



MORAL PHILOSOPHY IN BIOETHICS. ETSI ETHOS NON DARETUR?

LA FILOSOFÍA MORAL EN LA BIOÉTICA. ETSI ETHOS NON DARETUR?

ADRIANO PESSINA

Centro di Ateneo di Bioetica.

Università Cattolica del Sacro Cuore. Milano (Italy)

Largo Gemelli 1. 20123 Milano Italy

Teléfono: 0039.02.7234.2922

E-mail: adriano.pessina@unicatt.it

ABSTRACT

Keywords:

bioethics,
moral philosophy,
pluralism.

Recibido: 14/09/2013

Aceptado: 02/10/2013

In this paper I intend to put forward some criticism of the purely procedural model of bioethics, which, in fact, leads to delegating to biopolitics and biolaw the finding of a purely pragmatic solution to the issues for which bioethics was "invented" over forty years ago. This delegating takes place after the transition from the thesis, dear to modernity, whereby in ethics reasoning should avoid any discussion regarding its foundation or ultimate justification (*Etsi Deus non daretur*) to the contemporary affirmation of a substantial ethical agnosticism, which, in the name of the incommensurability of morals, should construct procedures as if no sole substantial moral were possible (*Etsi ethos non daretur*) and act as a guarantor of ethical pluralism. These theses will be discussed and an attempt will be made to demonstrate why it is necessary to establish a link between true and good, and how this is possible only by referring to ontology. The conclusion points to the need to propose bioethics explicitly in terms of content that satisfies the presumed axiological neutrality of procedural bioethics, which however, turns out to be theoretically weak and practically unable to protect the ethical pluralism for which it would like to be the guarantor. The conclusion is that only by referring to ontology can bioethics, which is a fully fledged form of moral philosophy, act as a guarantor of pluralism within the truth and oppose the authoritarian tendencies concealed under the liberal guise of ethical agnosticism.

RESUMEN

Palabras clave:

bioética,
filosofía moral,
pluralidad

En este artículo quisiera poner de manifiesto algunas críticas al modelo puramente procedimental de la bioética que, de hecho, la lleva a encomendar a la biopolítica y al bioderecho una solución meramente pragmática de las problemáticas por las cuales ésta fue "instituida", hace más de cuarenta años. Este cometido acontece después de que se ha producido el paso de la tesis, apreciada por la modernidad, por la que, en ética se deba razonar prescindiendo de cualquier discurso acerca de sus fundamentos o justificación última (*Etsi Deus non daretur*) a la afirmación contemporánea de un sustancial agnosticismo ético que, en nombre de la inconmensurabilidad de las morales, debería construir procedimientos como si fuera imposible una moral sustancial única (*Etsi ethos non daretur*) y hacerse garante del pluralismo ético. Estas son las tesis que se discutirán y se intentará demostrar por qué es necesario establecer una relación entre verdad y bien, y cómo esto es posible haciendo referencia solamente a la ontología. La conclusión remite a la necesidad de proponer una bioética explícitamente contenutística que dé respuestas a la presunta neutralidad axiológica de la bioética procedimental, que entre otras cosas resulta ser teóricamente débil y prácticamente incapaz de proteger ese pluralismo ético del que debería ser garante. La conclusión es que, haciendo sólo referencia a la ontología, la bioética, que es con justa razón una forma de filosofía moral, puede garantizar un pluralismo al interior de la verdad, oponiéndose a las derivas autoritarias que se ocultan bajo la máscara liberal del agnosticismo ético.

1. Etsi ethos non daretur?

In order to understand why bioethics today is destined to be absorbed by biopolitics and biojuridics, or at best to survive as case studies in medical ethics, it is necessary to highlight its inability to break away from some of the arid theoretics of modern philosophy, from which it had initially sought emancipation, calling into question the axiological neutrality of experimental sciences and perceiving the problematicity of a separation and opposition between the so-called *two cultures*, namely humanistic and scientific.

