

## **Chapter II**

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## **Chapter II**

### **Ethics and the Concept of Autonomy**

#### **2.1. Introduction**

As it was highlighted in the previous chapter, ethical issues and challenges related to the cloning/human cloning will necessarily invite different ethical frameworks and their reflectivity of the issues related with cloning/ human cloning. More than anything else, what comes in this connection is the concept of autonomy. Therefore the Second chapter explores into the concept of autonomy and also discusses how autonomy is important in philosophy, especially in ethics and bioethics. The chapter takes this discussion of autonomy and moral decision to bio ethics, which situates the ethical questions related with cloning from a more concrete applied ethical point of view. The present chapter also tries to provide a brief introduction of the concept of ethics and its relation with the problem of autonomy, its historical background that has an important influence on the concept of human cloning in particular. Before we explore ethics and the concept of Autonomy, we must have a clear understanding about the general overview of ethics. This is particularly important in the age in which we live, since the rate of socio-ethical change has increased with great rapidity.

Of course, there are certain ethical justifications for the implementation of cloning technique in terms of human beings. There are three different kinds of ethical justifications are mentioned in this context. They are- Utility justifications, Autonomy justifications, and Destiny justifications. It also deals with a selective representation of some of the most important issues in contemporary bioethics. The chapter is a small survey to find out what has been happening recently in each area, through a

discussion of the relevant literature. This chapter also studies the principle of autonomy in the domain of ethics as well as modern bioethical discourse and critically examines the importance of autonomy in bioethics with special reference to human cloning. The chapter ends the discussion showing how the concept of autonomy attains unequal importance in bioethics with its metaphysical and scientific ramifications.

## **2. 2. Autonomy: Definition and Scope**

The word ‘autonomy’ comes from the Greek *autos* (meaning ‘self’) and *nomos* (meaning ‘rule’, ‘governance’, or ‘law’).<sup>1</sup> Here, ‘autonomy’ means ‘the state of being self-governed or self-sovereign’. The term was first applied to the Greek city state. A city had *autonomia* when its citizens made their own laws, as opposed to being under the control of some conquering power.<sup>2</sup> Again, the term ‘autonomy’ literally means self-rule.<sup>3</sup> It means ‘the state of being self-governed’ or ‘self-sovereign’. Autonomy signifies an individual’s capacity for self-determination or self-governance. In this sense, living autonomously means someone is living by a law that he or she impose on oneself.

In other words, autonomy is the right to live our own life in our own way. It gives oneself his or her own law. It means having the ability to act on its own way. It can also mean having freedom or independence of the individual. Again, autonomy is the characteristic of not being dependent on others. It indicates that someone works almost independently without much support of others. It is applicable to any individual. That means autonomy of a person is his or her independence, self-reliance, and self contained ability to decide. In this way, autonomy can also be defined as the ability of the individual to make his or her own decisions.

The definition of 'autonomy' also signifies the political or personal independence of the individuals. It is the same thing as being self-sufficient in regards to oneself or ones country or state. In this sense, autonomy means having freedom and independence both as a person, and as a community. Autonomy is not an ethic of selfishness. It is also not the self-indulgence like rational self-fulfillment. Autonomy means freedom from outside restraint and the freedom to live one's own life in one's own way. To be autonomous one is live by his or her own law, or only by laws that he or she has embraced and accepted as one's own. Autonomy can also means self-government of an organization or a group. It is a sense of freedom to rule oneself. It is the power of right of self governance. Autonomy, in this sense is the immunity from the arbitrary exercise of authority which can be referred to as political independence. According to the American Heritage Dictionary of the English Language, Fourth Edition, autonomy is the power or right of self-government, whether in a community which elects its own magistrates and makes its own laws, or in an individual who acts according to his own will.<sup>4</sup> Autonomy is the capacity of a rational individual to make an informed, un-coerced decision.

Autonomy is a form of personal liberty of action where the individual determines his or her own course of action in accordance with a plan chosen by himself or herself.<sup>5</sup> There is a natural extension to persons as being autonomous when their decisions and actions are their own, and they are self determining. An autonomous person is one who is not only deliberates about his or her choices but also capable of acting on the basis of such deliberations. I this sense, autonomy mean living in accordance with rules that one gives to oneself. An autonomous person performs his or her duty, because he or she has freely and rationally chosen to do so. Therefore, autonomy gives an inside turn to our moral duty, obligation, or

responsibility, which is based on not in nature or history but in the domain of will and rational choice. It means a person's autonomy is his or her independence, self-reliance and self-contained ability to decide. The most general idea of autonomy is that of being one's own person, without constraints either by another's action or by a psychological or physical limitation. The term autonomy is thus quite broad, for it can refer to both the will and action in society; and both internal and external constraints on action can limit autonomy.<sup>6</sup>

Again, Autonomy is a kind of duty which maximizes the right of an individual to make his or her own decisions. Every rational being is able to regard himself or herself as a maker of universal law. All those who are ideally rational also legislate exactly the same universal principles. Therefore, autonomy is a stimulus factor for moral growth and social enlightenment. In this sense, it is a sign of moral adulthood in the individual; only autonomous persons are truly grown-up, regardless of their age.

It has been mostly agreed that autonomy is normatively important. This kind of agreement is reflected both in the presence of broad consent to the principle that autonomy deserves respect, and in the popular practice of arguing for the institution of public policy based in some way on the value of self-determination. Again, there are many people who also have believed that developing and cultivating autonomy is an important in fact, on some accounts, an essential part of living a good life. However, the claim that autonomy is normatively significant in some way is intuitively convincing. It is not obvious in what sense autonomy has this significance, or what weight autonomy-based considerations should be given in relation to challenging normative considerations. Now, to answer these questions with sufficient harshness, it is necessary to have a more detailed understanding of the concept of autonomy.

### **2.3. Different Concept of Autonomy**

There are different conceptions of autonomy. All the concepts are freely based upon the core notions of self-government or self-determination. Of course, it differs considerably in the details. There are moral autonomy, existential autonomy personal autonomy and finally autonomy as a right.

#### **2.3.1. Moral Autonomy**

The concept of Moral autonomy is closely associated with the work of Immanuel Kant, and that is also referred as ‘autonomy of the will’ or ‘Kantian autonomy.’ This kind of autonomy consists in the capacity of the will of a rational being to be a law to itself which is independently of the influence of any property of objects of volition. More particularly, an autonomous will is said to be free in both a negative and a positive sense. The will is negatively free in that it operates completely autonomously of alien influences, including all dependent empirical determinations which are associated with craving, satisfaction of desire, or pleasure. In this sense, the will is positively free means it can act in accordance with its own law. Kant’s notion of autonomy of the will thus involves, as Andrews Reath has written, “not only a capacity for choice that is motivationally independent, but a lawgiving capacity that is independent of determination by external influence and is guided by its own internal principle—in other words, by a principle that is constitutive of lawgiving”.<sup>7</sup>

Now, because of the lawgiving of the autonomous will contains no substance which is given by contingent empirical influences, this lawgiving must be universal. Again, because of these laws which are the result of practical reason, they are indispensable. So far as, Kant understood moral laws as universal and necessary practical laws, it can be seen how he has considered an essential connection between

the possession of autonomy and morality. It is indicated that the products of the autonomous will are universal and necessary practical laws which are moral laws. Therefore, by virtue of our autonomy, we are capable of morality and we are moral to that degree that we are autonomous. In this sense, Kant's conception of autonomy is described as moral autonomy. Here, Moral autonomy indicates the aptitude of rational agents to enforce upon themselves to legislate for themselves, that is the moral law.

Moreover, according to Kant, the capacity for autonomy is "the basis of the dignity of human and of every rational nature." An agreement of this rational nature has an end in itself. It also limits our freedom of action that is an object of respect. In this sense, Moral autonomy is said to be a bivalent property which is possessed by all rational beings by virtue of their rationality. While, Kant maintained that it is definitely possible not to live in agreement with its deliverances in practice.

However, there are different objections raised against this theory. One of the most ordinary objections to this idea of autonomy is that such a strong form of independence from contingent empirical influences is not feasible. Kant safeguarded the possibility of such strong independence by arguing that human agents occupy two realms at some time ago that the phenomenal realm of experience, in relation to which we are determined; and a noumenal or transcendental realm of the understanding, in relation to which we are free. He further claims that our noumenal self can exercise competent causality in the phenomenal realm.

### **2.3.2. Existentialist Autonomy**

Existentialist autonomy, on the other hand, is a tremendous form of autonomy which is associated primarily with the writings of Jean Paul Sartre. It refers to the total freedom of subjects to find out their natures and guiding principles

independently of any forms of social, anthropological or moral determination. To enjoy existentialist autonomy is thus to be competent to choose one's nature without limitation from any principles not of one's own choosing. Sartre held this essential freedom to be entailed by the truth of atheism. Therefore, according to Sartre, nonexistence of God entails two key conclusions. Firstly, human beings cannot have a fixed nature; and secondly, there cannot exist a dominion of values possessing independent strength. Taken together, this entails that human beings are radically free. If really existence precedes essence, then one will never be able to explain one's action with reference to a given and definite human nature. In other words, there is no determinism, man is free, and man has freedom. On the other hand, if God does not exist, we have to provide with some values or commands which could legitimize our behavior. Therefore, we have neither behind us, nor before us in a shining dominion of values, by any means of justification or reason. The existentialist autonomy like moral autonomy is a bivalent property which all human persons are said to be acquired. But, different from moral autonomy, existentialist autonomy has no necessary connections to morality or to rationality as conventionally conceived.

