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Post-secular bioethics: a proposal for Latin America

Miguel Kottow

Abstract

Bioethics initially emerged from theological thinking, as part of the consistent development of the defense of the beliefs of the movement when faced with the challenges of the social progressivism of techno-scientific expansion and the cultural secularization of the West. As a result of this process, liberal social norms and legislation have emerged in many Western nations, including those that are predominantly Catholic (France, Italy, Spain). Three cultural processes, however, limit the hegemony of the prevailing secularity: a) A diminished religious spirit is enjoying a renaissance outside of institutions and rituals; b) Secularity necessarily implies heterogeneous pluralisms that are difficult to harmonize; c) The need for coexistence between secularity and religiosity has given rise to post-secular ethics. The strong influence of the Catholic Church in Latin America has opposed social aspirations of greater autonomy and a secularized form of bioethics. This paper proposes to explore a post--secular bioethics that seeks an instrument of tolerance and coexistence, far from immovable dogmatism.
Keywords: Religion-Rationalization. Secularism-Thinking. Religion and science.

Resumo

Bioética pós-secular: uma proposta para a América Latina

A bioética surge, inicialmente, a partir do pensamento teológico, mantendo um consistente desenvolvimento em defesa de suas crenças frente aos desafios do progressismo social da expansão tecnocientífica e secularização cultural do Ocidente. Como produto desse processo surgiram normas sociais e legislações liberais em muitas nações ocidentais, incluindo aquelas com predomínio do catolicismo (França, Itália, Espanha). A secularidade reinante reconhece três processos culturais que limitam sua hegemonia: a) O diminuído espírito religioso goza de um renascimento à margem de instituições e rituais; b) A secularidade implica necessariamente pluralismo heterogêneos difíceis de harmonizar; c) A necessidade de convivência entre secularidade e religiosidade dá origem à ética pós-secular. A forte influência da Igreja Católica na América Latina opõe-se a aspirações sociais de maior autonomia e a uma bioética secularizada. A presente proposta sugere uma bioética pós-secular em busca de um instrumento de tolerância e convivência, distante do dogmatismo imutável.
Palavras-chave: Religião-Racionalização. Secularismo-Pensamento. Religião e Ciência.

Resumen

Bioética post-secular: una propuesta para Latinoamérica

Emerge inicialmente la bioética desde el pensamiento teológico, manteniendo un consistente desarrollo en defensa de sus creencias ante los desafíos del progresismo social de la expansión tecnocientífica y la secularización cultural de Occidente. Producto de este proceso surgieron normativas sociales y legislaciones liberales en muchas naciones occidentales, incluyendo aquellas con predominio del catolicismo (Francia, Italia, España). La secularidad reinante reconoce tres procesos culturales que limitan su hegemonía: a) El disminuido espíritu religioso goza de un renacimiento al margen de instituciones y rituales; b) La secularidad implica necesariamente pluralismos heterogéneos difíciles de armonizar; c) La necesidad de convivencia entre secularidad y religiosidad da origen a la ética post-secular. La fuerte influencia de la Iglesia Católica en Latinoamérica se opone a aspiraciones sociales de mayor autonomía y a una bioética secularizada. La presente propuesta sugiere una bioética post-secular en busca de un instrumento de tolerancia y convivencia, distante del dogmatismo inamovible.
Palabras clave: Religión-Racionalización. Secularismo-Pensamiento. Religión y Ciencia.

Doutor miguel.kottow@ucentral.cl – Facultad de Ciencias de la Salud, Universidad Central de Chile. Santiago, Chile.

Correspondência
Lord Cochrane 417. Hay zip code 8330507. Santiago, Chile.

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Since the onset of modernity established science and reason as sources of human knowledge, theocentric thinking based on revealed truths have lost public influence, creating what Weber described as the disenchantment of the world. If, as is proposed, reason should clarify all outstanding mysteries, we will lose the charm of the unknown. Science scrutinizes the processes of life to the extent they can be reproduced in the laboratory, and is available to artificially intervene in the extremes of life.