Although theoretically deficient, Potter's image of the bridge expressed a real need, perceived, moreover, with greater speculative vigour by Hans Jonas: subjecting to ethical assessment both the purposes and the profound transformations of the experience brought about by technology and technical sciences. Moreover, exiting modernity would have meant coming to terms with the practical-theoretical failure of Kantian formalism and reopening, precisely as Jonas had attempted, the ontological discussion on nature and man: a necessary, though not sufficient condition, in order to govern the processes of transformation of the organic and to understand the boundaries between possibility and moral licitness. Bioethics, however, has never been emancipated from modernity neither as regards a genuine semantic idolatry of subjectivity and autonomy, nor in terms of the ethical and political horizon. In fact, if in the modern era appeal was made to the formula of reasoning "*Etsi Deus non daretur*" for the purpose of overcoming the religious conflict and its plural forms, with the aim of detecting non-denominational ethics, independent from any metaphysical system, bioethics today seeks to argue "*Etsi ethos not daretur*", that is, denying the existence of only one philosophical ethics, which should therefore be replaced with procedures and negotiation models that avoid any claim to truthfulness¹.

1 This approach is basically the one that dominates the thinking of Hugo Tristram Engelhardt Jr., who thinks that in this way he can secure a "fence" around religious faiths, inside which they can nurture value, content, but strictly "private" perspectives. Christian Fideism, ethical agnosticism and political liberalism are fused together in the shared denial of the capacity of human reason to establish truly universal ethics, able to express content that is binding for everyone.

As regards this theoretical passage which, so to speak, leads from autonomous ethics—which still claimed to have a universal scope of a normative nature—to autonomous bioethics—or, secular and laical, as it likes to be defined—which denies the possibility of an ethics of content but retains the universality of the procedures feigning axiological neutrality, however, sufficient thought has not been given to this. Distracted by the debate on secular bioethics and Catholic bioethics, on the so called paradigms of the quality and sanctity of life, insufficient attention has been paid to the progressive consolidation of a theoretical model which has denied the possibility of a universal ethics of content to proceed, more or less consciously, towards the construction of procedural universalism that, in some way in continuity with Kantian formalism, has in fact inaugurated a form of universal biopolitics as an expression of economic liberalism.

The theoretical path, which is behind the progressive unification of European legislation in the field of bioethics, may be briefly traced back to the thoroughly modern postulate, that it is not possible to formulate an ethical theory that is both universal and a claim to veracity. In fact this assumption, or prejudice, fuses in a single line the double issue that has always influenced ethical problems: that is, the possibility of establishing in non-arbitrary terms what should be done as well as making the truth of moral evaluation operational in public life. It means, to use the interesting wording proposed by the philosopher of the last century Erminio Juvalta, reconciling a *justification requirement*—demonstrating why an action should or should not be done—with an *executive requirement*—ensuring that people actually do what needs to be done²—. As is evident, these are two needs that refer to two different fields: the justification requirement must be met by philosophical knowledge, while the executive one relates to education, politics and law.

Bioethics, from its very beginning, which now dates back more than forty years, has always felt with special emphasis the need to maintain within itself these

2 Cf. Juvalta E., *I limiti del razionalismo etico*, edited by L. Geymonat Einaudi, Turin 1945.

two elements: on the one hand to clarify and evaluate the ethical implications of scientific and technological activities³ and on the other to make them operational in order to govern human actions. But this connection of levels has also given rise to confusion, because it is obvious that the argumentative cogency that pertains to the plane of philosophical knowledge does not immediately translate into operational cogency, as the dimension of the freedom of the moral agents remains open. Whereas in philosophy the justification requirement is met “solely and exclusively” if one can prove what is good to do, on the other hand, on the executive level, the need is met if certain behaviour is determined, and this occurs either thanks to persuasion of the moral agents interested in a particular action or by means of the law and its sanctions.

The very claim to have “effective” bioethics, that is capable of substantially improving human actions has, however, resulted in placing the question of truth second in order: effective, in fact, is not a synonym for true and effectiveness can also be achieved by negotiation procedures based on simple agreement between moral agents. In this way, bioethics has launched itself headlong into the biopolitical and bijuridical logic that had already conditioned the modern thought which had arisen in the aftermath of the wars of religion. In other words, the confusion of levels has favoured the rooting of the theoretical presupposition which, given the various conceptions of life, would make it impossible to formulate a framework of universally binding human values that is in itself recognisable even from different perspectives. In this way, ethical pluralism that was waiting for a theoretical solution from the philosophy of human action, has been transformed into the assertion of the incommensurability of morals, both theoretical and practical and has sought its actual resolution through the levels of politics and law.

