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# Bioética en perspectiva postsecular

Tesis doctoral

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# INTRODUCTION

The division today is not between believers and non-believers. Rather, it is between those who see violence as the solution to the world's problems, and those who recognize the urgent need for a more just and peaceful international order (Beattie, 2007: 92).

How can we deal with religious beliefs and religious identities in a plural world? This question encapsulates the driving force of this work. The answers may be many; in fact, they will be, as can be seen in the upcoming pages. However, the core of my proposal is related to the quote above: there are too many identities and intersections among human beings to reduce them just to the religious-secular relationship. In this regard, the concept of “postsecular” will be an attempt to reconcile some of these religious and moral identities in bioethics, and specifically, in the abortion debate.

## 1. Motivation

The seed of this work germinated some years ago through a few questions which can be summarized as follows: What should be the place—if any—of religion in the public sphere of the secular states? Why should space be given for religion into the public debates, especially when religion is a dogmatic corpus of beliefs, and the opposite of the pluralistic, dialoguing spirit of democracy? How can *secular people* make religious peoples understand their arguments are not taken as valid within *secular societies*?

These questions were framed in the context of religious opposition, specifically Catholic opposition, to legalize elective abortion in Spain during that that time (2010), as well as other countries in previous periods. In this regard, my position had been fairly clear: religious reasons should not hinder public debates, such as in the case of abortion, since these reasons are “conversation-stoppers” (Rorty, 1999: 168-175).

Thus, at the beginning, the theoretical framework of this work was a defense of *secularism*, here understood as a clear-cut separation between the secular public life and the private religious beliefs. Essentially, to push religion aside from public matters for the sake of democracy, and, in specific debates as the one of the abortion, also for the sake of equality for moral agents.

This view led me to write my master's thesis, at the University of Oviedo,<sup>1</sup> about the implications of the idea of “postsecular”, as had been understood by Jürgen Habermas (2002; 2006; 2009; 2009b). The thesis, entitled *Religion and Public Sphere in Jürgen Habermas: a Secularist Critique*<sup>2</sup>, mostly focused on one aspect of his postsecular theory: the condition of translating the religious arguments into the secular ones as a cooperative task between believers and not believers in the informal sphere (Habermas, 2006).

In this sense, I disputed the possibility, the usefulness, and the goals of the cooperative translation for public deliberation. My conclusion was that the “postsecular perspective” failed mostly because religious arguments could not serve for a common and secular goal. For instance, I took for granted that religious people would never accept same-sex marriage, or the abortion legalization, due to their beliefs. Therefore, religion as an “irrational and unreasonable instance” should be excluded from these public debates to reach reasonable agreements.

However, I then overlooked some issues of the postsecular which would be crucial to the current PhD thesis, and incited the origin of the current research. The most important of these issues are the following:

- a) I had a narrow view of the meaning of “religious beliefs” as if they were monolithic, unchangeable instances. Since then, new questions arose. What makes the “beliefs” as particularly religious, in that they reflect religious texts or an official position of a religious authority? Is there a difference depending on the source? This led me to explore the distinction between religious sympathies, identities, and narratives, and its institutional organization (Luckmann, 1967: 18). I understood it was necessary to keep both dimensions separated to analyze their actual implications.
- b) I had to explore other possibilities of the term ‘postsecular’ as I had taken for granted that it was coined by Habermas in 2001, overlooking other meanings. To this end, one of the main findings of this work is the root of the postsecular in American Jewish theology during the 1970s (Borowitz, 1970; 1970b; Fackenheim,

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<sup>1</sup> Supervised by Dr. Francisco Javier Gil Martín, in the Master *Philosophy of Present*, at University of Oviedo, during the academic year 2010/2011

<sup>2</sup> Published as a chapter of book. Roldán Gómez, I. (2012). “Religión y esfera pública en Habermas: una crítica secularista”, en Nunes Da Costa, M. (ed.). *Democracia, Mass Media e Esfera Pública*. Minho: Humus. Universidade do Minho

1972)<sup>3</sup>. This original meaning and subsequent ones (Parmaksiz, 2016) led me to broaden my perspective on the relationship between the secular process and the religious communities into it. In this regard, the concept of *accommodation* of these communities in secular states would be the key to develop my subsequent research about this topic.

- c) With reference to the subject above, I explored other ways to use the “translation,” specifically in the opposite direction. I had realized the translation of religious arguments into secular ones failed because the *ideological core* of the argument remained the same. So I raised some questions: Is it possible to translate likewise the secular core of principles, such as autonomy, into religious narratives and discourse, in a way that would make it accessible to all peoples? With specific regard to the abortion debate, is it possible to defend the principle of respect for reproductive autonomy *within* the religious communities and not against them?
  
- d) The last question led me to frame my proposal of the postsecular in the field of bioethics, for two reasons: the configuration of the discipline, and its topics.
  - First, the *discipline* of bioethics is shaped not only by technical aspects, but also by social and political dimensions, navigating the gap between formal and informal spheres: public debates, international reports, the work of national committees and commissions, etc. Such double character –formal-informal– makes hard to draw a clear line between the secular arguments and the religious ones. Thus, bioethics seemed a proper context to examine the possibilities that a postsecular perspective offers.
  - Besides, some *topics* of bioethics –among them, abortion– touch sensitive issues that have been treated traditionally by religions. Issues like the beginning and the end of life have been a great part of rituals in all religions. Therefore, when the limits of life and death could be blurred by medical and technological advances, diverse theologies had something to say (Jonsen, 1998: 35). That’s why the first time Habermas used the term ‘postsecular,’ it was with regard to a bioethical debate: the eugenic one

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<sup>3</sup> The result of this part of the research has been published in: Roldán Gómez (2018). “Lo postsecular: raíces judías”. *Ágora. Papeles de Filosofía*, 37, 1, pp. 235-256

(Habermas, 2002). Consequently, the relation between bioethics and the postsecular seemed appropriate.

e) Thus, to develop the “postsecular bioethics” argument, I started by analyzing the normative base of the discipline, that is, the classical principles of bioethics (Belmont Report, 1979; Beauchamp & Childress, 2001). In this regard, I noticed two issues.

