

THE IDENTITY OF THE PERSON

Autonomy and Responsibility

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The overwhelming technological development that we have witnessed during the last few decades has resulted in an increasing artificialisation of human life. It is possible today, by artificial means, to produce human life (e.g. through reproductive technologies), to sustain it (e.g. transplantation), to prolong it (e.g. resuscitation techniques, life supporting systems), and investments are made now to reinvent it through genetic engineering. Either in a framework of the physician-patient relationship, or in a framework of human experimentation – realms where bioethics thrives, specifically as a biomedical ethics¹ – the artificialisation of human life threatens the identity of the person, either when considering the danger of rendering the person an object or when considering the risk of instrumentalisation of the person.² I hold that the identity of the person is that which essentially constitutes man in his universality and which each comes to express singularly.

¹ Andre Hellegers introduced the word 'bioethics' (by founding, in July 1971, The Joseph and Rose Kennedy Institute for the Study of Human Reproduction and Bioethics) with the meaning of biomedical ethics, an ethics for the sciences of life mainly considered at the human level (medical sciences), the sense in which it was used later. Earlier, however, Potter had already coined the word "bioethics" to refer to a new discipline, a "science of survival", that would combine the knowledge of biology and the knowledge of human values. This wider meaning, of an ecological dimension, of bioethics, is being recovered lately. Cf. W. REICH, *The Word 'Bioethics': Its Birth and the Legacies of those Who Shaped It*, in *Kennedy Institute of Ethics Journal*, 4/4 (1994) 323.

² We refer, obviously, to an invasive intervention of biotechnologies in human life.

The recent enunciation of autonomy as an ethical principle that provides an alternative to the traditional medical ethics principle of beneficence³, in order to preserve the identity of the human, seems to be insufficient. If it is true that the principle of autonomy contributes decisively to the preservation of human dignity in situations of high vulnerability, it is also true that this concept has suffered a generalised semantic misunderstanding, under which a variety of misuses have proliferated. Besides, the nature and reach of most recent biotechnological developments demand another principle to guide human action, determined supra-individually.

We will demonstrate the need to articulate a vindication of autonomy as indispensable for the constitution of the individuality of each being, along with the demand of responsibility as indispensable for the recognition of the status of our humanity, in view of the construction and safeguard of the identity of the person. If autonomy was initially claimed by Anglo-American bioethics, the affirmation of its insufficiency, the relevance given to responsibility and the enhancement of the articulation of both principles, constitute marks of a European perspective on bioethics, which we intend to develop.

Within this context, we will consider first the nature and meaning of the new powers brought about by biotechnologies as a prelude to the claim of the principle of autonomy as a determination of personal identity. Secondly, we will focus on the object and meaning of the duties enunciated by ethics in its application to life in order to propose the principle of responsibility as indispensable to the definition of person. It will be – as we will show – in the combination of autonomy and responsibility that the identity of the person will emerge.

³ At the reflective level, autonomy and beneficence are generally not in opposite, in spite of great promoters of the principle of autonomy, such as J. Childress and T. Beauchamp, ascribing autonomy the primacy in case of conflict between both principles in J. CHILDRESS & T. BEAUCHAMP, *Principles of Biomedical Ethics*, New York – Oxford, 2001. Edmund Pellegrino and David Thomasma try to overcome such dualism by proposing a 'beneficence in trust' which is based simultaneously on healing as the first and most fundamental obligation of the physician and attending the patient's will in E. PELLEGRINO & D. THOMASMA, *For the Patient's Good. The Restoration of Beneficence in Health Care*, New York – Oxford, 1988, p. 51-58.

4.1. Man, between Power and Duty

Let us, then, dwell firstly on the pair power/duty, already much discussed in the history of philosophy. We will treat this pair under the Jonassian implication that power implies duty.⁴ The most recent powers conquered by humanity force us to reflect on the deeply intimate and commonly shared reality, this singular universal which is our identity. However, personal identity is not received but achieved through the assumption of our duties, in a continuous process of self-appropriation. Sculptured throughout the centuries by the chisel of power, the image of itself that humanity has been construing resembles today that of the unbound Prometheus.⁵ We should, now, use also the concept of duty which, in its smooth and vigorous touch, shall find the trueness of expression, restoring to humanity the dimension of its threatened being.