³ As is clearly well known Hans Jonas recalled that technology and science could be the subject of moral philosophy simply because they are forms of human action. To return to thinking of moral philosophy as a philosophy of human action means, therefore, taking leave from the idea that there is an autonomous sphere of morality, an area that should then be connected —with a bridge— to other territories. The ethical question of what is good or bad to do, is in fact inherent in every human action.

Success, in terms of consensus and dissemination, of the reflections of John Rawls as regards political theories and Ugo Tristram Engelhardt Jr. as regards bioethical considerations, can therefore be interpreted as a parable of the return of a certain line of “modernity” conditioned by the secularised empire of economic and political liberalism. The bioethical debate today is in actual fact developing on the basis of two “dogmas” which influence outcomes: the first concerns the belief that we are in a pluralistic context that can not and must not be surpassed; the second is that possible ethical conflicts can be resolved by agreements and procedures that have preliminarily put within parenthesis the last visions of life, religious beliefs and any reference to normative truth. The first dogma tends to unite or erroneously confuse, a fact —that should nevertheless be adequately described— with a theory: the existence of ethical pluralism is a historical and sociological thesis, which can not and should not be solved neither on the argumentative nor on a regulatory level; it is a thesis of a philosophical nature. The second dogma, which is closely linked to the first, is that the agreement can not occur on the basis of the recognition of the goodness and dutifulness of a particular action but, on the contrary that it is for the agreement to define an action as good and dutiful. As can be noted, precisely the second dogma therefore tends to reduce the possible conflictual dimension described in the first: with the demolishing of customs a *pragmatic* and not *theoretical* reconciliation would be possible, on the basis, however, of the philosophical turning point in the twentieth century that has put a kind of enmity between ethical theory and the theory of truth. Even in bioethics after a season of theoretical oscillations, the paradigm of ethics without truth is therefore confirmed.

In the light of this brief reconstruction of the prerequisites of the procedural turning point of bioethics, one needs to ask whether these *dogmas* are truly able to preserve and protect ethical pluralism or if, on the contrary, they are creating the conditions for “univocal” thought with a totalitarian and globalising vocation. Nevertheless, before entering into this topic it is necessary to demonstrate why the incommensurability of

morals is a dogmatic assertion that does not stand up to careful critical evaluation and a phenomenology of customs not conditioned by the thesis to be demonstrated.

2. Customs and foundation

In contemporary bioethical debate we witness the revival of an ancient dilemma regarding the source of moral criteria, those which actually govern human action. Now, first and foremost it should be remembered that the original meaning of the word ethics, and —its Latin translation— moral, refers to what sociologically are “customs”, that is, a set of behaviour and beliefs, subject to praise and condemnation by which men order personal and public life. Therefore, ethics and morality are first of all a “cultural environment” governing human action, as well as a branch of philosophy. Moral philosophy comes into being when there is a distancing from customs, giving rise to critical reflection, with a view to assessing whether what is considered good by the majority “really” is so, and what reasons there are define it as such⁴. Even bioethics, if it does not want to restrict itself to being the sociology of customs that refers the task of evaluating and regulating behaviour to politics and law, can not, therefore, do without the “true” category, that is, to answer the question of whether or not the choices that are made in the field of empirical research and technological practices are “truly” good. And it is to this regard that the question of the source of moral norms reemerges, in Plato’s dialogue *Euthyphro*, Socrates puts forward the well-known interrogative: is it holy because it pleases the gods, or does it please the gods because it is holy? Now, as is well known, the significance of this question does not just involve the religious or theological source of good, but more in depth, it indicates an original dilemma: is good established by will or is it recognised by intelligence?

This interrogative arises whenever we question ourselves regarding the possibility of founding or justifying

