

Continental Philosophy and Bioethics

Editorial

Catherine Mills

Received: 16 March 2010 / Accepted: 19 March 2010 / Published online: 16 April 2010
© Springer Science+Business Media B.V. 2010

Since its inception in the wake of the Second World War and the development of technologies such as the dialysis machine, bioethics has established itself as an area of scholarship that attempts to combine, more or less successfully, theoretical insight with practical application. But while other disciplines in the humanities and social sciences have drawn thoroughly on intellectual movements such as phenomenology, post-structuralism, and deconstruction, bioethics has remained largely resistant to such critical incursions. Perhaps the virtue of this resistance can be measured by the extent to which bioethics has been institutionalised as the arbiter of moral disputes about advances in biomedical technologies, if not in the clinical practice of medicine itself. But, arguably, the cost of such protectionism has been a kind of conceptual stagnation. For instance, all too often, bioethical debates presuppose the model of the liberal individual as an accurate account of moral agents, thereby emphasising correlative concepts such as interests, rights and freedoms, without due consideration of the relational contexts that agents always operate within. Perhaps paradoxically, then, the disciplinary recalcitrance that has contributed to the institutionalisation

of bioethics also contributes to a sense of intellectual redundancy amongst many observers of bioethical debates, a sense that bioethics as an area of study has lost touch with the lived realities of ethical practice in everyday life. While I do not endorse the view that bioethics is intellectually redundant, I do think that a degree of conceptual foment is needed to enliven the discipline.

As the editor of this special issue, perhaps the best I can hope for is that the papers collected here contribute to provoking this foment. Rather than remaining at the level of a critique of bioethics from outside, the scholars included here are developing a more positive contribution to the field by re-imagining the fundamental concepts of bioethics. With the development of technologies that challenge our ethical intuitions, the traditional (bio)ethical conceptions of ethical subjectivity and normative constraints such as individual autonomy, the dichotomous formulation of nature and culture, and the trade-offs of liberty versus harm and precaution versus risk, are also coming under challenge. In their place, new formulations of ethical subjectivity that place emphasis on embodied singularity, relationality, gender, race and sexual difference, and an inescapable responsibility for others provide new ways of addressing the ethical problems of contemporary life.

This special issue draws together scholars who work in the tradition of Continental (as opposed to Anglo-American analytic) philosophy. Key figures

C. Mills (✉)
Centre for Values, Ethics and the Law in Medicine, and,
Unit for the History and Philosophy of Science,
The University of Sydney,
Sydney, NSW, Australia
e-mail: catherine.mills@sydney.edu.au

that provide a touchstone for developing new ways of understanding the conditions and contexts of ethical practice drawn upon here include Martin Heidegger, Emmanuel Levinas, Jean-Luc Nancy, Bernard Steigler, Adriana Cavarero and Michel Foucault. But the papers collected here are in no sense limited to exegetical readings of the “masters”. Instead, they are actively engaged with bioethical problems posed by developing technologies, as well as the often-neglected political and historical background to some of the key debates in bioethics today.

That such philosophies have had little impact on bioethics to date is perhaps not so surprising when we consider that recent Continental philosophy has been more concerned with ontological questions than normative ones. Indeed, Continental philosophy is often criticised, if not derided, for a perceived failure to provide normatively clear guidelines about “what should be done”. Two brief responses can be given to this critique. First, it is inaccurate to imagine that ontological presuppositions do not impact upon normative resolutions; in fact, such presuppositions frame the very way in which normative questions can be posed, let alone the way in which one might respond to such questions. Second, it is short-sighted to think that Continental philosophers are not concerned with normative issues simply because they do not typically use the terminology of rights, interests and harms so central to liberal moral philosophy. A more expansive view would indicate that they are working toward the development of a new grammar and a new vocabulary of the normative (See Butler 2002), one that revolves around notions of vulnerability, interdependence, embodiment, singularity, forms of life and biopower. Thus, these scholars represent a growing trend in bioethics toward challenging the ontological and normative conceptual fixtures of liberal individualism. In doing so, they cross the divide between the ontological and normative to re-imagine what form ethics, and particularly bioethics, might take in the future.

The first paper in the issue, written by Joanna Zylinska, clearly demonstrates the close connection between ontological presuppositions and the terms of normative debate, as well as the impetus to re-imagine what each of these could entail. Zylinska focuses her attention on the currently prominent debate in bioethics on human enhancement, to show that some of the key commentators in this debate are committed

to a naturalistic humanism. Against this, she argues for an understanding of the human being as co-evolving with technology, as always already enhanced. Thus the key questions for her in regards to human enhancement address the kind of ethical framework that is most appropriate to the recognition that technological enhancement is ontologically inherent in human existence. For her, this inherence of technology in the human does not lead to a *laissez-faire* attitude toward enhancement, but generates a deeper recognition of the way that to be human is to be constitutively turned toward alterity and relationality. From these conditions, we can ask *how to use our prostheses well*.

