

PUBLIC ARGUMENT AND THE "HUMAN":  
RHETORIC, VALUES, AND DIFFERENCE IN THE BIOTECHNOLOGY DEBATE

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## **ABSTRACT**

Kurt Zemlicka: Public Argument and the "Human":  
Rhetoric, Values, and Difference in the Biotechnology Debate  
(Under the direction of Christian Lundberg)

The past 50 years have seen rapid advancements in the fields of genetics, robotics, and nanotechnology so called GRN technologies. In the realm of biomedicine, proposed applications include the capacity to manipulate patients at the genomic level. These manipulations will also alter any genes the patient passes on, permanently changing the genetic makeup of any of the recipient's offspring, their offspring's offspring, and so on. Once these technologies give us the possibility to start tinkering with our own genome, we will be able to, quite literally, reshape the building blocks of humanity, and thus compel us to question and define the essential qualities of the "human."

The task of this dissertation is to provide both an examination of how debates over biotechnology in the United States have become enmeshed in positions that stagnate the debate and stifle the possibility for increased public deliberation a goal all sides agree is necessary given the potential impacts of the technology. By looking at five specific cases ranging from debates over human cloning and reproductive technologies to the sex-verification of Olympic athletes, I analyze the dominant tropes used by both sides to argue for either the total ban or continued development of a given biotechnology. In looking at the governing tropes in each debate, I aim to understand why each side has developed incommensurable positions in an attempt to reformulate how we can deliberate over these technologies in a more pragmatic way.

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## **LIST OF ABBREVIATIONS**

AIS	Androgen Insensitivity Syndrome
ART	Artificial Reproductive Technologies
DSDs	Disorders of Sexual Development
DYZ1	Fraction of repetitive DNA found on the Y chromosome
EVF	Ex Vivo Fertilization
IAAF	International Amateur Athletic Federation
IOC	International Olympic Committee
IVF	In Vitro Fertilization
NOC	National Olympic Committee
PCB	The President's Council on Bioethics
PCSBI	Presidential Commission on the Study of Bioethical Issues
SCNT	Somatic Cell Nuclear Transfer
SRY	Sex-determining region of the Y chromosome

## LIST OF SYMBOLS

(   )	The "bar" that separates the signifier from both its referent and other signifiers
a	The Ego; the subject's imagining of itself
a'	Lacan's "other," the imaginary object the subject negates to have a positive sense of self
Es(S)	A combination of Freud's Es, the "is" or the physical assemblage of the self, independent of the Ego, and Lacan's conception of the signifier, united as a physical entity caught in language independent of any imaginary or symbolic coordinates
S	The signifier
\$	The "barred" or "split" signifier or subject
<del>The</del>	The impossible existence of a universal concept that follows it, for example, <del>The</del> Woman

## **Introduction: Arguing About Values and Our Future**

The past 50 years have seen rapid advancements in so-called GRN technologies – genetics, robotics, and nanotechnology. Yet while our current-day implementations of those technologies are already providing substantial benefits for existing biomedicine, most proponents and detractors of GRN developments are exceedingly interested in their potential future applications. While we do not yet possess the capacity to substantially augment, manipulate, or clone human embryos and adults, or engineer the genetic makeup of the unborn and living, many surmise that GRN development will inevitably give us the ability to do so. Thus, if left alone, research in these areas will inevitably give us the power to alter our biology in ways that have heretofore been unfathomable. With that power comes the fear that scientific advancement is currently occurring at an exponential rate, meaning that new uses for biotechnology may develop faster than our capacity to understand the moral implications that come with them. As such, bioethicists focusing on biotechnology have a peculiar task: to imagine the capacities of yet-to-be-developed biotechnologies and to determine how they may challenge our current understandings of the purpose and morality of scientific research in the field.

Two possible moral concerns over future biotechnological developments thus follow: First, advancements in GRIN technologies compel us to question and define the essential qualities of the "human." Since proposed GRIN applications include the capacity to manipulate patients at the genomic level, they offer the ability to substantially alter the basic parameters of human physiological and psychological capacities. Not only will these manipulations alter the genetic makeup of the recipient, they will also alter any future genes the recipient passes on,



permanently changing the genetic makeup of any of the recipient's offspring, their offspring's offspring, and so on. That means that once GRIN technologies give us the possibility to start tinkering with our own genome, we will be able to, quite literally, reshape the building blocks of humanity. Therefore debates over the desirability of these proposed technologies demand that we understand what components of our genome we want to change, what components we want to leave untouched, and perhaps most importantly, how do we draw a line between the two. If we may someday possess the capacity to permanently alter the genetic makeup of every future human being, we must investigate in whether those changes are desirable. In determining what genes we tinker with and how we create new human life, we are forced to ask questions about human self-understanding: what are the core components that make us human? Can we change some aspects of our genome and our reproductive practices without losing who we are? Even, should we be concerned with maintaining our humanity in the first place? Ultimately, in order to begin to answer the difficult questions concerning what human genes we ought to manipulate we are required to first answer the even more difficult question: *what makes us human in the first place?*

Second, these advancements are increasingly challenging us to confront whether we should regulate the process of scientific advancement in biotechnology. Since that question falls under the realm of public policy, the desire for more sustained public deliberation over the issue is something that nearly all bioethicists agree is paramount to understanding their potential impact. However, the current state of the arguments about the morality of these biotechnologies render it difficult to facilitate the type of deliberative practices everyone seems to agree is necessary. With stakeholders arguing for or against biotechnological development by starting from radically incommensurable assumptions about the nature of the "human" and

biotechnological advancement more broadly, the general landscape of the debate seems devoid of the sustained argumentative interaction that is necessary for comparing one side to the other. As such, the capacity for collective judgment and meaningful debate, both essential components for the deliberative process, are stifled. As it stands, if more public deliberation were to take place within the current parameters of much of the biotechnology debate, the ability for the public to decide the merits of competing claims, much less advocate for certain policy proposals, is almost impossible given the difficulty in weighing one side against the other.

The current state of bioethical debates in the United States, and the call for increased public deliberation that follows, challenges the entire discipline of bioethics as it grapples with questions about future biotechnologies. Angus Dawson characterizes the discipline as "[having] no future: at least not in its present form ... We need to face up to the fact that as a discipline it is has become stale and tedious. It is time to ask some fundamental questions about what bioethics is and where it is going."<sup>1</sup> Part of the problem, according to M. Cathleen Kaveny, stems from the fact that "Most people ... treat ethical claims (their own and others') as an expression of a deeply held irrational feeling about a particular act or practice, rather than as an intellectually defensible moral judgment about the matter under discussion."<sup>2</sup> Thus Kaveny laments, "I would not be surprised if many students come out of [undergraduate courses on bioethics] further convinced of the improbability of sustained, reasoned discussion about the most neuralgic questions of morality and public policy."<sup>3</sup> Therefore, I aim to provide both an examination of how these

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1 Angus Dawson, "The Future of Bioethics: Three Dogmas and a Cup of Hemlock," *Bioethics* 24, no. 5 (2010), 218.

2 M. Cathleen Kaveny, "Rhetoric, Public Reason and Bioethics: The President's Council on Bioethics and Human Cloning," *Journal of Law and Politics* 20(2004), 497.

3 Ibid.

discourses have become enmeshed in positions that stagnate the debate and stifle the possibility for public deliberation and to provide a possible way out. However, before I lay out the argument in more detail, it is worth exploring the parameters of the debate.

### **Framing the Biotechnology Debate**

Leon Kass, the former president of the President's Council on Bioethics (PCB), points out that biotechnological progress highlights:

[The] weightiest questions of bioethics, touching on the ends and goals of the biomedical enterprise, the nature and meaning of human flourishing, and the intrinsic threat of dehumanization (or the promise of super-humanization). It compels attention to what it means to be a human being and to be active as a human being. And it gets us beyond our narrow preoccupation with the "life issues" ... to deal with what is genuinely novel and worrisome in the biotechnical revolution: not the old crude power to kill the creature made in God's image, but the science-based sophisticated power to remake him after our own fantasies.<sup>4</sup>

As a result proposed biotechnological applications have become the nexus of an increasingly stratified debate between two ideological camps. The dominant position of most institutional bioethicists, Kass included, define themselves as "conservative bioethicists" or "bioconservatives." They argue that we are now at a point in history where our technological advancement threatens to outpace our ethical understanding of how to develop and utilize biotechnology. As Kass points out, "Many people are increasingly worried about where biotechnology may be taking us. We are concerned about ... what we might do to ourselves. We are concerned that our society might be harmed and that we ourselves might be diminished ... in

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4 Leon Kass, "Beyond Therapy: Biotechnology and the Pursuit of Human Improvement,"

ways that could undermine the highest and richest possibilities of human life."<sup>5</sup> Armed with these concerns, the movement has mobilized itself to inject traditionally conservative values into policy-making recommendations aimed at limiting the development and implementation of biotechnology. According to Yuval Levin, a leading scholar in the movement, "Bioethics, at the juncture of politics and science, is where the struggle for the character of the new biotechnological age will be waged. And conservatives are right to enter the fray as they have."<sup>6</sup> He outlines the conservative project as a "mission to prevent our transformation into a culture without awe filled with people without souls... And its achievement is, properly, a key priority of the American right."<sup>7</sup>

Eric Cohen outlines the five main themes of conservative bioethics: "(1) an understanding of human beings as ethical animals; (2) an understanding of human equality from conception to natural death; (3) a sensibility about the meaning of mortality; (4) an account of the nature of marriage, family, and procreation; and (5) an understanding of the character of human experience and human flourishing."<sup>8</sup> Influencing all of these themes are the fundamental questions of what it means to have "a biological life" and what it means to have "a distinctly human biological life."<sup>9</sup> The "distinctly human," from a conservative standpoint, refers to a life that begins at conception and ends at a death that has not been delayed by enhancement.

Furthermore, human attributes must be worked toward in order to facilitate an appreciation for

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5 Kass, "Beyond Therapy: Biotechnology and the Pursuit of Human Improvement."

6 Yuval Levin, "The Paradox of Conservative Bioethics," *New Atlantis* 1(2003), 63.

7 Ibid., 65.

8 Eric Cohen, "Conservative Bioethics and the Search for Wisdom," *The Hastings Center Report* 36, no. 1 (2006), 47.

9 Ibid.

how they are attained. As Cohen explains, "cultivated bodies and cultivated minds must remain enough 'our doing' if they are to be worthy of genuine admiration."<sup>10</sup> This logic applies to both physical and mental enhancements. Both the overcoming of physical limitations and the experience of psychic trauma are considered to be a prerequisite to "human flourishing" and thus need to be maintained in order for human beings to have a properly human life. Ultimately, the fundamental conservative argument against human enhancement is that technologies "aiming to improve one set of human attributes [risk] undermining the human whole that makes us function well in the first place."<sup>11</sup> In other words, human enhancement technologies threaten to irrevocably disrupt our ontological status as human beings, and that ontological status ought to be preserved.

Opposed to the bioconservatives, there is a steadily growing number of bioethicists who believe that biotechnology represents a step toward what has become called posthumanity. Nick Bostrom argues that if we follow the possibilities of enhancement technologies to their logical endpoint, we will enter a world radically different from our own. Bestowed with "superintelligence," posthuman inhabitants would possess the ability to fundamentally alter both themselves and their environment: "The superintelligent inhabitants of this world are autopotent, meaning that they have complete power over and operational understanding of themselves... An autopotent being could ... transform itself into the shape of a woman, a man, or a tree. Such a being could also easily enter any subjective state it wants to be in."<sup>12</sup> Biotechnologies, according

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10 Ibid., 51.

11 Ibid., 50.

12 Nick Bostrom, "Dignity and Enhancement," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008).

to this viewpoint, represent the tools that will facilitate the next step in human evolution and therefore their development is seen as a universal good.

While both sides found their stances on a conceptual definition of the essential qualities of the "human," they provide vastly different understandings of its ontological grounding. For the bioconservatives, the most essential quality of the human is its "givenness" or "natural" state of being whereas the transhumanists argue that human beings are no different than any other evolutionary organism our essential quality is to strive to better ourselves and our chances for continued survival and reduced suffering. For both sides, all arguments in favor of or against biotechnological advancement necessarily stem from their initial definition of humanity. Thus, at stake in the debate is not just the desirability of future biotechnologies, but also understanding how we define ourselves and *how we signify that definition to others in a persuasive way*. In other words, the side that controls the definition of the "human" controls the debate.

### **Signifying the "Human" Beyond Language**

The inherent paradox in attempting to define the essential qualities of the "human," especially in ethical and legal discourses that rely on precise linguistic definitions, is that it must articulate something that supposedly rests in an "objective" reality outside of linguistic signification. As such, signifying the "objective" requires a specific act of linguistic labor: an artificial linkage must be created that attaches a signifier (the "human") to a concept (essential qualities of humanness). This is even more difficult given the fact that the concept of "essential humanness" is not a quantifiable object; additional signifiers must be linked to additional concepts and then solidified around a cogent, conceptual understanding of essence, which then must be linked back to the "human." Thus the field of discourse in bioethical debates is predicated solely on the artificial linking of the trope of the "human" to other tropes that themselves artificially coalesce to form a concept of essence. This assumption is not followed by

either side of the biotechnology debate. Instead, bioconservatives and transhumanists both claim that their definitions of the "human" are natural, not *naturalized*. One need look no further than their claims about the epistemological foundations of their definitions. Kass sums up the bioconservative epistemology through his characterization of the concept of biology, stating, "[There] are indeed profound and permanent incapacities and restrictions of biology. Moreover, these incapacities follow directly from biology's defects precisely in the matter of limits or boundaries ... at any time, it faces the insuperable limitations posed both by the deficiencies of human reason and by the mysteries of its subject, life itself."<sup>13</sup> The inability for humans to fully grasp complete knowledge of themselves establishes the epistemological framework from which bioconservatives naturalize their definitions of the "human" the inherent unknowability of ourselves means that our biology is based on inalienable limitations that logically follow our incomplete grasp of ourselves. Conversely, transhumanist epistemology, as explained by Simon Young, is defined as, "the acquisition of knowledge viewed as a process of information retrieval by the evolved, self-recognizing, self-programming, embodies, organic information processor that is the human mind, in its own interests of ever-increasing survivability and well-being."<sup>14</sup> This is best achieved, according to Young, through science that aims to, "[enhance] human well-being through the technological refinement of nature."<sup>15</sup> By characterizing the "human" as an essentially knowable being, and one that seeks to preserve and enhance itself, the argument that biotechnological enhancement is both desirable and natural necessarily follows. How can two

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<sup>13</sup> Leon Kass, *Life, Liberty, and the Defense of Dignity* (San Francisco: Encounter Books, 2002), 278-9.

<sup>14</sup> Simon Young, *Designer Evolution: A Transhumanist Manifesto* (Amherst: Prometheus Books, 2006), 94.

<sup>15</sup> Ibid., 96.

radically opposed epistemological positions come from definitions of the same term? In order to explore that question, we will turn to each position in turn.

*The Rhetoric of the Bioconservatism: The Naturally Human*

I will begin by analyzing the conservative position as laid out in Leon Kass's foundational text on the relationship between enhancement technology and humanity, "Beyond Therapy: Biotechnology and the Pursuit of Human Improvement." Since the crux of the conservative position rests on the idea that some biotechnologies threaten to impinge on what it is that makes us human, Kass expends a considerable amount of time and effort defining the nature of the human species. He begins his argument with a series of questions that set up his objection. He first asks, "What is disquieting about our attempts to improve upon human nature, or even our own particular instance of it?"<sup>16</sup> He answers his question: "If there is a case to be made against [biotechnology] we sense that it may have something to do with what is natural, or what is humanly dignified, or what is the attitude that is properly respectful of what is naturally and dignifiedly human."<sup>17</sup> It is here that a shift from defining the "human" to defining its components begins to take place. To clarify what he means by "natural" and "humanly dignified," Kass indicates that these concepts revolve around three "human goods": "modesty and humility, about what we know and can do to ourselves," "the meaning of aging and the human lifecycle," and "the nature of human activity and human flourishing, and the importance of exercising the first and seeking the second through fitting means."<sup>18</sup> Kass subsequently outlines his objective: to prove that these three "human goods" possess an intrinsic value that would be diminished with the implementation of enhancement technologies:

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16 Kass, "Beyond Therapy: Biotechnology and the Pursuit of Human Improvement."

17 Ibid.

18 Ibid.



[Only] if there is something inherently good or dignified about the ways in which we engage the world as ... seekers of our own special excellence and flourishing in whatever arena to which we are called—only then can we begin to see why those aspects of our nature need to be defended... We must move from the hubristic attitude of the powerful designer to look [at] the proposed improvements as they impinge upon the nature of the one being improved.<sup>19</sup>

Kass proceeds to unpack the three "human goods," attempting to explain both how each is good in and of itself and how enhancement technology threatens to disrupt their functioning in human essence. Kass's attempt to isolate the ontological status of the human is constantly deferred; "natural" becomes "humanly dignified," which becomes "human goods" (consisting of three parts), which becomes "something inherently good or dignified about the ways in which we engage the world," which becomes "excellence and flourishing," which once again returns to "nature." Here we can see a continuous progression of deferral, which is the most basic and perhaps most important rhetorical form I will explore here since it permeates nearly all discourses on future biotechnologies. For the bioconservative position, this deferral hinges upon a very specific definition of "nature" or the "natural." Recall Kass's earlier comments on biology: the permanent inability of the human subject to fully understand itself through contemplation indicates a structural component of limitedness in nature that is so inherent it cannot be overcome or fully mastered. In this sense, there is always a remainder left at the end of any project of natural mastery—a forced limitedness that remains interwoven, yet independent from any attempts to fully master nature, human or otherwise. Working forward from this conception of the natural, we can see the deferral outlined above maintains a thread of "limits" in

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19 Ibid.

all of Kass's characterizations of the "human": "excellence and flourishing" along with the "inherent good or dignified" manner in which we engage with the world *must* stem from our inability to fully comprehend ourselves. With that inability comes the intrinsic limitedness inherent in the essence of the "human," and thus strategically negates the desirability of biotechnological enhancement from the start. The form itself is strategic in that it continually effaces the fundamental disconnect between the signifier of the "human" and its supposed referent. While this means that the discourse must conceal this split in order to ground and authorize its authority to speak about the world outside of the sign, the appeal to the natural masks this split by appealing to the world independent of language. Hence, Kass's definition becomes naturalized.

*The Rhetoric of Transhumanism: The Right to Evolve*

Whereas the conservative position seeks to formulate a definition of the "human" that stems from a set of continually deferred natural essences, the transhumanist position relies on a much simpler, yet no less deferred assumption: the "human" is a living organism that, like all other living organisms, has been "actively involved in enhancement." We have been "passive or at least unwitting participants in an evolutionary process" and thus seek to evolve new and better physical and mental capacities.<sup>20</sup> In his book, *Enhancing Evolution: The Ethical Case for Making Better People*, John Harris lays out this position:

This "progress of evolution" is unlikely now to be achieved accidentally or by letting nature take its course. If illness and poverty are indeed to become rare misfortunes, this is unlikely to occur by chance, even with the thousands of centuries ... evolution requires. It may be that a nudge or two is needed: nudges

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20 John Harris, *Enhancing Evolution: The Ethical Case for Making Better People* (Princeton: Princeton University Press, 2007), 15.

that will start the process ... of replacing natural selection with deliberate selection, Darwinian evolution with "enhancement evolution."<sup>21</sup>

The posthumanist position grants no special status to the "human" vis-à-vis other species and does not attempt to identify a natural essence of humanity that would differentiate humans from other species. The overarching goal of humans as a species, as with the members of other species, is to enhance themselves collectively, the only difference between the human species and other species being, according to Harris, that we have "both the wisdom and the necessity of intervening in what has been called the natural lottery of life, to improve things by taking control of evolution and our future development to the point, and indeed beyond the point, where we humans will have changed, perhaps into a new and certainly into a better species altogether."<sup>22</sup>

As part of his justification for our ethical responsibility to enhance ourselves, Harris frames the development of enhancement technologies as an inevitable part of evolutionary progression: "If we wish humankind to achieve its potential (which has so far almost universally been assumed to be an inevitable part of evolutionary progress)," he writes, "this might require some deliberate changes."<sup>23</sup> Here the concept of the "human" is broken down into "achieving potential" and embracing the "inevitable part of evolutionary progress" that demands change. Thus a linkage is made between the achievement of human potential and acceptance of the inevitability of progress. Just as with the conservative position, the ontological grounding of humanity in the transhumanist account is theorized through deferred concepts that serve as the basis of ethical obligations. Since nature is presented here as any number of systems that seek to

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21 Ibid., 11.

22 Ibid., 4–5.

23 Ibid., 11–12.

integrate information and continually better themselves to ensure both their perpetual and more efficient existence. Thus, unlike the bioconservative position, limitedness is simply a starting point of the natural, one that is not insurmountable. The logic of the transhumanist conception of nature dictates that since the goal of any system is to continually overcome its own limitations, and since the distinction between the organic and the technological is only an arbitrary separation of two different systems, there is no reason the two cannot be integrated in the quest to abolish the limitations of human biology. While the concept of nature differs from the conservative position, it operates within the same basic rhetorical form. The claim that the essence of the “human” is to improve itself is effectively naturalized by attempting to draw on a world independent of language to authorize the split between nature and signification. Since both positions draw upon (competing understandings of) the way the world “is” independent of our ability to describe it, they differ in content but not form.

Furthermore, Harris links the notion of inevitable progress to a notion of choice. He argues that since humans are a product of evolutionary progress, it is indefensible to think our "particular sort of being is not only worth preserving in perpetuity ... but to make sure that neither natural selection nor deliberate choice permit the development of any better sort of being."<sup>24</sup> The concepts of progress and choice are thus disarticulated from the metaphor of the "human" in much the same way the good is disarticulated from the "human" in the conservative position and then elevated to their own metaphoric status as sites of significant rhetorical investment. Just as with Kass's conception of human nature and human goods, progress and choice are imbued with a series of artificial linkages. For posthumanists, progress is portrayed as both inevitable and as an a priori good, and choice is framed as the inalienable right of us human

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24 Ibid., 16.

to alter and enhance our world in order to "make us better at doing some of the things we want to do," make us "stronger, more competent, more of everything we want to be." In addition, "enhancements will also make us less: less the slaves to illness, pain, disability, and premature death."<sup>25</sup> The end result is that we "could build, or rather cultivate, [our world] into something that has greater value than a daydream."<sup>26</sup> Here the process of naturalization through continual deferral is enacted through the idea of the human transcending itself – yet like the conservatives, transhumanist discourse constantly effaces its inability to clearly link together the signifier of "human" with a stable referent. In each case, Kass, Harris, and Bostrom choose quantity over quality in how they signify the "human," opting to ground their definitions in still other concepts, each pointing to something that exists outside of the chain of signifiers utilized by their arguments. This sort of signifier shell game thus presents both positions with an aura of stability and begins to account not only for their allure, but also their inability to engage with each other.

The debate between conservative and posthumanist bioethicists is therefore enmeshed in an antinomy in which the concepts of human nature, human goods and flourishing vie with progress, evolution, a *different* human nature, and choice. This is problematic because the starting epistemic positions, which authorize the definitions that follow, are so entrenched that meaningful debate is precluded due to the structural inability for each side to clash with the other. Since the desirability of human enhancement necessarily follows from each side's definition of the "human," which in turn follows from their understanding of nature, the conclusion of each position is given in advance of any actual arguments for or against the biotechnology that enables it. What is needed is a reconceptualization of the bioethical project,

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25 Ibid., 2.

26 Bostrom, "Dignity and Enhancement."

one that provides a more robust understanding of the artificial processes inherent in the competing discourses that define the state of much of the field. By doing so, we can move past a debate in which judgment is rendered in advance of the actual arguments for or against biotechnological enhancement and hopefully find a way past the stalemate of the current debate. My argument here is that turning to classical and poststructuralist rhetorical theory and criticism will provide one such possible reconceptualization.

### **Arguing About Values: Why Rhetoric Matters**

When we argue about values, specifically when those values derive from particular ontological definitions of concepts (in this case the "human") we can examine the discourse as taking on a particular rhetorical valence. Instead of looking at the biotechnology debate as a series of parallel deferrals, we can then turn to rhetorical analysis to unpack the signifying processes that not only lead to those initial, incompatible deferrals, but also understand why those deferrals seem initially persuasive and logically complete.

Concerned with the ways in which meaning is both created and interpreted by subjects in a particular discourse, the study of rhetoric from Aristotle onward provides a logical starting point in analyzing how discourses that make particular normative moral claims affect a public. Concurrently, scholars of rhetoric are interested not just in the effectivity of discourse, but also the ways in which those discourses are formally structured – hence the dual emphasis in rhetorical theory and criticism on both the study of persuasion and trope. The concept of rhetoric that I forward in this dissertation seeks to be attentive to both "poles" of rhetoric by exploring the ways in which they interact with each other. In other words, I seek to examine the ways in which the formal elements of discourse, specifically in debates about biotechnology, exert effects on the subjects who participate in those discourses. To accomplish this, a careful examination of what I mean when I deploy the concept of "rhetoric" is required.

I'll begin with the (seemingly) banal stipulation about the effectiveness of persuasion forwarded by Aristotle: audiences are most likely to be persuaded when they are not aware that they are being persuaded. In other words, if the rhetor makes his or her strategy apparent to the audience, the audience in turn is more likely to be suspect of the rhetor's motives. Thus the basic parameter for crafting "effective" speech relies on the effacement of the artifice used to create a persuasive speech. Now, since rhetorical scholars have since moved away from the "intentionalist" reading of rhetoric, it is tempting to concurrently make the move that the intention of the rhetor is no longer important. Given the influx of poststructuralist influence on the field of rhetorical criticism, along with its dissolution of the subject and the subject's intentions, this seems like a logical step. However, it is my contention that we can take into account the insights of the critique of intentionalism while still paying attention to the effacement of artifice as a key component in the effectivity of discourse. Foucault's conception of the "Will to Truth" is insightful here, demonstrating that the critique of intentionalism and the deliberate effacement of artifice are not wholly incompatible with each other. In his "Discourse on Language," Foucault lays out the basic parameters of what makes "true discourse" so alluring: "True Discourse, liberated by the nature of its form from desire and power, inescapable of recognizing the will to truth which pervades it; and the will to truth, having imposed itself upon us for so long, is such that the truth it seeks to reveal cannot fail to mask it."<sup>27</sup> Here I will draw on one of the methodological demands of Foucault's project in that piece. He states, "We must conceive discourse as a violence that we do to things, or, at all events, as a practice we impose upon them; it is in this practice that the events of discourse find the principle of their

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<sup>27</sup> Michel Foucault, "The Discourse on Language," in *The Archaeology of Knowledge* trans. Richard Swyer (New York: Pantheon Books, 1972), 219.

regularity.”<sup>28</sup> For our purposes, this reworking of our understanding of artifice is in necessary. Specifically, following Foucault, I will conceptualize artifice not as a specific strategy deployed by a rhetor to persuade an audience, but rather the necessary condition for deliberations about values when those arguments draw their validity by speaking about the “natural” world outside of language.

To theorize this precondition, I will turn to the work of Jacques Lacan, as well as several scholars who have been labeled "deconstructionist" in the United States, namely Jacques Derrida and Paul de Man. While each author's vocabulary differs, they each make one fundamental presupposition: signifiers do not automatically relate in a one-to-one correspondence with signifieds. This cornerstone of poststructuralist thought plays out most thoroughly in Lacan's work in terms of how signifiers exert effects on the subject. As such, I will take Lacan as my starting point. Understanding the intersection between Lacan and the study of rhetoric has gained momentum in recent years. Forays into the usefulness of Lacan's theories seem to take two general trajectories: One the one hand, scholars like Thomas Rickert and Joshua Gunn utilize the work of Slavoj Žižek to explore the relationship between language's effects on the subject through Lacan's register of the Imaginary. In Gunn's characterization of the register, "the imaginary [is] a social field of deceptions, principally ... any conception that connotes completion, perfection, or symmetry."<sup>29</sup> Gunn's differentiates the psychoanalytic conception of fantasy from the method of fantasy theme analysis advocated by Ernst Bormann and others, "whereas fantasy in [fantasy theme analysis] is confined to fanciful invention about events not in the here and now, fantasy for Freudians is a reality structure that is always, in a sense, in the here

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<sup>28</sup> Ibid., 229.

<sup>29</sup> Joshua Gunn, "Refiguring Fantasy: Imagination and Its Decline in U. S. Rhetorical Studies," *Quarterly Journal of Speech* 89, no. 1 (2001), 43.



and now insofar as it is part of the construction of reality, the meaning of our social existence."<sup>30</sup> According to Rickert, "Fantasy is the framework through which desire operates or is given its orientation."<sup>31</sup> But desire for what? Gunn offers potential examples ranging from John Edwards' supposed ability to speak to the dead, to a talk show host "counselling others to be sexy."<sup>32</sup> In each instance the fantasy "glosses over" particular traumas experienced by the subject in order to establish a cogent wholeness (I can talk with my dead relative, or I can be beautiful and overcome my flaws etc...). This is a potentially productive twinning of Lacan and the study of rhetoric because it provides an account of the way language can be effective in sustaining the fantasy of the subject.

However, there is a second path that rhetoricians have forged in linking Lacan and rhetoric – namely understanding Lacan's register of the Symbolic as the basic determinant of fantasy. According to Lundberg, "Gunn's reading of the emergence of the subject and desire would benefit from a fuller account of the way that the entry into the Symbolic order is the primary (though suppressed) referent of [desire]. This reading of Lacan would have the benefit of eliminating the naive psychologism of solely intersubjectively mediated accounts of subject formation. This interpretation also has the benefit of accounting for jouissance or enjoyment as a constitutive factor in the formation and persistence of the 'fundamental fantasy.'"<sup>33</sup> This

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30 Joshua Gunn, "Refitting Fantasy: Psychoanalysis, Subjectivity, and Talking to the Dead," *Quarterly Journal of Speech* 90, no. 1 (2004), 5.

31 Thomas Rickert, *Acts of Enjoyment: Rhetoric, Zizek, and the Return of the Subject* (University of Pittsburgh Press, 2007), 63.

32 Gunn, "Refitting Fantasy: Psychoanalysis, Subjectivity, and Talking to the Dead," 11.

33 Christian Lundberg, "The Royal Road Not Taken: Joshua Gunn's 'Refitting Fantasy: Psychoanalysis, Subjectivity and Talking to the Dead' and Lacan's Symbolic Order," *Quarterly Journal of Speech* 90, no. 4 (2004), 499.

invocation of the concept of the "fundamental fantasy" is important for my purposes here because it describes Lacan's conception of the inherent dissonance between signifiers and signifieds. By focusing on the formal properties of symbol use in a given discourse (i.e. in the Symbolic register), we can explore the ways this dissonance allows for discourse to exert effects – namely through the deployment and effacement of artifice. Lundberg angles in this direction which his definition of rhetoric as both "signifying in a condition of failed unicity and a way of feigning unicity in the context of failed unicity. Failed unicity means ... despite the subject's presumption of an essential complementarity between language and the world, there is no automatic correspondence between signifiers, representations, and the objects to which they refer or between signifiers and that which they attempt to capture."<sup>34</sup> He continues, "Feigned unicity between signs, representations, and their referents purchases the subject an ability to act as if words and representations effortlessly stand in for their referents ... Rhetorical artifice ... underwrites these practices, feigning unicity in the context of its failure."<sup>35</sup> Thus the connection between Lundberg's two conditions of unicity and artifice: Failed and Feigned unicity require that subjects utilize artifice in order to link together signifiers and signifieds. Added to that formulation then, is the condition that the artifice deployed by the subject is in turn effaced; subjects act as if they do not need to undergo the labor of instituting those linkages – speech is imagined as effortlessly communicable.

One way of reading public deliberations about values, then, is examining what is effaced in the ways the arguments are forwarded. We can locate those points by exploring the rhetorical forms of deferral in public argument; try as they might, bioethicists cannot fully cement

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34 Christian Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric* (Tuscaloosa: University of Alabama Press, 2012), 3.

35 Ibid.

signifiers to the notion of the "human" that exists outside of discourse. Locating places where they appear to "circle around" the concept, then, is a starting point into exploring the rhetorical elements of the discourse. Another element of this reading practice is the study what arguments are made and how they are effective. Here, then, is the twofold move I wish to make – an exploration of public moral argument from both the level of the argument and the level of its symbolic interaction with that which it tries to articulate. This, I believe, constitutes the rhetorical valence of arguments about values that can best account for both its effectivity and (in the case of the biotechnology debate) its stagnation.<sup>36</sup> Using the biotechnology as an exemplar, I believe that bringing the conceptual tools of rhetorical criticism to bear on the study of public moral argument can provide insights not only into the ways the debate has reached an impasse, but also provide a tentative method for fostering public deliberations about values that do not stagnate in antinomy.

### **Arguing About Our Future: Figuring Deliberation**

Arguments about future technologies fall under the purview of the Aristotelian species of deliberative rhetoric. Established in Book I of the *Rhetoric*, Aristotle argues for the future-oriented nature of the deliberative genre. Utilized in instances of what should be done in matters of state, debates over normative claims rely on the power of a sort of imaginary fiat, or the ability to conceive of how the status quo would be altered by the implementation of a given policy or course of action. This temporal gesture is fundamentally different from the other rhetorical

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36 One brief note before I proceed to lay out my argument. While this dissertation takes as its subject matter the relationship between rhetoric and the debate over biotechnology, it does not claim that the biotechnology itself is somehow rhetorical in nature. Rather, I aim to explore how public arguments about the morality of biotechnology are rhetorically constructed and how reading those discourses through a rhetorical valence can be productive. Far from hyper-inflating the heuristic of rhetorical theory to extend to the technologies themselves, this project seeks to confine the conclusions it draws about meaning making and symbol use only to public moral argument.

genres, distinguishing deliberation from speech-acts aimed at persuading a judge or influencing an audience as to an orator's character. The forward-looking nature of the genre of deliberative rhetoric is highlighted in the cases of near- and far-future technologies, such as the proposed biotechnologies outlined in this dissertation.

Since the technologies do not exist, or exist in a state of stunted development compared to their potential, the deliberations taking place over their proposed uses rely on a complicated deployment of temporality that imagines a world in which the technologies have been fully developed and then looks back at the conditions of possibility that enabled those developments. It is this act of looking back at the near-future as it relates to the far-future that is the ground of contestation in debates over the deployment of biotechnologies. In other words, policymakers and bioethicists must deliberate over whether or not to create the conditions of possibility that will foster or inhibit the future implementation of not-yet-developed technologies. My argument here is that this looking-forward to the far-future and then looking back to the near-future is a type of temporal imaginary highlighted by debates over biotechnology, and thus, can serve as an important microcosm in the larger field of public moral argument and the rhetorical strategies deployed in debates not only about the nature of the "human," but also public deliberation over how we ought live.

#### *Entelechy and the Future Perfect*

In both the *Grammar and Rhetoric of Motives*, Kenneth Burke highlights the temporality inherent in theorizing the essence of an object. He argues, "there is ... an ultimate 'Grammatical' incentive behind [imagining an essence] since a history's end is a formal way of proclaiming its essence or nature ..."<sup>37</sup> Thus, there is a two-forked road one may travel when imagining the

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37 Kenneth Burke, *A Rhetoric of Motives* (Berkeley: University of California Press, 1969), 13.

essence of an entity: "the logical idea of a thing's essence can be translated into a temporal or narrative equivalent by statement in terms of the thing's source of beginnings ... there is also an ultimate of endings, whereby the essence of a thing can be defined narratively in terms of its fulfillment or fruition"<sup>38</sup> This latter path is of particular interest to us here. To make this argument about essence-through-culmination, Burke draws upon Aristotle's conception of entelechy, "which classifies a thing by conceiving of its kind according to the perfection (that is, finishedness) of which that kind is capable."<sup>39</sup> To explain this process, Burke gives the example of the narrative of tragedy. He argues that the essence of the tragic plays out by identifying the motive "with a narrative figure whose acts lead to some fitting form of death."<sup>40</sup> In other words, the tragic poet "could define the essence of a motive narratively or dramatistically ... by showing how that motive ended."<sup>41</sup> What constitutes the essence of the tragedy qua tragedy is its completion, its "perfected" outcome that retroactively affixes meaning to the rest of the narrative.

It is my contention here that, while Burke provides a twinned path for conceptualizing the essence of an object, the two are, in fact, one and the same. To imagine the essential "substance" of a thing is to imagine it in its perfected form – to imagine it from its beginning is to anticipate its full realization. This is precisely why arguments about the desirability of biotechnology necessarily require a definition of the "human." By understanding the nature of humanity we can imagine its ideal form, deriving how biotechnology would enhance or detract from that ideal. In other words, when Burke speaks about the "narrativizing" grammar of essences, both looking for

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38 Ibid.

39 Ibid., 14.

40 Ibid.

41 Ibid.

origins and culminations ultimately rely on the same conceptual move: anticipating the perfection of the object, either through facilitating the conditions of its possibility, or pushing the concept to its logical limit. In each moment of anticipation, a narrative is formed; one that both advances the concept of the object and retroactively assigns the conditions of possibility for its perfection. This "narrativizing" of the concept of essence, Burke points out, is an inherently rhetorical (or artificial and concealed) act, one that presents a constructed teleology out of the context of an object and then presents that teleology as "natural." For, "there is ... an ultimate 'Grammatical' incentive behind such imagery, since a history's end is a formal way of proclaiming its essence or nature ..."<sup>42</sup> This serves as the basis for Burke's system of symbolic action compelled by motive, since, "Stimuli do not possess an absolute meaning ... Any given situation derives its character from the entire framework of interpretation by which we judge it. And differences in our ways of sizing up an objective situation are expressed subjectively as differences in our assignment of motive."<sup>43</sup> The use and concealment of artifice, the cornerstone of what I conceive of as the basis for rhetoric, is understood in Burke's terms as a motive – one that presents subjective, contingent experience as objectively fixed. To anticipate an end to a narrative is to retroactively affix it with an essence.

This construction of an anticipation operates, among elsewhere, at the level of signification as demonstrated by the study of narratology. As Peter Brook asserts, "Perhaps we would do best to speak of the anticipation of retrospection as our chief tool in making sense of

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42 Ibid., 13.

43 Kenneth Burke, *Permanence and Change: An Anatomy of Purpose* (Berkeley: University of California Press, 1984), 35.

narrative, the master trope of its strange logic.”<sup>44</sup> Here then, the tropological nature of anticipation is not just a ritualized way to generate meaning, it also constitutes the formal charge of discourse as such. That is to say that Brook's determination that anticipation allows us to make sense of a narrative is not simply one way out of many, but rather is the fundamental precondition for the possibility of investment in a discursive economy; simply, anticipating the future motivates subjects to invest their signifying labor on the assumption that it will facilitate discourse to continue to work in the future. Bryan C. Short characterizes this anticipatory act as a condition for the production of meaning, stating, "A text progresses by anticipating its ending; that ending is not known but read toward through a process which tells its appropriateness by untelling other possibilities which are given by the text as possible conditions of meaning.”<sup>45</sup> Here we can expand on the work of the narratologists to the Aristotelean conception of rhetoric: the "end" in this case is not of a narrative, but rather an attempt to influence a particular outcome by a rhetor. To do this, the rhetor anticipates a world in which the audience undertakes an action (an act of conceptual fiat) and then outlines how the status quo would benefit from such an action. As Short argues, "In order to anticipate a truth whose foundations will emerge in the future (i.e., in practice), rhetoric relies on a corresponding anticipation of the responses of an audience.”<sup>46</sup> Here Aristotle is coupled with Burke in that the attempt to persuade an audience relies on the projection of a possible future, narrativizing the outcome by linking it to the present.

Psychoanalysis parallels this reliance on the future perfect, and thus situates itself as a suitable counterpart to rhetoric for understanding how we argue about the future. The entire

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44 Peter Brook, *Reading for the Pilot: Design and Intention in Narrative* (Cambridge: Harvard University Press, 1992), 23.

45 Bryan C Short, "The Temporality of Rhetoric," *Rhetoric Review* 7, no. 2 (1989), 369.

46 Ibid., 372.

analytic process is predicated on the narrative restructuring of past events into an intelligible story of the history of the subject. Lacan characterizes the process:

What we teach the subject to recognize as his unconscious is his history – in other words, we help him complete the current historicization of the facts that have already determined a certain number of the historical "turning points" in his existence. But if they have played this role, it is already as historical facts, that is, as recognized in a certain sense or censored in a certain order.<sup>47</sup>

Historicization in this sense follows along the same entelechological path as the retroactive restructuring of deliberative fiat. Each relies on the deployment of the future perfect. Lacan states in no unequivocal terms, "What is realized in my history is neither the past definite that was, since it is no more, nor even the perfect as what has been in what I am, but the future anterior as what I will have been, given what I am in the process of becoming."<sup>48</sup> Indeed, Short argues, "Analysis moves forward on the promise that at some point in the future the past will be understood. Understanding will always remain in the future, in the tense of 'what will have been,' because the repressed can never be disabled or put aside in the ongoing life of the personality."<sup>49</sup>

This brief digression into psychoanalytic nuance is necessary for our purposes here because it links together, in a critical way, the study of rhetoric and psychoanalysis. Specifically, the twofold movement as the defining characteristic of rhetoric, namely the use and effacement of artifice, gains a counterpart in psychoanalytic discourse through the concept of repression.

Repression is seen as an attempt to present the inherently lacking and unstable signifying chain

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47 Jacques Lacan, *Ecrits: The First Complete Edition in English*, trans. Bruce Fink, (W. W. Norton & Company, 2007), 217.

48 Ibid., 247.

49 Short, "The Temporality of Rhetoric," 368.



as stable and natural, and in order to do so it must repress the fact that there is no primordial signifier, no zero degree relation between affect and the signifier – the split signifier, the \$ for Lacan, we can conclude, is thus irreducibly rhetorical in nature; that is, the presentation of feigned unicity must comport to the fact that that unicity is always in a state of failure. This contortion of feigned and failed unicity occurs in the future perfect tense, the presentation of a discourse as natural is always displayed as having fended off a future in which the linkages fall apart. This is precisely why I have emphasized the retroactive nature of a variety of discursive operations throughout this dissertation – since each operation ultimately deals with anticipating the adoption of some technology or process, that anticipation must efface its own contingency. To accomplish this, it must be presented as if it always existed as such. Thus, at the moment of invention, these operations work rhetorically to efface their moment of inception by projecting an appearance of a history.

*Doubling the Future Perfect and Beyond*

Since both rhetorical theory and psychoanalysis have, at their core, a concern with understanding the temporal elements in signification, knitting the two together proves to be helpful in analyzing arguments about the future and their effects on and by the sign. But those operations are also constitutive of the structuring principles shared by each discourse – knitting them together in a conceptual congruency that yields insight into the formal charge of the sign. However, what separates rhetoric and psychoanalysis from other heuristic frameworks that deploy the future perfect is their characterization of the activity of an audience that engages, through investment, in the signifying process. Be it the audience of a speech, the analyst, or those who engage in a particular discursive economy, both the act of analysis and the use of rhetoric facilitate a second-order of the future perfect – a doubling of the tense that situates both analysis and rhetoric in a unique position via their characterization of the signifying process. As Short

argues, "[Psychoanalysis'] analytic principles legitimate the analyst's reading of the future direction of the analytic discourse," meaning, "psychoanalysis as a practical discipline necessitates a second, parallel level of the future perfect."<sup>50</sup> Concurrent with the patient's temporalized history, there is a second, parallel history – the direction of the analysis that undergoes the same narrativizing process.

Likewise, rhetoric doubles the future perfect. Just as with psychoanalysis, there is a second-order of narrativizing that occurs through the act of criticism itself. Rhetoric, writes Short, "necessitates the emergence in the reading act of a seemingly a priori category of the literary, commonly understood in terms of the conventions of style, plot, and representation."<sup>51</sup> Both rhetoric and psychoanalysis rely "on a doubled future perfect, on the emerging promise of seemingly a priori principles which in turn promise to validate and be validated by linguistic production."<sup>52</sup> However, the narrative of analysis does not guarantee itself in advance. Rather, it is emergent; it discloses itself in an anticipation of future linguistic interactions that will then ground current ones. In other words, rhetorical economies operate at the level of the future perfect – tropes are presented as a priori, or naturalized, in order to justify the labor that goes into naturalizing them as such. The double move of the use and effacement of artifice exists through just such an anticipatory gesture.

Thus, when Derrida offers his critique of structuralism in "Structure, Sign and Play," he facilitates the movement toward a sort of poststructuralist poetics predicated on the anticipatory nature of tropological interaction. In other words, the move from "simple" oratory to

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50 Short, "The Temporality of Rhetoric," 370.

51 Ibid., 371.

52 Ibid.

philosophical rhetoric, the study of the effectivity of language and discourse on rhetoricity depends on locating the double move inherent to rhetoric itself. Simultaneous use and effacement exist in what Derrida classifies as a "contradictorily coherent" state, "And as always," he writes, "coherence in contradiction expresses the force of a desire."<sup>53</sup> This gesture toward psychoanalytic theory is noted by the translator of the piece, Alan Bass, and coheres, I argue, with the temporalizing nature of both philosophical rhetoric and the psychoanalytic endeavor. Like Burke, Derrida makes a gesture towards the narrativizing nature inherent in the effacement of artifice. He argues, "And again on the basis of what we call the center (and, which, because it can be either inside or outside, can also indifferently be called the origin or the end, *arche* or *telos*), repetitions, substitutions, transformations, and permutations are always taken from a history of meaning [sens] – that is, in a word, a history – whose origin may always be reawakened or whose end may always be anticipated in the form of presence."<sup>54</sup> In other words, the Lacanian and Derridian insight that "there is no primordial signifier," or, "the signifier, as such, signifies nothing" indicates that there is a double gesture at the heart of any signifying act – the substitution of a signifier for an absent center and the presentation of that linkage as naturalized. In other words, the attempt to efface the artifice inherent in the linkages between signifiers and signifieds operates as a gesture forward that then looks back in order to provide the grounding for a linguistic economy as if it always-already existed as such.

This brings us back to the future perfect. For Lacan, the temporary halting of the sliding chain of signifiers occurs retroactively by forming metaphors that anchor the anxious movement of the chain, but only in such a way that establishes "what will have been the conditions under

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53 Jacques Derrida, *Writing and Difference*, trans. Alan Bass (Chicago: University of Chicago Press, 1978), 279.

54 Ibid.

which signification can anchor itself.” The retroactivity anticipates the future conditions of stable linkages between signifiers and signifieds by positing itself as the basis for that stability.

Analysis then doubles this anticipation by formulating a set of possible what-will-have-beens, allowing the analyst to ask the question *what* “what will have been” *will have been* the condition for anchoring the sliding chain of discourse?

To circle back, perhaps fittingly (or retroactively), to Aristotle: We can now see, with the insight of poststructuralist assumptions about the nature of the sign, why the deployment of conceptual fiat is necessary in deliberative rhetorical argument. When we argue about the future, we do so in the context of the future perfect – not as a simple act of imagining the future, but rather because the basic conditions of the possibility of signification require that we do so. To argue about the implementation and development of near- and far-future technologies, the deliberative mode of rhetoric demands that we do not simply forecast their existence. Rather, we imagine their existence and then retroactively look back at the conditions of possibility that enable that existence. Put another way, we ask “what will have been the conditions of the present that allowed for the development of these technologies?” The Aristotelean insight is that when we study the nature of argument, the simultaneous deployment and effacement of artifice, we double this conceptual act. The premium on contingency emphasized by Aristotle allows the rhetorician to compare competing claims about the desirability of near- and far-future technologies in a way that asks: “*what* ‘what will have been’ *will have been*?” This future perfect can thus be understood both as the fundamental force for the imposed naturalization of the various tropes of the “human” I will explore throughout this dissertation and its doubling can be understood as a basic parameter for analyzing the tropes and their effects.

### **Laying Out the Argument**

The dissertation is divided into three sections. In the first and second sections I attempt to

deconstruct the various facets that broadly characterize the scope and character of the biotechnology debate. In so doing, I hope to "diagnose" the problems in the debate by pushing at the boundaries of the various discourses and examining where and why they have led to stagnation. Most of the chapters explore a series of reports put out by the President's Council on Bioethics (PCB), a grouping of scientists and ethicists assembled under executive order by then-president George W. Bush. I chose to deal with these texts in the most detail because they represent the most sustained exploration of the potential uses and abuses of future biotechnologies at the highest level of government in the United States. While I also examine other key texts in the debate, my sustained focus is on the most visible documents that have provoked the most responses – meaning the President's Council reports take center stage.

The first section, comprising of chapters one and two, deals specifically with the argumentative strategies deployed by both sides of the biotechnology debate. In the first chapter, I explore a volume published by the PCB on the potential applications of the concept of "human dignity" in bioethics dealing with future biotechnological developments. While the concept has gained significant momentum in recent years – by those both in favor and opposed to new biotechnologies – its definition remains frustratingly deferred. The report studied in the chapter attempts to provide some possible definitions, but, I argue, it cannot provide any grounds for those definitions. Simply: if we ought use the concept of dignity as a guiding principle in our bioethical policies, we ought also be able to define the term, yet as it stands, we seem no closer to coming up with an acceptable definition. To explain this phenomenon, I develop the concept of "definitionality" as a characteristic of key terms in a debate that have no definition, yet entire moral or ideological systems rely on the attempt to define them. Since requiring a concrete definition of "dignity" is, at best, a near Sisyphean task, I posit a reformation of the notion of

stasis points in debates that rely on arguments from definition. I argue that if we were to abandon the Aristotelean notion that all stasis points require pre-given topoi to be determined, we could better understand the point of contention in the debate over "dignity," allowing for new forms of public moral argument to take place.