moral values. Hans Jonas, in 1967, with synthetic clarity⁵, pointed out that similarly modern thought has once again taken up the dilemma that in medieval thinking put Duns Scotus and Thomas Aquinas in opposition: for the former, the commandments of God are good because they are willed by Him, for the latter, however, they are willed by God because they are good. And in this case it is not a matter of distinguishing between the cognitive function of moral knowledge —knowing what needs to be done— and the executive function of moral life —doing what is good—, but rather to understand if what is commanded is good or if, on the contrary, the legitimacy of a command is dictated by the possibility to recognise as good what is commanded. Divine arbitrariness is the remote source of all theories which place in will the founding source and not merely the executive source of good. Together with the possibility of solving this dilemma, there is also the possibility of defining a law as *morally unjust*, even when the political power establishing it is formally legitimate. This thorny point of theory recurs from *Antigone* by Sophocles to the *Universal Declaration of Human Rights*. Modernity has, so to speak, “got rid” of the theological theme and has brought the dilemma inside anthropology, formulating the question in this way: is what man wants good or does man want something because he recognises it as good? If it is evident that only by admitting that good has to do with knowledge can the question of the truth of evaluation be opened, which could even be incorrect, it can not be forgotten that even if one were to assume that it is individual will and decision that establishes good, the cognitive question would remain open each time the individual would then like to explain *why* what has been chosen is considered to be good. In morality there is no such thing as a pure subjectivist until he calls for his choice to be recognised as good by others: by doing so, he is actually forced to return to the circle of argumentation and therefore to expose himself to the possibility that his thesis may be refuted. The claim of the agnostic model to avoid the debate and con-

⁴ The contemporary use of the term meta-ethics to indicate the discipline that studies the language of morality and customs does not contribute to real clarification of the tasks of philosophy as it leaves open the question whether it should be understood as merely descriptive or evaluative and normative.

⁵ Cf. Jonas H., *Dalla fede antica all'uomo tecnologico*, trans. it. Il Mulino, Bologna, 1991, 65-94.

frontation between subjective and conflicting choices is rendered inoperative when mutual recognition of the value of the different choices is requested. If those in favor of euthanasia for personal reasons do not want their choice to be judged as immoral by those who for opposite reasons reject it, they must provide reasons and motivations for it that are not merely of a subjective nature, otherwise they can not feel offended by the judgment of others or regard it as illegitimate⁶.

So, if we consider bioethics, it is not difficult to note that the now canonical contrast between the paradigms of the quality and sanctity of life is a restatement, conscious or not, of the ancient dilemma. In fact, it is frequently believed that the source of the quality of life is man's freedom to decide, while the sanctity of life has an objectivity that does not depend on human will and is rooted in religious faith (and here the dilemma moves to theology, between Scotus and the Thomistic perspective). This would seem to justify the irreconcilable opposition, other considerations aside, which for the sake of conciseness must be neglected here, of the thesis of the incommensurability of morals, and therefore the impossibility to overcome ethical pluralism. In fact this dilemma, both historically and theoretically, has consistently been placed inside the search for truth. The Socratic question presented in *Euthyphro* is not of a sceptical nature and it is put forward precisely from the belief that one can and should settle the actual dilemma: the two approaches, far from being immeasurable, have always been subject to philosophical evaluation and comparison because they are intrinsically comparable, since both refer to notions that are themselves known by the disputants —sacred, good, value—. All philosophical arguments differ from political confrontation and mere dispute precisely because they believe they can determine who is right and who is wrong, and for what reasons⁷. From this point of view the theory

that considers the search for truth as a source, in itself, of intolerance seems fallacious: quite the opposite occurs. Whoever denies the possibility of reaching a truth which settles the conflicts between antagonistic theses is forced to abdicate before the power of politics or society which eventually makes one of the two opposing theses prevail. We shall see later how the liberal attempt to allow the coexistence of opposing approaches is in the end doomed to practical and theoretical failure. But what is more important to note is that, from the very beginning, the Socratic dilemma, which has as objective the question of the source or justification of sacred, is of no sceptical value. It is a decisive historical and theoretical error to think that the dispute over justification of the norm, of moral goodness has as its purpose that of denying the existence of norms or moral good. In fact, it is quite evident that the dispute arises precisely because of the indubitable presence of norms and values that are different from each other and comparable. Questioning a certain source of good, does not mean denying the existence of that good and of its "intersubjective recognisability"⁸. As proof that the question of the foundation of ethics is different from the question of the actual values of philosophical ethics that has universalist claims, it is sufficient to note that, leaving aside the various justifications, the set of values still circulating is in fact the same: freedom, autonomy, friendship, justice, generosity, altruism, are persisting terms, albeit in perspectives that are distant from the point of view of justification, such as utilitarianism and Aristotelian eudemonia, Kantian formalism or the Schelerian theory of values⁹.

8 I mean, by this, the possibility of entering into the content that is being presented as good, and therefore as dutiful. The term good expresses, in all situations, what needs to be done, and evil what should be avoided. Basically, a good man is in fact he who knows and does what it is his duty to do. In this sense good has its own semantic intersubjectivity or objectivity if it is not separated from content.

