Foreword

The Sixth International Conference on Applied Ethics is presented by the Center for Applied Ethics and Philosophy (CAEP), Graduate School of Letters, Hokkaido University. The International Conference series started in 2007 as part of the research and educational program for postgraduate students, the Graduate Program in 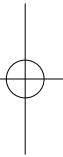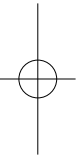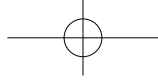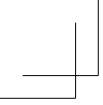Applied Ethics (GPAE), which was funded by the Ministry of Education, Culture, Sports, Science and Technology. Under the GPAE scheme, the First and Second Conference were held in February and November 2007. The Third, Fourth, and Fifth Conferences were held in November 2008, 2009, and 2010.

It is our hope that this conference contributes to making opportunities for collaborations in research and education in applied ethics and for networking between scholars across the world. We greatly appreciate your participation and sincerely wish you to take advantage of this opportunity to cultivate international/multinational/global networking.

28th, October, 2011

Conference Chair: Shunzo MAJIMA
Programme Chair: Takashi MASUBUCHI

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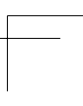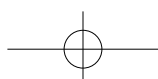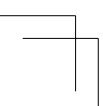
The Good, Social Kinds, and Homeostatic Property Clusters

Thomas ADAJIAN

James Madison University (USA)

The view that kinds are homeostatic property clusters has its home in the philosophy of science, in particular in the philosophy of biology, where it has been influential in discussions of the nature of natural kinds. On one recent version of moral realism, a variety of consequentialism defended by Richard Boyd and others, moral goodness is a homeostatic property cluster kind. The idea of kinds as homeostatic property clusters has also been extended to social roles. This paper analyzes some recent objections to the view that the homeostatic property cluster view is fruitfully extended beyond natural kinds to moral goodness and social roles.

Trust and Identity: Two Reasons for Telling Children If They Were Donor Conceived

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If a child was donor conceived their parents may choose to tell the child about their donor origins or, alternatively, their parents may choose to keep this a secret. According to the evidence that is currently available, there are no grounds to believe that the psycho-social welfare of children who are told about their donor origins is any better than the psycho-social welfare of those children who are never told. However, parents who do not tell their child take the considerable risk that their child may find out about their donor origins by accident, either early or later on in life. Evidence suggests that some individuals who discover their donor origins by accident, during adolescence or adulthood, may suffer harm (e.g. stress, anxiety, depression). While normative attitudes toward open adoption are generally quite positive, the ethics of whether or not to disclose information to children about their donor conception is still being debated in many European countries and in North America.

While there is a growing moral and evidence based consensus between policymakers, clinicians, parents and philosophers that the best practice is always to tell children, the ethical reasons for telling have, so far, rarely been clearly articulated or supported by adequate empirical evidence. This paper will discuss what are, perhaps, two of the most important reasons for disclosure, which have emerged from the past 50 years of debate and recent empirical research on donor conceived children and their families. Several other reasons for disclosure (e.g. medical welfare and the harm of deception) will also be discussed in relation to trust and identity.

The first ethical reason to tell children about their donor origins is to preserve children's trust

in their parents and others. Unsurprisingly, children do not appear to trust their parents and others in the same way that adults trust one another. An account of how children trust their parents (and others) will be provided and followed by an argument about how children are made worse off if this trust is lost or interrupted as a result of their accidentally finding out about donor origins. A second ethical reason for telling is based on the importance of nurturing a child's developing identity. Some donor conceived children claim that they have struggled to make sense of their identity in light of finding out later in adolescence that they were partially or completely genetically unrelated to their parents.

The ethical reasons of trust and identity are important, not just because they bring together normative ethics and empirical evidence, but also because they inform a growing body of law and professional codes of conduct (across the EU and North America) in the field of assisted reproduction that suggests that 'welfare of the child' is the most important consideration when deciding whether or not to tell children about their donor origins.

'Fractious Problems' and a 'Navigational Approach' to Science Policy: A Learning Experiment

Roberta M. BERRY

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In democratic, pluralistic political communities, scientific advances sometimes generate highly contentious policy problems. In the U.S., examples include policy problems surrounding human embryonic stem cell research, the withdrawal of life-support, the potential application of neuroimaging technologies for lie detection or to predict dangerousness, and the eventual prospect of human genetic engineering.

In my 2007 book, *The Ethics of Genetic Engineering*, I observe that these contentious policy problems often motivate acrimonious and unproductive policy debate culminating in policy gridlock. In that book and later work, I label this set of policy problems 'fractious problems' and I attribute the policy dysfunction that surrounds them to the collective effect of five characteristics that they have in common: (1) novelty, (2) complexity, (3) embedded issues that are ethically fraught, (4) unavoidable public dimensions to these embedded, ethically fraught issues, and (5) unavoidable divisiveness regarding the public dimensions of these ethically fraught issues given the diverse commitments of members of pluralistic political communities.

I also recommend, in my book and in later work, what I call a 'navigational approach' to understanding and resolving fractious problems. A navigational approach emphasizes the challenge and importance of gaining a shared understanding, or epistemological "grip," on these novel, complex, ethically fraught, public, and divisive problems – a necessary first step to achieving resolutions that can be considered good by diverse members of pluralistic political communities. A navigational approach draws on the epistemological virtues and the iterative,

problem-solving methods of contextualized ethics and of common-law decision making, calling for: examination of the problems from multiple perspectives, consideration of relevant past precedent, prediction of future impacts of alternative resolutions, imaginative exploration of a wide range of possible resolutions, formulation of a limited set of shared principles to guide resolution, and commitment to an iterative, problem-solving approach to resolution.

In this paper, I first characterize fractious problems and argue for the merits of this navigational approach to policymaking. I then discuss a learning experiment designed to cultivate the skills needed for navigational policymaking and to test some of the merits of a navigational approach. The three-year experimental project, funded by the National Science Foundation and for which I serve as principal investigator, is entitled, "Ethically Contentious Research and Innovation: An Interdisciplinary and Inter-institutional Experiment in Ethics Education and Assessment." The project operationalizes the skills needed to engage in a navigational approach to policymaking, aims to cultivate these skills in graduate and professional student learners, and tests the application of these skills by student learners drawn from four academic institutions and from disciplines spanning the sciences, engineering, medicine, law, the social sciences, and the humanities. The student learners engage in team-based examination of fractious problems presented to them by the project's research personnel and then present their analyses and policy recommendations to audiences that include policymakers, experts, and stakeholders.

Present Reflections on Peace Nowadays: How a Retrospective View on the Concept May Help Us

Gilles CAMPAGNOLO

CNRS / University of Provence (France)

The reality of peace is probably shattered most in our days than it has been since the end of WWII, calling more and more blatantly for a complete overhaul and reassessment of the institutions forged as the Cold War started, ages away it seems.

Now, the *idea* of peace calls for renewed concepts of justice and collective security, law and order as well as respect for the individual and the defense of human dignity. The wish that peace could be warranted and trouble avoided before becoming insuperable and thus leading to war, that is the incentive of a program for *applied ethics of peace* – more exactly *of peace and war*, for that matter the dark side of it being of most urgent concern. Laws that are at stake, national and international, do rest on grounds that are at least in part ethical. We hold that their examination requires a study of the history, culture and the underlying *philosophies* of peace, displayed at the applied level of morals, politics and social sciences and derived from the ontological and metaphysical properties of the concept of peace.

Determining factors are numerous and they are anchored in past doctrines and thought experiments as well as in social trends and effective policies : Ancient philosophers distinguished

between *eirene* and *spondai*. The Christian Church Fathers proclaimed the City of God *versus* the city of the Roman emperor. The inventors of *jus naturae* contributed to the Enlightnment. Contemporary thinkers try in turn to maximize the impact of potentially decisive legal constraint and economic influence. Altogether, they call for an assessment of the idea of peace and of the principles that have framed its surge and its development, from the Ancients to us. The goal of an applied ethics of peace is to assess what remains pertinent, consistent with and useful for our world from views that compel philosophers, economists, lawyers... to discuss those doctrines.

In this presentation, we aim at contributing a few reflections characteristic and necessary for the purpose thus set. We will review some major authors (Aristotle, Saint Augustine, Machiavel, Grotius, Kant, Hegel, Max Scheler) in context and relate their views to present-day issues in the reshaping of a program for an applied theory of peace.

Aristotle and the Unity of Bio-Medical Ethics

Naoto CHATANI

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In the context of applied ethics (esp. bio-medical ethics), Aristotelian (including not necessarily Aristotle's own) notions and theories have been often introduced and appreciated. (e.g. virtue ethics, case study approach, theory of distributive justice, communitarian thought, etc.) In this paper, while respecting such tradition until now, I would like to try to offer a new approach to bio-medical ethics in general, as one of various attempts of interpretation of Aristotle's (but not Aristotelian) philosophy and ethics.

My approach is concerned with problem about possibility and unity of bio-medical ethics as a kind of applied ethics. Why , in what way and in what extent does bio-medical ethics hold unity, certainty and clearness as one discipline (or one brunch of applied ethics) ?

In general, it is said that bioethics is characterised as interdisciplinary study and has relation to different existing traditional disciplines (e.g. medicine, philosophy, law, sociology, etc.). It is sure that this interdisciplinarity itself is significant and necessary element in order to solve complex modern problems about health care. However, how can such multiple and complex activities maintain any validity as an academic study that holds any unity? Concerning such (considerably general) problem, I will refer to Aristotle's discussion and use it as a clue of clarification of the problem. For Aristotle often argues the problem of unity of science in his several central texts, then I think his argument will help us to understand clearly about the relevant problem. In his metaphysical and ethical treatises, Aristotle offers the notion of so-called 'focality' (pros hen structure) and holds that this notion gives several sciences (philosophy / ethics) an respective (moderate) unity, while he admits intrinsic variety and complexity of such sciences. At my oral presentation, I shall analyse his notion of focality, and thereby would like to examine a possibility of the unity of bioethics.

Facing Death or Turning Away: An Ethical Review of Natural Death Act in Taiwan

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Taiwan's "Natural Death Act" has just been largely amended early this year in January 2011. The amendments are mainly in two parts: 1) the digitalisation of patient's advance directive and 2) a new condition of removing terminal patient's life-support system. The new law states that the terminal patient's advance directive must be recorded in the patient's health insurance card, so that the patient's wish may be respected and followed even in emergency. Also, when a patient being kept in life support system without signing an advance directive, the new law allows patient's family members to decide whether to remove his/her life support system.