4.1.1. *The New Powers (or: the Unbound Prometheus)*

At the beginning, and during the process of its hominisation, humanity gradually freed itself from nature's syncretism by mastering it: detachment from nature led gradually to the consciousness of individual beings. This process of detachment from nature, which converts the natural being into a subject of knowledge, by prolonging itself, has led to progressive human self-consciousness through the establishment of a wider anthropocentrism.⁶ The ever-growing power that man has achieved over his surrounding reality has contributed decisively to the image he has formed of himself as a being superior to all others and nature's supreme value – of which the

⁴ H. JONAS, *Le Principe Responsabilité. Essai d'une éthique pour la civilisation technologique*, J. GREISCH (transl.), Paris, 1990, p. 177-178.

⁵ We adopt here the image that Hans Jonas makes present in the preface of *Das Prinzip Verantwortung* when referring to the observation that man has endowed science with new forces so powerful that it constitutes danger to man himself.

⁶ This dominant anthropocentrism that characterizes the history of humanity, has been progressively denounced during the last decades as corrupt and detrimental to a holistic view of life that is said to respect the wholeness of life in its diversity and to reconstitute man his right dimension, in his inalienable reintegration in nature. Such an accusation has been headed mainly by ecology – in its commitment to recover the lost unity between man and nature –, and by environmental ethics – realizing that human action within nature is not divorced from ethical meaning.

western humanistic tradition is the reflection.⁷ Today, however, the power at human disposal is of a different nature than the traditional one, which points to a corresponding alteration, of a qualitative order, in the concept that humanity has of itself.

Under the previous historical and evolutionist perspective, the new technological powers conquered by humanity would only correspond to a higher degree of complexity and amplitude of the continual progress of civilisation. This does not justify any significant change in this concept. Instead, it strengthens dominant human traits. However, from the point of view of the analysis of technological progress, transformations are obvious, not only in the extension of their range but also in the nature of their procedure, both in the capacity of their exercise and in the object of their action. Technological power is not limited to the construction and use of objects or means of action and their increasingly efficient application to even vaster realities, in the same manner as traditional technoscientific progress, which has always consisted of the instrumentalisation of means for the achievement of pre-planned ends. For example, through genetics, taken in its applied dimension as genetic engineering, humanity is now capable of intervening at the level of life itself either through artificial production and maintenance, or even through its re-creation. It is at the level of the intrinsic constitution of beings, and not solely upon the external surface of objects, that the power of humanity is exercised now in an undeniable transformation of its nature. From the instrumentalisation of reality, we have advanced to the manipulation of life.

This change in the nature of the power of human action (from instrumental to manipulative) carries also with it a new meaning, since technological progress is no longer just the effort to adapt reality to man's needs, a motivation that traditionally guided technological progress. Rather, it is now the desire to reinvent life, serving various interests in the creation of new needs that themselves will come to justify technological progress. When technology began to develop exponentially in the twentieth century (and thus changing into technoscience), philosophical reflection turned its attention to it,

⁷ The notion 'humanism' is here understood in its widest acceptance, as expressing essentially a faith in man, assuming his theoretical proportion and his ethical defense.

e.g. Gabriel Marcel and Martin Heidegger. Their common denominator is an understanding of technology as a means to enslave humanity and, in this way, an understanding of the preservation of humanity's being, its identifying essence.

Human action is no longer just transformative but also creative. For that reason its newly acquired power seems to correspond not just to a larger development of the human being, but instead to the usurpation of God's prerogative, with Prometheus as humanity's prototype. Consequently, the image that humanity projects of itself is also altered: from the creature to creator, now roaming about in a new world fabricated through the illusion of the absence of limits. And because humanity has been converted from a subject into an object of biotechnology, its identity is put in question by its own new powers. Will this unheard of creative power of man ever equal God's creative wisdom, or will we be doomed to witness our own destruction?

4.1.2. *The New duties (or: The Ethical Dimension of Man)*

It is obvious, not only that the image man builds of himself through his newly acquired power has changed, but also that his destiny is threatened. It is important then, to bring into play another dimension constitutive of the human being. We refer, in particular, to the ethical dimension of humanity, which translates into a sense of duty, through the internal experience of a constraint, or obligation which imposes an 'ought-to-be' or an 'ought-to-do'.

We believe that ethics, or the duty by which it expresses itself, has exercised itself under various modalities in the context of the progress of science or the challenges of power: through the imposition of limits, in a repressive action, determined by fear of the unknown; through the elaboration of rules in a normative action demanded by legal imperatives; through the education of conscience in a formative action required by the ethical dimension of our being. In the specific domain of its application to life, ethics was initially seen as setting limits and appeared as a reaction to the excess of interference by technoscience in human existence. In view of the overwhelming progress of biotechnology, we are witnessing a growing artificialisation of life in general and of the human in particular. Thus, we are also witnessing the multiplication of dangers, more or less foreseeable, relative to the well-being or even survival of man –

aspects that nurture a sense of fear traditionally attributed to the unknown. We do not refer necessarily to a "pathologic fear"⁸ – a feeling that in its all-encompassing and dominating expression stunts the will and clouds the mind – even if fear, when nurtured by ignorance, can lead to radical, dogmatic or fundamentalist stands which are generally expressed, in the present domain, by the decision totally to ban certain lines of scientific innovation out of the fear of some of its effects. Today, this stand is still widely adopted, particularly among the media. Scientific advancements are often reported in a sensationalist style that magnifies the risks, which are sometimes not yet objectively determinable, bending reality and intending to win a larger audience. In general, the reported information ends with an appeal to ethics to limit such unruly scientific progress.