The second chapter continues to explore arguments from definition, this time examining a PCB report on the desirability of future biotechnologies that will significantly alter a human's physiological and psychological makeup. Here the contested concept is no less than the definition of the "human." In order to untangle the debate between conservative bioethicists (represented by the PCB's report) and transhumanists over the desirability of human enhancement, I theorize how the discourse is not fully reducible to a process of signification because it purports to define the real, or that which is beyond the grasp of the signifier. To do this, I explore a Lacanian theory of affect in order to understand both why attempting to define the "human" exists in a state of failed unicity, and how the artifice deployed by both sides is concealed by feigning a zero-degree relationship between ontological concepts and signifiers.<sup>55</sup> I believe an understanding of the psychoanalytic conception of affect, often under-theorized due to the popularity of Deleuze's use of the term, also provides insight into how investment occurs in discourses about values. Thus, I believe the concept, in its psychoanalytical valence, can become a useful way for rhetoricians to locate and talk about discourse that not only is pushed to the very limit of signification, but also explore the basic conditions for its very possibility. It is at this limit, I argue, that investment in a discourse is most pronounced. This is because, at those sites, the desire to conceal artifice is at its highest – in other words, it is at its limit that a discourse is

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55 Zero-degree is here understood as a direct relation between signifiers and signifieds, or a method of signification that is not inherently tropological in nature. See: Groupe Mu, *A General Rhetoric* (Baltimore: Johns Hopkins University Press, 1981).

most rhetorical in nature. Taken together, chapters one and two provide a reading strategy for locating the places where the biotechnology debate "breaks down" into stalemate at the argument-level.

The next section, chapters three and four, explore how proponents and detractors of biotechnology utilize not just competing arguments, but also competing understandings of difference and novelty. This section has two goals: First, whereas the first section looked primarily at the level of the arguments used by each side, this section examines the basic presuppositions that authorize the making of those arguments. Second, I theorize how we might begin to triangulate the theoretical insights of poststructuralism, psychoanalysis, and rhetorical theory. Chapter three, the only chapter where I do not explicitly deal with a PCB report, examines the debate over so-called "sex-verification" practices at the Olympic Games. Known previously as "sex checks," these testing regimes are meant to verify that athletes who identify as female and enter in sex-segregated events do not have any "unfair advantages" over their competitors – to ensure that they are not "men masquerading as women." To understand this controversy, I deploy Lacan's concepts of feminine and masculine knowledge, outlined in Seminar XX, to demonstrate what the psychoanalytic paradigm can tell us about multiple ways of conceptualizing difference – in this case, sexual difference. This psychoanalytic reading also provides insight into the ways that discourse constantly responds and reshapes to expressing a perfected form that cannot be realistically attained – namely by the endless proliferation of invented tropes that refer only to each other in a deferred relationship from their referents.

In chapter four I take up trope and invention. There, I shift my exploration of difference from psychoanalysis to poststructuralism and rhetorical theory. By examining a PCB report on human cloning, I argue that proponents and detractors of human cloning technology rely on

seemingly incommensurable understandings of novelty and difference. Drawing upon both Paul de Man's and Gilles Deleuze's readings of Nietzsche, I lay out those different understandings of difference in terms of dialectical negation and Nietzschean affirmation in order to theorize how discourses on human cloning engage with novel applications of reproductive technologies. While affirmation and negation have traditionally thought of as incommensurable with each other, I attempt to theorize a possible "third way" by exploring de Man's concept of undecidability – a concept that exists as a foundation of his understanding of rhetoric. Undecidability, I argue, provides a helpful way for thinking about impasses in debates over reproductive technology and allows us to imagine a way to interpret their development in a way that is neither wholly skeptical nor blindly permissive. For de Man, rhetoric is stuck in an undecidable position between the study of persuasion and the study of trope, I advance this argument by connecting these two poles to the modes of affirmatively and negatively engaging difference, respectively. To explain how the fusing of affirmation and negation with the study of persuasion and trope implicate both the study of rhetoric and the debate on cloning specifically, I theorize an understanding of rhetorical modalities, taken from narratology, to explain both why affirmation and negation appear incommensurable and how we might fuse the two together. I argue that understanding how proponents and detractors of human cloning technology operate on different modal planes of signification in an attempt to account for the impasse in the debate. A modal understanding of each discourse is therefore critical to beginning to theorize a way of interpreting various biotechnology debates that allows for the possibility of both increased pragmatism and more robust public deliberation.

Having attempted to deconstruct the problems of the biotechnology debate on both the level of the arguments made and the presuppositions those arguments follow from, I conclude



with a potential reconstruction and direction for inviting more robust public deliberation on the topic. I examine one last PCB report, this one on artificial reproductive technologies, along with the inaugural work done by the Obama Administration's Presidential Commission on the Study of Bioethical Issues on future biotechnologies. Both reports, along with much of bioethical field, call for increased public deliberation to assess the ethical status of biotechnological development. Uniting these calls is a demand to strip away the "mere" rhetoric in much of the debate, isolating the "facts" of the issues from the "values" of the stakeholders. I argue that this is both impossible and represents a fundamental misunderstanding of the rhetorical nature of the debate due to its very structure. To propose an alternative, I turn to Lacan's work on the concept of "full speech." I argue that in order for the contemporary biotechnology debate to foster the type of public deliberation all sides agree is necessary, we must reorient ourselves to the debate and its goals. Specifically, I argue that a possible role for the critic in this instance is to operate much like a Lacanian analyst. In so doing, I outline a call for a more "full deliberation," or one that both acknowledges the rhetorical structure of the debate and abandons a rationalist communicative model. I believe that this framework advances the debate in a direction that not only allows for the possibility of better public deliberation, but also allows for ways in which rhetorical critics can analyze public debates that stagnate in seemingly immobile, deadlocked perspectives. Ultimately, the goal of this dissertation is twofold: to explain why the biotechnology debate has reach a point of stagnation and to outline one possible method to address it. While the alternative provided in the conclusion is only one way to refigure the debate, the work done in the previous four chapters, I believe, can at least start a conversation – a more "full" conversation – about the state of the debate over biotechnological development that will, hopefully, through the rhetorical

analysis of its arguments and presuppositions, provide a way to move past the stalemate that makes up much of the field.

## **PART I: READING MORAL ARGUMENTS PUBLICLY**

## **Chapter 1: What Makes Us Special: Definitionality and the Debate over the Concept of "Dignity" in Contemporary American Bioethics**

Given the nature of rapid technological advancements in the fields of biomedical science, genetics, nanotechnology, and other related fields, there is increasing pressure on the part of policymakers, philosophers and bioethicists to ensure that our moral understanding of those technologies keeps up with their rate of growth. This is no easy task, since, as Adam Schulman, the former senior research consultant of the President's Council on Bioethics (PCB), argues, "the march of scientific progress that now promises to give us manipulative power over human nature itself ... will eventually compel us to take a stand on the meaning of human dignity, understood as the essential and inviolable core of our humanity."<sup>1</sup> Because of the nature of the questions involved with the development and eventual implementation of these technologies, understanding the definitional specificity of the "human" has taken a lead in contemporary bioethical debates, with the notion of "human dignity" as its companion. However, Schulman continues, "That human dignity might be at least problematic as a bioethical concept is suggested by the many ways it gets invoked in bioethical debates, often on different sides of the same issue."<sup>2</sup> Thus, in order to attempt to clarify some of the ambiguity of the concept the PCB issued a 555-page 2003 report on the concept, appropriately titled,

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1 Adam Schulman, "The Tangled Sources of Human Dignity," in *Human Dignity and Bioethics*, ed. *The President's Council on Bioethics* (Washington D.C.: The President's Council on Bioethics, 2008), 17.

2 Ibid., 24.

Human Dignity and Bioethics. Then President George W. Bush commissioned the PCB in 2001 with Executive Order 13237, which established a council to "advise the President on bioethical issues that may emerge as a consequence of advances in biomedical science and technology."<sup>3</sup> Human Dignity and Bioethics is one of several reports put forth by the council, which cover a range of topics from stem-cell research and end of life care to biotechnological enhancement and human cloning. The goal of the report on dignity is to, in part, respond to critics like Ruth Macklin, who argue that, "Dignity is a useless concept in medical ethics and can be eliminated without any loss of content."<sup>4</sup> Thus, according to the former executive director of the research staff at the PCB, F. Daniel Davis:

... after carefully reading and reflecting on these essays, most readers will reject Macklin's conclusion that human dignity is a "useless." concept and will, instead, find their understanding of questions and issues in contemporary bioethics deepened and enriched. That is the hope and aim of the President's Council in publishing this volume of essays on the bioethical significance of human dignity.<sup>5</sup>

The report consists of six parts, each attempting to outline the potential for the concept of human dignity in various aspects of the biomedical field and serves as a microcosm for the larger debate over dignity in bioethical debates over biotechnological advances.

So too does it serve as a microcosm for a specific form of public debate: it is an

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3 George W. Bush, "Executive Order 13237," (2001).

4 Ruth Macklin, "Dignity is a Useless Concept," *BMJ* 327, no. 7429 (2003), 1420.

5 F. Daniel Davis, "Human Dignity and Respect for Persons: A Historical Perspective on Public Bioethics," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008), 54.

example of competing public moral arguments over the interpretation of a term that cannot be finally defined. As I will argue in this chapter, these terms represent a special case of public moral argument, one where the Aristotelean notions of stasis cannot be reached, and thus under the current rubric of much of the field of the study of the form, is therefore a failure – hence Macklin’s objection. However, it is my contention that these arguments should not be abandoned because they allow for mutually exclusive definitions of the same term, but rather should be studied because of it in order to explain a necessary refiguration of the study of public moral argument for cases such as the debate over "dignity." This refiguration relies on three key moves: The first is an explanation of the concept of "definitionality," understood as a set of characteristics inherent to polysemous terms which channel high levels of affective and ideological investment, are undefinable, and yet the entirety of the contestation over them requires the impossible attempt at a final definition. Second, I look to alter the conception of stasis as understood by Aristotle in order to move to a model developed by Hermagoras. This move, I argue, is essential to understanding how a stasis point can and is reached in the impasse of attempting to define terms with high levels of definitionality. The move is also a normative one: instead of embracing an Aristotelean stasis predicated on shared *topoi*, I argue that we should seek to foster an antagonistic model that ensures the continued debate over highly definitional terms such as "dignity" in order to facilitate the radical possibility of judgment. This brings me to the third move, a shift of emphasis from a search for answers to the question of "dignity" to what Michel Meyer calls a "problematological" approach. This approach seeks to constantly "problematize" the possibility of finally answering the question of "dignity" in order to facilitate continual

attempts at defining the term. Far from embracing argumentative nihilism, this approach seeks to both admit and foster the impossibility of affixing a final definition to a term with high definitionality. Rather, the debate is socially productive though its indefinite continuation, and with it, the possibility for judgment that is not artificially constrained to any set of possible answers. This possibility for judgment, I argue, is the foundation for public moral argument. Unlike the current debate, more robust forms of public argument cannot be given in advance. In other words, the stasis points in the current debate prefigure the outcome *prior* to any actual debate. A reformulation of the debate is then necessary, one that does not render judgment as a mere *fait accompli* based on each sides' initial presumptions.

This chapter proceeds in four sections. In the first I lay out the foundations for the debate over dignity and provide a theoretical grounding from where the concept is derived from in the PCB report. Second, I explain the concept of "definitionality" as it is expressed in the debate over dignity and argue that the report itself is a microcosm for public moral arguments over highly definitional terms. Third, I critique and move away from an Aristotelean conception of stasis as it is articulated in contemporary scholarship on public moral argument. I offer a move instead to a Hermagorean theory of stasis, one that does not prefigure the possibility of argumentative closure in advance, and thus serves as a better framework for understanding how arguments over terms with high levels of definitionality "work." Finally, I conclude with some implications for public moral argument theory more broadly, arguing that this alternative view of stasis demonstrates a possible addition to the field when debates with high levels of affective and ideological investment occur over terms with high definitionality.

## Foundations of Dignity

The lineage of the notion of dignity as it is used in contemporary American bioethics is located around a set of four sources. The first stems from antiquity in the classical tradition. According to Schulman, "The word 'dignity' comes to us, via the Latin *dignus* and *dignitas*, from Greek and Roman antiquity, in whose literature it means something like 'worthiness for honor and esteem.'"<sup>6</sup> Dignity played the most prominent role in the philosophy and outlook of the Stoics, who believed that all human beings possessed the capacity to live a dignified life. As Schulman points out, "For the Stoics, human beings have dignity because they possess reason, and the best life, the life according to nature, is available to anyone who chooses to live in a thoughtful or reflective way."<sup>7</sup> This thoughtfulness and reflexivity is intrinsic to the human itself – it cannot be added to by external circumstances such as wealth, food or social standing, and thus cannot be stripped away by any misfortune that may befall a subject. This, according to Martha Nussbaum, creates a problem when the Stoic account is used as a foundation for political thought since it does not take in to consideration any aspects of social justice or politically-granted rights or healthcare.<sup>8</sup> As she argues, "But it turns out that dignity, radically secure within, invulnerable to the world's accidents, doesn't really need anything that politics can give. So the appeal to dignity grounds a practical attitude that is either inconsistent or quietistic."<sup>9</sup> Thus she seeks to develop an account, still within the

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6 Schulman, "The Tangled Sources of Human Dignity," 6.

7 Ibid., 7.

8 Martha Nussbaum, "Human Dignity and Political Entitlements," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008), 355.

9 Ibid.



classical tradition, that takes into consideration external factors based on circumstance that can be the foundation of a political theory of dignity.

Turning to Aristotle, Nussbaum argues that dignity, similar to the Stoic conception, is based upon the capacity sentient beings. However, she departs from the quietist Stoic view by arguing that, "These capacities are, however, dependent on the world for their full development and for their conversion into actual functioning."<sup>10</sup> Thus:

The Aristotelian view sees capacities as worthy of respect, but as yet unfulfilled, incomplete. They are dynamic, not static: they tend toward development and toward exercise, or at least the opportunity for exercise. They are preparations for something further, they demand space within which to unfold themselves. Human beings (like other sentient beings) are endowed with capacities for various forms of activity and striving, but the world can interfere with their progress toward development and functioning.<sup>11</sup>

This view, according to Nussbaum, facilitates the possibility of a capacity-based view of dignity allowing for a foundation of bioethics that escapes the pitfalls of the Stoic view. However, the definition of capacity is itself vague and still open to contrasting interpretations based on this view of dignity. At best, it seems, Nussbaum's view seems to "pass the buck" from dignity to capacity, continuing the problems of dignity for bioethics, just twice-removed from the concept. For example, it is possible that two potential, mutually exclusive arguments can be made, forming an antinomy in the

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10 Ibid., 357.

11 Ibid., 358.

following way: Take, for example, that the debate over biotechnology (the genetic enhancement of the physiological and psychological capacities of the human). Simultaneously, an argument for enhancement can be made based on the belief that enhancement technologies will enrich our capacities for intelligence and strength, while an argument against these same enhancements can be made by stating that they will diminish our capacities for understanding and valuing human limitations, thus falling into the trap outlined by Macklin of the concept of dignity being used to argue both sides of a bioethical issue.

The second possible approach, according to Schulman, stems from the Bible. Here, dignity, as, "suggested by the Book of Genesis, has to do with the special position of man in the natural world: within that realm man is like God not only in having stewardship or dominion over all things, but also because he alone can comprehend the whole and he alone concerns himself with the good of the whole."<sup>12</sup> According to David Gelernter, a bioethicist and fellow at the American Enterprise Institute, all conceptions of dignity, as understood from contemporary bioethics, is derived from a Judeo-Christian lineage. Specifically, "It seems to me that 'human dignity' as bioethics understands it is actually a sanitized version of "human sanctity"—one that has been purified of all traces of religion."<sup>13</sup> This notion of sanctity carries with it an enthymematic argument that human beings are inherently "set apart" from other animals, and that setting apart occurs because they are made in the image of God. The problems with dignity in contemporary

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12 Schulman, "The Tangled Sources of Human Dignity," 355.

13 David Gelernter, "The Religious Character of Human Dignity," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008), 395.

bioethics, therefore, occur when the religion is sanitized from the discussion. Gelernter argues, "When we switch from sanctity to dignity, we switch from a world in which the unique set-apartness of man is grounded in our ideas (or perceptions) of God to a world in which the unique set-apartness of man isn't grounded in anything, is indeed merely asserted."<sup>14</sup> This line of argument has prompted several bioethicists, including the former president of the PCB, Leon Kass, and others, to attempt to inject Judeo-Christian beliefs back into bioethical debates.<sup>15</sup> Opponents to this brand of thinking argue that bolstering bioethical claims with religious doctrine is inherently problematic. Not only does it violate the fundamental tenant of the separation of church and state, but, as philosopher Daniel C. Dennett argues:

On the face of it, the idea that all our striving and loving, our yearning and regretting, our hopes and fears, depend on some secret ingredient, some science-proof nugget of specialness that defies the laws of nature, is an almost childish ploy: "Let's gather up all the wonderfulness of human life and sweep it into the special hidey-hole where science can never get at!" Although this fortress mentality has a certain medieval charm, looked at in the cold light of day, this idea is transparently desperate, implausible, and risky: putting all your eggs in one basket, and a remarkably vulnerable basket at that. It is vulnerable because it must declare science to be unable to shed any light on the various aspects of human consciousness and human morality at a time when exciting progress is being made on these

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14 Ibid.

15 See: "Defending Human Dignity" by Kass in *Human Dignity and Bioethics* as well as the chapters from Robert P. Kraynack and John Neuhaus in the same volume.

very issues.<sup>16</sup>

While Dennett states the issue quite strongly, his discomfort with basing federal science policy on Judeo-Christian conceptions of dignity resonate with many bioethicists given the increasingly hostile attitudes toward scientific research leveled by the religious right. Furthermore, locating dignity firmly within the Judeo-Christian tradition falls into yet another antinomy: As Schulman points out, "'being made in God's image' could even be taken to imply a special responsibility on our part to perfect nature in order to finish God's creation. Interpreted in this way, the idea of human dignity could lend support ... to a defense of such activities as in vitro fertilization or even cloning, here understood as fixing nature in a godlike way."<sup>17</sup> At the same time, Kass argues, "Yet man is, at most, only godly; he is not God or a god. To be an image is also to be different from that of which one is an image. Man is, at most, a mere likeness of God," and thus the technologies mentioned by Schulman should be considered ethically dubious.<sup>18</sup>

The third conception of dignity used in contemporary American bioethics is informed by the work of Immanuel Kant. Whereas the conservative viewpoint articulated by thinkers such as Kass relies on biblical or religious interpretations of the concept, most liberal-secularist bioethicists turn to Kant. Specifically, he links together the concept of dignity (Würde) with autonomy and thus offers an attractive definition of the term, one

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16 Daniel C. Dennett, "How to Protect Human Dignity From Science," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008), 44–45.

17 Schulman, "The Tangled Sources of Human Dignity," 8.

18 Leon R. Kass, "Defending Human Dignity," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008), 325.

that even Macklin, in arguing we should abandon dignity altogether, prefers as a conceptual replacement.<sup>19</sup> As Deryck Deyleveld and Roger Brownsword argue in one of the few other comprehensive texts on dignity and bioethics, liberal-secularist views on bioethics should draw on the work of Kant, and in particular "we need to begin our engagement with Kantian thinking, for it is in Kant's writing that we have not only the seeds of many of our ideas about human dignity but also a serious attempt to ground those ideas."<sup>20</sup> According to Susan M. Shell, Kant's conception of dignity stems from his notion of the categorical imperative, expressed as a command that states, "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means."<sup>21</sup> The idea that human beings can never be a means to an end is intrinsically linked to their unique capacity for autonomy as a value that is "beyond price." In other words, it is linked to a belief that there is something impervious to commodification that is inherent to any human being. Specifically, Shell argues that, "A physician or researcher informed by Kantian principles will thus retain a sense of the ultimate mysteriousness of life – not on dogmatically religious grounds but as an extension of the speculative modesty that flows from a critical awareness of the necessary structure and limits of human cognition."<sup>22</sup> However, problems with this account arise when put into practice. As many have pointed out, the problem with this

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19 Macklin, "Dignity is a Useless Concept," 1420.

20 Deryck Beyleveld, and Roger Brownsword, *Human Dignity in Bioethics and Biolaw* (Cambridge: Oxford University Press, 2001), 47–48.

21 Susan M. Shell, "Kant's Concept of Human Dignity," in *Human Dignity and Bioethics*, ed. The President's Council on Bioethics (Washington D.C.: The President's Council on Bioethics, 2008), 355.

22 Ibid., 343–44.

view of Kant's concept of dignity is that its basis on the categorical imperative provides little flexibility in the context of modern bioethics. The arguments leveled against Kant's inflexible deontological position are particularly prescient in bioethics circles, where the discipline prides itself on ethical applications on a case-by-case basis. Furthermore, as Schulman points out, "the doctrine of rational autonomy itself, clear and unambiguous though it may be in theory, can be difficult to apply in practice, especially in a biomedical context."<sup>23</sup> For example, Schulman argues, how are we to take into account those with diminished or not-yet-existing rational autonomy – specifically the very old and the very young? Kant's conception of dignity seems to have purchase in the middle of human existence, but provides little help around the edges.

The final source of inspiration for the current trend of dignity in contemporary American bioethics comes from international declarations and constitutions written in the wake of World War II. Both the Charter of the United Nations and the Universal Declaration of Human Rights contain the concept in order to, "point beyond the prosaic safeguarding of 'rights' advocated in the American founding ... or in the writings of John Locke ... and other modern natural right theorists."<sup>24</sup> However, according to Nathan Rotenstreich, "precisely because the idea has become so current, the justification behind it and its particular meaning has become rather blurred, vague, or even ambiguous."<sup>25</sup> Thus at best it seems like these documents seem to gesture toward the concept of dignity without outright defining it. Their gesture in using dignity, similar to the way it is used

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23 Schulman, "The Tangled Sources of Human Dignity," 11.

24 Ibid., 12.

25 Nathan Rotenstreich, *Man and His Dignity* (Jerusalem: Magnes Press, 1983), 9.

currently in bioethics, seems to be that there is something intrinsic to being human that requires safeguarding against, or enhancement from, biotechnologies. This leads Schulman to conclude, "because of its formal and indeterminate character, the notion of human dignity espoused in these constitutions and international declarations does not offer clear and unambiguous guidance in bioethical controversies."<sup>26</sup> In the end, these documents echo a move made by the Belmont Report, issued by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, the original precursor to the PCB and the first major, government-sanctioned report on bioethics in the United States. Belmont concludes that there needs to be a strong respect for persons in biomedical research, specifically outlining the uniqueness afforded to human subjects in the wake of the Tuskegee Syphilis Experiment. The report outlines autonomy as one of the driving factors in the concept of uniqueness, and does not specifically use the language of dignity, but its gesture seems to resemble the UN declarations mentioned above, namely that there is something special about being human, something that needs to be protected in the field of bioethics. Ultimately however, Belmont is no clearer than the UN declarations, Kant, the Bible, nor the Ancient Greeks and Romans when it comes to laying out the specific principles of human dignity as they ought to apply to contemporary biotechnological research and its implementation.

### **Rhetoric, Definitionality, and Public Moral Argument**

So why the fuss over the concept of dignity? Lacking a substantial definition, it seems the field of American bioethics could be served by heeding Macklin's advice and abandoning the concept. Yet as the PCB's report on the concept demonstrates, there is a substantial investment by the bioethical community, especially in the field of public

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26 Schulman, "The Tangled Sources of Human Dignity," 13.

moral argument, to hold fast to the claim that simple patient autonomy is necessary yet insufficient given current and near-future biotechnologies. Both proponents and detractors of the implementation of new forms of biotechnological advancement utilize the term in order to justify their positions. For example, Leon Kass outlines a laundry list of "various aspects of human dignity that are at risk in our biotechnological age," from "the dignity of human procreation," and "the dignity of nascent human life," to "the dignity of dying well," and nearly every conceivable aspect of dignity in-between.<sup>27</sup> On the other end of the political spectrum, Nick Bostrom argues that biotechnology would *enhance* dignity, stating, "This dignity would not consist in resisting or defying the world. Rather, [it] would be a dignity of the strong, consisting in self-restraint and the positive nurturance of both internal and external values."<sup>28</sup> Given this clear example of Macklin's objection to the term, the temptation to expunge dignity from the vocabulary of bioethics is a strong one. But dignity as a concept is not going anywhere, and thus it is important, if not necessary for any bioethicist or critic to explain its use given its prevalence. I aim to explore how the concept of dignity is used in a specifically rhetorical way in the above instances as well as throughout the PCB's report. In fact, it is not in spite of Macklin's objection to the concept, but precisely because of it that investigation into the rhetorical use of the concept is warranted, since, if we are stuck with dignity as a founding principle of contemporary American bioethics, then explaining how, and more importantly, why it is deployed is critical to perhaps untangling the knot not only of dignity in bioethics, but the contour of public bioethical argument in the United States – a

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27 Kass, "Defending Human Dignity," 298–99.

28 Bostrom, "Dignity and Enhancement," 203–04.



task that becomes increasingly relevant given the inevitable march of biotechnological development in the coming century.

### *Publics*

Carole Blair, Greg Dickinson, and Brian L. Ott offer a broad conception of the study of rhetoric as, "The study of discourses, events, objects, and practices that attends to their character as meaningful, legible, partisan, and consequential."<sup>29</sup> Specifically, they argue, what separates rhetoric from other methods of criticism, "is that it organizes itself around ... what it means to be 'public.'"<sup>30</sup> This last point is especially critical – the study of rhetoric must be mindful of the ways in which a specific audience, or public, is created and maintained by a mode of address. In the context of bioethics, as Christian Lundberg and Ross Smith argue, the study of rhetoric takes as its "pedagogical object the cultivation of general capacities for public discourse," and those capacities are "practiced not by informing a public that exists in advance, but rather by building a specific public, endowed with specifically public capacities, around issues of bioethics."<sup>31</sup> Lundberg and Smith note that publics, "are made by concrete moments of attention to the circulation of texts ... text-based arguments about bioethics issues only succeed insofar as they cobble a public of attention around an issue or a story. The task for reporting and critical commentary on bioethics issues is thus to constitute a public around an issue, not to

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29 Carole Blair, Greg Dickinson, and Brian L. Ott, "Introduction: Rhetoric/memory/place," in *Places of Public Memory: The Rhetoric of Museums and Memorials*, ed. Greg Dickinson, Carole Blair, and Brian L. Ott (Tuscaloosa: University of Alabama Press, 2010), 2.

30 Ibid., 2–3.

31 Christian Lundberg, and Ross K. Smith, "The Question of 'the Public'," in *Bioethics, Public Moral Argument, and Social Responsibility*, ed. Michael J. Hyde, and Nancy M. P. King (New York: Routledge, 2012), 159.

inform 'the public' of an issue that is presumed to be of its interest in advance."<sup>32</sup>

Therefore the first step in untying the dignity knot is to take notice of the public(s) constituted by public moral argument over the concept. Specifically, the work by the PCB on dignity can and should be read as calling forth (and not merely addressing) a public interested in its findings. This conclusion brackets the constitution of the public formed (be it the Executive branch, Congress, policy and lawmakers, or "the general public." writ large) and instead focuses on the types of publics that are called into being through the discursive economy in which the text enters. I am less concerned with the specific members of address in which the text aims, and rather at the discursive circulations of text-based publics the PCB report enters in to.

This view seems corroborated by the stated goal of the report, and indeed the PCB's mission in general, not to reach a consensus on bioethical issues. John D. Moreno explains:

Although there was much criticism of the intellectual orientation of the most influential members of the Council, what I found most interesting was the fact that its charter explicitly excluded consensus as a goal of the Council's deliberations. Evidently those who participated in developing the Council's charter believed that consensus too often suppresses important viewpoints, that it thereby slippery slope reasoning ... I only note that the formal anti-consensus orientation distinguished it from other

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32 Ibid., 157.

bioethics commissions.<sup>33</sup>

This anti-consensus stance frames the debate over “dignity” by locating competing definitions of the concept as the frame for the debate that takes place in the report. In order to assess the *quality* of the debate in the report, specifically as it relates to fostering the types of public engagement required by the mission statement of the PCB, we first need to look at the way bioethicists have traditionally understood moral argument as it relates to the other main subset of the field: medical ethics.

According to Nancy M. P. King and Michael J. Hyde, "Scholars of public moral argument make their living by studying the symbolic capacities of human beings, especially as these capacities show themselves in situations that call for the production of discourse as a means to coming to terms with the matters at hand."<sup>34</sup> Within this context, there is an underlying assumption that, "Science and society have built an exceedingly and increasingly complex community around biomedical technology. Scholars, scientists, policymakers, and the public all therefore need to be able to talk together in this community."<sup>35</sup> Uniting this call for community is the belief that there must be a capacity of publics to interface with the scientific, scholarly, and policymaking community in order to achieve a clearer framework about what ought to be done given the new challenges that arise out of biotechnological advancements. In other words, societies,

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33 Johnathan D. Moreno, “Bioethical Deliberation in a Democracy,” in *Bioethics, Public Moral Argument, and Social Responsibility*, ed. Michael J. Hyde, and Nancy M. P. King (New York: Routledge, 2012), 23.

34 Nancy M. P. King, and Michael J. Hyde, “Editor’s Introduction,” in *Bioethics, Public Moral Argument, and Social Responsibility*, ed. Michael J. Hyde, and Nancy M. P. King (New York: Routledge, 2012), x.

35 Ibid., xii.

especially democratic ones, need to be able to argue about values. Since there will inevitably be competing claims about the way we believe the moral contours of the society should take (and increasingly, the role and status of the "human" in those societies as exemplified by arguments about dignity), there needs to be a way to address these competing claims through public discourse while still maintaining our democratic system. Hence, scholars of public argument believe that the need for developing an understanding of public moral argument is becoming increasingly prescient.

Outside of the biotechnology debate, public moral argument in the context of bioethical inquiry relies on two key assumptions. The first is the idea that arguments about values cannot take place in the abstract, but rather are reliant on the application to specific cases. As David Zarefsky notes, this is one of the critical moments where the study of rhetoric intersects with the study of moral argument. Specifically, he argues, "we have to make value judgments by arguing for the applicability of one or another value to the specific case. This involves the ancient faculty of prudence, or what the Greek's called *phronesis*, practical wisdom. It is not conclusive, nor final, nor generalizable. The same methods and materials are available to advocates on both sides of the dispute."<sup>36</sup> Zarefsky concludes that in a democracy, "moral authority comes from the ability to make arguments, grounded in both moral principle and in the circumstances of a specific case, and to gain the assent of one's fellows."<sup>37</sup> Thus there is an inherent tension between the idea of *phronesis* and the application of moral principles independent of the case. For

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36 David Zarefsky, "Arguing About Values: The Problem of Public Moral Argument," in *Bioethics, Public Moral Argument, and Social Responsibility*, ed. Michael J. Hyde, and Nancy M. P. King (New York: Routledge, 2012), 6.

37 Ibid., 13.

example, those who believe that biotechnology will impinge upon human dignity often (and especially in the case of a few contributors to the PCB report) argue for a universal ban on certain technologies based on moral grounds. The often ideal call in the study of public moral argument in bioethics for a level of pragmatism is often eschewed in the context of specific cases for the generalizable application of a given technology. In other words, all forms of cloning, or abortion, are unjustified regardless of the specific instances of cases at hand. Ultimately the specificity of phronesis, or capacity for judgment in specific cases, takes a back seat to the general phronesis of the technology writ large.

This has led thinkers such as Moreno to raise the point that debates about biotechnology, and indeed bioethics in general, is fundamentally different from other debates about medical ethics.<sup>38</sup> This leads Moreno to ask the question: "is bioethics merely ideology masquerading as public moral philosophy?"<sup>39</sup> He ultimately believes that this is not the case, but there is still debate on the issue. The reason Moreno's question is exceedingly salient is that foster's a belief that in order to establish a fulcrum, a stasis, in which discussion can take place requires the disclosure of the assumptions made behind the arguments advanced a priori. In this sense, according to Moreno, consensus on an issue can be reached "only in the historical context of the preconditions and preconceptions that define our everyday existence and its 'worlds of know-how': those domains of traditions, customs, rules, norms, and routines that inform the common

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38 Moreno, "Bioethical Deliberation in a Democracy," 23n.

39 Ibid., 23.

and the 'normal' ways we perceive, think, and act in our daily lives."<sup>40</sup> Only once we disclose and understand our preconceptions, the argument goes, can we find points of common ground that allows us to argue from a position of stasis whereby "real" or "thick" moral public argument can occur. The PCB's report on dignity can be seen as one such "ground-clearing" task, one that seeks to lay out the potential starting points of conceptions of dignity that will allow for engaged discussion over biotechnological issues, not "mere" ideological posturing that refuses to engage with the other side. This quest for stasis is expressed by John Lyne in arguing that, "the general culture incorporates scientific and quasi-scientific language, authority and modes of explanation into its talk about matters of common interest."<sup>41</sup>

#### *Arguing About Definitions*

The biotechnology debate strays from a case-by-case analysis in favor of sweeping claims about the desirability of the technology writ large. This is because all arguments about biotechnology inevitably stem from a definitional prerequisite. Questions such as "when does life begin?", "how ought life end?", and "what makes for a dignified life?" all hinge on the hinge on specific definitions of the nature of the human lifecycle and indeed humanity itself. John Lynch notes the importance of the act of defining in public argument about scientific practices, stating, "Rhetorical practices fulfill two functions for public deliberation. The first function is the creation of 'real definitions,' argumentative strategies establishing quasi-stable points from which individuals can make sense of the world and argue for various courses of action. The

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40 Ibid., 15–16.

41 John Lyne, "Quantum Mechanics, Consistency, and the Art of Rhetoric: Response to Krips," *Cultural Studies* 10(1996), 128.

second function is to make these real definitions comport with the public's ideological commitments so they can become the basis for collective action ... Definition is a key step in any debate or discussion."<sup>42</sup> The idea of the "real definition" of a term stems from a rhetorical act whereby the rhetor argues that "definitions are grounded in timeless or eternal essences."<sup>43</sup> Specifically, as Richard Weaver argues, the goal of this position is, "getting people to see what is most permanent in existence, or what transcends the world of change and accident. The realm of essence is the realm above the flux of phenomena, and definitions are of essences and genres."<sup>44</sup> Edward Schiappa outlines the criticism of this position that stems from an indictment of metaphysical certainty. He argues that arguments for "real definitions" are part and parcel of a naïve realism that assumes a zero-degree relationship between objects and words. This belief, that we have access to the "real" of the object by locating its essence and then are able to uniquely suture that essence to a word in a one-to-one relationship has largely fallen out of style with many philosophers.<sup>45</sup> This leads Schiappa to conclude that, "proponents of new definitions can produce better arguments if they recognize that definitions do not and cannot describe things-in-themselves but report or advocate functional relationships between words and people."<sup>46</sup> Schiappa's conclusion is thus that public discourse intent on defining terms ought "to eschew 'real' definitions as ethically suspect and philosophically

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42 John Lynch, *What Are Stem Cells? Definitions At the Intersection of Science and Politics* (Tuscaloosa: University of Alabama Press, 2011), 4.

43 Ibid.

44 Richard Weaver, *The Ethics of Rhetoric* (Chicago: Henry Regnery, 1952), 212.

45 Edward Schiappa, *Defining Reality: Definitions and the Politics of Meaning* (Carbondale: Southern Illinois University Press, 2003), 43n1.

46 Ibid., 43.

problematic."<sup>47</sup> This line of argument characterizes much of the thinking against "real definitions" and toward the social construction of concepts in much of rhetorical theory dealing with arguments about definition.

However, the alternative proposed by Schiappa is simply to point out the contingent nature of the definitional apparatus and warn against the dangers of supposed zero-degree language in definitions.<sup>48</sup> Lynch points out the shortcomings of this position, arguing that, in actual public discourse, definitions are fluid and serve to provide a stasis point for public deliberation.<sup>49</sup> Specifically, Lynch argues, "rhetorical scholars should reconfigure their understanding of real definitions and view them not as manifestations of naïve realism but as the precondition for collective social action. Definitions play an important role in shaping people's psychological consensus about the world. This consensus determines what counts as 'real' for a given group of people."<sup>50</sup> In the context of issues related to scientific definition, Lynch points out that, "Definition's capacity for creating our consensus about the 'real' dovetails with the positioning of science as the source of objective knowledge about the world ... arguments made through definition can become the basis for collective action more readily when the definition is treated as a matter-of-fact observation the arguer merely notes in passing. By treating a definition of fact and presenting it in language borrowed from science, one bolsters the strength of the

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47 Ibid., 32.

48 Ibid.

49 Lynch, *What Are Stem Cells? Definitions At the Intersection of Science and Politics*, 5.

50 Ibid.



argument by making it appear as a feature of the world beyond debate."<sup>51</sup> This last point is critical to bioethical public moral argument. Essentially Lynch is arguing from a position that states, "Yes, I concede Shiappa's position, but that's not how debates function in the real world. In actual public moral argument, definitions are couched in scientific discourse that attempts to present itself as outside of debate."

Here I would like to split the difference between the two positions. I agree with Lynch's characterization that both the general assumption in bioethics, and more specifically much of the literature on theorizing public moral argument, rely on the assumption that terms can and should be defined, and that those terms tend to change meaning over time. However, Shiappa and others are right to point out that the task of formulating "real definitions" is always an artificial and arbitrary act. Perhaps a more fruitful way to understand the parameters at play in the debate over "dignity" is to fuse the discussion about the rhetorical construction of "real definitions" with the application of persuasive definitions to the theory of strategic maneuvering as outlined by Frans H. van Eemeren and Peter Houtlosser. Their theory follows the pragma-dialectic model of argument theory developed by the same authors, which seeks to "survey ... all speech acts and combinations of speech acts that have a constructive function in the various stages of the process of resolving a difference of opinion."<sup>52</sup> In its initial stage, the pragma-dialectic theory of argument analysis attempted to outline the parameters of any speech acts engaged in resolving a difference of opinion by fusing dialectical analysis, or the "maintenance of critical standards of reasonableness," with pragmatics that seek to define

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51 Ibid., 6.

52 Frans H. van Eemeren, and Peter Houtlosser, "Strategic Maneuvering: A Synthetic Recapitulation," *Argumentation* 20(2006), 381-82.

"all argumentative moves as speech acts functioning in a context of disagreement."<sup>53</sup> The result, they hoped, was to develop an "analytic description for what argumentative discourse would be like if it were solely and optimally aimed at resolving a difference of opinion."<sup>54</sup> van Eemeren and Houtlosser later added a rhetorical dimension to the theory by acknowledging that people engaged in argumentative discourse are not only interested in adhering to the normative rules of debate, but are also "interested in resolving the [debate] in their own favor."<sup>55</sup> To explain this dimension, they developed the concept of strategic maneuvering, which accounts for the ways in which "parties seek to meet their dialectical obligations without sacrificing their rhetorical aims. In so doing, they attempt to exploit the opportunities afforded by the dialectical situation for steering the discourse rhetorically in the direction that serves their own interests best."<sup>56</sup> The definition of rhetoric utilized by van Eemeren and Houtlosser is quite specific: "As far as it is pertinent to pragma-dialectics, rhetoric is the theoretical study of the potential effectiveness of argumentative discourse in convincing or persuading an audience in actual argumentative practice."<sup>57</sup> Within this narrow definition, they limit the concept of strategic maneuvering to cover roughly what the speaker chooses to say in terms of the "topical potential" of the debate and how he or she constructs the speech act in terms of "audience-directed

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53 Frans H. van Eemeren, and Peter Houtlosser, "Strategic Manoeuvring in Argumentative Discourse," *Discourse Studies* 1(1999), 480.

54 Ibid.

55 Ibid., 481.

56 Ibid., 481-82.

57 van Eemeren, and Houtlosser, "Strategic Maneuvering: A Synthetic Recapitulation," 383.

framing" and "presentational devices."<sup>58</sup> Strategic maneuvering thus attempts to bridge the "yawning conceptual and communicative gap" between the two strands of argumentative analysis characterizing the field up to that point: a dialectical approach that seeks to outline the normative parameters of the arguments used in a debate to determine their soundness and validity, and a rhetorical approach that seeks to analyze the strategic ways in which speaker utilize arguments to achieve their argumentative goals.<sup>59</sup>

Zarefsky insightfully applies the concept of strategic maneuvering to arguments about "persuasive definitions," in that arguments over how to apply "non-neutral characterizations of a concept that conveys a positive or negative attitude about something in the course of naming it."<sup>60</sup> In these instances, two of the goals of strategic maneuvering are explicitly present: taking "advantage of connotative meaning, using language in a way that will give a boost to one's position," and advancing "claims and evidence that are acceptable to a particular audience but might well be unacceptable to a different particular audience."<sup>61</sup> By applying the concept of strategic maneuvering to the practice of formulating persuasive definitions, Zarefsky seeks to further unite the strands of dialectical and rhetorical approaches to the study of argument. Specifically, in persuasive definitions:

[Explanations] of strategic maneuvering in dialectic and rhetoric are different but analogous. The differences reflect the fact that dialectic takes

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58 Ibid.

59 Ibid., 382.

60 David Zarefsky, "Strategic Maneuvering Through Persuasive Definitions: Implications for Dialectic and Rhetoric," *Argumentation* 20(2006), 404.

61 Ibid., 403.

place between interlocutors and is an interactive mode in which commitments can be made explicit, whereas rhetoric takes place between an advocate and an audience and is a relatively one-way presentational mode in which audience commitments must be guessed or anticipated. The analogues are that in both cases the allegation of faulty strategic maneuvering is itself a strategic maneuver, that making the allocation is just the beginning of an inventional process rather than the end of the matter, and that even sustaining the allegation may not be enough (since the parties may not be committed to the rule), so that disputes about the legitimacy of strategic maneuvering coexist with other disputes in an actual controversy.<sup>62</sup>

Of course, for Zarefsky, persuasive definitions are a specific type of argumentative strategy in which naming something prefigures its value. As an example, Zarefsky explores the naming of the terrorist attacks of September 11, 2001 as an act of war, which thus authorized then-president George W. Bush to enact his desired response to the attacks based on a framing that the country was united in a war against terrorism.<sup>63</sup> For Zarefsky, arguments about persuasive definitions explicitly differ from arguments about definitions "in which the dispute is overtly and explicitly about whether a concept or situation should be defined in a certain way ..."<sup>64</sup> In other words, his application of the concept of strategic maneuvering applies specifically to arguments over naming

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62 Ibid., 414.

63 Ibid., 409-11.

64 Ibid., 404.

something in this or that way instead of arguments over how a certain name applies to this or that concept.

However, I believe that the application of the concept of strategic maneuvering can be applied equally to both directions of arguments, both the naming of objects (persuasive definitions) and the attachment of objects to names (argument about definition). However, in the case of the latter, the distinction between the dialectical and rhetorical analysis of the arguments are drastically altered – particularly in arguments about the definition of conceptually ambiguous, highly ideologically and affectively invested terms. Whereas in the case of persuasive definitions, Zarefsky points out that "strategic maneuvering has exactly the same meanings and implications in dialectical and in rhetorical argument, as a normative idea" since "[from] the dialectical perspective, strategic maneuvering coexists with but does not trump the desire to resolve a disagreement; the goal of the activity is a constraint that influences judgments about the acceptability of any case of strategic maneuvering. From a rhetorical perspective, the goal of persuading an audience is not only not a constraint but would seem to encourage whatever strategic maneuvering would be effective; in that sense, strategic maneuvering is all there is."<sup>65</sup> Yet in arguments about definition, specifically in the case of debates over the concept of "dignity," it is much more difficult to synthesize the distinction between a dialectical analysis of the arguments which aims to develop a normative framework for optimizing the argumentative strategies aimed at resolving the debate and a rhetorical one that seeks to examine the effectivity of those arguments independent of their normative status. This is because, unlike persuasive definitions, dialectical and

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65 Ibid., 403, 400-401.

rhetorical analyses do not yield the same result. Simply, there can be no normative rules for the arguers to follow until the rhetorical effectivity of the arguments presented by each side are evaluated by demarcating the purview of the contested concept. Put another way, there are essentially two mutually exclusive normative frameworks at play in the debate over "dignity," one advanced by each side, that are in a state of undecidability that's resolution is contingent upon resolving the debate over the definition.

Paradoxically, once the definition of the concept is settled, the normative rules for arguing over what the definition is will also be clearly outlined. This, of course, can only happen retroactively; the rules for the debate will be applied to the entirety of the debate once its resolution is reached. Thus, various arguments about how to define "dignity" are attempting not only to define the term itself, but also to provide a framework over how we go about defining the term in the first place.

In the debate over "dignity," we can see several levels of strategic maneuvering at play, confirming Zarefsky's assertion that "the charge of [the] invalidity [of a particular strategic maneuver] does not permit a self-evident resolution. Making the charge is itself a strategic maneuver and is only the beginning of a process of invention, not the end of the matter."<sup>66</sup> Of course, the assertion is confirmed in a way that differs from his intention. For Zarefsky, the layers of strategic maneuvering operate procedurally, that is, once the parties debating agree on the parameters of the debate (call it the first level of strategic maneuver) they then can proceed to the specifics of the debate itself (the second level where strategic maneuvering takes place) and so on. However, in the case of the debate over "dignity," all levels of strategic maneuvering operate concurrently, not

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66 Ibid., 409.

procedurally, in that the resolution of one level resolves all the other levels. For example, in attempting to define "dignity," one might assert that dignity defines the finite length of the human lifecycle and humanity's inherent physiological and psychological limitations. In so doing, one is not only making arguments from a rhetorical perspective in an attempt to persuade others to the desirability of defining "dignity" as such, but one is also outlining the normative rules for defining the concept in the first place: "dignity" is an inherently restrictive concept that requires us to interpret it from a perspective of the types of limitations it places on the capacity of human beings. Likewise, if one were to argue that "dignity" is the capacity for human beings to alter themselves and their environment in an attempt to produce the most human and non-human goods, the concept is expansive in that it cannot only be diminished, but also enhanced. In its expansive sense, the potential enhancements of human capacity must be weighed against human limitations, rigging the game in favor of increasing human capacity, whereas in its restrictive sense, those expansions of capacity cannot be evaluated since they intrinsically result in a reduction of dignity in the first place. Therefore, the normative rules that authorize what we can even consider to fall under the purview of "dignity" are paradoxically only established once the concept is defined in the first place.

However, far from rendering the concept of strategic maneuvering useless, this understanding of the inherent contestation over the normative framework of the debate and its reliance upon its substantive resolution frames the concept in a new way. The implication of Zarefsky's claim that "there is no alternative to persuasion in order to influence the judgment of a specific audience; it is all strategic maneuvering, all the way down," applies not only to the ways in which participants attempt to frame their

arguments to fit within the normative parameters of the debate, but also to the ways in which they attempt to frame the normative parameters themselves.<sup>67</sup>

In sum, the application of the concept of strategic maneuver to arguments about definition accounts for the rhetoricity of what I will call the definitionality of a term: the act of presenting a definition as if it were an essential definition, as if its characterization were beyond debate, is a rhetorical act that inherently simultaneously discloses and effaces its own artifice. While the goal of defining terms as discussed by Lynch is to establish "quasi-stable" points of stasis that serve as the location in which each side of an issue can argue and prompt collective action, my argument here is that this is a fundamental mis-reading of the effect of stasis points. Rather than escape the aforementioned "Schiappa problem," the points of contention exemplify it. The endless attempt to define a term by disclosing the long string of ideological assumptions each side brings to the table in a public bioethical debate does not allow us to move forward through establishing a common vocabulary but rather facilitates the very antinomies inherent in the PCB's report through the nature of a term's definitionality. Stasis in this sense, therefore, does not represent a point that allows sides to argue from a common ground and progress forward, but rather fosters incommensurable definitions of the same term that ensures the continued stalemate of the debate.

### **Definitionality and *Stasis***

A term contains a high level of definitionality when it is definitionally ambiguous, ideologically invested, and the existence of a moral or ethical system rests on its attempted definition. There are three sources that I draw on to reach this provisional understanding of the concept. The first is Michael Calvin McGee's ideograph. Defined as

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67 Ibid., 400.



a term that is inherently "pregnant" with meaning, ideographs, "signify and 'contain' a unique ideological commitment; further, they presumptuously suggest that each member of a community will see as a gestalt every complex nuance in them."<sup>68</sup> Terms with a high level of definitionality are ideographs since the compulsion to define them serves as the main site of ideological investment. Concepts like "dignity" are ideological in that their definitions are presented as "real," in Weaver's sense even if they are metaphysically pluralist as per Schiappa's argument. This explains the inherent unquestionability of the ideograph as outlined by McGee.<sup>69</sup> Definitionality thus accounts for the way in which ideographs become saturated with ideological commitments, specifically in the way that the compulsion to define is how they become situated "in real discourse, functioning ... as agents of political consciousness."<sup>70</sup> That concepts such as "dignity" can serve as the locus of competing ideological investments speaks to its high level of definitionality. However, even within a framework of competing interpretations, there is one consistent commitment that unifies all parties in attempting to define the highly definitional term. To explain this, I turn to the second foundational source of the concept.

The second source of inspiration for the concept of definitionality comes from one of McGee's readers: Maurice Charland's notion of constitutive rhetoric. He gives an account for the processes of ideological interpellation inherent to the mode of address of a rhetorical act:

[Interpellation] occurs rhetorically, through the effect of the addressed

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68 Michael Calvin McGee, "The 'Ideograph': A Link Between Rhetoric and Ideology," *Quarterly Journal of Speech* 66, no. 1 (1980), 7.

