

Morality and Life

Kantian Perspectives in Bioethics

Edited by

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Preface

Life and Morality?

Darlei Dall'Agnol and Milene Consenso Tonetto

This book is the result of a congress on the Moral Philosophy of Immanuel Kant (1724-1804) and its applications in current bioethical issues held at the Universidade Federal de Santa Catarina (Brazil). Most of the papers were then read at the V Meeting of CIK (Centro de Investigações Kantianas), in August 2014, Florianópolis. Thus, we would like to thank all the participants for their presentations, comments, suggestions, criticisms etc. whether their work is included here or not. Thanks mainly to FAPESC (Fundação de Amparo à Pesquisa de Santa Catarina) and CAPES (Coordenação de Aperfeiçoamento de Pessoal de Ensino Superior), two Brazilian research agencies, for their financial support in making all this possible, including the publication of this book. Thanks also to the Programa de Pós-Graduação em Filosofia for helping us with tickets, accommodation etc.

The main purpose of this book is to discuss a particular normative approach to bioethical issues, namely the deontological theory based on Kant's ethics – and its main interpreters such as Onora O'Neill – and some of its contemporary developments as they appear in the work of Kantian philosophers such as Richard Hare, John Rawls, Ronald Dworkin, Jürgen Habermas and many others. The goal is to offer a critical assessment of these Kantian views on the value of (or right to) *life* and its relation to *morality* and afterwards to apply them to particular bioethical issues such as abortion, suicide, assisted suicide, euthanasia, patient's rights, genetic engineering, negative and positive eugenics, biopolitics and so on. No doubt, these issues are of everyone's interest and we hope to make a contribution to the public discussion concerning these vital questions.

We have divided the book, perhaps artificially, into two parts. The first is composed of five papers dealing more directly with Kant's eth-

ics or its interpreters while at the same time discussing issues we today call “bioethical” such as suicide, but also topics that were not advanced by Kant himself such as euthanasia. Despite the fact that not all the authors agree with Kant on these topics, most papers make first a fair reconstruction of his views in order to discuss them critically. They include a discussion of Kant’s interpreters such as Onora O’Neill and the way a more orthodox Kantianism can be applied to bioethical issues. Thus, let us present these works.

In the first paper, JOSÉ NICOLAU HECK considers man’s destination from Kant’s perspective and in light of this he examines the arguments the German philosopher raised against suicide. The paper presents an overview of these arguments taking into consideration several of Kant’s works from pre-critical texts to his later notes on this subject, including the *Groundwork*, the *Critique of Practical Reason* and *The Doctrine of Virtue*. This gives us, from the very beginning, a panoramic view of what Kant thought about life’s ends and the end of life. Heck’s conclusion points to a difficulty relating to Kant’s legacy, namely whether we can make sense of the main “natural” assumptions it makes regarding man’s destination to morally forbid suicide.

Along the same line of thought, the paper by THOMAS MERTENS discusses the idea that Kant’s moral views entail an absolute respect for human life and are incompatible with present day practices such as *abortus provocatus*, assisted suicide and euthanasia. Mertens starts with a brief overview of the present day legal understanding of the right to life and then investigates the way Kant values human life, especially in connection with his views on suicide. He argues that when life and morality conflict, Kant gives priority to morality. Finally, he draws attention to the contemporary issue of whether the right to life implies the right to die, and to the question of whether Kant could give us some guidance in this complicated matter. According to Mertens, that this issue cannot be solved once and for all is testified by a recent case in the UK in which the right to die as part of the right to life was claimed in vain.

The paper by CINARA NAHRA starts by examining Kant’s reasons to forbid suicide and to consider the preservation of one’s life a perfect duty. The main reason, according to her reading, is that suicide is incompatible with life’s main purpose, but it does not follow that life has absolute value. Only morality is intrinsically and absolutely valuable. The author then consider cases where taking one’s life would be

permissible, namely when the act is not motivated by self-love. Finally, Nahra uses Kant's views on suicide to discuss contemporary issues related to euthanasia arguing that the German Philosopher would not favor it for similar reasons. Then, Nahra holds that this is a positive aspect of Kant's moral philosophy, urging people to do everything possible to keep themselves alive.

In his contribution, MARCO ANTONIO AZEVEDO discusses whether the concept of patient autonomy (and the so-called "principle of autonomy") in current bioethics is well grounded in Kant's Moral Philosophy. He argues that this is not the case. According to him, Kant's concept of autonomy is based on the concept of "good will," a capability that turns a rational being into an "end in itself." Therefore, patient's autonomy in present day bioethics is best viewed as a legal notion. According to Azevedo, it applies not only to "rational" beings, but also to infants and the elderly with severe mental disabilities. He claims that the idea of patient autonomy in bioethics is best encapsulated in the Hohfeldian notion of "legal power". Moreover, he argues that right-based accounts of patient autonomy are compatible with Kant's idea that in the kingdom of ends rational beings "are raised above all price" and have, therefore, "dignity", a kind of intrinsic value.

