

# The Sovereignty of the Code

(and The Sovereignty of the Code II):

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“The living being has logos by taking away and conserving its own voice in it, even as it dwells in the polis by letting its own bare life be excluded, as an exception, within it. Politics therefore appears as the truly fundamental structure of Western metaphysics insofar as it occupies the threshold on which the relation between the living thing and the logos is realized. In the politicization of bare life – the metaphysical task par excellence – the humanity of living man is decided.” [i]

Every biotic organism’s inception is the inauguration of a new Code, that which has not been before it, and it’s Code is in this sense, proof of its singularity; at least on one plateau of its being. Deoxyribonucleic acid and its precursors and analogs are the substance of this Code; its expressions paradoxically are at once unique and universal. Buying and selling of the Code is a bit like the buying and selling of God, except that God is immaterial, whereas the Code is essentially material, and its trade portends an inverse relationship between the owners of the Code, whom own and prefigure their possession, and the Code itself, that is elemental within us, that is being defined, recoded and utilized according to standards specifically not of our own device, but rather, the device of Capital.

The appropriation of the Code by the device of Capital is distinctively non-egalitarian, which is to say that, like the process of the distribution of general healthcare, the technology of the Code is being privatized and selectively anthropomorphosized and the subsequent information sequestered for the extreme benefit of the few via patenting and withholding. The appropriation of the Code is critically more problematic than the stratification and sequestering of healthcare services through the device of Capital because, what is being appropriated is in effect our bodies – our manifest physical sovereignty, albeit at the molecular level. A determination as to whether or not there is an argument for the socialization of the genetic industry will not yield itself easily. But in spite of this, perhaps, as Cahill has written, “the argument that commodification constitutes social injustice does not require showing that every instance of a certain type of commodification (e.g. gene

patenting) constitutes violation of respect for persons or creates harm, or that no instance of it whatsoever could be justified.” [ii]

Rather, the tooling of the Code is better theorized as a breach of sovereignty, and further, a breach that has taken place without our consent. But in what manner could consent be given for such an activity? It would require an open public forum of discourse with regard to the broader meaning and ramifications with which the said activity in question was involved. Corporate media cannot serve this purpose, because media, do not mediate discussions, they inform consumers; mostly, after the fact, after the larger decision has essentially already been made at the locus of decisive power.

If the Code itself, the material that codes for our lives, is not sovereign, how can an argument of sovereignty be made for any other entity? If there is no concept of sovereignty for the Code, how can there be a substantial of sovereignty for anything else? A sovereign polity? What in effect, does a sovereign polity represent, if the very life material of its members has no sovereignty under its aegis? If one has no operational stake in the determination of the very substance of one’s material being, what stake has he in his own governance? It would seem then, that we have lost our Basis, for polity, and for governance and self-determination, with one swift, technological blow. The market-driven distribution of healthcare, while unjust, does not appropriate sovereign territory for the device of Capital; the appropriation of the Code, in contrast, is precisely an infiltration on the order of the cell, upon its sovereignty, and on the order of personal sovereignty, by the device of Capital. Foucault spoke of such a non-disciplinary control, as working in conjunction with the more transparent disciplinary control of power and punishment. The disciplinary event of power is always concerned with the bodies it acts to control with its technology, while the non-disciplinary event of power is somewhat more concerned with the appropriation of the living being – at the level of the species, if necessary. [iii] Where the disciplinary event rules a multiplicity of human beings to the extent that they may be trained under surveillance, used and punished, the non-disciplinary event elevates the stakes; this event of power addresses the multiplicity, and some might say, addresses the multitude that supposedly enables a new sovereign line of flight from the oppression of Empire. [iv] As Capital trespasses the sovereignty of the Code; it does so as the non-disciplinary event of power that addresses:

“...a global mass affected by overall processes characteristic of birth, death, production, illness, and so. So after a first seizure of power over the body in an individualizing mode, we have second seizure of power that is not individualizing but, if you like, massifying, that is directed not at man-as-body but at man-as-species the emergence of something that is no longer an anatomo-politics of the human body, but what I would call a ‘biopolitics’ of the human race.” [v]

