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Bioethical Framework of the Personal Realm

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INTRODUCTION

This work aims to analyse the thoughts of H.T. Engelhardt on some of the central themes of contemporary bioethical debate. The area in question includes the observation of the de facto existence of a highly plural society, i.e. one that is characterized from a moral point of view by an intrinsic pluralism. Central to this context is the concept of the person, which, contrary to any broad consensus on how this should be understood, requires extensive reflection to provide an appropriate definition.

To speak of the "human person" also means necessarily addressing the rational capacity that characterises them, which is then strongly questioned from a theoretical point of view by the postmodern context of the plural society and Engelhardt himself. The importance of offering an adequate semanticization of the concept of the person is apparent when it becomes clear that this represents the key to addressing problems arising from a bioethical point of view.

The main aim of this research will therefore be to understand (starting from an analysis of Engelhardt's thought, which provides much food for thought to this end) whether there is still room within contemporary debate for the use of the concept of the person which is capable of guaranteeing their protection in a well-founded manner, i.e. by leveraging capacity of reason to identify a non-arbitrary hierarchy of goods in a substantial way. This forms part of an overview of the fundamental features of the contemporary context, which is characterised by a crisis that affects each sector, cultural and otherwise, so undermining any possibility of achieving any degree of certainty.

With this observation as starting point, a crisis of reason ends up rendering any attempt to ground knowledge futile, in particular moral

knowledge. The concept of postmodernism encapsulates those traits that characterise this situation. The comparison with the modern era and the elements that have marked it, such as the myth of progress, the centrality of freedom and conscience, and man's domination over nature and trust in reason, help us understand the path that has aggravated these traits, showing them today in a distorted manner, emptied of those positive elements that allowed man to conduct a meaningful discourse on reality. Therefore, we provide a precise analysis of Engelhardt's reading of this path, which (using his terminology) led first to the crisis of the Enlightenment project and subsequently to proposing its minimalist morality. It will be interesting to understand whether this outcome is inevitable or can still acknowledge man's rational faculty to trace substantial morality.

The second part is entirely devoted to the concept of “the person” to ascertain how this is to be understood and consider exactly what the human person is, i.e. what can be identified as an adequate definition and therefore who can rightfully be defined as a “person”. We will therefore briefly address the history of this concept and subsequently observe how Engelhardt uses it: it is clear from the outset how he reduces this to a synonym for 'healthy adult'. Engelhardt makes the distinction between human *beings* and human *persons* his own, believing that the two terms do not have the same semantic extension. Thus he rightfully claims his place among those authors who in the field of bioethics recognise the rights only of those who are capable of exercising their self-awareness, rationality and freedom in an autonomous manner. In the light of the semanticization of the concept of person, we will then address the bioethical issues Engelhardt deals with, in particular those based on a single denominator: permission, which those involved can grant or refuse. Hence, the centrality of the concept of person for bioethical debate and the importance of its

correct semanticization emerges, since the granting of rights (or not) and the extension of protection depend on it.

This view is characterised by specific keywords: charity, permission, property, moral friends and strangers, community and society. Therefore, the objective of is that of understanding the sustainability of the morality proposed by Engelhardt and the image of the person that derives from it. Through a critical analysis of Engelhardt's thought, therefore, this paper intends to address some of the central themes of contemporary bioethical debate on the premise that before delving into specific problems, it is first necessary to establish whether it is still possible for human reason to be intentionally opened up to reality in order to grasp its profound meaning and thus both demonstrate a substantial morality as well as establish what protection should be adopted for the human person.

Chapter 1

1.1 SOCIETY AND MORALITY

In addressing the impasse faced by humans in contemporary society, characterised by an undeniable pluralism of ideas and lifestyles, Engelhardt[1] approaches the relationship between society and morality as a valuable point of comparison through which to address issues central to current bioethical debate. Since a philosophical thesis can be discussed either by taking into consideration its premises and examining their consistency or by verifying their internal coherence from a methodological point of view, in this overview an argumentative strategy interweaves both of these approaches. For example, Engelhardt's point of departure is similar to that of Jonas. However, in his principle of responsibility, Jonas proposes a morality that is anything but minimal since, by tracing the duty *to be* in being, metaphysical or, at least, ontological discourse. The effort Engelhardt makes in probing the possibilities of moral discourse stems from his awareness of the fact that it is the very process of post-modernity[2] that has led to the weakening (if not yet the cancellation) of the need to trace criteria so as to guide the overwhelming power that technology places in the hands of humanity. Indeed, while humanity is experiencing an unprecedented expansion of its powers, its certainties at the level of duties and limits (if any) of human action are rapidly disappearing. Different communities have experienced a sense of vertigo over an unprecedented range of possibilities and the difficulties of attempting

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[1] Engelhardt, Hugo Tristram Jr. (27 April 1941- 21 June 2018) is an American philosopher, bioethicist and physician. Author of countless articles and editor of several journals, including the Journal of Medicine and Philosophy. His most famous theses are contained in his book *The Foundations of Bioethics* (1986).

[2] For more on the concept of "postmodernity" see, for ex., Harvey, David. *The Condition of Postmodernity*. Wiley-Blackwell, 1992; Ceserani, R. *Raccontare il postmoderno*, Bollati Boringhieri, Torino, 1997; Bertoldi, Francesco. *Postmoderno? Il Destino Dell'uomo*. Editoriale Jaca Book, 1990.

to trace a common language within a fragmented society. Attempts to provide a solution to this vertigo address the question: how can we sustain public morality amid post-modernity? The belief that it is possible to sustain a single substantive morality that can be accepted as valid by all is increasingly losing ground.

Nevertheless, it is worthwhile providing an understanding of how post-modernity is portrayed. According to Engelhardt the term post-modernity is both a sociological and epistemological condition: the loss of a universal narrative whose terms interpret human experience and at the same time the loss of an ability to justify or clarify the content of that narrative in generally secular terms. There are, in fact, a number of ethical visions in the current era that seem to re-propose the myth of Babel and its disruptive consequences for the human family. For Engelhardt this condition is a result of the failure of the so-called Enlightenment project, i.e. an attempt to establish in secular terms a substantial canonical morality which can be justified to people in general. The failure of this project is one outcome of the long journey represented by the entire history of Western thought[3], a reconstruction of which Engelhardt provides on several occasions in his writings. The idea that humans can understand reality (both their own and that of the world) through reason has ancient roots: philosophy itself can be seen as stemming from a love of wisdom that is certain to enhance the object of its desire. The idea of a canonical viewpoint transcending cultures and open to all was already present among the pre-Socratics.

As is already well-known, at the dawn of philosophy the first thinkers[4] went in search of a principle that would allow for a single understanding of all reality that in their eyes presented itself as a

[3] cfr. Harvey D. *The Condition of Postmodernity*, Wiley Blackwell, 1992.

[4] The reference is to Thales, Anaximander, Anaximenes, Heraclitus and Democritus.

clearly ordered phenomenon. This conviction later deepened and was to find its highest point in the ancient world thanks to Plato and Aristotle and later with the Stoics, who further developed the aim of articulating a rational vision of being and morality. However, the decisive point in the history of Western thought was, according to Engelhardt, the advent of Christianity, or rather the cultural hegemony that Roman Catholicism played for centuries[5]. It took up the legacy of Greek thought and thanks to a marriage of faith and reason strengthened trust in reason by anchoring it to a solid foundation: the ultimate reference to a God creator who gave order to reality, making it intelligible to man. As a metaphysical explanation, the Judeo-Christian view offered a single foundation for the existence of reality, the origins and justification of morality, and the motivation for choosing to be moral. Western Christianity[6] implied, in particular, the presumption that morality could be known and mainly understood by reason alone, without the support of faith. Faith and reason were thus closely intertwined for a long time and formed the strong premise from which philosophy developed, up to the threshold of the modern era. Before analysing Engelhardt's reconstruction[7], however, it should be pointed out that although it includes abundant elements of truth, it also contains

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[5] In analysing this author's thought, it is important to distinguish within Christianity what is called Roman Catholicism from Orthodox Catholicism, the designation that adherents of the Orthodox Church give to their faith to emphasise that their interpretation of Catholicism is properly Orthodox, i.e. "of right opinion". Orthodox Catholicism should not be confused with the Orthodox liturgy adopted by Roman Catholics in certain geographical regions. This distinction is necessary because Engelhardt professes orthodox Catholicism, and this affiliation has a great influence on his thinking.

[6] cfr. Tanner, Kenneth, and Christopher A. Hall. *Ancient & Postmodern Christianity*. InterVarsity Press, 2002.

[7] For Engelhardt's reconstruction of the parabola of Western thought, see, among others, the following texts: Confronting Moral Pluralism in Alora, Tan Angeles, and Lumitao, Josephine M.. *Beyond a Western Bioethics*. Georgetown University Press, 2001; Engelhardt, H. Tristram. *After God*. 2014; Id *Global Bioethics*. Ashgate Publishing, Ltd., 2006; Gielen, Joris. *Dealing with Bioethical Issues in a Globalized World*. Springer Nature, 2020.

one major limitation: that of presenting the history of thought from such a long and complex period as that of the West in a monolithic and schematic manner.

Christianity and, therefore, the influence it had on philosophy. Indeed, Engelhardt speaks of the Judeo-Christian vision as if it were a whole: this is true since Christianity receives the Judeo-Christian tradition in the light of the Incarnation, but in truth, the ways that have produced a more extraordinary echo in philosophy are Judeo-Christian[8]. This suggests to us that Engelhardt should perhaps have distinguished between what explicitly belongs to faith and is mistakenly assumed as such in a philosophical perspective and what, on the other hand, is suggested, so to speak, by faith to philosophical reflection but in reality has a rational character and content. One should not underestimate that faith has imposed problems and perspectives on the philosophy that it would otherwise never have tackled, thus providing a fruitful stimulus for philosophy itself. This is probably how it was with the doctrine of creation: at a certain point in history, it did nothing but promote in a new light the deepening of the thesis which, moreover, gives ground to everyday experience, according to which it is possible to trace the order and a goal in nature, a thesis already developed in detail by Aristotle, among others, even if he considered the world eternal, and present in an embryonic way in the Platonic theory of the Demiurge. Engelhardt's analysis is premised on the conviction that something new is happening in modernity: He believes that Christian faith has gradually lost ground,

8 While Engelhardt emphasizes the unity of the Judeo-Christian tradition in shaping philosophy, it is vital to discern the unique contributions and perspectives brought forth by both Jewish and Christian thought. The interplay between faith and reason has been a central theme in both traditions, yielding a rich tapestry of philosophical discourse. Engelhardt's call to distinguish between faith-based assumptions and rationally grounded philosophical insights echoes a broader discourse on the need for clarity and precision in philosophical analysis, especially when engaging with religious and theological themes.

literally collapsed, since the 16th century and that the West has nevertheless entered modernity with robust expectations of reason. The synthesis elaborated by Christianity entered a crisis and broke down due to particular historical and cultural events. First, the Protestant Reformation, i.e., when Martin Luther slammed his Ninety-Five Theses on the door of the Church of All Saints in Wittenberg in 1517, marking the beginning of a new era in the West and the collapse of hopes for a possible uniformity of religious and moral views. What happened was the point of no return, unhinging the monolithic approach that Christianity had given to Western culture.

From then on, it was no longer possible to hope for life in a society that could aspire to a unified moral code dictated by a supreme moral authority. The so-called religious wars that made the following century bloody are a real confirmation that the horizon was no longer unified, or at least that it could no longer find a synthesis on God. From the methodological point of view, there is a gap here: The author claims that the historical reconstructions he proposes in a way that corresponds to the most recognised historiographical reconstructions function as arguments and, as a method, almost fall into this type of philosophy of history. He moves inappropriately from descriptive statements to evaluative statements, violating Hume's law[9] that prevents the transition from facts to values. He proposes historical facts as evidence for his theses, which are not historiographical but theoretical. Sixteenth-century Christianity was internally divided into different denominations, a fact that does not detract from the hope of living in a society that could aspire to a unified moral vision. On this point, it seems contradictory to claim that Christianity, in its Roman

[9] For a more detailed discussion, see Casini, Leonardo, and Pansera Maria Teresa. *Istituzioni Di Filosofia Morale*. Meltemi Editore srl, 2003 and Buckle, Stephen. *Natural Law and the Theory of Property*. Oxford University Press, USA, 1991, in which the author discusses Hume's Law.

Catholic version, lost its cultural hegemony from the 16th century onward and argue that it is futile to understand what is good and what is evil objectively. Therefore, it is a logical leap to blame the loss of a common faith for the dissolution of a fertile ground on which the search for the truth could continue. The publication of Copernicus' *De revolutionibus orbium coelestium*[10] is another striking moment on this path, which gradually undermined the certainties guaranteed by the Christian faith. As is well known, Copernicus introduced the heliocentric theory, which after centuries undermined the geocentric theory of Ptolemy, which saw the Earth and man at the centre of the universe, a theory consistent with the biblical account of creation. The Copernican Revolution was one of many changes in ideas that took away our sense of an absolute or final perspective: Man was no longer the centre of the universe. Undoubtedly, this revolution caused no slight confusion in the consciences and a violent reaction from the Church hierarchy. However, it cannot yet be said that this really undermined the Church's conception of man and his value, which was certainly not based on geographical or astronomical considerations[11], but on anthropology that was indeed rooted in the creation account, even if not taken literally from the Bible and in the event of the Incarnation. For Engelhardt, another disorientation occurred in 1859 with the publication of Darwin's The Origin of Species. After that, the human species no longer seemed to enjoy any privilege in the evolution of life, contradicting the biblical assertion of the value of a man created in the image and likeness of God and opposing this view with the authority and force of a scientific theory, evolution, which would show that man was instead the result of chance. In the Darwinian view, man does not embody an eternal image but is part of universal becoming, especially

[10] The first copy of *De revolutionibus orbium coelestium* is dated 24 May 1543.
[11] cfr. Fornero, Giovanni. *Bioetica Cattolica e Bioetica Laica*. Bruno Mondadori, 2005.

biological becoming. His existence is ultimately the unintended product of neutral forces whose continuing interaction with circumstances leads to evolution but is not directed toward any particular end. Here lie the roots of those theories, which today hope that man will finally take the reins of his evolution into his own hands, as technology makes such a scenario possible[12]. Charles Darwin was clear that he was more than a scientific theory: a long series of reflections undermined the providential worldview in its foundations and included man definitively in the laws of nature. Just as after the Copernican Revolution, it was claimed that an astronomical discourse was downgrading the value of a man, so too about Darwin's discoveries on the evolution of species; there is a tendency to downgrade the concept of human dignity by considerations based on scientific data which, as such, can say nothing about it. Once again, there is a danger of violating Hume's Law by pretending to move from the modern scientific theory of evolution to evolutionism, which is also explicitly called philosophical Darwinism. The former is the theory founded by Darwin and then confirmed by the discoveries of genetics and is among the most scientifically accepted to explain how the different species have evolved from a biological point of view, and among them, therefore, the human one. However, when we speak of evolutionism[13], we mean a philosophical theory that, as such, goes one step further than what scientific theory can tell us. However, when such a theory claims to reach conclusions that are not scientific but purely metaphysical, if not theological, it becomes something more than a scientific theory. Evolutionism represents a further and essential step in the dissolution of the finalists' ideas about the cosmos and

[12] The reference is primarily to the theories of human enhancement, which urge that humans be improved with a view to a posthuman future. Bear, Greg. *Darwin's Children*. Del Rey, 2004; Meilaender, Gilbert. *Bioethics and the Character of Human Life*. Wipf and Stock Publishers, 2020.

[13] Donatelli P., author of the entry *Evolutionism*, in Lecaldano E., Dizionario di Bioetica, Laterza, Bari, 2002, p. 122-123.

nature, which discredit the idea that man is a unique creature that came into being by deliberate design. That the theory of evolution can disprove the finalists' conception of reality, however, raises many doubts if one only thinks that every becoming entity, which is all entities of which we have experience, has within itself what it is supposed to be. The predictive capacity available to all experimental science confirms this. Thus, the analysis of the binomial society and morality continues with the confirmation of one of his central theses: 'While the synthesis of the Christian West was losing ground, the Enlightenment and the progressive hope that reason (through philosophy or, more generally, rational reflection) could shed light on the nature of the morally good life and the general criteria of moral rectitude outside a particular moral narrative were gaining ground.' In other words, he believed that the certainties in the moral realm supported by religion could be taken over by philosophy and outlined in a different language that would not appeal to revelation but could be accepted and shared by all. After faith in belief disappeared, faith in reason remained, becoming one of the main factors of secularisation.[14]

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[14] Engelhardt jr. H.T., *After God*, p. 134. In this contribution we find the word *secularisation*, an important term which can take on different meanings and which Engelhardt uses as a synonym for the term *laicisation* (the same applies to the words *secular* and *lay*). However, the author identifies the following possible meanings: *1) the religiously neutral context of ordinary life that can be renounced in order to attain the kingdom of heaven through asceticism [...]; 2) a cleric or the property of clerics who have not taken special vows [...]; 3) the process by which a religious and/or their state become secularised (e.g. by being released from those vows); 4) the process by which a cleric is reduced to lay status or the property of a church is transferred to a layperson; 5) the attempt to abrogate or limit the powers, immunities and influence of the church; 6) secularism or laicism understood as movements aimed at removing religious discourse from public debate[....]; and 7) secularisation or secularism as a process that removes the presence and even the influence of religion from public debate*(After God, p. 108). All these possible meanings implicitly and progressively mark a clear distance between the 'things of the world' and God, thus providing a partial, if not false, interpretation of the phenomenon of secularisation. On closer examination, it is precisely the Judeo-Christian tradition that, in contrast to Greek pantheism, has affirmed the distance between the world and God, even if this distance must be

According to Engelhardt, the culmination of this attempt is represented by Kant, who affirmed traditional Christian morality without any reference to Christ and assumed that it was based on reason. Kant continued the project developed in the mid-thirteenth century, representing the last great scholastic. To call Kant 'scholastic' borders on an oxymoron, for Kant's morality is notoriously deontological, that is, at its centre is the primacy of duty rather than that of final value, as is the case, on the other hand, with scholastic morality, which is precisely teleological.