69 Ibid.

70 Ibid.

discourse. Note, however, that interpellation does not occur through persuasion in the usual sense, for the very act of addressing is rhetorical. It is logically prior to the rhetorical *narratio*. In addition, this rhetoric of identification is ongoing, not restricted to one hailing, but usually part of a rhetoric of socialization. Thus, one must already be an interpellated subject and exist as a discursive position in order to be part of the audience of a rhetorical situation in which persuasion could occur.<sup>71</sup>

Along this line of reasoning, a term with a high level of definitionality is constitutive in that, regardless of how it is defined, the mere attempt at a definition calls into existence a particular public. Recall that for scholars of public moral argument, the ideal character of an argumentative exchange relies on the notion that the rhetors on both sides can disclose their ideological presuppositions in order to formulate a point of stasis from which to argue coherently. This ideological expulsion, while, as I will argue, is impossible, its very attempt hails into existence a public that becomes invested in the debate. In the context of the PCB report, the compulsive attempt to define "dignity," regardless of the specificity of the definition, creates a mode of address that calls forth a public into an attempted point of stasis. By attempting to establish a point of contention through competing definitions of the term, "dignity's" high definitionality calls forth a public invested in competing over its definitional ground. Both sides with competing interpretations over the same highly definitional term share one ideological presupposition: the desire to enter into contested definitional terrain. This presupposition, regardless of the other ideological commitments of the participants, is the core constitutive nature of the mode of address

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71 Maurice Charland, "Constitutive Rhetoric: The Case of the Peuple Quebecois," *Quarterly Journal of Speech* 73, no. 2 (1987), 137.

facilitated by attempts to define terms with high definitionality. In fact, this mode of address, ultimately prevents the possibility of moving outside of the framework of competing interpretations since there is an inherent enjoyment derived by the shared ideological commitments in engaging in the debate. Often these shared commitments masquerade as incommensurable ideological positions (transhumanist and bioconservative) in order to maintain the shared investment of definitional competition.

The last foundational component of definitionality is the Lacanian notion of metaphor. For Lacan, metaphor represents the psychic phenomenon of condensation. Whereas he defines the other component of the Freudian dyad, displacement, as metonymy – a simple linkage between signifiers – metaphor, "deflects, commands, the use of the signifier to such an extent that the entire species of preestablished ... lexical connections comes undone."<sup>72</sup> The ability of metaphor to command the use of the signifier is explained by Christian Lundberg as, "two discrete but interrelated processes. First, metaphor describes the function whereby a metonymically generated signifying connection comes to stand in for its referent ... Second, metaphor is a particularly affectively saturated connection that organizes a field of metonymic connections around a central figure."<sup>73</sup> There are two elements of note here: First, the notion of affective saturation, which is Lacan's account of the relationship between affect (or the element of the psychical experience that drives language) and the signifier.<sup>74</sup> It is my contention that

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72 Jacques Lacan, *Seminar III: The Psychoses*, trans. Russell Grigg, ed. Jacques-Alain Miller (London: Routledge, 1993), 218.

73 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 78.

74 This is purely a provision understanding of affect. The concept is explored in further detail in the next chapter.

terms with high definitionality are inherently affectively saturated, and this explains their polysemous meanings since the subject cannot fully signify their content in a zero-degree relation. Furthermore, the notion of metaphor speaks to the idea that an affect, by its nature asignifying, can only link up to a concept indirectly through the trope of metaphor. Hence the term's designation as an affectively saturated referent.

The second component of Lundberg's formulation of metaphor is the idea that it organizes, retroactively, a chain of signifiers around a central figure. The figure is the ideograph with a high level of definitionality. This process of organization, which Lundberg classifies as investment is predicated on the compulsive, repeated use of the term. Lacan points out in *Seminar XI* that the concept of repetition is always a "missed encounter" with the real: the subject is compelled to repeat the attempt to signify the affect, always falling short, again and again.<sup>75</sup> But the capture is never complete, the encounter is always missed, and it is this missed encounter that characterizes the nature of the affective saturation in a discourse – it is a process of investment. Lundberg explains investment as the mechanism for what makes language work:

A given signifier must be habitually repeated and therefore sanctioned by social usage. Implicit in the labor of signification is a concept of investment, because although it is a necessary condition for discourse, the abstracted formal logic of the signifier is not a sufficient condition for discourse: the economy of discourse also requires the speaking subject's investment in the habitual usage of signifiers in determinate ways. This

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75 Jacques Lacan, *Seminar XI: The Four Fundamental Concepts of Psychoanalysis*, trans. Alan Sheridan, ed. Jacques-Alain Miller (New York: W. W. Norton and Company, 1977), 56.

investment in a signifier's habitual usage links and differentiates signifiers, and perhaps most crucially, it ritually repeats the labor whereby a signifier is taken to metaphorically stand in for a referent.<sup>76</sup>

If investment is designated by repeated use, or, more specifically, recollected use, affective investment is designated by the compulsion to repetition or the attempt to define and redefine the concept via its high level of definitionality. This is what we see in the PCB's report on dignity – the designation of a highly affectively invested discourse that centers on a highly definitional term. The discourse is affectively invested because the concept of "dignity" requires some modicum of definitional specificity in order to function as the fulcrum of an ethical discourse on biotechnology, yet it constantly eludes that definition, requiring the continued circumlocution by the authors. This explains both the polysemous definitions of the concept and the justification of the project's repeated attempts to define the term.

These three concepts, ideograph, constitutive rhetoric, and metaphor triangulate the notion of definitionality. The implication this has for public moral argument theory is that it fundamentally rearticulates the notion of stasis to account for the arguments about definition in American bioethics. Since Hermagoras, stasis theory has remained relatively static, particularly in its application to public moral argument. While the topic is not often touched on in medical ethics, it has become increasingly prescient in the context of the biotechnology debate. Both Zarefsky and Moreno speak about the debate in the context of disclosing ideological presuppositions inherent in the definition of terms that will serve as the cornerstone of developing bioethical theories in the light of new technological

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76 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 28.

developments. Definitions are important, the argument goes, and if we can all just agree on one consistent definition for a concept like "dignity," we can push the debate forward and deliberate about how to apply it. This is sensible given bioethics' heritage in medical ethics. Concepts like "informed consent." need to be clearly defined and applied on a case by case basis; hence Zarefsky's emphasis on the case-based nature of the biotechnology debate. However, what happens when the term in question has such a high degree of definitionality that it is impossible to establish a stasis point with a concrete definition? As Macklin and Pinker suggest, we could just abandon the term in favor of concepts such as patient autonomy, but that just simply kicks the stone down the road since "autonomy" seems to have a similar degree of definitionality as "dignity."

In other words, what are we to make of a doctrine that is predicated on the disclosure of ideological presuppositions in favor of reaching a consistent definition when the disclosure of those presuppositions is impossible? Consider the back of the PCB report, which lays out the basic parameters of the problem: "'Human dignity' – is it a useful concept in bioethics, one that sheds important light on the whole range of bioethical issues ... Or is it, on the contrary, a useless concept – at best a vague substitute for other, more precise notions, at worst a mere slogan that camouflages unconvincing arguments and unarticulated biases?"<sup>77</sup> The fundamental question asked by the framing of the back of the book is one of stasis; the criticism leveled by Macklin, Pinker, and others, eloquently summarized here, is that the concept ought to be rejected because a point of stasis cannot be reached. More specifically, the biases inherent in the concept

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<sup>77</sup> The President's Council on Bioethics, *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C.: The President's Council on Bioethics, 2008).

remain unarticulated and thus it serves as a shield for "mere (ideological) slogans." Thus, if the measure of "dignity" as a useful concept is its ability to serve as a point of stasis, it seems to fail the test. That is, unless we rethink the conception of stasis in order not only to account for the problem of dignity, but also to understand why it is so difficult to reach a point of argumentative consensus from which to move the dialectic of argument away from attempts to define the term.

Traditionally understood as an attempt to, "classify rhetorical problems ... according to the underlying structure of the dispute that each involves." stasis theory seeks to "identify an appropriate argumentative strategy; for example, patterns of argument appropriate to a question of fact," and exclude those questions that, "may be irrelevant in an evaluative dispute."<sup>78</sup> According Malcolm Heath, in his reading of stasis theory in antiquity, Hermogenes lays out a specific system for determining the stasis point of a given argument. Specifically, Hermogenes, in Heath's characterization, states that one must look to the *krinomenon*, or the fundamental question at issue, to determine the nature of the stasis in question.<sup>79</sup> Hermogenes characterizes the interpretation of the *krinomenon* as the location of the stasis point in the debate. While he develops a complex system of different types of stasis depending on the nature of the *krinomenon*, what interests me here is the stasis of definition, where the *krinomenon* "is clear but incomplete."<sup>80</sup> This seems to be the case of the problem of "dignity" as discussed in the PCB report; the issue at hand brackets the question of the usefulness of the concept by

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78 Malcolm Heath, "The Substructure of Stasis-Theory from Hermagoras to Hermogenes," *The Classical Quarterly* 44, no. 1 (1994), 114.

79 Ibid.

80 Ibid.

assuming it is in fact useful if we can determine a specific definition that allows for its application to specific cases. What is at issue, then, is the incompleteness of the question presented to the bioethicist: what is the definition of dignity? According to scholarship on public moral argument, the question of definition becomes one of the disclosure of particular ideological commitments to establish a common ground from which the argument can progress forward. As Lynch argues, the act of defining discloses particular ideological commitments because it attempts to present certain "facts" as grounds for the definitional specificity of a term of art. "The acceptance of one version of 'facts' presented by a group rather than the perspective and 'facts' of another group," Lynch argues, "occurs because scientific idioms make definitions comport with public ideological commitments. A definition comports with those commitments when it presents a reality – a set of 'facts' – wherein the interests of a given public can be furthered."<sup>81</sup> Lynch concludes then, following the position outlined by much of public moral argument scholarship, which in the case of stem-cell research, "Defining the policy options for ES cell research in terms of the values represented by opponents and proponents would allow for greater and more fruitful public deliberation on this issue. Ideally, such a move could shape many public debates about biotechnology."<sup>82</sup> We can assume that the debate over "dignity" is one such issue. The idea of disclosing the values inherent in the attempt to define dignity can be seen as an integral part of the *krinomenon* since it is the location at which its incompleteness can be minimized and stasis reached. This model for stasis seems consistent with the way it has been interpreted from

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81 Lynch, *What Are Stem Cells? Definitions at the Intersection of Science and Politics*, 150.

82 Ibid., 154.



Hermogenes, where, as Heath points out, "The question of how to identify the *krinomenon* comes down, therefore, to the question of how to identify which of the circumstances given in a rhetorical problem are materially relevant."<sup>83</sup> The question of "material relevance" in the biotechnology debate, and hence the question of "dignity," is congruent with the ideological presuppositions by which a particular definition comports with various publics' own ideological commitments.

But what about the question, then, of incommensurable definitions? If there is one conclusion arrived at by the PCB's report, it is that there is no conclusive definition of "dignity." The *krinomenon* of the report seems to remain definitively incomplete, thus relegating the question of definition, of stasis, to the realm of the impossible. If the entire doctrine of stasis, as outlined in the classical tradition, rests on the assumption that there are predictable kinds of questions (for example the question of definition), and that those questions can be moved past by the disclosure of the ideological presuppositions of the parties in dispute, then it seems like the question of "dignity" is relegated to stalemate. But this is the case if and only if the notion of stasis is reliant upon an Aristotelian notion of *topoi* as the fundamental goal of achieving agreement. Put another way: the search for commonplaces (*topoi*) through the disclosure of ideological commitments is taken as the fundamental grounding of public moral argument's understanding of the possibility of stasis, a possibility that is already foreclosed within the debate over "dignity." This debt to Aristotelian stasis theory, and its derivation from his *Topics* can be found in the two foundational authors of modern argumentation theory, Stephen Toulmin along with

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83 Heath, "The Substructure of Stasis-Theory from Hermagoras to Hermogenes," 128.

Chaim Perelman and Lucie Olbrechts-Tyteca.<sup>84</sup> The problem with this position is that it prefigures the discussion in advance since the *topoi* are viewed as a sort of common argument deposit from which the proponents on each side can draw. This, as A. Theodorakaku points out, requires a suspension of judgment, because the judgment has already been made in advance:

The Aristotelian problem already belongs to a closed system, a *topos*, which determines its nature: It is not subjected to judgment because it has already been judged, having eliminated unwanted difference from the outset. This strategy, that essentially excludes contradiction, renders judgment artificial and it results to tautology, since the answer is already prejudged from the formation of the problem – question. In this case, dialectic lacks any inquiring performativity.<sup>85</sup>

However, if we formulate a non-Aristotelian concept of stasis, one derived from Hermagoras, who speaks most clearly on the concept of the *krinomenon*, we can provide insight into what exactly occurs in the debate over "dignity." Specifically, using his conception of the *krinomenon* – emphasizing that it is fundamentally a choice: How do we frame the debate? Thus, for Hermagoras, the *krinomenon* is not about establishing the *topoi* for the debate in advance, but rather each side makes a deliberate choice in what *topoi* to utilize *as the debate is taking place*.

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84 See: Stephen E. Toulmin, *The Uses of Argument: Updated Edition* (New York: Cambridge University Press, 2003). and Chaim Perelman, and Lucie Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* (South Bend: The University of Notre Dame Press, 1991).

85 A. Theodorakaku, "What is At Issue in Argumentation? Judgment in the Hellenistic Doctrine of *Krinomenon*," *Argumentation* 19(2005), 246.

### *Hermagorean Stasis*

Hermagoras expands the centrality of the *krinomenon* in a non-Aristotelian view of stasis to make explicit the relationship between the question itself and the conditions of judgment. According to Theodorakaku, "The term 'judgment' (*iudicium*) in the doctrine of *krinomenon* is used to denote critical selection of material suitable for argumentation."<sup>86</sup> This has important consequences for a theory of stasis derived from Aristotelian topoi since judgment is already foreclosed due to the tautological nature of the already-agreed upon terms. In other words, if the foundations for the definition of "dignity" were already agreed upon by the PCB report, the required judgment for determining the scope of "material suitable for argumentation" would be predetermined, making the exercise of the report all for naught. However, since there is no agreed upon topoi for the definition of "dignity" in its content, the faculty of judgment, of deciding between applicable, at times contradictory definitions, becomes paramount. This is the foundation of a Hermagorean rhetoric. Theodorakaku lays out this distinction from Aristotelian propositionalism, stating, "The merit of *krinomenon* rests exactly on an utterance's relation with its other, with the possibilities that it itself introduces, whereas the proposition dismisses its own problematization, considering the orator only has to start from a statement and find its premises ..."<sup>87</sup> This fundamentally alters the role of judgment in the Hermogorean conception of stasis, since:

Defeating the propositional positiveness, *krinomenon* disengages  
judgment from the artificial context of a predecided verdict remaining to  
be certified or shown and it places it in its natural context where an

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86 Ibid., 244.

87 Ibid., 246.

utterance finds meaning in its other. The essence of *krinomenon* is inquiry itself, the construction of the issue that allows judgment to be performed, precisely because the issue does not include a reply, the question does not imply its answer and it is not identified with it, because the question is not just an interrogative proposition. Judgment is performed by inquiry of an issue that manifests the manifest difference between a question and an answer.<sup>88</sup>

The resulting schematic of stasis, "negates closed systems of identities, expressed as demands for a common language or homogeneity or integration or assimilation, a negation dictated by identity's very non-necessity, i.e. its non-essential character: Judgment is neither necessary (as in syllogism) nor an empty form that can have any content."<sup>89</sup> Thus, "*krinomenon* does not necessitate impossibility of judgment; on the contrary, it is its very condition."<sup>90</sup>

This is especially salient in the context of debates over terms with high levels of definitionality. What the Hermagorian understanding of *krinomenon* establishes is a concept of stasis that, freed from the predetermining closed system of the *topoi*, facilitates a definitional practice not predicated upon essential identity, but rather constructed, competing definitions that gain their affective value predicated upon their mutual exclusivity. Since terms with high levels of definitionality require but one level of common ideological investment between parties, that of the intent to define the concept

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88 Ibid., 247.

89 Ibid., 248.

90 Ibid., 249.

within competing interpretive frameworks, the possibility for judgment, true judgment not tautologically given in advance by the *topoi*, never occurs. Therefore it is the very antinomy that is created by competing definitions of dignity that fosters its point of stasis. In other words, the quest to define that which has no concrete definition is what guarantees the continued affective investment in the project. "Dignity's" lack of definitional specificity is what allows it to maintain its highly affective and ideological charges, and the stasis of the compulsive repetition to define the term over and over is what gives frames the character of the debate. Locating the *krinomenon* as the site at which there is no possible, essential answer, no closure to the question of stasis in the Aristotelian sense, ensures that the faculty of judgment remains free from all preconditions, and thus is intrinsically linked to the concept of definitionality. Only when stasis is refigured this way, can we gain the understanding that debates over terms with high levels of definitionality are not failures to reach a stasis point, but rather are engaged in a stasis of indefinite definition, and as such, sustain their affective and ideological investments that constitute the publics who comport with those competing investments. In sum, investment in the continued framework of competing definitions supersedes reaching an agreed upon framework for progressing the dialectic of argument from an Aristotelian stasis point. Here, argumentative contestation produces more affective investment (enjoyment) than conceptual synthesis. Once the Aristotelian conception of stasis through *topoi* is jettisoned in favor of a Hermagorean one that emphasizes the *krinomenon* not as a question to be resolved, but rather as an indefinite, anti-essentialist question of competing possibilities, we can gain insight into the continued debate over concepts with high levels of definitionality such as "dignity."

## **Conclusion: Fostering Public Moral Argument**

According to Leon Kass:

Today, human dignity is of paramount importance especially in matters bioethical. As we become more and more immersed in a world of biotechnology, we increasingly sense that we neglect human dignity at our peril, especially in light of gathering powers to intervene in human bodies and minds in ways that will affect our very humanity, likely threatening things that everyone, whatever their view of human dignity, holds dear. Truth to tell, it is beneath our human dignity to be indifferent to it.<sup>91</sup>

Conversely, Nick Bostrom proffers a wholly different definition:

[The] idea of dignity as a quality, a kind of excellence admitting of degrees and applicable to entities both within and without the human realm. I argue that dignity in this sense interacts with enhancement in complex ways which bring to light some fundamental issues in value theory, and that the effects of any given enhancement must be evaluated in its appropriate empirical context. Yet it is possible that through enhancement we could become better able to appreciate and secure many forms of dignity that are overlooked or missing under current conditions. I also suggest that, in a posthuman world, dignity as a quality could grow in importance as an organizing moral/aesthetic idea.<sup>92</sup>

So what are we left with? Given that both Bostrom and Kass argue for dignity in their respective camps, each an individual public with mutually exclusive ideological

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91 Kass, "Defending Human Dignity," 298.

92 Bostrom, "Dignity and Enhancement," 173.

commitments and ideas about the nature of biotechnological enhancement, should we jettison the concept altogether? Without a viable Aristotelian stasis point, indeed without an agreed upon framework of topoi to begin with, should we assert, along with Macklin and Pinker, that the concept should be abolished? It has been the contention of this chapter that the opposite is in fact true: the above antinomy, established in the PCB report on "dignity" means that we ought not to abandon the concept due to its mutually exclusive interpretations, but rather we should study it because of them.

However, in order to provide insight into the unique rhetorical features of this debate, two moves are necessary: the first is the deployment of the concept of definitionality, apparent in the concept's ideographic and constitutive nature. It is a vague term without a clear set of essential qualities that in turn begs to be continually defined. Yet formulating a definitive understanding of the concept is impossible, allowing for multiple, often mutually exclusive definitions. In other words, "dignity's" power to serve as a site for both affective and ideological investment lies not in its ability to foster consensus but rather facilitate enjoyment from the compelled, repetitive act of definition. This produces a framework of competing interpretations as a groundwork for the sites for shared investment. This results in a fundamental lack of Aristotelian stasis and occurs when the attempt to disclose all ideological and affective investments is properly impossible. However, instead of bemoaning the loss of a concrete stasis point that is grounded in a set of topoi, we ought to reformulate the conception of stasis to develop a more Hermagorean understanding of the concept. Applied in instances of debates over terms with high levels of definitionality, this reworked formulation provides a framework, through a rereading of the *krinomenon*, which offers two insights: first, the

shared commitments by the multiple publics created by the competing definitions are manifested in the enjoyment derived from attempting to define the term rather than agreeing upon a set of topoi to formulate stasis. Second, the possibility of judgment is introduced in that, absent topoi, it cannot be given in advance. This reinjection of judgment, fostered by an eye toward the rhetorical act of defining breaks the tautological nature of the term in Aristotle's formulation and radically opens the possibility for contradiction and thus the foundation of judgment.

So far, I have asserted that the possibility for contradiction is the precondition for judgment. Recall that for Theodorakaku the Aristotelian topoi are inherently restrictive because they establish a set of pregiven possibilities in which the public of a given debate is free to choose from. These possibilities, while potentially diverse in nature, all rest on the underlying assumption that they are appropriate responses that bracket a full range of possible judgments in favor of ones that are considered "prudent." The aim of abandoning the topoi in a Hermagorean theory of stasis is to forge open the possibility of radical possibilities in judgment, hence the claim that breaking from the tautology established by the topoi is the precondition for judgment. This requires the abandonment of the principle of non-contradiction. To make this claim, Theodorakaku draws on the work of Michel Meyer, who, in his theory of "problematology" notes that the principle of noncontradiction cannot be validated since, "its validation presupposes its existence."<sup>93</sup> While Meyer's project is analytical in nature, he is helpful for our purposes here. Specifically, his understanding of the role of questioning in the realm of rhetoric provides insight into the relationship between public moral argument and highly definitional terms.

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93 Michel Meyer, *Of Problematology: Philosophy, Science, and Language* (Chicago: The University of Chicago Press, 1995), 193.



Meyer's system rests on the notion that foundation of all human discourse is not, as in Aristotle, the preposition, but rather the question. As David L. Jamison explains, "The formulation and direction of questions are stimulated by the need to solve problems, to respond to the crises and issues of daily life. And questions for which there is an interlocutor, even including questions which are intrapersonal, necessarily involve language."<sup>94</sup> Since propositions – or answers – are not foundational, they all presuppose a question or questions, hence Meyer's linking of the question-answer pair; there is no answer that does not assume the existence of a question that is prior to it. To reinvigorate the importance of the question, Meyer develops a system that emphasizes the contingency of potential answers to a given question. This type of answer, in Meyer's terminology, is called a "problematological answer," and, as Nick Turnbull explains, "[it] is not what is usually meant by a 'solution.' Rather, the answer is the formulation of a problem that brings the unthought out from thought, setting a new range of alternatives and meanings ... Such answers cannot be exhaustive by definition."<sup>95</sup> This is opposed to "apocritical answers," which are the foundation of most analytical endeavors. These answers, "both solve and suppress a problem. An apocritical answer closes inquiry by repressing what is problematic and detaching itself from the question to which it refers, becoming autonomous. Answers accumulate in the apocritical whereas problems are expressed in the problematological."<sup>96</sup> The shift in emphasis from answers to questions

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94 David L. Jamison, "Michel Meyer's Philosophy of Problematology: Toward a New Theory of Argument," *Argumentation* 5(1991), 61.

95 Nick Turnbull, "Rhetorical Agency as a Property of Questioning," *Philosophy & Rhetoric* 37, no. 3 (2004), 215.

96 Ibid., 215–16.

and problems is essential for our purposes here because, for Meyer, it is the realm of rhetoric. He argues:

Rhetoric is a discourse in which one can hold opposite judgments on the same question. What is problematic remains so through the displayed multiplicity of judgments. We find the same multiplicity in language, and it is called polysemy. Equivocality and the existence of a plurality of answers, which lie at the core of the rhetorical debate, are intrinsically related. An equivocal answer to a question is not the answer to that question, since other answers are equally possible. The question is then left unsolved. An equivocal answer is not an answer, or, rather, it is another expression for the problem: it is a problematological answer.<sup>97</sup>

This is the formulation of the problem of definitionality. Concepts with high levels of definitionality cannot be "answered" in that they cannot be unequivocally defined. The presence of polysemous "answers" to the question of the definition of the term means that by its nature the highly definitional term cannot be expressed by an apocritical answer. If definitionality can only be expressed problematologically, that means that the preconditions established by the *topoi*, those answers that are assumed to "resolve" the question in advance and are therefore apocritical in nature. They truncate the question – their attempt to "resolve" the issue, paradoxically, prevents the possibility of a solution. Radical judgment instead formulates the possibility for any possibility, a dramatic opening for making a decision not already determined in advance.

In the context of public moral argument, the fundamental reconfiguration of stasis

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97 Michel Meyer, *Rhetoric, Language, and Reason* (University Park: The Pennsylvania State University Press, 1994), 52.

away from Aristotle and toward Hermegoras represents a shift away from the apocritical and toward the problematological. In practice, this means that the critic looking to analyze the points of contestation in debates over terms with high definitionality should look not at common investments (since there is only the common investment of competition over interpretations), but rather explore the regressive nature of the levels of ideological and affective investment on all sides of the debate as comprising the stasis point as such. The debate over "dignity" is useful in public discourse not because the competing sides can reach some sort of agreed interpretation on its meaning, but rather because the debate refuses to close itself off. Here the possibility of judgment on the part of the public is laid most bare: in offering a continuing debate about competing, mutually exclusive interpretations of the same term, publics created in the debate can judge the possibilities of its interpretation without a pre-given set of topoi. Absent a disclosure of ideological investments, common ground is established by the very fact of contestation, and therefore as scholars of public moral argument we should seek not to forestall the competition of definition, but rather foster its continuation as a method for advancement. The problematological nature of debates over terms with high levels of definitionality is an end in and of itself, and refusing to shut off the continued impossibility of its resolution is what authorizes the possibility for judgment on the part of the publics who are invested in it. Resolution of the debate will not be found in its answers to the question of "dignity," but rather through continually problematizing the question itself. Only then can we emphasize argument in the study of public moral argument and foster the question-asking procedures in debates over terms with high levels of definitionality such as "human dignity."



## **Chapter 2: Should We Enhance the Human? Affect, Rhetoric, and the Trope of the "Human" in Contemporary American Bioethics**

As the Liberty lads o'er the sea  
Bought their freedom, and cheaply, with blood,  
So we, boys, we  
Will die fighting, or live free,  
And down with all kings but King Ludd!

(Lord Byron, "Song for the Luddites")

Human life, at its best, is fantastic.  
I'm asking you to create something even greater.  
Life that is truly humane.  
Yours sincerely,  
Your Possible Future Self

(Nick Bostrom, "Letter from Utopia")

Looking beyond the arguments over definitions of "dignity," there is a broader debate taking place in the field of American bioethics, one that the PCB has also weighed in on. It is a debate about the nature and outlook of the human species moving forward in the face of rapid biotechnological advancement. This point of contention extends the arguments made by both the transhumanists and the bioconservatives in the previous chapter to make claims about the larger impacts of the potential uses and abuses of biotechnology for enhancing the human species. As such, the debate is fundamentally about what makes us human in the first place. A term with just as much definitionality as "dignity," the trope of the "human" falls under much of the same definitional pitfalls of competing interpretations I outlined in the previous chapter. However, there is one important difference: whereas the very usefulness of the concept of "dignity" is in question, nearly no one in the bioethical field thinks we should abandon the concept of the

"human." As such, the levels of investment in attempting to define the term are even higher since there is more at stake — in sort, the question of the "human" forces us to answer not what makes us special, but what makes us who we are.

The debate over biotechnology showcases high levels of what I have described as "investment," both ideological and affective, due to the nature of the questions it raises and the stakes of those questions. In this chapter I will focus on the latter type of investment, dealing specifically with a psychoanalytic theory of affect, and I will outline what debates with high levels of affective investment can tell us about the study of rhetoric and methods of rhetorical criticism. While I will focus on the specific case of competing claims over whether or not biotechnologies should be used to enhance human beings' physiological and psychological capacities, I believe this debate yields insight into broader questions about the nature of affect and language, and refigures some concepts that are central not only to the nature of the "human," but also rhetoric itself.

This chapter proceeds in three sections. In the first I look at a Derridian and Lacanian theory of affect as it relates to signification. Second, I look to previous theories of affect as they are used in rhetorical studies and discuss their shortcomings. Specifically, I look to what it means to read a series of texts in a rhetorical economy and how it can settle some of the debates over affect and its use in rhetorical criticism. I also outline my reading strategy for analyzing debates over so-called "enhancement technologies." In the third section I explore the debates over enhancement technologies from both sides of the debate, laying out the position and exploring the impact affect has in shaping the discourse. Finally, I conclude with some remarks about the nature of polysemy in rhetorical studies, showing how this specific debate can augment our current understanding the concept. Overall, I look to explore the uses and abuses of rhetorical

criticism in its relation to theories of affect, supplementing them with a psychoanalytic conception of the term that I hope will overcome some of the ambiguities it presents to the study of rhetoric and the role the critic plays in interpreting a given affective and symbolic economy.

### **Affect and Signification**

#### *The First Words*

As man's first motives for speaker were of the passions, his first expressions were the tropes.

Figurative language was the first to be born. Proper meaning was discovered last. One calls things by their true name only when one sees in them their true form. At first only poetry was spoken; there was no hint of reasoning until much later.

(Rousseau, *On the Origin of Language*)<sup>1</sup>

The above passage from Rousseau makes two things clear about the utterance of the first words: they were tropes motivated by the passions. But of course how can the initial utterances be figurative in nature? The history of rhetorical theory, partly concerned with the study of figures, tells us that there cannot be an original metaphor since the concept by nature is an ornament, a transportation (*metapherin*) from the literal to the figurative meaning of a word. At the very least it requires a proper meaning to deviate from. After all, as Derrida points out, "In what consists the precision and the exactitude of language ... Above all in literalness. A precise and exact language should be absolutely univocal and literal: nonmetaphorical. The language is written, and pro-regresses, to the extent it masters or effaces the figure in itself."<sup>2</sup> Yet Rousseau challenges this notion by pointing to something anterior to language, something that can only be expressed by approximation, by a transport, or inadequation, that is responsible for the first words. This "something anterior to language" is only defined figuratively, or rather, its literal meaning is figurative in nature. Any representation of an object, writes Derrida, "signifying the object and signified by the word or by the linguistic signifier in general, may also indirectly

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1 Cited in: Derrida, *Of Grammatology*.

2 Ibid., 271.

signify an affect or passion."<sup>3</sup> This is an affect or passion. Its relationship to representation, or "its literal and proper meaning will be the relationship of the idea to the affect it expresses. And it is the inadequation of the designation (metaphor) which properly expresses the passion."<sup>4</sup> Thus there can be no zero-degree relationship between the affect and the signifier, no one-to-one correspondence, since it requires a trope to express it – it is a signifying of the asignifying.

Furthermore, this affect is always linked, in some way, to an object. This linkage necessitates a twofold operation of metaphor: the substitution of an object for a concept and the transference of an affect to the object/concept substitution. Rousseau gives the example of a person uttering the first words at witnessing another taller, stronger person and assuming that the other is a giant, provoking fear. Derrida sums up the metaphoric process:

The idea "giant" is at once the literal sign of the representer of the passion, the metaphoric sign of the object (man) and the metaphoric sign of the affect (fear).

That sign is metaphoric because it is false with regard to the object; it is metaphoric because it is indirect with regard to the affect: it is the sign of a sign, it expresses emotion only through another sign, through the representer of fear, namely through the false sign. It represents the affect literally only through representing a false representer.<sup>5</sup>

Thus although the affect is "literally" expressed in the utterance of the first words, its literal expression is a figurative one. The metaphor is partly a linkage between the object and the affect, ultimately false in its representation of the object and indirect in its representation of the affect –

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3 Ibid., 275.

4 Ibid., 271.

5 Ibid., 277.



and thus is a dual operation. This gives us a provisional outline to the relationship between affect and signification: the affect can only be indirectly expressed through metaphor as it is linked to an object. The "falseness" of the metaphor in terms of the relationship between the concept (giant) and object (man) is what rhetoricians have traditionally understood as the location of metaphor, as a transference of literal to figurative meaning between an object and a concept or signifier. But the second part of the metaphoric operation in Derrida's formulation is what interests me here: the indirectness or inexactitude of the signifier in relation to the affect, a literal expression of what can only be figurative. While Derrida's reading of Rousseau pertains to the conditions of possibility for the first words, it is my contention that the affect plays a larger role than simply providing language its genesis. It is still with us today, when we try to signify that which we cannot signify, affect is present in the words we use. And while there is no one-to-one relationship between an affect and a concept, it nevertheless is ever-present in public discourse about far more than the fear of giants.

Consider the case of one particular use for biotechnology: human cloning. Leon Kass argues against the cloning of human beings not on "rational" grounds, but rather because it is "repugnant." Kass argues that cloning of the human is a "pollution and perversion:"

To pollution and perversion, the fitting response can only be horror and revulsion; and conversely, generalized horror and revulsion are *prima facie* evidence of foulness and violation. The burden of moral argument must fall entirely on those who want to declare the widespread repugnancies of humankind to be mere timidity or superstition. Yet repugnance need not stand naked before the bar of reason. The wisdom of our horror at human cloning can be partially articulated, even if this is finally one of those instances about which the heart has its reasons

that reason cannot entirely know.<sup>6</sup>

Calling this the "wisdom of repugnance," or the "yuck factor," Kass argues that our initial, affective response to a proposed biotechnology is grounds for sound moral argument, even if we cannot, or at best indirectly, articulate it. This is an example of the inexactitude by which the signifier relates to the affect. Not only is there a first order metaphoric transportation of the concept of creating human copies to the signifier "cloning," but there is a second order transportation, one that unites, albeit indirectly, the affect, the "yuck," to the above signifier. While the first order metaphor is explained in detail through a wide array of poststructuralist thought, the second order is what I will explore in this chapter, specifically the effects that affect exerts on the signifier, making its presence known, albeit indirectly. Kass' example of repugnance is salient here in that it represents an intensity that he feels toward the concept of cloning. An intensity that he can at best describe through repeated circumlocution. Kass states, "We are repelled by the prospect of cloning human beings not because of the strangeness or novelty of the undertaking, but because we intuit and feel, immediately and without argument, the violation of things that we rightfully hold dear. Repugnance, here as elsewhere, revolts against the excesses of human willfulness, warning us not to transgress what is unspeakably profound."<sup>7</sup> The "unspeakableness" of Kass' proposition, combined with its profundity indicates the intensity and indirectness in which he attempts to explain his feelings toward cloning. To develop a vocabulary for understanding what exactly happens to the signifier when it is confronted with an affect, I will turn to the psychoanalytic tradition to augment Derrida's insight.

#### *The Other Side of Affect*

The opposition between the passions and the intellect has a rich and storied history in the

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6 Kass, Leon, "The Wisdom of Repugnance." *The New Republic*, 1997, 21.

7 Ibid., 20.

fabric of philosophy. This chapter is located squarely in the middle of that opposition, serving, in theory, as a fulcrum between the two poles. In the words of Jacques Lacan, the opposition between the affective and intellectual, "is one of those most contrary to analytic experience and most unenlightening when it comes to understanding it."<sup>8</sup> My aim is to take this seriously, to think through the relationship between the affective and the intellectual, to explore how they interact, alter, and influence each other. More specifically, I aim to understand how the register of the affective exerts effects on the process of signification. Lawrence Grossberg surveys an array of affect theories and concludes that, "What unites these approaches to affect is an overlapping set of assumptions ... first, it is non-representational, non-cognitive, and a-signifying; second, it is non-conscious and non-intentional, and therefore a-subjective and pre-individual, although it may well be subjectifying; and third, it exists as intensity, or in intensive qualities."<sup>9</sup> These different approaches to affect draw on a disparate array of influences, from cybernetics and neuroscience, to emotion theory and political philosophy.<sup>10</sup> Recently, thinking on the "affective turn" has taken up a strand of philosophical thought stemming from Spinoza and his poststructuralist champion, Gilles Deleuze. This work seeks to find the ontology of affect, to explain how it operates often at the level of the "material," "the body" or beyond the human.<sup>11</sup> While much good is being done by asking these questions, especially in an attempt to rectify some of the shortcomings of the "linguistic turn," I want to attend to the affect's relation

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8 Jacques Lacan, *Seminar I: Freud's Papers on Technique*, trans. John Forrester, ed. Jacques-Alain Miller (New York: W. W. Norton and Company, 1988), 274.

9 Lawrence Grossberg, *Cultural Studies in the Future Tense* (Durham: Duke University Press, 2010), 173.

10 Melissa Gregg, and Gregory Seigworth, eds. *The Affect Theory Reader* (Durham: Duke University Press, 2010), 6-9.

11 Ibid., 5-7.

to language.

Thus, I will focus on the other side of the forked path of affect theory, one that draws on the psychoanalytic tradition to understand the paradoxical nature of the ways in which we attempt to signify the asignifiable. As Nigel Thrift points out, there are multiple modes of theorizing affect, and, "each of these approaches has a certain force ... as well as certain drawbacks ... in each approach affect is understood as a form of thinking, often indirect and non-reflective, it is true, but thinking all the same. And, similarly, all manner of the spaces which they generate must be thought of in the same way, as means of thinking and as thought in action. Affect is a different kind of intelligence about the world, but it is intelligence none-the-less, and previous attempts which have either relegated affect to the irrational or raised it up to the level of the sublime are both equally wrong-headed."<sup>12</sup> If, drawing what we can from the Spinozists, we understand the affective realm to exert intensities and effects, what is the response to those intensities and effects by a subject, who, as Lacan points out, is by its very nature caught up in, and unable to escape from, the use of signs and signification? The answer, it seems, lies not in the ontological realm of affect theory, but rather, as Grossberg argues, in the empirical realm, one possibly explained by the psychoanalytic tradition.<sup>13</sup> With its focus on the psyche in relation to the world around it in Freud, and its relation to language in Lacan, it seems like the psychoanalytic tradition is equipped with the theoretical vocabulary necessary to demonstrate the ways not only in which subjects come to invest meaning in the world around them, but also in the ways they try to communicate that meaning to others. This project is necessarily discourse-

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12 Nigel Thrift, *Non-Representational Theory: Space, Politics, Affect* (London: Routledge, 2008), 175.

13 Lawrence Grossberg, "Interview with Lawrence Grossberg," *Communication and Critical/Cultural Studies* 10, no. 1 (2013), 311-12.

based – a choice that is of some contention considering I am utilizing a concept that is expressly utilized to move "past" language-centered reading practices with its focus on the body and the material.<sup>14</sup> But, as I hope to show, while affect is useful for thinking through the above phenomena, it also makes itself known in the world of the word any time we attempt to signify that which we cannot quite signify, or any time we have a discourse that we are particularly invested in, be it politically, interpersonally, or ethically – in other words, our language is absolutely saturated with affect.

To first understand Lacan's often complicated and ambivalent theory of affect, it is essential to note his fundamental differentiation between the real and "reality." Reality is inherently caught up in the world of signifiers and concepts whereas the real exists as that which is beyond signification. As Bruce Fink points out, there is always a real that "ex-sists" outside of language. "The real," he argues, "is perhaps best understood as that which has not yet been symbolized, remains to be symbolized, or even resists symbolization; and it may perfectly well exist 'alongside' and in spite of a speaker's considerable linguistic capabilities."<sup>15</sup> Fink explains that the real is in fact produced by symbolization, since, "the symbolic order ... produces something, in the course of its autonomous operation, that goes beyond the symbolic order itself."<sup>16</sup> Furthermore, an economy of affects is understood as existing external from the realm of signification, albeit alongside it. But the relationship between the two is more complicated than a simple inside/outside distinction. Instead, just as with the real and the symbolic, affect is knotted

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14 Brian Massumi, *Parables for the Virtual: Movement, Affect, Sensation* (Durham: Duke University Press, 2002), 26-27.

15 Bruce Fink, *The Lacanian Subject: Between Language and Jouissance* (Princeton: Princeton University Press, 1995), 25.

16 Ibid., 27.

together with the signifying process, existing in what Lacan would classify as an "extimate relationship," one of intimate exteriority between the affective economy and the economy of signifiers.<sup>17</sup>

To the selective reader of Lacanian theory, it is possible to read into his work a hostility toward the concept of affect. Critics of the Lacanian theory of affect often begin by citing a passage from *Seminar I* in which Lacan states, in no uncertain terms, "I believe that [affect] is a term which one must completely expunge from our papers."<sup>18</sup> However, preceding that passage, Lacan points out what he means by this polemic, claiming that to study affect, one must not imagine it as a "special density which would escape an intellectual accounting. It is not to be found in a mythical beyond of the production of the symbol which would precede the discursive formation."<sup>19</sup> This verifies that for Lacan, once an affect exerts an effect onto the signifier, it enters into a relationship with that signifier that, while artificial and irreducible, nonetheless modifies the intensity of the affect and the nature of the signifier. Specifically, affect does not exist wholly independently of the signifier once it interacts with the signifying chain; while it is asignifying, once it exerts intensity onto a signifier it changes the relationship the signifier has to its signified, which now includes the affect. In *Seminar X*, Lacan answers the charge that he is uninterested in affect, providing a salient point about the relationship between the affect and the signifier:

Those who follow the movements of affinity and aversion of my discourse ...

think no doubt that I am less interested in affects than anything else. This is quite

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17 Jacques Lacan, *Seminar VII: The Ethics of Psychoanalysis*, trans. Bruce Fink, ed. Jacques-Alain Miller (New York: W. W. Norton and Company, 1992), 71.

18 Lacan, *Seminar I: Freud's Papers on Technique*, 275.

19 Ibid.

absurd. On occasion I have tried to say what affect is not: it is not Being given in its immediacy, nor is it the subject in some sort of raw form ... it is not repressed ... it is unmoored, it goes with the drift. One finds it displaced, mad, inverted, metabolized, but it is not repressed. What is repressed are the signifiers which moor it.<sup>20</sup>

This concept of mooring and unmooring solidifies Lacan's thinking in *Seminar VII* about the irreducibility of affect to the signifier. There, he explains this relationship between the signifier and affect in detail, arguing:

As far as the psychology of affects is concerned, Freud always manages to give in passing significant and suggestive hints. He always insists on their conventional and artificial character, on their character not as signifiers but as signals, to which in the last analysis they may be reduced. This character also explains their displaceable significance, and, from the economic point of view, presents a certain number of necessities, such as irreducibility.<sup>21</sup>

There are a few key things to consider in the above passage: First, Lacan is referring to the psychology of affects, meaning the way in which affects exert effects on a subject who is caught in language — he is referencing the effects wrought by affect in the play of signifiers that both produces and is produced by the subject. Thus we are well within Lacan's realm of the imaginary and symbolic orders, registers that exist alongside, but are distinct from, the real. Fink's characterization of the symbolic as producing an excess to itself is salient here; the economy of affect both affects and is affected by the play of signifiers in a given linguistic economy. Second,

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20 Jacques Lacan, *Anxiety: The Seminar of Jacques Lacan Book X*, trans. A. R. Price, ed. Jacques-Alain Miller (Cambridge: Polity, 2014), 14.

21 Lacan, *Seminar VII: The Ethics of Psychoanalysis*, 102.

affect is characterized as a signal as opposed to a signifier. This is critical for our purposes because while affect is itself asignifying, the intersection between the signifying and affective economies takes on the quality of a signal that knots the two together. The relationship between the signifier and the signal is indirect. This is in contrast to the direct relationship between two signifiers in a signifying chain.

The operation of repression itself is described by Lacan, following Freud, in two ways, each describing the relationship of affect to the signifier. The first is the primal repression (*Urvergrängung*), outlined by Lacan as the repression of the initial signifier, or a structural property of the incompleteness of language itself — hence the distinction between reality and the real.<sup>22</sup> We can equate this notion of repression to Derrida's first-order metaphor, the one where the transport between the affect and signifier is false, or does not adhere to a zero-degree relation between the two. Next, there is secondary repression (*Verdrängung*) which is defined by Dylan Evans as, "A specific psychical act by which a signifier is elided from the signifying chain. Secondary repression is structured like a metaphor, and always involves 'the return of the repressed', whereby the repressed signifier reappears under the guise of various formations of the unconscious ..."<sup>23</sup> This "elision" of the signifier, only to return under different formations within the structure of a discourse, sheds light onto the second-order metaphor in Derrida's formulation. The indirectness between the affect and the signifier, the necessary primal repression that occurs between the two, is supplemented by a secondary repression whereby the affect unmoors itself from the signifier and slips into non-discursivity. This slippage leaves a "gap" or a "split" in the

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22 Jacques Lacan, *Seminar XX: On Feminine Sexuality, the Limits of Love and Knowledge*, trans. Bruce Fink, ed. Jacques-Alain Miller (New York: W. W. Norton and Company, 1998), 53.

23 Dylan Evans, *An Introductory Dictionary of Lacanian Psychoanalysis* (New York: Routledge, 1996), 127.



signifier, facilitating the compulsion to repeat the attempted recapture of the affect (the famed "return of the repressed"). In sum: this detour through psychoanalytic theory demonstrates to us, if we remove the jargon, that an affect moors itself to a signifier, meaning that there is no one-to-one relationship between the two since the affect is itself asignifying. Because it is not directly linked to a signifier, unlike a signified such as "chair" or "book," the affect is free to "unmoor" itself from the signifier, leaving a void, a representation of a lack of representation, in its place as it slips into non-discursivity. The end result of this process is that the subject is left with a feeling that he or she cannot describe directly (Kass' repugnance) but compulsively attempts to restate the feeling, recapture the affect, again and again, each time with a difference – a linguistic manifestation of intensity.

#### *Rhetoricity, Repetition*

Having explained the contributions affect makes to the life of the sign, we can now turn to the ways in which those contributions relate to the study of rhetoric. According to Lundberg, in one of the most comprehensive accounts of Lacan's theory of affect and its relationship to rhetoric, "the signifier works to organize the expression and character of affective impulses, primarily by transposing and translating them into an economy of rhetorical production ... Although rhetorical processes do not produce every movement of affect, they comport affective flows, which are, in turn, effected in part by the operation of the signifying economy."<sup>24</sup> To provide backing for this argument, Lundberg cites the following passage in *Seminar X*:

Where best does Aristotle deal with the passions? ... it is in Book Two of his Rhetoric. The best thing about the passions is caught up in the reference, in the net, in the network of the Rhetoric. It is not by chance. This is the net. This indeed is why I spoke to you about the net in connection with the first linguistic

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24 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 110.

references that I tried to give you.<sup>25</sup>

In light of this, according to Lundberg, Lacan "argues for a conception of affect as a set of forces organized, captured in, and mediated by the rhetorical functions of the Symbolic and the Imaginary."<sup>26</sup> He concludes, "If affect is at first an uncoded 'signal' when captured in the net of discourse, it is subsequently transposed into the economy of signs that animates the subject's production and movement within language."<sup>27</sup> This is a reasonable position to take given Lacan's often vague rumination on affect. But, as I hope to have demonstrated above, not only does the signifier comport the flows of affect within a rhetorical economy, but the affect also commands the movement of the signifier through its mooring and unmooring to it. Simply: signifiers comport affects, while affects command signifiers.

My supplemental reading of affect in its relation to the signifier adds to Lundberg's conception of the location of rhetoric in Lacan's schema. Lundberg locates rhetoric in the fabric of the economy of signifiers, which are organized into a series of tropes — metonymies and metaphors — and thus the economy itself is rhetorical in nature. A subject engages in a rhetorical act through, "habitual investments ... in signs and representations" comprising a "feigned unicity" between signifiers and their referents.<sup>28</sup> Rhetoric resides, for Lundberg, in making language work, in eliding the fact that the "feigned unicity" of the sign is, in reality, a "failed" one.<sup>29</sup> Thus when he argues that the signifier comports affective flows, it lays the

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25 Lacan, *Anxiety: The Seminar of Jacques Lacan Book X*, 14.

26 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 110.

27 Ibid., 112.

28 Ibid., 85.

29 Ibid., 2-4.

groundwork for the conditions of possibility for emotion as felt by the subject.<sup>30</sup> Affect is channeled into a signifying economy and that economy organizes, attempts to make intelligible, the affective economy. Affect in Lundberg's estimation then is both the condition of possibility for emotion and provides the enjoyment derived from the "set of predictable habituated relationships" that "gives coherence to the subject's world by investing it with an identity..."<sup>31</sup> This is backed up by Lacan's claim that, "there is only one affect, which is, namely, the product of the speaking being's capture in a discourse..."<sup>32</sup> For Lundberg, then, the comportment of the affective flow in the net of discourse is a rhetorical act in the same way that the signifying process itself is rhetorical: it is a failed unicity passing itself off as a feigned one. The key difference however, is that unlike a signified that can be said to "exist" in the real by a more direct link to a signifier, affect produces enjoyment and lays the groundwork for emotion as it yields to the signifier.

I believe that this view encapsulates half of the equation — one that provides a unidirectional account of the relationship between rhetoric and affect. I would like to offer a bidirectional account of rhetoric and affect, one that not only accounts for the way in which the capture of an affect's signal is rhetorical due to the nature of the discourse which ensnares it, but also provides an explanation for the rhetoricity of the sign, namely what accounts for its contingent and dynamic nature. Put another way, instead of positing that signifiers rhetorically comport affective flows, I argue that affects also command signifiers in such a way to provide

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30 Importantly, this is not to say that affect and emotion are equivalent. Rather it is point out that affect is itself the condition of possibility for emotion to be felt by the subject. Ibid., 111.

