

Review Article

**A Confucian Asian Ethos?
Essentials of the Culture of East Asian
Bioethics**

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Approaching the Debate

Developments in the life sciences have sometimes projected East Asia into the news headlines, with reports on doubtful research on human subjects and cloning. Concerns are raised over the trends of research and the stands taken by East Asia countries on bioethics. Major breakthroughs have been anticipated and reported from cloning laboratories of life sciences institutions, notably in China¹ and South Korea.² Although the claims that human beings have actually been cloned

¹ Charles C. Mann. "The First Cloning Superpower. Inside China's Race to Become the Clone Capital of the World." *Wired Magazine*, 11. Januar 2003; Ole Döring. "China's Struggle for Practical Regulations in Medical Ethics." *Nature Reviews Genetics* 4 (2003): 233-239.

² Woo Suk Hwang, Young June Ryu, Jong Hyuk Park, Eul Soon Park, Eu Gene Lee, Ja Min Koo, Hyun Yong Chun, Byeong Chun Lee, Sung Keun Kang, Sun Jong Kim, Curie Ahn, Jung Hye Hwang, Ky Young Park, Jose B. Cibelli, Shin Yong Moon. "Evidence of a Pluripotent Human Embryonic Stem Cell Line Derived from a Cloned Blastocyst." *Scienceexpress* 12 February 2004, Page 1/ 10.1126/science.1094515.

successfully in East Asia have been proved to be false,³ direct and perhaps premature comments have been made asserting a strong cultural element in an ethos that would make such activities possible if not directly supporting them.⁴ In the meantime, the scientific community had to learn the hard way that the science ethics referred to is little more than lip.⁵ However, partly as a result of the hectic policy-making activities sparked off by this hype, national bioethics regulations in both countries now seem to express a rather liberal policy regarding the utilisation of embryonic human life for the purpose of cloning research.⁶ The actual debates among ethicists in East Asia related to these issues are not widely known in Western Europe or North America. This deficiency stands in sharp contrast with the highly developed collaborations between these regions and China within the life sciences.

For more than a decade, China's bioethics has been gaining shape and momentum. The International Association for Bioethics' (IAB) decision to hold their eighth world congress in Beijing from August 6-9, 2006 indicated a notable upgrading for China and the country's domestic bioethicists within the international arena. From a symbolic point of view, bioethics, as an integration of theoretical and practical approaches, has some potential to trigger the advancement of science. It is situated at a cross-disciplinary junction of the humanities and social sciences and the life sciences and medicine, and is influenced by a variety of stakeholders' interests. It could thus be expected to inspire and engage the intellectual avant-garde, becoming a force for moulding the intellectual shape of contemporary China and, eventually, an indicator of China's cultural stance after three decades of stunning transformations.

Observers who anticipate that East Asian countries will perform in unexpected ways, based on their specific cultural heritage, are likely to welcome the event of IAB 8 taking place in Beijing and to foresee fresh input from East Asian cultures to the global debates in bioethics. Such expectations are bolstered by the

³ Retraction of Hwang et al. *Science* 303 (5664) 1669-1674, *Science Express* on 12 January 2006 *Science* 20 January 2006: Vol. 311. no. 5759, p. 335; Phillan Joung / Marion Eggert (2005). *The Cloning Debate in South Korea. "Approaching Cross-Cultural Issues in Bioethics: The Example of Debates on Human Cloning"*, edited by Heiner Roetz. Amsterdam: Rodopi, 2006 (in print).

⁴ Cf. www.rub.de/kbe.

⁵ Cf. "Faking it. China is Developing New Rules to Prevent Scientific Fraud." *The Economist* (no author's name given), May 18 2006 (http://www.economist.com/science/displaystory.cfm?story_id=6941786; site visited May 19, 2006); and David Cyranosky, „South Korean Cloners Indicted. Hwang Charged with Fraud, Embezzlement and Violation of Bioethics Law“, *Nature* May 12, 2006 (<http://news.nature.com/news/2006/060508/060508-15.html>; site visited May 12, 2006).

⁶ Ole Döring. "China's Struggle for Practical Regulations in Medical Ethics." *Nature Reviews Genetics* 4 (2003): 233-239; Phillan Joung. "Forscher in der Rolle der Schurken. Das südkoreanische Klonexperiment ein Lehrstück bioethischen Debattierens." *Neue Zürcher Zeitung* 73, 27./28.3.2004: 77.

names of the leading players involved. Since the founding of the Asian Bioethics Association (ABA) in 1995,⁷ the quest to construct a cultural identity in the form of a Confucian, Chinese, Asian or otherwise East Asian ethos, has been a major theme on the agenda of the protagonists.⁸ Recently, this was reconfirmed by the title of the Sixth Asian Bioethics Association Conference that took place in Sanliurfa, Turkey on “Inter-Cultural Bioethics: Asia and the West” (14-18 November 2005).

A newly published book *Bioethics: Asian Perspectives. A Quest for Moral Diversity*⁹ is useful in this regard. Edited by Qiu Renzong, (president of the 8th World Congress of Bioethics), this volume can be regarded as the latest contribution in a series of works that attempt to explore an original path towards modernity. This approach, rooted in the fields of bioethics, is said to be nursed by sources of East Asian traditions and to respond to the characteristics of the different societies in the region. The book continues the rhetorical scheme of the human rights debates of the 1990's, arguing for a “third” way towards modernisation, with Asian or “Chinese characteristics.” Although it needs to be distinguished from the merely ideological purpose of similar discourses, its apodictic style, eclectic methodology and particularistic tendency appear all too familiar.

⁷ The original name was “East Asian Bioethics Association.” It was changed in 1998 in Tokyo. Many of the discussions and activities can be accessed via the official journal of the association, the Eubios Journal for International and Asian Bioethics (EJAIB), at <http://www.biol.tsukuba.ac.jp/~macer/index>.

⁸ Ole Döring. “Wandel und Selbstbesinnung: In China entwickelt sich eine medizinische Debatte.” *China aktuell* 10/97: 1012-1020; Ole Döring. “Bioethics Goes China. The ‘Second Sino-German Interdisciplinary Symposium about Medical Ethics in China: Medical Ethics in Clinical Medicine, Medical Theory and Research, and in Medical Education’, Shanghai 19.-23. Oktober 1999.” *ASIEN* (Juli 2000) 76: 57-58. And “Chinese Prospects in Global Medical Ethics: Enhancement or Emulation? The ‘Second International Conference of Bioethics: Human Genome and Health Care’, Chungli and Taipei, 26-30 June 2000.” *ASIEN* (Oktober 2000) 77: 96-97. On the broader context of intellectuals’ role in Chinese symbolic nation building see Margareth Sleeboom, “Academic Nationalism”, vol 1&2, Ph.D. diss., Amsterdam: 2001; for the custodial self-perception of intellectuals see Frank Dikötter. “Culture, ‘Race’ and Nation: the Formation of National Identity in Twentieth Century China.” (<http://jia.sipa.columbia.edu/Dikotter.html>).

⁹ Qiu Ren-Zong. *Bioethics: Asian Perspectives. A Quest for Moral Diversity*. Dordrecht: Kluwer, 2004.

