘disabled’ and redundant to society. Approaches that deny the existence of certain embryos in IVF procedures, or that treat human entities resulting from a criminal act as a cluster of cells, are examples of a departure from approaches that emphasise the uniqueness and resulting inherent value of every human person. Rose’s ‘ethopolitics’ in particular seeks to derive from this understanding of biopolitics, notably as articulated by Foucault, while still allowing for the ‘self-enhancement’ of particular individuals, including through the use of public funds, provided that such ‘enhancement’ is understood in accordance with the model attributed in this text to the ‘Hobbesian legacy’.

Secondly, the ‘fundamental shift of biopolitical mechanisms’ that is said to have taken place since the turn of the 20<sup>th</sup> and 21<sup>st</sup> centuries, extending the possibility of ‘enhancement’ beyond the boundaries associated with physical appearance and behaviours towards the correction or optimisation of the ‘organic substance’ that is also the human being, is increasingly blurring the boundaries between what is normal and what is pathological, between treatment and enhancement, while the state, once geared towards improving the ‘body of the people’, especially under totalitarian regimes, is now beginning to support individuals, thereby encroaching on their supposedly inviolable rights. They are now supported both in terms of disease avoidance and health improvement. Social groups emerge, or rather are increasingly being created, based on the biological similarities of their members, undertaking activities to obtain public funds for the sick and to fight “against material or ideological restrictions to gain access to medical technologies and to bioscientific knowledge”, and finally to get involved in the parliamentary debate on the regulation of the use of technological processes [Lemke 2011: 99]. Members

of such groups, as well as wider social circles, are often guided by an unfamiliar but ‘intuitively accepted’ concept of ‘human capital,’ according to which the human being should strive to maximise benefits by establishing their preferences in markets of mutual interplay between supply and demand. They therefore strive to demonstrate that it is necessary to increase their capital in order to strengthen their position in the battle of the competition. It is hardly surprising that with such an approach, decisions to have a child or improve one’s mental and physical condition are viewed from the perspective of a goal rather than an unchanging ‘species nature’, from the perspective of the aftermath of an act rather than a duty determining the foundations or boundaries of permissible acts. In our reflections on the ‘enhancement’ of human beings, we move from deontological ethics to consequentialist ethics, and we gain a deeper understanding of the reservations expressed, for example, by Benedict XVI or the members of the Commission which he himself convened. In this respect, a historian of political thought would add that even the Hobbesian approach gains a utilitarian dimension as a result of such a transition, while losing the deontic dimension associated with the normative project of the ‘reason of the “abstract” state’.

Thirdly, the manner in which ‘scientificity’ is understood and the trends prevailing in science are undoubtedly of great importance for reflections on the ‘enhancement’ of the human being. In view of the continuing and, it would seem, difficult to surmount dominance of empiricism as the fulcrum for the ‘exceptional practice’ that science is supposed to be, the significance of approaches referring to ‘species nature’ is steadily declining, even being ‘locked away in the attic’. The relevance of behaviourism on the one hand and Konrad Lorenz’s evolutionary psychology on the other is not diminishing, despite all the reservations expressed regarding these approaches. Both harbour certain political claims: Skinner dreamed of a state of affairs in which, after a scientific determination of social conditioning and physiological processes occurring in the brain, science would lead to the “design of a government that will really promote the well-being of the governed”, a government capable of designating and implementing the appropriate ‘hierarchy of values’; Lorenz, who considered the human species to be animal, albeit unique in that it is the most highly developed, but who nevertheless drew attention to the innate human instinct for aggressive behaviour towards others, also had confidence that human reason could steer evolution in the right direction – all that was needed was to understand the “nature of our aggressive drive” in order to be able to ‘rationally remedy’ it, albeit directing enthusiasm “to causes that can be universally acceptable—(...) science, and (let us point out) medicine” [Stevenson, Haberman

1998: 204, 217]. These are approaches that clearly reinforce an optimistic belief in scientific works, a belief that political authorities should use, like a ‘machine’, if they wish to strengthen mutual tolerance and create conditions for the ‘enhancement’ of the human being who trusts that scientists will recognise the extent of his ‘perfection’. The moulding of a ‘new’, ‘more perfect’ human being by scientists whom we trust almost unconditionally will be supported by politicians, for it is about ‘comfort of life’ here, in this world alone, since the human being is now merely a body, the most highly developed animal, subject to conditioning, virtually a machine whose spare parts can be purchased. Let us not be under any illusions: individuals, or rather citizens of particular countries, will migrate to those centres where the development of science, understood in this way and considered the best in the field of ‘human enhancement’, is most advanced. In the age of ‘globalisation’, is it possible to prohibit them from so doing? Can restrictions introduced in a given country, suffice it to mention abortion, still prevent someone from performing an act covered by these restrictions if they deem it to be beneficial and therefore considered to be to their advantage? ‘Enhancement’ that leads towards ‘making life more convenient’, with greater ‘comfort’ for the given individual, is even to some extent envisaged in Locke’s project, which provides a basis for the belief that the individual – making free use of their resources, unhindered in this regard – can freely, according to their own wishes, fund their own ‘enhancement’, can also sponsor research that allows this to happen; can support researchers striving to develop ‘enhancement’ measures that provide the lives of the individuals with ‘greater comfort’, and not merely ‘prolong’ those lives.

Lastly, a general remark: once a historian of political thought has realised how differently the concept of ‘state’ can be understood, and, consequently, of the treatment of its involvement in human life and its relationship to the collectivities of individuals, as well as how differently ‘human nature’ can be understood, and even the human being who would be ‘enhanced’ or created as ‘more perfect’, then the historian experiences a particular sense of unease and anxiety. This anxiety is aroused not only through the problem of ‘collective knowledge’, but also through the question of genetic modelling [and a whole range of issues with which specialists in bioethics are all too familiar], for the human subject no longer possesses a ‘metaphysical foundation’ as a ‘subject of rights or entitlements’ and loses the quality of ‘identicalness’.

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