9 For example, one could reread the 1999 text of Peter Singer, *A Darwinian Left. Politics, Evolution and Cooperation*, Weidenfeld & Nicolson, London 1999, in which the value of solidarity and altruism are upheld: how these values are compatible with his theory of the individual is certainly problematic, but there is no denying that these values are recognisable from any theoretical perspective. As regards the issue of ethical pluralism in relation to bioethics and its epistemological status, see, Pessina A, *Bioetica. L'uomo sperimentale*. B. Mondadori, Milan 2006.

6 Charles Taylor coined the term "soft relativism" to describe the irreconcilable aporia of subjectivism which claims juridical recognition. Cf. Taylor Ch., *Il disagio della modernità* (The Malaise of Modernity), trad.it., Laterza, Roma-Bari 2006.

7 A recent book of political philosophy has proposed, in Italy, the problem of the role of truth in public discourse. Cf. Benussi A., *Disputandum est. La passione per la verità nel discorso pubblico*, Bollati-Boringhieri, Turin 2012.

It can be seen that the foundation affects the hierarchical order of recognised good, or its semantisation, however this annotation does not detract substance from the argument expounded so far. As much as one can speak of ethical subjectivism, in fact, even the subjectivist, as we have already mentioned, is obliged to speak of good which, although set out as his “own”, in order to be reabsorbed within ethics, must encompass certain characteristics and be intelligible even to those who do not agree.

The same transvaluation of values proposed by Friedrich Nietzsche is, after all, a hierarchical overturning of human good and the formula of the two morals, of slaves and masters, clearly expresses the comparative approach that can and must in turn be evaluated.

The serious problem of moral philosophy, and therefore of bioethics, is that of the hierarchisation of values and of good¹⁰, but if this is the terrain for the dispute, then it is also the point in which the thesis of the incommensurability of ethics is fallacious: not only can comparisons and connections between the different theoretical proposals be established, but rather it is precisely this sharing of an ethical language which allows for negotiation and agreement. Not even the procedural model can take over where morals, no matter how differently arranged, are not comparable.

In other words, and by means of an intuitive example, whether usefulness is a value established by will or a value perceived by the intellect, what remains indisputable is that the notion of useful conducts to an “objective” good, whose problematicity lies in its hierarchical collocation compared to other good, such as solidarity, freedom, truth, health. There are useful jobs that are harmful to health; there are useful yet mendacious forms of propaganda. A procedure can be implemented only when it is recognised that not all values have the same importance at the same time and in the same situation, and that it is therefore necessary to judge, and not only negotiate, what the “true” evaluation is in

relation to the conflict of values. A procedure without comparison and without argumentation, which does not tend towards truth, but to consensus, is, on the whole, only a strategy for the balancing of power. It is illusive to believe that issues relating to genetic manipulation or euthanasia practices can be settled without going into the values that come into conflict when the axes of the hierarchical balance of good are moved. If, from a pragmatic point of view, a solution may seem to be that of *allowing* opposing choices, we shall return to this stance at the end of this work, it is clear that from the philosophical point of view it can not be argued that opposite or contradictory actions are, on the same thematic level, and with the same value (they “have to” be done).

3. Ontology and biology

In the face of the dilemma that we have briefly recalled, it can also be argued that it is possible to elude it if one changes point of view and does not presume to acquire the connection between true and moral good by deducing it from the plane of metaphysical foundation—whether of an immanentistic or transcendent type—or by appealing to a religious source, but rather by deriving it from proper ontology. This is not to deny Hume’s legitimate prohibition to deduce facts from values, or to reject the theory of the naturalistic fallacy expressed by Henry Moore, but to return to thinking, morally, about the link between is and ought to be. In this way the objection that it would be illegitimate to move from descriptive propositions to normative propositions is avoided, because every becoming being—and such are all the beings that we have experience of—has in itself—although not by itself—what it should be. That there is a connection between is and ought to be is clear even just reflecting upon predictive ability—starting from simple diagnosis—of each experimental science, and every manipulative attempt that acts on what is to determine what will be: from an embryo, human or non-human, I can already tell what will be if given the conditions for its development, or if I intervene on it. Ethics can not be totally autonomous from ontology

¹⁰ To avoid semantic complications I am using in this context the term values and good as synonyms, meaning what is believed should be protected and developed. Health, understood as good and as a value, is one deducible example.

