

**Grzegorz HOŁUB**

**BETWEEN PRAGMATICS AND RELIGIOUS EXPERIENCE  
HUGO TRISTRAM ENGELHARDT'S CONCEPT OF BIOETHICS**

**Introduction**

Bioethics is a relatively young discipline. Within it, discussion is still taking place concerning the methodological status of the subject. Nevertheless, putting aside this inner aspect of bioethics, one thing appears striking. The short-lived existence of bioethics is surprisingly associated with a great number of bioethical projects, aimed at tackling complex problems, arising in the realm of health care. It seems that the rapid enhancement of biomedical sciences and biotechnologies – carrying with it many moral dilemmas – creates a pressure leading to a new sort of ethical reflection, as well as deepening further existing reflections.

Looking more generally and somewhat superficially at existing approaches to bioethical matters, one can distinguish two tendencies. **One of them** puts forward creating a general ethical system drawing upon a specific notion of morality, and drawing up a set of moral rules and principles. **The second one** finds its starting point in separate cases, in their analyses, playing down the role of general moral theories. The best example of such an approach is a modern casuistry catching on especially in English speaking countries.

The spreading tendency of casuistic analyses does not eliminate the fact that many bioethicists still make an effort to pursue the first of the mentioned trends by building up a general bioethical framework. Hugo Tristram Engelhardt is a good example of such a thinker. He is a medical doctor and philosopher working at *Rice University* in Houston. In the course of over 30 years of his medical and philosophical research, Engelhardt has outlined two bioethical projects: the project of secular bioethics and the project of Christian bioethics.

## Project of secular bioethics

In his project Engelhardt puts under examination some currents of Western philosophy in order to find the criteria which have been used to construct ethical systems thus far; and which finally enabled moral philosophers to spell out a set of moral rules. He takes into account such pertinent ethical ideas as nature, natural law, intuition, consequences, and rationality. He wonders whether they bring with them a kind of universal starting point necessary to outline the general project of bioethics. His presentation and interpretation of those notions make clear that **nature** has no intrinsic value, it is devoid of any order and inner aim: nature is governed by casual forces, selective pressures, mutations, and genetic drifts<sup>34</sup>. Because of such an assumption, there is no possibility of capturing the concept of natural law: everything which is connected with nature is confined to the empirical data. **Intuition**, according to Engelhardt, seems to be a kind of private faith which cannot be inter-subjectively accessible<sup>35</sup>. Understanding **consequences** depends on personal preferences and a prior sense of good<sup>36</sup>. **Rationality** has no significant insight into reality as it is; what it provides is only a kind of logical constraint<sup>37</sup>. It is not able to shed any light on ontological and axiological foundations of the reality because Engelhardt, following the thought of J. F. Lyotard, points out that the grand narratives have lost their credibility (including any universal, ontological, axiological, ethical kind of narration)<sup>38</sup>.

The conclusions, which Engelhardt draws from his analyses in the meta-ethical dimension, have a negative character: Western philosophy has not found the universal criterion for ethics. In Engelhardt's view, since the beginning, philosophical currents have drawn upon moral ideas and notions which were only obvious for a few thinkers; or if universally known, they were given utilised application far beyond the reality which they signified.

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<sup>34</sup> H. T. Engelhardt, *Bioethics and Secular Humanism: The Search for Common Morality*, Trinity Press International, Philadelphia 1991, p. 109. H. T. Engelhardt, *Sanctity of Life and Menschenwürde: Can These Concepts Help Direct the Use of Resources in Critical Care?* In: *Sanctity of Life and Human Dignity*, K. Bayertz (ed.), Kluwer Academic Publishers, Dordrecht 1996, p. 213.

<sup>35</sup> H. T. Engelhardt, *The Foundations of Bioethics*, Oxford University Press, New York 1996, p. 43.

<sup>36</sup> *Ibid.*, pp. 46-49.

<sup>37</sup> *Ibid.*, p. 53.

<sup>38</sup> H. T. Engelhardt, *Bioethics and the Philosophy of Medicine Reconsidered*, in: *Philosophy of Medicine and Bioethics. A Twenty-year Retrospective and Critical Appraisal*, R. Carson, C. R. Burns (eds.), Kluwer Academic Publishers, Dordrecht 1994, p. 91.

That failure in finding the universal criterion for ethical considerations has led to the intellectual and cultural state called **postmodernism**. This state is of great relevance to modern bioethics, which faces a situation in which the fragmentation of the ideas of moral philosophy has set the dominant framework for the discipline. All bioethical efforts must be carried out in a situation characterised by the lack of adequate rational tools, scattered by postmodernist scepticism.

