



Autonomy, pluralism and the refusal of blood transfusion by Jehovah's Witnesses: a philosophical discussion

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Abstract

This paper presents a philosophical discussion about the relationship between the principle of autonomy and pluralism when considering decision making about others' lives. This study considers decisions that are based on personal moral values using the case of Jehovah's Witnesses as an example. Judicial decisions proffered by Brazilian judges who authorize hospitals to conduct medical procedures against these patients' will, even when they are able to make autonomous choices are analyzed. The discussion ponders these uncalled for sentences with the intention of showing that beyond the requirement that a conscious and free decision should be made, a moral evaluation of the decision's content is also made. It concludes that according to the principle of autonomy, the presumption of the existence of a plurality of values leads to different conceptions of good, some of which are widely accepted and others repudiated.

Key words: Autonomy. Cultural diversity. Morale. Jehovah's Witnesses. Judicial power.



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The assumption of existence of plurality of values underlines the autonomy principle that conveys different conceptions of good, which John Rawls denominates as *fact of reasonable pluralism*¹. Some conceptions of good are widely accepted. Others are repudiated. According to Rawls, a *democratic society is not and it cannot be a community, understanding as community a body of individuals united by the same encompassing or partially encompassing doctrine*. The fact of reasonable pluralism that characterizes a society with free institutions turns this impossible. This fact consists of deep and irreconcilable differences in religious and philosophical conceptions, reasonable and encompassing, which citizens have of the world, and in idea that they have of moral and aesthetics values to be achieved in human life². Rawls conceives his theory of justice thinking on a democratic society. Since this is a feature that one intends to attribute to Brazil, at least in this point it is fit to use the concept of fact of reasonable pluralism, as formulated by him.



This paper is a Philosophy article that takes the instead of acting as many philosophers who reaction to the refusal of blood transfusion by intended to prove the possibility of morality, Jehovah's Witnesses as exemplary to show the he retakes the forgotten question, according violation of the principle of autonomy at the to him, on the possibility of amorality. allegation that a medical procedure must be undertaken against the will of an adult, capable, Williams presupposes that morality and and lucid patient, that is, of an autonomous amorality exhaust the logical space related to human being. The confusion between the right moral evaluation of human actions, he evidences and duty to life is one of the elements the impossibility of amorality and, thus, that contributing to this violation. It discusses the morality is constitutive to human being. The two factual difficulties for the recognition of philosophers are taken as starting point for the autonomy when there are diverging and philosophical reflection. Given the possibility of significant moral values, as to evidencing that morality, according to Williams, the question not taking pluralism seriously conveys to non arises regarding intentionality of moral recognition of human beings as effectively judgments, according to Nietzsche. autonomous.

In order to contextualize these Nietzsche's genealogic method is used to analyze what assumptions, legal decisions expressed by some take as limits to the principle of autonomy as a Brazilian judges authorizing health consequence of the veiled non-acceptance of the fact professionals and hospital institutions to of pluralism. Nietzsche's genealogy consists in undertake therapeutics procedures against replacing questionings about what is a concept for patients' will, who are in condition to questionings on the moral motivation to create choose autonomously are analyzed – concepts. According to Deleuze³, the question "what is aiming at showing that, beyond the x?" is replaced by the question "who created x?", in requirement that a decision should be which x equals to a concept. With this, made in free and conscious way, there is the subject that investigates on a moral evaluation of its content. concept, and not the concept itself anymore, becomes the subject of **Method** investigation.

In order to raise pertinent cases to the Nietzsche⁴, when analyzing morality as analysis, jurisprudential research was human being's constitutive element, in the carried out during August 2010, in meaning later used by Bernard Williams⁵, Brazil, in the sites of state, regional replaces questioning on content of concepts courts, in the Superior Tribunal of by questioning related to motivation for Justice and at the Federal Supreme attributing certain values to moral values. In Court. The coverage period depends on the the first chapter of Morality, Williams, available material at each site. The oldest decision is dated of June 2003, and the most

recent, of May 2010.