The rapid expansion of technoscience feeds an unfinished debate between secularism and religiosity, which strongly influences legislation, binding regulations, and social and individual interests and choices. In the most influential countries in the western world it dominates both secularism and secular political ideas, requiring the State to regulate the public space without religious interference in politics. This explains why most European countries with a majority Catholic population have legislated permissively on matters of which the Church disapproves, such as contraception, abortion, and embryonic stem cell research. Anglo-Saxon and continental European bioethics has prevailingly adopted the position of supporting liberal legislation and leaving the individual conscience to decide to use such permissions or to maintain faithful to religious commandments.

The situation in Latin America is very different. The Church maintains a strong political influence and promotes conservative legislation in several countries, maintaining an absolute ban on abortion, while most others have restrictive laws and in many cases objections of conscience that prevent or hinder access to legally authorized medical abortion [1]. The result is that bioethics of the region is more based on entrenchment than deliberation and the misunderstanding and antagonism between secular and religious views, with a strong impact on social reality.

Modernity has developed, since Descartes, by categorizing reality into dual schemes: mind/body, subjectivity/objectivity, natural/artificial, worldly/transcendent. This tendency of dichotomy has been questioned for several decades, primarily by postmodern critics of the schematic rationalism of modernity, emphatically exposed by sociologists of technoscience, notably Bruno Latour. The persistence of dichotomous thinking in late modernity has been the stimulus for the emergence of a post-secular thought process, still in its infancy, that goes beyond the concerns of deconstructive postmodernism. This text, after briefly considering the secularity that dominates modernity, and the current resurgence of religiosity, following the thoughts of J. Habermas and his proposal of post-secular ethics, applying this approach to a post-secular bioethics with the intention of unlocking controversies that both exist and persist, through addressing outstanding clinical and biomedical research problems, and legitimizing the review of regulations and legislation that for now continue to fuel disagreement and discord. This requires a brief look at the persistent, but less and less convincing, dichotomy of secularity/religiosity.

Secularity

Interest in the vast field of secularization in modern societies attracts the attention of philosophers and sociologists, from whose extensive production can be drawn some key concepts for bioethics. The secular and mundane is only understood as a negation of religion based on the medieval distinction between the regular clergy – those who live in convents and monasteries and are subject to their rules – and the secular – priests living in the outside world. Secularization is the process that moves public materials from transcendent meanings to the mundane reality, which J-L. Nancy called worldliness or detheologization.

As a society modernizes, it becomes secular and rejects religious beliefs to the extent that a lack of religious faith is seen as normal and naturalized, and is adopted by individuals and societies without reflection. By intensifying the process of secularization, it is not only the idea of indifference towards religion that is encouraged, but the active liberation from faith that allows the development of the individual within the world without believing in a transcendent force. But secularity lacks the elements to make sense and representation of all world views.

The idea that the contemporary world has forsaken religion is totally unfounded. Although the institutional and ritual aspects of religions have lost presence, strong personal ties with transcendent beliefs persist. The individual floats in an atmosphere of indifference to values and remains in an uncomfortable agnostic situation that fails to provide meaning to their actions and their lives.

There are many different forms of secularization, jointly focused on a common attempt to guide public affairs in a rational, fair, and democratic manner. By diminishing religious influence in favor of the rationality of deliberation and public

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action, secular influence has had to recognize two inevitable weaknesses: firstly, it has been expanded and disintegrated into multiple perspectives, respecting and promoting the pluralism the virtue of which is democracy, but accompanied by the vice of the difficulties of achieving agreement between diverse social forces. Secondly, secular modernity, with its emphasis on individual autonomy and the reduction of the social protection of countries – social or charitable – has produced no existential sense, a motivational vacuum, and the strengthening of short-term goals – consumerism – ending in insecure, unprotected citizens, plunged into uncertainty. Given the reduction of a community-based vocation, it is not surprising that inequalities and injustices have increased, and that the efforts of humanism sustained in human rights, dignity and human nature, as well as the inviolability of the body, have been more effective as proclamations than they have had pragmatic effects.

Religion

Many authors have highlighted the revival of the spirit of religion, which is described as a way of searching for different ways to understand the transcendent and, alarmingly, through disquieting variants of aggressive fundamentalism [2].