because each of its evaluations can not prescind from the consideration of what man is and the reality which man has power on. Good is the necessary condition, albeit insufficient, for establishing a hierarchy of good, truth remains, because it is the very being of man that has in himself the ought to be of knowing and knowing oneself. Why is freedom or man's autonomy considered a good if we know nothing about the ontology of man? If it is true that we know how to define the behaviour and skills that make a doctor a good doctor, similarly, why should we not be successful in determining what it is that makes a man a morally good man? There is an ought to be of the human being that is intelligible even before the metaphysical discourse: indeed, it is precisely the possibility to understand the ought to be of man that opens the metaphysical question, that follows and does not precede, ontology. Not being able to develop this argument here, which has a long tradition that needs to be significantly revisited¹¹, it can be observed that bioethics can not forgo the ontological discourse, because it has to do with the transformation of the experience put to use by technology and experimental sciences. Experience conduces to the empirical dimension of human existence, where the reference to the corporeal dimension of man remains central and unsurpassable. Bioethics therefore requires *realistic* anthropology and ethics, aware of the temporality and historicity of human existence, the complexity of the link between mental and physical, the plurality of the good at stake in the different phases of human existence. Before, as it were, establishing a norm and deciding the priorities for action, what is needed is a phenomenology of human that takes into account that *who* man is, is always an expression of *what* man is. Without an ontology of man one can not understand that there is basic good, such as life, that is a necessary condition for the acquisition

of other good, other values, such as health, friendship, freedom and so on. Ontology is not biology: they are two different disciplinary perspectives, although complementary, because the ontology of what is living has to do with biology and the same scientific biology requires an adequate ontology of what is living in order not to become pure experimentalism. Yet it is precisely *bioethics* that seems to forget this connection when it places at the center of its reflection the notion of *person* in its purely psychological acceptance —of Lockean origin— and therefore de-ontologised, and contrasts it to that of human being. Going beyond appearance, as is now evident from the spread of the personalistic theses of Peter Singer¹², each functionalistic notion of the person brings two effects: it enhances psychic subjectivity, however it is manifested, eliminating ontological differences —which are also corporeal, physical, biological differences— between living species, and introduces within the *human species* the discrimination of values between the phases of time and human health: human beings at the embryonic stage, fetal, neonatal, or with pathologies which prevent the exercise of reason and the so-called higher faculties, are excluded from the category of person therefore deprived of their rights and property, starting from the basic right to life. The aforementioned meta-category of the quality of life arises, in fact, starting from the person as a psychic subject able to decide for himself and others. Therefore, the theoretical fallacy of this model has its foundation in the elimination of every ontological reflection and in the alleged impossibility of building a unique moral philosophy, although not univocal. A phenomenology of human, whoever it is implemented by, can, in fact, only highlight the constitutive priority of the ontological condition compared to the psychological one. The analogous and functionalistic notion of the person prevents the recognition of differences between people, whether human, divine, angelic, extraterrestrial or animal. Such a person is not

11 It would be sufficient to mention the controversial concept of human nature: it is evident that the nature of man, implying freedom, has an indeterminateness specific to no other living thing, so it is easier to establish the ought to be of what is living —as it is determined by its being— rather than the ought to be of man who, thanks to his own freedom, can shape his own future and even come to deny the normativity of his own "nature". The need for philosophical reflection and the search for truth is linked to the "fact" that man unlike other beings, does not fully become himself without knowing who he is and why he is in the world.

12 For an examination of the theses of P. Singer, cf. Pessina A., <<Barriere della mente e barriere del corpo. Annotazioni per un'etica della soggettività empirica>>. Pessina A. (ed.) Paradoxa. Etica della condizione umana. Vita e Pensiero, Milano 2010, 199-243 and Pessina A., Biopolitica e persona. "Medicina e Morale. Rivista internazionale di bioetica", 2 (2009), 239-253.

born, does not grow, does not fall ill, does not sleep, does not effectively in itself exist, just as the Cartesian I think does not exist or the Kantian transcendental ego. What really and concretely exists is the *human person*, a corporeal becoming being that is conceived, develops, is born, grows, thinks, desires, falls ill, and dies: and all this does not take place without the body.