Research was carried out, firstly, with the words *witness and Jehovah*, and next, with the words *transfusion and blood*. After eliminating decisions not dealing with the blood transfusion in Jehovah's Witnesses topic, it were found twenty four decisions originated from nine units of the Federation: Rio Grande do Sul, Parana, Sao Paulo, Rio de Janeiro, Minas Gerais, Mato Grosso, Goia- nia, Para, and Federal District. The discussing, in philosophical terms, what case of Jehovah's Witnesses is exemplary, motivates Law operators and health professionals to consider that some share values related to what should be done to decisions made regarding own life

because, despite been Christians, they do not consider sacred. Two tasks are undertaken in this article: presenting the problem and what would be necessary to solve it, and discussing, in philosophical terms, what treatment are considered exemplary to strange to many that their refusal of show that interpretation of provisions of allogenic blood transfusion. Understanding the Brazilian legal ordainment is not what motivates strangeness contributes for neutral, as intended by those that a progressive respect regarding what decided as such. On the opposite, it seems strange. cannot be considered as morally and legally legitimate and that, therefore, it

Arguments used by Brazilian judges to is up to others to decide on such base legal decisions, particularly those issues. As the majority of the Brazilian that do not recognize patients' right to population does not share some of the autonomously decide on their medical Jehovah's Witnesses beliefs, it seems treatment are considered exemplary to strange to many that their refusal of show that interpretation of provisions of allogenic blood transfusion. Understanding the Brazilian legal ordainment is not what motivates strangeness contributes for neutral, as intended by those that a progressive respect regarding what decided as such. On the opposite, it seems strange.

derives from a special morality conception that, given the fact of Here is the formulation of the problem: we reasonable pluralism, does not justify, in live in a layman country, where human imposing manner, philosophically or beings from different beliefs and values legally. Eventually, we are judged by socialize. Eventually, we are judged by human beings with beliefs and morally

One should highlight that this work does not values different from ours. One questions if consist in advocacy of Jehovah's Witnesses the recognition of human beings as values and beliefs, but in philosophical autonomous, associated to the fact of discussion on the relation between the principle pluralism and recognition of the necessity of autonomy, the fact of pluralism, and undue respecting pluralism, it is compatible that decision making on someone else's life based in moral values singular to judges influence in own moral values, the decision they made regarding someone else's life.

Cases are legally discussed in Brazil because Brazilian legislation. Brazilian judges use, health professionals' reaction who do not basically, two arguments: one that justifies respect Jehovah's Witnesses patients' will the obligation and the other that justifies the who refuse blood transfusion, for religious possibility of refusal of blood transfusion. reasons. In face of this, often, member of *Prevalence of tutorship of life over their* the Judiciary Power confer power to *religious convictions*⁷ because the Federal health professionals in order to make *Constitution preserves, first of all, as primary,* decisions on someone else's life based *inviolable, and preponderant good the life of* in their own moral values. Disrespect in *citizens*⁸ is the main argument used to these circumstances is perceivable in justify that Jehovah's Witnesses may be two ways: when professionals request forced to receive allogenic blood legal authorization to undertake the transfusion. The recognition that *life cannot* procedures that patient refuses; and *be encompassed only in its biological* when they force the patient to request sense, *but also, certainly, in the moral* legal protection in order to not be *sense and that what it is said regarding to* submitted to medical procedure against *exclusive and intimate relationship of the* his will. It should be stressed that *individual with himself (...)* cannot be medical issues are under discussion, but *submitted to state intervention without the* rather moral ones.