However, the most important objection to existentialist autonomy is that it is too fundamental to be conceivable. Even if God does not exist, it is often argued that it does not follow that humans lack a nature that determines at least to some point their choices, tendencies, proclivities, and guiding values. A systematically naturalistic conception of human nature, learned by an understanding of the evolutionary forces functioning in human psychology, seems to militate against the idea that humans are as abundant as existentialist autonomy suggests we are.



### **2.3.3. Personal Autonomy**

Personal autonomy, which is also referred as individual autonomy means a psychological property, the possession of which enables agents to reflect essentially on their natures. It also preferences and ends, to establish their most reliable commitments, and to live again and again in accordance with these in the face of different forms of inner and outer interference. Autonomous agents are personally said to have sharp capacities for self-control, introspection, independence of judgment, and critical reflection. In this context, personal autonomy is often put forth as an ideal of character or a virtue, the opposite of which is blind compliance, or not ‘being one’s own person.’

Again the personal autonomy has an essential relation to authenticity. The individually autonomous agent is the representative who is helpful in determining his or her life in accordance with their authentic personality. But, one of the most complicated problems surrounding personal autonomy concerns the analysis of the authentic self. Again, some philosophers have claimed that no such self exists; and indeed, some of them also claim that no self exists at all. The majority of philosophers have accepted the possibility of the authentic self at least as a working hypothesis. Nevertheless, they have concentrated on the question of how authenticity is protected by an agent. According to their ‘hierarchical’ account, agents authenticate their different commitments, namely beliefs, values, desires, and so forth, which represent their selves as their own by a development of introspective support. Persons who have the essential capacities to form authentic desires and powerfully to live in accordance with them are independent agents according to this hierarchical model.

This hierarchical model remnant in outline, at least the leading accounts of authenticity which undergirding most up to date accounts of personal autonomy.

Finally, the most important objection raised against this account is the problem of origins. Because, the problem of origins arises when one tries to explain how this act of introspective support really constitutes a break from other determination. In this context, it doesn't look like that the possession of autonomy or the making of autonomous choices is possible. More precisely, the difficulty is how to continue an account of self-determination that is also not threatened by the persistent effects of other determination. However, a lot of work on theories of personal autonomy has been clearly dedicated to address these sorts of complications specifically.

But, having different from moral and existentialist autonomy, personal autonomy is possessed in degrees, which is depending on the presence and potency of the gathering of inner capacities and externally enable conditions which formulate it achievable. Although, not all individuals enjoy personal autonomy. Rather, it is normally claimed that almost everyone with the exception of the inherently pathological and the handicapped persons possesses the capacity for individual autonomy. In addition to this, the connections between possession of personal autonomy and moral agency are usually said to be weak at best. Yet the individuals who hold that personal autonomy possession requires substantive normative commitments of some kind then they generally embrace that it is rather possible to be an autonomous criminal.

Again, some philosophers have argued that our personal autonomy possession requires the presence of normative capability environment that effectively provide agents with the capability to differentiate right from wrong, but this sturdy is in terms of general disfavor, and though the study is accurate, few people would argue that it means personally autonomous agents must also all the time act morally. In this

situation, one may question why an autonomy-based claim is said to make demands of respect upon other persons.

#### **2.3.4. Autonomy as a Right**

Finally, autonomy is occasionally spoken of in a manner that is further directly normative than descriptive. In political philosophy and bioethics particularly, it is common to find references to persons as autonomous. In this context, the autonomy referred to is understood primarily as a right to self-determination. It means that a person is autonomous is basically to say that he or she has a right to determine his or her life without any hindrance from the social or political authorities or any forms of paternalism. Importantly, this right to self-directed living is often said to be possessed by persons by virtue either of their potential for autonomous living or of their inherent dignity as persons, but not by virtue of the presence of a developed and active capacity for autonomy.<sup>8</sup> Some have argued that political rights and even human rights generally are fundamentally based upon respect for the entitlements that attend possessing the capacity for autonomy.<sup>9</sup>

#### **2.4. Concept of Autonomy in Philosophy: A Historical Overview**

The concept of autonomy became public for the first time in ancient Greece, where it characterized as self-governing sovereign territory. The roots of the concept of autonomy as self-determination is also can be found in the idea of self-mastery. The notion of autonomy was not explicitly predicated of persons. Of course, many philosophers of that period had something similar ideas in their mind when they talked about persons being guided or ruled by reason. In ancient Greece, Plato, Aristotle and also many of the Stoic thinkers would have definitely agreed that a person is ruled by reason and that person is a properly self-governing or self-ruling

person. According to Aristotle, the idea of self-sufficiency is an essential ingredient of happiness. It involves a lack of dependence upon external conditions for happiness. The same ideal also continues through the Stoic Philosophy, which can also be seen in the age of early modern philosophy. These thinkers are also both associated with the ideal for humanity with self-sufficiency as well as a lack of dependency on others. In this way, the ancient Greek philosophers speaking of the concept of autonomy as to live according to one's unique individuality.

Again, the concept of autonomy is found having very less use by the Medieval Philosophers. This concept was not well circulated among the learned circles of thinkers until the time of Renaissance and early modern periods. The term autonomy was employed both in the traditional political sense, and in an ecclesiastical sense, to refer to churches that were or at least claimed to be independent of the authority of the Roman Catholic Pope.<sup>10</sup> However, the concept of autonomy has continued its journey even in the modern period with the decrease of religious authority and the increase of political liberty which also emphasis on individual reason.

Concept of autonomy was also used by Wolff and others to argue for the illegitimacy of obedience to authority. The emphasis in this argument is on the individual making up his own mind about the merits of legal restrictions. This use of autonomy seems much closer in content to the ideal of moral autonomy.<sup>11</sup> The concept of autonomy came into the philosophical importance for the first time in the work of great German Philosopher Immanuel Kant. Kant, for the first time, popularized autonomy and identified it with the power of practical reasoning. Kant holds that autonomy is the foundation of human dignity and the source of all morality.<sup>12</sup> He advocated autonomy as a sign of the enlightenment and maturity of mankind. However, Kant's idea of autonomy was highly influenced by the writings of

another great thinker of that time, namely, Jean Jacques Rousseau. Of course, Rousseau never use the term 'autonomy' in his writings, but his conception of moral freedom has a clear relation to Kant's understanding of autonomy. Rousseau defined his idea of moral freedom as obedience to the law, one has prescribed to oneself. He also talked about moral freedom as a property of person, which encourages Kant's predication of autonomy of person. Of course, both Rousseau and Kant had maintained a close relationship regarding the concept of autonomy. Although, Rousseau was primarily concerned with the question of moral freedom. His aim was to see how the moral freedom can be achieved and sustained by the individuals within the society, in the presence of relations of social dependency and the possibility of domination of other.

Again, in the nineteenth century, John strut Mill, one more great British philosopher has contributed to the discussion on the normative implication of autonomy in his famous work '*On Liberty*'. Although, Mill did not use the term 'autonomy' in this famous work, he is widely understood as having had self-determination in mind. He also continues to have considerable influence on the discussions on the normative significance of autonomy in relation to paternalism of various kinds.

The idea of autonomy is an increasingly popular issue in the Post-modern period. In this period personal experiences of people and their values plays a prominent role in determining, what is right and true for them. According to the postmodern idea, we ought to respect people's autonomy as a matter of principle. Therefore, the concept of autonomy has been the leading idea in defining human identity, since the journey of modernity.

The concept of autonomy also recognizes the rights of individuals to self-determination. This idea is also very well rooted in our respect of society for individuals' ability to make informed decisions about personal matters. So, the concept of autonomy has become more important as because our social values have shifted to define medical quality in terms of the patient rather than the medical professionals. There are two fundamental issues on which philosophers have given so much importance. These two issues are namely, begins with the question of the nature of autonomy, and then moving to the question of the normative significance of autonomy. It is seen that the notion of autonomy has been understood in numerous different ways, which has been claimed to have normative significance of various kinds. It has been employed in a wide range of philosophical issues. A kind of special attention has been paid to the question of justification of the principle of respect for autonomous choice.

It is a fact that tremendous amount of research on autonomy has been taking place since the last several decades in both the analytic and continental traditions. It is found that the analytic philosophers have gone into great detail attempting to discern necessary and sufficient conditions for the presence of autonomy. They have also tried to uncover the ground and implications of the normative significance of autonomy. On the other hand, the continental philosophers speak more often of authenticity than of autonomy. Of course, there are clear connections between these two. The 'self' in 'self-determination' is exclusively understood as the authentic self in both the traditions.