Social and cultural processes in Latin America have their own dynamics: the move towards modernity and its accompanying secularization is partial, unequal and retrograde. The Catholic Church has had a leading role on the continent since the beginnings of colonization, assuming a major role in health, education, social work and civil administration. The *de jure* separation between Church and State has only occurred in some countries, while the *de facto* situation is that the Church continues to have a strong influence on both education and legal regulations. The topics of interest to bioethics develop in a scenario of conflict and disagreement that eventually leads to legislation that is more conservative than liberal, making an *aggiornamento* towards a more open and modern society necessary and urgent.

In the field of bioethics, the thinking of the Catholic Church has produced, with probity and excellence, many bioethics centers equipped with specialized academics who develop training programs and produce publications with remarkable social and political influence in defense of the irremovable foundations of their doctrine. This production has in recent decades reflected the social uneasiness caused by the confrontation between aspirations for greater flexibility on complex issues such as the extremes of life, sexuality and reproduction, the use of mother cells of embryonic origin, and genetic research involving the therapeutic and reproductive manipulation of the human genome. The debate is bitter and iterative, rarely fruitful and the goal of the common good is often lost.

Dialogue between secularity and religion

The title of a recent publication "Why religion deserves a place in secular medicine" emphasizes the distance between the secular and the religious, based on an ambiguous attempt at fraternal tolerance:

If I, a religious believer, am going to succeed in persuading you, an agnostic or atheist or different kind of religious believer, of my moral view, then I will have to show you that your view has weaknesses or problems, that these cannot be adequately repaired in your terms, but that they can be repaired in mine. As a Christian, alongside other biblical monotheists, I esteem the lives of human individuals very highly: all individuals are equally the creatures of one divine Father, and each has a special vocation in their time and place. Further, as a biblical monotheist of a Christian sort, I am sensitive to the plight of the 'poor'—that is, the weak and vulnerable [3].

The first quoted paragraph is conflictual and irritating in suggesting the privileged access of the "monotheistic Christian" to knowledge and sensibility, which aims to correct the "weaknesses or problems" of nonbelievers or adherents of other faiths. That article, whose author is a professor of theology, provoked a series of critical responses:

The point is, we all have certain meta-ethical commitments (whether explicit or implicit)—religious or otherwise—and we all have to try to convince those we disagree with that our meta-ethical commitments make more sense than theirs do, or do a better job of explaining a shared moral intuition, or whatever. That's just "doing philosophy" [4].

It appears axiomatic that the formulation of ethical decisions must be informed by rational argument based on solid empiricism. Utilitarianism and other secular ethics do not meet these criteria. Religion, by its inherent nature, fails in this respect [5].

In an approach based on "natural theistic law" it is proposed that it is necessary to retain the concept of God as the source and foundation of a moral law enshrined in the teleological structure of human nature. And this is something that many philosophers consider can be achieved by rationality alone [6].

According to the editorial presentation that precedes the articles cited, concepts such as 'religion' and 'reason' are not dependent on rational arguments such as the *intersubjective experience: If that is correct, and given the diversity of human experience, a final victory by either side in this particular 'culture war' seems highly unlikely* [7].

More conciliatory are the dialogic efforts in good faith through numerous initiatives that seek to find a common foundation for various ethical perspectives. However, the formulation of the subject suggests its resolution is unlikely.

The disagreement between the different forms of faith can only be solved through a confrontation in which the only possible sense of *truth* is its practical capacity, as faith, to impose itself on others [8]. The use of an absolute truth is a motive for contention that is not resolved in a "confrontation". It is a dialogue that seeks to recognize two poles of reflection that certainly possess communalities, while avoiding disagreements.

Beginnings of post-secular thought

The term post-secular ethics was coined by Jürgen Habermas, which is perhaps surprising given that this thinker is classified and criticized as an overly rationalist thinker, although one somewhat cowed by his consequent pursuit of dialogue with religion, as illustrated by his respectful conversations with the then Cardinal Ratzinger [9].