The second task consists in discussing existence of autonomy of human being, given certain alternate procedures to blood transfusion. In this conditions, is the main argument used to point, two distinct questions would need to be made: justify that Jehovah's Witnesses cannot one in relation to procedures existing in the world be forced to receive allogenic blood and the other related to procedures available in the transfusion.

country. In case of unavailability of a procedure in Brazil, despite the fact that it exists in other country The issue of refusal of blood transfusion by or countries, one should ask if the reasons for such Jehovah's Witnesses involves moral values non-existence are technical, economic, or simply so rooted in the Brazilian culture that many due to the fact of not attributing importance to the do not even realize that respect for these problem that affects around 1.1 million people in the values does not have anything of necessary. country⁹. It is fit to health Professional to clarify on Nietzsche's genealogic method evidences existing and available techniques that Consist in the moral reasons for decision making and alternative to blood transfusion.

Next, one should ask jurists which conditions and limits for recognition and exercise of autonomy established in the

Nietzsche, our moral prejudices, that is, the set of moral values that is proper to us, cannot be used as basis for decision making related to other people's life. The suitable

formulation of problems to be discussed and the decide, based in technical information, how indication of the course for their solution are the he wishes to continue living.

tasks of Philosophy. Thus, some questions

are formulated and those with In Brazil, the discussion takes place not competence to provide technical only within the hospital scope, but also in information to answer them, without the Judiciary Power. The reading of legal nevertheless, to intend, effectively, to decisions in courts' sites shows that many solve the issue in this article.

judges are authorizing, unduly, medical procedures that are contrary to patient's will. The main argument consists in considering the right to life as absolute and unavailable. In this context, physician's duty of treating would correspond to patient's

A significant change initiates, in the obligation in admitting to be treated. The 1970s, in the physician-patient recognition of autonomy requires that the relationship that ceases to be a practice of those in position to judge takes subordinate relationship, in which place in accordance to such principle. Patient's physician, holder of technical autonomy must be acknowledged both by knowledge, decides about procedures to health professionals and by judges.

be adopted due to the assumption that

the technical knowledge is the crucial element for decision making in clinical book *Principles of biomedical ethics*, published in cases^{10,11}. The physician-patient linking the 1970s, replace the *principle of respect to the* begins to be understood as a relationship in *individual*, as formulated in Belmont's Report which it is up to each party to act according to¹³, by the *respect to autonomy* establish a what is his competence.

basic change in characterization of subject,

who begins to be taken as active. The

To physician is fit to guide and provide requirement of respect to the individual technical information necessary for regards all of us, who must act with respect in patient's decision making about relation to the other. The recognition of his own life, when he is in autonomy requires that to be condition to do this. It is not autonomous clarifies the terms of his anymore to physician to decide. autonomy. E And in order to exist Paternalism is not possible when respect to autonomy is necessary to patient is acknowledged as treat those acknowledge as autonomous being. Issues related to autonomous in accordance with his treatment cease to be considered just moral values.

as technical. There are distinct ways of

living, equally possible and legitimate, in the This change of position does not occur in neutral sense of being compatible with reasonable way. On the contrary, it derives from the pluralism. It is fit to patient to

concept of human being that consists, partially, that *there is not necessity of judicial* in what it is expected from human beings. One *intervention*, since the health expects that human beings give meaning to their lives *professional has the duty of, in case* and, for it, to adopt concepts of good. Paternalism of *eminent risk of life, to undertake all* imposes externally a concept of good. Autonomous *need diligences for patient's* human beings refuse paternalism. The change in the *treatment*.

concept of human being imposes changes in the world.

In the case under issue, it imposes that This statement seems absolutely correct. decision made by others regarding their own Health is constitutionally assured in its lives that, eventually, we would never make in universality and integrality, according to relation to our own.

Articles 196 and 198 of the Constitution of the Federative Republic of Brazil

A judge from the State of Rio Grande do Sul High Court, judging in 2007 the request of a hospital institution to undertake a blood transfusion against patient's will, who is a Jehovah' Witness, *independently of hers or her family* states that *the medical professional has consent*. In summary, the decision sets that *the duty to treat the intern, in case of life's risk, independently of his consent* physicians may undertake whatever they want with their patients, without the later been able to disagree and, in the case under issue, with the procedure to be adopted and issues referring corroborates the hospital institution to medical procedures cannot be taken to courts, author of the suit, for which *religious* since the physician's duty has as consequence the *freedom cannot harm the right to life*¹⁴. patient's duty to allow been treated.