Influencing by the natural death act in California, Taiwan's natural death act, first legislated in 1990, is meant to release terminal patients from agony and to improve the welfare of terminal patients and the family. Over a decade of implementation, there has formed several myths surround the end-of-life care in Taiwan. First, throughout the legislation process, it is argued that the "natural death" is different from "euthanasia". Secondly, it is believed and promoted that signing an advance directive or a DNR is the best for terminally ill patients. In clinical settings, however, many cases have shown that patients are not well informed and signing a DNR is their only option. Thirdly, the aim of hospice and palliative care is to support terminal ill patients to face death and "dying well," and yet in clinical practice, pain relieves often put terminally ill patients in deep sedation. The sedated patients do not face death but pass it.

This presentation will look at these myths with some real cases. Although the lawmakers and the supporters of palliative care have tried to draw a line between euthanasia and natural death, it is still not clear what the difference is. This presentation will argue that such ambiguousness is a strategy of law legislation and avoiding all the emotional rejection in euthanasia debate. Once we accept that the natural death is also a form of euthanasia, we may not be confused by the myths in end-of-life care any more.

Three Nuclear Disasters and a Hurricane: Reflections after Fukushima

Michael DAVIS

Illinois Institute of Technology (USA)

The nuclear disaster that Japan suffered this year at Fukushima has been compared with other major *nuclear* disasters, especially, Three Mile Island (1979) and Chernobyl (1986). It is more like Chernobyl in scale, the only other 7 on the International Nuclear Event Scale; more

like Three Mile Island in long-term effects: much rethinking of nuclear power but few deaths or serious injuries. As write this, it still seems unlikely that Japan will have to abandon a city because of radioactivity – as the Russians had to abandon Pripyat. Yet Fukushima is not just another nuclear disaster. In ways important to engineering ethics, Fukushima is much more like Katrina's destruction of New Orleans than like any nuclear disaster. It is (primarily) a consequence of a natural disaster, the enormous earthquake and tsunami that wrecked much of northeast Japan on March 11, killing perhaps 40,000 people. One lesson of Fukushima, one shared with Katrina, concerns the different roles engineers have at different stages in an engineering project (planning, designing, management, and operations). Engineers seem to have especially little power to affect certain early large-scale trade-offs between public safety and public welfare in the planning stage. Another lesson may be the importance of not leaving complex technical systems untended. The events that made the disasters at Three Mile Island and Chernobyl inevitable lasted only a few minutes or hours; the events that made the disasters in New Orleans and Fukushima inevitable were spread over several days. Fukushima avoided a more serious disaster because the plants were not abandoned in the way New Orleans was. A third lesson concerns our ideas of heroism, especially our sense that heroism is sometimes one's duty. An engineer's duty sometimes includes protecting others from harm even at the risk of the engineer's life.

Imaginary Cases in Ethics: A Critique

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　　By "case", I mean a *proxy* for some state of affairs, event, sequence of events, or other fact. A case may be as short as a phrase ("a promise to your dying grandfather") or (in principle, at least) longer than *War and Peace*. A case may consist of words (as in the typical philosophical example) or have a more dramatic form, such as a movie, stage performance, or computer simulation. Imaginary cases plainly have an important role in contemporary ethics, especially in applied or practical ethics. This paper is a systematic critique of imaginary cases in ethics (what Kant would have called a "prolegomenon" to their use). There are two main parts. The first explains what it is to imagine a case and what limits there are to what can be imagined. The limits of imagination are, in general, determined by the purpose to which the case is to be put. The second part distinguishes nine uses of imaginary cases: rhetorical; probative (subdivided into counter-example, proof of possibility, and pattern-proving); and heuristic (subdivided into illustrative, experiment in theory, insight-sharpening, commitment-mapping, and exploring reasoning process). Some of these uses are (more or less) unobjectionable (whether the particular case succeeds or fails in its objective) but some require special care or outright avoidance. I give

examples of how philosophers and other ethicists would be better off if they were more cautious in their use of imaginary cases (including some classic examples, such as Nozick's book thruster and Thompson's famous violinist). This paper is especially concerned with the use of imaginary cases in contemporary defenses of torture.

Justice and the Case of Human Organs

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The ethical principle that this paper will attempt to establish is that the legalisation of capitalist markets in human organs is inherently wrong. This principle represents the enduring intuition that the legitimisation of such a market, the permission of individuals to trade their organs for the going market price, is in some sense morally abhorrent.

We can attempt to establish a theoretical foundation for this principle in one of two ways. We could consider the ethical concept itself with the aim of providing a complete account of wrongness and subsequently ascertain whether kidney selling falls under this account. Alternatively could look at the concrete case in question, organ selling, to ascertain whether it possesses the particular property of being wrong. Unlike the abstract concept of wrongness we have well-established theories about the ways in which selling works and the institutions that facilitate it. If it transpires that such markets violate principles of justice that bind capitalist markets, then considerations of market systems alone will have enabled us to provide a foundation for the principle motivating this paper without an appeal to broad ethical theories which are so frequently invoked and equivocated over in attempts to provide a resolution to the issue. I shall consider two ways in which *prima facie* the principle can be established.

A: in accordance with the tenets of classical liberalism, through mutually free and informed consent to exchange, market systems entrench and make an example of our freedom to use the resources we possess in accordance with our own values. If it is demonstrable that a free market in human organs cannot satisfy the condition that market transactions must be entered into in a free and informed manner the principle would be established.

B: in accordance with liberal pluralism there is a realm of goods that are unsuitable for exchange through market means. They are goods which cannot be sold and which we are not allowed to trade with. If it were demonstrable that human organs fall into this category again the principle would be established.

I shall argue that establishing this principle cannot be achieved through considerations of the operations of market systems alone, but that my enquiry has focused our attention on key normative issues which will be imperative in resolving the issue.

On Flying to Ethics Conferences: Climate Change and Moral Responsiveness

James DWYER

Upstate Medical University (USA) and National Taiwan University (Taiwan)

Last year I flew to two bioethics conferences, one in Europe and one in North America. I also flew to Taiwan to teach in a weeklong bioethics course. These were good things to do, or so I thought. I learned more about bioethics, contributed to educational events, developed some research, and visited with friends and colleagues. But I worry that flying and other activities in my life are contributing to climate change, which will affect the health of vulnerable people, the life prospects of future generations, and the balance of the natural world. So in this paper, I consider how I should respond – how to live a responsible and responsive life in the face of climate change. To begin, I describe briefly how climate change will impact human health. Heat waves will occur more often and last longer. Water-borne and vector-borne diseases will probably increase. Flooding from storms and rising sea levels will displace people, destroy habitations, and ruin cropland. Malnutrition may increase as droughts and changes in precipitation lead to lower crop yields in some regions. Whole ecosystems may be disrupted. And millions of people will become environmental refugees. Since people who contributed very little to climate change will be the most vulnerable to the impacts, I note how climate change raises issues about justice. But I focus on the issue of moral responsibility. I explain why I view responsibility for climate change in terms of responsiveness, and I describe the task of responding as consumers and citizens. After I note some of the problems of responding as an individual consumer, I emphasize the need to take responsibility for structural injustices, by engaging in collective and political action. Here I use some work by Iris Marion Young on responsibility for justice. To conclude my discussion of moral responsiveness and climate change, I end with a suggestion about flying to ethics conferences.

The 'Open Source Revolution' and the Ethical Dimensions of Status-Based Morality

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The age of so-called 'Open Source' movements is upon us. Open source systems of governance have their roots in software engineering but have since been transplanted to biology and governance with some success. The importance of open-source systems is that project members are radically autonomous – leaders of projects exist for the most part only as

administrative necessities, if at all.

In this paper I will argue that while pragmatically effective in certain domains, open-source systems of governance can be problematic when applied to systems that have explicitly ethical ends. I note, however, that the ethical issues with over-bureaucratised governance means that certain features of open-source governance, particularly individual autonomy, are attractive in the development of viable integrity systems. This means that a third way – one that trades off the benefits and dangers of central administration against the radical autonomy of open source provides us with a philosophically interesting and practically viable set of recommendations towards developing ethical systems.

The Ethics of Subverting Science

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During the early days of modern science, groundbreaking discoveries could be made by a single person (like a Faraday or a Cavendish) working alone in their own, isolated, personal laboratory. Modern experimental research, in stark contrast, is a socially organic activity that involves many parties working in concert. The success of today's scientific research, therefore, fundamentally depends on shared trust and extended collaboration in a way that previous scientific research did not. As a result, the vitality and empirical validity of today's experimental research can be quickly and easily degraded by various forms of malpractice, negligence, or sabotage (e.g. the falsification of data, the failure to follow proper protocols, the damaging of equipment, etc.).

Ethical discourse concerning the conduct of scientific research (e.g. Shrader-Freschette 1994) tends to assume that, *ceteris paribus*, scientific progress is a good thing. The practical ethics of science, as a result, is generally concerned with promoting and maintaining the integrity of the scientific process given external ethical considerations (e.g. the suffering of test animals, the benefits to consumers, the environmental impact, the need to avoid plagiarism, etc.). This approach, however, neglects a very important set of practical ethical questions that I argue should be addressed by practical ethicists and scientific codes of ethics – questions of when it is morally appropriate, permissible, praiseworthy, and/or obligatory to actively subvert a scientific research project one is involved in. In recognizing science's susceptibility to subversion, the ethically-minded practicing scientist may be faced with a dilemma if and when they become engaged in research they justifiably believe will have "bad" consequences – should they continue upholding the values of scientific research, or should they work against their coworkers, subverting the research and preventing the bad consequences? Having the answers to such practical ethical questions, before such situations arise, would be important and useful for active and

conscientious scientific researchers; and yet, this question has yet to be addressed and answered by practical ethicists. This paper fills that gap.

Drawing on practical ethical theorizing surrounding whistleblowing (e.g. Davis 1996) and weapons engineering, I here attempt to develop a practical ethical theory of scientific subversion, i.e. a set of necessary and/or sufficient conditions for the ethical subversion of science. I formulate two such theories – first a prevention theory, then a complicity theory – and go on to evaluate them in terms of their consistence with some basic ethical intuitions, fleshed out in terms of both historical case studies and thought experiments. This application of ethical theory to the practical circumstances of scientific research should help make clear to practicing scientists, in a principled way, when it is ethically appropriate, permissible, praiseworthy, and/or obligatory to subvert scientific research.

Leadership Ethics and the Police: Why Should Police Leaders Be Held Morally Responsible for the Actions of Their Subordinates?