- The context where bioethics was born –into the American, pragmatic, liberal society– might affect the manner of conceiving principles. For instance, “autonomy” might be thought as a principle (the respect for autonomy), as well as a value (promotion of an individualistic lifestyle). Therefore, depending on the normative level, the concept fits well, or not, into the multiple bioethical contexts (committees, commissions, doctor-patient relations, etc.).

In this regard, the cultural critique of bioethics (Campbell, 1999; Widdows, 2007) or the feminist one (Rawlinson, 2001; Sherwin, 2008), are just a symptom of that possible ambiguity. In sum, the normative base of bioethics is shaped by principles and values, and sometimes they may overlap. Which are the “secular principles” and which are the “religious values” in this scenario?

- This question is all the more significant when extending the scope of bioethics. The global trend of the discipline, expressed in some documents (UNESCO, 2005), reveals a deep chasm as a result of the “plural societies”: It is necessary to develop a common core of principles to guide the practices of research or clinical ethics. It means that *transversal principles* are needed. But still, they must be adapted and accommodated into the diverse contexts.

In sum, the proposal of a “postsecular bioethics” departs from this conflicting demand: 1) the need to revisit principles of bioethics due to its global trend and its encounter with specific religious values; and, 2) the need to keep principles as the transversal instrument for the discipline.

Therefore, the starting point of this research is also a question, as it was at the beginning, but a more specific one: Is there a way to bring together secular principles and religious values for public and transnational bioethical debates? If so, what should be the procedure?

## 2. Hypothesis

The proposal of the “postsecular bioethics” must be understood with this background. In this regard, it may be defined as a normative model based on two premises. On the one hand, it is a clear defense both of the secular principles of bioethics and the secular institutions from which public politics are derived. This condition serves on a national level as well as on an international one. Thus, international documents like the *Universal Declaration on Bioethics and Human Rights* (2005) should be based on *transversal* concepts, *prima facie* understandable with no religious justification. This is the condition to make the “opposite translation”. In this sense, I rely on concepts such as “respect for autonomy” instead of “dignity,” because the latter is flooded with a religious burden which might push other principles aside.

On the other hand, the “postsecular bioethics” is a *recognition* that some dimensions of religion are important for a great number of persons in the world (Moghadam, 2003). This is a fact which cannot be simply ignored neither in the project of a “global bioethics” nor in the context of plural societies. Here, I attempt to translate those principles into religious discourse, or what I call “opposite translation.” That means the mere exclusion of “religion” from bioethical debates is not enough to deal with some visceral disagreements. On the contrary, it is necessary to differentiate between the ideological core and the religious one of these disagreements. This will be one of the objectives of the present work.

Both conditions are in turn linked to the theoretical meaning of “postsecular” which I develop in this work. This is based on a review of the chronological etymology of the term, beginning in the 1970s. The original meaning and the subsequent ones shed light on the manner in which “postsecular” might be used in bioethical debates.

### 2.1. Implementation

The two conditions above constitute the theoretical framework of the proposal. Since the discipline of “bioethics” is shaped by multiple debates and dimensions, it is necessary to specify where a postsecular perspective might be useful. In this sense, I focus on the abortion debate because it is the one that best expresses the clash between the secular principle of autonomy and the religious value of life (*dignity of the unborn*). But, is this clash that fundamental? Where is the core of the specifically religious opposition to abortion?



Through the legal, moral, and religious analysis of three different countries –United States, Israel, and Spain—I argue that the reasons for opposition to abortion are always diverse. The religious reasons of the debate change in each context and also are linked to other cultural and social phenomena. In this regard, there is not a “sacred core” against the right to abortion in the analyzed religious doctrines, but an ideological resistance to women’s autonomy.

This leads to the following. It is said that religious traditions can preserve intact something that has been lost with the secular process (Habermas, 2006: 116). However, should that “something” be an unequal gender system? The different abortion debates and the reasons involved illustrate well this point.

With this background, my postsecular proposal for the abortion debate is a departure from the principle of autonomy to be translated into the different religious languages and narratives. In essence, it deals with implementing the gender perspective within the religious communities.

### **3. Justification**

How could a postsecular perspective be useful as I develop it for the abortion debates? In this regard, two dimensions have to be taken in account. One is the normative revision of the discipline (Moreno, 2005), linked to its global trend (UNESCO, 2005), which implies that principles of bioethics should be revisited. For instance, the concept of autonomy should not be thought just as a “liberal value” to be exported to other contexts. In this sense, it is necessary to extend the normative scope of principles while maintaining its procedural strength. Eventually, the postsecular perspective joins in this revisiting trend, along with the feminist critique or the cultural critique in bioethics. Overall, it is an attempt to reconcile elements which usually are presented as opposite: autonomy *vs.* life.

The usefulness of this postsecular perspective also can be justified by a recent phenomenon: the current political movements against abortion around the world. Just a glance in daily newspapers shows women’s reproductive autonomy is still highly debatable in several countries where apparently the right to a safe abortion seemed guaranteed by law.

For instance, in the United States, the retirement of the Justice A. Kennedy leaves vacant a position that, if Trump's threat manifests, could be occupied by an anti-choice Justice<sup>4</sup>. This may in turn potentially legalize abortion, and therefore significantly reduce women's reproductive control.

In Spain, there is a threat of reverting to more conservative positions. The recently elected president of *Partido Popular*, P. Casado, has expressed his concerns in respect to the "liberal abortion legislation"<sup>5</sup> in our country. Besides, he has stated that, if he will win the general elections, he would overturn the current abortion law<sup>6</sup>.

