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Bringing Bioethics back to earth: Comment on Xiong Lei's Article

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In her article, Xiong Lei takes issue with the core of bioethics. How does bioethics relate to human rights? What kind of a human rights concept supports a culturally educated global bioethics? What remains from our humanitarian agenda if we deny it a perspective of humanity?

The recent 7th World Congress of Bioethics in Sydney articulated two different *cultures of bioethics*, which can be distinguished by each one's particular agenda and conceptual framework regarding "human rights and bioethics".

Ruth Macklin imagines "two *separate* approaches with an overlap between them", adding that "the two approaches can and should be mutually reinforcing". It stands to question, what would be a coherent normative frame for giving such reinforcement a purpose? George Annas, a pioneer of American bioethics, would rather situate the field of bioethics *within* a human rights framework. This debate gained substance when Angela Wasunna set bioethics amidst the context of globalization, poverty and human rights. Thus bioethics acquires a clear program, which shuns legalistic or bureaucratic distortion but invites ethical reasoning. Wasunna calls international bioethicists to address global health problems in a pragmatic way, *grounded* in ethical principles. She concludes that, "I am encouraged that bioethics as a discipline is as relevant today for a human rights practitioner in Nigeria as it is for a bioethics professor in Canada". (1)

It may seem as if the narrow and destructive scope of the apologetic question, "Whose Human Rights?" has finally become obsolete. A few fundamental insights *are* at hand in bioethics. They'd rather not be jumbled by ethical relativism if we hope to make practical sense in bioethics.

In such a situation, Xiong Lei's argument is a lesson for culturally educated and socially concerned bioethics. The journalist encourages us to de-mystify science and experts in regard of their obligations toward society, to overcome civil paternalism by capacitating lay people. She reminds us to be sincere about the interests of research and to foster IRB's as institutional safeguards ("watchdogs") for the vulnerable. She warns us not to accept formalistic excuses for law-like insincerity, e.g. in face of "informed consent forms" and by no means to tolerate double standards in ethics. Finally, Xiong prompts us to co-operate to constantly improve our codes of ethics.

Alliances are emerging, between professional "bioethics" and concerned citizens, fuelled by demand for solidarity and justice. In a recent letter to the editor of the AJoB, a group of eminent bioethicists express confidence in a bioethics that is inspired by human rights, and alert us about an abuse of bioethics if it fails to respect human rights. (2) The authors acknowledge the protracted woe of unethical research carried out on a largely illiterate rural population. They worry that research of this nature was able to escape ethical scrutiny. And they refer to the trouble of freedom of speech, which is, at times, in jeopardy, even in a bioethics community.

Xiong's paper appeals to concerned citizens in a global civil society, as stakeholders in bioethics. To me, there is no doubt that this setting leaves ample room for diversity of moral views and life stiles. In fact, it calls us to fill these spaces with life.

Notes

(1) Reflections on the 7 th World Congress of Bioethics by Paul A. Komesaroff, cf.: „http://www.bioethicsworldcongress.com/images/Congress%20Reflections.pdf"

(2) Dirceu B. Greco, Dafna Feinholz, Dirce Guilhem, Carel IJsselmuiden, Bebe Loff, Udo Schuklenk, Juan Carlos Tealdi, "Letter to the Editor Regarding the 5th Global Forum on Bioethics in Research", The American Journal of Bioethics, Volume 4 Number 4, December 2004:W38

China: Ethical Issues in the Family Planning Program

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Introduction

China is one of the greatest empires in the world. Its population reaches almost 1.3 billion people, which is almost fourth of the entire world population! But the size of population in not correlated with its settled terittory and financial, social, ecological and geographical resorces. According to analists from the human science field, China will soon not be able to support more than 1.6 billion people and this day is not so far away.

In our research we desired to examine the law of birthrate restriction or as it is officially called: " The law of Family Planning Program " and "The law of Maternal and Infant Healthcare" from Bioethical aspects and especially the principles of respect for autonomy, nonmaleficence, beneficence, justice, the meaning of life and caring.