However, Kant is comparable to Thomas in that he represents a continuum between the moral doctrine of scholasticism, which derives the ends of the law from man's natural inclinations, and the former's attempt to base morality absolutely on reason, whose imperatives apply to all men as rational beings. Kant proposes a sound philosophical system that, by examining and delimiting the limits of reason, which has no access to the noumenon, i.e., the thing-in-itself, makes unobjectionable what reason is entitled to say[15]. To Kant, we owe the most succinct formulation of the respect due to the human person, represented by the categorical imperative, which commands that we act in such a way that man, both in his person and in the person of everyone else, is always treated simultaneously as an end and never merely as a means.

From Kant's perspective, ethics and morality are central to determining the actions and decisions of individuals within society. In his work 'Groundwork of the Metaphysics of Morals', Kant emphasizes the importance of acting ethically, respecting the dignity and intrinsic value

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read in the light of the Incarnation, which summed up the world in the first place. in the light of the Incarnation, which inserts the divine into the everyday to the highest degree.

[15] cfr. Sullivan, Roger J. *Immanuel Kant's Moral Theory*. Cambridge University Press, 1989.

of every individual. His famous aphorism, "Act only according to that maxim whereby you can at the same time will that it should become a universal law,"[16] underscores the need to consider others not just as means to achieve our own goals, but as beings endowed with value and dignity regardless of their roles in our lives[17].

Continuing on the concept of personhood and the possibility of a foundation for ethical-bioethical values, one can observe how the recognition of intrinsic dignity and the value of every individual can serve as a solid base for the development of universal ethical principles. This approach allows for transcending cultural, religious, and ideological divisions, proposing an inclusive and respectful vision of human diversity.

The centrality of the person, understood as an entity endowed with reason, will, emotions, and dignity, enables the identification of rights and duties that transcend the particularities of the social and cultural

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[16] This Kantian aphorism is crucial for understanding deontological ethics, a moral theory that emphasizes the fulfillment of duty and adherence to moral norms, regardless of the consequences of actions. In other words, the morality of an action is not determined by its outcome, but by the action's conformity to universal moral principles. The aphorism highlights the concept of an "end in itself," underscoring that every human being must be treated as an end and not merely as a means to an end. This implies a profound consideration and respect for the intrinsic dignity of each individual. Here, Kant introduces a revolutionary approach to ethics, moving away from previous theories centered on the pursuit of happiness or utilitarianism. The reference to "the substance of which every man is a vessel" can be interpreted in an ontological key, indicating the fundamental essence of humanity. Kant argues that all human beings share a rational nature and, consequently, possess an intrinsic dignity that must be respected. This ontological view recognizes humanity as the bearer of moral values and dignity, regardless of social position, power, or status.

[17] cfr. Kant, Immanuel. *La metafisica dei costumi*, a cura di Vidari, G., Laterza, 2009. This work provides a solid philosophical foundation for ethical argumentation, highlighting the importance of treating all human beings with respect and dignity, and recognizing the intrinsic value of each individual. This not only enriches the theoretical discourse, but also offers practical guidance for daily decisions and actions, urging toward a more conscious and ethically responsible society.

context. These rights and duties arise directly from human nature, regardless of any other consideration[18].

If one aims to analyze ethics without relying on the necessity of a divine being, affirming the centrality of the concept of person as a shared foundation for ethical and bioethical values, it is possible to construct a robust and meaningful ethical system, recognizing and respecting the dignity and intrinsic value of every individual, without depending on theistic assumptions[19]. This not only strengthens the argument in favor of a principled approach to ethical dilemmas but also provides a secular and accessible perspective that resonates with Kantian imperative to always treat humanity as an end in itself.

However, Kant is comparable to Thomas in that he represents a continuum between the moral doctrine of scholasticism, which derives the ends of the law from man's natural inclinations, and his attempt to base morality absolutely on reason, whose imperatives apply to all men as rational beings. In this way, the concept of personhood becomes an indispensable point of reference for bioethics and ethics in general, capable of providing objective criteria for the evaluation of actions and choices.

Kant proposes a sound philosophical system that, by examining and delimiting the limits of reason, which has no access to the noumenon, i.e., the thing-in-itself, makes unobjectionable what reason is entitled to say. To Kant, we owe the most succinct formulation of the respect due to the human person, represented by the categorical imperative, which commands that we act in such a way that man, both in his person and in the person of everyone else, is always treated simultaneously as an end and never merely as a means.

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[18] cfr. Berlinguer, Giovanni. *Bioetica quotidiana*. Giunti. 2000.
[19] cfr. Lecaldano, Eugenio. *Un'etica senza Dio*. Laterza, 2008.

From the perspective of secular bioethics, the foundation of ethical-bioethical values is not sought in religious doctrines or metaphysical assumptions, but rather in the shared experience of humanity, in the rational and critical analysis of ethical issues, and in open and inclusive dialogue between different viewpoints. This approach values the autonomy of the person, while also promoting individual and collective responsibility towards ethical issues related to life, health, and the environment.

As a moral subject, the person is called to exercise their freedom responsibly, taking into account the consequences of their actions on others and on the environment. In this sense, secular bioethics proposes an ethics of responsibility, which requires considering the long-term implications of ethical choices and acting in a manner that promotes the common good and respects every individual.

The emphasis placed on the dignity and intrinsic value of the person allows for the development of universal ethical principles, such as respect for autonomy, justice, beneficence, and non-maleficence, which can guide ethical decisions in a variety of contexts, from clinical practice to biomedical research, from health policies to environmental issues.

1.2 MORAL AUTHORITY

Intellectual evolution has often been recognised as a transition from one particular reading of reality to another. Even Engelhardt promotes a secular conception of bioethics that embraces a clear view of man and reality. A view of the human being is reflected in the choice of moral strangers[20] to define the relationship between people with different beliefs. Engelhardt became famous for coining this term, which in its intent refers to those people who do not share common moral premises and rules of evidence and reasoning that enable them to resolve moral disputes through rational argumentation and who cannot do so by appealing to persons or institutions whose authority they recognise. In contrast are the moral friends, who share an excellent material morality that enables them to resolve moral disputes through rational argumentation or by appealing to a moral authority whose jurisdiction they recognise. The latter gather in particular communities where they can cultivate and promote the values they believe in, and then, as moral outsiders, meet with followers of other communities and, with their permission, cooperate within society. First, people can cultivate a shared vision of the world, as if in a protected space, which gives meaning to every aspect of reality within a horizon of meaning. In the second case, on the other hand, in the organisation of public space, people are left with morality as the only possibility of sharing, whose only yardstick is the consensus that different people freely agree on for a specific common goal. The result is that we live our moral lives on two levels, namely, on the level of secular ethics that is formal rather than substantive and, for that very reason, can encompass numerous divergent moral communities and on the level of particular moral communities within which it is possible to achieve a substantive vision

[20] cfr. Düwell, Marcus. *Bioethics*. Routledge, 2013.

of the morally good life and the essential moral obligations of human beings.

The coherence of Engelhardt's edifice rests on the premise of the failure of the argumentative reason that informs the thesis of moral strangers[21]. It contrasts with the idea that the incommensurability of morality is nothing more than the result of a different hierarchisation of fundamental values, which means that they do not render each other incomprehensible. However, this argument downplays the claimed radical nature of moral alienation. Incomprehensibility among people is a fact, but perhaps not also a fact in law. If this is so, it means that the values at stake are recognised and understood by all, but hierarchised in different ways[22], so that the question is still the classical one of identifying a hierarchy among them that is not arbitrary. It does not seem possible to identify an objective hierarchy, even though he proposes a very definite hierarchy of goods that is entirely consistent with the liberal-libertarian perspective and approach.

It is inevitable to attribute such a definition to him since everything revolves around the demand to respect the choices of others and not interfere with their freedom[23]. Although no value is attached to the

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[21] Cfr. Musio, Alessio. Il Liberalismo Degli Indifferenti La Biopolitica Nell'epoca Degli Stranieri Morali. *Medicina e Morale*, no. 1, PAGE Press Publications, Feb. 2014. *Crossref*, doi:10.4081/mem.2014.66.

[22] Indeed, Engelhardt often confuses the correctness of a thesis with the fact that it is shared by all. Indeed, it seems that Engelhardt's refusal to strive for a substantive morality stems from the realisation that it is often not possible to arrive at a common judgement on a given question. But the truth of a thesis certainly does not depend on the consensus it receives, but precisely on the fact that it is true. It's a bit like what happens with human rights: They are declared to be *universal* even if they are not recognised by everyone, because it is assumed that they designate and protect something that belongs to the structure of the human being as such.

[23] The protection of freedom is certainly something positive, for freedom is a precious commodity. It must be remembered, however, that at this level the moral question is not yet touched. Indeed, freedom, more than anything else, is meant as a means to achieve other ends. What the moral agent chooses in his freedom is still subject to judgement: the fact that a certain practise is freely chosen does not yet

permission, the empirical result of this theoretical statement only confirms this perspective.

say anything about the morality of the action performed, because the free action can be directed either towards good or towards evil.

1.3 PLURALISM OF MORAL VISIONS

Contemporary bioethical reflection emerged and continues to emerge within a specific historical and cultural horizon characterised by confusion related to the decline of certain beliefs and the persistence of others, by the pluralism of moral visions and by the presence of challenges that cannot be ignored[24]. This pluralism of moral visions is matched by a broader and more pronounced pluralism of worldviews, which gives the current phase of modernity a very high degree of complexity. The growing distance from any overarching orientation, from any ultimate goal. The pluralistic character typical of modernity has reached the stage of radical fragmentation and has brought about a substantial change not only in cultural terms but also and above all, in social arrangements and anthropological categories of reference. Therefore, a bioethical discourse within the contemporary historical universe can only be achieved through a particular interpretation and understanding of the new socio-cultural categories that have emerged in the most radical development of our modernity. The idea of modernity, the coordinates that define its structure and dynamics, and the mechanisms and categories that constitute the scenario of the contemporary social context become inescapable prerequisites for bioethical analysis. The possibility of offering clues that guide questions about its relevance places bioethics under the inescapable obligation of traversing modernity and synthesising its tensions, presence and absence, contradictions and most intimate and substantial structures in terms that are not merely speculative. In the process of disentangling traditional historical and philosophical narratives, the multi-layered character of the idea of modernity has become clear, its necessary reconfiguration emanating from the saturation of interpretative models

[24] For futher study, See Rehmann-Sutter, Christoph, et al. *Bioethics in Cultural Contexts*. Springer Science & Business Media, 2006.

and categories that have altered the very foundations of the idea of a complex society; the effects of the process of disruption of the already pluralised contemporary society have, on the background of a noisy absence of ultimate goals, opened the door to the paradoxes of a whole new phase of modernity, characterised by a concrete oxymoron defined in the actual space that combines globalisation and individualisation. Therefore, a bioethical discourse that moves within the contemporary historical universe can only be achieved through a particular interpretation and understanding of the new socio-cultural categories that have emerged in the most radical development of our modernity. The idea of modernity, the coordinates that define its structure and dynamics, and the mechanisms and categories that constitute the scenario of the current social context become inescapable prerequisites for bioethical analysis. The possibility of providing clues to guide questions about its relevance places bioethics under the inescapable obligation of traversing modernity and synthesising its tensions, presence and absence, contradictions and most intimate and essential structures in terms that are not merely speculative. In the process of disentangling traditional historical and philosophical narratives, the multi-layered character of the idea of modernity has become clear, its necessary reconfiguration starting from the saturation of the interpretive models and structural categories of a pre-modern universe: pluralism has taken its specific social shape, erasing some of the categorical boundaries of modernity itself through apparent obsolescence, and rewriting the actions of the present based on a socio-anthropological grammar that seems paradoxical at first sight[25]. At the root of this paradox, reflection in all its forms must begin to advance the claim of analysis. Through a concrete reconstruction of the structures of

[25] cfr. Baumann, Gerd, and Andre Gingrich. *Grammars of Identity/Alterity*. Berghahn Books, 2005.

modernity in its advanced phase, it is possible to reject reflection according to criteria far removed from an abstractness that would do injustice to the polysemic plurality of our society[26]. Modern social polysemy is a broad and tortuous dimension, without contours and without centres: the categories that allow us to define it reinforce the importance of plurality by emphasising its meaning in dynamic terms, in terms of movement and thus of uncertainty. Modernity in its advanced stage and the social universe it represents have acquired a particular dynamic status that finds its most succinct definition in the metaphor of fluidity: The structures of such a configuration of modernity do not normally retain a shape of their own. Fluids do not fix space or bind time, so to speak; fluids never retain their form for long and are always ready to change it. The new image of modernity is based on the extreme flexibility and mutability of the structures and the renewed relationship to temporality. The process of liquefaction that leads to the present fluidity is the very soul of an essentially progressive tendency of modernity to fuse solid bodies[27]. This merging and reworking affected the tradition in its broadest sense, i.e. the customary rights and duties that constituted the operational and cultural ballast for the new rhythm that imposed itself on the temporal scaling of life. The tendency to change has always been an essential feature of modernity, but what makes the form of change through liquefaction so special is the redistribution and reallocation of the forces of fusion: the models and configurations that constituted the stable aspect of change, and thus a kind of reference point for development itself, multiply disproportionately and display a considerable porosity of outline, a remarkable malleability balanced by a structural impatience to maintain their form. This transition to a radical instability of references

[26] cfr. Apfel, Lauren J. *The Advent of Pluralism*. OUP Oxford, 2011.
[27] cfr. Bauman, Zygmunt. *Liquid Modernity*. John Wiley & Sons, 2013.

defines the very essence of modernity: transience, fragility, insubstantiality and provisionality determine an existential perspective without points of support, without a stable foundation. A society can be called fluid-modern when the situations in which people act change before their ways of acting solidify into habits and procedures. In other words, liquid modernity produces a destabilised society in which individuals chase change in a dynamic of departure, in which patterns, references, strategies and worldviews follow one another at an unusually high speed. Life itself stands out in its radical change from the traditional image of a more or less continuous, uniform path: fluid life, like modern fluid society, cannot maintain its form or stay on course for long. Experience and tradition show themselves in all their backwardness in guiding daily action in a context that does not lend itself to predetermined examples. Creative destruction metaphorically expresses one of the salient aspects of the modus vivendi of liquid modernity[28]: the constant need to rewrite existential maps, social arrangements and interpersonal dynamics. Liquid modernity is thus another modernity in which the weight of this otherness is expressed in the radicalisation of the stability-instability, gravity-lightness or even liquidity-solidity dichotomy, dialectically interconnected dyads but historically characterised by progressive mutual exclusion. The art of living in this modernity of liquefied social structures is expressed in the plastic ability to reshape the processes of interaction, interpersonal dialectics and the communicative mechanisms of agreement and relationship. The art of living in this modernity of liquefied social structures is expressed in the plastic ability to reshape the processes of interaction, interpersonal dialectic, communicative mechanisms,

[28] Modernity, to which Frankfurt's critical theory referred, was spatially defined and, through cumbersome models, able to present concrete and continuous references for individual and collective life; society, in this horizon, still had the traits of a unified, albeit variable and articulated body.

agreement and relationship of a society that was characterised by fixed categories, spatially defined structures and heavy models, capable of representing concrete and continuous references for individual and collective life; society at this horizon still had the characteristics of a unitary, albeit variable and articulated corpus. The issue is neither the status of modernity nor its quantitative assessment. A necessary counterbalance to the narrative of liquefied modernity is represented by balancing the freedom and flexibility, guaranteed by our contemporary society, with a sense of duty towards others and the community as a whole. The simple act of living within and contributing to a society with liquefied structures requires a reciprocal relationship between rights and duties. It is through the acknowledgment and fulfillment of our duties that we maintain the integrity of the social fabric, ensuring that the freedom and autonomy of each individual are sustained in harmony with the collective well-being[29].

