

# Global Bioethics as an Inter-cultural Social Tuning Technology

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**(1) Introduction:** In the last decade I have worked to develop and publicize Bioethics in Japan and in Asia, especially East Asia. I first founded the Japanese Association of Bioethics in Tokyo in 1989, and then in 1995, I organized the East Asian Association of Bioethics, in Beijing, China to expand the movement of Bioethics to Asian region. After ten years activities of these two Associations, I have come to believe that Bioethics is now, at the end of the 20<sup>th</sup> Century, confronting a big turning point, i.e., it is turning from traditional western Bioethics to a new Global Bioethics towards the 21<sup>st</sup> Century, and it requires now a new background philosophy as well as methodology and policy for its globalization. Then, what should we hope for in the new Global Bioethics?

## **(2) Western bioethics as a technology assessment of modern scientific innovation**

To begin with, I will examine the essential nature of the Western bioethics. In the Western world, bioethics, distinguished from the medical ethics, emerged only in late 1960's, when at the culmination of "Innovation" of science and technology, the movement of "Technology Assessment (TA)" was promoted in the advanced nations, especially in the U.S.A., being afraid of unexpected harmful effect of modern or contemporary development of sciences and technologies including, especially, bio-sciences and bio-technologies. I assume the very original idea of Bioethics was brewed as one of the byproduct of this movement of Technology Assessment as implicitly shown in the V.R. Potter's book *Bioethics, Bridge to the Future*.

Now, what was the criterion to assess science and technology at that time,



i.e. 1960's to 70's? I assume the criterion in the Western world at that time was clearly the moral standard of "modern humanism", thus some sciences and technologies were rejected because they were anti-humanistic. Now, however, what is the nature of humanism here? Historically speaking, the "humanism" in the Western world was rather "human-centricism" or "citizen-centricism" which was, as its natural consequence, backed up by the human "frontier mentality" according to Daniel Chiras's naming. Also, this humanism was fortified by the modern idea of 18th century philosophy of, say, I. Kant. Thus, "person" is identified as a rational being and therefore a human being, as a person, is free and given the human rights, especially the fundamental human rights, such as heroic freedom to conquer Nature in the extreme.

At the first stage of the Technology Assessment movement, the criterion of the assessment was clearly to protect "human being" from technology disasters, and this aim was easily identified with protection of human rights. This general mood reflected on the bioethics of the first stage describing "bioethics" as "the way to protect human rights and human dignity from the invasion of bio-technologies" and through the course of debates on this issue, the traditional paternalism such as political paternalism and scientific paternalism including medical paternalism, was severely rejected, and instead, "self determination", "informed consent", "patients' rights" etc. were recommended. In this stage, almost all issues of bioethics were treated by this principle, i.e. "protection of human rights". For instance, in the U.S.A., "bioethics" often meant the "establishment of legal system about bioethical issues" from the viewpoint of human rights.

### **(3) A Turing Point of Bioethics in 1980's to 90's**

However, bioethics came to a big turning point in 1980's and 90's This was brought by, firstly, the extremely rapid development of genetics and secondly, by the rise of environmental approach to bioethics, and thirdly, by the participation of Asian (or non-Euro-American) paradigm.

First, in the end of 20<sup>th</sup> century, we almost obtained the ability to manipulate human genes or genomes, by the way of recombinant DNA, i.e. the ability to alter



the genetic character of a human body artificially. This technology made the gene therapy possible. And also very recently, we have almost established the possibility of human cloning, showing the reproductive omnipotence of bodily cells of all animals. These imply the possibility of “artificial evolution” to alter humankind to another kind than it is, or on the contrary, not to alter it (by using the cloning technology) and reject the possible natural evolution according to our manmade objectives of our own value system. Now I will propose to introduce a new concept of “Artificial Evolution” contrasting to the ordinary concept of “Natural Evolution”. Here, a new philosophy is badly needed to back up these new technologies of the artificial evolution in relation to the concept of fundamental human rights.