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There appear to be good reasons to assume that police leaders should be held morally responsible for the actions of their subordinates. Police leaders are people who have institutional authority over police officers under their command. And we normally expect that those who have such authority should take responsibility for the actions of those over whom they exercise it. But is it really fair to have such an expectation? It is unreasonable to expect a police leader to take responsibility for *every* decision made by the officers under their command. But if there are limits on a police leader's responsibility, where do we draw the line? Furthermore, holding police leaders responsible for all the actions of subordinates encourages a type of management that is self-protecting, risk averse and over-controlling. In such an organisational environment, police officers find they have little professional autonomy and are more inclined to concern themselves with staying out of trouble rather than pursuing institutional ends. In this paper, I will explore what makes police leaders responsible for the actions of their subordinates, and establish the limitations on this responsibility. I will then draw some conclusions about what this means for police leaders when it comes to maintaining the tension between the need for accountability and trusting the professional autonomy of their subordinates.

On Cops and Doughnuts

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The purpose of this paper is to examine police discretion and how a model of police discretion bounded by the moral principles derived from the purpose of policing, rather than only by law or the principles embodied in law, would affect the obligations officers in leadership positions have both to the community at large and the officers under their command.

First I will, very briefly, look at what is meant by discretion, favouring Dworkin's doughnut analogy over Fletcher's four-pronged model, before moving on to the four normative concerns that arise from discretion, as outlined by Bob Goodin (Manipulation and Exploitation, Arbitrariness, Uncertainty and Insecurity, Privacy and Intrusiveness). Secondly, I will apply this understanding of discretion to policing, and argue that in some hard cases it may be better to set the boundary of our doughnut according to the moral purpose of policing rather than by what is lawful; that is what is spelled out in either the law as rule or the principles embodied in those rules. This different approach allows the four concerns raised by Goodin to be addressed without necessarily narrowing an officer's discretion through the creation of new rules or oversight that may lead to micromanagement. In this discussion I will suggest some implications that such a shift might have for those in leadership roles within policing.

Military Medical Ethics: The State of the Art

Michael GROSS

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For many, military medical ethics is pathological, evocative of physicians aiding interrogators and associated with the dark side of medical ethics. This is a widely inaccurate caricature, the result of mounting concern within the medical and international community about the role physicians play in interrogation. And while the problems raised by Abu Ghraib and Guantanamo Bay are serious indeed, they represent but a very small aspect of military medical ethics.

Turning our attention to the wider range of issues engaging military medical ethic we find a nascent field calling out for research and analysis. Dilemmas posed by bioethics and national security embrace such diverse fields as soldier-patient rights, distributive justice, humanitarian intervention, weapons development and enhancement. Recent fighting in Iraq, Afghanistan and the Mideast reinforces interest in these fields and each poses unique challenges for military

medical ethics.

In the field of patient rights, soldiers face compromised personal autonomy coupled with paternalistic concern for their vulnerability. Medical care is often provided or, more accurately, imposed, without full disclosure or consent. The same kind of reasoning that puts soldiers at the disposal of their armed forces also raises concerns about enhancement technologies designed to make some individuals more efficient war fighters. To what extent must soldiers agree to enhancement? What risks are reasonable to impose on soldiers? What benefits do enhancements provide and how to they affect military costs?

The costs of waging war and looking after soldiers raises particularly vexing problems of distributive justice as US and Coalition forces must cope with demands for medical service by local civilians, host-country allies and detainees in Iraq and Afghanistan. Paradoxically, while international law limits the care occupying forces must provide the local population, the laws of armed conflict stipulate near equal care for detainees and enemy combatants.

Provision of care is particularly acute during humanitarian intervention. Often accompanied by military forces, health care providers must navigate the demands of intervening and local authorities, rebels and refugees. Apart from providing medical care, doctors and nurses face the challenge of using health care to bolster peace during and after armed conflicts. While it might be possible for health care professionals to help nurture peace in conflict torn regions, their intervention may come at the expense of a doctor's traditional role as provider and thereby upend traditional medical ethics.

Addressing these dilemmas requires joint efforts by military officers, medical personnel and philosophers. These efforts are not always easy to foster because they raise nagging but not insurmountable difficulties about dual loyalties and conflicting professional obligations when doctors and ethicists are asked to provide a supporting role for the military.

Privacy in Public Places and Counter-Terrorism Investigations

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Many theories of privacy make implausible claims about our entitlement to privacy in public places. For example one author outlines privacy in terms of "laws and conventions defining a 'zone' or 'territory'". "Our bodies, our behaviour and our interactions with other people", on this view, merit normative protection against being watched or listened to. When such normative presumptions against observation by others hold in the relevant contexts we achieve the condition of privacy. It seems indisputable that privacy partially involves some sort of normative protection against our bodies being observed. (To this we may add, implicit though not mentioned directly, norms protecting us from unwanted scrutiny in our homes). But it seems

highly disputable that we should *always* be entitled to a presumption against our general activity being observed or listened to. When playing football in the park, it seems very strange to say that a stranger who stops to watch me does anything wrong.

Nevertheless there do seem to be a range of cases where scrutiny of my conduct in public places does violate my privacy. For example, the surveillance of places of worship in the pursuit of investigations and even the CCTV surveillance of city centres and residential areas have both attracted criticism as violating privacy. However, all arguably take place in what is, to a greater or lesser extent, 'public space', where the watched willingly place themselves in a position where anybody could in principle come and witness their actions in person. These examples have become key points of contention in debates about privacy and the legitimate reach of state surveillance in the ten years following the September the 11th attacks. How does the urgency and difficulty of coming by reliable information in counter-terrorism weigh in determining the strength of norms of privacy in different contexts?

The Problem of the Moral Norms in the Theoretical and Applied Ethics: Sources and Interpretations

Dmitriy GUSEV

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The problem of the moral norms could be represented in the ethics from two different points: first, the morality as a system of specific norms is understood as the factor and the mechanism of the social regulation and control, and it is one of the key components of the subject's identity as well which is implemented in the various actions and practices. However, the means by which the morality is realized in the social context are problematic for the subject. In other words, we know that the morality is a constellation of the norms and imperatives, but why should we act as if we couldn't avoid them?

There is a vast range of methods interpreting the normative character of the morality: it could come from the human reason or social convention, could be implanted in a single man or a whole community, could be constructed anew or anchored from the currant tradition. Nevertheless, the explanations and analogies do not substitute the determination of the moral norms effect and its meaning. Thus it becomes necessary not to analyze the sources of the moral normativity and moral norms as they turn out to be the "historical track" only which explains 'how' but not 'why'. The idea is – try to examine basic terms by which the moral norms are composed.

First, we could mention the communication (and communicational procedures as well) as a field where the moral norms unfold as a moral statements. The communication enables to speak and act other people and by this introduces the idea of multiplicity of the norms and subjects into the moral discourse. Then, it is the ability of the morality (moral norms) to integrate into the

subject' cognitive structure, its practice and sense. Finally, moral norms are found in the specific contexts and in the plurality of situations: these two conditions make it possible for moral norms to adopt the infinite number of subjects and situations to each other.

Profiling in Counter-Terrorism

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The use of counter-terrorist profiles to identify terrorist threats before they are carried out is common practice among immigration authorities and police across the European Union. Profiling is used in counter-terrorism in at least three ways. First, it is used to identify individuals whose physical, psychological, behavioural or ethnic characteristics have been identified as typical of persons involved in terrorist activities. Second, it is used to identify places whose demographic, geographical, infrastructural or other characteristics have been identified as indicators of vulnerability to terrorist attack or potential sites of terrorist activity. Third, it is used to identify things, such as travel documents, bank accounts, data traffic, computer viruses, or chemical products, whose characteristics have been identified as typical of those used in connection with terrorist activity.

The philosophical literature examining the moral risks of profiling tends to focus overwhelmingly on the risks of unjust discrimination (Risse and Zeckhauser; Lever, Lippert-Rasmussen, Bou-Habib) that arises from the ethnic profiling of individuals. The gravity of these risks has led some theorists to defend behavioural profiling as an alternative to the ethnic profiling of individuals (Harris). But the moral risks posed by the behavioural profiling of individuals, in particular those involving interferences with privacy, are often underestimated. Meanwhile, neither the moral risks nor the potential security benefits of the profiling of places and of things are sufficiently considered. As a result, they are often overlooked as potential alternatives to the profiling of individuals.

This paper examines the relative moral risks and security benefits of the profiling for counter-terrorism purposes of people, places, and things. It argues that, in a significant range of cases, the moral risks posed by the profiling of people may be greater and the security benefits promised equal to or fewer than those arising from the profiling of places and, more significantly, things.

Moral Identity: An Essential Feature of Professional Role Responsibility

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It seems uncontroversial to hold agents in professional roles morally responsible for the meeting the demands of their role. However, these demands may not be anticipated because there are no institutional-specific rules to guide practice, or because an institutional authority is unable to provide guidance to the agent at a particular time. In many circumstances the agent in that role is to act autonomously as they must, themselves, make a decision then and there. This creates a problem though – how to make sure *in advance* that the agent can make a morally good decision? This problem becomes especially pressing when thinking of roles like a police officer or soldier, who need to make snap decisions, in a dynamic environment, where the stakes are extremely high: make a wrong decision and the agent is not merely failing to meet the expectation of that role, but a wrong decision can someone's life. Given conditions where the agent must act autonomously, can we hold this agent morally responsible for the outcomes of this action?

Two elements of professional role responsibility are the capacity for the agent to take responsibility for their professional actions, and for society at large to hold the agent morally responsible for their professional actions. I argue that an essential feature of role responsibility is the active development of moral identity, tied to the particular role. To show this, in this paper I explore the concept of moral identity generally, show how it relates to professional roles, and using the case example of a soldier in the field, sketch an outline of the necessity of moral identity in role responsibility.