The univocal concept of *human person*, whose semantic extension can not be different from that of being human, is therefore more necessary than ever if one wants to understand the values of the human, that also have to do with his corporeal dimension. But no less fallacious than the theory of the quality of life is the opposite model which attempts to set life as an absolute value, abstracting from the dual fact that the term life, however analogous, does not simply qualify man, and forgetting, in addition, that the notion of *absolute* implies the affirmation of a single value, which is false, as shown by the conflict between the values that arise wherever man must make a choice. Not only are there many values, from health to beauty, from useful to love, but what in reality is morally *absolute*, i.e. not comparable, not marketable, not negotiable only as a pure means, is man himself, the human person. And in fact historically, the notion of human dignity has been used to indicate this ontological value that comes before, as it were, the relative value of human behaviour. There are actions unworthy of man because man is the being which has in himself a dignity that can be undermined by his actions, but not from his being. Phenomenologically in fact, the plane of values has historically been recognised in a more or less adequate manner, precisely from a comprehensive reflection on man and his complex relationship with the reality in which he lives and acts. The prohibition to kill man and the duty to respect it, in fact, were broadened and consolidated the moment that the ontology of man allowed to evade the moral conceptions related to the pure dimension of political citizenship and a more adequate understanding of equality among men was reached: the Universal Declaration of Human Rights has tried to settle the ontological question with the political one, thereby laying the foundations for a global perspective receptive to a

universal perspective. The reference to human ontology is therefore a prerequisite for bioethics to come out of the impasse of the dilemma of modernity and fully recover its regulatory duty in the field of sciences and biotechnology.

4. Pluralism denied

A careful analysis of bioethical literature reveals the presence of a "stone guest" that strongly influences it and makes it much less independent than one may think. I intend to refer to the theoretical model of liberal thought, referred to as the point of no return of Western democracies simply because placed in opposition to forms of totalitarianism, judged, rightly as unacceptable. Therefore, it should be noted that the dual reference to the primacy of the person as a psychic subject and the negotiation process as an argumentative model in bioethics, are strictly functional to a free market that does not want to have any restrictions and is an economical source, whether good or bad, for scientific research. On close inspection, the goal is to downscale the critical role that bioethics had exerted when it began to raise fundamental questions as regards the sense of development and experimentation. In the name of ethical agnosticism, that fights with words the idea of a universal and unique ethic, a universal and univocal language is effectively being consolidated which poses as dogma the prohibition to forbid any action which is simply the result of individual choice and freedom. We are witness, thanks to international organisations that extend their power beyond all national boundaries, to a globalisation of customs which effectively belies the thesis that it is precisely liberalism, and bioethics that follow its steps, to respect the pluralism of ethical positions. The liberal view—that many bioethics take today—is that there is always too much governance: so both in terms of laws, and also as regards moral imperatives there is the tendency to deny that there is a need to exercise prohibition, substituted by the "permissible" model based on free consent. In the economic field this thesis is based on the assumption—which is today being factually challenged by the severe crisis—that the free market guarantees the best of all possible systems,

which is capable of allowing freedom for everyone. This thesis conveyed in the bioethical debate is expressed by the idea that any prohibition results in the impoverishment of scientific research and the conviction that all restrictions on the exercise of freedom constitute a loss, which is to be avoided. Within the ethical perspective, in reality, prohibition is intended first of all to indicate the value which should be protected. From the logical and ethical viewpoint prohibiting is designed to prevent what is considered good and dutiful from being destroyed. The limitation imposed on freedom derives from the fact that every free action can become in terms of content good or evil, depending on how it is exercised. Prohibition has a primary function as a signal, highlighting the content that freedom should respect: prohibiting murder implies, in fact, recognising the value of existence, prohibiting theft means recognising the value of private property. There is no possibility of promoting life and virtues without involving prohibitions: every choice is also always a negation. After all, the opportune motto "It's forbidden to forbid" is confirmation of the non-transcendible nature of prohibition, even in the liberal oxymoron. Freedom remains the same whatever the consequences and for this reason can not be taken a priori as an unconditional value. Moral norms, like laws, establish boundaries to actions, but if the normative aspect of the category of truth is dissolved, each imposition and prohibition takes on the character of violence and falls into the dimension of injustice: ethical agnosticism —and ethical non-cognitivism— therefore provides the liberal model with a very strong side to the line of permission and consent. If one can not determine the truth or falsity of a moral evaluation, then one must leave the choice up to individual freedom. At first sight this seems to appear a pragmatic solution, capable of protecting pluralism and fostering tolerance. However, this deception is not destined to last for long, firstly for a logical reason even before an ethical or political one. Indeed, not all possibles are compossible with each other and at a certain point, wherever opposing and contradictory choices are allowed, one of the two eventually prevails over the other. In the long run legislation will not hold up when faced with two contradictory