Now, does this technology violate fundamental human rights? The Council of Europe of EC in this regard made the first apparent bioethical attack against biotechnologies in 1982 by its Recommendation 934 on the genetic engineering from the standpoint of Human Rights. It says, “Human rights imply the right to inherit a genetic pattern which has not been artificially changed.” However, we are now going to admit the “gene therapy” which necessarily changes the human genetic patterns artificially by the name of medical treatment, which might promise the future improvement of human utility and therefore, “human happiness”. Distinction between somatic cell genetic therapy and germ-line therapy is only provisional. Here, we have to notice that the concept of human happiness has, in a sense, become a contradicting concept to the concept of the protection of human rights eventually.

Second, through urgent environmental debates, there occurred conflicts between the two different types of idea concerning “protection of environment”. One is to protect environment in order to preserve the best living condition for human being of its present and future generations. The other is to protect Nature for its own sake. The former is typically human-centric, and it has been gradually replaced by the latter under the influence of recent developments of ecological knowledge together with the severe regret and criticism on the “frontier mentality” of modern humanism. People are now tacitly confirming the value of Nature (or Earth) itself, instead of the value of human being. Human being is not



the owner of Nature or the Earth.

Thirdly, the range of vision to look at bioethics has been expanded to the regions outside Europe and America, especially to Asia. Many bioethical incidents happened in Asia, which were quite strange to European mentality. For instance, Japanese rejection of heart transplantation from the brain dead body (we restarted the heart transplantation only in 1999 after 20 years interval) was quite odd for Euro-American minds. Also many incidents which suggest Asian hostility to the sovereign idea of the “ fundamental human rights”, such as the Tian An Men incident in China, and other events in Singapore and in Malaysia. People have begun to notice the peculiarity of Asian minds in considering bioethical issues. Something is fundamentally different. First of all, in many countries in East and South East Asia, the sense of “human rights” is very weak and foreign, and they have no (or weak) theoretical background for the concept of human rights. Rather they are more concerned with overcoming starvation and poverty not by the human rights but by the national or regional wealth and the mutual aid. The recent introduction of the European idea of human rights rather caused moral, ethical and political conflicts among Asia societies.

The view of Nature is also historically heterogeneous from the European. Nature is something not to be conquered but something to live together with. Generally speaking, they hold a holistic way of thinking instead of the European individualistic way. Therefore, they, Asian people put higher value on the holistic happiness and welfare of the total group or community to which they belong rather than on their individual interests. Here we can find the biggest significance of the Asian participation in the field of bioethics.

Now, in the present post-modern age, it is quite necessary for our human society to globalize bioethics for its future development. But it is almost impossible to do this by insisting on the universality of human rights, hence, the universality of Euro-American bioethics. Here is the reason why the new Global Bioethics is needed.

#### **(4) Characteristics of the Asian Ethos**

Before proceeding onto the Global Bioethics, we have to examine the



characteristics of the Asian “Ethos” on which the possible Asian Bioethics or bioethical way of thinking stands, and which are supposed to be essentially different from the European ones.

Generally speaking, the essence of the Asian ethos is said to be “a holistic harmony” contrast to the modern European inclination to the dualistic individualism. The Asian worldviews and their general ways of thinking have the following remarkable characteristics in the depth.

(a) They put higher estimation on total and social “well-orderedness” than on the individual interests or individual rights and dignity, and this well-orderedness is considered to be accomplished by the well-assignment of social rolls to the peoples, and also by the fulfillment of the corresponding responsible of the people (individuals, groups or communities.) Standards of this “well-orderedness” depend on the social system of each respective period of time. In the tradition of Confucianism, it was interpreted in a feudalistic way as a matter of course. However people could equally enjoy peace of the society and their ordinary life. Here, peace means not only state of non-existence of war, but also it means mental peace as well.