The Applied Ethical Consideration on the Definition of 'Death' and 'Art'

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According to the recent debate over the definition of death, in order to remove the cause that makes it difficult to build the consensus, the deepening of discussions seems to required in the following three headings; 1) Issues arising from the social necessity for definition of death; 'who should discuss' 2) issues surrounding the state of boundary between dead and undead; 'is it treated as a process or event?' Or 'is the definition of death that is required a strict one or a tolerant, pluralistic, and so on.' 3) Issues triggered by the conflict of beliefs; is the concept of the death biological facts or social constructive things? These three issues could be applied not only for the debate of death but for the debate another concepts in different field that have vague

boundaries, such as "art". It seems to matter to Applied Ethics that by using the framework of argument and relevant issues that arise in bioethical field, the common structure is tried to find in crossing various academic subjects, especially from the standpoint of examined connecting theory and practice. In this paper, through comparing the definition of death and the definition of art in above issues, I will try to suggest the possibility of dynamically changing process of interactive reflection from definition to practice, from theory and practice, beyond the individual areas of expertise. First, to overview of the issue, three above issues about the definition of the death are conducting by using the article of bioethics. Second, moving the field from bioethics to aesthetics, the same issues are explained in the argument of the definition of art, and examined the individual problem in each three issues especially in the relationship between theory and practice. The following discussion focused on the question: could we find the possibility of obtaining the framework of definition that is designed as not having static structure but having combining dynamically structure between theory and practice in ever changing. Finally, from the horizon of the questions "What is X", the role of applied ethics, and these assumptions was considered: why we need the bridge the gap between theory to practice?: ideally, are the disappearance of the bridge or the gap required?

Applied Ethics and Intellectual Suppressions

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If an important task for applied ethics is to be a public "warning light" for possible social problems, we may think it is a professional duty for researchers of applied ethics to announce their sincere opinions to the public. But sometimes it seems to be too hard and risky for them to do so, because of (fear of) attacks against them. More inconvenient for some parties the announced opinions are, higher risks researchers have to take. If so risky, is it really a "duty" for researchers to take such tasks? The purpose of this talk is to analyze actual cases of intellectual suppression against researchers of applied ethics and to examine ethical obligations of applied ethicists as professionals to speak and publish openly and sincerely.

For this purpose, firstly I will outline three actual cases of intellectual suppression against 1) Peter Singer ('On being silenced in Germany,' 1991), 2) Rachel Carson (to *Silent Spring*, 1962), 3) Richard and Val Routley (to *The fight for the forests*, 1973). These cases include examples of censorship, defamation, silencing, etc. and show that there were serious personal risks for these persons in publishing their opinions. Secondly I will examine some possible ethical grounds for academic researchers to make their opinions public struggling against (fear of) these interference. Academic freedom, telling-truth and advocacy of public interests or something are candidates for such grounds. I think that academic freedom is not sufficient ground for such an ethical

obligation. Telling-truth and advocacy (at least sometimes) contribute to social utility. And they may be virtues of researchers. Thirdly I will try to identify the conditions under which telling truth or advocacy become a "duty" for applied ethicists. My conclusion is that there is no such conditions. We can expect telling-truth or advocacy in the face of personal risks just as virtuous acts of 'brave' researchers, not as duty for all.

What's Wrong With Corporal Punishment?

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In this paper I provide an account of why corporal punishment of children is morally wrong and argue for its absolute, exceptionless proscription. I argue that consequentialists ought to oppose corporal punishment in all cases because this penalty involves the infliction of pain that has not been shown to do significant good and poses the risk of significant harm – its costs outweigh its benefits – and because there are alternative punishments that bring about as much (if not more) benefit at a lower cost.

At least part of my case against corporal punishment is rights-based. Fundamental human rights set limits on how we are permitted to punish. Children possess in common with adults certain basic rights, including the right to dignity, the right to physical integrity and the right not to suffer (unacceptably) degrading punishments. Corporal punishment, I argue, infringes these rights. In order to justify this infringement, the salutary and ameliorative effects of corporal punishment would have to be extremely compelling. But in fact the benefits brought about by corporal punishment are insignificant. Accordingly, those who profess to 'take rights seriously' ought to oppose corporal punishment without exception.

Since corporal punishment inflicts intense physical pain on its recipients (a great disvalue which children are in many ways less able than adults to bear), it requires very persuasive justification indeed. The onus lies on defenders of this practice to justify it. My strategy in this paper is to consider the strongest arguments advanced by those who seek to show that corporal punishment is morally permissible – David Benatar, James Allan and Geoffrey Scarre – and to argue that they fail.

This essay proceeds as follows. I argue that the imposition of corporal punishment on children is unfairly discriminatory. I contest the arguments of its supporters that (a) corporal punishment is not unacceptably degrading and (b) that there is no conclusive evidence to suggest that corporal punishment poses a risk of psychological harm to children. I argue that the putative benefits that supporters claim for corporal punishment relative to available, alternative punishments are either absent or insignificant and that, what is more, corporal punishment lacks certain important benefits possessed by available, alternative punishments. Finally, I consider and

reject an argument that even if a ban on corporal punishment is justified, certain religious parents and teachers who believe themselves to be under a religious obligation to impose corporal punishment should be granted an exemption to permit them to do so.

From Tom Regan's Strong Animal Rights to Confucian Conception of Our Duty toward Animals

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This article discusses the current arguments of animal rights from Tom Regan to Mary Anne Warren. The goal is to illustrate our duty towards animals in term of Confucianism. Regan proposed that a mammal age over 1 year has moral rights because of its inherent value, and the possessors of the inherent value should be subjects-of-a-life. Mary Anne Warren saw Regan's argument as a strong proposition of animal right. She questioned that the inherent value concept is too obscure to support animal's moral right. Besides, the standard of defining a subject-of-life doesn't clarify the real holder of inherent value among animals. Warren also argued that based on Regan's proposal, the immense quantity of animal with the moral right will create an obstacle for human beings to carry out the duty towards them. Therefore we should support a proposition of weak animal right. Warren thought her proposal of weak animal right is based on the consideration of real practice. In spite of improper proposition of strong animal right, it is still effective to propose animal's possession of right in order to prevent animal abuse from human beings. However, Warren seems to base her conclusion upon their sentience. It would be a case of confusion between is and ought. My paper first gives the detailed statement of Regan's and Warren's proposals followed by some supportive arguments to Regan's proposal. I will show that our duty to animals is clear even without emphasizing animal rights. Therefore the critics of strong proposition of animal right is not needed. Then I will point out that Regan's inherent value of animal is similar to the claim from Confucianism but Regan's is a stronger proposition towards animal right. We could replace Regan's proposal of human's duty towards animal with Confucian claim and avoid some criticism, such as the arbitrary standard for identifying the holder of inherent value from Warren. Confucianism on the one hand claims that things other than human beings also have normative nature just like human beings, this nature refers to the Onto-cosmological reality of all living things, which confers value t all things independent of human beings. The difference between persons and animals is that persons can engage some kind of moral reasoning or practice, whoever engages this kind of reasoning will be treat as recreate the creativity of the Onto-cosmological reality, but in regard to all creatures having this normative nature, we are all the same. On the other hand, Confucianism claims that those animals who cannot engage such moral reasoning are in a different moral status in contrast to persons, and also their rights are also different to persons. Nevertheless, human beings have

duties to animals, because during our moral practice we realized that all things in the universe are the same in nature, we thus cannon help have duty toward animals. The elaboration of the above mentioned duty toward animals would be my last task of my paper.

A Defense of Genetic Discrimination

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In this work, I argue that genetic factors constitute factors that can reasonably be used in certain decision-making situations in employment and education. This goes against prevailing views and legislation, but my reasons are simple: genetic factors can give us the sort of knowledge that is useful and important in making such decisions. Simply put, making decisions based on genetic factors can constitute justified and rightful discrimination. My analysis focuses on four cases. The first, which occurred in Hong Kong, is the only court case of genetic discrimination. The court found that three workers were unjustifiably discriminated against on the presumed likelihood of their developing schizophrenia. The court maintained that when a genetic factor indicates a significant risk of injury or harm to self or others, discrimination based on that factor might be justified, but the likelihood of harm in these cases had not been established. I will analyze the dictates of the court to help form the foundation of a reasonable basis for utilizing genetic factors in employment decisions. The second case is one involving genetic tests, carpal tunnel syndrome, and compensation for work injuries in railway workers in the United States. A common misperception of the case as one of genetic discrimination (it was actually a compensation case) will shed light on our worries about genetic discrimination and will show that significant financial risk to an employer can constitute reasonable grounds for rightful genetic discrimination. The third case is a hypothetical one involving a bus driver with a genetic condition that predicts a high likelihood of seizures that would put the safety of the public at risk. This case illustrates that sometimes we really *ought* to use genetic factors to discriminate. My final case expands the preceding analysis into education involving discrimination that is not based on the presence of disease, but rather on the presence of indicators for certain traits. I will argue that there is nothing wrong in principle with using genetic factors as indicators for actual phenotypes to base decisions on and that any problems we might have with such tests are actually problems with using the phenotype to make decisions and *not* with the use of genetic factors. For example, if we don't like basing admissions on the presence of a genetic factor that correlates to success in school, we have a problem with using success as the measure and not specifically with the genetic test. My analysis will make apparent that genetic factors ought not be considered morally exceptional (worthy of unique consideration), but that we have reasonable grounds to make them legally exceptional. I will then discuss the implications

of my analysis for the Genetic Information Nondiscrimination Act of 2008 to illustrate some serious shortcomings with it, but also to show that it does have some merit. My ultimate goal is to argue that we ought to approach laws governing the use of genetic information critically and rationally in order maximize justice, which would mean keeping our paranoia in check.

Fathers' Supportive Parenting Practice and its Effect on Emotional Independence and Self-Reliance of High School Students: A Case of Rural Families in China

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Adolescent's independence has been the purview of the psychology field but has had little empirical evaluation by family Sociology scholars. Using the family system theory, this study examines how fathers' supportive practices affect those of mothers and adolescents' emotional independence and self-reliance in daily life. This study uses the data collected from three hundred thirty-nine second-year high school students of two public high schools, and their parents, in the suburbs of a small city in Shan Xi province of China.

Results of this study reveal the following: (1) Father' parental involvement in childcare effects that of mothers; if mothers' parental involvement in childcare is high, the level of adolescents' self-reliance is likely to be low. (2) If fathers' emotional support is high, adolescents' emotional dependence on their fathers is likely to be high. (3) Significant deciding factors for fathers' supportive behavior were fathers' gender ideology, fathers' participation in housework, attitude toward family continuity, fathers' age, and child's gender. When fathers have a more conservative gender ideology concept, their emotional support and nurturing for their children were lower. On the other hand, the younger the age of fathers and higher attitude toward family continuity led to greater fathers' involvement in household chores and involvement and instructions in children's daily life. On child's gender, fathers of boys rather than girls tended to be more involved with their children's daily life. (4) Significant deciding factors for mothers' supportive behavior were mothers' gender ideology, the child's gender, and the number of children. When mothers have a more conservative gender ideology concept, their emotional support and nurturing for their children are lower. On the child's gender, mothers of girls rather than boys tended to give more frequent daily life instructions. Also, mothers of families with one child were more involved with their child's daily life than mothers of families with multiple children.