Engelhardt is aware that postmodernism brings with it the danger of the destruction of any moral rules and the disintegration of the citizen community. Thus, he is stimulated to search for such a bioethical theory which could be accepted by a secular society, and which would enable the existence of the democratic state.

Taking up such a project, Engelhardt looks for a starting point acceptable within the postmodernist stance. He points to four possibilities: **coercive force, religious conversion, sound rational argument, and common agreement**<sup>39</sup>. His analyses lead him to the conclusion that the first one cannot be justified as a universal tool to resolve moral controversies because it is a way of imposing the moral convictions of the one group on the other. Sound rational argument – due to the postmodernist condition of human reason – cannot be deployed. Religious conversion – as Engelhardt holds – is accessible to a relatively narrow group of people. Therefore, it must be ruled out as a sectarian attempt to preserve a peaceful society. The last of the mentioned possibilities, namely common agreement, seems to be an adequate device leading to build up a peaceful society and any moral thinking which includes a project of secular bioethics. Engelhardt puts it in this way: „When the premises held in common are insufficient to frame a concrete understanding of the moral life, and if rational arguments alone cannot definitively establish such premises, then reasonable men and women can establish a common fabric of morality only through mutual agreement”<sup>40</sup>.

Agreement replaces all philosophical categories which have so far been used by ethicists and bioethicists in constructing an ethical and bioethical system. It leads to a situation in which a contract determines what is good and evil, right and wrong, moral and immoral. It is so because the contract seems to be the best form of agreement. The space where the contract is carried out is a **secular society**<sup>41</sup>. When Engelhardt names a society as 'secular', he means that such a social

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<sup>39</sup> Ibid, p. 67.

<sup>40</sup> Ibid, p. 103.

<sup>41</sup> Engelhardt, *The Foundations of Bioethics*, op. cit., p. 7.

entity distances itself as much from any religion and private worldview as from any ontological, axiological and ethical assumptions. People who meet in such a forum cannot declare, let alone impose, their convictions as universally valid ones. Of course, they do possess and acknowledge such views but they can draw upon them only as a starting point, namely at the very first stage of forming of an agreement. Engelhardt names participants of the contract-agreement process as **moral strangers**<sup>42</sup>.

The idea of a secular peaceful society is a fundamental category governing the project of secular bioethics. It has been coined by Engelhardt under the influence of the philosophical thought of G. W. Hegel<sup>43</sup>. State-society, as the most perfect shape of the developing thought, possessing the ontological necessity and entity priority, becomes a supreme framework of co-existence. The authority of that framework is neither the idea of rationality nor the idea of God but the idea of common agreement. In this way, not only does a secular peaceful society become the source of state law but, more importantly, it becomes the source of moral law supplying the essential criterion for secular bioethics.

Outlining the project of secular bioethics, Engelhardt draws up a specific set of rules. The first and the most important rule of the secular bioethics is a **principle of permission**. It is the content-less rule which requires only a will of dealing with moral controversies, when people meet in the forum of the secular society as moral strangers. Because of this content-less decision, the project of procedural bioethics can take place. In case of arising moral dilemmas, following the established procedures is to lead to reaching constructive conclusions.

Engelhardt points to the other rules of secular bioethics. He sets forth such rules as: **principle of beneficence, principle of ownership, principle of political authority, and principle of health care allocation**<sup>44</sup>. The principles of beneficence, ownership and health care allocation are subordinate to the main principle, namely the principle of permission. Through agreement and contract their content is elaborated. The principle of political authority emphasises the role of the state: it aims at co-assisting and co-mediating in the course of reaching any agreement. The principle is intended to watch over the

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<sup>42</sup> Ibid.

<sup>43</sup> T. J. Bole, III, *Engelhardt on Kant's Moral Foundations and Hegel's Category of the State*, in: *The Philosophy of Medicine*, H. T. Engelhardt (ed.), Kluwer Academic Publishers, Dordrecht 2000, p. 199.

<sup>44</sup> Engelhardt, *The Foundations of Bioethics*, op. cit., pp. 104-124. 163-180. 398-403.

secular character of a state limiting the influences of the religious worldview, ethnic, and political communities on the secular society.

Nevertheless, the role of the state, spelt out by the principle of political authority, is greater than the mere function of co-assisting and co-mediating. In a situation when small communities do not want to create a common agreement, or are not able to, a state has the right to compel them to such an action. In other words, in reference to bioethical matters, the role of procedural bioethics is a dominant structure, and everyone has to follow it to some degree.

