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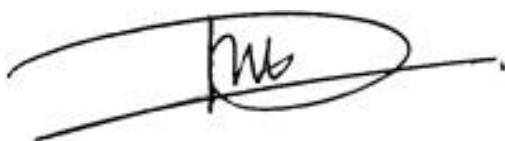
PREFACE

The **'22nd Asian Bioethics Conference & Roundtable on Global Health Security'** is an annual international conference of the Asian Bioethics Association. This year's conference is organized by the Asia Pacific Forum on Ethics and Social Justice and hosted by the Centre for Bioethics and Humanities, International Medical University. The conference is also supported by the Faculty of Social Sciences & Humanities, Universiti Kebangsaan Malaysia, American University of Sovereign Nations (AUSN) and Eubios Ethics Institute.

This conference series has been held in many cities in the Asia Pacific since 1995. This includes cities like Beijing (China), Kobe, Tsukuba, Tokyo, Beppu & Kumamoto (Japan), Seoul and Gangneung (South Korea), Sanliurfa (Turkey), Bangkok (Thailand), Yogyakarta (Indonesia), Tehran (Iran), NUS (Singapore), Taipei & Kaohsiung (Taiwan), Kuala Lumpur (Malaysia), Chennai (India), Manila (the Philippines), Kaohsiung (Taiwan), Dhaka (Bangladesh) and the USA. This year's conference has drawn participation from 17 countries, which includes scholars from Thailand, Indonesia, the Philippines, India, Pakistan, Bangladesh, Nepal, Taiwan, Turkey, Japan, the United States, Sri Lanka, Macau, South Korea, Saudi Arabia and Malaysia. The conference also features a Roundtable on Global Health Security & Youth Ambassador Programme.

This conference covers a wide range of cross-disciplinary fields such as bioethics, medical sciences, new technologies, environmental ethics, social sciences, justice and

morality, and other ethics-related fields. This meeting will focus on the post-pandemic world and global health security. The field of bioethics continues to grow and evolve, encountering new challenges and issues that necessitate careful consideration and ethical analysis. This conference offers us a unique chance to gather, share our knowledge and experiences, and engage in meaningful discussions about the most pressing ethical issues of our time.

A handwritten signature in black ink, consisting of a large, stylized 'M' with a horizontal line through it, followed by a long horizontal stroke extending to the right.

ASSOC. PROF. DR RAVICHANDRAN MOORTHY

President, Asian Bioethics Association.

Organizing Chairperson,

22nd Asian Bioethics Conference & Roundtable on Global Health Security'

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I. CONCEPTS AND PRINCIPLES OF MEDICAL ETHICS IN PSYCHIATRY

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Author Note

Assoc. Prof. Dr. Sukran Sevimli is now, working at Yuzuncu Yil University Medical School Department of Medical Ethics and History. This study has no conflict of interest and financial support. Correspondence concerning this article should be addressed to Assoc. Prof. Dr. Sukran Sevimli. I would like to express clearly that I would be happy to work with academicians who want to work together on this subject and make comparisons between countries.

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Abstract

Since psychiatric illnesses affect the decision-making competence of the patient, the concepts and principles of medical ethics have led to attitude changes in the doctor-patient relationship, in particular in the psychiatry clinic. This change of attitude has led to differences in all medical ethics principles, especially the principles of forced treatment, autonomy, confidentiality, beneficence, communication, and decision-making, and has led to the acceptance of these differences. In this respect, practices in psychiatry have led to the acceptance of a paternalistic attitude to a certain extent, like public health ethics, and its continuation on a clinical scale for psychiatric patients. Democracy with bioethical values has started to change and negative attitudes towards psychiatric patients and supported patient rights, with the understanding of autonomy becoming an important element in patient care that is the understanding of human rights in patient care. In this study, after explaining the concepts and principles of medical ethics, after discussed is on one case.

Keywords: psychiatry, medical ethics, least coercive treatment principle, compulsory treatment

Introduction

The purpose of medicine is to protect and improve the health of individuals and society, to treat diseases and injuries, and also to produce and maintain multifaceted health services for reassuring, preventive, curative, and rehabilitative purposes. Physicians who put these services into practice have to consider the concepts and principles of patient rights and medical ethics, which are important parts of medical practice, as well as their own professional knowledge.

The concept of medical ethics, principles (Childress, Thomas Beauchamp, 1989), and patient rights are recommendations and legal regulations that overlap and complement each other. However, the aforementioned medical ethics concepts and principles lead to some changes or differences in ethical practices due to the necessities arising from the nature of psychiatry itself. Because psychiatry is a sub-specialty of medicine, it is governed by biomedical ethical principles and includes a unique social and medical practice (Sidhu & Srinivasraghavan, 2016). For these reasons, issues of psychiatry ethics are concerned with solving special cases and issues of psychiatry-specific diseases that arise or are likely to emerge in accordance with the nature of psychiatry, within the framework of ethical values. The solution to ethical dilemmas faced by psychiatrists, clinical decision-making methods, and rationales require discussion based on an ethical theoretical framework. The main lines of such theories are.

We will focus on the ethical aspects of clinical practice that are particularly challenging for psychiatrists and briefly presenting a preferred theoretical framework for dealing with them. More specifically, psychiatry focuses on the diagnosis, treatment, and prevention of mental, emotional, and behavioral disorders, whether organic or not. Stigmatizing attitudes towards mental illness have undeniably exaggerated (Oliveira et al., 2020) the extent to which mental patients are imperfectly rational and autonomous agents, and efforts today to expand the presumption of autonomy (for example, by

replacing the identifier "patient" with "client") to counteract the ill effects of such biased attitudes. We've come a long way. However, it should be possible to accept and avoid the wrongs associated with the cruel and discriminatory attitudes of the past without resorting to the misapplication of the autonomy model.

The philosophical and moral challenge, then, is to determine whether or to what extent the model of autonomy can be applied to psychiatric patients. This investigation is a sensitive question. It is its own inhumanity and injustice to wrongly ascribed harmful to the psychiatric patient when such abilities are at least temporarily compromised. When such abilities are at least temporarily compromised, unfairly attributing abilities to the psychiatric patient involves their own inhumanity and injustice, and psychiatric practice and psychiatric care raise unique ethical dilemmas and problems. Therefore, psychiatrists face different ethical dilemmas in their daily practice due to the mental, emotional, and behavioral health disorders of their patients (Silva et al., 2017). These dilemmas include four basic concepts, such as utility, autonomy, confidentiality, consent, communication, and their applications.

Respect for the person: Respect for people/respect for patients is one of the important concepts of medical ethics and primarily requires patients, doctors and other health professionals to have control over patients' own lives and to avoid undesirable interventions (Macer, 1998; Subramani & Biller-Andorno, 2022). In other words, it is the respect of the individual's autonomy. This respect should be shown equally to every patient, regardless of the patient's personal characteristics (Millum & Bromwich, 4 C.E.). In this context, respect requires both accepting that the patient is valuable and developing behaviors that show that the patient is valuable.

Non-maleficence is not engaging in any attitude and/or practice that will harm the patient (Childress, Thomas Beauchamp, 1989).

Beneficence: Beneficence is a significant principle to help patients by finding ways to relieve their suffering and improve their quality of life (Summers & Morrison, 2009). In addition, not harming the patient and avoiding harm is an ethical duty of the healthcare professional.

The beneficence principle in health care aims not only to respect the decisions of patients but also to contribute to their well-being through the treatment of health problems by protecting them from harm (Williams, 2008). A healthcare professional's understanding of both harm and benefit for a patient may differ sharply from a patient, but the healthcare professional's understanding of benefit often also depends on the patient's view of what constitutes a benefit or a valuable risk (Roberts, 2003). Patients have different views on what constitutes harm and benefit, but these views should be evaluated according to medical criteria and explained to the patient.

Compulsory hospitalization, forced treatment and the principle of least coercive treatment: The order of coercive practices is: the patient's use of a physical detention, restraint, or isolation (Gündüz, 2023); the patient is informed about the decision to administer medication, but is not allowed to choose; the patient is presented with a mandatory and limited choice (for example, he cannot refuse treatment) and his choice is followed; the patient's living space is determined and limited (for example, he cannot leave the hospital because the door is locked); the patient is part of the decision-making process and can give their own input. This is taken into account, but the final decision is someone else's; the patient makes a decision, but the nurse influences the patient's decision by using persuasive arguments with an explicit or implied threat; The patient's decisions are made after all information is given and the patient's decision is respected. There is no implied threat, so this app is by no means coercive.

Reasons for coercive treatment: a) The patient is incapable of making decisions, b) The harm or benefit avoided is greater than the harm caused by coercion, c) Coercive intervention can be used to promote well-being or prevent harm (Sashidharan et al., 2019).

Here, the main reason is overlapped with the principle of protecting life, and it is suggested that "acting in the best interests of patients is the best way to protect their lives". Although it is a paternalistic understanding, the main purpose of coercive action is the well-being of the patient, and in public health ethics, the practice of quarantine, closure or isolation is considered to be temporary for the good/benefit of the majority

in pandemics. In fact, this paternalistic approach to treatment models has been applied throughout history and has also been questioned.

The principle of least coercive treatment: The fact that the understanding of freedom and autonomy, which was developed since the 20th century, is included in the basic concepts and principles of bioethics and medical ethics, its legal definition within the patient's rights and its acceptance as indispensable elements of the principle of justice led to the discussion of the issue of forced treatment (O'Brien & Golding, 2003). In this process, the principle of "least compelling treatment" started to be adopted. This principle warns that the coercion in the paternalistic or traditional understanding is necessary and valid in any case, and that its implementation should be changed as normal and necessary, and offers an alternative to coercion in the context of patriarchal understanding (Sashidharan et al., 2019). For if we act on the assumption that the patient's diminished competence will automatically justify the use of coercion, this admission automatically leads us to accept many unjustified coercion situations in which patients are unduly harmed. In order to limit this patriarchal and even totalitarian understanding, democracy includes the constant evaluation and discussion of the decision in question, while accepting that the "principle of least coercive care" developed in the context of the understanding of human rights in patient care may be necessary for some special cases to temporarily override the autonomy (Driver, 2009). Also, when coercion is required for justice or goodness, we avoid situations of unjustified coercion by using the minimum necessary coercion to achieve our goals, and we can always look for how to avoid or minimize coercion by focusing on how non-coercive interventions can be more beneficial. Otherwise, we can treat all of them the same without evaluating the developments or the original situation of the patient during the disease process. This leads us to consider whether there are other options other than forcing us, or are there less coercive options. To avoid this situation, the least challenging treatment option should always be on the table and evaluated on a case-by-case basis.

Autonomy: Autonomy refers to the patient's right to decide freely about their own health and requires respect for the patient's decision (Varkey, 2021). Patient autonomy requires patients to have control over their own lives and physicians to avoid

interventions that the patient does not approve (Rose, 2011). However, neurotic and psychotic diseases (e.g., schizophrenia, anorexia nervosa, obsessive-compulsive disorder, substance use disorder, major depressive disorder, etc.) undermine the personal autonomy of patients at different levels. Therefore, the ability of psychiatric patients to make an informed decision is often open to question; patient capacity is limited (Swetz et al., 2007). Therefore, the decision-making ability of the patient in psychiatry is limited by the level of the patient's illness.

The doctor has to respect the patient's autonomy, but patient autonomy varies according to the patient's decision-making capacity. This sometimes causes the psychiatrist to act in a paternalistic manner.

Informed Consent (Consent and information): Informed consent is the patient's consent for medical intervention to the doctor (Shah et al., 2023; Williams, 2008). Valid consent requires three sub-components to be present (Beeker et al., 2017): a) Information and disclosure, when the clinician clearly communicates information about the patient's current medical condition and treatment options to the patient (Shah et al., 2023). b) Capacity is the patient's critical abilities to understand information and to understand and appreciate the reasonably foreseeable consequences of his or her decision (Shah et al., 2023). c) Volunteering refers to the patient's right to decide freely without coercion or manipulation. In cases where these three components are not available or missing (the patient's consent/consent may be limited due to reasons such as age, mental health and social status), treatment is administered with the permission of the patient's legal representative or judge. The issue of consent has been defined in Turkey in accordance with the patient rights regulation (Türkiye Cumhuriyeti Sağlık Bakanlığı, 1998) (1998) and the principles of medical ethics. In short, the patient has the right to obtain medical information, to obtain information about available treatments, and to choose his own treatment or to refuse treatment in the light of this information.

In psychiatric patients, the capacity and voluntary components of informed consent may not be functional due to the patient's medical condition (psychotic

patients), and in the face of these psychological and mental barriers to rational decision-making, the option of forced treatment may come to the fore for the patient's well-being.

Privacy: Privacy in patient treatment aims to protect the health of the patient, the inviolability of her/his private life, and the overall well-being of the patient (Reiser et al., 1977). Privacy is the principle that the private information given to the patient's illness and healthcare professional will not be disclosed to third parties. It is also a legal requirement. However, in some special cases, the doctor may disclose the patient's information; The information of patients who do not have legal or medical qualifications can be disclosed (McLean, 2007) to the guardian or attorney, with the explicit consent of the patient or the consent of the parent/guardian, or upon the definite request of the court when the patient acts in danger to others or /herself/himself (Jones, 2003; Van den Bulcke et al., 2020).

Decision-making capacity and competence: Capacity describes a person's ability to make decisions. In a medical context, capacity refers to the ability to use information about a disease and proposed treatment options to make a choice compatible with one's own values and preferences (Swetz et al., 2007). Four important factors that determine decision-making and competence: understanding, expressing a choice, discretion, and judgment (Palmer & Harmell, 2016). The patient with these characteristics needs to be able to weigh the balance between the possible benefits and risks of a proposed test or treatment so that the patient can accept or reject the proposed medical advice. Unfortunately, it is not possible for the doctor to make patient-centered decisions by specifying the preferences and values of psychotic patients, especially in psychiatry services. However, since the patient loses the capacity of the physicians to participate in the recommended decision after the diagnosis in a meaningful way, the parent or guardian steps in to make decisions that represent the patient's goals, preferences, and interests. This is also supported by law. The surrogate or guardian's decision (Shah et al., 2023), albeit fault, is an attempt to extend control over their own healthcare for patients who are no longer in direct control.

Voluntarism: It is the principle that individuals are free to choose goals within the framework of certain social and cultural constraints and how to achieve these goals.

Voluntarism means that the individual/patient decides on treatment voluntarily without any coercion or suggestion (Roberts, 2002).

Privacy and Violation of Privacy: Protecting the privacy of the patient is an ethical and legal requirement (Beltran-Aroca et al., 2016) and has been the cornerstone of medical treatment since ancient times (Miles, 2005). According to the utilitarian theory (Driver, 2009), patients must trust that their doctors will not disclose this data to third parties if doctors are to provide the information necessary to diagnose and treat them effectively, otherwise patients will either avoid coming for care or withhold information necessary for treatment if they come (Subramani & Biller-Andorno, 2022). In addition, the general acceptance in the society is related to the preservation of the importance of the confidentiality of the patient-physician relationship (Macer, 1998). Although these general assumptions are important, the principle of privacy gains more importance for psychiatric patients. Because one of the important problems of psychiatric patients throughout history is stigmatization (Millum & Bromwich, 4 C.E.; Stuart, 2016). Patients are much more sensitive to sharing their symptoms, behaviors, thoughts and feelings with third parties, which can cause shame, stigma and discrimination. Because the prejudices against psychiatric patients trigger stigmatization, discrimination and marginalization, thus causing them to be excluded. This anxiety may even prevent patients from seeking medical help.

Protecting the patient's confidentiality is an ethical and legal requirement. For psychiatric practice, the physician may disclose the patient's health information in the following situations: 1. As required by law. 2. Patient or authorized person's consent to the disclosure of health information. 3. For public and patient safety, when the patient engages in behavior that puts himself or others in danger.

Case: A 28-year-old, single female patient with no physical disease history was brought to the psychiatry clinic with the force of the family. Examination: on mental status examination, she revealed ambiguity/vague, and paranoid thoughts, but clearly suicidal and also uncontrolled sexual urges. Also, the patient's frequent recurrent depression was an obsession characterized by running away from home, being unable to get rid of some ridiculous ideas, distrust of people, startle, and having nightmares very often.

Case Discussion

If we go back to the principles outlined at the beginning of this article, we can easily see that there are several levels of ethical challenges, both diagnostic and therapeutic. In health care for psychiatric patients, both the principles of medical ethics and the approach of care ethics, which form a bridge of trust with compassion, love, and honest expressions to vulnerable people, should come to the fore. Empathic communication is always important, but even more so in these sensitive, vulnerable patients. Seeing it from their taking perspective, standing in their shoes, and being compassionate, that is, while providing good care to be professional.

Is it necessary to understand the factors/experiences behind the anxiety, fear, and violence directed by the patients, and to learn the real reason for the patient's reactions to the family?

Is the event happening only in the patient's mind, or are there other concrete causes or concrete triggers?

A more in-depth history is needed to be truly helpful to the patient. Here, empathic communication, gaining the patient's trust and learning the private events from the patient's point of view, sharing this with the family members with the patient's approval, and initiating intra-family therapy with autonomous decisions, that is, taking all the components of the problem that has been going on for years.

Particularly, sharing and treatment based on voluntary rather than forced treatment is important in these groups. In order to get away from forced treatment in a short time, it is important to take appropriate, scientific and ethical steps to ensure the patient's voluntary participation in treatment.

Here, the patient had a family history of sexual abuse. The abuse has happened when she was 6 years old. After a few years, the patient began to feel the effect of the event and had her first depression attack and suicidal thoughts. There was a consumption of two packs of cigarettes per day. She had trouble falling asleep. Her

appetite was very low, and his libido was very low. The incident in question also started to be talked about with family members, because she was a rapist relative. Two other sisters from family members admitted that they were also abused by the same rapist, so, family members started helping each other heal.

A synthesis of medical ethics and principles helps establish a moral professional relationship between patients and therapists. We think that the diverse, nuanced and challenging health service of psychiatry practice will be much more productive in the company of ethical values and principles.

Conclusion

Bioethics theory defines concepts and principles, individual rights, and explains why they should be respected from different perspectives. This attitude and ethical values and moral understanding created with this understanding lead people/physicians to understand, internalize and apply each bioethical concept and principle voluntarily and voluntarily, while preventing people from acting with fear arising from personal or legal rules. In addition, it contributes to a better understanding of bioethical and moral values and legal regulations in this context, to the protection of human dignity (Atakora & Asampong, 2020; Cohen & Ezer, 2013) and to the awareness of physicians that they contribute to humanity. Thus, the application of health care in the context of voluntary, conscious, empathetic communication and respect between the patient and the physician is understood with these reasons. On the basis of this general view, we have examined the relationship between ethical concepts and principles in psychiatric ethics, with the main points in this article. We mentioned that ethical principles, especially autonomy, can be violated consciously or unconsciously due to mental illness. The ethical approach that starts with respect will increase the success in patient treatment by minimizing the ethical problems that cause serious human rights violations such as the lack of decision-making capacity that restricts the rights of the patients, the inability to obtain informed consent, forced hospitalization and forced treatment.

Conflict of interest: The author declared no potential conflicts of interest with respect to the research, authorship, and/or presentation-publication of this article.

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2. MEDICAL STUDENTS' VIEWS ON THE CONTRIBUTION OF CORE AND ELECTIVE ETHICS CLASSES TO THEIR EMPATHETIC COMMUNICATION AND PROFESSIONALISM

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Author Note

Assoc. Prof. Dr. Sukran Sevimli is now, working at Yuzuncu Yil University Medical School Department of Medical Ethics and History. This study has no conflict of interest and financial support. Correspondence concerning this article should be addressed to Assoc.Prof. Dr. Sukran Sevimli. I would like to express clearly that I would be happy to work with academicians who want to work together on this subject and make comparisons between countries.

I am also in the doctoral program of the American University of Sovereign Nations (AUSN) which is a decolonized university. This research includes a part of my doctoral thesis for AUSN University.

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Abstract

Aim: The aim of this study is to evaluate the views of medical school students on the contribution of cinema and ethics, philosophy of peace, preventing stigmatization and violence, and history of medicine courses to improve both their empathic communication skills and ethical values-based relationship.

Method: This study included medical school students in 1st,2nd and 3rd classes. The evaluation employed a mixed-methods approach, with Jefferson Scale of Physician Empathy, questionnaires and semi-structured interviews with a purposive sample of participating facilitators and healthcare practitioners. The quantitative evaluation

included a focus group study with interviews evaluated according to context and discourse analysis as the quantitative part. In addition, descriptive statistical analysis evaluated the questionnaires with SPSS 25.0, Chi-Square statistical analysis, and analysis of variance (ANOVA).

Results: There are no accepted simple definitions and measures of course/class ethical values that help to improve medical professionalism, although we identified several theoretical frameworks required for professional healthcare practice. Parallel to the empathy scale, we have observed that students have a significant sensitivity to both people and society and social issues related to health.

Conclusion: Core medical ethics education and selected classes based on ethics have revealed the importance of removing some existing attitudes and barriers to the medical ethics principle and practices of students. Also, these programs have helped to understand both their professional life, patients, and society, and produce solutions based on ethical values for the solution of problems.

Keywords: Medical ethics, education, students, elective courses, violence, stigmatization, peace

Introduction

Medicine is a discipline that recognizes the importance of knowledge, technology (Samei et al., 2018), artistic approach, bioethical values and communication skills in patient-doctor communication and includes them in its theoretical and practical education. The main reason for this is related to the necessity of addressing the bio-psycho-social health problems of human beings in a multi-faceted manner in accordance with human nature.

The physician has to evaluate the human being, who is his field of activity, not only with his biological characteristics but also with their psychological and sociocultural aspects. Indeed, Hippocrates (460-370 BC), considered the father of medicine, guided the physicians with the phrase "There is no disease, there is only a patient" in his work called `Aphorisms` (Hippocrates; Verhoofd, Lucas; Marks, Elias,

1790-1886, 1817). While the physician is diagnosing and treating the patient's disease, the patient's bio-psycho-social-cultural habits must be considered together with their values related to life. In other words, the emphasis here is on perceiving and recognizing that the patient is not just some biological symptoms, but also a human being, that he or she has values, beliefs, expectations, concerns, and emotions.

In every theoretical and practical step of medical education, there is a necessity to standardize both technical, scientific and ethical concepts and principles as well as basic and technical knowledge and skills with empathy and empathetic communication. This knowledge and skills are important in the acceptance of the patient as a human and the application of human rights in patient care. Within the scope of the medical ethics course, subjects such as medical ethics concepts and principles, patient rights, physician's legal responsibilities, clinical ethics for surgery and internal medicine clinic ethics and dilemmas as well as public health ethical principles and emergency medicine ethical issues are covered. In this context, elective courses have aimed to provide a voluntary education opportunity for medical students that allows them to elaborate their learning experiences (Mihalynuk et al., 2006) and customize them according to their interests (Lumb & Murdoch-Eaton, 2014; Ramalho et al., 2020). In accordance with all the conditions of life, both education and health care for the patient change. We briefly touched on the changing models below. Changing models also needed core and elective courses with different approaches in education. It is necessary to evaluate the pros and cons of the said change and contribute to these developments.

We have applied mixed method models to ensure the patient-physician relationship and the patient's best use of medical assistance.

1. The oldest of these is the paternalist model. "I decide for you" (Emanuel & Emanuel, 1992). The paternalist model gave all the responsibility of treatment to the physician, and the patient did not have a say in his/her own treatment. In some special cases (the patient's unconscious, mental illnesses such as dementia, Alzheimer's, parents/guardians, so on), a paternalist approach is still applied.

2. Informative model; "I give you facts". The purpose of patient-physician interaction is to clarify the patient's values and what the patient actually wants, and to assist the

patient in choosing medical interventions appropriate to these values (Emanuel & Emanuel, 1992).

3. Deliberative model; "I tell you, my preference. " The purpose of patient-physician interaction is that the physician provides all the necessary information to the patient, the patient chooses the desired medical practice, and the physician implements the patient's choice. The patient makes the final decision (Emanuel & Emanuel, 1992).

4. Interpretative model; "I give you facts and help you find your preferences". The purpose of patient-physician interaction is to help the patient identify and select the best health-related values that are appropriate to their clinical situation. To reach this conclusion, the physician will reveal information about the patient's clinical status and assist in clarifying the types of values contained in the available options (Emanuel & Emanuel, 1992).

The models summarized above also show that there is a development in the patient-physician relationship that includes an empathetic approach, explanation, information, and an interview about the patient's right to decide on her/his own treatment.

These models are needed for some skills, both natural and developed, such as empathy. Therefore, physicians are expected to have cognitive, emotional and somatic empathy (Price & Dambha-Miller, 2019). Cognitive empathy is the ability to understand another person's perspective (taking perspective) (Price & Dambha-Miller, 2019). Emotional empathy is the ability to feel another person's emotions (Compassion). Somatic empathy is the ability to feel another person's physical sensations means that medical professionals can sense what might be wrong with a patient just by looking/observing them or touching them lightly (standing in the patient's shoes)(Price & Dambha-Miller, 2019).

Briefly, the concept of "empathy" can be expressed in its simplest form as "the ability of a person to understand and interpret the feelings or thoughts of another person correctly without any additional effort". Medical Education literature sees empathy as an important skill that Medical Faculty students should have, and the empathy skill

facilitates the understanding and interpretation of the feelings and thoughts of the other person in communication.

Material and Method

This study was conducted as a qualitative, descriptive study utilizing Jefferson Empathy Scale (JES-s) and questionnaires and interviews within focus group discussion (FGD).

1. The Jefferson Scale of Empathy (JES-s) scale has consisted of 20 items and a Likert type. Each item has between 1-7 and 1 (strongly disagree) to 7 (strongly agree). The score interval is 20-140, higher scores show higher empathic consistency.

2. Ethicist who collected violence incident against physicians prepared questionnaires

3. After expressing and discussing their individual ideas, the students wrote a summary of recommendation expressing their shared ideas. The preparation of these recommendations is necessary both to understand the common views and expectations and to contribute to the creation of joint activities.

This method helped students to establish a better and more understanding relationship with each other, to evaluate ethical values and current problems together, and to better understand the importance of teamwork.

Participants: Participants were first, second, and third-year medical students enrolled in the core ethics course and elective course related to ethics course, covering peace, violence, stigmatization, and world movies.

The researcher distributed the questionnaires and statistically evaluated the results. After that, the students chosen elective courses which are related ethics issues in groups of 25 to discuss an hour-long each week. They found an opportunity to share their opinion, personal experiences, and observations about ethics approach to reduce violence and stigmatization and increase peace approach.

Statistical Analyse: T-test and One-way ANOVA analysis were used to determine the effects of independent variables on empathy. Statistical significance level was determined as $p < 0.05$.

Results

The JES-s was completed by 225 medical students (participation ratio: 41.4%). There were 93 (44.9%) female and 114 (55.1%) male students. There were 95 (42.2%) first-year students, 73(32.4%) second year, and 57 (25.3%) third year.

Their mean \pm SD age was 21.60 ± 1.55 years (range: 19 to 26 years). The mean \pm SD empathy score of all students was 98.11 ± 12.31 (range: 20-140). The mean empathy score was categorized according to gender and year of education. Females showed a significantly higher empathy score. The lowest empathy was seen for the third year and the highest for the first year.

As seen in Table 1, the mean score of the participants' JPE-S was $90.04 \pm 13,796$. It's also presented the mean scores of the participants according to the same table. Our culture's emotional evaluations are intense, and the "compassion" scores of the students who are still in the first steps of the path to professionalism are visibly higher than the other two items (Table 1).

We assessed the gender and year differences for the factor scores and found that there were not statistically significant gender. The mean score of the participants in the JES was $90.04 \pm 13,796$, as shown in Table 1. It also presented the mean scores of the participants according in the same table. The highest scale mean score in the sub-dimensions belongs to the second dimension, compassionate care ($\bar{X} = 55,44 \pm 7.899$), while the lowest scale mean score belongs to the sub-dimension of putting oneself in the patient's place ($\bar{X} = 7.57 \pm 2.856$). These results may relate Turks' emotional character and decision-making attitude. In addition, there was a significantly different among semester ($p < 0.05$) in terms of "perspective taking" "compassionate care" and "standing in patient's shoes" scores (Table 1). This difference may be related to the increase in both education and life experiences.

Table 1. Average scores according to the basic three components of the scale.