The Ethics of Long-Standing and Pervasive Conditions: Moral Complicity and Innocence Examined Using the Case of US Military Presence/Occupation of Okinawa, Japan

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This paper unfolds and examines the contents of moral complicity and moral innocence as they pertain to static, pervasive, and persistent situations, conditions, and practices in a society. Personal responsibility for particular actions is well-explored in ethics, but more needs to be done in rating individual and collective moral responsibility for set conditions with institutional sub-structures whose longevity and pervasiveness lend a sense of permanence and justice to the historical scene. Explored as well are the moral implications of entering or finding oneself in such a condition, situation, or context, where the individual person can no longer claim moral innocence. This paper presents the argument for a high level of personal and collective moral responsibility for those who, innocently enough, have inherited an ethically questionable situation, condition, or practice from past generations. In the last part of the paper, I use my personal career as an example of how persistent, enduring situations can lead to moral contradiction.

Aristotle, Bio-Phenomenology and Responsibility

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This paper sets out an ethic of responsibility for nature based on Aristotelian biological teleology and the paired notions of bio-phenomenology and biosemiosis. This ethic applies to all living things, including humans. In it both the complexity of an organism and its capacity to interact with and affect its environment are relevant. There are five main aspects to this ethic.

The first is the idea that value enters the world, and the existence of value becomes a fact of the world, with the emergence of internally-directed entities that, in Aristotelian terms, have an immanent *telos*.

The second is a claim that the relative complexity of entities is important, with more complex organisms having a stronger prima facie claim on moral agents than do less complex organisms because of the manner in which each occupies three types of niche: an ontological niche, a semiotic niche and an ecological niche.

- The *capacity* or *potential* of an organism to interact with its environment defines an 'ontological niche'. Organisms of all sorts have an ontological niche value, but those with a

more complex structure of receptors and effectors occupy a more complex ontological niche and occupy a richer phenomenal 'space' than less complex organisms.

- A semiotic niche value arises in organisms that can receive and respond to signals from the external (objective) world. Such organisms have the three basic elements of a semiotic relationship with that external world (*object, interpreter* and *sign*) that allow the organism to create an 'understanding' of the world it inhabits. In doing so it creates for itself a unique 'semiotic niche' the nature of which is defined by its own structure.
- In determining ecological niche value both capacity or potential to affect and actual interconnection with others in the environment are morally relevant factors.

This ethic holds that an entity's phenomenological creation of a world through its ability to 'interpret' signs is morally significant and that its structural complexity, the complexity of its sign-use capacity and its capacity for interaction are relevant in determining moral considerability relative to others.

The third aspect of the ethic outlined in this paper is the notion that the obligation under which moral agents are placed is one of responsibility, where responsibility is an obligation that requires moral agents to act to protect the good of moral subjects and where all living things are moral subjects.

The fourth is the idea that recognition of responsibility is not necessarily based only in a narrow form of reason, but arises in at least two other ways: when, following Levinas, an *a priori* obligation to the other is triggered; and when one has fellow-feeling for, or empathises with, the other.

The fifth element of this ethic is that when this responsibility is recognised and the agent chooses to act (and so acts) to protect, care for, nurture and help realize, the good-of-their-own that all living things have as a defining property the agent takes on the virtue of responsibility.

Using African Ethics to Develop Corporate Social Responsibility

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Prevailing notions of corporate responsibility are chiefly based on influential Western view of the person and the relations between the person and society. The Western orientation of the person is fundamentally individualist – persons largely seen as individuated self-existent beings. Consequently, the questions of the nature of the responsibility concerns of the corporations in relation to society have most typically been approached through Western atomistic and individuated lens. In this essay, the author proposes an alternative vision of the person, one rooted in African ethics, which sees the communal, interdependence and interrelatedness of

all beings. In fact, people in Africa see themselves in a symbiotic relationship with society, a point well made by a renowned African scholar, J.S. Mbiti, "I am because you are, and since we are therefore I am" (1969:24). This African view generates a very different notion of an ideal corporate responsibility to society. Whether or not one is persuaded by the African view of the corporation in relation to the society articulated herein, the discussion serves to illuminate the need to broaden the terms of the debate over the appropriate role of corporations regarding their corporate social performance within which they operate.

Japanese Fathers' Involvement of Childcare, Settings of the Work, and Number of Children

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The last 35 years, Japan has experienced a drastic fertility rate decline and it is still far below the replacement-level. Domestic studies suggest that the delay of marriage is the most influential cause of the low fertility rate. Additionally, it is implied that the fertility rate of the conjugal couple itself has been weakened. Based on the macro viewed factors, such as Japanese traditional long working hours, gendered division of household labor, and a stagnant household economic state are some of the underlying obstacles for additional birth of children. In 2005, the mean of the ideal number of children, answered by wives younger than 50 years old was 2.48, but that of the planned number of children was 2.11. This indicates that somehow a large number of marital couples give up having additional child even they wish to have.

Over the last few years there has been a change in Japanese perception towards traditional gender roles, as observed in a nationwide survey, for instance, in 1979, more than 72.6% agreed with the male breadwinner model family, however, in 2010, this ratio declined to 41.3%. Moreover, fathers' involvement with childcare is now increasing because of the increased number of dual earner couples.

There are numerous investigations about how the wives' social status affects fertility. However, little is known about that of the fathers', therefore, this study focuses on how the fathers' involvements of household labors, including childcare and fathers' settings of paid work, relates to their number of children. Data used in this study was collected by Ochanomizu University in Japan, and the respondents are Japanese fathers with a child or children under the age of 12 years old (n=715). The results show that the number of children is more likely to increase when there are more frequent fathers' involvements with child care, fewer working and commuting hours, and the fathers' not engaging in irregular employment. The implications of these findings implies that the gap between the perception changes of gendered household roles and the actual conduct may cause very low fertility rate.

On the Political and Ethical Implications of Public Health Actions Concerning HIV Infection

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Although public health has several definitions and it is not easy to determine what public health is, it should be clear that public health actions aim at protecting and promoting the health of a population. However, what we mean by "health" can be so complicated to the point that public health often involves a broad area which is not only limited to medical or physical matters but also includes social or political ones.

This study discusses political and ethical matters regarding public health, especially in relation to today's HIV prevention activities. Public health activities concerning HIV infection have engaged in social issues, especially social discrimination or stigma, because it has been made clear by epidemiology that some groups, for example MSM (men who have sex with men), drug users, sex workers, immigrants and so on who suffer social stigma are vulnerable to HIV infection. It might be symbolic that the theme of the XVIII International AIDS Conference, held in July 2010 in Vienna, Austria, is "Rights here, Right now". It means that it should be the first mission to address issues concerning human rights of those who are vulnerable to HIV infection. In addition, the Vienna Declaration, the official declaration of this conference, insists that "the criminalization of illicit drug users is fuelling the HIV epidemic and has resulted in overwhelmingly negative health and social consequences" and "a full policy reorientation is needed". In this way, public health actions often attempt to change institutions and social conditions beyond medical and physical matters.

This study is intended as an analysis of the political and ethical implications of such public health actions concerning HIV infection and it will take a look at both the basic thought of these public health actions and their resultant impact.

Religious, Ethical and Cultural Aspects of an Overzealous Treatment: The Qualitative Research in the Group (Aging Community) of Japanese Roman Catholics

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This qualitative research describes the attitude of Japanese Roman Catholics (aging community) towards so-called "overzealous therapy". The respondents were asked whether human life should be sustained at all costs in the situation of terminal disease.

The aim of this investigation is to identify and scrutinize the main areas of concerns associated with death and dying in the contemporary Japanese society. This study particularly aims to explore the Japanese Roman Catholics' (the religious minority and aging community) way of perception the process of dying.

There are three main areas of concerns recognized in the answers given by respondents. The first area is the religious one, which is directly related to the Catholic belief and the faith of Japanese believers. The second area is the ethical one, which refers to various dilemmas, for example: "wish to keep the life at any costs – but it prolongs the suffering and pain of a patient". The third area is the cultural one, which is related to various factors: the role of technology, "artificial" sustaining of life, relativism and to the role of family in the process of decision-making on the treatment of terminally ill, elderly patients.

In conclusion, this research highlights the existing hiatus in perception of death and dying in the research group. There is a visible division on so-called "medicalized" and the "natural" way of dying. A very important sphere for respondents in the process of dying is the religious one. "Not medical treatment, but the relief through religious care should be given to them (dying people)", as concluded one of respondents.

Controversy of the Concept of Moral Responsibility

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The concept of moral responsibility is considered to be one of the most disputable in the contemporary ethics. If one examines thoroughly present textbooks on ethics it becomes obvious that significant ethical problems (freedom, moral choice, moral duty and obligations) are introduced via the context of moral responsibility. Also it is stated as an invariant component of the applied ethics today – both in the professional ethics (the problem of the politics', scientists', doctors' responsibility) and in the sphere of the applied ethics itself (take for example the recent tendency to replace the business ethics by the "concepts of the corporate social responsibility"). The latter is understood as various theoretical investigations and numerous "programs of the corporate social responsibility" with appropriate business practices as well in which the social responsibility actually becomes moral responsibility.

It is important to mention that the today study of the moral responsibility in the theoretical and applied ethics is very successful in the view of its classification, which could be specified "temporarily" (retrospective and prospective responsibility), by the distinction between the responsibility of "guilt" and "care", responsibility "for" and "towards", through the analyzes of the responsibility' relationship structure, its subject (personal, collateral, institutional responsibility) and etc.

Therefore the point of view that the debate about moral problems could not be held without the appeal to the concept of moral responsibility becomes prevailing today. Arguing about this we should bear in mind some circumstances.

First, most textbooks on ethics resort to the "logical circle" while discussing responsibility: "to be free means to be morally responsible for the actions" and "free person is the only one who is morally responsible" and so on and so far. Even the professional ethics states that to be the professional and to be responsible is one the same. In other words the interpretation of the responsibility settles on something indeterminate or excessive.

Second, recent theoretical constructions of the moral responsibility appeal to the history of ethical concepts. The most popular one belongs to Aristotle who formulated the voluntariness and involuntariness criteria which made a major contribution to the modern understanding of the moral responsibility. However the concept of responsibility is an alien element to the Aristotle' ethics which lacks the analysis of the "usual" notions to the modern ethics: moral choice, duty, guilt, obligation and penalty. Understanding the responsibility via reason was typical to the medieval Christian ethics, which questioned not "if God is responsible for the evil" but "if God is the reason of the evil". The word "responsibility" appeared only in the end of the XVIIIth century, while the concept "ethics of responsibility" was introduced by M. Weber in contrast to the "ethics of belief".