(b) Ethics, as well as Social Justice are interpreted in the very realistic ways, as, for instance, a social turning techniques or the like. There was no unique and absolute God, nor categorical imperative, nor free will, nor autonomy to deduce the concept of goodness, justice and precepts to control people's behavior in order to pursue the social peace. Every ethical and moral code is essentially relative to its period and region. Eventually, there has been only a small room for the idea of the “fundamental human rights”, if any.

(c) Fundamental naturalism is pervasive in every Asian thought. According to the Asian naturalism, our, prima facie, non-natural and artificial human activities are ultimately included in Nature as its small parts. Before Nature, human beings are quite incompetent, and therefore, the distinction between nature and artificial is always blurred. Thus “to be natural” and “to be artificial” are not contradictory concepts to each other at all; In short, there is no antagonism or clear-cut dichotomy between Nature and human being in the depth of Asian way of thinking, and way of living. Also it is well known that Asian way of thinking is



always reluctant to the mind-body dichotomy.

(d) They are inclined not to believe or pursue any “invariance” or “eternity”. Especially, Buddhist precepts always tell that “all things flow and nothing is permanent”. On the contrary, the Western culture has always sought “invariance” or “eternity” which remains identical though every change. Thus various, “conservation laws” have been established in the history of sciences, such as “law of energy conservation” and the “parity conservation” etc. In the same fashion, the Western philosophy introduced “personal identity” which remains invariant through all possible changes as a human being. This idea of invariance is somewhat foreign to the traditional Asian ethos. This is one of the most significant differences between Asian and Western ways of understanding nature and human being.

## **(5) The Nature of the Possible Global Bioethics**

Then what is the nature of the possible Global Bioethics?

(a) Revised humanism: First, the possible Global Bioethics should stand on the new philosophy concerning the relation between nature and human being. At least, the “frontier mentality” of human-centricism of 18<sup>th</sup>-century-type-humanism must be abandoned, Also the simple-minded naturalism of “laissez faire” is impossible, for we have already acquired the ability and technology to control the human future and the human evolution. We should now establish a new humanism without human-centricism, and also cultivate a new methodology to compromise this new humanism and modern sciences and technologies to control the human evolution, adopting the Asian ethos wisdom to avoid the European excessive inclination to the manifold natural-artificial dualism.

(b) Minimization of Human Rights: Secondly, we should reconsider now the nature of human being apart from the theory of the 18<sup>th</sup> century’s philosophical anthropology of I. Kant and other idealists, which gave a ground for the idea of the universality of human rights. Why is only humankind bestowed such kind of “rights”, and why are those rights universal? Kant might refer to the notion of “person” or “personhood” which is essentially universal, rational and free. But the concept of is, as its etymology (persona) shows, only a fictional masque socially



given to humankind, and therefore, it cannot be universal and a priori either. On the contrary, the human genetic character could be a priori and universal. Therefore, the “Personal Identity” is completely different from the “Genetic Identity”. Also, why can we discriminate human beings and other non-human beings in reference to some sort of natural rights such as the “non-human rights” or, the “rights of non-human being” of animals or trees? At the same time, the idea of “dignity of human being” should be reconsidered. Why is human being exclusively dignity distinguished from animal and others? We must take the standpoint of the “value relativism”, which is a challenge to the ongoing Western bioethics.

At the same time, we have to appreciate the fact that in the Western societies, most people, even professional ethicists are still inclined to believe the absolute universality of “human rights” and therefore, that of bioethics and also this idea properly functions in leading and controlling their social systems, especially their “law systems” in the Western world. Our urgent task here is to find the way to make both positions concerning “human rights” and “bioethics” compatible in order to find a new refined methodology of the global bioethics.