In sum, the abortion debate remains as a sore point in many countries' political agenda. Again and again, reproductive rights—if at all recognized—are called into question. On one hand, it is understandable if we consider a developing human life—the unborn—is at stake. Because of this, the abortion topic sparks many sensitivities, among them religious ones, where the concept of life is touched by a special significance. However, as I show in this work, life develops in someone's body: that of a woman. Thus, autonomy and life should not be thought as opposite elements, neither in the general theoretical debates nor in the specific theological debates. In this sense, a postsecular perspective is an attempt to reunite these elements within the religious communities.

#### 4. Goals

With the hypothesis and theoretical framework already outlined for this research, the following research goals can be summarized as follows:

1. To analyze the concept of "postsecular" as presented in literature, since its coining in the 1970s until today. The ultimate goal is to examine and compare the different uses—descriptive, normative—of the concept to delimitate it according to my proposal: as a normative model for bioethics.
2. To implement the concept of "postsecular" in the field of bioethics by analyzing the current normative situation of the discipline. Indeed, the project of a postsecular

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<sup>4</sup> GlENZA, J. & MORRIS, S. (24 June 2018). "These 24 States could ban abortion in two years". *The Guardian*. At: <https://www.theguardian.com/world/ng-interactive/2018/jun/30/abortion-supreme-court-law-anthony-kennedy> (last view: 28.07.2018).

<sup>5</sup> REMACHA, B. (23 July 2018). "Lo que propone Casado contra el aborto: volver a una ley de los 80 que ya tumbó a Gallardón". *El diario.es*. At: [https://www.eldiario.es/politica/propone-Casado-aborto-devolveria-Gallardon\\_0\\_795820692.html](https://www.eldiario.es/politica/propone-Casado-aborto-devolveria-Gallardon_0_795820692.html) (last view: 28.07.2018)

<sup>6</sup> *Ley Orgánica 2/2010, de 3 de marzo, de salud sexual y reproductiva y de interrupción voluntaria del embarazo*

bioethics will be proposed in the second chapter. In this regard, I will take into account the critiques of global bioethics to show why a postsecular perspective could be useful in this scenario.

3. To justify the meaning of postsecular that I propose for bioethics, I will analyze its genealogy and its internal consistency. The ultimate goal is to distinguish my proposal from other possible misuses of the postsecular in the field of bioethics. This is linked to the question of religion's place within the discipline.
4. To examine the usefulness of the proposal through specific bioethical debates. In this regard, I will focus on the abortion debate in three different contexts: United States, Israel, and Spain.

The final goal is to show the same postsecular perspective in three contextual abortion debates, which can help to avoid polarized instances while maintaining the normative strength of the principle of autonomy.

6. The implicit goal of this work is to articulate a defense of the right to abortion through religious languages, particularly within Christianity and Judaism, through their values, narratives, and doctrines. My spur is based on one idea: they are not unchangeable religious communities, but have unfair patriarchal ideologies built into them.

## **5. Methodology**

This work has two dimensions: one theoretical, one practical. With regard to the first one, the proposal of postsecular bioethics tries to link two fields usually separated. Thus, the main difficulty of this part of the work has been to find a common core to bring together the different bibliographical resources on these topics. This core has been finally found at the intersection between religious or cultural bioethics, the concept of postsecular and some practical debates as the ones as the abortion.

In this regard, I classified the literature –articles, books, chapters in books, websites– in two general groups, one regarding “postsecular;” another one regarding “bioethics.” In the former, I divided the information following two complementary criteria: a chronological classification, and a theoretical one, that is, by ways of using the concept: in politics, theology, sociology, and philosophy. In the latter, as it is a greater field, I focused mostly on the normative base of the discipline: the developing of “principles” since the birth of

bioethics in the 1970s until their current use in the international committees, reports, documents, etc.

Once the theoretical framework was organized, I transitioned into the practical debate that I wanted to analyze: abortion. This topic might represent why an ‘opposite translation’ is useful. To do so, I categorized the information often found in a double-intersection: the pro-choice/pro-life arguments in the debate, and the secular/religious approach into it. By doing this, I found the pro-choice religious arguments could offer me the key to develop a postsecular perspective for bioethics in the manner I understand it.

Finally, other secondary literature has been helpful to complete and improve my hypothesis. That literature included Sociology of Religion, especially on Secularization; Theology, especially Feminist Theology–Christian and Jewish; Jewish Thought and Jewish History; and Political Theory.

### **5.1. Methodological resources**

This work would not have been possible without the access to the bibliographical resources: books, journals, juridical texts, etc. In this regard, the Library of Law, Sociology and Philosophy *Francisco de Vitoria*, the Library of History and Geography, the Library of Medicine, and the Public Library *Casa de las Conchas*, among others, have been very helpful.

Besides, my research stays (June, July, August, 2015; June-July, 2016) at the Ben-Gurion University of the Negev (Israel) allowed me to access to the materials related to Jewish bioethics, Jewish secularism, and Jewish history. I especially appreciate the opportunity of accessing the bibliographical archives of The Ben-Gurion Research Institute for the Study of Israel and Zionism, as well as their electronic archives.

Several databases have been used in the course of this research. The most important have been: Philosopher Index, Web of Science, Web of Knowledge, JSTOR, among others. Also, some websites have been visited frequently: Catholics for Choice, Guttmacher Institute, The Immanent Frame, Santa Sede, the Central Bureau of Statistics of Israel, The Presidential Commission for the Study of Bioethical Issues, the Spanish Committee of Bioethics, etc.

Finally, this work would have been endless without the bibliographical and directional advices of my supervisor: Pf. Dr. María Teresa López de la Vieja (University of Salamanca),

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## **6. Terminology**

Some terms used along this work require to be specified. The most important one, the postsecular, will be explained in the first chapter. However, it is important to stress that overall I have used the term in its adjective form –postsecular– and I have tried to avoid other related terms such as “postsecularism” or “postsecularization” because they are more problematic in certain theoretical contexts.

