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### Introduction

If you wish to think about the future, it is generally worthwhile to look at the past first. The growth of global bioethics – roughly understood as the establishment, analysis, and application of global ethical norms for medicine, healthcare, and the life sciences – seems to have been largely driven by globalization. Leaving out of consideration yet unknown historical contingencies, it does look as if there are currently no compelling reasons to suppose that globalization is likely to collapse any time soon. Rather, it seems more likely that different parts of the world will see yet more integration, interconnectedness, and interdependence as a result of technological developments in general, progress in transportation and telecommunications in particular, the actions of large multinational companies, and the like. As a result, global bioethics is likely to further gain significance. Looking at the steadily increasing number of publications on global bioethics over the last couple of decades (Table 49.1), it seems reasonable to reckon with a further growth of the debate in the near future.

Table 49.1 shows a similar rise since the early 1970s in the number of publications with “global bioethics” and those with the expression “global ethics” in the title. The parallel development of these two categories of publications indicates that the rise of global bioethics is not an isolated development but rather in line with a similar ascent of a global perspective in other areas of ethics (such as business, environmental, and ICT ethics). This, of course, is to be expected supposing the expansion of these fields is similarly and mainly driven by globalization. While it seems therefore reasonable to expect a further buildup of global bioethics, it goes without saying that it is much more difficult to predict any additional future particulars of the field.

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**Table 49.1** Hits in Google scholar

Year	Publications with “global bioethics” in the title	Publications with “global ethics” in the title
2011–2012	27	77
2006–2010	55	173
2001–2005	43	133
1996–2000	22	75
1991–1995	9	16
1986–1990	7	4
1981–1985	0	2
1976–1980	0	3
1971–1975	1	1

The specific form of global bioethics advanced in this volume is centered on the UNESCO *Universal Declaration on Bioethics and Human Rights*. As a result, it has a principal orientation on human rights discourse. After all, the *Universal Declaration* involves an expansion of international human rights law into the arena of medicine, life sciences, and healthcare (Andorno, 2009). Consequently, the future perspectives of global bioethics, thus framed, are closely connected with the prospects of the human rights tradition itself. Therefore, as this volume’s chosen type of global bioethics has thrown in its lot with human rights, this chapter first briefly reviews the history of the human rights tradition. It then takes a more systematic approach as it looks at the relationship between bioethics and human rights in the *Universal Declaration*. In addition, it examines the key pros and cons of global bioethics’ close relationship with human rights. Based on these brief historic and systematic surveys, it finally focuses on the path ahead and endeavors to distinguish global bioethics’ main challenges in the years to come.

## History of Human Rights

Lynn Hunt (2007) argues that epistolary novels, such as Samuel Richardson’s *Pamela; or, Virtue Rewarded* (1740) and *Clarissa, or, the History of a Young Lady* (1747–1748), and Jean-Jacques Rousseau’s *Julie ou la Nouvelle Héloïse* (1761), “the three greatest novels of psychological identification of the eighteenth century” (Hunt, 2007, 39), played an important role in creating a broader acceptance of the idea of natural rights. The form of these novels, with their imaginary letters, added a dimension of immersion to the readers’ experience. The latter felt they could directly sympathize with the troubles of the female heroines. Since the protagonists expressed their inner feelings in their letters, the readers could almost directly look into their soul. Hunt argues that these books and other similar eighteenth-century novels helped readers psychologically identify across social divides and appreciate that all humans were basically the same, that is, had a similar “inner core” of emotions, aspirations, and problems (Hunt, 48).

Consequently, people grew more accustomed to thinking of other human beings as equal to themselves. This again facilitated the development and acceptance of the conviction that all humans possess certain unalienable rights (Hunt, 58). “New kinds of reading (and viewing and listening) created new individual experiences (empathy), which in turn made possible new social and political concepts (human rights)” (Hunt, 33–34).

Somewhat later in the eighteenth century, Thomas Jefferson helped shape two key events in the history of human rights (Hunt, 2007, 15–16). Not only was he the main author of the *Declaration of Independence*, adopted by the Continental Congress on July 4, 1776. Subsequently, in 1789, Jefferson helped the Marquis de Lafayette compose a first draft of a document that would later be known as the *Déclaration des droits de l'homme et du citoyen* (Hunt, 16). The following famous sentences of the American Declaration can be seen as anticipating modern human rights (Hunt, 16): “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness” (DoI, 1776). Similarly pivotal passages can be found in the French Declaration (DDC, 1789, Art. 1–2).