The newest politicization of bare life, this inclusion of our technical bodies “in the political realm constitutes the original – if concealed – nucleus of sovereign power.” [vi] Is this the sovereign sacrifice being asked of us on the altar of Capital? If identity is already a mediated event, will the era of stratified economically, and hence class-based genetic profiles materialize, and soon enough, genetic advertisements for designer brands of Code, soon grace our media screens? Better genes (for better bodies for better people) for better lives of joy and affluence? We already know how much we should weigh, what we should eat, how to worship (or not) how we should look, talk, feel, reproduce – perhaps we need guidance as to how we should be comprised at the molecular level, at the very level of the cell? What are the aesthetic stakes of genetic fashion? How current is your Code? Will we speak of last year’s Code? Leave the Code to the corporations and soon enough, we shall see.

It is already the case that healthcare, in America, is a commodity. The interiority of good intentions are laid open to the globalizing world of accumulation and withholding, and in that polar schema, illness and capitalization reside on opposite poles. Recognize, that in practice, the rule (as opposed to the exception) is that healthcare is distributed according to the ability to pay for the goods. In essence, this distributive schema provides the best and the most healthcare to the highest bidder. This process materializes a healthcare system wherein it is not the manner of a moral or ethical rationale that facilitates and distributes healthcare, but instead a moral and ethical illusion we purvey as an ideology that upholds the slogan of “to each according to need”, while operationally we calculate and execute a rationale that manifests a policy where we operationalize a pragmatics of, “to each according to the ability to pay” [vii] With regard to genetic industry, what awaits us is an array of genetically manipulated profiles being held in higher esteem than others, and will not “their relative desirability be at least partially reflected in the specific amount of money people will pay to ensure that they (or their children) possess such profiles”? [viii] Further, will the biotechnology corporations not raise their prices in adjustment to increasing demand, as the metaphysical canon of technological supply and demand models command of market parishioners? As it stands, is it inconceivable that we will begin to use the monetary value of possessing certain genes {or gene technologies} as a proxy for the value of persons who possess them”? [ix] Every other commodity renders an identity to its possessor, what will be different in the genetic profile?

What we are facing now, in our postmodern present, in contrast to our modern past, is representative of the kinds of occurrences we are increasingly faced with, that is, the burgeoning cultivation of the means to pair political economy intimately with bare cellular life. The culmination of this event renders the disappearance of the “intelligibility that still seems to us to characterize the juridicopolitical foundation of classical politics.” [x] Nothing stands in front of the colonization, indeed the imperialization, of the Code, and the resultant biopolitics will include “forecasts, statistical estimates and overall measures in a word, security mechanisms (will) have to be installed around the random element inherent in a population of living beings so as to optimize a state of life.” [xi] What is a genetic profile, if not simply data to be managed? And what will be the sociopolitical risks of dubious or ‘dicey’ sequences of Code in one’s profile?

In practice, today the Code is researched, taken apart, manipulated, defined, edited, reinserted – and in this sense, we may say that we are reassembling and redefining bare life, in the process of genetic engineering. As we engage in this postmodern process, might there be a difference between the process being executed and patented by corporations, instead of being conducted, archived and managed solely by public institutions? To begin with, is not bare life, de facto, already in the public domain? Should it not remain so? Does not each one of us have an ownership stake in the cells of our composition and the information contained within and derived therefrom? Perhaps not. Our current policy, allows for genetic engineering to be conducted and genetic patents to be held on gene products by corporations whose agenda is to execute a profit motivated strategy that is designed to excel at selling products to consumers, “rather than providing care for patients.” [xii] Essentially, our policies arise out of a discourse that is governed by the rules of a language predicated upon the rationale of market logic, and that is to say, all is marketable, and what is favorable is seldom other than what is profitable, while capital loss of any kind is to be categorically shunned.

