

## Keynote Speech

### **Medical Ethics in Multicultural Societies**

Yasushi KOIDE

President of the Japanese Association for Philosophical and Ethical Researches in Medicine  
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Shibaura Institute of Technology

#### **1. A mechanical attitude of medical technology to the human body—the separation between technology and ethics**

In modern times, medicalization has, hand in hand with technological development, been advancing in various fields. Medicalization uses medical technologies as a means to improve the present conditions of the body and the mind. Particularly in the fields of reproductive medicine or end-of life care, medicalization has sometimes advanced in excess. While medicalization has generated enormous benefits for our lives, it has also raised various ethical problems. By benefits, I mean that medicalization has cured some of the diseases once thought incurable, that it has exterminated some infectious diseases, and that it has saved more lives than was ever possible before. On the other hand, by ethical problems, I mean that medicalization has relentlessly promoted the technological manipulation of the human body, and its relegation to the status of a purely mechanical object.

But whatever could the problems of medicalization be? If we have started to live with fewer worries and more convenience than before, as a result of our lives being medicalized, should not we thank rather than criticize it?

To tell the truth, medicine is wonderful, not problematic, so long as it knows its place. When it exceeds its limits and expands its supremacy beyond its own territory, it raises ethical problems. But it may be that medicine is not to blame, for we can place the responsibility to raise ethical concerns on the humans who use it.

To be sure, technologies once were neutral things, which were used for good or ill according to the intentions of their users. But some technologies in modern times risk tempting humans to stray from their very humanity, just as the sirens of Greek mythology did Odysseus. It is then that technologies can raise ethical problems. Medical technologies are no exception.

What is the place of scientific medicine in modern times?

Scientific medicine of today has been gradually developed for about three centuries in the context of the mechanical viewpoint of nature. In the natural world in which we live, all things

are continuously changing or moving. The mechanical viewpoint of nature is a way of interpreting the cause of all the changes or movements in the natural world as being the interactions between material objects that are themselves inert. Aristotle believed that material objects had an innate disposition to head for the place where they belong. But the mechanical way of thinking puts forward the idea that material objects themselves do not have any voluntary power to move, and change their condition only when they are influenced by other material objects. It is this idea that Newton's first and second laws of motion (the law of inertia and  $\mathbf{f}=\mathbf{ma}$ , respectively) stipulate. From the viewpoint of the world of classical physics, the idea of the mechanical way of thinking was a universal one that could be applied to the movements or changes in all material objects in the natural world, from atoms or particles at a microscopic level to celestial bodies at a cosmic one.

Since Western medicine today has also been established as one of the fields of modern science on the basis of human anatomy, we can affirm that it is based on the mechanical viewpoint of nature that tries to understand the cause of changes or movements of objects as being interactions between material objects that are themselves inert. That is to say, the fundamental attitude of Western medicine whose object is human bodies is to try to understand the system of human bodies and the mechanism of diseases as being interactions between material objects, and treats all diseases as such. In other words, Western medicine renders as an object only that material side of the whole person which can be seen or touched, for science is incapable of rendering as an object the immaterial which can not be seen or touched. As such, medicine deals with the person and his diseases as far as it can understand them materially, putting aside the immaterial side of the person.

Scientific medicine has two strategies to treat diseases. One is to treat diseases by healing the hypo-functioning or malfunctioning parts causing the diseases, regarding the human body as an aggregation of many parts, similar to a machine. The other is to treat diseases by removing those pathogens from the human body which have invaded it, regarding them as the cause of the disease.

When we go to the university hospital to see a doctor, we first receive examinations into the functioning of particular tissues or organs. If they are found to be malfunctioning, we receive treatments to restore them to proper working order. Otherwise, the doctors first identify the pathogen by examinations into the cause of the infectious disease; then they give us drugs to remove the pathogen from our body. Thus the doctors are mainly interested only in the functions of the tissues or organs that make up a patient's body or the pathogens that have invaded it. They are not very interested in the human integrity of the patient including body and mind, which are closely connected.

Plato once made a distinction between the art of medicine and that of cooking, saying that

it was the former that he could call the true art. For he believed that the former was a way to bring good to the human body according to theories, based on the understanding of the essence of its object, whereas the latter exclusively pursued pleasure according to past experiences of deliciousness, regardless of a reasonable foundation, and despite the fact that it may sometimes bring harm to the human body. The true art, then, according to Plato, is one whose use was the true and proper one in harmony with the essence of the universe. In antiquity, therefore, art and ethics were not two different things.