The following two papers on organ transplant also consider relationality and alterity as the ontological condition of ethics. Fredrick Svenaeus examines three metaphors that structure contemporary debates on organ transplantation, which construe organs as *gifts*, *resources* or *commodities*. While he sides with the view of organs as gifts, he argues that a more substantial philosophical anthropology that focuses on embodiment is required to ground the ethical primacy of giving organs for transplant. In moving toward such an account, he draws on Heidegger’s phenomenology of the body in order to combat the “paradigm of disconnection” (Leder 1999 cited in Svenaeus) that dominates in transplant debates. Svenaeus contends that Heidegger’s phenomenology allows for a much more connective view that emphasises the role of the body in our “being-together-in-the-world”. Extending on this Heideggerian phenomenology, in the following paper Diane Perpich considers the specific example of face transplants, which have been controversial in their own right in recent years.

Perpich argues that the literature on the ethics of face transplants largely adopts a functionalist or instrumental view of the human face, insofar as it is useful for functions such as eating, communication and the expression of emotion. The benefit of facial transplants is thus construed as restoring such lost functions. The insights of French philosopher, Jean-Luc Nancy, that he develops in a commentary on his own heart transplant provide a starting point for Perpich to contest this functionalist view. She argues that the face cannot provide a stable point of reference for a fixed notion of personal identity; instead of a restoration of a previous identity, or even the

proffering of a new identity, facial transplant reveals that “One is, as one already was (though perhaps without recognising it), both strange and intimate to oneself, both self and intruder.” She also goes on to consider the figurations of the face in the ethical theory of Emmanuel Levinas, showing that the face principally figures our vulnerability, a vulnerability that is constitutive of subjectivity insofar as we are all at the mercy of our relations with others. This figuration, she concludes, may help to push the bioethical debate on transplants beyond the language of risk and benefit to take more account of vulnerability and correlative affects such as compassion.

The following papers turn away from phenomenological accounts of the body to consider the social, political, and historical contexts of the realisation of bodily being in more detail, especially through reference to the work of Michel Foucault and the concept of biopolitics. In the first of these papers, Mary Beth Mader examines the implications of Foucault’s work for contemporary debates on genetics, and bioethical concerns about genetic intervention, with particular focus on the notion of heredity. In his study of nineteenth century psychiatry, Foucault argues that in order to accommodate the physical absence of a sick body in which to locate pathology, psychiatrists generate a kind of fantastical “metabody” that incorporates a congeries of symptoms suffered by the patient’s ancestors as etiological causes. Mader’s key claim is that a similar kind of metabody can be discerned in discourses of contemporary genetics, as evinced by the construals of Richard Dawkins and David Hull of the gene as replicator. Mader points toward two questions raised by contemporary genetics’ metabody for the bioethics of genetic interventions: first, what is the temporality and scope (the individual or the population) of genetic intervention? and second, to what entity (the gene or the organism) can the medical concept of norms be applied?

These questions are also implicit in the following two papers, which address the historical contexts and biopolitics of eugenics. Robert Bernasconi traces the emergence of a medicalising racism in North America during the nineteenth and early twentieth centuries. Bernasconi argues for distinguishing between the essentialising racism that underpinned slavery and a medicalised racism, expressed primarily through opposition to race mixing, that led to

the policies and institutions of segregation, eugenics and sterilisation. In developing this argument, he also provides critical reflection on Foucault’s account of biopower and race, showing that while this account is valuable, Foucault is not always the most reliable guide to the history of racism.

In her contribution, Penelope Deutscher also considers the value of the biopolitical framework offered by theorists such as Foucault and Roberto Esposito for considering gendered dimensions of eugenics. Through a study of German feminist texts at the turn of the nineteenth century, she shows that women’s reproductive lives were often cast as critical to ensuring population health and vitality. She also argues that rather than seeing such feminist characterisations of reproduction as a simple response to the more general eugenic discourses in circulation at the time, they can profitably be read as central to the specific forms that nineteenth century eugenics took. As Deutscher writes, “The flourishing of feminism and of women’s reproductivity was rendered co-extensive with a vision of the flourishing of the vitality, the life, and future of the people.”