The violation of the sovereignty of the Code is principally a “supersession of reproduction by production even in the context of human reproduction” and is the “true measure of the ontological transformation humankind has effected.” [xiii] It is also representative of the extent to which we exist in a state of that is somewhere beyond human, as Hayles has put it (though for Hayles, “the defining characteristics {of posthumanity}, involves the construction of subjectivity, not the presence of non-biological components”). [xiv] This incursion of Capital upon the Code coexists with and acts as a direct function of the ability and desire of an amalgam of personalities; those appropriating the Code of everyone for the express purpose of private rights to, or control of the Code – of course, for the purpose of accumulation and withholding. What is the basis of criticism for this process? Beauchamp and Childress construct a bioethical model based, in part, upon Aristotelian conceptions of morality, though they are careful to indicate that they: “do not claim to be presenting a distinctively Aristotelian theory, and are motivated by objectives that contemporary Aristotelians may or may not share.” [xv] In light of their endnote caveat, it is interesting that Beauchamp and Childress essentially formulate their conception of moral excellence out of the Aristotelian canon: “Aristotelian ethical theory has long insisted that moral excellence is closely connected to virtues and moral ideals. We will draw on this Aristotelian tradition and on our prior analysis of moral ideals and supererogation for an account of moral excellence.” [xvi] One might say there is a sense of reformative lamentation in their ‘supererogation’ of Aristotelian ideals, in the sense that they posit a widespread loss of both “high ideals in the moral life” and “Aristotelian aspiration to an admirable life of moral achievement” in modern ethical theory; and their project is to reverse this trend. [xvii] The problem with this paradoxical position as a foundation for a biopolitical policy that purveys application to all citizens equally is the ill-informed call upon Aristotelian ethics to substantiate it, because Greek society and ethics were based upon a severely stratified society, where for example, women and slaves were not considered voting citizens, and only Greek men with property and means were considered worthy of Aristotelian notions of idyllic excellence. Aristotle’s *Nicomachean Ethics* is not an ethics of the ‘people’; it showcases the idyllic ethics of a male upper class, in a Greek society that existed thousands of years in the past. This discrepancy needs to be more adequately addressed in order for us to take seriously, the Aristotelian basis for a biopolitical policy. Some may call this work that of the discipline of bioethics, but dismembered from policy implementation, bioethics is powerless to act.

In consideration of how all of this applies to our denunciation here of the violation of the sovereignty of the Code, we must note that the intrusion upon the sovereignty of the Code by a Capitalized class faction via the apparition of ‘benevolent’ dictatorship coalesced from the collusion of government and corporate entities is all very Aristotelian – and that is precisely the problem. However, none of this is to say that we cannot learn from Aristotle’s oeuvre – in fact, we can and do; it is imperative, however, that we know what to embrace and of what to be skeptical in his literary corpus and its contemporary renderings. Aristotelian ethics do not lead societies to an egalitarian form of governing, nor do they reflect an egalitarian distribution of technologies and their benefits, health-related or otherwise. In fact, Aristotelian ethics revolve around “legislators {making} the citizens good by forming habits in them” – which it should be noted, translates into the benevolent dictatorship of the philosopher-king of Confucius and Mencius, Plato and Aristotle, etc., which in modernity virulently becomes the unconscious basis of Stalin and Hitler’s superior ‘intelligence’ and ‘wisdom’ in the matters of the people, which then gives way in postmodernity to vertiginous delusions of Empire. Aristotle’s conceptions are quite clear, in regard to laws, distribution, justice, equity and the like:

“Since the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts; for the acts laid down by the legislative art are lawful, and each of these, we say, is just. Now the laws in their enactments on all subjects aim at the common advantage either of all or of the best or of those who hold power, or something of the sort; so that in one sense we call those acts just that tend to produce and preserve happiness and its components for the political society. Since acting unjustly does not necessarily imply being unjust, we must ask what sort of unjust acts imply that the doer is unjust with respect to each type of injustice, e.g. a thief, an adulterer, or a brigand. Surely the answer does not turn on the difference between these types. For a man might even lie with a woman knowing who she was, but the origin of his might be not deliberate choice but passion. He acts unjustly, then, but is not unjust; e.g. a man is not a thief, yet he stole, nor an adulterer, yet he committed adultery; and similarly in all other cases.” [xviii]

And this is how Aristotelian morality can lead to non-egalitarian polity, because when the unjust is committed – it is not necessarily a crime in his theoretical scaffolding, and hence can proceed and grow. Further, in judging the acts as unjust or just, equitable or inequitable, who is qualified to judge? Surely, egalitarian polity, in that it is purported to purvey fair and equitable representative relationships between members in society cannot be so, when laws can be thought just they the case where they serve only the interests “of those who hold power.” A compelling conception of justice would have to include that judges should be representative of the broader population, as should Senators, and Representatives, that is, if they are to be ‘representative’ of the polis, in order to construct an egalitarian polity, no? Beauchamp and Childress recognize this:

“Sometimes, persons who suppose that they speak with an authoritative moral voice operate under the false belief that they have the force of the common morality (that is, universal morality) behind them. The particular moral viewpoints that such persons represent may be acceptable and even praiseworthy, but they also may not bind other persons or communities.” [xix]

With regard to the genetic industry, who is speaking with ‘moral authority’ and making public policy? To whose ethical standard is the protocol of the Code being held? Who defines the parameters of the sovereignty of the Code? The public? The government? Corporations? Bioethicists? It is easy to ask the wrong questions in this regard. The difficulty in calling upon Aristotle to formulate principles of justice lies in his lack of urgency for a convincing formulation of equity and representation, and while questions such as “Show shall we define equality, and which differences are relevant in comparing individuals and groups?” [xx] are relevant, they are insufficient without solving for more cogent problems, such as the determination of who exactly is in a position to participate in the development and representation of equality.

Disparities are generally the result of some fashion of withholding, and via the emergence of biopolitical power, result in the accumulation of new violence, which we have been slow to identify. Freud:

“In spite of every efforts, endeavors of civilization have not so far achieved very much. It hopes to prevent the crudest excesses of brutal violence by itself assuming the right to use violence against criminals, but law is not able to lay hold of the more cautious and refined manifestations of human aggressiveness.” [xxi]

Unfortunately, principled challenges come to be dealt with after technological discovery, and many times after dilemmas have already materialized, and that is

because researchers and financiers are well versed in information derivation, validation, and operationalization, as well as the tacit sequestration and deployment of Capital, but little else. Hanson admits that “the offense of market alienation implied by {genetic} patenting is that the market rights and profit interests are ‘added’ to the traits that we pass down through reproduction as treasured parts of ourselves, thereby implying that sovereignty over traits can be established and separated from persons possessing those traits.” [xxii] Yet Hanson also sidesteps this breach of genetic sovereignty by market forces and essentially contends: “Strictly speaking, a patent – as an intellectual property right that excludes others from commercial exploitation – does not equate to the buying and selling of genes or other patented biological material.” [xxiii] But the contractual rights to an agent do not have to literally require the transfer of material ownership of material existents to an ‘owner’ in order to violate sovereignty.

Ownership of genetic material is already literally assumed by virtue of its longstanding location (inside of us), is it not a birthright to assume ownership claims to one’s own bodily parts and information (e.g. one’s organs, name, social security number, technical identity, etc.)? It is irreconcilable with just and equitable theory (not Aristotelian, but egalitarian theory, and that is to say, one in which the communicative field of action is level) [xxiv] to allow for the privatization of genetic materials and the products derived therefrom that belong to everyone in the species class. These effects already are public from their reproductive conception, and within the sovereign dominion of the person, and more broadly, of every human being. That we allow this violation is a travesty, and further, it is not so much that we allow it, as much as we are subjected to it without due process.