31 Ibid., 113.

32 Jacques Lacan, *Seminar XVII: The Other Side of Psychoanalysis*, trans. Russell Grigg, ed. Jacques-Alain Miller (New York: W. W. Norton and Company, 2007), 151.

them with a rhetorical valence as such. In perhaps the most authoritative text on affect and psychoanalysis, Andre Green describes the process whereby an affect is unmoored from a signifier, stating that affect's, "peculiarity is to recover, abolish, and replace representation. Its most striking effect is negative hallucination... negative hallucination is not a univocal negative concept referring to an experience of lack or deficit. Negative hallucination is not therefore the absence of representation, but a representation of the absence of representation..."<sup>33</sup> Green provides an account for how affect thus facilitates the movement of the signifier:

When discourse suspends representations, it is continued by an affect that signals the existence of a veritable gap in the succession of representations. The affect appears to be taking the place of representation. The process of concatenation is a chaining up of cathexes in which the affect has an ambiguous structure. Insofar as it appears as an element of discourse, it is subjected to that chain, includes itself in it as it attaches itself to other elements of discourse. But insofar as it breaks with representations, it is the element of discourse that refuses to let itself be linked by representation and arises in its place. When reaching a certain quantity of cathexis, a qualitative mutation occurs; the affect may then snap the chain of discourse, which then sinks into non-discursivity, the unsayable.<sup>34</sup>

The unmooring of the affect from the signifier leaves in its place a negative hallucination, a representation of a lack of representation. Thus we reach a basic formulation for poststructuralist psychoanalysis: Lacan's barred signifier, \$. As Slavoj Žižek puts it, the \$ represents, "the divided, split subject, and at the same time the effaced signifier, the lack of signifier, the void, an

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33 Andre Green, *The Fabric of Affect in the Psychoanalytic Discourse* (New York: Routledge, 1999), 226.

34 Ibid., 214.

empty space in the signifier's network."<sup>35</sup> The mooring and unmooring of the affect to the signifier brings the signifier out of its chain, halting the metonymic following of one signifier to the next. Žižek explains that, "at a certain point ... some signifier fixes retroactively the meaning of the chain, sews the meaning to the signifier, halts the sliding of the meaning."<sup>36</sup> But this suspension of the signifying chain is, at best, only temporary. Enter Green's argument that the negative hallucination fostered by the absence of affect compels repetition. Every act of repetition is repetition with a difference since it trades off with the will to simply recall the past. Lacan seems to concur with this reading of the repetition compulsion when he remarks, in Seminar XI, that, "in Freud's texts repetition is not reproduction. There is never any ambiguity on this point: *Wiederholen* is not *Reproduzieren* ... *Wiederholen* is very close, so the most prudent etymologists tell us, to the verb 'to haul' (*haler*) — hauling as on a towpath — very close to a hauling of the subject, who always drags his thing into a certain path that he cannot get out of."<sup>37</sup>

So what exactly is the "thing" that the subject hauls around? Lacan's thinking on "the thing" in *Seminar VII*, which he refers to in German as *das Ding*, "is that which is the beyond of-the-signified. It is as a function of this beyond-of-the-signified and of an emotional relationship to it that the subject keeps its distance and is constituted in a kind of relationship characterized by primary affect, prior to any repression ... the Thing only presents itself to the extent that it becomes word ..." <sup>38</sup> What the subject hauls, through the compulsion to repeat, is an inherent lack

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35 Slavoj Žižek, *The Sublime Object of Ideology* (London: Verso, 2008), 112.

36 Ibid., 113.

37 Lacan, *Seminar XI: The Four Fundamental Concepts of Psychoanalysis*, 50-51.

38 Lacan, *Seminar VII: The Ethics of Psychoanalysis*, 54-55.

in the signifying chain — the negative hallucination that results from the unmooring of the affect from the signifier, designating it as \$. What is repeated (hailed) in an affectively saturated discourse is the "bar" ( | ) of the \$, the emptied out signifier and its negative hallucination. The subject is compelled to repeat the attempt to signify the affect, always falling short, again and again. Each attempt affixes the ( | ) to another signifier, temporarily and retroactively halting the sliding chain of metonymies and creating a new metaphor, \$, to replace the old. But the capture is never complete, the encounter is always missed, and it is this missed encounter that characterizes the nature of the affective saturation in a discourse — it is a process of investment.

Thus, not only does the signifying economy comport the affect, but the affect, by its unmooring from the signifier, by transforming the signifier into the \$, facilitates a dynamism through its intensity that animates the sign. For Green, this dynamism is characterized as an articulation that, "passes through the retroactive effect of the repetition compulsion."<sup>39</sup> The repetition compulsion gives affective investment its characterization as a compelled repetition with a difference. This is the crucial point I believe Lundberg misses in his theory of affect and rhetoric: the fundamental transformation of the sign once it has its missed encounter with an affect. While Lundberg is right to point out the rhetorical nature of channeling affective flows, the rhetoricity of the sign is produced by the absence of a representation of a nonrepresentational affect. A sign's rhetoricity, its dynamic nature that accounts for its status as trope, is facilitated by the mooring and unmooring of an affect to it. Thus, if the investment of labor in a discourse is understood as the rote recollection of signs in order to solidify their connection, affective investment is understood as the compelled repetition of that which cannot be easily repeated due to the dynamism of the signifier and its barred nature as \$. Ultimately, Lundberg's account of

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39 Green, *The Fabric of Affect in the Psychoanalytic Discourse*, 227.

affect in relation to rhetoric assumes that the economy of tropes is rhetorical through its investment. My account provides an explanation of how the economy is tropological in nature and how investments occur in usage — after all, in the simplest terms, if signifiers lined up to objects in a one-to-one relation, there would be no compulsion to repeat in an attempt to solidify those connections. Taken together, the theory I have outlined here, coupled with Lundberg's account of the channeling of affect in a tropological economy accounts for both the rhetoricity of the sign as well as the nature of feigned unicity as a rhetorical act. One theory provides an explanation for the life of the sign, the other of its essential qualities, each in relation to affect, and each providing insight into the relationship between affect and rhetoric from a psychoanalytic viewpoint.

*Affective Economies, Reading Strategies, and Rhetoric*

The intersection between affect and rhetorical criticism has gone in several directions in recent years. The concept has been deployed to augment and complicate several key rhetorical concepts such as the public and the rhetorical situation in favor of "circulating affective publics" and "rhetorical ecologies."<sup>40</sup> Other scholars have looked to the "circulation of affect" to explain methods of interpolation and subjectivization in various political contexts.<sup>41</sup> Still others focus on the sensual aspects of affect, returning to a sort of phenomenology in explaining rhetorical effectivity.<sup>42</sup> Finally, there has also been a turn to wed neuroscience with affect theory in an

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40 Jenny Edbauer, "Unframing Models of Public Distribution: From Rhetorical Situation to Rhetorical Ecologies," *Rhetoric Society Quarterly* 35, no. 4 (2009).

41 Catherine Chaput, "Rhetorical Circulation in Late Capitalism: Neoliberalism and the Overdetermination of Affective Energy," *Philosophy & Rhetoric* 43, no. 1 (2010).

42 Brian L. Ott, and Diane Marie Keeling, "Cinema and Choric Connection: Lost in Translation as Sensual Experience," *Quarterly Journal of Speech* 97, no. 4 (2011).

attempt to outline the physiological effects of rhetoric on the brain.<sup>43</sup> Despite the wide array of contexts in which the term is deployed, they are united in an understanding of affect, at least on some level, is a form of intensity that exerts effects on beings. In each of the above instances, affect is viewed as a non-representational effect that is not reducible to the subject. The hesitance to link affect as being reducible to the subjective experience is due in large part to its Spinozist heritage, especially as rendered by Gilles Deleuze and Felix Guattari, along with more recent work that takes up the tradition, albeit in contrasting ways, by Brian Massumi and Lawrence Grossberg.<sup>44</sup> If the work being done in the "affective turn" in rhetoric is understood, largely, as a reaction against iterations of the discipline that overly focus subject-centered readings of texts, representation, and mediation, it then serves as an interesting counterpoint to much of the traditional understandings of the field.

However, it is my contention that these works can be supplemented with a psychoanalytic conception of affect, one that seeks to join together the linguistic and affective turns. Put another way, by rushing to affect, critics have attempted to think through the concept of intensive flows and structures of feeling without using the subject as a starting point. This allows them, perhaps usefully, to think through conceptions of rhetoricity independent of signification.<sup>45</sup> What I am trying to do, then, is bring the pendulum of rhetoric back to the middle, between the poles of affect and symbolicity. I aim to think through these concepts from "the front door," as it were, of subjectivity. In sum, how can we utilize the vast canon of rhetorical tools used to interpret the

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43 Jordynn Jack, and L. Gregory Applebaum, "'This is Your Brain on Rhetoric': Research Directions for Neurorhetorics," *Rhetoric Society Quarterly* 40, no. 5 (2010).

44 Massumi, *Parables for the Virtual: Movement, Affect, Sensation*; Grossberg, *Cultural Studies in the Future Tense*.

45 While this may be useful in some ways, it also yields some substantial difficulties in defining what exactly rhetoric "is." More on this below.



effects of signifying processes while still taking heed of the insights granted by the understanding that asignifying processes also compel subjects to act? Lundberg provides a thoroughly Lacanian justification for this project, stating:

Indeed, in Lacan's reading, the Deleuzian attempt to escape the reduction of reality to representation and subjective mediation in the name of recovering a global sense of 'affect' is impossible. The human, both in terms of its genesis as a subject in its symbolic interaction with the world ... is always ... given over to the rhetorical logic of the sign ... As a result, such a reading of affect is effective only when it resides squarely in the Real, but as soon as one reduces it to reality by naming and enframing it as a conceptual object, one is accountable to the structuring principles of the Symbolic.<sup>46</sup>

To theorize affect in empirical terms, as it affects subjects, one must account for how affect engages with the structuring principles of the signifying processes intrinsic to the conceptual thought those subjects remain trapped within. While this is not a critique of scholars who look at the a-subjective and asignifying aspects of the concept, it is to simply point out that a reading of the intersection between affect and signification is not only justified, but perhaps necessary. Rather than a theoretical "category error," theorizing the unity between affect and the symbolic is permissible once one develops an adequate vocabulary for how affect affects the signifier and not how affect is represented in language; doing the latter would constitute the category error since it is a contradiction in theoretical terms.

Another potential objection to this method of inquiry is the use of text-based artifacts. Lawrence Grossberg levels a series of critiques against current theorizations of affect, one of

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46 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 112.

which is of particular interest here:

[Affect] has been taken up in a return to textuality. Just as we had to argue, in and beyond cultural studies, that one couldn't read the ideology of a text off the text, that ideology is a complex series of relationships not only between texts and audiences but with the larger intertextual and contextual articulations, after all of that, it seems to me that we now have returned to a large extent, under the banner of political motivation, to the notion that not only can we read ideology off a text again, but that we can read affects off texts. I find that disheartening because I would have thought that affect is the lens through which it becomes quite obvious that you can't do that. That troubles me because the multiplicity of affects and articulations of the sorts of texts we're interested in are so overwhelmingly obvious.<sup>47</sup>

On face, this appears to be a straightforward critique of the reading of affect I have presented so far. However, an understanding of the psychoanalytic conception of affect sheds light on a solution to this problem. Grossberg's critique, it seems, is leveled at a wide array of critics, rhetorical and otherwise, who seek to explain the "feelings" or "movement" in a text (this text moved me, or, it made me feel something). Brian L. Ott and Diane Marie Keeling clarify this position in terms of rhetorical theory by forging a dichotomy between the "symbolic" and "material" effects of rhetorical acts. They argue, "Whereas the symbolicity of rhetoric elicits primarily 'meaning effects,' the materiality of rhetoric induces principally 'presence effects' — effects that touch and move bodies in sensory-emotive ways."<sup>48</sup> Catherine Chaput links this

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47 Grossberg, "Interview With Lawrence Grossberg," 86.

48 Ott, and Keeling, "Cinema and Choric Connection: Lost in Translation as Sensual Experience," 367.

notion of "presence effects" to ideology while reinforcing its distinction from symbolicity, stating that they, "operate on an entirely different level than rational deliberation and self-interested choice."<sup>49</sup> Further, she argues that affect is inherently rhetorical in that, "rhetorical circulation implies that some element moves throughout material and discursive spaces to connect the differently situated moments comprising its organic whole ... While a given rhetorical exchange can be located and bound, the rhetorical energy circulating within that situation cannot," and this energy, "might usefully be theorized as a persuasive power affectively sustaining the overdetermined ecology of our life worlds."<sup>50</sup>

The conception of affect used by Ott and Keeling, Chaput, and others, seems to rely on an ontological reading of the concept that imagines it as some type of non-signifying "energy," one that, in Chaput's words, exists by:

[Moving] between human beings via communicative practices that inspire behavior instinctively. Affect, in the form of something as taken for granted as a gut sense, exerts pressure on our decision making and does not crumble under the deliberative weight of better arguments or more information. As a continuous process linking disparate actions, sensations, and events, affect operates within a transsituational and transhistorical structure and energizes our habituated movements as well as our commonsensical beliefs.<sup>51</sup>

However, note here that both in the Lacanian distinction between the "real" and "reality," as well as the psychoanalytic definition of the concept of affect, Chaput's characterization is both

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49 Chaput, "Rhetorical Circulation in Late Capitalism: Neoliberalism and the Overdetermination of Affective Energy," 15.

50 Ibid., 13.

51 Ibid., 8.

inattentive to the effects it exerts on symbols and thoroughly impossible. It is impossible in that it refuses to acknowledge that we cannot "conceptualize" affect without concepts, thus rendering an empirical investigation of its effects on subjects a sort of category error as I explained above. It is inattentive because it does not provide an account for the intersection between symbol use and affective intensity, thus reinforcing the dichotomy between affect and signification that swings the conceptual pendulum too far away from the all-encompassing realm of symbols within which all humans are caught. Thus, in my estimation, the Lacanian insight into the relationship between affect and signification is that the two, while perhaps logically separate since affect is a-subjective and asignifying, cannot be ontologically separated since we cannot conceptualize one without the other — hence the need to abandon the dichotomy between the two.

So how does a Lacanian conception of affect survive Grossberg's critique? In a short, but thoroughly psychoanalytic response: it is not the reading of affect off of texts, but a reading of the enjoyment that produces discourse. As Lundberg explains, "If affect is at first an uncoded 'signal' when captured in the net of discourse, it is subsequently transposed into the economy of signs that animates the subject's production and movement within discourse."<sup>52</sup> As I hope to have demonstrated, affect signals the signifier, becoming moored into the net of discourse, then slips into non-discursivity, leaving in its place a representation of the absence of representation — and it is this absent representation that animates the signifier's movement within discourse. In effect, I am not attempting to "read" affect off of a text, but point to its effect on the discursive economy as it is revealed in texts. The distinction is fine, but significant. Instead of attempting to point to the level of intensity or energy within a text, I am attempting to demonstrate the

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52 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 112.

presence of an affect by the discursive effects it produces in an economy of tropes. Instead of "showing" the uncoded signal's presence, I am showing the repetitive structure in a discursive economy that indicates affect has paid a visit. This is coherent within a Lacanian framework where there is but one affect: enjoyment. Lundberg summarizes enjoyment as, "a mode of affective organization that does not aim at the production of a specific end, but that revels in the mere fact of its repetition. It is the repetitive character of affect that induces Lacan to claim that enjoyment 'is what serves no purpose.'"<sup>53</sup> Just as with ideology, one cannot read the affect of a text off of the text, however one can point to the effects it produces within a discursive exchange. Instead of saying "the affect of this text is..." we ought to say, "the effects of affect on this text are..." and that is precisely what I aim to do when reading discourses on biotechnology.

In order to explore the role affect plays in instances of public debates over terms with high levels of definitionality, such as "dignity," or in this case, the "human," it is necessary to examine the mark it leaves in particular discursive economies. The distinction between reading and economy and just a single or series of texts is important. Part of the strength of reading affect through instead of off of texts relies on the ability to explore the effects of affect on the signifier in a given economy. To avoid the pitfalls pointed out by Grossberg in regards to reading affect off a text, it is essential to explore those texts as an economy and not a series of individuated, isolated textual entities. Affect has been read out of (and thus, ironically into) texts in rhetorical criticism in two primary ways, neither of which are attentive to the economic reading of the signifier. The first, as demonstrated by Ott and Keeling, tends to attempt to develop a heuristic for reading affect from a singular text such as a film. The problem with this approach, apart from the fact that it falls squarely within Grossberg's critique, is that it tends to produce a vague or

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53 Ibid., 113-14.

unverifiable heuristic of reading affect. Often times, this approach devolves into remarking on how the text moved the critic, and then in turn it is generalized into how the text moves readers more broadly. This move, while attentive to the way in which the critic engages with the text, is theoretically warrantless, such that a particular instance of the "affect" is universalized to a broader public. By only looking at singular texts or even a series of texts read as discrete elements, this approach to linking affect and rhetoric tends to minimize the attention to publicness critical for rhetorical scholarship as a discipline, reducing it to a sort of reader-response form of criticism.

The second approach to linking affect and rhetoric, exemplified by Chaput and Jenny Edbauer, seeks to demonstrate the omnipresence of affect in a given rhetorical "ecology" or circulation of political economic systems. Edbauer's conception of the rhetorical ecology is used to theorize affect into a critique of Bitzer's rhetorical situation. She argues that instead of viewing rhetoric as situationally based, we ought view it far more promiscuously: "The intensity, force, and circulatory range of a rhetoric are always expanding through the mutations and new exposures attached to that given rhetoric, much like a virus. An ecological, or affective, rhetorical model is one that reads rhetoric both as a process of distributed emergence and as an ongoing circulation process."<sup>54</sup> The effect of this reading is to expand the heuristic of rhetoric to account for their effects beyond a given situation. She argues, "we can begin to recognize the way rhetorics are held together trans-situationally, as well as the effects of trans-situationality on rhetorical circulation ... Our rhetorical theories can thus acknowledge the affective channels of rhetorical communication and operation by 'testifying' to them. Such testimonies would invent new concepts and deploy them in order to theorize how publics are also created through affective

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54 Edbauer, "Unframing Models of Public Distribution: From Rhetorical Situation to Rhetorical Ecologies," 13.

channels."<sup>55</sup> While this move seeks to abandon the confinement of rhetoric to particular texts, it seems to sweep the rhetorical heuristic too far in the other direction. Apart from an, at best, vague understanding of affect as an intensity located in the real, a move that is thoroughly impossible, it also over-inflates the scope of rhetoric. In other words, within the ecological framework, nearly everything can be rhetorical, provided it is somehow linked to affect. Furthermore, affect is linked to everything since it is used as a framing for, "movement, sensation, and qualities of experience couched in matter in its most literal sense (and sensing) ... without falling into either . . . naive realism or . . . subjectivism ..."<sup>56</sup> Since almost all of subjective (and non-subjective) experience falls into this characterization of affect, and in turn, is rhetorical, the purview of Edbauer's heuristic is almost infinite. This promiscuity of rhetoric and affect, along with the near equation of the two, ultimately reduces the concepts to theoretical unintelligibility. Similarly, Chaput's characterization of affect as a "transssituational and transhistorical structure" links it to rhetoric such that, "rhetorical circulation implies that some element moves throughout material and discursive spaces to connect the differently situated moments comprising its organic whole."<sup>57</sup> Here this linking of affect to rhetoric, and then the creation of extra-rhetorical elements to rhetorical exchanges themselves leads to a hyper-inflation of the discipline that leads to a problematic heuristic in terms of locating rhetoric in relation to other fields. In Edbauer's and Chaptut's readings, affect is used to push the study of rhetoric into omnipresence and thus reduce the benefit of its theoretical specificity.

So how is it possible to both expand the relationship of affect and rhetoric beyond the

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55 Ibid., 20-21.

56 Ibid., 21.

57 Chaput, "Rhetorical Circulation in Late Capitalism: Neoliberalism and the Overdetermination of Affective Energy," 13.

individual text and its production of reader-response heuristics without falling into the ecological move's over-inflation of both concepts? The answer, I believe, lies in a reading practice that is attentive to the circulation of specific tropes within a discursive economy. Here I will make two moves: the first is to narrow the focus of rhetoric in its intersection with affect to examining the effects of affect on the signifier. This, as I have argued, provides an explanation for the production of trope and the investments required to sustain them. With this move, the understanding of affect is expanded from Ott and Keeling's reader-response paradigm to exploring its relationship to an economy of texts on their own terms or, in the text itself, instead of reading it out of and thus onto the text. However, this also restricts the understanding of affect in its relationship to rhetoric from the promiscuous model outlined by Edbauer and Chaput by isolating affect to its exerted intensities on the signifying process. Instead of an omnipresent force that is extra-rhetorical, it constrains rhetoric to the study of symbols in textual economies with a corollary that not all affects are rhetorical. Furthermore, textual economies in this instance are not restricted to words on paper, but rather are processes of meaning-making whereby particular artifacts (be they written words or "material" objects) are rendered intelligible through the use of symbols. Thus the "materiality of rhetoric" is maintained, without the hyper-inflation of emphasizing extra-rhetorical acts as falling under rhetoric's purview.

The second move that is necessary for this conception of the relationship between affect and rhetoric is the deployment of a reading strategy different from the two outlined above. Instead of reading singular texts, a series of texts understood in their independence from one another, or a general circulation of "rhetorical flows," this reading practice understands the relationship of texts to one another in terms of participating in an economic exchange with a larger public. Here the metaphor of economy is borrowed from Lacan's understanding of



discourse. In *Seminar III*, he writes that an "economy of discourse" is the exchange of, or "the relationship between meaning and meaning," between specific, "discourse and the common organization of discourse ..."<sup>58</sup> According to Lundberg, this metaphor characterizes discourse, "as a set of contingent regularities in exchange that can only be understood heuristically – that is, after the fact of exchange," or, "an emergent association of regularities in exchange."<sup>59</sup> Furthermore, "specific economies of tropological exchange are discrete configurations of tropes that individuals and groups take up in assuming public identitarian commitments."<sup>60</sup> However, Lundberg's formulation of economies of exchange in this sense relies on an unstated premise that those structuring tropes, the currency of the economy, are formed in the first place in public usage. It is here that I would supplement Lundberg's theory with an understanding of another economy, that of affects, that fundamentally structures the tropological economy. In other words, the tropes put up for public exchange are structured by the affects that moor and unmoor from signifiers, turning them into metaphors in the Lacanian sense, and thus as sites of investment in a discursive economy. This understanding posits that the affective economy, existing logically prior to the tropological one, serves as the motor engine of signification, it is the intensity exerted on the subject that compels him or her to speak. Rhetoric, in this context, is understood as a twofold process: the representation of a lack of representation left by the unmoored affect must be signified in a rhetorical way through the tropes of metaphor and metonymy, and the act of investment through discourse is a rhetorical one, presenting the metaphors that halt the chain of discourse as existing prior to their use, in other words, retroactively. Put another way, rhetoric in

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58     Lacan, *Seminar III: The Psychoses*, 34.

59     Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 91.

60     Ibid., 74.

this sense takes on a properly Aristotelean valence, one that relies on the simultaneous use and concealment of artifice. The use is apparent in the artificial nature of the tropes that comprise the discursive economy, and the concealment resides in the metaphoric suturing of the sliding chain of signifiers.

To understand this process, Lacan develops the metaphor of the "quilting point." In *Seminar III*, Lacan draws on the concept of the "fear of God" to explain that, "The quilting point is the word fear, with all these trans-significant connotations. Everything radiates out from and is organized around this signifier, similar to these little lines of force that an upholstery button forms on the surface of material. It's the point of convergence that enables everything that happens in this discourse to be situated retroactively and prospectively."<sup>61</sup> The fear of God is thus used to structure the intelligibility of the existence for an entire worldview, and it is presented retroactively, that is, as if it were always already present. For Lacan, the concept of the quilting point is paramount to any understanding of a discursive economy; he goes so far as to say that the quilting point is the, "point around which all concrete analysis of discourse must operate..."<sup>62</sup> Thus to understand the rhetorical economy of tropes, one must understand its quilting points, and to understand the quilting points, one must understand how they are formed — through the interaction between affect and a signifier and the enjoyment derived from the repeated use of its representation of a lack of representation left in the affect's wake. The task of the rhetorical critic, then, is to find these quilting points within an economy of texts. Instead of a singular text, reading a series of texts, understood as operating within an economy, allows the critic to point out sites of particular investment by examining the metaphoric quilting points in

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61 Lacan, *Seminar III: The Psychoses*, 268.

62 Ibid., 267.

the discourse. To pay attention to the quilting points provides a rubric for understanding how publics are formed in the rhetorical act of attempting to capture an affect in discourse and then the repeated use of the created trope as if it were always already the anchor of the discourse. Hence Lacan's formulation that, "The signifier doesn't just provide a ... receptacle of for meaning. It polarizes it, structures it, and brings it into existence."<sup>63</sup> This understanding of economy, investment, and quilting points provides an account of the effectivity of rhetoric, how it compels action by way of the repeated labor of investment. The more invested the public, the more the economy they engage in solidifies the artificially transcendent nature of the quilting points that formulate a communitarian identity. Not only does this heuristic capture the benefits of reading a discourse as it is economically instantiated in texts, it also escapes the problem of reading texts in a singular manner and the personalization of affect that comes with it. As Lacan points out, "A complete catalog" of quilting points in an economy "would enable us to discover some surprising correlations and appreciate that it isn't just any old way that the subject depersonalizes his discourse."<sup>64</sup> This depersonalization, here understood as the bidirectionality of the effects exerted on the affect and signifier, helps guard against the internalizing reading of affect into texts.

### **The Biotechnology Debate**

So how does this reading strategy, with an attention to affect's relation to signification play out in practice, and what kinds of insights does it authorize for rhetorical criticism? To answer this question, I will turn to a particular discursive economy created around debates over biotechnological enhancement. Specifically, I will look to the ways in which this public organizes an entire discursive economy around a specific conception of the "human" as it relates

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63 Ibid., 260.

64 Ibid., 269.

to so called enhancement technologies. It is important to note that the reading practice I will deploy here is one that is attentive both to specific texts and the larger economy in which they circulate. By reading a series of texts from prominent democratic transhumanists and conservative bioethicists, I aim to offer a comparative analysis of the ways in which specific metaphors and quilting points gesture at the presence of an affect as it exerts effects on the signifier. In this instance the affect manifests itself around definitions of the human, constantly defined and redefined by both sides of the debate, yet often in contradictory ways fostering a stalemate.

#### *Democratic Transhumansim*

Defined by The President's Council on Bioethics (PCB) as "those well-meaning and strictly voluntary uses of biomedical technology through which the user is seeking some improvement or augmentation of his or her own capacities, or, from similar benevolent motives, of those of his or her children," biotechnological enhancement consists of near- and far-future technologies that have the capacity to significantly alter human beings' physiological and psychological makeup.<sup>65</sup> As the PCB points out in their report on biotechnological enhancement, largely structured as a response to democratic transhumanism, *Beyond Therapy: Biotechnology and the Pursuit of Happiness*, these technologies are, "also a conceptual and ethical outlook, informed by progressive aspirations."<sup>66</sup> It is this outlook that structures the primary foundations of democratic transhumanism. Fusing modern liberalism with more contemporary insights from cybernetics, the movement seeks to foster and embrace biotechnological enhancement as the next step in human evolution. According to Simon Young, in his *Transhumanist Manifesto*, the

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65 The President's Council on Bioethics, *Beyond Therapy: Biotechnology and the Pursuit of Happiness* (Washington D.C.: The President's Council on Bioethics, 2003), 10.

66 Ibid., 2.

"essence" of transhumanist philosophy rests on the notion that, "The world is a process of evolutionary complexification toward evermore complex structures, forms, and operations," and, "As conscious aspects of evolutionary complexification in nature, human beings are imbued with the innate Will to Evolve - an instinctive drive to expand abilities in pursuit of ever-increasing survivability and well-being."<sup>67</sup> Ramez Naam, another transhumanist, concurs, stating, "far from being unnatural, the drive to alter and improve ourselves is a fundamental part of who we humans are. As a species we've always looked for was to be faster, stronger, and smarter and to live longer."<sup>68</sup> This belief, the Will to Evolve, portrayed as inherent to any living system carries with it a systematic tension between cybernetic and liberal investments. Here there is an attempt to downplay the "unique" character of the human along the lines of the cybernetic tradition — the integration of the human as one of many systems whose goal is to reduce the entropy inherent in any environment. As Norbert Wiener points out in his foundational cybernetic text, *The Human Use of Human Beings*, both humans and machines "exemplify locally anti-entropic processes, which perhaps may also be exemplified in many other ways which we should naturally term neither biological nor mechanical."<sup>69</sup> Thus the cybernetic tradition seeks to deemphasize the distinction between humans and other biological systems and technological machines. In fact, the entire discipline carries with it a drive to question the ontology of humanity. Transhumanists carry with them this drive, arguing that the Will to Evolve is inherent in any living entity, and humans, for all their exceptional qualities, are no different.

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67 Simon Young, *Designer Evolution: A Transhumanist Manifesto* (New York: Prometheus Books, 2006), 19.

68 Ramez Naam, *More Than Human: Embracing the Promise of Biological Enhancement* (New York: Broadway Books, 2005), 9.

69 Norbert Wiener, *The Human Use of Human Beings* (New York: Da Capo Press, 1964), 32.

Yet, at the same time, transhumanists wish to keep one element of the uniqueness of humans — their concept and exercise of free choice. James Hughes, a transhumanist, argues that free choice is one of the foundational linchpins of the movement. In formulating a theory of democratic transhumanism, he argues that transhumanists must, combine an, "old strain of progressive optimism about reason, science and technology with a strong defense of individual liberty ... By embracing the right of each person to control their body and mind and freely use technology to realize their fullest potential, the Next Left can decisively break all associations with authoritarianism."<sup>70</sup> Naam furthers this point, explaining that traditionally, democratic society, "has its roots in two simple phenomena. Individuals generally want to improve their situation. They want to live longer, remain in good health, increase their capabilities ... and so on. Given the choice, they'll work in this direction. In addition, millions of individuals weighing the costs and benefits have a greater collective intelligence, better collective judgment, than a smaller number of centralized regulators and controllers."<sup>71</sup> These "two simple phenomena" hold fast to the bastions of liberalism: the autonomous, individual subject who seeks to maximize its freedom. Thus the tension inherent to the transhumanist notion of progress and choice: the simultaneous desire to downplay the ontological specificity of the human while emphasizing its ethical uniqueness.

The implication of this tension manifests itself in transhumanist politics aimed at advancing their agenda. The movement is, at its heart, still a reactionary one — reactionary to what many transhumanists classify as "bio-luddites," or, the conservative bioethicists who seek to impose restrictions on the development of technologies that enhance human physiological and

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70 James Hughes, *Citizen Cyborg: Why Democratic Societies Must Respond to the Redesigned Human of the Future* (New York: Westview, 2004), 195.

71 Naam, *More Than Human: Embracing the Promise of Biological Enhancement*, 8.

psychological capacities. One look at a wide array of foundational transhumanist texts and one can see that they are often structured with lengthy rebuttals of the conservatives, breaking down as many objections as possible and refuting them point-by-point. Yet for the specificity of these answers, they all share a few key points in common: the fundamental tension of downplaying the human's unique character in terms of its ontology while emphasizing ethical imperatives that are unique to human in spite of its role as "just another system in nature." This downplaying of certain aspects of human uniqueness while emphasizing others is strategic for the movement, allowing them to on-face rebut many of the claims levied against them from both sides of the conservative paradigm. From the right-leaning, religious side they are able to offer a contested view of the human, one that does not posit *Homo sapiens* as a special entity, removed from all other natural and mechanical systems. Instead of being endowed with a "giftedness" to life, what characterizes humans is the same as what characterizes any other natural system, the Will to Evolve. The only difference, they argue, is that humans are endowed with the capacity to technologically alter our evolution — something that differentiates from other systems in terms of degree and not kind. This is what Young classifies as "the essence of humanism: the belief in the ongoing progress of the species through reason, science, and technology."<sup>72</sup> The Will to Evolve argument carries with it a corollary argument in terms of answering the right-wing bio-luddite position: if the only constant drive that makes us human is the Will to Evolve, then, other components of "human nature," can, and have, changed over time. The "giftedness" of life, transhumanists argue, has not just been endowed by God, or by biological evolution, but rather has been altered by a sort of cultural evolution. Joel Garreau lays out this position as "the central argument about the future of human nature is whether it is fixed and immutable, once and

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72 Young, *Designer Evolution: A Transhumanist Manifesto*, 39.

forever, or whether it can continue to evolve."<sup>73</sup> He concludes that if:

[You] agree with Thomas Hobbes that the life of our 10,000-year-old man in nature is nasty, brutish, and short — the product of unfettered selfishness — then I think one has to conclude that all these millennia of billions of humans storing and sharing and cooperatively building on each other's wisdom — the content — has to count as part of evolution. It is inheritable, has variation and contributes to reproductive fitness. Even the least educated among us is not raised by wolves, feral and wild. He grows up shaped by contemporary humans who own televisions, who have been shaped by modern society.<sup>74</sup>

The argument then, follows that we, as humans, have continued to evolve well beyond our biological origins. Cultural evolution is no different from biological evolution, and technological evolution is no different either. In fact, many transhumanists are quick to point out that we already use kinds of enhancement technology in the status quo: eyeglasses, blood transfusions etc. all constitute low-level enhancements that humans employ every day. Gregory Stock outlines the position as follows, arguing, "To some, the coming of human-directed change is unnatural because it differs so much from any previous change, but this distinction between the natural and the unnatural is an illusion. We are as natural a part of the world as anything else it, and so is the technology we create. As we consciously transform ourselves, we will become no less human than we became tens of thousands of years ago..."<sup>75</sup> Thus there is no way, in many of

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73 Joel Garreau, *Radical Evolution: The Promise and Peril of Enhancing Our Minds, Our Bodies -- and What it Means to be Human* (New York: Broadway Books, 2005), 235.

74 Ibid., 236-37.

75 Gregory Stock, *Redesigning Humans: Choosing Our Genes, Changing Our Future* (New York: Mariner Books, 2003), 197.



the transhumanists' eyes, to draw a bright line where human enhancement should stop since we have already irrevocably "enhanced" ourselves from millennia of cultural, and thousands of years of technological evolution.

Thus the politics of the transhumanist movement, and more importantly the way a rhetorician studies them, comes down to the way in which the movement attempts to shift the levels of affective investment around the key concept of the human. By shifting the investment away from the notion of "natural givenness" and to the ideas of the Will to Evolve and free choice as the defining characteristics of the human, transhumanists are attempting to create new ways of feeling about the idea of the human. Until this shift occurs, their arguments in favor of enhancement will fall on deaf ears. Stock seems most prescient on this issue:

The biggest challenge will be our changing image of ourselves. At the outset I said that these new technologies would force us to examine the very question of what it means to be human. As we follow the path that germline choice offers, we are likely to find that being human has little to do with the particular physical and mental characteristics we now use to define ourselves, and even less to do with the methods of conception and birth that are now so familiar. Adjusting to new possibilities in these areas will be hard for many because it will demand a level of tolerance and acceptance that until now has been the exception rather than the rule. But perhaps the drama of the shift will itself ease the change by capturing out attention and forcing us into new patterns of relationship. Until now, to accept each other we often have had to pretend that we are all the same, but maybe when we see that we are all different and unequal - increasingly so - we will learn to

accept our differences.<sup>76</sup>

If the rhetoric and the politics of the transhumanist movement is to have any purchase on the larger political landscape, they need to successfully re-articulate ways of caring about the concept of the human that are drastically different not only from their conservative counterparts, but also that challenge and eventually replace the understanding of the human in a public that does not share their views. This is more than just a matter of persuasion or identification; rather, it is a question of investment — investment that causes people not just to be persuaded by the transhumanist view, but to actually care about it.

*Quilting Points and Retroactivity in Defining the "human"*

Thus the discursive economy that these texts enter into is rife with affective investment.

If there is any tenable distinction between reason and affect (albeit one that is troubled by my above analysis), then it certainly applies to the transhumanist position whereby they are attempting to articulate a way of caring about their project. The project rests on the attempt to define the "human," and in the process of this act, affect exerts its effects on the signifiers used. If an affect leaves in its wake a representation of a lack of representation, the so-called negative hallucination serves as a vehicle for a wide array of additional metonyms to become stand-ins for the initial concept. Those metonyms do not have to be consistent with one another, and can even be contradictory, but what remains constant is the investment in linking a barred signifier with a metonym through investment. Hence the existence of the tension I outlined above in the democratic transhumanist conception of the "human." By allowing for both metonyms of "free choice" and the "Will to Evolve" to occupy the same metonymic space, each becoming their own metaphors, the definition of the "human" points to the unmooring of an affect with its representation of a lack of representation locked into the rhetorical net of discourse – allowing

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76 Ibid., 196.

for a polysemous confluence of competing and contradictory metonyms to take their place as retroactively structuring metaphors. This is all made possible by the barring of the metaphor of the "human," from (S) to (\$), that empties it out, allowing it to become a vessel for additional metaphoric configurations. This is one of the primary characteristics of the relationship between affect and signification I have outlined above — the necessary transference of a structuring metaphor to another structuring metaphor, or in this case metaphors, each serving as a quilting point for an anchor in the rhetorical net of discourse.

The other characteristic of affect's exertion of force on the signifier I will point out here is the retroactive suturing each of the new metaphors exerts on the structuring chain of signifiers in the discursive economy. Each successive definition of the human, when looked at in one side of an economy of debate such as this one, posits itself as an "objective" or "naturalized" linkage between a concept and its content. This means that the concept of the "human" is linked, metonymically, to its content (which in this case themselves are concepts) such as "free choice" or the "Will to Evolve." In turn, those linkages are presented as structuring metaphors that have always been linked to the concept, independent of their presence in the texts. The key term here is presented as, since the connections between concept and content are arbitrary metonyms that happen to be condensed through the act of invested labor as structuring terms. Hence the rhetorical nature of defining the human, the necessary use and effacement of artifice that is required for the transition from the metaphor of the "human" to its metonymic contents, which themselves become metaphors that structure other metonyms. Gilbert Chaitin remarks that this is one of the ways Lacan expands his maxim that the signifier is that which represents the subject for another signifier. Using this formulation, Chaitin argues that, within a discursive economy, "The sup-position of the subject is the assumption that each member of this 'swarm' of marks

has something in common with the others, beyond their differences ..."<sup>77</sup> This is the subject's presupposition of the 'unitary trait.' But, as he remarks, "As a pure potentiality ... as something that can only be anticipated, this unitary trait never actually appear: it always remains outside the set of signifiers."<sup>78</sup> The conclusion is thus, "The place reserved for the subject can only be that of the incompleteness of the system of signifiers, and the subject is a metaphoric covering over of that place."<sup>79</sup> In the above argument it is important to note that for Lacan the subject is itself a barred signifier, an (\$), meaning that when Chaitin talks about the subject, he could equally be referring to that which is a metaphoric covering over a representation of a lack of representation. In other words, the "subject" in Chaitin's formulation can stand in for the concept of the "human" in the discourse of transhumanism.

Therefore, it is critical to note that there is always an incompleteness to the signifying system comprising the rhetorical economy of transhumanist discourse. If the system was hermetically sealed, if it was autonomous and there was a cogent, unitary trait that could be traced within the system to the "human," there would be no need for rhetoric — indeed no need for the economic function as an economy, it would instead be a structure. Yet the system is not closed, in fact its closure is impossible in that the unitary trait of the metonyms that comprise the "human" remains outside of the field of signifiers, within the affective economy. The fact that affect is able to permeate and exert effects on the signifier means that the discourse is alive, that is, rhetorical. This is the essence of Lundberg's "feigned unicity" of the subject in a discursive economy: the symbolic order of signifiers is never complete and autonomous — the linkages

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77     Gilbert Chaitin, *Rhetoric and Culture in Lacan* (Cambridge: Cambridge University Press, 1996), 214.

78     Ibid.

79     Ibid., 221.

between concepts and their content is never guaranteed, thus requiring investment to "work." The retroactive nature of metaphoric condensation thus is the fulcrum on which the entire discourse pivots, requiring investment in a particular economy to establish and maintain. In other words, the unitary trait that transhumanists look for in attempting to define the "human" exists as an extra-linguistic entity, belonging to the affective economy and manifesting itself in the signifying chain as a representation of a lack of representation, of the unrepresentable. The lack of a representable unitary trait compels repetition, each time in a different form (human to choice to Will to Evolve), all derived from the enjoyment of attempting the impossible: to capture the unitary trait, to represent the unrepresentable.

### *Bioconservatism*

The conservative bioethics movement sees the coming wave of bioethical technologies aimed at augmenting our physiological and psychological capacities as potentially detrimental to species. Specifically, they argue that the promise of eternal life, superhuman strength and intellect, and other potential "benefits" of enhancement technology threaten to abdicate the central components of what it is that makes us human. The movement is centered on two governing metaphors for the human: "giftedness" and "limitation." The human contains an element of "giftedness," given from some type of giver (God), that we, cannot comprehend and should not alter. Second, the very limits of the human body – our subsequent strength and frailty and eventual demise – contribute to the essential lived qualities of life. The fact that we will all eventually die, combined with the fact that there has to be some reasoning beyond human comprehension for the way we are, they argue, is what gives our lives meaning — and to change that would make us less, not more, than human. According to Leon Kass, "many people are increasingly worried about where biotechnology may be taking us. We are concerned about ... what we might do to ourselves. We are concerned that our society might be harmed and that we,"

might be diminished, "in ways that could undermine the highest and richest possibilities of human life."<sup>80</sup> As such, these two structuring metaphors serve as the quilting points around which the entire discourse settles. In the same way as with the transhumanists, these structuring metaphors are metonymic replacements for the "human."

Many conservatives in bioethics come from both the left and right politically, united by their opposition to human enhancement. For example, apart from Kass, who both represents the "right-wing" of the movement, which emphasizes a strong spiritual connection between "dignity" and the "giftedness" of life, there are those on the "left-wing" branch, like Bill McKibben who emphasizes the "limitedness" of human beings as something worth preserving. Since the movement is fractured along diverse political lines and united by their opposition to enhancement technologies, I will address each aspect of the movement as it is structured by the essential metaphors I outlined above.

According to Kass, who cites another prominent conservative bioethicist, Michael Sandel, "What is wrong with biotechnological efforts at enhancement and re-creating ourselves," is what Michael Sandel, "calls 'hyper-agency, a Promethean aspiration to remake nature including human nature, to serve our purposes and to satisfy our desires.' The root of the difficulty seems to be both cognitive and moral: the failure properly to appreciate and respect the 'giftedness' of the world."<sup>81</sup> For Kass, the given nature of the human relates to its biological evolution: "Most of the given bestowals of nature have their given species-specified natures: they are each and all of a given sort. We need more than generalized appreciation for nature's gifts.

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80 Kass, "Beyond Therapy: Biotechnology and the Pursuit of Human Improvement."

81 Ibid.

We need a particular regard and respect for the special gift that is our own given nature...."<sup>82</sup>

Thus to engage in any sort of human enhancement, a sort of evolution through technology, would be to disrupt the biologically "given" nature of the human. The concept of givenness, of course, implies a giver — something who has bestowed the human with its nature. It speaks to something outside of human rationality that has endowed the human with its qualities, and those qualities ought to be preserved. Thus tied with the articulation of the nature of the human with a giver, there is a second articulation: the idea that there is something greater than the human, something the human cannot understand. The implication against enhancement technologies is thus not only that there is a givenness to life that we would irrevocably alter if we were to pursue these technologies, but we would be toying with a realm of creation that we do not belong to.

Kass relates this argument to human hubris, arguing:

... if there is something inherently good or dignified about the ways in which we engage the world as ... seekers of our own special excellence and flourishing in whatever arena to which we are called – only then can we begin to see why those aspects of our nature need to be defended ... We must move from the hubristic attitude of the powerful designer to look [at] the proposed improvements as they impinge upon the nature of the one being improved.<sup>83</sup>

As Michael J. Hyde points out in his characterization of this argument, conservatives speak "to us of the giftedness of life like postmodern philosophers speak to us of the lived body and the 'otherness' that characterizes human existence. We did not create the spatial and temporal structure, the openness, of our being and its inherent call of conscience. We are not wholly our

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82 Ibid.

83 Ibid.

own doing."<sup>84</sup> The alterity created by the metaphor of givenness implies that there is a certain threshold which humans, in their quest to perfect themselves, cannot cross; thus the argument against human enhancement.

The trope of "human limits" is one definition of the "human" utilized by both the left- and right-wing branches of the conservative movement. The arguments are mostly divorced from any religious undertones, emphasizing instead the role that death plays in the essentialness of the human. For example, Bill McKibben, an environmentalist and left-wing conservative argues that the choice we have in debating enhancement technologies is to:

[Give] up our citizenship in the land of the finite, which is a place that humans have known, and trade it for a passport to the infinite. To be launched into a future without bounds, where meaning may evaporate. To live always in the future, and never in the now where humans have mostly dwelt. When Miranda exults in *The Tempest*, "O brave new world that has such people in it!" her father replies: "Tis new to thee." Always before, that has been enough — that the world has meaning and that it continues on after we depart it. Now we may actually have to choose — "live" without limits, or live and die with them.<sup>85</sup>

The concept of the limits of human biological life are critical to McKibben, for they are, he argues, what gives meaning to life. "Germline engineering ... lies on the other side of the enough point," he argues, "If we adopt appropriate safeguards, we can do somatic genetic therapy ... without leaving behind the world as we've known it. We still live on Earth 1, we're just a little

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84 Michael J. Hyde, *Perfection: Coming to Terms With Being Human* (Waco: Baylor University Press, 2010), 215.

85 Bill McKibben, *Enough: Staying Human in an Engineered Age* (New York: Times Books, 2003), 224.



healthier. But if we start manipulating the germ cells of embryos, then we escape the gravitational pull of history and evolution and speed off into the dangerous and demoralizing wastelands of Earth 2, the world beyond meaning."<sup>86</sup> In his argument against enhancement, McKibben vehemently defends the centrality of death to human existence, where, "Some of us have watched our parents go, and seen that the fact of their grandchildren playing at the foot of their deathbeds made it somehow okay and right. Life at peace with itself."<sup>87</sup> Concurrent with McKibben's emphasis of the importance of death is his emphasis of the ability to say "no" to enhancement: "Our gut revulsion at the coming 'enhanced' world is consciousness trying to save itself. As I've tried to show, the advent of these technologies, and this posthuman world, will quickly undermine consciousness. If we turn into engineered automatons, then consciousness as we know it — including the ability to make our own decisions, to say no — will eventually disappear. We will have reduced it to meaninglessness; human consciousness will have committed suicide."<sup>88</sup>

Similarly, Kass outlines what he sees as three "human goods" that need to be protected. They are, "1) modesty and humility, about what we know and can do to ourselves; (2) the meaning of aging and the human lifecycle; and (3) the nature of human activity and human flourishing, and the importance of exercising the first and seeking the second through fitting means."<sup>89</sup> The nature of the human lifecycle is critical to many right-wing conservative bioethicists, and the promise of immortality brought on by the transhumanists is simply out of

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86 Ibid., 127.

87 Ibid., 223.

88 Ibid., 222.

89 Kass, "Beyond Therapy: Biotechnology and the Pursuit of Human Improvement."

sync with their religious ideals. One of the primary tenants of the Judeo-Christian doctrine outlined by these right-wing conservatives is the idea that there is some type of existence after death. While they never explicitly come out and say it, the promise of some type of after-life is central to the religious doctrines followed by many right-wing conservatives. However, even apart from that, many conservatives agree fundamentally with McKibben - that the lifecycle is essential to human meaning. According to Kass' PCB, "Age-retardation technologies make aging both more manipulable and more controllable as explicitly a human project, and partially separate from the moorings of nature, time, and maturity. They put it in our hands, but make it a less intelligible component of our full human life."<sup>90</sup> In other words, to die — and to know that one is going to die — is an essential component of what makes life meaningful for humans. The natural life cycle, while drastically elongated over the past century, is still finite — and its finitude is what allows us to understand the concept of maturation. If we live to be 500 years or more, as many of the transhumanists believe we will with enhancement, then, the conservatives argue, we will become preoccupied with death. It will be a preoccupation "that leads us not to commitment, engagement, urgency, and renewal, but rather to anxiety, self-absorption, and preoccupation with any bodily mishap or every new anti-senescence measure."<sup>91</sup>

Thus an anitomy is created over the definition of the "human" between the conservative and transhumanist camps. Viewed as a simple contradiction, it is easy to see there is a stalemate created, stalling the debate. However, the nature of the competing interpretations, fostered by competing affective investments in the term extends beyond simple contradiction due to the retroactive nature of the quilting points created by the metaphoric sliding of the concepts used.

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90 The President's Council on Bioethics, *Beyond Therapy: Biotechnology and the Pursuit of Happiness*, 141.

91 Ibid.

Therefore, in the case of a term with such a high level of definitionality such as the "human," it is more productive to explore the worldviews created by the competing interpretations rather than see how the debate operates on the level of the definitions themselves. Doing this, I believe provides an outlet for moving past the stalemate fostered by the antinomy of the "human."

### **Conclusion: Impossibility and Polysemy**

The conflicting nature of the definitions of the "human" in the conservative and transhumanist camps are central to how they formulate their positions on biotechnological enhancement. Since the metaphors that take the place of the "human" retroactively suture the instability of the signifying chain around the concept — due to the effects exerted onto it by the affective economy — entire, mutually exclusive worldviews are constructed within the same tropological economy. This helps to explain why the camps differ so dramatically, leading many to lament the stalemate of the debate over human enhancement in public discourse.<sup>92</sup> This stalemate however, occurs because it is possible to have mutually exclusive metaphors filling the same conceptual space as the effaced signifier \$, in this case the "human." Due to the retroactivity of the replacing structuring metaphors, the conceptual antinomy created by both sides of the biotechnology debate occupy a more complicated space than mere contradiction. It is not simply a case of A and not-A, since the competing camps do not actually disagree with each other on a definitional level — the Will to Evolve is not necessarily inconsistent with limitedness. In fact, the definitions of the "human" are not themselves mutually exclusive, but rather the irresolvable tension occurs in the worldviews that follow from them.