Secular thought has failed to clarify its relationship with religion. Recognizing the impossibility of eliminating the cleavage between secular knowledge and revealed wisdom, the role of practical reason lies in justifying universal and egalitarian concepts based on morals and laws and respect for individual freedom and interpersonal relationships. Accepting the separation between faith and knowledge, Habermas emphasizes the need for constructive coexistence, especially with a view to addressing the urgent social issues raised by bioethics.

This is not a weak commitment to unite the irreducible, but to close the gap between the anthropocentric perspective and the viewpoint from the distance of theocentric and cosmocentric thought. There is a perhaps a difference between talking *about* the other and *with* the other. For this two suppositions must be established: the religious side must recognize the authority of reason, whilst remembering that the results of institutionalized science are always provisional and correctible, and the universalist foundations of egalitarianism and the fairness of moral law. In turn, secular reason must not question transcendent beliefs based on faith and revelation, even if only that which in principle can be translated into a general and understandable discourse, rationally justified, can be incorporated into the public domain.

Upon receiving the Peace Prize of the German Book Trade (2001), Habermas gave a lecture entitled "Faith and Knowledge" (*Glauben und Wissen*), claiming that modern secularization has wrongly been seen as a zero sum game between the productive forces of science and the technology unleashed by capitalism, and the persistent power of religion and the Church. Only one can succeed at the expense of the other and, according to the rules of the liberal game, the one that benefits the impulses of modernity should triumph. To avoid this tied game, achieved through adversity rather than compromise, Habermas concludes that this picture does not fit with a post-secular society, which conforms to the persistence of religious communities in a strongly secularized environment [10].

It remains relevant for those dedicated to bioethics, that Habermas published in a Swiss newspaper, an article entitled "*An Awareness of What is Missing: Faith and Reason in a Post-secular Age*" [11]. This text contains the post-secular thought of Habermas, and is "what was missing".

The German philosopher alludes to the problems of bioethics on more than one occasion. He recognizes that the abstract nature of human rights needs to be concretized in each particular instance, as legislators and judges reach different results in different cultural contexts, *which today is apparent in the regulation of controversial ethical issues such as assisted suicide, abortion and genetic meliorism* [12].

The most notorious incursion by Habermas into bioethical issues is motivated by the frustration that arises from genetic research and his nudges towards a *liberal eugenics, urging the return to the original philosophical question about the 'correct life'*, and the alarm over the intervention with the *physical basis 'which we are by nature'* [13]. Genetic technology attacks the image we have made of the

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'human' species, since the genetically intervened individual loses spontaneous autonomy as part of his person is determined by genetic programming [13]. The text concludes by recognizing that the visions of the religious and metaphysical world have ceased to be generally credible and binding, having given way to *a pluralism of tolerated cosmologies, which do not make us cynics or indifferent relativists, as we remain subject, should we chose, to the binary code of correct and false moral judgments* [13]. Secularity must embrace religion, while religion should be more counselor than imposter.

Bioethics between the secular and the regular

The first writings on bioethics are theological in origin - Jahr, Fletcher, Ramsey, Jakobovits – disagreeing with those who view bioethics as committed to secularism, history, rationality schematized systems, principles, and discriminatory biopolitics. Secular rationality has only partially achieved an opening in religion, notably in the work of the Jesuit R. McCormick [14], placing itself between the extreme polarizations of a strictly secular bioethics [15] and perspectives firmly rooted in religion [16].

The secular bioethics that prevail in Anglo-Saxon literature, and the religious bioethics that have a hegemonic cultural, political and legislative influence in Latin America can be studied in parallel. The predominance of Church doctrine on core issues of bioethics such as those related to the beginning and end of life, maintain uncertainty and uneasiness at a social level, requiring an orientation toward resolving fundamental confrontations. Recent contributions to the subject suggest that secular bioethics should apply to a hermeneutics that profanes, in the Agamben sense of the idea, the new sacred concepts that are emerging: life, health, body [17].