On other hand, I have tried to be accurate in the use of some concepts, such as “religious beliefs”, “doctrines”, “sacred texts,” by specifying which one I am using. However, the use of the general term “religion” is related to the two main religious traditions I am analyzing in this work: Christianity, both Catholicism and Protestantism, if specified, and Judaism.

The term “abortion”, instead of “voluntary interruption of pregnancy”, is broadly used in this work because is the most common in the literature on the topic. However, in chapter six I have preferred to maintain the term “interruption of pregnancy” because in the juridical Spanish context it is more commonly used. Both refer to the same procedure. Generally, unless I specify the opposite, I use “abortion” as “elective abortion”, that is, the voluntary interruption of the gestation.

Finally, I have usually chosen the general term “unborn,” instead of “fetus,” “pre-embryo,” or “embryo” to avoid the complexity of the whole biological process. In this sense, “unborn” refers in this work to the biological life dependent on the pregnant woman.

## 7. Contents

The present work is divided into two general parts: one dedicated to the theoretical framework of the postsecular, and one to its practical implementation in abortion debates. The first part comprises three chapters. The first one, entitled “The postsecular”, is a theoretical map of the concept through its use as a normative and descriptive term, and some of the problematic implications. Here I define my understanding of “postsecular” according to some conditions which will be implemented into bioethics.

The second chapter, “Bioethics in postsecular perspective”, constitutes the proposal itself. Here I analyze some changes that have taken place in the discipline, according to two interrelated turning points in 2005: both the inner revision of the normative base of bioethics –the way of conceiving classical principles, the end of the basic compromises– and the global trend of the discipline, especially since its implementation through international documents as the *Universal Declaration on Bioethics and Human Rights* (UNESCO, 2005). I propose the postsecular perspective in this revisiting tendency as a way to reconcile transversal principles and specific religious values.

The third chapter, “Two uses of the *postsecular* for bioethics”, is a delimitation of the concept within the discipline, and especially in the public debates on medical and moral issues. The main goal of this section is to develop a genealogy of the concept to distinguish my proposal from other views on the place of religion in the discipline.

The second part of the present thesis is shaped by the practical examinations of the postsecular proposal. In this regard, I analyze in the next three chapters the theoretical, juridical, and social debate on abortion in three different countries: United States, Israel and Spain, since they represent three different approaches on the abortion controversy.

The fourth chapter, “Autonomy *vs.* dignity. Abortion debates in the United States”, is an analysis of the legal, religious, and bioethical situation in which this country regards abortion. Its particularity stems from the liberal values of privacy and negative rights, which determine the abortion debate. The postsecular outlook will be a way to enlarge the underlying principles of the debate to be better accommodated into religious communities.

The fifth chapter, “Autonomy *vs.* community. Abortion debates in Israel”, constitutes another point of view on these debates. In this context, the core of the dispute is not mostly determined by the value of the unborn, but by some criteria regarding the Jewish community: the reproductive function of women in the country, the intrusive legal and

social system on abortion, and the position of religious orthodoxy on it. The postsecular perspective will be an attempt to introduce the principle of respect for autonomy within the Jewish thought: through the feminist interpretations of the texts and the Jewish common values.

The sixth chapter, “Dignity and sexual and reproductive rights in Spain. Traces of an obsolete debate?”, is an analysis of the legal, social, and political debates on abortion in Spain. The peculiarity of this country is the –apparent– overcoming of the controversy, since the current law of reproductive and sexual health is based on an integral, not ideological, approach of the issue. However, the threat of regression toward conservative positions is still latent in the political agenda. My guess is that a postsecular view could help to reconcile polarized stances.

Finally, I will draw some conclusions regarding the results of my hypothesis and some possible applications for future research. The present work ends as it has begun: with several open questions, but eventually, perhaps, with more accurate ones. Thus, coming back to the opening quote, it might be asked: is the religious-secular the actual division in the abortion debate today?

## CAPÍTULO I. LO POSTSECULAR

En este capítulo he tratado de destacar varias cuestiones respecto del concepto postsecular:

1) Se trata de un concepto controvertido por los propios términos que lo forman. De este modo, lo postsecular depende en gran medida del modo en que se comprendan los conceptos “secularismo” o “secularización”. El debate puede llegar incluso más lejos si se tiene en cuenta que el propio concepto ‘secular’ es considerado una categoría epistémica que forma un *continuum* con la modernidad (Asad, 2003: 25). He preferido evitar este debate porque, para resolverlo satisfactoriamente, habría que ir a la génesis del mismo y, con ello, incorporar las diferentes filosofías de la historia –el debate sobre la modernidad entre Blumenberg, Löwith, por ejemplo<sup>1</sup>–. Considero que, para los propósitos de este trabajo, es suficiente con mantener una definición internamente coherente –aunque siempre discutible– de ‘secularismo’, ‘secularización’ y ‘postsecular’.

2) He propuesto una definición provisional de lo postsecular articulada en torno a tres ideas: la voluntad de inclusión de las tradiciones religiosas en los debates públicos; la defensa de las estructuras seculares de los estados democráticos; y, también, en aras de mantener la fuerza analítica del concepto, la presentación del mismo en tanto que concepto exclusivamente normativo. Este reclamo de normatividad se justifica a su vez por medio de un análisis de lo postsecular en la literatura sobre el tema.

3) Por ello, con el fin de justificar la definición provisional dada al inicio y las premisas de las que he partido, el tercer apartado ha estado dedicado al análisis de lo postsecular en la literatura. He partido de la interpretación del concepto que le ha dado Jürgen Habermas y de la recepción de la misma. El motivo de que haya elegido este método es que este autor, si bien no fue el que acuñó el concepto, sí ha sido el que le ha dado mayor difusión al mismo. Así, las revistas científicas con mayor índice de impacto, las obras colectivas sobre el tema, y las citas al respecto, relacionan lo postsecular en primer lugar con Habermas. Por ello he llevado a cabo una crítica del concepto, primero, como él lo entiende –como concepto descriptivo/filosófico/normativo– y, segundo, como ha sido recibido en la literatura.