Puzzles about Culturalism

For a European observer, this book provides a welcome opportunity to discuss the achievements of this school in some detail. Earlier attempts to discern what is unique about Asian bioethics suggest the need for a careful appraisal.¹⁰

First, it is difficult to tell what the term Asian bioethics actually means. Analytically and empirically clear descriptions by Asian authors are rare and incomprehensive. In a chapter for an anthology, Beijing medical ethicist Cong Yali has introduced some major themes and concerns. She explains that, in China,

the discussion of bioethics is still mainly found in the medical colleges and academy, and it is still a common phenomenon that clinicians do not think that bioethics concerns them. Even in the broad sense of medical ethics, only a very small percentage of clinicians really participate in the activities of medical ethics and few show their medical students the ethical aspects of their clinical practice. So, the most serious problem facing the future of bioethics in China lies not in the barrier from traditional culture, but in the divorce of medical ethics and the clinical practice.¹¹

Another Beijing bioethicist, like Cong a second generation ethicist from the (now terminated) postgraduate bioethics program at the Chinese Academy of Social Sciences, Zhai Xiaomei, has produced a survey of bioethics in China, though it is far from comprehensive.¹² In addition, there is scattered information about it on private and institutional websites.¹³ Some of these sites are promoted by foreign

¹⁰ For a general discussion with a focus on authors from mainland China, Hong Kong, Taiwan and Japan see my *Chinas Bioethik verstehen. Ergebnisse, Analysen und Überlegungen aus einem Forschungsprojekt zur kulturell aufgeklärten Bioethik*. Hamburg: Abera, 2004. Compare Julia Tao Lai Po-wah. "Global Bioethics, Global Dialogue: Introduction," in id. (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*. Dordrecht et.al.: Kluwer, 2002, pp. 1-18. For recent reviews on China see in particular Cong Ya-li. "Bioethics in China." *The Annals of Bioethics* (2003): 239-260, and Zhai Xiaomei. "A Brief History of Bioethics in China. ABA Country Report for China." *Eubios Journal of Asian and International Bioethics* 14 (2004): 5-10. For critical comments, see Yu Kam Por. "The Alleged Asian Values and Their Implications for Bioethics," in S. Y. Song, Y. M. Koo and D. R. J. Macer (eds.), *Asian Bioethics in the 21st Century*. Christchurch, New Zealand: Eubios Ethics Institute, 2003, pp. 232-237.

¹¹ Cong Ya-li. "Bioethics in China." *The Annals of Bioethics* (2003): 239-260.

¹² Zhai Xiaomei. "A Brief History of Bioethics in China. ABA Country Report for China." *Eubios Journal of Asian and International Bioethics* 14 (2004): 5-10. (<http://www.biol.tsukuba.ac.jp/~macer/EJ141/ej141d.htm>).

¹³ E.g. <http://www.chinaethics.com/bioethics/>; <http://www.chinaphs.org/bioethics/index.htm>. An interesting assessment of medical ethics strengthening is offered by staff

interests.¹⁴ In general, after a decade of intense study of this area, I have not been able to find sources that reveal a discernable and systematic effort within China's bioethics research to cover the entire field, not to mention any programmatic and conceptual groundwork comparing different methods and theories. None of these works seem to confirm that China's bioethics is an expression of a strong, monolithic ethical foundation of "Asian" origin. Rather, the debate is composed of a diversity of opinions of individuals from different academic and ideological backgrounds, with diverging moral or political agendas. This is why this paper introduces one group of scholars within the field of bioethics and medical ethics who are connected by the common theme of an "Asian" ethos.

Second, the term is hard to identify. How is "Asia" to be defined? The change of the name of the most relevant academic body, from the East Asian Association for Bioethics to the Asian Bioethics Association, in 1998, hardly helped in this regard. A region that stretches from Israel to Japan and from Siberia to the Philippines cannot provide much common or consistent moral orientation. On the other hand, slightly more conceptually framed designations, such as "Confucianism", have already proven their capacity for generating divergent and even antagonistic opinions. They carry the additional burden of an implausible commensurability of a "Confucian" (of whatever kind) and "Asian" ethos. If we, on the other hand, choose to refer to individuals and institutions as culturally relevant indicators for such a particular moral constitution, we immediately contradict the claims of "Asian" essence.

Third, the term is somewhat misleading. Perhaps the trouble lies in expectations of the assumed unique characteristics of an Asian bioethics. Chinese ethicist, Nie Jingbao, has dismissed such expectations as "myths".¹⁵

In this review, I shall try to discuss a major candidate for an approach towards an essentially Asian way to bioethics. I argue that it would be more appropriate to frame the debate in terms of bioethics inside Asia.

from the Beijing University's Medical Humanities Department at: <http://www.meonline.cn/>.

¹⁴ For example, the prestigious website, China's Philosophy of Science (中国科学哲学 *Zhongguo kexue zhexue*), advertises support from the "Oxford Uehiro Centre for Practical Ethics." This institution is funded by a private Japanese foundation and endowed with an ethics chair, held by Julian Savulescu, a notorious promoter of themes such as 'The Moral Imperative to Conduct Stem Cell Therapy', 'Enhancement of Human Beings', or 'Cannibalization of Human Beings' (cf. <http://www.practicaethics.ox.ac.uk/>).

¹⁵ Nie Jing-bao. "Is Informed Consent not applicable in China? Intellectual Flaws of the 'Cultural Difference Argument'." *Formosan Journal of Medical Humanities* Vol. 2, no. 1 & 2: 67-74; Nie Jing-bao. "The Myth of the Chinese Culture, the Myth of the Chinese Medical Ethics." *Bioethics Examiner* 3(2) (1999): 1, 2, 5; Nie Jing-bao. "The Plurality of Chinese and American Medical Moralities: Toward an Interpretative Cross-Cultural Bioethics." *Kennedy Institute of Ethics Journal* Vol 10.3 (2000): 239-260.

None of the relevant contributions can claim a clearly discernible bioethics conception, and, more basically, Asia can only be comprehended in regional geographic terms, not as some all-embracing entity.

Players and Organs

This school of East Asian bioethics has presented itself, during the last decade, at numerous regional and international academic gatherings. It has sought to expand and engage in political lobbying, producing a substantial body of writings.¹⁶ Since 1995, bioethics in East Asia has evolved dynamically. The discipline has grown in response to critical issues raised by advances in the life sciences, such as from the Human Genome Project and the newly moulded technological and economic paradigms in medicine. In China, these developments are situated within the rapid transformations in the social, medical and regulatory systems. The cultural context and normative orientation for Chinese bioethics is just emerging. At this time, the various books on the subject highlight the conceptual and programmatic heritage of the first generation of bioethics thinkers in East Asia, since the hand-over from Deng Xiaoping to Jiang Zemin. Many contributions are part of the "Philosophy and Medicine" series at Kluwer Academic Publishers, edited by H. Tristram Engelhardt, Jr., one of the earliest promoters of Sino-US exchange and co-operation in the area of medical ethics.