The difference lies in the qualitative differentiation concerning the change of horizon and focuses on two elements: the collapse and decline of the proto-modernist illusion of a telos to which progress would lead within a certain time, the deregulation and privatisation of the tasks and duties inherent in modernisation; and the hypocritical diffusion of the spirit. The true interest of the latter is the negation of reification. The spirit can only disappear if it is consolidated in the cultural heritage and disseminated for consumption. Based on the analysis of the psychic forms and resources of labour and their relations to the sublimation processes, a precise reinterpretation of Freudian

[29] cfr. Zagrebelsky, Gustavo. *Diritti per forza*, Torino, Einaudi, 2017. Zagrebelsky's perspective highlights how the ability to navigate and shape the fluid dynamics of contemporary life is intrinsically linked to the duty that each individual has to contribute positively to the social whole. This ensures that the art of living in modernity is characterized not only by adaptability but also by a profound sense of responsibility and communal integrity.

thought is proposed as functional for constructing a critical theory of society. In this case, the ever-growing domination of nature combined with the ever-growing labour productivity would develop and satisfy human needs only as a by-product; the ever-growing cultural wealth and knowledge would provide the material for progressive destruction and create the need for ever more intense repression of the drives. The suppression is mainly unconscious and automatic, and its intensity can only be measured in the light of consciousness.

The distinction between phylogenetically necessary repression and additional repression can provide the criterion for assessment. The additional repression is the part that results from the specific conditions of the society that is maintained in the specific interest of domination. Domination becomes more and more impersonal, objective, universal, rational, effective and productive. Under the rule of a fully developed principle of achievement, subordination through the social division of labour finally seems to occur. Society presents itself as a stable and more comprehensive system of helpful performance with the personal consequences of this social model. The lack of a telos paves the way for the fragmentation of goals in social and individual terms: the pluralism of a fragmented society in terms of general orientation tends to lead to isolation and privatisation. The possibility of pursuing special projects that can unite the whole social context leads individuals to redefine the strategies and goals of their social experience in a private and self-determined way. In this way, modernity takes on the burden of the individual's search in his or her extreme and tendential isolation, which takes different forms depending on the material conditions in which the individual is socially embedded; isolation in its most concrete manifestation, in social terms, is configured as the precariousness of status, mode and telos.

1.4 IDENTITY AS INDIVIDUALISATION BETWEEN SOCIAL SPACE AND MORAL ALIENATION

From the point of view of social impact, one of the most invasive effects of modern fluidity can be seen in the separation between the idea and perception of community, on the one hand, and society as an individual and collective category, on the other. In other words, the flux created by the liquefaction of the structures of solid modernity has dug a furrow. It continues to dig a furrow, not only conceptually, between social space in its breadth and complexity and the community model as a concrete experience of aggregation, recognition and integration. The structural separation of these two levels of life has taken the radical form of a divide in terms of life choices, models of values and relationships, and how to deal with individual existence's anxieties, uncertainties and risks. Today, a community is generally understood to be a group of men and women held together by common traditions and moral practices linked to a shared vision of the morally good life that enables them to work together. The moral practises and traditions that bind individuals to a community may be more or less intense. A society is an association of individuals belonging to different moral communities. These individuals may collaborate on a common programme, but they find their natural place in the community. In the space of this separation lies the meaning and direction of secular bioethical reflection: It is precisely this separation between community and society and the resulting pluralistic articulation of a social space in which individuals, regardless of their differences, are called to live together according to relational logics that know how to articulate minimal and essential procedures of interaction and dispute resolution, that leads back to the value of a reflection that escapes the substantive logic of value and procedure of a specific community and is aware of the strangeness with which individuals can construct their own experiences of life. For all those

who had hoped that society as a whole or a state on a large scale would form a moral community and that this community could be guided by substantial secular bioethics, this fact will be a cause for disappointment. Their hope is sociologically unfounded. It is precisely from a primarily sociological perspective that this gap between the spheres of life is configured, and the possibility of a bioethical reflection that adheres to the structures of modernity is constructed against it. The sociological underpinning of a double level of interaction and aggregation that results from modern fragmentation leads to models of interpretation that can read reality through flexible schemata according to a minimal, non-substantive grammar and are thus able to fit into the pluralised structures of society. Bioethics cannot ignore the furrow that modernity has made[30]. In attempting to respond to the questions raised by everyday experience in all its facets, it has the task of entering this furrow and recovering its general coordinates. Constructing itself in the space of this separation does not mean setting the value criteria to zero or returning the general to the specificity of a substantial perspective. It is, however, a matter of understanding this new social space and constructing procedural categories that do not pretend to circumvent or neutralise its pluralism. At the root of this division between society and community, contemporary sociology has identified the endemic crisis of the dialectical relationship between public and private. The shift in the coordinates that characterised this relationship has reconfigured social arrangements according to models of conquest that have been profoundly altered concerning the tradition of solid modernity. The dynamic with which classical critical theory denounced the authoritarian tendencies of the social system reversed its internal tension and generated an invasive movement that appears in some

[30] cfr. Engelhardt H. T., *Bioethics Critically Reconsidered*. Springer Science & Business Media, 2011.

ways opposite and mirror-image to the previous one. The synthesis of this new social orientation is expressed sociologically in the realisation that the public is colonised by the private: Public interest is reduced to mere curiosity about the private lives of public figures, and the art of public life is limited to the public display of private affairs and public confessions of private feelings. Whereas in the past, it was public space that invaded and imperialistically dominated the universe of the private, today it is the private in all its most ephemeral forms that fill public space to saturation, depriving it of its joint function and reducing it to a stage for personal dramas, for emotions and feelings that in various forms colonise public space and transform its traditional functions. The image of a publicly produced inauthenticity could be accurate: The arguments in favour of its truth are indeed irresistible; the emptying of public space of its function defines its neutralising character and determines its reduction to the dimension of the inauthentic in the sense of a collective encounter functional to the community itself[31]. It is the transition to the public but not civil spaces, i.e. aggregates that are functional for the needs of individual existence but do not serve a purpose aimed at building a strong community: public but not civil spaces represent one of the most radical results of the drift of the private into the public. Today, the most common problems of the individual are not additive: when added together, they do not form a common cause. From the outset, they lack the appropriate template or interface to connect them to others. What emerges from the landing of the private in public is the progressive inability to construct a common space out of individual needs; the heterogeneous drives seem to lead only to a neutralisation of the possibilities of a typical horizon of interests and solutions.

[31] cfr. Harris, John. *How to Be Good*. Oxford University Press, 2016.

In this way, the public sphere remains the sum of private dimensions that cannot be synthesised into unified dimensions and that clutter the public space with private facts in the form of a more or less integral spectacularisation. However, this reluctance to synthesise private drives is a general factor that highlights an intimate and essential paradox. In this shipwreck of the private in public space, the dialectical boundary between inside and outside is reset to zero; in other words, we are all in this drift, and we are all directly or indirectly involved in this collective process of privatising public spaces. This new condition expresses the structure of the global model, which is characterised by an increasingly less defined and increasingly neutral borderland: In the general idea of globality, we are all within this mechanism of privatisation; we are all spectators and users of public space, we are all far from sharing it in the sense of a strong collectivity, our interests, our goals are not able to unite with those of others stably and continuously, if not for fleeting passages of existence. However, we are all inhabitants of liquid modernity in this condition. The crowd's spirit, not the mass, unites the inhabitants of modernity and equalises their structural conditions amidst differences. In the crowd, we are all in some sense identical without denying our differences or offering glimpses of privacy; it is a global similarity of status, not identity. The spirit of the crowd is the effect of a regular coming together of differences in a global public space whose fluid structures have produced a commonality of status without erasing essential differences. We are thus confronted with a strangeness destined to meet for a shared social destiny in a public space whose architecture and private purposes are no longer stable. In every country, the population is now a sum of diasporas. Every city of a specific size is now an aggregate of ethnic, religious and lifestyle differences, where the boundaries between insiders and outsiders are blurred. The power of human difference and

variance fills public space and the privatised public sphere, defining its minimal anthropological structure. The experience of human coexistence increasingly takes on the character of progressive diversity that thrives on mixing and hybridisation. It is no coincidence that the primary metaphor for models of social interaction is the network with its potential for flexibility, modifiability and variation not only of structures but also of the content itself: In the network system, identities, differences, boundaries and spaces of interaction intersect in fluid and paradoxical ways. In the network, the infinite diasporas that make up liquid society take on new forms with their burden of irrevocable difference and hybridity: The crowd's spirit produces new aggregation models that involve centrifugal and centripetal tendencies. In a fluid, modern society, the swarm tends to replace the group with its leaders, hierarchy of command, and pecking order. The swarm can do without all these things, without which a group could not exist. Swarms do not need to carry heavy survival tools: they gather, disperse and regroup as needed, guided each time by different priorities. The swarm model expresses the radical novelty of forms of public aggregation in social space as a meeting of diasporas: the swarm does not synthesise. However, it assembles its parts and the drives that unite its purpose and direction into aggregates of self-propelled units linked solely by the mechanical solidarity that manifests itself in similar patterns of behaviour and movement in a similar direction. Therefore, in the difference and the episodic encounters that such differences can produce, the core of the new process of social structuring must be traced. The limits and possibilities of the various individualities that construct and deconstruct social space through their tensions and choices constitute the basis for a bioethical investigation of concrete existence. Being limited means being able to do only some things and not everything. Limits make us who we are. Diversity has limits and

potentials that arise from different starting conditions and choices based on differentiated cultural, value-based, emotional and perceptual models.

This is pluralism in its very essence, which is the condition of those who inhabit modernity in its fluid phase. The sociological coordinates that describe modern pluralism point to a minimal anthropology from which emerges a figure of the human being with the characteristics inherent in this fluid fragmentation. The condition of the inhabitant and co-inhabitant in this pluralistic context defines the original status of the fluid-modern individual who is integrated into an ever-changing social horizon. Minimal anthropology sketches a dynamic picture of this inhabitant exposed to social change, giving rise to an anthropological type in which the dynamic condition of the process overlays the static condition of individuality. Modern society exists in its ongoing activity of individualisation, just as the activities of individuals consist in the daily reformulation and renegotiation of the network of mutual obligations called society. The transition of individuality from status to process constitutes the very character of the anthropological type of fluid society and essentially expresses its belonging and relationship; individuality becomes individualisation is the form that the individual takes in a society where the process of breaking down fixed structures is underway. Individualisation is the dynamic coincidence of society and individual status according to a pattern of intersection that ranges from the sociological to the anthropological level: it represents a permanent state of existence rather than a temporary phase of unique construction. The individual is individualisation, his status is in the process that constitutes him, and he cannot think of himself outside this process. Individualisation is destiny and not a choice. In the land of individual choice, escaping individualisation and refusing to participate

in the individualising game is not on the agenda[32]. The process by which the individual individuates is not a choice but a profound necessity of his present condition, whereby the freedom to be a free individual cannot be circumvented or delegated but is the primary essence of his presence in the society of individuals. The dynamic character of individuality in liquid modernity is a complex and elusive product of modernity's journey in the increasingly radical direction of individual emancipation: the cultural-historical path that has led to the present liberation of the society of individuals, emptying society itself of its meta-individual structures and replacing them with freedoms in all their individualising acuteness, has produced in parallel the transformation of freedom into a necessary condition that is not subject to any specific choice. The idea of individualisation entails the emancipation of the individual from the abstract, inherited and innate determination of his or her social character: an innovation rightly considered one of the most salient and influential aspects of the modern constitution. Individualisation consists of the transformation of human identity from a given into a task and the fact that the actors are responsible for the execution of this task and the consequences of this execution. The terms around which this sociological and cultural historical transition develops are represented by binomial freedom-identity. Freedom is an ongoing process of emancipation, and identity is an ongoing process of individualisation whose common substrate, derived from the same processual and, therefore, unstable and destabilising character of both processes, constitutes the constitutive condition of the precarity in which the individual is structurally entangled. The progressive acquisition of ever greater personal freedom has directly affected the process of identity construction,

[32] cfr. Flanagan, Owen, and Oksenberg Rorty, Amelie. *Identity, Character, and Morality*. MIT Press, 1993.

making it less and less determinate. This lack of a determination that unites in everyday practice the two faces of individuality, its freedom and its identity, has been reflected in the formation of a general plan of existence dominated by precarity, the instability of the figures that make up identity in its free individualising development, and the dynamics of interaction between different identities[33]. This flexibility, its shadow of instability and feeling of powerlessness, defines itself as an appendage of individualising one's free identity. The freedom of being able to become anyone hides the insidious consciousness of not yet being and thus the awareness that nothing has yet been achieved. Incompleteness and indeterminacy are inseparable dimensions of the current condition and often generate unhappiness not through a shortage of choices but paradoxically through excess. It is in the excess and not in the restrictions that the genuine risk of identity as a process is concealed; it is in the multifaceted tension demanded by the disintegration of stable and uniform social structures that the necessary flexibility of individualisation that must develop between the search for the self and the beyond self is built. The work of art we wish to mould from the friable matter of life is called identity. Whenever we speak of identity, a blurred image of harmony, logic, and coherence; is all those things that the flow of our experience seems to lack. The search for identity is the incessant struggle to halt or slow the flow, solidify the fluid, and give form to the formless. Identities are more like light layers of lava crust that have just enough time to harden before being sucked up and melted again by the incandescent flow. Identities appear fixed and solid only when they are seen, for a moment, from the outside. This is the fluid, modern form of identity: its solidity is fragile, vulnerable and constantly torn apart by disintegrating forces. *Identity* as individualisation is a flow with a fluid consistency whose typical

[33] cfr. Sarlo, Francesco De. *Metafisica Scienza e Moralità*. 1898.

expression is consumption. Fashion and its essence embodied in whimsy describe a typically modern scenario in which the figure that fills the mirror of social anthropology is the consumer, the most familiar face of individualisation in social space. In an inherently pluralistic society, the pluralism of identities affects not only the differences between individuals but also the individual structure itself: The consumer who follows his whims is the synthesis of a generalised tendency to encapsulate different stages of one's identity according to an often random and abrupt sequence. In this way, the pluralism of social life is reflected in a processual way in the individual, who is aware that there is no other affirmation than self-affirmation. The discourse on identity in the infinite directions in which it branches out, sometimes spectacularly, other times in the silence of the private, expresses the appropriate form of the life project in a phase of modernity in which projectuality needs requirements that are historically alien to its procedures and methods. No predetermination or providence is guiding this new projectuality; everything is defined starting from the individual's freedom and sense of incompleteness, which he or she feels needs filling: The filling of identity through processes of reordering its balances and meanings is the individual life project. In other words, the dilemma that plagues today's men and women is that they construct their identity by trying to fill the uncertainty and precarity of modern emancipation with constant readjustments of the self-based on the fragmentary deconstruction of the context of reference.. This tension of choice is the figure of today's identity crisis as a permanent condition of individual restructuring. The construction, dismantling, and reconstruction of one's own identity determine a life project that shows no direction of stabilisation and constantly modifies itself. Identity is a complex and heterogeneous entity composed of highly separable elements assembled into a

precarious and fragile unity by attraction and repulsion of centripetal and centrifugal forces in a dynamic, mobile and constantly unstable equilibrium. The dynamic equilibrium of this complex aggregate is determined by a self-control force that we might call the very motor of the individual life project. The harmony of the bewildering heteronomous multiplicity that constitutes individualisation is destined to fail in episodic dislocations that shatter the charge of the meaning of past and future and send identity back to its present dimension by continuously saturating its probabilities[34]. The only core of identity that will emerge unscathed, perhaps even strengthened, from constant change is that of the person who chooses, but not the person who has chosen. A permanently unstable, totally incomplete, definitely indeterminate and authentically inauthentic self. The choice is the figure of identity renewal as a lifelong task, without ever reaching a completed form: There is no moment when identity can be said to be final. The effort to form an identity, therefore, has the character of incompleteness and unfinishedness since each of the forms it takes suffers from a more or less obvious inner contradiction; each is more or less incapable of giving satisfaction and longs to be changed, each lacks the security in its means that only a sufficiently long life expectancy could guarantee. The structural and structuring tension typical of identity in an individualised society is the dynamic expression of a particular individual dialectic whose two poles have emerged from the process of emancipation associated with modernisation. Modern freedom in a society of individuals develops two levels of problematics: the first, analysed above, is represented by the mechanism of free choice, which in turn defies the possibility of choosing it as an individual imperative since it is a constitutive condition of the individual; the second problematic level is evident in the temporal

[34] cfr. Viola, Francesco. *Identità e Comunità*. Vita e Pensiero, 1999.

context that individual emancipation produces, whereby the right and duty of free choice, a tacit or/and explicit premise of individuality, is not sufficient to ensure that the exercise of this right is practicable and thus that the practice of individuality conforms to the model imposed by this duty.

