

The Tristram Hengelhardt's bioethics: between the contradiction and postmodernity

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Abstract

The paper approaches how moral judgments can be formulated, from the bioethics and social perspective, without being material. The failure of extensive narrations entails moral fragmentation and pluralism in postmodernity. According to Engelhardt, since there are no secular arguments to settle the controversy between different moral visions, they become "moral strangers", and their differences must be settled by agreement, what implies a disenchantment of reason, and an act of distrust in its structural capacity to reach objective solutions to ethical and bioethical problems. This paper is a discussion on a topic described in Engelhardt's work.

Keywords: Ethics. Principle-based ethics. Bioethics.

Resumen

La bioética de Tristram Engelhardt: entre la contradicción y la postmodernidad

Se discute aquí cómo pueden formularse, desde el punto de vista bioético y social, juicios morales sin que éstos sean materiales. El fracaso de las grandes narraciones condiciona la fragmentación moral y el pluralismo de la postmodernidad. Al no existir, según Engelhardt, argumentos seculares suficientes para dirimir de manera final la querrela entre las distintas visiones, éstas son, entre sí, extraños morales, y tienen que resolver sus diferencias por mutuo acuerdo, lo cual supone un desencanto con la razón, y un acto de desconfianza en su capacidad estructural para alcanzar la solución objetivamente más correcta de los problemas éticos y bioéticos. El trabajo es una discusión sobre el problema descrito en la obra de Engelhardt.

Palabras-clave: Ética. Ética basada en principios. Bioética.

Resumo

A bioética de Tristram Engelhardt: entre a contradição e a pós-modernidade

Discute-se aqui como podem ser formulados, do ponto de vista bioético e social, juízos morais sem que estes sejam materiais. O fracasso das grandes narrações condiciona a fragmentação moral e o pluralismo da pós-modernidade. Segundo Engelhardt, na ausência de argumentos seculares suficientes para dirimir de maneira definitiva a controvérsia entre as diferentes visões, estas são, entre si, estranhos morais e têm que resolver suas diferenças de comum acordo, o que implica o desencanto com a razão, bem como um ato de desconfiança em sua capacidade estrutural para chegar à solução objetivamente mais correta dos problemas éticos e bioéticos. O trabalho é uma discussão sobre o problema descrito na obra de Engelhardt.

Palavras-chave: Ética. Ética baseada em princípios. Bioética.

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Declara não haver conflitos de interesse.

A formal bioethics

The problem addressed in the following pages do not come from nowhere, but responds to certain structures that serve as a framework, all functional to questioning of the notion of moral good based on essentialist categories. This slippage of the moral response has a double dimension: the Enlightenment and post-structuralism. The author's response being addressed, as it will be explained, is a dialogue with the first, but incorporates elements of the second.

The starting point of Tristram Engelhardt to address the bioethical issue is a seemingly empirical assumption: there is no moral of contents that is universal¹. The "moral of content" or "material" is one that provides guidance about what is good or bad, and proposes specific behaviors to the individual, beyond their obligation not to harm others. The procedural moral, on the contrary, refers only to formal or empirical viability of the rule, which seeks to ensure through the establishment of procedural instances. A bioethics that serves as a paradigm for other specific cases, consists necessarily of an ethics of a material nature.

A "universal morality", in turn, is one that is applied to all men everywhere. The idea of universality of Engelhardt is contractualist: ensure that human groups accept a certain content. The notion of a rationality capable of formulating goods that by force of reason, can be recognized by all as such, has been - he argues - overcome with modern failure. His appeal to the universality has no substantive content, is simply a search of the agreement², i.e., a purely formal ethics and bioethics. Such an abstract formulation of this is not seen in Engelhardt as the one found in the poststructuralism³ but he seems to share the fragmentary nature of the rules as well as the inability to roll back this situation to the time of the "great narratives".

The focal point is the modern effort to establish the morals: his callers are the enlightened, not the scholastics. Engelhardt was educated however in the Catholic religion, which he left to join the Orthodox⁴. His discussions with the moderns, and not with the natural law theories, suggests that his intellectual education was more related to the contractual and liberal positions rather than with the authors of the classical realism, as St. Thomas Aquinas and the Spanish School of Natural Law.

Engelhardt thinks that, once the Christian synthesis historically begins to weaken, the modern impulse does not seek to disrupt the sense of classical ethics, but rather to ensure the essence of moral authority in a world in which the Revelation lost cultural force, from historical events, and as a result of philosophical paradigms that dominated the intellectual atmosphere of the time⁵. Thus he says that the redistribution of the cultural interests around the health and to the postponement of death are related to the foundation of modern thought that emerged with the Renaissance and the Reformation, and that breaks the religious unity of Western Christianity⁶.