In the absence of institutions and procedures for interested parties in China to articulate their interests as in a civil society, two major forces have been driving the growth of bioethics. First, academics and administrators, with the explicit aspiration to establish bioethics as a proper discipline on a level with the international life science community and relevant regulations, have been focussing on issues of research ethics. This goes hand in hand with China's institutional globalisation. Within a process of standardisation following China's accession to the World Trade Organisation (WTO), the country aims to implement the agreements on intellectual property rights, patenting and protection of the entire research and development process.¹⁷ This includes the safeguarding of China's biological resources, such as body tissue, blood or embryos, for the benefit of the researcher or national economy. Key intellectuals in this field, including their mentor, Qiu Renzong, often have a background in the philosophy of science and

¹⁶ Notably, from its inception, when a Chinese, Qiu Renzong, and a Japanese, Hyakudai Sakamoto, presided over the EABA (ABA), this school benefited substantially from Sino-Japanese collaboration. The independent EUBIOS institute under Darryl Macer, located at Tsukuba (Japan), functioned as a major facilitator in the formative stage of East Asian Bioethics.

¹⁷ Richard P. Suttmeier and Yao Xiangkui. "China's Post-WTO Technology Policy: Standards, Software, and the Changing Nature of Techno-Nationalism." *The National Bureau of Asian Research, NBR Special Report 7*, May 2004.

technology, especially “natural dialectics” (*ziran bianzhengfa* 自然辩证法), that is, a particular approach of Communist ideology to the natural sciences.

The political department primarily in charge here is the Ministry of Science and Technology (MOST), with connections to the National Natural Science Foundation (NNSFC), by far China’s major public research supporter.¹⁸ It works towards the advancement of the hard and natural sciences and global competitiveness for China’s researchers. At the same time, it is obliged to protect China’s intellectual and material resources from foreign access. In this context funding for ethics is difficult because the otherwise heavily subsidized NNSFC does not have a separate budget for it. However, this foundation is much better funded than the notoriously under-equipped Academy of Medical Sciences or the Academy of Social Sciences. In the past, it has been a rewarding strategy for bioethicists to directly approach private non-Chinese sponsors, such as the Ford Foundation with their traditionally excellent ties with China. In the absence of wealthy domestic private foundations, and given the interest in China from abroad, foreign aid could have a significant impact on the development of bioethics in China.

On the other hand, the modern Chinese tradition of medical ethics has a longer history than that of bioethics.¹⁹ It is related to the profession of the physician, with the associated paternalistic moral aspirations, but with no independent professional or institutional mandate in medical ethics. This perspective covers ethics in a clinical context, the doctor-patient relationship, social and economic transformation and the health care sector. The collapse of the “Iron Rice Bowl” social security system since the late 1970s has required a thorough reinvention of the medical sector, with ethics on the agenda to a greater or lesser extent. Concern is now directed at economic matters, access to health services and other issues surrounding potential social instability and the undermining of public trust in the government, the latter having become acute during the SARS crisis.²⁰ Here, the Ministry of Health (MoH) is in charge of policy-making and development, partly overlapping with MOST. Thus, a domestic agenda primarily drives discussion on China’s medical ethics.²¹

¹⁸ For background analysis of China’s research policy see Yi Rao, Bai Lu and Chen-Lu Tsou. “Scientists Criticize Chinese S&T System, Call of Abolition of Ministry of S&T.” *Nature* Nov 29 2004.

¹⁹ Cf. Zhang Daqing. “Medicine as Virtuous Conduct: Assessing the Tradition of Chinese Medical Ethics,” in Ole Döring und Renbiao Chen (eds.), *Advances in Chinese Medical Ethics. Chinese and International Perspectives*. Hamburg: Mitteilungen des Instituts für Asienkunde no.355, 2002: 233-254.

²⁰ Cf. Ole Döring. “Anspruch und Wirklichkeit. Im Umgang mit SARS zeigen sich Chinas politische Schwachstellen.” *China aktuell* 04/03: 449-460.

²¹ For some regional issues, cf. Rolf Jordan (ed.). “Sozialer Staat? Zur Kritik staatlicher Sozialpolitik in Ost- und Südostasien.” *Focus Asien*. Schriftenreihe des Asienhauses, Nr. 23, 2005.

Bioethics and medical ethics in China share some concerns and strategic interests, both in terms of individual actors and historical roots, as well as institutionally and structurally (for example, in the drafting of ethical regulations for research, bio-banking and clinical practice related to reproductive medicine). The major outlets for published works are, first, *Yixue yu zhexue* 医学与哲学 (Medicine and Philosophy), published in Dalian, China's most distinguished bioethics forum, with its tradition in the "studies in natural dialectics", now redirected towards a humanitarian mission and a clear medical and health care-related agenda. Second, *Zhongguo yixue lunlixue* 中国医学伦理学 (Journal of Chinese Medical Ethics), published in Xi'an, which offers discussions of ethical issues on a more practical level. Notably, there is as yet no formal journal representing Chinese bioethics. The official organ of the ABA, that is, the *Eubios Journal for Asian and International Bioethics* (EJAIB), represents a diversity of Asian voices in the field, with some dominance by southern and eastern Asia. Another periodical, *Zhongwai yixue zhexue* 中外医学哲学 (Chinese & International Philosophy of Medicine), published in Hong Kong and Beijing, was launched in 1998, with a focus on introducing selected bioethics topics, debates and standards mainly from US American perspectives and a few Chinese discussions. This purpose, to acquaint Chinese intellectuals with current American bioethics, is also reflected in the most relevant Chinese monograph on bioethics.²² No notable efforts towards an integrated culturally "Asian" ethics theory are offered in these publications. Very recently, honorary president of China's Medical Ethics Association, Du Zhizheng, edited a Chinese "Medical Ethics Dictionary" (*Yixuelunlixue cidian* 医学伦理学词典).²³ This important work can be regarded as China's first major effort to standardise medical ethics terminology and concepts. However, the collection is dominated by authors with no special training in biomedical ethics.

Concepts and Arguments

The "Asian ethos" group of ethicists claims to be constructing a moral framework according to Asian traditions that would challenge the dominant "Western" forms of bioethics, one suitable to the demands of East Asian societies. One undisputed spiritual leader of this movement, in terms of academic recognition, political cunning, influence and productivity is Qiu Renzong. It is thus no coincidence that Qiu has edited the state-of-the-art volume on the subject. He takes pride in observing that all chapters in this book have been written by "non-Westerners". In

²² Qiu Renzong 邱仁宗. *Shengming lunlixue* 生命伦理学 (Bioethics). Shanghai: Renmin chubanshe, 1997, with several revised editions.

