

Purpose of the project. Since the birth of bioethics in 1960s, informed consent has been an essential ethical and legal requirement of legitimization of medical and research interventions for protection of autonomy of persons. Although informed consent is one of the most extensively debated bioethical and legal concepts, relatively little attention has been paid to the significance of the body for the nature and validity of consent. The reason for this is that in standard clinical practice a person simply is an embodied person. There is no doubt that a competent patient has a moral and legal personal right to make autonomous decisions concerning herself.

This embodiment paradigm, however, becomes highly problematic in a wide range of modern biomedical procedures in which human body or its parts get physically or emotionally alienated from the person and are used exclusively for the sake of others or science. Those interventions include “donation” of organs or tissues for transplantation, “donation” for research or education, “donation” of gametes and embryos in infertility treatment, “loaning” one’s body for research, and “loaning” one’s uterus for surrogate procreation. These new ways of using human body seem to be inconsistent with the embodiment paradigm, in which the standard of informed consent was developed, as it is difficult to claim that separated bodily parts are a person. It is also difficult to claim that emotionally alienating forms of “biowork” or “clinical work”, such as the role of surrogate mother or a “guinea pig” authentically engage a person. Therefore, in modern bioethics and biolaw the person-body relationship is viewed mostly through the lens of “ownership” a person exercises over her body, which is expressed in the notion of right to one’s “property”.

Consequently, an individual is allowed to dispose of her body as she wishes: she can “donate” it, “loan” it, “rent it out” or ‘sell’ it. Conceptualization of human body as “property” dominates the ethical and legal discussions regarding commodification and commercialization of the body. However, such conceptualization is not suitable for inquiry into the significance of the body for the nature of informed consent, its validity and autonomy-enhancing ability, because informed consent standard was created within a different paradigm – embodied person paradigm.

Not all societies accept all of the abovementioned uses of human body in equal measure. But if they are legalized, some form of a competent “donor’s” or “loaner’s” authorization is usually required. There are, however, considerable differences and inconsistencies in the construal of consent requirement found both in national and international ethico-legal understanding of the consent requirement. This stems, among others, from lack of deeper philosophical and bioethical reflection on the ethical significance of human body and its relation to the person, as well as the tension between informed consent, which is based on the embodiment model, and the dominant “ownership” paradigm.

The project aims at (a) investigation of the aforementioned ways of using human body for the benefit of others or science from the perspective of basic philosophical, anthropological and ethical principles that are characteristic for European bioethics and biolaw: dignity, autonomy, integrity, vulnerability, and solidarity, and (b) development of anthropologically and ethically adequate, comprehensive and practically feasible approach to ethics of using human body, its parts or biological material of human origin for the good of others or science.

Basic research within the project. The research will be focused on normative foundations of biomedical and research interventions that use human body, its parts or biological material of human origin for the benefit of others or scientific progress. The main research questions will concern the relation between person and body as well as the ethical significance of that relation for the nature, function and validity of informed consent for therapeutic or research interventions.

The research proposed is conceptual and normative. It will rely on the methods characteristic for humanities and ethics: critical analysis of normative conceptual frameworks, comparison of their weaknesses and strengths and analysis of their internal coherence. Normative theses will be justified with the method of wide reflective equilibrium developed by J. Rawls. The method seeks coherence and mutual support between considered and intuitively plausible moral judgments (about particular cases or their types, situations, standards), moral or legal principles, and relevant background moral and non-moral theories. The theories employed will come, among others, from philosophy, anthropology, psychology, sociology, legal studies, and political theory. The core of the method is to arrive at as consistent normative conclusions as possible by adjusting and weighing judgments and principles against the background of aforementioned theories. Despite its limitations, this method makes it possible to arrive at credible normative proposals that are consistent, socially acceptable and practically feasible.

Reasons for the research. Despite its major significance for most moral issues within biomedicine, human body is usually undervalued or ignored in bioethical literature, and if it is mentioned, it is in discussions of the concepts of health and disease, disability or the experience of illness. No convincing conceptualization of the person-body relation has been offered so far, although there are attempts that initiate the debate. The aim of the project is to formulate such a conceptualization through delivering innovative conceptual, theoretical and normative solutions, which may significantly contribute to changes in or adoption of more adequate regulations. The project will make it possible to develop a conceptual framework that is useful for analysis of such theoretically and socially important normative issues as acceptability of compensation for various forms of “biowork” or its acceptable risks. A new view of informed consent and its analysis in the context of use of human body, its parts or bodily services will allow for formulation of conditions of validity of consent with reference to the kind of biomedical intervention envisaged. An adequate and coherent conceptual framework can contribute to development of normative foundations of the ethics of transplantation, procreative medicine and human research.