The traditional Christian view of the world had to face a religious fanaticism divided into numerous religions and to the attractions of an immanent humanism. The growing interest in the *studia humanitatis* displaced, thereby, the *studia divinitatis*. In the words of Macintyre, postulate principles that are universals, categorical and internally consistent that belong to the essence of reason, and therefore, the rational moral will postulate principles that are able to be maintained by *all* man, independent of the circumstances and conditions that may invariably be obeyed by any rational agent, on any occasion⁷.

The result, as you know, was rather averse to this ideal. The void left by the loss of the unity in faith and reason of Catholic thinkers was not filled by a secular program of moral rationality that built the agreement of an increasingly broad and diverse world, but it produced the opposite situation: if the unity in thinking about the good life was to be achieved through the philosophy, the suppression of Catholic canon brought multiplying opposite philosophies, also in the moral sphere. This, according to Engelhardt, is precisely the element that will define the postmodernism, even though it was not observed until well into the twentieth century: *rather than unity in the Spirit, there was dissent and discord; rather than a harmony of belief, disputes occurred in the diversity*⁸. His thesis is that even though the deployment and consolidation of this "new sensibility" is the result of recent historical forces, such diversity actually had probably always been present, although hidden, in the very texture of society. Therefore he claims that *moral diversity has been with us since the earliest records of history*⁹.

The cause of this circumstance is not, for the author, a certain internal determination of the human spirit, the societies or the history as might be

found in other equally contemporary authors (Derrida, for example) but simply the degree of complexity and the size of the communities where such a thing occurs: *to shape a society that is not pluralistic, almost certainly we would have to look at a society of a very small scale, probably not exceeding the scope of a Greek city-state ... we must remember that the vision of the polis of Aristotle, that was very influential in the West and indirectly in the rest of the world, was that of a small city that did not welcome the immigrants or others who might break their cultural unity*¹⁰.

The constituting fact of the postmodern era is, therefore, the fact of diversity. It is not about a diversity that must be corrected, but a reality that must get to be operational. It must also be borne in mind the practical inspiration of Engelhardt's analysis, whose final concern is properly addressing concrete problems of bioethics and contemporary medicine; not to provide a theoretical explanation to philosophical problems.

While modernity was still looking for a kind of material morality or with content, Postmodernity is satisfied with the fact of the mere difference: Engelhardt points out that in the last decade the acceptance of what 40 years ago would have been unthinkable has increased. A comprehensive and well-articulated coalition of different permissive trends has been developed. However, even at this point the apparent coincidence of views reveals profound disagreements, which are in turn intertwined with other disagreements¹¹.

Such modern project - says Engelhardt - also covers various religious or ideological communities, inasmuch as there was hope of finding a specific conception of Justice and of morally correct action which express and translate the requirements of rationality and humanity. It is worth stressing the special significance that it has for the Rice Professor the concept of "ideology", who understands as a secular translation of religion, while consisting of the *concatenation of ideas, images, moral values, metaphysical and epistemological assumptions that provide to a set of people a conception of morality, justice, proper social structures and legitimate political authority*¹².

Engelhardt argues that, in the postmodern period, many authors and intellectuals seem not to notice the installation of the difference as focal element. In fact, he considers that *the fundamental catastrophe of contemporary culture is this failure in*

*finding a canonical secular morals with content*¹³. This dichotomy seems to respond to an equally post-modern attitude of the author: one thing is to recognize the existence of the differential mentality of the contemporary time and another thing is to conclude that what it is believed by faith (an universal and unique morals) is not possible by natural means so that the natural is expressed by the difference; but it is still believed simultaneously in the canon, in an ideal and abstract way, or personal and private.

He also falls into the inconsistency, typical of a mentality based solely on the difference, through which he comes to accept the argument of the cultural impossibility of a moral law with global content, what he finally qualifies as being sectarian (*the moral content divides and censor*¹⁴), and declaring itself both Catholic or Orthodox. Ultimately Engelhardt believes that all material conception of morality is ideological when it seeks to universalize¹⁵. At this point, it is interesting to make a comparison with Kant, who faces at the time to a similar issues, and offers a more harmonious solution than developed by Engelhardt. As it is known, Kant believes that religion can not ground ethics, because that has a heteronomous base, and morals on the contrary should be based on an independent source. This difference explains and justifies, in a much clearer way than Engelhardt, the fact that these prescriptive structures are considered separate and distinct areas. The aforementioned distinction allows the Mexican to avoid the inconsistency of thinking ethics in a different way than indicated by his religion, as it happens to the author of the *Fundamentals of bioethics*, who is forced, due to this inconsistency precisely, to formulate the thesis of "moral strangers" to refer to ethics in the public sphere.