²³ Du Zhizheng 杜治政, and Xu Zhiwei 徐志伟 (eds.). *Yixuelunlixue cidian* 医学伦理学词典. 2003.

fact, 13 out of 19 titles have Chinese authors. As Qiu remarks, “I have been deeply impressed by how diverse the views of these contributors are on bio-ethical issues even within an Asian cultural context.”²⁴ Universalistic approaches should be rejected, because, “the final answer cannot be deduced from an overarching global ethics.” Qiu warns against an otherwise anonymous “leading figure” in bioethics who “may not impose his solution on other people.” Qiu cautions the reader that, “nothing could prevent this kind of imposition from leading to the kind of ethical imperialism that some bioethicists in developing countries understandably worry about.”²⁵

Notwithstanding this categorical admonishment, “some values” or rules should be shared in common, in the sense of minimal denominators for bioethics, namely general statements such as “Do not kill the innocent.” The practice of interpreting and applying such standards can be many and varied. For example, in Buddhism this imperative extends to any form of animal life, whereas Confucians would accept the killing of human fetuses. Moreover, a verdict such as “Do not steal”, for a Confucian, does not refer to all kinds of property, since, Qiu reassures us, “stealing books is not stealing.”²⁶

The limit of acceptable normative commonality in bioethics, accordingly, is a strategic consensus (“these co-ordinated efforts have to be and only can be achieved by consensus”). Other modes of controversy, such as contests for best arguments, or a discourse, are thus excluded from bioethics, leaving room only for procedural, formal and strategic approaches.²⁷ Any position aiming at more ambitious ethical projects is suspected of hegemony or imperialism. This seems to refer also to approaches that probe into the underlying meta-structures of practical reasoning, seeking to integrate moral diversity and universality under the basic assumption that aspiring for “good practice” is universally reasonable.

Qiu concludes this conceptual sketch on a bold note:

I believe that the diversity or pluralism of bioethical views will promote the growth of bioethics just as the late philosopher of science, Paul Feyerabend, argued that the proliferation of scientific theories promotes the growth of knowledge.²⁸

²⁴ Qiu Ren-Zong. “Introduction: Bioethics and Asian Culture—a Quest for Moral Diversity,” in id. (ed.), *Bioethics: Asian Perspectives. A Quest for Moral Diversity*. Dordrecht: Kluwer, 2004, pp. 1-9: 2.

²⁵ Op.cit.: 1.

²⁶ Op.cit. No argument or reference is given.

²⁷ This is a common strategy for shifting the levels of arguments. Similarly, former president of the ABA, Hyakudai Sakamoto speaks of “bargaining” as a standard method in bioethics (notably not in politics). Cf. Hyakudai Sakamoto. “Global Bioethics as an Inter-cultural Social Tuning Technology.” *Formosa Medical Ethics Journal* 1, November 2000: 27-35.

²⁸ Op.cit.: 2.

What exactly is the meaning here of “proliferation” used in a sense analogous to knowledge within the context of an ethics discourse? Without offering much explanation, Qiu seems to refer to co-operating sub-systems of “different cultures”, each of which has made a practical impact on bioethics in ways akin to scientific sub-disciplines or disciplines. It is not clear how such cultures should be defined and distinguished from one another. However, one might even enquire as to whether a plausible concept of culture is suited to supporting such an analogy in the first place.²⁹

Undoubtedly, sharing of work through inter-disciplinary co-operation can be instrumental to the advancement of science. But the possible contribution from regionally, ethnically or religiously defined “cultures” to the formation of universally obliging ethical standards is far from obvious, without relating it to presupposed underlying values such as “righteousness” or “humanity”. Moreover, an explication of the purpose of such proposed work-sharing of “cultures” in bioethics would be welcome. What would be a purpose analogous to the advancement of knowledge that drives science? Most Chinese authors refer to “humanity” or “humaneness” (*ren* 仁). Medicine, for instance, is dubbed the “art of humaneness” (*yi nai renshu* 医乃仁术). Often it is given the function of counterbalancing tendencies of reductionism (medical or genetic reductionism) as they are criticised in “the West”.³⁰

Apparently, any agreement on the basis of a telos, such as a “good life”, as a guiding purpose of bioethics would have to be framed in terms of normative universalism, which the authors expressly reject. However, even Qiu’s sceptical approach seems to depend on some fundamental prescriptive axioms, such as the positive respect for “another culture”. This approach seems to be unaware of the intrinsic normative implications. Historical precedence, in the case for instance of “imperialism”, which Qiu rightly quotes, demands special regard and recognition for the interests and views of affected people, as well as some restraint towards judging “another culture”, whether in positive or negative ways.

As to the position of culture within bioethics, Qiu elaborates: “The intellectual foundation of bioethics is entrenched in or closely related to particular cultures. In Asia there are Confucian, Taoist, Buddhist, Hindu, Islamic, Christian

²⁹ Cf. Ole Döring. “Was bedeutet ‚ethische Verständigung zwischen Kulturen‘? Ein philosophischer Problemzugang am Beispiel der Auseinandersetzung mit der Forschung an menschlichen Embryonen in China,” in Eva Baumann, Alexandra Brink, Arnd May, Peter Schröder and Corinna Schutzzeichel (eds.), *Weltanschauliche Offenheit in der Bioethik*. Berlin: Duncker und Humblot, 2004, pp. 179-212.

³⁰ Cf. the contributions in the same volume by Julia Tao. “Confucian and Western Notions of Human Need and Agency: Health Care and Biomedical Ethics in the Twenty-First Century,” in Qiu (2004), pp. 13-28; Shen Ming-xian. “To have a Good Birth as well as a Good Death: The Chinese Traditional View of Life and its Implications,” in Qiu (2004), pp. 135-146; and Edwin Hui. “Personhood and Bioethics: Chinese Perspective,” in Qiu (2004), pp. 29-43.

and many other cultures.”³¹ Thus, religion and culture become interchangeable. The postulate of one specific Asian culture would thus be a contradiction in terms. This observation has an immediate effect on several advocates of an “Asian ethos” in the same volume.³² A similar substantial and heterogeneous religious mixture can be described on other continents as well. Moreover, the phenomenon of cultural contingency should not be ignored. For example, renowned “hybrids”, such as the Chinese physician, founder of the Chinese Republic, Christian and Confucian, Sun Yatsen, together with several contemporary ethicists, could be assessed in such cultural terms only if one were to analytically dismember them into different individuals.

More important than a crude concept of culture, and more difficult to address, is the level of academic quality and scholarship that emerges from beneath the shadows of the self-proclaimed “cultural authenticity”.³³ With surprising frequency, arguments appear feeble and inappropriate considering the facts and theoretical foundations presented, especially as regards the strong culturalistic claims. This makes understanding and co-operation more difficult, adding a diplomatic consideration that borders on strategic rhetoric—something that might conflict with the scientific virtue of plain sincerity. For example, the textual sources of the “Confucian” tradition or those of “Western” origin are reconstructed in vague and arbitrary ways. They do not use standardised terminology, lack philological annotations and rarely give references, if at all. As far as “Western” sources are concerned, they hardly represent the breadth of European scholarship on ethics. The reader is certainly not left with the impression of an author familiar with the original canon or tradition.³⁴

On top of this, the ethics debate is burdened with strong culturalistic and moral views. For example, some authors, when considering fundamental theoretical categories, offer arbitrary contradictions. In such a vein, Tang Refeng suggests focussing on what is “good” instead of “right”. In the context of China’s population policy, he observes a duality of approaches:

One is scientific.... The other is the philosophical approach which has little to do with the analysis and prediction of facts, but only provides a methodological foundation.³⁵

Accordingly, science would be reduced to positivistic and formalistic matters. It is not explained on the basis of which heuristics a mere methodical “philosophy” could be integrated with such a concept of science. In turn, without such a com-

³¹ Qiu (2004), p. 2.

³² E.g. Hyakudai Sakamoto. “The Foundations of a Possible Asian Bioethics,” in Qiu (2004), pp. 45-48.