However, according to many scholars, the beginning of the human rights tradition lies much farther back in time than the eighteenth century. It is not uncommon to seek the historical roots of human rights either in antiquity or early Christianity (see, e.g., Gordon (2012, 284) who starts his historic sketch with the Code of Hammurabi). From this point of view, the development of human rights or their precursors then proceeds through medieval “natural law,” seventeenth- and eighteenth-century “natural and/or unalienable rights” and “rights of man” onto twentieth-century “human rights.” Thus from this long-term historical perspective, the eighteenth century is seen not as the enlightened beginning but rather as an age where the human rights tradition galvanizes and gains momentum. After the Enlightenment, the tradition is further pursued in movements such as humanitarianism, feminism, and abolitionism until it finally culminates in the *Universal Declaration of Human Rights* adopted by the United Nations General Assembly on December 10, 1948. The articles of this decisive document are then subsequently elaborated in various international treaties, national constitutions, and the like, thus establishing the current human rights practice.

A recent revisionist historiography challenges this traditional account of the historical development of human rights (Moyn, 2010). In this view, the modern tradition of human rights only starts in the 1970s when it emerges “seemingly from nowhere” (Moyn, 3). The annus mirabilis of the human rights tradition is the year 1977, “a year of shocking and altogether unpredictable prominence of human rights” (Moyn, 121). In January of that year, Charter 77 is published in Czechoslovakia. Next, in that very same month, the American President Jimmy Carter most firmly commits to human rights in his inaugural speech. Subsequently, in May 1977, he gives a key talk on human rights as a pillar of US foreign policy. In fall, finally, the Nobel Peace Prize is awarded to Amnesty International (Moyn, 239). As a result of these and similarly important events, the discourse of human rights surges. This is evidenced by the suddenly enhanced frequency, with which the term

occurs in important media such as the New York Times and the London Times. In 1977, the phrase “human rights” appeared “nearly five times as often as in any prior year in that publication’s history. The moral world had changed” (Moyn, 4).

Furthermore, Moyn argues that this change was accidental and unforeseeable (Moyn, 2010, 7). The huge gain in momentum that the international human rights movement experiences in the late 1970s is a response to disenchantment with other grand political ideologies. So human rights pop up by default as the only remaining viable ideological alternative (Moyn, 120–122). Against this backdrop, Moyn criticizes more conventional historians of human rights who approach their subjects “much as church historians treated the Christian religion” (Moyn, 6). Their work respectfully treats the unfolding of the human rights tradition as a long and necessary historical progression of moral improvement. In contrast with this form of “hagiography,” Moyn sketches human rights as emerging coincidentally “as the last utopia – one that became powerful and prominent because other visions imploded” (Moyn, 4).

However, Cooper (2010) claims that Moyn, in depicting modern human rights as popping up the 1970s, fails to see a link with earlier nineteenth-century phenomena such as abolitionism and the progress in the laws of war. Though these developments were not focused on human rights discourse, their ambit was truly universal and internationalist. Moyn’s account also lacks an explanation of the difference between the Red Cross and modern human rights movements. Most importantly perhaps, Cooper argues that, if pushed to find a recent beginning for human rights, the 1990s, which saw the start of international criminal tribunals and a real boom of human rights organizations, might be even more appropriate than the 1970s. The rather effortless construction of an alternative modern historical trajectory demonstrates the weakness of Moyn’s claims (Cooper, 2010). Be that as it may, it is clear that the court is still out on the most appropriate interpretation of the history of human rights.

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## The Universal Declaration and Human Rights

After World War II, a number of intergovernmental and international organizations, such as the European Council, UNESCO, the WHO, the Council for International Organizations of Medical Sciences, and the World Medical Association, established quite a number of international ethical standards in various areas of bioethics. To varying degrees, these documents are embedded in the human rights tradition and have helped shape the field of global bioethics. The most important ones are the *Declaration of Helsinki* (1964); the *Proposed International Guidelines for Biomedical Research involving Human Subjects* (1982); the *Declaration on the Human Genome and Human Rights* (1997); the *European Convention on Human Rights and Biomedicine* (1997); and the *Universal Declaration on Bioethics and Human Rights* (2005).

The *Universal Declaration on Bioethics and Human Rights* is the first global instrument that endeavors to cover the entire field of bioethics (cf. Andorno, 2007).

It can therefore be regarded as epitomizing global bioethics' recourse to the human rights tradition. It is also, of course, the central set of normative standards referred to in this volume. Within the text of the Declaration, three types of relationships between human rights and bioethics are to be distinguished: (a) human rights as starting point and context of bioethics, (b) human rights as a basic principle of bioethics itself, and (c) human rights as constraint and final authority for bioethics (Ten Have, 2013).

### **Human Rights as Starting Point and Context**

As the title of the *Universal Declaration on Bioethics and Human Rights* suggests, its principles are closely interlocked with human rights. The Preamble of the *Declaration* unambiguously refers to human rights as the context within which ethical issues should be analyzed: "Recognizing that ethical issues [...] should be examined with due respect to the dignity of the human person and universal respect for, and observance of human rights and fundamental freedoms" (UNESCO, 2005). The Preamble equally refers to human rights instruments. The context of international human rights law is furthermore emphasized in Article 2.c., which states that one of the aims of the Declaration is: "to promote respect for human dignity and protect human rights, by ensuring respect for the life of human beings, and fundamental freedoms, consistent with international human rights law" (UNESCO).