Chapter 2

2.1 PERSONS AS THE FOUNDATION OF MORAL AUTHORITY

Late modernity is the habitat of strangers and moral friends. A space where they can realise themselves through freely made choices and decisions. The multiplication of choices and the expansion of decision spaces have produced a plurality of worldviews and a multiplicity of value models that tend to produce specific social differentiations or aggregations. Moral alienation, and thus the possibility of transforming it into moral friendship by sharing common values that can lead to aggregation, is based on the decision-making nature of each individual's life experience. In other words, the individual recognises himself, distinguishes himself from others and shares values with some through confident choices that are expressions of what he is and what he wants to be. The moral stranger is the individual who chooses to realise himself and thereby differentiate himself from others and reach out to others; strangeness is an inseparable dimension of freedom of choice that guides the construction of any identity. Individuality today means, above all, the autonomy of the person, the former being seen as the right and duty of the latter. Two basic categories define the minimal structure of the moral stranger: autonomy as the concrete expression of that process of emancipation which has led to the modern individual becoming the author of his or her destiny through the freedom to choose his or her own identity. This task is declined through the double meaning of right and duty. The person is understood as the concrete form of individuality that moves between multiple options and makes choices freely directed towards the self-production of the self. The person endowed with autonomy represents, in the secular perspective proposed by Engelhardt, the source of a minimal moral authority that links moral strangers in their alienation and the practises of social

existence. As the source of such authority, the person is characterised by the ability to sustain and resolve a dispute through arbitration. The person's paradigm embodies individuality, which makes free choices and establishes social bonds through the autonomy expressed in these choices, establishes social bonds, identifies its own spaces of action and sets in motion processes of interaction and mediation in the various contexts in which it defines its identity[35]. The fact that authority emanates from people as individuals do not mean that they should see themselves as naked realities detached from history, moral contexts and communities, but rather that individuals, alone or as members of a community, can assert their particular vision of human excellence while collaborating with moral strangers who are part of the larger society. To ascribe moral authority to persons is to locate them in the concrete space of social existence; it is also to configure the fundamental structures of that authority out of the dynamics that emerge within a horizon determined by individual autonomy. For these reasons, the concept of the person must be as simple as possible.

In this context, the term 'person' denotes entities capable of participating in moral disputes and reaching an agreement. In a pluralistic society of foreigners, the moral authority of the person is configured as the minimum structure of secular ethics and bioethics: In Engelhardt's reflections, the moral level is structurally linked to the dimension of social existence and thus to the configuration of society according to categories that relate to a pluralistic and multicultural model. In this sense, ethical and bioethical reflection takes from sociological analysis paradigms and coordinates that are essential for the construction of minimal anthropology centred on the idea of moral strangeness and the functional character of the person. This simplicity

[35] The concept of the person and the foundation of a secular moral authority, in VV.AA. *Bioetica e Persona*. *Teologia e Strumenti.* Cittadella Editrice, 2009.

does not preclude a peculiar internal articulation defined based on a set of functional criteria expressed precisely in the capacity to mediate interactions and moral controversies according to procedural parameters that can be summarised in the various forms of social agreement. In a pluralistic society of foreigners, the moral authority of the person is configured as the minimum structure of secular ethics and bioethics: In Engelhardt's reflections[36], the moral level is structurally linked to the dimension of social existence and thus to the configuration of society according to categories that relate to a pluralistic and multicultural model. In this sense, ethical and bioethical reflection takes from sociological analysis paradigms and coordinates that are essential for the construction of a minimal[37] anthropology focused on the idea of moral strangeness and the functional character of the person. This simplicity does not preclude a peculiar internal articulation defined based on a set of functional criteria expressed precisely in the ability to mediate interactions and moral disputes according to procedural parameters that can be summarised in the various forms of social agreement. The minimal rather than weak meaning also allows us to reconsider the extraordinary poverty of Engelhardt's anthropological concept by identifying the functional perspective as an essential interpretive key. In other words, moral authority derives from the ability to respond to the demands of coexistence according to the functional possibilities forged in the fluid space of fluid-modern society, defining a minimal anthropological model.

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[36] cfr. Rasmussen, Lisa M., et al. *At the Foundations of Bioethics and Biopolitics: Critical Essays on the Thought of H. Tristram Engelhardt, Jr.* Springer, 2015.

[37] One prefers the term *minimal* instead of *weak* to define the anthropological model proposed by Engelhardt and its essentially functional character. The *minimal* rather than *weak* meaning also allows us to reconsider the extraordinary poverty of Engelhardt's anthropological concept, identifying the functional perspective as a fundamental interpretive key (See Zeppegno, Giuseppe. *Bioetica. Ragione e Fede*. Effata Editrice IT, 2007; See also Sgreccia, Elio, et al. *Le Radici Della Bioetica*. Vita e Pensiero, 1998.

Such a model is the concrete expression of interpersonal dynamics and relational processes between strangers or moral friends. The person's authority has no metaphysical or axiomatic foundation: it emerges in the realm of action through the individual's capacity to devise procedures that accommodate the needs of specific situations. This grounding of moral authority is embedded in the vibrant fabric of daily life, revealing the tensions and contradictions intrinsic to the processes of individualization that engage personal identities in their complex social encounters. Strangers and friends share the same social context, form communities and groups, and intersect their differences, starting with the minimal ability to define relational mediation processes. Engelhardt's anthropological model is thus the meeting of functionalist philosophical categories with specific sociological parameters of analysis[38], without which it is difficult to understand the dynamic and functional structure of the person. The concept of the person, from which the entire proposal for secular bioethics is developed, and the minimal anthropology associated with it, describe a sphere of existence within which an essential functional grammar is assembled that circumscribes the sphere itself and its relations. The individual holds a central position in bioethics, being the source of moral authority in secular morality, addressing philosophical queries, and shaping the moral project. Consequently, secular bioethics is inclined to underscore the procedures for bestowing moral authority upon the individual and the concepts that restrict external interventions.

[38] cfr. Engelhardt H. T. *Bioethics Critically Reconsidered*. Springer Science & Business Media, 2011.

Gracia[39] emphasizes the critical importance of grounding bioethical decisions in a robust philosophical foundation, advocating for meticulous and comprehensive analysis of the moral principles at play in each situation. He underscores the imperative to consider the dignity and intrinsic worth of every human being, resonating with Kant's deontological ethics and his categorical imperative to treat humanity always as an end in itself, never merely as a means to an end[40]. Secular bioethics will therefore tend to emphasise the procedures for conferring the moral authority with which the person is endowed and the concepts that limit the intervention of others. The importance attached to the person does not derive from any particular value of the person but simply from the fact that the person is the only common ground of moral authority. Thus, the position in its functional sense and not the value in its ontological dimension establishes the person's authority: Engelhardt identifies the particularity of persons in their habitual way of being in society, performing various functions that define their status in a transversal way. As a moral subject, the person elaborates their moral philosophy, evaluates the world and creates networks of moral authority. When there are no external parameters, the only ones that can be relied upon are those derived from the person as acting and interpreting moral subjects. The person is the only source of secular moral authority in general and the basis of secular bioethics.

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[39] cfr. Gracia, Diego. *Fondamenti di bioetica. Sviluppo storico e metodo,* San Paolo edizioni, 1993. Gracia's perspective offers a comprehensive and nuanced approach to the ethical dilemmas posed by advancements in biology and medicine, contributing to the emphasis on the relevance of philosophical ethics in practical decision-making, bridging the gap between theoretical considerations and real-world applications. His work encourages profound reflection on the ethical implications of our actions, fostering a sense of accountability and moral responsibility.

[40] This alignment with Kantian ethics further strengthens the argument in favor of a principle-based approach to ethical dilemmas, emphasizing the critical role of philosophy in guiding our moral compass and in shaping a more just and compassionate society.

In the society of moral strangers, individuals occupy a central position insofar as they are endowed with decision-making capacities: Possibility constitutes the minimum function for realising interaction processes between individuals who do not share common worldviews and are at the same time co-inhabitants of the same social space. The moral strangeness that characterises modern multicultural societies is particularly the factor that places the individual at the centre of the dynamics of establishing moral authority. The ever-increasing possibility of encountering moral strangers in our daily activities forces choices to mediate and balance existential processes. Whereas in a community where a particular worldview is shared and where individuals are moral friends, there are values, rules and parameters that are automatically recognised and accepted through conscious entry into the community or through a more or less conscious belonging to it, in the social space inhabited by strangers it is not possible to operate within wide margins of presuppositions and every form of interaction, every parameter governing relations, has to be negotiated and renegotiated depending on the situation.

Under these conditions, choice acquires a fundamental and paradigmatic meaning and the individual functions to outline the minimal anthropology of the person. The problem is that not all people are persons in general secular morality. From the view of secular morality[41], to be moral, an individual must be able to give morally authoritative consent. In other words, only those who can dispose of themselves and their property with moral authority can be called persons. For Engelhardt, secularity is explicitly grounded in the absence

[41] For Engelhardt, secularity is concretised in the absence of a substantial moral reference and thus in the space of moral alienation as a dimension of the encounter between the ethical differences that fill the social space; in this sense, see Freni, Fortunato. *La Laicità Nel Biodiritto*. Giuffrè Editore, 2012; and Gielen, Joris. *Dealing with Bioethical Issues in a Globalized World*. Springer Nature, 2020.

of a substantial moral reference and thus in the space of moral strangeness as a dimension of an encounter between the ethical differences that fill social space. When the social space is inhabited by difference and strangeness, and the interactions and mediations necessary for minimal coexistence require decision-making processes and individual choices that lead to equilibrium conditions, the central role played by the person determines an important limitation of a person's status. Only a portion of people can be restored to the status of a person. Only those individuals who can make autonomous decisions and implement decision-making strategies can be restored to the category and status of a person.

Nevertheless, this profile is given a precise functional articulation: the status of a person is configured from a system of available coordinates that must coexist and be interconnected to meet the minimum requirements for autonomous decision-making. Making autonomous decisions requires the capacity for self-reflection inherent in self-consciousness. Otherwise, it is a happening, not an act. Self-awareness is the central function that defines the person through self-awareness, its characterisation and dynamic redefinition according to the process of individualisation aimed at building identity[42]. To be self-aware, from a socio-existential perspective, is to be aware of one's presence in

[42] On the issue of self-awareness and its development in human ontogenesis, in functional and neurophysiological terms, a comprehensive and authoritative analysis is provided by the works of Eccles J. C. (Eccles, John Carew. *Evoluzione Del Cervello e Creazione Dell'io*. Armando Editore, 1991; Id, *How the SELF Controls Its BRAIN*. Springer Science & Business Media, 2012); as well as the concise but meaningful text by Salerno, Vincenzo. *Gli Enigmi Del Cervello Cosciente*. libreriauniversitaria.it Edizioni, 2015. See also Lavazza, Andrea, and Giuseppe Sartori. *Neuroetica.* Il Mulino, 2011 and Lavazza, Andrea. *Frontiers in Neuroethics*. Cambridge Scholars Publishing, 2016. For a historical reconstruction of the relationship between the idea of consciousness and the development of neuroscience, see Gómez, García, Alberto and Carrara, Alberto. *Decoding Consciousness and Bioethics*. Cambridge Scholars Publishing, 2022. On this topic see also Glannon, Walter. *Bioethics and the Brain*. Oxford University Press, USA, 2007.

situations, to perceive the character of that presence and to understand the scope of what can emerge from, be derived from or be associated with that presence about practice. Self-awareness is the first threshold for the ability to choose and thus for a person's status: without an awareness that is present to oneself, the choice is stripped of its character, loses its productive identity and goes from being an act that presupposes an author to be an impersonal, depersonalised and anonymous event. In a society of moral strangers whose equilibrium is based on decisions capable of negotiating mediations between different worldviews, individuals, as bearers of the minimum indispensable authority to perform concrete acts of mediation, embody the structural necessity of possessing self-consciousness as a primary function for decision-making processes. A society dominated by events would risk being emptied of any moral reference, however minimal. For a minimal moral structure to exist in a secular social horizon, decisions must take the form of personal actions that are the fruit of an original self-consciousness.

Moreover, the self-consciousness of a moral agent must be rational in this general sense. It must include the perception of ratiocination, i.e. the relationship between decisions and their consequences or significance. Rationality, in Engelhardt's conception of the person, refers to the ability to make a connection between the concreteness of decision-making practise and the equally concrete consequences of that practise: It is a procedural ratio within the system of personal choice through which the individual, in making his or her choice self-consciously, can place the choice itself within an active stream of actions and reactions and understand their connections and potential meaning in general and particular terms. The reference to rationality represents a functional articulation of self-conscious decision-making and highlights a mechanism essential to its meaning.

The self-conscious individual extends his awareness from the self to his decision by understanding the consequence of his action and perceiving the meaning of that action in the context in which it occurs and about the individual himself. Therefore, the ability to understand the reasons for a decision is a different expression of the person's self-consciousness: it is not a consequence of self-consciousness but an internal ability within the person's status. Finally, for an agent to be able to recognise or deny the authority and not merely be an effect of the action of external forces, he must be seen as attributable and not merely as a cause. He must be accessible. The centrality of people derives from their functional capacities that enable social dialectics. People fill and construct social space through free and conscious choices that are expressions of the subjective dynamics of individualisation and mediation processes with other identities in the same contexts. The moral strangeness that so radically characterises the experience of our modernity is the diversity of people who, starting from functional structures that tend to be similar, make different choices based on subjective opinions, values and beliefs. The imputability of choice presupposes that it has been made under conditions of freedom: Only a choice made autonomously can assume its consequences and meaning and coherently take shape as a self-conscious action. In this sense, autonomy provides the coordinates for determining a distinction between action and mere happening: In the space of autonomous decision, the contours of the rationality of choice and the self-conscious perspective in which its author moves are drawn. In the concept of the person that Engelhardt proposes, the autonomous character of the ability to choose is explicitly rejected in the direction of imputability, in the direction of the possibility of clearly tracing a particular decision back to a particular person: Freedom is explained in terms of its procedural function, as an initial condition of choice that

operates functionally within the choice itself, burdening it with responsibility for its implementation and its consequences. The person constitutes a concrete, functional categorical space inseparable from the social and existential context in which it is defined. The person's centrality derives from their functional capacities that enable social dialectics. Persons fill and construct social space through free and conscious choices that express subjective dynamics of individuation and mediation processes with other identities in the same contexts. Moral strangeness, which so radically characterises the experience of our modernity, is the diversity of people who, starting from functional structures that tend to be similar, make peculiar choices based on subjective opinions, values and beliefs. Moral strangers are individuals who are aware of their strangeness, conscious of the significance of their choices and free enough to assume the burden of responsibility for their actions. The individual's position is central because it combines the functions essential to the foundation of a minimal moral authority capable of structuring social existence through mechanisms of regulation and reduction of internal tensions. Self-consciousness, rationality and freedom gain ethical compactness the moment it becomes clear that to be such. The person must ultimately be moral, i.e. possess moral rationality and be able to recognise that actions can be the object of censure or praise. As a self-aware, rational and free individual, the person forms the basis of minimal moral authority insofar as he or she is morally conscious. Conscious of the value of one's actions, perceived as actions that can be censured or praised, the person's self-consciousness and free and rational decision-making capacity recompose their moral essence, a functional condition capable of embodying authority. The fundamental role of persons in the social horizon is thus expressed in the fact that they have specific functions

that enable the construction of a moral plane within which interaction between moral strangers is possible.

2.2 DIMENSIONS AND MEANINGS OF MORAL AUTHORITY

The gulf that separates persons from non-persons is functionally determined in time, which contains the dynamics of ontogenesis. The Spatio-temporal nature of persons and non-persons makes it possible to interpret status differences in terms of their internal continuity and their possible discontinuity in the transition from one status to another. Persons have not always been persons and will not be persons forever. Non-persons may one day functionally become persons or may have been persons at a stage prior to their current status. The space in which the presence of a present entity is defined provides us with stable individual coordinates; time reconnects these spatial coordinates into a perspective view through which we can perceive the person as such, even when asleep or under anaesthesia that temporarily deprives them of their functional capacities. Since temporal perspective gives us a continuous picture of people, such a perspective establishes temporal links between non-personal entities and their past or future from the memory of lost capacities or the prediction of acquired capacities. Just as moral actors realise their choices and thus their individuation within temporally defined contexts, the perception of this available memory or functional prediction belongs to society as a temporal context whose structures and actors, whether active or passive, have a history, a before and an after about the present. Time, therefore, mediates the notion of the person through social observation, configuring connections and cross-references from temporal perspectives of the past and the future that can be declined in the form of memory or prediction. In everyday practice, the concept of person[43] refers to comprehending adults and the severely mentally disabled. A similar argument can be made about the beginning of life: between what the

[43] cfr. Walters, James William. *What Is a Person?* University of Illinois Press, 1997.

individual believes through an act of faith or as a heritage of received culture and what can be defended in general secular terms. Temporal contexts, which to some extent justify the social consideration of personhood for non-personal entities, mediate heterogeneous cultural models regarding the minimal anthropological grammar of a general secular view. The anthropological model of moral functionality that Engelhardt proposes seems structurally distant from the idea of perspectival or empathic functionality contained in the social consideration model. In reality, this distance is reduced by the most critical consequence of Engelhardt's minimal anthropology. In the strict sense that persons are the basis of their functional capacities, moral authority legitimises decisions and agreements that may involve specific values and visions, including social consideration for non-personal entities. Thus, in general, secular morality, both infants and people with severe dementia are treated as persons, even though, strictly speaking, they are not. Therefore, the capacity to regard others as persons is defined in the moral authority of persons, even though they lack the capacities that would make them moral agents. How people strictly regard others as non-persons redefines the absence of functional status by giving individuals the value of a person in terms of a capacity before, after or never[44].