³³ Fan, in Qiu (2004), p. 67.

³⁴ Cf. in some detail, Döring (2004), pp. 216-227.

³⁵ Tang Refeng, in Qiu (2004), p. 173.

patibility requirement, the character of philosophy as a scientific or meta-scientific venture would be undermined.

To take his account of China's population policies as an example, Tang shows little awareness of the related social and ethical issues. "My conclusion is, Chinese thinking on population policy is a kind of mature 'good' ethics which we shall carry out thoroughly. That is, we shall always consider whether our actions are good at every stage or level; we should not be satisfied with just doing the 'right' thing." And, finally, "We must study the current Chinese situation carefully, and not let Western principles of 'right' stop us from making good choices."³⁶ Here, recent legal reforms and severe domestic criticism of the first 25 years of the actual practice of the "one-child-policy" are being ignored.³⁷

Tang provides no reason why ethics should need to be based alternatively on either "what is right" or "what is good", or to define "right" in terms other than secular. It would be perfectly sound to base it on integrated concepts of right and good, which, consequentially, can be understood as an expression of aspired excellence of a higher order, on the meta-level, from a philosophical point of view. The distinction is arbitrary and misleading. It does not serve for a better understanding of "how to make population policy best contribute to the quality of life" (p. 182), as if quality could proceed without either "good" or "right". In the concluding vote for a "situational" moral judgement according to "good choice", Tang indeed presupposes (inexplicitly) a general moral assumption that corresponds with common moral intuition as well as contingency of practice.

Altogether, this approach makes extensive use of a dualistic conceptual framework. Science is distinct from philosophy, empiricism stands against the methodical approach, theory counters practice, globalism opposes localism, East contradicts West, good is critical of right - the list of such antinomies could be easily extended. Notably, this contribution to an Asian bioethics expressly depends upon an eclectic perception of minority or extreme positions within the American debate (that is, here, Gilligan's feminist ethics and Dreyfus' phenomenology),³⁸ but notably not on established authorities of Chinese philosophy or the relevant sciences.

Correspondingly, it is apparent that cultural essentialists in only a few exceptional cases refer explicitly to Chinese (or for that matter Asian) textual sources,

³⁶ Tang, in Qiu (2004), p. 182.

³⁷ Cf. Hanna Beech. "China's Baby Bust. A Dwindling Birthrate and an Aging Population Force China to Rethink its Family-planning Policy." *Time Asia* Monday, November 1, 2004, download Nov. 14, 2004 (<http://www.time.com/time/asia/news/magazine/0,9754,168514,00.html>); Jing-Bao Nie. *Behind the Silence: Chinese Voices on Abortion*. Lanham, Maryland: Rowman & Littlefield, 2005.

³⁸ Tang, in Qiu (2004), pp. 175-177.

even when they declare holding a Confucian position.³⁹ Qiu Renzong simply refers to Xunzi—a representative of the authoritarian chapter within the Confucian tradition.⁴⁰

Some authors seem to use the bioethics debate as an opportunity for promoting their own ethical agenda. Edwin Hui (Xu Zhiwei), for example, advocates “Confucianism” with a conservative Christian flavour, referring to the Confucian concept of the human being. Becoming a human being, accordingly, “is carried out in and through the social context for the purpose of fulfilling social responsibility rather than self-actualization *per se*.”⁴¹ This is an interesting social ethics proposition in its own right. However, it is loaded with a heavy conceptual burden. According to Hui, it constitutes an essentially cultural difference to “the West”, which, in turn, finds itself being stereotyped rather than properly presented.

In most Western countries, it is entirely a matter of a woman’s right or autonomous choice to abort a fetus. The Chinese holistic and social personhood suggests ... that the sexual partner’s opinions and desires may not be set aside entirely as it is done in the West.⁴²

The implicit political dimension of such doctrines framed in terms of bioethics is conspicuous in an argument by Fan Ruiping:

We should recognize that all past attempts to read into Confucianism liberal democratic concerns with liberty, equality, human rights and liberal democracy ... is a form of naive presentism. The truth of the matter is that cardinal Confucian concepts ... presuppose understandings of morality and justice that are not reducible without loss of essential meaning to liberal individualist concerns with equality, rights and justice.⁴³

This off-hand rejection of original Chinese attempts to “democratise” Confucianism speaks of a lack of appreciation of more optimistic proponents of such efforts. One would hesitate to call modern Neo-Confucian scholars such as Zhang Junmai, Xie Yuwei, Xu Fuguan, Mou Zongsan and Tang Junyi naive for their quest for “the objective adherence to a course of righteousness through rea-

³⁹ An author who does not hesitate to quote from the relevant texts is Shen Mingxian. “To have a Good Birth as well as a Good Death: The Chinese Traditional View of Life and its Implications,” in Qiu (2004), pp. 135-146.

⁴⁰ Qiu (2004), p. 196.

⁴¹ Hui, in Qiu (2004), p. 34.

⁴² Hui, in Qiu (2004), p. 41.

⁴³ Fan, in Qiu (2004), p. 66.

son",⁴⁴ as formulated by the "Manifesto on the Reappraisal of Chinese Culture" of 1958. The reader wonders whether one should take it for granted that the author has thoroughly studied such material or other relevant sinological literature. A self-confident attitude cannot compensate for a lack of discussion of the relevant and rather lively Chinese debates.⁴⁵

Disregarding this and other relevant Chinese scholarship, in a bold move Fan ventures to postulate the superiority of his newly invented "reconstructionist Confucianism". "Reconstructionist Confucianism holds that it provides a more ample account of human flourishing and morality than that offered by other accounts."⁴⁶ Obviously, Fan uses his particular rendition of Confucianism to construct a "culturally Chinese / Asian morality", rather than to reconstruct a traditional pattern from China's culture.

Only a few Chinese bioethicists acknowledge the modern or critical-progressive patterns in Confucian ethics. As far as authors from the Chinese mainland are concerned, there is a tendency to ascribe conservatism and anti-modernism to Confucianism.⁴⁷ It indicates a development of social mores that call for revision and transformation in terms of adaptability to modernity, rather than promise a timely vision that could guide modernisation.

However, a few differing voices have been raised from outside the bioethics community.⁴⁸ For example, Cheng Chung-ying, in a philosophical discussion of

⁴⁴ "Manifesto on the Reappraisal of Chinese Culture," in T'ang Chun-I, *Essays on Chinese Philosophy and Culture*. Taipei: Student Book, p. 510.

⁴⁵ One such debate took place in 2004 in Hong Kong, when an international conference addressed the theme of 'Taking Confucian Ethics Serious', at the Polytech University. Cf. Albert H. Y. Chen. "Chinese Cultural Tradition and Modern Human Rights." *Perspectives* vol. 1, no. 5, April 30, 2000 (Cf., http://www.oicyf.org/Perspectives/5_043000/Contents.htm).

⁴⁶ Fan, in Qiu (2004), p. 66.

⁴⁷ Cf., e.g., Qiu Renzong. "The Tension between Biomedical Technology and Confucian Values," in Julia Tao Lai Po-wah (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*. Dordrecht: Kluwer, 2002, pp. 71-88; Qiu Renzong. "Reshaping the Concept of Personhood: A Chinese Perspective," in G. K. Becker (ed.), *The Moral Status of Persons: Perspective on Bioethics*. Amsterdam and Atlanta: Rodopi, 2000, pp. 124-148.