The appeal was not judged due to the understanding that *it lacks procedural interest* One highlights that the other judges voted with the *to the hospital in suing a request to get reporter*, confirming the understanding in issue. The *jurisdictional authorization determining the patient to submit herself to blood transfusion*. right of the hospital institution to act in accordance with what seems to it as best for

Here is the first part of the decision, which states the patient.

that it is not fit to hospital legal request to undertake a procedure against patient's will. In the One of the bases to authorize continuing, the decision shows, physicians to undertake procedures however, a veiled judgment of the merit, against patients' will is the by stating constitutional protection of the *right to life*. Without any justification, *right* is read as *duty* and it goes from assurance to the right to life to the obligation of living, which means that

there is not protection of human beings' life by legally accepted. the State, but imposition of the duty to life to all. According to such interpretation of the We must ask ourselves, according with the constitutional provision that aims to protect genealogic method, for the reasons that human beings form the others, we are forced some have to consider that we cannot to live. However, if there was such dispose of our lives. There are not legal obligation, there would not be just reasons. There are, however, religious homicide, as well as suicide would be reasons. According to Christian orthodoxy, typified, that is, describe as crime in the life was given by God and only Him can Penal Code.

take it away, that is, life is an untransferable

and irrenunciable good because it does not

Similarly, the Ordinance MS/GM 1,820/09¹⁶ belong to us, but to God. would be unconstitutional, at least, in its

provisions that assure to every individual Peter Singer discusses the Christian origin of the information related to different the sacred character of human life, in the therapeutic possibilities in accordance with chapter "What there is of wrong in killing? In his clinical condition, based in scientific the Ethics practice¹⁷. If we refuse the evidence and in the cost-benefit relation of statement that life does not belong to treatment alternatives, with right to refusal, each of us and if we do not take life as certified in presence of witnesses; (...) the sacred, that is, if we do not impose right to the choice of treatment alternative Christian values to all inhabitants of a when there is, and to consideration of layman country, there are not reason refusal of proposed treatment, as foresees to force anyone considered as Article 4, in items 9 and 11¹⁵.

autonomous to undertake a procedure

that seems to him undesirable,

If this emphatic determination was not enough, the next independently of what motivates the article also assures that every individual must have his refusal. In a layman country, in the values, culture, and rights respected in relation to legal scope, it is not up to others but to health services, ensuring him (...) V – the free, the individual himself the ownership of voluntary, and clarified consent to any diagnosis his body. In this sense, Article 6 of procedure, preventive or therapeutic, except in cases mentioned Ordinance MS/GM 1.820/09 that lead to risk to public health, considering that sets forth that every person has the responsibility in previously given consent may be revoked at any time, order to his treatment and recovery are suitable and by free and clarified decision, without attributing moral, without interruption. Single Paragraph: In order to finance, or legal sanctions to the individual. From enforce provision in the text of this article, people what is set in the constitutional text one infers shall: (...) V – assume the responsibility for the refusal that reading constitutional provisions that of procedures, recommended exams or treatments assure the right to life as limiting of autonomy and by the non-compliance to guidance from the is not a neutral attitude and either can be health professional or health team.

We have the right to life in regards to as something dependent of each individual if others in sense that others cannot take our lives. we suppose that different forms of possible life However, there is not anything that establishes are equally moral.

the existence of the same duty for each living

human being in relation to himself. The religious There may be lives that are not worth living. For understanding that life belongs to God is valid many, a vegetative life or with few and limited only for those believing in this. Everyone should movements is this kind of life. For others, be respected according to his beliefs. As one carrying out actions that are contrary to reads next, when dealing with moral prejudices, precepts of religion which they follow according to Nietzsche, the judge cannot decide also conveys this situation. To about someone else's life based in his religious recognize that the value of a human beliefs or in his moral prejudices. On reverse, he life, in the sense that each individual must take in consideration the values of those who have their lives decided by other.

attributes a value to his own life, is a decisive step for recognition of the

human being as autonomous.