Public participation in the direct governance of biopolitical concerns requires confrontation of the productive kind that only deliberative representation in polity can bring, which is adequately addressed by many theorists, as in when Leib [xxv] argues for a fourth, deliberative branch of government. The deliberative branch would be comprised of average American citizens, randomly chosen to serve in the way that juries are chosen, for specific term periods, in order to realistically balance the legislative, judicial and executive branches of government, where a branch, (e.g. the legislative branch), consists of a Senate and House that are comprised of an affluent minority percentage of the demographic of the broader U.S.; and many of which actively maintain and benefit from incestuous relationships with large corporations.

The question of us all maintaining sovereignty over the Code of our species, instead of solely an affluent segment of our species that have access to Capital and its most powerful devices (e.g. patents) – as is fast becoming the case and standard – is not a question of whether or not we equate ourselves with our genes, but rather a question of the usurpation of our personal and social property for private interests. This is not to say that genetic industry should cease, but instead is to say that we as a collective society should argue for public ownership and access to the Code and its derivatives. We should subsidize this endeavor as a whole, corporations included – but they should not hold all the cards in the game, the patents in the law field, nor the means to sequester the benefits and information derived from the Code for the benefit of the few, at the expense of the sovereignty of the whole species. It is not a question of arguing for or against the commodification of genetic industry as it applies to human Code, because everything is in the sphere of commodity today – our milieu is commodious. It is a question of sovereignty, and genetic material being colonized like new virgin territory taken from the primal natives, and the project reeks of the colonial projects we should all be quite familiar with by now. The stakes are large in the industrialization and privatization of the Code. In the past we spoke of alienation,

but today it is dehumanization that is normalizing relations as a process of human exchange akin to the trade of Capital.

Foucault:

“The norm is not simply and not even a principle of intelligibility; it is an element on the basis of which a certain exercise of power is founded and legitimized. Canguilhem calls it a polemical concept. Perhaps we could say it is a political concept. In any case the norm brings with it a principle of both qualification and correction. The norm’s function is not to exclude and reject. Rather, it is always linked to a positive technique of intervention and transformation, to a sort of normative project.” [xxvi]

If we were always and already just an instance of staging, of normalization, most recently that of becoming-Capital, then this is the finalization of that trend. When the Code is fully commodious, human value will be fully exchangeable, floating like currency value, in trade, in electronic flux, with no basis and no future – the death of the species as previously understood. This process will include, not exclusion and rejection, but an intervening stratification, of only a vaguely reminiscent class based dispersion: Baudrillard: “Pèut-on se batte contre l’A.D.N.? Certainment pas à coups de lutte de classes.” [xxvii]

If the class struggle is powerless in the face of Capital, in the face of the currency of the Code, in the face of power, what will take its place? Foucault:

“Now that power is decreasingly the power of the right to take life, and increasingly the right to intervene to make live, or once power begins to intervene mainly at this level in order to improve life by eliminating accidents, the random element, and deficiencies, death becomes, insofar as it is the end of life, the term, the limit, or the end of power, too. Death is outside the power relationship. Death is beyond the reach of power, and power has a grip on it only in general, overall, or statistical terms. Power has no control over death, but it can control mortality. And to that extent, it is only natural that death should now be privatized, and should become the most private thing of all. In the right of sovereignty, death was the moment of the most obvious and most spectacular manifestation of the absolute power of the sovereign; death now becomes, in contrast, the moment when the individual escapes all power, falls back on himself and retreats, so as to speak, into his own privacy. Power no longer recognizes death. Power literally ignores death.” [xxviii]

Deaths of American soldiers in Iraq remind us of how we were not permitted to see the flag-draped caskets of the dead; permission was not granted, and what was imposed by the State in this instance, was nothing short of our complicit ignorance of Death. We see how the media does not let us see the dead; there is no time for mourning, because that would lie outside of power’s purview. If the dead are to be furnished, then a stand-in must be provided in lieu of the true remains, as in the recent case of Pyongyang. North Korea returned the remains to Japan of the female abductee from 1977 – only the remains were later proven by Japanese officials to be a simulation, in that they were composed of DNA from other sources and multiple bodies. There is a call for sanctions in light of the circumstances. [xxix]