The ability to see, interpret and value typical persons in a strict sense re-describes the social landscape based on several models: when persons are at the centre of a pluralistic, secular society and form the basis of moral authority, they can define parameters and values by which entities are perceived that are not capable of being moral agents, that is, lacking the capacity for self-awareness, rationality and choice, human entities that are not autonomous in terms of decision-making.

[44] This is certainly one of the most radical and problematic passages of Engelhardt's general secular position.

As far as non-personal entities are concerned, others must decide for them and determine their best interests. Humans are the authors of their laws. This does not apply to infants, the severely mentally disabled and others who cannot determine their hierarchy of costs and benefits. For them, people must choose. People's choices and worldviews determine the fate, status and social conditions of non-personal beings who construct their existence from the consideration that people choose to live according to social or particular parameters. For these reasons, in general, secular terms, it makes no sense to speak of respecting the autonomy of *foetuses*, infants or severely disabled adults who have never been rational. They do not possess autonomy that can hurt others. Those who treat them without regard for what they do not possess and have never possessed do not deprive them of anything that might have a general secular moral dignity. The position on this point is clear: the social and personal value, consideration and respect accorded to non-personal entities are the exclusive expression of the centrality and authority of individuals who, as moral agents, have the capacity and autonomy to confer meaning and value and thus to establish parameters of respect and responsibility for non-personal entities. Such individuals, lacking the minimum capacity to define themselves as autonomous and personal, live by ascribed value and reflected consideration, enjoy or can enjoy a social status based on the moral authority of the people who decide for them and determine their social position[45]. Engelhardt insists on the centrality of persons and their fundamental authority in conferring value and status on non-personal entities. There is no specific compulsion to expand the number of entities to which one has duties of respect and responsibility; the extension of the status of persons to non-personal entities is a decision of persons in the strict sense and is influenced by their autonomy.

[45] cfr. Connolly, William E. *Pluralism*. Duke University Press, 2005.

For this reason, in general, secular morality, the value of zygotes, embryos and foetuses should be understood primarily in terms of their value to existing persons. The social role of non-personal entities depends on people establishing certain relationships with these entities out of personal interests or shared community models. The role of persons, in this sense, determines the role of non-persons and configures their identity and place according to schemas and evaluations that relate exclusively to the concrete life, individual or collective, of personal identities that define themselves socially and that can recognise in this non-personal entity specific interests, values, expectations or memories.

The attribution of a protected social role to infants, embryos and other individuals can be justified in general secular terms, or at least sanctioned under specific formal or informal arrangements, as it promotes essential virtues such as compassion and concern for human life, especially when it is at its most fragile and defenceless. Moreover, the recognition of this role for infants and others outside the womb provides protection not only from uncertainty about the precise moment at which people become persons in the strict sense but also from the various possible fluctuations in capacity for insight and consent and also guarantees the critical practice of child-rearing through which people become persons in the strict sense. In more general, secular terms, the promotion of virtues, the reduction of uncertainty about the beginning of personal life and the guarantee of the formation of future persons legitimise the social consideration of non-personal entities according to the value parameters usually attributed to persons. Empathy, compassion and defence of the fragility of human life[46] can constitute specific virtues within the society of moral strangers and communities of moral friends. It can broadly

[46] cfr. Aramini, Michele. *Introduzione Alla Bioetica*. Giuffrè Editore, 2009.

legitimise careful consideration of non-personal entities: Persons as moral agents use their authority to legitimise the maintenance, consolidation and respect of virtues in which they recognise themselves and which may entail the extension of the concept and consideration of personhood to entities that are related on biological and affective grounds. Extending the concept of person to persons who do not have the minimum capacity to be a person simplifies the question of where personal life begins and ends within biological life. To expand the concept of person is to dilute the minimum parameters by using alternative categories that link different phases of biological life to the existential centrality marked by the functionality of personal life. Such an extension may lead to a relative coincidence of the fundamental rights of persons and non-personal individuals, which therefore have the right to be respected and protected in a particularly fragile state. Protection and respect are thus consistent with the tendency towards the development, on the part of persons, of entities that become persons or the defence of entities that never were or will be a person[47]. The instances that convey the substantive moral visions consistent with a model of social consideration of personhood for individuals who are not persons in the strict sense of the word do not cancel out the structural and functional differences do not eliminate the variability of capacities and the gap in the concrete conditions of individual existence. Possessing a self-conscious identity is synonymous with the conscious and autonomous management of one's individualisation in the absence of the individual. However, the possession of characteristics of related species and of biological baggage essentially traceable to that of persons is excluded from the decision-making dimension that distinguishes moral actors from entities that lack this status and the

[47] cfr. Scarnecchia, D. Brian. *Bioethics, Law, and Human Life Issues*. Scarecrow Press, 2010.

functions required for an active role in pluralised societies. In Engelhardt's analysis, the boundaries that describe the differences between persons and non-personal entities, and the specific variations within the general category of non-persons that are reshaped according to the perspective of social consideration, determine the construction of an exciting grid of meanings associated with being considered persons. The transversal model of the social consideration of a person does not flatten social diversity through a categorical generalisation limited to the expansion of the concept of person.

The social consideration is essentially inclusive but not reductive. In other words, it does not erase the functional differences and diversity of motivations that can enable the extension of the concept of person to entities that would be excluded from it on a purely functional level. In this way, a complex multiplicity of meanings emerges, a kind of social stratigraphy that can be traced back to two distinct but interconnected levels of analysis: The first level takes into account more clearly the functional differences between individuals endowed with different capacities and designs a minimal anthropology of persons in the narrow sense, as well as an extended anthropological model for social consideration. The second level of analysis is expressed in the interpretation of concrete social dynamics within which the differences between persons and non-persons, the variables that distinguish persons through social consideration, are much more nuanced, articulated and interwoven with the experiences of individuals, their communities and their worldviews. In the analysis proposed by Engelhardt, these two levels coexist and complement each other. The minimal anthropology that emerges from the discussion of the concept of person and the model of social consideration results from an analysis of the social fabric and the articulations that the interaction between individuals assumes in the concrete vicissitudes of life experience. The

person/non-person schema is the product of a critical interpretation of the phenomena of social interaction and structuring and, as an organisational model, offers a key that cannot be separated from the context from which it emerged and whose specific levels it describes. For these reasons, the meaning scheme identified by Engelhardt has concreteness in that it contains within it a functional model and structural parameters that explicitly refer to the complexity of lived experience about which a heterogeneous stratigraphy of function and value is configured. In light of these premises, we can identify a sense of the term person synonymous with the moral agent referred to as the person in the narrow sense. The person in the narrower sense is contrasted with the person in the social sense, who, as in the case of young children, is accorded approximately the same rights as persons in the narrower sense. The status of the person in the social sense is also that accorded to persons who are no longer persons but were persons in the past and are still capable of a minimum of interaction, as well as that accorded to severely disabled and demented persons who never were and never will be persons in the strict sense. Another possible social meaning of a person can be attributed to severely impaired people who cannot interact even in minimal social roles. The singular concept of a person as a person or a moral agent breaks down into multiple meanings. In this episode, the complex articulation of the perceptual and evaluative models that link persons to human beings in a way that reflects the multiplicity of meanings of individual human existence at different stages of their ontogeny and in the various functional impairments they may bear. The consideration and bestowal of social significance express the extent and weight of the relationships in social and private space that persons in the narrower sense can establish. The ascription of value to relations with non-personal people conveys a horizon of meaning that is recognisable not only in the

semantic expansion of the concept of person but also in the extension of rights, duties and moral attitudes to entities that do not possess the functions of moral agents. The meaning grid of the consideration of persons thus describes a relational system stratified according to levels connected to persons' dimensions and reciprocally linked by immanence in human ontogeny. Belonging to the human species constitutes the structural precondition for the bifurcation of relational intersections, the result and spatiotemporal scenario of which is society. Within society, the biological life of humans takes the form of a personal life for some individuals without severing the connection to an ontogenetic narrative of ancestors that makes biological ties, social affinities and empathic constructions essential elements of the existential fabric of humans in the narrow sense. Engelhardt's stratigraphic grid is, in fact, an expression of this system of relations inherent in the societies of moral strangers and a carrier of personal or collective, social or communitarian representations that reinterpret social geography through modulations of meaning and status arising from alternative models to the strictly functionalist one. As mentioned earlier, these variants of the concept of the person in the strict sense do not eliminate the essential functional difference between persons and alternative human categories. Above all, a distinction must be made between moral actors and persons to whom moral actor rights are attributed. While it is possible to praise and blame adult patients capable of insight since they have both rights and duties and are moral agents, it is impossible to praise and blame infants with rights but no duties. These distinctions reflect a hierarchy of moral assumptions that are already well established. The purpose of this digression into the social stratigraphy of the concept of person is explicitly expressed by Engelhardt in his intention to develop the most solid foundations for the moral status of human beings that can be grounded in general

secular terms. The absence of specific functions in persons in the social sense presupposes the absence of duties typical of persons in the narrower sense. The issues of imputation, responsibility, praise and blame are reflected in these individual categories only in the form of rights and protection. Respect for these categories is the consequence of a series of relational articulations that enrich the social universe of moral agents. In this sense, the attempt to consolidate the habits of communities, groups or individuals about the social consideration of non-personal entities on secular moral grounds constitutes a further legitimation of the general secular moral value of persons in the strict sense; the need to justify their tendencies to confer meaning and value primarily expresses the moral centrality of persons 1 and their fundamental value in defining moral authority among moral strangers. It is through the implicit or explicit implications of moral authority grounded in the functional structures of persons that the modulation of the levels of the concept of person and its extension to other human beings is defined: The close connection that persons in the narrower sense perceive with their ontogenesis and with the human categories that are involved in it to varying degrees makes it possible to trace a specific temporal configuration within the stratigraphy of persons proposed by Engelhardt. The functional centrality of the person in the process of human ontogenesis defines the directions of relational and value dynamics that trace certain levels of human development in categorical terms. The various stages along the temporal axis of ontogeny acquire meaning and value through emotional, empathic, utilitarian, consequential and habitual processes that determine the consideration and, thus, the social status of individuals who cannot claim it as moral agents. Of course, the temporal articulation of the structure of the social understanding of the concept of a person entails the acquisition of common rights and variance concerning individual

categories concerning specific consideration. Classification in terms of before rather than after or never can imply fundamental differences and possible variations within groups or communities that develop a particular view of the world and human relations. In a narrower sense, people form aggregates within which they make arrangements of values and judgements involving people who are functionally incapable of judgement and choice but are in a temporally interesting position in human ontogeny.

2.3 MORAL GEOGRAPHY OF HEALTH

Contemporary societies represent the concrete space for the individualisation dynamics of people as strangers or moral friends who, in their encounters, set in motion mediation, negotiation and bargaining processes that shape society and its changing identities. The social dimension is, therefore, the pluralistic horizon of the encounter with the Other, who is often perceived as the stranger, the foreigner. To respond concretely to the questions raised by modernity in its advanced phase, bioethical reflection must derive its categories and methods of evaluation from the processual plurality that takes place in the social universe. Any attempt to free assessment procedures from the concreteness of a liquefied social horizon in which personal and collective identities are dynamically defined runs the risk of abstract assessments that result from questions alien to the fluidity and contradictoriness of contemporary social architectures. Bioethical discourse cannot ignore the concreteness of the historical-social changes that affect the daily lives of individuals: Bioethics is therefore called upon to delve into the concrete realms of social interaction, especially where negotiation and mediation affect life in the multiplicity of its meanings[48]. The structural reference to the life sciences leads bioethics to critical analysis and interpretation of the place where the social dimension of individual strangeness meets the very horizon of the life sciences: this place has the general but concrete form of the doctor-patient relationship. The progress of biomedical and technological research has expanded the levels of confrontation and interaction between people and redefined, renewed and restructured models and roles. The moral strangeness that characterises social space acquires an exceptional value and meaning when it is not only the

[48] cfr. Savignano, Armando. *Un Nuovo Patto Sociale in Prospettiva Bioetica. Medicina, Salute Umana e Decremento Demografico*. 2002.

expression of two individualities confronting each other but also of two flat planes intersecting with different needs. One cannot ignore the concreteness of the historical and social changes that affect the daily lives of individuals: Bioethics is therefore called upon to delve into the concrete realms of social interaction, significantly where negotiation and mediation affect life in the diversity of its meanings.

Physicians and researchers belong to a professional universe that is not directly accessible to people in the role of patients or research subjects. The more the doctor and patient become alienated from each other by differences in goals and values, the more it will be necessary to formulate explicit rules to govern free and informed consent[49] and to ensure that it takes precedence in all issues raised by treatment[50]. The moral alienation of health professionals and patients exacerbates the dissonance between the horizon of the profession and the condition of the person being cared for: The language of medicalisation must contend with a personal worldview that can connect, bring closer or separate the professional and the cared-for. This requires explicit rules that clearly define the limits of the patient's autonomy. When a doctor confronts a patient, their relationship is constituted in the complex context of a profession with different goals[51], only some of which

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[49] The concept of informed consent has its origins in the development of case law on the legal requirements for consent to medical treatment, which has led to a more complicated set of rules, particularly in relation to standards of communication. However. From a moral perspective, informed consent has more to do with the autonomous choices of patients and subjects than with the legal responsibilities of professionals as informants. Both health professionals and patients need to ask and answer questions, but the process is less about providing information and more about identifying relevant information and deciding how to display and use it.

[50] cfr. Vergallo, Gianluca Montanari. *Il Rapporto Medico-Paziente. Consenso e Informazione Tra Libertà e Responsabilità*. Giuffrè Editore, 2008.

[51] On this topic, there are many points of contact with the position of L. Beauchamp and J. F. Childress, who offer a clearly formulated definition of free and informed consent: *There are two prevailing views in the literature on the function and justification of informed consent. In the early phase of interest in research subjects, consent requirements were primarily seen as a means of*

concern the treatment and care of the patient. The professional context plays an alienating role for the potential patient and determines a constant reference to his profession's deontological and axiological plan for the medical practitioner. If the patient desires treatment that differs from the profession's standards, the physician will do well to consider the judgement of the field. Any negotiation with the individual patient will involve them in a potential negotiation with the domain.

In the relationship between doctor and patient, some interests and goals differ not only because of the moral estrangement of the two individuals but also because there are two models and two procedures involved: on the one hand, there is the professional model, and its practises, oriented towards certain goals and governed by certain parameters that privilege the curative, diagnostic and therapeutic aspect, but are not reduced to the care of the patient; on the other hand, there is the personal, social and moral horizon of the patient, who may be distant and incapable of understanding the practices of the professional context in which they find themselves, and therefore tends to make free choices that are scientifically and deontologically inconsistent[52]. The strength of the alienation between the two people facing each other in the caring relationship of the medical profession can be increased by moral alienation or decreased by conscious moral

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minimising potential harm. (...) In recent years, however, the justification for requiring informed consent has primarily been the protection of autonomous decision-making, an imprecisely defined goal that is often obscured by vague discussions of the protection of welfare, patients' rights and research subjects. (...) A definition of informed consent has prevailed that divides the elements of the concept into an information component and a consent component. The information component refers to the transmission of information and the understanding of what is being communicated. The consent component refers to the voluntary decision and consent to undergo a recommended procedure. Beauchamp, Tom L., and Childress, James F.. *Principi Di Etica Biomedica*. 1999.