⁴⁸ E.g., Julia Tao Lai Po-wah. "Global Bioethics, Global Dialogue: Introduction," in id. (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*. Dordrecht et al.: Kluwer, 2002, pp. 1-18; Yu Kam Por. "Respecting Nature and Using Human Intelligence: Elements of Confucian Bioethics," Proceedings of the Workshop "Asian Genomics. Cultural Values and Bioethical Practice." IAS Leiden, March 28-29, 2002; Tsai Fu-chang. "How should Doctors Approach Patients? A Confucian Reflection on Personhood." *Journal of Medical Ethics* 27 (2001): 44-50; Nie Jingbao. "Abortion in Confucianism: A Conservative View." The Second International Conference of Bioethics, Taiwan, June 2000; Lee Shui-chuen. "A Confucian Assessment of 'Personhood'," in Döring and Chen (2002), pp. 167-177, and some discussions in Fan Ruiping (ed.), *Confu-*

bioethics, refers to the moral transformation of human beings, “morality requires an inner source of development and creativity”, that “presupposes that the human being is a free and creative agent with autonomy of his own will, and that he is capable of self-discipline and self-control.”⁴⁹ This seemingly modern notion includes the concept of a “human process-identity”.⁵⁰ It synthesizes the patterns of individual moral development and the relational or social nature of the human being, and generates a multi-dimensional concept of humanity.

Regarding the comparative statements of Asian relativists (notably, Fan claims to deliver “a more ample account”), these include an implicit universal claim to deliver a better moral philosophy, in terms of humanity. Fan, like his mentor, Qiu Renzong, does not venture to elaborate on the (potentially self-defeating) consequences of this universalistic undercurrent, nor does he offer much reference material in support of his argument. Quite the contrary, in another of his texts that tries to establish an essentially East Asian variant of “autonomy”, Fan frankly declares, “I have not found any expression of the East Asian principle of autonomy in the literature, I will attempt to offer a statement of it (...).”⁵¹

This may be reminiscent of the typical Confucian intellectual’s understanding of themselves as a missionary and custodian of moral rectification.⁵² Here, it is presented with a political slant. Fan “calls for restructuring social institutions through reformulating public policy in accordance with fundamental Confucian moral and political commitments rather than modern Western liberal social-democratic concerns.”⁵³

Some time ago, and without comparable sources to work on, Ruth Macklin explained how this argument amounts to crude cultural ethical relativism, grossly

cian Bioethics. Dordrecht: Kluwer, 1999. These authors represent a broad variety of different approaches to Confucianism and bioethics.

⁴⁹ Cheng Chung-ying. “Bioethics and Philosophy of Bioethics: A New Orientation,” in Julia Tao Lai Po-wah (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*. Dordrecht: Kluwer, 2002, pp. 335-358, 343f.

⁵⁰ Op.cit.: 345. On the difficulties of an analytical philosophical framework to grasp the procedural identity of the human being, cf. Derek Parfit. *Reasons and Persons*. Oxford: Oxford University Press, 1984

⁵¹ Cf. Fan Ruiping. “Self-Determination vs. Family-Determination: Two Incommensurable Principles of Autonomy.” *Bioethics* vol.11, no. 3&4 (1997): 309-322; Compare: Fan Ruiping. “Three Levels of Problems in Cross-Cultural Explorations of Bioethics: A Methodological Approach,” in Kazumasa Hoshino (ed.), *Japanese and Western Bioethics*. Dordrecht: Kluwer, 1997, pp. 187, 189-199. Compare the extensive analysis and discussion of this argument in Döring (2004) and Ruth Macklin. *Against Relativism: Cultural Diversity and the Search for Ethical Universals in Medicine*. Oxford: Oxford University Press, 1999.

⁵² C.f. Frank Dikötter. *The Discourse of Race in Modern China*. London: C. Hurst, 1992.

⁵³ Fan, in Qiu (2004), p. 67.

stereotyping cultures according to an East-West framework to serve political interests.⁵⁴ Her warning goes largely unnoticed among the authors discussed here. Instead the scattered scholarly basis of the explicit claims to distinction on cultural-genetic grounds (i.e. Fan), as well as the self-strengthening rhetoric (i.e. Qiu), indicates a poorly established fundamental theoretical grasp of the conditions and terms of a cross-cultural understanding in normative matters. It reaches, in its destructive consequences, beyond bioethics. Even when it is expressed in diplomatic phrases (such as Qiu's approach that it would be "more adequate in the Asian context"),⁵⁵ the notorious image of imperialism is summoned up as a threat to developing countries.

Dissent and Inconsistencies

There are, however, several authors, including some in Qiu's volume, who challenge this framework.⁵⁶ Julia Tao, a philosopher from Hong Kong, discusses American bioethics, her critique of an overly individualised understanding of "autonomy" embedded in a well-reasoned diagnosis and constructive attitude towards the conceptual achievements of the ethics discourse. She argues against an imbalance of legal form and content. Law is appreciated as an instrument, but should not overwhelm ethical substance and purpose (such as the promotion of the common good), as can be perceived in misapplications of the informed-consent idea. Thus, Tao refers to concepts of appropriateness and sincerity, both key virtues and principles according to Confucian (or, for instance, Stoic) philosophy, but hesitates to attach to them a culturalistic rhetoric. She illustrates her ethical point by defining "public health as a common good",⁵⁷ thereby continuing arguments from her earlier works and making them instructive in practical and analytical terms.⁵⁸ Tao takes the opportunity here to challenge the majority of the contributions in this volume. Another example is Ip Po-keung, an analytical philosopher based in Hong Kong and Taiwan, who maintains the allegedly "non-rights-based notion of personhood" as a vital part of Confucianism.⁵⁹

⁵⁴ Macklin (1999). Macklin rightly points out that the particular conception of "Asian autonomy" "sounds remarkably like something John Stuart Mill might have written" (pp. 97, 230f.).

⁵⁵ Qiu (2004), p. 4.

⁵⁶ This also applies to more recent publications, e.g. "Informed Consent and the Family: A Cross-Cultural Study." *The Journal of Medicine and Philosophy* no. 29 (2) (2004).

⁵⁷ Tao, in Qiu (2004), pp. 13-28.

⁵⁸ For example, Julia Tao Lai Po-wah. "Global Bioethics, Global Dialogue: Introduction," in id. (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*, Dordrecht: Kluwer, 2002.

⁵⁹ Ip Po Keung, in Qiu (2004), pp. 49-56.