From the above discussion, it becomes clear that autonomy is the doctrine which indicates that the individual human is or ought to be governed only by its own principles and laws. Being key concept autonomy has a broad impact on different

fields of philosophy. This concept is discussed in the field of moral, political and bioethical philosophy. Again, the concept of autonomy is also referenced in the discussions about free will, fatalism, determinism, and agency in the domain of metaphysical philosophy. Again, the term autonomy is also often used in the field of moral and political philosophy as the basis for determining the moral responsibility for one's own actions. In this sense, autonomy is the ability to impose objective moral law on oneself.

Finally, it can be mentioned that concept of autonomy is not yet realized as the beginning of life. It has to be developed by means of communication with fellow humans. Therefore, human autonomy should be based essentially on self transcendence to fellow human beings as well as to nature. In this sense, fellow human beings are not only 'useful', from a utilitarian point of view but also an essential part of one's own identity, from both the physical and psychological point of view. Therefore, respect for them not only signifies duties, but also care and responsibility. Human beings ought to be respected as an inseparable unity of body and mind from the beginning till the end of their life. Ethics has to deal with interpersonal relations and humans' relationship with nature for their own sake. In this sense, there should be a rethinking of the concept of autonomy.

Of course, as some philosophers accept, 'Autonomy' is not the name of one single thing. It indicates quite different meaning to different people. None of these ideas is simple, and the relations among the different senses of autonomy are interestingly very complex. Therefore, there is a need of clarification of the concept of autonomy itself. Because, the word 'autonomy' has no univocal meaning in philosophical discussions of morality, and many of its uses are still unexplored.

#### **2. 4.1. Ethics and Autonomy as Moral Reflectivity**

Ethics has been defined as the normative science of conduct, and here conduct is a collective name for voluntary actions. A voluntary action is an action that man could have done differently if he or she has chosen it. So, voluntary actions include all willed or volitional actions in which there is a conscious process of willing. Ethics, in this sense, evaluates the voluntary actions and habitual actions of persons and considers their rightness and wrongness. Ethics is primarily a part of the search for the truth and the reason for studying it is the thirst for the knowledge. In this sense, ethics it is more similar to philosophical subjects than the other natural sciences where the practical applications are many and attractive. In our day to day life, we of course try to know about the truths of something, and ethics aims at finding out the truth about something which is both interesting and significant and related to the rightness and wrongness of human conduct. The knowledge of ethics will give some help in the pursuit of goodness. The chief value of ethics is not in the guidance it gives in particular cases, but in the development of width of outlook and seriousness of purpose in dealing with moral matters generally.<sup>13</sup>

Ethics is a normative science of the moral ideal. However, in order to explore the nature and ultimate validity of the moral ideal, ethics must consider the ultimate nature, origin, and destiny, of the human personality in relation to other persons in society, to the world and to God. As ethics is the science of moral value, it should judge the true nature of the moral value in relation to man and the world.<sup>14</sup> Normative ethics is the study of ethical action. It involves essential proposals concerning how to act, how to live, or what kind of person to be. Particularly, normative ethics attempts to state and defend the most important principles regulating these matters. It attempts to answer some definite moral questions concerning, what people should do or believe



in their life. It also concerned with stating and defending the most important moral principles.

The word 'normative' implies guidelines or norms. The word 'prescriptive' is also often used interchangeably for 'normative'. Sometimes, normative ethics is also called prescriptive, rather than descriptive. Normative ethics is also distinct from descriptive ethics, as the latter is an empirical investigation of people's moral beliefs. Broadly speaking, normative ethics can be divided into the sub-disciplines of moral theory and applied ethics. Normative ethics is also distinct from meta-ethics. Normative ethics only examines the standard for the rightness and wrongness of actions. On the other hand, meta-ethics deals with the meaning of moral language and the metaphysics of moral facts. In this sense, normative ethics is concerned with stating and defending the most basic moral principles. So, the attempt to apply the general principles of normative ethics to particular difficult or complex cases is itself an important part of moral philosophy. It is called applied ethics, and doing it properly can be a quite challenging and subtle.

Autonomy is key concept that has a broad impact on different fields of Philosophy. In moral Philosophy, autonomy is the ability to impose objective moral law on oneself. It refers to subjecting oneself to objecting moral law. The autonomy literally means that the self has its own ethical law that it generates its own standards of right and wrong. As an ethic, autonomy means living according to one's own values and principles, as these are purified in the light of informed, rational deliberation and settled quality verdict.

Immanuel Kant (1724–1804) is the central figure in modern philosophy. Kant argued that autonomy is demonstrated by a person who decides on a course of action out of respect for moral duty. For him, an autonomous person acts morally for the

sake of doing 'good'. Kant points out that in principle we should respect the autonomy of others as we live out of our own autonomy, but in practice an autonomous mindset predisposes us to be unconcerned about how our actions will affect others. According to Kant, moral agents are autonomous only if they do not allow anything other than the moral law defined as pure practical reason to guide their decisions. In his "*The Groundwork of the Metaphysics of Morals*", Kant argues that the autonomous moral agent subject only to laws given by himself but still universal.<sup>15</sup> An autonomous moral agent is bound only to act in conformity with his own will, which however in accordance with nature's end is a will giving universal law. Autonomous moral agents must at the same time in the same respect will the universal law as they are willing the maxim that can be summarized from the principle of their action.

The concept of Autonomy plays an important role in Kant's deontological ethics. It is frequently mentioned that according to Kant the Categorical Imperative can be articulated in three different closely related formulas. These three formulas are namely, the Formula of Universal Law, the Formula of Humanity, and the Formula of the Kingdom of Ends. However, it has also been claimed that Kant defended a fourth formula, which may be called the Formula of Autonomy. Even though, Kant did not state this formula explicitly, it has been argued that it can be reasonably derived from his explanation of the Categorical Imperative as the idea of the will of every rational being as a will that forms a universal law. In this context, the corresponding Formula of Autonomy could be expressed as an imperative in this way, act so that the maxims you will could be the legislation of universal law. According to this formula, we should act according to principles which express the autonomy of the will. This formulation is important, firstly because it suggests that Kant conceived autonomy as

a normative principle (and not merely as a condition of the will that makes morality possible), and secondly because it further reinforces Kant's claim that humans, as autonomous law-givers, are the source of the universal law that guarantees their freedom and hence marks them out as possessing inherent dignity.<sup>16</sup>

Immanuel Kant was more concerned with duty rather than freedom. Here, autonomy is regulated to self-imposed law and it is not just any law or indeed any aspect of the self. Autonomy means willing the universal law when one wills one's action. This principle of moral action is named by Kant is the categorical imperative. It is the obedience to the moral law or categorical imperative as it is understood by the self exercising reason. In this sense, autonomy is objective because justification and the moral law it distinguishes are based on facts. According to Kant, the Categorical Imperative simply states a very general requirement which is implicit in any specific moral requirement. Through the categorical imperative one should conform one's maxims to universal law. Kant points out that the only way to act freely in the full sense of exercising autonomy is therefore to act on formal principles or categorical imperatives, which is also to act morally. In his third formulation of the categorical imperative Kant states simply as "the idea of the will of every rational being as a will giving universal law".<sup>17</sup> This is the idea of autonomy, and its purpose is to give us a new understanding of moral principles. We have to make a law that the principles for ourselves through reason to govern our interactions with each other as members of a community of rational agents.

The idea of autonomy is to consider how moral requirements, understood as categorical imperative. Kant holds that we typically formulate maxims with a view to satisfying our desires. For him, even when my maxims are originally suggested by my feelings and desires, if I act only on morally permissible (or required) maxims

because they are morally permissible (or required), then my actions will be autonomous. According to Kant, if moral requirements apply unconditionally, the reasons for conforming to them cannot be based on human desire or our interest in happiness. The possibility is that their authority comes from the fact that one accepts them as general principles of conduct stating how anyone ought to act.

In the history of moral philosophy, The *Groundwork of the metaphysics of Morals* of Immanuel Kant is a significant work. The Groundwork is complicated but enormously rich work. It remains extremely influential in contemporary moral theory as well. Kant describes the Groundwork as the exploration for and establishment of the supreme principle of morality. In this book he argues that we may be free and autonomous agents if we are bound by morality. The way in which Kant tries to attach duty and autonomy is another significant feature of his theory. He described the relationship between duty and autonomy to establish the rational authority of morality.

Again, Kant was not ready to accept the gap existing between the law of an autonomous rational will and the Categorical Imperative. However, he was apparently dissatisfied with the argument establishing the Categorical Imperative in his *Groundwork* III for a separate reason. In the book he stated that the fact that it does not prove that we really are free. Again, in his *Critique of Practical Reason*, Kant has stated that it is simply a 'fact of reason' that our wills are bound by the Categorical Imperative. The Categorical Imperative is used to argue that our wills are autonomous. Hence, while in his *Groundwork* Kant has trusted on a dubious argument for our autonomy to establish that we are bound by the moral law. But, in his *Critique of Practical Reason* Kant argues from the bold assertion of our being which is bound by the moral law to the autonomy.