To understand the distinction between the antinomy created in the biotechnology debate and simple contradiction I will turn to Deleuze's reading of Leibniz. According to Deleuze,

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92 Anna Ferrari, "Is it All About Human Nature? Ethical Challenges of Converging Technologies Beyond a Polarized Debate," *Innovation: The European Journal of Social Science Research* 21, no. 1 (2008).

Leibniz develops the concept of compossibility to explain the conditions of possibility for the existence of this world and not that one. For Leibniz, the world is comprised of a string of singularities that have various actualized predicates. This is largely where Deleuze develops his idea of the "virtual" and the "actual." Although the actualization of predicates, for Deleuze, is a question of ontology, I view Leibniz's predicates in a more literal sense. Instead of rendering the actual conditions of the world, the actualization of particular predicates enable the conditions of possibility by which the subject understands his or her world — it is the establishment of a worldview. Since the subject can never match the symbols he or she uses directly with the Real, Lundberg's "failed unicity," the actualization of particular predicates (again, taken literally as the symbols modifying a concept) creates the foundation of the "feigned unicity" between the subject, signifier, and Real. Compossibility, then, relates to the ways in which predicates are actualized by the subject in the symbolic as they imagine them in relation to the Real. According to Deleuze, for Leibniz:

The expressed world is made of differential relations and of contiguous singularities. It is formed as a world precisely to the extent that the series which depend on each singularity converge with the series which depend on others. This convergence defines "compossibility" as the rule of a world synthesis. Where the series diverge, another world begins, impossible with the first. The extraordinary notion of compossibility is thus defined as a continuum of singularities, whereby continuity has the convergence of a series as its ideational creation. It follows that the notion of impossibility is not reducible to

contradiction. Rather ... contradiction is derived from impossibility.<sup>93</sup>

Thus the concept of the "human" is expressed through the two camps as a series of predicates that are impossible with each other. While not contradictory, the predicates, linked through metaphors, enable particular worldviews that are retroactively mutually exclusive. This occurs because the representation of a lack of representation, designating the "human" from S to \$, effectively allows for polysemous interpretations by disrupting its identity as a concept.

According to Deleuze, this occurs when impossible predicates are affixed to concepts. He argues, "Instead of a certain number of predicates being excluded from a thing in virtue of the identity of its concept, each 'thing' opens itself up to the infinity of predicates through which it passes, as it loses its center, that is, its identity as a concept or as self."<sup>94</sup>

This loss of identity in the concept of the "human" destabilizes its ontological grounding, opening the possibility of the suturing of impossible predicates to the term. Lacan's quilting points can be read in this sense as the suturing of possible predicates onto concepts without the demand for compossibility. Instead of viewing these sutures as contradictions with each other, understanding their mutual exclusivity in the context of the worlds they retroactively create provides insight into the rhetorical functioning of the economy in which they enter. By presenting, retroactively, a quilting point enabled by the unmooring of the affective economy from the concept of the "human," the sutured predicates are rhetorical both in their actualization and effacement. In other words, the dual movement of linking the predicates to the concept and the presentation of those linkages as transcendent through feigned unicity comprises the contingent nature of effects produced by affect on the signifier. Rhetoric in this instance is thus

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93 Gilles Deleuze, *Logic of Sense*, trans. Constantin V. Boundas (New York: Columbia University Press, 1990), 110-11.

94 Ibid., 174.

understood as the process of establishing contingent metaphors as well as the effacement of their contingent heritage. The effacement of the linkages between metaphors and their concepts comprises the establishment of the impossible worldviews that denotes the concept's polysemy. Polysemy in this sense does not refer to the potential of resistant readings that subvert power as argued by Raymie McKerrow.<sup>95</sup> Nor does it refer to the intentional act by a rhetor to persuade an audience through strategic ambiguity as argued by Martha Solomon.<sup>96</sup> Rather, it encompasses what Leah Ceccarelli classifies as "hermetic depth." In her reading of the work of Carole Blair et al., Michael Hyde, and Robert Rowland, Ceccarelli argues that this form of polysemy demands a "both-and" reading of particular texts, or in my case, a particular rhetorical economy.<sup>97</sup> She argues that this reading moves away from an intentional one that places agency on the rhetor or audience and towards one that demonstrates the role of the critic as providing the potential readings of a given text or economy.<sup>98</sup> Similarly, Celeste Condit et al. point to a notion of polysemy in metaphors that is dependent on context. They argue, "Metaphors are pluripotent; that is, their meaning depends on selections from a polysemic universe of associations of a metaphoric vehicle and the polyvalent responses to each of those associations."<sup>99</sup> For my purposes, polysemy can be understood not just as allowing for contradictory readings of a text,

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95 Raymie E. McKerrow, "Critical Rhetoric: Theory and Praxis," *Communication Monographs* 56, no. 2 (1989).

96 Martha Solomon, "The Things We Study: Texts and Their Interactions," *Communication Monographs* 60, no. 1 (1993).

97 Leah Ceccarelli, "Polysemy: Multiple Meanings in Rhetorical Criticism," *Quarterly Journal of Speech* 84, no. 4 (1998), 408.

98 Ibid., 409.

99 Celeste Condit, et al., "Recipes or Blueprints for Our Genes? How Contexts Selectively Activate the Multiple Meanings of Metaphors," *Quarterly Journal of Speech* 88, no. 3 (2009), 321.

but also the possibility for impossible worldviews established in an economy around the same concept or concepts, all dependent on the context of the debate. Taken together with the simultaneous establishment and effacement of contingent quilting points, this understanding of polysemy grounds the rhetorical nature of an economy, specifically in the debate over enhancement technologies and the necessary definition(s) of the "human" that it demands.

## **PART II: ARGUMENT AND DIFFERENCE**



### **Chapter 3: ~~The~~ Female Athlete Does Not Exist: Tropological Regress and the Sex-Verification of Female Olympians**

In the highly competitive world of elite sporting events, a premium is placed on the idea that the events are "fair" for all who compete. Hence events are divided up by sex, since, the argument goes, men are stronger, faster, and generally more athletic than women. Thus, if sports like track and field were mixed, it would be inherently unfair to women. Starting with the modern adaptation of the Olympic Games, and escalating in the early and middle parts of the 20th Century, the fear that men would "masquerade as women" in order to win women's events became instituted into policy in the form of mandatory sex testing, or sex-verification, in order to preserve the integrity of individual events. After a brief respite from 2000 to 2010, sex-verification was reinstated by the International Olympic Committee (IOC) for the 2012 Games in London. This time however, the fear that men would enter female events was supplemented by the language of genetics and endocrinology: the committee feared that women with certain developmental sexual disorders would have an unfair advantage over "normal" contestants. Instead of testing to see if the women competing were "really men," the committee was interested in the level of testosterone and other androgenic hormones in their competitors' bodies, arguing that the presence of these hormones would confer a competitive advantage in terms of strength and speed over other women who did not produce the same levels of testosterone. Athletes competing in men's events were not, and have never been, subject to such testing.

The shift to endocrinology marks a new way of thinking about sexual difference for the IOC. The goal of testing is no longer to explicitly determine whether or not female competitors were actually men, but to determine whether the female competitors are "female enough." Still, there is an implicit assumption that there is a biological bright line that determines what constitutes the female sex in sex-segregated sporting events. Similar to the previous discussions on biotechnological enhancement and the concept of "dignity," the committee's attempt to demarcate the borders between men and women in sport can be seen as a move to distill the basic natural parameters between the sexes and, in turn, define the essential qualities of men and women. While the IOC does not explicitly take a stance on the definitional boundaries of the "human," they rely on similar argumentative strategies for demarcating the boundaries of what constitutes a "woman" in the context of competitive sport. Unlike the two previous chapters, the instance of sex-verification and the International Olympic Committee requires a suspension of the debate over where to draw the line in the definition of a component of humanness due to the fact that it must implement the line in policy. Thus, there is an empirical, traceable lineage of how the Committee seeks to define the "woman" in its various sex-verification procedures and the justifications it uses for those tests. As such, the case of female sex-verification in the Olympics is a prime example of the paradox I have thus far been exploring: the attempt to define some component of humanness, in this case the taxonomies of the sexes, as something that exists outside of language. Thus the relationship between affect and signification is ever-present, in this case serving as the linkage between policy and biology. Here I will argue that in every case of female sex-testing in the Olympic games, actual female athletes are compared to an ideal conception

of "the Female Athlete" that is both necessary for the testing to justify itself and impossible for any female athlete to live up to. To explain how testing relies on an ideal that is both necessary and impossible, I will turn to Lacan's conception of the formation of the masculine and feminine subject in discourse. Since the justifications for sex-verification regimes inherently exist in discourse – that is that they rely on concepts that are in turn matched to the reality of sporting events – Lacan's conception of how the sexes are taxonomized in discourse will provide a helpful starting referent. In this case, the relationship between the barred signifier and the Lacanian barred subject, both represented by \$, mutually reinforce each other as phenomena in language. The barring of the subject is here demonstrated by the subject's separation from itself in language. In other words, it's ideal is different from its existence.

Concurrent with the sexual taxonomy of the subject (as the category of female athlete) as a rhetorical object is the effect exerted onto language in an attempt to signify its essential nature. Expanding on the previous chapter, rhetoric is thus understood as a double movement: the artificial linking of an "essence" to a signifier (or subject, \$) and the presentation of that artificial linkage as a transcendent and naturalized entity. Thus rhetoric in the case of athlete sex-verification constitutes both the use and elision of artifice in an attempt to define the essence of the female. This brings about the second contention of this chapter: the effect of attempting to define the essential, biological nature of the "woman" in the case of female athletes produces a phenomenon that I call "tropological regress," or the endless procession of troping and retroping of the "woman" as it is linked to various scientific, genetic, and endocrinological discourses, each presented as transcendent in the International Olympic Committee's reports justifying the

sex-verification practice. The IOC's linguistic regression is thus similar to the debates over the definitions of "dignity" I explored in chapter one. In this instance, a contingent metonym (the presence of a Y chromosome, the presence of genes indicating that Y chromosome, and finally the presence of androgenic hormones) is linked to the concept of the "woman," and then presented as a Lacanian metaphor – artificially suspending and organizing the flow of signifiers around a concept that is, through the use of scientific discourse, presented as transcendent. This regression of tropes, from metonym to metaphor to another metonym presented as metaphor and so on, is visible in the policies of the International Olympic Committee's policies on sex-verification.

The final contention of this chapter is that the tropological regress inherent in attempting to define the human is a product of what Lacan calls the masculine form of knowledge. Lacan decouples his concept of the masculine from physical, biological sex and moves instead to a model of sexuation whereby a subject's sex is determined through discourse. Thus, while he calls it masculine knowledge, it does not have to do with the physical sex of the subject. In other words, not all men and not all women adhere to its logic. Instead, it is used as a rubric to determine how subjects who enter into language (Lacan's concept of castration) engage with difference through negation by positing a subject that exists outside of the logic of language. In order to exist as a speaking subject, masculine knowledge must posit a subject that is not itself, that is not caught in language a subject that is not castrated. This subject, while necessary for masculine knowledge, is impossible such that no subject capable of entering into discourse is not caught in language. Hence Lacan's declaration that "~~the~~ Woman does not exist." It is important to note that Lacan is not saying that "women do not exist," but rather that the conception of

the ideal Woman is both necessary and impossible for the formation of masculine knowledge. The contention in this chapter is thus that the ideal female athlete, both feminine and athletic does not exist, yet the International Olympic Committee operates as if it does. The ideal female athlete is both necessary and impossible, and the Committee's attempt to make all actual female athletes adhere to its standards is necessarily a rhetorical act as outlined above.

### **Olympic Sex-Verification**

#### *History*

The establishment of the IOC's challenge-based system for sex-verification follows from a history of mandatory sex testing spanning from the 1968 Grenoble and Mexico City Olympics to the 1998 Nagano games. However, the question of the sex of women in the Olympics dates back to Ancient Greece. The first recorded incident of sex-verification at the Olympic Games comes from an account of Kallipateria, mother to a boxer competing in the games around 400 BC.<sup>1</sup> Since women were forbidden to attend the competition, Kallipateria disguised herself as a male trainer to coach her son and watch him compete. After he was victorious, she jumped a fence to congratulate him and as James L. Rupert explains, "Her male attire got snagged on the way over. Foreshadowing the 'nude parades' at games a thousand years in the future, she landed naked, her real sex revealed."<sup>2</sup>

In the modern games, the scrutiny of sex turned to female athletes. Before the mandatory testing of 1968–1998, there were a few well-documented cases of male

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1 Laura A. Wackwitz, "Verifying the Myth: Olympic Sex Testing and the Category Woman", *Women's Studies International Forum* 26, no. 6 (2003), 553.

2 James L. Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," *CBMH/BCHM* 2(2011), 350.

athletes posing as women, starting with the 1936 games in Berlin. Before the games, two high-profile female athletes, Mary Dalton from Great Britain, who revealed she had undergone a surgical procedure to become Mark Dalton after the games, and Czech athlete Zdenka Koubkova, who was "pronounced a man" after sex reassignment surgery, heightened calls for the sex-verification of female Olympians. The most outspoken proponent for sex testing was the then chairman of the United States IOC, Avery Brundage, who pronounced that female athletes competing in the games should be subject to a "thorough physical examination to make sure they were really 100 percent female."<sup>3</sup> At the games themselves, the winner of the women's 100m dash, Helen Stephens, was subjected to a physical examination after defeating Stella Walsh (who was bestowed the nickname "Stella the Fella").<sup>4</sup> Another incident at the Berlin games was the case of high jumper Dora Ratjen, who admitted to being a male impostor forced to compete by Nazi Germany.<sup>5</sup> After Dora re-identified as Heinrich in 1939, it was revealed that he suffered from gender dysmorphia and was assigned, incorrectly, as a female from birth through puberty.<sup>6</sup> Speculation about the sex of athletes continued after World War II due in large part to Cold War tensions, where female athletes' from Eastern Bloc and Asian Communist countries sex was often in question.<sup>7</sup>

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3 "Sport: Olympic Games." Time Magazine, 1936.

4 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 350.

5 Barry D. Dickinson, "Gender Verification of Female Olympic Athletes," *Medicine & Science in Sports & Exercise* 34, no. 10 (2002), 1541.

6 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 351.

7 "Reds' Tamara Press Tosses Shoot 60-9 1/2." *Hartford Courrant*, 1962.

At the 1968 Grenoble winter games the IOC began random sex-verification. Officially called "sex verification of the women" according to the official report of the Grenoble games, fifty women were tested and all passed.<sup>8</sup> According to Rupert, "at the 1968 Summer Games in Mexico City, Polish sprinter Ewa Klobukoswa ... became the first person to fail an Olympic sex test."<sup>9</sup> Klobukoswa passed a physical test two years earlier in Budapest but failed the IOC's chromosome-based test developed for the games.<sup>10</sup> Reports surfaced that Klobukoswa mothered a child later in life, leading to the speculation that, famously, "she had one chromosome too many."<sup>11</sup> Thus, in the first of many cases that complicated the chromosomal tests run by the IOC from 1968–1988, Klobukoswa was diagnosed as a "sex-reversed XXY woman," meaning she had an extra Y chromosome, disrupting the XX-XY dualism demanded by the IOC test.<sup>12</sup> The chromosome-based test utilized by the IOC looked for a DNA-protein complex called the "Barr body" as well as looking for traces of a Y chromosome with a fluorescent dye.<sup>13</sup> The problem with these tests, according to Barry D. Dickenson et al., was that "sex chromatin tests screened out phenotypic women who had genetic differences that afforded no unusual physical advantage for sports, while potentially missing XX men and

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8 International Olympic Committee, "Official Report of the Xth Olympic Games," (1968), 271.

9 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 352.

10 Ibid.

11 "Genetics: Mosaic in the X & Y." *Time Magazine*, 1969.

12 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 353.

13 Dickinson, "Gender Verification of Female Olympic Athletes," 1541.

women with medical conditions such as congenital adrenal hyperplasia that could offer competitive advantages."<sup>14</sup> Thus athletes like Klobukoswa were excluded from the games without actually having the feared "competitive advantage" over other female competitors.

Chromosomal testing continued throughout the 70's and 80's. At the 1972 Winter Games in Sapporo, so-called "sex checks" became mandatory for all female competitors. The report of the Sapporo Olympics was the first to provide a rationale for the tests:

Women athletes are commonly required to undergo an examination to confirm their sexual identity because of the large number of individuals, who, although appearing to be female, have the physical characteristics of males. Conducted in the women's quarters of the Olympic Village ... the test consisted of taking a sample of oral mucus to examine the chromosomal pattern. Nothing abnormal was discovered in a check of the 217 female athletes from 22 countries.<sup>15</sup>

The tests did find "violators" in 1972. Three athletes were excluded from competition at the Summer Games at Munich.<sup>16</sup> With the expansion of women's events in the late 60's and early 70's to include team sports like volleyball, as well as new events in track and field and swimming, sex testing became more important to the IOC. As Laura A. Wackwitz notes, "Sex testing provided a means of verifying the gender of individuals who had broken the traditional molds of femininity by participating in these [new]

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14     Ibid.

15     International Olympic Committee, "Official Report of the XIth Winter Olympic Games," (1972), 383.

16     International Olympic Committee, "Olympic Report Munich 1972," (1972), 115.



events."<sup>17</sup> The 1984 Games in Los Angeles provided another rationale for the sex testing regime:

The Medical Commission of the International Olympic Committee attempted to protect women against unfair competition. The control attempted to confirm an athlete's gender with minimal interference to the dignity of the individual. Rule 29 of the Olympic Charter states that female competitors must comply with the prescribed tests for gender verification.<sup>18</sup>

In 1985, between the Los Angeles and Calgary Games, Maria Patino, a Spanish hurdler, was disqualified from competing in the World University Games. According to Dickinson et al., "Ms. Patino had male pseudohermaphroditism with complete androgen insensitivity."<sup>19</sup> She challenged the ruling and was eventually reinstated to compete in the next Olympics, becoming the first female athlete to successfully challenge a sex-verification ruling.<sup>20</sup> According to Rupert, "her case did much to publicize the problems with sex testing and provided ammunition to the opponents of the tests, including those in the IOC [Medical Commission]."<sup>21</sup>

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17 Wackwitz, "Verifying the Myth: Olympic Sex Testing and the Category 'Woman'," 556.

18 International Olympic Committee, "The Official Report of the XXIIIrd Olympiad Los Angeles 1984," (1984), 358.

19 Dickinson, "Gender Verification of Female Olympic Athletes," 1541.

20 L. J. Elsas, and A. Ljungqvist, "Gender Verification of Female Athletes," *Genetics in Medicine* 2, no. 4 (2000), 250.

21 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 356.

The 1988 Winter Games in Calgary did not disqualify any athletes and the Summer Games in Seoul did not publish the results of sex-testing in their report. In 1992, at the Winter Games in Albertville and Summer Games in Barcelona, the IOC abandoned chromosomal testing in favor of examining female athletes' DNA. Instead of looking for the Barr body, these tests examined the DNA of subjects to look for "Y chromosomal material" by looking for the presence of the SRY gene and the DYZ1 region of the Y chromosome itself.<sup>22</sup> Any samples that tested positive for the DYZ1 region were then tested for the SRY gene. At Barcelona, according to Dickenson et al., "2406 female athletes were screened for DNA located on the Y chromosome (DYZ1 repeat). Positive samples were reanalyzed for the presence of the SRY gene. Eleven were positive for DYZ1; of these, five were positive for SRY."<sup>23</sup> However, it is unclear if the five who tested positive for SRY were excluded from the games.<sup>24</sup> It is worth noting that the Barcelona report developed a new method for dealing with "borderline cases," one that adopted "a study of the secondary sexual characteristics, the morphology of the subject and the psychological behavior" of suspected violators of the testing.<sup>25</sup> In 1996 at the Summer Games in Atlanta, eight women tested positive in the sex-verification screenings. However, all had been allowed to compete.<sup>26</sup> In the report on the games, the

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22 Ibid., 246.

23 Dickinson, "Gender Verification of Female Olympic Athletes," 1541.

24 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 365.

25 International Olympic Committee, "Official Report of the Games of the XXV Olympiad," (1992), 273.

26 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 357.

IOC seemed to indicate an increasing awareness of the "non-binary nature of human sex and the range of specialists who could contribute to evaluating a test."<sup>27</sup> The report states:

Cytogenetic blood chromosome analysis and endocrinologic evaluation could be performed for intersex medical problems. All test results were reported to the chairmen of the IOC Medical Commission or his designee. Athletes who screened positive were asked to allow further testing or examination. Qualified medical geneticists and gynecologists were available to further evaluate athletes that tested positive, if requested by the IOC Medical Commission. Other qualified specialists, such as psychiatrists, urologists, and endocrinologists, were on-call to assist female athletes in a sensitive and professional manner.<sup>28</sup>

The 1998 Nagano Winter Games, the last Games to have mandatory testing, had 679 athletes "who did not have an IOC gender verification card (83% of women competitors) were tested using DNA...."<sup>29</sup> Starting at the 2000 Sydney Summer Games, the IOC "conditionally rescinded the 30-yr requirement for on-site gender screening of all women entered in female only events" because, as Dickenson et al. explain, "both sex chromatin and SRY tests identify individuals with genetic anomalies that yield no competitive advantage."<sup>30</sup> Instead, "intervention and evaluation of individual athletes by appropriate

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27 Ibid., 356.

28 International Olympic Committee, "Olympic Report Atlanta 1996," (1996), 292.

29 Rupert, "Genitals to Genes: The History and Biology of Gender Verification in the Olympics," 357.

30 Dickinson, "Gender Verification of Female Olympic Athletes," 1541.

medical personnel could be employed if there was any question about gender identity."<sup>31</sup> Between 1966 and 1998, more than 10,000 female athletes were tested, and despite some women "failing" the test, "no men posing as women have been detected at the Olympics or other international events at which X chromatin analysis or SRY testing has been performed."<sup>32</sup>

*Sex Testing at the XXX Games in London*

Starting with the 2000 Olympic Games in Sydney, the IOC abandoned compulsory testing. Instead, it adopted a "challenge-based" system whereby female athletes would only be screened if there was a suspicion as to their sex.<sup>33</sup> Currently, the International Association of Athletic Federations (IAAF) states that there will be "no compulsory, standard or regular gender-verification during IAAF sanctioned championships," noting that "determination [of sex] should not be done solely on laboratory based sex determination."<sup>34</sup> If another athlete or team challenges the sex of a female athlete, "such challenges would result in a more comprehensive medical evaluation by a team of experts including a gynecologist, endocrinologist, internal medicine expert, geneticist, and an expert on gender/transgender issues."<sup>35</sup> Also gone was the chromosome-based approach; the IOC would no longer test for the presence of a Y

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31 Ibid.

32 Ibid., 1542.

33 Ross Tucker, and Malcolm Collins, "The Science of Sex Verification and Athletic Performance," *Sports Physiology and Performance* 5(2010), 132.

34 International Amateur Athletic Federation, "IAAF Policy on Gender Verification," (2006).

35 Tucker, and Collins, "The Science of Sex Verification and Athletic Performance," 133.

chromosome based on the presence of the SRY gene. Instead they would test for female hyperandrogenism, also known as Androgen Insensitivity Syndrome (AIS). According to Ross Tucker and Malcolm Collins, AIS "is one of a number of different conditions that can result in ambiguity between the chromosomal and anatomical sex of an individual. Collectively, these conditions have been termed disorders of sex development (DSDs) and they are defined as the spectrum of conditions ranging from those with ambiguous external genitalia to those with normal female external genitalia by varying degrees of internal testis."<sup>36</sup> According to the IOC Regulations on Female Hyperandrogenism, the official policy document outlining the testing procedures for the 2012 Summer Games in London, "human biology ... allows for forms of indeterminate levels between the conventional categories of male and female, sometimes referred to as intersex. Usually, intersex athletes can be placed in the male or female group on the basis of their legal sex. However ... intersex female athletes with elevated androgen production give rise to a particular concern in the context of competitive sports, which is referred to as 'female hyperandrogenism'."<sup>37</sup>

The concern for the IOC is that, "androgenic hormones have performance-enhancing effects, particularly of strength, power and speed, which may provide a competitive advantage in sports."<sup>38</sup> Therefore, each National Olympic Committee (NOC) "shall, as appropriate, prior to the registration of its national athletes, actively investigate any perceived deviation in sex characteristics and keep complete documentation of the

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36 Ibid., 130–31.

37 International Olympic Committee, "IOC Regulations on Female Hyperandrogenism," (2012).

38 Ibid.

findings, to the extent permitted by the applicable law of legal residence of the concerned athlete."<sup>39</sup> If a challenge is brought against a particular female athlete, the IOC report stipulates that an expert panel (consisting of the above specialists):

may request that the investigated athlete and/or her team physician provide further information and/or that the investigated athlete undergo further examinations to determine whether female hyperandrogenism is present and can be considered to confer a competitive advantage ... The Expert Panel shall examine all available information and establish (I) whether the investigated athlete's androgen level, measured by reference to testosterone levels in serum, is within the male range, and if so, (ii) whether such hyperandrogenism is functional or not ... if, in the opinion of the Expert Panel, the investigated athlete has female hyperandrogenism that does not confer a competitive advantage because it is non-functional or the androgen level is below the male range, the Chairman shall close the case, and the concerned athlete shall be eligible to compete in the 2012 [Olympic Games] Competitions ... If, in the opinion of the Expert Panel, the investigated athlete has female hyperandrogenism that confers a competitive advantage (because it is functional and the androgen level is in the male range), the investigated athlete may be declared ineligible to compete in the 2012 Olympic Games.<sup>40</sup>

As Alice Dreger points out, "the IOC won't just be looking at how much androgens a

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39 Ibid.

40 Ibid.

woman's body makes, but also how much her cells respond. This is because some women are born with testes that make a lot of testosterone, but they lack androgen-sensitive receptors, so the androgens have little-to-no effect on their cells."<sup>41</sup> Thus in order for there to be a marked "competitive advantage" in the eyes of the IOC, the suspected female athlete must both be hyperandrogenic and respond to the increased amounts of testosterone her body produces such that it confers an unfair advantage. However, there is no clear boundary on how much androgenic hormone constitutes "too much," and how those hormones affect performance, since most of the studies on testosterone and athletic performance have been conducted on male subjects.<sup>42</sup> Nonetheless, the IOC moved forward with androgenic hormone testing in the XXX Olympiad despite criticism from many academic and scientific circles. Prior to the games, the IOC recommended that each NOC establish "gender-testing centers" to test female athletes with suspected high levels of testosterone and treat athletes with DSDs.<sup>43</sup> The new policy on androgenic testing and the establishment of the "gender-testing centers" came in the wake of the 2010 IAAF World Track and Field Championships, held in Berlin, in which a South African woman, Caster Semenya won the 800-meters and was subsequently forced to undergo sex verification tests, and the 2006 Asian Games, where Shanti Soundarajan, also a winner of the 800-meters, "failed" a sex verification test.<sup>44</sup>

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41 Dreger, Alice, "The Olympic Struggle Over Sex." *The Atlantic*, 2012.

42 Katrina Karkazis, et al., "Out of Bounds? A Critique of the New Policies of Hyperandrogenism in Elite Female Athletes," *The American Journal of Bioethics* 3, no. 16 (2012), 8.

43 Wilson, Stephen, "IOC Recommends Gender-Test Centers." *USA Today*, 2010.

44 Knoblauch, Austin, "IOC Seeks to Establish Gender-Testing Centers for Athletes." *Los Angeles Times*, 2010.

As the shifting landscape of the testing procedures used indicate, the issue of sex-verification at the Olympic Games, as well as other elite sporting events, is far from a settled issue. But independent from how authorities should attempt to verify the sex of female competitors, there is a debate about whether they should test them in the first place. According to Dreger, the debate is split along two lines, a camp that she classifies as "atomists," who believe that "the line imposed between putative male and putative female athletes must be biological," and "identifiers," who "believe the line between men and women athletes ought to be based in self-identity."<sup>45</sup> The positions laid out by each side are mutually exclusive. It is important to note however, that the question of the science of the sex of female athletes is relegated to a secondary role, subsidiary to the question of whether or not the athletes should be tested in the first place. In other words, whether or not there is a biological determinate for sex, the question becomes does that determination lead to an unfair advantage in sporting competition and therefore, should that determination be policed to ensure fair competition. Once the initial question is answered, then the door is opened to determining what the biological markers of sex-based advantages are. While on face, this seems like a debate between an objectivist position and a social-constructivist one, I argue that both sides rely on assumptions that place an onus on objects that exist outside of language – in this case, the biological determination of sex on the one hand, and the right to self-identification and free choice on the other. Each position therefore attempts to define some essential quality of "womanness" and relate it back into a normative position of how it impacts what should be done to ensure the fairness of sport. The question of competing values, fairness versus

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45 Dreger, "The Olympic Struggle Over Sex."



privacy and autonomy, speak to the attempts by each side to point to something natural to language, something that is transcendent from the subjective way in which we describe it, something that is saturated with affect. Thus, the way these discourses justify the necessity of sex-verification is through a process of naturalization whereby they attempt to present the ideal female athlete as something that exists outside of linguistic subjectivity. In each instance, competing investments create the mutual exclusivity of the positions of the atomists and identifiers. I will explore the Atomist position and explain the ways in which these competing investments occur.

Led by the IOC, atomists believe that there is a biologically determining factor for sex, and that that determining factor confers an unfair advantage to men over women in some sporting events. According to geneticist Eric Vilain, "The reality is that there is a pretty good candidate for such a substance [that confers a competitive advantage in elite athletes]: testosterone. We know that exogenous testosterone enhances performance and is therefore considered a doping substance, forbidden in all Olympic sports."<sup>46</sup> It is important to note that those who subscribe to the atomist position, like Vilain, argue for some sort of "natural" process of doping that relies on the genetics of athletes – men are naturally better at sport than women. However, as I have shown in the case of genetic enhancement in chapter two, there is no such thing as a purely "natural" or "unnatural" enhancement, but rather all enhancements rest on a continuum, and it is the rhetorical maneuvering within discourse that artificially demarcates the boundaries between the two. Since the World Anti-Doping agency, along with the IAAF, IOC, all major American sport leagues, and other sport-governing bodies ban the use of injected

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<sup>46</sup> Vilain, Eric, "Gender Testing for Athletes Remains a Tough Call." *New York Times*, 2012.

testosterone in male and female athletes as a performance enhancing drug, Vilain, as well as the IOC, believe that women having "naturally higher" amounts of testosterone confers an unfair advantage and that, as Vilain argues, "there is practically no overlap between normal male and female ranges of endogenous testosterone levels."<sup>47</sup> Therefore, the atomists argue, if the levels of androgenic hormones, such as testosterone, reach "a male level" in female athletes, they should be forced to compete as males, or at least forbidden to compete as women, regardless of how they self-identify.<sup>48</sup> This position is echoed by the IOC, which states in their report that high levels of androgenic hormones produce an unfair advantage in athletes, making the competition fundamentally unfair to women with "regular" or "female" levels of testosterone in their bodies. Thus, according to Vilain, testing for testosterone and enforcing boundaries between male and female levels would "allow women to compete with a shot at winning and ... allow such a wide range of genetic and hormonal differences within the women's group that we are in for the exciting treat of watching women compete passionately with all their unjust, innate athletic abilities that make sports so exhilarating."<sup>49</sup>

However, not all atomists agree with Vilain and the IOC's position. For example, Michelle Brett Sutherland et al. argue that simply testing for testosterone levels in female athletes is actually not enough. They state, "that shape and alignment of [the long] bones [in the arms and legs of] adults, which are largely dictated by the level of circulating testosterone around the time of puberty, gives athletes who were exposed to higher levels

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47 Ibid.

48 Ibid.

49 Ibid.

of testosterone a distinct competitive advantage. Subsequent treatments to lower testosterone levels, such as those proposed by the IAAF and the IOC, will not alter athletes' osteology and will therefore not result in a level playing field."<sup>50</sup> Therefore, "This osteological difference has important implications for athletic performance. Simply put, the same tensile force from quadriceps contraction allows males to push down harder on the pedal or off the ground than females."<sup>51</sup> This fundamentally modifies the binary atomist position of the IOC because, instead of segregating sports into male and female divisions, Sutherland et al. conclude that, "Rather than separating the competitors based on the traditional criteria used in athletics, such as the appearance of the external genitalia, sex hormone profile, or chromosomal karyotype, one could develop a system that categorizes athletes on osteology. Such a system could have more than two categories."<sup>52</sup> Even though they advocate for abandoning the male/female distinction in sport, Sutherland et al. represent another strand of atomist thought: independent of the sex of athletes, there is still a biological determinism that allows for one athlete to excel of another due to his or her biological makeup, assuming that each competes at an elite level. As such, divisions ought to be established not on personal identification, but rather on biological makeup.

The rationale for the continuation of Olympic sex-verification regimes is to "level the playing field" of female athletic competitions and ensure that women do not have to

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50 Michelle Brett Sutherland, Benjamin Langer, and Richard Wassersug, "Getting a Leg Up on the Competition: The Importance of Osteology in Elite Athletics," *The American Journal of Bioethics* 12, no. 7 (2012), 25.

51 Ibid., 26.

52 Ibid., 27.

compete against men, whom are supposed to have an intrinsic, biological advantage in competitions of speed and strength. According to J. C. Reeser, "Experience will eventually tell us whether they made the correct decision, and whether the modern female athletic playing field will remain level. Until such time when we can reflect on that experience with perfect hindsight, we must make the best decisions we can with the information available."<sup>53</sup> For Reeser, that includes continued sex-verification tests under the new IOC regulations, to ensure fair competition. Likewise, Eric Vilain and Francisco J. Sanchez argue that:

The best that the IOC can do is to create sound parameters to which athletes must adhere. The recent rule regarding females with hyperandrogenism is one such parameter. Although it has limits, the rule can be improved as we follow its application. The next big challenge for the IOC and other sports agencies will be to devise a way to precisely quantify the degree to which female athletes are resistant to androgen provocation, as that is what ultimately matters when it comes to asking the question of how much testosterone is too much testosterone.<sup>54</sup>

While many atomists agree the testing regime established by the IOC is provisional and limited, what unites them is the dual assumption that there is a biological differentiation between male and female, that it has implications for the competitive landscape in sport, and that the playing field should be "level" to ensure female athletes can compete and

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53 J. C. Reeser, "Gender Identity and Sport: Is the Playing Field Level?," *British Journal of Sports Medicine* 69(2005), 699.

54 Eric Vilain, and Francisco J. Sanchez, "Athletes' Bodies, Sexed Bodies - Intersexuality in Athletics," *Nature Review Endocrinology* 8(2012), 199.

win. Hence the Chairman of the IOC's Medical Commission, Arne Ljungqvist's comment that "We are not determining the gender in an individual. What we are talking about is athletic eligibility."<sup>55</sup> While the discourse has shifted from "men masquerading as women" to include a higher awareness for intersex athletes and DSDs, the general argument remains the same: to ensure "the fairness of sport."

### **Signifying the Woman**

To explain the Atomists' logic for the continuation of sex-verification practices for female athletes, it is important to understand the ways in which the category of "woman" is constructed as something wholly other than "man." I say wholly other because the relationship between the two is predicated upon a negation, namely, that "women" is that which is characterized by that which is not "man," or, more simply, man negates woman. This is evident in the discourse of "fair play," in that male athletes are seen as possessing capabilities that enable superior performance in sport. Men can jump higher, run faster, etc. Men are thus characterized in terms of negative difference from women, a woman is one who does not possess those capabilities for superior performance when paired against a man. Thus the notion of "gender testing" in Olympic sport is a misnomer since gender is understood as the social ways in which a subject enacts his or her role as male or female. A more accurate way of characterizing the issue, and one that I have tried to forward thus far in my terminology, is "sex verification," a term often conflated with "gender testing" in the literature, albeit with exceptions.<sup>56</sup> Here, "sex" refers to the biological components of a subject that dictate his or her sex organs and

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55 Bardin, Jon, "Olympic Games and the Tricky Science of Telling Men From Women." *Los Angeles Times*, 2012.

56 Wackwitz, "Verifying the Myth: Olympic Sex Testing and the Category "Woman"."

genetic makeup, thus biologically designating them as male, female, or intersex. It is this notion of female sex, and not female gender, that is conceptually negated in comparison to male sex and not male gender, and it is sex differentiation, or sexuation that I deal with in this chapter.

Poststructuralist feminist thought has theorized this masculine negation of the feminine in terms of sex and note that it is the primary encounter with fundamental difference that structures the basis of western philosophy and, indeed, society itself.<sup>57</sup> Taken at a more abstract level, the act of negation, since Hegel, is understood in much of western philosophical thought as the foundational way in which the subject differentiates itself from the world and in turn, the way in which it understands itself as a totality, or as I will explain in the following section, as *one*. For Lacan, drawing on Hegel, this primary act of negation – the negation of a subject from that which it is not – and in turn the other series of negations that stem from it constitute a discourse.<sup>58</sup> This fundamental relation to difference, the way in which the subject first encounters and negates the world around it, is characterized by Lacan as the logic of the male. Now, it is important to note that while Lacan designates two logics, two ways of encountering the world, as "male" and "female" in his theory of sexuation, he invokes the fundamental ways in which the subject encounters difference. Thus it is critical to understand that the male and female designations of the logics are not dependent on the actual sex of the subject who identifies with them. Lacan does not offer a biological account of the difference between the sexes, but rather one that is predicated on the subject's encounter with difference.

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57 Luce Irigaray, *The Sex Which is Not One* (Ithica: Cornell University Press, 1985).

58 Lacan, *Seminar XX: On Feminine Sexuality, the Limits of Love and Knowledge*, 79.

Thus Lacan states that "Any speaking being whatsoever, as it is expressly formulated in Freudian theory, whether provided with the attributes of masculinity ... or not, is allowed to inscribe itself [on either side of the sexuation dyad]."<sup>59</sup> In relation to the sexuation of Olympic athletes, I will argue that the logic of sex verification stems from Lacan's masculine side of the dyad, one that exists expressly through the negation of difference.

For Lacan, masculine knowledge, again based on identification and not biology, is defined completely by its entrance into language. It completely accedes to the signifier. This is the essence of the Lacanian concept of castration is this entrance into language, since to do so, the subject must give up a part of itself in becoming caught up in the net of discourse. This is the essence of the barred S which, in a way similar to the barred signifier, must empty itself out of that which is asignifying, since, as Lacan points out, for the \$, "There's no such thing as a prediscursive reality ... [every] reality is founded and defined by a discourse."<sup>60</sup> The basic formulation of the subject's entrance into language, and the constitutive split that occurs is best defined by Lacan's L Schema from his early work.<sup>61</sup> There, Lacan posits the subject as split between two entities, the body, or physical assemblage of the self (Es(S)), and the imaginary image the subject has of itself, which is always partial (*a* or the Ego). In order to constitute itself, the subject then must posit two positions of otherness, the other which it can negate (*a'*) and the absolute other, Lacan's "big Other," that which assumes a position of complete alterity to the subject.<sup>62</sup>

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59 Ibid., 75.

60 Ibid., 32.

61 Lacan, *Seminar III: The Psychoses*, 14.

62 Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 60–67.

These four basic positional coordinates help explain the more complicated theory of sexuation forwarded by Lacan 17 years later. Focusing on the split subject, the designation between the Ego and the Es(S), there are two important implications forwarded by psychoanalytic thought: First, the subject is split between the Real and its imaginary conception of itself. There is no one-to-one relation between the subject's physical assemblage, the Es(S), and its Ego. The Ego exists within the realm of discourse, hence Lacan's famous formulation, "the signifier represents a subject to another signifier," meaning that subject is only a linguistic and imaginary representation in the eyes of another subject.<sup>63</sup> Put another way, when Lacan states, "Men, women, and children are but signifiers," he means that subjects can only be signifiers for other subjects.<sup>64</sup> This is the essence of castration, since if everything is represented by signifiers, if the subject is truly caught in discourse, then there will always be a remainder between its physical assemblage and its representation in language. There will always be a failed unicity between the real of the subject and its symbolic coordinates. Lacan designates this remainder to the signifier the phallus, which is "distinguished from [mere] signifying material."<sup>65</sup>

This formulation implies that in order for the subject to fully be split, there must be an initial act of negation. There must be "one who is not" split. One who is whole, who has not completely acceded to language, one who is not a signifier for another signifier. Lacan formulates this using set theory as "there exists one who is not castrated."

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63 Lacan, *Seminar XI: The Four Fundamental Concepts of Psychoanalysis*, 207.

64 Lacan, *Seminar XX: On Feminine Sexuality, the Limits of Love and Knowledge*, 33.

65 Ibid., 28.



Yet this position is a paradox because there is no subject that is not a signifier to a subject who can only perceive other subjects as signifiers. That is to say that since every subject is caught in discourse, every subject can only interpret other subjects through their imaginary and symbolic coordinates. There can be no subjects that exist completely outside of language (there can be no uncastrated subjects) because the very definition of subjectivity requires that a subject must be trapped in the world of concepts. To imagine this subject position is necessary for the subject to exist as split in language. The exception proves the rule, hence the other set formulation that follows from above: every subject is castrated. The subject posits that which cannot be, that to which it always must fall short, the subject who is not split, or, a zero-degree relationality between words and things, or the subject and itself (feigned unicity). This allows for the establishment of what Lacan calls "the Law," or a set of ordering principles in which the subject is able to define itself by what it is not. According to Ellie Ragland, "This creates a masculine or master discourse logic of the 'at least one' who says no to castration ... and provides the model of an exception to the rule that gives rise to the concept of a social convention or 'norm' of reality ... most people believe in a superior being or principle ... that transcends the law, in order to establish the law as a basis from which to 'write itself' in reference to something."<sup>66</sup>

Coming closer to the western rhetorical cannon, Kenneth Burke provides an analog to this theory of the formation of the Law in his *Rhetoric of Religion*. For Burke, in a study of the overall schema of Western religious doctrine, there must be an establishment of what he calls "Order." This is similar to Lacan's Law. Burke points out

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<sup>66</sup> Ellie Ragland, *The Logic of Sexuation: From Aristotle to Lacan* (New York: State University of New York Press, 2004), 96.

that Order, "is grounded in the idea of a verbal command, which by its very nature contains possibilities of both obedience and disobedience ... We reserve our commands ... for language-using entities that can, to varying degrees, resist."<sup>67</sup> Thus for Burke, just as with Lacan, the concept of a covenant, law, or order is established through the word. Burke continues:

Here one can start with the creation of a natural order (though conceiving it as infused with a verbal principle); one can next proceed to an idea of innocence untroubled by thou-shalt-nots; one can next introduce a thou-shalt-not; one can next depict the thou-shalt-not as violated; one can next depict a new Covenant propounded on the basis of this violation, and with capital punishment; one can later introduce the principle of sacrifice ... Then gradually thereafter, more and more clearly, comes the emergence of the turn from mere sacrifice to the idea of outright redemption by victimage.<sup>68</sup>

Thus when a covenant or law is established, in order to be maintained, it must posit that which is the perfected, impossible, form of itself, and then symbolically sacrifice a transgressor to maintain the impossible "purity" of the order. This occurs because, as Burke points out there are two coordinates between which a covenant locates itself: the perfect, unattainable ideal, and the scapegoat which is sacrificed in order to maintain distance from the "fallenness" of reality and come closer to the, albeit impossible, unattainable ideal. The process continues indefinitely according to Burke, who argues,

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<sup>67</sup> Kenneth Burke, *The Rhetoric of Religion: Studies in Logology* (Berkeley: University of California Press, 1961), 184.

<sup>68</sup> Ibid., 216.

"Thus when we read of one broken covenant after another, and see the sacrificial principle forever reaffirmed anew, narratively this succession may be interpreted as movement towards fulfillment, though from the standpoint of the tautological cycle they 'go on endlessly' implicating one another."<sup>69</sup> This is mirrored in psychoanalytic theory, where, as Yannis Stavrakakis argues, "Every utopian fantasy produces its reverse and calls for its elimination ... If in almost all utopian visions, violence and antagonism are eliminated, if utopia is based on the expulsion and repression of violence ... this is only because it owes its own creation to violence; it is sustained and fed by violence ... it also resurfaces in the production of the figure of an enemy."<sup>70</sup> In his study of the concept of "perfection" as it relates to human nature, Michael J. Hyde eloquently sums up the oxymoron of striving for perfected discourse, stating, "Perfection is a 'god term,' an ultimate standard meant to define states of completeness that can be used to direct us toward the good, the just, and the true. We thus tend to think of the completeness of perfection in terms as virtue. But ... perfection can also drive us crazy and lead to troublesome (if not disastrous) consequences in our lives ... Perfection can be both a benefit and a burden."<sup>71</sup> Hence the idea that we can, in Burke's terms, become "rotten with perfection."

In the content of language usage and rhetoric, we can read this cycle through Lundberg's formulation of failed and feigned unicity. Unicity as a concept, the direct one-to-one between relations and things, represents the perfection of language. However,

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69 Ibid., 217.

70 Yannis Stavrakakis, *Lacan and the Political* (New York: Routledge, 1999), 100–01.

71 Hyde, *Perfection: Coming to Terms With Being Human*, 7.

as such, it is ultimately impossible (failed unicity). The idea of a "degree zero" in language assumes the complete and perfect capture of an affect — its direct representation. But, as I have previously shown, affect is inherently asignifying, it is "ineffable," and thus we can only represent a lack of representation in its stead. Yet still, we present that representation of a lack of representation as transcendent, as a complete capture of the affect, the unicity is feigned and acted out through the compulsion to repeat, designating it as a site of investment. This entire process, as I have shown above, occurs through continual acts of negation. Artifice is hidden, leading to the double move of rhetoric: the presentation and concealment of contingency. The addition I will make to this formulation is that when acted out in discourse, this striving and failing to perfect language hinges upon the imposition of a scapegoat, a victim who we sacrifice as one way to maintain the feigned unicity of the signifier.

*The Woman Does Not Exist*

Lacan controversially states, "There's no such thing as Woman, Woman with a capital W indicating the universal."<sup>72</sup> What does he mean by this? For Lacan the category of "Woman," is that which escapes castration, the split in language, since she is not fully caught in the world of concepts. Thus, from the perspective of the masculine subject, from he or she who has ascended into language, the universal of "Woman," an entire subject category who is not castrated, cannot exist. Thus, Lacan writes the position as ~~the~~ Woman. Lacan posited that the universal of "Man," with a capital M, must be subject to the negative (the phallus) and thus must posit that which escapes the universal in order to establish the Law. The opposite of masculine logic does not abide by the same shackles

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<sup>72</sup> Lacan, *Seminar XX: On Feminine Sexuality, the Limits of Love and Knowledge*, 72.

of negation. Instead, whereas the necessary is the grounding for the possible in masculine logic, feminine logic fuses the impossible with the contingent. The impossible, contrary to the logical equation that all (x) are castrated, Lacan posits the impossible feminine subject position as Elle Ragland classifies it, "there is no exception to not being identified with castration in the real...."<sup>73</sup> This double negative leads to the conclusion that "there is no universal castration for women ... insofar as the two negative on the top line yield a positive on the bottom line."<sup>74</sup> Ragland thus concludes, "Women is not signifier as such in the unconscious, while man is signified there by a mark of difference from woman. And although women are not castrated in reality, they are castrated culturally by masculine signifiers that seek to interpret sexual difference."<sup>75</sup> This "no universal category of Woman" according to Lacan, is, "a never-before-seen function in which the negation is placed on the quantifier, which should be read 'not-whole,' it means that when any speaking being whatsoever situates itself under the banner 'women,' it is on the basis of the following — that it grounds itself as being not-whole in situating itself in the phallic function ... There's no such thing as Woman because, in her essence ... she is not-whole."<sup>76</sup>

This "not-whole" is demonstrated by the fact that the category of ~~the~~ Woman is not predicated upon negation. Whereas masculinity must posit its opposite in order to get a sense of itself, femininity does not succumb to the impulse of the negative, and as such,

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73 Ragland, *The Logic of Sexuation: From Aristotle to Lacan*, 136.

74 Ibid.

75 Ibid.

76 Lacan, *Seminar XX: On Feminine Sexuality, the Limits of Love and Knowledge*, 72–73.

from the eyes of the negative apparatus of the masculine, cannot exist as a universal category. The concept of the not-whole is derived from the fact that not every component of ~~the~~ Woman is captured in language, or is subject to castration. In terms that I have used before, this means that there is a necessary component of the subject position of women that escapes signification, that cannot be represented except by a negative hallucination, a representation of a lack of representation. Lacan's Woman is thus the realm of the affective economy when posited through language. Any attempt to conceptualize the universal of Women, of pure alterity, must always become subject to negation, and thus part of it must escape that-which-signifies, must remain in part, ineffable. This is why Derrida argues that the encounter with the absolute-other is "Neither representation, nor limitation, no conceptual relation to the same."<sup>77</sup> Instead:

[There] is no way to conceptualize the encounter [with the absolute-other]: it is made possible by the other, the unforeseeable "resistant to all categories." Concepts suppose an anticipation, a horizon within which alterity is amortized as soon as it is announced precisely because it has let itself be foreseen. This infinitely-other cannot be bound by a concept, cannot be thought on the bases of a horizon; for a horizon is always a horizon of the same, the elementary unity within which eruptions and surprises are always welcomed by understanding and recognized.<sup>78</sup>

Thus to conceptualize ~~the~~ Woman is immediately to place the category under erasure. Once one allows the category to enter into the realm of concepts – once we attempt to

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77 Derrida, *Writing and Difference*, 95.