### **Project of Christian bioethics**

The project of Christian bioethics is addressed to a different social group. It is not yet the secular peaceful society, where people meet as moral strangers. Christian bioethics can be developed only within **a small community** of people who share the same religious, metaphysical and moral premises. Engelhardt names members of such a community as **moral friends**<sup>45</sup>. Of course, a small community and the people who are committed to it exist within the secular society. Nevertheless, what joins and forms them as one social entity has not got anything in common with an agreement (an agreement and contract are useless because the members of such a community are committed to a deeper set of religious convictions and philosophical values).

Engelhardt points to a great number of similar communities living in the secular society. Each of them has its unique character, and can create an unrepeatable bioethical approach. Being aware of that, Engelhardt sketches a bioethical project only for a Christian community. The reason seems to be simple: he acknowledges himself as a Christian belonging to the Orthodox Church. Outlining a project of Christian bioethics, the bioethicist reflects his private commitment, and adherence to his religious convictions.

Building up a Christian approach to bioethical matters requires possessing a new kind of criterion. In order to find that, the American bioethicist puts under examination the whole tradition of the Orthodox Church, with a special emphasis on the Church Fathers of Eastern Christianity of the first millennium<sup>46</sup>. In their works, Engelhardt finds a perception of the Christian life which is entirely subjected to the **religious experience**. That experience seems to be a kind of hallmark

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<sup>45</sup> Ibid, p. 7.

<sup>46</sup> H. T. Engelhardt, *The Foundations of Christian Bioethics*, Swets & Zeitlinger Publishers, Lisse 2000, p. 159.

of the Christian existence, and can only be acquired by the active participation in the liturgy of the Orthodox Church. Any essential issue for the Christian life should be rooted in the mystical experience available in the liturgy. It strongly concerns the realm of Christian bioethics. Engelhardt puts it in this way: „Christianity is a liturgical way of life in which all dogmas are to be experienced, including the moral content of bioethics”<sup>47</sup>.

The concept of **nature and natural law** plays an important role in the Christian ethics and bioethics. This means that Engelhardt carries out their reinterpretation. The new outlook at the issues, negatively viewing nature in the moral reasoning, is approaching that which operates within the secular bioethics. There, Engelhardt treated nature as a realm governed by the blind physical forces and casual pressures and processes. Here, the bioethicist assesses human nature negatively too. Nonetheless, he is conducting such an evaluation from a point of view different to the secular, namely from the point of view of original sin. Nature is broken because of the sin and it is alien to human purposes. Such a view straightforwardly leads to the conclusion that nature, including human nature, separates man from God-Creator<sup>48</sup>. For different reasons two projects end up with the same conclusions concerning the relationship between human nature and morality. Given the existing human nature, it is not possible to read off teleology; there is no order or harmony in it, even less is there any possibility of perceiving within it the natural law.

In place of the rational conception of the nature as a source for moral reasoning, Engelhardt puts forward faith, religious worship, and a kind of mystical experience. These factors are to reveal something which can be called moral law. Engelhardt expects that mystical, liturgical, and ecclesiological encounter with God and commitment in the community of believers becomes the space for forming and expressing moral rules. Nevertheless, Engelhardt does not convey how the specific moral rules in bioethics are to be constituted, especially in such complex and complicated realms as genetic engineering and biotechnology.

### **Secular bioethics versus Christian bioethics**

A comparison of these two projects, at least in some respects, spawns a couple of essential doubts and questions. It seems necessary to notice

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<sup>47</sup> H. T. Engelhardt, *Christian Bioethics as Non-Ecumenical*, „Christian Bioethics” vol. 1, No. 2 (1995), p. 191.

<sup>48</sup> Engelhardt, *The Foundations of Christian Bioethics*, op. cit., p. 175.

that Engelhardt does draw upon a very narrow notion of Christian bioethics, namely that typical of the Christian Orthodox environment. It is then obvious that other Christian denominations would question such a project but even object to it<sup>49</sup>. Furthermore, the outlined above conception points out that everyone lives in a worldview community, or has a kind of private outlook. This concerns the average (Orthodox) Christian as well. Faced with a bioethical dilemma, such a person can easily reach a clear-cut solution, due to belonging to the environment of believers. Therefore, participation in the circle of moral friends, Christians, sharing the same religious, ontological, and moral premises, enables the removal of ethical controversies relatively smoothly. Gained solutions stem from the deep mystical experiences. Thanks to this, they give a strong feeling of the rightness of moral conduct. Nevertheless, a certain kind of the methodological doubt remains: how to bridge the realm of the pure mystical experience with a set of the sophisticated bioethical problems (e. g. genetic engineering). The important question raised is whether it is enough to recall the works of the Fathers of the Church of the first millennium; or is it really satisfactory to draw upon the judgment of the wise man (such a person seems to be a logically necessary figure practically dealing with the mystical experience), simultaneously carrying out the interpretation of liturgical-mystical experiences?