However, there are different dimensions of Kant's notion of autonomy. The basic idea is that moral principles do not get their authority from anything external to human reason. If the moral principles are categorical imperatives as ordinary thought assumes then their authority must come from the fact that they are principles that we are committed to willing in so far as we are rational. It indicates that human reason is autonomous, because it is not subject to any external authority. The Individuals act autonomously when they act from moral principles. While doing so they follow the authority of their own reason. Thus Kant claims that a free will realizes its autonomy by acting morally. Secondly, Kant claims that a rational agent "acts under the idea of freedom."<sup>18</sup> While performing our act, we treat ourselves as a rational agent with autonomy. The categorical imperative becomes our fundamental principle of action and we realize our autonomy and become an agent in the most complete sense.

The autonomous persons are not ordinary persons who are capable of choosing and executing their decisions, but they are persons who can choose the correct way in accordance with the categorical imperative and within the structures of practical reason. For Kant, it is possible that one moral agent, who autonomously can know what are the moral obligations of another moral agent genuinely are. It means one who is autonomous should direct and guide another one in the grip of inclinations. So, the autonomous moral agent is not just the source of moral value. It should be intrinsically valuable in himself and must be respected as such as by others. With Kant, we witness a development of the idea of autonomy for being a fundamental condition of ethical action to being an ethical value in its own right and as such deserving of moral respect.<sup>19</sup>

According to Kant, autonomy is a property of the will of moral agents that allows them to act on principles and not be determined by empirical causes. We

commit ourselves to moral principles by reason alone.<sup>20</sup> In this way, Kant claimed that autonomy is demonstrated by a person who decides on a course of action out of respect for moral duty. For him, an autonomous person acts morally for the sake of doing ‘good’, which is independent of other incentives. Kant in his famous work “*Groundwork of the Metaphysic of Morals*,” also applied this concept to create a definition of personhood. In this connection Kant also suggested that such compliance with moral law creates the essence of human dignity. Autonomy, along with the rationality is observed by Kant as the two criteria for a significant life. He would consider a life that is lived without these not worth living. Rather it would be a life of value equal to that of a plant or insect. According to Kant, autonomy is part of the reason that we hold others morally accountable for their actions. Human actions are morally praise or blameworthy in virtue of our autonomy. Therefore, for Kant non-autonomous beings such as plants or animals are not blameworthy due to their actions being non-autonomous.<sup>21</sup>

From the observation of Kant’s concept of autonomy, it is found that Kant was primarily concerned with the place of autonomy in account of the subjective conditions, and the nature of morality. In the writings of Kant, he has drawn the relation between autonomy and morality. His conception of autonomy is also known as ‘moral autonomy’. The idea of moral autonomy has a long history in Western thought. The roots of the idea are present in Aristotle’s discussion of ‘voluntary action’ in the *Nicomachean Ethics*. According to Aristotle, moral act is one which is deliberated upon and liberally chosen by the agents. As Kant argued, moral autonomy is a combination of freedom and responsibility; it is a submission to laws that one has made for one self. The autonomous man, insofar as he is autonomous, is not subject to the will of others.<sup>22</sup> He farther developed the idea of moral autonomy as having

authority over one's actions. According to Kant, a person is morally autonomous if and only if his moral principles are his own. An autonomous person refuses to accept others as moral authorities. He does not accept without independent consideration that the judgment of others as to what is morally correct. For Kant, our morality presupposes this autonomy in moral agents, since moral requirements are expressed in categorical imperatives. Therefore, the autonomous persons are not simply persons who are only capable to choose and execute their decisions, but they are persons who can choose the correct way in accordance with the categorical imperative within the structures of practical reason. According to Kant, an imperative is categorical if it issues a valid command independent of personal desires or interests. The categorical imperative would provide a reason for obeying the command. Therefore, an autonomous moral agent must be expected to obey the command of a categorical imperative even if he or she lacks a personal desire or interest in doing so.

Kant's basic idea of autonomy can be understood intuitively by analogy with the idea of his political freedom as autonomy. According to Kant, a state is free when its citizens are bound only by laws, which are in some sense their own making. It is created and put into effect by vote or by elected representatives. Here, the laws of that state express the will of the citizens. The citizens are bound by the laws. In this sense the source of legitimate political authority is not external to its citizens, but it is internal to them. It is internal to the will of the citizens. It is because the body politic created and enacted these laws for itself that it can be bound by them. Therefore, an autonomous state is one, where the authority of its laws is the will of the people in that state.

According to Kant, we may think of a person as free when he is bound only by his or her own will and not by the will of another. Action of a person expresses his or

her own will and not the will of someone or something else. The authority of the principles binding one's will is also not external to his or her will. It comes from the fact that she willed them. When autonomy is applied to an individual, it ensures that the source of the authority of the principles which bind one's own will. Here, Kant's view can be seen as the view that the moral law is just such a principle only. So, the 'moral legitimacy' of the Categorical Imperative is grounded in its being an expression of each individual's own rational will.

In a similar manner, one may think of a person as free when bound only by his or her own will and not by the will of another. Here, actions that express his or her own will and not the will of someone else. The authority of the principles binding one's own will is then also not external to his or her will. It has come from the fact that he or she is to will them. In this sense, when autonomy is applied to an individual it ensures that the source of the authority of the principles which bind one in his or her own will. Here, the view of Kant can be seen that the moral law is just like a principle. The fundamental principle of morality is the Categorical Imperative and this Categorical Imperative is none other than the law of an autonomous will. The 'moral legitimacy' of the Categorical Imperative is grounded in its being an expression of each person's own rational will.

The moral theory of Kant advocates that rational human will is autonomous. He has shown this as the key to understanding and justifying the authority of our moral requirements. Here, the idea of freedom as autonomy goes beyond merely a 'negative' sense of being which is free from the influences on our conduct that is originating outside ourselves. Autonomy contains first and foremost the idea of laws formulated and laid down by oneself, and, in virtue of this, laws that have decisive authority over oneself.



According to Kant, a will cannot exercise itself except under the idea of its freedom, which is free from a practical point of view. These wills are free from a practical point of view. Engaging in practical endeavours one has to decide what to do, what to hold oneself and others responsible for that. One is justified in holding oneself to all of the principles in holding his or her autonomous free wills. In this context, we have to establish the set of prescriptions, rules, laws and directives which would bind our autonomous free will. We must hold ourselves to this set of prescriptions, rules, laws and directives. One is justified in this case because rational agency can only be operated by seeking to be the first cause of its actions. These causes are the prescriptions, rules, laws and directives etc. of being a first cause of action.

According to Kant, a rational will is a will conforming itself to those laws that is valid for any rational will. He also argued that there are some connection between the formal requirement and the formulation of the Categorical Imperative, which commands us to 'Act as though the maxim of your action will to become by your will a universal law of nature'. In this way, the final formulation of the categorical imperative supports the principle of autonomy. Every rational being is able to regard oneself as a producer of universal law. It means we do not require an external authority, whether it is the God, the state, our culture, or anyone else to determine the nature of the moral law. We can discover this for ourselves. Therefore, the rational wills are that which becomes an imperative, namely 'Conform your action to a universal non-natural law'.

It is observed that Kant's argument apparently fails to establish the autonomy of the will. He also repeatedly claimed that these arguments are merely analytic and hypothetical. The conclusions are fully compatible with moral being. Kant also

clearly established that the rational agents must take the means to one's ends, since this is analytic to rational agency. But there is a vast difference between this analytic claim and the supposed synthetic conclusion. The rational agency also requires conforming to a further, non-desire based principle of practical reason such as the Categorical Imperative. This kind of planning involves a new teleological reading of Kant's ethics which relies on establishing the existence of an absolute value or an 'end in itself'.

But, in contrast to Kant, autonomy is not based on the capacity to judge one's own interests in the light of fundamental ethical principles. These principles are valid independently of the biography of an individual and it transcends the limited horizon of its interests. Therefore, a necessary condition of the development of self consciousness is the interaction with another person. Kant points out that our self consciousness appears as a result of having relations with fellow human beings.

Again, the ethical ideal of autonomy tells us in what way personal experiences and values of individual plays the most important role in determining right and true for them. As a conceptual pillar of enlightenment modernity, the concept of autonomy has been the leading idea in defining human identity. It brings in the justificatory ground that we ought to respect an individual's and people's autonomy in their ethical decisions as a matter of principle.

However, the notion of autonomy is also vitally important in recent ethical literature. In the popular ethical literature right of autonomy is another common theme. The right to direct one's medical treatment is another focus of the principle of autonomy. It is too useful to sketch an account of autonomy which is useful in understanding its place in descriptive and normative contexts. There are many views about what constitutes autonomy. So far as etymology is concern as a reliable source

one might accept autonomy to be above all self-legislation and self-governing setting down laws or rules for oneself. The more self-governing an agent is the more autonomous.<sup>23</sup> In this sense, governing one-self is an exercise of autonomy. Therefore, the most important idea of autonomy is that a complex characteristic of the agent which manifests itself both in behaviour and in its certain attitudes, desires and beliefs.

But, the importance of autonomy has been questioned from different sources. The utilitarian critics and the Neo-Kantian formed a group of moral philosophers. This group of philosopher sometimes labeled as ‘personalists.’ They have challenged the Kantian idea that we should be moved to regard for impartial principles rather than concern for particular individuals. A different voice is being heard, emphasizing aspects of morality which is often ignored in the persistent praise of autonomy. Autonomy, being the source and highest development of morality, may be the special idea of a particular dominant group. It is in fact an ideal which serves to strengthen old patterns of oppression.