In the last paper of the first part, MILENE CONSENSO TONETTO also discusses whether autonomy in current bioethics is derived from Kant or from other philosophers such as John Stuart Mill. The author points out that Onora O'Neill, one of the best scholars of Kant working with bioethical issues today, has shown us that the conception of individual autonomy in present day bioethics, understood as independence, is more related to Mill's works and to twentieth-century conceptions of character. O'Neill has also claimed that individual autonomy is ethically inadequate for bioethics and that it undermines relations of trust. She has developed a Kantian non individualistic view of autonomy called "principled autonomy." Tonetto's paper scrutinizes this conception of principled autonomy and discusses whether it is able to provide a basis for relationships based on trust and rights. She demonstrates that individuals committed to principled autonomy also take into consideration individual autonomy. So the paper shows that O'Neill does not deny the importance of defending individual autonomy and informed consent in bioethics but that these two elements are implicit in principled autonomy.

The second part of this book is composed of papers dealing with

views contemporary Kantian philosophers such as Richard Hare, John Rawls, Ronald Dworkin and Jürgen Habermas developed using Kant's Moral Philosophy. The main idea of this part is to present some bioethical issues such as abortion and euthanasia, but also genetic engineering and eugenics etc. as they are viewed by present day philosophers working within a Kantian perspective.

In his paper ALCINO BONELLA discusses the contributions Richard Hare made to bioethics, especially the difficult issue of whether infant euthanasia is morally permissible. Before scrutinizing this bioethical problem, Bonella sorts out the main metaethical features of moral language, namely prescriptivity and universalizability, showing that Kantianism and Utilitarianism are normative ethical theories that are not incompatible. In order to achieve this aim, he reconstructs three requirements to decide the problem, namely consequentialism, welfarism and aggregationism. Calling attention to the distinction between critical and intuitive levels of moral thinking, Bonella then argues that Hare would favor euthanasia in the case of seriously ill or disabled newborns such as babies with Tay-Sachs or Lesch-Nyhan diseases. This would be required by the logic of moral language and by the natural facts involved in these cases.

In his contribution DARLEI DALL'AGNOL argues that John Rawls' theory of justice as fairness undoubtedly has many Kantian elements, especially its principle of respect for persons. Nevertheless, when Rawls considers whether the parties in the Original Position should ensure for their descendants the best genetic endowments, he seems to come up with a consequentialist answer: they would consider the greater abilities a social asset to be used for the common advantage. Therefore, they would favor eugenic policies. In this sense, the author argues that deontology and consequentialism may not be incompatible. Dall'Agnol then applies Rawls' principles of justice to what can be called "3P fertilization," which implies the use of genetic engineering in human egg cells to prevent defects. This is a form of eugenics. After considering objections, the author holds that we have no sound arguments to be against it. Afterwards, Dall'Agnol analyses the case of the Brazilian Biosafety Law which forbids this process showing that, if Rawls is right, this law like many others around the world, for instance in the UK, are morally unjustified and must be changed.

The chapter by ALESSANDRO PINZANI deals with the relationship between the artificial and the natural in current discussions of bioethical

issues such as eugenics. The author analyzes the views held by Habermas and Dworkin on this subject pointing out that both fall into inevitable difficulties while discussing genetic manipulation. According to Pinzani, both philosophers share the perspective of an individual worried about her own personal identity using a somehow Kantian argument to deal with eugenics. Habermas decides, however, to move towards a wider perspective, namely that of the ethical self-understanding of the species. Pinzani argues that by doing so he leaves the terrain of a Kantian morality and reformulates such questions as ethical matters in a Hegelian sense. The author concludes that despite the fact that Habermas' arguments still remain unconvincing, his strategy might represent a promising way of dealing with the moral problems raised by genetic technologies.

In his paper, DELAMAR JOSÉ VOLPATO DUTRA holds that Ronald Dworkin believes he can solve the disagreement on the issue of abortion considering the intrinsic value of human life. Dworkin seems to leave aside questions related to whether the fetus is a person and has moral rights or interests because these notions are supposedly flawed. According to Volpato Dutra, given that the notion of intrinsic value is also controversial, Dworkin maintains that abortion is permissible. In his contribution, the author then criticizes Dworkin's approach to bioethical issues holding that the view he neglects, namely the one based on rights, is more consistent because it considers the personhood of a human life from the very moment it is conceived. It is also more coherent since it gives a clear account on homicide and other exceptions. Volpato Dutra concludes that using other writer's perspectives, we can "reinterpret" Dworkin's view on abortion as based on rights and not on the intrinsic value of life.

Last but not least, the chapter by ALBERTO PIRNI and ROBERTO MORDACCI explores the issues of intersubjectivity and respect reformulating the Categorical Imperative from a contemporary personalist point of view. Central to their view is Kant's idea of the kingdom of ends interpreted as a teleological notion based on a phenomenological redescription of our ordinary moral concepts. In order to accomplish their aims, the authors first deal with Kant's supreme principle of morality rephrasing it in terms of *respect for persons* transforming both the concept of 'respect' and the concept of 'person'. After exploring a communitarian reading of this principle, Pirni & Mordacci apply it to the issue of euthanasia holding that it is morally wrong to take directly

and positively a person's life.

Having presented each chapter, let us finish this preface thanking again everyone who made this book possible, especially Alberto Pirni, the editor of *Boulé*, and Kim Butson for helping revise the grammar. We would finally like to thank CAPES/NUFFIC for supporting the scientific cooperation between UFSC and the University of Njmegen. We hope the book will bring some contribution to current discussions on bioethical issues. It is almost unnecessary here to point out how vital these problems are in our *lives* and so how important it is to reflect *morally* on them. Whether morality must take priority over life or the other way around is an open question. We invite the reader to reflect carefully on this issue while reading each chapter.

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