This issue touched us deeply because of its difference from the expansive attitude in Israel: " More children- more happiness" is a common saying in Israel. This has support in the Jewish religion. As it says in our holy book, the *Tora*:" And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth" (*Genesis*, chapter 1, 28 and chapter 9,1) .In this sentence there are two important verbs: *blessed* and *said unto*. Having children is a good thing, and we are ethically required to do it. This means that God's saying expresses a blessing and a commandment.

This is Israel's attitude to this matter. Generally the idea of having more children is both officially and culturally encouraged. Culturally for example: poetry- "Children is happiness" by: Yehoshua Sobol, theatre:" Spanish orchard" by Yitzhak Navon, cinema: "Kadosh"(sacred) by Amos Gitai.

Mothers receive from Israeli National Insurance a generous financial grant just after childbirth. This grant requires that the mother give birth in hospital or bring the baby to hospital within 24 hours after birth. This requirement is aimed especially at improving mother and infant health in the Bedouin population.

Israeli National Insurance also gives a monthly allowance to families with children under the age of 18. The more children a family has, the larger allowance it receives from National Insurance.

In the light of our Israeli background, having one child in China at first sight seemed to us more like a "punishment" rather than a way of improving the citizens' lives.

This especially struck us because the basis of their ancient culture resembles this Jewish commandment of having many children. For example the sculpture "The laughing Buddha" .Several Chinese ideals are embodied in that figure: the fat belly symbolizes wealth; his smile and relaxation indicate his equanimity, and the children around him show his love of children, one of the principal Chinese virtues. His

eccentric actions also express the mind of Chan [Zen] Buddhism.

All of that prompted us to explore how it came about that the Chinese changed their personal philosophy, if they truly did so, and how can it be that in such a short period of time the government there suceeded in reversing the behavior of the Chinese.

The Chinese people have shared a common culture longer than any other group on Earth. The imperial dynastic system of government was established as early as 221 BC. It was overturned in 1911, and a weak republican form of government existed until 1949. In that year, after a long civil war, the People's Republic of China, with a Communist government, was proclaimed. This government and the ruling Communist party have controlled China ever since.

Believing that the revolution could not be carried on without reform of people, the communist party launched a massive campaign to change China's entire psychology, as we can see in a quote of chairman Mao Tse-Tung: "A Communist should have largeness of mind and he should be staunch and active, looking upon the interests of the revolution as his very life and subordinating his personal interests to those of the revolution; always and everywhere he should adhere to principle and wage a tireless struggle against all incorrect ideas and actions, so as to consolidate the collective life of the Party and strengthen the ties between the Party and the masses; he should be more concerned about the Party and the masses than about any individual, and more concerned about others than about himself. Only thus can he be considered a Communist." 2 The Four Olds campaign was launched to eradicate old ideas, habits, customs, and culture.

The situation in West China:

28% of the Chinese population is situated in the west of the country and composed of minorities especially Moslems, Tibetans and Mongolians. Most dwell in rural areas and live on agriculture. The need for boys is more essential for several reasons: first as a result of the need for physical strength for daily labor, and second because when a woman gets married she traditionally belongs to her husband's family and her parents loose her forever. Due to these special conditions the leaders adjusted the law there. For example if the first offspring is a female they are allowed to have a second child. In spit of that, the ratio between boys and girls has changed dramatically in the west in comparison to the rest of the country- 140/100 in the west compared with 117/100 in the entire country. Now the government declared a new project called "girl care" and their goal is to change back the ratio to normal by 2010, according to Zhao Baige, the deputy director of China's National Population Commission.**4**

The Research Tools

We sent a questionnaire by electronic mail. The questionnaire contained three main questions. We put our explanations of our reasons for the questions within italics:

1. How many children do you have? And how many would you have liked to have if there had not been a restrictive law?

The goal of this question was to learn something about the attitudes of the Chinese bioethicists themselves. Without a doubt there is a certain fear to come out against any institutional thing and particulary such a basic law. This fear may become stronger when one is open to, and reveals one's thoughts to strangers. Therefore, through this question we tried to discover the true position of the respondents. We hoped that the Chinese reserchers would understand this purpose and wouldn't see it as an invasion of privacy.