Death has been excluded by power, so there can only be triumph, paradoxically an illusion, like power itself – at the cost of Death that is real. However, when Death is fully exterminated – this is the moment we all become truly expendable, the future illusion of becoming-Code. When Death can no longer be lived with – exchanged – such

an event lays the groundwork for an event that will make the Holocaust appear banal: Coulter reminds us of the difference of power in theory:

“(Baudrillard’s) point of departure with Foucault, is that power, like the simulated spatial perspective of Renaissance painting, is never really there. Power becomes a trap for Foucault similar to the way that many sociologists are trapped in their mistaking the ideology of consumption for consumption itself, or western Marxists are trapped within western Enlightenment rationality. Baudrillard describes power for Foucault as “something that functions distributional it operates through relays and transmissions.” Reversing Foucault, Baudrillard understands power as “something that is exchanged” and in this process the cycle of reversibility, seduction, and challenge are at play.” [xxx]

In any event, current trends in the privatization of the Code appear to be mere extensions of the long-standing termination of the exchange of Death and that event’s incidental demise. Without the ultimate reference of Death, we set the stage for the immortal Code we already long to be.

There is no need to reject the promises of biotechnology with regard to the human Code and its technological products. What needs to be rejected is the sequestering of the Code via patents and corporate hegemony as part of genetic industry, because it violates the sovereignty of the human species. There is a nostalgia for supremacy in control of the Code. In line with historical trends, the illusory power of the Code, (like military power, economic power, technological power, etc.), is being concentrated in the hands of the few. The effects of this concentration will however, be quite real. History has shown us how problematic this concentration of power can be, regardless of its historiographic location.

Coors reminds us that Foucault, in his later work, approached ethics from the perspective of caring for the self as an ontological and necessarily a priori mode of being, wherein “care of the self as a practice of freedom enables the control and restraint of the abuse of power.” [xxxi] It is this care of the self, including its constituent biological organs and genetic parts, that constitutes the basis for a deliberative outlook and shared control over those spheres of discourse that affect us all – and it should not be a discourse wherein only certain entities have operational agency and an audible voice that translates into public policy. Unlike pharmaceuticals derived from plants or other biological matter, the agents derived from the Code are derived from our constituent selves, and because of this should remain within the purview of our collective selves, or socially public spheres. We are well advised, not to allow the dominant discourse of a flawed market-driven healthcare system to actively fashion, in due course, a coercive, a top-down genetic monologue that passes for a dialogue which in its postmodern effect “operates in society to control the subject through the subject’s own means” [xxxii]; by selves acquiescing to this dominant discourse.

What is argued for here is a reappropriation of the Code, whose sovereignty is under the purview of the whole of mankind at the outset of life, from market forces that deem the sovereignty of the Code exchangeable under the logic of bid and ask dynamics, marketing and promotion strategies, and the metaphysics of Capital. Buchanan et al. “believe that the needed counterweight to the market is the state, acting both to regulate and, through taxation, to provide services and indicate a significant role for the state in genetic policy and that a just society will need this kind of government intervention.” [xxxiii] This is recommended with no small caveat, and that is that the state be comprised of a self-cultivating coalescence of human



singularities, acting consensually in the most egalitarian way achievable, and that is to say, all should be equally represented, in contrast to the reality of today, where the most economically affluent twenty percent of the population are disproportionately represented in government while the remaining eighty percent majority demographic receives a minority representation in the state discourse, despite the rhetoric constantly circulating about the work being done in the name of ‘the people’. The Code should be managed by and for the community, because it belongs to each and every one of us, personally and collectively. We must reclaim the sovereignty of the Code.