Again, the understanding of Kant’s autonomy is in sharp contrast to what bioethicists, such as Beauchamp and Childress hold.<sup>24</sup> Of course, there are no requirement of independent from desires and inclinations in Beauchamp and Childress’s account of autonomy. In Beauchamp and Childress’s account of autonomy the decisions of patients should be made without compelling something from others.

## **2.5. Concept of Bioethics: An Overview**

Bioethics is the multidisciplinary study of ethical problems of humanity arising from scientific advances in medicine and technology examined by in the light

of moral values and principles.<sup>25</sup> It is often characterized as a multidisciplinary mode of enquiry. Rather than a multidisciplinary mode of enquiry, bioethics is in fact a branch of applied ethics which is characteristically informed by multidisciplinary expert opinions and their findings. As Ronald Green puts it: while ethics and moral philosophy may sometimes represent a relatively small part of the actual work of bioethics, they form in a sense the confluence to which all the larger and smaller tributaries lead, and, more than any other single approach, the methods of ethics and philosophy remain indispensable to this domain of enquiry.<sup>26</sup> It means bioethics investigates ethical issues arising in the life sciences namely, medicine, health care, genetics, biology, research etc. by applying the principles and methods of moral philosophy to its problems. Ethics of human reproduction, Medical ethics and genetics are inclusive of bioethics.

The word 'bioethics' was designed in 1970 by a biological scientist, Van Rensselaer Potter, just to name his vision of a new conjunction of scientific knowledge and moral appreciation of the converging evolutionary understanding of humans in nature.<sup>27</sup> The term 'bioethics' was used by Potter to describe his proposal that we need an ethic that can incorporate our obligations, not just to other humans, but to the biosphere as a whole.<sup>28</sup> Though the term bioethics is still occasionally used in this sense of an ecological ethic, it is now much more commonly used in the narrower sense of the study of ethical issues arising from the biological and medical sciences. In this sense bioethics has become a special area of study, but it is interdisciplinary. It can be seen as a branch of ethics, and more specifically a branch of applied ethics. For this reason some understanding of the nature of ethics is essential to do any kind of serious study of bioethics.

In his book, *Bioethics: Bridge to the Future*, published in 1971, Van Rensselaer Potter focused on the growing human ability to change nature, including human nature, and the implications of this for our global future.<sup>29</sup> The issue has been revisited in recent years in a growing literature on enhancement, genetic and otherwise, and also addressed from very different perspectives. Although the term ‘bioethics’ has referred almost exclusively to problems in biomedicine, in recent years the field has returned to ‘the wider context provided by the life scientists of the early 1970s, including their environmental and public health concerns.’<sup>30</sup>

In 1971, the Kennedy Institute of Ethics was founded at Georgetown University to initiate the beginning of a new field of research in medical ethics. Andre Hellegers was the founder of the research who has called this new field as “bioethics.” The Encyclopaedia of Bioethics, which the Kennedy Institute began to plan in 1972, defined bioethics as “the study of the ethical dimensions of medicine and the biological sciences”<sup>31</sup> In 1974, Dan Callahan, founder of “The Hastings Centre”, wrote an influential article entitled “Bioethics as a Discipline”. In which he suggested that this new field could develop itself into a unique discipline, using both the traditional methods of psychological analysis and sensitivity to human emotion and to social and political influences with which medicine was practiced.<sup>32</sup> In this way bioethics manifested itself as an independent discourse and discipline. However, it is not simply an academic discipline and debates over its method and the theory draw attention of different scholars. Since the beginning, Bioethics, aimed towards the guidance of practices and policies. In this sense, it is not speculative but a practical moral philosophy.

The immediate requirement of bioethics is one of the remarkable intellectual happenings of the 20<sup>th</sup> century. Within seven years after the founding of the Kennedy

Institute where the term bioethics was re-coined, the first edition of the Encyclopaedia of Bioethics had been published. Bioethics being interdisciplinary since its inception, theology played a fundamental role in its development. It continues to have a profound influence today, as reflected in the careful analysis and defence of the rule of double effect. In this connection, three theologians in particular were instrumental in the birth of bioethics, namely, Joseph Fletcher, Paul Ramsey, and Richard McCormick.<sup>33</sup> These theologians were immediately joined with philosophers who rejected the emphasis in contemporary analytic ethics on meta-ethics for the exclusion of normative ethics. Different events in the period of 1960s were opposition to the war in Vietnam, the civil rights movement, and other social movements it give raised to the women's movement, the disability rights movement, and the gay and lesbian rights movement. These of course, played a role in the revitalization of normative ethics, and philosophical interest in applied ethics.

There are at least three different kinds of bioethics, each of which may well have a different relationship to philosophy. These three different kinds are Clinical bioethics, Policy-oriented bioethics and Bioethics as an academic pursuit.

The first sphere of bioethics is clinical ethics. It is directly related to how the incorporation of bioethics into clinical practice can help to improve patient care. The clinical bioethics, which amounts to the deployment of bioethical concepts, values, and methods within the domain of the hospital or clinic.<sup>34</sup> The model that forms basis of activity of clinical bioethics is the ethics consult, in which complicated or anxious physicians, nurses, social workers, patients, or their family members visited an ethicist (among others) for assistance in resolving an actual case. However, an adequate clinical ethicist has no doubt read a good deal of philosophy during his or her academic training. Of course, one's approach to clinical problem solving might well

exhibit some kind of reliance on the skills of philosophical analysis. Therefore, the very bulk of the work in clinical consultation might be described as a kind of medical ethical-dispute mediation.

Secondly, there is policy-oriented bioethics. This sphere is associated to public policy and law bioethics. It concerns how legal and extra-legal institutions can and should be involved in the regulation of clinical and research practices. In contrast to the clinical ethicist, who is concerned with the fate of individual patients, the bioethicist-cum-policy analyst is called on to assist in the formulation of policies that will affect large numbers of people.<sup>35</sup> The policy discussions can also be done at the level of individual hospitals or health systems, where there may be a debate among the administrators, medical and nursing staff, and bioethicists. Though, these commissions function at higher levels of generality than the clinical ethicist in the trenches. Here, both the kinds of bioethical activity likely to be extremely practical and result-oriented. In this sense, the clinical ethicist will normally be wary of arousing philosophical principle because one's discussions normally have neither the time nor the tendency to discuss the issues at this level.

Finally, an academic bioethics primarily concerned with theoretical and practical aspects of medicine affect considerations such as special obligations or responsibilities of clinicians namely, what is valuable, good, Right, etc. in the biomedical context and how one might go about providing systematic accounts of such considerations. The educationists are free to think as intensely or to increase rapidly into the theoretical sky as he or she wishes to reach. Therefore, unlike the clinical ethicist, the academician is not obstructed by time constraints, medical custom, law, the need to reach closure, and even some can point out the common sense. The academician doesn't have to think about to find a common language, or

bending to the necessities that is imposed by pluralism or other sponsoring agencies of the government. In this way, within this academic field, the relationship between philosophy and bioethics which will incline to be most explicit. Here, bioethicist needs to be responsive to some of the above limitations which they desire ultimately to have some influence on public policy.

Of course, these three spheres are often interconnected. As a multidisciplinary field, scholars and clinicians can work across multiple spheres. All the medical schools today, incorporate bioethics into their curricula and most regulatory authorities consider the teachings of bioethics as a condition of accrediting residency programs. Philosophers now specialize in bioethics, but even philosophers not usually thought of as ‘bioethicists’, including Jonathan Bennett, Ronald Dworkin, Joel Feinberg, Jonathan Glover, Thomas Nagel, Onera O’Neill, Judith Thomson, and Bernard Williams, have made important contributions to the bioethics literature.<sup>36</sup>

A new journal, ‘Philosophy and Public Affairs’, appeared in 1971, with leading articles on war and abortion.<sup>37</sup> The journal had a huge impact on Anglo-American political philosophy, and indirectly on bioethics. In this way, the field of bioethics has addressed a broader interest of human inquiry, starting from the debates over the boundaries of life, e.g. justice in access to health care, mother-fetus relations, research involving human subjects, reproductive technologies, eugenics, genetics, health care policy, physician assisted suicide and euthanasia, medical confidentiality, the physician-patient relationship, informed consent, research involving animal subjects, definitions of death, human cloning and stem-cell research and organ donation.

Of course, there is an often disagreement among the bioethicists themselves in terms of the specific limits of their discipline. There is a strong debate whether the study should concern itself with the ethical evaluation of all questions involving



biology and medicine, or it is only a subset of these questions. Because, some bioethicists would have a narrow ethical evaluation only to the morality of medical treatments or technological innovations, and about the timing of medical treatment of humans. On the other hand, some bioethicists would broaden the scope of ethical evaluation which includes the morality of all actions that might help or harm organisms capable of feeling fear.