Ethics applied to life has appeared also as a demand for reflection about the nature, objectives and implications of biotechnology in general, bringing about a deceleration of the irrepressible dynamism of the latter when forcing it to a confrontation with itself, in its investigations, difficulties and presuppositions. There is no attempt to stop progress but, instead, an effort to promote it by re-orienting it. The most common attitude at this level is the attempt to formulate rules or regulations to shape human behavior, or to enunciate principles that address the issue of the foundation of action.

It is this attitude that led to the establishment of centers for bioethics (the first one appeared in the United States, i.e. *The Hastings Center* in 1969, and *The Kennedy Institute of Ethics* in 1971, which were followed by the creation of many others of the same kind, particularly in Europe⁹) and of Healthcare Ethics Committees. These

⁸ 'Pathological fear' is an expression used by Hans Jonas to bring to mind the meaning that fear assumes as a starting point of Hobbes' ethics – meaning that he himself contradicts, in spite of stating at the same time fear as the basis for the ethics of the future: "Il ne peut donc pas s'agir ici, comme chez Hobbes, d'une peur de type «pathologique» (pour parler comme Kant), qui s'empare de nous de sa propre force, à partir de son objet (...)" in H. JONAS, *Le Principe Responsabilité*, p. 51. 'Pathological fear' is of a selfish nature, fearing but for itself. Hobbes would say, in his study on passions, that fear makes man aggressive, contributing to his anti-social behaviour. On the contrary, for Jonas fear ('heuristics of fear') constitutes a force to act, expression of courage to assume what frightens them, and also a stimulus to research or search of knowledge, if not of the effects, at least of the possibility of the effects.

⁹ Many of the existing European centres for bioethics are now gathered under the European Association of Centres of Medical Ethics (EACME).

committees are either of a restricted scope, such as those of the advisory or research type (in line, respectively, with North-American *Institutional Ethics Committees* and *Institutional Review Boards*) whose various functions are sometimes united in a single committee, as some European countries do; or they are of a national dimension which, in the European model, assume a permanent status.¹⁰

Meanwhile, the effort to pass from the level of advice to that of law-making is increasing lately, namely through the constitution of ethics committees of an increasingly wider scope. The objective is to give the directives issued by ethics committees the force of law so that they will not stay limited to their traditional consultative function, but will come to assume a deliberative, even legislative function. This process is taken to be absolutely necessary, since only the elaboration of legislation on biotechnological research and utilisation can impose respect for those values recognized as determinant for the preservation of the shared image of humanity. Ethical necessity is, thus, converted into legal obligation, of which the elaboration of the *European Convention on Human Rights and Biomedicine* (1997)¹¹ is a good example. Simultaneously, the risk of shortening the distance or altogether forgetting the difference between 'bioethics' and 'biolaw' arises, due to the intense commitment that the latter has excited (as expressed in various international meetings and in the numerous projects that seek financing by the European Community) to the detriment of the specificity of the former. In this way, what has been characteristic of the European course would be decried as a progression from the ethical level to the juridical level, in which the foundation of the former frames the ruling of the latter and the second guarantees the observance of the first. This is the most common course in the Anglo-American perspective in which, often, through a casuistic approach, court decisions determine which practice to adopt. The weight of the legal dimension is, then, superior and the reflection is more easily centred at the level of biolaw.¹²

¹⁰ See the list of National Ethics Committees in the Appendix 'European Perspectives on Health Care Ethics', p. 345.

¹¹ The *Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine* was elaborated within the Ethics Committee of the European Council, and presented to all state members for signature in April 1997, in Oviedo (Spain).

¹² As an example we could refer to the Karen Quinlan, the baby Jane Doe, and the Tarasoff cases.