## Notes

[i] Giorgio Agamben, *Homo Sacer*, Stanford; Stanford UP (1998), p. 8.

[ii] Lisa Sowle Cahill, “Genetics, Commodification, and Social Justice in the Globalization Era”, *Kennedy Institute of Ethics Journal*, 11.3 (2001), p. 221-238, (p. 222).

[iii] Michel Foucault, *Society Must Be Defended*, New York; Picador (2003), p. 246.

[iv] See Michael Hardt and Toni Negri, *Multitude*, New York; Penguin Press (2004).

[v] Michel Foucault, *Society Must Be Defended*, New York; Picador (2003), p. 243.

[vi] Giorgio Agamben, *Homo Sacer*, Stanford; Stanford UP (1998), p. 6.

[vii] M. Cathleen Kaveny, “Commodifying the Good of Healthcare”, *The Journal of Medicine and Philosophy*, 1999, Vol. 24, No. 3, p. 207-223, (p. 216-217).

[viii] *Ibid.*, p. 218.

[ix] *Ibid.*

[x] Giorgio Agamben, *Homo Sacer*, Stanford; Stanford UP (1998), p. 120.

[xi] Michel Foucault, *Society Must Be Defended*, New York; Picador (2003), p. 246.

[xii] Paul Farmer, *Pathologies of Power*, Los Angeles; University of California Press (2003), p. 162.

[xiii] Keekok Lee, *Philosophy and Revolutions in Genetics*, New York; Palgrave (2003), p. 201-202.

[xiv] N. Katherine Hayles, *How We Became Posthuman*, Chicago; University of Chicago Press (1999), p. 4.

[xv] Tom L. Beauchamp, and James F. Childress, *Principles of Biomedical Ethics*, New York; Oxford University Press (2001), p. 55 (endnote 40).

[xvi] *Ibid.*, p. 43-44.

[xvii] *Ibid.*

- [xviii] Aristotle, "Nicomachean Ethics", online – <http://classics.mit.edu/Aristotle/nicomachaen.5.v.html>, Book V (parts 1, 6).
- [xix] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics*, New York; Oxford University Press (2001), p. 4.
- [xx] *Ibid.*, p. 227.
- [xxi] Sigmund Freud, "Civilization and its Discontents" in Peter Gay (ed.), *The Freud Reader*, New York; Norton (1989), p. 750.
- [xxii] Mark Hanson, "Biotechnology and Commodification Within Healthcare", *The Journal of Medicine and Philosophy*, 1999, Vol. 24, no 3, p. 267-287 (p. 286 – note 4).
- [xxiii] *Ibid.*, p. 274.
- [xxiv] See Jurgen Habermas, *The Theory of Communicative Action*, New York; Beacon Press (1995).
- [xxv] Ethan J. Leib, *Deliberative Democracy in America*, University Park; Pennsylvania State University Press (2004).
- [xxvi] Michel Foucault, *Abnormal*, New York; Picador (2004), p. 50.
- [xxvii] Jean Baudrillard, *L'échange symbolique et la mort*, Paris ; Gallimard (1976), p. 10.
- [xxviii] Michel Foucault, *Society Must Be Defended*, New York; Picador (2003), p. 248.
- [xxix] David Pilling, "Call for Tokyo sanctions over 'false' remains", *Financial Times*, December 9, 2004, p. 6.
- [xxx] Gerry Coulter, "Reversibility: Baudrillard's 'One Great Thought'," *International Journal of Baudrillard Studies*, Volume 1, Number 2, July 2004, p. 8, <http://www.ubishops.ca/ baudrillardstudies>
- [xxxi] Marilyn E. Coors,, "A Foucauldian Foray Into The New Genetics", *Journal of Medical Humanities*, Vol. 24, nos. 3 and 4, Winter 2003, p. 287.
- [xxxii] *Ibid.*, p. 284.
- [xxxiii] Allen Buchanan *et al.*, *From Chance to Choice*, New York; Cambridge UP (2000), p. 339.