78 Ibid.

define its essence — ~~the~~ Woman's alterity is immediately reduced along a horizon of the same — of language, of negation. This is a possible reading of the expansion of the concept of textuality, and a point where deconstruction and psychoanalysis overlap. This is not to say that everything is a text; rather, it is to acknowledge that there is something assignifiable beyond signification — ~~the~~ Woman — that which cannot be negated. This thing that cannot be negated can only be conceptualized through the net of signification, and thus only as a representation of an absence of representation. That which cannot be negated resides within the logically prior affective economy, and to attempt to conceptualize it without symbols is impossible. Yet it still exerts effects on the net, on the signifier, and we can point out those effects empirically through reading discourses like the IOC position on sex-verification.

### **Tropological Regress**

To read texts from the perspective of masculine enjoyment is to be attentive to the ways they exist from the perspective of the negating prowess of being caught in discourse. It is to live next to a universal exception to signification that is simultaneously necessary and impossible. It is necessary in that there must be a one-that-is-not in order to establish a law, in this case the law of feigned unicity. It is impossible because to conceptualize it beyond the textual level is to bring it back to the textual level, it is failed unicity, the failure of the entity to be fully conceptualized because there is always something anterior to concepts. Thus there is a law of feigned unicity in order to cover up the logical necessity of a state of failed unicity. This failed unicity stems from the attempted conception of, in Hegelian and Derridian terms, absolute negativity, which is "A negativity that never takes place, that never presents itself, because in doing so it

would start [the work of negation] again."<sup>79</sup> It is to imagine a paradox that absolute negation still requires an outside to itself, and thus at its very limit cannot negate that which is unnegatable. According to Derrida, "To go 'to the end' both of 'absolute rending' and of the negative ... without reserve ... [is] ... convulsively to tear apart the negative side, that which makes it the reassuring other surface of the positive; and it is to exhibit within the negative, in an instant, that which can no longer be called negative."<sup>80</sup> This, I believe, is the same reading of a phenomenon as Lacan's argument about the impossibility of the universal Woman. This is the paradox at the logical limit of textuality. What happens to the net of signification as it encounters the absolutely negative? Derrida argues:

Since it is a certain sliding that is in question, as we have seen, what must be found, nor less than the word, is the point, the place in the pattern at which a word drawn from language will start by virtue of having been placed there and by virtue of having received such an impulsion, to slide and make the entire discourse slide. A certain strategic twist must be imprinted upon language; and this strategic twist, with a violent and sliding, furtive, movement must inflect the world corpus in order to relate its syntax and its lexicon to major silence ... An absolutely unique relation: of a language to a sovereign silence which tolerates no relations, tolerates no symmetry with that which tilts itself and slides in order to be related to it. A relation, however, which must rigorously, scientifically,

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79 Ibid., 256.

80 Ibid., 359.



place into a common syntax both the subordinated significations and the operation which is nonrelation, which has no signification and freely keeps itself outside syntax.<sup>81</sup>

Here, ~~the~~ Woman is the relation that tolerates no relation. No existing female athlete can perfectly embody the ideal Female Athlete. Concepts, Derrida points out, slide in response to the relation of no relation, representing only an absence of representation. This sliding prompts an indirectness of the concept in relation to no relation since it cannot relate to the concept outside of concepts, something escapes signification. This is the failed unicity of the signifier. Since the relationship between the concept and the relation of no relation is indirect, it is simultaneously presented and effaced as a trope. The double movement of the rhetoric act is thus necessary to both overcome the failure of unicity and maintain the integrity of the signifier in its relation to the signified. Hence Derrida's insistence in both *Of Grammatology* and "White Mythology" of the primacy of metaphor as "a conceptual network within which philosophy is also constituted. Each thread in the net forms a turn of speech..."<sup>82</sup>

Since each signifier that encounters the relation of no relation can only represent it as an absence of representation, its logical limit, the point in which it interacts with the affective economy. This is the formation of Lacan's metonym, the contingent relation between signified and signifier. Having described this position in relation to the concept of affect in the previous chapter, I will now show how it is enacted in discourse, or, how we can trace its empirical effects. Each metonym enters into a relationship with other

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81 Ibid., 263–64.

82 Jacques Derrida, and F. C. T. Moore, "White Mythology: Metaphor in the Text of Philosophy," *New Literary History* 6, no. 1 (1974), 30.

metonyms, forming metaphors based upon invested usage. Those metaphors have a series of metonyms under their purview, each attempting to represent a lack of representation, each taking the position of \$. This is especially prescient in an instance of a concept with a high level of definitionality, since it cannot, yet must be defined. In other words, the attempted zero-degree relation between trope and affect is both necessary and impossible. In the case of the IOC's policy on sex-verification, it stands out as exceptional because, unlike debates over the concept of "dignity" or biotechnological enhancement, this case demands a resolution. Thus we can see, enacted into policy, the implications of when language confronts its own limit.

In this instance, the limit of language is the essence of "Female", with an F, the universal category, the perfected conceptual essence of "the Woman." But if the Woman does not exist, it is that which escapes castration (language) and thus cannot be conceptualized by all castrated beings. Yet it is necessary because the discourse presents itself as referring back, with other signifiers, to the relation of no relation. Furthermore it hides this artifice by presenting its linkages as transcendent, as relating to the signified at a zero-degree of difference. Hence to say "~~the~~ Woman does not exist" is to say that ~~the~~ Woman only exists rhetorically. I term a specific kind of this rhetorical movement as "tropological regress." It occurs when there is an endless procession of tropes defining tropes, each presenting themselves as a "final link" in the chain of signifiers, the ones that ground the word to the Real in a zero-degree relation. But of course, this presentation can never last permanently because the unicity is feigned, the trope's artifice is rhetorically, temporarily presented. Thus the entire chain reorients itself around another signifier, turning it into a metaphor with only its own metonymic connections and no "primordial

signifier" below it. The act is rhetorical because, according to Ernesto Grassi, metaphor is the bases for all rational speech. All rational speech, for Grassi, "is immediately a 'showing' – and for this reason 'figurative' or 'imaginative' ... It is metaphorical. i.e., it shows something which has a sense, and this means that to the figure, to which is shown, the speech transfers [metapherein], a signification ... [Speech] cannot have a rational by only a rhetorical character ... 'rhetoric' assumes a fundamentally new significance; 'rhetoric' ... [is] the speech which is the basis for rational thought."<sup>83</sup> This reversal of the hierarchy of rhetoric and philosophy leads to the implication that language's unicity is a failed unicity.

In the case of the IOC this is possible to point out through the various, provisional policies they have enacted throughout the era of gender verification. It can be traced back to the inability of language to completely symbolize the signified in any non-rhetorical manner. The signifier that escapes castration, the S, does not exist, yet is posited as existing because it is necessary, and cannot be conceptualized fully by a castrated signifier, \$. The initial proposition given by Atomist discourse stipulates that there is a biological essence to the signifier of "Female," or, it posits something that exists outside of concepts as an essence that authorizes the use of the concepts in the first place. It draws upon an assumed one-to-one connection between the signifier "Female" and an imagined entity within the affective economy: the affect. But the connection of "Female" to "biological essence that confers a competitive advantage," from one signifier to another signifier that elides itself, an \$, is indirect with regard to the affective economy and presents itself as direct with regard to the tropological one. The first example of this

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83 Ernesto Grassi, *Rhetoric as Philosophy: The Humanist Tradition* (Carbondale: Southern Illinois University Press, 2001), 20.

was the Barr test, attempting to locate ~~the~~ Woman in chromosomes. This was presented, at the time of its implementation, as reliant upon a description of "things as they actually were." In other words, as being able to identify ~~the~~ Woman outside of concepts. It is necessary that there is a biological component to ~~the~~ Woman that exists outside of language, that in order for it to develop as Law, it had to posit that which is not castrated by language – that which is outside of the signifier. But ~~the~~ Woman does not exist. The Barr test could not account for the existence of XXY women as well as others with various chromosomal DSDs. Thus it was found to be indirect, and thus ceased to exist as the structuring metaphor for how we understand, biologically, what makes ~~the~~ Woman. Thus the test for the SRY gene became the new standard. The genetic presence of the Y chromosome would be enough to verify the limit of the feminine. It replaced the discourse of chromosomes to that of genes and genetics and in so doing took control of various metonyms of the concept of genetics, structuring a new discourse. The change to searching for "androgenic hormones" made the discourse more precise but not more direct in relation to the affective economy, meaning unicity can be easily feigned, yet still exists in a state of failure. The cycle will probably continue, indefinitely, as new metonyms take the place of metaphors and anchor, albeit temporarily, the entire discourse.

Thus when the IOC report argues that "Androgenic hormones have performance enhancing effects, particularly on strength, power and speed, which may provide a competitive advantage in sports," it relies on the stabilizing reference to the natural, that of "androgenic hormones," which has purview over the metonyms of strength, power,

and speed.<sup>84</sup> Unicity is feigned by linking together the test with a discourse of scientific knowledge when there is an "Expert Panel" established to oversee the proceedings.<sup>85</sup> The expert panel has empirically failed to do its mission: provide validity for the tests, however in all three iterations from the Barr test to androgenic hormones have failed to develop a system that is either false positive proof or false negative proof.<sup>86</sup> As for strength, power, and speed, they are all linked to a supposedly stable (verifiable) discursive metaphor in the criteria of the androgenic hormone. The "masculine" qualities of strength, power, and speed are measured against the thrice-removed conception of the biologically "Female" and found to be superior to the constructed subject position of ~~the~~ Woman. The emphasis here is on the constructed nature of the subject position; since ~~the~~ Woman does not exist qua representation, the discursive system puts the imagined absolute negation in its place. That the conception of ~~the~~ Woman can come from biology, androgenic hormones in particular, is the subject position established by the discourse in order to present that subject position as transcendent. The discursive economy of Olympic sex-verification predicated on the test for androgenic hormones is thus founded on rhetoric: the double rhetorical act of invention – the linking together of contingent connections between signifiers and signified – and the concealment of artifice occurs in the debates over ~~the~~ Woman in the discourse.

The case of Olympic sex-verification is exceptional in that we can see its effects

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84 International Olympic Committee, "IOC Regulations on Female Hyperandrogenism."

85 Ibid.

86 Wackwitz, "Verifying the Myth: Olympic Sex Testing and the Category 'Woman'."

as they are enacted in policy. However, this does not mean that the policies enacted by the IOC suture the discourse once and for all. Rather, it, just as with the debates over “dignity,” biotechnological enhancement, stem cell research, and genetic patenting, comports to the life of the sign. That life, I have argued, stems from the relationship between the signifying and affective economies, specifically how the latter affects the former by the mooring and unmooring of affects to signifiers. The life of this discursive economy is apparent in the continually varying testing regimes established by the IOC over the course of the 20th and 21st Centuries, and there is no indication that the debates over sex-verification's prudence and procedures will cease any time soon. To say “the Female Athlete does not exist” is to gesture towards the open-ended nature of the debate. While the concept itself has a high level of definitionality much like “dignity,” it is, perhaps more than any other case study in this volume, envisioned to be tangibly embodied in human subjects. While “dignity” is at best an abstract concept and biotechnological enhancement does not yet exist in the capacities outlined in the debate over its implementation, ~~the~~ Female Athlete has and continues to be necessary and yet impossible. Its construction is necessary for the IOC if it continues along a path of sex-verification, and yet impossible to occupy for female Olympians. The result is the inevitable production of more scapegoats as the entire discourse seeks to purify itself, continues to be “rotten with perfection.”

To call the process by which the discourse operates “rhetorical” is not to say that the science on which it is founded is rhetorical. Rather, it is to say that the appeal to scientific discourse in the attempt to justify the legitimacy of the exclusion of athletes with DSDs from Olympic sports on the grounds that they imperil the “fairness” of the

games is a rhetorical act. The validity of the science has elsewhere been challenged, but those arguments are a far cry from those who sought to find the “rhetoric of science.”<sup>87</sup>

The insights garnered by this exploration of Olympic sex-verification is not that the science of androgenic hormones is fraught with rhetoric, but rather to say that the discourse over how the science of androgenic hormones are used in practice is where rhetoric resides. To justify the (necessary and continual) exclusion of female athletes on the grounds that they are “not feminine enough” to compete fairly against other women must be a rhetorical act since it, using the discourse of science as a justification, attempts to halt the life of the sign by assuming a level of precision in relation to the gap between the signifier and signified. It has been my contention that this gap is constitutive of the subject and the signifier, the dual \$, in that it requires the establishment of an impossible ideal in order to negate itself into existence. The impacts of that stipulation are tangible to the women who have “failed” tests in the past. As long as the regime of IOC sex-verification exists, it will single out women who appear to be “too masculine” to compete fairly. Perhaps by understanding the rhetorical nature of this exclusion, of the failed unicity in all of the IOC's feigned attempts to justify drawing a biological line between men and women, we can move toward an understanding of the way the discourse (and others like it that draw upon scientific justifications to outline the boundaries of a conceptual ideal) operates on the embodied subjects under its purview. This understanding, I believe, relies on the twofold disclosure of the contingency of the linkages between the concepts of sex and athletics and, ultimately, on the realization that ~~the~~ Female Athlete does not exist.

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87 Ibid.





#### **Chapter 4: On Affirmation, Negation, and Modality: Debates over Human Cloning and the Rhetorical Engagement with Novelty**

Recently, rhetorical theorists interested in both composition and rhetorical criticism have attempted to reconceptualize the relationship between rhetorical invention and novelty. Stephen R. Yarbrough outlines the essential question posed by this line of inquiry, relevant since the Sophists, as, "can rhetors only recognize and use novelty once it has appeared, or can they deliberately create novelty because they want or need it?"<sup>1</sup> In its recent strand, theorists have posed this question in terms of affirmation and negation, or, can rhetors only react to novelty (through negation) or create it (through affirmation)? Both affirmation and negation represent a mode of engaging an event of novelty, but they do so in drastically different ways. Traditionally associated with the dialectic, negation is conceived of as the overcoming, sublation, or Hegelian *Aufhebung*, of novelty in relation to an existing structure or economy. John Muckelbauer argues that negation serves as the default method of engagement with "the new," and produces a "difference and novelty [that only emerges] by somehow overcoming or negating particular others ... change is always and everywhere the effect of overcoming and negation."<sup>2</sup> The question of refiguring the concept of difference is of interest to rhetoricians because it sits at the intersection between existing linguistic economies and events of novelty (be it a new

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1 Steven R. Yarbrough, "Deliberate Invention: On the Motive to Create Novel Beliefs," *Rhetoric Society Quarterly* 33, no. 3 (2003), 79.

2 John Muckelbauer, *The Future of Invention: Rhetoric, Postmodernism, and the Problem of Change* (New York: State University of New York Press, 2008), x.

subject position, technology, mode of political engagement, etc.) and speaks to the ways in which language engages with the new. Thus any rhetorical scholar interested in the relationship between the canon of invention and novelty has a stake in the ways in which that event is differentiated from existing structures of intelligibility. From a political, ethical, or rhetorical perspective, conceiving of a mode of differentiation that does not stem from negation offers an enticing way to understand and encourage an engagement with difference in ways that foster difference in and of itself instead of perpetually reducing the new into the replication of the old.

The main goal of this article to is explore the ways in which rhetorical invention is a simultaneous engagement with novelty, one that both affirms and negates an event. At stake in this intervention is to understand how novel technologies are both rendered intelligible by existing methods of interpretation and how we can create new concepts that are attentive to their specificity. To demonstrate this, I will explore the ways that a particular existing linguistic economy, that of current debates over the development of human cloning technologies, engages with an event of novelty: the near-future, yet-to-exist capacity of scientists to clone a human embryo. The way the current discourse plays out in practice, I argue, is that the ways in which the highly stratified debate affirms and negates the potential technology moves beyond simply advocating or decrying its development. Rather, the two sides of the current discussion on human cloning engage with difference in fundamentally different ways. This argument stems from the fundamental tension outlined by Yarbrough above: detractors of the technologies seek to utilize existing tropes in public discourse such as science fiction and religious arguments about the nature of the family and the sanctity of life to spark the public imaginary

against developing human cloning, while proponents of the technologies seek to invent novel concepts, focusing less on what they say over their motive power to persuade publics. This duality in the ways in which they engage with the development of cloning technologies, understood for my purposes as an event, speaks not only to the contrasting rhetorical strategies employed by each side, but also indicates something about the fundamental nature of rhetorical invention itself.

Thus the fundamental contention of this piece: the aporia between affirming and negating difference is the very same aporia of rhetoric as outlined by Paul de Man: the undecidable tension between the study and use of tropes and the study and use of persuasion. Ultimately, I argue, understanding these tensions not as a choice between affirming or negating difference, but rather as an undecidable aporia – a "both, and" rather than an "either, or." allows us to make proscriptive claims about the necessity of pragmatism in the cloning debate in an attempt to move beyond the stalemate inherent to the field. The chapter proceeds in six sections. In the first, I outline the particular event I will be dealing with: the proposed development of human cloning technology, arguing for its status as an event since it represents something that forces contemporary bioethics to reconsider fundamental assumptions it has made about the nature of humanity, the role of the family, and the boundaries of human life. Second, I outline a brief ontology of the event and its relationship to a given linguistic economy, establishing the reading practice for the rest of the piece. Third, I demonstrate the conceptual similarities between de Man's argument for the undecidability of rhetoric and Deleuze's concepts (taken from his readings of Nietzsche) of affirmation and negation. I explain the relationship between the figural pole of rhetoric, or the study of trope, and the conception of negative difference,

while persuasion and affirmation exist in a similar, related context. I will explore the ways in which each side of the cloning debate encapsulate this distinction in their respective differences with the engagement of the novelty of cloning technology. In order to understand the relationship between affirmation and negation and their differences from each other, I explore the question of rhetoric and modality in the next section. Here I explore the basic taxonomy of the debate and demonstrate why it necessarily leads to a judgmental impasse unless we understand the stylistic differences at play. Finally, again drawing upon the work of Nietzsche and de Man, I argue that any engagement with the event of novelty must ultimately be both affirmative and negative since the distinction between the two is ultimately undecidable. Ultimately, I aim to demonstrate that in the case of the cloning debate, understanding the simultaneity of both affirmation and negation is essential to adopting a pragmatism that is necessary to break out of the argumentative stalemate that characterizes much of the debate.

### **The Event: Human Cloning**

While there are still substantial scientific and technological barriers to cloning human embryos, and so far, all reports to the contrary have been discredited as hoaxes, few potential scientific advancements spark the imagination and challenge so many foundational assumptions about the role of reproduction, the boundaries of human life, the ethics of scientific research, and its role in bettering society as much as the debate over human cloning. In a 2002 report commissioned by then president George W. Bush, the President's Council on Bioethics (PCB) eloquently states, "The new and distinct challenges that confront us through cloning call upon us to consider the character of [the tacit agreement between society and science], and to determine whether, and in what way, it might need to be amended and supplemented, especially in the face of the rapidly

arriving new biomedical technologies that touch so directly upon our humanity."<sup>3</sup>

Since Dolly's "inception," in the United States alone, there have been three executive-ordered white papers issued on the topic (two under Bill Clinton's National Bioethics Advisory Board and one under Bush's PCB), an executive order by Bush banning all federal funding for research on human embryos, another executive order overturning Bush's doctrine by President Obama, two bills passed by the House of Representatives (the Weldon-Stupak bill, passed in 2001 and again in 2003), a series of proposed legislation bouncing around in Senate committees and sub-committees, and legislation considered or passed in twenty-two states, all aimed at either clarifying what aspects of human cloning should be legal or banning the practice in its entirety.<sup>4</sup> All of this stemming from a debate over a technology that has yet to be developed and exists only in theory. Thus, the issue of human cloning serves as an exemplar of an event – something that exists as something that is "yet to come," wholly outside of the actual, yet it surely exerts effects on it. By examining the ways in which the proposed technologies enter into the public imaginary through various linguistic economies, we can gain insight into how those economies engage with novelty. Furthermore, there are a plethora of examples in American and British bioethical discourses that either whole-heartedly negate or affirm the potentiality of the event of human cloning, allowing us to explore exactly what happens to a linguistic economy as it struggles with novelty.

*Terminology: Human Cloning in Actuality*

While invoking images of "human farms" and the production of thousands of

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3 The President's Council on Bioethics, *Human Cloning and Human Dignity* (New York: Public Affairs, 2002), 20.

4 Ibid., 34–39.

exact replicas of the same person, the actuality of the proposed processes of human cloning is far more mundane, yet no less ethically complicated. But before we can explore the way in which it is derided or championed, a few notes on terminology are in order. First, human cloning is defined, quite broadly, as the production of a human embryo outside of sexual reproduction. It is not the direct duplication of an adult organism, but rather, as the PCB explains, cloning "is a form of asexual reproduction ... the production of a new individual not by the chance union of egg and sperm but by some form of replication of the genetic makeup of a single existing or previously existing individual."<sup>5</sup> All cloning, including human cloning, synthetically produces an embryo. What makes cloning different from In-vitro Fertilization is that, while both take place outside of the body, IVF fuses male and female germ cells to produce a viable embryo and thus is a form of sexual reproduction. Cloning on the other hand, does not require those germ cells, and is thus a form of asexual reproduction. The technique used to clone Dolly, and subsequently any other embryo, is called somatic cell nuclear transfer (SCNT). Joan Haran et al. describe the process:

Somatic cell nuclear transfer or replacement requires the removal of the 'nucleus' containing the genetic material – the nuclear DNA – of a donor egg and its replacement with the nucleus of a differentiated cell. Through chemical and/or electrical stimulation, the egg is activated, and an embryo is thus created outside of sexual reproduction.<sup>6</sup>

The created embryo, then, is genetically identical to the organism that supplied the

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5 Ibid., 48.

6 Joan Haran, et al., *Human Cloning in the Media: From Science Fiction to Science Practice* (New York: Routledge, 2008), 27.

differentiated cell, all taking place without the need for sexual fertilization.

SCNT facilitates two types of (potential) human cloning, and the distinction between them, while often missed by the popular imagination of the process, is central to the debate over the ethics of the practice. The distinction relies on what happens to the reconstructed embryo after it undergoes SCNT. The first kind of cloning, the one that most people think of when they hear "human cloning," is called in the literature "reproductive cloning." Haran et al. explain that "reproductive cloning [involves] the placement of the resulting (reconstructed) embryo into a women's womb for gestation."<sup>7</sup> According to the PCB, "the goal [of reproductive cloning] is the production of a (cloned) child."<sup>8</sup> The second kind of cloning is called "therapeutic cloning," and is the production of human embryos, along with their stem cells, that can be used for "the development of treatments for diseases (suffered not by the clone, but by others)."<sup>9</sup> Therapeutic cloning, then, would not allow the embryo to gestate, or develop into a child, but rather freezes the developmental process at the embryonic stage in order to, most likely, extract embryonic stem cells from the clone for biomedical research and stem cell treatments.

This, of course, is but a cursory explanation of the complicated scientific processes involved in human cloning, but should serve our purposes here to frame the context of the debate over its implementation. Even with the brief outline of the science involved in the process above, the immense ethical challenges wrought by the potential development of these technologies is apparent. The role of science in society, the

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7 Ibid., 31.

8 The President's Council on Bioethics, *Human Cloning and Human Dignity*, 49.

9 Ibid.

beginnings of human life, and our understanding of ethical scientific practices all come into question in the face of the potential for cloning human embryos, and these questions are reflected in the passionate and stratified debate taking place over whether or not to continue to research uses and practices of cloning human beings. Thus, the debate serves as an exemplar of the ways in which events of novelty (in this case a near-future technology) negated and affirmed in a particular linguistic economy – in this case, the field of American and British bioethics. To explore how this event is negated and affirmed, and how each process is a result of linguistic labor and artifice when explaining in a discursive economy, it is necessary to explain the relationship between rhetoric, affirmation, and negation in more theoretical detail.

*The Ontology of the Event and its Relationship to Linguistic Economies*

To understand the relationship of affirmation and negation to the event of novelty it is critical to explore the ontology of the event itself. Deleuze begins with a definition of the event as something that exists externally from the "state of affairs," or the set of existing entities in a given situation. The event, rather, is an effect on those entities, and, "These effects are not bodies, but, properly speaking, 'incorporeal' entities. They are not physical qualities and properties, but rather logical or dialectical attributes. They are not things or facts, but events. We cannot say they exist, but rather that they subsist or inhere ... they are not substantives or adjectives but verbs. They are neither agents nor patients, but results of actions and passions."<sup>10</sup> The state of affairs is exposed to an effect, rendered by an event, which is wholly different in terms of kind from the already existing actualizations inherent in the state of affairs itself. Hence the event of novelty is one that reveals an entirely new set of possible connections between the event itself and the state

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10 Deleuze, *Logic of Sense*, 1–4.



of affairs – connections that have previously been unthinkable prior to the exposure of the state of affairs to the event. This previous unthinkability carries with it a cost: the possibility of new ways of connecting between the event and the state of affairs remain unintelligible until there are ways of expressing them. This act of expression – the site of encounter between the state of affairs and the event – is expressed through "language," here understood as the vehicle for rendering the event intelligible. Paul Patton explains that, "events require interpretation and it is impossible to disentangle their meaning if not their very nature as events of a certain kind from the theories which inform their description ... events are the epiphenomena of corporeal causal interactions: they do not affect bodies and states of affairs but they do affect other events, such as the responses and actions of agents. Pure events are both the expressed of statements and the 'sense' of what happens."<sup>11</sup> This is why Deleuze remarks, "Events make language possible. But making possible does not mean causing to begin."<sup>12</sup> In other words, the event spurs the creation of linguistic concepts, rendering possible the act of rhetorical invention, and the act of rhetorical invention is expressed by and expresses the event.

Thus to "speak" of an event, to render it intelligible, to make sense of it, one must perform a double action: the simultaneous negation of the event's novelty in order to bridge the gap between it and the state of affairs, and the invention of the novel concept, an act that affirms the event's difference from the situation qua difference. The former operation relies of synthesis and identity to bring in existing modes of sense-making to bear on the event's interpretation, while the latter, according to Deleuze, puts "objects

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11 Paul Patton, "The World Seen From Within: Deleuze and the Philosophy of Events," *Theory and Event* 1, no. 1 (1997), 1-3.

12 Deleuze, *Logic of Sense*, 181.

[in] simultaneous affirmation only insofar as their difference is itself affirmed and is itself affirmative."<sup>13</sup> This affirmative mode of engaging novelty means that the disjunctive relationship between the possible methods of relation between the event and the state of affairs (either this ... or that) is not reliant upon the "exclusion of predicates from one thing in virtue of the identity of its concept (the negative, limitative, or exclusive use of disjunction)."<sup>14</sup> Rather, it eschews the negating notion of identity in concepts for the inventive mode of play – "each 'thing' opens itself up to the infinity of predicates through which it passes, as it loses its center, that is, its identity as concept or itself."<sup>15</sup> The inventive process is thus an affirmation concerned with the motive power of words rather than rote representation, or to engage in the play of the pure effectivity of language, while the tropological process, by rendering the encounter with the event intelligible by way of forcing it into an existing tropological structure, is by nature, a negation. To truly "affirm" the relationship with the event, then, it is critical to locate the relationship between the two in an affirmative sense of disjunction, which I will now outline.

The relationship between the affirmative and negative poles of the engagement with novelty, I argue, exists in disjunctive relationship that is indicative of Deleuze's "affirmative synthetic disjunction," a procedure that, "consists of the erection of a paradoxical instance, an aleatory point with two uneven faces, which traverses the divergent series as divergent and causes them to resonate through their distance and in their distance. Thus, the ideational center of convergence is by nature perpetually

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13 Ibid., 172.

14 Ibid., 174.

15 Ibid.

decentered, it serves only to affirm divergence."<sup>16</sup> Therefore to affirm the possibility of affirmative engagement with the event, one must cast off the properties of identity inherent in the affirmative and negative poles of that engagement. Paradoxically, this means that there can be no excluded predicates in the possibility of affirmation or negation since to do so would be to negate the possibility of affirmation, rendering the entire operation null and void. Rather, the event is simultaneously affirmed and negated, each movement placed in an affirmative synthetic disjunction with the other, in other words, in a relationship of undecidability. To affirm affirmation is not to negate negation, but to affirm the possibility of the paradoxical simultaneity of the two operations.

In reference to rhetoric and its relationship to the engagement with the event, it is important to note that the state of affairs, or existing structure, refers to the specific linguistic economies utilized by a public both to describe and communicate within a given context or conjuncture. In other words, it is the shared symbols utilized by a grouping of subjects to render their existence in the state of affairs intelligible. There is an emphasis placed on the relationship between the linguistic economy and the event such that the event must be "named," or rendered intelligible by an intervention into the event that allows for the process of sense-making to occur. While there are other ways to engage with the event, independent from the linguistic economy and the words used to foster the intervention, those methods of interaction or not rhetorical per se, and thus do not fall under the purview of this analysis. However, what remains is subject to the paradox of simultaneity outlined above. A way to lay out the parameters of this paradox is as follows: it is impossible to intervene, or name, an event of pure novelty because, as

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16 Ibid., 174–75.

Badiou points out, no vocabulary in the state of affairs (what he terms "the situation"), "can furnish what we require, because the effect of the homonymy would immediately efface everything unrepresentable contained in the event ..."<sup>17</sup> However the event must still be rendered intelligible for the subjects that encounter it in order for it to be recognized as such. There must be a name rendered on the event in some capacity in order to establish a relationship, in the economy of existing tropes, between the event and the state of affairs. Thus it is important to note that the relationship between the existing linguistic economy in the state of affairs and the event of novelty is such that the economy engages with the name it gives to the event and not the event itself. The name of the event serves as the fulcrum on which the relationship between the linguistic economy and the event pivots – and it is this relationship that facilitates, in Badiou's words, the "undecidability" in determining if an entity exists as an event or part of the situation.<sup>18</sup> The name of the event, in effect, splits the difference between the two – serving as a bridge between the event of novelty and the linguistic economy. Deleuze refers to this as the "incorporeal" nature of the event, its capacity to affect bodies in the state of affairs, and this capacity is enacted through the name given to the event by the subjects utilizing the economy of tropes that interact with the event. The result, I argue, is that Badiou's undecidability is the same, in the context of the relationship between the event and the tropological economy, as Deleuze's paradoxical simultaneity of affirmative disjunction.

### **The Dual Aporias of Rhetoric and Differentiation**

To stipulate: the binary between affirming and negating an event of novelty takes on a position of radical undecidability – an aporia – conceptualized as an oscillation

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17     Alain Badiou, *Being and Event* (London: Continuum, 2005), 203.

18     Ibid., 202.

between an affirmative and negative pole. It is here that Paul de Man's reading of Nietzsche can shed some insight into this relationship. For de Man, the aporia between two undecidable poles is constitutive of the structure of rhetoric, for "if [Nietzsche's] critique of metaphysics is structured as an aporia between performative and constative language, this is the same as saying that it is structured as rhetoric."<sup>19</sup> My argument here is that these two sets of poles are really one in the same. Since rhetoric is primarily concerned with, in both its classical and poststructuralist forms, both the confrontation with, and demonstration of contingency, it represents the fundamental site where an economy (language) engages with an event of novelty. This duality of confrontation and demonstration of contingency has been described in many ways over the rhetorical tradition, from Aristotle's argument that rhetoric is both the use (confrontation) and concealment (demonstration) of artifice, to de Man's undecidability between the poles of persuasion and form. Furthermore, for de Man, it is the very gap between the two poles that constitutes rhetoric itself:

Considered as persuasion, rhetoric is performative but when considered as a system of tropes, it deconstructs its own performance. Rhetoric is a text in that it allows for two incompatible, mutually self-destructive points of view, and therefore puts an insurmountable obstacle in the way of any reading or understanding. The aporia between performative and constative language is merely a version of the aporia between trope and persuasion that both generates and paralyzes rhetoric and thus gives it the appearance

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19 Paul de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke, and Proust* (New Haven: Yale University Press, 1979), 130.

of a history.<sup>20</sup>

This aporia between persuasion and trope mirrors the aporia between affirmation and negation not just in form, but also in content. Each is concerned with the engagement of a novel event: for the structure of rhetoric, just as the problem of affirmation and negation, it is a constant, undecidable tension in the brute confrontation between novelty and economy. On one side lies the drive to incorporate the event into the structures of intelligibility that render it knowable – this is the side of negation and trope, specifically the way in which the event engages with the formal elements of language, causing both the economy and the event to contort and conform to each other. On the other side of the aporia is the confrontation with novelty that does not seek to render itself knowable to an existing structure – instead focusing on a demonstration of novelty over a representation of it, one that presents the novel event as a repetition with a difference. This affirmation of difference is characterized by Deleuze as "produced by the positivity of problems understood as differential positings; multiple affirmation is produced by problematic multiplicity. It is in the essence of affirmation to be in itself multiple and to affirm difference. [The negative] testifies to the existence of another power, that of effective and persistent problem."<sup>21</sup> The affirmative pole of the evental encounter is contained within the persuasive pole of the rhetorical aporia since the persuasive act is concerned more with the motive force of words, and hence the moment of creativity, or rhetorical invention.

Thus, the aporia of rhetoric is the aporia of affirmation and negation. The very

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20 Ibid., 131.

21 Gilles Deleuze, *Difference and Repetition*, trans. Paul Patton (New York: Columbia University Press, 1994), 267.

structure of rhetoric is itself an undecidable tension between the affirmative and negative tendencies of the encounter with novelty – one that pits persuasion (affirmation) and trope (negation) as two simultaneous occurrences that mutually destruct each other. There is no trope without persuasion, no negation without affirmation and vice-versa. Stepping past the binary between affirmation and negation is critical to theorizing an encounter with a novel event – moving beyond the simple dualism of "negation is problematic" and "affirmation is less problematic" is critical to understanding how the subject encounters novelty within a given structure (signification). While it is possible to conceptualize novel events outside of signification, it is impossible to understand how they produce meaning and effects independent of the heuristics that subjects use to interpret those meanings and effects. In other words, signification is the fulcrum in which demonstration and representation pivot – hence any encounter with novelty that produces effective meaning must be rhetorical. I will now explore in more detail the relationship between negation and trope, on the one hand, and persuasion and affirmation on the other.

*Negation: An Economy of Trope*

The first of de Man's two poles of rhetoric concerns the study of the tropes and figures inherent in the use of language. In the context of the relationship between a linguistic structure and its encounter with an event of novelty, this pole constitutes the site of negation. Because the very nature of trope demands that there is a gap between itself and the thing it represents. Thus, in order for the trope to fully represent the signifier, it must alter it to fit within the trope's parameters, which are given in advance. For Muckelbauer, this is the side of the dialectic, one that is predicated on the reproduction of the method of the dialectic itself. He states that, "if dialectics offers a diagram for [the encounter with novelty, or] change ... this change is fundamentally

repetitive: all negation, all the time. The one thing that does not change is the movement of change itself. And the difference that emerges through this movement is subject to this same repetition, this repetition of the same ... that which we refer to as 'the different' or 'the new' is merely a product of the monotonous, complex repetition of dialectical change."<sup>22</sup> For Deleuze's Nietzsche, this is the moment of *ressentiment*. Deleuze argues, "It is reactive forces that express themselves in opposition, the will to nothingness that expresses itself in the labor of the negative. The dialectic is the natural ideology of *ressentiment* and bad conscience. It is thought in the perspective of nihilism and from the standpoint of reactive forces."<sup>23</sup> For both authors, this occurs because the dialectical synthesis of the new represents a "measuring up" of the new to the old based upon the values of the old, the existing structure. For Nietzsche, this is the crux of the problem with negative differentiation, of reactive forces acting upon the site of novelty:

The slave revolt in morals begins when resentment itself becomes creative and ordains values: the resentment of creatures to whom the real reaction, that of the deed, is denied and who find compensation in an imaginary revenge. While all noble morality grows from a triumphant affirmation of itself, slave morality from the outset says no to an 'outside', to an 'other', to a 'non-self': and this no is its creative act. The reversal of the evaluating gaze – this necessary orientation outwards rather than inwards to the self – belongs characteristically to resentment. In order to

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22 Muckelbauer, *The Future of Invention: Rhetoric, Postmodernism, and the Problem of Change*, 10.

23 Gilles Deleuze, *Nietzsche and Philosophy*, trans. Janis Tomlinson (New York: Continuum, 1986), 159.



exist at all, slave morality from the outset always needs an opposing, outer world; in physiological terms, it needs external stimuli in order to act – its action is fundamentally reaction.<sup>24</sup>

Hence Muckelbauer's and Deleuze's critique of the negative: it is at once a moment of intrinsic reaction – a movement that reduces difference to the same, or at the very least inculcates the new in terms of its difference to the existing structure to which it is measured against.

Douglas Thomas situates this moment of negation in the context of rhetoric, stating that, "[Negation] is an economy that privileges usage over value and the metaphysical over the rhetorical. This economy of negation effects a certain return in the process of exchange ... it returns with a different value, a value stripped of its 'sensuous force,' stripped of its rhetorical style."<sup>25</sup> He continues, "In this economy, usage, as the common, sterilized, and naturalized form of language, negates value, and value returns as a negation of itself, which is to say it returns as the Truth. The Truth, then, while inherently moveable, is only Truth when it appears to cease moving, when it ruptures the economy and appears to make the economy that produced it impossible."<sup>26</sup> For Nietzsche, then, what is called "Truth" is "a moveable host of metaphors, metonymies, and anthropomorphisms: in short, a sum of human relations which have been poetically and rhetorically intensified, transferred, and embellished, and which, after long usage

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24 Friedrich Nietzsche, *On the Genealogy of Morals*, trans. Douglass Smith (Oxford: Oxford University Press, 1996), 22.

25 Douglas Thomas, *Reading Nietzsche Rhetorically* (New York: Guilford Press, 1999), 158.

26 Ibid., 158–59.

seem to a people to be fixed, canonical, and binding."<sup>27</sup> Thus the economy of negation is predicated upon stripping novelty out of the new by situating the event of novelty well within the existing tropological economy of the structure that encounters it. By hiding its tropological nature, and in turn its own artifice, the movement of negation, by measuring the new in terms of the old, effectively removes the novelty from the event – placing it squarely within the coordinates of what is already known, rendering it intelligible.

In order for this intelligibility to take place, the event of novelty, when placed in language, must adhere to existing tropes that have been themselves rendered intelligible through the wearing-down of constant usage. According to Thomas, "An economy of negation requires participation, in a way that other economies of exchange may not require. In order for Truth to return, it must return in a conscious, reflexive way; it must return as a function of memory and promise. This is the mechanism that Nietzsche identifies that hides the basic fact that Truth is convention. Truth, in order to be treated as something more than convention, needs to be enforced."<sup>28</sup> Invention, and with it the motive power of novelty in language, must be placed in contradistinction and indeed eventually succumb to the conventions of constant usage. This is how novelty is stripped from the new. This, consequently, is also the pole of rhetoric that focuses on the study of those very tropes that negate novelty. This is the relationship between the study of trope and negation: When understood as an exploration of tropological economies within a given discourse or textual formation, rhetoric becomes the sustained examination of the ways in which novel events are subsumed into existing structures of linguistic

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27 Friedrich Nietzsche, *On Truth and Lies in a Nonmoral Sense* CreateSpace Independent Publishing Platform, 2012), 12.

28 Thomas, *Reading Nietzsche Rhetorically*, 159–60.

intelligibility. Nietzsche's negative economy requires a certain memory or repetition in order to make claims to Truth, and so too does the study of trope.

*Negating the Prospect of Human Cloning: Brave New World*

Opponents of human cloning can be understood as negating the technology-as-event in two ways: First, perhaps obviously, they negate it by arguing against its implementation. The fact that each side of the debate can be seen as either negating the event (by saying "no") or affirming it ("yes") is actually ancillary to the larger point I wish to make. Instead, I argue, these sides also represent fundamentally different methods of engaging with difference, where difference is understood as the difference between a linguistic economy and the event of proposed cloning technologies. Thus the "no" and "yes" spoken by each side of the debate serve two purposes: the rather facile championing or detracting of the technology and the methods of conceptualizing that technology in relation to the status quo. While those who oppose its implementation argue for the continuation of the status quo through the rejection of scientific advancement and those who favor it argue for its unbridled continuation, the linguistic (rhetorical) methods they deploy ultimately frame the way in which they engage with events of novelty. Thus the second way opponents of cloning negate the event: by referring to well-versed tropes that subsume the novelty of cloning technologies to already-known narratives of science fiction and religious doctrine. The novelty of the event is minimized by using fictional cautionary tales to highlight the potential dangers of its implementation in scientific practice. It is now what opponents of cloning say that is of interest to us here in terms of the above aporia of affirmation and negation, but rather it is how they express those beliefs in public discourse.

The latest presidential report issued on human cloning, published in 2002 by

George W. Bush's PCB, speaks directly to, and in many instances is exemplary of, the way in which most cloning detractors frame their arguments:

Technological novelties are often imagined and discussed in literature, especially in science fiction, well before they are likely or even possible in practice. This has certainly been the case with human cloning, whose place in the popular imagination precedes the earliest successful animal cloning experiments. Perhaps the most famous early modern account of human cloning is Aldous Huxley's *Brave New World* (1932), where natural human procreation has become a thing of the past, and where babies are produced in identical batches through "Bokanovsky's Process." ... [Some] believe the book remains a prescient warning of where biological self-manipulation could take us – which is to say, to a world where family is obsolete, life is engineered to order in the laboratory, and human beings have reduced themselves to well-satisfied human animals."<sup>29</sup>

*Brave New World*, along with the perpetuation of the Frankenstein myth bolster the claims made by the detractors of human cloning. The novelty of the technology is subsumed into that-which-has-come-before, those existing tropes of science fiction that seek to fold the narratives of Huxley's vision into the discourse on the developments of cloning technology. Leon Kass, the former head of the PCB and ardent critic of cloning technology, argues that "The stakes are very high indeed. I exaggerate, but in the direction of truth, when I insist that we are faced with having to decide nothing less than

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29 The President's Council on Bioethics, *Human Cloning and Human Dignity*, 27.

whether human procreation is going to remain human, whether children are going to be made rather than begotten, whether it is a good thing, humanly speaking, to say yes in principle to the road that leads (at best) to the dehumanized rationality of Brave New World."<sup>30</sup> Elsewhere, he writes, "Not by accident does Huxley's Brave New World begin with the overturning of sexual reproduction and its replacement by cloning ... For to say 'yes' to asexual reproduction and baby manufacture is to say 'no' to all natural human relations, it is to say 'no' also to the deepest meaning of coupling, namely, human erotic longing."<sup>31</sup> And finally, "The superhighway to Brave New World lies open before this society ... The prospect of human cloning, so repulsive to contemplate, is the occasion for deciding whether we shall be slaves of unregulated innovation, and ultimately its artifacts, or whether we shall remain free human beings who guide our powers toward the enhancement of human dignity."<sup>32</sup>

There are two recurring rhetorical tropes of note in the above passages from Kass. First, the reference to Brave New World. Not only does the negation of novelty occur by feeding the possible developments of cloning technology into Huxley's narrative, but it renders the event of the development of cloning technology as intelligible in an effectively rhetorical manner. Kass' arguments are enthymematic in that they allow for the reader, who ostensibly is familiar with the novel, to map the narrative, already established in the linguistic economy, to the event of novelty. According to Haran et al.,

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30 Leon R. Kass, and James Q. Wilson, *The Ethics of Human Cloning* (Washington D.C.: The AEI Press, 1998), 12.

31 Leon R. Kass, *Life, Liberty and the Defense of Dignity: The Challenge for Bioethics* (San Francisco: Encounter Books, 2002), 157.

32 Ibid., 173.

in an extensive study of the representation of human cloning in a wide array of media, "The future of reproductive cloning has fairly consistently been associated with fictional dystopias ..." <sup>33</sup> Much of the way this narrative is told in many popular films such as *The 6th Day* and *The Island* that deal with the issue of human reproductive cloning, they argue, is by "[conjuring] a 'near' future and they make references to contemporary issues pertaining to cloning. [They] are aesthetically realist films which visually evoke a present/future world. They also revolve around actual dates, events or consumer goods that contemporary audiences can identify as familiar elements of their own world."<sup>34</sup> Thus, the dystopic vision created by science fiction in regards to human cloning tends to incorporate familiar tropes (especially Dolly the sheep as leading to a slippery slope of human reproductive commodification) that reduce the novelty of the event to something intelligible and frightening. The phenomenon of the relationship between science fiction and public understandings of scientific technology have been investigated in terms of "terministic screens" and "myth," and my argument here is that the vocabulary already developed by rhetoricians in explaining the relationship between science fiction and public discourse is particularly useful when viewed in a lens of negating the novelty of the event.<sup>35</sup> Invoking Huxley's vision, or films like *The 6th Day* are rhetorically powerful moves by the opponents of human cloning since there is an already established dystopian narrative that can easily be modified to negate any novelty in the event of human cloning;

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33 Haran, Kitzinger, McNeil, and O'Riordan, et al., *Human Cloning in the Media: From Science Fiction to Science Practice*, 52.

34 Ibid.

35 Ron Von Burg, "Cinematic Genetics: Gattaca, Essentially Yours, and the Rhetoric of Genetic Determinism," *Southern Communication Journal* 75, no. 1 (2010).

we have, the argument goes, already predicted the outcome and thus can reduce the novelty of the future event to the replication of what has come before. In other words, discourses against the implementation of human cloning as scientific practice rely on linking, as Ron Von Burg classifies it, "discursive commonplaces that nonscientific audiences employ to articulate their understandings of genetic science."<sup>36</sup> Here I have provided an understanding of how those commonplaces are established, and, what accounts for their commonality is the negation of novelty by expressing what-it-to-come with what-has-come-before.

The second type of trope used by Kass and other opponents of reproductive cloning is the repackaging of religious arguments used against other forms of biomedical research. Terms like "begotten," "dignity," and "given nature" are all used to highlight "naturalness" of human sexual reproduction, while terms like "sanctity of life," "potential life," and "respect" are used to refer to human embryos. These terms are often deployed by the religious right over many biomedical issues and are well-known to those who are familiar with the debates over stem cell research, abortion, and even marriage equality. The recycling of these tropes, while forming a perhaps consistent ethical position, still carry with them a substantial amount of enthymematic baggage such that they apply what is already known within a given linguistic economy to an event of novelty and resonate with a religiously invested public. The PCB, internally divided over whether or not cloning for biomedical research (therapeutic cloning) is ethical and should be pursued, issued arguments for and against this type of human cloning in its report. In the arguments against the practice, the PCB (its dissenting opinion presumably led by Kass)

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36 Ibid., 3.

argues the following:

The cell synthesized by somatic cell nuclear transfer, no less than a fertilized egg, is a human organism in its germinal stage. It is not just a "clump of cells" but an integrated, self-developing whole, capable ... of the continued organic development characteristic of human beings. To be sure the embryo does not yet have, except in potential, the full range of characteristics that distinguish the human species from others, but one need not have those characteristics in evidence in order to belong to the species ... All of us who oppose going forward with cloning-for-biomedical-research believe that it is incoherent and self-contradictory ... to claim that human embryos deserve "special respect" and to endorse nonetheless research that requires the creation, use, and destruction of these organisms, especially when done routinely and on a large scale.<sup>37</sup>

This component of the PCB concludes that, "If we add to this description a commitment to equal treatment – the moral principle that every human life deserves equal respect – we begin to see how difficult it must be to suggest that a human embryo ... could simply be used for the good of others and then destroyed."<sup>38</sup> Note the terminology here: the reconstructed embryo is referred to, always, as the "human embryo," it is not "a clump of cells," and it deserves "respect." This language, along with the central metaphors of "respect," "potential" and "equality" are the very same used to justify, often, the outlawing of stem cell research and abortion. By using the well-worn tropes already

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37 The President's Council on Bioethics, *Human Cloning and Human Dignity*, 174–75.

38 Ibid., 180.



existent in the linguistic economy, Kass and the contingent of the PCB against therapeutic cloning negate the novelty of the specificity of the technology and render it intelligible by implicitly comparing it to existing technological formations, such as embryonic stem cell research. When this contingent of the PCB argues, "If from one perspective the fact that the embryo seems to amount to little may invite a weakening of our respect, from another perspective its seeming insignificance should awaken in us a sense of shared humanity. This was once our own condition," they are attempting negate the novelty of the event by referencing it to what which has come before – namely all of us were once embryos, regardless of how we were geminated.<sup>39</sup>

*An Economy of Affirmation: Persuasion*

So how can we conceive of a mode of engagement with novelty that is neither the same as, nor different from, the concept of negation? As Judith Norman points out, "Nietzsche's challenge will be to chart a new route for philosophy to take, a sense of positivity and affirmation that is not fundamentally nihilistic, which is to say does not have essential reference to negativity and opposition."<sup>40</sup> For Muckelbauer, the answer lies in the thinking of Deleuze, who thinks of, "this affirmative repetition as being composed of "singular rhythms." These singular rhythms indicate an unidentifiable and unrecognizable movement of dialectical negation ... everything hinges on how one repeats (rather than if one repeats) ... in any particular encounter [with novelty], everything depends on one's orientation within repetition: an orientation toward negation

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39 Ibid., 181.

40 Judith Norman, "Nietzsche Contra Contra: Difference and Opposition," *Continental Philosophy Review* 33, no. 2 (2000), 190.

itself or an orientation toward the singular rhythms within negation."<sup>41</sup> The reason being, and a reason that I agree with, that every encounter with novelty is essentially rhetorical. Here we are dealing with the moment when new content is created in language as it is confronted with novelty – in other words the moment the signifying field confronts its own limit. This process is described by Derrida as a "strategic twist" that is imparted upon language when it is confronted with its own silence – the silence of the unknowable, the purely novel. It is here that this "strategic twist, with a violent and sliding, furtive, movement must inflect the old corpus in order to relate its syntax and its lexicon to major silence."<sup>42</sup> Hence the rhetorical nature of the signifying field when confronted with its own limit. This is the moment of rhetorical invention, one in which new content is created. Muckelbauer describes this moment as an act of invention, as the moment that "orients itself towards [a] future [and] cannot be thought of as the essential tension between tradition and invention. Because it functions through a distributed, unidentified intensity, this invention does not constitute a point ... at which something begins. Instead, this affirmative invention immanently enables the very movement of beginning."<sup>43</sup> According to Thomas, at this stage, when language is confronted with novelty, "words are most expressive" since "they are produced as a reflection of an artistic consciousness that needs them to express something new or different."<sup>44</sup> Thus, for Muckelbauer, this

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41 Muckelbauer, *The Future of Invention: Rhetoric, Postmodernism, and the Problem of Change*, 13.