Bioethical discourse has sacralized many ideas removed from daily living and that need to be made profane in the sense *of making restitution to the use and property of men* [18]. An interesting but arduous journey is outlined, the trajectory of which will involve the study of the passage of religious ethics in a secularized and ethical manner according to Kant, in contrast to the proposal by Weber, of an ethics of convictions that should become a social responsibility; to reflect also how the phenomenology of the body affects the idea that body and subjectivity are separate. It is interesting to note that bioethics itself, at least in an academic sense, has taken refuge in a sacralization that should be profaned.

Post-modern bioethics

The rigorous rationalism practiced by modernity has ended up being recognized as fruitless at solving social and philosophical problems, leading to a movement involving the deconstruction of great ideas and pretentious concepts of absoluteness and universality. Bioethics has been criticized for presenting a vision of the rational and autonomous individual, stimulating the development of so-called absolute descriptions, and being closed to criticism and secondary readings, conditions that deliberate to maintain the options of ethical choices that are not pre-determined by unshakable principles.

The proposal of a post-modern bioethics reproduces the criticisms of the lack of social integration of bioethics (Hedgecoe), its erroneous approach in specific dilemmas at the expense of neglecting the great problems of humanity (Castoriadis), the shortcomings of philosophical bioethics (Savulescu), which come together to form a major crisis [19]. The challenges of post-modern bioethics are threefold: 1) to recognize the "provisional" nature of all academic contributions; 2) to address the conflict of power between "interpretations of action" and "private practices" that risk *perpetuating the dominant discourses that have favored certain interests over others* and; 3) introduce the challenge of relational responsibility integrated into a network of interactions and practices that are social in scope [20].

Post-secular bioethics appears as a cautious perspective to avoid theoretical rigidities, moral dogmatism or alleged ethical universalism that are precisely the problems that afflict both strongly secular bioethics, doctrinaire bioethics and religious or secular bioethics committed to political processes, the veneration of evolution and progress, or a Hegelian view of history. This, for now, is an isolated proposal that is located in a transition to the post-modern culture that many, Habermas among them, prefer to call late modern.

Notes for a post-secular bioethics

Having outlined the path of post-secularity, Habermas however does not provide suitable tools for its development, insisting on respecting the naturalized image of the specifically autonomous human species, and maintaining the moral dichotomies based on various discriminations between what is right and what is improper, which does not solve the persistent bioethical disputes about what

can be understood by the specificity of the human and the various criteria of morality. No less significant is the iterative proposal of a tolerant pluralism that can be resolved in regulations and laws that are more or less permissive, or which in any case have the approval of some and the rejection of others, without achieving a satisfactory coexistence.

Imagining a post-secular bioethics is an arduous task and this text can only indicate some possible avenues of exploration. Bioethical discourse should be drawn *from* the body and not *about* it. To borrow an analogy from the thoughts of R. Esposito, by thinking of a biopolitics *for* life, not *of* life. The body is a reality common to every living creature that receives or adopts meanings to the extent that it socializes and culturizes. Materialism, dualism, of deterministic origin or as a transcendent gift, are all representations and meanings that the body acquires, none of which are rooted in its existence. Every human being has a body: *We are in our nature corporeal beings*, necessarily vulnerable; *Vulnerability is an inherent part of being human*, related and inter-dependent [21]. Phenomenology holds the *transcendental view that posits the body as the condition of possibility of perception and action* [22].

Bioethics of the body is not secular or religious but precedes and goes beyond this dichotomy as it refers to a body whose fundamental characteristics are vulnerability, interdependence and relatedness, common to all and prior to meanings of the mundane or transcendent type. Therefore, post-secular bioethics is prior to representations of the body that diverge and are mutually exclusive: a religious view cannot accept a biological determinism, as it is unrelated to any transcendent influence. In this way, bioethics must move to assess human interventions that are favorable or deleterious to the body in terms of affecting its vulnerability, promote or hinder interdependence, facilitate or obstruct the relatedness of the individual to his community and the social reality that surrounds him or her [23].