In sum, the conceptual framework and cultural outlook in this volume reiterates a tradition of pan-Asian cultural essentialism with some chauvinistic overtones.⁶⁰ Most of these discussions do not seem to serve well the purpose to develop a culturally sensitive, empirically sound and conceptually satisfying bioethics “from Asians for Asians”. Their main flaw is the marginalisation and distortion of the potential of Asian and other cultural resources for responding to the serious challenges of biomedical modernisation. Heiner Roetz has argued that the logic of the arguments for the “Third Way” in bioethics (and thereby, in biopolitics) is merely a transformation of the political rhetoric of the Cold War.⁶¹

A puzzling observation has to be noted here. It has to be acknowledged that many scholars have been raised in developing countries with oppressive ideological regimes and a recent history of brutal anti-intellectualism and cultural “Gleichschaltung” (especially during the Great Proletarian Cultural Revolution in China). This socio-biographical fact has to be taken into account when one attempts a cultural interpretation, and should not, therefore, have escaped the attention of the promoters of bioethics in Asia. It is hence odd to note that hardly any mention of this factor can be found in the literature, neither from authors from the PRC, nor from regions such as Hong Kong, Taiwan or Chinese living overseas. Without acknowledging this sociological issue and the resulting political critique, especially of the framework of conditions necessary for any cultural expression to flourish within the ideologically and morally sensitive area of bioethics, it seems absurd to try to appreciate any achievements made and discuss options for further advancement. Within the Chinese life sciences discourse an additional complication awaits a cultural impact analysis. As historian of science in China, Lawrence Schneider, has pointed it out:

⁶⁰ This decade begins roughly with the founding of the Asian Bioethics Association in 1995 in Beijing. Cf. Ole Döring. “Wandel und Selbstbesinnung: In China entwickelt sich eine medizinethische Debatte.” *China aktuell* Oktober 1997 (10/97): 1012-1020, and “Globalisierung durch Biotechnologie: Soziale und kulturelle Aspekte am Beispiel Humangenetik und China.” *Berliner Chinahefte* 20, Mai 2001: 101-116. Another relevant publication is: Kazumasa Hoshino (ed.). *Japanese and Western Bioethics*. Dordrecht: Kluwer, 1997; Fan Ruiping (ed.). *Confucian Bioethics*. Dordrecht: Kluwer, 1999; Becker G.K. (ed.). *The Moral Status of Persons: Perspective on Bioethics*. Amsterdam and Atlanta: Rodopi, 2000; Julia Tao Lai Po-wah. “Global Bioethics, Global Dialogue: Introduction,” in id. (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*. Dordrecht: Kluwer, 2002; Ole Döring and Renbiao Chen (eds.). *Advances in Chinese Medical Ethics. Chinese and International Perspectives*. Hamburg: Mitteilungen des Instituts für Asienkunde no. 355, 2002.

⁶¹ Heiner Roetz. “Muß der kulturelle Pluralismus einen substantiellen ethischen Konsens verhindern? Zur Bioethik im Zeitalter der Globalisierung,” in Eva Baumann, Alexander Brink, Arnd May, Peter Schröder, Corinna Schutzzeichel (eds.), *Weltanschauliche Offenheit in der Bioethik*. Berlin: Duncker und Humblot, 2004, pp. 213-231.

No 'externality' of science has been more problematic for China than the dependence on foreigners for science development. ... It made a difference that virtually the entire leadership of China's emerging science community was trained abroad.⁶²

The dependence on foreign aid and standards and the need to build China's bioethics infrastructure in light of the "Western model", with its inconsistencies and peculiarities, has certainly contributed to the desire for an emancipated Chinese approach. The focus of the mainstream bioethics discourse abroad (and the almost entire absence of different schools and practices in America and Europe in its perception), has led many Chinese authors to overlook the relatively marginal position of their foreign colleagues within their own academic communities. They tend to disregard the larger picture of philosophical ethics and social critique that would help to place them in proper context. The resulting shortcomings in empirical soundness, conceptual acumen and analytical rigor could be taken as the result of initial disadvantages in research facilities in a developing country. When combined with a general attitude of cultural peculiarity or even superiority, however, they simply appear crude. There may be better arguments available for sustaining the dualistic cliché of "East versus West" or "Relativism versus Universalism", for those keen to continue such missions. In the meantime, bioethics as a discipline must continue to develop according to scientific standards and produce a conceptual framework and institutions that integrate ethical resources and cultural diversity in a constructive manner, with substantial contributions from properly educated Asian scholars.

Just how big is the task? Tang Refeng has endeavoured to answer the question, "What is ethical?" as follows:

In analyzing ethical problems of developing countries, Western philosophers have found that many inhumane activities in those countries have very deep cultural reasons. Circumcision and the illegality of abortion, for example, are both products of certain cultures or religions. Some Western philosophers think that the only way to argue against these wrongdoings is to emphasize that the ethical principles of Western society are general, intercultural and inviolable. I believe this is the main motivation of principlism. But they have not realized that their opponents are just like them in the sense that they are also principlists. They think that those principles endorsed by their *own* culture should not be violated. Both of them think that principles should not be vio-

⁶² Lawrence Schneider. *Biology and Revolution on Twentieth Century China*. Oxford: Rowman & Littlefield, 2003, pp. 274-275.

lated. The only difference is that they believe in different kinds of principle.⁶³

This quotation includes some typical misunderstandings and confusions of basic ethics. He may be exempted from elaborating on the differences between female circumcision and the illegality of abortion, but both certainly belong to different categories of violation. Circumcision is a concrete action, illegality of abortion a judgement of a concrete action in a legal form. More importantly, there is criticism and resistance against both practices inside any country where they take place. People involved as “judges” or affected as victims argue against the inhumanity of such acts and the accompanying apologetics. In any event, the cultural argument at best delivers an empirical description. This can not and ought not to be accepted as a trump card against the expressed interests of the victims or ethical arguments, even when, or rather especially when such practices may be considered to have “very deep cultural reasons”.

In contradiction to Tang’s assumption, avoiding the violation of principles is not a primary task of ethics. Ethics is all about preventing harm and suffering when they result from action, and understanding the meaning and functionality of harm. No serious ethics, whatever its origins, could insist on the positivistic and redundant reasoning of a formal meta-imperative such as “principles should not be violated”, though this might be part of an intellectual exercise in basic logic. The ethically relevant difference between “different kinds of principle” is exactly the one between good and bad principles (and related practice). The mere fact that people “believe” in different kinds of principle, be they humanist, fascist, or indifferent, etc., is not an argument in support of indifference towards the ethical quality of the respective principles.

However, we might search for a key towards understanding the fundamental concept of “the humane”. Tang expressly requires that the humane can be commonly understood as an imperative for everyone. Such a universal moral claim has nothing to do with hegemonic conformity. The distinction between an ethical theory that necessarily, by virtue of being a theory, operates with (heuristic or axiomatic) principles, and a principalistic approach,⁶⁴ marks a qualitative step in the exploration of philosophical horizons. It frees ethics from the considerations of secondary interests, distinguishes it among formalistic or merely descriptive avenues to what is normative, and makes a discourse on ethical issues and understanding possible in the first place. Arguments on behalf of the people in Asia would rise in credibility if they would explicitly acknowledge their own implicit assumptions. That is, the “Asianist” cases in these volumes always refer to some universal ethical concepts.

⁶³ Tang Re-feng. “Chinese Population Policy: Good Choice and Right Choice,” in Qiu Ren-Zong (ed.), *Bioethics: Asian Perspectives*. Dordrecht: Kluwer, 2004, p. 180.

⁶⁴ Cf. Peter Schröder. “Tom L. Beauchamp, James F. Childress (2001) Principles of Biomedical Ethics.” *Ethik in der Medizin* vol. 14, no. 1, März 2002: 49-52.