### **Human Rights as a Basic Principle**

Although an explicit hierarchy of bioethical principles is lacking in the UNESCO Declaration, the very first of its 15 principles refers directly to human dignity and human rights. This might be understood as suggesting a fundamental role of human dignity and human rights in bioethics (Byk, 2007; Nys, 2006).

### **Human Rights as Constraint and Final Authority**

Several times, the Declaration states that its bioethical principles should be interpreted and applied in accordance with international human rights law. The Preamble refers to these constraints in a general way: "Recognizing that this Declaration is to be understood in a manner consistent with domestic and international law in conformity with human rights law" (UNESCO, 2005). The importance of consistency with human rights is repeated more specifically in the following principles: Article 6 (Consent) states that exceptions to the principle of consent can only be made, if they are in line with international human rights law. Article 7 (Persons without the capacity to consent), 9 (Privacy and confidentiality), and 11 (Non-discrimination and non-stigmatization) equally stress compliance with human

rights. In addition, the Declaration advances a few principles that are relatively new in the global bioethics discourse. An example is the principle of respect for cultural diversity and pluralism (Article 12). This is the only principle, for which a constraint is formulated within the text of the principle: Neither cultural diversity nor pluralism should not be invoked to infringe upon human rights or upon any of the other principles. Due to this limitation, this principle can be seen as the weakest one in the Declaration. Another example is the principle of social responsibility and health (Article 14), although it can be regarded as based on the human right to enjoy the highest attainable standard of health (International Bioethics Committee [IBC], 2010). Finally, the last two articles of the Declaration advance further stipulations regarding limitations to both the application and the interpretation of the principles of the document. Article 27 declares that the application of the principles can only be limited subject to three conditions: (1) it must be by law, (2) for specific reasons (public safety, criminal offences, protection of public health, or protection of the rights and freedoms of others), and (3) when the law is consistent with international human rights law. Article 28, finally, states that nothing in the document may be understood as justifying any activity contrary to “human rights, fundamental freedoms and human dignity” (UNESCO, 2005).

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## Arguments in Favor of a Close Connection of Bioethics and Human Rights

This section and the next one focus on the assessment of the close connection with human rights, as reinforced by the Declaration, from the point of view of global bioethics. The sketches of pros and cons below owe much to earlier analyses and surveys by Andorno (2007, 2008, 2009), Ashcroft (2008, 2010), as well as Gordon (2012). The view in favor of a close link points out that the connection is advantageous for global bioethics in order to tackle important challenges on a worldwide scale. The general argument goes as follows. Due to the global village character of the modern world, much of what goes on in any specific country is thoroughly interwoven with developments in a variety of other countries, sometimes at the other side of the globe. This goes for politics, culture, energy, environmental degradation, entertainment, science, technology, and so forth. As a result, numerous bioethical issues have emerged that are difficult to address adequately by single nation-states. Examples are pandemics, international drug trials, brain drain of healthcare workers and researchers, access to pharmaceuticals, property rights, environmental pollution, and biopiracy. Clearly, as these issues inherently cross national borders, they demand international solutions. Against this backdrop, the appeal to human rights makes a lot of practical sense in order to seek avenues for a more effective global governance of these issues. More specifically, the main advantages of human rights advanced in the literature are the following.

*Familiarity and Reputability:* Everybody knows human rights. In contrast, other important ethical theories, such as utilitarianism, deontology, and virtue ethics, are usually only known to academic insiders. This broad familiarity gives human rights

an instant edge when it comes to looking for instruments for the establishment, analysis, and application of global ethical norms for medicine, healthcare, and life sciences – the aim of global bioethics (see above). As human rights are firmly embedded in international human rights law, the authority of which is accepted by almost every country on earth, human rights present a commanding discourse that is broadly acknowledged around the world (Andorno, 2009; Baker, 2001; Gordon, 2012). Hence, “. . . casting a debate into human rights terms allows a well-tested and long-established common language, rhetoric and institutional practice to be applied in order to achieve consensus both on the nature of the problem and, ideally, on the form of possible solutions to it” (Ashcroft, 2010, 644).

In addition, human rights generally enjoy a good reputation. Human rights discourse is “the ubiquitous mode of expressing social criticism” (Fenton & Arras, 2010, 128). Human rights are perceived as important, almost self-evidently accepted international normative standards. Accordingly, infringements of human rights are usually condemned as grave and urgent events that demand instant intervention (Gordon, 2012).