However, since what is called the Scientific Revolution in the seventeenth century, medical practices have been reduced to simply either the mechanical repair of malfunctioning components of the human body or the removal of pathogens. To be sure, the physiochemical understanding of the workings of the human body has made the treatment of patients more precise and strictly prescribed. But medical practices have focused purely on the physical side of the human body at the expense of ethical considerations; as a result, they have been reduced to simple manipulations separated from ethics. Therefore we moderns, who use medical technology only as a way to repair machines, have had to consider the ethics of technology separately from the use of medical technology.

As a result, what problems have been raised in the field of medicine?

First, however severely the patient may suffer, the doctor can not treat him if he can not find the physical cause of the hypo-functioning or malfunctioning tissues or organs in the patient's body. For example, the doctor can not find a way to treat the patient in the case of mental diseases brought on by purely mental causes, or infertility in which the disorder of functions can not be found in the patient's body.

Second, if we can create lives according to the physical mechanism, we will be able to bring them forth similar to craftwork that we make by combining various parts, without considering the meaning of life for a human being or a society. For example, it will be technically possible before long to generate lives by means of cloning or using oocytes of aborted fetuses, ES cells or IPS cells.

Finally, since the cause of the disorders of the human body is looked upon as malfunctioning tissues or organs, sometimes aging or even death is regarded as a kind of malfunctioning and patients in end-of-life care are persistently assaulted by aggressive scientific treatments trying to restore proper functions and conquer death. Since practitioners of scientific medicine can not accept the natural end of the human lifespan, they may plan to put up an all-out resistance to death by cruel treatment that takes away the last quiet and peaceful moments from the patient's life.

Thus, in modern times, the progression of excessive medicalization has raised various ethical problems with our life and death administrated by scientific medicine. In order for us to

live like human beings, we have to get our life and death back again from such a medicalization, do we not? Believing what medical technology says it can do, should the doctor use whatever technologies the patient wants? Or should we establish limits to practices that humans should not do, from an ethical perspective, even if the practices are technically possible? If there is, what are the criteria separating what to do from what not to do?

## **2. Respect for autonomy and diversity of values**

In liberal societies, the most accepted ethical principle of medicine in today's medical practices is that of Respect for Autonomy. This principle is based on the fundamental freedom of the individual. As is clearly stated in the UN Universal Declaration of Human Rights, to respect the fundamental freedom of the individual is one of the most universal values. This principle asserts that it is only the will of the patient himself that can decide whether to carry out a medical treatment which may do harm to the patient's body. This way of thinking says that the patient's body does not belong to anyone other than the patient, and that anyone other than the patient can not decide whether to accept the degree of pain, the utility of treatment, and the quality of life during convalescence. The patient is the only proper judge of the medical treatments for himself. If we depend upon this way of thinking, it follows that not to respect self-determination must be an infringement upon freedom or human rights.

In the medical practice of developed countries, this principle of Respect for Autonomy is functioning concretely as the rule of Informed Consent in the doctor-patient relationship. This rule aims for a cooperative relationship between doctor and patient that the patient himself chooses and decides his own medical practice after the doctor fully informs him of his medical condition, treatments, and prognosis.

Therefore, today, the doctor can not impose any treatment on the patient against his will, since the object of the treatment is the body or life of the patient, even if the doctor thinks it is for the patient's good. Paternalism, which strives to benefit patients, even against their will, has a bad reputation, because the value of Respect for Autonomy prevails today. In principle, as John Stuart Mill wrote, we have to respect the individual's free will, as long as he does not harm others, even if he himself suffers as a result.

As well, each individual or society has its own values, more or less different from others. Though those values once hid behind socially accepted ideas or common sense, today they have come to assert themselves with the support of the respect for fundamental freedom that is a universal value. An individual or society which has different values can use medical technologies as purely mechanical instruments, according to its own values. Medical technologies, like the Genie in the Wonderful Lamp of Aladdin, achieve their objectives, loyally

obeying the intentions of their user. As a result, today, diverse values have come to appear in shape, embodied through the use of technologies. It is natural that, at the sight of values realized by technologies, those who have different values feel a strong antipathy because of the unethical use of technologies.

Take, for example, reproductive medicine, including technologies of artificial insemination, in vitro fertilization, frozen storage of sperm or embryos and so on. Reproductive medicine has effectively separated reproduction from sexual love and enabled women to bear children purely by technological manipulations regardless of space or time. As a result, humans have learned how to bear children by combining various technologies mechanically, living up to the expectations of infertile patients. But may we practice any medical treatment because the patient demands it or simply because we can technologically? Since the respect for fundamental freedom is one of the modern universal values, must we respect the patient's right to self-determination and the freedom of an individual to determine his lifestyle? In reality, so far, to respect excessively the individual's right to self-determination has been much criticized. It is often said that, even if the patient demands the use of some technologies, there are cases where it should be restricted.