2. Do you think that the government will be successful in enforcing this law in Western China? What steps do you think might be taken to ensure the acceptance there of this and other social legislation?

The goal of this question is to find out what they think about the special situation in the West and if it can be changed and how.

3. To what extent do you think that eugenic legislation is in accord with, or departs from, ancient Chinese ethical traditions, such as Confucianism or Taoism? We are thinking in particular of restrictions on family size, abortions, autonomy.

These, in fact, are moral questions that the Chinese might have asked themselves during the legislation. Apparently there has never been a deep discussion about this issue in China.

We sent this questionnaire by email to 75 Chinese bioethicists from a list which we received from Professor Darryl Macer. We planned to analyze the results “qualitatively” on the basis of the ethical principles of respect for autonomy, non-maleficence, beneficence, justice, the meaning of life and caring. These principles were not to be used as dogma, but simply as section headings in order to facilitate an orderly and meaningful discussion. We also tried to contact Mr. Lu Ging the head of foreign relationships at the Chinese embassy but we didn’t receive any response to our e-mail.

Results

Response rate:

Unfortunately, only one bioethicist, WW, replied to our questionnaire. We wondered why...

1. Perhaps there were language obstacles

2. Perhaps there were technical problems like a wrong mail address, vacations etc.

3. Perhaps there was fear resulting from the government’s tight control of foreign relationships and what information leaves the country. This type of communication-by the Internet makes it impossible for them to be sure of the writer's identity. The government can easily know they have been in touch with Israelis.

The fact that one person, WW, did respond – and quite candidly – suggests that the "fear factor" may not be nearly as serious as we had thought.

The poor response rate may lead some to conclude that our research project has been a failure. On the other hand, the very fact that only one person answered is in itself interesting. Is may also be more interesting to learn about the views of one person in at least a little depth, than to have many summaries of answers from many unknown people who may appear in the research as nothing but faceless numbers.

W.W's responses

1." I have one child, a son. When I was young, my grandmother said to me and to my wife that we had better have two children. One child is not very good for education, the child will feel lonely. My wife and I did not consider my grandma's advice seriously. It was 20years. Now my son has grown up and become a college student, and he is preparing GRE. He wants to go abroad to finish his graduated studying. My wife feels one child is not very good for a family…. There is an example that may be our future. Our friends, an old couple, he used to be a vice president of a University. Their only child, son graduated from Beijing University (and his wife) is now in USA studying Judaism; the son is very good at Hebrew. Their parents, the old couple, over 70 years old, the father got cataract, and the mother hurt her arm in a snowing winter. So that the mother is the father's eye and the father is the mother's arm." One Couple, One Child." will soon lead the society into "aged-person society" as you know. This is the problem we faced. So that is why I think "One Couple, Two Children" maybe better than "One Couple, One Child".

The goal for this question was successfully reached. He answered us broadly and even revealed his personal story. Although we asked indirectly about one's opinion on the law, he shared with us, without any impedance, his honest opinion.

2. "In Western China and in country, things are little difference. But I don't think that the government is going to force the law, especially for the groups of "professionals" such as the "microeconomic persons", "three capital persons", farmers and "leave off post workers". I think that the decision of how many children to procreate is a couple's human right, no one can intermeddle. According to the situation of the country, government can advise young couples and give a help to them."

In his answer he confirmed our thoughts about the difference in the west, but he didn't answer the goal we were looking for in our question directly although he provided us general information.