*Affinity Between Bioethics and Human Rights:* Several scholars have observed that there is a certain kinship between bioethics and human rights (Andorno, 2009; Ashcroft, 2008; Gordon, 2012). More particularly, it seems that human rights and public health have important shared concerns focused on improving basic conditions, such as the availability of sufficient drinking water and food, appropriate shelter, and access to rudimentary healthcare. These circumstances are pivotal for health and, more generally, physical, mental, and social well-being (Fenton & Arras, 2010). Therefore, promoting human rights may very well amount to furthering public health (Mann, 1996). In addition, Ashcroft (2010) stresses further commonalities between bioethics and human rights. He regards them as “two alternative forms of governance for the life sciences and medicine” (Ashcroft, 640). They are an answer to “the same social and historical forces and events” (Ashcroft, 642). Annas sees bioethics and human rights as intimately interlocked in the global arena, a situation that will eventually develop into a synthesis between the two (Annas, 2003). Additionally, bioethics and international human rights are held to have similar historical roots: World War II, the Nazi concentration camps, and their follow-up events triggered the establishment of both (Annas, 2004, 2010; Baker, 2001). In addition, Baker sees further significant parallels between the historical development of bioethics and human rights. Both lost influence during the Cold War and regained sway again in the mid-1970s. Both became prominent and broadly known as a result of abandoning their earlier more esoteric philosophical foundations. Both gain support from a variety of organizations, both governmental and nongovernmental (see Baker for more similarities). Finally, many important regulatory frameworks and bioethics policy documents that have been developed in the last few decades do already employ rights terminology (Andorno, 2007, 2009).

*Universalism:* Human rights can be regarded as entitlements that all human beings are held to have exclusively on the basis of their species membership (Andorno, 2009; Gordon, 2012). Thus when it comes to determining whether an

entity has human rights, being human is the only thing that matters. All other traits, such as geographic location, ethnicity, gender, political outlook, and the like, are indifferent (Andorno, 2008, 2009). In this sense, human rights also rise above cultural diversity. Due to their universality, human rights enable the creation of an appeal to minimal normative standards (Andorno, 2008). Global bioethics needs certain transcultural principles that are universally valid regardless of the differences between sociocultural, philosophical, and religious traditions (Andorno, 2008, 2009; Gordon, 2012).

*Flexibility:* Human rights, as they occur in the *Universal Declaration on Bioethics and Human Rights*, are to a certain degree compatible with regard to cultural diversity. In other words, although human rights norms claim universality, there might still be local differences in the way in which specific rights or articles are interpreted and implemented (cf. Andorno, 2007, 2008, 2009). In its Preamble, the *Universal Declaration on Bioethics and Human Rights* clearly states that cultural diversity “. . . as a source of exchange, innovation and creativity, is necessary to humankind and, in this sense, is the common heritage of humanity” (UNESCO, 2005). At the same time, however, it states that cultural diversity may not be called upon “at the expense of human rights and fundamental freedoms” (UNESCO). Accordingly, Article 12 (respect for cultural diversity and pluralism) later points out that the “. . . importance of cultural diversity and pluralism should be given due regard. However, such considerations are not to be invoked to infringe upon human dignity, human rights and fundamental freedoms, nor upon the principles set out in this Declaration, nor to limit their scope” (UNESCO, Art. 12). Thus cultural diversity is important when it comes to interpreting and implementing the other principles in specific contexts. Nevertheless, as remarked above, respect for cultural diversity and pluralism is the only principle in the Declaration that can never overrule any of the other principles.

*Effectiveness and Enforceability:* The biographies of people like Václav Havel, Alexander Solzhenitsyn, Aung San Suu Kyi, and Chen Guangcheng demonstrate that violence and cruelty can meet their match. Human rights discourse can effectively transform moral bravery into political clout. In the current stage of the globalization process, it does not seem to be primarily nation-states but rather the activism of a global civil society movement that is effectively enforcing human rights. Something similar seems true in global bioethics, which is a movement of healthcare professionals, scientists, and citizens in general rather than predominantly governments. For bioethicists interested in improving global governance of important ethical issues, in order to become more effective, it is advantageous to link up with the human rights movement, which enjoys substantial support of a global network of powerful international organizations and NGOs. Thus with the help of the human rights movement, bioethics might be able to more effectively influence real-world policies on important issues (Arras & Fenton, 2009; Fenton & Arras, 2010).

In addition, human rights reinforce a link to lawmaking. Bioethics nowadays has expanded over and beyond the confines of the exclusively academic arena. In this regard, Ashcroft makes a useful distinction between “academic bioethics” and



“policy bioethics” (Ashcroft, 2010, 643). Through its focus on and link with policy, bioethics is intimately related to lawmaking, both domestically and internationally. There is also a shift from the domestic realm to the global arena as bioethics is increasingly focused on creating an international legal framework beyond merely domestic concerns. In addition, bioethics is currently more and more regarded as a form of advocacy. Rather than only providing analytical discourse and sophisticated arguments, it is also concerned with the implementation of argumentative strategies in daily practices and the application of policies in concrete circumstances. Recourse to human rights can enforce these forms of advocacy.