Ethics, either as setting limits stimulated by fear, or as enunciating norms to be converted into legislation by law, appears still as a new power opposed to biotechnological power.¹³ Yet, ethics cannot be reduced to a counter-power.¹⁴ Its authenticity and legitimacy are at the level of duty or good, in which it is primarily expressed as conscience¹⁵ and is exercised usually as practical wisdom.¹⁶ We refer to ethical conscience as a state of (permanent) vigilance relative to action; and to practical wisdom as a reflective and deliberative capacity over the various concrete situations, always new, in the consideration of action in its intention, nature and consequences. It is at this amplified level of reflection, sensitive to the challenges that biotechnologies offer to action, that one finds the necessary broadening of the object of duty: the consideration of humanity as author and end of morality widens now to consider all beings upon which its protean power is exercised. The whole of nature becomes valued and thus an object of duty.¹⁷ By the same token, duty is now exercised not only in respect of humanity in its unconditional value as moral subject, but is opened up to a wider respect to all forms of life, and thus demands for their protection arise.¹⁸

¹³ Hans Jonas, in his work *Das Prinzip Verantwortung*, refers to ethics as a third level of power: the first refers to a domination of man over nature; the second refers to the loss of domination of man over nature; and the third, exercised over the second level power, refers to the self-limitation of domination. Cf. *Le Principe Responsabilité*, pp. 193-194.

¹⁴ If ethics were a counter-power, a "power over power" – as Jonas says – it would still and always be a tool to have or not have, to use or not use. Our scope, however, is to support that ethics constitutes the essential and specific expression of a human being who, by developing it, achieves fulfilment as a person.

¹⁵ Moral conscience – as a universal and atemporal structure (*a priori*) of being, which manifests itself in the spontaneity of every man to apply moral qualities to his action – has developed two different senses to determine action: the "good" and the "obligatory", according to Ricoeur (P. RICOEUR, *Soi-même comme un autre*. Paris, 1990, p. 199) The first would put emphasis on the perfectibility of being; the second, in the regulation of conscience through norms (See: J.-J. WUNENBURGER, *Questions d'éthique*. Paris, 1993, p. 38-39).

¹⁶ Aristotle's term is *phronesis* which we want to evoke as the true essence of ethics.

¹⁷ Jonas is a herald of this new dimension (not specifically ecological) of ethics.

¹⁸ Contemporary ethics (and particularly applied ethics) surpasses its traditional boundaries of intersubjectivity and expands in the just measure of the reach of human action. One example is environmental ethics, which extends duty to all living beings in general and also, in some of its tendencies (eco-ethics), to the habitats of the living beings.

In this perspective, in which the ethical dimension is presented as constitutive of the specificity of the human being (the anthropological difference is ethical), one should acknowledge that restrictions of duty on power are not imposed from the outside as something artificial, but are demanded from the inside. Humanity requires such restrictions during the course of its development, as an indispensable condition for the fulfilment of the self and as an obligation of respect for human dignity. In fact there is not, and there cannot be a real contradiction between the exercise of power and the claim of duty. Both constitute inalienable dimensions of the human being which articulate at the level of conscience the domain in which a person can be fulfilled as a moral being in the construction of one's personal identity.

4.2. The Identity of the Person

The relationship of mutual and necessary presence that we have now established between power and duty as indelible traces of humanity's image of itself reflects (correspondingly) on the relationship present between 'autonomy' and 'responsibility'. These are inalienable principles constituting the identity of the person, that is, of that specific character which one acquires through his or her action. In this sense, we can propose that autonomy is an expression of the person's power through which the person affirms itself in its individuality and that responsibility is an expression of duty through which the person integrates and interacts in the community to which he or she belongs. One should stress, once more, the specificity of European bioethical thought which, in its more markedly social and communitarian trend (here exhibited through the application of the principle of responsibility), surpasses the strong individualism characteristic of the Anglo-American perspective. In the convergence of these two principles one finds the identity of the person, that is, the essential unitary trace that characterizes a person as a singular being and that defines him or her as a member of humanity.

4.2.1. *Autonomy (or: About the Power of Humanity)*

Autonomy, designating etymologically the human authorship of the law to which it submits itself, has been through time the dominant

trait of the identity of humanity itself and the foundation of its very dignity.¹⁹ Human law ('*nomos*') has appeared beside nature's law ('*physis*') ever since the first forms of society government,²⁰ and this new order, the human order, tends progressively to separate itself from the order of nature, attempting even to dominate it in the course of history. Mainly, since the anthropological period of ancient philosophy, humanity has been urged to conduct itself according to the most excellent part of the soul, that is, according to his essence (Plato), according to its specific substance (Aristotle) as a trait identifier of the human and foundation of the value which is attributed or recognized. Reason as the rational part of the soul that, under a still deeply vitalist conception of a universal soul, is generically tripartite, is, then, identified as the specific difference of humanity, the faculty that knows the principles and guides the action in accordance to those truths (in the exercise of the theoretical use and the practical use of reason that only appears in Aristotle). Clearly with the Stoics, and particularly with Seneca, man who conducts himself by reason is he who lives a truly human existence and is worthy of respect. Man, the rational being, possesses an absolute value, says Seneca, and ought to be sacred to himself ("*homo sacra res homini*").