4) He dividido los principales problemas del concepto en tres apartados: el primero de ellos es la ambigüedad, relacionada con el modo en que el concepto ha sido usado. A propósito

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<sup>1</sup> Para un análisis del mismo: Rivera García, 2012



de ella, he expuesto cómo el concepto se ha empleado como categoría sociológica para describir realidades empíricas muy distintas entre sí; también, como concepto filosófico para explicar las carencias teóricas y prácticas de la razón secular; y, por último, como concepto desde la filosofía/teología para reclamar una vuelta a la espiritualidad o a la trascendencia. La conclusión es que la ambigüedad proviene de la fusión de las tres dimensiones del concepto —la descriptiva, filosófica y normativa—. Ello me ha servido para señalar lo que considero el segundo problema del concepto: su carga ideológica. Al respecto, advierto del riesgo de emplear el concepto descriptivamente para, a la vez, legitimar el rol público de la religión. Asimismo, argumento que existen otras posibilidades genealógicas de lo postsecular no transitadas por sus intérpretes —lo que a su vez constituye el tercer problema del concepto: su sesgo conceptual—.

5) Para justificar la definición de lo postsecular dada al inicio, he acudido al origen del concepto, pues éste ofrece algunas claves de reinterpretación relacionadas con el sujeto al que puede atribuírsele la categoría ‘postsecular’. Con el fin de completar esta justificación, debería llevarse a cabo una genealogía del concepto que permita reconstruir las distintas fases del mismo. Con ello, se reforzará la definición que propongo y que articula este trabajo en el contexto de la bioética. No obstante, en aras de la claridad metodológica, desarrollaré tal genealogía en el capítulo tercero.

6) Lo postsecular en tanto que concepto normativo es el punto de partida de la definición de este trabajo. Por ello, he inscrito la propuesta de la traducción inversa en el debate abierto por Habermas y sus críticos acerca del lugar de la religión en la esfera pública. Se trata de una propuesta sólo esbozada, pues la misma debe ser completada por medio de ejemplos concretos. Éste será uno de los principales objetivos, es decir, incorporar la propuesta de lo postsecular en debates bioéticos como los del aborto en distintos contextos: sociedad religiosa/Estado secular (Estados Unidos); sociedad secular/ Estado secular (España); sociedad religiosa/Estado semi-secular (Israel). A partir de este marco teórico cabe entender la propuesta de una “bioética en perspectiva postsecular” que da título a este trabajo.

7) El debate sobre el aborto enlaza a su vez con lo postsecular a partir de la perspectiva de género. Por este motivo, he creído necesario señalar distintas propuestas que se están llevando a cabo desde las teologías feministas y que pueden ser leídas en clave postsecular en el sentido en que lo planteo. A lo largo de este trabajo volveré a la producción de estas

autoras para conectar algunas de sus ideas –teología postsecular feminista, autonomía, agencia– con los propósitos del mismo.

## CAPÍTULO II. BIOÉTICA EN PERSPECTIVA POSTSECULAR

No hay cultura, ni religión monolítica, sino acallamiento de los disidentes que no tienen opción por falta de procedimientos democratizadores a ser oídos y a construir diversas voces colectivas (Guerra, 2006: 103).

El trasfondo del que parte este trabajo es la ruptura del consenso en torno a los presupuestos de los que emergió la bioética como disciplina en los años setenta. Para mayor claridad metodológica, he dividido tales presupuestos en distintos apartados, si bien todos ellos son interdependientes. Tal interdependencia se explica por la ideología liberal de la que se nutren, entendiendo ‘ideología’ como un conjunto de ideas que justificaron y pusieron en marcha el modelo normativo y político estadounidense de la bioética.

Por consiguiente, el punto de partida de este trabajo es una encrucijada: ¿es posible articular un modelo normativo para la bioética que sea al mismo tiempo inclusivo y representativo? La propuesta postsecular aquí desarrollada se basa en que ese modelo es posible sólo a partir de principios seculares que sean al mismo tiempo transversales. Partiendo de esos principios, se puede<sup>1</sup> *a posteriori* llevar a cabo una traducción inversa, de tal modo que otras identidades –religiosas, culturales– encuentren acomodo, y se vean reflejadas, en los principios comunes –y ampliados para que trasciendan el enfoque liberal– de la bioética.

La idea de fondo que motiva esta propuesta coincide con la cita que abre el apartado: las religiones, y sobre todo los miembros de esas religiones, no son monolíticas, pueden adaptarse, y acomodarse a principios de igualdad, de justicia y de solidaridad.

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<sup>1</sup> La cuestión de quién debe llevar a cabo esa traducción es una cuestión aún abierta. Desde mi perspectiva, el trabajo de interpretación (Beattie, 2010; Sowle Cahill, 2006: 51-54) llevado a cabo por las teólogas hasta la fecha indica que ellas son las agentes más capaces de realizar esta traducción. Otra cuestión es dónde debería llevarse a cabo. Al respecto, considero que el ámbito académico es el más adecuado para esta tarea, porque las discusiones pueden ser más especializadas, menos ideologizadas. Sin embargo, sería interesante que estas discusiones, interpretaciones, fueran visibilizadas, también, en la esfera pública informal, a través de los medios de comunicación, internet, o aprovechando la portavocía de las asociaciones ciudadanas.