42 Derrida, *Writing and Difference*, 263–64.

43 Muckelbauer, *The Future of Invention: Rhetoric, Postmodernism, and the Problem of Change*, 165.

44 Thomas, *Reading Nietzsche Rhetorically*, 158.

reading of rhetorical invention is the site of a potential "singular rhythm" that allows for an affirmative engagement with the event of novelty.

This act of invention is tied with de Man's notion of persuasion because the act of, in Kenneth Burke's terms, "inducing cooperation," is not inherently concerned with negative appropriation of novelty. Muckelbauer explains this point most clearly in his take on persuasion: For Muckelbauer, the act of persuasion is contrasted to the act of communication. Whereas an act of communication "attempts to transmit its proposition through understanding [and] endeavors to reproduce, as accurately as possible, the proposition in the mind of its audience," an act of persuasion on the other hand, "is not primarily a signifying operation and hence its mode of repetition is quite different. Rather than attempting to identically reproduce the proposition as a meaning in the mind of an audience, persuasive rhetoric attempts to make the proposition compelling, to give it a certain force ... persuasion's relationship to the proposition it supplements is ... its ability to evoke particular responses in specific audiences..."<sup>45</sup> He concludes that "persuasion is fundamentally an asignifying operation, interested in provoking the proposition's effects rather than facilitate its understanding."<sup>46</sup> Thus the method of repetition is rather different from communicating. Whereas the focus on the tropological economy of a proposition explores the way in which it communicates its message artistically, the pole of persuasion focuses on how the message compels an audience to action. The signifying material, and hence the mode of repetition, is undecidable – it is the way in which the proposition is presented to exact a method of action. Hence, the

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45 Muckelbauer, *The Future of Invention: Rhetoric, Postmodernism, and the Problem of Change*, 17.

46 Ibid., 17–18.

persuasive pole of rhetoric, and its asignifying nature, is, at its heart, an act of affirmation, or a repetition that does not require the submission of the novel event to the structure, but rather utilizes it to produce a result in an audience.

Furthermore, the persuasive pole of rhetoric engages in the play of affirmative difference by virtue of its inventive nature. Since, we are dealing with language at the limit of itself when pressed against the event of novelty, the method of differentiation between language and the event itself is fostered by a gap – one that could suck the novelty of the event back into the tropological economy of negation, or perhaps foster an inventive component that affirms the difference between the event and economy. Muckelbauer classifies this possibility as a "repetition–of–difference" instead of a "repetition–of–the–same." He argues, "the variation that is encouraged in [repetition–of–the–same] is one that results from the fact that this reproductive imitation is practiced in conjunction with an external multiplicity ... As a result of its emphasis on ideal reproduction, then, any variation that occurs within the imitative act itself is conceived of as a failure ... While [repetition–of–difference] offers a fundamentally different conception of how repetition works."<sup>47</sup> He continues, "Not only does it accept the fact that variation is necessarily an internal principle of imitative repetition, it even champions this necessity."<sup>48</sup> Douglass echoes this sentiment, arguing that in an affirmative economy of difference, "words that are unique, forceful, and the clear product of artistic creation are the most important in the rhetorical economy of affirmation. Rather than usage and value converging as Truth, usage and value diverge and return as illusion, error, and

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47 Ibid., 65.

48 Ibid.

deception."<sup>49</sup> Instead of predicating the value of language on its usefulness for boiler-plate repetition, "there is no need to remember the rules, laws, or conventions ... Instead, there is a premium on forgetting usage and replacing it with value."<sup>50</sup> Hence the site of the interaction between the novel event and the linguistic economy, again is rhetorical in nature, but instead of negatively capturing and overcoming the event's novelty in order to render it intelligible, an emphasis is placed on world play, as the linguistic structure dances around the evental site. Indeed for Muckelbauer, this conception of rhetoric, "is more precisely directed at troubling the traditional hierarchy between doxa and episteme and reintroducing difference into the terrain of thought. In the case of contemporary rhetorical efforts, it does so by rendering true propositions just as contingent and contextual as their practical counterparts."<sup>51</sup>

*Affirming Cloning: Meme Wars*

Leon Kass argues, "Repugnance is the emotional expression of deep wisdom, beyond reason's power to fully articulate it ... The repugnance at human cloning belongs in that category. We are repelled by the prospect of cloning human beings not because of the strangeness or novelty of the undertaking, but because we intuit and feel, immediately and without argument, the violation of things that we rightfully hold dear."<sup>52</sup> Taken together, the dystopic tropes of science fiction along with the inherent "repugnance" we feel at the potential of human (reproductive) cloning constitutes what certain bioethicists

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49 Thomas, *Reading Nietzsche Rhetorically*, 162.

50 Ibid., 163.

51 Muckelbauer, *The Future of Invention: Rhetoric, Postmodernism, and the Problem of Change*, 23.

52 Kass, and Wilson, *The Ethics of Human Cloning*, 18–19.

call "the yuck factor." While opponents of the implementation of cloning technology, like Kass, argue that there is a certain "wisdom" to that repugnance, proponents of human cloning face the task of overcoming the initial "gut response," fostered by existing tropes that negate the novelty of the event, to its development and implementation. Thus, it is my argument that proponents of human cloning not only argue in conceptual contradistinction to people like Kass, but also engage with the event of novelty in a fundamentally different way, and their discourses operate at the other pole of de Man's rhetoric: persuasion. Instead of focusing on existing tropes that render the event intelligible based upon what has come before, these discourses seek to invent new concepts, embracing the novelty of the event, and imagine a future not filtered through the past, but radically (affirmatively) different from the present.

In his Transhumanist Manifesto, Simon Young lays out the task for those who seek to advance society by embracing what he calls the "biotechnological revolution:"

This book represents the opening battles in a Meme War. A meme is an idea or habit regarded as a unit of cognitive information, as a gene is a unit of biological information ... Some say that memes act of their own accord. I shall argue that memes are power tools. Meme Wars are battles of ideas played out within a culture to influence the direction it will take. Whoever controls the spread of attitudes and habits in a society, controls the society.

He who holds the power is he who controls the meme.<sup>53</sup>

Young call seems to echo Muckelbauer's assertion that an engagement with novelty that is rhetorically (and affirmatively) persuasive does not necessarily rely on the what of

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53 Young, *Designer Evolution: A Transhumanist Manifesto*, 23.

what is being said, but rather the how it effects the public who engages with it. Young is essentially calling for proponents of the biotechnological revolution, cloning included, to invent new memes, or tropes, that fundamentally reorient the way in which an existing discursive economy engages with the event of novelty, or in this case, yet-to-develop technologies. The focus is not on what those tropes are in terms of how they relate back to the existing economy, but rather how they can modify the existing social imagination about human cloning. In other words, instead of relating the event back to the economy, these memes seek to relate the economy forward to the event. The focus is on the rhetorical, persuasive effectivity of the memes, on the way they channel the effects of the event onto the linguistic economy in order to accomplish something like a paradigm shift in the public imagination – to go from "yuck" to "wow."

Thus proponents of human cloning, or more precisely, some aspects of it, constantly engage in the rhetorical act of inventing new concepts to capture, in their minds, the ethical specificity of the new technologies. Specifically, there is an ongoing debate over what to call the entity created by SCNT. Opponents of the practice of all SCNT, such as members of the PCB and others seek to define the entity created as a "human embryo," thus allowing them to negate the difference between a fertilized cell produced through sexual reproduction and one that is asexually cloned and therefore apply broadly the same discourse of "pro-life" used in the abortion and stem cell debates to argue against the practice. Conversely, proponents of certain cloning technologies seek to develop newer, more precise or different vocabularies for the objects and processes inherent to the technological developments that allow them to step out of the "pro-choice/pro-life" dichotomy. For example, Bert Vogelstein et al. argue that we should

draw a careful distinction between SCNT for producing children and SCNT for producing embryos for stem cell research. They argue, "More careful set of terminology would help the public and lawmakers sort out the substantial differences between nuclear transplantation and human reproductive cloning," advocating for the abandonment of the term "cloning" altogether for the production of an embryo for its stem cells.<sup>54</sup> Thus there is a desire to separate the ends of cloning from the means of SCNT with cloning-to-reproduce-children on the one hand and SCNT-to-produce-stem-cells on the other. British bioethicist John Harris also outlines this position, arguing that "so-called therapeutic cloning is ethical, permissible and indeed mandatory. While there are few pressing moral reasons to pursue human reproductive cloning there are overwhelmingly powerful reasons to pursue therapeutic cloning, stem cell research and other research which therapeutic cloning will augment and probably make much more effective. The reasons for pursuing this research are so strong that it would be unethical not to pursue this research."<sup>55</sup> The distinction between "therapeutic cloning" (or whatever we choose to call it) and "reproductive cloning" is critical for advocates of the former who argue that the potential benefits of stem cell research are too great to be abandoned if the two strands of cloning are conflated and banned. While the distinction between these two types of cloning have been challenged, a common goal among advocates for therapeutic cloning has been to rhetorically separate the two in the public imagination.<sup>56</sup> The reason seems simple: therapeutic cloning has a much lower "yuck" factor, rendering its

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54 Bert Vogelstein, Bruce Alberts, and Kenneth Shine, "Please Don't Call it Cloning!," *Science* 295, no. 5558 (2002).

55 John Harris, *On Cloning* (New York: Routledge, 2004), 143.

56 The President's Council on Bioethics, *Human Cloning and Human Dignity*.



implementation more palatable to a public who is influenced by science fiction narratives of the "dangers" of human reproductive cloning.

In order to advance the acceptability of therapeutic cloning, bioethicists and scientists have also advocated for the rhetorical invention of novel concepts to account for the specificity of the event of the technology. For example, in order to sidestep the objections of those who argue for our "debt" to human embryos, several have argued for naming the product of SCNT a "clump of cells," "activated cells," or "pre-embryo" instead of a human embryo.<sup>57</sup> This act of invention follows along the lines of Muckelbauer's argument about the nature of persuasion; specifically, the use of this terminology actively obfuscates the imaginary of the public, rendering the products of SCNT less tangible and more obscure than the concept of a human embryo, expressing the motive power of the words used over their conferring of intelligibility in order to elicit a response that is more permissible in terms of proceeding with stem cell research. The battle over both the distinction between therapeutic and reproductive cloning and the terms used to describe the product of SCNT represent sites of rhetorical invention – the moment where the given tropes of a discursive economy are shrugged off in favor of new terms to describe the event of novelty. The focus here is on the power of words to shift or alter the nature of the public imaginary of the debate, to affirm the novelty of the event of cloning technology instead of sedimenting that imaginary in terms of what has come before.

### **Rhetorical Modalities: Schematizing Affirmation and Negation**

So how can we schematize the relation of affirmative and negative difference in

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57 M. Mulkay, *The Embryo Research Debate: Science and the Politics of Reproduction* (Cambridge: Cambridge University Press, 1997).

terms of the types of rhetoric utilized in each instance? If, as I have claimed, the distinction between trope and persuasion bifurcates along the same lines as affirming and negating difference, then we need to conceive of a way that each exists within a discourse, while still falling under the masthead of rhetoric. To explain this, I will turn to the work of Gerard Genette and his theory of the modality of rhetoric. For Genette, there exist two fundamental semiotic planes of signification: the first is the relationship between the signifier and the signified: understood as the formula for the linguistic representation of the natural world. Drawing upon the work of Saussure, Genette isolates the simple relationship between signifier and signified as semiological level of meaning. In other words, the relationship between the signifier and the signified is not rhetorical per se, but rather constitutes the way words represent and meet the burden of their linkage to objects in the natural world. The second plane, more important for our purposes here, groups the signifier and signified relationship together as its own signifier, related then to a signified representing the mode of relation utilized by the linking of the two on the first plane. The signifier/signified relation, linked together in this plane form a secondary signifier, forming the modal signified, the relationship between the two in the syntactic choice of the rhetor, to form a plane of signification that constitutes the realm of rhetoric.

Signifier 1 (Sail)	Signified 2 (Ship)
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Signification 1 (Figure) Signifier 2	Signified 2 (Poetry)
Signification 2 (Rhetoric)	

This 2nd order level of signification, or what Genette calls super-signification, "manifests the writer's choice of a particular literary attitude, and therefore indicates a particular modality of literature; the writer chooses neither his language nor his style, but he is responsible for the methods of writing that indicate whether he is a novelist or a poet, a classicist or a naturalist, bourgeois or populist, etc."<sup>58</sup> Take, for example as Genette does, the simple metonymic relation between the word sail and the concept of ship. For Genette, "the semiological system in which the word 'sail' may be used to designate a ship is a figure; the secondary semiological figure in which a figure, such as the use of the word 'sail' to designate a ship, may be used to signify poetry, is rhetoric."<sup>59</sup>

Within Genette's framework of signification we can infer another example of the characteristic of the figure. Not only does the production of a figure within a text signal a

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58 Gerard Genette, *Figures of Literary Discourse* (New York: Columbia University Press, 1982), 32.

59 Ibid., 33.

particular modality, it also enters into a relationship with other figures. In other words, the modality that it signifies is representative of how a figure interacts with other figures within an economy of tropes. Thus within the first order of signification in Genette's schema, we can infer the 2nd order of tropological interaction. Genette gets us half of the way there: his indication of the first level of tropes (Signifier 1 "sail" and Signified 1 "ship") represents the direct level of substitution between a given trope and the object it attempts to signify. Lacan provides insight into this first level in two ways: First, he demonstrates that this initial level of tropological interaction is necessary in that there can be no "primordial signifier," or a signifier that represents a direct one-to-one correspondence with the object it signifies. "The point we keep coming back to," he writes, "is that every signifier is, as such, a signifier that signifies nothing."<sup>60</sup> As a result, every signifier is necessarily a trope in that it requires a substitution of a word for an object. This, for Lacan, is the realm of metonymy. Thus, Lacan's understanding of the necessity of metonymy refigures Genette's understanding of the figure such that it is not its mere existence that signifies poetry, rather it is the relationship between this first level of tropology (the existence of metonymic connections) and other metonymies (2nd order tropology) that determines a specific modality. Another note about this first order of tropology: the metonymic relationship between signifiers (1) and signifieds (1) at this level is always catachretic. Catachresis in this sense does not mean simply that every trope is a dead metaphor. Rather it means that the metonymic connection is unstable and ultimately incomplete but at the same time necessary. This understanding of the concept derives from Paul Ricoeur's examination of figure-tropes and catachresis-tropes.

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60      Lacan, *Seminar III: The Psychoses*, 185.

Catachresis-tropes, in Ricoeur's view, represent the necessary tropological functioning of language, (similar to Lacan's metonymy). Ricoeur explains the catachresis-trope as "every trope whose use is forced and necessitated, every trope that results in a pure extension of meaning, is a case of catachresis."<sup>61</sup> Thus if every sign has, at its center, a play of signifiers, it is, in effect catachretic. The contingent, arbitrary linkages between signifiers and signifieds, forming metonymic connections then enter into relations with each other, forming the 2nd order of tropological interactions, indicating the modality of the tropological economy. This, for Lacan is the realm of metaphor. Metaphor represents a specific trope that regulates a series of other tropes around a specific investment. Sites of particular importance to a given public delineate investment. Metaphor serves as a sort of signaling apparatus that marks out specific connections between a series of signifiers and signifieds as "more important" than others, and thus designates those connects as sites of investment. But of course, metaphors can enter into relationships with each other, meaning that tropes enter into an infinite regress of reationality in both directions: signifiers to signifieds combine to become catachretic metonymies, which themselves relate to each other through metaphor. Thus, Lacan's metaphor by itself is insufficient to describe the relationship between tropes in this 2nd order.

A more accurate way to define this relationship is through the trope of metalepsis. Victoria Kahn defines the trope citing Quintillian, arguing that "Quintillian writes that metalepsis provides a transition from one trope to another. 'It is the nature of metalepsis to form a kind of intermediate step between the term transferred and the thing to which it is transferred, having no meaning in itself, but merely providing a transition' (8.6.38).

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61 Paul Ricoeur, *The Rule of Metaphor: The Creation of Meaning in Language* (London: Routledge, 1977), 71.

Thus, metalepsis is both the figure of a figure and a figure that is elided."<sup>62</sup> Therefore, 2nd order tropology is no longer the realm of meaning, since the relationship between tropes has no meaning in and of itself, but rather it signifies a particular modality - it is the way in which tropes are configured that determines the modal register of the text. Ricoeur argues that it is at this level that creativity in language flourishes. Tropes are no longer operating in the register of the necessary, but now become creative in that they regulate and reconfigure the relationship amongst themselves. He calls these tropes "figure-tropes":

But besides being needed in view of the deficiency of vocabulary, the figure trope is occasioned by another cause, that is, pleasure. "The chosen, the stylistic tropes, the figure-tropes, are also, brought about by the delight and pleasure that, as if by a sort of instinct, we first anticipate and then experience them" (160). So this pleasing quality acts as an incentive to invention, as opposed to just being necessary.<sup>63</sup>

To explore this level of tropology, then, we must explore not just individual tropes but an entire discourse. As Ricoeur explains, "Therefore, we must shift our focus from the word to discourse, because only the conditions proper to discourse can distinguish between the figure-trope and the catachresis-trope..."<sup>64</sup> Thus, we can infer the following schema:

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62 Victoria Kahn, *Rhetoric, Prudence, and Skepticism in the Renaissance* (Ithica: Cornell University Press, 1985), 147.

63 Ricoeur, *The Rule of Metaphor: The Creation of Meaning in Language*, 73.

64 Ibid.

Order	Level	Type	Trope	Signifies
1 <sup>st</sup> Order	Word	Specific Trope	Catachresis	Meaning
2 <sup>nd</sup> Order	Discourse	Figure / Economy	Metalepsis (Figure-Trope)	Modality

In order to understand the role rhetoric plays in the interplay of tropes in a text it is critical to examine both orders of tropological exchange: the first order designates the meaning of any individual metonymic connection, and the second designates the specific modality of the text.

#### **Modality and Engaging with the Event**

I have already sketched out a possible reading of the cloning debate in this realm of super-signification. Recall that I argued that it is not what each side says in terms of answering the "yes/no" question for the debate, but rather how each side presents their respective arguments. The how question is necessarily one of modality: the relation between the tropes themselves in a particular economy of discourse. However, each side operates on a different modal register at the level of super-signification, indicating what while each side is no-less rhetorical than the other, they engage with the event in fundamentally different ways. We now have a vocabulary for explaining, at a schematic level, the way in which that difference makes a difference: the modality of the competing economies of discourse. This modal difference can be explained via two competing gestures made by each side, one to the catachretic level of discourse, and one to the metaleptic level.

*Negation and the Catachresis-Trope*

Recall that for Ricoeur, catachresis-tropes result in the pure extension of meaning. This means that the relationship between the resulting trope and the signifieds it relates to operates under a framework of utility that aims to extend the sensible to the speakable – signifiers to signifieds. This is what Ricoeur means when he talks about this level of discourse as operating on the plane of meaning; coupled with the argument that every trope must be catachretic in that there can be no primordial signifier, we arrive at the conclusion that every act of the extension of meaning requires labor: namely the presentation of the artificial and contingent relations between tropes as stable and ossified. The formation catachresis-trope through-and-through an act of rhetorical invention coupled with the elision of artifice, forming the double act of rhetoric outlined in the previous chapters. When understood in the context of a discursive economy and its relation to an event, we see the formation of one type of rhetorical invention: the gesture to catachresis. We have been previously calling this type of invention the negation of the event. The emphasis here, as we have previously explored, is on meaning rather than the effectivity of discourse. This is accomplished through the use of tropes to relate the event back to the discursive economy, a form of relation that I have just characterized as a gesture from super-signification to a 1st order of tropology. In other words, this gesture is understood as the move from figure, in Ricoeur terms, to tropes. Here Ricoeur, in his reading of Genette and Fountanier, corroborates de Man's understanding of the pole of trope in the rhetorical tradition. The distinction between tropes and figures is critical for his project, indeed he argues, "The use of figure must remain, even if it becomes habitual; a deviation that is imposed by the language, catachresis, the forced extension of meaning



in words, is excluded from the field of figures (213–19)."<sup>65</sup> While I will address the notion of figure in a moment, it is critical to note that the free, effective use of the figure-trope differs in kind from the catachresis-trope in that the former retains to the effectivity of discourse, while the later aims to extend meaning. Both can fall under the purview of rhetorical invention, but in different ways, the catachresis-trope, as I have shown, gestures back away from the realm of super-signification to individual linkages between signifiers and signifieds in existing usage; it is the negation of the event in that it seeks to establish and make meaning out of the novelty imposed on the discursive economy by the event. At the level of super-signification, this can be seen as an elision of the metaleptical nature of figures in favor of the 1st order interaction of tropes.

This is apparent in the discourse over cloning through the gesture back to well-worn tropes of Brave New World to make meaning out of the event of the development of cloning technologies. Likewise the comparison between existing technological formations and the new, proposed instantiations of cloning technology operate in the same way – the goal is to extend meaning from the discursive structure to the event, at the expense of the novelty of the event itself. These rhetorical moves gesture at that which has come before in order to explain the new. This gesture backwards is understood as a moment of artifice that seeks to halt the play of discourse, through the pure extension of meaning, away from the interaction of tropes between themselves. Instead, what is privileged, is not the 2nd order level of super-signification, but rather the 1st order of linking signifieds (the conceptual notion of cloning technologies) with already-existing signifiers in metonymic connections. The result is a modality of negation, or the gesture

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65 Ibid., 60.

back to existing metonyms to explain novelty.

*Affirmation and the Figure-Trope*

Having explained the modality with which tropological economies of negation enter engage with the event, it is now necessary to explore how figural economies engage with difference in an affirmative way. Ricoeur's reading of Genette and Fontainer provides insight into this modal register in a way that squares with de Man and Muckelbauer's arguments for persuasion and the effectivity of rhetoric, respectively. For all three, emphasis is placed on the motive power of discourse over the pure extension of meaning. Here Ricoeur makes a critical distinction between the trope and the figure, where the former rests on the extension of meaning through catachresis while the later emphasizes the play and force of language. In order to explore the motive power of figures, Ricoeur draws upon the idea that one must explore not individual tropes but rather entire discourses, as well as effects they exert on subjects who ascribe to their use. In other words, the emphasis is placed not on the word, but rather the discursive economy when exploring its interaction with the event. Ricoeur argues that, "To choose figure – which is neither word nor statement – as the basic unit [of analysis] is to take an intermediate course between that of Aristotle, who still took in the whole of the field of rhetoric ... and that of Dumarsais, who reduced rhetoric to grammar, the function of the latter being 'to make one understand the true signification of words in what sense they are used in discourse' (cited by Genette 8) ... The figure is coextensive with discourse in general ... Thus, figure can apply equally to word to sentence, or to the traits of discourse that express the workings of feelings and passion."<sup>66</sup> To explore a discursive economy qua economy, as I have previously argued, is not only critical to understanding the

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66 Ibid., 59.

relations of tropes to other tropes (metaleptical figures) but also, we can now argue, to understand affirmative engagements with an event. Whereas for Ricoeur, catachresis "refers to a situation in which a sign, already assigned to a first idea, is assigned also to a new idea, this latter idea having no sign at all or no other proper sign within the language," the concept of the figure is the site of what is more commonly understood of as rhetorical invention.<sup>67</sup> In other words, he argues:

This invention forces us to distinguish between the occasional causes of tropes (necessity and also pleasure), and the properly generative causes: imagination, spirit, passion. To give colour, to astonish and surprise through new and unexpected combinations, to breathe force and energy into discourse – so many impulses express themselves only in figure-tropes, which must be called ‘writer’s tropes’ since they are the ‘special creation of poets’ (165).<sup>68</sup>

While I have argued that negation is a form of invention, it differs wholly from the kind found in affirmation. Specifically, affirmative invention, derived from Ricoeur and Fontainer’s “figure-tropes” is predicated exclusively on the motive force of language. This is the realm of persuasion for de Man and affirmation for Nietzsche. Creativity takes primacy over repeatability, force over meaning.

So how does this indicate a shift in modality? For Ricoeur, it becomes question of the level of analysis and interaction between figures. He argues, “Therefore, we must shift our focus from the word to discourse, because only the conditions proper to

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67 Ibid., 71.

68 Ibid., 73.

discourse can distinguish between the figure-trope and the catachresis-trope, and within the figure-trope, between constrained and free usage."<sup>69</sup> In other words, to understand the nature of the motive force of words, of persuasion or affirmation, one must examine the linguistic economy at the level of economy in order to explore not how signifiers interact with signifieds, but how figures interact with other figures – this is the realm not of metonymy, but metalepsis. Specifically, the modal register of the economy gestures forward toward the level of super-signification. When new concepts are created through rhetorical invention, it is not through their repeated uses (becoming dead, catachretic metaphors) but rather through their ability to evoke the passions of the audience through their affective character. Investment in the context of affirmation is fundamentally refigured: it is no longer the act of repeated usage to secure metonymic linkages between signifiers and signifieds, but rather it is the labor of making connections between figures themselves. Investment in an affirmative sense requires not just the habituated usage of metonyms, but the formation of new metaphors (in the Lacanian sense of the term) that move beyond simple meaning and account instead for the motive force of the language to formulate public opinion. If the presumption of the linguistic economy is always to stay with the status quo, to resist the novel and refiguring power of the event through the tyranny of meaning, then the task of investment, affective investment in the affirmative sense is predicated upon overcoming that presumption not through literal meaning, but through what Ricoeur's Fontanier calls "spiritual meaning," or, "the diverted or figurative meaning of a group of words ... that which the literal meaning causes to be born in the spirit by means of the circumstances of the discourse, by tone of voice, or by

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69 Ibid.

means of expressed connections with unarticulated relationships' (58–9)."<sup>70</sup> This, in other words, is the affective power of the new, of the event. Since the emphasis is on the motive force of language to create, to move, instead of the pure extension of meaning, the economy-as-figure model of affirmation comports with Muckelbauer's formulation of the asignifying force of persuasion.

Thus we can understand the difference between an affirmative and negative interaction with the event as a difference of rhetorical modality. The literal relations between metonyms at the level of the trope differs fundamentally from the metaleptical relations between metaphors at the figural level. Whereas the negative form of engagement with the event is predicated upon a gesture away from super-signification toward the ossified relations between signifiers and signifieds, affirmative engagement with novelty gestures toward super-signification, toward the creation of new concepts as the existing discursive economy contorts to the event. This affirmative level of super-signification demands a modal view from the level of economy, where the entire discourse is fundamentally refigured by the event. Thus, when we conceive of rhetorical invention in the mode of affirmation, we must explore, economically, the way in which the discourse shifts in relation to its engagement with difference.

This is demonstrated by the gesture toward new concepts in the cloning debate, not only linking tropes through signifiers and signifieds, but also figures through their relation to each other. While the level of super-signification is present in both the affirmative and negative sides of the debate, the affirmative side highlights the modal interaction between figures. Creativity, force, and effectivity are present not at the level

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70 Ibid., 57.

of the individual text, but at the level of the discursive economy – the relations between figures require a discourse-based view of the debate, one that modally differs from its negative counterpart. "Clumps of cells," "therapeutic cloning," and the renaming of the practice to SCNT all require a refiguration of the discourse surrounding the cloning debate – one that does not just focus on the substitution of concepts for other concepts, but rather also includes the reconfiguration of the way the discourse affects the subjects who adhere to the economy.

The malleability of the concepts used to describe the practice of human cloning for those who engage affirmatively with the event is indicative of the hollowing out of the signifier through negative hallucination. In other words, the unmooring of the affects that dictate the investment in the debate around well-worn tropes such as Brave New World demonstrate that they can be refigured around newly invented figures such as naming the practice Somatic Cell Nuclear Transfer. Investment, ideally for proponents of the technology, would be channeled to new ways of caring about and understanding human cloning in a way that circumvents the "yuck factor." The entire goal of the rhetorical invention in this case is to capture an affect through the production of figures that fundamentally alters how we care about the technology itself. Only by formulating a new way of speaking about the technology, by refiguring the discourse at the economic level through the metaleptical interactions of figures with each other, can proponents of human cloning overcome the bias of the status quo against its implementation. Ultimately the rhetorical strategy deployed by those who affirmatively engage with the event of human cloning must channel affects in new ways, signifying them not only through metonymic connections of absent representations, but also through the formulation of

new metaphorical figures that comport the affective economies in new and creative ways. Thus, the interaction with the event highlighted by proponents of these technologies differ not only in position from those who negate human cloning, but also in the modal register in which they present their arguments. This, then, is yet another way we can conceive of the difference between affirmation and negation: a difference in modality that gestures toward differing planes of signification.

*Transvaluation and Undecidability*

Having explored the differing methods of engaging with novelty in the debate over cloning technologies, we can reach a diagnosis: with each side clinging to an all-or-nothing approach, arguments have largely stagnated in public discourse. While I have argued up to this point that the two sides of the debate represent a fundamental divergence in their engagement with difference, I have not yet explored how they relate to each other in an aporia. Recall that for de Man, and indeed as the central proposition of this article, that affirmation and negation represent two sides of the aporia of rhetoric. The relationship between the two, according to de Man, is one of undecidability. He argues:

[In] Nietzsche, the critique of metaphysics can be described as the deconstruction of the illusion that the language of truth (episteme) could be replaced by a language of persuasion (doxa). What seems to lead to an established priority of "setzen" over "erkennen," of language as action over language as truth, never quite reaches its mark. It under- or overshoots it and, in so doing, it reveals that the target which one long since assumed to have been eliminated has merely been displaced. The episteme has hardly been restored intact to its former glory, but it has not

been definitively eliminated either. The differentiation between performative and constative language (which Nietzsche anticipates) is undecidable; the deconstruction leading from the one model to the other is irreversible but always remains suspended, regardless of how often it is repeated.<sup>71</sup>

Thus taking the debate as a whole, we can see in form, if not content, a potential way beyond the stalemate. Instead of viewing affirmation and negation as an either/or proposition, it is my contention that we understand the dual methods of engaging difference in a "both, and" relationship. The very nature of the undecidable, paradoxically, demands no forced choice, or, suspends the possibility of suspension in the debate. In order to understand this relationship, I argue that the insights provided by theorists of affirmative difference demonstrate to us that affirming the aporia between affirmation and negation requires two movements: one Nietzschean, and one de Manian.

"Where does [one] seek that new morning, that still undiscovered delicate blush with which another day – ah, a whole series, a whole world of new days! – sets in?" asks Nietzsche in *Ecce Homo*.<sup>72</sup> "In a revaluation of all values, in freeing himself from all moral values, in saying 'yes' to an placing trust in everything that has hitherto been forbidden, despised, condemned ... Morality is not attacked, it just no longer comes into consideration."<sup>73</sup> This, of course, is one of Nietzsche's primary goals – the revaluation of

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71 de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke, and Proust*, 130.

72 Friedrich Nietzsche, *Ecce Homo*, trans. Duncan Large (Oxford: Oxford University Press, 2007), 61.

73 Ibid., 61–62.



all values. Deleuze succinctly phrases the project as, "A new way of evaluating: not a change of values, not an abstract transposition nor a dialectical reversal, but a change and reversal in the element from which the value of values derives, a 'transvaluation'. All Nietzsche's critical intentions come together in the perspective of this positive task."<sup>74</sup> Included in these critical intentions is the relationship between affirmation and negation. Thus we reach another step in re-theorizing the relationship between these modes of engagement. To take seriously the project of affirmative engagement with novelty one must come to terms with the idea that, according to Deleuze, "New values derive from affirmation: values which were unknown up to the present ... creation takes the place of knowledge itself ..."<sup>75</sup> Thus we cannot make a normative claim about the nature of affirmation since to do so would be to short-circuit the possibility of transvaluation – to attack morality instead of letting it no longer come into consideration. Nietzsche warns us about taking such an approach: to simply affirm everything is to take the position of the ass, simply saying "yea" to every proposition uncritically. Deleuze's reading of Nietzsche here is also insightful:

[The] yes which does not know how to say no (the yes of the ass) is a caricature of affirmation. This is precisely because it says yes to everything which is no, because it puts up with nihilism it continues to serve the power of denying – which is like a demon whose every burden it carries. The Dionysian yes, on the contrary, knows how to say no: it is pure affirmation, it has conquered nihilism and divested negation of all

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74 Deleuze, *Nietzsche and Philosophy*, 163–64.

75 Ibid., 173.

autonomous power. But it has done this because it has placed the negative at the service of the powers of affirming. To affirm is to create, not to bear, put up with or accept.<sup>76</sup>

This is why Deleuze claims, "The negative becomes the thunderbolt and lighting of the power of affirming."<sup>77</sup> And again, "There is no affirmation that is not preceded by an immense negation: 'One of the essential conditions of affirmation is negation and destruction.'<sup>78</sup> Thus to think through the concept of affirmation in a way that is not to already cede the ground to negation is to transvalue the relationship between the two – affirmation is not "the good," and negation is not its foil – to posit it as such is to take on the weight of the values of the negative, to bear the burden of its dialectical force. It is to take the position of the "higher man" in Deleuze's reading of Nietzsche, and the higher man "does not know that to affirm is not to bear, carry, or harness oneself to that which exists, but on the contrary to unburden, unharness, and set free that which lives. It is not to burden life with the weight of higher ... values, but to create new values that would be those of life, values that make life light or affirmative."<sup>79</sup> Affirmation and negation thus exist in a relationality to one another that is unilaterally distinct and transvalued. There is not a moral imperative to choose one over the other, but rather the affirmative nature of the former provides its own internal schema for a new mode of valuation. From a rhetorical perspective, negation does not represent a "bad" rhetorical strategy, but rather

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76 Ibid., 185–86.

77 Ibid., 175.

78 Ibid., 177.

79 Gilles Deleuze, *Essays Critical and Clinical* (Minneapolis: University of Minnesota Press, 1997), 100.

is simply one possible avenue that renders an event of novelty intelligible, while affirmation, in turn, exists in concert with the negative as the realm of invention and play. This brings us to our second moment.

Recall that for de Man, rhetoric permits two incompatible, mutually-destructive viewpoints: that of the study of trope and persuasion, or, the constative and performative elements of language. My contention throughout this piece has been that the aporia between trope and persuasion is the precise aporia between affirmation and negation. Both dualisms are permitted at the site of novelty, both are incompatible with each other and both exist in a state of radical undecidability with their respective dyad. It is not as simple as extolling the slogan "affirm affirmation!"; in fact, I believe the entire concept of performing that task should be altogether jettisoned. Instead, we might be best served by understanding that there is not a forced choice between either dualism. When it comes to a linguistic economy's encounter with novelty, it is necessary to understand that both affirmation and negation occur simultaneously and independent of each other – there is a moment of invention, of play and the creation of new concepts just as there is a moment when the novelty of the event is rendered intelligible within the confines of the existing tropological economy. In fact, there can be no negation without affirmation, just as there can be no study of trope without an understanding of the motive power of words. In his exploration of the undecidability between trope and persuasion, de Man formulates a summary of the discipline as follows:

Within the pedagogical model of the trivium, the place of rhetoric, as well as its dignity, has always been ambivalent: on the one hand, in Plato for example and again at crucial moments in the history of philosophy

(Nietzsche being one of them), rhetoric becomes the ground for the furthest-reaching dialectical speculations conceivable to the mind; on the other hand, as it appears in textbooks that have undergone little change from Quintillian to the present, it is the humble and not-quite-respectable handmaiden of the fraudulent grammar used in oratory; Nietzsche himself begins his course by pointing out this discrepancy and documenting it with examples taken from Plato and elsewhere. Between the two functions, the distance is so wide as to be nearly unbridgeable. Yet the two modes manage to exist side by side where one would least expect it.<sup>80</sup>

I would like to offer that the project of thinking through the relation between affirmation and negation follows along the same path; while affirmation may be the more enticing way to conceive of the engagement with novelty – portraying negation as its not-so-respectable cousin – it is paramount that the rhetorical scholar examine the ways in which each is at work at the site of the new. Without negation there can be no intelligibility and without affirmation there is no "livedness" to the word. We as critics will continue to be stuck in the middle until we realize that there is no other mode of existing in language.

### **Conclusion: Affirming Pragmatism**

So how do these three movements play out in practice? In the case of the debate over human cloning, it requires radically refiguring the understanding of the parameters of the discussion. Having explored both sides of the issue, it seems all too easy to make the rhetorician's gesture to explain that "both sides use rhetoric (albeit in different forms as they engage with the novelty of the event) to forward their position," with the

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80 de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke, and Proust*, 130–31.

subsequent claim that there needs to be greater public involvement in the understanding of the technologies in order to provide a better understanding of the parameters of the debate at hand. Thus the seductive attempt to point out the rhetorical nature of the disclosure of scientific information to the public, or even, locate rhetoric in the production of scientific advancement itself.<sup>81</sup> But this seems to explode all parameters for rhetoric itself, rendering the concept so promiscuous that it ceases to have much conceptual value. Likewise, we cannot simply embrace pure affirmation in the case of the cloning debate: opponents of the technology do raise valid concerns, and if we are to simply accept the unbridled advancement of science without consequence there would be no need for bioethics in the first place. But the bioethical endeavor is a noble one, and sometimes tempering the scientific imagination with the societal one is a worthwhile proposition. So where do we strike the balance? Rightfully, rhetoricians do not get to decide; however, analyzing the discourse on cloning in terms of affirmative and negative difference does yield insight into a way beyond the simple "yes/no" paradigm.

If we take de Man's reading of Nietzsche seriously, and understand the ultimate undecidability between the affirmative and negative poles of differentiation, we can garner some insight into the role the study of public moral argument in today's society. To explore the three movements outlined above: First, unilateral distinction. Deleuze's concept provides insight into the way that the current debate over human cloning has taken shape. If we understand the proponents' position in favor of both reproductive and therapeutic cloning as unilaterally distinct from their counterparts, we can see why the debate has stagnated. Simply put, the position of those who seek to adopt even the most

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81 HaranKitzinger, McNeil, and O'Riordan, et al., *Human Cloning in the Media: From Science Fiction to Science Practice*.

modest forms of NCST and therapeutic cloning, those who wish to use it for stem cell research and genetic medicine, is folded into the same camp as the more radical transhumanist position of advocating all cloning in the eyes of those who seek to "pre-abandon" the process altogether. PCB member Charles Krauthammer sums up this position forcefully in his personal statement at the end of the PCB report, stating, "Research cloning is an open door to reproductive cloning. Banning the production of cloned babies while permitting the production of cloned embryos makes no sense. If you have factories all around the country producing embryos for research and commerce, it is inevitable that someone will implant one in a woman (or perhaps in some artificial medium in the farther future) and produce a human clone."<sup>82</sup> While the advocates of therapeutic cloning, including members of the PCB, argue for a ban on reproductive cloning, the position is expressed as unilaterally distinct from those who make the slippery slope argument. Those against cloning reject the pragmatism of proponents of therapeutic cloning by negating the position and folding it into the more radical call for reproductive cloning. Krauthammer is not alone; many who take on the conservative position against all forms of cloning make the slippery slope argument.<sup>83</sup> This conceptual reduction, understood as the process of the attempted negation of a unilaterally distinct affirmation, is responsible for driving the conversation towards an intractable stalemate because the opportunity for pragmatic solutions to complex problems, with all their novel specificity, is ultimately negated in favor of the perpetual replication of the status quo.

This is not to say, however, that we ought to embrace cloning technology simply

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82 The President's Council on Bioethics, *Human Cloning and Human Dignity*, 324.

83 Kass, and Wilson, *The Ethics of Human Cloning*.

because it is new. To do so would be to take the Nietzschean position of the ass, to say "yea" to everything. Rather, it is to understand the nature of the disagreement between the two sides of the debate. Thus the second movement in the above schema of affirmation and negation: transvaluation. Cloning technology is understood as an event of novelty because it carries with it challenges to our understanding of human sexuality so profound that detractors classify it as "repugnant" and proponents hail it as an essential next step in human evolution.<sup>84</sup> Gregory E. Pence summarizes the stakes:

Human cloning separates sex from reproduction, and hence, symbolizes – in fact and concept – this break. As such, it resonates in our culture in more emotional ways than simply as a new way of making babies or as a new way of helping infertile couples. It appears that the separation of sex from reproduction strikes some deep fears in the human breast, making theological pundits predict that we are fast approaching reproductive Armageddon.<sup>85</sup>

The impact the technology has on the foundational assumptions of humanity is, in part, to blame for why we cannot seem to talk about it in ways that differ from the hyperbolic.

Thus, to understand how the pragmatic approach to therapeutic cloning can resonate with publics who adhere to a given discursive economy, it is critical that it is not evaluated by the overarching framework of all-good or all-bad. Totalizing normative claims are the realm of negation – the dialectic loves to reduce contingency by expanding universality.

When faced with the choice of "all or nothing" when it comes to human cloning

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84 Gregory E. Pence, *Who's Afraid of Human Cloning?* (Lanham: Rowman and Littlefield, 1998).

85 Ibid., 82.

technologies, the precautionary principle will inevitably win out. Ultimately, the choice is rigged because to look at an event through the existing system of valuation even if the conclusion is to overturn that system of values is to reinstate the normative framework of the status quo. To affirm the event of human cloning, in a way that is attentive to the potentiality of the technology itself is not simply to say "yes" or "no" to the totality of the endeavor, but rather to refuse the overarching claims to universalization by both sides – this is how the negative becomes the "thunderbolt" for affirmation: to render judgment in a way that adheres to the event requires the pragmatic realization of radical contingency. The system of values existing in the discursive economy that encounters the event cannot by definition utilize those values to interpret the event in an affirmative way. Being neither the ass nor the cynic, what is required in the cloning debate is a measured pragmatism that is both prudent and open to the radical possibilities offered by the technology.

Thus we arrive at the final movement: undecidability. Ultimately, to render judgment on the desirability of events of novelty like human cloning technologies requires the suspension of the possibility of suspension. In other words, the possibility of judgment, true judgment, requires the recognition of the undecidability between affirming and negating the novelty of the event. Refusing to adhere to the overarching universals on both sides of the debate opens a space for the contingent pragmatics that allow us to evaluate the debate on its own potential. The debate over cloning is stagnant because in their attempts to force an all-or-nothing approach to the technologies, proponents and detractors have left us in the position of being unable to choose either. In the simplest of terms, cloning technologies must both be engaged from a standpoint of affirmation in



order to remain open to their potential and negation in order to be rendered intelligible. The study of each position, both for the arguments made and the modality they have of engaging with novelty allows us not just to weigh the costs and benefits of the technology, but to remain open to the possibility of judgment – facilitated by the undecidable tension between affirming and negating the event and the refusal to suspend the debate based on the seductive claim to the universal. Ultimately, to truly affirm difference in this instance requires ongoing discussion that can open the possibility of a pragmatism sorely missing from current discourse on the topic.

### **Conclusion: How to Argue About Values: Empty and Full Deliberation in the Biotechnology Debate**

The four case studies I have explored so far share one key aspect: they attempt to determine the ethical implications of biotechnologies that have yet to exist. While today we see rapid advancements in the fields of genetics, nanomedicine, synthetic biology, and other biotechnological disciplines, we do not yet possess the capacity to substantially augment, manipulate, or clone human embryos and adults. Still, every report I have examined concludes that, if left alone, research in these areas will inevitably give us the power to alter our biology in ways that have heretofore been unfathomable. Furthermore, the main contention uniting all of the cases I have examined has been that the rate of scientific advancement is currently occurring at an exponential rate, meaning that new uses for biotechnology may develop faster than our capacity to understand the moral implications that come with them.

As I hope to have shown, the state of public moral argument between competing stakeholders renders it difficult to facilitate the type of deliberative practices everyone seems to agree is necessary. Not only is this one of the very few places in which every side seems to concur, but the point is particularly salient. If we are entering a time in which the increasingly rapid technological advancements we have seen in areas such as communication technologies in the 20th Century are now starting to occur in biomedicine and genetics, it is important that members of democratic systems in which those developments are taking place take interest in forming judgments about their desirability.

Since the effects of implementing some of the proposed biotechnological developments that are now theoretically possible will dramatically alter those to whom they are applied, it is becoming increasingly necessary that publics only understand what those alterations are, but also make determinations as to their desirability. Biotechnology is thus truly an issue of public importance in that its development and implementation has the capacity to fundamentally reorient the inter-human relationships between those who undergo biotechnological treatment and those who do not. Thus, even if one does not partake in biotechnological alteration, everyone will be affected by the biotechnological revolution. It is therefore critical that the very large number of stakeholders in the debate both realize that they are stakeholders and participate in the discussion instead of leaving the decision of the desirability of biotechnological advancement in the hands of those who research and develop its applications.

The current state of bioethical debates in the United States, and the call for increased public deliberation that follows, implicates the entire discipline of bioethics as it grapples with questions about future biotechnologies. Recall Angus Dawson's argument that bioethics "has no future: at least not in its present form ... We need to face up to the fact that as a discipline it is has become stale and tedious. It is time to ask some fundamental questions about what bioethics is and where it is going."<sup>1</sup> The fact that contemporary bioethics' perceived nadir coincides with the increasingly rapid development of new biotechnologies creates a rather uncomfortable moment for the field: faced with both increased relevance (the executive committees formed by the last two presidential administrations have produced reports at the rate of one, sometimes two a

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1 Angus Dawson, "The Future of Bioethics: Three Dogmas and a Cup of Hemlock." *Bioethics* 24, no. 5 (June 2010): 218–25, 218.

year) and an increased awareness of the difficulties facing the field, bioethicists are producing many pages of work on the ethics biotechnology while simultaneously publishing more and more defenses of the field. Everyone seems to agree that the coming biotechnological revolution requires that we need bioethics to say something about it, but at the same time many argue that existing bioethical discourses seem to be broken.

As a corrective, bioethics journals, panels, and commissions in the United States and internationally increasingly call for increased public awareness, participation, and deliberation on how various regulatory agencies ought to cope with rapid biotechnological advancement. While increased public participation in nearly any civic or political realm is viewed almost unanimously as a good thing, it is my contention that if bioethicists want to foster public deliberation on biotechnological advancements, they must be attentive to what has spurred critiques of their field. If we stipulate that increased public involvement in the biotechnology debate is beneficial not just for the United States, but, as some bioethicists argue, *for the species as a whole*, then calls for that deliberation from participants in a debate that contains several structural problems may simply yield fruit from the poisonous tree.

Thus, to facilitate a more constructive form of public deliberation, I argue that we need to be aware of the rhetorical dimensions of the debate. Specifically, we ought to pay attention to what bioethicists claim are the rhetorical dimensions (what many characterize as the "mere" rhetoric deployed by proponents and detractors of biotechnological development) and what a more critically inflected view of the concept tells us about the debate. Likewise, I believe that understanding what the assumptions inherent in the calls for deliberation can tell us about how many bioethicists conceptualize communication

more broadly can allow us to explain why the field has come under fire. My contention is that the debate over bioethics demonstrates not just an example of what can be called "deep" or "intractable" disagreement, but showcases the limits of calls for rational deliberation and adherence to the sender-receiver model of communication *by virtue of its very structure*.

As a potential alternative, I will turn to Jacques Lacan's concept of empty and full speech coupled with a Hermagorian understanding of the *krinomenon* as the starting point for deliberation. Theorized most fully in his early writings and seminars, Lacan's thoughts on speech influence much of his later work. While the terms "empty" and "full" eventually fall out of the Lacanian vernacular, the concepts themselves are still informative in examining his later remarks on speech, the goal of analysis, and language itself. My hope is to show how we might foster a kind of "fuller" deliberation on biotechnology by examining the current state of the discourse and theorizing an alternative conception of how we ought to view the stakes of the debate. Thus the argument can be seen in two broad strokes: a sort of deconstruction of the existing debate in both how it is conceptualized by those in the field and how it imagines ideal public deliberation, and a potential reconstruction of how we might encourage the debate to allow for more robust public deliberation.

The chapter proceeds in three sections. First, I explore one final report from the PCB. Titled *Reproduction and Responsibility*, the report was the last published by the council. Picking up where the report on human cloning left off, this report assesses the moral worth of various proposed reproductive biotechnologies beyond cloning human embryos. *Reproduction and Responsibility* is unique in the cannon of PCB reports in that it deals

almost exclusively with potential regulatory measures to restrict yet-to-be-developed technologies the report finds to have dubious ethical standing. Serving as a bridge between the end of the PCB project and the establishment of the Presidential Commission on the Study of Bioethical Issues (PCSBi) by the then-incoming Obama Administration, the final PCB report seeks to outline a framework for fostering increased public deliberation on future biotechnological development. The inaugural PCSBi report continues this project by dealing exclusively with theorizing how public deliberation is critical to assessing what it characterizes as “future technologies.” Uniting the two reports is a call for a type of rational public deliberation that eschews any “mere” rhetorical flourishes that detract from the “heart of the matter.” This is hardly unique to the two executive agencies, and as I will show, the quest to dampen the prevalence of ornamental rhetoric in the biotechnology debate is one of the key recommendations for fostering robust, rational debate. However, I argue here that these attempts to “rationalize” public deliberation are both impossible and highly problematic for any deliberation on the topic. In so doing, I diagnose the main point of contention in the debate from this assumption and explore why a Lacanian-inflected view of rhetoric can help us understand how the debate has reached a stalemate that paralyzes public participation.