Given the inevitable reality of the pluralism prevailing in the contemporary world, and the limited capacity of the rationality to resolve disputes, the secular moral authority should arise in the specific agreements of specific individuals, and limited to them¹⁶. His project is an attempt to provide a framework by which the individuals from different moral communities can be considered bound by a common structure; a kind of moral *Koine glossa*, which can become a global ethic¹⁷. So, Engelhardt accepts the postmodern parameters concerning the facts - the fragmentation and diversity -, but he is inclined to propose formal structures of agreement. His attempt is not the one of a postmodern; but the reaction of a modern that declares himself a belie-

ver in a transcendent reality that is itself the foundation of all morality, but ends up yielding to the epochal setting of the moral standards, accepting, so to speak, the rules proposed by the enemies of material thesis.

“The moral strangers”

Engelhardt warns a condition of possibility to raise the theory of the ‘*moral strangers*’ that presides his bioethics: the need for a *peaceful secular pluralist society*; where the *strangers* have a place and find themselves. He designates in this way the societies willing to accept diverse moral perspectives, so that its inhabitants are able to express their views without fearing to be repressed or censored by this¹⁰. To be able to operate, he concludes, the coexistence (of diversity) must have a room, a fully accredited and legal instance. Engelhardt distinguishes between *community* and *society*. The first concept refers to an association of individuals based on a concrete vision, common to all of them, of the good; while the second points to the associations of individuals who do not share such common vision of the good, but that they may try to reach together a set of important objectives¹⁸.

He argues that it is inside of the specific communities where the different moral possibilities occur, and that such moral issues should be seen as embodied in the life of real people¹⁹. As there are not sufficient secular arguments, according to him, to settle in an objective and categorical way the complaint among the different types of visions (provided that the alternative, he says, respect the freedom of the innocent), these visions are, together, moral strangers. The moral strangers have to resolve their differences by mutual agreement, since they do not share a moral of content, but this does not mean that they can not come to understand at all: the first strategy of collaboration, when the truth becomes intersubjectivity, and therefore becomes multiple, is to recognize the procedures for working together on moral and metaphysical disagreements. This strategy offers to those separated by different views the possibility of obtaining neither the authority of reason nor of God, but of the agreement, he argues¹¹. *The moral strangeness does not require that the other is incomprehensibly different, but only that it is considered as someone different in virtue of having different moral or metaphysical commitments*²⁰.

The suppression of the canon in the concept of *moral strangers* immediately brings the contingency

of all ethics and bioethics model. Engelhardt recognizes that, despite this effect, exists and remains the aspiration of universality: *However, it also aims (despite the fragmentation) to a sense of secularism that can encompass different ideologies and religions and be available to all persons*²¹. What he seeks is therefore a moral that is capable of being present despite the condition of moral strangers, and that can be justified in different communities, although they are based on different traditions, ideologies or religions.

Thus, the proposal of an universal and canonical ethics, whatever the kind (substantive or procedural), is formulated on the basis of the existence of the moral strangers; If we all were “moral friends” it wouldn’t be necessary such efforts. The reason is, as Loewy says, that even the strangers have relationships between them, and have obligations that are based on these relationships²². It’s about individuals belonging to different cultures and beliefs, and, because of this, they do not have social connection, except for the certainty that each one wants to design their life in the way they prefer, according to their personal interests². Human beings have nothing in common, except for the effort to follow their own interests and desires. Individuals are those who authorize or allow the social structures that are authoritative, and it is for this reason that, according to the author, morality that would link to “moral strangers” would have or should have a character inevitably libertarian²³. He argues - is the result of inability to rely on transcendent authorities to formulate the premises and moral principles, such as God or the objective reason.

This mechanism to obtain the moral authority through the acquiescence of the participants of the community is what Engelhardt called *principle of moral authority*: [this principle] *underlines the circumstance that, when God is not heard by everyone in the same way, when not all belong to a clearly defined and closely linked community and, since the reason fails in the attempt to discover a canonical morality with content, the authorization or moral authority justified for centuries is not derived from God, nor from the moral vision of a moral community, but of the individuals*²⁴.