### CAPÍTULO III

## DOS USOS DE LO POSTSECULAR PARA LA BIOÉTICA

Todos los sentidos –éticos, políticos, filosóficos– analizados de forma genealógica en este capítulo se han sedimentado en el concepto de lo ‘postsecular’ en la actualidad<sup>1</sup>. Por este motivo, puede decirse que se trata de un concepto polisémico. Y, también por ello, resulta tan complicado ofrecer una sola definición del término que zanje las controversias asociadas a él. Por ejemplo, ¿qué se pretende superar, o completar, o anular, con el *post-* del concepto?, o bien, ¿qué dimensión de ‘lo secular’ debe mantenerse y cuál revisarse y por qué? Ya he explicado mi postura respecto a estas cuestiones en el primer capítulo, por lo que no volveré sobre ellas.

Ahora me interesa destacar que, dependiendo de la perspectiva que se asuma, las implicaciones para el discurso bioético serán muy distintas. Si se parte de una concepción de lo postsecular como una enmienda a la totalidad, lo secular tendrá que ser revisado en todas sus dimensiones –ética, política y filosófica–. Éste es el motivo de que lo secular se relativice y se convierta en una cosmovisión más, entre otras. Tal es la postura de algunos autores como Pellegrino (2009) o Biggar (2014).

Sin embargo, existe otro sentido de lo postsecular, el que quiero recuperar para este trabajo. Éste no está basado en una elección de un momento u otro del concepto, si bien toma algunos elementos del sentido originario –la dialéctica entre lo secular y las comunidades religiosas–. Más bien, el sentido de lo postsecular que defiendo se justifica por medio de una distinción analítica entre los siguientes elementos:

- Por un lado, en la secularización como necesario proceso de diferenciación entre religión y estado. Ello, en bioética, cristaliza en el desarrollo de políticas públicas no fundamentadas en contenidos religiosos –ni siquiera traducidos a lenguaje secular, por lo que ya he explicado en el capítulo anterior–.
- Por otro lado, en el proyecto secular, entendido de forma transversal. Ello, en bioética, se expresa en la articulación –y revisión– de aquellos principios éticos que podrían vincular la disciplina de forma global. Esta revisión estaría basada en una traducción inversa –a lenguaje religioso– de algunos principios, como la autonomía, que resultan esenciales para defender ciertos derechos.

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<sup>1</sup> Hay algunas obras colectivas que recogen esta variedad de significados (Braidotti et al., 2014; Calhoun, 2011; Gorski et al., 2012; Loobuyck, en Rectenwald et al., 2015).

Este sentido de lo postsecular ya tiene algunos precedentes –aunque todavía como propuesta embrionaria– en el trabajo de Bill Martin y su ‘contribución postsecular al debate sobre el aborto’. Mi propuesta, en lo que sigue, consistirá en implementar el concepto de lo postsecular por medio, también, del debate sobre el aborto, y a través de un análisis contextual: en Estados Unidos, Israel y España.

La elección de estos tres países se justifica en que cada uno de ellos representa un modelo distinto con respecto a las políticas del aborto<sup>2</sup>. En Estados Unidos, se sigue un modelo de ‘política obstaculizadora’, en la medida en que el Estado reconoce el derecho a la autonomía reproductiva pero no se compromete a proveer los medios para cumplirla. En Israel, la política sobre aborto es de tipo intrusiva, en tanto que las elecciones reproductivas están sometidas al escrutinio por parte del Estado. En España, las políticas al respecto son, hasta el momento, facilitadoras, pues la interrupción voluntaria del embarazo se enmarca en el enfoque de la salud sexual y reproductiva y constituye una prestación social.

En suma, los tres países representan tres modelos legales diferentes. Sin embargo, un análisis más profundo revela que tales modelos están a su vez conectados a otras razones – culturales, religiosas, sociales– que determinan también el debate sobre el aborto. A estos análisis estará dedicada la segunda parte de este trabajo.

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<sup>2</sup> He seguido, para ello, el modelo de análisis de las políticas de aborto desarrollado por Yishai (1993b).

## CAPÍTULO IV. AUTONOMÍA, PRIVACIDAD Y DIGNIDAD DEBATES SOBRE EL ABORTO EN ESTADOS UNIDOS

La perspectiva postsecular aquí planteada, para los debates que han tenido lugar en la sociedad americana, supone una forma de cohesionar mediante principios seculares doctrinas comprensivas diversas<sup>1</sup>. El modo de hacerlo implica también una suerte de aprendizaje mutuo (Habermas: 2006:115), una “ganancia de sentido” si se quiere, sólo que la traducción se efectúa en sentido inverso: no de lo religioso a lo secular; sino de lo secular a lo religioso.

¿A quién sirve este tipo de traducción que aquí propongo? No a la sociedad en su conjunto, sino a las propias comunidades religiosas: para que puedan integrarse en la sociedad secular, aceptando los principios vinculantes de la misma, pero sin renunciar a sus propias fuentes de creación de sentido: sus creencias, sus códigos y su lenguaje.

A este respecto, el planteamiento *extensivo* del modelo –formulado por Habermas– sobre la “carencia de sentido” a toda la sociedad es generalista, no está justificado y, además, se torna problemático en debates como el del aborto, como ya he señalado.

Ahora bien, la propuesta alternativa de lo postsecular aquí desarrollada no ignora que algunas comunidades necesiten un recurso de sentido *añadido* en dilemas morales como los del aborto. Y el hecho de que el no nacido sea una *vida* potencial problematiza el debate. Pero no es necesario suprimir esta complejidad. La propuesta defendida es que puede encontrarse una solución de compromiso entre esos valores –y lo que significan quizá de forma *más profunda* para los creyentes– y el mantenimiento de principios como el de autonomía.

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<sup>1</sup> Podría ser interpretado como un “consenso por solapamiento” en el modo en que Rawls lo presenta (Rawls, 1996: 133-153), pero no sólo desde un punto de vista político, sino también moral, como refuerzo de valores vinculantes.

## **CAPÍTULO V**

### **COMUNIDAD Y AUTONOMÍA**

#### **DEBATES SOBRE EL ABORTO EN ISRAEL<sup>1</sup>**

En Israel, la oposición al derecho al aborto electivo se produce desde varios frentes, no sólo el religioso. Así, los intereses demográficos nacionales o la permanente memoria del Holocausto contribuyen a generar un *éthos* pro-natalista que se manifiesta tanto en las políticas públicas como en el clima social.