Reason is always the principle of universal intelligibility, for instance in Greek antiquity, where it reflects the harmony of the cosmos (*logos*), or in medieval Christianity, where divine law shines through it (natural law), or still in the modern and contemporary world, where it impersonates objective truth (science). Valuation of the personal, singular element in man's selfdetermination occurs with the introduction of the notion of will, already under the influence of Christianity and, particularly with St Augustine. The power of human will (now determined not only by reason, as in antiquity, but also by love) develops from the intensification of the interior life of man. Will, as the expression of an individual wish, is then associated with the universality of reason in the irreducible unity of the

¹⁹ The notion of 'autonomy' appears first in the political context, meaning the independence or self-determination of a state, and only later came to receive a predominantly moral connotation, which we privilege here.

²⁰ It will be interesting to point out that, from the exclusive attention to '*physis*' to the joint reference to *nomos* (with all the meaning of "conventional" or "arbitrary" it carries), the passage from a stronger incidence of the physical domain to the ethical is remarked.

In this perspective, in which the ethical dimension is presented as constitutive of the specificity of the human being (the anthropological difference is ethical), one should acknowledge that restrictions of duty on power are not imposed from the outside as something artificial, but are demanded from the inside. Humanity requires such restrictions during the course of its development, as an indispensable condition for the fulfilment of the self and as an obligation of respect for human dignity. In fact there is not, and there cannot be a real contradiction between the exercise of power and the claim of duty. Both constitute inalienable dimensions of the human being which articulate at the level of conscience the domain in which a person can be fulfilled as a moral being in the construction of one's personal identity.

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Autonomy, designating etymologically the human authorship of the law to which it submits itself, has been through time the dominant

moral act. It is this mutual and indispensable concurrence of reason and will in the ambit of morality that, already in the beginning of Modernity, Kant will establish in his classical concept of autonomy.

Kantian autonomy expresses that the will (the good will) has to be its own law in a complete identification between itself and reason. The good will is the will which is free from all interest and determined by reason alone. Acting out of the necessity of the respect for the law, the value of this rational will is found solely in its intentions. Only in this sense does autonomy constitute itself as a supreme principle of morality. That is, only in this sense does the concept of autonomy express the universality of the law that commands all singularly in the perfect coincidence of the most rigorous submission and of the most absolute freedom. This way, the human being is converted into the universal legislator, and assuming an unconditional value (not only as author of moral law, but also as end of morality itself) which Kant designates by dignity – the quality of being an end in himself, common to every rational being.

The concept of autonomy, i.e. full use of reason and extensive exercise of freedom, is perpetuated in the occidental tradition as a fundamental principle of moral life and of the identity of the person. However, it is important to acknowledge that the genuine Kantian sense that legitimates autonomy as principle of morality is fading away. Autonomy is being converted into a moral ideal, losing its meaning as the condition of morality; it is being converted into a psychological capacity, fading away as a condition of the person. Besides, since it articulates in its concept the demand for reason and freedom, autonomy will be strongly shaped by the moral and political theory of liberal individualism, which is commonly expressed in the language of rights. This is a process that increases as liberal revolutions occur (England, United States, France, etc.) and their ideals are spread (the common recognition of fundamental human rights, either of sociopolitical or individual nature, emerges from that of freedom). But then it becomes the object of a claim, loosing its meaning as trait of the identity of the person which proves to reduce and impoverish the concept in question.

Such liberalism will become strongly marked and expressed in an overpowering way in bioethics during the decade of the 1960s in the United States. In this perspective we should refer to the decisive importance of the *Belmont Report* (1978). This report of the *National Commission for the Protection of Human Subjects and Behavioral*

Research, appointed by the U.S. Congress in 1974, systematises three fundamental principles that legitimate research, namely respect for people, beneficence and justice. Respect for persons implies the recognition of their autonomy, which appears, then, in general terms, as the capacity for the individual, rational and free, to make decisions about him or herself. In this context, Paul Ramsey's work *The Patient as a Person* was precursory.²¹

Still at a theoretical level, Beauchamp and Childress' model, since the first edition of the *Principles of Biomedical Ethics* in 1979, presents four principles as *prima facie* duties, i.e. beneficence, non-maleficence, justice and respect for autonomy. In case of conflict, the principle of respect for autonomy gains preponderance. The autonomous choices of the individual must be made under certain conditions (more or less rigorously established) that function as the criteria of autonomy. This concept refers, then, univocally, to the capacity of the self-determination of the individual, a meaning by which the autonomy principle would be widely expressed and strongly implanted in the Anglo-American tradition with also a strong influence on the bioethical debate in many European countries. Autonomy is assumed as a fundamental value and a basic right of every individual. What seems clear here is the transition of the autonomy principle from a universal dimension to a purely individual dimension. The autonomy of the person is no longer the coincidence of the individual maxims with the universal law, but the individual power of decision, i.e. self-determination.