If the first section represents a deconstructing of the debate, in the last two I attempt to reconstruct an alternative. First, I explore the concepts of “full” and “empty” speech in Lacanian theory, looking both to his primary texts and how communication scholars and other humanists have characterized the concepts. I emphasize how Lacan’s conceptions of types of speech can benefit rhetorical critics by complicating a sender-receiver model of communication and focusing on how they can help us understand the

fundamental structure not only of the biotechnology debate, but to some extent signification itself. I conclude with a gesture toward what I believe a more "full" deliberation on the topic might look like. There I explain how the biotechnology debate serves as a microcosm for demonstrating the very limits of signification, and how coming to terms with the limit of the symbols we use can help us foster deliberations about values that may not stagnate in incommensurable impasses.

***Reproduction and Responsibility and New Directions: Rational Public Debate?***

In 2004, the President's Council on Bioethics published a report titled *Reproduction and Responsibility: The Regulation of New Biotechnologies*. Out of the ten reports commissioned over the life of the Council, *Reproduction and Responsibility* stands out as the only one that explicitly deals not only with the desirability of new biotechnological developments, but also addresses potential mechanisms and policy options relating to their regulation. While nearly all of the reports by the PCB, especially the ones addressed in this dissertation thus far, call for restrictions to be placed on certain biotechnological developments and their potential uses, *Reproduction and Responsibility* stands alone in the PCB catalog for its sustained treatment of potential and specific actions that could be undertaken by governmental and non-governmental bodies regarding the regulation of biotechnological development. Thus, it provides insight into the ways in which larger, existential questions about the nature of the "human" intersect with specific policy proposals in bioethical debates over biotechnology.

The report builds upon the work done by the Council in their 2002 treatment of human cloning, serving as a counterpoint to the theoretical and ethical issues raised in that volume by "[describing] and critically [assessing] the various oversight and regulatory measures that now govern biotechnologies and practices at the intersection of

assisted reproduction, human genetics, and human embryo research.”<sup>2</sup> In keeping with the larger goal of understanding the ethical implications of biomedical advances, *Reproduction and Responsibility* aims to “[explore] how, if at all, the existing regulatory mechanisms in the United States address the various ethical and social issues that arise from advances in biomedical science and technology.”<sup>3</sup> As such, the report is structured into two main sections: a “diagnostic survey” of that current regulatory framework and a “discussion of policy options and recommendations” based on that survey.<sup>4</sup> Of interest to me here is the second section of the report; while the diagnostic survey has become subject to changes in regulations and oversight demanded by changing political conditions and technological developments, the layout of policy options and recommendations forwarded by the PCB highlights an important aspect of public debates over biomedical advances: the advancement of arguments regarding policy options that attempt to deal with the potential development of near- and far-future technologies.

By extending the work done by the report on human cloning, *Reproduction and Responsibility* focuses on “the growing capacity to influence and control the beginnings of human life, especially as exercised *ex vivo* (outside the body), in the clinic and the laboratory ... The well-established practices of assisted reproduction are today being augmented by techniques of genetic screening and selection of embryos; someday, gametes or embryos may be modifiable by directed genetic manipulation ... we are

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2 The President’s Council on Bioethics, *Reproduction and Responsibility: The Regulation of New Biotechnologies: A Report of the President’s Council on Bioethics* (Washington D.C.: The President’s Council on Bioethics, 2004), 2.

3 Ibid.

4 Ibid., 18.



concerned with the unique interactions among these elements and the new possibilities these interactions create for controlling and perhaps someday altering the character of human procreation and human life.”<sup>5</sup> The report highlights an aspect of bioethical public moral argument that separates it from many other forms of public deliberation: As well as focusing on how the implementation of regulatory mechanisms should alter current conditions regarding practices, technologies and policies, bioethical public moral argument also includes deliberation about regulating the future development of those practices, technologies and practices. In other words, public arguments over biotechnologies like the PCB report must forecast the desirability of regulations not only for the current state of biomedicine, but also must anticipate potential developments in the field and make arguments about the desirability of those potential developments.

What further distinguishes reports like the PCB's Reproduction and Responsibility is the timbre of the call for increased public deliberation. Seeing as it belongs to a subset of public argument concerned with legislating the desirability of future technologies not just on their potential economic impacts or concerns of national or public safety, but also on the potential ethical and moral implications that these technologies call into question, the report sits at a unique intersection of public moral argument and deliberative policymaking: not only must it anticipate future technological developments, but it must establish clear, definitive ways to legislate certain moral norms that govern the development of those technologies. Indeed, when examining these potential technologies, particularly when a human embryo is altered *ex vivo*, or outside of the uterus, the Council points out:

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5 Ibid., 3.

one must readily agree that [these technologies] raise new ethical questions bearing on the character of human reproduction, well beyond anything involved in in vitro fertilization for procreative purposes to help an infertile couple have a child of their own ... [The] ethics of embryonic stem cell research ... concerns only one of the pertinent issues. Other possibilities touch on the respect owed to women and human pregnancy, the respect owed to children born with the aid of assisted reproductive technologies, and the boundary between human and animal life in the context of reproduction.<sup>6</sup>

The fear of the PCB, then, is that these technologies may lead to, "a diminished regard for the 'naturalness' and awe-inspiring power of the procreative process. Treating as 'normal' all the novel things we are learning to do with embryonic human live ex vivo might also desensitize us to still greater departures from the human way of procreating, putting us at risk of weakening, in thought as well as in deed, our regard for the meaning and worth of human procreation."<sup>7</sup> Thus the task outlined by the PCB in the report twins the anticipation of the development of future technologies with an attempt to gauge the desirability of those future technologies based upon an understanding of the moral and ethical understanding of the "human" they challenge, enhance, or threaten. Thus is the nature of public moral argument over biotechnological advancements.

Because part of the nature of bioethics is to provide a solid, foundational understanding of the ethical use and deployment of biotechnologies, public argument and

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6 Ibid., 17.

7 Ibid., 18.

deliberation over those technologies must necessarily take on an ethical valence. When coupled with having to anticipate the develop of near- and far-future biotechnologies, this process becomes more complicated because policymakers must not only imagine a world in which these technologies exist, but then must weigh that potential world against the ethics of this one to determine the ultimate desirability of new biotechnological developments. Not only is this report concerned with the process of developing new biotechnologies (and the potential harms associated with their research and testing), but it is also interested in imagining a possible world where these technologies were to be fully implemented, and how, in that world, our current day understandings of what it means to be human would be altered, enhanced, or degraded.

The report adheres to the deployment of the future perfect tense characteristic of deliberative rhetoric in the contest of public moral argument. Since the report not only seeks to determine the potential economic impacts of ARTs but also the potential moral and ethical concerns inherent to their development and use, it situates itself in a position of imagining what current regulatory frameworks are necessary in order to create the conditions of possibility for the responsible development of future ARTs. After spending roughly 200 pages outlining the potential uses and abuses of both existing and potential ARTs, the report shifts its focus to outlining potential policy recommendations for the regulations of these technologies – existing or not. The report opens its "Recommendations" section with the following:

While much remains unknown about the present state of technologies affecting human reproduction, we can no longer claim to lack a sense of the circumstances surrounding their use. We have a good grasp of the

various concerns that might arise in these areas, and we have a sense of what sorts of benefits and difficulties will emerge as assisted reproductive technologies (ART) becomes more integrated with new genomic knowledge and technologies.<sup>8</sup>

This passage is of note because it adheres to the basic conceptual framework of the rest of the section. Specifically, it demarcates a difference between existing ARTs and those that will emerge as a result of scientific advancement over time. The distinction is important because it demonstrates, as indicated in the above passage, that much of the "benefits and difficulties will emerge" from the development and refinement of ARTs. This means that those potential costs and benefits do not yet exist in the status quo, yet, given the current trajectory of development in genomic medicine, they will inevitably develop along with new or enhanced ARTs. In other words, the conditions of possibility now exist in the status quo that will lead to the moral and ethical dilemmas demanded by the maturation of near- and far-future ARTs. Thus the PCB lays out as its goal of the report an understanding of what will have been the conditions that allow for the development of new ARTs in the status quo, and what, if any, regulatory measures should be taken to alter the conditions of possibility for their development.

The Executive Summary of the report outlines this logic through the articulation of two goals: "first, to strengthen existing legislation and regulatory mechanisms in order to gather more complete and useful information; and, second, to erect certain legislative safeguards against a small number of boundary-crossing practices, at least until there can be further deliberation and debate about both the human goods at stake and the best way

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8 Ibid., 184.

to protect them.”<sup>9</sup> The first goal, data compilation, is at least partially started by the first section of the report. This process, albeit incomplete in the eyes of the PCB itself, is necessary to determine the nature of the development of ARTs in the status quo. As the report argues, "Having put together this picture of the status quo, we cannot now recommend that nothing further needs to be done without, in effect, deciding that the status quo is in all respects better than any realistic alternative.”<sup>10</sup> Put into the context from above, the logic of the first goal of the report is to determine "what will have been" the conditions of possibility for the development of new ARTs by examining the status quo. The second goal of the report, then, doubles the future tense in an act that properly designates the text as a rhetorical act. By expressing the contingent nature of the regulatory framework in the status quo (done by advocating its alteration) the reports engages in a conceptual act of fiat by imagining other possible "what will have beens" and then choosing the most desirable one.

One of the ways the PCB recommends altering the status quo is through a legislative measure designed to prohibit "rogue" practices they deem as ethically dubious. According to the report, "In the course of our review, discussion, and findings, we have encountered and highlighted several particular practices and techniques (some already in use, others likely to be tried in the foreseeable future) touching human procreation that raise new and distinctive challenges.”<sup>11</sup> Thus, the report argues, "Especially because technological innovations are coming quickly and because there are today no other public

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9 Ibid., xiv.

10 Ibid., 184.

11 Ibid., 218.

institutions charged with setting appropriate limits, we believe Congress should consider some limited targeted measures – bundled together perhaps as a 'Reproduction and Responsibility Act' – that might erect boundaries against certain particularly questionable practices. These measures, proposed as a moratoria, would remain operative at least until policymakers and the public can discuss the possible impact and human significance of these new possibilities and deliberate about how they should be governed or regulated.”<sup>12</sup>

The goal of the moratoria, then, is "to establish boundaries and guidelines for future practice, and barriers against those irresponsible practitioners who, indifferent to the standards of the profession and the community, might not only endanger patients and the public, but also unfairly cast a pall over the entire field.”<sup>13</sup> The report outlines only a few examples of the types of biotechnological practices that should be outlawed, but it is uncharacteristically clear about why those technologies should be banned. "One bright line should be drawn at the creation of animal-human hybrid embryos, produced ex vivo by fertilization of human egg by animal ... sperm," the report argues, because "[they] do not wish to have to judge the humanity or moral worth of such an ambiguous hybrid entity ... we do not want a possibly human being to have other than human progenitors.”<sup>14</sup>

Following from this, they argue for the prohibition of "the insertion of ex vivo human embryos into the bodies of animals: an ex vivo human embryo entering a uterus belongs only in a human uterus.”<sup>15</sup>

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12 Ibid.

13 Ibid., 218fn.

14 Ibid., 220.

15 Ibid.

Ultimately, these prohibitions, along with the general arguments in favor of regulation issued by the report deal exclusively with technology that has yet to be developed. Animal/human hybrids, or chimeras, are not immanent in the status quo. Rather, the report imagines possible uses for biotechnological advancements based upon hypothesizing their development. Leon Kass, in his personal statement at the end of the report, sums up the impetus for imagining these future technologies in deliberating over the benefits of establishing a regulatory framework in the present. He argues:

in this rapidly developing world of biotechnology, where the human import of the changes we are undergoing is hard to discover and where social institutions lag far behind in their ability to cope with the new challenges that innovations may bring, a case can be made for the importance of trying to devise suitable regulatory institutions and activities that could help protect society's basic values, even as we continue to treasure the benefits that biotechnology will continue to bring us ... Laissez-faire, while reflecting the honored American principles of freedom and choice, offers no guidance other than the market. Regulation would seem to offer a superior alternative, even if it is far from clear what form it should take or how it might be effected.<sup>16</sup>

Thus, according to Kass, as well as the other authors of the PCB, the development of new regulatory frameworks for biotechnology are not predicated upon the desire to restrict current technologies, but rather what those technologies might develop into.

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16 Ibid., 246.

As this was the last report by the PCB, its successor, the Presidential Commission for the Study of Bioethical Issues (PCSB), created in 2008 by President Barack Obama, continued the trend of calling for increased public deliberation over near-future biotechnologies. Titled *New Directions: The Ethics of Synthetic Biology and Emerging Technologies*, the report sought to outline what role, if any, the federal government ought to take in regulating the development of controversial biotechnologies. The conclusion of the report calls for increased public deliberation and input in determining governmental regulatory policies. Thus:

Biotechnology has the potential to affect everyone, and opportunities for the public to participate in discussion and deliberation about emerging technologies such as synthetic biology are critical. The principle of democratic deliberation highlights the importance of robust public participation in both the development and implementation of specific policies as well as in a broader, ongoing national conversation about science, technology, society, and values.<sup>17</sup>

The PCB and PCSB are hardly alone in this belief. A wide array of bioethicists, from all points on the political spectrum – detractors and proponents of new biotechnologies alike – advocate for increased public deliberation about the desirability of the coming "biotechnological revolution." Many of these recommendations stem from the belief that, as Renee Kyle and Susan Dodds summarize, "In industrialized liberal democracies ... policymakers are held accountable for seeking a level of public acceptance and 'ownership' of decisions relating to ethically contentious technologies. [Political]

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<sup>17</sup> Presidential Commission on the Study of Bioethical Issues, *New Directions: The Ethics of Synthetic Biology and Emerging Technologies* (Washington D.C., 2010), 151.



representation and bureaucratic decision-making are often considered inadequate in fully articulating or resolving concerns about novel technologies."<sup>18</sup> Ultimately, the remedy to this question of accountability rests in, "Discursive public deliberation [that] involves more than simply the presentation of individual views or opinions; rather, it is the presentation and defense of arguments as a public means of working towards a defensible solution to public issues."<sup>19</sup>

In fact, the vast majority of reports about biotechnological development commissioned by various governmental agencies in the last decade from the United States, European Union, and Australia contain some type of call for public deliberation in their recommendations sections. Thus, scholars of public moral argument have turned their attention to the ways in which debates over biotechnologies can foster this ideal of democratic deliberation. Since the only thing nearly all stakeholders in these controversies can agree on is the need for enhanced deliberation, it would serve scholars of these public discourses well to explore the ways in which those deliberations can be fostered through the ways in which we argue about the benefits and risks biotechnological developments. According to Nancy M. P. King and Michael J. Hyde, "Scholars of public moral argument make their living by studying the symbolic capacities of human beings, especially as these capacities show themselves in situations that call for the production of discourse as a means to coming to terms with the matters at hand."<sup>20</sup>

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18 Renee Kyle and Susan Dodds, "Avoiding Empty Rhetoric: Engaging Publics in Debates About Nanotechnologies." *Sci Eng Ethics* 15, no. 1 (March 2009): 81–96, 82.

19 Ibid., 85.

20 King and Hyde, "Editor's Introduction," in *Bioethics, Public Moral Argument, and Social Responsibility*, x.

Within this context, there is an underlying assumption that, "Science and society have built an exceedingly and increasingly complex community around biomedical technology. Scholars, scientists, policymakers, and the public all therefore need to be able to talk together in this community."<sup>21</sup> Uniting this call for community is the belief that there must be a capacity of publics to interface with the scientific, scholarly, and policymaking community in order to achieve a clearer framework about what ought to be done given the new challenges that arise out of biotechnological advancements. In other words, societies, especially democratic ones, need to be able to argue about values. Since there will inevitably be competing claims about the way we believe the moral contours of the society should be shaped (and increasingly, the role and status of the "human" in those societies as new biotechnologies continue to develop), there needs to be a way to address these competing claims through public discourse while still maintaining our democratic ideal. Hence, scholars of public argument believe that the need for developing an understanding of public moral argument is becoming increasingly prescient.

*Avoiding "Mere" Rhetoric?*

According to Bernice Bovenkerk, the forced confrontation with larger ethical issues that stem from the biotechnology debate has led to a situation in which:

[It is] becoming ever more clear that in this debate [that] we cannot easily separate facts and values. Normative presuppositions are involved in scientific research, from the stage of problem definition to the choice of methodology, to the interpretation of test results. In the case of biotechnology this is especially true because we are not only dealing with risks (known unknowns), but also with unknown unknowns, which takes

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<sup>21</sup>Ibid., xii.

us to a whole new level of uncertainty. It appears that the more radical our uncertainty, the more room opens up for normative divergence. We are, therefore, not dealing with a scientific problem that can be solved by scientists and neither with a normative problem that can be dealt with in society; the two are interwoven.<sup>22</sup>

In order to address this conflation of normative values with the facts of scientific developments, Bovenkerk, like many other bioethicists, calls for increased public deliberation. She argues that while, "It may be true that the moral and metaphysical nature of the disagreement over GM makes it an intractable disagreement by its very nature, but this does not necessarily have to translate into an intractable policy problem if the parties to the debate can agree to disagree or reach a compromise or an incompletely theorized agreement."<sup>23</sup> The key to reaching these potential agreements rests in the act of deliberation, because, "Deliberation [helps participants] to understand exactly what values or worldviews they disagree about ... One way to reach agreement in the face of pluralism is to find values that are shared by the different sides to a disagreement, and work from these."<sup>24</sup> Thus, according to Bovenkerk, as well as many other bioethicists who extoll the virtues of public involvement in the biotechnology debate, deliberation is necessary to address the core issues at stake, fostering the possibility for some type of

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22 Bernice Bovenkerk, *The Biotechnology Debate: Democracy in the Face of Intractable Disagreement*, vol. 29 (Springer, 2012), 2.

23Ibid., 122.

24Ibid., 82-83.

agreement by stripping away the intractable metaphysical differences between stakeholders in order to address the factual elements of the issues at hand.<sup>25</sup>

To scholars of communication, the idea that public deliberation allows for the capacity to strip away ideological presuppositions in order to rationally talk about the facts at the core of an issue bears a striking resemblance to a Habbermasian view of ideal discourse in the public sphere, coupled with a Rawlsian demand for rational public reason. Indeed, there have been increasing calls to foster a type of public deliberation that avoids "unsubstantiated words and empty rhetoric."<sup>26</sup> Representatives from both extremes of the biotechnology debate, from the most stringent luddites to the staunchest transhumanists, call for a "richer" conversation, one devoid of rhetorical flourish. For example, Leon Kass laments that in the current bioethical landscape, "Though originally intended to improve our deeds, the reigning practice of bioethics, if truth be told, has, at best, improved our speech."<sup>27</sup> Instead, Kass argues, bioethicists need to encourage a move from speech to action, since, "Full human dignity requires a mind uncontaminated by ideologies and prejudice, turned loose from the shadows of the cave, free not only to solve factitious problems of its own devising, but free to think deeply about the meaning of human existence and, especially in a world overshadowed by technology, to think about the nature and purpose and goodness of science and technology."<sup>28</sup> Similarly, James Hughes, an ardent transhumanist, claims, "The bio-Luddites and human-racists are

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<sup>25</sup>Ibid., 83.

<sup>26</sup> Kyle and Dodds, "Avoiding Empty Rhetoric: Engaging Publics in Debates About Nanotechnologies." 94.

<sup>27</sup> Kass, *Life, Liberty and the Defense of Dignity: The Challenge for Bioethics*, 65.

<sup>28</sup>Ibid., 52.

already in place ... They have filled the media with alarmist rhetoric about *Frankenstein*, *The Boys from Brazil*, and *Brave New World*."<sup>29</sup>

Yet, if debates over moral issues regarding particular biotechnologies such as the abortion and stem-cell debates are any indication, "stripping" away all of the rhetoric in public discourse may not only be an idealist pipe-dream, it may in fact be *impossible*. But impossibility in this sense can be constructive. If, debates over biotechnology inherently lead to definitional contestations about the nature of the "human," looking at the ways in which stakeholders in the debate stipulate their understanding of humanity can provide insight in to the ways the debate not only affects public discourse, but also may serve as a starting point for imagining a type of deliberation that differs from the rationalist model currently proposed by all sides. To do so, I believe that instead of deriding "mere" rhetoric as an impedance to deliberation, we ought to utilize the concept as a starting point to theorizing alternative forms of public engagement.

#### *No "Mere" Rhetoric*

As I hope to have demonstrated in the previous chapters, this characterization of rhetoric as merely obfuscating the possibility for rational discussion is highly inaccurate. The very *foundation* of the discourse in biotechnological debates is rhetorical such that each side consistently begins from incommensurable definitions of the "human" that stem from attempts to signify that which cannot be signified. If the above analysis is accurate, any attempt to provide for public deliberation in the biotechnology debate that requires rational discussion over facts is properly impossible since those facts cannot be separated from values and "mere" rhetoric. Given the fear that biotechnology will develop faster

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29 Hughes, *Citizen Cyborg: Why Democratic Societies Must Respond to the Redesigned Human of the Future*, 259.

than our ability to understand its implications, it seems that we are doomed to let unfettered scientific advancement dictate our future while we perpetually bicker over what to do about it. Yet, my goal here is not to deconstruct the debate to a point of deliberative paralysis. Rather it is to understand the debate itself on different grounds – grounds that do not attempt to arbitrarily synthesize incommensurable positions, but rather account for the formal necessity of that incommensurability and imagine the conditions of possibility for public deliberation stemming from that account.

To do so, I will return to Lacan. The psychoanalytic project, mirroring rhetoric, is not just a thing done – the act of analysis – but an understanding of what enables the analyst to analyze. It is a sort of second-order insight into the functioning of the psyche, or more importantly for Lacan, an insight into the functioning of signifying processes. Psychoanalysis, then, is much like rhetorical criticism in the sense that there is no "great reveal" after it is complete. Because rhetoric is not ornamental, because there is no degree zero in language, rhetorical criticism cannot step past or expose the "mere rhetoric" of a debate over biotechnologies in the hope of finding a more pure explanation of the issues at hand. The insight of Lacanian analysis then, is a shift in emphasis from the content of a discourse to its formal properties. From individual texts, we turn to economies of discourse, and in analyzing those economies, we ought to look towards their formal properties, the rhetoric, instead of focusing solely on their content.

Looking the formal properties of a discourse must begin, according to Lacan, with the ways in which that discourse organizes particular investments to render itself meaningful for subjects who participate in that discourse. He calls these sites of investment “master signifiers.” According to Mark Bracher, "a master signifier is any signifier that a subject

has invested his or her identity in – any signifier that the subject has identified with (or against) and that thus constitutes a powerful positive or negative value. Master signifiers are thus the factors that give the articulated system of signifiers ... that is, knowledge, belief, language – purchase on a subject; they are what make a message meaningful, what make it have an impact rather than being like a foreign language that one can't understand."<sup>30</sup> In the context of public debates, especially those about values, participants in the same discursive economy who represent differing viewpoints can identify with different master signifiers. This is because, according to Lacan, "All signifiers are in some sense equivalent, if we just play on the difference of each from all the others, though not being other signifiers. But it's for the same reason that each is able to come to the position of master signifier, precisely because its potential function is to represent the subject for another signifier ... However, the subject it represents is not univocal. It is represented, undoubtedly, but also it is not represented. At this level something remains hidden in relation to this very same signifier."<sup>31</sup> This again means that there can be no "objective" language that exists outside of the play of signifiers, outside of the formal rhetorical nature of the sign. Any attempt at a univocal discourse, a closed system of zero-degree relationality between signifiers and signifieds demands a concealment of artifice – and with it, the necessary use of artifice in the first place. The Lacanian insight here is that claims to objectivity, be it in public moral argument or any other field of discourse, requires a master signifier to authorize its truth claims.

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30 Mark Bracher, "On the Psychological and Social Functions of Language: Lacan's Theory of the Four Discourses," in *Lacanian Theory of Discourse: Subject, Structure, and Society*, ed. W. W. Marshall, Ronald J. Corthell, and Francoise Massardier-Kenney (New York: New York University Press, 1994), 111.

31 Lacan, *Seminar XVII: The Other Side of Psychoanalysis*, 89.

Be it the master signifier of the “givenness” of life, the “godliness” of the human, or the “Will to Evolve,” all sides of the debate over biotechnological advancements rely on the imposition of various master signifiers to stitch together and hide the fragility of their discourse. In each instance, the master signifier is imagined as something primordial, something that exists outside of the symbolic, something inherent in the ontological makeup of the “human” that authorizes subsequent symbolic linkages. Master signifiers appear to halt the sliding of the signifying chain. To stop the play of the symbolic, master signifiers must gesture to something outside of signification, something that the discourse can attach to in order to remove the dynamism of the signifier. This, then, is at its most basic, the function of rhetoric in any discursive economy – the artificial establishment of a master signifier and the effacement of that initial artificial act by a gesture towards that which exceeds signification. This initial move is then repeated again and again throughout any discourse that adheres to a particular master signifier. So why must we continually efface artifice in these discourse? For Lacan, this is the most basic definition of desire. Because language exists in a state of failed unicity, because there is no degree zero – especially when arguing about categories of essence and value – signifiers are destined to overshoot or undershoot the signifieds they attempt to capture. As such, there is always a remainder in the relation between the signifier and the signified, and as Jerry Aline Flieger explains, “Lacan’s concise formula designates this excess or remainder as *désir*, where ‘Desire equals the excess of demand over need.’”<sup>32</sup> Thus, participants in a discursive economy that demands semantic precision are “never adequate to [their] desire, and that this inadequacy produces the entire battery of

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32 Jerry Aline Flieger, “Is There a Doctor in the House? Psychoanalysis and the Discourse of the Posthuman,” *Paragraph* 33, no. 3 (2010): 354–375, 367–368.



signifiers at play in the ongoing search for meaning."<sup>33</sup> Paradoxically then, the more a subject attempts to bring signifiers to bear on a given signified, the more he or she becomes split between those signifiers. More splits means more remainders producing more desire. As this happens, the discourse moves further away from the cause of desire, leading to an increased anxiety that demands repressing this initial lack – leading finally to the instantiation of master signifiers as a corrective. In the context of the biotechnology debate we can see this anxiety play out in the continued failure to define the “human.” The result is a proliferation of texts that center on forging a definition under the refuse of two incommensurable master signifiers: the “Will to Evolve” and “Givenness.”

Simply put, the more we attempt to define what it means to be human, the more we must act as if we actually can authoritatively reach a conclusion of what that definition actually is. Furthermore, once we become invested, we must deny the impossibility of the attempt in the first place. The subject desires unicity although it must efface the artifice used to achieve it, even from itself.

### **Two Types of Deliberation**

#### *Deliberation Vide*

The above process, and coincidentally what characterizes the current biotechnology debate, is facilitated by what Lacan calls “empty speech” (*parole vide*). Empty speech occurs when the subject fails to account for the fundamental bifurcation between the signifier and the object it attempts to signify. It is speech where the subject relies on a series of master signifiers to impose a system of unity over a discursive economy, a unity that elides the failure of signification to achieve a one-to-one correspondence with its target. In the context I have been exploring here, empty speech

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33 Flieger, “Is There a Doctor in the House? Psychoanalysis and the Discourse of the Posthuman,” 368.

occurs when a discursive economy effaces its own artifice, condemning the discourse to continued repetition of its initial gambit – that it can signify that which exists beyond signification. New meaning is not created so much as it is deferred. In empty speech, according to Lacan, the subject "will simply find his desire ever more divided, pulverized, in the circumscribable metonymy of speech."<sup>34</sup> Consequently, "the subject seems to speak in vain about someone who ... will never join him in the assumption of his desire."<sup>35</sup>

In the context of debates over future biotechnologies, stakeholders on every side engage in such empty speech. Both detractors and proponents of biotechnological advancements continually attempt to signify that which is beyond their reach, relying on master signifiers that simultaneously let them down due to their inevitable failure, yet hold the discourse suspended within an internally consistent, sealed circle. This accounts for the lack of clash in the debate since it dooms competing, empty discourses to circle around one another with incommensurable presuppositions. If one does not subscribe to the initial stipulation that the human is defined by "givenness," or the "will to evolve," one has difficulty adhering to the arguments for the dangers or benefits of future biotechnologies that necessarily follow. Simply: as long as both sides of the debate are continually alienated by their desire to signify that which is beyond the signifying process, then calls for rational public deliberation necessarily follows in the emptiness of the discourse. Empty speech does not create meaning, instead it simply repeats the same (failed) attempt over and over. When no meaning is created in two simultaneous

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34 Lacan, *Seminar XI: The Four Fundamental Concepts of Psychoanalysis*, 188.

35 Lacan, *Ecrits: The First Complete Edition in English*, 211.

continual repetitions that are mutually exclusive with each other, the discourse stagnates – leaving the public stuck in the middle with no capacity for rational deliberation.

So then what is the alternative? For Lacan, it is none other than the goal of analysis to confront the emptiness of speech. Thus, in his conceptualization of analysis we may find a way to reorient the debate. As Michaela Driver explains, "Analysis is not about healing or about helping individuals to develop integrated, harmonious egos but about creating a different discourse."<sup>36</sup> This discourse, then, differs from empty speech in that it does not begin with an effaced reliance on master signifiers. Rather, the goal of the analyst, as Bracher explains, is to represent "to the patient the effect of what has been left out of discourse ... the cause of the patient's desire (205). It is being confronted with this rejected element that produces the depth and intensity of self-division or alienation necessary for patients to want to separate themselves some of the alienating master signifiers ... and produce new master signifiers/identifications that as less exclusive, restrictive, and conflictual."<sup>37</sup> The subject's desire is no longer the remainder in the gap between the signifier and its target that is constantly deferred through endless repetition. Rather, it is the motive force that compels the subject to confront those gaps, to understand what the underlying assumptions of the discourse he or she deploys are, and how they are elided by master signifiers. Here is it important to note that for Lacan, the result of analytic discourse is to produce master signifiers. These signifiers however differ from the previous master signifiers in that they are produced by the subject instead

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36 M. Driver, "From Empty Speech to Full Speech? Reconceptualizing Spirituality in Organizations Based on a Psychoanalytically-grounded Understanding of the Self," *Human Relations* 58, no. 9 (September 2005): 1091–1110, 1097.

37 Bracher, "On the Psychological and Social Functions of Language: Lacan's Theory of the Four Discourses," 125.

of imposed on the subject from without. Indeed, as Lacan speculates, "it is fairly curious that what [the subject] produces is nothing other than the master's discourse ... which comes to occupy the place of production. And ... perhaps it's from the analyst's discourse that there can emerge another style of master signifier."<sup>38</sup> The question then becomes, what is the nature of this new style of master signifier? Do we simply end up back where we started, or can we garner any insight from Lacan's theory that can help us to move beyond the empty speech of the biotechnology debate?

To begin to answer these questions I will look to what Lacan points to as the goal of analysis: namely to facilitate what he calls "full speech" (*parole pleine*). For Lacan, "Full speech is that which aims at, which forms, the truth such as it becomes established in the recognition of one person by another. Full speech is speech which performs. One of the subjects finds himself, afterwards, other than he was before." Further, "Each time a man speaks to another in an authentic and full manner, there is, in the true sense, transference, symbolic transference – something takes place which changes the nature of the two beings present."<sup>39</sup> This alteration, or transformation, of the subjects engaged in full speech stems from confronting the essential impossibility of communication; in other words, the lack of a degree-zero in signification, the inevitable gesture towards that which is beyond speech. If the effacement of artifice that culminates in the feigned unicity of the signifier and signified in empty speech results in the constant deferral of the desire to signify that which is beyond signification, full speech confronts this desire head on.

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38 Lacan, *Seminar XI: The Four Fundamental Concepts of Psychoanalysis*, 176.

39 Lacan, *Seminar I: Freud's Papers on Technique*, 107.

*Deliberation Plein*

According to Flieger, "The discourse of the posthumanist thus far has been limited by an avoidance of the encounter with human being itself as Otherness."<sup>40</sup> Likewise, this conclusion can be equally applied to the discourse of the project of conservative bioethics. The inability to cope with the desire produced by the gap of meaning left over by signifiers failing to link solidly to the concept of humanness produces anxiety. Lacan states that what differentiates anxiety from fear are their differing relationships to an object. Fear has as its object a concept we can signify (a bear or spider, for example). Anxiety however, has as its object something wholly different, something *beyond* conception, something *Real*. Lacan explains that the function of anxiety, "belongs to the realm of the real's irreducibility ... Therefore, the real, an irreducible pattern by which this real presents itself in experience, is what anxiety signals."<sup>41</sup> In a succinct explanation of the concept, Barbara Biesecker outlines the real as, "that which, thanks to the symbolic incision, has existence but not substance, an existence discernible only by virtue of a careful accounting of its (de)structuring effects."<sup>42</sup> That is to say that the Real is not only that which is beyond signification, but that which both *enables* and is *produced* by the constitutive lack inherent to the signifying process. Desire resides within that gap, and how we confront that desire is the

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40 Flieger, "Is There a Doctor in the House? Psychoanalysis and the Discourse of the Posthuman," 374.

41 Lacan, *Anxiety: The Seminar of Jacques Lacan Book X*, 160.

42 Barbara Biesecker, "Prospects of Rhetoric for the Twenty-First Century: Speculations on Evental Rhetoric Ending with a Note on Barack Obama and a Benediction by Jacques Lacan," *Reengaging the Prospects of Rhetoric: Current Conversations and Contemporary Challenges* (2010): 16–36, 21.

fulcrum on which the distinction between empty and full speech pivots. Importantly, then, is Biesecker's observation:

[What characterizes empty] speech is not merely that it sustains or even promotes our wrongheaded over-investment in appearances or so-called reality; even more, by redoubling our belief in signification's noumenal beyond, speech that is stuffed with meaning simultaneously delivers us over to the grand illusion of the signified, the spatial and temporal coordinates of the Symbolic, and likewise, then, to finitude's grip.<sup>43</sup>

The problem with both the transhumanist and the bioconservative is that they are awash in meaning. They produce too much of it in their subsequent attempts to fully grasp the nuances of the real, of the "human," by investing so heavily in their effacement of artifice.

The alternative is to come to terms with the irreducible gap between what we want to signify and what is actually signified. It is full speech. Biesecker argues, "Full speech performs something more, something quite other, since it refuses the closure of representation that induces the referential illusion or the mistaken belief that something obtains *in itself* on the other side of the empire of signs."<sup>44</sup> Indeed, "Triggering that awareness of the limit of the Symbolic is, I submit, the charge of full speech and the accomplishment of an admittedly rare but evental rhetoric."<sup>45</sup> Most forcefully, Biesecker notes that, "Full speech and evental rhetoric are discursive interventions that function as

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43 Ibid., 22.

44 Ibid., 22.

45 Ibid., 26.

ground zero for fashioning our way out of mistaking the given for 'the all' and thereby by delivering ourselves over in advance to it endless repetitive cycle - finitude's final and triumphant score."<sup>46</sup>

How does full speech trigger an awareness of the limits of the Symbolic? My gamble here is that to understand the stakes of this question is to begin to theorize a type of deliberation, a *fuller* deliberation, that the debate over biotechnology deserves, but is as of yet strikingly absent. Since the existing debate relies on a twofold deployment-then-concealment of artifice, simply demonstrating the formal functioning of signification in the debate is not enough. Pointing out that the debate is saturated with moments of "you are unsuccessfully trying to articulate your position" does not tell us anything helpful about reorienting public deliberation on the topic in and of itself. However, if we explore the tacit assumptions that demand this disavowed use of artifice, we can begin to formulate an alternative. Recall the banal assumption that an audience is less likely to be persuaded if it knows it is being persuaded. Already in this characterization another assumption is being made: namely that the basic discursive configuration in the debate rests on the existence of a simple rhetorical dyad: the rhetor and the audience.

Lacan levels a comprehensive critique of the communicative dyad in his earliest seminars and writings on Freud. Here, the concepts often bandied about by Lacanians such as the "Big Other" and the "*objet petit a*" are formulated squarely in a treatment of speech. The problem with the sender/receiver dyad, according to Lacan, and eloquently summarized by Lundberg, is that, "A dyadic conception of communication localizes rhetorical agency around subjects exchanging messages in speech, as opposed to seeing

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46 Ibid., 26-27.

both the subject and its message as effects of the whole economy of discourse. [The dyadic conception comes at] the expense of attending to the symbolic conditions that make exchange possible in the first place."<sup>47</sup> To wit: when we focus on the messages hurled by a rhetor and their reception by an audience, we leave unexplored the very precondition of symbolic exchange through signifiers. This of course resonates quite well with the basic psychoanalytic commandment of "when we do something, we are *unconsciously* doing something else." In this case, when we skim the surface of communication via talking solely about senders and receivers, we belie interrogating the unconscious domain that resides below our initial assumptions. Speech and communication, for Lacan, does not exist in a dyad, but rather already prefigures at least *three* components: a sender, a receiver, and the conditions that make communication possible in the first place.

The problem with empty speech, and indeed the calls for deliberation in the biotechnology debate, rests in the fundamental conflation of the last two coordinates. "If we could just better clarify our message to the public," bioethicists argue, "we could allow them to deliberate rationally." They lament that they cannot express their messages clearly enough, that each side is deploys too much rhetorical flourish, that we need to get to the bottom of the stakes of the debate and eschew all of our ideological presuppositions. In short: we need to *be heard more clearly*. This obsession with conveying meaning is what empties speech; it assumes that the failure to communicate rests on the speaker and the audience, not on the very preconditions that render speech (im)possible in the first place. For Lacan, this is the fundamental conflation between what

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47     Lundberg, *Lacan in Public: Psychoanalysis and the Science of Rhetoric*, 45.



he calls the "big Other" (capital O) with the other (other in French is *autre*, hence the *petit a*). In other words, when we speak, we are addressing the Other, the preconditions for symbolic exchange, who we mistakenly identify as residing in the other subjects we are addressing. In so doing, we assume that communication is possible, that signifiers neatly represent the totality of what we think they signify, and specifically that the "human" can be neatly summarized as that which is given or that which wills itself to evolve. But the Other frustrates the subject for Lacan – the Other's (mis)hearing of what the subject tries to communicate demands that the subject tries and tries again, continually frustrated in his or her desire to be understood.

To convey this process is nothing short of the goal of analysis. Here it is essential to note that the Lacanian analyst is not out to impose his or her own meaning on the subject's frustration. Contrary to the characterization of pop-psychoanalytic, the Lacanian analyst ought not to claim, "Yes, I know you are frustrated that you cannot get a job, but really you have penis envy." Likewise, the rhetorical critic who takes to heart Lacanian insights ought not to attempt to strip away the "mere" rhetoric in an object in order to get to "what it is *really* conveying." Colette Soler succinctly explains that Lacan's formulation, "introduces, between subject and interpreter, the Other - not as listener, but rather as symbolic context, that is, as the locus of a discourse ... Lacan stresses the fact that, as listeners, we always have to ask ourselves what position the subject occupies with respect to the symbolic order that envelops him."<sup>48</sup> Thus, if we return to the question of fostering a more full deliberation in the biotechnology debate, we ought not to demand

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48 Colette Soler, "The Symbolic Order (II)," in *Reading Seminars I and II: Lacan's Return to Freud*, ed. Bruce Fink, Richard Feldstein, and Marie Jaanus (Albany: State University of New York Press, 1996), 47–56, 50.

that we strip away all the ideological presuppositions of each side in order to foster a wholly rational debate that "really" gets to the heart of the issue.

### **Full Deliberation and the Biotechnology Debate**

Recall that for Flieger, the biotechnology debate is characterized by a failure for stakeholders to encounter "human being itself as Otherness." Perhaps unintentionally, the capitalization of "Otherness" is instructive here. While perhaps not unique, the biotechnology debate lays bare the impossibility of communication through our inability to definitively articulate the essence of the "human." Specifically, the very preconditions of communication, the existence of the Symbolic that channels all discourse on the matter, demands that defining the "human" can only be met by failure. But failure is productive. This is not to say that we ought throw our hands up, declare public deliberation on biotechnology to be a failure and rest on our laurels by employing the turn of phrase that "failure is productive." Rather, it is to *foster* a particular type of failure, one that can be productive for those involved since not all failure is created equally. Michael J. Hyde, in his Arnold Lecture on the biotechnology debate sums this up eloquently, stating, "Any talk of human perfectibility presupposes the existence of this process that *is what it is* (a completeness) only by its being open-ended and thus incomplete, forever calling itself into question and challenging us with the task of maintaining or remaking our meaningful existence."<sup>49</sup> Elsewhere, he characterizes this as a "reconstruction," importantly, a reconstruction that is itself always a *process*.<sup>50</sup> Thus, in order to facilitate a reconstructing of the biotechnology debate, Hyde demands we

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49 Michael J. Hyde, "Perfection, Postmodern Culture, and the Biotechnology Debate," *National Communication Association* (2008), 15.

50 Michael J. Hyde, *The Call of Conscience : Heidegger and Levinas, Rhetoric and the Euthanasia Debate* (Columbia: University of South Carolina Press, 2001).

employ an, "Open-mindedness [that] is a necessary condition for appreciating the otherness of infinity and the question of perfection that it raises."<sup>51</sup>

It is my contention that the open-mindedness of which Hyde speaks can be accomplished by fostering a type of deliberation that is predicated on full speech, a more *full deliberation* about biotechnology. While it may be (productively) impossible to fully articulate what this type of deliberation might look like – doing so might come perilously close to simply imposing definitive meaning on a task that by its very nature is empty *because* of its obsession with imposing meaning – we may be able to offer some broad preconditions by which to triangulate an alternative.

First, it seems to be absolutely essential that we move away from calls for "rational" public discourse over biotechnologies. Attempting to strip away any "mere" rhetoric from the debate in order to "get to the facts" simply moves us from one master signifier to another. In so doing, we repeat various incommensurable definitions of the "human" that move us further and further away from confronting the fundamental lack of the Symbolic. Try as we might, we can never finally affix a singular meaning to the "human" without gesturing toward that which cannot be signified, and as we gesture beyond our signifying capacity, we invite the conditions for intractable disagreement. Instead of debating over what whatever unsayable beyond may be, we ought to confront its necessity head on, knowing that distinguishing facts from values in the biotechnology debate is ultimately a fool's errand. Instead facts and values are forever twinned as constitutive components that performatively express the unbridgeable gap between the signifiers we use and the real we wish them to signify. In short, we ought to strive for a

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51 Hyde, "Perfection, Postmodern Culture, and the Biotechnology Debate," 36.

deliberation that accounts for our desire to signify the "human," not one that attempts to hide from it under the cover of rationality, facts, and empty master signifiers.

Paradoxically, the more we try to strip discourse to the bone, the more signifying flotsam we toss between ourselves and the critical questions raised by biotechnological advancement.

Linked to this first contention is a correlate that requires us to move past the communicative dyad. The reason current attempts to foster public deliberation over biotechnology are continually frustrated does not stem from bioethicists' inability to present a clear enough message to the public. We should be painfully aware that attempts to disavow the initial use of artifice that link signifiers to a concept requires even more artifice. Thus, striving to reduce the noise to signal ratio between a sender and receiver is unhelpful because current calls for deliberation do not grasp the nature of the signal path. If the current debate is characterized by an unconscious (in Lacan's terms) conflation of the audience (other) with the conditions of possibility for discourse to take place (Other), the role of the rhetorical critic-as-analyst would be to create the conditions that allow for the apprehension on the part of the participants that this is not simply a failure to communicate, but rather that this is a *communication of that failure*. In other words, we need to interpose the Symbolic Order between the sender and the receiver.<sup>52</sup>

This interposition serves as the framework for Lacan's understanding of the ethical aim in his psychoanalytic project. His seminar on ethics, *Seminar VII*, provides us with the clearest analog for imagining what "full deliberation" might look like. Lacan explains that any ethics consists of a sort of dual judgment: the judgment of individual

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52 See: Soler, "The Symbolic Order (II)," 51.

actions and the judgment of how we judge those individual actions in the service of the good.<sup>53</sup> This second judgment thus reflects what I have referred to as a sort of *entelechy*, an imagining of the perfected form of the ethical system in which each individual act can be referenced back to a rubric that is unfalteringly “good.” If there is a main point I have argued so far, it is that the contemporary biotechnology debate is focused squarely on this Last Judgment, an imagining of the essential components of the “human” to serve as a guideline for which to interpret the desirability of biotechnological enhancement. However, if bioethicists’ preoccupation with their particular forms of the Last Judgment leads us to empty deliberation, how might we imagine a different framework?

Let us refer back to the concept of desire and its central role in speech. If desire is understood as the demand to signify object in a zero-degree deviation, we understand that it must fail.<sup>54</sup> Importantly, “The channel in which desire is located is not simply that of the modulation of the signifying chain, but that which flows beneath it as well; that is, properly speaking, what we are as well as what we are not, out being and our non-being that which is signified in an act passes from one signifier of the chain to another beneath all the significations.”<sup>55</sup> As I hope to have shown, the realm beneath all signifiers is the logically prior realm of affect. The continual mooring and unmooring of affects to signifiers is the warp and woof where desire lies, continually under- or overshooting its mark. As such, desire is, by definition, unknowable in its place, we can only signify a representation of a lack of representation. What fills this lack? For Lacan, it is the quest

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53 Lacan, *Seminar VII: The Ethics of Psychoanalysis*, 311.

54 Ibid., 294.

55 Ibid., 321-322.

for knowledge, for rendering the unknowable known. He characterizes this a science of desire, since, “Science, which occupies the place of desire, can only be a science of desire in the form of an enormous question mark; and this is doubtless not without a structural cause. In other words, science is animated by some mysterious desire, but it doesn’t know, any more than anything in the unconscious itself, what that desire means.”<sup>56</sup>

Therefore, in order to coax full deliberation out of the biotechnology debate, I propose we imagine the endeavor of bioethics not simply as a field concerned with the ethics of science, but instead as itself a science of desire specifically, a science of the desire to define the unknowableness that is the “human.”

To reformulate the discipline in this way means to reorient it in the ways I have outlined above. The result, I hope is to provide the opportunity for full deliberation by forwarding not just arguments for or against biotechnology, but striving for knowledge of the desire that animates them. To give an example of how this might look, I’ll turn to Lacan’s exploration of the concept of “eating the book,” taken from *Revelation*. For Lacan, “[This] is the most extreme of metonymies. [In eating the book] it isn’t the book that fills our stomach. When I ate the book, I didn’t thereby become any more book than the book became flesh. The book became *me* so to speak. But in order for this operation to take place ... [I have to pay a price, and] that’s the object, the good, that one pays for the satisfaction of one’s desire.”<sup>57</sup> The analogy speaks to the passage where an angel commands, “Take [the book] and eat it. It will turn your stomach sour, but in your mouth

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56 Ibid., 325.

57 Ibid., 322.

it will taste sweet as honey.”<sup>58</sup> In order to become the Word, the subject takes on the laws by which it is governed the good given up (precipitating the Fall) is required for the fulfillment of desire. That good, the state before the Fall, is then, in the thing the Christian tradition seek to recuperate. In other words, fulfilling one’s desire requires sacrifice. We see this on both sides of the biotechnology debate: for the bioconservative, fulfilling the desire to remain human means accepting the biological limitations and suffering intrinsic to it. For the transhumanist, the desire for immortality requires that we abandon techno-skepticism and indeed our purely organic biological makeup.

But Lacan reads this action differently. For him, eating the book is a sublimation of hunger. It is sublimation that, drawing on Freud, he characterizes as a change in aim and not object.<sup>59</sup> In other words, instead of eating the book in order to understand its meaning, along with the Fall that necessarily follows, he refigures the process: eating the book means to explore why we desire meaning and what we are willing to give up in order to attain it. Thus, Lacan a science of desire seeks to eat the book, the book of Western science. Lacan concludes, “The important thing is not knowing whether man is good or bad in the beginning; the important thing is what will transpire once the book has been eaten.”<sup>60</sup> If bioethics seeks to be a science of desire, it too must eat the book.

In practical terms, bioethics needs to change its aim. Instead of attempting to explain more clearly to the public one position on the essential qualities of the “human” or another in order to facilitate Final Judgment on the desirability of biotechnology, the

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58 Rev. 10:9 NIV

59 Lacan, *Seminar VII: The Ethics of Psychoanalysis*, 322.

60 Ibid., 325.

goal ought be to abandon the prerequisite topoi of the debate and focus instead on the *krinomenon*: What does the debate itself tell us about our desire (and our inevitable inability) to define ourselves? Fostering public deliberation without rushing towards equally arbitrary definitions of essence outside of language requires that we accept that while we desire to understand the "human," it remains ultimately unknowable. With that acceptance comes the possibility for instead deliberating what we ought give up in our quest. The importance of the biotechnology debate may not be solely comprised of its content, which in and of itself is already quite significant. It may rest in the fact that it forces us to confront not just what makes us "human," but also our inherent inability to communicate, much less deliberate, our answer. Simon Young's *Transhumanist Manifesto* calls for transhumanists to engage in a "meme war." He argues, "Some say that memes act of their own accord. I shall argue that *memes are power tools*. Meme Wars as the battles of ideas played out within a culture to influence the direction it will take. Whoever controls the spread of attitudes and habits in a society, controls that society. *He who holds the power is he who controls the meme*."<sup>61</sup> Eloquent, but perhaps inaccurate in that it posits we must assume we can control how the Other interprets our message. In order to foster full deliberation over what makes us who we are, we need to explore the ways in which debating over our very humanity forces us to confront the limits of the Symbolic and indeed confront our desire to avoid them. This in turn may allow us to come to terms with what is "Other" in ourselves. Perhaps the very structure of the discourse of debates over our biotechnological future renders final reconstruction

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61 Young, *Designer Evolution: A Transhumanist Manifesto*, 23.



impossible, but in its very impossibility we may be able to articulate something more fully about how we define ourselves in accepting its failure.

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