A lo largo de este capítulo, he tratado de mostrar que las razones de esta oposición al derecho al aborto son de carácter ideológico –una ideología patriarcal– más que de carácter cultural, doctrinal, o incluso pragmático. En este sentido, los ‘textos sagrados’ parecen ser más versátiles que las ideologías patriarcales.

La propuesta postsecular para el debate sobre el aborto en Israel está basada en un cambio de enfoque: partir del principio de autonomía a la hora de reabrir el debate público sobre el aborto. Esta perspectiva se encuentra con algunos escollos en el contexto israelí, como por ejemplo la no separación entre autoridad religiosa y Estado, lo cual incumpliría una de las condiciones de lo postsecular: la defensa de instituciones seculares, emancipadas de la religión.

Sin embargo, el cambio de enfoque sí resulta relevante para extraer otras conclusiones generales. Desde una perspectiva contextual, en el caso de Israel, permite reinterpretar los presupuestos de la ‘comunidad’ de tal modo que no aparezcan yuxtapuestos a principios transversales como la autonomía.

Pero, más importante aún, el cambio de enfoque permite reinterpretar el debate sobre las posibilidades de articular una bioética global. En este sentido, he intentado mostrar que las ‘comunidades morales’ no son inconmensurables y, por tanto, se podrían enunciar principios compartidos. Prueba de ello es que incluso el pueblo judío, que se ha mantenido a lo largo de la historia como ‘comunidad’, cerrada sobre sí misma, es permeable al principio transversal de la autonomía. Pero los resultados de este trabajo serían sólo el punto de partida para futuras investigaciones de otros contextos, por lo que las conclusiones sólo alcanzan hasta este punto.

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<sup>1</sup> Algunos de los resultados de la investigación del aborto en Israel han sido publicados con el título “Entre la ley y la praxis: el aborto en Israel” (Roldán Gómez, 2017b).

## CAPÍTULO VI

### DIGNIDAD VS. AUTONOMÍA REPRODUCTIVA EN ESPAÑA HUELLAS DE UN DEBATE... ¿*SUPERADO*?

En España el debate jurídico y social sobre el aborto se ha caracterizado por una resistencia moral basada en el –ponderable– derecho a la vida del no nacido. Esta ‘resistencia’ puede localizarse en dos niveles: tanto en el legal, con el intento de reforma de la vigente ley, como en el informal, con las posibles obstaculizaciones a la prestación del servicio, a través de las ‘objeciones en bloque’ de algunas instituciones sanitarias. En este contexto, el ‘derecho a la vida’ parece ser el último bastión moral para no reconocer los derechos de las mujeres.

Sin embargo, he mostrado que esta resistencia no se basa en un razonamiento moral, sino en un presupuesto ideológico que vincula la sexualidad con la obligación de la reproducción. Desde un punto de vista teórico, este enfoque no resulta consistente, pues el resultado es un juego de suma cero en que se anulan uno de los dos términos: mujer *vs.* no nacido. Desde un punto de vista práctico, genera déficits democráticos en tanto que limita los derechos de las mujeres.

Por el contrario, el enfoque de los derechos sexuales y reproductivos parte de un concepto de salud, integral, que no se deja reducir a disyuntivas irreconciliables. En este modelo, la salud sexual no se entiende sin la autonomía reproductiva, y viceversa. Por consiguiente, se trata de una perspectiva más pragmática, más empírica y, por ello, más beneficiosa en democracia.

La introducción de la perspectiva postsecular, en este contexto, podría sintetizarse a partir de una doble condición que trata de equilibrar los elementos en tensión: 1) no excluir del debate a los grupos religiosos *qua* religiosos; 2) mantener la autonomía reproductiva como principio transversal y, para las mujeres, emancipador. En suma, no se trata de defender argumentos *racionales* en tanto que seculares, sino *razonables* en tanto que democráticos.



## VII. CONCLUSIONS

The hypothesis proposed at the beginning of this thesis has been contrasted with data, specialized literature and documents. In this regard, the religious-secular dichotomy does not seem to be the only reason for the lack of recognition of women's reproductive rights. But still, some final questions and conclusions may be considered.

Why some religious arguments are used as a shield against democratic principles such as respect for autonomy? Is there something unassailable in doctrine or texts, which impedes the defense of autonomy *for women*? In this regard, the main conclusion of this work is that 'religion' –which is not only *believing* but also *belonging* and *behaving*– should not be reduced to its ideological and patriarchal interpretation. In this sense, the abortion debate, transnational and contextual, reveals ideological opposition to women's autonomy goes beyond religious reasons. The challenge is how to solve this problem. The main findings are as follows.

### 1. The postsecular turn in bioethics

The 'postsecular perspective' in bioethics has been presented as a normative proposal in accordance to the global normative revision of the discipline. The core of this project can be understood from a main question: how can we articulate a transnational model for bioethics being at the same time *inclusive* and *representative* to all? In this regard, two factors have to be considered.

On the one hand, the global trend of bioethics requires adapting their normative principles into the specific religious and cultural contexts. The meaning of the 'principles of bioethics' has to go beyond the 'American, pragmatic, androcentric values' in which the discipline was shaped. This implies to implement them into the specific communities, with their languages, narratives and codes.

On the other hand, it is important not to fall into a relativistic point of view stemmed from the apparent incommensurability among moral communities. The main reason to insist on this point is that to renounce a common core of principles in plural societies, with diverse and sometimes clashing worldviews, would be a high price to pay. In such a way, keeping transversal principles as autonomy into the bioethical discourse is not only necessary from a normative point of view. Also, it means maintaining democratic standards with regard to

the women's position in plural societies. The abortion debate exemplifies well this point. In this sense, no good life's project for women can be accomplished without the possibility of their reproductive choice.