The reasonable question now is: how the introducing the concept of moral responsibility will help us in the analyses of the moral problems? And how is it possible to work out the concept of moral responsibility beyond the traditional ethical theories?

As an answer we could state that the shaping of the concept of moral responsibility is connected to the key transformations of modern society' view on the morality that could be presented in three propositions. First, morality becomes not that thing which is brought to humankind by some force (God, nature, reason) but the result of the human joint activity. Second, the interest to the concept of moral responsibility is based on the increasing risks of the human activity (heuristics of fear by H. Jonas). Finally, we could speak about the revision of the morality and its vision by the modern society in the scope of the concept of the moral responsibility.

Different in Kind? Ethical and Aesthetic Judgements of Pornography

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In this paper, I wish to look at the cultural object of pornography in order to question the validity of applying simple moral judgements to it. Most approaches to the question of pornography beg the question by a deliberate commitment to normative definitions of what is or

what is not a pornographic object. Moreover, nearly all discussions of pornography suppose that it is to be treated first as an ethical matter and then only secondarily as an aesthetic object. The aim of my paper is to question this lexical order and propose that it may well be more worthwhile to treat pornographic objects as primarily aesthetical and secondarily ethical.

The paper will be split into three sections. In section 1, I shall look at some definitions of pornography and show that many of the definitions of pornography beg the question in that they are already committed to certain normative judgements concerning its status. In section 2, I shall propose a different methodological approach and by taking what I claim to be a paradigmatic pornographic object, I shall show that there is a distinct hiatus between our intuitions concerning pornographic objects and the theoretical consideration of such objects. In the final concluding section, I shall discuss whether or not it would be worthwhile to treat pornographic objects as aesthetic (or more broadly cultural) objects first and not different in kind from other aesthetic objects. In doing so, I hope to show that such an approach does not rule out ethical judgements in the way some commentators (too simply) suppose.

Benefit Sharing and International Justice

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Benefit sharing is a legal term used in the context of access to and utilisation of biological resources. Its meaning is simple: *those who contribute to science and innovation ought to share in the resulting benefits*. If benefit sharing with the contributors of biological resources and related knowledge does not take place, scientific advancement is exploitative. The main legal instrument to govern benefit sharing is the UN Convention on Biological Diversity (CBD 1992).

On a broader understanding of benefit sharing, results from scientific research should be shared with society as a whole and in particular with developing countries. This more aspirational meaning of benefit sharing is expressed, for instance, in the UNESCO's Universal Declaration on Bioethics and Human Rights (2005).

This paper has a theoretical and a practical part. The theoretical part will map the legal term of benefit sharing onto conceptions of international justice. The access and benefit sharing requirements of the CBD – which covers plants, animals, micro-organisms and traditional knowledge – will be described as a justice-in-exchange mechanism. The distributive justice aspects of benefit sharing, which conform strongly to the human rights framework, will be examined using the above mentioned UNESCO Declaration. The practical part will give examples of benefit sharing cases.

Community of No-Self: The Foundations of Social Ethics in Watsuji Tetsurō and Jean-Luc Nancy

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Social ethics and the various discourses within it are built upon a tri-partite foundation. This foundation has three parts: first, the notion of the individual, second, the notion of society, and third, the notion of how individuals and society come together. In this paper, I argue that the Japanese ethical philosopher Watsuji Tetsurō (1889-1960) and the French philosopher Jean-Luc Nancy (1940-) provide similar notions of this very foundation. But Watsuji's and Nancy's views on the foundation of social ethics are radically different from most other views presented in philosophy and sociology because their views rest on the understanding of the *insubstantiality* or *emptiness* of both the individual and society. As such, their view of the relation between the individual and society is characterized by openness, tensional interrelation, and a sense of spiritual depth. In this paper, I will begin with an explanation of Watsuji's view of the individual, society, and their negative dual relationship with each other. I will then proceed to Nancy's view of singularity and its participation in "inoperative community." Having introduced both thinkers, I will proceed to discuss their similarities and their differences, taking care to articulate their views on the fundamental structures of social ethics. Then, I shall focus on the problem of totalitarianism, and attempt to analyze why Watsuji falls into this and how Nancy's thought can be used to prevent such totalitarian tendencies in the reading of Watsuji's ethics. Finally, I shall attempt to sketch out my hypothesis for the foundation of social ethics, using the ideas of both Watsuji and Nancy. I shall also try to draw out the practical implications of such a social ethics on other related domains, such as that of globalization.

This paper will draw primarily from Watsuji's *Rinrigaku* and *Ningen no gaku toshite no rinrigaku,* as well as Jean-Luc Nancy's *The Inoperative Community* and *Being Singular Plural*. It will also draw from the writings of other related thinkers such as Emmanuel Levinas, Jacques Derrida, Simon Critchley, and Alphonso Lingis.

Can Business Ethics Learn Something from Military Ethics? A Study in Comparative Applied Ethics

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Laypeople tend to view business ethics and military ethics, unlike other fields of applied ethics, with some skepticism, joking either that the concept (business ethics/military ethics) is oxymoronic or that business (the military) certainly needs more ethics. Otherwise, however,

the two subjects might appear to be worlds apart. Yet there are not only differences, but also intriguing similarities between the two with respect to their major concerns and the pedagogical goals of those who teach these subjects. And of course there are many ethical challenges that people in business and people in the military share simply because they work in a workplace or organizational environment characterized by superiors and subordinates.

In this paper, I compare and contrast the two fields with regard to their distinctive issues and the structure of their subject matters as well as with regard to their institutional contexts and the nature and purpose of ethics education in schools of business, on the one hand, and military service academies, on the other hand. I also look at how these issues are affected by the different roles that business and the military play in a liberal democracy and by the comparative ethical expectations that society has of managers and ordinary employees, on the one hand, and officers and enlisted personnel, on the other.

In doing this I hope not only to throw light on two important areas of applied ethics, but also to ask whether business ethics might have something to learn from military ethics. Business ethics – a few dissenting voices aside – assumes that profit is the ultimate goal of business, and it views the rules of business conduct merely as socially necessary side-constraints on the pursuit of self-interest, a pursuit which is ultimately justified in terms of the invisible hand. And although all those who teach business students wish them to act morally, morality is not usually thought to be at the core of what it is to be a good manager. By contrast, military ethics takes it for granted that the military is a service calling, that it has a goal or purpose that is noble and transcends self-interest, and those who teach military ethics emphasize that morality – upright conduct, the acceptance of moral responsibility, and the exercise of moral judgment – lies at the very heart of what it is to be an officer. In this respect, among others, I believe that military ethics may have something to teach business ethics.

Against Moral Self-Cultivation

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The ideal of moral self-cultivation has been extremely prominent throughout the history of Confucian thought (taken in the broadest sense) – and to a lesser degree has also been influential in the West (e. g., in and through Kant's philosophy). But I believe the emphasis on moral self-cultivation is psychologically quite unrealistic, and this talk offers a number of reasons for thinking this.

Ethical rationalism's varying accounts of moral education – e. g., Kohlberg's, Rawls's, and the view that seems implicit in the earlier work of John McDowell – all seem to fail at the level of motivational adequacy, and one advantage of sentimentalist approaches that emphasize

empathy is that there are a host of psychological studies that support the idea that we can increase people's empathy and make them, as a result, more altruistic and moral. In the end, even Kohlberg thought he needed to appeal to empathy in order to explain how increasingly sophisticated moral conceptualizations are translated into moral motivation, and the emphasis within the Aristotelian tradition (including contemporary "character education") on the sheer moral force of habituation can also be shown to be motivationally problematic unless empathy is brought into the picture.

But against the background of the assumption or conclusion that moral learning requires the development of empathy, the idea of moral self-cultivation becomes extremely problematic. Confucius held that one can become morally good or better just by willing it, but he never really explains why someone should in the first place so badly want to be morally better. And in fact it seems that most increases in our empathic dispositions result from outside influences, rather than from some self-directed goal or enterprise of moral improvement. We see or we are told how our actions have hurt another person, and this makes anyone with a normal capacity for empathy feel bad about what they have done, a feeling which, if felt deeply enough or repeated often enough, can lead to greater tendencies toward altruism.

This much the recent psychology literature on moral development tells us, but since such improvements come from outside influences and are not anticipated or planned for by the person who improves, they don't at all illustrate the idea of moral self-cultivation. There are indeed, however, some realistic cases in which self-cultivation does occur, but they are relatively rare and unusual, and the Confucian idea that engaging in rituals or in the reading of the Classics is a way toward moral self-improvement has never been nailed down sufficiently in psychological terms to make a convincing argument for these avenues of self-cultivation. All in all, we seem both in childhood and as adults to need the help, the unanticipated intervention or influence, of others in order to develop into morally better or more virtuous people, and the whole idea and enterprise of moral self-cultivation obscures and even denies that fundamental moral-psychological fact.

"Proportionality" in Preventive Counter-Terrorism

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In the European Union, the prevention of serious crime, including terrorism, is constrained to meet a human rights norm of proportionality. Although it is recognized that prevention of serious crime sometimes requires deception, and the invasion of privacy, the onus is on the investigating authority to show that less problematic means will not get the same or better results. Especially where investigatory techniques are directed secretly against citizens with no criminal records, there is a tension between the techniques and the role of policing in a democracy,

and if alternative means are available which reduce the tension, then the secret ones fail the test of proportionateness. Relatively indiscriminate, electronic surveillance of a loosely classified class of suspects in the population might count as a leading case of a disproportionate policing measure. So might investigations of persons prompted by unusual patterns of telephone traffic or commercial interaction. These and other investigations are sometimes dismissed as "fishing expeditions". In this paper the coherence and usefulness of the norm of proportionateness in policing will be considered. Proportionateness may fit better other forms of state action than the prevention of serious crime. Even in its better applications, however, it leaves much to be desired, because of its characteristic and sometimes unjustified distrust of states, distrust of discretion in the choice of means, and justification of action by its good effects.