An example of the impact of the association of bioethics and human rights is the Trovan case in Nigeria. Following the unjustified experiment of Pfizer in the city of Kano, Nigerian families brought the pharmaceutical company to court in the USA. After an initial dismissal, the judiciary decided in 2009 that Pfizer should be condemned since informed consent is a universal ethical norm, so that not applying this norm is in fact a crime against humanity (Ten Have, 2011).

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## Arguments Against a Close Connection of Bioethics and Human Rights

Equally, there is also criticism of a close link between bioethics and human rights. According to this view, it is neither necessary nor desirable for bioethics to link up with human rights in theory or practice. On this view, bioethicists would better do without resorting too much to human rights discourse. The main arguments supporting this critical view are the following.

*Problems of Human Rights Theory:* It may come as no surprise that currently a *communis opinio* concerning the justification of human rights is lacking. Back in the seventeenth and eighteenth centuries, religious approaches were prominent in foundational discussions about “natural rights,” “unalienable rights,” and the “rights of man.” It was usually claimed and fairly broadly accepted that these rights were God-given. In contemporary debates, however, this strategy has lost its self-evidence due to secularization and the truly worldwide scope that modern international human rights are currently meant to cover. Obviously, any successful substantiation of international human rights must aim at convincing not only those people who believe in a God who stipulates rights for human beings. Above and beyond, it must endeavor to include people with other religions or no particular religion whatsoever (cf. Baker, 2001). At present, therefore, it is critical to develop a discourse on the justification of human rights that starts from premises acceptable to everybody. As this has turned out to be a difficult task, current scholarly discussions are dominated by wide ranging and various secular attempts to justify human rights (see Gordon (2012, 285) for references).

However, all these attempts have been criticized resulting in a lack of agreement on the foundation of human rights within the scholarly community. Human dignity, for example, is rejected as a solid foundation of human rights by Schroeder (2012) on the following three grounds. First, with secularization the concept of human

dignity has lost its self-evidence, which it still possessed when it was widely perceived and accepted as an important religious concept. Nowadays referring to dignity as such does not suffice. Instead, it demands further justification. Second, the secular understanding of human dignity by Kant, whereby dignity is the ability of normative self-legislation, excludes many human beings whom we wish to be covered by universal human rights, for instance, incompetent people who have lost their rational capacities. Third, the concept of human dignity seems to provoke more intellectual criticism than the idea of human rights itself, which disqualifies it as an appropriate justification (Schroeder, 2012, 333–334).

Besides the basic problem of the justification of human rights, there are various other more specific theoretical problems such as the anthropocentrism involved in the exclusiveness of human beings as the sole bearers of human rights excluding basic and universal rights for other natural entities (Sakamoto, 1999) and the inability of human rights theory to capture the full complexity of morality and adequately deal with phenomena such as virtue, supererogation, and the good (Benatar, 2006).

Indeed, there is substantial theoretical criticism of human rights within the bioethics community. Ashcroft (2008) argues this is partly due to the fact that most bioethics scholars tend not to have human rights as their fundamental moral theory. Most of them, instead, work either with the dominant four-principle theory, a version of consequentialism or deontology or an eclectic approach. When bioethicists operate with human rights, these are often understood as derivative and not foundational concepts (Ashcroft, 2008).

*Impotence:* Schroeder (2005) argues that human rights discourse has two important weaknesses. First, the Western idea of human rights itself is feeble and unfamiliar in large parts of the world. Second, the human rights system focuses on rights without substantially considering the corresponding obligations. This might render those rights meaningless. The right to healthcare, for example, lacks meaning “...if nobody exists who can discharge the equivalent obligation” (Schroeder, 222). Against this backdrop, Schroeder argues that non-Western moral frameworks could help out in stressing substantive obligations “not only with reference to other human beings, but also to other living entities” (Schroeder, 222).

*Activism’s Deleterious Effects on Academic Work:* Benatar (2006) argues human rights activism in bioethics may actually undermine the scholarly quality of the field. He argues that while bioethics is essentially an academic endeavor, the human rights movement is focused on social change. Importing human rights discourse into bioethics runs the risk of introducing activism in the field as well. If social activism increasingly drives scholarly activities, merely advancing rights claims may replace or marginalize subtle moral analysis. There is a danger that the activist agenda might instrumentalize scholarship in order to further its goals. Obviously, this would harm bioethics as a sophisticated academic undertaking (Benatar).