If we do not attribute a sacred character to the Autonomy means not only to be able to human life, we realize that it is not a good in dispose over own life, in the biological itself. The understanding that human life, in sense, as, equally, be able to dispose on biological sense, is sacred, it is so the value and meaning that one impregnated in the judging spirit that many attributes to his own life. The next step state that life is higher good tutored by the requires that one rethinks the value attribute Federal Constitution. This does not have any to beliefs which we do not share.

textual basis. Life is among other protected

goods by the Constitution and it has an instrumental value.

Life is our most valuable instrument because it allows that everything else may be used as instrument. Thus, it is an instrument. Nobody wishes to be alive if he is not able to do something that justifies and gives meaning to his own existence. And it is not up to third parties to establish what gives meaning to others existence. One does not wish to be alive for being but for what one can do being alive. The value that we attribute to what we do derives, inclusively, from our beliefs. It is only fit to speak in attribution of meaning to life

Jehovah's Witnesses' beliefs and acceptable treatments

Four biblical passages are mentioned to justify, from religious standpoint, the refusal of blood transfusion by Jehovah' Witnesses:

Everything that moves and has life Will be food for you, all this I give you, as I gave you the greenness of plants. But you shall not eat the flesh with the soul, that is, the blood ¹⁸.

Every man from the House of Israel or every foreigner living among you that eats blood

*whichever may be the type of blood, I will turn against this one that ate blood and I will eliminate him from amidst his people*¹⁹.

*(...) the life of every flesh is blood, and I said to Israelites: "thou shall not eat blood from any flesh, as the life of every flesh is blood, and everyone Who eat shall be eliminated"*²⁰.

*(...) that one prevents from what is contaminated (...) and from blood*²¹.

It is not fit to judge if this is or not a good interpretation of the biblical text. The fact is that it is interpreted in such way by Jehovah's Witnesses, Who refuse allogenic blood transfusions or any of its platelets and plasma. There is no consensus regarding pre-surgical autologous blood collection and storage for later reinfusion, that is, self-transfusion, a procedure refused by some and accepted by others. Both are in accordance with information services on hospitals for Jehovah's Witnesses.

The problem exists, according to several scientific articles²²⁻²⁹, in fact, just in some emergence situations. In remnant cases, there are alternative treatments to blood use equally or more effective than blood transfusion, been, however, necessary the existence of qualified professionals and availability of material for their adoption. Apparently, just three problems remained.

When blood transfusion is not part of emergence procedure, the problem consists in morality of providing a treatment that has high cost in a developing country, taking into consideration that this may mean that other people will not receive treatment, despite constitutional provisions that assure universality and integrality of health care. If it is emergence procedure, in which there is not another possibility but to undertake blood transfusion, the problem is then related to respect to patient's autonomy and to situations where it should be respected. The third problem, derived from the second, relates to

Who can decide regarding a necessary blood transfusion in a child or adolescent: parents? The child? The adolescent? From which age? To allow that children decide

Adoption of procedures without use of homologous blood, that is, the blood from someone other than receiver, involves some problems. If adult, i) availability of procedure that does not require homologous blood transfusion; ii) existence of qualified personnel that could carry out such procedure; and iii) cost of procedure. If a child or adolescent, in addition to problems pointed in regard to adults, there is the issue of who could be considered responsible for the child or for the adolescent and, therefore, capable to decide for him.