At the practical level, and specifically regarding human experimentation and clinical practice, the practice of autonomy ensures that every rational, free and well-informed individual, can choose his or her own course of action. This principle was fundamental for the overcoming of the paternalistic model of medicine, which started to appear with increasing relevance since the decade of the 1950s. This opened the way to the professional-patient relationship which we summarise, paraphrasing Ramsey, as the patient as a partner. Progressively, the principle of autonomy itself becomes hegemonic, which leads to the paradoxical situation of being invoked to justify procedures of that contradict sense. For instance, one may refuse

²¹ P. RAMSEY, *The Patient as a Person: Explorations in Medical Ethics*, New Haven, 1970.

treatment and in doing so either speed an avoidable death or simply deny the relief of suffering.

In brief, we can say that, in the context of the bioethical debate, the right to exercise autonomy is found in the act of informed consent, which the individual allows or denies; and that autonomy, since it is a principle, is recognized by respecting the decision that the individual takes. We admit, though, the important restriction that is designated by incompetence, which is applied in the absence of appropriate rational capacity and/or free exercise of will. The mentally handicapped and individuals suffering from depression are not treated as competent and are thus denied their dignity as persons. The fact that some individuals are diminished or even destitute of autonomy was widely treated, for example, by Tristram Engelhardt, in the first edition of *The Foundations of Bioethics* (1986).²² He thus excluded these individuals from the bonds of obligations in which the moral community consists. More recently the author has adopted a less extreme position. However, Engelhardt's original position prevails still in other authors, either in the enunciation of principles (for example, the capacity of suffering as a criterion of moral obligation as defended by Peter Singer) or in clinical practice (for example, the possibility of adoption of the neo-cortical death criterion, described by R. Veatch).

The autonomy principle, as it has been taught in bioethics and, definitively, when radicalised (i.e. taken as isolated) has not only been used for various individual interests, but has also become a factor in the exclusion or destitution of some individuals from the personhood – thus radically contradicting the Kantian sense of the term. In this context, it is important to take into consideration another principle, one which tends to neglect interests or benefits derived from autonomy and which thus tends to widen the extension of moral community, hereby cancelling the excesses of autonomy. This principle appears to be that of responsibility.

4.2.2. *Responsibility (or: the Duty of the Human Being)*

The idea of responsibility has a long history, although the concept is relatively recent, and has gained only during this century a specific moral dimension. The attribution of responsibility as a quality (as an

²² H. T. ENGELHARDT, *The Foundations of Bioethics*. New York – Oxford, 1986.

adjective: the 'responsible being') is already common during the Middle Ages; however, the notion 'responsibility' appears only by the end of the 18th century, as a characteristic of a juridical language. The concept of responsibility is then translated by the notion of 'imputability', that is, in general terms, the attribution of an action freely carried out to a subject who is its author or cause. The etymological sense of the term is thus kept in its suffix and root ('re-spondeo', to present oneself as a token for a promise, a commitment), responsibility meaning literally the capacity to answer for one's own actions. We see, then, that the concept of responsibility, as primarily defined by law, does not refer to or create a new reality, but instead formalises an already ancient idea in the history of philosophy that was originally presented under the notion of "cause". Indeed, the term 'aitos', meaning cause, appears in Plato's *Republic* (*Republica*, X, 617e), as well as in Aristotle's *Nicomachean Ethics* (*Ethica Nicomacheia* III, 7, 1113b), referring to the same reality we translate today as the notion of imputability or of responsibility²³. This sense prevails in Kant's *Grundlegung zur Metaphysik der Sitten*, in the statement that imputation in the moral sense is the judgement by which someone is considered as the author of an action (which is then called a fact and submitted to laws). This idea that connects the subject, as cause, to his free action, passes by the history of philosophy, but responsibility will only find the conditions necessary to assume a moral dimension following the systematic study of freedom, which we are witnessing in contemporary culture. Responsibility then is clarified as a consequence of the person's freedom.

However, keeping in mind the unfolding of its constitutive moral dimension, responsibility has surpassed its traditional meaning of imputability and now appears as an appeal. If, while under its previous meaning, responsibility would relate immediately to subjectivity in its individual character and to freedom in its absolute character, today responsibility is no longer mainly a choice but mostly a commitment, an attribution to which we all are bound, a task or mission to which we all are committed. For that reason, it no longer strictly depends on the freedom that we recognise in each of the acts we perform, nor does it simply put the individual in confrontation

²³ J. HENRIOT, *Responsabilité*, in *Encyclopédie Philosophique Universelle*, Vol II. Les Notions Philosophiques, Paris, 1990.

with himself. Rather, it flows from the human condition itself, from an existence shared in the community, from the dimension of alterity constituent of subjectivity itself that establishes an unbreakable bound between all persons.

This new meaning of responsibility is mainly treated and developed by Emmanuel Levinas, particularly in *Autrement qu'être ou au-delà de l'essence* (1974).²⁴ Levinas presents responsibility as the essential, primary, fundamental structure of subjectivity, a subjectivity which is both de-position and ex-position, the most passive passivity in a total and gratuitous gift of one to the other. Subjectivity is openness and openness is vulnerability of the person who, naked of any disguise, exposes oneself to the wound and outrage of the other. Confronted with the face of the other, the only ethical relation is that of non-violence to violence to which the vulnerability of the other's face invites; the ethical relation is responsibility, the answer of subjectivity to the call of the other, the neighbour, humanity. In this sense, responsibility no longer exhausts itself in the duty to answer for one's actions, but opens up a vaster duty to answer for what penetrates the human being, one's very humanity. The etymology of the word is preserved and its meaning is amplified, in a clear accentuation of its inter-subjective nature. One is responsible for and before, one answers for and before, which implies that we are not alone.²⁵

This widening of the concept of responsibility, from the strict sense of imputability to the broader sense of answerability, marks a decentralisation from that individualism attendant with the inseparability of freedom and responsibility. Each individual is held responsible for himself, for his action, for his freedom. Hopefully this leads away from the autonomous subject toward the consideration of questions regarding one's responsibility.²⁶ This is a new cen-

²⁴ E. LEVINAS, *Autrement qu'être ou au-delà de l'essence*, Paris, 1990.

²⁵ Alain Etchegoyen says that "the notion of responsibility is directly intersubjective. It cannot be elaborated in an unrealistic 'solipsism'. Responsibility can only put on a moral dimension when it confronts the responsible man with a look that surpasses the limits of his own territory: whether it is the other, or the immanence of the other to his own conscience." In A. ETCHGOYEN, *Le temps des responsables*, Paris, 1993.

²⁶ In this new meaning, responsibility does no longer necessarily flow from freedom (as its natural and inevitable consequence, as the 'reverse of the coin'), but can even precede it (as it is defended by E. Lévinas and H. Jonas), once it relates to man's own condition or, as Jean Ladrière says referring more widely to ethics as the "dimension qui appartient constitutivement à l'existence, [...] le constitutif le plus essentiel." J. LADRIÈRE, *L'éthique dans l'univers de la rationalité*, Québec, 1997, p. 145).

tering, like a Copernican revolution, and it in fact corresponds to a particularly significant inversion: the inversion of the Kantian understanding of power through duty to the Jonas' understanding of duty through power.

For Kant, duty, expressed by moral law determines the power of the autonomy of will. However, within the context of the new understanding of responsibility, eminently represented by Hans Jonas (*Das Prinzip Verantwortung*, 1979), it is the power of technology that implies duty (solicitude). Jonas will say that the more technological power one has, one has that much more responsibility, that much more duty. Kant's and Jonas' concepts of power do not have the same meaning but the inversion of the relationship between power and duty is still significant when revealing power as a corollary of morality under the sign of autonomy, and a corollary of duty under the sign of responsibility²⁷.

For Hans Jonas, the responsibility by which duty is expressed constitutes the foundation of all human relationships, whose archetype consists in the parental relationship: it is the new-born that, out of the most absolute absence of power, appeals to the responsibility of the parents, who have all the power. Responsibility expresses the obligation placed upon the action determined by power. Only he who can, ought to; and those who can do nothing, have no duty – the latter are object of the responsibility of those who can, they are those to whom everything is due. Jonas, thence, breaks away from the traditional correlation between rights and duties – a terminology that strongly shapes the expression of Anglo-American bioethics, and that weakens in the European scenario. The European bioethical expression is more committed to the establishment of equity, and therefore is not restricted to the search for the individual good, but rather aspires to the realisation of the common good. Simultaneously, the philosopher chooses vulnerability as the object of responsibility.