*Western Imperialism:* Sakamoto (1999) argues that Eastern and Western bioethics are substantially different. While in Western bioethics human rights are very important, the appreciation of human rights is “very weak and foreign” in Asia

(Sakamoto, 194). What is more, the very idea of human rights has triggered “moral, ethical and political conflicts among Asian societies” (Sakamoto, 194). Sakamoto identifies further differences between Eastern and Western thinking regarding the role of nature and individualism. Given these differences, a new global bioethics is needed that is more appreciative of the different cultures and moral outlooks. It should not be based on the alleged universality of human rights. Instead, the new global bioethics should harmonize and “bridge over all kinds of ethos, East and West, South and North” (Sakamoto, 197).

Although Sakamoto states that he advocates a form of “value relativism” (Sakamoto, 1999, 196), his argument does not seem to be explicitly based on relativist premises. From a harsh relativist point of view, the observation that there are countless distinctive moral traditions, lifestyles, and cultures does not only seriously challenge the universality claim of our current set of human rights. Rather it might challenge any global bioethics with universal normative aspirations. If ethical norms are regarded as valid only in specific linguistic, historical, and cultural contexts, it might be difficult to establish universal standards that transgress different cultures, unless some moral common denominator can be found that happens to be valid everywhere as a matter of historic and cultural contingency.

So while proponents of human rights regard them as universally binding basic rights, relativists tend to disagree, even though all governments or members of the UN have adopted international human rights law as a guiding framework for policy-making. The latter circumstance can be explained as the result of Western domination and instrumentalization of the UN system, according to the opponents of human rights. From this point of view, the current human rights system can be regarded as an attempt of the West to impose human rights on non-Western cultures where they might be experienced as foreign.

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## Future Challenges

This chapter does not aim to systematically assess the merits of the different scholarly positions sketched above in the brief accounts of human rights historiography and the debate about the role of human rights in bioethics. Instead, it attempts to use the above accounts as a background against which to formulate global bioethics’ most important challenges in the coming years ahead.

## Combining Practical Engagement and Theoretical Commitment

The brief systematic survey shows that the pros and cons of using human rights within global bioethics are still very much subject to debate. Reviewing the arguments, it is difficult to avoid the impression of the ambivalent character of global bioethics. On the one hand, there seems to be a gap between the rather philosophically inclined academic bioethics scene and the more activist human rights movement. While the latter seems focused on social change, the former

sometimes gives the impression of mainly seeking intellectual elucidation of moral quandaries. On the other hand, through globalization the bioethical discourse seems to have expanded out of the esoteric academic arena as well. Even at a local level, bioethicists are often concerned with policy-making in healthcare institutions and consultation in clinical settings. This connection to policy-making is yet stronger at national and international levels where bioethicists are involved in a wide range of activities that go beyond the exclusive domain of academic enquiry.

As this *Handbook of Global Bioethics* evolves around the UNESCO *Universal Declaration on Bioethics and Human Rights*, it clearly engages with the human rights tradition as a pivotal means of communicating and implementing ethical standards on a global scale. The consideration that human rights represent a well-known, reputable, and effective framework is decisive in picking this moral framework to feature prominently within global bioethics. Admittedly, on the view that global bioethics should merely stick to reflecting about the world, without any attempt at improving it, the utility argument in favor of invoking human rights fails to make a dent. However, the editors of this volume believe global bioethics should attempt to be more ambitious and aim for social change next to elucidating and establishing moral truths.

This handbook looks at the way bioethics has developed in a variety of countries worldwide and explores the main ethical challenges through the prism of the UNESCO *Universal Declaration on Bioethics and Human Rights*. In the years ahead, it will be pivotal to further develop a global bioethics that aims at improving social conditions and combining an activist agenda with scholarly research and moral reflection. This stance implies that further serious scholarly work should be done in order to adequately answer claims about flaws in human rights theory. Additional high quality work is needed, which should be focused not only on the philosophical foundations and justifications of human rights but also on more specific “downstream features” of the theoretical human rights framework. That being said, it should not be forgotten, of course, that the other main ethical theories and traditions such as utilitarianism, virtue theory, and deontology are not free either of alleged flaws or of controversial disputes about their philosophical justification. International human rights theory, however, as the youngest contender among these ethical traditions, has some catching up to do in terms of philosophical solidification and analysis of its main theoretical features and concepts. Activists might sometimes seem hesitant toward philosophical explorations of the foundations and basic concepts of human rights, perhaps fearing that too many critical reflections might shed uncomfortable doubts on the normative standards themselves and lessen their impact in practical settings. In the long run, however, serious attempts to get human rights theory on par with its main theoretical competitors will likely solidify the human rights tradition (cf. Arras & Fenton, 2009). Raising the bar in the scholarly arena might, for example, fence off harms and damage from all too easy attacks. On the other hand, scholarly disputes should not be an excuse for abstaining from practical interventions. One cannot argue that practical action is impossible as long as there is no comprehensive consensus on foundations and all the pivotal concepts. In numerous countries, there are important ethical issues

“on the ground” that require decisions in conditions of uncertainty. As long as bioethicists are pondering and analyzing, others – for example, pharmaceutical companies and governments – will simply continue with their current policies or lack thereof as usual.