The refusal of blood transfusion by Jehovah's a life not worth living. The difficulty for many Witnesses usually is treated as a religious issue, Law operators and for many health which, for some, presents itself as unacceptable professionals is in understanding that caprice. Medical literature^{28,30-32}, however, is someone evaluates - and what is stronger, clear at indicating existence of risk for blood that has the right to evaluate – own life in transfusion or parts of the blood: virus way different from theirs. In charge of contamination, immune suppression, determining right and wrong in each infections, inclusively deriving from longer concrete case, judges often forget that nor period of internship. Additionally, in many always right or wrong are objective data cases, there are alternative procedures to blood and that they may not be in agreement transfusion which are equally or more effective with their moral values. and, in relation to many aspects, safer.

To deal refusal of blood transfusion by Jehovah's Witnesses as mere whim preferable to death. Marco Antonio Lobo reveals ignorance of medical aspects Castelo Branco, judge at the Belem 2nd of the issue and disrespect to freedom Court of Finance, states in sentence: of belief and freedom to dispose over own life and, what is ethically more serious, it consists in decision making about someone else's life based in own moral values. It is not necessary for us to understand, neither that we agree with choices made by Jehovah's Witnesses, it suffices that we recognize that the choice is rational, in the sense that is in conformity with a conception of good, and reasonable, in the sense that this conception of good is compatible with reasonable pluralism in terms proposed by Rawls.

Just as conclusion: decision making over someone else's life despite moral prejudices

There are religious commandments that prevent use of allogenic blood. The life with allogenic blood seems to Jehovah's Witnesses

Life is a biological and a moral concept.

To deal refusal of blood transfusion by Under certain conditions, life is not Jehovah's Witnesses as mere whim preferable to death. Marco Antonio Lobo reveals ignorance of medical aspects Castelo Branco, judge at the Belem 2nd of the issue and disrespect to freedom Court of Finance, states in sentence:

(...) the Medical Code of Ethics is a menu for all tastes. It serves both to justify physician that must act in case of eminent risk and for defense of those who understand that in some cases, as long as defense of patient's conscience and personality is at stake, blood transfusion should be avoided (...) the Medical Code of Ethics does not solve or points to a solution of a real case in view of its finalist contradictions. Corporatively, (...) any defense is possible before the Federal Council of Medicine (...) ³³

The same can be stated about the 1988 Constitution. The judge may give emphasis both to the fact that life be the first good list in the text of Article 5, assuring to Brazilians

and foreigners living in the Country the does not seem so serious because pluralism is *inviolability of the right to life, to freedom* not a value so rooted in society as other moral (highlights by the author) and the fact that in the values are.

introduction, in which life is not even mentioned,

Brazil is understood as being a *Democratic State*, It is a mistake to say that physician's duty *targeted to assure the exercise of social and of caring and treating patients runs from individual rights, freedom, security, and wellbeing, the obligation of patients to be treated. development, equality , and justice as supreme* The physician, deliberately, cannot avoid values of a *fraternal, pluralist, and without fulfilling his duty*. But the patient can free prejudice society, based in social harmony and the physician of doing it. The genealogic committed , in internal and international order, method reveals the origin of fallacy: the with peaceful resolution of controversies moral prejudices. According to Nietzsche: (highlights of the authors).

reflection on moral prejudices, if we do not want them to be prejudices on prejudices, presupposes a position

To choose between giving emphasis to *outside moral, some point beyond good and evil, until the right to life, which appears for the* which we have to go up, to climb, to fly – and in present first time in the text of Article 5, in case, in any case a beyond our good and evil^{35,36}.

detriment to recognition of Brazil as a

pluralist State, stated in the The intended neutrality in regards to introduction of the Constitution, reveals knowledge has been recognized long moral prejudices of the judging that ago as chimera. However, this does not considers inadmissible that others imply that moral and epistemological attribute to their own lives a distinct relativism be a load that we have to value than his

carry. The impossibility of neutrality in relation to knowledge occurs, partially, from the fact that we analyze reality from