[52] cfr. Delkeskamp-Hayes, Corinna. *From Physicians' Professional Ethos Towards Medical Ethics and Bioethics*. Springer Nature, 2022.

friendship[53]. The question to be addressed in the renewed distinction between moral friends and moral strangers is the extent to which health professionals and patients share common beliefs that may preclude the need for many formal communication and consent procedures or, on the other hand, whether they have nothing in common so that formal communication and consent procedures are necessary to avoid serious misunderstandings. Engelhardt's general considerations are based on the recognition that in modern pluralistic and changing societies, health professionals and patients often meet and will meet as moral strangers, which reinforces the alienation generated by the languages of health care: in this sense, starting from the articulations of moral alienation, a bioethical enquiry must analyse the mechanisms and roles that constitute the relational universe of medical care and biomedical research. Clarifying the specificity of the status of healthcare and biomedical research workers on the one hand and patients on the other, based on their shared status as persons, proves essential. Like all professional fields, the sphere of health and research is goal-oriented. Specifically, the sphere of health professionals relates to the art of Hippocrates, i.e. the medical profession as a group of people and as a set of skills: Medicine has the human being as a component of its very purpose; it does not aim only at prolonging biological life. Its aims are broader: not only the postponement of death but also the prevention and alleviation of infirmities and deformities, the cure of diseases, the improvement of biological and psychological capacities, and the alleviation of people's suffering[54]. The medicine works for the benefit of people. Health professionals have the task of healing other people: Their overall goal is the well-being of other people. The extent and value of this well-being

[53] Cfr. Rothman, David J. *Strangers at the Bedside*. Routledge, 2017.
[54] Cfr. Tamparo, Carol D. *Medical Law, Ethics, & Bioethics for the Health Professions*. F.A. Davis, 2021.

determine the problematic nature of the professional role: curing, healing, alleviating, helping, enabling and palliating are all actions that embody certain values and interests. Well-being concerning these actions can be increased or decreased at two levels of analysis and evaluation, which do not necessarily coincide. In assessing well-being, the levels of analysis are the professional level and its axiological system and the personal level, which concerns the particular interests and moral beliefs of that patient, that person. The personal level may also include the realm of the doctor's particular moral beliefs and interests as a moral stranger. In this sense, medical personnel's specific purpose and professional identity are articulated in various situational variations that define general goals and roles by mediating individual interests and inclinations. This does not mean depriving health care of its objective value, scientificity or specificity, but it does mean placing it in concrete situations. Doctors learn certain values and virtues by example. By embodying the virtues of a particular moral standpoint, role models point to possible ways of understanding good, evil and the meaning of life. They convey their teachings through their actions and commitment to a particular vision of good medical care. Engelhardt, therefore, emphasises the structural complexity of role models in health care professionalism: practitioners are always and everywhere strangers or moral friends in their relationship with patients and their professional interpersonal relations. Despite having a common operational grammar expressed in essentially shared procedures, methods and deontological plans, health workers remain moral actors with their baggage of expectations, beliefs, convictions and interests from which they can never fully free themselves in the professional sphere, even when confronted with a moral stranger who, as a moral actor, shares no vision with them and whose role and professional dimension must be superimposed on them, which is an operational

sense is the tangent to the two moral levels precisely because they are expressions of the person's social functions. Engelhardt uses the metaphor of the health bureaucracy to describe the function and tasks to which health workers are called in a pluralistic society where the plurality of moral languages dictates the use of a common lay language for all moral strangers who use the health system. In providing essential and basic information to people, the patients, doctors, nurses and health workers need to operate within a neutral framework that is able to represent and respect personal differences within the boundaries of individual rights. This metaphor of health workers as bureaucrats can shed light on doctors' role in dealing with patients who are moral strangers. Bureaucratic rules often protect the rights of individuals when they are moral strangers, as is regularly the case in large pluralistic, secular societies. Establishing rules and procedures that formally define the dynamics between people with different moral beliefs and socio-professional roles means creating a neutral environment in which informal agreements cannot be adopted that aim to provide mutual assurance and guarantee for those who are professional strangers to the operational universe of health care and who are also potential strangers to the moral horizon of the person with whom they are dealing. Engelhardt also considers health professionals to be 'geographers of values and rights" because they function as interpreters of the tensions between the essential moral visions that intersect in health care. As geographers of values and rights, health professionals must learn to sensitise their patients to the nature of these tensions and their moral implications

The social significance of health workers' functions can have various operational consequences for dealing with the concrete tensions between the professional and moral levels of health workers and between the patient's moral vision and the strains within health

workers. The need to perform the function of a moral geographer does not cancel out the status of a particular person: The professional role, its social location, and its functional and bureaucratic prerogatives do not relieve the health worker of his status as a person, with his own identity in the making and with particular professional and moral convictions that can make him, depending on the case, a stranger or a moral friend of the patient he is supposed to help. In this perspective, Engelhardt analyses a typical attitude of health professions located in the field of tension of modern moral geography: the professional role, with its practical prerogatives and specific goals, often tends to redefine moral pressures according to models of application that redefine the hierarchy of priorities and the horizon of relationships according to the paternalistic scheme of profession-patient. In its possible meanings, medical paternalism is a moral, methodological and operational stance that implies a particular experience.

To be an interpreter of the tensions inherent in moral life is thus to undertake a threefold task: to care for health, to interpret the moral tensions within the relationship with the patient, and to find appropriate mediation models. The moral question is to what extent paternalism in health care is permissible and desirable. The first meaning refers to paternalism for incapacitated persons, where a paternalistic approach is unavoidable. The second meaning is fiduciary paternalism: delegating decision-making power to another person justifies paternalistic action in the spirit of mutual respect. This situation entails doubts and questions about the content of the best interests of an incapacitated person and the holders of decision-making power over those interests. This form of paternalism can be divided into an explicit model. The doctor-patient relationship is typical, and the criteria for determining the patient's best interests are clarified. In an implicit model, because the patient is in the presence of other

persons, it is implicitly assumed that these other persons will make confident decisions on their behalf. In the case of both the explicit and implicit models, the central issue remains the identification of criteria for measuring and determining the patient's best interest, which brings us back to the broader question of moral vision and the alienation of the persons involved in the negotiation. In the case of explicit fiduciary paternalism, the doctor's freedom to decide on behalf of the patient is constrained by the patient's wishes in the matter and, in particular, by the extent to which they have formed a vision of the issue to be decided. In this sense, fiduciary paternalism does not override the patient's need to understand the situation in which he finds himself and to express his point of view freely, even in circumstances where he might opt for limited delegation in favour of the doctor.

On the other hand, a genuine paternalistic relationship arises when one person is entrusted with the care of another and is given broad discretion in deciding on the appropriate criteria for treatment. Finally, there is the paternalistic understanding of the best interest. This form of paternalism is also known as solid paternalism: Its basic thesis is that in certain circumstances, a person's reasonable refusal to realise their best interests can be ignored. In these cases, we deal with a durable power of attorney that recognises an essentially clear and direct operational delegation. In each case, the fiduciary meaning provides for the voluntary or presumed delegation of decision-making powers, limited to specific situations, to a second person who is believed, under their abilities and attributes, to be better suited to make a decision affecting our bodies. The idea of paternalistic reliance on the findings of others also presupposes that the person being relied upon is informed and able to respect the patient's views to the extent and in the form that they are made explicit or presupposed by the patient. According to

Engelhardt, this meaning represents the most problematic form of paternalism from both a structural and moral perspective.

2.4 MEDICALISATION AS A SOCIAL DIMENSION OF PERSONAL EXISTENCE

The multiple scenarios that characterise our modernity in its various manifestations and the structure of individual identity, which is permeated by numerous tensions and marked by original plasticity, paradigmatically express the dialectical overlap between the dimensions of the human embodied in existential practice. In his analytical approach to the consequences of the tendency to redefine social arrangements, starting from a categorical investment of medicalisation language[55], Engelhardt interweaves his minimal anthropological model with a sociological model. Combining a liquid and fragmented modernity, it is enriched by the evaluative dimensions of the medical and biomedical universe. Human society is a medicalised one in which private functions, medical categories and social perspectives define identity's true perspective of immanence.

In the perspective of a social dialectic of technical facts, it is precisely the consideration of the effects in our everyday life that proves essential: individual existence and its socially structured form appropriate and metabolise technical facts in complex ways, rewriting and reinterpreting their horizons of meaning and the dynamics of everyday life based on the capacity that technology itself possesses to reshape the reality, potential and perspectives of individual life. As inhabitants of a technologically developed modernity, individuals construct their experiences of individualisation within the horizon of a technology configured at different levels and entails considerable differences in the intensity of its social effects. In any case, at the centre of these evaluations is the human being in their capacity as an inhabitant of the social universe and as constructor and user of

[55] Cfr. Clark, Peter A. *Contemporary Issues in Bioethics*. BoD – Books on Demand, 2012.

technology: considering the effects on the various levels of existence is a question that concerns the human being in a generalised perspective that relates to the interpretation of existence as a whole, and in a restricted view that concerns situational perception and thus the individual encounter with a technical fact and the particular effects it can have on a person. Medical care and biomedical research represent two areas in which the technical fact encounters the society of persons and produces specific effects and considerations of the impact that relate to both a generalised and a restricted perspective: The languages of medicalisation redefine fundamental aspects of reality and construct unprecedented and complex configurations of existence; at the same time, in the space of the relationship between professionals and patients, situational dynamics are defined whose effects are limited to the person and the circumstance that concerns them. People, as strangers or as moral friends, as inhabitants of a society permeated by technical facts, are confronted with the dimension of medicalisation through the functions and prerogatives that define their moral status. Entering the caring and professional horizon of medicalisation means applying the different levels of tasks to a sphere of technical facts that require specific analysis and evaluation in terms of their impact on the personal sphere. Our societies are symbolically and technically reshaped by medicalisation and its ubiquitous language, which is interwoven with daily life in the form of clinical experiences and the general definition of one's social environment. By redefining specific fundamental parameters of the grammars of everyday existence, medicine is rewriting meanings and values, introducing new logic of purpose and new procedures that construct new architectures of value. The impact of modern medicalisation on reality touches the social level in all its depth and reinterprets its structures in a collective way, which can have particular effects on individual lives. The medicalisation of

reality thus means the expansion of professional grammar and the import of evaluative models and worldviews that were initially alien to common sense and gradually become part of a society's established social practises and institutional grammar. Engelhardt reconstructs medical reality from a complex interaction of evaluative, descriptive, explanatory and socially classifying interests, which is not only the multiple grammars of medicalisation but also the fourfold conceptual dimension within which clinical reality as a whole is structured. Medicalisation configures the scenarios of social reality by assigning categorical philtres to the different spheres of individual existence in terms of the interests, procedures and evaluations of the medical or biomedical basis. In this sense, clinical evaluation involves the consideration of a fact or condition about individual existence through a judgement that generally defines the acceptability of that situation to the person. Attributing a clinical-pathological valence to a personal point or condition means placing the state in a definite perspective that emphasises certain aspects and reinterprets others according to a specific logic. The assessment language uses a judgement that operates according to very complex clinical hierarchies that do not always find a correct translation at the level of common sense and the languages of everyday life. Assessment involves attributing a specific clinical value that tends to be transformed according to positive or negative meanings within a threshold of individual and social perception. In reality, the translation of clinical judgement into social terms is always influenced by the specific contexts in which it takes place and the overall goals of those contexts. Illnesses pose a problem in that they impede the pursuit of goals by individuals or groups of individuals or the realisation of certain ideals of a morally good or virtuous life. In this sense, the classification of clinical pathologies according to a hierarchy reflecting generalised social models is challenging to achieve: it would

presuppose the ability to recognise the specificity of the goals set by a particular community or simple group of individuals in a specific stage of their development, and the consequent possibility of superimposing these goals on the clinical assessments of the species-specific variations affecting the group. Medical evaluation does not lead directly to socially applicable evaluation within certain technical limits: its social translation is a secondary and transversal product of medical grammar.

This original categorical diversity makes medical judgement complementary to moral judgement. Still, by no means reducible to it: the superimposition of moral accusations on illness is an operation that is not directly reflected in the practice of medical evaluation and often contradicts the very rationale of medical assessment. At the heart of the medical analysis is an inclusive notion of functionality against which the concept of health itself is defined: It functions in a negative and a positive sense. On the one hand, it points to conditions to be avoided and, in this sense, denotes the absence of a particular disease or disorder. In the broadest sense, the concept of health offers essential clues to the meaning of human well-being and self-realisation. Indeed, it is the coincidence of different levels of evaluation, of a moral and a non-moral horizon, which requires mediations and reinterpretations appropriate to the contexts and circumstances. Alongside evaluative language, Engelhardt places descriptive language: alongside values and assessments, then, there are descriptive assumptions that tend to standardise evaluative concepts according to an inner tension towards the precision of medical dictation, and the more one cares towards precision, the more standardisation is accentuated. This is reflected on the social level in diversified and partial forms. People's evaluative and explanatory expectations influence the description itself, so the weight of these expectations at the level of medical grammar and the level of social translation leads to reports being adapted to particular purposes

and interests. The discussions that guide standardisation processes and underlie the inherent descriptive tension in medicalisation convey assumptions recommended by precise explanatory concepts. Within this framework, problems are deconstructed and analysed according to rules and procedures that aim to reconstruct their specific aetiology and symptomatology. Explanatory capacities constitute, in a sense, the overall style and architecture of medical language, embody its narrative sense and experimental features, and give an investigation or research its inner meaning. The first three linguistic levels of medicalisation define its capacity to shape people's existential horizons to the extent that they can transfer its specific functions to the level of social reality. In the space of this transfer, the potential effects and substantial weight of medicalisation are constructed as a reconfiguration of the social universe. The transfer of the functional spheres of the health professions into the social lives of individuals identifies an essential task for each practitioner: transferring the evaluative, descriptive and explanatory languages of medicalisation to the concrete level of individual existence in its social dimension means reconfiguring this dimension by giving it new meanings and complex significations, and it also means declining the interests inherent to medicalisation in the forms of social existence. Translating and transposing medical grammar into social practice is the most authentic expression of medicine's capacity to shape reality according to interpretive models that circumscribe common values and procedures. Every evaluative medical act, with its descriptive and explanatory function, has a tangible impact on a person's life and changes, in a more or less profound way, their functional status on the social level, precisely based on the capacity that the diversity of medical acts has to reshape society as a whole. In assessing the weight of a medical diagnosis, one must always look at its validity in terms of scientific objectivity and at the consideration of its

possible implications for the individual patient and a broader social perspective: In this triple sense (scientific, personal and social) the ability of medicine and the biomedical sciences to reshape reality describes new semantic and existential horizons. The classificatory capacities of the medical and biomedical sciences rewrite the social roles of individuals in the specific forms of diagnosis of a disease and the therapeutic perspective[56]: Individual existence can undergo profound articulations that are transferred to the social level, where they take on particular forms and meanings depending on the social consideration of this clinical condition or this specific course of treatment. It should be added, however, that it is the medical fact that very often undergoes reinterpretation when it is transferred to the social dimension: The medical diagnosis not only changes the social status of the person but also interacts with the various domains that define the person in themselves socially. Law, religion, morality, economics and politics are intertwined with the social translation of the medical issue. In other words, the structural contiguity of the different spheres of human existence in the social horizon produces the question of whether a problem should be characterised as a medical circumstance or as primarily a medical circumstance: the complex

[56] It should be added that it is the medical fact that very often undergoes a reinterpretation when it is transferred to the social dimension: the medical diagnosis does not only change the social status of the person, but interacts with the different fields that define the person in itself socially. Law, religion, morality, economics and politics are intertwined with the social translation of the medical issue, so that the question is not only how to deal with the different situations in the medical field, but also and above all whether these situations should be dealt with in the field of medicine or not in additional and alternative institutions such as law or religion. In other words, the structural interweaving of different spheres of human existence in the social horizon leads to the question of whether a problem is to be characterised as a medical circumstance or as a primarily medical circumstance: the complex interweaving of the spheres of social life problematises the medical circumstance in its configuration as a medical event tout court by dropping it into the multiplicity of social spheres. At certain levels, there are subtractions of competence or division that split, transfer or circumscribe a personal event.

intersection of the spheres of social life problematises the medical case in its configuration as a medical event tout court by dropping it into the diversity of social spheres. At certain levels, there are subtractions of competence or division that split, transfer or circumscribe a personal event. The effects of medicalisation thus concern the role of people within a horizon of meaning and through categorical, professional and non-professional perspectives that determine a context of values and practise within which moral strangers move. The central coordinates of the paradigm of social consideration of the effects of medicalisation are thus represented by the roles and contexts against which people tend to define their identities. And it is precisely the issue of the person's identity that emerges from reflection on the languages of medicalisation: The notion of the person is defined based on functional structures that refer to specific capacities about the clinical categories conveyed by the languages of medicalisation entail significant deviations. In its individualisation process, personal identity is also determined by the components of medical grammar that help to define an overall image of the self: Knowing that one is affected by a disabling disease, finding oneself in a clinical risk category, seeing oneself in an unfavourable diagnostic horizon or a very humiliating therapeutic project, can jeopardise the harmonious and free construction of one's identity. The status of the person, in a sense proposed by Engelhardt, is based on a functional classification that certain pathological conditions could challenge: In this sense, medical categories, not only in the sense of a definite but also and above all a functional prediction, overlap with the definition of individual life projects. To the extent that the value horizon of medicalisation judgements involves structuring the concept of the person, this horizon deeply permeates the social dimension of personal existence. In this society, medicalisation has taken on a particular form, redefining its interests, expectations, orientation and

impact: Genetics has opened up new and revolutionary developmental perspectives for medicine and biomedical research, the effects of which on social existence have been and continue to be profound and complex.