## **Promoting Education, Capacity Building, and Protection**

Despite the fact that in some countries bioethics has achieved a strong institutional base and a high level of sophistication, in many other countries it has clearly not yet reached a full-fledged state of development. This is demonstrated in this work’s survey of the state of bioethics in a large variety of different countries. Indeed, it should here be noted that the list of countries featuring in this volume involves a positive selection bias, since – for obvious reasons – countries without any noteworthy bioethics infrastructure could not be included. In the years ahead, the editors hope to enlarge the number of countries listed in future editions of the *Handbook of Global Bioethics*.

Be that as it may, efforts are needed to strengthen the state of bioethics in most countries worldwide, so that global ethical standards might be more effectively communicated and implemented. As said, human rights and their institutional mechanisms do currently seem to be the strongest implement for social change available to global bioethics. Yet the above-mentioned argument about the “impotence” of human rights should be a reminder that human rights’ impact can and should indeed still be reinforced. In the area of medicine, healthcare, and the life sciences, this can be done by promotion of bioethics education and capacity building.

Thus it is important to improve bioethics education worldwide. Also, it is essential to remain critical toward existing methods of bioethics education, promote the development of alternative approaches, and develop more sophisticated ways of assessing the effectiveness of different teaching methods. Finally, there should be a better-organized exchange of teaching experiences in various educational settings. Sometimes bioethics teachers tend to be too secretive about their teaching programs. However, openness and mutual exchange are important so that academics who wish to set up new bioethics programs or improve existing ones do not have to reinvent the wheel continually. NGOs, universities, and intergovernmental organization such as UNESCO are already constructively involved in a range of international activities focused on bioethics curriculum development, designing teaching materials, and the training of bioethics teachers (Ten Have, 2008). These are exciting new initiatives that must be further expanded.

In addition, as set out in Article 19, the *Universal Declaration on Bioethics and Human Rights* advocates the establishment, promotion, and support of “independent, multidisciplinary and pluralist ethics committees.” These are crucial platforms for bioethical debate, education, and policy advice (Article 19). The majority of countries worldwide still lack any noteworthy experience with these committees or have not yet established them in the first place. Consequently, it is

pivotal that the establishment and operations of these future bioethics committees in countries with an underdeveloped bioethics infrastructure be promoted and supported (Article 19).

Finally, the implementation of global bioethics requires the development of various levels of protection, especially in developing countries where individuals and populations are increasingly vulnerable due to globalization and appropriate guidelines and effective legislation are often absent. In order to protect defenseless and weak people, serious efforts should be undertaken to develop and apply appropriate legal frameworks in the area of bioethics.

## **Exploring Alternative Theoretical and Practical Approaches**

The concise historical survey above features a mainstream account, according to which human rights have roots rather far away in the past. On this view, the development of the human rights tradition is a long process of moral improvement, whereby moral truths have gradually become clearer until they begin to really trickle through in the Age of Enlightenment. Progress then continues until, after World War II, humanity finally learns its lesson. Human rights are now set up in a serious way and crystallized into a solid foundation for modern international relations. Alternatively, according to a revisionist historical account, the international human rights tradition only really starts off in any significant way in the 1970s. International human rights begin to flourish by accident after dominant other ideologies had collapsed (Moyn, 2010, 7). On this view, development of human rights is a far cry from any necessary unfolding of moral truth. Instead, it is affected by historical twists of fate. Extrapolating from the traditional historical account it might seem reasonably safe to assume that human rights will further expand, as different people around the earth will more broadly accept their moral truth. On the alternative account, however, it is less self-evident to expect that the human rights tradition will survive the vagaries of world history in the twenty-first century. “Human rights were born as the last utopia – but one day another may appear” (Moyn, 2010, 10).

As the court is still out on the appropriate historical view as well as the likely future development of the human rights tradition, it is prudent for global bioethics not to put all its eggs in one basket. Instead, it should explore a variety of alternative theoretical and practical approaches to further its cause. The fact that the human rights framework currently seems the strongest vehicle for social change might hinge on precarious historical contingencies. Thus global bioethicists should not feel too self-confident and self-congratulatory when linking up with the human rights tradition in order to avoid that their endeavors might be swept away together with the latter, once the next ideology takes over as the new foundation of international relations. Fortunately, as this volume shows, a wider theoretical focus is available, for example, through the perspective of communitarianism, the link with environmental ethics, and the international law concept of the common heritage of humankind.