Furthermore, the same Christian lives in the environment of moral strangers. He meets people who are not only directed by different convictions (for whom religious-mystical experience can be alien) but, which can easily turn out to be true, those people acknowledge rather opposite views. Then, what seems to be available so as to preserve the peaceful character of society is to apply the common procedures, namely

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<sup>49</sup> This Christian Orthodox bioethics is in striking contrast to, for example, the bioethics which the Catholic Church puts forward. The Roman Catholic approach emphasizes the necessity of cooperation between faith and reason (the understanding of reason is, of course, wider than that which operates within secular bioethics). It means that faith and religious experience must be accompanied by the metaphysical, anthropological and ethical notions which are accessible to all people irrespective of religion or worldview they subscribe to. In other words, reason and philosophy cannot be radically separated from the realm of religious belief and theology, as far as we are in the course of building up Christian bioethics. Otherwise we would be on the verge of fideism, and a Christian faith itself would be weakened and endangered. On the wider arena, this topic is taken up by Pope John Paul II in his Encyclical Letter, *Fides et ratio*. As he puts it in the Chapter IV, 48, „Deprived of reason, faith has stressed feeling and experience, and so run the risk of no longer being a universal proposition. It is an illusion to think that faith, tied to weak reasoning, might be more penetrating; on the contrary, faith then runs the grave risk of withering into myth or superstition.”

agreement and contract. The criterion, which has been a solid foundation for a Christian so far in dealing with the complex problems of biomedical sciences, is about to be relativized. A Christian cannot declare that his conclusions, reached through the exploration of the liturgical-mystical experience, have universal validity (as previously mentioned, in Engelhardt's view, this kind of religious experience and imperativeness stemming from it are available only to Christians, within a small community). If this were to be claimed, it would be considered as a real danger for secular society. It means that a believer must treat his convictions as a subject of his private worldview, as a legitimate but not a unique element of its kind, within a wider variety.

First of all, such a situation carries with it a kind of inner disintegration within a particular individual. Reconciling these two opposing factors does it seem extremely difficult; how to soundly connect the liturgical-mystical experience bearing a deep feeling of rightness of moral conduct with the position of a participant of contract? As far as its outcome is concerned, contract does always change the solutions coming out of the exploration of the religious experience. Therefore, as far as a human being is concerned, the further question arises: how to integrate two different attitudes, namely the stance of holding the universal truths with the position of a member of contracting society haggling over compromise?<sup>50</sup>

### **Towards conclusions**

The whole project of H. T. Engelhardt's bioethics seems to be a kind of oscillation between the pragmatic contract and the religious-mystical search for certainty, as far as bioethical issues are concerned. Deployed rationality is either the tool in making the pragmatic contract or the device enabling proper understanding of the content of mystical experience. The pragmatic and hermeneutic approach to the notion of rationality, as a result of the postmodernist criticism, rules out the broader concept of human *ratio* and experience in the realm of ethics and bioethics. Ethical categories like: existential act, intuition, value, dialogue, person or nature, with their broader content worked out by European moral philosophy, are utterly put aside in Engelhardt's

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<sup>50</sup> K. Wildes attempts to solve this problem introducing the notion of 'moral acquaintances'. In his intention, the idea is to lessen the tension between the world of moral friends and moral strangers. See: K. W. Wildes, *Moral Acquaintances. Methodology in Bioethics*, University of Notre Dame Press, Notre Dame, Indiana 2000, pp. 17-18.



considerations. Moreover, the bioethicist does not even embark on the proper and critical engagement with them. What is highlighted and stands out is either pragmatism or mysticism, as the only criteria in constructing the bioethical system. Hence man is perceived either as a contractor or as a mystic; and only within these two positions can man seek for the adequate solutions for bioethical controversies.

All in all, the outlined approach seems to be either a kind of **heteronomous social deontology** or **theonomous deontology**. The moral imperative is given either from secular society making a contract or from the numinous reality through the mystical experience. It is difficult to point out what kind of logic links these two extreme positions. What seems to be a supreme category is the notion of a peaceful society, and the necessity to preserve it.

The final conclusion which can be drawn is that such a narrow and reduced notion of human activity does not constitute the proper ethical instrumentation while dealing with the moral dilemmas within bioethics. Man and society are rather endangered by a kind of **dichotomy**, and even a type of '**schizophrenia**'. Therefore, Engelhardt's project, even when drawing upon such wide analyses, seems not to be a satisfactory proposal for the adequate foundations of bioethics.