There are some ethical foundations to justify or restrict medical technology, but the most famous one is the four medical ethical principles proposed by Beauchamp and Childress : Beneficence, Non-maleficence, Respect for Autonomy, and Justice. These principles originated in America and have a very individualistic nuance. In these principles, Respect for Autonomy is paramount. In comparison with this American tendency to give an individual's right to self-determination priority, in Europe the necessity to restrict individual's freedom considering human dignity or social solidarity has been emphasized. An expression of the European tendency is the four medical ethical principles proposed by the Barcelona Declaration : Autonomy, Human Dignity, Integrity and Vulnerability.

For example, as far as reproductive medicine is concerned, it is generally accepted that we should restrict the use of artificial reproductive technologies, considering the welfare of the coming children. If unmarried women or homosexual couples have children by means of artificial insemination with donated sperm or ova, families will be formed with no mother or father, or with two mothers or fathers. From the sense of values that it is desirable that children should be brought up by one mother and one father for their stable moral development, there are concerns that these conditions might have serious effects on the children's formation of personality and infringe upon their human dignity, mental integrity and human rights. That is why it is said that the principles of human dignity, integrity and the human rights of children should precede the respect for autonomy of the woman and we should restrict the use of artificial reproductive technologies for unmarried women or homosexual couples.

The technology of surrogate birth is good news to the couple that can not give birth with the woman's womb for various reasons. We can consider that serving as a surrogate or host mother is a noble act of sacrifice, if we think it is to save the patients that suffer from infertility. For to save the patient's suffering from infertility is to respect their human dignity. On the other hand, using surrogate or host mothers as a means of giving birth may endanger a surrogate or host mothers' life and health or possibly exploit poor women to carry out the surrogate birth, thus infringing upon the principles of human dignity, vulnerability, and mental and physical integrity. That is why many countries prohibit surrogate birth or admit it only without pay. Thus self-determination based on individual values is often criticized because we must not infringe upon the human dignity or integrity that is among the most universal values.

### **3. Universality and diversity**

On the one hand, UNESCO, in its Universal Declaration on Cultural Diversity (2001) and its Universal Declaration on Bioethics and Human Rights (2005), asserted that the importance of cultural diversity and pluralism should be given due regard, for cultural diversity, which has been generated by the unique background of history and the natural and cultural climate, is "the common heritage of humanity" as "a source of exchange, innovation and creativity." In reality, many people with different cultures and values must live together in the world. As such, we should try to understand, permit and respect different cultures and values in order to get along with them comfortably on a crowded earth.

On the other hand, as seen in the Universal Declaration on Human Rights (1948) and the like, the modern world accepts human dignity, human rights, fundamental freedoms and so on as universal and absolute values transcending values particular to a certain region. Article 12 of the Universal Declaration on Bioethics and Human Rights stipulates that considerations about cultural diversity are not to be invoked to infringe upon human dignity, human rights and fundamental freedoms, nor upon the principles set out in this Declaration, nor are they to limit their scope.

UNESCO asserts that the diversity of values should be respected, but that it should not be admitted without limit and should be restricted if it infringes upon universal values such as human dignity or human rights. This assertion represents a simple conflict of universality and diversity of values that is easy to understand, but I do not think that things are so simple.

For example, some cultures admit the use of in vitro fertilization only to de jure couples and others admit it to de facto couples too. Some cultures permit unmarried women, homosexual couples or widows to give birth to children by artificial insemination, while others forbid them to do so, by law. Some cultures admit the buying and selling of sperm or ova, while

others forbid it by law. Some cultures admit the business of surrogate birth, while others allow surrogate birth without the exchange of money and consider the action a form of volunteering, to save infertile women; yet others forbid any kind of surrogate birth. Some cultures do not admit any kind of reproductive technologies because the practices are viewed as unnatural. Thus, to what degree to admit the use of medical technologies differs from culture to culture. These cases show that, though individual values are diverse, cultural values can restrict them.

Taking these things into consideration, it seems that there are many conflicts between individual and cultural values. But considering separately the above-mentioned ethical principles such as the Respect for Autonomy or Human Dignity, I suspect that many individuals or cultures will probably approve of them. Then, why do there seem to be differences in the sense of values among individuals or cultures? Is it not because who or what principle takes priority over others or what is thought upon as an infringement upon Autonomy or Human Dignity in social relations differs among individuals or cultures? That is to say, when universal values are respected, there is a difference among individuals or cultures in how they balance which universal values to respect, to what degree to do so, and whom they concern. Thus, diverse values seem to conflict at first sight, do they not?