The strongest argument against the dogma of an essential cultural difference for Asian ethics is that, performatively and in the terms of consistency, it refutes itself, since everyone uses their reason and systematically prefers argument rather than physical fighting or apathy. Moreover, several Asian authors, though still a minority in the circles of Asian bioethics, hold reflected normative and transcendental-universal ethical views, even without having studied ethics in “the West”. For example, Valavandan Manickavel from Nepal argues from the perspective of issues for the people, connecting an empirical description of ethical issues with an explicit critique against self-declared anti-universalism in bioethics:

The local problem of the unfortunate or less fortunate had become an international issue in the globalizing process, as now whole nations have become unfortunate or less fortunate relative to other nations. Let us focus on how the universality of ethical values and principles is being denied, concealed and ignored in favor of other interests.⁶⁵

Manickavel continues by addressing the activities of pharmaceutical business and research in the Asian region, identifying relevant actors and interests, especially those trying to profit from unequal standardisation and implementation of bioethical norms.

Projects or studies [that] were, for ethical reasons, not able to be conducted in other countries ..., get transferred to countries where ethical considerations are not such a priority. In most of these situations, locals were allowed to dominate, and the universal governance of ethical values were undermined. ... The reality is that bioethics is being missed in these countries.⁶⁶

It is evident that the absence of universal ethical standards for the people’s sake and especially those to protect vulnerable populations, sustain problematic developments owing to the uninhibited activities of particular interests. For example:

The so-called local ethical reviews of the projects and studies are often biased and favor the views of the ruling party of the nation. ... The repeated rape of the environment and exploitation of weaker sections in Southern countries illustrates the lack of bioethical principles in action. This is due to the double standards adopted by Northern countries and

⁶⁵ V. Manickavel. “Living in Separation and Unequal Worlds: A Study in the Application of Bioethics,” in Qiu (2004), p. 84.

⁶⁶ Manickavel, in Qiu (2004), p. 85.

the reluctance of Southern countries to follow bioethics, which is based on transcendental universal values.

This small example is to indicate the significance of an empirically sound and methodically reasoned understanding of (political, economic, social) interests and power as real factors driving the development of the biomedical sciences. In comparison, vague references to the ethical relativity of “cultures” appear out-moded and superficial.

In this light, the emphasis on the undeniable ethical function of a universal conceptual framework as a heuristic reference should receive greater attention than is presently the case within the Asian bioethics communities.

Ethical principles based on transcendent values always help humanity in providing justice to individuals, families, communities and nations. In all circumstances, the transcendence of justice is weighed against the immediate results or benefits.⁶⁷

In fact, these examples indicate one of the strong points of the anti-normative approach Qiu Renzong and his comrades propagate, since as an organiser and editor of the debate, he admits contributions that are designed to overcome parochial restrictions.

Open horizons

To sum up, in their discussions of cultural aspects of bioethics Chinese authors hold mixed and often unexplained opinions on basic normative issues, such as the foundations of human rights. In several instances a thorough elaboration of these questions is overruled by the evident need for immediate responses to matters at hand, such as requests for policy advice. In fact, the practice of bioethics-on-demand supports pragmatic institutions and tendencies. In these instances, cultural arguments play no discernible role. Consequently, methodological questions concerning the possibility of cross-cultural understanding or on the ethics of communication in medicine and the communication of medical ethics are largely absent from the debate. On the other hand, fundamental questions are addressed in terms of the rhetoric of culturalistic differentiation or even self-defence.

Experience of this debate should alert the observer as to whether, or to what extent, labels such as “Confucian” or “Chinese” are used on the basis of a solid theory and genuine understanding of the relevant cultures, or are employed merely for the sake of their rhetorical weight. An indicator for the validity of such labels can be seen in the way authors refer to the relevant substance of the litera-

⁶⁷ Op.cit., p. 88.

ture concerned, such as that on philosophical ethics, in particular whether they make their “cultural” references explicit. In general, there are many who use “culture” in a merely instrumental fashion, without proper textual evidence.⁶⁸ The spectre of rhetoric reaches from political propaganda, though gaining of a profile for the “cultural clashes” and “shortcuts of argument”, to pragmatic ends or chauvinistic self-appraisal.⁶⁹

The current development of bioethics in China is a fascinating area for the study of an emerging culture, making a contribution to academic nation building and ethical orientation. It carries with it conceptual fragments from ideologies such as Capitalism and Maoist Communism, cynicism and pragmatism, often in a rhetorical form of post-colonial defence and self-strengthening against foreign infringement of China’s integrity. It displays a large measure of material morality, including sincere moral concern, paternalistic medical morality and post-modern libertarianism, and a fair portion of strategic argument.

At present, in the absence of a proper theoretical Confucian bioethics framework, conceptual guidance of substantial and procedural principles in bioethical discourse and the related policies is frequently sought for, or offered in, indistinct terms of “Confucian” doctrines, disregarding the ambivalent attitudes towards this school’s capability to cope with modernisation. This debate usually refers to vulgarised forms of “Confucianism”. In its present shape, it certainly cannot represent or constitute any “cultural” approach to bioethics.

Nor is it clear that either Confucianism or any other Asian school is able to serve as a resource for relativistic ethics. As Macklin notes, instead of an appraisal of Asia’s contribution to bioethics that “merely replaces the puzzling with the obscure”, in light of the weight of the current ethical challenges for global bioethics and in order to be fair to the moral host of Asia’s traditions “we have to do better”⁷⁰ than make it an ideological instrument. That is to say, we would welcome contributions from Asia that do not depend on a marginalisation of China’s scientific and philosophical capacities and on stereotypes of the “West”.

Last but not least, a word on the relevant books. Although they are designed to stimulate the debate in East Asia, the pricing is way too high to make them affordable to individuals or indeed most institutions in developing countries.⁷¹ Moreover, from a sinological point of view, there is a confusing lack of stan-

⁶⁸ This practice is widely found in claims to combine bioethical interests with culture. An example from Japan is: Christian Steineck. *Japanese Bodyminds in Japanese Selves?* Bonn: 2002. See also the book *Kulturübergreifende Bioethik. Zwischen globaler Herausforderung und regionaler Perspektive*, ed. by Thomas Sören Hoffmann and Thomas Eich. Freiburg/Br.: Alber, 2006.

⁶⁹ Cf. my *Chinas Bioethik verstehen. Ergebnisse, Analysen und Überlegungen aus einem Forschungsprojekt zur kulturell aufgeklärten Bioethik*. Hamburg: Abera, 2004.

⁷⁰ Macklin (1999), p. 98.

⁷¹ E.g., Fan (1999) (316 pages) can be purchased for 241 Euro, Tao (2002) (399 pages) for about 180 Euro, and Qiu (2004) (239 pages) for 93 Euro.

standardisation. Neither Pinyin nor the Wade-Giles system of romanisation is used consistently. Editors obviously did not consult sinological experts. This situation calls for co-operation between those from different disciplines, e.g., sinologists in particular and bioethicists from all regions, in order to transform the patchwork of an emerging debate into a coherent scientific discourse that can embrace the cross-cultural aspects desired.