3. " In ancient Chinese ethical traditions, "more children, more happy."There are three kinds of unworthy posterities, not having a child is the worst" .But in country, if there is no son in a family, we can't imagine how to make living. So I think in Western China and in country, the family may probably advise young couples to bear a boy, if the young couple bears a girl, the family maybe let them to bear the second child. So I think that if all the young couple have the idea: (1) If bearing a boy, then OK. (2)If bear a girl, then to bear the second child (whatever the second child is a boy or a girl); then the rate of male/female of youngsters will be badly unbalance. That will be a seriously problem for the society. Isn't it?"

In his answer he strengthens our assumptions about the old traditions that encourage proprieties. After further reading we have done we found written proves to that especially in Buddhism .Out of the main purpose here he also provided us a glimpse of his point of view, as a Chinese citizen, about what can be done.

Discussions and Conclusions

We two authors of this paper discovered that our thoughts and conclusions are quite different. Rather than writing a compromise position, which might be quite superficial and uninformative, we have decided to present our individual discussions and conclusions separately:

Discussion and conclusion of MC

In my opinion, having such a law as the Chinese family planning law is basically wrong. The main ethical problem is- Can an authority become involved in its citizens personal lives for the benefit of all? Can it rule out basic human rights such as freedom of choice and decision? What about respecting one's autonomy? Where is the limit?

Furthermore, this law results in a lot of controversial issues like: breaking the natural balance between male / female ratio in China, more abortions, more single males, more female children abandoned and even dying.The desire of having the one "perfect child" leads to an abortion rate which is one of the highest in the world and finally will result in eugenics- only perfect children will survive and there is no room for the abnormal or the crippled. Genetic counselors there are pulling the trigger on abortion easily.

I agree with the necessity of birth rate reduction but more efforts should be invested on education rather than on enforcing the law; and in the absence of other choice, the law should be changed to "one couple-two children".

Discussion and conclusion of SE

The main question we should all ask ourselves is- is there any other choice? Apparently not. We have to admit that there are ethical problems created by this law. On the other hand, without this law existential problems will come to reality. China can not contain so many people; the sources of the land will be all consumed- no food, no water.

One way or the other the amount of people in China will reach its limit- either more people will die as a result of incapacity of the land or the birthrate will decrease dramatically; for this reason, the main ethical question is- What is preferred?

Therefore my conclusion is that restricting the birthrate is a justified and an ethical way. Education only seems to be a more moral way of doing that, but until it will achieve results it might be too late…

Shared conclusions

Because we cannot imagine how can a law like this could be passed in Israel, we were wondering how come it passed through smoothly in China.

First of all, its communist regime, which it's foundation, places the benefit of the country over personal life. People there fear to speak up in public against the government. In fact, the only resistance is passive and it comes to fruition through the Taoism which is the ancient Chinese philosophy who is the opposite of Confucianism and Communism, "Tao" means "behavior, understanding and the constant change from and to". Taoism is a philosophy and a belief of simplicity and the very nature of universe. There is no absolute "stillness". Everything, including the universe, is changing all the time. The relative "stability" can be achieved when a harmony is reached between "Yin" and "Yang", which are said to be the opposite but related natural forces in the universe and it should be implemented by ways of discussion and in peaceful ways and by force and coercion. This is why the Taoism in China opposes to the "one couple – one child policy" but only passively and without means of actions, force or revolution. One of the philosophy's principles is – "If no action is taken than all live in peace." **3**

Secondly, Many Chinese hold the philosophy of Confucianism. Confucius knew but one form of government, the traditional monarchy. The king exercised an absolute authority over his subjects, as the father over his children. He ruled by right Divine. He was providentially set up by Heaven to enlighten the people by wise laws and to lead them to goodness by his example and authority. The principal is that the people cannot fail to practice virtue and to prosper when the ruler sets the high example of right conduct.

The basic assumption is that the governors want only the best for their people.

Third, it may be simple as this: the Chinese truly understand the necessity of this kind of law. Besides, since it was passed, they feel improvement in the quality of their life.

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4. BBC News, world addition- " China acts to protect baby girls" Thursday, 15 July, 2004

Preliminary Draft Declaration on Universal Norms on Bioethics

RECOMMENDED TITLE: