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MEDICAL TECHNOLOGIES AND UNIVERSAL ETHICS  
IN TRANSCULTURAL PERSPECTIVE

“It would be extremely difficult to change the ethos of a country by invoking theoretical arguments or rational approaches.”

(Kazumasa Hoshino)

I. RESPECT FOR PERSONS: A EUROPEAN NARRATIVE ON  
UNIVERSAL ETHICS

Controversies over the moral and cultural properties of medical technologies are rooted in differences of individual and collective values and wishes, systems of belief and reference, and in traditions towards medicine, life, the preservation of life and the acceptance of death. These controversies shape the self-understanding and the self-determination of educated individuals as well as the course of transcultural dialogue and the evolution of cultures and attitudes. Discourse, understanding, controversy, and tolerance are the life and blood of peaceable and free societies, based on the respect for persons, the recognition of individual conscience and the risks, obligations and rights associated with choice and error. The alternative to our post-enlightenment and post-modern discourses and quarrels over values and visions would be hierarchical systems of heteronymous domination, torture, and ideational exploitation and tutelage – systems developed by self-proclaimed philosopher-kings and priest-czars for the exploitation of their fellow humans, beginning in pre-historic times, successful from the times of the pharaohs through the dark ages and middle ages of humankind to the Hitlers, Stalins, Pol Pots, Bin Ladens and Saddam Husseins of our times.

It was Spinoza who, in 1670 in his *Tractatus Theologico-Politicus*, observed that peace and the fabric of society would not fall apart when individual freedom and liberty are granted; rather peace, respect for persons and all other treasured values of a society rich in cultural and ethical values would fall apart if individual freedom were *not* granted

(Spinoza, 1670). In his *Foundations of Bioethics*, Tristram H. Engelhardt, Jr., gives a wealth of arguments and information in support of Spinoza's enlightened vision (Engelhardt, 1996). And for those who do not read books, the deeds of the McCarthys, Hitlers, and Bin Ladens of our times are evidence enough that the "people's power" recipe is superior to the "leader's power" model of yesterday.

There is a story of a travelling merchant who was robbed, badly beaten, and left half-dead. Various people passed the crime scene thereafter – orthodox theologians, experts in ethics, and a moral and religious stranger to this area around the Jordan River in Palestine. The stranger was from Samaria, a not well-educated or respected group among the neighboring cultures and communities. Everyone saw the beaten man in his misery, but no one stopped, no one cared, no one helped. Reasons for this unethical behavior might have been (a) fear that the robbers were still around, (b) no feeling of moral obligation to the stranger, or (c) a discrepancy between ethical theory and factual moral practice. Only the man from Samaria stopped, provided first aid, brought the victim to the next hotel, paid for his care and left. Who was the merchant's neighbor?

In Western civilization this narrative of the "good Samaritan" is a well-known case study in universal ethics, first told by Jesus (Luke 10:29) when asked by his enemies, fundamentalist Jewish theologians in Jerusalem, how he would define neighborhood ethics and solidarity. In this story there are three features important to universal ethics and to Hoshino's thesis that "it would be extremely difficult to change the ethos of a country by invoking theoretical arguments or rational approaches" [8:74]:

- (1) *Moral principles of universal acceptance and validity must be and will be understood immediately and without any further theoretical explanation or legal or ethical instruction.*
- (2) *There are conflicts between ethical theory and moral practice.* In real-life situations, there is a difference between ideology or academic theory on one side and factual care and practice of solidarity on the other. Moral attitudes are not necessarily based on explicit ethical theories and some edifices of moral theory even neglect to recognize the moral stranger as a fellow human being.
- (3) *There are a small number of ethical principles evident to every human being and universal to all moral communities.* Some *prima facie* moral obligations seem so basic and universally shared by the

majority of cultural, ethical and religious traditions, that they need no further argumentation and may be called *a priori* universal ethics (Sass, 1994).

From the perspective of European philosophy and moral reasoning, I will discuss several aspects of universal ethics in more detail: (1) arguments supporting visions of universally shared basic principles of ethics, (2) value conflicts between universal ethics and moral traditions, (3) the relationship of universal ethics to communitarian values, human rights and civil rights, (4) conflicts between individual criteria and quality standards or objective norms, (5) the organ transplantation controversy, (6) the design of an ethically acceptable model of human genotyping, and (7) the role of education, cultural diversity, creativity, and the dignity of the individual's conscience as prime factors for the establishment and protection of human dignity, rights, obligations, and networks of moral communities.

## II. KANT AND THE *A PRIORI* EVIDENCE OF UNIVERSAL ETHICS

Kant made an epistemological distinction between *a priori*, i.e., what is evident to everyone without prior empirical experience, and *a posteriori*, i.e., what becomes knowledge only after experiments and various kinds of experiences (Kant, 1787). If we transport that distinction from the fields of epistemology and metaphysics to the fields of ethics, culture, and education then moral principles, values, and attitudes which should be evident to all reasonable people and shared by individuals and communities independently of their particular systems of belief or orientation could be called universal ethics. Kant held that all humans are born with an inherent respect for the '*sittengesetz*', i.e., respect for the rule of morality. In arguing that all humans, independently of culture and experience, are naturally endowed with properties to distinguish good and evil, virtues and vices, he follows the Western natural law tradition, holding that basic norms of ethics are inherently present in human nature. But he differs from the natural law tradition in as far as he questions whether a particular custom or morality or the rules of one particular moral community can be argued for by reference to nature and natural laws. Specific rules of moral communities have to be questioned whether or not they embody what in Kant's vision was universal to all humans: *respect for human dignity* and *respect for rules* and principles that support

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