Conceptualizing Environmental Ethics

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The concern for environment is global and unavoidable. In the short history of environmental ethical thought two streams have remained prominent. One is the anthropocentric approach which tends to derive environmental ethics from the interests and the good of the mankind with no intrinsic value realized in the environment as such. This has been criticized as 'extended utilitarianism'. The other aspires to overcome anthropocentricity and intends to extend the moral sphere and subjecthood also to the non-human and the non-sentient components of the environment, thereby trying to establish that environment is intrinsically valuable and is an end in-itself, it is not merely a context but also a component of morality. Unfortunately the history of western philosophy with prominent dichotomous views such as difference between the ideal and the empirical world, form and matter categories, mind and body dualism, etc, does not allow an easy and convincing formulation of an environmental ethics of the desired and the required kind. Moreover the most popular and widespread religious views and theologies also tend to limit the status of nature as merely the means or resource, as the dominion of man, the sole purpose of which is to serve the interests of mankind. Environmental ethics may ignore such metaphysics and theologies, but ethics devoid of overarching metaphysics and yet trying to treat environment as an end and the basis of moral theory development, falls into the trap of 'naturalistic fallacy' – a yet not shattered challenge in the history of ethics.

This paper proposes an alternative conceptualization of environmental ethics which attempts to establish that environment is as significant and necessary input of moral theory as mankind itself is. The ancient Indian metaphysics and the notions of *R+ta* and *Satya*, it is argued, provide the required basis on which the desired environmental ethics, which substantiates environment as an end and recognizes its intrinsic value, can be built. Rigvedic notion of Rta and Satya descend

into the Upanisadas as Dharma and Brahaman respectively. Brahaman is the ultimate reality and the ultimate aim of morality. This is to be realized by the observance of and regard to Dharma. This Dharma or the eternal moral as well as the physical law of the universe, is applicable to the men and the nature alike, but is prior to both. In such type of ethics the moral law applies to the natural but is not itself a natural law. Since, despite moral status of the nature, there is no place for ethical naturalism the issue of naturalistic fallacy becomes redundant in such kind of environmental ethics.

Peter Singer on Reasons for Acting Morally

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In this paper, I will discuss reasons for acting morally in Peter Singer's works. The reasons for acting morally or the so-called "Why be moral?" problem has been discussed by many philosophers since Plato's *Republic*. However, is that issue really substantive? What is "moral"? Is that a mere terminological problem? Is an amoralist a product of our imagination? Such a doubt is why some philosophers argue that the "Why be moral?" is a pseudo-question. I will argue that it is substantive.

For that purpose, firstly I will focus on Singer's 1973 article "The Triviality of the Debate Over "Is-Ought" and the Definition of "Moral""(reprinted in Singer (1999)). What he means by "triviality" is that two quite opposed views about the meaning of moral judgments and their relations to statements of fact, descriptivism and neutralism, do not differ at all on the issue of how the statements are connected with reasons for acting morally. My point is that he thinks that issue really matters.

His emphasis on the reasons for acting morally can also be found in the last chapter of *Practical Ethics* (1979/ 1993), *How Are We to Live* (1993), and "Coping with Global Change" (1996). I will examine how Singer gives the reasons for acting morally in these works. He must give people who do not care about ethics the reasons for acting morally, when he persuades them to give to a famine relief or not to practice Speciesism. Then, his target is not only on amoralists who can understand what morality requires, but do not bother about it. He also addresses those who feel morality is too demanding, for instance, in the last chapter of *Practical Ethics* (1993, 314ff.).

I argue that if morality really requires so much of us, we would be amoralists. Therefore, if "Why be moral" question can be given an answer that will provide everyone with the reasons for acting morally, morality must not be too demanding. Although Singer thinks that "Why act morally? " cannot be given an answer that will provide everyone with overwhelming reasons for acting morally"(1993, 335), I think that is because his morality is too demanding. Finally, I

conclude that morality is not too demanding, therefore "Why be moral" question can be given an answer.

Does Democracy Monopolize a Right to Rule?: A Critique of Thomas Christiano's Democratic Conception of Legitimate Political Authority

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In "The Authority of Democracy" (2004)[1] and *The Constitution of Equality* (2008),[2] Thomas Christiano proposes a new conception of legitimate political authority. He argues that because only democracy embodies the justice of public equality between people, democracy exclusively possesses the right to rule and everyone has the correlative obligation to obey its decrees in order to avoid treating others as inferiors. Christiano's view is original and intuitive because, differing from its competitors, it gives the peculiar authority to democracy alone. It is ambitious because it confers on democracy a right to rule that grounds *every* citizen's normally *overriding* obligation to obey its legislations *regardless of their contents*. Furthermore, Christiano's theory is systematic because it simultaneously explains the limit of authority with the same principle of justice: a polity loses the right to rule when it ceases to embody public equality by disenfranchising some people, infringing upon their basic liberties, failing to provide the economic minimum for each of them, or creating a permanent minority.

This paper focuses on whether Christiano has successfully argued that democracy exclusively possesses a right to rule, and whether what he calls 'public equality' is a satisfactory basis of the peculiar political authority. If Christiano's argument is successful, citizens owe to a democratic assembly the *moral* duty to do whatever it decrees. And, even if the decree is morally objectionable or the decreed action is wrong, in normal cases citizens are morally obliged to obey the decree. Therefore, under the democratic regime that Christiano characterizes, violations of laws – including civil disobedience – will be rarely justified, though under less democratic regimes, various violations might be justified. Moreover, foreigners are obliged not to interfere with any domestic issues. This paper points out that Christiano's argument fails to support these strong conclusions. Additionally, it suggests that it does not fit well with some intuitions that another approach to justifying political authority can easily accommodate.

1   *The Journal of Political Philosophy* 12(3): 266-90.

2   Oxford University Press.

Does Objectivity of Intrinsic Value Limit Our Action against Nature?

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"Intrinsic value" has been one of the important concepts in environmental ethics. Indeed, many environmental ethicists claim intrinsic value of nature in order to attribute moral considerability to non-human entities. Although "intrinsic value" has been argued in various contexts, their starting point is the same: they want to limit human action against nature. An environmental philosopher, Keekok Lee argues in *The Natural and the Artefactual* (1999) that environmental philosophy needs to overcome Humean projectivism, which is the idea that nature is value-free and all attribution of values are merely the projections of human feelings. By claiming that nature is intrinsically valuable, therefore, environmental ethicists attempt to preserve the independence (autonomy) of nature and prohibit humans' unlimited intervention towards nature.

Given the argument above, the main issue of intrinsic value has been whether such value can exist independently from humans or not. J. Baird Callicott, for instance, argues that while humans are the source of intrinsic value, the locus of intrinsic value belongs to nature. That is, we are the generator of values and in this sense, intrinsic value is necessarily anthropogenic. Yet we can attribute intrinsic values to non-human entities so that we can limit our action subjectively. Holmes Rolston, on the other hand, argues that intrinsic value exists without human. That is, nature is not only the locus, but also the source of intrinsic value. For him, objectivity of intrinsic value is essential to protect nature from human intervention.

In this paper, I will first illustrate that the dispute between Callicott and Rolston leads us to a controversy between realism and social constructionism over the ontological status of "nature"; a question of whether "nature" itself exists independently from humans. Looking at the argument of "ecosystem health" as an example then, I will argue that this ontological problem does not give us a way to limit our action against nature. Most of environmental ethicists talk about intrinsic value, focusing on how to reach out to nature or value of nature objectively. However, I will claim that what is at issue is not an epistemological puzzlement over intrinsic value, but how to locate humans and artificial technology with respect to nature and vice versa.

Effect of Work-Family Conflict on the Turnover Intention and the Division of Household Labor: Examining by Structural Equation Modeling

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Although a lot of research articles on work-family conflict have been accumulated in many academic areas, many problems of research on work-family conflict are still not solved. First, few researches are based on theoretical models. Second, most of them are on the conflict of work-to-family, but few are on the family-to-work conflict. Third, the dependent variables are often subjective but not objective, such as satisfaction particularly for family domain.

Therefore I have tried to build a theoretical framework of work-family conflict based on some theoretical models; e.g. Job demand-resource model, Porter=lawler model, Price and Muller model, theory of reasoned action, and coping. Then I have examined the conflicts of work-to-family and family-to-work simultaneously. The two dependent variables are the turnover intention and the division of household labor. The structural equation modeling is employed for the examination. The data were collected through a questionnaire survey to the 3000 dual-earner couples of Japanese Trade Union Confederations in Niigata Prefecture, 2009. The recovered questionnaire sheets were 534 pairs, 1068 samples (the recovery ratio was 17.8 percent). The final samples for this study are 623, which have no missing data for analysis. Findings are as follows: 1) The conflicts of work-to-family and family-to-work both of men and women affect indirectly to the division of household labor, but those do not affect to the turnover intension. These suggest that work-family conflict is more permeable to family domain than to work domain. 2) The work-to-family conflict of men has significantly negative effect on contextual performance for family, while it has significantly positive effect on family cohesion. Women's work-to-family conflict affects significantly positive on family cohesion only. From these results, it is considered that the more work-to-family conflict has occured, the more family cohesion are strengthened. 3) The other family-to-work conflict of men and women has only significantly positive effect to contextual performance for family. In addition, it of women has significantly negative effect on family cohesion. 4) When men and women are in work-family conflict, the effects of coping types are examined. Three types of coping are counseling with couples, reduction of work, and reduction of household labor. When men confronted with the work-to-family conflict, they usually do not choose the coping type of counseling with couples. If they chose it, however, it accelerates men to do household labor more and reduces the turnover intention. As for women, they usually tend to choose the coping of counseling with couples and/or reduction of household labor, when they met the family to work conflict. The effects of copings of women are similar to those of men.

Individuality, Person and Interpretation: Behind the Debates on the Moral Status of Human Embryos

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Treating with the ethical issues deriving from selective abortion, Embryonic Stem cell research, IVF and so on, many thinkers tend to focus on the problems of the moral status of human embryos. In this presentation I will examine the arguments about the moral status of human embryos from a Christian viewpoint.

Around this kind of issues, on the one hand embryo protectionists contend that the early embryo from fertilization is a full human person, the zygote or blastocyst is a person and should be protected from destruction at the scientist's hand. On the other in 14 or 15 days after fertilization some thinkers suggest that the pre-implantation embryo is not a person at this early stage of embryo, and so it is morally permissible to use it for research until then.

Up to now, the former position, the embryo protection camp like the Vatican, has been criticized from some viewpoints by the latter. It contend that prior to 14 days, the pre-implantation embryo cannot be treated as a protectable person. At around 14 days the embryo adheres to the mother's uterine wall. And before 14 days it doesn't meet the criteria of 'individualization', that is, a necessary condition for it to be a person. An early embryo cannot be a human person until after individuality is established, around 14 days. So the use of early embryo for research before implantation should be carefully done but can be morally permissible.