(c) Holistic harmony: Thirdly, we have to investigate the new philosophy for the foundations of the Global Bioethics. I believe it must be grounded on the traditional “ethos” of each region which might be fully various, and sometimes fundamentally different from the European one in many aspects. It is not easy work to unite these varieties. However, this work is the most crucial part of the Global Bioethics, which is expected to harmonize and to bridge over all kinds of global ethoses, East and West, South and North. In this sense the new Global Bioethics should be “holistic” in contrast to the European “individualistic”. Taoism, Confucianism, Buddhism are all overwhelming on the Ethos of Asian world in it depth still now. Their doctrines and precepts are all holistic in general. They tend to put higher value on nature, society, community, neighborhood and mutual aid than individual ego. It is sometimes a sort of severe anti-egoism. But it is not necessarily altruism either. It always seeks some sort of holistic harmony of the antagonists. In this respect, Asian people have sometimes shown extraordinary, dexterous ability to harmonize social and moral conflicts and disorders in their



respective and ad hoc ways without any principle. This might be called “Social fine tuning technology”. The possible Global Bioethics in the next Century should provide this sort of social technique to control and harmonize non-principle-oriented and value-mixed chaotic societies. Here the society is not deemed as the well-ordered deductive system, which is ruled by some set of invariant principles.

(d) Policy of Global Bioethics as a Social Tuning Technology: Now, what the best suitable policy of the “harmonization” of future Global Bioethics as a “social tuning technology”? Here, I would like to suggest to replace the ambiguous word “to harmonize” with the more realistic word such as “to compromise” or “to bargain”, because the best policy or strategy of the future Global Bioethics seems not to be reasonable, well organized and “principle-oriented”, in contrast to the principle-ism of most ongoing bioethics. Rather, it might be unreasonable, chaotic, ambiguous, and anarchistic.

When you are going to bargain with someone, it is not always a good strategy for you to make your principle explicit to the bargain counter-part and persuade him reasonably. If you show your principle explicitly from the beginning, the other party will try to knock your principle down to obtain better profit from this bargain. “Don’t tell a lie” cannot be an absolute ethical or moral principle any more. You can save the life of some people by telling a lie to vicious chasers. Remember that I. Kant seemed to deem this honesty-maxim a sample of his “kategorischer Imperativ”. Also, “no-harm principle” would not be absolute and universal principle any longer, for to harm some people or even to kill a person might be a good strategy to protect a nation, society or community. In reality of present day societies, to kill a person by the name of the capital punishment is proper legal procedure among some modern nations, which are said to guarantee fundamental human rights in their Constitutions.

The notion of “justice” is also dubious. If you insist on your Justice whatever it is, then another party will invent another kind of antagonistic Justice, and thus wars occur.

I suggest, in the Global Bioethics of the next Century, not to refer to any kind of “universal principle”, “justice”, “kategorischer Imperative” or the like for





its policy. Only possible policy here will be just continuing dialogue without insisting upon any principle, or contrary, with referring to all antagonism among them to reach a “consensus of any kind” even though it would be unreasonable and absurd. I call this policy as “Dialogue Bargain Policy”, or “Bargain Consensus”. This would be the only possible way to realize Asian idea of “harmony” towards the 3<sup>rd</sup> Millennium.

Here in the “bargain dialogues”, people of both parties would bring in all sorts of reasonable as well as absurd claims which are fundamentally and eventually derived not from reason or justice, but from a sort of hedonistic desires, and through the sometimes long, and sometimes patient bargaining dialogue we can hope for a possibly very absurd but harmoniously acceptable “bargain consensus”.

We can imagine here that, through the process of reaching a bargain consensus, some sort of common feeling or compassion between both parties would be effectively working. I tentatively presume the existence of such common feeling in all people, as the “Feeling of Pity”. I will only quote here the word of Mencius: “every person, as a human being, is innately bestowed the Feeling of Pity.” Now, I presume that there would be one of the possibilities to reconstruct a new, post-modern humanism and post modern bioethics basing on this “Feeling of Pity” towards the 3<sup>rd</sup> Millennium.

In this concept of “bargain”, I would include not only the bargain between people, but also the bargain between people and community and even that between human being and Nature. In reality, we have lost many valuable things by the failure of the bargain between Nature and us, human beings through these Centuries. This is the real status of the recent environmental ethics is looked for very urgently.