²⁷ Contradicting Kant's position that duty precedes power – "you ought, then you can", Hans Jonas would say: "you can, then you ought". Power is the root of duty – in the Jonassian point of view – a power while final causal force, emancipated by knowledge and freedom (power that chooses ends with knowledge) and duty is "a certain correlate of power such that the amplitude and the type of power determine the amplitude and type of responsibility." H. JONAS, *Le principe responsabilité*, Paris, 1995, p. 177.

The vulnerable person is now the object of responsibility in this new, and at the same time original, willingness to answer the call of he who lacks power (Jonas), and of passivity (Levinas). For Levinas, vulnerability is the expression of the nakedness of the face (of what escapes my power) and of the obsession for the other; it is an expression of a subjectivity without interiority, without identity, which as such goes as far as the substitution of the other, taking responsibility for the other. For Jonas, vulnerability is the perishable character of life, of the being that, in its frailty, calls for care, for solicitude, for duty, for responsibility of the other. With this new conception of responsibility the links of obligation are tightened within the moral community, from which no one is excluded.

The principle of responsibility is not widely applied as a bioethical position. For instance, Levinas never addresses bioethics, although it may be possible for us to apply his thinking to bioethical problems. Following his line of thought abortion and euthanasia would be absolutely prohibited due to the first command of the face of the other: "Thou shall not kill". Moreover, our infinite duty to the other in his weakness would address issues arising from the commercialisation and depersonalisation of health care, and from our obligation to care for terminally ill patients.

Jonas, on the other hand, refers specifically to bioethical issues, particularly to human experimentation. He condemns all experiments that have as their only goal the increase of knowledge. He also refers to the unacceptability of abortion, except in the case of a positive genetic diagnosis and the child's best interest. Moreover, he condemns positive eugenics and cloning. He refers to the maximalist definition of death with the consideration of the possibility of organ transplantation. He considers the progress of genetics, and in doing so, considers safeguarding the integrity of man and of living beings in general. Due to the preponderance of duty over power and the new object of responsibility, Jonas extends the traditional domain of the human to all living beings in nature, and projects responsibility beyond the here-and-now of the present to a distant future that contemplates the coming generations. Responsibility exercises itself, invariably, toward protecting threatened life and preserving the 'being-as-such' (way of being) of the existent.

However, it should be recognised that this Jonassian responsibility for every form of life, present and future, appears not only as vague – in that we do not know well enough the distant effects of our

actions of today –, but as also extremely demanding, for it only can be fulfilled collectively. In order to become effective, responsibility must be shared by the community, becoming an insertion factor of the individual into the collectivity by rendering uniform the meaning of action. The principle of responsibility, as it is recognised by Jonas, expresses a duty that is never merely individual, but instead demands a wider political organisation to assure its execution. In this sense, personal responsibility tends to be diluted. This aspect is taken to the extreme by Levinas through a reversed process: it is subjectivity that is always responsible; however, being unlimited and *a priori* responsible for everything and for all, causes the weight of the actions to fade.²⁸

A wider reflection on the various ethical perspectives that developed in the second half of the 20th century in Europe, will most certainly show the inflection, more and more marked, of the direction of action: from the imperative of power to the imperative of duty; from the demand for freedom to the demand for responsibility. This reorientation of action seems positive to us, even necessary, not as an alternative but as a search for an equilibrium among different expressions of the human and considering the establishment of the best conditions for the realisation of man's ethical vocation.

In the past, we gave pride of place to the principle of autonomy in human development, but now we see that it is impossible to consider the principle of responsibility in isolation. Autonomy, in the absence of responsibility, tends to restrict itself into a self-centered and autistic individualism; responsibility, in the absence of autonomy, tends to fade into the anonymity of impersonal collectivity. Autonomy without responsibility is sterile; responsibility without autonomy is inconsistent. In the same way, power without duty becomes oppressive and duty without power becomes subservient. In fact, each of these elements of the binomial calls for the other and fulfills itself in the other.

It is important, then, to demand and to safeguard the necessary indissolubility between the autonomy principle and the responsibility principle: the former as indispensable for the constitution of the

²⁸ Levinassian responsibility (always extra responsibility and responsibility for the other's responsibility) in its infinitude proportionate to election, is more easily seen as formal than foreseen as authenticity to fulfil (utopic character of Levinassian responsibility).

person as a rational and free individual; the latter as indispensable for the constitution of the person as a solidary being. The identity of the person is constructed in the crossing, intertwining, interweaving of the dimensions of power and duty, of the sense of individual freedom and communitarian obligations, of the principles of autonomy and responsibility, in the singular fulfillment of the universal humanity – the essential unity that makes the identity of the person.