lines and as a result will eventually favour one: in this way, however, since the decision is not supported by any decisive argument, given the framework of so-called agnosticism, the result will be that both parties of the conflict will feel victims of an injustice. Social contradictions are often the result of logical contradictions that burst into the history of man. One need only think of what is happening regarding issues such as abortion and euthanasia: if both are set out or even merely "felt" as a right, those who are opposed and do not collaborate in their being implemented are perceived as subjects who infringe a right, restricting the freedom of others and their choice is branded as immoral and illegal. In fact, in time, all purely permissive positions are transformed into impositions and tend to eliminate one of the two opposing possibilities. In this way so-called ethical pluralism, that was to be guaranteed precisely by agnosticism and liberalism, remains, so to speak, only on paper. This is inevitable because ethical pluralism, is in principle a feasible value only in a framework in which the choices are morally compossible and therefore able to express, through different modalities, the same dimension of values. Agnosticism ends up imposing the perspective that simply has the greatest social and cultural consensus, increasingly reducing the space for pluralism itself —this, it must be said, can also apply for traditionalism if it claims to impose itself in the name of "it has always been done this way"—. With no clear cognitive identification of the boundary between what is good and what is bad, the final word goes to politics and law, which in themselves are not guarantors for ethics, as recalled by the conflict that emerges from as early as *Antigone* by Sophocles.

It should therefore be clearly stated that it is precisely in the promotion of bioethics, that does not renounce being a moral philosophy capable of debating the differences between what is good and what is bad, that there can be development and defense of a pluralism of choices and forms of compossible life, able to overcome the totalising and discriminatory temptations of liberal agnosticism.

The uniqueness of bioethics of content is by no means an enemy of the plurality of the expressions of

good. Moreover, if one wants an intuitive example of how the uniqueness of true and good, can promote the plurality of its expressions, it is sufficient to refer to the diversity of charisms and religious expressions that are compatible with Christian orthodoxy. The numerous religious orders in the Catholic faith are an example of the pluralism of values, each one of them runs the risk of breaking the unity of faith, if they can not identify the boundary that flows into heterodoxy, but together they express the richness of orthodoxy.

Ethical pluralism is certainly to be safeguarded, but it flourishes only within awareness of the multiple values to be protected, which are mutually compossible and even complementary. The plurality of the practices of care and assistance is compatible with good medicine and there can be different modalities to deal with the same disease, depending on place, time, and age of the patient. But there is always a boundary that risks being surpassed and upon doing so care becomes abuse or therapeutic abandonment. What determines the difference? Knowledge does, certainly not a decision. In fact, if one can establish a necessary connection from the logical point of view between what man is and what he has to become, one can understand why evil is also a falsification of the human condition. Bioethics, as a

philosophical endeavour, whoever it is implemented by, will still have a future and a sense if it can preserve its critical autonomy and avoid being the *ancilla* of transient political and cultural models.

References

- Benussi A., *Disputandum est. La passione per la verità nel discorso pubblico*, Bollati-Boringhieri, Turin 2012.
- Jonas H., *Dalla fede antica all'uomo tecnologico*, trans. it. Il Mulino, Bologna, 1991.
- Juvalta E., *I limiti del razionalismo etico*, edited by L. Geymonat Einaudi, Turin 1945
- Pessina A., "Barriere della mente e barriere del corpo. Annotazioni per un'etica della soggettività empirica" in A. Pessina (ed.) *Paradoxa. Etica della condizione umana*. Vita e Pensiero, Milano 2010.
- Pessina A., *Biopolitica e persona*. "Medicina e Morale. Rivista internazionale di bioetica", 2 (2009), 239-253.
- Pessina A., *Bioetica. L'uomo sperimentale*. B. Mondadori, Milan 2006.
- Singer P., *A Darwinian Left. Politics, Evolution and Cooperation*, Weidenfeld & Nicolson, London 1999.
- Taylor Ch., *Il disagio della modernità (The Malaise of Modernity)*, trad.it., Laterza, Roma-Bari 2006.