In accordance with description of a judge of a standpoint that is not neutral. Higher Courts in his report, the *applicant* Additionally, we grow up and live in was tied to the hospital bed and forced to environments in which predominate receive transfusion. The description was certain values. The way how we see the made by the Judge Brandao Teixeira³⁴. This world is forged since the day that we are procedure, authorized by a judge, is not the description born. As societies start to recognize of what should occur in a *fraternal and pluralist society* existence of a plurality of values, often (...) funded in social and committed harmony (...) with incompatible, we need to make effort to peaceful resolution of controversies. There is recognize the different as deserving equal nothing of fraternal and peaceful in tying an consideration and respect. However, we do autonomous human being to bed in not let go our moral prejudices.

order to be possible undertaking a procedure against his Will, due to moral divergences. The disrespect for the introduction of Constitution

Moral prejudices, in Nietzsche's sense, are moral values weakens the concept of moral values proper to each of us and autonomy. One should, thus, to enlarge the influence, often without we realize it, the way statement attributed to Voltaire: *I do not agree how we learn reality. Given the impossibility of with what you say, but I will fight to death so a neutral evaluation point, there is not any way you have the right to say it*³⁷. The statement, how to free ourselves from our moral used constantly to advocate freedom of prejudices: they constitute what is essentially expression, reaffirms, equally, the right to autonomy. We do not need to be in agreement with others do with their lives, we do not need

We must make effort to think and to judge to agree with Jehovah's Witnesses reasons to despite our moral prejudices. To impose the refuse blood transfusion, but we need to undertaking of medical treatment to a patient recognize situations in which autonomous taken as autonomous is disrespect to the decisions must be respected. And, in case of principle of autonomy. Not recognizing the disrespect, we must struggle in order to fact of pluralism and to act without respect be (r)established . respecting his distinct

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Resumo

Autonomia, pluralismo e a recusa de transfusão de sangue por Testemunhas de Jeová: uma discussão filosófica

Este trabalho apresenta discussão filosófica sobre a relação entre o princípio da autonomia e o pluralismo, considerando a tomada de decisões sobre a vida alheia com base em valores morais próprios, que tem nas Testemunhas de Jeová um caso exemplar. Analisa decisões judiciais proferidas por juízes brasileiros que autorizam hospitais a realizar procedimentos médicos contra a vontade de pacientes que são Testemunhas de Jeová, mesmo quando estes estejam em condições de realizar escolhas autônomas. A discussão pondera a respeito dessas sentenças indevidas com vistas a mostrar que, para além da exigência de que uma decisão deva ser tomada de modo consciente e livre, ocorre, igualmente, uma avaliação moral de seu conteúdo. Conclui que subjaz ao princípio da autonomia a presunção da existência de uma pluralidade de valores, que acarretam diferentes concepções de bem. Algumas delas amplamente aceitas; outras, repudiadas.

Palavras-chave: Autonomia pessoal. Diversidade cultural. Moral. Testemunhas de Jeová. Poder Judiciário.

Resumen

Autonomía, pluralismo y el rechazo de transfusión sanguínea por Testigos de Jehová: una discusión filosófica

Este trabajo presenta una discusión filosófica sobre la relación entre el principio de la autonomía y el pluralismo, considerando la toma de decisiones sobre la vida ajena con base en valores morales propios, que tienen en los Testigos de Jehová un caso ejemplar. Se analizan decisiones jurídicas postuladas por jueces brasileños que autorizan a hospitales a realizar procedimientos médicos contra la voluntad de pacientes que son Testigos de Jehová, aún cuando estén en condiciones de realizar elecciones autónomas. La discusión pondera a respecto de esas sentencias indebidas con idea de mostrar que, para más allá de la exigencia de que una decisión deba ser tomada de modo consciente y libre, ocurre, igualmente, una evaluación moral del contenido de la decisión. Se concluye que subyace al principio de la autonomía la presunción de la existencia de una pluralidad de valores, que acarrean distintas concepciones del bien. Algunas de ellas son ampliamente aceptadas y, otras, rechazadas.

Palabras-clave: Autonomía. Diversidad cultural. Moral. Testigos de Jehová. Poder judicial.

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