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## **POMIĘDZY PRAGMATYKĄ A DOŚWIADCZENIEM RELIGIJNYM**

### **Hugo Tristrama Engelhardta pojęcie bioetyki**

#### Streszczenie

Artykuł ten przedstawia koncepcję bioetyki amerykańskiego myśliciela Hugo Tristrama Engelhardta. Pomimo tendencji do porzucania systematycznych analiz etycznych, jaką zauważa się we współczesnej bioetyce, Engelhardt podejmuje wysiłek skonstruowania całościowego systemu, jako podstawy do przeprowadzania szczegółowych rozwiązań. W tym celu bioetyk ten prezentuje tak zwany projekt bioetyki laickiej i projekt bioetyki chrześcijańskiej.

Projekt bioetyki laickiej skierowany jest do świeckiej społeczności, gdzie spotykają się ludzie deklarujący różne przekonania etyczne i światopoglądowe. Z racji uznanej przez Engelhardta tendencji postmo-

considerations. Moreover, the bioethicist does not even embark on the proper and critical engagement with them. What is highlighted and stands out is either pragmatism or mysticism, as the only criteria in constructing the bioethical system. Hence man is perceived either as a contractor or as a mystic; and only within these two positions can man seek for the adequate solutions for bioethical controversies.

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dernistycznej, nie istnieje możliwość podjęcia racjonalnej debaty w odniesieniu do odmiennych założeń metafizycznych, etycznych czy też światopoglądowych. W obrębie społeczeństwa obywatelskiego (świeckiego) powoduje to niemożliwość nawiązania głębszego dialogu w sprawach rozbieżnych poglądów na kwestie bioetyczne. Sytuacja ta rodzi ponadto niebezpieczeństwo dezintegracji tego społeczeństwa wobec mnożących się kontrowersji wokół zagadnień etyki medycznej czy biotechnologii. Jako jedyny środek zaradczy na ten stan rzeczy jawi się umowa i kontrakt stron deklarujących odmienne poglądy. W opinii Engelhardta jedynie na drodze umowy i kontraktu można ustalić co jest dobre a co złe, słuszne a niesłuszne. Ponadto tylko umowa i kontrakt mogą zapewnić właściwe funkcjonowanie społeczeństwa, jako pokojowej wspólnoty.

Odmienny charakter ma natomiast projekt bioetyki chrześcijańskiej. Jego celem jest wskazanie na sposób rozwiązywania dylematów moralnych bioetyki w obrębie wspólnoty prawosławnych chrześcijan. Koncepcja ta – w przeciwieństwie do bioetyki laickiej – zakłada, że członkowie wspólnoty wyznaniowej dzielą wspólne założenia metafizyczne, etyczne i światopoglądowe. Stąd podejście do problemów bioetycznych znajduje tam swoje głębsze odniesienie. Elementem, który nade wszystko łączy prawosławnych chrześcijan, jest doświadczenie liturgiczno-mistyczne. Dla Engelhardta to właśnie doświadczenie staje się zasadniczym kryterium bioetyki chrześcijańskiej. Według niego wszystkie szczegółowe rozwiązania skomplikowanych kwestii bioetycznych muszą być wyprowadzane z tak rozumianego doświadczenia.

Projekt ten rodzi parę istotnych wątpliwości. Po pierwsze zaprezentowane rozumienie bioetyki dla prawosławnych chrześcijan nie może być uznane za reprezentatywne dla wszystkich denominacji chrześcijańskich, a szczególnie dla myśli katolickiej. Następnie powstają niejasności natury metodologicznej. Stają się one oczywiste, gdy uwzględni się fakt, że obywatel laickiego społeczeństwa może być zarazem członkiem prawosławnej wspólnoty. Wówczas to, czym człowiek taki kieruje się we własnej grupie wyznaniowej, ulega relatywizacji na płaszczyźnie relacji społecznych. Doświadczenie uzyskiwane poprzez uczestnictwo w liturgii Kościoła Prawosławnego i wypływająca z niego pewność co do istotnych rozstrzygnięć etyczno-bioetycznych, w spotkaniu z ludźmi o innych przekonaniach, może być uznane za rodzaj prywatnych poglądów i za ledwie punkt wyjścia w dokonywanym kontrakcie. Nieuchronnie prowadzi to do swoistego rozbicia w samym człowieku-chrześcijaninie, który skazany jest na pewien typ dychotomii, czy nawet na pewną formę „schizofrenii”.