CHAPTER 3

3.1 FUNCTIONAL ANTHROPOLOGY OF PERSONS

The centrality of persons understood in the fourfold functional sense of self-conscious, rational, free and moral entities within pluralistic, secular societies enables the grounding of moral authority through the intersection of a socio-anthropological model with the procedural parameters of general ethical space. The configuration of modern liquid societies according to spheres of interaction that happen to be occupied by strangers or moral friends, that is, by individual entities that may or may not share specific value and belief systems, determines the structural necessity of constructing procedures of confrontation, negotiation and mediation based on an anthropological model that expresses the minimum functionalities for the realisation of said procedures: in this sense, the centrality of individuals, which Engelhardt defines as persons in the strict sense, constitutes the implicit precondition of procedural ethics based on minimal functional anthropology that emerges from a fluid, pluralistic and multicultural model of society. In the most concrete and invasive meaning of a possible moral strangeness lies the sociological and ethical figure for the reconfiguration of models of social interaction from procedures that are essential for the peaceful coexistence of individuals: In the space of difference, moral strangers encounter the experience of their strangeness and the consequent need to define a minimum architecture of interactional processes. These structural constraints lead moral strangers, as persons in the strict sense of the word, to seek the basis of moral authority in minimal procedures of understanding: The strangeness of reference perspectives precludes the possibility of tracing disputes back to common authorities, be they fideistic, ideological or generically rational. The minimal frame of reference

derives from the functional construction of the anthropological model of the moral stranger as a person: the possession of the functions of self-consciousness, rationality, freedom and morality defines the coordinates within which protocols of understanding and specific agreements between individuals traversing the fluid space of strangeness can be established. In the absence of a moral perspective already taken for granted, individuals will relate to each other as moral strangers who, in secular terms, feel bound only by their explicit or implicit understandings. The understandings are a direct or indirect product of the functional activities of individuals who, in this perspective, represent the only basis of possible authority in the general ethical space that moral strangers share. The minimal anthropology proposed by Engelhardt functionally defines the capacities necessary to realise understandings and agreements whose procedural core is the figure of secular moral authority based on the concept of the person. The functional anthropology of the person and its practical capacity to set in motion procedures of understanding, agreement, negotiation and mediation define the character of general secular ethics and bioethics that embodies the fluidity of modern pluralistic societies: the stream of moral strangeness that pervades and permeates our modernity, in which archipelagos of moral friendship can be discerned, is a cultural-historical dimension that derives from the successive shattering of the centripetal forces of traditional structures, systems, ideologies and cosmologies. In this context, the growing global consciousness of the absence of a unifying centre has given rise to a deep sense of insecurity that finds more or less valid anchors in the islands of community floating amidst the fluid sediments of ever-changing societies. Functional anthropology of persons.

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strangeness can be established. In the absence of a moral perspective already taken for granted, individuals will relate to each other as moral strangers who, in secular terms, feel bound only by their explicit or implicit understandings. The understandings are a direct or indirect product of the functional activities of individuals who, in this perspective, represent the only basis of possible authority in the general ethical space that moral strangers share. The minimal anthropology proposed by Engelhardt functionally defines the capacities necessary to realise understandings and agreements whose procedural core is the figure of secular moral authority based on the concept of the person. The functional anthropology of the person and its practical capacity to set in motion procedures of understanding, agreement, negotiation and mediation define the character of general secular ethics and bioethics that embodies the fluidity of modern pluralistic societies: The stream of moral strangeness that pervades and permeates our modernity, in which archipelagos of moral friendship can be discerned, is a cultural-historical dimension that derives from the successive shattering of the centripetal forces of traditional structures, systems, ideologies and cosmologies[57]. In this context, the growing global consciousness of the absence of a unifying centre has given rise to a deep sense of insecurity that finds more or less valid anchors in the islands of community floating amidst the fluid sediments of ever-changing societies. Ethical pluralism thus becomes the multi-faceted horizon of meaning in contemporary Western societies, reopening the etymological roots of the original concept of ethics, understood as the totality of a people's customs and traditions, in an all-

[57] An important interpretation of the crisis of the cosmological model underlying the idea of absolute morality is found in Acocella, Giuseppe. *Etica Sociale*. Guida Editori, 2003; Piovani, Pietro, et al. *Giusnaturalismo Ed Etica Moderna*. 2000.

modern perspective of global encounter[58]; cultural diversity is configured in an open and free society in the space of communities of moral friends operating in two parallel dimensions - the specific horizon of the community, in which the rules, traditions and values of that community apply and to which the people belonging to that group adapt, and the broad horizon of society, in which moral friends belonging to different communities come together as moral strangers and, starting from the need for peaceful coexistence, a need on which the existence of society as a general space is based, adopt strategies to resolve or reduce the internal tensions within the structure of ethical pluralism itself. In this perspective, society does not replace community, nor does it constitute the space for realising and confronting other communal realities. For this reason, society does not directly produce substantive ethical models: they emerge and develop within individual communities, which present their value, scope and contextual justification in the encounters and confrontations within the horizon of ethical pluralism. Substantive ethical models are, therefore, always the direct expression of particular communities whose scenario is a complex society in whose fluidity moral content and value systems can only find asylum in the stability provided by the communal mechanism of moral friendship. The effect of this double process of communitarian centralisation and social decentralisation can be seen in the general tendency of contemporary thought to move away from any overarching orientation, any ultimate goal. The collapse of traditional expectations and intellectual reorientation characterise liquid modernity and determine the general reordering of ethics in social space. Large societies created by moral strangers cannot offer

[58] For a more detailed reflection on the specific implications of a globalised ethics and bioethics see Germán. *Global Bioethics: What For?* UNESCO Publishing, 2015; Teays, Wanda, and Dundes Renteln, Alison. *Global Bioethics and Human Rights*. 2020; Van Rensselaer, Potter, *Global Bioethics*. MSU Press, 2012; Ong, Aihwa, and Collier, Stephen J.. *Global Assemblages*. John Wiley & Sons, 2008.

individuals a community to discover the rich texture of moral life, understand true solidarity and overcome the anomie of formal individualism. The appeal to human nature as a guide to moral action loses much of its meaning once we are convinced that we were not formed according to a conscious plan but are merely the product of the blind forces of mutation, genetic drift and natural selection. It is in the space of this possible residual justifiability that Engelhardt's ethical proposal is constructed, which, structured out of an awareness of the impossibility of justifying canonical substantive ethics capable of binding moral aliens, identifies a desubstantialised ethical perspective, emptied of its substantive character and based on minimal functional anthropology of persons in the narrow sense as guarantors of a general moral authority capable of defining the minimal mechanisms of social coexistence and thus of interaction between moral strangers. Within a polytheism of substantial moral visions, secular moral reflection can offer the possibility of secular authoritative moral discourse and cooperation between moral strangers. In this sense, the measure and cypher of Engelhardt's ethical and bioethical proposal are defined in terms of the general secular meaning that ethics itself must assume to be defensible in a society of people as moral strangers[59]. A general secular ethic does not replace the substantive ethical beliefs that unite moral friends in particular communities of consenting persons: In a general secular horizon, each individual as a person is a citizen of two worlds, the community of moral friends and the society traversed by moral strangers[60]. For this reason, secular morality provides the

[59] Large societies created by moral strangers are unable to provide individuals with a community in which they can discover the rich texture of moral life, understand true solidarity and overcome the anomie of formal individualism.

[60] The secular perspective in its various meanings is carefully analysed in Rodotà, Stefano, and Tallacchini, Mariachiara. *Ambito e Fonti Del Biodiritto*. Giuffrè Editore, 2010. The authors propose an interesting dialectical analysis between militant and inclusive secularism in multicultural societies. See also Fornero G. *Laicità Debole e Laicità Forte*. Pearson Italia S.p.a., 2008.

essential language for peaceful communication between moral strangers. It contains a discourse structure that can be shared with people far removed from our positions. This language can be spoken in the ruins of the Enlightenment project and the face of the tragedy of the fragmentation of moral values. General lay ethics and bioethics are configured as a direct expression of a minimal moral grammar structured from the individual functions essential to interacting with moral strangers in a pluralistic context. If persons in the narrow sense are the basis of minimal moral authority according to the Engelhardtian perspective, a general lay ethics will be primarily an ethics of persons defined from the basic anthropology describing the status of the person tout court; an ethics for persons is a pluralist ethics constructed according to the coordinates of strangeness, diversity and freedom. To understand the more specific features of Engelhardt's general secular ethics, it is useful to break down and analyse the double meaning of his proposal: secularity. Secularity is an open dimension, permeated by profound variability and compatible with the plurality of substantive propositions: In the space of secularity, every ethical proposal has its place and its justification in the community of people who consciously and consensually share its principles while respecting other communities. The central measure of secularity is plurality: a secular ethical horizon should always speak in the plural, given the diversity of substantial secular and religious, ethical proposals. Secularity, in its broadest practical sense, describes a delimited territory in which processes of interaction and negotiation take place between people who are often only connected by their mutual strangeness: If a secular ethical perspective does not construct its substantive proposal, it will tend to have precisely this decentralised and functional territorial character to potentially resolve encounters with the problematic nature of differences embodied in modern pluralism. The core of secular ethics

will consist of criteria for just action that can be peacefully established based on principles discovered or recognised by moral strangers. Such ethics strives to develop a logic or grammar that allows for confrontation between various ideologies, faiths and bioethics. In this sense, ethics and its bioethical declension, which is the direct expression of secularity understood as a functional space, must provide the essential tools for the confrontation of moral divergences: Only the ability to provide a minimum set of procedural tools for the realisation of a fair confrontation between the representatives of divergent positions will be able to justify the authority of secular ethics. The idea of secularity as a functional instrument of confrontation that emerges from Engelhardt's statements describes the operational limits of an ethical model that combines the moral authority of human beings, the sociological schema characterised by the binomials of pluralism and moral strangeness, and the coordinates of a minimal functional anthropology: secularity is thus a tendentially neutral structural dimension that privileges confrontation with the aim of peaceful coexistence.

3.2 GENERAL COORDINATES OF THE MINIMAL GRAMMAR OF MORAL AUTHORITY

In a pluralistic secular society, the search for, identification of, and justification of general criteria for praise and blame form the core of the entire ethical enquiry: the overall framework of an ethical perspective is justified by the ability of its categories to define and justify general criteria for ethical practise that can be shared in a peaceful moral community. In this perspective, the justification of common ethical criteria within a particular moral community is defined in the conceptual space of identifying and justifying substantive categories that people can share in the narrow sense that they freely choose as criteria for praise and blame. In a substantially different form, however, criteria for praise and blame are defined in a general secular horizon: The formal and procedural character that imposes itself on general ethics and determines its lack of content implies a justification based on the capacity of the procedures themselves to be valid as general criteria that can be shared for the definition of praise and blame in a pluralistic social space. According to Engelhardt, the possibility of justifying general criteria for praise and blame in a perspective of moral strangeness is functional for the justification of moral authority from the common rational remainder that defines the status of persons in the narrow sense. The general coordinates of a minimal grammar in which praise and blame are inscribed in a social space occupied by moral strangers are the result of an anthropological model that identifies the general scheme of a set of procedures whose justification is determined precisely by their ability to refer to the minimal rational structure of persons[61]. The possibility of identifying criteria for censure and praise among moral strangers describes the alternative conceptual and

[61] Cfr. Vergari, Ughetta. *Governare La Vita Tra Biopotere e Biopolitica*. Tangram Ediz. Scientifiche, 2010.

procedural horizon to the direct or indirect use of force to resolve moral disputes: the level of immanence and the development of a general secular ethic is defined by the idea of a peaceful general community. This community does not share substantive moral principles and values. Still, it is interested in the peaceful resolution of moral disputes, in a perspective that can articulate itself according to the functional structure of a person's status and avoid using violence and coercion as the primary means of resolution. The tension towards a peaceful community structure that can traverse the level of social pluralism creatively and procedurally describes an open system of criteria for praise and blame, a method of evaluation governed by the dual premise of the rejection of violence and the need for peaceful solutions to moral disputes within the horizon of contemporary pluralism. Engelhardt's analysis starts by considering the structural defectiveness of the moral mechanisms for shaping the debate of objectivity. As a result, there are various models and criteria and procedures for defining values that convey praise and blame. The outstanding critical aspect for contemporary reflection remains the need and the possibility to establish and justify a specific moral standpoint: The flawed and seemingly arbitrary character of the multiple moral views that make up the social scenario, a clear expression of cultural diversity, forces increasingly articulated analytical and evaluative criteria for identifying a model of ethical objectivity. The justification and substantiation of a general system of moral criteria applicable to people's concrete experiences define the general sense of the attempt to construct an objective evaluative space that has transversal validity concerning specific personal beliefs and convictions. In this sense, the emergence of a moral perspective helps to understand the core values and the essential variables and nuances that emerge from direct practice. For morality, as for science, seeking

justification for an activity or exercise means asking whether its claim to human consent is valid.

Justification involves the ability to demonstrate the legitimacy of a moral perspective's claim to be valid for people and thus to expect their permission because of the rational character of its general validity. Justifying, in other words, means rationally justifying a criterion of general validity, which does not necessarily mean attaining absolute objectivity. Ultimately, specific criteria are needed to guide our actions in the dialectical space of praise and blame, in the double horizon of the particular community to which we belong, and in the social space in which we may encounter moral strangers. In this search, whether it aims to prove the universality of a substantive ethics or to legitimise a general and formal secular ethics, the possibility of justifying and grounding the search is directly and inescapably linked to the intersubjective scope of the criteria and the structural intersubjectivity of the validity claims. There is thus a need to construct a valid system of reference points that has intersubjective validity and is based on justified, rational grounds: It is essentially a matter of making a theory and practice capable of defining mutually useful coordinates for self-conscious, free and rational entities, insofar as these entities configure themselves as moral agents by evaluating the praiseworthy and blameworthy character of actions. In his attempt to analyse the claims of ethics to a more or less accomplished form of objectivity and thus to an intersubjective validity legitimised by a basis that people can share in the narrow sense, Engelhardt attempts to identify schematically the main criteria used in the justification and systematisation of ethical and bioethical perspectives. They can indeed be sought in the context of ethical assertions themselves, in intuitions, in what is shown to be right or wrong, or at least in the study of exemplary cases; in the consequences of moral decisions, in the idea of a just choice; in the ideal

of the impartial observer or a group of neutral contracting parties; in the idea of choice or rational moral discourse; in the interpretation of the problems of social interaction in terms of game theory; in the properties of reality or nature; in an appeal to middle-level principles; in a moral reference point that can canonically orient moral decisions[62]. More generally, a criterion can be sought in the context of moral thought, moral reasoning, or external objective reality. Each of these criteria is, according to Engelhardt, about equally flawed and problematic in terms of its claim to substantiate a substantive ethical proposal that can be universally valid from an intersubjective perspective. The various categorical models that Engelhardt traces directly to the suggestions of particular authors fall directly or indirectly within the theoretical and conceptual space of secular ethical reflection but are compromised or impaired by certain criticalities or fundamental fissures in the American author's critical interpretation; all the approaches analysed tend to presuppose a specific moral content that should instead be the object of demonstration and justification, and in this sense prove to be expository devices "for explaining the implications of a particular moral vision". In Engelhardt's analytical perspective, the assumption of canonical moral guidance determines the tendential failure of all attempts to establish secular ethics capable of intersubjective validity.

A theoretical moral perspective inevitably states as proven a moral content that it has not proven or offers no substantive guidance. Any attempt to justify a particular moral perspective presupposes the very thing it seeks to justify so that theoretical argumentation in the field of

[62] In the construction of morality and bioethics, the available points of reference are the formal rational constraints represented by the prohibition of contradictions, and the conditional constraints represented by the fact that, insofar as certain ends are considered conditional or absolutely imperative, the means that make their attainment possible must also be accepted.

morality justifies nothing but, at best, has explanatory value. Even the first analysis shows that this perspective poses apparent problems in selecting valid intuitions and, thus, in defining criteria for evaluating these intuitions. The use of structuring strategies that refer to the model of reflexive equilibrium and thus to priority criteria, as well as the idea of relying on the majority of one's intuitions, determine an apparent weakness of the intuitionist proposal and a detrimental self-referentiality. "Appeal to instincts cannot offer a satisfactory solution to the problem of settling moral disputes, for every impulse can be opposed by another of opposite sign. In the presence of conflicting impulses, the appeal to instincts is never conclusive. Another alternative to the intuitionist perspective is casuistry, i.e. the reference to an ad hoc case system to resolve ethical disputes. The use of the case system can work well among moral friends who recognise the evidence and exemplariness of cases precisely because they share a common substantive substrate that forms the basis of the case system. Problems arise when moral strangers meet and when the substrate of the encounter is a pluralistic, fluid society in which appeals to morality and decency multiply in constant tension. In these circumstances, the exemplarity of the case is cracked by the lack of a common horizon of substantive meaning: what is exemplary for one may not be exemplary for another.