Both these papers have significant implications for contemporary bioethical debates on so-called “liberal eugenics” (e.g., Agar 2004) and the obligation of individuals to make reproductive decisions that ensure that “the best possible child” is born to them (e.g., Savulescu 2001). For instance, it has long been established that race has a significant impact on health outcomes in societies that value one race over another. If there is a general obligation on parents to give birth to children that are likely to have the best possible health outcomes, and/or the most open futures, then, on the face of it, it would appear that in a racist society, parents are obliged to give birth to a child with the privileged skin color (often white). Not dissimilarly, those in favor of arguments for an obligation to bear the best children rarely consider the gendered dimension of such an obligation, where the greatest burdens of it would fall upon women. They also fail to consider the ways in which this obligation fits within a more long-standing historical construal of women’s role in contributing to the health of populations through their individual reproductive decisions. Such historical reflections can thus provide important insight into the background conditions of contemporary debates as well as the terms in which they are cast (though this is not to say that the history

of eugenics *determines* the moral acceptability of contemporary reproductive and genetic technologies).

The final two papers in the collection address the politics and epistemologies of identification, the first through psychiatric diagnosis and the second through biometrics and security. Lennard Davis takes the condition of Obsessive Compulsive Disorder as a “case study” for an analysis of the socio-cultural conditions of diagnostic criteria elaborated in the *Diagnostic and Statistical Manual of Mental Disorders (DSM IV TR)*. Rather than definitively identifying a disease or pathology understood as a natural kind, Davis argues that diagnosis entails a complicated cultural practice of interpretation and decipherment on the part of both the person who “has” symptoms as well as the diagnostician, who must organise these symptoms into a category defined by both differentiation and similarity. Consequently, Davis concludes, the diagnostic encounter is always an ethical one, arising as it does in the midst of uncertainty, contingency and undecidability—even if these conditions are denied through a veil of certitude and definitive identification.

The final paper in the collection further considers the political role of identification, and in doing so, proposes an ethics of singularity that in part returns us to the concerns with the phenomenology of embodiment and ethical subjectivity that occupied the opening papers in the collection. Btihaj Ajana’s examination of the current fascination with biometrics as a security technology is a complex reflection on the political and ethical value of *uniqueness*. Ajana uses the distinctions between the ‘*ipse*’ and ‘*idem*’ and the ‘*who*’ and ‘*what*’ of identity, made by Paul Ricoeur and Adriana Cavarero (via Hannah Arent) respectively, to explore the role of the body in the process of biometric identification. Rather than simply suggesting that biometrics ignores the uniqueness gestured to in the notions of *ipse* and *who*, though, she argues that biometrics is centrally concerned with these, but it is so in a way that sees uniqueness as reducible to the individual body. Thus, there is a kind of reverse Cartesianism at stake in biometrics: rather than equating personal identity with mind, it is here equated with the singular traces and measurements of each body. In a neat torsion, Ajana goes on to argue that what is required, then, is not simply a re-appropriation of uniqueness over and against a reduction of identity to what someone is, but a restoration of narrative to its

proper place in revealing that uniqueness. She concludes that an the appropriate ethical response to biometrics entails an emphasis on listening to narratives in order to restore ipseity to identity. This is, she writes, “primarily an ethics of *responsibility* towards the story. It is an ethics of listening and ‘suffering-with’”.

The papers presented in this collection take seriously the requirement to engage critically with the implications of advances in biomedical and other technologies in often unjust political and social circumstances. They do so without giving up on a spirit of conceptual innovation that seeks to extend the borders of bioethics itself as a field of inquiry. My belief is that in developing richer ethical ontologies, we will also be better able to respond to the practical demand for normative guidance. The project of developing a Continental bioethics is relatively young, and thus necessarily limited in terms of what it has so far achieved in the direction of establishing new ways of doing bioethics. But contributions such as those in this collection surely indicate the promise and potential of this way of rethinking the ethical practices and contexts of our engagements with each other and with medicine and technology. I hope, then, that the lines of enquiry opened up here will be pursued with vigour, in a manner that values a certain degree of ongoing intellectual and conceptual disagreement, in order to realise this promise and potential in a future bioethics.

Acknowledgements I wish to thank the contributors for their timely completion of drafts and revisions, and for their patience throughout the process of bringing this issue to print. I also thank Kate Cregan, the Editor in Chief of the JBI, for a much-appreciated guiding hand in moments of difficulty.

References

- Agar, N. 2004. *Liberal eugenics: In defence of human enhancement*. Oxford: Blackwell.
- Butler, J. 2002. What is critique? An essay on Foucault’s virtue. In *The political: Readings in continental philosophy*, ed. D. Ingram, 212–226. London: Basil Blackwell.
- Leder, D. 1999. Whose body? What body? The metaphysics of organ transplantation. In *Persons and their bodies: Rights, responsibilities, relationships*, ed. M.J. Cherry, 233–364. Dordrecht: Kluwer.
- Savulescu, J. 2001. Procreative beneficence: Why we should select the best children. *Bioethics* 15(5/6): 413–426.