## Conclusion

The goals for future global bioethics are ambitious. It goes without saying that it should focus on excellent intellectual scrutiny. However, academic reflection should not be an end in itself. Global bioethics should also aim to have a positive effect on the world. For this reason, this volume endorses human rights as the strongest vehicle for social change currently available to global bioethics. Combining a theoretical commitment with practical engagement implies the following: On the intellectual front, global bioethics should focus on further philosophical solidification and analysis of the foundations and basic concepts of human rights theory. On the practical front, it should promote ethics education, capacity building, and protection. In following this two-thronged approach, however, global bioethics should also avoid dogmatism and keep an eye open for exploration of alternative theoretical and practical approaches that are not integral to the international human rights system.

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## References

- Andorno, R. (2007). Global bioethics at UNESCO: In defence of the universal declaration on bioethics and human rights. *Journal of Medical Ethics*, 33(3), 150–154.
- Andorno, R. (2008). Warum braucht eine globale Bioethik die Menschenrechte. In N. Biller-Andorno, P. Schaber, & A. Schulz-Baldes (Eds.), *Gibt es eine universale Bioethik* (pp. 59–72). Paderborn: Mentis.
- Andorno, R. (2009). Human dignity and human rights as a common ground for a global bioethics. *Journal of Medicine and Philosophy*, 34(3), 223–240.
- Annas, G. J. (2003). Bioethics and human rights. *Hastings Center Report*, 33(5), 3.
- Annas, G. J. (2004). American bioethics and human rights: The end of all our exploring. *Journal of Law Medicine and Ethics*, 32(4), 658–663.
- Annas, G. J. (2010). Human rights and American bioethics: Resistance is futile. *Cambridge Quarterly of Healthcare Ethics*, 19(1), 133–141.
- Arras, J., & Fenton, E. (2009). Bioethics and human rights: Access to health-related goods. *Hastings Center Report*, 29, 27–38.
- Ashcroft, R. E. (2008). The troubled relationship between bioethics and human rights. In M. Freeman (Ed.), *Law and bioethics* (pp. 31–52). Oxford: Oxford University Press.
- Ashcroft, R. E. (2010). Could human rights supersede bioethics? *Human Rights Law Review*, 10(4), 639–660.
- Baker, R. (2001). Bioethics and human rights: A historical perspective. *Cambridge Quarterly of Healthcare Ethics*, 10, 241–252.
- Benatar, D. (2006). Bioethics and health and human rights: A critical view. *Journal of Medical Ethics*, 32(1), 17–20.
- Byk, C. (2007). La Déclaration universelle sur la bioéthique et les droits de l'homme. *Journal de Droit International*, 3, 864–882.
- Cooper, B. (2010). *New birth of freedom*. Retrieved from [http://www.nytimes.com/2010/09/26/books/review/Cooper-t.html?\\_r=0](http://www.nytimes.com/2010/09/26/books/review/Cooper-t.html?_r=0)
- DDC. (1789). *Déclaration des droits de l'homme et du citoyen*. Retrieved from <http://www.assemblee-nationale.fr/histoire/dudh/1789.asp>
- DoI. (1776). *The Declaration of Independence*. Retrieved from [http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)
- Fenton, E., & Arras, J. (2010). Bioethics and human rights: Curb your enthusiasm. *Cambridge Quarterly of Healthcare Ethics*, 19, 127–133.

- Gordon, J.-S. (2012). Human rights in bioethics – Theoretical and applied. *Ethical Theory and Moral Practice*, 15(3), 283–294.
- Hunt, L. (2007). *Inventing human rights*. New York: Norton.
- International Bioethics Committee. (2010). *On social responsibility and health*. Paris: UNESCO.
- Mann, J. (1996). Editorial: Health and human rights. Protecting human rights is essential for promoting health. *British Medical Journal*, 312(7036), 924–925.
- Moyn, S. (2010). *The last Utopia: Human rights in history*. Massachusetts: Harvard University Press.
- Nys, H. (2006). Towards an International Treaty on Human Rights and Biomedicine? Some reflections inspired by UNESCO's universal declaration on bioethics and human rights. *European Journal of Health Law*, 134, 5–8.
- Sakamoto, H. (1999). Towards a new “global bioethics”. *Bioethics*, 13, 191–197.
- Schroeder, D. (2005). Human rights and their role in global bioethics. *Cambridge Quarterly of Healthcare Ethics*, 14(2), 221–234.
- Schroeder, D. (2012). Human rights and human dignity: An appeal to separate the conjoined twins. *Ethical Theory and Moral Practice*, 15(3), 323–335.
- Ten Have, H. (2008). UNESCO's ethics education programme. *Journal of Medical Ethics*, 34(10), 57–59.
- Ten Have, H. (2011). *Bioethiek zonder grenzen. Mondialisering van gezondheid, ethiek en wetenschap*. Nijmegen, Netherlands: Valkhof Pers.
- Ten Have, H. (2013, in press). Bioethics and human rights. Whenever the twain shall meet. In S. Vöneky (Ed.), *The ethicalization of law*.
- UNESCO. (2005). *Universal declaration on bioethics and human rights*. Retrieved from <http://portal.unesco.org>