CULTURAL SENSITIVITY DEONTOLOGY KENNETH ALONSO, MD, PHD, FACP

# Learning objectives

- Understand the assumptions behind the major ethical systems and how these are reflected in the culture
- An overview and criticism is given of the paradigm that governs US ethical concerns
- An overview is given of major faith based systems
- Distinguished from current usage are the traditional meanings of autonomy, non-maleficence, beneficence, and justice
- Understand the need to seek consultation when confronting core beliefs that are not one's own
- Understand why the physician must know one's own core beliefs

#### Stance

- It is incumbent upon anyone writing or teaching about ethics to declare the core beliefs underlying one's approach.
- It is a question of honesty.
- I am an Orthodox Christian monk who accepts Apostolic teachings as articulated in the Bible, by the Fathers of the Church in their writings, and in the seven Ecumenical Councils.
- Through life experience I realized that the "progressive" stands I maintained were in fact harmful:
- Capitalism and Marxism are both materialist ideas that regard the human as an object of use.

#### Introduction

- The Humanist viewpoint that values and goals proper to humans can be derived from the examination of human behavior has become de facto State policy.
- In the absence of what constitutes personhood, the existential meaning, there can be no agreed upon fundamental virtues such as fairness, justice, and human dignity.

With whom is one to consult in an ethical conflict? An Orthodox rabbi? An Orthodox priest? A Thomist? A Calvinist? A ulema? The Dali Lama? An atheist? Someone with a financial interest in the outcome?

## Introduction

- The United States and much of the industrialized world has abandoned transcendental thought and have embraced a culture of death
- Ethics as practiced in the United States is largely a paper exercise where the process is important.
- It reflects an atomized society whose only value is utility and often couched in libertarian language.
- The approach is largely rejected by societies which maintain faith values
- If the goal is to provide to the other the best that one can offer, then it is imperative to understand belief systems accepted by the overwhelming majority of inhabitants of this planet

# Hippocratic oath

- "I swear by Apollo the physician ... that, according to my ability and judgment, I will keep this Oath and this stipulation: to reckon him who taught me this Art equally dear to me as my parents ...
- I will follow that system of regimen which, according to my ability and judgment, I consider for the benefit of my patients, and abstain from whatever is deleterious and mischievous.
- I will give no deadly medicine to any one if asked, nor suggest any such counsel; and in like manner I will not give to a woman a pessary to produce abortion.

## Hippocratic oath

- With purity and with holiness I will pass my life and practice my Art...
- Into whatever houses I enter, I will go into them for the benefit of the sick, and will abstain from every voluntary act of mischief and corruption; and, further, from the seduction of women or men...
- Whatever, in connection with my professional practice or not, in connection with it, I see or hear, in the life of men, which ought not to be spoken of abroad, I will not divulge, as reckoning that all such should be kept secret..."
- ▶ 400 BC

### The philosophers

- Aristotle (d. 322 BC) has greatly influenced ethical thought since his time (Nicomachean ethics).
- Aristotle insisted that there are no known absolute moral standards
- Any ethical theory must be based in part on an understanding of psychology and firmly grounded in the realities of human nature and daily life.
- The highest good [eudaimonia] and the end toward which all human activity is directed is continuous contemplation of eternal and universal truth.

#### The philosophers

- One attains the highest good by a virtuous life and the development of reason and the faculty of theoretical wisdom.
- Virtue is courage, wisdom, justice, beneficence, forbearance, graciousness
- The moral life is one of moderation in all things except virtue. Human appetite or desire is controlled by reason according to a moral principle.

### The philosophers

- Moral virtue is acquired by a combination of knowledge, self-discipline, and practice.
- Moral virtue cannot be achieved abstractly but requires a social environment
- Virtuous acts require conscious choice and moral purpose or motivation.
- Man has personal moral responsibility for his actions.

#### Kant and the Enlightenment

- In the sixteenth century, Europe ruptured between a Protestant north and a Catholic south.
- The Thirty Years War in the seventeenth century devastated Europe.
- The Treaty of Westphalia that ended the conflict laid the grounds for modern Europe and cemented the idea that the ruler decides the religion of the people.

## Kant and the Enlightenment

- Immanuel Kant, in the eighteenth century, and many who followed him attempted to develop accounts of morality in the name of <u>some impersonal standard</u> as a response to the loss of shared practices necessary for the discovery of goods in common.
- This is a return to Aristotle and a rejection of the place of revelation in society.

# Kant and the Enlightenment

- The Enlightenment project was doomed to failure because <u>no such standards can be sustained when they</u> <u>are abstracted from the practices and descriptions that</u> <u>render our lives intelligible.</u>
- The character of the moral agent as well as the structure of his desires and dispositions, became at best a peripheral rather than a central topic for moral philosophy

- Empiricism holds that all our ideas can be logically reconstructed from the sense impressions of experience.
- The 20th Century revolution in physics with the unfolding of the quantum theory and general relativity have destroyed the proposition that sense experience really consists of a series of distinct and clear impressions.
- What remains is the belief that only logical reconstruction is of value.

- Choice, as deciding between desire and the requirements of morality, conceived by Kant in the eighteenth century, and, later by Sartre in the twentieth century, as the condition of an individual's <u>authenticity</u> <u>replaced character as crucial for moral agency</u>.
- Modern moral philosophy becomes part of the problem, for its stress on autonomy, as well as its corresponding attempt to free ethics from history, produces people incapable of living lives that are intelligible or have coherence.
- The only song in Hell is "I did it my way."

- Interrelated philosophical problems served to set modern philosophy and ethics on a mistaken path:
- The mind-body distinction
- The assumption that a strong distinction must be drawn between facts and values
- Thus it was assumed impossible to move logically from an "is" to an "ought"
- The result is a voluntarist, libertarian notion of arbitrary choice freed from the intellect's grasp of the good.
- Teleology, then, is an ideological constraint on liberty
- Spontaneity, then, becomes the signature of freedom

#### Authenticity needs others to achieve

- But it cannot deal with the equally valid claim of freedom of the others in any principled way as there then exists no uniform, transcendent standard.
- There is a need to create one's own universe (safe spaces), <u>an absurdity</u> that must be faced.
- The law aspect <u>collapses into a transactional</u> <u>aspect.</u>

- Deism is a strain of this belief and guided the formation of the United States
- If everything is true, then nothing is true.
- Thus, the four pillars are stripped of meaning:
- Autonomy
- Non-maleficence
- Beneficence

#### Justice

- Death pervades human existence. It is the one historical fact that cannot be escaped.
- The eclipse of the sense of God and of man inevitably leads to a practical materialism, which breeds individualism, utilitarianism, and hedonism
- The values of being are replaced by those of having. <u>The only goal which counts is the</u> <u>pursuit of one's own material well being</u>.
- "Quality of life" is interpreted primarily as economic efficiency, inordinate consumerism, physical beauty, and pleasure.

- Suffering is an inescapable burden of human existence as well as a factor of possible personal growth
- The modern society rejects suffering as useless, indeed as an evil, always and in every way to be avoided.
- When it cannot be avoided and the prospect of even some future well being vanishes, then life appears to have lost all meaning and the temptation grows in man to claim the right to suppress it.

- The body is reduced to pure materiality: it is simply a complex of organs, functions and energies to be used according to the sole criteria of pleasure and efficiency.
- The body is no longer perceived as a properly personal reality, a sign and place of relations with others, with God and with the world.
- John Paul II Evangelium Vitae 1995. Vatican.

- The concept of an intelligible action is a more fundamental concept than that of an action
- Critical to moral agency are:
- Practical reason
- The significance of the body for agency
- Why the teleological character of our lives must be displayed through narrative
- The character of rationality
- The nature of the virtues
- Why training in a craft is paradigmatic of learning to think as well as live.
- Alistair McIntyre

- Essential to our learning to act is that we learn to behave in a way that others can construe our actions as intelligible.
- Yet the ability to make sense of one's life depends on having models available that make one's particular life fit within the models of a community

- Man does not begin with some adequate grasp of the concepts of knowledge and truth and in the light of these pass judgment on whether or not one knows something of God or whether or not it is true God exists, but rather it is from one's encounters with God, and with the world, and with human beings that one learns what it is to have knowledge of truth.
- "It is only because human beings have an end toward which they are directed by reason of their specific nature that practices, traditions, and the like are able to function as they do."
- Alistair McIntyre

- Any attempt to provide an account of the human good in social terms is inadequate without a metaphysical grounding.
- Just as metaphysical first principles are discovered in a mode of enquiry, so the precepts of communitarian relations are those "presupposed in any situation in which learning and enquiry between rational individuals about their individual and common goods can be advanced and by any relationship in which individuals can conduct themselves with rational integrity."

- In modernism the stock of descriptions has become inadequate for the ability to act in a manner that can be intelligible to others as well to oneself.
- The more one achieves genuine freedom of the natural will, the more one reduces libertarian choice (gnomic deliberation)
- The transcendental structure that makes thinking and acting rational is regarded as abnegation of human dignity

#### Post-modernism

The post-Modern state judges that the best type of human life is lived by those engaged in constructing and sustaining forms of community directed towards the shared achievement of those common material goods without which human happiness cannot be achieved.

#### Post-modernism

- Liberal political societies with all their discussion of tolerance are characteristically committed to denying any place for a determinative conception of the human good in the public discourse.
- Nor do they tolerate the belief that the common life should be grounded in such a conception.
- Wolfe, ID, Pope, TM, "Hospital Mergers and Conscience-Based Objections — Growing Threats to Access and Quality of Care," N Engl J Med 2020; 382:1388-1389 DOI: 10.1056/NEJMp1917047

# AN OVERVIEW OF VALUES

- It is part of the Confucian vision of a life befitting human beings that it is a life of relationships marked by mutual care and respect, that one achieves fullest personhood that way.
- One achieves this in a manner that is particular to one's circumstances, including the particular others with whom one most interacts
- The primary locus of virtue is to be found in how people treat each other in the fabric of everyday life

Among the traits connected to ethical nobility are:

- Filial
- A respect for and dedication to the performance of traditional ritual forms of conduct
- The ability to judge what the right thing to do is in the given situation.
- These traits are virtues in the sense that they are necessary for following the order of nature that manifests itself spontaneously (as Lao Tse spoke of the Dao)

- Human society and culture are marked by artifice and constraint.
- One can hope only to attune oneself to the Dao.
- "Let the Force be with you."
- The Cosmic Dao is not a transcendent source in the sense of being a metaphysical first principle beyond the physical world
- It is immanent, constant and eternal, always present and always emerging.

- The Cosmic Dao is creative but is not a supreme creator god, whether personal or impersonal, who gives birth to the world through divine contemplation or the exertion of a supreme will.
- Instead, the Cosmic Dao incessantly generates the world, giving rise in its fluctuation to the complementary polarities of yin and yang.
- Learning is through exemplars

- Autonomy emphasizes the importance of living according to one's own understanding of what is right and good even if others do not see it the same way.
- Not passivity but no un-natural action
- There may be a necessity to speak truth to power
- Rejected is the prioritization of individual interests over group or collective interests when these conflict
- There is no moral permission to the individual to choose whatever manner of living

# Hinduism

- The oldest religious belief.
- Brahman is an uncreated, eternal, infinite, transcendent, and all-embracing principle.
- Brahman contains in itself both being and nonbeing, and it is the sole reality
- The ultimate cause, foundation, source, and goal of all existence
- Causes the universe and all beings to emanate from itself; transforms itself into the universe; or assumes the appearance of the universe

# Hinduism

- Brahman is in all things and is the self of all living beings.
- Unto Brahman all things are reabsorbed
- Hinduisim emphasizes continuous, seemingly eternal existence and the fact that it describes a web of customs, obligations, traditions, and ideals (duty)

# Hinduism

- Hinduism maintains that truth must be sought in multiple sources, not dogmatically proclaimed.
- The Vedas are authoritative, however (who recites the Vedas maintains the universe)
- Anyone's view of the truth, even that of a guru regarded as possessing superior authority, is fundamentally conditioned by the specifics of time, age, sex, state of consciousness, social and geographic location, and stage of attainment.

# Hinduism

- Hindus generally accept the doctrine of transmigration of the soul and rebirth.
- The whole process of rebirth, is cyclic, with no clear beginning or end, and encompasses lives of perpetual, serial attachments.
- Actions generated by desire and appetite bind one's spirit to an endless series of births and deaths.
- Desire motivates any social interaction
- Karma is the experience of the consequences of one's actions that result from desire.
- Action is inescapable.

# Hinduism

- Through the suspension of desire and ambition and through detachment from the fruits of one's actions, one is enabled to float free of life while engaging it fully.
- One must balance duty (dharma) with release from this world.
- In one prevalent view, the very meaning of emancipation from this morass, to escape the impermanence that is an inherent feature of worldly existence is is to seek the only goal is the one permanent and eternal principle: the One, God, Brahman, which is totally opposite to phenomenal existence

# Hindusim

- Ideally stratified into four classes.
- But, if it is believed that no standards apply universally, one group can too easily justify its dominance over another.
- Historically, therefore, certain Hindus, while espousing tolerance at the level of doctrine, have maintained caste distinctions in the social realm.
- Buddhism and Jainism offered a means of escaping the cycle of rebirth

#### To live is to act

- Actions can have either harmful or beneficial consequences for oneself and for others.
- The core ethical code of Buddhism is known as the five precepts.
- The precepts are 'principles of training', which are undertaken freely and need to be put into practice with intelligence and sensitivity.
- The Buddhist tradition acknowledges that <u>life is complex</u> and throws up many difficulties, and it does not suggest that there is a single course of action that will be right in all circumstances.

#### ► <u>The Five Precepts</u>.

- Not killing or causing harm to other living beings.
- The positive counterpart of this precept is love.
- Not taking the not-given.
- Stealing is an obvious way in which one can harm others. One can also take advantage of people, exploit them, or manipulate them.
- The positive counterpart of this precept is generosity.

#### Avoiding sexual misconduct.

- Not causing harm to oneself or others in the area of sexual activity includes avoiding breaking commitments in the area of sexual relations as well as avoiding encouraging others to do the same.
- The positive counterpart of this precept is contentment.
- Avoiding false speech
- Truthfulness is the positive counterpart of this precept. But <u>truthfulness is not enough</u>.

- Speech should be kindly, helpful, and harmonious.
- Speech should not be harsh, frivolous, slanderous, covetous, or hateful.
- Abstaining from drink and drugs that cloud the mind.
- The positive counterpart of this precept is mindfulness, or awareness.
- Mindfulness is a fundamental quality to be developed.
- Insight is the central soteriological [salvific] instrument that lead to the liberation from the cycle of rebirth.
- Know yourself

### Jainism

- Right knowledge, faith, and practice must be cultivated together because none of them can be achieved in the absence of the others.
- Right faith leads to calmness or tranquility, detachment, kindness, and the renunciation of pride of birth, beauty of form, wealth, scholarship, prowess, and fame.
- Right faith leads to perfection only when followed by right practice.
- Yet, there can be <u>no virtuous conduct without right</u> <u>knowledge</u>, the clear distinction between the self and the non-self

### Jainism

- Knowledge without faith and conduct is futile.
- Without purification of mind, all austerities are mere bodily torture. Right practice is thus spontaneous, not a forced mechanical quality.
- All morality is based on nonviolence.
- Violence in thought, then, is the greater and subtler form of violence because it arises from ideas of attachment andaversion, grounded in passionate states, which result from negligence or lack of care in behavior.

- God is not only the source of ethical obligation but is himself the paradigm of ethical behavior.
- "You shall be holy, for I, the Lord your God, am Holy." [Lev. 19:2]
- Imitation of divine holiness is offered as the basis of human behavior in both the cultic-ceremonial and ethical spheres.
- Acceptable human behavior is "walking in all His ways" [Dt. 11:22].
- "As He is merciful and gracious, so be you merciful and gracious. As He is righteous so be you righteous. As He is holy, strive to be holy" [Sifre Deuteronomy 85a].

The Code of Holiness [Lev. 19] underlies the concern for economically vulnerable members of the community; obligations toward neighbors, hired laborers, and the physically handicapped; interfamilial relationships; and attitudes toward aliens [those not of the community].

Even more daringly, God is described as clothing the naked, nursing the sick, comforting the mourners, and burying the dead, so that human beings may recognize their own obligations.

- The dialectical relation between God and man in the literary prophets also exhibits divine righteousness and divine compassion as patterns to be emulated in the life of the community.
- The true source of morality is God rather than man, prophecy rather than [Greek] wisdom.

Morality is deemed one of the central components of Judaism:

 "Simon the Just said, 'The world stands on three things: Torah, divine service, and acts of loving-kindness'" [Babylonian Talmud, 1:2].

Hillel said, "What is hateful to yourself do not do to your fellow-man. This is the entire Torah, the rest is commentary. Go and study" [Babylonian Talmud, 31a].

- The realm of morality is not restricted to deed but rather includes man's inner world of consciousness: thoughts, emotions, intentions, attitudes, motives.
- All are to a degree subject to man's control and qualify for moral judgement.
- Thus the Torah warns against coveting [Ex. 20:14; Dt. 5:18]; against hating one's brother [Lev. 19:17]; and against "hardening one's heart" [Dt. 15:9, 10].
- While the rabbis inveighed against envy, desire, and anger [Mishna Avot 2:11] and noted that "<u>thinking about</u> <u>transgression may be worse than transgression itself</u>" [Babylonian Talmud, Yoma29a].

- "Death and life are in the power of the tongue" [Proverbs 18:21]. Man must be careful not to lie, curse or slander [Lev. 19:11,14,16); nor to receive a false report or speak evil [Ex. 23: 1; Dt. 19:16-18].
- The rabbis also condemned the use of flattery, hypocrisy, and obscene speech and urged the practice of clean, pleasant, and non-abusive language.

In terms of the good that could be achieved by speech, the rabbis encouraged proper greetings to all, the need to cheer people with good humor, rebuke properly, and comfort with words in times of bereavement [Babylonian Talmud, Bava Batra9, Ta'anit. 22a].

- The halakhah [Jewish law] endowed the spoken word with legal force and in the area of vows and oaths applied the biblical teaching:
- "He shall not breach his word, he should do according to all that proceeds from his mouth" [Num. 30:3].
- There is a special category of "shame" or "indignity" in awarding compensation for damages caused to another [Babylonian Talmud, Bava Kama 8:1].
- There is an irreducible dignity or worth shared by every human being
- One must be sensitive to the individual needs of people.

The involvement of God in the moral struggle imparts a quality of urgency and passion

- "For I know their sorrows," says God [Ex 3:7] and "... it shall come to pass that when he cries out unto Me that I shall hear" [Ex 22:26].
- A just society requires just people, and a just person functions within a just society.

#### Injustice cannot be tolerated.

As cruelty and suffering shake the foundations of society, <u>man cannot be complacent about the moral situation.</u> "Righteousness was asleep until it was awakened by Abraham" [Midrash Tehillim, Ps. 109/110].

- All living creatures are seen as junior partners in the building of civilization and therefore entitled to rest on the Sabbath [Ex. 20:8-10].
- As "the Lord is good to all and His tender mercies are over all His works" [Ps. 145:9], man must follow suit: "A righteous man regards the life of his beast" [Prov. 12:10].
- Man must provide for those animals he has domesticated and must not cause them any unnecessary pain [Babylonian Talmud, Bava Metzia 32b]

- A number of biblical laws seem to aim at preventing "anguish" and "frustration" to animals, particularly in regard to their care for their young [Ex. 23:5; Lev. 22:27.28; Dt. 22:4, 6,7,10; 25:4].
- The rabbis prohibited causing animals pain for the sake of sport or hunting when not for the sake of food.
- However, these prohibitions only apply to Jews and not Gentiles as the latter are not human. [Bava Metzia 114b. Kerithoth 6b and 58a]

"It is not righteousness that you turn your faces Towards" East or West; but it is righteousness to believe in Allah and the Last Day, and the Angels, and the Book, and the Messengers; to spend of your substance, out of love for Him, for your kin, for orphans, for the needy, for the wayfarer, for those who ask, and for the ransom of slaves; to be steadfast in prayer, and practice regular charity; to fulfill the contracts which ye have made; and to be firm and patient, in pain (or suffering) and adversity, and throughout all periods of panic. Such are the people of truth, the Allah-fearing." [Al-Qur'an 2:177]

Say: the things that my Lord has indeed forbidden are: shameful deeds, whether open or secret; sins and trespasses against truth or reason [Al-Qur'an 7:33]

- Without worship and submission to God, man's ethical conduct and the internalization of the virtues would not have a higher purpose
- Righteousness and piety is based, before all else, on a true and sincere faith.
- Then the virtues of the soul, such as temperance, courage, wisdom, and justice, are acceptable.

- The key to virtue and good conduct is a strong relation with God, who sees all, at all times and everywhere.
- He knows the secrets of the hearts and the intentions behind all actions.
- It may be possible to deceive the world, but it's not possible to deceive the Creator.
- The love and continuous awareness of God and the Day of Judgment enables man to be moral in conduct and sincere in intentions, with devotion and dedication.

- One of the most influential Islamic commentators, Al-Isfahani, wrote in his ethical treatise:
- Man was created for three purposes.
- Man's first purpose is in the cultivation of the earth, as is implied in the verse: He brought you out from the earth and made you inhabit it [Al-Qur'an 11:61]. So man must earn his livelihood, for his own sake and for the benefit of others.

Man's second purpose is to worship God.
As He says: I have not created jinn and mankind except to worship Me [Al-Qur'an 51.56]. This means that man should obey God's commandments and prohibitions.

- Man's third purpose is his vicegerency.
- He will make you successors in the land and then observe what you will do [Al-Qur'an 7:129].
- Viceregency is the imitation of God in accordance with one's ability to rule by applying the noble virtues of the Law: wisdom, justice, forbearance, beneficence, and graciousness.
- These virtues draw Man to Paradise and close to God Most High.
- Many of the punishments set forth in Shar'ia law were discarded in the West centuries ago.

- God is supremely good, unchanging, and eternal. His moral standards for human beings flow from his moral character, and therefore they apply to all people in all cultures for all of history
- "For God created Man in his image...man and woman he created them. God blessed them ..." [Gen 1:27] and gave them dominion over the earth.
- "From before I formed you in the womb I knew you." [Jer. 1:5]
- "Walk in a manner worthy of the Lord, fully pleasing to him" [Col. 1:10; also 1 Thess. 4:1; 2 Tim. 3:17]

- God is love, so he commands us to love [1 Jo. 4:19].
- ▶ He is holy, and he commands us to be holy [1 Pt. 1:15].
- He is merciful, and he commands us to be merciful [Lk. 6:36].
- He is truthful, and he commands us not to bear false witness [Titus 1:2]
- One must consider the action, the motives for the action, and the results.
- One can never choose a "lesser sin"

- "The times of ignorance God overlooked, but now he commands all people everywhere to repent, because he has fixed a day on which he will judge the world in righteousness by a man whom he has appointed; and of this he has given assurance to all by raising him from the dead" [Acts 17:30-31; see also Acts 2:38; 3:19; 5:31; 11:18; Heb. 6:1]
- "Do all to the glory of God." [1 Cor. 10:31].
- A life of obedience to God, not conformed to this world.
- Following the will of God is a path of life that is "good and acceptable and perfect" [Rom. 12:2].

"When the Son of Man comes in his glory, and all the angels with him, then he will sit on the throne of his glory...and he will separate people one from another...then the King will say to those at his right hand, 'Come, you that are blessed by my Father, inherit the kingdom prepared for you from the foundation of the world; for I was hungry and you gave me food; I was thirsty and you gave me something to drink; I was a stranger and you welcomed me; I was naked and you gave me clothing; I was sick and you took care of me; I was in prison and you visited me..." [Mt. 25:31-46]

- "A doctor's life is a continuous memento mori, a reminder of death and of life's unfairness, fragility, and the speed with which all good things pass.
- Everyday we console families in their struggles with disabled children, untimely deaths, or the decline of aging parents.
- Why are we spared? When will our trials begin?"
- D. Lexterkamp, A Measure of My Days. Boston. University Press of New England. 1977

When a man first appears before the throne of judgment, the first question he is asked is not: Have you believed in God or: Have you prayed and observed the ritual? He is asked: Have you dealt honorably and faithfully in all your dealings with your fellow men?"

Sabbath 312a.

### Resources

For an overview of Aristotle, Isfahani, Kant, McIntyre, and other philosophers or topics:

- https://www.iep.utm.edu/ethics
- https://plato.stanford.edu/contents.html
- Englehardt, HT, Jr. "Foundation of Christian Bioethics," Oxford University Press. Oxford. England. 1996.

Alonso, K, "Shall we clone a man: Genetic engineering and the issues of life," Allegro Press. Atlanta. 1999.