This kind of objection is mainly constructed of the following three scientific phenomena: (1) identical twins, (2) chimera and (3) the high degree of the rate of miscarriage. (1) and (2) represent the totipotency of the early embryo. And (3) shows that the early embryo is naturally unstable and it is difficult to hold the idea of a protectable embryo at this early stage as the Vatican claims. These events can occur until fertilization. It means for them that the early embryo is not enough individualized. So they conclude that there is no individual, no person present in about 14 or 15 days after fertilization, and therefore the ES cell research should be given green light. Though they agree with this concept of individualization as a necessary condition for personhood and refer to much the same scientific data above, the embryo protectionists like the Vatican seem to interpret them differently and conclude the opposing position. Both camps take almost the same scientific data. But the conclusion differs on their interpretation of that data.

My aim in this presentation is to clarify and analyse the debates on the moral status of human embryos from the view of interpretation of the data and to explore the further discussion.

The Quality of Life of Experimental Animals: A Critical Reflection from Confucian Point of View

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The number of animals employed in experiments annually throughout the world is an enormous figure. Not only that many of these experiments are unnecessary and inflicting unnecessary pain to the animals, the animals are usually euthanized after experiments that may incur them incurable harms. It is not only morally wrong that unnecessary harms to experiment animals but a second harm done to them if they are gotten off because of no use for further experiments. For animals after experiment, we need at least a proper evaluation of the quality of life of these animals before getting rid of them. It is argued that like human subjects animal experiments be evaluated according to the principle of avoiding unnecessary pain to the animals and that we have a moral duty to repay for gratitude for those animals that help us by being subjected to experiments. If we could not release them intact after experiments, we have to preserve their lives as best we could. It is only in low quality of life condition that we start the mechanism of euthanasia. Based upon the Confucian conception of human-animal relation, I consider the possibility of a Confucian benchmark for the evaluation of the quality of life of experiment animals before and after experiment to guard against maltreatments. It is argued the pursuance of implementation of such benchmark could promote the benefit of experimental animals, a better consciousness in experimental designs and a great reduction of the number of animals for experiments.

The Two Arms of Openness: Responsibility and Creativity in Medical Professionalism

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The ethos of medical practice is intrinsically bound up with its construction as a profession. From times immemorial until this very day, the ethos is expressed in the language of excellences (i.e. virtue), especially those that inspire responsibility (on behalf of the professional) and trust (on behalf of the public).

Milestone documents in the literature on medical professionalism, for example the "Medical Professionalism Charter" and the ACGME (The American Council for Graduate Medical Education) contain lists of values and competencies that are expected of every practitioner. Among them we find commitment to constant improvement in medical research, education and the standard of care.

The discourse on professional values is divisible into first and second order virtues or competencies. Compassion and skill are first order virtues and competencies; second-order virtues refer to the first-order virtues as organizing or meta-virtues and skills. Responsibility and the commitment to improve practice are of the second order.

In this paper we wish to argue that creativity, or a certain conceptualization of creativity, should count among the second-order virtues of medical professionalism.

Our argument follows psychologist Robert Sternberg's conceptualization of creativity, according to which creativity is a composite of (1) the perception of reality as changeable, (2) the ability to discern potentials for change, and (3) the ability to identify which of these potential is valuable.

Interestingly, some key factors in medical ethics provide counter-reasons to the pull of creativity. Physicians operate within relatively rigid frameworks (e.g. guidelines, peer review and the reasonable physician standard) borne of the difference levels of governance (e.g. fiscal, technical) as well as concern for the vulnerability of patients. Indeed, the image of the bold innovative clinician applying her genius at the bedside is equally appalling and appealing.

Consequently, this project explores the relationship of creativity and professional responsibility, with the goal of providing elucidation. To this end, we import insight from recent scholarship on responsibility into the construction of creativity as an excellence. Responsibility and creativity both require the somewhat paradoxical traits of embeddedness in reality on the one hand and willingness to alter it on the other, suggesting a conceptual link between the two. Responsibility it its conceptualization as a meta-virtue may serve in a guiding role, directing creativity towards valuable alternatives.

Decision Making Models for Multidisciplinary Health Care Teams: from Informed Consent to Consensus Building

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"Informed consent" has been introduced to respect for the autonomy and rights of patients. Patients have become the core members who make decisions on their medical and health care treatments because they are "specialists" in their own disease as Aristotle said. However, nowadays we are wondering how faithfully the autonomy of patients can be respected because wide gaps in special knowledge are lying between medical professionals and patients. We are wondering whether what patients can do is only to choose the options proposed and recommended by doctors. We are on the horns of a dilemma between the informed consent and the paternalism.

On the other hand, one health care professional must work in collaboration with other health care professionals in the multidisciplinary care team. Doctors, nurses, pharmacists, and other

health care professionals must discuss one another and make decision in cooperation. In the past, the doctor has often been assumed to be the most appropriate person to make the decisions. The doctor has been the only one specialist in the medical field. This is not so widely accepted today because the researches in the fields of the health and medical care are highly specialized and subdivided, then doctors do not always have the special knowledge in one field of health care. Sometimes doctors must follow the advices given by other health care professionals because a specialist is a specialist only in his field and he is just a layperson outside his field.

However, as the proverb says, "advice is seldom welcome," and an opinion may change if a person's standpoint changes. It is sometimes difficult to build consensus among various standpoints (doctors', nurses', patients'…etc).

Therefore, the aim of this presentation is to provide multidisciplinary care teams with some practical models for collaborative decision-making. I will present and examine three models: Fry and Johnstone's four-step model, Thompson's ten-step model, and Moore's conflict resolution model. The focus is to bridge the gaps among different standpoints, especially, between specialist's judgment and patient's (layperson's) one, and to achieve a consensus among them.

The Family-First Organ Donor Rule and Family Presumed Consent: Two Major Revisions to Organ Transplantation Law in Japan

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Fourteen years have passed since the first organ transplantation law was established in Japan in October 1997. From the law's creation to 16 July, 2010, only 86 organ transplant operations from brain-dead donors were performed. The revised law to facilitate organ transplantation was implemented on 17 July, 2010, and organ donation numbers immediately increased more than tenfold, with a total of 140 cases in the first eleven months (as of 19 June, 2011).

For my research, in order to clarify the situation regarding organ transplantation, I conducted several interviews and surveys: Japanese transplant surgeons, recipients and donor families were interviewed, and follow-up surveys were performed by email and by attending transplantation-related social events. In addition, interviews or surveys were obtained from artificial organ inventors and ethicists. The results show that expectations for the revised law are ambivalent. Both qualitative research methods and coding methods from the grounded theory approach were used to analyze the evidential data to ensure objectivity, quality and reliability.

Although the result of the new law is a dramatic increase in organ donation numbers, the gap between Japanese and American concepts of life (i.e. between the Far East and the West) has widened since 1997. This is strongly connected to the criteria for human death. Furthermore, social consensus concerning brain death has not been reached in Japan since the first organ

transplantation law. Although organ donation numbers have been increasing rapidly, the motivation behind the decision to donate varies, and the meaning of organ donation to recipients differs widely. This situation indicates that there may be ethical problems, cultural conflicts and dilemmas for concerned parties over organ transplantation.

The original law required a "donation will" of the donor in addition to family consent, but the new law requires only family presumed consent. Moreover, a Japanese family can give priority to organ donations between relatives since 17 January, 2010, under another change to the law, although only one donation is allowed within six months. Western culture assesses this rule as "unfair"; Far Eastern culture assesses it as "natural": we need to investigate what fair/unfair and natural/unnatural mean concerning organ donation issues. Although organ donation numbers have increased, this appears to have happened only as a result of the change to the law regarding family presumed consent and the "family-first" rule, and not through donors' individual wills based on the "Gift of life". In order to develop sound practical approaches to organ transplantation, while giving due consideration to ethical implications and Japanese cultural barriers, I will explore the present complicated and complex situation around organ transplant issues under the revised law in 2011.

Reconciling Science and Religion: C. S. Lewis's Ethics of Miracles

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C. S. Lewis (1898-1963) is not popularly known as a philosophical writer. His argument for the reality of miracles, however, has spurred inspiring discussion on science and religion amongst scholars of interdisciplinary fields in both the 20th and 21st centuries. His ethics of miracles based on his belief in a righteous and sacred God has invited, both positive and negative reactions, not only from the modernist critic Kathleen Nott, theologian Lesslie Newbigin, but also from the scientist Francis S. Collins. Lewis affirms that it is not logical to deny that something or someone can enter into a dimension or realm beyond the laws of nature if one believes in a supernatural being. An analysis of three scholars' arguments on Lewis's proposition on miracles reveals that Lewis contributes to a reconciling of conflicts between science and religion and promotes the coexistence of both views.

Kathleen Nott (1905-1999), a 20th century modernist critic and advocate of empiricism, sharply criticizes Lewis in her book, *The Emperor*'s *Clothes* (1953). She claims that C.S. Lewis should use the laws of nature (empirical observation) when he refers to miracles in his argument in his *Miracles* (1947). In spite of her support for divorcing the inner (private) of the human activities from the outer (the public), Lewis relates his inner belief to the outer space. Her critical

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attitude toward Lewis, however, vividly reveals to the reader that Modernist thought is based on dualism.

Lesslie Newbigin (1909-1998), the 20th century theologist, evaluates, in his *Foolishness to the Greek* (1986), the insight of Lewis. Lewis's novel, *That Hideous Strength* (1945), questions enlightened modern scientific society which reflects the dualistic religion in which there is no interest in purpose (value) but there is only the concern for the cause and result (fact). Newbigin regards the Incarnation (the divine identified in the flesh) as the embodiment of the Gospel born in human cultures. He supports rehabilitating the dualistic separation of the private space from the public one in one's religious behavior to the world.

Francis Collins (1950-), a geneticist, spiritually inspired by Lewis's discussion on science and religion, appeals to the 21st Century world for the coexistence of two world views. Collins converted to Christianity from Atheism by reading Lewis's *Mere Christianity* (1952). He states that both science and religion are God's creatures. For Collins, science is a method to study nature which is governed by the laws of nature. Although Collins believes that science and religion should be mutually complimentary in the search seek for the truth and explain the human experience, he confronts the opposed world views. Collins, however, believes that our hope, joy and future lie in the reconciliation of science and religion. Science and religion are not alternatives for Collins as well as for Lewis.