If we think as just described, unlike what UNESCO asserted, I do not think the relation between universality and diversity is such a simple dichotomy. As we confirmed in Section 2, diversity may be produced as a consequence of the respect for universality. As has been mentioned, diversity at the cultural level may restrict actions at the individual level. Also, diversity can show up in the different ways of balancing respect for universal values. As we will see in the next section, diversity at the cultural level may be taken for universality. In reality, the relation between universality and diversity seems to be rather complicated.

#### **4. Sublimation of conflicts**

Are the values that are believed universal in developed countries truly universal?

It is true that people of a given culture believe respect for the fundamental freedom of the individual is a universal value there, but, in reality, this idea reflects western individualistic values in modern times. In modern western thought, society is an aggregation of autonomous individuals, each of whom is free, atomic, and egoistic. In order for free and egoistic individuals to get along together peacefully in a society, each individual must restrict his own freedom by means of reason, lest he do harm to others, though he remains free in principle. Thus the principle of “Harm to Others” becomes a fundamental aspect of ethics.

But, in the world, there are societies in which social interests or religious beliefs take priority over individual autonomy. In such closed societies, it may be looked upon as natural

that individuals are sacrificed in order to save social interests or religious beliefs. What is most important in those societies is only the cohesion, maintenance and continuation of society, and individual happiness is looked upon as secondary or is seldom taken into consideration. An individual can not help living for the good of society, but never vice versa. From the perspective of such a society, human rights or individual freedom taking priority over social interests or religious beliefs may not be a universal value, but only one of the diverse values in an individualistic society.

If we think like that, it seems that the very distinction between universality and diversity is meaningless. Are there truly universal values in the world? Can it not be said that actually all values around the world depend upon particular cultures? Nevertheless, it may be only that those who happen to live in developed countries believe their own values authentic and assume their position to be universal and a position different from theirs labeled 'diverse'. UNESCO's remarks that we should respect diversity in principle but restrict it if universality is infringed upon may be a kind of "Orientalism" (in Edward Said's definition) that Western countries think their own values superior and look down upon other ones, even though they do so unconsciously. If people in developed countries think their values universal and other ones primitive, parochial, immature, or even absurd, and impose theirs on people with other cultures out of kindness, then their deed is nothing but bad paternalism. Therefore they should be cautious about interfering unilaterally with societies that have different values under the banner of human dignity, human rights or the fundamental freedom of the individual.

In today's global society, do we not need to doubt that our values are the only authentic ones, in order for diverse cultures to coexist? If you believe your own values are absolutely right, it follows that others who have values different from yours are wrong. Judging and acting without doubting the rightness of your own values always put yourself on the right side, compelling you to judge others from your own values and never tolerate others. But in reality, as far as you believe yourself right, you can see only the right aspects of your position. To know yourself yet more, how about thinking yourself wrong, if only in principle? In that case, your own negative aspects come into sight, which you could not see while you blindly believed yourself right. It is not until you perceive any negative aspects that you can first begin to forgive others. Forgiving others is not a give-and-take, but a very generous and noble deed, is it not? In doing so, you will learn to understand a little better what others asserted. At the same time, your own way of thinking will not be able to avoid changing subtly. If either side with differing values perceives its own negative aspects respectively as described, the distance between both positions will narrow, if only by bits. Thus, as people strive to understand each other in interpersonal or intercultural relations, much time and patience are needed for those who have different values. But, if there are true universal values at all, then they exist only as the limit



that those who have different values try to head for modifying their own sense of values, do they not?

However the fact is that, in some parts of the world, some very cruel customs, such as female circumcision or honor killings, persist even in modern times, as “Half the Sky” charged. Young girls are sacrificed for those customs there, which people in the developed countries can hardly bear to look at. From the Western perspective, however much we respect diversity, we can not just sit by idly when their fundamental human rights are cruelly trampled upon. But from a historical point of view, the unreasonable things in the manners and customs of a particular culture are inclined to be gradually sophisticated or eliminated, as time goes by. Therefore, if we observe a longer axis of time, we have to admit that judgement now would be premature to decide if the current conflicts of values between cultures are permanent or transitory.

Psychological knowledge shows that anything that can happen in a society could potentially exist in anyone’s mind. If that is true, no one truly has *nothing* to do with the values of other cultures. If all values make up the whole of human society, there is a complementary, not opposing relation, between one sense of values and one different from it. If so, we should not deny a sense of values different from ours. Rather, we should think the sense of values of our own culture over again by referring to one of the other cultures, should we not? We should create an abundant society including both, fusing other values onto the basis of ours, should we not? Where there is no conflict, there is no development. We should never forget that conflict itself is the motivating power toward harmony.