With this background, a *postsecular turn in bioethics* would have two implications. From a global point of view, it would imply a revision of the normative corpus which articulates the international documents such as the *Universal Declaration on Bioethics and Human Rights* (2005). In this context, concepts as the one of the 'dignity' does not seem to be useful to reach agreements in some specific debates, such as the abortion one.

This has been analyzed by with the contextual examination of abortion debates in three different countries: The United States, Israel and Spain. In these debates, the concept of 'dignity' does not serve as a normative principle due to two reasons. First, when it is used in the legal or political abortion controversy –*dignity of the unborn*–, it might push other principles as autonomy aside. In this point, it is worthy to ask if democratic societies could be considered as such when half of their members –women– lacks reproductive autonomy. In the second place, 'dignity' is not a useful concept in some specific contexts as Israel, where the *dignity of the unborn* is not the core of the debate. In sum, even used as a secular concept, dignity would not be useful because of its ideological burden.

Conversely, I have proposed the concept of autonomy as a transversal principle for the abortion debate. In this regard, 'respect for autonomy' should not be understood as an attempt to export 'Western, liberal values' to other scenarios. Why? As I have argued, 'respect for autonomy' –reproductive autonomy– is a *transversal* principle. So, it can be translated into some narratives and religious languages. The only condition is that the moral agents involved –women– can indeed participate into the translation. Thus, the postsecular outlook developed in this dissertation is linked to the gender perspective. The underlying idea is that 'religion' should not be understood as an exclusive patrimony of men.

## **2. Some final considerations**

With this background, it might still be asked: why postsecular? Why to use such a complex concept for the field of bioethics –with its own complexity–? Several reasons can be extracted along this work.

1. The postsecular is a complex concept, shaped by multiple meanings. However, some of them might eclipse others, as usually happened with the meaning proposed by Jürgen Habermas. This meaning has had a great scope in the literature. According to such fact, my hypothesis is that the postsecular should not be understood as a renouncement neither of the secular state nor the democratic principles which guarantee it. In this regard, the ‘secular’ into the ‘postsecular’ constitutes the *sine qua non* condition to make the concept senseful.
2. On other hand, religion turns out to be important for a significant numbers of persons in different contexts. To try to push ‘religious beliefs’ aside from public arena –social public, theoretical debates – just with the premise that they are not ‘secular’ does not help to reach agreements. In this regard, it must be stressed that the gender perspective crosses also the dichotomy religious/secular.
3. The strategy of the opposite translation should be understood from this point of view. To translate transversal principles as autonomy into the particular religious languages or religious narratives might be useless for the society *as a whole*. However, it is a necessary strategy in order to reinforce the meaning of autonomy (women’s autonomy) *within religious communities*.
4. By taking into account the above considerations, a postsecular perspective for the abortion debates does not mean to face *autonomy* in front of *dignity of the unborn* as irreconcilable extremes. Moreover, it would be impossible if we consider the intimate and deep relation between the unborn and the pregnant woman; and the changes that it makes in her body and life. Therefore, in this debate, autonomy could only be understood as a relational concept.
5. This hypothesis has been contrasted with three contextual analyses. Different criteria underlie the legal, political and religious debates on abortion. However, the reluctance to accept women’s reproductive autonomy seems to be the same everywhere.
6. In the United States, the abortion debate has been determined by a strong opposition between the absolute defense of the life of the unborn and the *privacy* of women since their bodies *belong* to them. I have claimed that this dichotomy does not help to reach reasonable agreements because it does not capture the core of the topic. The own body is not a mere ‘property’ and the unborn is not an object emancipated from the woman’s body. In this regard, it is necessary to insist on the strong sense of autonomy, beyond its liberal non-interference sense. Only in that

way, the concept of autonomy could be senseful for communitarian contexts, as the religious ones.

7. In Israel, the abortion debate lacks the ‘dignity of unborn’ issue. Conversely, other topics –the reproductive role of women, the demographic struggle between Arabs and Jews, the religious mandate for ‘being fruitful’– frame the debate. Through the legal and theological analysis, I have concluded that the reluctance to the abortion right is not really based neither on ‘religious reasons’ nor on practical ones, but rather on an ideological shield against women’s autonomy.
8. Finally, the Spanish legislation on reproductive and sexual health and the voluntary interruption of pregnancy (2010) constitutes an example of how dignity of the unborn and the women’s reproductive autonomy can be reconciled. The unborn can be protected –through a law based on time limits– and women’s autonomy too. However, once in a while, the threat of regression toward more conservative stances comes back to the political agenda. Through the analysis of the abortion draft bill from 2014, I have argued that the attempt of protecting fetuses with restrictive legislation fails. In this regard, we have to remind, one more time, why women’s health cannot be at stake just because of the ideological struggle of some political groups.
9. In sum, religion –all its dimensions– and women’s autonomy should not be thought as separated instances. Otherwise it would be an implicit way to say that religious experiences belong only to men, and that they have to be guided only by men. Would it be possible to exclude the half of humankind *also* from here? I hope not.

### **3. On the horizon**

In this work I have tried to develop a postsecular normative model for bioethics through some theoretical and practical considerations. In order to defend the analytical strength of the proposal I have implemented such model in the abortion debates in three specific contexts. In this sense, it is just a modest proposal and it is localized just in these places. From here on, some questions might arise: could be a postsecular perspective useful for other bioethical debates –for instance, stem cell research, organ donation, surrogate motherhood–? Which could be the underlying secular principles in these debates? How could they be translated into religious languages?

On the other hand, I have just focus on the Judeo-Christian traditions. However, could we translate the bioethical principles into other religious languages: Islam, Buddhism, Taoism...? Finally, how can we articulate a global bioethics without falling into a 'moral colonialism' or without conceiving moral communities as isolated monads? As at the beginning, open questions remain. I hope that future research could offer some possible answers.