Since biology is the science of living beings – not of life, which is a philosophical concept – bioethics also refers to living beings, which Bentham characterized as capable of feeling pain or sentient. The post-secular vision allows the embracing of an ethics that is oriented towards the welfare of all sentient beings, as well as the natural world that supports them. Post-secular bioethics rejects a *specifically human nature* that is distinguished ontically from animal nature. Ethics is not to be ascribed to the supposed truths, explored or revealed, of human nature, but to assume that human beings, unlike other living beings, develop culture and ethics understood as a reflection on actions taken through freedom and responsibility.

A bioethical perspective that intends to rely theoretically on and be validated in practice cannot start from human meanings that are controversial and polemic – autonomy, dignity, basic rights. The only reality common to all human beings is the lived and living body which adopts meanings, motivations and values, rather than be submissive to the world views of whichever order that is imposed. Bioethics of the body may be post-secular as it refers to a reality that precedes any secular or religious significance, which are always subject to questioning from a worldview that is not acceptable to all.

A post-secular bioethics will have to seek the fundamentals of the debate in elements that are common to every human being, which are clearly more complex than the genetic identity of the species alone.

Bioethics requires the efforts of the philosophy of the body and of sociology, displayed through debate and awareness, which occur in the lived and living body where *clinical and practical knowledge is embodied knowledge – knowledge sensed through and with the body* [24]. It is the body that is born, matures, becomes sick and dies. The task of medicine is a *craftsmanship that involves healing the body with the body* [25]. Hot topics that bioethics cannot ignore, such as torture, disappearances, the lack of basic needs, relate primarily to bodies that are maltreated, eliminated, dispossessed, marginalized, or have their life expectancy reduced. None of this has been adequately dealt with: secular thought speaks of the cost and sacrifices of historical, social and democratic processes; religion inevitably points to theodicies and eschatologies that are unconvincing in the world order or outside the worlds of their unconditional followers.

Post-secular bioethics will be an attempt to recognize that knowledge and belief, rationality and emotion, empiricism and imagination, are all attempts of the lived and living human body to understand its existence. A bioethics that will appeal in every situation for an approach that brings together the multiple forms of corporeally existing in the world, to attempt to embody the world in different ways. In that sense, the proposal here is a post-secular attitude, presenting post-secular bioethics as an attempt at convening that which will lead to a discipline that goes beyond secular or religious agendas.

The two central issues of bioethics point to human intervention in the extremes of life: in the

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beginning, contraception, abortion, embryo selection, and debates on the ontological and moral status of the various embryological stages. Medically assisted suicide, active/passive euthanasia, therapeutic obsession, omission and the suspension of medical interventions, meanwhile, focus on the end of human life. The debate has been torpid, with all legislative variants used to regulate these materials failing to pacify social unrest and the sustained attacks to ratify, modify or eliminate what has been legally ruled. There can be no other way that secular visions – reproductive rights, right to autonomy, the right to death – and religious views – life is an inalienable gift that cannot be at the mercy of human decisions, revealed truths place limits on human actions, it is not lawful "play God" continue to oppose one another.

The results of the current state of adversity have been the secular consent to abortion deadlines and authorization for voluntary end of life in certain contexts or, to from a contrasting and religious stance, the prohibition of abortion except in exceptional medical situations, the rejection of any form of intervened death except, in some situations, the invocation of the doctrine of double effect. These are some examples of an unstable equilibrium in need of a more fundamental perspective, prior to these irreconcilable differences.

Final considerations

The idea of a post-secular bioethics is presented as a necessity for the social reality of Latin America, which has always been mired in colonial dependency, the victim of what has been called moral and ideological imperialism [26], and wrapped in endless conflicts between religious thinking that has a cultural and legal influence, and a secularity that limps towards an elusive modernity. It is clear that Latin American bioethics must evolve into an autochthonous discourse, which serves as a peacemaker for social and imaginative uneasiness, to bring about advances on the path of equity [27].

Post-secular bioethics is oriented towards that which is common to all human beings, preceding doctrinal meanings of any kind: the body that is vulnerable, in relation to others, and transcendent in relation to the world in which it is "em-bodied".

The road ahead is arduous, but many of the points raised are already present in Anglo-Saxon bioethics literature, as well as in some of the preliminary work on relational bioethics and bioethics of the body which have been published in our field [28,29].

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