The central issues in bioethics were research with human subjects, genetics, organ transplantation, death and dying, and reproduction. In addition to its initial focus on ethical issues relevant to clinical care, bioethics concerns the moral, legal, political, and social issues raised by medicine, biomedical research, and life sciences technologies.<sup>38</sup> As a whole all these issues continuously remain as primarily important issues today. In bioethics, methodology has been a central theoretical issue since the very beginning. While most of the practitioners of bioethics have been given up the hope that bioethics would generate only a single correct normative theory. Since the inception of the discipline, a number of methodologies specific to bioethics have been developed. It is because of the problems which is associated with the application of general normative theories of morality follows to problems in bioethics. Among these methods, the most well known method is the principles-based approach which is developed largely by Tom Beauchamp and James Childress in their successive edition of *Principle of Biomedical Ethics* (2001). This work was also mostly inspired by another earlier philosophical figure namely, W. Ross (1930). This particular approach trusted on a variety of prima facie norms. The most prominent four principles are namely, beneficence, non malfeasance, justice, and respect for autonomy. The very source of these four principles is common morality. But, regardless of the availability of these various methods, much of the works in bioethics are actually proceeds by a

gradual approach without a specified method. Of course, this kind of methods can be criticized for its ad hoc nature and for not having any specific justificatory framework.

Again, it is noticed that as a discipline, Bioethics crosses over other disciplinary boundaries, both within and outside of philosophy. There are three basic approaches are available in general normative theories. Out of these three, the minimum common approach to bioethics is the approach of applied ethics. It deals with the application of general normative theories to specific moral problems in the field of bioethics. The most ordinary attraction to these theories are the three namely, utilitarianism, deontology and virtue ethics. These theories are actually umbrella categories under which fall a number of specific theories. Indeed, bioethics reflects a wide range of theoretical approaches in normative ethics, including utilitarianism, deontology, natural law, contractarianism, virtue ethics, communitarianism, pragmatism, and feminist ethics.<sup>39</sup> Now, before handling the moral problems one has to decide mainly, which theoretical approach is to be the best.

Most of the moral theories are helpful in making a practical moral decision. They provide necessary analysis of basic moral values and coherent frameworks for understanding various moral issues, and also the general justificatory strategies for particular approaches to morality. These normative moral theories are at a level of abstraction. They are not conducive to straightforward applications to certain particular moral problems. Childress perhaps with disappointed feeling concludes that it is probably too much to expect disagreement about the best possible methods. According to him, we can take advantage of the strengths of each method and compensate for special deficiencies of the method.

Again, another related issue which primarily concerns the relationship between abstract principles and concrete particulars. It is an approach that has come

to be known as ‘principlism’. The most famous versions of bioethical principlism are articulated by Beauchamp and Childress in their classic text *Principles of Bioethics* (1979–2001). Beauchamp and Childress tried to derive answers to its bioethical dilemmas with the help of basic principles of autonomy, beneficence, and justice. While principlism has been notably criticized by casuists, feminists, partisans of narrative ethics, and pragmatists as too abstract, deductive, as being ‘insufficiently attentive to particulars, relationships, storytelling, and process. In response to the criticism, principlists also have attempted to integrate these insights into a principle based approach, using Rawls’s method of ‘reflective equilibrium’.

Again, bioethics was preceded by medical ethics, which focused primarily on issues arising out of the physician-patient relationship.<sup>40</sup> At that time the ancient Hippocratic literature was not merely limited to the ‘Hippocratic Oath’ which encourages doctors to use their best knowledge and powers for the benefit of sick person to heal and not to harm the patients anyway. The doctor also tries to preserve their patients’ life, and also to keep their information confidentially, which never to be spread about. These basic values and principles should always remain present as an essential criterion of contemporary bioethics.

After the completion of Second World War it has become clear that the old medical ethics was not sufficient to meet the contemporary and upcoming challenges in the field. Numerals advancement in the field of medicine, including the use of penicillin and immunizations against some marvelous childhood diseases, has saved literally millions of lives. Some people may avail the benefit of open heart surgery and cardiac catheterization, chronic hem dialysis, organ donation etc. But, at the same time, many of the modern medicines are very expensive, and thus out of the reach. So, many of us may not be benefited from these kind of modern medicinal advancement.

The highly expensive health care facility stands as another obstacle for the success of medicine.

Again, there has been a kind of self-correction in the field of bioethics which is uninformed from an excessive individualism and toward an engagement in questions of public health and global justice. It also deals with the issues like HIV and AIDS, resource allocation, and public health genomics. The recent controversies in bioethics have, for example, concentrated on HIV-AIDS and AIDS research, on the introduction of genetically modified plants and organisms and on genetic selection and its manipulation. Bioethics also investigates the notion of 'globalization', and explains why public health is global health in the globalized world today. While, actions and policies carried out in one part of the world are likely to have significance, and also often harmful effects on people those are very far away. In this sense, for these effects it becomes increasingly impossible to reject the responsibility of bioethics. In most of the developed countries, the provision of health care is treated as the responsibility of the government, comparable to the obligation to provide public education. On the other hand, a few states like the United States still advocates that the payment for health care as an individual responsibility, not that only the state should provide. In this connection, a debate continues between egalitarians, who normally insist that no care should be provided unless it is available to all who need it, and those who favor a tiered health care system that allows some medical services to be distributed by the market.<sup>41</sup>

One more vital issue in bioethics comes out from the development of Neonatal Intensive Care Units (NICU). These neonatal intensive care units have saved the lives of many premature babies who would have died in earlier decades. Many of these babies have normal and healthy lives, but unfortunately many of these babies face

severe disabilities and other serious health complications. Now the question is, whether life should be preserved regardless of the nature or quality of that life? What is the ideal time after that life should not be preserved? Who should be the authorized person to take these kinds of decisions? During the time of 1960s these questions have got priority and debated at academic conferences and also in deferent scholarly journals, in the field of bioethics.<sup>42</sup>

Again, in bioethics, biobanking is another important issue. Biobanking deals with the methods and purposes of tissue storage and its collection. It deals with some of the chances and brief ideas which were supported out through the availability of archived samples of tissues. These kinds of changes are in the form of some new types of tissue bank, or biobank as they are experienced. These biobanks are part of a tendency to move towards stopping some undesirable approach to public health rather than the current expensive act of intervening. This tissue collection has great importance in the field of medical research, which at the same time raises issues of confidentiality, consent, stigmatization, and risk. These needs to be taken seriously. So, bioethics deals with the ethical problems raised by the concept of bio-banking.

This novel approach of bio-banking is also not free from its problems. It also threatens the unfettered continuation of the tissue archive. The advanced technical development of this new research tools can expose information about individuals which may have a harmful effect on their well being in various ways. It analyzes various possibilities in the context of health care development. Much of the concern focuses on the fact that the information contained has a genetic component which also leads us to consider the nature of genetic information. In the United States the National Bioethics Advisory Commission was moved to consider the rights and welfare of human research subjects and the management and use of genetic

information. These deliberations also occurred in the United Kingdom, where the issues were considered by both the Human Genetics Commission and the Nuffield Council on Bioethics.<sup>43</sup>

The concept of bio-banking also seeks to hold the freedom from identification of human tissues and lifestyle information of individual volunteers as a resource for multiple users as well as individual researchers. These new style tissue banks have raised the awareness about the importance of tissue archives. It has also raised the feelings of anxiety about the storage and use of such data. It will also try to plan the expected potential of ventures such as national population bio banks and detail the possible negative sides of such project. It also considers how the balance of potential goods might be adjusted statistically against the concerns we have highlighted.

So, the ethics of research on human subjects has been at the heart of bioethics since its inception. From the historical point of view, medicine was primarily related to therapeutic concern. Experimentation was limited in terms of trying new curative or palliative approaches on individual patients. As medicine became an invariable part of science, physicians always tried to know their nature of treatments, standards and innovativeness how it actually used. While doing this, doctors are required to perform various experiments on different people, which are not primarily benefiting them, but to learn things that might benefit fellow human beings. In this way physician-researchers work together. The physician-researchers acts together as the patient's doctor, their aim was to benefit the patient as a whole. In this way, the physicians were acting as scientific researchers and their aim was to perform a controlled experiment and get accurate results from the experiment.

Again, Animal Liberation is another vital issue discussed in bioethics. In bioethics there has been a lively debate about the moral status and treatment of

animals. The treatment of human beings in research has been shocking; but treatment of non-human animals is pervasive. Animals are routinely killed, maimed, shocked, burned, and caused terrible pain, in the name of scientific and medical progress.<sup>44</sup> In his book Alastair has examined various justifications for inflicting pain on non-human animals, and he concludes that most of the experimentations are unsuccessful. According to him rendering much animal experimentation is morally unacceptable.

Again, as a recent ethical development, the bioethics draws a historical parallel even if it adapts in response to some new developments and upcoming challenges as science and medicine both continue to advance, new issues are constantly being raised. For example, in neuroscience, bioengineering, and nanotechnology etc. Some of these emerging sciences and technologies may pose genuinely new questions for bioethics. On the other hand, many others can be characterized as ‘old wine in a new bottles’. However, controversy over this question is inevitable, as bioethicists identifies and analyze definitely some new issues which frame the debates of the twenty-first century.

Another important issue in bioethics is the problem of definition and determination of death. This issue in bioethics is not merely a scientific issue, but a matter of philosophy and policy as well. It is also well connected with organ transplantation. Again, public and global health is another two relatively new directions for bioethics. The focus in public health is the health of the population or community. It also focus in medicine as the health of the individual. Moreover, even as bioethics diverged from traditional medical ethics, it retained the principle of respect for individual autonomy, and correlative principles of confidentiality and privacy.<sup>45</sup>

### **2.5.1. Bioethics and Concept of Autonomy**

Living autonomously means living by a law that you impose on yourself. In other words, autonomy is the right to live your own life in your own way. Beauchamp and Childress state that autonomy is the ‘personal rule of the self that is free from both controlling interference by others and from personal limitations that prevent meaningful choice. The autonomous individual freely acts in accordance with a self-chosen plan.’<sup>46</sup> Numerous social and political philosophers express the same general idea. For his part, Robert Paul Wolff places autonomy in the context of a struggle among human wills for control.<sup>47</sup> As Kant argued, moral autonomy is a submission to laws that one has made for oneself. The autonomous man, insofar as he is autonomous, is not subject to the will of another.<sup>48</sup> Autonomy is a stimulus factor for moral growth and social enlightenment. It is a representation of moral adulthood in the individual. In this sense, only the autonomous persons are actually grown-up, in spite of their age.

There are tremendous amount of research on the concept of autonomy, which has been taking place since the last several decades in both the analytic and continental traditions. It is also found that there is a significant difference between the history and meaning of the concept of autonomy in moral philosophy and its appropriation in the normative and applied work of bioethics. However, this difference is often overlooked, and the use of autonomy in bioethics has usually been presented as the straightforward application of a philosophically grounded concept and principle to particular cases or decision making life situations.

Autonomy has long been an important principle within biomedical ethics. The Belmont report<sup>49</sup> published in 1979 in the United States, articulates guidelines for experimentation on human subjects, the protection of subjects’ autonomy is enshrined



in the principle of “respect for persons.” The fundamental principle of the report is that participants in trials ought to be treated as autonomous, and those with diminished autonomy due to cognitive or other disabilities or illnesses are entitled to protection. At a large of contemporary bioethics rotates around bioethical principles, such as human dignity, promotion of equality, respect for autonomy, justice, freedom, integrity, and so on.<sup>50</sup> In this sense this principle is to be applied which takes the shape in the form of informed consent, as the report presumes that this is the best way to protect autonomy. It has the implications of both for respect for autonomy and for a just distribution of resources.

Again, healthcare professionals often take their decisions about the diagnosis, therapy, and prognosis for the patient. Based upon the health care professional’s belief about what is in the best interest of the patient, he or she chooses to reveal or withhold patient information in these three important arenas. This principle is heavily laden as an application of power over the patient.<sup>51</sup> In this context, the increasing importance of autonomy is also seen as a social reaction to a ‘paternalistic’ tradition in the field of health care. Here, question is raised whether the strong reaction against historically excessive paternalism in favor of patient autonomy has inhabited the proper use of soft paternalism to the detriment of outcomes for some patients. In the context of health care ethics, paternalism involves acting without consent, or even overriding a person’s wishes, wants or actions, in order to benefit the patient or at least to prevent harm to the patient.<sup>52</sup> Respect for autonomy is the basis for informed consent and advance directives.

In modern bioethics, Autonomy is also used as a general indicator of health. Many of the diseases are identified by the loss of autonomy, in different manners. It implies autonomy as an indicator for both personal well-being, and for the well-being

of the medical profession. Autonomy has also various implications for the consideration of medical ethics. Some basic questions like, “whether the aim of health care is to do good, and benefit from it?” or “whether the aim of health care is to do good to others, and the society is to be benefited from this?” are often asked in this regard.

Autonomy, as it is considered as a parameter for health care, the medical and ethical perspective both are benefited from the implied reference to health. The psychiatrists and clinical psychologists are often asked to evaluate a patient’s capacity for making life-and-death decisions at the end of life. For example, a man with psychiatric condition such as delirium or clinical depression may not have the capacity to make the decision of end-of-life. In this situation, a request to refuse treatment may be taken in consideration for these persons based on their serious health condition. Persons with lack of mental capacity are generally treated according to their best interests, unless there is a clear advance directive to the it’s opposite. On the other hand, persons who have the mental capacity to make the decision of end-of-life, only have the right to refuse treatment. He or she may choose an early death if they really want. In such difficult situation, psychiatrists and psychologists plays an important role for protecting that right.

Again, respect for a patient’s personal autonomy is considered one of most fundamental ethical principles in biomedical ethics. In this context autonomy can be defined as the ability of the person to make his or her own decisions. In medical ethics the faith in autonomy is the central premise of the concept of informed consent and shared decision making. This idea was developed in the last 50 years which is considered most essential for medical practice of today. Earlier medical practice has followed a paternalistic tradition where physicians or professionals were advocated as the proper judges of the best interests of patients. Increased recognition and respect

for patients' rights and insistence on the ethical importance of securing their consent are now viewed as standard and obligatory ways of securing respect for patients' autonomy.<sup>53</sup>

However, autonomy does not merely apply in the field of research. Even users of the health care system also have the right to be treated with respect for their individual autonomy. Harry Frankfurt considers that an action can only be considered autonomous if it involves the exercise of the capacity higher order values about desires when acting intentionally.<sup>54</sup> In this sense it can be pointed out that patients may understand their situation and choices because they would not be autonomous unless the patient is able to form value judgments. The value judgments about their reasons for choosing treatment options that the patient would not be acting autonomously.

Again, Ronald Munson outlines the history, economics, and ethics of organ transplantation, an issue that has been prominent in medical ethics since the first organ transplant in 1954. It is found that most of the transplant cases are taken from dead organ donors, but we can save many more lives if the number of living donors of kidneys and livers are increased. Here the risks to the organ donors are considerable, and the chance of coercion or undue influence is to be thought by some people to undermine voluntariness and autonomy. However, Munson argues that paternalistically denying somebody is the opportunity to a living donor is another bigger threat to autonomy, particularly because events can be taken to protect voluntariness.<sup>55</sup>

It is seen that concept of autonomy has a key value in applied ethics, particularly in bioethics. It is also unanimously accepted that no single concept has been more important than the concept of autonomy in the contemporary development

of bioethics. The concept of autonomy, which also referred as ‘self-determination’ or ‘respect for persons’ has played a central role in the modern field of bioethics. The principle of respect for personal autonomy as one among several important moral principles in biomedical ethics.

In addition to methodological issues, theoretical issues in bioethics include certain concepts and principles. Out of these, the most central issue perhaps is the concept of autonomy. The prominence of autonomy in biomedical ethics can be traced back to the Belmont Report.<sup>56</sup> In this Belmont report, the congress had instructed the Commission to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects. Three basic principles are articulated by the Commission namely, respect for persons, beneficence, and justice. The articulation of these three principles had a major impact on the development of bioethics. All these concepts are coming out from the general literature of the field of bioethics and evolved from the principles underlying the conduct of research into the basic principles of bioethics. Here ‘respect for person’ is understood as ‘respect for autonomy’ or simply ‘autonomy’. In this way, the concept of autonomy has become a central principle in the field of bioethics.

In the literature of bioethics, respect for autonomy is one of the most frequently mentioned moral principles. Autonomy is conceived as a principle rooted in the liberal western tradition. It points out the importance of individual freedom and choice, both for political life and for personal development. In the field of bioethics, the terms ‘autonomy’ and ‘respect for autonomy’ are loosely associated with several ideas, such as privacy, voluntariness, self-mastery, choosing freely etc. It also deals with the freedom to choice, choosing one’s own moral position, and accepting responsibility for one’s own choice.

Again, autonomy means self-rule. In practice, the principle of autonomy requires respect for the decision-making capacity of a competent adult. The idea of respect for self-determination is also deeply rooted in the American history and imagination. The rise of autonomy in bioethics is quite recent. Until the 1960s, as the field medical ethics was afterwards called, was basically internal to medicine which values, norms, and regulations are intrinsic to the actual practice of health care.

It is often criticized that the physicians dealt with their codes of conduct and professional etiquette internally as like a family matters. It is also found that during the end part of the 20<sup>th</sup> century; so many traditional aspects of authority in our society were questioned, as manifested in the civil rights, feminist, and anti-war movements. At that time the practice of medicine was also affected as well. The discourse on medical morality that previously had been held within the profession gave way to a new way of thinking. The ethical values of society at large including the rights of the individual were also applied to the practice of medicine. Of course, the modern bioethics has largely rejected the theoretical tradition and legacy of autonomy. This is done by the modern bioethics when the term 'autonomy' is used to mean and to exercise the ethical work of negative liberty as well.

Another most familiar tool for extending autonomy is the advance directive. A living will allows a person with sound mind to exercise autonomy over the care he receives. We can extend autonomy by empowering others to speak on our behalf when we cannot. It can be done formally, through a durable power of attorney. Again, informally, we can ask our family and others to serve as our voice when we cannot speak for ourselves. In both the cases we are still accepting autonomy in principle as care that is to be solely guided by our wishes. In ethical terms, when we engage

someone else to speak on our behalf, we seek a substituted judgment, which requires specific, personal knowledge of that individual and his or her wishes.

The extension of autonomy has been promoted very strongly in the case like end-of-life care by a group of thinkers. Of course, this has come out with mixed results. In case of all kinds of end-of-life care situation, deference to the wishes of the patient and his or her family is a valuable starting point. However, it is reasonable to question the role of autonomy when continued aggressive care will not lead to recovery, but only prolong dying. Death teaches us that some things cannot be controlled. As the end of life approaches, the domains over which the patient or family can exercise control diminish to the vanishing point. It is reasonable to ask whether it is even possible for a human being to exercise autonomy in any meaningful way when nearing death.<sup>57</sup> Here, the approach of death indicates the other principles of medical ethics namely, beneficence, non-maleficence, and justice which may be needed, and that perhaps they should have even reserved for future autonomy.

In the field of Bioethics, Autonomy at the end-of-life is not universally valued by patients and families. University of Michigan law professor, Carl Schneider, in his book *The Practice of Autonomy Extensively on Bioethics*, points out that one's point of departure is the substantial quantity of patients who appears indisposed to make their own medical decisions. Again, a review of North-American and European end-of-life practices concluded that "some findings cast doubts about the real amount of autonomy desired by patient and surrogates, even in North America."<sup>58</sup> Our findings from Minnesota focus groups suggest that families strive to avoid feeling that they might be responsible, in some way, for the impending death of their loved one.<sup>59</sup> In this sense, an appeal to autonomy may actually be a disservice to the peace of mind and also well-being of the family.

In present days, we are having a patient-centered medical ethics that emphasizes autonomy rights over professional obligations of beneficence when they are especially in conflict. Today the rise of autonomy has brought from unprecedented challenges to medical professionals. In case of patients insist on decision making authority, it is tempting to acknowledge the merit of them. However, the approach like “it is your own decision” can be a form of meaning personal responsibility of the patient. In such situation, the physician may feel that without full authority to make decisions, he or she should not assume the responsibility for the results. Rather, the physician may provide service with some of the soul-searching about the right course of action. The physician may also think that the patient will decide what he or she wants, in spite of the situation. This kind of reasoning, stemming from our strong confidence on patient’s autonomy may have taken some of the joy out of the practice of medicine.

Autonomy is also important within the disability rights movement. Within the disability rights movement, the slogan, “Nothing about us without us” is a call for autonomy or self-determination.<sup>60</sup> The disability rights movement goes beyond rejecting the decisions made for people with disabilities by others. It also speaks to the desire for empowerment and recognition as being agents capable of self-determination.

There is one more important approach to autonomy in bioethics. This approach is called rational approach. It has become popular in the spheres of health care ethics and disability theory. The language of relational autonomy has been helpful in reframing the dichotomy between strict independence and dependence. This kind of reframing of dichotomy also provides a way of building the relationship between a person with a disability and his or her guardian or caretaker.

Again, the issue of autonomy is considered from the perspective of moral psychology; by Jeanette Kennett.<sup>61</sup> It is observed that mental illness clearly can deprive a person from the capacity of his or her autonomous choice and action. But this has been exaggerated in the past by prejudice and stigmatization. It is very important matter to find out the correct attitude to take toward those suffering from mental illness. Kennett reminds us that ‘agency comes in degrees, that autonomy is an achievement, and that respect for autonomy may require our active support for the agency of those in adverse circumstances’, including mental illness.<sup>62</sup>

Again, autonomy at work is another important dimension of modern bioethics. In fact, in different end of life situations, we mostly witness to an unfolding clinical story. As clinicians, we may consult the family for a decision to withhold or withdraw quick medical care. This approach is consistent with respect for patient autonomy, but it may place the stage for conflict. In this situation, the word “decision” implies that there are options for handling the clinical situation, possibly more than actually it exist. Because, asking for a ‘decision’ may give the family the uncomfortable and erroneous feeling. They may feel that something they decide to do may cause the death of their loved one. In such situation, our choice of word is very much important. For example, when we suggest that someone “talk over” with the rest of the family, we may be implying that a consensus is needed for a decision. This is known as autonomy at work.

However, there are so many issues in bioethics concern fail to respect autonomy. These issues are ranging from manipulative under disclosure of pertinent information to non-recognition of refusal interventions. To respect an autonomous agent is to recognize him or her with due appreciation which individuals capacities and perspective. An autonomous agent must include his or her right to hold certain



views, to make certain choices, and to take certain actions based on personal values and beliefs of the agent.

Now a day, respect for patients' autonomy is fully integrated into the practice of medicine. The patient's right to accept or refuse medical care changes the balance of power in the physician-patient relationship in the clinic. It also engages the patient more fully in ownership of care plans. A Jointed decision-making of physician-patient has become the norm, and it is viewed by the patient and the physician as essential for honoring the individual and his or her dignity.

Again, Autonomy rights are easier to defend and to implement it in the context of the fully matured adult of sound mind. But we are normally confronted with some patients whose legal status or capacity of current ability may be in question. These patients are minors, imprisoned, with a cognitive impairment, mentally ill or intoxicated. We sometimes defer or restrict the autonomy for such patients. Sometimes, unusually we put it aside in favor of another ethical principles namely beneficence, non-maleficence, or justice. In place of this, we extend excessively the principle of autonomy.

## **2.6. Autonomy Justification and Human Cloning**

As it is clear from the previous discussions, cloning, particularly, in case of endangered species has tremendous importance. It is the finest way of preserving the species from dying out entirely and vanishes from this universe. But the question is very vital when it is used in terms of human beings. Why would anyone want to clone human beings? There are so many popular justifications from scientific point of view. But, are there any considerate justifications for human cloning from the ethical point of view? Of course, there are certain bioethical justifications for the

implementation of cloning technique in terms of human beings. There are deferent bioethical justifications forward by deferent thinkers. Three kinds of bioethical justifications are mentioned in this context. They are- Utility justifications, Autonomy justifications, and Destiny justifications. The present study discusses only the autonomy justifications because the utility as well as destiny justifications are considerably inadequate foundation for defending a practice like human cloning. These two do not have sufficient arguments to justify the procedure of human cloning.

The Autonomy justification is an increasingly popular appeal in this postmodern age. In the justification personal experiences of people and their values plays the most important role in determining what is right and true for them. According to this justification, we ought to respect the autonomy of people as a matter of principle. However, there are various forms of autonomy justifications. Three important justifications are specially influenced the discussions of human cloning. These three are as follows-

- a. Personal Freedom-** In the deferent countries of the world, there is a strong commitment to respecting people's freedom. This commitment of showing respect to human freedom is well established in a specific type of secular and religious traditions. Showing respect for people's freedom allowing them to make important life decisions which moves freely from their own personal values, beliefs, and goals, rather than forcing them to live by a burdensome array of social requirements against their will.
- b. Reproductive Choice-** The reproductive decisions are absolutely private and personal matters. It has enormous implications for the responsibilities of one's future and his well being. In this area social intrusion is particularly disgusting.

c. **Scientific Inquiry-** Finally, an above average value has long been placed on saving the freedom of scientific inquiry. In this case, more knowledge and better understanding increases our capacity to formulating right decisions and achieve great things in this universe.

But, as the people are making autonomous choices just to have good moral characters which make them favorable to be concerned about the well being of everyone else, there will not be any serious problems so far. However, consciously or unconsciously, a selfish motives occur within us regularly, and without an influences of counteracting force, there is nothing in an autonomy attitude to assure that the well being of others will be protected. In fact, protecting people's choices is good as long as all people are in a similar position to make those choices. In an autonomy-based approach of ethical justification, there is no commitment to justice, caring, or any other ethical standards which would safeguard those people who are unable to defend themselves.

Above all, autonomy is an important ethical justification for human cloning, but, this justification does not provide a sufficient ethical basis for it. This justification is simply an insufficient ground for justifying human cloning technique. In other words, it is not a sufficient argument to justify an action showing that a freedom would be curtailed. An autonomy justification is insufficient for justifying a practice like human cloning.

## **2.7. Concluding Observation**

The chapter highlights the multiple dimension of the importance of autonomy both in ethics and bioethics. More emphatically, the concept of autonomy has tremendous importance in ethics as well as in the field of bioethics. The concept of

autonomy has played a major role for decades in the bioethical discourse from several aspects are inappropriate to deal with the actual ethical issues of human cloning and health care. The importance of the principle of autonomy ignores the fact that an existence of human being is primarily an inter-subjective existence. In this context, the subject is integrated in a system of line of human relations which determines human beings' progress in their life. The exclusive application of the principle of autonomy in a lot of cases results in the renunciation of the patient within the therapeutic cloning technique. Finally it can be pointed out that the unequal presence of the autonomy principle also leaves out of consideration the fact that lots of people are unable to live with their autonomy. In this sense, autonomy tends to become more and more restricted for the privileged. Thus, the principle of autonomy in the case of human cloning or any ethical grounding requires further foundation which takes us to the concept of human nature.

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