

COMMENTS ON ENGELHARDT'S: “BEYOND THE PRINCIPLES OF BIOETHICS”¹

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Let me start by saying that I do agree with some of Professor Engelhardt's criticisms to the four principles approach – also known as ‘principlism’ – to the foundations of bioethics. It is true that there is an ambiguous use of the principles, for instance, the word ‘autonomy’ is sometimes taken in a Kantian sense, sometimes in an utilitarian vein. In my book *Bioética* and in subsequent works, I made similar points rephrasing the principle of respect for autonomy in terms of *respect for persons* in the case of special and clinical bioethics. Moreover, because of the limitations of the four principles approach, which emphasizes only the ethical problems of biomedicine, I also introduced the principle of *reverentia for life* in the case of general bioethics (or global bioethics, in Potter's sense) and so on.

I do also agree with Professor Engelhardt that “there was not and has never been one secular morality” (and I would like to add that there was not and has never been only one religious morality also) and therefore we have to recognize that “there is first-order secular moral pluralism”. I remain, however, unconvinced that Professor Engelhardt has showed us today that a kind of “second-order pluralism” is also the case in the meta-ethical sense implying a skeptical or relativist philosophical conclusion. What I mainly disagree is that pointing out a plurality of normative theories (utilitarian, deontological etc.) is insufficient to prove that there is no right answer to a moral issue. Thus, if we distinguish, as many ethicists do, between descriptive, meta-ethical and normative relativism, all that Professor Engelhardt has showed us today is that there is, as a matter of fact, a plurality of moral systems and –arguably– that philosophical ethics has yet not found a single moral criteria to distinguish right from wrong, bad from good etc. It does not follow, however, that there is no objectively valid rational way of justifying some moral judgments.

In this sense, it seems that we are “philosophical strangers” or, perhaps not so, if Professor Engelhardt's book *The Foundations of Bioethics* is read as establishing a “transcendental

argument" (in my opinion, a perfectly sound rational argument, though an incomplete one) for a public and secular morality. It does exactly that. This is my interpretation of that brilliant work and I would like to defend it against postmodern ethical relativism and then to hear what Professor Engelhardt has further to say. In fact, Ethics is, so to speak, transcendental: even if we take first-order pluralism for granted, in order to make sense of any talk on moral issues one must assume two *a priori* assumptions: *first*, that there is a special kind of entity in the world, namely agents, who are free, that is, they can deliberate and choose to do otherwise if they want to, or to put in Professor Engelhardt's words, they are capable of give permission (or, in other words, to follow the principle of respect for autonomy), so the source and authority of morality is *respect* for free agents; *second* (and perhaps here Professor Engelhardt will not follow me, but I think that this is just part of his transcendental argument), given the general facts about our form-of-life, we are just not born agents, so any morality has to be committed to providing what will constitute us as persons, especially to *be cared for*. Consequently, despite the fact that we do have a plurality of moral systems (and that may not be just a contingent fact), each having different conceptions of the good life leading to disagreements about raking particular intrinsic values and divergent views about special bioethical issues (whether to allow abortion only to save the mother's life, to accept passive or also active voluntary euthanasia etc.), the moral and political condition for pluralism is the construction of *a Common Sharable Morality* capable of making possible the pacific co-existence of agents as the *common good* for a civilized society, nowadays the global one.

Bearing in mind then the assumptions for any morality, a CS-Morality must establish the means to make possible for *all* individuals to become agents/persons, namely to be *cared for* (e.g., satisfaction of her basic necessities such as nutrition, some minimal level of education, a decent system of health care, etc.) and then the conditions for pacific co-existence, for instance, mutual respect among persons as bearers of rights *qua* persons (e.g., freedom, security ...) and related obligations. The other particular rights and obligations persons have is an empirical matter as it is also a contingent issue how much an agent should be cared for (or care for herself) in order to be or remain an agent/person. Here particular moralities may have different answers and first-order pluralism is not bad in itself. Thus, a CS-Morality provides content-full moral substance, but only publically. That is to say, giving that all persons are equally free, any distribution of rights and obligations must necessarily be grounded on such equality. In that

sense, a CS-Morality is also universal and impartial and it is capable of justifying the *moral* need for a state and the law to guarantee the common good, including a democratic government. Therefore, any morality is grounded on two hinge grammatical moral assumptions: to care for vulnerable individuals and to respect persons.

A sound normative ethics is a matter of knowing how to combine these teleological (the common good) and deontological (rights/obligations) elements. To deny that is to make unintelligible morality itself; to recognize that, is to realize that a CS-Morality is necessary for making possible first-order cultural, religious etc. pluralism. Such pluralism holds in many domains of life. On the other hand, a CS-Morality applies to the public domain of life *limiting* pluralism (no longer second-order pluralism): otherwise, we are left with force, violence etc. and no reasonable person would deny that. Here the principle of reciprocity is all we have to justify further the acceptance of a CS-Morality. Thus, one particular morality, for instance the Christian one, cannot impose its especial values or act against the common good. Therefore, a CS-Morality is not, metaethically speaking, relativist (on the contrary, it is cognitivist and realist) and can be *a priori* justified.

To finish this short comment and open the discussion for the audience, I would like to ask a question to Professor Engelhardt: is it not true that care is a condition for agency and, if so, for permission (or respect for persons) and therefore an essential element for a bioethics based on a CS-Morality?

Notes

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