To find the bases of cooperation between these individuals, the moral strangers should seek a neutral structure (some secular structure), in terms that they can discover what they have in common²⁵. In this way, each one runs his life according to their values and personal property, without the intervention of secular morality in the materiality of their

beliefs, but only in the modulation based on the agreement²⁶. Like all libertarians, Engelhardt does not believe that it is possible to offer another justification for such morality, and less, as it has been already explained, a foundation²⁷. On the contrary, of the exposed by the author we can see that the only universal obligation that the reason can offer to us is one, unique, of strictly respecting the freedom of the other.

The moral strangers are needed to achieve the peace among men, by getting that the disputes and differences between people from outside do not derive in a confrontation, but it may be led to a process of agreement which does not link the material being of the problem. As Parizau says, Engelhardt is going to address the issue of ethics from a different angle, leaving aside the substantial content of an universal ethic, to be interested in the conditions of possibility of an ethic that allows the cohabitation of different moral perspectives... So ethics is a way of resolving disputes, rather than using force, and is defined as a commitment to resolving conflicts nonviolently²⁸. Because of this he sustains that the differences between moral visions are real, and are the basis for substantially different views, in such a way that the controversies cannot be resolved through rational logical arguments, or by appealing to a moral authority recognized by all²⁹.

Ultimately, the notion of moral strangers entails the affirmation of the structural inability of human reason to discern moral goods in a central or main dimension, being relegated exclusively to the understanding and development of procedural aspects. The intimate and radical determination of what is a moral good is delivered by Engelhardt, through this notion, to the conscience of each individual, but to a non-exclusive or specifically cognitive moral consciousness, but to one in which the processes with respect to sensitivity and emotionality are intertwined, which itself is properly postmodern. This is what happens in its case, through the Orthodox religion, which is so thoroughly explained in the book *The Foundations of Christian Bioethics*, cited above. The apparent opposition prompted between this text from the year 2000, and *The Foundations of Bioethics*, from 1986, is not actually such.

In the second work, Engelhardt exposes the theory of libertarian principles and moral strangers through which he looks for the formulation of a non-material secular ethics, such as it has developed here. In the first work, he exposes the bioethical principles of his own moral friends: the Orthodox Christians. Engelhardt does not seek to propose

them as the basis of a general bioethics, although his particular vision of the world and his religiosity constitute decisive elements in order to understand the meaning of his thought, and the concept of moral strangers³⁰. Even though when he seems to incline towards finding a rationality on a universal basis in a modern sense, his refusal to formulate it and the acceptance of the epochal conditions as a decisive factor of his inability, makes him a materially poststructuralist author, although his analysis is far from achieving the theoretical intricacies of the named New French Theory.

This is, in my opinion, also an ethics that might be called disenchanted or pessimistic, since the strong and powerful religious dimension of the author cannot inspire hope in the scholar who argues, and cannot conceive, although apparently he would like, the idea of God as foundation to justify an universal ethics and bioethics that both had content, in the present tense. As that it is not apparently viable, according to his own methodological starting points, he chooses to formulate a path of intersubjective unit, from the points in common that may be seen in moral strangers³¹.

And not only the project has failed to establish a canonical morality, or to recover a general theory of how morals ought to be, but, once morality has become secular, lacks the force that was generally expected in Western culture when it was recognized, anchored and enforced by God. Being, however, God absent, it changes the whole appreciation of morals; its metaphysical meaning, and its phenomenological experience and reality³². In a recent text Engelhardt adds himself, that regardless of the existence of God and the immortality of the soul as premises of practical reason, morality is fragmented, and a binding basis for moral obligations ceases to exist³³, proving once again, the importance of the theological issue at its reflection.

Final thoughts

In conclusion to the above, it is possible to understand Engelhardt's work as one of the latest efforts - Harbermas - to restore the possibility of a global ethics in a moral universe that begins by recognizing and accepting the diversity and multiculturalism. This proposal is inherently formal and it is contradictory to the personal beliefs of the author, while they implicitly advocating a universal, natural and material law. The very possibility of this contradiction, coupled with the use that Engelhardt

makes about the idea of fragmentation to explain the moral situation, show that the author's intellectual position ranges, or is integrated by postmodern elements, which probably operate on him unconsciously - about his conception of culture - along with contractarians and certainly communitarian

elements. This variety of assumptions reaffirms the idea that we are not facing an abstract philosopher of the moral action, but rather a scholar who tries to solve the specific problems of bioethics, field in which his contribution has been very important.

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