3.3. THE PERMISSION PRINCIPLE

The processual character of the general lay bioethics proposed by Engelhardt does not preclude the definition of reference principles. Still, it redefines their form and function within the ethical dynamics that shape human life. In this sense, the principles will be rather formal and wholly emptied of binding substantive content: The legitimacy of these principles will be grounded in the functional structure of persons in the narrow sense, and the only justifiable limitation will be the general procedural scheme they propose precisely because of and starting from the personal functional structure. The procedural-formalist approach to general lay ethics is configured as an essential scheme of action and a general model of ethical evaluation based on a judgement of praise or blame embodied in the moral authority of persons. At the top of this general secular procedure, as a direct expression of the overall character of Engelhardt's ethical proposal, is the principle of permission: it constitutes the first and essential derivation of the formalist ethical framework structured from the schema of mutual respect. The principle of permission, as the core of the morality of mutual respect, can only be adopted if individuals consistently see themselves as a subject which demands respect and sees people as worthy of praise and blame, and can recognise moral authority in a pluralistic, secular context, i.e. a context in which no particular religious, metaphysical or ideological presuppositions are identified. The principle of permission is thus the minimal product of an ethical diminution that finds its direct expression in the formal model of mutual respect, understood as a minimal rule of interaction based on the moral authority of individuals and their capacity to decide, and which finds its most concrete derivation in the definite double change of the social level and the anthropological reference model. The shattering of many tradition-bound value systems, the confluence of

multiple communitarian normative criteria in the fluidity of the pluralist social horizon, and the variability of the social level as a whole have led to a structural defectiveness of substantive normative organisation that can only find stable foundations within established communitarian contexts, outside of which only a procedural model seems to offer formal categories flexible enough to adapt to the plurality of contemporary ethical narratives. Mutual respect describes the formal context in which the principle of permission is concretised in terms of a minimum of interaction, negotiation, mediation and dispute resolution between people who represent each other as moral strangers[63]. Mutual respect thus means, in an immediate procedural sense, moving within the horizon of mutually requested and mutually granted permission through an interpersonal dynamic oriented towards a peaceful resolution of moral conflicts.

The principle of permission represents the redefinition and, in part, the articulation of what Engelhardt had previously called the principle of autonomy, which was the necessary condition for the possibility of resolving moral disputes without violence and with a minimum of the ethical language of praise and blame. In this sense, it is formal. It provides the empty procedure for generating moral authority in a pluralistic, secular society through mutual consent. The principle of autonomy is also referred to as the basic principle of biomedical ethics. The autonomous individual acts freely according to their chosen plan, just as an independent government administers its territory and carries out its policies. In this perspective, the autonomy principle covers the functional area of mutual respect and the scope of the permission principle: the central point remains the moral authority of individuals as specific functional units and the pluralistic context of moral

[63] cfr. O'Neill, Onora. *Autonomy and Trust in Bioethics*. Cambridge University Press, 2002.

strangeness. The principle of autonomy justified based on the morality of mutual respect does not focus on freedom as a value but on respect for independence as a condition of the possibility of general moral authority and justified merit of blame and praise. Autonomy theory emphasises the distinctive elements of the autonomous person, which include the capacities of understanding, reasoning, deliberation and independent decision-making inherent in self-control. However, our interest in decision-making leads us to focus on autonomous choice, which consists of effective self-mastery, not the ability to master oneself. The formalist character of the autonomy principle thus embodies the formalist structure of mutual respect, which is not normatively loaded with a value structure, albeit of freedom as a specific value, but adheres to its procedural framework by conveying the pattern of respect for personal freedom as an operative condition for judging praise or blame and for legitimising people's moral authority. The formalistic tension that characterises the autonomy principle and will consequently be the hallmark of the permission principle configures an ethical space in which only self-conscious entities endowed with personal freedom can ground a moral discourse capable of mediating between different worldviews according to a minimal procedural logic. In the general definition of the principle of autonomy, the specific reference to permission is apparent. Indeed, Engelhardt explains that authority for actions that affect others in a pluralistic, secular society is derived from the free consent of those involved. Consequently, without such consent, there is no authority, and acts against such authority are reprehensible because they place the perpetrators outside the moral community and make defensive or punitive retaliation by members of a particular moral community permissible but not obligatory.

3.4 THE BENEFICENCE PRINCIPLE

The principle that complements permission is represented in the overall organisation of Engelhardt's general lay ethic by the principle of beneficence, whose specific characterisation determines a twofold structural dialectic: Concerning its internal configuration, the principle displays a dialectical tendency in the intertwining of beneficence and non-malice on the one hand, and in the relationship between consideration for the good and the duty to realise the good on the other. Externally, the dialectical tension is fundamentally directed against the procedural, formal and negative character of the principle of permission, in contrast to which the principle of beneficence is structurally conditioned but, in many cases, threatens to diverge logically in terms of application. While permission is a principle of authority, the principle of beneficence deals with the good from a general secular perspective and is, therefore, essentially content-poor. Primarily, the principle of beneficence is an expression of the general concern to provide others with the goods of life. Indeed, a concrete vision of the morally good life presupposes a hierarchy, a vision or conception of goods and evils, just as a peaceful community presupposes recognising of its authority by its members. In this sense, the principle of beneficence is an integral part of the overall architecture of general secular ethics. It defines a direct complementary reference for the authority of permission, which contributes to the determination of a general criterion of primarily formal evaluation of the contours of the idea of the good. The goal of moral action is to achieve good and avoid evil. In a pluralistic, secular society, however, no particular view or hierarchy of goods and evils can be established as canonical.

Nevertheless, the enterprise of morality is characterised by the obligation to love one's neighbour, for moral life would be devoid of content without it. Consequently, on the one hand, there is no general principle of material beneficence to appeal. On the other hand, acts against charity are reprehensible in that they exclude their perpetrators from the context of a particular material moral community. Acts against charity are morally inappropriate. They contradict the very content of moral life. The principle of charity is therefore located in the problematic fracture of the moral life proper to a general secular vision structured from a formal and procedural perspective for reasons of pluralism, but which, as a moral experience, cannot disregard the pursuit of the good and therefore makes an attempt to limit from time to time the limits of an action directed towards the good. Engelhardt acknowledges a central function of the principle of beneficence but constructs its depth with particular reference to the general secular approach of his ethics: if, on the one hand, the principle reflects the fact that it is in the interest of moral action to pursue goods and avert evils, the conceptual importance of the principle of permission over the principle of beneficence should not be overlooked, nor should the primarily formal approach of the entire theoretical framework.

3.5 THE PROPERTY PRINCIPLE

The general articulation of Engelhardt's general secular ethics is structured along the coordinates determined by the permission principle's procedural logic and the beneficence principle's teleological tension. The operational level defined along the edges of these guidelines is traversed by two other principles that contribute to a different specification of the general secular perspective's operating mechanisms and conceptual assumptions. Through these principles, Engelhardt enriches his moral view towards a socio-political analysis that considers basic categories for describing the dynamics of personal interaction and politically relevant social structuring phenomena. These two principles also contribute to the composition of a multifactorial analytical approach that, starting from the logic of permission and beneficence, intersects different levels of human experience. In this sense, the analysis of the property principle conveys a critical reconstruction of social arrangements and dynamics. In line with the general orientation of his thought, Engelhardt states that property derives from permission and is constituted within the framework of the morality of mutual respect. Respect for property claims is based on the fact that the thing possessed has been brought into the sphere of the owner so that the property violation is equivalent to the violation of the owner's person. Property thus finds its basis in the authority of persons, in the principle of permission that describes its functional logic, and in identifying property with the person in their status as owner. The social organisation of personal property describes in the form of ownership a concrete application of the morality of mutual respect insofar as the principle of permission delimits agreements between people through consent. It allocates the right of ownership to the rightful owner. As with social property, the allocation mechanism is not linear and has a certain explanatory complexity. According to

Engelhardt's attribution scheme, things are property insofar as they are products of humans; animals are property if they are fed or bred by humans, domesticated and thereby made into products, or captured. The principles of beneficence and non-abuse limit these property rights. Small children and human biological organisms are the property of the people who produce them; people have a property in themselves. They also have a property in other human beings insofar as they have consented to become property objects[64]. This scheme of property allocation has some problematic transitions, from things to animals and from non-personal entities to persons; the general framework rests on three basic assumptions: Production, Permission and Beneficence. Engelhardt reconnects the two central principles of his secular ethics to the horizon of production, understood in a vast sense, and intersects their specific functions. The result can be traced in a complex model that finds its direct justification in the property as an extension of the person out of the logic of production; consequently, respect for property derives directly from and is justified concerning the authority of permission and according to the general secular view of mutual respect; the principle of beneficence provides the relationship between permission and production with a limitation to the extent of the tendency towards good and the tendential prohibition of harm. This model, thus founded, is defined as a direct extension of the binomial principle of permission and beneficence and draws its inner motivation precisely from the functional and hierarchical structure of the two principles. In the general secular perspective, the principle of permission prevails, which is why the general logic of permission prevails over the logic of beneficence in the face of inequalities in the distribution of goods and, thus, of property, which could direct general

[64] cfr. Chadwick, Ruth F., and Schüklenk, Udo. *This Is Bioethics*. Wiley, John & Sons, 2020.

behaviour towards a model of necessary just distribution. The framing of the concept of property seems to be divided into three main types: individual property, social property and general property. While the individual property has its explicit basis in the mechanism above of the individual's extension represented in the debate of permissive and productive property, the communal property is legitimate only to the extent that individuals engage in a common enterprise to create a common fund for common activities. Resource pooling can occur between moral friends within highly cohesive communities or moral strangers within large-scale societies. In this sense, through the logic of interpersonal agreement, the common property extends the individual's expansion mechanism according to production dynamics. Finally, general property concerns, in a difficult way, the relationship between people and the environment, and thus an assumed right of all to equal access to the resources from which products are made. This tripartite division must be accompanied by a distinction between ownership by implicit contract of one's person, one's children or one's products, and ownership by contract or explicit consent, which tends to result from standardised contractual procedures

These distinctions and the overall system built on the backbone of the property principle can be summed up in the formula that people have a property in themselves, in what they do and in what others own and transfer to them; everyone has a right to land and materials. The owners of these goods, who have prevented them from being available to all, must compensate those who have none. Therefore, give everyone what he has a right to; do not appropriate what belongs to others. With this formula, Engelhardt describes in a highly concise way the intersection of the three levels of property, the possible effects of individual rights on general property and the central importance of the permission principle for the concrete design of property within a

distribution horizon. Since invoking the permission principle is the only way to resolve moral disputes between moral strangers, rights to objects and individual or common ownership can only be understood in this sense. This conception consequently anchors request in the person, who is seen as the source of authority by permission. The property principle focuses, in particular, on the following circumstance: that people have property not only in their bodies but also in what they produce[65]. The individual and social rights to general property and the restrictive effects on its management and use - with its exciting appendix on general taxation - determine a significant point of contact between the property principle and what Engelhardt calls the principle of political authority: this principle is functional for the analysis and definition of state authority in confrontation with the authority of persons identified in the permission principle. When states derive their authority directly from the foundations of the moral law, they have no authority beyond that of individuals and groups of individuals. The analysis of state authority in the light of general secular ethics underlines the need for individual states to act within the margins of action determined by the morality of mutual respect according to the

[65] Overall, Engelhardt takes up Hegelian and Lockian assumptions on property, labour and production and integrates them independently into the general framework of his procedural ethics. Others, including Immanuel Kant, claim that property rights in the full sense can only arise in a civil society. Still others, such as Hugh Grotius, recognise the right to private property but concede that there may be different theories of its origin. For example, he argues that property rights are based on the tacit agreement of all mankind that the first occupant of a piece of land should become its owner. In contrast, Locke denies the existence of such tacit consent and argues that property is the result of physical labour that transforms a mere thing into property. Labour turns a mere object into a structure formed by the ideas and will of a man. By transforming the thing into a product, it places it in the sphere of persons and their claims. A paradigmatic example of possession for him is the possession of ourselves. As Hegel states, the right of non-interference of others in our bodies extends to the objects we have formed. Cfr. Dunn, John. *The Political Thought of John Locke*. Cambridge University Press, 1969; Hegel, Georg. *Hegel,* Wilhelm Fredrich*: Elements of the Philosophy of Right*. Cambridge University Press, 1991.

coordinates established by the three principles of permission, beneficence and property. Engelhard's analysis traverses the major models of justification of state authority, from God to morality or reason, from hypothetical contract to past real original consent, to forms conceptually and practically associated with the prudence or implied consent of citizens, and concludes that a justifiable form of government is characterised more by the limits of its authority than by its democratic character.

CONCLUSIONS

Examining the internal mechanisms and overall structure of general secular bioethics leads to the question of the distribution of resources in a system that is justified in general secular terms along an interpretive axis consistent with the general framework of reflection and thus to the crucial question of social justice. Health care, expressed in the doctor-patient relationship, with its internal evaluative variable related to the allocation of resources, represents, in a concrete-consequential sense, the essential dimension of application of the basic principles of Engelhardt's general lay ethics. The horizon of mutual respect, accompanied by the procedural mechanisms of permission and the internal tension of beneficence, enters into a concrete light in which the moral authority of the individual is practically measured against complex and often paradoxical choices. In this application context, the bioethical scope of the principles of general secular ethics, i.e. the categories of permission, beneficence and property, takes on a special meaning and sharpness as soon as they are embedded in the complexity of a system defined by multiple and changing coordinates. In the actuality of decisions, we can functionally assess the operational, bioethically relevant implications of the procedural architecture proposed by Engelhardt, which relies on the moral authority of persons in the narrow sense legitimised by the practice of mutual consent. The balances and choices at play in structuring a system and in the dynamics that define its internal and external processualities directly and profoundly affect individual existences. However, given the principles and evaluations proposed by Engelhardt, and based on the general horizon of people's moral authority, one can see the difficulties involved in maintaining the idea of the most advantageous system in the distribution of resources: The structural problem of determining a unified system capable of responding comprehensively to all the

divergent demands of the community emerges clearly from the procedural assumptions of a general secular ethical approach. The contextual implementation of the permission principle in the configuration of a system that seeks to adhere to the formal logic of a procedural ethic, given the tensions between permission and beneficence, entails several limitations and procedural constraints within the system itself. This may mean that the limits of secular reason make it impossible to recognise a particular distribution of resources as universally binding and that the power of societies and states to collect and redistribute resources is limited by private property.

The possibility of maximising the application of the principle of beneficence would lead to an increase in the level of tension between permission and beneficence and the consequent risk of unlawfully exceeding the limits set by the moral authority of the individual; the existence of procedural constraints based on the mechanisms of mutual consent, which limit the authority of states and societies, leads, from a general secular perspective to a significant reduction in the scope for regulation and decision-making. The structural nature of these constraints, combined with the limited resources to be distributed - a control that remains an inescapable condition in modern societies despite their historical and contextual variability - determines the distance of the general secular ethic from an ideal, highly charitable health system and leaves open a whole range of questions regarding the overall structure of the system and the distribution mechanisms that are justifiable from a general secular perspective. This public-private dialectic is constructed in the conceptual and practical space defined by the relationship between common property and private property and in applying the principle of permission as a general rule, constrained by the mechanism of free choice, concerning this relationship. This multi-layered approach to the system respects the general and procedural

framework of the principle of permission while giving space to the moral weight of the principle of beneficence within the general horizon of a structural tension at the centre of which the extent and significance of social diversity and inequality emerge clearly. The beneficiaries of the different health system levels are the two macro-categories that Engelhardt defines as persons in the narrow sense and persons for social consideration: In addition to the functional differences that separate the two categories, there are also fundamental differences within each category. Narrow-sense persons can be moral strangers to each other and therefore have different worldviews and moral positions; the same can be true, in various forms and different concrete ways, of social consideration persons, who will derive their strangeness from the memory of what they were or from the worldviews of the guardians of what they will be. However, the differences between categories within a single category do not concern the moral sphere only but also relate to material inequalities in resources, means and economic opportunities. The analysis of disparities and personal differences tends to identify, in quite general terms, four personal statuses with a wide range of intermediate levels: healthy, sick, rich and poor represent real entities and are at the same time coordinates of an analytical perspective that, starting from the principle of permission and its structural tension with the principle of beneficence, describes the need for a multi-layered health system. It is precisely the concrete and undeniable existence of differences at the natural and social levels that legitimises multiple models of access to care resources: moral strangeness, natural diversity and socio-economic inequalities, in their various combinations of values, processes and choices, produce profoundly heterogeneous personal needs for which general lay ethics cannot establish substantive normative models that go beyond the formal logic of mutual respect that is operative in the consensus

process. The general secular perspective must make choices that involve inclusions and exclusions, and it must do so by betting on human life, death and suffering. The idea of betting is mediated by a heterogeneous horizon of values within which the meanings of individual existences, the evaluation of priorities and the dynamics of decision-making seem to retain a residue of arbitrariness and a margin of structural randomness resulting from the impossibility of reducing one moral vision to another and predicting the evolution of circumstances with absolute certainty.

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