JSE-S	\bar{X} (Arithmetic mean)	SD	Semester P value
Perspective taking	34,30	8,968	.000
Compassionate	55,44	7,899	.014
Standing in patient's shoes	7.57	2,856	0.03
Total	99.74	13,798	

We give the scale item mean scores of the participants in Table 2. The highest score of 5.75 belongs to item 1 in the dimension of capturing the patient's perspective (Patients feel better when their physicians understand their feelings). The lowest score (2.51) belongs to the 14th item in the sub-dimension of compassionate (I believe that emotion has no place in the treatment of medical illness (14))

Table 2: Table 3. Mean scores of participants regarding empathy

Taking Perspective	Mean	SD
Patients feel better when their physicians understand their feelings (2)	5.75	2.310
Understanding body language is as important as verbal communication in physician–patient relationships (4)	5.72	1.673
A physician's sense of humor contributes to a better clinical outcome (5)	5.19	1.735
Physicians should try to stand in their patients' shoes when providing care to them (9)	5.14	1.537
Patients value a physician's understanding of their feelings which is therapeutic in its own right (10)	5.33	1.765
Physicians should try to understand what is going on in their patients' minds by paying attention to their nonverbal cues and body language (13)	4.31	2.004
Empathy is a therapeutic skill without which the physician's success is limited (15)	4.55	1.952
Physicians' understanding of the emotional status of their patients, as well as that of their families, is one important component of the physician–patient relationship (16)	3.60	1.786
Physicians should try to think like their patients in order to render better care (17)	3.85	2.226
I believe that empathy is an important therapeutic factor in medical treatment (20)	4.41	2.126
Compassionate		
Physicians' understanding of their patients' and their families' feelings does not influence medical or surgical treatment (1)	3.77	2.351
Attention to patients' emotions is not important in history taking (7)	3.95	2.334
Attentiveness to patients' personal experiences does not influence treatment outcomes (8)	3.94	2.189
Patients' illnesses can be cured only by medical or surgical treatment; therefore, physicians' emotional ties with their patients do not have a significant influence in medical or surgical treatment (11)	2.64	1.832
Asking patients about what is happening in their personal lives is not helpful in understanding their physical complaints (12)	2.51	1.556
I believe that emotion has no place in the treatment of medical illness (14)	2.46	1.690
I do not enjoy reading nonmedical literature or the arts (19)	2.85	1.926
Standing in patient's shoes		
Physicians should not allow themselves to be influenced by strong personal bonds between their patients and patients' family members (18)	3.85	2.256
It is difficult for a physician to view things from patients' perspectives (3)	4.67	1.943

Because people are different, it is difficult to see things from patients' perspectives (6)	5.06	1.782
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Qualitative research: FGD with interview were conducted and after that students prepare common a recommendation for each study. First of all, I asked the reasons for choosing these elective courses. Results in Table 4.

Table 4: Reasons for choosing elective courses: (Common views and some interesting individual views of students)

1.The students generally stated that these courses created more free speech and discussion space for them, and that they also evaluated the lecturer who gave the course and made a decision accordingly. (C)
2.One of the reasons for choosing this elective course is that they are very uncomfortable with the rising stigmatization and marginalization in the society, so to discuss these negative concepts and evaluate practical solutions. (C)
3. I chose it to contribute not only to biological life but also social life. (S)
4. We can learn theoretical information from many sources, but we chose this course because we thought it would be more beneficial for me to discuss and brainstorm issues that have become a part of life. (C)
5. I am a semester 5 student. During my meetings with my friends, I received positive feedback about you and your course. These statements were effective in choosing this course. (S)
6. I want to live in a better society, for this I think ethics and morality are very important. Therefore, all individuals need to receive ethical training in terms of the development of social societies. (C)
7.Statement by an Iranian student: Stigma and discrimination are very common among patients from the past to the present, and male dominance in medicine is a big problem. As a physician and a woman, I have to work on this subject, so I chose it. (S)
8.I chose it because I thought it would broaden my perspective, that is, add something to my daily work and life. (C)
9. Our differences separate us (gender, diseases, culture, and so on) and enrich us at the same time, leading us to research and learn, but accepting them is not easy, in this lesson. We will be able to learn the harms of not accepting differences (psychiatric patients, HIV patients or epilepsy patient avoid treatment because they think people will stigmatize them). (C)
10. There are innovations in the field of medicine every day, and I chose it by thinking that we can better analyse how these innovations may solve some socially ethical issues and also, how the developments have positive or negative effects on our lives. (C)
11. Because I believed that this course would be useful to diversify our perspective instead of looking at the world from a single plane; I believe that this course will improve our ability to look at the events we see and experience from different points of view. (C)
12.Unfortunately, there are problems of violence against physicians in our geography. As a physician, I chose this course in order to make the best decision for

myself and my patients if such a violent incident happens to me one day. I also chose to learn how people should be made aware of this issue. (C)

C (common: Similar comments given by over 50% of respondents); S (less than 50% of students gave Some: similar comments). This model was determined in order to reflect everyone's opinion in the article.

The answers above show that the students are aware of the social aspect of medicine and that they have grasped the importance of the ethical aspect of science. In addition, they are aware of their responsibilities as physicians.

Table 5: Student recommendations

Recommendation 1: Peace is life, it is laughter; it is love; it is music; it is dance, that is, the no conflict of interests. Peace means people establish good relations with each other. It helps everyone feel happy and safe. Respecting and cooperating with people from different cultures for the preservation of peace is important. Ethical values suggest respect, empathetic communication, and respect for autonomy, so we think ethics courses are important in maintaining and developing peace.

Recommendation 2. More than 50% of societies need to know, internalize and implement ethical values into practice.

Transparency: It primarily prevents stigma, violence, and misinformation. People can learn the truth about problems or diseases, and thus we can ensure the correct diagnosis and treatment for both individual and social health. Thus, it makes an important contribution to the protection of both biological and psycho-social health, that is, to the building of peace.

Solidarity: It is a very important value because it has a very important effect on the formation of unity and solidarity in society. Solidarity against stigmatization, marginalization, and violence contributes to joint solutions and measures. Most of the time, people in power use our differences for various reasons and use these differences to prevent our solidarity. We can go beyond all our differences and come together for common purposes, common benefits, such as peace, tranquillity, and prosperity, and work towards this common goal with solidarity.

Be beneficence: As human beings, we are both individuals and members of society. On the one hand, we must do our part as individuals, and on the other hand, we must act in accordance with our role in society. A happy individual and a happy society can only happen if we give full credit to these two roles. Being useful is a part of being a smart person because when he/she does a good job/movement/production, both himself/herself and others benefit. If we become an excellent physician, it will be good for both us and our patients.

Maleficence/do not hurt anybody: It should be the most important principle not to harm or harm people/patients/society. Even at the same time, it is necessary not to expose people to the risk of harm. Someone else's harm should not bring us happiness, that is, we should cure our selfishness.

Justice: Justice allows people to breathe, develop, and contribute to the building of peace, which means that it is the oxygen that exists in water, air, and soil. Being just is a human virtue that all people should have. Preferring injustice and putting personal

interests before justice disrupts the social order and health system. Together, we can build peace with non-violent solutions based on justice.

Recommendation 3. Education: Restructuring existing education programs, intensifying art and sports activities, increasing international communication, solving the visa problem, reinforcing the view that cultures are rich, providing geography, nature and human include teaching of professional history courses such as medical history. In addition, we should prepare international projects on the necessity of fearing nature and nature, and ensuring the participation of children/young people and the elderly.

Discussion

The study investigated whether there was a relationship between the empathy level of Medical Faculty students and ethics courses in order to reach healthier conclusions and to increase the contribution of the study to the literature by bringing together the findings in the literature. Although there are many studies on empathy, there is no research has been found to support and develop empathy with ethics-cantered elective courses. Therefore, the discussion will be based on our own findings.

Students in the medical ethics core program gain knowledge in the context of the concepts and principles of medical ethics, however, to practice, they should adopt ethical values. For this, it is necessary to understand the importance of these bioethical values not only in the hospital environment but also in social life to reduce negative incidents, such as stigmatization, violence, and some conflicts. In this study, we discussed the students' thoughts in the context of empathy and its role in reducing ethical issues, which play an important role in the establishment and development of interpersonal relationships.

We found that the empathic scores of students who wanted to become physicians did not change according to gender, but changed according to class. We can say that this is due to the fact that those with similar empathic aspects in both genders choose the profession of medicine. This fact is that a physician's empathy level should be at least as important as the intelligence level of a physician on medicine. As a matter of fact, many studies have been conducted on why physicians' (health professionals') empathy levels, empathic communication skills, or empathic approaches have decreased. The main reason for these studies is that the empathy of the physician is closely related to the effort to be beneficial to the patient. As a matter of fact, the medical

research of Nazi doctors during World War II showed the world that many harmful experiments on humans were closely related to the physician's professional knowledge, as well as to the physician's being a humanist, empathic features, and embracing ethical values.

The findings of this study underscore an important cultural situation. This is important because even if the Turkish cultural structure, ethnic origins and beliefs are different, similar characteristics create a common social personality for all citizens (Bozkurt, 2014; Gerçik, 2020). There are scientific studies on the emotional approach to people and events, that is, giving priority to emotions and intuitions instead of rational and analytical analysis, (Mikusch, 2000; Tekinalp, 2015; Tezcan, 1997) and the existence of hasty features (Hotham, 2000). JSE-s has three components, first is taking perspective. Perspective is about rational thinking and analytical analysis, while the compassion component appeals to the emotions more, so it has a high relationship with the emotional side of Turkish and even Mediterranean people, it requires a rational understanding to put oneself in the patient's place, but the possibility of developing sympathy instead of empathy may be more difficult in those who act with the emotional mode. I need research on this subject. Because the fact that existing tools reveal common or different aspects on a world scale is closely related to cultures (Dodge, 2016; Pedersen & Pope, 2010) and current mental approach.

Briefly, the researches on the characteristics of the Turks are as follows. The long-term migration of Turks caused them to easily adapt to the geography and locals they migrated to, and to marry beyond friendships, thus taking their physical characteristics over time (Gerçik, 2020; Tekinalp, 2015). Those who migrated east and north, Mongolian; those who turned west took the human form of the Persian, Arab, Caucasian, or Slavic peoples (Ergun, 2018; Gerçik, 2020). In addition, Turkishness is a cultural bond rather than a racial one; although people come from different ethnic textures or cultures, they read the world from the same cultural values (Gerçik, 2020; Tezcan, 1997). It has been cultural values rather than biological-racial characteristics that shape the behaviours in Turks. In this respect, western empathy related to individual, but non-western culture empathy is related to the societal context. There are difference attitude (Price & Dambha-Miller, 2019) so, Western concepts and practices of racism have not been understood and adopted by Turks. Because Turks like to marriage native people or foreign people like present time (Abulfëz Süleymanov, 2009)

so their racial characteristics have changed and they have been enriched. The source of judgments, stigmatization, and othering by Turks is usually caused by the problem of different religion, sect, and cults.

When we look at the reasons why students prefer these elective courses, they stated that the rising stigmatization, marginalization, discrimination, and violence in society are very serious problems and they chose these elective courses in order to contribute to the solution of these problems. We can say that this situation stems from the change in attitudes that are normally used and the increasing use of fighting language, in addition to the fact that young people's intelligence attaches importance to human rights, freedom, and autonomy.

There are some main limitations of the present study. The number of students we survey is limited to the first 3 classes. In addition, the findings of the study were limited and included in the article, and these findings will be presented in more detail in the thesis. Suggestions and criticisms will undoubtedly contribute to the development of the study.

Conflict of interest: The author declared no potential conflicts of interest with respect to the research, authorship, and/or presentation-publication of this article.

Ethical approval: The study was conducted according to the guidelines of the Declaration of Helsinki and approved by the University Research Ethical Committee. The study protocol was approved by the Van. Yüzüncü Yıl University Clinical Research Ethics. Committee 25.12.2020, Decision No. 18

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Conclusion

We need medicine for a holistic approach to understanding the complex nature of man and his circumstances. Today, especially after the COVID-19 pandemic, as almost every person in the world understands, health is the key element of social, cultural, economic, and lifestyle issues. People have been controlled by health conditions determining all conditions, including development or regression or staying where they are. Medical ethics can help establish the highest level of professional empathic communication in the triangle of illness, patient, and physician. In addition, it leads the

patient to the patient's expectations and the patient's active participation in the treatment process. This study reveals to underline the importance of providing an education that does not neglect the holistic approach and does not neglect the holistic evaluation of specialization, that is, the bio-psycho-social and cultural habits of the human being. Therefore, one of the recommendations is that it is necessary to have not only cored education but also elective courses, including drama, entertainment, and philosophical discussion. Understanding ethical concepts and principles from different perspectives seems to be extremely important in terms of students' having a humanistic understanding of medicine, the social existence of medicine, fundamental rights and professional values.

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3. BIOETHICS AS THE LOVE OF LIFE AND POST-HUMAN ETHICS AFTER COVID-19

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Abstract

According to Darryl Macer (1998), “bioethics as the love of life is the simplest and most all-encompassing definition of bioethics.” The Covid-19 Pandemic put the whole world to a standstill. However, after the vaccinations, countries have slowly recovered, necessitating the question – has the Covid-19 Pandemic changed the nature of human interaction and behavior in the various facets of human life? In fact, the new normal appears presumptuous as the dominant socio-economic order is unaffected. Macer’s definition can be put in contrast to the moral framework that post-humanism provides, the latter presenting itself as a complex challenge to many of our common universal values. The concern of this paper is the post-Covid 19, post-human world. It is a world that is influenced by Artificial Intelligence and nanoscience. Superintelligence power robots and threaten the manner people conduct their everyday existence. I would like to argue, however, that such is not the case. A post-human world might see the rise of machines and AI impacting the lives of millions, but foundational values and questions pertaining to social justice and equality will remain important.

Keyword: Covid-19 Pandemic; Internet of Things; Post-Human Ethics; Artificial Intelligence

Introduction

I would like to begin with an important distinction that should be made between humanism and post-humanism. Humanist philosophy is rooted in the Enlightenment. Beginning with Rene Descartes, epistemology was turned upside down. The ego became the center of the universe. Man put his faith into science. Johannes Kepler’s three laws created the environment for that faith. Isaac Newton then put everything into the umbrella of a universal theory. Humanists say that individuals are aware of the preeminent power of reason. Reason determines the states of affairs in the world. Such

position comes into contrast with the Dark Ages. Medieval philosophy basically taught that all of human nature was pre-ordained by a Transcendent Being. Humanism, on the other hand, saw autonomy as the impetus for progress. But following the fourth Industrial Revolution, new values emerged. Post-humanism created, in a distinctive way, the philosophical perspective that believes that the change in the world of humans involves the varying influence of the modern ways of life in the way human agency is formed. This includes people's exposure to the internet ecosystem and the ever-evolving nature of modern digital technology. Our present world could no longer rely on old anthropocentric paradigms.

Universal human values have an important role in ethics. According to Darryl Macer (1998), "bioethics as the love of life is the simplest and most all-encompassing definition of bioethics." This definition is radical in two ways. First, the meaning of life goes beyond the mere functioning of an organism. The harmonious systems that make every life possible is something philosophical. It points to a grand design that makes one assume a unity that works from within. This means that nature is intrinsically following its own laws to make the organs function without interference from any outside force. Secondly, Macer's insistence on love as all-encompassing value suggests a sense of belongingness of humans to nature. Nature is in-itself life. Without land, water, and trees, there cannot be any form of human flourishing. The progress of humanity depends in such harmonious relationship with nature.

Aldo Tassi (1982) thinks that the shift from the natural to the humanistic ideal of knowledge came into fruition by means of the transition toward modernity. Angelos Mouzakitis (2007) argues that progress is the central concept of modernity. A crucial aspect of modernity is the importance of scientific wisdom to human progress. Science is viewed as something that is solely bred in the West. Modern science is based on observation. By placing nature on the rack (Tassi 1982), man is able to force nature to reveal its deep secrets. Progress, impliedly, has arrived by means of human control. Modern progress is anchored in the ability of science to predict and repeat the outcomes of experiments. The pursuit of knowledge, in this way, coincides with man's natural desire to find happiness in the world. This happiness, or consumer satisfaction, is the modern idea of progress.

Indeed, progress is falsely founded in the idea of satisfaction. The arrival of modernity had great ramifications. Without ethics, development can be uncontrolled. As a consequence, we have seen tremendous problems posing a challenge to the state of humanity in modern times. The most difficult existential challenge of our time is climate change. But societies have not acted in ways that radically address the problem (Maboloc 2020). Climate change is a question of justice. It is rooted in the imbalance of the way socio-economic justice is dispensed in the world. For many years, affluent societies have expanded their industrial capacity in order to create wealth but has failed to recognize its negative duties not to participate in unjust structures (Pogge 2007). As a result, cataclysmic events have occurred in recent times. Accordingly, it is argued that we are in that age of the Anthropocene, or that period in time in which humans have a dominant impact in the environmental crisis that human society is in. (Hartsell et al. 2020).

What is our way forward? Richard Feynman (1960) explained the possibilities provided by nanoscience in a famous lecture at Caltech. Kim Eric Drexler (1986) had predicted that Artificial Intelligence (AI) will have both technical and social abilities. In this sense, the future of the world will depend on systems built around AI and nanotechnology. But the unprecedented economic, social, and political impact of AI and nanotechnology is beyond measure. The Arab Spring, for instance, started the political upheavals in that part of the world that overthrew three dictators and caused the civil war in Syria. Social media fueled that revolution. A post-human ethics is against the foundationalism found in anthropomorphic paradigms. It is the attempt to give a critical role to non-human actors in the novel design of society. The post-human condition, thus, puts humans into the sidelines. Man is no longer at the center of things but is one of the many in the reality of things. While universal questions in ethics remain relevant, humanity has entered the post human world not as a master but as a component of a reality in which machines and modern devices have a bigger influence.

Post humanism provides a pivotal role to emerging and hybrid systems that was lacking in previous philosophical perspectives. Biohacking, genetic enhancements, and AI all contribute to the rise of the era in which the distinction of man and machine is blurred. Genetic enhancements result to a new way of looking at the world, not

necessarily a new human being. It is about the change in the way humans are aware of the environment. Transhumanism, in this regard, is a novel approach in terms of our view of the world and human society. At Nagoya Airport in Japan, I was amused instead of curious to find robots aiding in the checking of my visa. Being a modern and technologically advanced society, it wasn't unexpected to experience such progress in Japan. Back in my country, people still encounter trouble dealing with some corrupt custom officials. Indeed, we must fear humans more than robots.

Are we done with old anthropocentric paradigms?

The coronavirus showed how important the scientific ecosystem is in terms of determining human behavior. While it is still not clear whether Covid-19 emerged by way of human negligence, the truth of the matter is that a virus forced even the most powerful countries in the world to stop everything from moving. Pandemics have been recorded five centuries ago. The Black Death in Europe, for instance, almost wiped-out half of the population in the continent. The Spanish Flu, which is fairly recent, killed more than 50 million people. In modern times, threats of a worldwide outbreak come from the highly fatal Ebola virus and the H1N1 bird flu. Covid-19, which emanated from China, was hastened by the ease in the mobility of people. The outbreak of the virus coincided with the Chinese New Year, which meant that the coronavirus reached the US and Europe through air travel. While people find the state blameworthy, it is undeniable that modern transport systems played a major role in spreading the virus.

The International Monetary Fund says that the Covid-19 Pandemic cost the global economy 12 trillion dollars (Ajmal et al. 2021). For more than two years, it put the world to a standstill. Without air travel, millions of jobs were lost. Due to lockdowns, schools, public parks, department stores, fitness centers, and restaurants were closed. That meant the loss of millions of jobs. As a result, the manufacture of goods came to a halt. This allowed people to discern on what really is important in life. Confined to their homes, people became closer to each other. However, the same isolation also caused tremendous psychological stress and anxiety, especially to students (Toquero 2020). Globalization, or what Thomas Friedman (2005) calls the flat-

world phenomenon, came to a stop. The pandemic showed that humans are not in absolute control of their fate.

Nevertheless, rational decision making and strong leadership performed a major role. After the vaccinations, countries have since slowly recovered. At the outset, the critical issue of vaccine nationalism had occupied the headlines and discussions in journals. The allocation of the vaccines became an issue of justice. One position is that since developed economies and states financed the research and development of the Covid-19 vaccines, their own citizens should be the first to get the inoculation. While this was happening, the Covax facility helped in terms of the distribution of the Covid-19 vaccines outside of the developed world. As more vaccines were being produced by profit-driven pharmaceutical companies, widespread vaccinations occurred, thereby helping in the attainment of herd immunity.

During the Pandemic, societies and states turned to online connectivity in the area of politics, commerce and healthcare. One of the biggest expectations has been the change in the social and economic aspect of human life. A new normal was necessary, researchers argue. But what can be observed is that countries are now back in the usual ways in the conduct of business and public affairs. While events at the start required hybrid meetings, this seems to be going away as people have become more convinced that things are back to normal. In the Philippines, mask restrictions, both indoor and outdoor, have been lifted, except in health care facilities. The risk-based approach to in-person instruction in schools seems to be no longer needed, although some institutions insist on using the online platform as a tool to enhance the Information and Communications Technology (ICT) type of education (Maboloc and Eviota 2020). While the same is happening, students have become more conscious of the importance of their computers and digital devices in any learning experience, as well as put into question whether real education is really taking place. It is not really because they see the limitation of online interaction. It is actually due to their preference for face-to-face interaction.

As states and societies looked for ways to face the challenges of the Covid-19 public health emergency, the situation of millions worsened. The new normal was seen as that type of adjustment that was needed to protect people from the virus. The Covid-19 health emergency meant that public policy must direct the ways private and public events were managed. The same resulted to negative reactions against the actions of governments when it comes to the control of the movements of ordinary people, who had to go to work daily to feed their families. For the medical anthropologist Gideon Lasco (2020), the approach of some leaders was about simplifying the pandemic, calling it “medical populism.”

But as countries reopen, it has become apparent that calling for a new normal was based on a worldview that appeared anxious due to the vulnerabilities and complexities brought forth by the restrictions during the pandemic. However, if recent events are to be used as basis, say Russia’s invasion of Ukraine, it is clear that the hegemonic political order in the world has not changed. When it comes the socio-economic power relations of countries and how they deal with each other in the area of global trade, policies pertaining to the rules of globalization still remain, with poor countries continually reeling from the unjust structures and many unfair trade regulations that favor powerful and wealthy countries. In this sense, what is needed is not a new normal but a post normal strategy. The world can no longer rely on old anthropocentric paradigms.

The Internet of Things and self-representation

Post humanism recognizes the value of the internet of things. Social media platforms, for instance, played a crucial role during the pandemic. In countries such as the Philippines, the heavy use of social media was noted during the last presidential elections. Politics remain antagonistic (Hipolao 2023). Accusations related to disinformation came up front. The coronavirus pandemic has made people enter the virtual world more often. Filipinos spend a tremendous amount of time online. This also means that they get their information from Facebook. The same has repercussions in terms of the type of judgment people resort to because the internet influences human

values and the meaning of interpersonal relations. Algorithms controlled not only consumer behavior, but also relationships and communal engagements. The rise of hate speech and bullying has been apparent. In this way, the metaverse has created a venue for conflict, abuse, and violence against others.

Let us backpedal a bit. Critical Theory reacted to the Industrial Revolution by dismissing its ideology (Marcuse 1964). Capitalism is changing face of humanity. The relationship between humans and machine is not about the latter controlling the former. Man has become the tool. The machine possesses the upper hand in the area of control and manipulation. Computers do not help individuals make decisions. The computer decides for people. Nanotechnology has made possible what seemed impossible to do in the field of bioengineering and the biomedical sciences (Weckert 2013). In this way, an ethics is necessary. Macer's definition of bioethics, henceforth, can be put into stark contrast with the framework that a post-humanist ethics provides. Post humanism values the interaction between people and the environment more than the power that human reason has over the affairs of men in the world. While love is a universal value, using social media to express one's feelings defies physical time and boundaries. The deep sense of attachment of citizens can be made manifest in online politics. The conflict that one finds between political adversaries is not just a result of political attachments. It is also a product of superintelligence and machine learning. Nick Bostrom (2014) has forewarned the world about the dangers of supercomputers taking over the world.

Emotions, more than rationality, affect how people react. This explains why liberal values are threatened by the deep sense of commitment of people to their cultural roots. The West has been characterized as a form of moral individualism. Above all else, the autonomy of man defines what it means to be human. The liberty of persons hence is rooted in the ability to make a choice and determine the meaning of life. In today's world, that meaning is something that is attached to the Internet of Things. The post-humanist perspective tells us that in the interaction between man and machine, the former is no longer in absolute control. Modern gadgets define for many young adults the way they live their lives. In this sense, human relationship is not about physical presence. Like a game, even love is digitally constructed. It is possible to create virtual

environments that mimic real situations (Yu 2020). Digital technology has created a new world for everyone.

A simple thought experiment can be made. Whenever a young person wakes up early in the morning, what do you think this human individual will look for first? My conjecture is that this person will be looking for his mobile phone or device. The same human being who was raised by a loving mother in a family, traditional or otherwise, would want to know first thing in the morning if someone sent a message on messenger, or a celebrity posted something on Instagram, or if there is a viral tweet someplace. Indeed, social media has since changed human individuality. A child no longer views the authority or role of a parent over the affairs of her life because of the intrusion of values that one finds in the world of social media. The influence of a *meme* has become stronger compared to the ways of the traditional nuclear family. But this is not about nature or nurture. It is about the gadget that the child holds in her hand. According to Gino Yu (2020), a person's "degree of engagement, emotional response, and conscious decision are based upon their interpretation of the symbols and contexts within the virtual experience." Yu (2020) adds that people have a "game character which is the encapsulated representation of their self."

Post Human Ethics and Artificial Intelligence

Michio Kaku, in his book *Visions*, explains the three levels of consciousness. The first level is about "the ability of the organism to monitor its body and its environment while the second level refers to the ability to carry out self-defined goals, like survival and reproduction" (Kaku 1997). According to the distinguished physicist, the robots sent on space missions like the Mars Rover fall within the second category because of "pre-programmed and fixed functions". Kaku (1997) explains that the more sophisticated the goal, the higher the level of consciousness. The third level of consciousness refers to the ability of robots and machines to make their own goals. This makes them "self-aware". Kaku mentions that such ability can be found in "pattern recognition".

Bostrom's (2014) work on superintelligence argues that there is a danger in creating robots with superintelligence that may accidentally take full control and destroy humanity. In this regard, he advocated that the functions of AI and superintelligence should be held under the care of man. Humans, Bostrom argues, should remain in full control in terms of the functions of robots. What this means is that human intelligence should supersede all the power of AI. Bostrom (2014) thinks that the danger lies in the potential of AI to manipulate human beings so that the latter can emerge out of the box and in a treacherous way, annihilate or extinguish human beings. While the physical evidence of the same may not be apparent, algorithms have influenced the consumption behavior of humans. The traditional cultures are obscured by the culture industry.

Ray Kurzweil (2005) tries to assure people that AI will not take over humanity. AI, instead, will enhance human intelligence. What this means, Kurzweil says, is that humans have nothing to fear because while jobs may be lost, the same would be replaced by the emerging technologies out there. Kurzweil thinks that singularity or the hypothetical point in time in which the capacity of robots to think will have surpassed humans, does not mean that robots will make humans obsolete. Right now, no machine possesses the power to be self-aware or sentient. Robots for that matter are still programmed or developed by human beings in order to perform specific functions. A sentient AI, theoretically, has the power to perceive and react like a human being. While ChatGPT has the ability to generate human like texts and responses, it is a Large Language Model (LLM) that has been designed to perform tasks that it has been programmed to do. It does not have the character of any human writer or thinker, and thus, it is devoid of the experience or emotion associated with the joy of reading and writing.

The agency of humans remains crucial because in the design of devices, machines, systems and processes that utilize superintelligence, the purpose by which these tools are used will require human inputs. In this regard, the production manager of a factory is still the one to determine the kind of robots needed to handle delicate and risky tasks. Robots are not meant to replace human beings. Rather, they are created to make human life better, not replace man in his important work. This concern, in a way,

is economic. But while a robot is out there to perform a task, the economic output from improved processes in the working environment should create better opportunities for millions. This means that humans can re-channel their talents and skills somewhere else in a more efficient way. People express their attitudes towards technological enhancements (Macer 1992).

Post human ethics is the attempt to address the lingering questions pertaining to the use of advanced technologies, most especially in the field of AI. Genetic engineering and bio-engineering are meant to improve the treatment of complex diseases and enhance the skill of doctors to respond to a difficult medical condition. Nanotechnology is at the forefront in terms of providing certain types of complex treatment. The new advances in computational science helps doctors and clinical practitioners succeed.

Ethicists, biologists, physicists, geneticists, policy makers, and social scientists will continue to perform a crucial role in the post-pandemic global ethical discourse. For example, Macer (2003) says that genetic science contains legal, ethical, and social issues. The reason is that while the use of modern technology in the area of cutting-edge medical research appears clear, there remains to be important questions that are founded in the basic definition of human dignity. Such questions include the problem of equity and the equitable distribution of wealth, socio-economic justice, and the question of global inequality. An important aspect of the rise of modern technology is that poor societies remain left behind. While genetic treatments are available in affluent countries, the same is beyond the reach of poor citizens in the developing world. The point is that basic principles and values when it comes to progress and human development must stay intact. Issues pertaining to genetic therapy, the use of nanotechnology, or the huge impact of AI requires humans maintaining an ethical framework that respects human dignity and freedom.

Conclusion

The paper addresses an important concern. Macer's bioethical position enunciates the value and importance of the love for life. The emergence of superintelligence that powers an ultramodern type of technology appears to threaten the

fundamental principles that define for people how they are to behave in an ethical way. But while the advent of the Internet of Things, specifically the rise consumer culture, may have greatly impacted the lives of millions, there is still a need to renew our understanding of universal humanist values. The ubiquitous digital environment that the young generation find themselves in dictates the manner they interact. This is understandable due to the degree of engagement that they have with their modern devices. Still, human emotions will still matter and that digital interaction should not replace the intimacy one finds in the physical presence of a human being.

Posthumanism and posthuman ethics recognize the enormous capacity of modern science to enhance our physical body, the social and economic system of societies, and the thinking skills of the human being. But while any robot is taught to perform a specific function, making it more efficient and less emotional in terms of its judgment, it cannot be denied that the design of society is still based on humanity's firm vision of the kind of world one desires to live in. In this way, my position is that robots for that matter will not take over human society nor alter the situation that people have found themselves in since the time the concept of capital was invented. Back in the small community where I grew up, the children still love to play with dirt. I think they only need the sun to shine on their faces for them to imagine what a beautiful world is like.

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4. CHANGES GENERATED BY COVID-19: ENVIRONMENTAL ISSUES AND TECHNOLOGICAL CHALLENGES

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Abstract

COVID-19 has made some changes that greatly influence every single element of human living from physical and mental to environmental disruption in general. This health crisis created an avenue of discussions for the need to seriously address environmental issues and technological challenges. This paper will draw upon Martin Heidegger's Question Concerning Technology and show that the effects of environmental issues on human lives are impossible to ignore, thus, there is a need to foster a kind of new thinking which should be thought of. I will begin first by showing how technological thinking presents environmental problems and increases the risks where human beings and nature are reduced to a 'standing-reserve'. Second, I will present that the environmental crisis has been the result of the predominance of technological understanding of the world and humanity's persistent sway of challenging

nature, thus, reducing the world into a manageable resource. I will reflect that thinking differently, through a Heideggerian concept of meditative thinking promotes not only environmental sustainability but also encourages a strong person-environmental connection. Finally, the impact of the current crisis generated by the Covid-19 pandemic allows for the opportunity of transforming change in the attitude of individuals and discloses a way leading to a re-awakening of one's care for things and nature as a whole.

Keyword: Covid-19, Environment, Technology, Martin Heidegger, Care

Introduction

This paper is written as a reflection to COVID-19 pandemic. COVID-19 pandemic has exposed humanity in the most susceptible situation. The contemporary human beings stand facing against the most dreadful infectious disease in this modern decade. This fatal viral disease has infected millions of people and claimed a number of deaths worldwide. The main culprit pathogen belongs to the Coronavirus family. Symptoms include pneumonia, fever, malaise and muscular aches. Corona virus outbreak started in December 2019 in Wuhan, China (WHO 2020) and it was declared a pandemic in March 2020 (WHO 2020). COVID-19 Dashboard by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University showed that the pandemic as of this date has severely affected USA, India and Brazil. Globally, as of March 10, 2023, there have been 676,609,955 confirmed cases of COVID-19, including 6,881,955 deaths reported to WHO.

Since reality, identity, and freedom lose their natural potency, Marcuse spoke of one-dimensional reality, behaviour, or thinking. The fear or challenge is that "Everything cooperates to turn human instincts, desires and thoughts into channels that feed the apparatus... The relationships among men are increasingly mediated by the machine process.

The overlapping environmental-technological crises and the COVID-19 pandemic have concurrently heightened discussions since 2020. While environmental issues amplify and generate new forms of concerns, all of which are interconnected with the technological challenges, the onset of the COVID-19 pandemic has also co-generated new challenges and demonstrated global changes.

My main claim for this article is that meditative thinking is a successful attempt in transforming our attitude toward technological apparatuses. Thus, to think differently, i.e. meditatively, is an antidote towards technological reform which prevents technological devices to get a hold of our lives and to allow them remotely so as not to exploit and manipulate our lives and nature in general. The COVID-19 pandemic shows a promising attitude toward understanding and caring for the environment in linkage to the present age of thoughtlessness. Heidegger (1996b, 45) asserts “*A growing thoughtlessness has taken place and it needs to be addressed.*” This thoughtlessness establishes from the reality that man as Heidegger (1996b, 45) mentions is “*in flight from thinking*” in today’s technological age. The good thing about lockdowns can thus be identified with Heidegger’s term to *think* about our values centered on the restoration of nature and his definition of technology in humanity’s present period which enframes everything into technological structures. Our experience of today’s world become inauthentic since we were forced to engage with others through technology, we treat others without care, we see others as disposable, and on call for technological purposes. Our immersion in technology limits our way of thinking as it reveals the world exclusively as a stockpile or resource.

Contemporary Human Life: Calculative Thinking

Contemporary human life is unthinkable in the absence of technology because our relationship with nature and the way we share in the world is bounded by technology. Modern technology has deeply changed human action as it discloses the world in a challenging way. Part of its goal is an unceasing quest for competency and production while exploiting beings and nature in general. Heidegger’s writings on modernity center explicitly on the problem of technology. The term technology is a central issue in many of Heidegger’s works, his essay *The Question Concerning Technology* (1977b) is devoted to it.

In *The Question Concerning Technology* (1977b), Heidegger affirms that human beings partake in how technology reveals the world, but he condemned the interpretation of nature as a mere means for human consumption. Heidegger posits that technology is far beyond machines, and he defines and identifies enframing as the

essence of technology. This technological thinking (calculative thinking) nowadays has become the only form of thinking. Following Heidegger's notion of enframing, which means everything in nature is treated as 'standing reserve', the truth is set aside favoring the calculative will, and intelligibility is lost. It is on this basis, that Heidegger's critique and views about modern technology's nature of revealing as a challenging-forth, i.e., a setting-upon. He further suggests that modern technology in particular is the way of revealing. The kind of revealing that governs modern technology is a challenging one since it threatens and presents dangers to future generations. The idea of care is neglected. Thus, this paper endorses the possibility of releasement from the reigns of enframing. A return to original thinking through meditative thinking. A kind of thinking that contemplates and questions the problems generated by technology. Meditative thinking rescues human beings which have been fundamentally transformed by modern technology. This could be an effective tool against the calculative thinking of the technological structures responsible for environmental destruction.

Calculative thinking enslaved both humans and nature. Today, humanity is captivated by enframing. We have witnessed the consequences of the rapid occurrence of production through the rise of factories and industries that were tangled with technological progress. Humans are in a dangerous situation in which they are absorbed into technology and are inclined to disturb the environment. Humans became what Heidegger calls a standing reserve. Everything becomes a resource to be used. According to (Heidegger, 1993, 325) "*enframing is the manner in which Being manifests itself in the age of technology.*" Enframing allows human beings to reveal the world only as a standing reserve. Heidegger (1993, 322) notes that "*it limits one's way of thinking in order to make reality calculable and manipulate the world. a standing reserve.*" Modern technology controls and directs how a person thinks, decides, and operates, it governs and manipulates everything. Many would agree that it is morally wrong for human beings to destroy the environment, primarily because a sustainable environment is essential to our well-being, and thus, the natural environment ought to be cared for, respected, and protected. The crisis caused by the COVID-19 pandemic and its disastrous results has changed how we live. Despite experiencing fear, anxiety, and despair, a worldview grew with a magnified sense of communal compassion among humans and re-awakened our connection with nature. I claim that the calculative

(technological) thinking and mechanical model of modern technology must be changed and I propose that meditative thinking as an antidote. In Heidegger's later philosophy, he presented his key concept, *Gelassenheit*, often interpreted as *releasement* (Heidegger 2010, xi). Heidegger's *Gelassenheit* embraces the idea of caring for nature. We as survivors of the pandemic, have to learn to think outside of the purposes of scientific and technological use as we now live with an infected world, and learn how to dwell, i.e., to heal, save the world and revive it. Thus, re-awakening one's care for things offers a promising attitude for communal survival.

Meditative Thinking as an Antidote

Heidegger critiques the dangers and saving power of technology and posits meditative thinking as an alternative to technological culture. Technology permits humanity towards a relentless demand which challenges the rest of nature, Heidegger (1977b, 16-17) asserts that "*everything is taken as standing-reserve*" to be manipulated and formed that ultimately causes much harm regardless of its benefits. Everything around is treated as a resource and may be called for further ordering, readily available to objectified or manipulated. It is important to note that Heidegger himself is not anti-technology, he is not ignoring the benefits of modern technology for he does not dispute with technology. Heidegger (1977a, 28), firmly believes that "*technology is not the danger and that there is no demonry in technology.*" He urges us to question the thoughtlessness of humanity amid the danger caused by modern technology. In Heidegger's *Discourse on Thinking* (1966a, 6), he observes that the "*most thought-provoking in our thought-provoking time is that we are still not thinking.*" We are currently in an age of thoughtlessness, obviously referring to today's technological age. If we persist to be indifferent and consumed by technology, then its essence and with all its interrelated dangers shall remain obscured to us. Everything in this world is controlled to stand by and to be readily available on hand. To stand there as a mere resource for further ordering. Heidegger (1993, 322) calls this a "*standing-reserve.*"

One of the direct results of technological mismanagement from human activities is environmental issues, some of which are related to health, socio-economic, and natural changes. Undeniable, climate change, pollution and destruction of natural

resources are technologically influenced. On one hand, technology is significant to accomplish our needs, to better our lives, and achieve success and an apparent reason of human convenience, on the other hand, uncontrolled technology destructively governs the environment. Technology has improved our way of living; however, it goes with a great cause. The concern arises, when human forces and calculates everything, and when one can no longer escape the technical misfortune. Humanity in general has fallen prey to technological culture. Heidegger offers humankind an antidote for this – to think meditatively.

Meditative thinking is our tool against quantification and objectification of the world. It re-awakens our capacity for fundamental questioning. This serves as an antidote suitable to the danger of calculative thinking for it transforms our attitude toward technical apparatuses. Heidegger (1966b, 54) calls this attitude “*releasement toward things*.” This releasement leads us to be open to the mystery of things. Heidegger (1966b, 56) argues that through “*courageous thinking*” releasement toward things and openness to the mystery may flourish. They provide a new perspective from which to approach our appropriate interrelation with the rest of nature towards technological reform. Meditative thinking should replace calculative thinking to have a free relationship with the things in the world. Heidegger’s passionate call on letting beings be was first mentioned in *Being and Time’s* (Heidegger 2008) maxim of phenomenology: “*To the things themselves!*” To be free and dwell with a proper relation to other human beings, to the technological world, and the rest of nature. Heidegger calls us about the dangers involved in the technological views which display the power of modern technology as it reduces the meaning of everything into mere function. He fears that the time would come when calculative thinking becomes dominant as the only way of thinking and established itself as a permanent form of life.

COVID-19 Pandemic: The Danger and Saving Power

During the lockdown, we witnessed that technology operated to highlight our fallenness, we lose our individuality in our everyday activities and were reduced to mere tools used to fulfill the ends of the “crowd”. The experiences brought by the COVID-19 pandemic give an avenue for technology to strengthen our fallenness through its

enframing power. These periods led humanity to experience an inauthentic mode of existence. On a positive note, the COVID-19 pandemic has provided an opportunity to think about our authentic existence, away from the illusions of the crowd. In *The Question Concerning Technology* (1977b), Heidegger describes how modern technology defines the contemporary period of humanity and “enframes” everything through the technological structures. Through this technological dominance, humanity was trapped in the technological culture which allows room for thoughtlessness. Chellis Glendinning (1990) and Kirkpatrick Sale (1995) claimed today’s technological advancement harmed humanity. They both worked on the meaning of technological change, focusing on “how tools and their affordances change and alter the fabric of everyday life” (Watson 2016, 20). Throughout the lockdown, humanity sway to the delusions and the deception of enframing, others become hasty, disposable, easily ordered and waiting to be used. There was a shift away from our world and ourselves, human being has yet to find themselves. Human beings suffer from disenchantment, our meaningful relation with the world was lost and we were separated from our daily routines.

Undeniably, calculative thinking has directed us to achieve and reach our goals in this contemporary world, but it fails to consider the essential meaning of things. Heidegger (1966b, 46), argues that calculative thinking “*never collects itself*” because it is constantly rushing and quickly moving. Heidegger (1996b, 45) asserts a “*growing thoughtlessness*” which needs to be addressed even with all the positive results, as well as the effectiveness and production of this kind of thinking. This thoughtlessness establishes itself and transforms the contemporary man, which according to Heidegger (1996b, 45) is “*in flight from thinking.*” To fully understand our present situation, we need meditative involvement with the world which engages us to think further, this involves a task to be cautious, to focus on the reality of our existence and, to refrain from calculative thinking which manipulates us toward the rule of machination, as Heidegger (1996b, 47) says:

Because man is a thinking, that is, a meditating being. Thus, meditative thinking needs by no means be “high-flown.” It is enough if we dwell on what lies close and meditate on what is closest; upon that which concerns us all, each one of us, here and now; here, on this patch of home ground; now, in the present hour of history.

Philosophical thinking in the light of the pandemic is transformative, we can examine which kind of thinking holds up, and which requires change and allow them to flourish even better in this post-pandemic period. This allows us to shift away from being the masters of nature. We can become the shepherds of nature who care and protect. Being mindful in our dealings with both environmental and technological use helps to shape a post-COVID-19 future. Our concern with the world leads us to a more truthful understanding of ourselves before science alters it. Humanity's exploitation of the environment narrates how technological thinking leads to the unstoppable manipulation of resources for our pleasure, where we all become strangers not only to others but also to ourselves. Heidegger regards the significance of technology, what he is against is the manipulation of nature. He calls us to be aware that we are only caretakers of nature and not masters. It is safe to say that his ethics is a form of virtue ethics because it focuses on certain attitudes and characteristics essential to achieving a good life. The COVID-19 pandemic reminds us to care and save the world. It promotes a meaningful encounter toward a kind of thinking that cares for nature.

Conclusion

The COVID-19 pandemic exposes us to many environmental concerns such as the devastation of nature alongside the alteration of human existence. This article attempts to reveal that the COVID-19 pandemic travels from one aspect of human life to another. Environmental and technological concerns can permit us to experience two different but related domains of the human world. The coming of the pandemic into the human sphere can be identified as part of the disruptive human intervention in the natural environment. This is, in fact, the implication of our negligence in taking care of nature as we become masters of it, we became enframed by technological structures and the calculative use of technological apparatuses.

COVID-19 itself reveals the changes of global disruption on environment and health, it highlights the dangers of the technological operation to both human and non-human worlds. Environmental resources are consumed as mere means (standing reserves) by calculative thinking designed for economic advantage and usefulness to

fulfill the ends for humanity's gain. Environmental destruction and technological dominance challenge human life. Saving us from the dangers of pandemics means rescuing us from the abyss of the enframing. Preventing the destruction of nature and avoiding the dangers of future pandemics requires a different kind of thinking. We need to go back to a life of thinking – meditative thinking which promotes the value of care in restoring nature and as an essential component to technological challenges.

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5. Bangladesh Medical Research Council: The Way Forward

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Abstract

Research and publications are the indicators of the development of a country. Bangladesh Medical Research Council (BMRC) is the National platform for providing ethical clearance through its National Research Ethics Committee (NREC). The NREC also fosters global debate and consensus on the issues of public health and research. It opens a dialogue for consensus on ethical issues in health research. NREC strengthens its national role through the exchange of information and contribution to the international debate. This paper indicates the works that have already been done by BMRC and what work should be done in the future as an apex body of research in the country for sustainable growth of research and publications in Bangladesh. This article will also present the challenges to implementing internationally-agreed guidance of global issues in organ, tissue, and cell transplantation, organ trafficking and transplant tourism, synthetic biology and biobanking, stem cell research, therapy, gene editing artificial intelligence, climate change, ethics of global research; and will empower the researchers. To fulfill the vision of the Prime Minister of Bangladesh as a middle-income country from the least developed country, BMRC needs to improve its dynamism to overcome these challenges.

Keyword: BMRC, Ethics Committee, NREC, Bangladesh

Introduction

Bioethics is the symbol of justice. Some monograms of symbols of justice are from the themes of ancient society and themes of popular religions though most people are unaware of the facts. Like religious beliefs, ethical behaviors are also different in different countries and cultures. So, every country has its own national and local bioethical committee or institutions suiting the religious aspect. The Ethics Committee of Bangladesh is called, National Research Ethics Committee (NREC). Though, almost 90% of the Bangladeshi people are Muslims Bangladesh Medical Research Council (BMRC) formulates its Ethical Guidelines complying with the Muslim, Hindu, and other religious laws for better adjustment of all kinds of research. So that we can address the religious attitude and thereby can face some religious issues efficiently.

In addition to ethical clearance and guidelines formation by the NREC, BMRC has done many other activities. The honor and sustainability of BMRC depend on its accountability, transparency, and public engagement. Its effectiveness, namely, its influence on policy-making and legislation and its contribution to public bioethics education are unidentifiable areas. Moreover, global challenges such as ethical issues in cloning, end-of-life issues, beginning-of-life, surrogacy, organ trafficking, gene editing, DNA transportation organ, tissue, cell transplantation, synthetic biology and biobanking, stem cell research, and therapy, artificial intelligence, climate change, etc. are also handled by the BMRC as a powerful effective body in Bangladesh; and is able to react to new development of research in the country.

This article articulated the barriers to achieving BMRC as an effective, sustainable institute. The honorable visionary Prime Minister of Bangladesh, Sheikh Hasina wants to develop Bangladesh as a middle-income country by the year 2030. She understands and several times she uttered that “without research, the country cannot have sustainable development”. The BMRC needs to improve its dynamism to overcome these challenges to full fill the need of the nation. This article also presents some dynamic steps of BMRC to accommodate the 21st century needs..

BANGLADESH MEDICAL RESEARCH COUNCIL (BMRC)

Rahman as an Autonomous Body under the Ministry of Health and Family Welfare (MOH&FW). As per the resolution of the Government, BMRC is the focal point for Health Research. BMRC is the secretariat of the NREC which is the independent authority for ethical clearance from the government part.

Committee of BMRC: Followings are the committees of BMRC to work competently.

- General Body
- Executive Committee
- National Research Ethics Committee (NREC)
- Editorial Board
- Research Activities Committee
- Committee for Educational Activities
- Scientific Review Committee (Revenue)
- Scientific Review Committee (Development)
- Finance & Tender Committee
- Selection Committee
- Trustee Committee
- Condemnation Committee

Objectives of the Council:

To identify problems and issues relating to medical and healthcare needs, goals, and policies;

To organize and promote scientific research in various fields of medicine, surgery, public health, reproductive health, and nutrition with specific references to primary health care needs;

To initiate, assist, promote, and co-ordinate scientific research in the field of health in medical institutions and to help such institutions in developing expertise and facilities for health research

To conduct International collaborative research involving the Bangladeshi population

To create manpower in health research through workshops and training programs;

To organize and disseminate research information through publications, research seminars, workshops, and orientation courses;

To arrange for the applications and utilization of the results of health research

Activities of BMRC: To full fill the objectives BMRC has taken the following activities. Ethical Clearance; Publication; Workshop, Training, and Seminar; Health Research Grants; Establishment of Bangamata National Cellular and Molecular Research Centre (BNCMRC); Establishment of BMRC Library with digitalization and Archiving System

Training, Workshops, and Seminars: The following training programs are being done by the BMRC.

Research Methodology

Scientific Writing

Biostatistics SPSS (Statistical Package for Social Science)

Research Oriented Computer Program

HINARI

Publication: BMRC Bulletin is the official journal of BMRC. BMRC Bulletin is being published since April 1975. It is published three times a year, in the month of April, August, and December. “BMRC Bulletin” indexed in Index Medicos, Biological abstracts, Scopus, Research gate, and Google scholar.

The Bulletin publishes articles on Original articles including Case Reports, Review articles, Letters to Editor, Editorial/Special Editorial.

Research Grants (Revenue Budget): Table 1 showed the number of grants for postgraduate students and researchers increased gradually from 2017 to 2021. However, during COVID 19 the number of research proposals dropped. It was again increased in

the year 2022. Budget allocation gradually increased in the last seven years from 2017 to 2023. Total allocation of budget increased from 69,80,000/- to 1,85,50,000/- Tk. Table 2 discuss the development budget of research grant.

Table 1: Research Grants (Revenue)

Financial Year	Number of project post graduate students	Allocating fund for post-graduation students.	Number of projects for researchers	Allocating fund for researchers	Total allocating fund
2017-2018	12	4,80,000/-	13	65,00,000/-	69,80,000/-
2018-2019	46	18,40,000/-	15	73,50,000/-	91,90,000/-
2019-2020	60	24,00,000/-	31	1,42,00,000/-	1,66,00,000/-
2020-2021	70	28,00,000/-	28	1,25,00,000/-	1,53,00,000/-
2021-2022	57	22,80,000/-	23	1,15,00,000/-	1,37,80,000/-
2022-2023	70	42,00,000/-	42	1,43,50,000/-	1,85,50,000/-

Table 2: Research Grants (Development)

Financial Year	Number of Awards	Allocating fund for Awards	Number of Small Research project for researchers	Allocating fund for Small Research project for researchers	Total allocating fund
2017-2018	2	94,30,000/-	61	2,93,70,000/-	3,88,00,000/-
2018-2019	2	1,00,30,224/-	71	3,18,50,000/-	4,18,80,224/-
2019-2020	2	1,35,82,642/-	61	2,81,50,000/-	4,17,32,642/-
2020-2021	2	1,37,26,091/-	51	2,30,00,000/-	3,67,26,091/-
2021-2022	nil	0	39	1,75,00,000/-	1,75,00,000/-
2022-2023	2	1,51,00,000/-	32	1,44,00,000/-	2,95,00,000/-

Better Environment for the Researchers: In the case of a research environment, we always try our best to create a friendly environment for the researchers. So that they are not unnecessarily disturbed by the curious people or their participants. It's something

like a win-win situation. In which both parties think that they are doing a good job, both for themselves and for the nation. The researcher submits the protocol for their research to the BMRC which then processes it for the NREC which is the central body for ethical clearance. Before submission to the NREC, the office of the director of BMRC scrutinizes the paper for any methodological error. We have a format for the protocol submission. The principal investigator and co-investigator submit their papers with their signature.

NATIONAL RESEARCH ETHICS COMMITTEE

The NREC is a very important sub-committee of the BMRC. It was established to identify the problems of participants and at the same time to evaluate the problems of the researchers. Ethical and clinical, both values are judged by the NREC

The participants are kept out of the dangers which may jeopardize their lives, their reputation, and social harmony

The NREC is independent in its activities. It has 17 members of different disciplines including lay persons, lawyers, religious leaders, and female representatives. All the members are honest, active, and very expert in their fields. Still, we can hire any person from any discipline in the country and abroad for better ethical review.

The Committee is registered in OHRP (Office for Human Research Protection) as an official IRB (IRB No. 0001494). The Committee has given ethical clearance to numerous projects or protocols of International Agencies and academic Institutions like WHO, UNICEF, Columbia University, Harvard, Johns Hopkins, Cambridge Universities, and International NGOs.

During COVID-19, NREC advised on COVID-19-related public health problems (e.g. resource allocation, contact tracing, and treatment access) and increased research grants for the researchers engaged in COVID-19-related research

Challenges:

Rapidly advancing society and poorly progressive BMRC

Financial problems.

Differences in social structure and culture

Distrust among the citizens; and they are afraid of giving space for unknown researchers or their data collectors

Infrastructures like resource persons are not so available.

Absence of scientific mentality and scientific culture.

Emergency situation and expedited ethical clearance.

The busy schedule of the NREC members.

Tendency to bypass the government institution for monetary constraints and sometimes an unnecessary delay.

THE WAY FORWARD OF BMRC

Honorable Prime Minister Sheikh Hasina, People's Republic of Bangladesh, a great visionary leader, inaugurated the newly built BMRC building at Mohakhali, Dhaka on the 14th of October 2010. She was accompanied by the then Health Minister Prof Ruhul Haque, People's Republic of Bangladesh and BMRC president Prof Syed Modasser Ali, and other distinguished guests. This big building has created a prestigious position for the BMRC.

National Cellular and Molecular Research Centre (BNCMRC) and; Establishment of BMRC Library with a digitalization and Archiving System are the other two projects on the way that may bring BMRC into a sustainable body in Bangladesh in the coming days.

The policy environment and the wider context in which a committee is asked to provide advice are critical. For instance, how much of a country's policy-making is driven by values such as integrity competence, dignity, respect for human rights, and transparency? BMRC can be an effective body if it increased its focus on public engagement and strove to form durable links between science, society, and policy-makers rather than attempting to advise policy-makers.

BMRC should draw attention to topics that are highly relevant to the general public, not just to professional lawmakers.

Committees did not issue press releases, nor did they engage with the broadcast media. Likewise, social media use was very low. Therefore, national ethics committees should invest in better public engagement and strive to work more effectively with the media. Creating and disseminating educational material on bioethics for a variety of audiences is another possibility. Being visible to, and appreciated by, the general public will likely lead to more sustained attention from policymakers.

BMRC should be independent of government, religious institutions, funding bodies, industry, and political groups, among others, which is key to the success and credibility of committees as they are generally expected to provide advice on highly controversial and political matters.

BMRC should not distance themselves from governments: links to the government can provide privileged access to information, raise the committee's profile and be politically useful. BMRC must, therefore, walk a fine line between proximity to policy-makers and intellectual and political independence.

CONCLUSION

During the COVID-19 pandemic, governments would be well advised to base their actions not only on technical considerations but also on the ethical guidance provided by a national ethics committee. Involving national ethics committees will increase compliance with public health measures by engendering credibility and public trust. National Cellular and Molecular Research Centre (BNCMRC); Establishment of BMRC Library with digitalization and Archiving System are other two projects that may bring BMRC as a sustainable body in Bangladesh in the coming days.

6. PERCEPTION OF ELDERLY PEOPLE REGARDING THE QUALITY OF LIFE AND WAY FORWARD

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Abstract

To assess the perception regarding the quality of life, a qualitative study was conducted on 20 old people of balance gender in Dhaka, Bangladesh. Most of the participants of our study were upper poor class and literate. Male participants were a little higher than females. The majority were between 60 and 65 years. They were significantly more active, independent, and took part in productive work contributing in the country's economy, and had significantly greater decision power than other age group. Quality of life of the elderly is related to physical and, economical wellbeing and coping mechanism during old age. The government of Bangladesh has taken varying degrees of initiative to improve the elder condition, but that was not publicized well. Old age Allowance should be increased to BDT 5000/ (\$50). Family attachment and emotional support is also related to the self-assurance, self-respect, and self-drive of the elderly. Parent's Care Act 2013 should be implemented for retrospective care of seniors.

Keyword: Perception, Elderly, Senior Citizen, Older People, Aging, Quality of Life

Introduction

Elderly are the people whose age is 60 or above (Rahman 2022a). Currently, about 15 million people aged 60 years and above in Bangladesh. By 2050, number will increase to 36 million (22 percent of the total population (Rahman 2022b). Declining fertility rate, reduction in infantile mortality and increase in solvability at older ages are three main cause for increasing elderly population in Bangladesh (UNFPA 2017).

However, aged population faces more challenges than any other age group. Every day government of Bangladesh is taking new steps to provide care to aged population, still its difficult to provide door to door care for this vulnerable age group (Ahmed et al 2020). So we can clearly understand the burden we are facing and how much its going to affect the country, if well-formed structure is not there to provide care to this vulnerable group. Regarding Elderly People and Human Rights Munira Jahan (2014) said that about 40% of elder people live below the national poverty line and most of them live in rural areas with limited access to health, water, sanitation

and other services. A study showed that 50% of older people in rural Bangladesh suffered chronic energy deficiency and 62% were at risk of malnutrition (Kabir et al 2016).

Financial constrain is another main cause of vulnerability for the aged population (Siddiqui, 2013). The underlying causes for economic instability are unfit to work of elerly, less education, no support from the descendants, no son want to pay loan (Barikdar, Tahera and Lasker 2016). To provide monthly financial aid to the elderly population in the year 1997-98 government of Bangladesh started paying an aged allowance of 100 taka (\$1) per month and initially, 4.03 (half million approx) lac of the aged people were registered. Currently, its being increased to 500 (\$5) taka per month and distributed among 57.01 lac (5.701 milion) elderly people (Department of Social Services, Ministry of Social Welfare Bangladesh 2021). The problem is the amount provided is too small and the biggest challenge is to get registrar for it. Though the ministry of information and technology is doing there level best to collect all data through the support of the IT sector still most of the elderly population having low educational background is still unaware of this service (Rahman, 2012). At the same time corruption causes more problem to make this service available for exactly elderly vulnerable group. This financial constrain sometimes leads to psychological problems (Roy 2002).

A large proportion of the elderly people suffer from emotional stress. Died of spouse, family members living away from them and unfriendly society being the underlying cause for the emotional stress. Yet, no law being established to ensure emotional support or making children responsible for taking care of their parents. The problem is more pronounced now a day in the urban elderly population. As their children having good educational background, they try to migrate to foreign countries keeping the parents alone at home. So they suffer from loneliness and feel neglected (Ferdousi 2020). To combat this problem, 'Parents care act 2013 'being formulated. The law states that, to ensure social security of the senior citizens, compels the children to take good care of their parents. According to the law, the children will have to take necessary steps to look after their

parents and provide them with food and shelter. Each of the children will have to pay 10% of their total income regularly to their parents if they do not live with their parents (Database of national labour, social security and related human rights legislation, 2013). The biggest draw back of this law is only the aggrieved parents can complain. If the parents are illiterate and or not in a condition to raise the complaint, then the law can't act. To add to the dilemma, the law has a lengthy procedure to come to a judgement so most of the cases filed by the parents stops in the midway and justice is denied.

Elderly people are still considered to be a burden for the family as they are unfit to work, need special care, which increases financial cost and more the modern busy life style children are more materialistic, so they like to concentrate on their life forgetting the need of their parents. So generation gap becomes a key issue for old age vulnerability (Rahman 2005). One big problem for this is lac of mental adjustment between daughter in law and mother in law and daughter in law. If a couple has only one daughter, then by social norms the daughter goes to her husband's house and the old parents remain alone. And the law does not give that support to the daughter where she can take care of her parents. This is another big pit fall of the Parents Care Act.

However, what is perception of elderly regarding old age? How are they? Are they good with their life? How they coup up the with their present situation? What is their acceptance toward their family? is a big question. This article documented the current perceptions and hopes of senior citizens of Bangladesh. These answer may also understand their quality of life to policy initiatives.

METHODOLOGY

A qualitative study was done on 20 elderly people to understand their perceptions regarding their life at Bangladesh Bioethics Society in January–June 2022 to assess their perception regarding quality of life. Participants have been selected purposively from three care homes of Dhaka Bangladesh. 60 and over 60 aged population living in Dhaka city and signed the informed consent were included in the study However, severely ill, mentally disabled participants were excluded from this study.

Ethical clearance was obtained from the Ethics Review Committee of the Bangladesh Bioethics Society. Before beginning the survey, respondents signed or thumped the informed consent agreement. **The statistical** groundwork was done by SPSS version 22.0 software. Distributions of frequency and percentages were used to evaluate socioeconomic characteristics.

Limitation: The results depended on only the given responses of the attended. Participants are not reflective of the whole population of Bangladesh because participants were only from three centers in particular areas of Dhaka city. However, not all the issues had been fully investigated. Therefore, in the coming years, more research throughout Bangladesh using a larger number of subjects might be verified.

RESULT & DISCUSSION

There were 57.1% male and 42.9% female, age range between 60 and 90 years, mean age \pm SD was 69.12 ± 7.82 . Majority (65%) had age between 60 and 65. More than half (59.5%) were married. There was significantly higher married male (37.66%) than married female (21.82%) ($p < 0.001$). One third was widow (33.5%). The male/female widow ratio was 15.58% vs 17.92%. Most were Muslim (94.0%). Education status of a three quarter had a bachelor degree (27.0%) and one-tenth had no education (12.7%). A little more than half (56.1%) of the participants were selected from a Government Shelter Home, Mirpur-1 and a quarter (26.5%) from Child and Old Age Care Centre, Kalayanpur, a private shelter home and a less than quarter (17.4%) were from Bangladesh Institute of Health Sciences (BUHS), a private hospital at Mirpur, Dhaka. More than half (57.9%) were dependent on family members. However, less than half were still self-dependent (41.3, 159). More than half could take part in family decisions (59.5%).

What is aging? When asked what aging is, many older people expressed the following functional declines: Altered mobility, increased pain, altered short-term memory. However, they perceived physical health as part of the aging process. This was especially noticeable among participants who were 65 years of age or older, who shared a sense of acceptance of this 'slowdown' process. Metaphorically illuminated insights revealing this participant's perception of aging.

“Loss of physical capacity, loss of mental capacity, known capacity, gradual relinquishment of social roles, economic status, dependence is aging: very painful” (Male, 65 years)

However, elderly people under 65 are perceive the life differently than those above 65. They were in good health and thought positively. They maintain their health and ward off age-related disorders through physical activity. Physical activity was viewed by older individuals as a component of a healthy lifestyle that they connected to the preservation of independence and the prevention of disease.

At 60 I never feel old and feel active and healthy. However, my income has drastically reduced after retirement and I am looking for a suitable job or gainful engagement opportunity. I think I can work for another 10-15 years. (Male, 60 years).

Older below 65 reasonably were quite active and less functional dependence, which may be reflected in their daily life activity and quality of life. The age between 60 and 65 are less vulnerable to health and socioeconomic risks (Salam et al 2021). Therefore, Government can think to increase the retirement age to 65 years to create opportunities and they can utilize their productive years for the benefit of society and can establish a positive image in the country (Barikdar et al 2016).

How are you? Traditionally Bangladesh is a agro-based society, composed of joint family. The older people are respected by all and enjoyed important social positions (Rahman 2017), often asked for advice, especially during major events like marriage, name-giving ceremonies, etc, and take care of grandchildren with friendly relations (Begum and Islam 2019). The cultural and religious traditions of Bangladesh is expected that families specially son will care for their own elderly members (Islam and Nath 2012). Still in Bangladesh older persons are respected and valued in society. In this day in rural and urban areas especially urban areas, both males and female are now employed. In those families where parents are employed, grandparents are taking care of the family (Barikdar et al 2016). Older people resolve family as well as community-level problems (Barikdar et al 2016; Islam and Nath, 2012).

In our study, more or less a quarter of participants had 2, 3, and 4 alive children respectively (23.9%, 28.8%, and 19.5%). Actually, fertility rates in the mid-twentieth century were higher in many parts of Africa, Asia and Latin America, and the Caribbean, had above five children per woman, on average but the fertility rate has decrease now a day (Salam at al 2021). Older adults expressed the desire to achieve relationship harmony not only in their relationships but also amongst individuals in their social network.

As an old man many of my relatives visit me from my village. They bring me fruit on the palm tree. And they respect me. (Male, 70 years)

or

Since I could not get admission in school, my childhood and youth were very difficult. I had to work under someone's orders since I had no formal education background. I worked hard thinking that this could be the case with my children and I enrolled all my children in school. I am with the children. Today I am happy. (Male, 77 years)

However, one tenth participants had bad relation with other family members. In case of the son and brother family participants had significantly higher bad relation. Actually, abuse rose to 13% among the urban elderly. Of 86.9% in urban participants felt that they never assault. The occurrence appears to be more often among women. In urban areas children and other and relatives were involved in inflicting physical abuse (Begum and Islam 2019). Those who were living with their offspring house suffered from abuse including family violence, verbal assault, isolation, threat, reduction of personal freedom, hazardous living conditions, lack of supervision, want of medicine and money, withholding of good food, etc. (Hossain 2016). But they forget that their parents have finished all their strength and property for their education as well as their better livelihood (Rahman 2017).

I am totally dependent on my elder son for everything. As a 69 years old I cook all day at home, wash dishes, take care of small children. I have to endure harassment and even torture because of my old age. There is no one to listen to me. (Female, 69 years)

This exemplified the tension between older individuals' expectations and those of their financial providers, who were frequently their offspring. The psychological health of older persons was said to be significantly impacted by these sources of financial conflict, frequently leading to departure from the family network. Older persons who believed they were having financial difficulties saw themselves as a burden and felt excessive guilt and shame. Their elevated levels of psychological anguish were a result of this. Family disagreements and/or a family illness were consistently reported to have a negative emotional impact

I have been bedridden for almost 2 years and need regular care. My daughter-in-law and grandchildren do not allow me to go to the hospital/clinic. Never takes proper care of my food, hygiene, and medicine. (Female, 75 years)

What should be the Old age allowance: Of 1% had bedridden and depressed. More than half (53.0%) of the participants needed 2000 to 5000 /= for monthly treatment costs. A less than a quarter needed 5000-10,000/= The cost of treatment was born by son for a little more than half of cases and the treatment of one third case was maintained by themselves.

Bangladesh Government introduce Old Age Allowance (OAA) in 1998. The age of 65 years for male and 62 years for female whose yearly average income not exceeding 10,000 BDT are considered eligible for the old age allowance. Initially Allocation was for 100 takas per person latter amount increased to 400 BDT. However, in 2010, this changed when the Government of Bangladesh increased the eligibility age to 65 thereby excluding all those between the ages of 60-64.

In our study three quarter of the respondents (73.2%) did not get any government allowance. Only a quarter did get the (26.8%) government allowance. Maximum (92.5%) did not getting any non-government support. Only few (7.5%) got the help of non-government support. Most of the participant expect the allowance should be increase in 5000/=

I have worked throughout my active life. Now I am unable to work. Can't rely on old age allowance, because old age allowance is very small compared to my food, medicine and daily needs. Cost is high in this inflation. Old Age Allowance should be 5 thousand (Male, 67 years).

How to cope with the old age challenge: It can be extremely difficult, especially when become older, to adapt to and manage emotional issues when psychological stress is at an all-time high. Respondents psychological well-being is positively impacted by their capacity for adapting.

I read the Koran. God bless me every second. I seek help from him and He responds as He always does (Male, 69 years)

or

In the Bible it was written that your brothers and sisters will leave you but I will not. After that I was very satisfied and prayed to God and thanked Him. (Male, 70 years)

A deeper understanding of Allah/God can help the elderly stay healthy and possibly live a fruitful life. Participants emphasized that the power of prayer was used as a common coping mechanism and stimulated feelings like optimism and hope. Participants' faith in a higher power not only helped them get through challenging circumstances, but it also gave them a positive outlook on aging.

However, female participants acknowledged that they frequently endured verbal abuse from their relatives, particularly their daughter-in-laws, but due to their cultural or religious ties, they opted to "remain silent" in order to avoid social.

I think my husband died is my big sin. But what can I do? I'm already old, already disabled, so I have to keep quiet". (Female, 75 years)

or

I don't talk to my kids much, I don't joke with my kids, talk very little.
I don't want to pressure them. (Female, 68 years)

Again

Don't be sad, don't be angry, you must comfort yourself (Male, 64 years)

What do accept from family: Most of the respondent feels as below.

Elderly members of the family should not be neglected but should be respected should be found and made to feel that they are still useful and they want family.

In our study, some of the respondent thought that children should act what they did in their childhood. Parent Care Act 2013 of Bangladesh tried to ensure that the children have to take necessary steps to look after their parents and provide them with maintenance. But it is not in fully functioning yet (Barikdar et al 2016).

CONCLUSION

The study's findings, taken together, shed light on how people view aging in various family circumstances and showed a diversity of strategies for managing these social, physical, and emotional challenges through adaptation. Understanding the fundamentals of how older people interpret the aging process and how they adapt to such changes may aid in the future development of better assessment instruments for the aging population. Understanding of older people's perceptions can be used to develop more targeted intervention programs that can address the problem of global aging. Although the Bangladeshi government has made some efforts to improve the situation of the elderly, those efforts have not received enough attention. Old age allowance should be increase to BDT 5000/ (\$50). Family attachment and emotional support is related quality of life of elderly. The government should execute the Parent's Care Act of 2013 to improve the quality of life for seniors.

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7. TRANSFORMATION OF NOMENCLATURE: LAYPERSON TO PEOPLE REPRESENTATIVES IN IRB

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Abstract

Membership of a layperson is mandatory in the research ethics committee. According to World Health Organization (WHO), still there is a quorum of an ethics committee meeting (EC), however, the EC meeting should be adjourned if the absentee of a lay person. So layperson is a very important position in the EC. Layperson is a person whose primary area of interest is not scientific, however, they share their insight into the research to protect the research participants. Actually who and what lay members represent on ethics committees remains unclear, and the question of what laypersons mean what is their educational status, and what is their role in the research ethics committee is also not clear. In some Institution Review Boards (IRB)s, use the term public representatives instead of lay persons. Moreover, the education qualification of the layperson is as high as Ph.D. This paper argues why not the nomenclature should change to a public representative instead of the layperson in the IRBs. If the

nomenclature is changed that establishes their positive image in the IRB and also increases their self of security, respect, and self-esteem.

Keyword: Layperson, Nomenclature, IRB, EC

Introduction

IRB constitutes scientific and non-scientific members. Non-scientific members may be lawyers, philosophers, social scientists, religious persons, journalists, and laypersons, etc. Prioritizing the non-scientists in the IRB is to maintain professional credibility, promote respect for the IRB's decision, and build trust in the general public regarding the healthcare research system (Kaye 2021). Therefore, diverse forms of memberships enhance solidarity and communal decision-making and promote safeguarding the rights and welfare of human participants (Kaye 2021).

However, lawyers, religious persons, and social scientists have a particular role and responsibility in IRB to clarify the things clear in respect of legal, religious, and societal perspectives of the research (Klitzman 2012). Conversely, the layperson views the protocol and potential conduct of the study to safeguard the research participants from the participants' perspective (Tripathi 2012). By definition, layman is a person who is not performing or educated in any field of medicine or paramedical discipline (Robinson, 1991). Nevertheless, up to now, many of the research ideas and clinical information reporting have been done by the layman in the IRB (Garfield et al., 2016). According to WHO if there is a quorum of an ethics committee meeting (EC), however, the EC meeting should be adjourned still the absentee of a layperson (WHO 2011). So layperson is a very important position in the EC. Nonetheless, the term “layman” makes their role in IRB meeting less valuable.

Actually, the responsibility of the non-scientific members in the research area ensure the overall public's representation that the individual's views are adequately safeguarded by the research participants (Robinson, 1991). Non-scientists IRB members are often described as “public members,” “community members,” and “public” or “community representatives” (Hayes 1995). Other non-scientific members are much valued; they are considered as public representatives rather than the layperson

in culturally specific. The term lay person may have a negative connotation in scientific research endeavors. Therefore, my supposition is to change the nomenclature “layman” to “public or patient representative”.

If we recall the change of nomenclature of research subject to research participants, where, research “subject” is the more traditional form. The change of nomenclature of research “subject” to use research “participant” required over the past 25 years with many arguments when referring to individuals who take part in research, the term participants is more respectful than research subject (Deng 2020, The New England Journal of Medicine, American Journal of Public Health, and International Committee of Medical Journal Editors all use the term participant in the publication exclusively. NIH Director Francis Collins is quoted as saying, “Medical advances would not be possible without participants in clinical trials suggesting that the word “subject” should be banned from reports of research on humans. The word “subject” is demeaning (Bromley et al 2015).

Social scientists have emphasized that word choice influences the researchers thinking on study participants and the respect that they have for them (Agboka, Godwin Y. 2020). Thus, it is important to find out the evidence for giving emphasis to change the term and transform this term as valued one. Moreover, evidence-based research showed that 92 percent of laypersons had at least a bachelor's degree remaining had an advanced degree including Ph.D (Robert et al 2008). So they have some knowledge on science and research.

The aim of this study is to provide justification the needs of changing the term of “lay man “in the research endeavour. For this reason, there is an understanding of patients as well as the public must be engaged in the debate.

METHODOLOGY

The research was done between January to March 2023 based on a literature review. Pubmed, Google Scholar, Embase, Hinary, online library, and Web of Science were the possible search engine for literature. The article published in English was reviewed only. Keywords for search articles were layperson, public representative, IRB, and

nomenclature. Primary sources were books, journals, and articles plus other published literature and academic treatises. Secondary sources were official documents, speeches, and websites plus other online sources.

The article was organized into six sections. The first and second contained an introduction and methodology respectively. Regarding layperson in EC was organized in section 3. Discussion and Conclusion were planned in section 4 and 5. Finally, references in section 6.

LAYPERSON

Lay or layman origins from the Greek words laikos, which means of the people (Wikipedia 2023). Lay is an adjective that means relating to the general people. Sometimes layman is also referred to as a lay member or layperson. In the case of gender-specific, it is also called lay woman. Layperson comes from the term laity, which means non-professional. In a Christian religious denomination, the laity means those who are not part of the clergy but come from general people e.g. a nun or a lay brother. Traditionally, lay appointed by individual churches to continue preaching to local people and invite them to nearby churches. So, a layperson is an individual who belongs to a religious group but is neither compensated nor otherwise qualified in a particular field (Cambridge Dictionary, 2023). Laymen also play important roles in Jews, Christians, and Buddhists (Wikipedia 2023). However, in the judiciary system, the use of common, unskilled persons is referred to as using "lay people" for engaging regular citizens in courts to make the system better and prevent criticism of the judiciary for deciding in private (Law teacher, 2019).

In scientific literature, a layperson is a person who is 'not practicing or trained in any medical or paramedical discipline' First and foremost responsibility of a layman is to ensure the interests of the patient, or participants of the research (Robinson 1991). The Code of Federal Regulations 45 Part 46 states that each IRB includes at least one scientific member, one non-affiliated member with the institution, and one non-scientific member. If only one non-scientific member in the IRB, it should be the layperson (U.S. Department of Health and Human Services 1983). Therefore, it is

understandable how the importance of the role and responsibility of the layperson in the IRB.

Importance of Layperson in Ethics Committee: The impact of laypeople's roles and responsibilities on the work of ethical committees in clinical studies involving human beings should need to be understood. The layperson review the informed consent form from the patient's perspective to safeguard the participant from harm. To safeguard the research participants of course equally the duty of the medical members, but it is the presence of lay members on the committee that is intended to reassure public opinion that the participant's interests are fully protected. However, there is a general public misconception, that doctors will always support one another in the pursuit of medical research without fully taking into account the hazards or the pain or discomfort suffered by the participants (Robinson 1991). For this reason, the inclusion of general people in the IRB ensures the patients are safeguarded adequately (Robinson, 1991). It is acknowledged that engaging layman in research in an important way instead of in an insignificant one can be vital and challenging (Snape et al., 2014).

DISCUSSION

Why the nomenclature of layperson needs to be changed?

The advantages of public engagement in research on social and health care are becoming more popular. Yet, there hasn't been much evidence on the general people's involvement values directly or how they might vary for various groups in the study's procedure (Snape et al., 2014b). One research conducted in UK demonstrated how deeply public involvement is ingrained in research. They also draw attention to the requirement for "the most effective practice" guidelines to help research teams to assess general people's participation (Barber et al., 2011). These results were utilized in the creation of the public involvement impact assessment framework (PiiAF), which provides direction to researchers and members of the public engaged in the research area (Snape et al., 2014). Greenhalgh et al. (2019) state that patients and the public named as the layman commonly value subjects for study that are separate from those of academics and healthcare professionals. The layman who has a medical condition is

frequently in a better position to determine what study would probably improve the standard of life and what questions still need to be answered regarding the medical care or condition of participants (Evans and Brown, 2016). The most important and relevant measurements of outcome in clinical trials are frequently discussed with the general people or the layman (Initiative 2016). Layman's participation by the public may influence which research results are assessed as well as the way they are determined, making the results of the study more useful and important for those who want to use them (Hogg and Williamson, 2001). Therefore, the role and function of the layman is very important in the IRB. Nevertheless, according to my 20 years of experience, the term "laypersons" were considered a little less valuable position than other non-scientific members in an IRB meeting, of course, it may be culturally specific. Though the term "layman" is not literally offensive, however, just because it sounds funny when their educational status is as high as PhD. We never say the general people as "the layman," which may seem to be third person and sounds unusual. It is derogatory or offensive connotations. Further, we never say any person has less expertise than others and he is the layman, it may offend them. Should we retain in our old traditions? This is the almost end of the 1st quarter of 21 century. We are educated society should reflect our intellect. IRB has good community members, we may not use the term "layman" as a substitute for "general public" or "ordinary folk", and yes it could be construed as a bit offensive. If we do It will almost on the part of our paupers (Klitzman [2021](#)).

Most frequently, the word "layman" is used to compare with "expert" or "professional". If people don't use it to expressly refer to professionals, it could be disrespectful to a "self-proclaimed" specialist who lacks the necessary knowledge or as a general statement (Lumberjack 2015). The layman" may be seen as suspect of less knowledgeable in our elevated sense of education. The term layperson may have a negative connotation for me, conjuring up the image of cold scientific research. When a word is made the person less valuable then that word should be unacceptable.

There are many examples of change of nomenclature for showing better respect to the profession. For example, the term "research subject". The change of term from "subject" to "participant" has caused much controversy over the past 25 years regarding those involved in research. Awareness of the modern scientific community is higher

than that of traditionalists (Deng 2020). The Director of the National Institutes of Health (NIH) Dr Francis Collins stated, "It is derogatory to use the word "subject" for research "participants" as the medical advancement is not possible without research participants. This word "subject" should be eliminated for the reporting of human investigations. (Bromley et al. 2015). Therefore, the term "participants" are exclusively referred to the research and publications.

Another example of the change of term is "pharmaceutical salesman". Pharmaceutical sales typically entail working for a pharmaceutical company that sells information of medication to hospitals and physicians. The "team pharmaceutical salesman" over time has been changed to a "medical representative". A medical representative has a positive connotation and is respectful as well as accepted by all.

In some IRB the layperson is expected to view the protocol dispassionately. They only look for compensation in the informed consent form. If training for laypersons should be provided so the laypersons may have the ability to voice their views and discuss ethical aspects among scientific expert members comfortably. They can also discuss the risk-benefit, cultural, and social perspectives in the informed consent process and questionnaire or protocol.

CONCLUSION

In response to my argument, I point out that there are examples of changes of terminology e.g. "subject" to "participant", and "pharmaceutical salesman" to "medical representative". Like the above examples the term "layperson" to "public representative" should be changed to value their important role and responsibilities in the IRB. Once there are laws/guidelines that are in place but deemed unacceptable and over time should subsequently modify. Therefore, it is high time to change the term "layman" to "public representative". General and special training should be provided to public representatives so that they can provide their insight into the risk-benefit, cultural, and social perspectives of the informed consent process and questionnaire from public/patient perspectives efficiently. Then the value of layman will be the same as other non-scientific members in the IRB.

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8. EMPOWERMENT OF GENDER AND THE DEVELOPMENT OF MUSLIM FAMILY LAW: AN ETHICAL PERSPECTIVE FROM BANGLADESH

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Author Note

I am greatly indebted to University of Malaya and Bangladesh Law Commission for encouraging me to prepare a write up on this significant issue. Moreover, thanks to everyone who comes forward with their generosity to prepare this paper.

Abstract

This study stipulates to the challenges to the concept of ethical empowerment of women of Bangladesh as they are not getting their rights under the Muslim Family law. The term empowerment ethically denotes giving power, authority, and the capacity to increase one's self-reliance and intellectual strengths and the ability to gain control over material and non-material resources.

Empowerment of women, ethically therefore, requires the full participation of women in the formulation, implementation and evaluation of decisions determining the functioning and well-being of societies. The economic position of women in society is reflected according to an eminent author as: Ability to own, or inherit and control, income earning assets; Ability to participate in economic activities; Control over their husband's income, which is usually determined by the level of their education, the age and pattern of their marriage, family structure and residential status; and right and ability to control property.

Women in Bangladesh are, subordinated within an intensely hierarchical system of gender relations which constantly attempts to deny women not only access to social power and control over their own lives but also granted rights to which they are entitled. Thus, in Bangladesh, religion, ethics and official family laws are concerned about

betterment of the status of women. But there is always a power game to deprive women from economic empowerment and they suffer systematic denial of rights in many cases.

Introduction

Bangladesh with a huge proportion of uneducated population is facing many challenges of human security including the threat of recurrent natural disasters, unemployment, weak law and order and so on, that cause rural families to leave their homes in search of better prospects. As a result, there are an increasing number of children being exposed to deprivation and abuse in urban areas. Many of them become street beggars, drug edict, prostitutes, thieves and thus ruin their valuable life.

This study stipulates to the challenges to the concept of empowerment of women globally as they are not getting their rights under the Muslim Family law. With the growth of women's studies, more and more authors have identified labour, power and sexuality as the main structural elements shaping the relationship between gender and power (Connell, 1986). The United Nations Development Fund for Women (UNIFEM) also includes the same factors in its definition of women empowerment (Mahajan, 2012). Eileen Kuttub reminds us about women empowerment in the context of Palestine as:

'Women want not only access to resources, but also control over them. They want not only to participate in decision-making through quotas for women, but to do so with full rights as equal citizens. Women don't want to work in any employment opportunity, but to be employed in protected and decent work. In such a situation women become empowered and this is why this kind of empowerment cannot happen under colonial occupation and patriarchal domination' (Kuttub, 2014).

To provide for the women their rights and responsibilities the world community came forward with the volume of conventions, conferences, treaties and municipal laws as, The Universal Declaration on Human Rights (UDHR) 1948, The International Covenant on Civil and Political Rights (ICCPR) 1966, The European Convention on Human Rights and so on. But the diverse imposed customs, patriarchal social mentality, reluctance of government, orthodoxies and superstitions are keeping their rights unimplemented.

Women in Bangladesh are, subordinated within an intensely hierarchical system of gender relations which constantly attempts to deny women not only access to social power and control over their own lives but also granted rights to which they are ethically and legally entitled (Kabeer, 1998). Thus, in Bangladesh, ethics, religion and official family laws are concerned about betterment of the status of women. But there is always a power game to deprive women from economic empowerment and they suffer systematic denial of land and property rights in many cases.

Bangladeshi women are not demanding sexual equality, freedom and liberation as in the West (Brophy, 1989) rather they would prefer gender equity within the conventional social structure (Monsoor, 2008). This is not the same as absolute equality but giving their rights under the ethical and religious laws.

The basic objective of this paper is to show the legal development in family laws concerning ethical empowerment of women. However, rights guaranteed by law as catalyst to the empowerment of women are hardly implemented due to the patriarchal attitude of society and lack of state mechanism.

Conceptualizing the Empowerment of Women

The term empowerment denotes giving power, authority and the capacity to increase one's self-reliance and intellectual strengths and the ability to gain control over material and non-material resources. Empowerment is the dynamic and on-going process to bring changes at the personal and collective level and it is an important element for human development (Mahajan, 2012). Economic empowerment of women is one of the elements of women empowerment to provide them their rights, especially their rights of property (Monsoor, 2008). Empowerment of women is not restricted only to financial empowerment rather it includes complete empowerment of women in all spheres of life. Batliwala defined empowerment as 'the process of challenging existing power relations and of gaining greater control over the sources of power (Batliwala, 1994).

Women's empowerment is not one-dimensional, not just access to finance. It encompasses access to social resources, removal of inequalities in the family and social

interaction, access to social, legal and political institutions, as much as access to labour market as well (Khalily, 2014).

The empowerment of women is connected with education, employment and mobility and it is not restricted in equal opportunity with men in public and private life. However, gender equity demands the equity which permits positive discrimination for ensuring the empowerment of women in family and private life. It is believed that when women become educated, they will earn and control income and eventually women with economic power have better control over their own lives and can directly take part in decision making in the household.

Development of Muslim Family Laws in Bangladesh and Empowerment Of Women

Muslim Family Law is applicable in Bangladesh by dint of The Muslim Personal Law (Shariat) Application Act 1937 and there have been volume of changes in Muslim Family Law before and after the independence of Bangladesh. We will discuss here the development of Muslim Family Law and its ethical impact on the empowerment of women in Bangladesh.

Generally Muslim Family law in Bangladesh is regulated by some statutes. As of today there are many remarkable laws and many reforms in family law that are set forth for women, applicable for Muslim also, in Bangladesh such as The Parents Maintenance Act 2013, Domestic violence Act 2010, The Acid Crime Control Act 2002 and Nari O Shishu Nirjaton Daman Ain 2000 (Women and Children Repression Act 2000), The Dowry Prohibition Act of 1980, The Child Marriage Restraint Act 2014 (Draft), The Muslim Marriages and Divorces (Registration) Act 1974 and its Rule in 2009, The Muslim Family Laws Ordinance 1961, The Dissolution of Muslim Marriage Act 1939.

The legal system of Bangladesh has its legacy from British India and Pakistan, and it has a dual system consisting of general and personal laws. The general law is formally based on egalitarian principles of sexual equality, but the personal and family law is based on religion, ethics and culture with principles of gendered interactions that

do not operate on the basis of absolute equality of men and women but rather recognise their symbiotic co-existence (Monsoor, 2008). Our main focus goes to the development of Muslim family laws and the ethical empowerment of women.

Inheritance or Intestate Property Rights and Empowerment of Women

The Muslim law of inheritance states that as a general rule, a female is given one half the share of a male. This has aroused considerable debate globally. The International Conventions and Declarations have erased this discrimination and are pursuing nations who have reservations in the religio-personal laws to do the same. However, no one seems to see that whatever is there in official and Islamic law are not even realised. The UN Convention on the Elimination of All Forms of Discrimination against Women of 18th December 1979 purports to guarantee equal rights to women (Tinker, 1991). The Constitution of Bangladesh and the general law also apparently guarantees women in Bangladesh sexual equality. But patriarchal interpretation of the law continues the dominance of patriarchal attitudes (Jahan, 1988).

However, there have been a large number of reforms in the field of Family Law in Bangladesh which did not directly affect the law of inheritance (Mahmood, 1972). Inheritance is always regarded as a precious religious place which cannot be trespassed.

Women of Bangladesh do not even enjoy their granted rights of inheritance under the Islamic and Official law of the land. Women's right of inheritance here is regulated by customs and conventions which does not even allow them to realise their statutory rights. The study (Rahman, 1978) revealed that there are some practical problems of doing research on women's right to succession. First of all, most women are away from their father's property as by marriage they are usually taken to another village and if they become widows in their early age they are usually deprived of the property of their deceased husband when they return back to their natal village. Thus, usually women do not have control and possession of their property.

The dilemma of inheritance of grandchildren from the predeceased child is one of the most critical areas (Haque, 2009) in the Sharia law of inheritance. We won't go

to the debate whether the doctrine of representation contrasts with Sharia or not rather, we will try to show that the consequence of reform in section 4 of MFLO empowers the women even within short sphere. According to the orthodoxy interpretation of Sharia law of inheritance if a person dies leaving a son and a predeceased son's son, the son will exclude the son's son and inherit the full property according to the principle of exclusion. But this creates apparently an inhumane consideration for the descendant of deceased. To solve this problem and being persuaded from the teaching of Quran, to remove the suffering to the orphan grandchildren section 4 of MFLO was adopted and which states that:

'In the event of the death of any son or daughter of the propositus before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall per stirpes receive a share equivalent to the share which such son or daughter, as the case may be, would have received if alive.'

The direct impact of this doctrine to the empowerment of women clearly is found from the analysis of the share of specific person under the Sharia law of inheritance. Such as if a person dies leaving a son and a predeceased son's daughter. According to the Sharia law the son will exclude son's daughter and inherit full property. But as per section 4 of MFLO the son will share the property equally with son's daughter who basically represents her father and will get the portion of her father could get if alive. This provision directly financially empowers the women, and the same analysis is applicable to the predeceased daughter's daughter who will represent her mother and will get per stripe share as her mother could get if alive.

Maintenance and Empowerment of Women

Maintenance is the lawful right of the wife to be provided at the husband's expense with food, clothing, and accommodation and customarily extends to other necessities of life (Nasir, 1992). It is incumbent on a husband to maintain his legally wedded wife. The authorisation of the wife to maintenance derives from the injunctions of the Holy Quran,

Prophet's Tradition and Consensus of the jurists. In the Holy Quran the husband is ordained to maintain the wife. The Quranic ruling states:

'Men are protectors and maintainers of women, Because God has given them more strength than the other, And because they support them from their means.'

Once it is due the maintenance of the wife is deemed a debt on the husband from the date of withholding it. Only on payment, such debt is settled under the *Sharia*.

Maintenance of a wife during the subsistence of the marriage is a legal obligation of the husband in Islam. Islamic law grants a Muslim wife right to maintenance from her husband not only during the subsistence of the marriage but also reasonably after dissolution of the marriage. There is no controversy that the husband is bound to maintain the wife during the three months of *Iddat* period, but there is a considerable controversy whether the maintenance extends beyond the *Iddat* period. It has been specifically provided in the Holy Quran that the divorced women shall wait for remarriage for three monthly periods and the woman in *Iddat* live in the same style as you live, according to your means.

In cases on maintenance, the courts did not previously provide for past maintenance unless stipulated in the *Kabinnama*, nor would allow post-*Iddat* period maintenance to divorced Muslim wives. In Bangladesh, women had to rely on other techniques to secure some post-divorce maintenance. One writer suggested a hopeful trend towards adoption and enforcement of clauses in the marriage contract or *Kabinnama* which would clearly and in unambiguous terms provide for maintenance, as this offers protection against arbitrary and capricious subjugation (Malik, 1999).

The Bangladeshi Judges of the highest level of judiciary have only very recently made celebrated judgment providing for past maintenance for Muslim women in *Jamila Khatun vs. Rustom Ali* but how far the decision is being implemented in reality are yet to be analysed. However, the judgment providing for post-divorce maintenance in *Hefzur Rahman vs. Shamsun Nahar Begum* (47 DLR (1995) 54) has been recently overturned by the Appellate Division of the Supreme Court of Bangladesh (51 DLR (AD) (1999) 172)

Recently, Pita Matar Bhoron Poshon Ain 2013 (The Parent's Maintenance Act 2013) has been enacted to provide proper maintenance to the parents. This Act deals with the obligation of the children to provide maintenance not only to their parents but to their grandparents in the absence of their parents. It strictly prohibits keeping the parents in old care centre and describes the higher degree of punishment in the breach of the provision of this Act.

Concluding Analysis

A study found that 90% of family suits are filed by women as plaintiffs. This is because, gendered problems within family matters mostly involve violations of some rights granted to women (Chowdhury, 2012). The debate about proper role of the judge in a society is a perennial debate and ubiquitous in all jurisdictions (Hoque, 2011). Bangladesh is not an exception and judicial activism in Bangladesh is still at a rudimentary stage (Malik, 1990). Traditionally, our judiciary is less women friendly, and judges think themselves not to cross line of the plain text of law. In addition to this, the adversarial nature of our legal system gives the judges limited scope to put their own interpretation to the existing law (Ali, 2000). Analysis shows that court's decisions help though in a slow process change social realities. Court activity and involvement of sensitized judges may help to establish institutions like the court itself as a right platform to protect women from economic deprivations and violence (Monsoor, 2008). Though the courts in our country have limited scope for judicial activism, recent decisions of our judiciary show a commitment of judicial minds towards the gender parity and empowerment of women (Monsoor, 2008). The High Court Division (hereafter referred as HCD) of the Supreme Court (hereafter referred as SC) of Bangladesh in *Md. Sirajul Islam vs. Mst. Helena Begum (BLD, 1990)* that court had jurisdiction to pass the decree for past maintenance and the Appellate Division (hereafter referred as AD) of the SC in *Jamila Khatun vs. Rustom Ali (BLD, 1990)* held that the wife is entitled to past maintenance even in the absence of any specific agreement by overruling the decision of HCD *Rustom Ali vs. in Jamila Khatun (BLD, 1990)*. The satisfactory approach of the higher judiciary in above cases creates the platform for the empowerment of women specifically for economic empowerment.

Revolutionary attempt of the HCD of the SC to uphold the divorced women's right to the post-divorce maintenance in *Hefzur Rahman vs Shamsun Nahar Begum* (BLD, 1990) shows court's concern for the empowerment of women. The verdict of the HCD was that the person after divorcing his wife is bound to maintain her on a reasonable scale beyond the period of *Iddat* for an indefinite period, that is to say, till she loses the status of a divorce by remarrying another person (Rahman, 1998). However, AD overruled this decision of HCD in *Shamsun Nahar vs Hefzur Rahman* ((1999) No. 59 AD Dhaka Law Reports (DLR) 172.) on the ground that in Muslim law there is no such obligation on the husband to maintain his divorced wife after the *Iddat* period. With due respect to the judgment of highest court it can be said that the verdict of the Appellate Division of Supreme Court confronts the Sharia law regarding post-divorce maintenance hence ensuring empowerment of women. One of the most ancient but illustrious exegetes of the Qur'an Imam Abu Jafar Mohammad Jarir al-Tabari in his feted exegesis candidly and boldly advocated the right of women to *Muta* (Sheikh, 2012).

So, It can be concluded that *Muta'h* should be ruled the right of women as a part of empowerment herself and should be mandatory on husband to give the wife her due. The payment of *Mata'a* is the basement of Women Empowerment and surely an umbrella for her rainy days. Now the point of issue is when Bangladeshi women will enjoy the *Mataa* as their right?

The Family Courts Ordinance also stipulated for the mediation through compromise and reconciliation under the supervision of Family Court. Within a short period, the mediation courts embraced an unexpected and commendable success. The average of substantive disposal by mediation has come up to 60% in comparison to court decrees (Hasan, 2012)

Outside the family matters, the court is progressively upholding the rights and protection of women which is clearly seen as stepping stone towards the empowerment of women. In *Shamima Sultana vs. Bangladesh* (DLR, 2005) the HCD held, "in our day-to-day life, in order to forsake discrimination towards women in real and practical sense, a mere equal treatment would not do. The handicaps and drawbacks inherent in

the life of a woman in our social context must be appreciated.” In *Jatiyo Mohila Ainjibi Samity vs. Bangladesh and other* (DLR, 2005) the HCD laid down guidelines which must be followed in educational institutions and workplaces to combat sexual harassment. In *Dalia Perveen vs. Bangladesh Biman* (DLR, 2005) and *Rabia Basri Irani vs. Bangladesh Biman* (DLR, 2005) the HCD held that the gender discrimination is inconsistent with the Constitution.

A major problem of the family law-both religious and statutory law-system in Bangladesh appears to be that it does not take into account the reality of the social conditions, particularly women’s concern about freedom from economic deprivation- either by incorporating them into various enactments or by giving the appropriate importance while interpreting the law in context (Monsoor, 2008). The official personal law seems unambiguous to set its aim towards gender equity instead of absolute sexual equality. But the problems arise over abuses of this relative status system (Monsoor, 2008). Women are not given their granted rights and status under personal law by the dominant patriarchal system. Women are deprived of their economic rights by the customs and conventions of the society that challenges their economic empowerment.

In Bangladesh, the laws and policies seem quite adequate theoretically in the sense until and unless they are fully implemented in practice, we cannot attribute them inadequate. Laws and policies are not strongly enforced and are not taken care of due to the lack of gender-sensitive mindset of the dominant male portion of the society. The religion and the Constitution of Bangladesh evidently guarantee certain rights of women. But the patriarchal understanding of the law continues the supremacy of patriarchal attitudes (Mundial, 1990).

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9. ELIGIBILITY OF MOTHER AS A GUARDIAN IN THE CONTEXT OF FAMILY COURT OF DHAKA: A PRAGMATIC STUDY

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Author Note

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Abstract

In Bangladesh, corresponding religious laws commonly administer the family matters of individual religious communities, but there is no way to repudiate a remarkable impact, over time, of new principles through legislation and judicial precedents. Muslim family law dissertation in Bangladesh also is characterized by significant efforts made by the courts to apply traditional principles to modern circumstances. The Legal framework on guardianship of minors emerged under the Roman law. Islamic Law also addressed the issue in a progressive and dynamic manner. During the British rule in the Indo-Pak Sub-continent, the principal legislation governing the guardianship and custody of the children in Bangladesh was enacted, keeping the personal laws intact. The law apparently favours fathers and in practice tilted towards father as an absolute guardian of minor in any case irrespective of the interest and betterment of the children. This article explores the usefulness of the existing laws in the light of the data collected through a pragmatic study regarding the eligibility of mother as a guardian in the context of 2nd, 3rd, 5th, 12th, 13th and 15th Family Courts of Dhaka from the year of 2017- 2019. The analysis of the quantitative study reveals that even though mothers are also

entitled to get the guardianship of their child; their right is suppressed by patriarchal and socio-cultural norms of the society.

Keyword: Children, Guardian and Wards Act, Guardianship, Mother

Introduction

In Bangladesh, corresponding religious laws commonly administer the family matters of individual religious communities, but there is no way to repudiate a remarkable impact, over time, of new principles through legislation and judicial precedents. Muslim family law dissertation in Bangladesh also is characterized by significant efforts made by the courts to apply traditional principles to modern circumstances. (Hoque, Ridwan, 2007) The Legal framework on guardianship of minors emerged under the Roman law. Islamic Law also addressed the issue in a progressive and dynamic manner. During the British rule in the Indo-Pak Sub-continent, the principal legislation governing the guardianship and custody of the children in Bangladesh was enacted, keeping the personal laws intact. The law apparently favours fathers and in practice tilted towards father as an absolute guardian of minor in any case irrespective of the interest and betterment of the children. Only exceptionally, our higher court has given the guardianship to mothers. But as a matter of fact, those progressive decisions have not received mainstream attention by the country-wide Family Courts.

In Bangladesh, the Legal framework on guardianship of minors emerged under the Roman law. Islamic Law also addressed the issue in a progressive and dynamic manner. During the British rule in the Indo-Pak Sub-continent, the principal legislation governing the guardianship and custody of the children in Bangladesh was enacted, keeping the personal laws intact. (Hamilton, Charles, 1985) The law apparently favours fathers and in practice tilted towards father as an absolute guardian of minor in any case irrespective of the interest and betterment of the children. (Esposito, John L, 1988) But the social conditions existing today are altogether different from those that prevailed in 1890. Every International Convention relating to Child has emphasized the application of principle of welfare in child related matters. (Ekramul, Haque, 2015) In different Muslim country the statutory laws have granted equal rights of parents in both custody and guardianship.

But, in Bangladesh the scenario is totally adverse in case of guardianship. The court very strictly follows the orthodox interpretation of law and most of the cases handed over the guardianship to the father whether fit or unfit and in absence of father to the other male members of the family.

This article explores the usefulness of the existing laws in the light of the data collected through a pragmatic study regarding the eligibility of mother as a guardian in the context of 2nd, 3rd, 5th, 12th, 13th and 15th Family Courts of Dhaka from the year of 2017-2019. Even though only the interviews of the litigants (only mother) of these Family Courts of Dhaka will not represent the whole Bangladesh but it will show the practical scenario and the common trend of the family courts all over the Bangladesh in guardianship cases. However, from the interviews it is found that the women in our country are depriving from the right of guardianship not only due to the religious or traditional causes but also due to patriarchal influence, arbitrariness, fascination for male child and conflicting interest of a male elite as well as the unawareness about the right of the mother. This chapter shows that the legal provisions are undermined by the Courts due to the orthodox interpretation of law and socio-cultural norms of the society.

Methodology

This present research combined both doctrinal analysis and empirical studies. To detect the trends and issues influencing mother's right to guardianship, 150 mothers, 11 judges from six Family Courts of Dhaka and 31 lawyers of the different Family Courts of Dhaka has been interviewed and the information collected from them has been substantiated by different tables. The interviews were semi-structured in nature simplified by questionnaires adapted according to the respondent's respective roles, connotation and engagements to the procedure. Interviews were transcribed and in most cases audio-recorded, negotiated by express assurance of privacy where the respondents favored so. In this article the trends and issues influencing the mothers right to guardianship has been discussed based on the data collected from the Judges, Lawyers and Mother litigants through face-to-face interview.

Study Regarding the Eligibility of Mother as a Litigant in Guardianship Suits in the Context of their, Socio, Economic, Educational Competency

To ensure the real condition of the mother as a guardian in the society as well as to bring the fact into light it was decided to interview the women who are the parties of the guardianship cases. During the fieldwork, 150 women has been interviewed, out of them, 85 women filed the suit to get the guardianship of their children whose guardianships were enjoyed by their father but failed to provide maintenance and who were interrupting mother's right of custody in the name of legal guardianship. The litigants were Muslims and had been categorized as poor, lower middle, middle and Rich class.

TABLE 1: ECONOMIC CONDITION OF THE RESPONDENT

Economic Condition	Frequency	Percentage
Poor	15	10
Lower middle	30	21
Middle	72	48
Rich	30	21
Total	150	100.0

This classification has done based on Mother's having and not having jobs, business or any source of income. (Haque, Naima,1995)Their monthly income has also been considered. It is also to be noted that the respondents of the middle and rich family had a higher rate of education. But most of the respondent from the poor or lower middle family were engaged with different small business though their rate of education was not high which designates their(mother's) financial solvency.

TABLE 2 : RATE OF THE PERCENTAGE OF RESPONDENT'S EDUCATION

Education	Poor	Lower Middle	Middle	Rich	Total	Percent
Primary	2	7	6	8	23	11
S.S.C.	4	8	23	5	40	27
H.S.C	6	11	12	13	42	28
Undergraduate	0	6	10	06	22	15.0
Graduate	0	2	2	6	10	7
None	1	7	2	3	13	12
Total	13	40	54	38	150	100.0

The data of table 2 demonstrates that 16 percent of the total respondents were primary educated. On the other hand, 3 percent of respondents are Graduate which specifies that the rate of women education is increasing. Most of the respondents were self-dependent but it has had yet the little effect on changing their social status and patriarchal domination over them.

TABLE 3 : RATE OF MAINTENANCE PROVIDED TO THE CHILDREN BY THE FATHER AND MOTHER DURING THE MARRIAGE

During Marriage	Frequency	Percentage
Maintenance gave by father	24	16
Maintenance given by mother	126	84
Total	150	100

The above table displays that, 16 percent of the father continues to provide maintenance to the child even during the continuance of marriage. On the other hand, though the

mother had no responsibilities to maintain the child, but it was the mother who maintained the child and the rate of percentage was 84.

TABLE 4: RATE OF MAINTENANCE GIVEN BY THE FATHER TO THE MINOR AFTER BEING APPOINTED AS A GUARDIAN

After Divorce	Frequency	Percentage
Maintenance gave by father after being appointed as the guardian by the court	15	10
Maintenance gave by the mother even after not getting the guardianship of the children	135	90
Total	150	100

Table 5 expressed that; 9.6 percent of the father continues to provide maintenance to the child after getting the guardianship. On the other hand, though the court handed over the guardianship to the father it was the mother who maintained the child and the rate of percentage is 90.4.

TABLE 5: RESPONDENT'S AWARENESS OF THEIR RIGHT OF CUSTODY AND GUARDIANSHIP OF CHILDREN

Respondent's Awareness	Frequency	Percent
Yes	77	57
No	73	43
Total	150	100.0

From the overhead table, it is found that 57 percent of women were aware of their right to custody and guardianship of their children. On the other hand, 43 percent of women

were not aware of their right but later they come to know about this right from the different activist of Human rights and NGO.

Trends and Issues Influencing the Mother's Right to Guardianship

In this section the trends and issues influencing the mothers right to guardianship has been discussed based on the data collected from the mother litigants, Judges and Lawyers through face-to-face interview. They have been asked either to agree or disagree with the question and they were allowed to say either 'yes' or 'no'. Based on their answers the trends and issues were identified. However, from the fieldwork, the following trends and issues are identified as the core causes from the perceptions of the main stakeholders involved in guardianship cases regarding the deprivation of the mother's rights to guardianship:

Dispute over the Proprietary Right of the Mother

The Issue of legal guardianship of the child continues to remain a sensitive one, presumably due to proprietary implications often associated with such legal guardianship. This involves gaining authority to dispose of minor's property if any. 85% mothers are agreed on the point that they are getting deprived from the right to guardianship due to the power policy. (Monsoor, Taslima, 1999) The analyses of the qualitative study revealed that despite women's right to guardianship, their right is suppressed by patriarchal socio-economic norms of the society. Furthermore, the right of the women is not recognized by society especially right to guardianship of children.

Unequal Gender Relations in the Social Context

From our fieldwork it is found that 80% women litigants hold the view that women are not capable to handle the responsibilities of the guardianship. Esposito explains that this priority of men over women has originated from the greater responsibility of men as protectors, maintainers, and providers within the socio-economic context of the Arabian society at that time, when women were dependent on men in that society. But the social

situation of the women has been broadly changed in the 21st century. They are not dependent on their husbands for bread and protection. Many women are virtually the sole protectors and providers of their family. (Farroqi, Vinla, 1993) So, the concept of priority and superiority of men over women, husband over wives must also change. Therefore, considering the best interest of the child in case of necessity we must handover the guardianship of minor to the mother.

Patriarchal Interest

80% Litigants (only mothers) agreed that though it is evident now that women are eligible to handle the property and economic affairs but to keep the Patriarchal interest unharmed mothers are not getting the guardianship whereas 45% Judges supported this cause as one of the important causes behind the deprivation of mother's right to guardianship. But the case study and even the overall situation of our country shows that husbands are failing to provide their normative commitment. Most of the women stated in their interview that their husband failed to provide them the maintenance even during their married life and after the divorce, they even failed to provide maintenance for their children. Father could get the guardianship if he would have the capacity to maintain the child. But the father who has no goodwill either any capacity to provide maintenance to the child is not entitled to get the guardianship of the children in the name of having superiority over the women. (Huda, Shahnaz, 2004) Thus, Fatima Mernissi has argued in her work that the main problem of Muslim Women's subordination is not rooted in religion or tradition, but in patriarchal influence and arbitrariness which has dominated women for centuries. (Mernissi, Fatima, 1982) The socio-economic conditions of women have the effect of not favouring their cases and the preconceived idea remains that women are unable to maintain their children. It is a fact that the primary legal responsibility to maintain the child remains with the father and the issue is only the care and control of the person and property of the child. (Cain, Mead, 1979) The image that a mother is unable to maintain the child is sustained perhaps to protect men's own patriarchal interest. But 90% of mother did not agree with this.

TABLE 6: RATE OF WAIVING THE RIGHT TO PROPERTY BY THE WOMEN HERSELF

Waiving the right to property	No. of Respondents (Mothers)	Percentage of Respondents
Yes	15	10%
No	135	90%
Total	150	100%

Sometimes women themselves disclaim their rights of inheritance to maintain a cordial relationship with the natal family so that they can visit them occasionally. (Monsoor, Taslima, 1999) Thus, the Quranic law of fixed shares was viewed as contrary to the existing social structures and was often ignored or circumvented. (Levy, Reuben, 1957) Consequently, women's economic empowerment gets hampered. Moreover, although Muslim Family Laws in Bangladesh require husbands to give dower to their wives, 88% of the women did not receive any dower.

Dependence of Mother on the Father for Maintenance of Children

Maintenance is a fundamental right of Muslim women created not by any separate contract but by the marriage contract or *Kabinnama*, itself. However, a father is also liable to give maintenance to the children until they reached legal age.

TABLE 7: RATE OF DEPENDENCE OF MOTHER ON FATHER FOR THE MAINTENANCE OF CHILDREN

Dependence of mother on father for the maintenance for children	No. of Respondents (Judges)	Percentage of Respondents
Yes	8	65%
No	3	35%
Total	11	100%

TABLE : RATE OF DEPENDENCE OF MOTHER ON FATHER FOR THE MAINTENANCE OF CHILDREN

Dependence of mother on father for the maintenance of children	No. of Respondents (Mothers)	Percentage of Respondents
Yes	37	25%
No	113	75%
Total	150	100%

From table 7 and 8 it is found that 65% Judges thought that the dependency of the mother to the father for maintenance is one of the vital causes for refusing the mother to appoint as a guardian of the child. But 75% mother disagrees with this statement. Women's dependence upon and subordination to men is conditioned by a whole range of institutional practices embedded in the family and the kin-group

Mother's Right to Guardianship of Minor Children under Existing Laws

85% Judges and Lawyers said that section 19(b) of the Guardian and Wards Act stated that if the father is alive then he will be the guardian. Therefore, the Court has nothing to do in this respect. Moreover, they stated that as per section 17 of the Act, welfare of the child needs to be ensured by following the family law of the concerned child. And they think that as per Muslim Family Laws the legal guardian is father, which is wrong. The following two tables are reflecting these pictorial statistics.

TABLE 9 : RATE OF MOTHER'S RIGHT TO GUARDIANSHIP OF MINOR CHILDREN UNDER EXISTING LAWS ARE THE MAIN CAUSE OF REFUSING MOTHER TO GET THE GUARDIANSHIP

Existing Law is the main cause behind the deprivation of mother's right to guardianship	No. of Respondents (Judges)	Percentage of Respondents
Yes	9	85%
No	2	15%
Total	11	100%

TABLE 10 : MOTHER'S RIGHT TO GUARDIANSHIP OF MINOR CHILDREN UNDER EXISTING LAWS ARE THE MAIN CAUSE OF REFUSING MOTHER TO GET THE GUARDIANSHIP

Existing Law is the main cause behind the deprivation of mother's right to guardianship	No. of Respondents (Lawyers)	Percentage of Respondents
Yes	26	85%
No	5	15%
Total	31	100%

Inconsistent Interpretation of ‘Principle of Welfare’

90% Judges and Lawyers agreed that the inconsistent interpretation of ‘principle of welfare’ is basically liable to disregard the mother as the guardian. Under the Guardians' & Ward, Act 1890, the superior right of the father in respect of guardianship was established through the provisions of section 17, 7 and 19(b). (Hossain, Sara, 2007) The position of the mother as a guardian of her children was of the second grade. Even the father could under old law nominate a guardian of his children to exclude the mother of the child through orally or the process of the execution of deed. The mother had no power to appoint testamentary guardian even if the father of the child had expired. The statutory provisions are found hesitant to confer the absolute right of guardianship to the mother. (Huda, Shahnaz, 2004) So, it is the Judiciary who should have to play the role of a realist judge. In *Dr. Rashiduddin Ahmed v Dr. Quamrunnahar Ahmed*'s case the High Court considered it to be in the best interest of the children to place them in the interim custody of their father while the issue was finally settled in the lower court. (Yasmin, Taslima, 2017)

However, an analysis of the most-cited custody and guardianship cases of the Supreme Court of Bangladesh discloses that the steady development of in what way ‘welfare’ gained an influential part has not followed any constant or comprehensible course. Even though there are several decisions of the apex court giving preeminence to the considerations of the child’s welfare, there is also a set of decisions that co-exists with this stream of liberal interpretation, which observes more closely to the orthodox interpretation of rules regarding Muslim mother’s right of guardianship of minors.

Conclusion

The position of women in each society cannot be simply attributed to their role in providing offspring. There are many other social and economic roles of women than the stereotypical ones of mother and wife and these are reflected in women’s ability to own and control income-earning assets or ability to participate in economic activities which is usually determined by the level of their education, age, and pattern of their marriage, family structure and residential status.

However, mother is the painter of the child's personality and even his creator. Motherhood is a state that knows all the exquisite traits of beauty in a child's upbringing and a mother sacrifices all her personal facilities in this regard. In families where the mother and father live together, the child does not suffer irreplaceable damages of lack of parents but when the matter of divorce and separation is raised in a family or a child is placed in the situation of losing a parent due to a parent's death and the problems among families, very serious spiritual damages are brought upon the child. A nation's children represent a nation's future. How society treats its own children is a good reflection of the overall health and stability of that society. Notable point is that today, the father does not have full command on the family and their affairs and is not able to consider the child's interests and advantages properly. Undoubtedly, due to the increase of the women's scientific and intellectual level in society it can be said that in case guardianship is assigned to the mother no problem would occur for the child; rather, simulating guardianship for the mother will be able to ensure the overall welfare of the child and most importantly guardianship is not a unilateral right of the father or other male member of the society. Moreover, simulation of guardianship for the mother leads to the mother and the child's peace of mind and if the child is under guardianship of the father, all other people of the father's family are involved in the child's management which leads to the child becoming multi-disciplinary. But if the child is with the mother and all his/her affairs are supervised by the mother, there would be no disturbance in the child's mental and physical state. But in our patriarchal society, a father's identity is prioritized over a mother's identity. In this article an empirical study is being presented to assess the mothers' competency to get the guardianship of her minor children in terms of their economic, social, cultural and educational status. It is found from the study that in most of the cases mothers are more competent and in a better position in protecting and managing the properties of their minor children. But in our patriarchal society, a father's identity is always prioritized over a mother. As a result, in registration or admission forms as well as other official government documents, mothers and fathers were treated differently. In some circumstances, a mother's name may even be omitted. However, fortunately, the recent ruling of the High Court Division issued on January 24, 2023, addressed this discriminatory requirement. According to the ruling, mothers can now act as their children's sole legal guardians. Therefore, considering the welfare of the children and the directions given in the judgment, it is inevitable to amend the

existing law relating to guardianship of children to bring the mothers in equal footing with the fathers regarding the right of guardianship of children.

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10. EMPOWERMENT OF YOUTH STREET BEGGARS AS CHILD DOMESTIC WORKERS CAN MAKE A REVOLUTION IN BANGLADESH

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Author Note

I am thankful to Professor Dr. Taslima Monsoor, Professor Dr. Shamima Lasker and my supervisor Professor Dr. Darryl Macer for helping me to complete my research on Street Children.

Abstract

Thousands of children on the streets of Bangladesh are being denied their rights at birth. This research assesses the life style of Bangladeshi Street beggars, especially children and Child Domestic Worker (CDW), and found that an increasing number of children are being exposed to deprivation and abuse in urban street areas. From them some children are employed as domestic workers and attached with a family environment who were once homeless and abandon by their own family. "Love, care, training, counselling, empowering and afterwards employment as child domestic workers, can solve a major problem of Child Beggars. This will be also a cost effective way to support these unfortunate children. As CDW they got food, shelter, daily needs, education and financial support from their employer. Though some cases problems arise with CDW but compared to the street environment those are negligible and can be solved by proper training and monitoring. It is necessary to find a new and cost-effective way for the children of our country who are neglected and in a vulnerable stage of their life in Street. All religions support helping children, especially orphans. If every family keeps at least one street children as a domestic helper and take care of them as their children then a miracle can be happen. But it is very hard to earn the trust of an employer by an unknown street children. We can build an institution which can share the responsibility

of these abused children to settle them in family as a domestic worker and guide them to create a successful life.

Introduction

Bangladesh with a huge proportion of uneducated population is facing many challenges of human security including the threat of recurrent natural disasters, unemployment, weak law and order and so on, that cause rural families to leave their homes in search of better prospects. As a result, there are an increasing number of children being exposed to deprivation and abuse in urban areas. Many of them become street beggars, drug edict, prostitutes, thieves and thus ruin their valuable life.

“A street child in Bangladesh is someone “for whom the street (in the widest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/or source of livelihood; and who is inadequately protected, supervised, or directed by responsible adults. (Wikipedia, StreetChildren in Bangladesh)

Child domestic work is a general reference to children’s work in the domestic work sector in the home of a third party or employer. This general concept encapsulates both permissible as well as non permissible situations (ILO).”

The Situation of Youth Beggars in Bangladesh

Begging remains widespread in the capital and other parts of Bangladesh though the government is trying to abolish this practice. *“There are believed to be 40,000 beggars in Dhaka alone, a city of 12 million people”* (Anbarasan, 2011). Children from many rural families leave their homes in search of better prospects and try to settle their life in the urban areas of Bangladesh. This movement contributes to the disintegration of traditional family and community structures and results in an increasing number of children being exposed to deprivation and abuse in urban areas. These youth are called Street children.

Measures Taken So Far to Remedy the Situation

As the Street Children are not educated and aged enough to earn and staying under no guardian, Government organizations sometimes help them. Bangladesh always got foreign support from its birth in 1971. Till now different organizations from all over the world come forward to help this over populated country. There are many private organizations, business farms, banks, industries and financially solvent people from where Street Children are getting support in Bangladesh

Law

Though there are laws to protect children in Bangladesh, it is not easy to implement them in our society. *“The lack of progress on the adoption of the Rules of the Children Act 2013 by the Government proved to be a significant challenge for the implementation of the Act. Roles and responsibilities of the duty bearers, such as social welfare officers and child affairs police officers, are yet to be harmonized within this key piece of legislation. Following several years of stalled progress, there was some headway made in the second half of 2016 in approving the Education Act, now tabled for discussion by Parliament (UNICEF, 2016).”*

Religion

All religions advise us to share our food and help each other. Many religion support entertaining children, specially orphans. In Islam, Prophet Muhammad (PBUH) advised us to be merciful and kind to Orphans.

Data Analysis

The intention to study the socio-economic profiles of the Street Children and CDW are needed to provide a family life to our the children roaming in the streets. Moreover, for making a comparison with the difference of the perspectives of the CDW and the Street children I had to observe and analyse their responses to the interview questions. CDW generally do not enjoy the same facilities like other children of the house they are working. It is inferior both in terms of quality and quantity when it comes to allocation of food and clothing and maintenance of personal hygiene of the CDW's. Empirical analysis is an evidence-based approach to the study and interpretation of information.

The empirical approach relies on real-world data, metrics and results rather than theories and concepts. The focus of the study conducted by collected data using questionnaire and then found the research result by Empirical Analysis in SPSS; was the quantitative method of my research. I collected data from 50 Street Children and 50 Child Domestic Workers of Dhaka, Bangladesh; aged between 5 to 18 years. Qualitative Comparative Analysis (QCA) offers a new, systematic way of studying configurations of cases. QCA is used in comparative research and when using case- study research methods. The QCA analysts interprets the data qualitatively whilst also looking at causality between the variables. Thus the two-stage approach to studying causality has a qualitative first stage and a systematic second stage using QCA(Wendy).

For the qualitative method of my research I used six case studies of CDW who before employment were used to be street children of Dhaka, Bangladesh. As there is no adequate information on the total number of children engaged in Street or working as a domestic worker and also by considering the nature of the study, respondents and their mobility, these case studies will help me a lot to find my research result.

Results of Interviews with Street Children and Child Domestic Worker : Sample Characteristics

The results of Interviews with Street Children and Child Domestic Worker with explanations are shown below in table form done by SPSS software.

Table 1: Who are you? Street Children / Domestic worker

Sample	Frequency	Percent
Street Children	50	50.0
Domestic Worker	50	50.0
Total	100	100.0

Notes. The number of the children interviewed. Street Children number is 50 and CDW number is 50, total 100 children.

Table 2: How old are you (in Year)?

Age	Frequency	Percent
8	3	3.0
9	8	8.0
10	31	31.0
11	31	31.0
12	7	7.0
13	8	8.0
14	4	4.0
15	7	7.0
16	1	1.0
Total	100	100.0

Notes. We can see in Table 2 that most the Street Children and CDW in Dhaka are aged between 10 to 11 years. This is the age children can learn and do work independently and also can be controlled easily.

Table 3: Everyday Street Children's earning

Taka	Frequency
100-400	38
500-800	12
NA	50
Total	100

Notes. Table 3 most of the Street Children are earning taka 100 to 400 everyday which they even have to share with their family or mastans who involve them to work in street.

Table 4: Problems faced by Street Children(Multiple)

Problems	Responses	
	N	Percent
No Sale	30	29.1%
Snatch	46	44.7%
Accident	27	26.2%
Total	103	100.0%

Notes. We can see in Table 4 that Street Children are facing different kinds of problem in their daily life. 46% of them are attacked by snatcher and lost their income. 30% of Street Children can't sale their product or get money by begging. Rest of them faced different kinds of accident during their presence in street.

Table 5: Street children get help from((Multiple)

Help From	Responses	
	N	Percent
Police	27	39.7%
Local Mastan	30	44.1%
NGO	11	16.2%
Total	68	100.0%

Notes. In Table 5 we can found that 44.1%Street Children are getting help from Local Mastans because children are used by them to earn money. Some times Mastans make children crippled, burned or blind to get more money by using them as beggar in the street. Children becomes afraid to talk about Mastans as they are always guarded by them. 39.7% children are helped by Police as they also get a big share of the money Mastans are earning by street children.

Table 6: If Domestic worker, work Part time / Full time?

Time	Frequency	Percent
Part Time	8	8.0%
Full Time	42	42.0%
NA	50	50.0%
Total	100	100.0%

Notes. We can see in Table 6 that 42% of Domestic workers are working fulltime and getting shelter, food, medical, cloths and many more facilities from their employer. Also for the daily hassle of travel only 8% of domestic workers are doing part-time jobs.

Table 7: How many years CDW joined work.

Years	Frequency
1	8
2	26
3	12
4	4

Notes. We can see in Table 7 that most of the CDW are working for Two years.

Table 8: CDW's Problem (Multiple Responses)

Problems	Responses
Physical Torture	22
Not enough food and cloth	18
No entertainment	16
No medical facility	8
No education	28

Notes. We can see in Table 8 that deprived from education and physical torture are common problems for CDW. Also they are getting insufficient food, cloths and entertainment. Most of them get medical facilities as employers are afraid of facing harassment by police and local people if any CDW gets sick or physically tortured.

Table 9: Facilities CDW gets (Multiple)

Facilities	Responses	
	N	Percent
Enough Food and Clothes	32	41.0%
Safety	4	5.1%
Free Medical	24	30.8%
Free Education	14	17.9%
Love	4	5.1%
Total	78	100.0%

Notes. We can see in Table 9 that in our country Love and safety are rare things to get from employers as it show only 5.1% of CDW. Medical, food and cloths are also not enough as they shows below 50% of CDW. Free education is providing only to 17.9% of CDW.

Table 10: Salary CDW get

Taka	Frequency
100-500	4
600-1000	32
1100-1500	14

Notes. We can see in Table 10 from 50 CDW 32 responded getting salary 600- 1000 which is very low. But if they get all facilities and safety this amount of salary should not effect their life.

Table 11: Member/Student of Institution/school/NGO/other?

Responses	Frequency
yes	14
No	82
NA	4
Total	100

Notes. We can see in Table 11 that Street Children are rarely involved with School/ NGO.

Table 12: Part time / Full time member/ Student

Period	Frequency	Percent
Part Time	23	23%
NA	77	77%
Total	100	100%

Notes. We can see in Table 12 that if children are involved with institution, it is for part time.

Table 13: How long you are member/ Student?

Year	Frequency	Percent
1	11	11%
2	12	12%
NA	77	77%
Total	100	100%

Notes. We can see in Table 13 that mainly the duration of involvement with school is one to two years. But long term of involvement can make them trained and strong.

Table 14: Facilities Provided by Institutions

Facilities	Responses	
	N	Percent
Free Education	23	37.7%
Free Food and Clothes	15	24.6%
Free Medical	23	37.7%
Total	61	100.0%

Notes. We can see in Table 14 that 37.7% children are getting food, clothes and educations if they institution which can assure their health, safety and education.

Table 15: Allowance Provided by Institution?

Responses	Frequency	Percent
No	27	27.0%
NA	73	73.0%
Total	100	100.0%

Notes. We can see in Table 15 that institution don't provide financial support. Street children can earn but have to face serious problems in street.

Table 16: Where do you stay?

Place	Frequency	Percent
street	36	36.0
Employer's house	46	46.0
station	7	7.0
others	11	11.0
Total	100	100.0

Notes. We can see in Table 16 that children can have a shelter and home if they work as CDW. On the other hand they have to spend their night in street/ station or any other place where children are open to danger and life risk.

Table 17: With whom do you stay?

With Whom	Frequency
Alone	8
Friends	14
Parents	25
Employer's family	46
Relatives	7
Total	100

Notes. We can see in Table 17 that both street children and CDW are rarely stay with their family which is very much needed for their age. At least CDW are staying with employers family which can be a great help for them and give them safety.

Table 18: Do you have any training or went to school?

Responses	Frequency
Yes	14
No	86
Total	100

Notes. We can see in Table 18 that both Street Children and CDW are rarely have school training which is essential for them. Only 14% are getting training.

Table 19: Whether you want any training and services?

Responses	Frequency	Percent
Yes	94	94.0%
No	6	6.0%
Total	100	100.0%

Notes. We can see in Table19 that 94% of both street children and CDW wants training.

Table 20: Do you want to stay with a family and have a family life and home?

Responses	Frequency	Percent
Yes	80	80.0%
No	20	20.0%
Total	100	100.0%

Notes. We can see in Table 20 that 80% of both Street Children and CDW want a family life in a safe home.

Table 21: Do you want to become a domestic worker and stay with a family?

Responses	Frequency	Percent
Yes	94	94.0
No	6	6.0
Total	100	100.0

Notes. We can see in Table 21 that 94% of children are agree to be a CDW if they get a safe home and loving family.

Table22: Do you want any help to recruit and monitor you in a safe family?

Responses	Frequency	Percent
Yes	61	61.0
No	39	39.0
Total	100	100.0

Notes. We can see in Table 22 that, children wants help of recruit and monitoring while working in a family as CDW.

Table 23: How you want to use your salary?

Responses	Frequency	Percent
Education	16	16.0
Food and cloths	33	33.0
Safety	7	7.0
Give it to parents	44	44.0
Total	100	100.0

Notes. We can see in Table 23 that 44% children wants to give their salary to family whichmeans, they came from a poor family. 33% want to spend their salary on their

food and cloth which they are not getting enough.

Table 24: What you want to be in future?

Responses	Frequency	Percent
Doctor	40	40.0
Officer	32	32.0
Actor	9	9.0
Teacher	15	15.0
Other	4	4.0

Notes. We can see in Table 24 that 40% children want to be a doctor as they feel this is a high paid job and there is a great need of medical help in Bangladesh.

Case Studies

Case Studies of CDWs who had a positive attitude from their employees are very interesting.

ID No. 1.

This is a life story of a five year old deaf girl who was hiding inside a huge cement pipe beside the road in Dhaka. A kind man saw her and provided some food, water and a quilt from his mother. Slowly the girl became strong and followed him to his house. His mother was surprised but appreciated what her son had done. Soon the little girl got better. The elder sister of that man came to visit with her husband and wanted to keep the girl. So in this way the deaf girl became a part of a family and afterwards became a CDW.

ID No. 2.

He started his job in 1968 when he was only 12 years old and still he is working in the same house in 2019. His first work was to take care of his employer's daughter when she wanted to play outside. Nowadays his job is to take care of the family's country house and also their family graveyards. The entire family member thinks that he is a responsible person and his son also sometimes helps him when he gets sick.

ID No. 3.

She joined the house when she was only 10 years old and her job was to massage the employee's pregnant wife. Afterwards she became the caretaker of the new born baby boy and worked there until she was married. The employer still helps her if she gets any problem. She raised her employer's two children and helped the family in all senses. The kids still love her and sometimes she comes to see them with her own children.

ID No. 4.

She was 17 years old and got the job of a care taker of two children in an employee's house. She worked there for a couple of years. Then she got married with the employer's divorced relative who needed a caring woman like her. Now she got four children of her own and stays in her own house with her loving husband. Her daughters are studying in an international school and achieving good results. She also teach her children extracurricular activities and religious training. She has got a nice family now.

ID No. 5.

He was only four years old accompanied with his widowed mother in her employee's house. The employer's daughter was almost the same age as him and they used to play together. The employer was an engineer and a very kind hearted man. So he also admitted him in the same school where his daughter was studying. Today he is an IT graduate who works in a good office and lives in the educated social class. His life has been changed by the employer's proper caring attitude.

ID No. 6.

She came from Barisal with her aunt and joined as a CDW in an engineer's house in Dhaka when she was only eleven years old. Her employer's wife admitted her in a school two times and wanted her to become a nurse. But she did not study as she wanted to be a beautician. So she joined in a parlour and got training. Now she is a professional beautician and is planning to have her own parlour! She also got married and has a son of her own.

Findings from Case Studies

It is found in these case studies that the children are happier as domestic workers than becoming a street child, especially if they are treated as a family member. Some of the CDW wanted to stay with the employee's family for a long time, even all over their life! Here in the case studies of Street Children it is revealed that the children can be benefited if we can provide free skills and knowledge to them, such as, capacity-building and income-generation activities, training, social appraisals, credit and saving schemes etc. Two thirds of the Street Children wanted to become CDW to achieve a better future. But one third of Street Children didn't want to work as CDW as they are physically and mentally unfit.

Comparative Analysis Between Trained and Untrained Domestic Workers.

There are huge differences between trained and untrained domestic workers. Specially those come from Street needs physical and mental medications, counselling's, hygiene and language training and so on. The most important thing is that they are used to do many ill behaviour from which the small children of the employer's family can have bad influences. So first and foremost need is to provide proper training to the street children before involving them in CDW jobs. In this way every body can live a healthy life.

Limitation of the Study

It was hard to get access for interviews, especially it was very difficult to take interviews of the 50 Street Children as most of them beg under a local mastan's supervision. Sometimes I cannot talk with street children directly as they are watched by power full people who can make their life more hell if they found that truth is coming up in the front and they are going to be exposed. So Street Children are very careful to express their identity. Street beggars also become annoyed if we want to take their photo. Also street children are constantly moving and it is very difficult to track them down for observing their position in further research.

From 50 CDW who are living full time with their employers sometimes they cannot speak freely as there was always the gaze of their employers; so sometimes it

was not possible to project the psychological problems the CDW's are facing in their working place. Nevertheless, the fact that employers in the present context apparently cooperated during the research process is certainly a positive step.

I also collected some CDW's life story from their employer or from them directly from those who have been very lucky to have good hearted employer and stay there for long period of time. There is scarcity of books and also not much research has been done regarding this study.

Conclusion

One conclusion of this study is the most easy and cost effective way to support those children who are roaming in the street, begging or doing some hazardous job is employing them as CDW. We can build an institution which can take the responsibility of these abused children to settle them in a family. Bangladesh is a country which can achieve many miracles in the past and can also solve the most sensitive problems of the world, "Street Children".

The children can be benefited if we can provide them free skills and knowledge, such as, basic education, capacity-building and income-generation activities, training, counselling, social appraisals, credit and saving schemes, spoken Bengali and English, etc.

Recommendations

As every research has some constraints I have to accept it also and tried my level best to collect data accurately from the field and analyse them achieved my research result. But I think this topic needs further research as there are always many hide and seek games played in our society which have to be exposed and our Government must take action against them, so that our children can live a healthy life.

Also these children can be benefited if we can provide them free skills and knowledge, such as basic education, capacity-building and income-generating activities, training, counselling, social appraisals, credit and saving schemes, spoken Bengali and English, and so on, and attached them with a family as a CDW. This not only will change their life style and also many families will be benefited by getting CDW from a dependable source. More over it will decrease many unethical activities of our society.

We can build an institution which will have committee members from Government NGOs, social leader, religious leader, doctors, artist and foreign organizations which can share the responsibility of these abused children to settle them in a family as a domestic worker and guide them to create a successful life.

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11. NEW MATERIALIST ETHICS FOR ANTHROPOCENE

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Living Well in the Face of Anthropogenic Threats

How do people tend to think about life when it is threatened, especially when faced with the prospect of death? This talk is primarily about life as a biological and social phenomenon, but contextualised by the impending death of the human species due to the Anthropocene era. This situation is often presented in contemporary media as inevitable and imminent. This talk aims to tell a different story about the world and our human positioning in it, taking seriously what science has to say about life and death. It outlines a viable position on ethics as a way of living a good life when life itself is under a unique threat. In other words, it is a story about how we can live a good life at this precarious geo-historical moment, and what constitutes such goodness.

I will outline a more affirmative framework for living well in the face of planetary threats, turning to new materialist thought to ask what it means to live well and whether a consensus can be reached.

The mode of production of ideas with matter rather than words abandons the desire to construct systems, ontologies or worlds, contenting itself with interventions in material and conceptual unfoldings. The mode of production is embodied and immersed, responding to the call of matter and its various matterings. I acknowledge the uniquely human responsibility of philosophical theory and practice, and acknowledge the reluctant yet inevitable use of the pronoun 'I' throughout the volume.

The Anthropocene refers to a new geological epoch in which human activities have had an enormous impact on the Earth's ecosystems. I suggest that the Anthropocene should be seen not only as a scientific concept, but also as an ethical one. I propose a new materialist ethics for the Anthropocene, based on the idea of life and dynamic relationships between entities at different scales. This ethics is non-systemic and non-normative and offers a responsible and non-hubristic way of thinking about ethics and life. I suggest that ethics for the Anthropocene would require a return to critical thinking and the promotion of non-

instrumental ways of thinking. While humans are not the only or even the most important actors affecting the world, they are in a unique position to make making a difference an ethical task.

New Materialism as Situational Ethics

It is clear that ethics is not always a prominent or explicit concern in the works of the New Materialists. According to Brian Massumi, ethics does not involve attaching positive or negative values to actions based on a predetermined system of judgment. Instead, it involves recognizing a specific potential and observing how it affects the overall situation.

Ethics in this sense is completely situational. It's completely pragmatic. And it happens between people in the social gaps. There is no intrinsic good or evil (Massumi 2015, p.11).

The concept of ethics involves navigating uncertainty as a collective. While there is still a differentiation between good and bad, there is no clear-cut line between good and evil. The good is determined by realizing the highest potential within a given situation, striving for the best outcome possible while living and acting within the limitations that are an inherent part of our existence. This contrasts with traditional approaches that rely on predetermined moral imperatives. What matters is the outcome that emerges from a specific set of circumstances and the impact it has on others with whom we are engaged. Although Deleuze does not explicitly extend this to non-human entities, the philosophy of New Materialism would aim to do so. This approach acknowledges the importance of immanence over transcendence, rejecting the idea that there is a universal framework of values against which one can evaluate actions or motives. Instead, one must act within the gatherings and assemblages of which one is already a part, with the hope that the result will be life-affirming rather than life-denying. While this approach is potentially liberating and creative, some may question whether it adequately addresses ethical dilemmas or provides guidance in the face of challenges within the realm of information ethics.

The objective now is to evaluate the New Materialist approach and to create a path that goes beyond its limitations. The first issue is the conflict between transcendence and immanence. Rather than an absolute binary opposition, Reader employs Latour's notion of local or mini transcendences to argue for an understanding of multiple contexts where there is something that goes beyond the immediate and available. This approach enables one to

recognize and respect diversity without completely abandoning the appeal to something beyond oneself. This is a midway position between relying on predetermined moral values and making ethical decisions without any reference points. Context and situation are fully considered, but they do not become the only determining factors. This perspective is a more suitable foundation for practical ethics. It is essential to maintain a dynamic tension between the relational and the apophatic, which refers to proximity and distance, respectively.

Another crucial area is agency and its meaning. There are two critical issues that require an expanded understanding of human agency, drawing heavily upon New Materialism. Firstly, it is crucial to recognize the role of non-humans in shaping and developing the world, particularly in environmental concerns. Humans are always embedded in assemblages and collectives that enable change, whether positive or negative, to occur. Humans cannot function as lone individuals separate from their surroundings, be it technology or nature. New Materialism describes this as distributed agency. The specific meaning of this term in any given situation requires examination, but it better illustrates how humans operate in practice. Secondly, it is essential to address the question of human autonomy. The discourse of assemblages and distributed agency provides a more appropriate interpretation of the constraints and limitations within which humans operate. There is a difference between agents and subjects, and this understanding moves beyond the binary of subject and object, which presupposes that humans always manipulate nature or technology as objects for their own benefit. If agency is distributed among humans and non-humans, we gain a more realistic perspective on how we function within the larger whole. This is an area where New Materialism has an advantage over more traditional interpretations.

Another area of concern is related to the previous two, but it incorporates a wider range of ideas from various philosophers. Derrida and Levinas suggest that humans have a pre-autonomous level of functioning, which means that people often interact with others before consciously making decisions. New Materialist concepts of affect and embodiment challenge Floridi's appeal to reduce humans to rationality. The ideas of metastability and neuroplasticity also help address the issue of human capacity to change and develop. This is important for finding alternative responses to ethical issues, as predetermined behavior limits the scope for flexibility and adaptation. Philosophy and neuroscience can provide a deeper understanding of how to alter damaging behavior patterns and offer a more positive outlook, but this must not be restricted to the conscious and rational level alone. Once again, New Materialist thinkers have a crucial role to play in this area. (Reader & Evans, 2019)

Embracing Universal Scale

The idea of new materialist ethics should be considered on a universal scale, not with the intention of finding general principles that can apply everywhere and always, but to avoid the limitations that come from thinking in terms of entities and locations. The concept of the universe, understood as all matter and energy in existence, serves as a point of unity for the ongoing process of the unfolding of matter across time and space. Adopting a universal scale is a dynamic process that reminds us of the excess to acts of world-making. And, looking at things on a universal scale is also meant as an encouragement for us to have broader perspective from the universe to the quantum, in order to try and see otherwise—without losing sight of the complex entanglements of matter, and us as matter, across various ways, and of the fact that we are not really able to “see” much at either end of the physical spectrum.

The notion of entanglement is used here in the specific sense given to it by Karen Barad, for whom “Existence is not an individual affair”. According to Barad, “Individuals do not preexist their interactions; rather, individuals emerge through and as part of their entangled intra-relating”. From this perspective, the notion of scale cannot be seen as an external measuring stick that can be objectively applied to time and space but is rather part of the phenomena it attempts to measure, as “time and space, like matter and meaning, come into existence, are iteratively reconfigured through each intra-action, thereby making it impossible to differentiate in any absolute sense between creation and renewal, beginning and returning, continuity and discontinuity”. The ontology of the world is therefore that of entanglement. It entails the constant unfolding of matter across time— but also a temporary stabilization of matter into entities (or rather, things “we” and other nonhuman “beings” recognize as entities) in order to execute certain acts and perform certain tasks. Only very few of these acts will be pre-planned and conscious. Yet it is precisely this perhaps rather narrow domain of at least partly conscious activity undertaken by entangled beings who have historically allocated to themselves the name “humans” that becomes a field of action for the ethics outlined here.

Looking at things on a universal scale is more than an attempt to represent the universe: it actively produces entities and relations. It is in this sense that seeing is already a “doing” (Barad 51), with concepts being understood as “specific physical arrangements”, not

“mere ideations” (54). Such an approach makes of theorizing “an embodied practice, rather than a spectator sport of matching linguistic representations to pre-existing things” (Barad 54). Consequently, the ethics I am outlining here needs to be an embedded and embodied practice; it needs to involve a material working out of the relations between entities and of their varying forces, instead of relying on a priori systemic normativity. True to its name though, it does adopt some new materialist principles, the first one of which is the recognition of the entangled positioning of the human in, or rather with, the universe and a uniquely human responsibility for that universe. That responsibility does not involve any pre-decided values and rules. It only carries an injunction to mobilize the human faculties of reasoning and sensing, and of articulating thoughts and affects through the historically outlined practice of philosophy (or, more specifically, ethics as a practice of both value formation and reflection on it), in order to respond to the processes and relations of the universe—some of which may directly involve the human. This inherent connectedness of the universe should not be understood as “linkages among preexisting nested scales but as the agential enfolding of different scales through one another (so that, for example, the different scales of individual bodies, homes, communities, regions, nations, and the global are not seen as geometrically nested in accordance with some physical notion of size but rather are understood as being intra-actively produced through one another)” (Barad 245).

The idea of intra-action is different from traditional interaction, which assumes that separate entities interact with each other. Intra-action, on the other hand, recognizes the dynamic nature of matter, which only becomes something in relation to other things repeatedly. Many of these intra-actions occur beyond human perception, and new materialist ethics is concerned with the limited range of intra-actions that humans can take responsibility for, whether materially, conceptually, or morally. The focus is not on having a predetermined plan, but rather on acknowledging the partial ability to act and taking responsibility for it as a small but crucial part of a new materialist ethics for the Anthropocene.

Understanding Evolution in a Dynamic Universe

In recent years, cultural theorists have increasingly turned to the concepts of process and relationality to understand the unstable nature of the world. Process philosophy, which focuses on change as the key aspect of becoming, challenges the traditional view of being as defined by substances with fixed properties, instead positing a fluid ontology

in which being is dynamic and constantly changing. Process philosophy has gained renewed interest due to recent scientific developments in quantum physics, cosmology, and molecular biology. This talk remains aligned with processual thinking but also acknowledges the disruptions that temporarily stabilize the flow of life, allowing it to be perceived as a series of states and objects. These cuts to the flow of life occur at both the level of matter and mind, and the act of taking responsibility for them is defined as an ethical endeavor.

Our ethics in the Anthropocene should not only focus on protecting life but should recognize that life itself is a system of dynamic forces and that extinction is part of the process. I propose a "new materialist ethics" that involves acknowledging that we humans are transient wayfarers in the world and that microbes were there before us and will survive us. This recognition should not lead to fatalism but rather a task for humans to figure out ways of moving, dying, and becoming extinct better while acknowledging that any notion of "goodness" towards life is species-specific and inevitably antagonistic towards other articulations and enactments across other scales. A better understanding of evolution and extinction can open up the question of ethics and how we wish to live whatever time is left for the human species.

Let me provide historical and intellectual context for the ethical project undertaken, using the story of evolution to contextualize new materialist ethics. Contextualization is crucial to any pragmatic approach to ethics because there is nothing outside of context. A call to consider things across different scales is an attempt to avoid universalization of ethics and to acknowledge the limitations of the human worldview. The imperative to engage with scalar processes and effects across the universe is the first condition of new materialist ethics. I also question the differentiation between biology and culture and how the reduction of the biological to the genetic informs modern evolutionary theory. It introduces a processual and relational way of thinking about the world, where matter stabilizes into organisms that always remain entangled with their environment. The conceptualization of life is the creative potential of a dynamic field of relationships in which specific beings emerge and take the forms they do, each in relation to the others.

Despite the fact that the universe and all its entities are not pre-planned or necessary, and humans are just a temporary point of unity in the non-purposeful unfolding of evolution, they still hold a unique responsibility due to their presence in the duration of things. This

responsibility is the subject of exploration in the later part of my talk, and ethical questions that arise from this responsibility should be the focus instead of ontological debates.

Acknowledging the Interconnectedness of Things

Ethics involves recognizing that human existence is dynamic and uncertain, and that the nature of human relationships is an essential part of ethical considerations. This includes acknowledging that all beings in the world exist and emerge together, not just humans. The idea of moral behavior is likely a learned reaction to external and internal stimuli and is primarily based on linguistic labeling. Ethics is a cultural practice that involves regulating co-existing and co-emerging with others, providing an account of these processes, and working out possibilities for becoming better in the world. This is not to say that non-human animals are incapable of moral behavior but rather that ethics is a historically contingent human mode of becoming in the world, narrating and taking responsibility for the nature of this difference. Ultimately, ethics involves accounting for our place in the universe through matter's planetary unfoldings and thickenings.

According to Braidotti,

A sustainable ethics for non-unitary subjects rests on an enlarged sense of inter-connection between self and others, including the nonhuman or 'earth' others, by removing the obstacle of self-centred individualism on the one hand and the barriers of negativity on the other (Braidotti, 190).

For Braidotti, being posthuman doesn't mean being uncaring towards humans or losing one's humanity. Instead, it involves a new approach to combining ethical values with the well-being of a broader community that includes environmental and territorial connections. This ethical bond differs from individual self-interest, as defined by traditional humanism, or from moral universalism that seeks to extend human rights to all entities. Posthuman theory emphasizes joint projects and activities as the basis for ethical relationships, rather than shared vulnerability.

In Karen Barad's view, ethics is not something that exists in isolation from the world but is rather intertwined with the world and our understanding of it. She believes that ethical concerns cannot be separated from ontological and epistemological considerations, and that

our ethical responsibilities are not just to other humans, but to the entire world, including non-human entities and the environment.

For Barad, ethics is not just about following a set of rules or principles, but about recognizing the complex and dynamic ways in which our actions are entangled with the world around us. She argues that ethics should be understood as a form of intra-action, which is the ongoing process of mutual constitution between entities. In this view, ethical behavior involves taking into account the ways in which our actions shape the world, and recognizing the interconnectedness of all things.

Barad's approach to ethics is deeply influenced by her understanding of science and the ways in which scientific knowledge is produced. She argues that scientific practices are not neutral, but rather have material consequences for the world. Therefore, ethical considerations must be taken into account in scientific practices in order to avoid perpetuating harm.

Barad's ethico-onto-epistemology emphasizes the need for an ethical approach that is grounded in a deep understanding of the world and our place in it, and that takes into account the complex and dynamic nature of our entanglement with the world.

As amplified above, the uniqueness of human beings lies not in the nature of our relationships with others, but in our ability to take responsibility for those relationships and give an account of them. This responsibility involves relating not just to other humans, but also to non-human beings and processes. Taking responsibility for something we cannot see is difficult, but it is a necessary aspect of our role in the world. This ethical responsibility involves making cuts into matter to stabilize it, and it acknowledges the inevitability of violence as a constitutive element of relationality. This approach to ethics is posthuman and recognizes the complexity of co-emergence and codependency. It is a minimal approach that emphasizes thinking big and avoiding moralist traps.

Examining Challenges of New Materialism and Political Ecology

The Anthropocene is a serious matter that requires our attention, both as ethicists and living organisms. Ethics should be foundational to politics and prepare the ground for political work, in which responsibilities are shared and demands are conflicting. I suggest that the constitution of ethical reflection is necessary for a more effective and

considerate politics of the Anthropocene. I also argue that the Anthropocene requires a reworking of positions, allegiances, frameworks, and fundamental concepts. Critical thinking is one of the forms that politics of the Anthropocene can or even has to take.

The paradox of trying to combat political self-interest is that many efforts to respond to the Anthropocene actually rely on a humanist notion of self-interest to combat it. While political theorist Jane Bennett acknowledges this issue, she questions whether it's possible to detach geologic sensibility from self-interest entirely. The concern is that a politics of the Anthropocene driven by species narcissism, or a desire for human survival, could lead to short-term goals and a return to organicism. However, this also raises questions about the affective investment in the idea of survival at the heart of politics and whether Bennett's politics is not political enough. There is a risk that the politics of vibrant matter may end up reducing any political efforts to self-interest on a mega scale while remaining inattentive to small interventions with regard to the current socio-economic situation. It may also end up looking like a middle-class affectation, appealing to affluent moralists who do their bit for the planet but suffer from derangements of scale and their own decency.

New materialists agree with Bennett and other non-anthropocentric theorists that agency is distributed amongst human and nonhuman actors and that our belief in controlling everything is a delusion. However, the politics for the Anthropocene must come to terms with the democratic paradox, which means that the liberal democratic idea of human rights will inevitably jeopardize someone else's existing rights. This tension can never be overcome but only negotiated in different ways. Some new materialists acknowledge humans' ongoing entanglement with other entities and processes and agrees with Bennett that nonhuman materialities are participants in a political ecology. However, the others question the inadequately theorized moments of articulation on the part of the materialist philosopher who speaks about and for other actors. They are troubled by the lack of examination on the part of the many philosophers of materialism and materiality of their own affective investment in, as well as their role in constituting, the discourse about politics.

Another scholars argue that even though the political ecology may appear to be welcoming to new actors, it is still limited by unexamined assumptions such as "decency" and "vibrancy". This can lead to the belief in a foundational truth in political and theoretical movements, even those that reject such ideas. They also criticize the concept of "material

foundationalism" in new materialism, which posits matter as a priori and beyond culture, as it relies on the exclusion of humanist values and reintroduces Cartesianism.

Conclusion

The concept of a new materialist ethics is an important one to consider in the Anthropocene era. This approach acknowledges that life is a system of dynamic forces and that extinction is a natural part of this process. It also recognizes that humans are transient wayfarers in the world and that any notion of "goodness" towards life is species-specific and inevitably antagonistic towards other articulations and enactments across other scales. By embracing this perspective, we can better understand our place in the world and work towards living a good life while also being responsible stewards of our planet. Ultimately, a new materialist ethics offers a way forward for individuals and societies to navigate the challenges of our time with wisdom, compassion, and resilience.

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12. DISASTER BIOETHICS: TOWARDS A HOLISTIC APPROACH, ADAPTIVE, RESILIENT, AND RESPONSIVE FRAMEWORK

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Abstract

Disasters can expose injustice and be a stimulus for reform. They can trigger deeper philosophical and societal reflection that has a positive impact. However, little conceptual unity exists across legal documents, policy guidelines, and disaster scholarship. This study opted me to revisit the dominant approaches of how disasters are conceptualized from the perspective of fundamental normative approaches in moral and political philosophy. Ethical justification for actions taken in the face of catastrophe needs recourse to normative traditions. It thereby contributes to enhancing awareness and recognition of the real-world importance of basic concepts and disaster criteria from the normative perspectives of Virtue Ethics, Consequentialism, Deontology, Capability approach, Vulnerability, Human Rights, and Communitarianism.

Keyword: Disaster Bioethics, Holistic Approach, Adaptive, Resilient, Responsive

Introduction

Disaster bioethics is a field of recent interest that falls within the broader area of applied ethics. While ethical dilemmas have existed throughout human humanitarian relief

history, they have rarely been examined in detail (Magone et al., 2011). Such difficulties create challenges for those seeking to address ethical issues in disasters. One of the reasons for this is the way resources and people are overwhelmed in catastrophe. Another is that contemporary bioethics addresses issues raised within public health ethics, itself a fledgling field of bioethics (Lee et al., 2012).

Disasters are typically viewed as overwhelmingly adverse events. However, a more thorough analysis reveals that they do sometimes exclusively bring negative consequences. Disasters can provide an impetus for change that brings positive outcomes, such as changes in building practices or regulations when previous ones are shown to be inadequate. Disasters can expose injustice and be a stimulus for reform. They can trigger deeper philosophical and societal reflection that has a positive impact (O'Mathuna, 2020).

Furthermore, disasters involve complex issues of global inequalities and our responsibilities towards our fellow humans. They also raise challenging ethical issues. Decisions made at high levels by governments and on the ground by individuals have ethical components. Even the decision to classify an event as a natural disaster has ethical implications. In any case, disasters are very complex and unpredictable situations with far-reaching consequences which affect a vast population.

Disastrous events have occurred in developing nations, but developing countries are more vulnerable and experience such incidents more intensely (Rahman & Shaw, 2015). Historically, many cities were severely affected by human-induced or natural extreme events and incurred numerous economic losses, disruption of the urban systems, and human casualties. In the pre-disaster phase, city governments were unprepared, so these communities suffered great devastation. Due to the lack of such effective disaster emergency preparedness, many city budgets were consumed with emergency response, rehabilitation, early recovery, and reconstruction duties after disaster strikes.

Importantly, disasters create unique medical preparedness and response needs. They also require ethical thought and preparation concerning resource allocation, public health concerns, limits on individual autonomy, and danger to providers. The contribution of ethics to disaster risk reduction lies within the analysis and management of causal factors of disasters. Many decisions concerning these factors involve ethical

components, such as how to use resources reasonably, care for people properly, take due account of vulnerability, and act with wisdom amid complexity and uncertainty.

Ethical justification for actions taken in the face of disasters needs recourse to normative traditions. To address these vital issues and analyze their complexity, this study introduced conceptual research in disaster bioethics and aimed to stimulate further work. The researcher explores the dominant approaches to conceptualizing disasters in academic disciplines, especially philosophy. It enhances awareness and recognition of the real-world importance of basic concepts and disaster criteria from the normative perspectives of Virtue Ethics, Consequentialism, Deontology, Capability Approach, Human Rights, and Communitarianism.

Disaster Bioethics Principle

There is an increasingly conceptual, ethical, and pragmatic intersection between the concerns of traditional public health ethics and the emerging academic discourse on disaster bioethics. This intersection has not received any scholarly attention in the bioethics literature. This chapter attempts to give an overview of the knowledge in disaster bioethics literature and how disasters have been conceived in philosophy. I attempted to summarize and discuss some works where philosophers have explicitly defined disasters and tracked down the ethical account. This enabled us to consider the disaster theoretically and guide us to intervene on the field when the actual disaster occurred. Several different ethical approaches in dealing with disasters have been propounded by philosophers, notably three dominant normative schools: virtue ethics, utilitarianism, and Kant's deontology. I also added to the list the same approaches to political philosophy, such as the capability approach, vulnerability and human rights, and communitarianism.

However, even though these three ethical theories seem to be the "ideal" theories for dealing with the problematic situations arising from disasters, it is argued that they are not ideal at all, as they over-look and do not take into account the particular features of the problematic situations and the feelings of both, the victims and the workers. Moreover, after careful examination, it turns out that Kant's deontological account is not just the formal distanced ethical theory that first appears to be. It also

possesses an empirical account, the ethical account of virtues, which can be directly applied to the problems caused by disasters in the real world. Especially by presenting us with a detailed analysis of the duty of justice and the duty of beneficence, Kant succeeds in bringing out the practical relevance that his theory of virtues has for disasters. Thus, it must be examined to tease the epistemic gap (s).

The Current State of Knowledge of Disaster Bioethics

How have philosophers defined and conceptualized disasters? The short answer is surprisingly little. They have hardly defined it explicitly and provided implicit definitions, pretty much like everyone else who has attempted it; that is, they have defined it in ways that suit their purposes. That is the short answer; of course, it is too short (Sandin, 2009).

Approaching the conceptualization of disasters in philosophy requires an idea of what philosophy is. Philosophy, in this sense, is about searching for answers to the questions borrowing from Kantian epistemic inquiry – ‘What is there? What can we know? What ought we to do?’ The focus of the research on this matter will be on analytic tradition. The researcher summarizes and discusses some works where philosophers have discussed philosophical issues about disasters and disaster-like situations without much discussion of the definition of the term. Those have mainly been ethicists, normative, applied, and political philosophers.

Under the stress of the global problems that plague humanity, philosophers have been dealing systematically with these issues for the last 20-30 years. As O’Mathuna points out, there are, on the one hand, the philosophers who claim that a form of utilitarianism is the appropriate theory for dealing with the problems of public health, famine relief, and disasters; there are, on the other hand, the scholars who contented those deontological accounts like, for instance, Kant’s deontological theory, are the ideal types for considering these dilemmas (O’Mathuna, 2016).

Defining Disasters

To begin with, there is at least one non-philosopher whose efforts must be mentioned: E.L. Quarantelli. There are at least two reasons for this. First, Quarantelli has an analytic

philosophical approach to the definitional issue. His work is an outstanding example of Carnap's idea of explication, 'the transformation of an inexact, prescientific concept, the explicandum, into a new exact concept, the explicate (Carnap, 1950). Second, philosophers discussing disasters refer to Quarantelli (Voice, 2016; Zack 2009). In his introduction to the seminal volume, *What is a Disaster?* Quarantelli recounts how he asked several scholars to 'put together a statement on how they thought the term "disaster" should be conceptualized for social science research purposes' (Quarantelli, 1998). The emphasis is on the original, and it is important. Quarantelli continues by saying that while '[a] minimum rough consensus on the central referent of the term "disaster" is necessary,' he emphasizes that at the same time 'for legal, operational, and different organizational purposes, there is a need for and there will always continue to be different definitions/conceptions' (Quarantelli, 1998). However, he also argues that 'for research purposes aimed at developing a theoretical superstructure for the field, we need greater clarity and relative consensus' (Quarantelli 1998, emphasis in original).

Despite the surprising scantiness of academic philosophical discussions, disaster—or the potential of disaster—has been a looming presence in Western philosophy since its early days. For instance, in the *Timaeus* and *Critias*, Plato recounts the myth of Atlantis where disaster befalls the once-mighty kingdom:

But at a later time, there occurred portentous earthquakes and floods, and one grievous day and night befell them, when the earth swallowed up the whole body of your warriors, and the island of Atlantis in like manner was swallowed up by the sea and vanished; wherefore also the ocean at that spot has now become impassable and unsearchable, being blocked up by the shoal mud which the island created as it settled down (Plato 1925, 25c–25d)

Similar eschatological myths have prevailed over the millennia in Christianity and other religious traditions. A pivotal point in this development, and one which perhaps marks the beginnings of modern philosophical engagement with disasters, is the Lisbon earthquake of 1755. It struck on November 1st when many of the city's inhabitants attended mass. The city center, where the nobility dwelled, was particularly badly damaged (Dynes, 2000).

The Lisbon earthquake figures in the interchange between Rousseau and Voltaire (Cassidy, 2005). Philosophically, the disaster prompted Voltaire's questioning

of the optimistic worldview of Leibniz, the Pope, and others (Dynes, 2000), a view Voltaire subsequently ridiculed in *Candide*. Rousseau replied, and the discussion concerned Providence and God's place (if any) in a world containing evil or apparent evil. The theodicy is still discussed in the context of disasters, e.g., volcanic eruptions (Chester, 2005).

However, for several reasons, Rousseau's reply is also interesting from a more secular point of view. One is that it points to a conceptualization of disasters that recognizes that 'natural' disasters do not strike blindly—the way buildings are located and constructed affects the outcome, as do, to some extent, the actions of the victims (if they postpone evacuation in order to collect their belongings or not, for instance; Cassidy, 2005). The Lisbon earthquake was also the first disaster in a nascent modern nation-state. It was the first disaster in which the state accepted the responsibility for mobilizing the emergency response and for developing and implementing a collective effort for reconstruction' (Dynes, 2000). The Lisbon earthquake, thus, in more than one respect, can be said to have been the first modern disaster.

Disaster Conceptualizations in Philosophy

In a recent paper, Paul Voice (2016) describes areas where philosophers might be concerned with disasters. First, there is a set of metaphysical and, in some cases, theological issues. This is what concerned Rousseau and Voltaire in the wake of the Lisbon earthquake, and it would be expected that here is where you could find statements at least purporting to be the true answer to Quarantelli's question, 'what is a disaster?' Second, there is the ethical approach, which is concerned mainly with individuals and their actions. Here belong also applied ethical issues such as the responsibilities of healthcare workers in disaster situations, triage questions, and so on. Third, there is the political-philosophical perspective, which is concerned primarily with institutions rather than individuals, with questions such as what coercive measures the state is justified in taking in a post-disaster situation. In this category, we can find the heritage from Hobbes and materials from discussions about just wars and warlike situations (Sandin, 2009). However helpful, it appears that at least one field of philosophy that could and arguably should be concerned with disasters is missing from Voice's categorization: epistemology and its close relative, the philosophy of science.

Discussing some of the issues treated in Quarantelli's (1998) volume would likely benefit from such approaches, and indeed some of the authors in that volume touch upon them, for instance, Dombrowsky (1998). Oliver-Smith (1998) uses another standard item from the toolbox of analytical philosophy, W.B. Gallie's notion of essentially contested concepts.

Voice discusses some definitions of disasters. He notes that they typically emphasize harm and the breakdown of life in a community. Since these criteria are not unique to disasters, the amount of harm sets disasters aside from non-disastrous events involving harm. '[A] high degree of the harm often (but not always) in a spatially confined place and a brief period combine as rules of thumb for identifying a disastrous event' (Voice, 2016). He points out that such a 'definition' hinges on others and that there are demarcation problems, such as how much harm is required for the disaster label to be applied, and so on. Voice argues that '[m]ore academic definitions of disasters are mostly constructed from a sociological perspective' (Voice, 2016), referring to the Quarantelli tradition.

Voice defines a disaster as 'an event that destroys or disables the institutions required for moral agency and effective citizenship' (Voice, 2016). He argues that a disaster is more than aggregated individual harm and that no one needs to be physically harmed for a disaster to occur, nor does any property have to be damaged, 'although nearly all disasters are violent events of some kind' (Voice, 2016). It is difficult to envisage such a non-violent disaster, and Voice does not provide examples. Perhaps a breakdown of communication systems might fit such a definition. However, it would be more natural to say that such a situation is a crisis, which might result in a disaster (if harm occurs). Voice, however, emphasizes that disasters in this sense need not be sudden but that 'the slow erosion of dignity and citizenship in a case like Zimbabwe is a disaster' too (Voice, 2016). Voice's position implies that states owe disaster victims not only emergency relief but also longer-term rebuilding, for instance, providing schools and other things required to restore citizen capacities. However, the state does not owe the victims to restore the level of well-being that they had before disaster struck.

In summary, philosophers—at least analytic—who have thought about disasters have typically been political philosophers dealing with the Hobbesian tradition's problems of state authority and exceptions or ethicists. Some of those ethicists have

been applied ethicists who have pondered the actions, duties, and responsibilities of individuals in emergencies, of which disasters constitute a subset, along with wars and other situations. Many of them have been working in medical ethics and discussed issues about the actions of medical professionals such as nurses and physicians in disasters and disaster-like situations. Others have been normative ethicists who have reasoned around the implications of disasters for a specific normative position. Sometimes the relationship between normative theory and applied disaster ethics is unclear (Mallia, 2015). If one wants to ponder what philosophers have contributed to the discussion of disasters, the term ‘disaster’ itself might not be the most important focal point. Other related terms may be as relevant as ‘crisis,’ ‘calamity,’ and ‘catastrophe.’ The terminology might be confusing. For instance, writing about global catastrophic risks, including what they call ‘existential’ risks, Bostrom and Ćircović (2008) do not appear to distinguish between catastrophes and disasters. Perhaps most importantly, the discussions involving ‘emergency’ may be potentially relevant for disaster philosophizing (Sorell, 2013; Walzer 2000, 2004).

Consequentialism

Consequentialism argues that the morality of an action is contingent upon the action’s outcome or consequence. Hence, morally right action produces a good outcome or consequence. The more people are affected by such an outcome, the better it is (Harris, 2011).

Consequentialist ethics is essential in the context of disasters. The reason is that disasters frequently affect large numbers of people. Accordingly, the focus is often not on the individual but on the consequences for more significant numbers of people. Hence, consequentialism is an approach to ethics that appears to fit the context of minimization of deaths and suffering in disaster settings.

Nevertheless, how did consequentialism become a theory, and how has it tried to address disasters? Utilitarianism is an appropriate moral theory irrespective of the fact whether the context is regional (earthquakes, tsunamis, hurricanes) or global (ultimate harm disasters included) – as long as it deals with many people rather than a single individual. Similar to other types of consequentialism, utilitarianism might be

entirely appropriate in disaster settings while being much less adequate moral theory in normal, non-disaster, and non-emergency settings.

In disaster settings in which decisions have to be made that are based on triage aimed at saving the most significant possible number of lives with insufficient resources, the number of lives saved trumps respect for cultural conventions. The reason is that saving lives is a universal moral value. It is morally more significant than a culturally determined convention relevant only in a specific context with relative rather than universal values (Rakic, 2014).

One among many examples is the following. Disaster responders have saved lots of people's lives by performing amputations. Although the amputees have been ostracized in some cultures they originated from, ending up starving, this has not resulted in disaster responders ceasing to perform amputations. The reason is that, in some instances, amputations can save lives.

A dogmatic sacralization of cultural specificity is immoral if we discriminate between people based on social status or other traits and infer that some lives ought to be preferred to others' lives. The extent to which cultural values are to be respected is a matter of degree. That is why their value is relative rather than universal. They are conventions.

Specific moral values, on the other hand, are more than conventions. Treating human lives equally is one such value. Still, even here, there can be exceptions. In disaster settings, the value of equal treatment of human lives can sometimes be relativized. It might be morally justified to "let go" of life to save more lives. In cases where decisions are made about multiple lives, while medical resources are insufficiently available, disaster respondents might have a moral duty not to treat a patient who is unlikely to survive – to save more lives.

All in all, in different situational settings, different moralities are preferred. Settings in which consequentialist ethics are preferred are those in which decisions about multiple lives must be made. Disasters generally belong to them. It can therefore be concluded that disaster settings appear to require disaster consequentialism.

Deontology

Deontological accounts emphasize duties. In particular, according to Kantian deontology, our fundamental duty is to respect the other person and to treat him not merely as a means but at the same time as an end. On this account, we do not only have duties to ourselves but also to other people. In a situation of need and destitution, we would not want to remain helpless and deserted by others. In the same way, we cannot want to leave other people without help when they find themselves in need. The Universal Law of Nature, therefore, prescribes that we help others when they are in difficult circumstances like, for instance, disease, poverty, or disaster, as it also prescribes that other people help us when we find ourselves in circumstances as complex as these (Kant, 1997).

In his ethical writings, Kant often claims we have a moral obligation to help those in need and in poor conditions. In *The Groundwork*, when he tests the Formula of the Universal Law of Nature against particular examples, Kant mentions the case of the man who, even though he is in a position to help and support those in need, prefers to live in comfortable conditions and indulge in pleasures (Kant, 1997). Kant recognizes that there is nothing wrong if one behaves this way as long as one also abstains from harming those in need. However, this person cannot will that his maxim becomes a Universal Law of Nature because, in that case, the Universal Law would involve a contradiction of the will. He may find himself in situations of need and despair, and “by such a law of nature arisen from his own will, he would rob himself of all hope of the assistance he wishes for himself” (Kant, 1997).

He also speaks about the duty of beneficence to other people in several parts of *The Metaphysics of Morals* (Kant, 1996a). In particular, he argues about the duties of love we have to other human beings, which he divides into duties of beneficence, gratitude, and sympathy (Kant, 1996). However, he also speaks about the duty of beneficence in the context of civil society. The wealthy are obligated to the state because, by submitting their will to the protection of the state, they owe their existence and wealth to it (Kant, 1996). The state, therefore, has the right to contribute part of its wealth to its poor fellow citizens. The way to do this will be either by imposing taxes on wealthy citizens’ property and income or by establishing funds and supporting social institutions and organizations (Kant, 1996).

Put in this way, and it would seem that the duty of beneficence realized by the state in the context of civil society is a duty of justice. However, beneficence, which makes sense regardless and independently of the commonwealth, is a duty of virtue. Quite understandably, one may wonder whether Kant's virtue ethics approach has to tell us something about famine relief, poverty, and disasters on a global stage.

Certain Kantian scholars believe these two duties constitute the core of Kantian ethics (O'Neill, 1993). The core of Kantian ethics, to remind the reader, is provided by the Formula of the End in itself: "So act that you use humanity, whether in your person or the person of any other, always at the same time as an end, never merely as a means" (Kant, 1997). Nevertheless, the requirements of each duty are entirely different. The duty of justice requires that we guide our behavior on the maxim that we never harm or cause anything wrong to others. On the other hand, the duty of beneficence requires that we act in ways that foster and promote other persons' ends (O'Neill, 1993).

O'Neill, for sure, provides us with a deeper understanding of the Formula of the End in itself when she analyzes it by the duty of justice and the duty of beneficence (O'Neill, 1993). To use a person as a mere means, and not at the same time as an End in itself, implies that I treat her in a way or in ways to which she has not given her free, informed consent. She has been coerced if she has not consented to my treating her like I do. If, on the other hand, she has consented to it while she was kept in ignorance, then she has been deceived.

Of course, in our everyday dealings with others, we may often use one another as a mere means. I may use, for instance, my students during my lectures and tutorials as a kind of guinea pig to test how they respond to the very controversial philosophical ideas I propound. However, they also use me as a mere means; when they exhaust me mentally to cultivate their intellectual capacities and critical thinking. Nevertheless, I am pretty aware of this and consent to it, as they are also aware of the educational procedure that has been going on and agreed on. As long as both parties have freely consented to enter a deal in the frame of a social and cooperative scheme, no deception or coercion is involved.

There may be cases, however, in which one party may have been deceived into consenting to something to which he would not have consented if he had known. Thus, if someone gives a promise with the intention of not keeping it, he is behaving on a

maxim that the person to whom the promise is made cannot have known. Consequently, he agrees to something to which he would not have agreed if he had known the promisor's fundamental maxim. According to Kant's ethical theory, the person who has in this way been driven to consent to something to which he would not have consented if he had known the other party's maxim of behavior has been deceived and coerced; in a word, he has become a victim of injustice (O'Neill, 2016).

However, as already mentioned, in addition to the duty of justice, the Formula of the End in itself also involves the duty of beneficence (O'Neill, 1993). This implies that we do not violate the Formula only when we deceive, coerce or do injustice to a person. We also treat the other as a mere means, and so violate the Formula when we refuse at least some of the times to foster the others' ends like our own, especially when the others are in situations of famine, poverty, and disasters.

Kant's deontological account, particularly his theory of virtues, is the appropriate ethical account for dealing with disasters, famine, and world poverty. I take sides with O'Mathúna in claiming that, contrary to what certain philosophers have supported, utilitarianism and Kant's deontological formal account are far from "ideal" theories when dealing with disasters, as they leave out the particular features of the situation, the feelings and the intentions of those involved, whether victims or healthcare workers. However, as I then point out, Kant's deontological account, apart from its formal part, also includes an empirical part, which renders his ethical theory applicable in the concrete circumstances of the real world. The conclusion reached is that Kant's account of these two duties of virtue is so carefully worked out that it leaves no doubt that it is the right one for dealing with disasters.

Virtue Ethics

Virtue ethics studies the character traits of good persons. This includes analyzing how ordinary people can emulate moral role models to improve their character. The contemporary discourse about virtues and disasters includes the long-standing analysis of the role of reason and emotions in virtues. However, the discourse also considers what virtues are relevant in disaster situations. Two important examples of the latter are the virtues of humanitarian workers and the virtues of those who suffer disasters.

Many philosophers have not been interested primarily in analyzing the moral rightness of individual acts but instead focused on how human life should be led. This involves an analysis of what kind of personal characteristics are essential parts of a good life. Such personal characteristics can be categorized into those traits or qualities that are good, virtues, and harmful vices. Virtue ethics, in general, is the study of these character traits. Compared to consequentialist and deontological ethical theories, virtue ethics refocuses an actor's habits and motivation in general instead of his or her deliberation and acts on a single occasion. Virtue ethical theories often share a teleological character with consequentialism. Virtues are good for something, for living a good, complete, or flourishing human life. Even if there is much disagreement about the specific definitions of all character traits, it seems that a good life, according to a virtue perspective, should include the development of character traits like bravery, industry, benevolence, integrity, and friendship. However, as with deontological theories, virtue ethics does not presume that ethics foremost concerns maximizing the good. Instead, the good life might also include protecting some values against others.

It is natural to start with Aristotle (384–322 BC) because he is perhaps the most famous philosopher who has thought about virtue ethics. His most famous work on ethics, *The Nicomachean Ethics*, provides a rich understanding of what a good life might be and how virtues figure as parts of this life.

Aristotle's thinking about virtues builds upon his philosophical anthropology of the nature of human beings. As a starting point, Aristotle presumes that there are better and worse ways to live a human life. All things have an end, a telos. This is true of knives and other tools but is likewise true for human beings. The telos is what is the specific character of an entity. For a knife, the characteristic is cutting. A good knife is then characterized as being suitable to cut with. Humans, too, have a characteristic trait, our capacity to reason. A good human life must therefore include reason (Aristotle, 2004). Aristotle's analogy is plagued with strong assumptions that are not easy to accept. The knife is made, but that is not true of human beings.

Aristotle claims that reason, a specific human ability, and our highest faculty govern a good life. This has two dimensions. First, the best life is spent in continuous contemplation since that is the primary activity associated with reason. Contemplation is an activity we can practice by ourselves, which has value (Aristotle, 2004). Second,

living under reason includes acting in a way that is appropriate to the situation at hand by using our intellectual capacity for practical reasons (Aristotle, 2004). A virtuous person's characteristic is that he or she has a disposition to act appropriately in different situations. A brave person can avoid acting rashly and cowardly (Aristotle, 2004). A virtuous person who possesses practical reason will also be able to respond appropriately to different situations, including emotional responses where fitting. For example, anger can be justified when a person is treated without due respect.

Another critical thinker in the virtue ethical tradition is David Hume (1711–1776). In Hume's central work, *An Enquiry Concerning the Principles of Morals* (1751), he provides an account of virtues that shares some similar traits with Aristotle, specifically the importance of emotions and the social utility of virtues.

Hume's thinking on virtues is shaped by his general empiricist methodology in which he seeks the explanation of different phenomena, including morality. This means that Hume, too, sees emotions as a significant part of morality, even more fundamental than reason. Morality is not true, false, reasonable, or unreasonable; it is a matter of proper motivation, which emotions can only provide (Hume, 1998). Hume's core idea is that humans are governed mainly by a wish to do good for others (Hume, 1998). In Hume's complex moral psychology, humans are driven by both egoism and sympathy for each other, but the latter holds moral importance. This can be noted by the fact that we can even praise the virtuous character of an enemy (Hume, 1998).

It is noteworthy that Hume also sees a practical function for emotions. Hume claims that a virtue is a character trait that humans find agreeable or helpful (Hume, 1998). A counter-argument is that humans might have different emotional responses to different character traits, and thus Hume's argument seems to lead to relativism. Instead of accepting this outcome, Hume argues that humans like and dislike the same moral character traits. This moral sense is common to all normal human beings, even if not all have developed it to the full extent. He also claims that we tend to praise those character traits, which, in the long run, are helpful for society and individuals (Hume, 1998). Thus, Hume and Aristotle agree that virtue is beneficial and that a morally good life is the best way to live. This contrasts them with a shared experience that acting virtuously is often not as successful as deceiving and maximizing one's egoistic benefits.

A reoccurring idea in the history of virtue ethical thinking is that humans are not morally static creatures but can develop their moral virtues. Aristotle stressed the importance of proper moral teaching (Aristotle, 2004). Hume claimed that the natural virtue of fellow feeling could be strengthened with education (Hume, 1998). MacIntyre also identifies the importance of learning the internal rules of excellence in a tradition (MacIntyre, 1985), and Slote argues for extending our sympathy to others through oral education (Slote, 2007). The idea of moral development has an important implication. We cannot be content with the current state of our moral capacity. We might be brave, just, and humane, but we have not achieved these virtues' final stage. There is always room for improvement. Aristotle, Hume, MacIntyre, and Slote stress that we can improve only by learning from those who have achieved a higher stage of virtue.

Turning to the connection between virtues and disasters, we can note that disasters, in the sense of unforeseen radical events with significant negative impacts on many people, are linked to virtues in two ways. First, what is a morally excellent response to those disasters we might face? Second, what is a morally excellent response to disasters that others face?

A virtuous ethical perspective can identify several promising paths for future research. Resilience is of general importance for a good life since every person would benefit from returning to everyday life after an intense experience. It is also clear that the virtue perspective provides a more stringent moral ideal than traditional professional, ethical codes. Virtues are not about meeting minimum standards but about actively pursuing excellence in moral matters. There is no room for complacency in such an ideal. Ethical standards will therefore need to be understood as pedagogical tools in the pursuit of excellence or to be set so high that they are seldom or ever achieved. The ancient and contemporary thinkers who analyze virtues do not believe that such moral excellence is beyond human ability. However, they acknowledge that morality makes intense demands on us, and a general benefit of virtue ethics is to make this demand explicit.

Vulnerability and Human Rights

The concept of vulnerability has been introduced in the bioethical debate recently. The vulnerability has been a core notion in philosophy, particularly in Continental schools.

In a sense, every human being is vulnerable. In bioethics, the concept has been introduced initially in clinical research to demarcate groups of individuals or populations as 'vulnerable' and therefore entitled to special protections. With the globalization of bioethics, suffering, and risk in the face of medical research, technologies, and care have become global realities, so the concept of vulnerability has emerged as one of the principles of global bioethics, for example, in the UNESCO Declaration on Bioethics and Human Rights.

The principle of vulnerability is especially salient in the context of global disasters. It points the ethical discourse in specific directions focusing more on ameliorating the conditions that produce vulnerability rather than on emergency actions focused on saving lives. In this connection, the human rights discourse might be helpful to focus attention and actions in connection to disasters. This discourse can complement the dominant ethical framework of humanitarianism in disaster prevention, relief, and recovery. Both ethical discourses are strongly connected with the notion of vulnerability. Human rights language presents the sufferers of disasters as bearers of rights rather than victims. It also focuses on structural violence, economic injustice, and global solidarity.

However, this requires a critical reformulation of human rights discourse since it often adopts a neoliberal approach. It assumes that globalization offers opportunities to strengthen human security and provide basic needs rather than threatening them. In practice, human rights discourse is no longer used to protect the vulnerable but to legitimize the global practices of neoliberalism. It often shares the vision of progress, growth, and development that underlies neoliberal approaches and policies, hardly questioning the negative relationships between social context, trade, and human flourishing. Global bioethics, if taken seriously, can redirect human rights discourse to ways to prevent future disasters.

Vulnerability is used in disciplines ranging from philosophy, theology, and ethics to ecology, computer science, and physiology. There is an enormous diversity of formulations and interpretations. An interesting approach is proposed from a general system perspective focusing on the conceptual components of the notion, regardless of the domains in which it is used and whether it is used for human beings, communities, or countries. Neil Adger, a climate change researcher from the United Kingdom, defines

vulnerability as “the state of susceptibility to harm from exposure to stresses associated with environmental and social change and from the absence of capacity to adapt” (Adger, 2006). This is a functional, not a content definition. It does not clarify the fundamental characteristics of vulnerability but shows how the notion functions and relates to other concepts. This approach is helpful since it urges us to consider the conceptual elements that we need to consider in understanding the notion. Vulnerability is a function of exposure, sensitivity, and adaptive capacity.

The first component is exposure. There must be external stresses or perturbations that produce potentially harmful threats. These threats are hard to avoid for human beings since they are continuously exposed to each other and the social and natural environment.

The second component is sensitivity. This is susceptibility to harm or damage. Generally, it is “the degree to which the system is modified or affected by an internal or external disturbance or set of disturbances” (Gallopín, 2006). From a medical perspective, sensitivity is inherent in the body, organs, tissues, and cells: they can be affected, for example, by lack of oxygen. From a general perspective focusing on the human person, sensitivity is inherent in the human predicament, existing before exposure.

The third component is the ability to adapt or the capacity to respond. Sometimes a distinction is made between coping ability and adaptive capacity. The first is the short-term capacity to overcome external stresses; the second is the longer-term adjustments. Humans can cope, adapt and adjust, resisting and overcoming threats.

Vulnerability is a core notion in the international human rights language. Bryan Turner (2006) has developed the theory that the foundation of human rights is our shared vulnerability. Human beings are embodied agents. Because of their biological vulnerability, humans feel pain and can suffer. They also depend on others to grow and mature, become autonomous individuals, and be cared for in illness and aging. They are socially connected because they need social support and legal protection. Vulnerability demands that humans build social and political institutions to provide collective security. Human rights have emerged because human beings can recognize pain and suffering in others. Michael Ignatieff defends human rights with the argument of moral reciprocity. Human actions are justified or not because we can imagine the pain and

degradation done to other human beings as if it were our own (Ignatieff, 2001). The emergence of human rights language in the second half of the eighteenth century was based on philosophical ideas of individual autonomy and equality. People learned to empathize and think of others as equals (Hunt, 2007).

Humans are moral agents; they have the capacity for moral empathy, conscience, and agency because they live in what Turner calls “an existential context of shared experiences of pain and humiliation” (Turner, 2006). Turner argues that human rights are universal principles because vulnerability is shared and thus constitutes common humanity. Furthermore, it connects them as rights of individual human beings to the social rights of citizens through social institutions and arrangements. However, such arrangements are always imperfect and inadequate, thus precarious. This dimension of precariousness is critical in disasters. Vulnerability means world-openness. Humans are essentially vulnerable beings. They can never be completely protected and made invulnerable.

What are the implications of a broader notion of vulnerability for disaster bioethics? When the vulnerable person is considered a ‘failed’ autonomous subject, the vulnerability will not only be located in the individual. However, it will also imply a specific practical response, i.e., protection by substituting the lack of capacity through the voice of others. This particular framing is normatively driven: it results from the primacy of the ethical principle of respect for personal autonomy. What is less clear is that significant dimensions of the notion of vulnerability are left out of consideration. For example, structural, social, economic, and political determinants that disadvantage people are not deemed relevant. The focus on individual weakness preempts a social and political perspective that considers vulnerability as the outcome of specific situations, argues that people are made vulnerable in specific contexts and that the notion is more related to the ethical principles of justice, solidarity, and equality than individual autonomy. The paradox is that the discourse of vulnerability has developed in association with increasing processes of globalization. It gives voice to today’s experience that everyday existence is more precarious, that we are exposed to more hazards and threats, and that our capacities to cope have decreased. The fall-out of these processes for individual persons has correctly instigated bioethics to address the problem of how persons can be protected and empowered.

Nevertheless, as long as bioethics does not critically examine the production of vulnerability itself, it does not address the root of the problem. Framing vulnerability as a deficit of autonomy not only presents part of the story but also implies a limited range of options and actions. In this sense, mainstream bioethics' interpretation of vulnerability is ideological: it directs theoretical and practical attention away from the circumstances that make subjects vulnerable.

When disasters strike, human rights are not lost. Citizens have the same rights as before, but exercising them will be more difficult. Often, they need to be prioritized because the circumstances do not make it possible to apply all simultaneously. Governments also have the same duty to protect human rights, but exercising this duty in disastrous conditions may be more complicated. Victims of disasters face various human rights challenges: unequal access to assistance, discrimination in aid provision, unsafe resettlement, property restitution, and displacement. These challenges can occur in different phases of disaster management. Human rights-based approaches should therefore be incorporated in all phases: preparedness, emergency relief, and response, reconstruction, and recovery. They should offer a holistic approach focused on the basic needs of victims.

It is argued that four categories of human rights are at stake in disasters. First is the right to the protection of life. This is the priority of disaster relief directly after the catastrophe has occurred. It is also, as discussed above, the primary concern of humanitarianism. Second, are the rights related to food, health, shelter, and education. These are needs included in the right to health. Third are rights related to long-term economic and social needs (housing, land, property, and livelihood). Fourth are rights related to other civil and political protection needs (documentation, movement, and freedom of expression). While the first two categories of rights are especially relevant during the emergency phase, the two last categories are particularly relevant in the recovery and reconstruction phases (Brookings-Bern Project on Internal Displacement, 2008).

This framework of rights shows the characteristics of a human rights-based approach. It emphasizes equality. The assistance should be provided based on need. It is a coherent approach since rights are interconnected. The right to housing is linked with the right to health and water. Furthermore, the human rights-based approach is

continuous; implementing the right to shelter demands a transition from rudimentary shelter into longer-term reconstruction or development (Carver, 2011). However, in overwhelming situations, rights cannot be applied to everyone, and not every right can be applied. This means that priorities must be selected and that triage is necessary, not merely at the level of individual victims but also at the meso- and macro-levels (ten Have, 2014). Furthermore, interpretation is needed to determine what a specific human right means in local conditions. Displacement is a common and significant problem with disasters. The right to a shelter means people can live somewhere in security and dignity. However, what is the content of this right in very different countries, and who are the rights-holders? Human rights discourse does not specify what kind of shelter needs to be provided.

The human rights framework is mainly advocated for prevention and preparedness. One reason is that disasters will have a disproportional effect on people and populations that are vulnerable. Marginalized populations will suffer the most. Pre-existing human rights violations, poverty, and government corruption will also impact the outcomes of disaster response efforts. Mechanisms of injustice that exist before disastrous events happen will continue to manifest themselves during disaster response and recovery (Hurst, 2010). Chile is an excellent example of how a human rights-based health system can guide disaster response to protect vulnerable populations such as children. Because of pre-existing programs, children and families could be quickly and efficiently supported after the earthquake of 2010 (Arbour et al., 2011)

Disasters are associated with ethical questions. The dominant framework dealing with these questions is humanitarianism, appealing to values such as saving human life, solidarity, and compassion. This chapter argues that this ethical framework should complement the human rights framework. Disasters, humanitarianism, and human rights are interconnected by vulnerability. Vulnerability reflects the precariousness of the human condition and the fragility of the human species. It also reflects radical changes in contemporary human existence due to globalization. Disasters occur because of (increasing) human vulnerability. At the same time, vulnerability is also a source of human rights. Because every human is vulnerable and there is a constant possibility of harm, human beings need each other and must cooperate. They need institutions such as human rights to survive and flourish.

Vulnerability, therefore, is not just an individual attribute. Mainstream bioethics construes vulnerability as deficient autonomy. It does not consider that autonomy demands appropriate conditions to arise, develop, and be exercised. Vulnerability, therefore, is misconstrued as an individual attribute; instead, it directs attention toward the underlying conditions for human flourishing. Vulnerability is not merely inability or deficiency but also ability and opportunity. Vulnerable subjects are not victims needing protection or dependent on benevolence or the strong. Human capabilities will develop when inequality and structural violence have been removed, and the appropriate social, cultural, political, and economic conditions for human flourishing have been created. Ethics itself has emerged through reflection on the experiences of vulnerability. Human rights-based approaches articulate a perspective that is stronger than humanitarianism.

Capability Approach

Although Sen had already begun work on the capability approach to justice in 1979 (Sen, 1979), the term ‘capability’ does not appear in *Poverty and Famines* (1981). For Sen (1999), poverty is conceived as capability deprivation. Development can be seen as increasing the fundamental freedoms (capabilities) people have to live the lives they value and have reason to value. Within the development field, this view contrasts with the view of development seen as an increase in income, which is the approach that had been endorsed by the IMF and World Bank for many years (however, the institutions’ approach has now, to some extent, changed partly as a result of Sen’s work). The capability approach to development also distinguishes itself from those concentrating on resources, such as make the industrialization or modernization approaches or some versions of the basic needs approach. In the present context, it is essential to make clear that while Sen’s work on famines is explanatory, the capability approach in Sen’s version primarily analyzes the evaluative space for well-being. Nonetheless, there are interconnections (Sen, 1989), as discussed below.

It is essential to state that although the capability approach is normative, it does not entail one specific theory of ethics or justice. Sen and Martha Nussbaum, the leading proponents of the approach, hold different views about ethics and justice and have different aims. Nussbaum’s principle question is “When is a society just?” In answering

this question, she puts forward and defends a list of ten central capabilities that individuals should have, as near as possible, for societies to be just. These capabilities provide a threshold of justice for underwriting constitutional guarantees (Nussbaum, 2001). Although Nussbaum's work is vital and innovative, it does not claim to go beyond fundamental social justice. Regarding disasters, it only tells us that fundamental injustices are done and that the government is responsible for changing the situation. It does not provide a detailed analysis of the responsibilities involved in disasters.

Sen (2009) rejects Nussbaum's fundamental question, which he sees as neither a good starting point nor an ending point for a theory of justice. It should not be read as meaning that Nussbaum's work is less critical.

Sen has done little work on disasters since the 1980s. Instead, his work has concentrated on issues connected with development and justice (Sen 1999, 2009). His efforts have been institutionalized through the Human Development Index (HDI) and the Human Development Reports supported by the United Nations Development Program. Much of the work within the capabilities approach, more generally, has been on specific aspects of these issues. However, it must be emphasized that Martha Nussbaum's work on justice cannot be considered a footnote to Sen (see especially Nussbaum 2001, 2006).

This brief discussion does not exhaust the issues involved, but it does show that the complexity of ethical issues is increased when we embrace the shift in the understanding of disasters in which Sen played a key role. This shift has been ignored in much of the climate change debate. The discussion also points to a fundamental problem within the capability approach. We might argue that development can be understood in terms of freedom, but if we are to answer the question, 'Is development sustainable or not?' we need to evaluate the consequences of our doings and beings and what is happening to the environment. This expands the evaluative space and brings resources back into the picture, albeit seeing these as broader than income. It would also lead us to reject the Human Development Index (HDI) as a stand-alone figure which does not relate to the environment.

Sen's work on famines was path-breaking and a significant achievement in itself. He has had an enormous impact on development studies, policy, and practice (through the HDI) and made a significant contribution to the theory of justice as a critic

and protagonist. The sad paradox is that the development Sen envisages will lead to more disasters by ignoring sustainability issues. Thus, while we need to reduce people's vulnerabilities by increasing their freedoms and adapting to climate change, we must also engage in actions to mitigate and reduce hazards more generally. We must establish which freedoms are legitimate and which can be reasonably rejected.

Communitarianism

As with any approach to moral thinking and choice, communitarianism cannot be neatly summed up and described without philosophical controversy. Thinkers in the communitarian tradition subscribe to different versions of the theory and emphasize alternative aspects of it. For the classical expression of philosophical communitarianism, see Walzer (1984), MacIntyre (2007), Taylor (1992b), and Sandel (1998). The philosophical articulation of the communitarian moral view was, in large part, a critical response to John Rawls's *A Theory of Justice* (1999), first published in 1971, that revitalized political philosophy and that fixed a liberal moral and political view as the dominant normative outlook in political philosophy. In response to Rawls' work, the main themes of ethical communitarianism were articulated in the 1980s. In later decades, communitarian political literature, less concerned with the niceties of philosophical debate and more concerned with a critique of Western culture, emerged.

There is a further epistemological dimension to the communitarian criticism of universalist liberalism. Communitarians are skeptical about claims to the authority of Reason, or of human nature, of universal human rights, and so on – each of which purports to ground and justify the universal normative claims of liberalism. Instead of transcendent universalist values, communitarians avert to the authority of practice and tradition anchored in a particular, historically located community. Hence, the critique of universalism is that moral and political values are particular to communities and that knowledge of these values comes from an education in and participation in the traditions and practices of a particular community.

A consequence of rejecting transcendent moral and political values is that, on the communitarian view, the source of a person's ethical outlook, her normative view on the world, is anchored in the particular circumstances of her upbringing and her ties to family and community. These are the values that make sense to her, that, as it were,

illuminate the moral landscape for her. It follows that it makes no sense to adopt a neutral, impartial moral stance – in fact, such a stance is incoherent on the communitarian account. It also follows from this view that there is no Archimedean point from which to make judgments concerning the validity of one's moral outlook. Impartiality concerning moral judgments is thus also rejected by communitarians as a universalist liberal fiction. Moreover, the community out of which particularist values emerge is considered valuable. Since it is the source of our values, the community acquires a central place in thinking about and addressing moral questions. The community's composition and continuity are vital for a moral agency's foundation; instead of moral objectivity or impartiality, which are tied to the liberal universalist view, the communitarian calls for and requires an attitude of critical and reflective partiality towards one's community and its values. This attitude of partiality towards one's community, its norms, and historical continuity will be vital to assessing the communitarian contribution to thinking about disasters.

Disasters are extreme events that expose ethical theories to contradictions, conceptual confusion, and difficulties. Communitarianism is not immune to these challenges. For example, the sorts of community virtues championed by communitarians, in particular political communitarians, such as good neighborliness, family support, and community togetherness, are, in some extreme circumstances, likely to lead to worse rather than better outcomes. It would be a service to the literature for a communitarian position on these extreme circumstances to be fully articulated and defended. While a communitarian approach to disaster theory is initially attractive because of its emphasis on the community's role in preparing for and mitigating the consequences of disasters, much more philosophical work needs to be done to articulate a communitarian approach fully and respond to it the several criticisms.

Conclusion

Ethical justification for actions taken in the face of disasters needs recourse to normative traditions, and this research attempts to provide setting the stage for more focused normative debates. Since disasters often involve making decisions for the good of many. Consequentialist ethics is often the preferred moral approach in disaster settings where decisions affect more significant numbers, not just individuals. This approach is suited

to political decision-making, especially in the domain of international relations and also in disaster settings. In such large-scale contexts, consequentialism is most adequate as a moral theory. However, other situations require different approaches to ethics.

The importance of saving more lives in disasters, but notes that emergency ethics will accept that not everyone can be saved. This approach can lead to a neglect of other important values, including human dignity, justice, and human rights. Disasters have a way of leading to the neglect and violation of human rights. While some have criticized the adequacy of a human rights approach, this paper provides reasons to redefine humanitarianism in terms of rights. The concept of vulnerability is a core notion in continental philosophy. Vulnerability has emerged as a critical principle in global bioethics and is especially salient in the context of global disasters. Its usefulness partly arises because it highlights the conditions that produce vulnerability and how these might be ameliorated rather than focusing on the emergency decisions needed in disasters.

The broader and longer view of disasters is continued as this paper applies Amartya Sen's capabilities approach to disasters. This research sees a clear connection between Sen's work and disasters because Sen emphasizes the social context in which hazards occur. Sen's early work on famines explored their social dimension, mainly how famines arise not because there is no food but because certain people in society lack entitlements to food. Sen's early work has been criticized as incomplete, but it overlaps the importance of poverty and vulnerability in causing disasters. Sen moved into a normative framework in developing his capabilities approach. Sen points to weaknesses in resource-based approaches, such as Rawlsian views of justice, and end-state approaches, such as consequentialism. Examining how the capabilities approach could contribute to normative discussions with disasters while acknowledging the challenges in such an endeavor.

In communitarian ethical theory, the contribution of communitarian ethics to disaster ethics simultaneously reflected its philosophical difficulties and weaknesses. A communitarian lens can identify ethical issues that other ethical perspectives might underemphasize. Instead of Rawls's impartial moral stance, the communitarian ethical theory emphasizes all people's social and cultural roots and brings them to their ethical decision-making. This approach is skeptical about the states and their agencies' values,

preferring local community autonomy. Little has been written on how communitarian ethics applies to disasters, something odd given the emphasis on community in disaster literature.

Virtue ethics has been revived recently, adding a distinctive and thought-provoking perspective on disasters. Western virtue ethics begins with Aristotle and moves through Hume, MacIntyre, and Slote. Exploring the virtue of resilience, including perseverance, is a promising avenue for further research exploration. Immanuel Kant's discussion of virtues is not just a formally ideal ethical theory, but it also possesses an ethical account of virtues. Kantian deontological virtues directly apply to the problems caused by disasters in the real world. He examined this debate much earlier and concluded that ideal theories were compatible with nonideal approaches. His explorations in helping those in need and poor conditions apply to recent disasters. Kant developed two duties of virtue, namely, the duty of justice and the duty of beneficence.

Thus, ethical dilemmas are increasingly recognized as a paramount disaster preparedness and response element. It will take careful research and engagement with affected communities to ensure this is done well.

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13. SUSTAINABILITY CHALLENGES OF MALAYSIAN PALM OIL IN THE EUROPEAN UNION: AN ENVIRONMENTAL PERSPECTIVE

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.Abstract

As the third largest contributor to the GDP in 2022, the palm oil industry has catapulted the country's socio-economic development since early independence. Economic factors such as high productivity, and price competitiveness as well as versatility as feedstock in food and non-food sector has positioned palm oil as the most preferred vegetable oil. Amidst rapid expansion of plantations to fulfil growing world demand, there has been mounting concerns on the environment degradation associated with the cultivation of commercial oil palm, especially in the European Union (EU). The monocrop has been associated with large-scale deforestation, biodiversity loss, high carbon stock loss and carbon footprint, increase greenhouse gas emissions, destruction of endangered species habitat, and risk of human-wildlife conflict. The recent political agreement of the EU Deforestation Regulation (EUDR) has further strengthened the regional block's commitment in reducing consumption of commodities linked to deforestation and forest degradation. Hence, based on the theory of institutionalism, this study investigates the strategic measures undertaken by Malaysian stakeholder agencies as response to the regulation. A total of 10 sessions of in-depth interviews were conducted with expert informants in stakeholder agencies. Among the key findings were the implementation of the National Agricommodity Policy, deployment of various missions, implementation of Malaysian Sustainable Palm Oil (MSPO) certification as the national

sustainability standard, dissemination of accurate information on sustainable and certified palm oil, and continuous engagement through bilateral and multilateral platforms. Therefore, this study posits that constant communication and collaboration is required among stakeholder agencies in Malaysia and the EU to create mutually beneficial outcome towards environmental protection.

Keyword: Challenges, Environment, European Union, Malaysian Palm Oil, Sustainability

Introduction

This year marks the 106th year since the first commercial plantation of oil palm trees in Tenngamaram Estate, Selangor (Nambiappan et al., 2018). Although initially regarded as an ornamental tree, large-scale plantations catapulted the growth of the palm oil industry since early independence. The opening of land resettlement schemes by the Federal Land Development Authority (FELDA) raised the agricultural production, and along with that increase income and improved standards of living among the rural poor (Abazue et al., 2015; Bahrin, 1977; Sutton & Buang, 1995). Economic factors such as the crop's high productivity, longer productive lifespan of the tree, lower price than other vegetable oils, as well as palm oil's diverse functional properties has enabled versatile usage in a wide range of food and non-food sectors (Aguiar, Martinez & Caleman, 2018; Dian et al., 2017; Hinkes, 2020; Kaniapan et al., 2021). These attributes were fundamental in leading palm oil to be the most traded and consumed vegetable oil in the world.

With the global population anticipated to reach 9 billion by 2050 as reported by Abdul Majid et al. (2021) and Naidu and Moorthy (2021), the demand of palm oil as an important commodity will inevitably grow. A substantial portion of this demand can be fulfilled by the Malaysian palm oil industry. As the second largest producer and exporter, Malaysia's export of palm products recorded at 24.7 million tonnes with RM108.52 billion generated in revenue last year (MPOBa, 2023). However, the extensive cultivation of commercial oil palm to fulfil raising world demand has contributed to environment degradation. The monoculture nature of oil palm plantation is linked to large-scale deforestation, biodiversity loss, high carbon stock loss and

carbon footprint, increase greenhouse gas emissions, destruction of endangered species habitat, and risk of human-wildlife conflict (Hashim et al., 2018; Kho & Jepsen, 2015; Kusin et al., 2017; Puan & Mah, 2022; Senawi et al., 2019; Shevade & Loboda, 2019; Tang & Al Qahtani, 2020; Vijay et al., 2016).

In recent years, the EU has highlighted serious concerns on the effects of deforestation and the subsequent ecological harm associated with unsustainable cultivation and production of commodities. These concerns were reflected in the regional bloc's policy and legal framework such as in the Renewable Energy Directives and its revision as part of the Fit for 55 package (de las Heras, 2022; Rogge et al., 2023). The formal adoption of European Union Deforestation Regulation (EUDR) in 19 April 2023 will prohibit the placing on the EU market and export from the EU of certain products that contribute to deforestation or to forest degradation, and must be supported by a mandatory due diligence statement conducted by companies (EC, 2023). The regulation promotes the consumption and trade of deforestation free products, and hence supports the European Green Deal and Farm to Fork Strategy (EC, 2020; EC, 2022). Ultimately, the intended outcome is to make Europe the first climate-neutral continent by 2050.

Although the spirit of the policy and legal frameworks were based on sustainable and inclusive growth strategy, producing countries such as Malaysia viewed this regulatory approach as a form of protectionist barriers to free and fair trade. The European market is an important export destination as the bloc imported 1.47 million tonnes of the country's palm oil exports in 2022, ranking behind India and China (MPOBb, 2023). Any changes made in the regulations and directives on the importation of commodity could potentially affect the export of Malaysian palm oil to the region. Therefore, this article presents and discusses the strategic actions undertaken by Malaysian stakeholder agencies in responding to the increasingly ambitious regulatory measure implemented in the EU

Materials and Methods

This study employed a qualitative approach to gather data. In-depth interviews were conducted with personnels from stakeholder agencies to explore further into the

responses in addressing the EU's regulatory mechanism. This semi-structured in-person expert interviews were an essential part of the research. A total of 10 experts were identified and interviewed. The interviews were conducted face to face and lasted between 1 to 2 hours. The identification of the experts was made based on the definition given by Meuser and Nagel (2009), which is that they possess specific knowledge on the topic being researched. This included evolution of the palm oil industry, internationalization of palm oil issues, and policy interventions undertaken by their agencies. The selection criteria for interview informants are as follows: (a) previously held or currently holding a senior position in an organization involved directly in the development of the palm oil industry; and (b) within Malaysia or the European Union region. Table 1 shows the profile of the interviewees.

Table 1 *Profile of the interviewees*

Code	Interviewees	Field of Expertise
EI-1	Malaysian Palm Oil Board	Trade of Malaysian palm oil in Europe
EI-2	Malaysian Palm Oil Board	Internationalization of palm oil
EI-3	Malaysian Palm Oil Board	Research on the nutritional and health aspect of palm oil
EI-4	Malaysian Palm Oil Council	Science, environment and sustainability of palm oil
EI-5	Malaysian Palm Oil Council	Represent Malaysian palm oil interest in Europe
EI-6	Malaysian Palm Oil Council	Headed the organization
EI-7	Malaysian Palm Oil Certification Council	Headed the organization
EI-8	Malaysian Palm Oil Certification Council	In-charge of Malaysian Sustainable Palm Oil (MSPO) certification
EI-9	Ministry of Plantation and Commodities	Collaboration with international bodies
EI-10	Ministry of Plantation and Commodities	Coordinating with respective agencies on policies pertaining to palm oil

The confidentiality and anonymity of the interview informants were preserved through the use of pseudonyms. The interview recordings were transcribed manually using Microsoft Word to ensure that the information was captured accurately and interpreted correctly. The nuance and subtle meanings were also given due attention to prevent missing crucial bits of information and details which enhance the research (Richards & Morse, 2012). The transcripts were then read several times and compared with the recording, in order to form common coding maps and themes from the data. Familiarization with the transcripts enabled better control over the data and data analysis process (Saldana, 2009).

Results

A total of five themes were identified based on the trends and patterns in the data. The themes are (a) implementation of the National Agricommodity Policy; (b) deployment of various missions; (c) implementation of Malaysian Sustainable Palm Oil (MSPO) certification as the national sustainability standard; (d) dissemination of accurate information on sustainable and certified palm oil; and (e) continuous engagement through bilateral and multilateral platforms. Table 2 summaries the main themes and its empirical evidence.

Table 2 *Main themes and its empirical evidence*

Themes	Empirical Evidence
Implementation of the National Agricommodity Policy	<p>Cap total oil palm cultivated area to 6.5 million hectares. (EI-1, EI-2, EI-3)</p> <p>No more planting of oil palm in peatland areas and to further strengthen regulations with regard to existing oil palm cultivation on peat (EI-1, EI-2)</p> <p>Ban conversion of forest reserve areas for oil palm plantation (EI-1, EI-2)</p> <p>Make available oil palm plantation maps for public access (EI-3)</p>
Deployment of various missions	Technical, promotion and economic missions are held to represent, protect and

	expand Malaysian palm oil in the European region (EI-9)
Implementation of Malaysian Sustainable Palm Oil (MSPO) certification	Mandatory requirement for oil palm plantations in Malaysia (EI-7) Lack of recognition of MSPO from European buyers, as compared to RSPO (EI-8)
Dissemination of accurate information on sustainable and certified palm oil	Engagement with new target market by promoting MPSO (EI-4) Using unconventional approaches to dispel the misinformation on Malaysian palm oil (EI-4) Series of seminars were conducted during pre-Covid times, and now seminars are conducted in hybrid mode (EI-5) Outreach programs serves as an opportunity to connect with the industry players and to share the latest development made in the production of sustainable and certified palm oil (EI-6)
Continuous engagement through bilateral and multilateral platforms.	Bilateral engagement with Indonesia to protect the palm oil sector and counter policies and regulations from the EU (EI-9) Engagement through other multilateral platforms such as World Trade Organization (WTO) and Council of Palm Oil Producing Countries (CPOPC) (EI-10)

Discussion

This research investigates the strategic roles undertaken by four key stakeholder agencies involved in the Malaysian palm oil industry. Based on the empirical evidence collected from the informants, it is clear that concrete and clear regulations have been formulated and implemented under the National Agricommodity Policy. Although these regulations were intended to protect the environment, conflict in land law often occurs as State Government has jurisdiction over forest and land matters in the federal system. The act of encroachment of natural resources has positioned the industry negatively, especially among consumers in Europe. Hence, this research suggests that more just enforcement cooperation is necessary to prevent illegal clearing of tropical forest.

In addition to the regulatory approach, these agencies have also established and engaged in technical, promotion and economic missions to represent, protect and expand Malaysian palm oil in the European region. These missions create awareness of existing initiatives and advancements taken by Malaysian industry players, as well as to facilitate trade in the palm oil related sectors in overseas markets. Continuous engagements were also held through bilateral and multilateral platforms. An example of bilateral engagement was with Indonesia to protect the palm oil sector which is an importance source of revenue for both nations, by countering the policies and regulations from the EU. Malaysia has also engaged through other multilateral platforms such as World Trade Organization (WTO) and Council of Palm Oil Producing Countries (CPOPC) on measures concerning palm oil.

As a national sustainability certification scheme, MSPO was made mandatory for implementation in oil palm plantations in 2020. As of April 2023, 5.38 million hectares, out of 5.74 million hectares of total oil palm planted area, is MSPO certified (MPOCC, 2023). However, there exists a lack of recognition and acceptance of MSPO certified palm oil from European buyers, as compared to Roundtable of Sustainable Palm Oil (RSPO). This general sense of apprehension may be attributed to several reasons such as the level of comprehensiveness of Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) requirements. Although the MSPO standards has been recently revised to incorporate more sustainable practices, it will take some time before industry members begin to implement them, and to show the outcome of sustainability compliance to other markets.

Communication is an essential tool to convey unbiased information on sustainable and certified palm oil. This research posits that dissemination of accurate information is necessary to dispel the misconception that is currently inundating the European buyers and consumers. Series of seminars and webinars were conducted to share the latest development made in the production of sustainable and certified palm oil. In addition, outreach events were held to connect with the industry players in Malaysia and in Europe. These program, when conducted consistently over a prolonged period of time, may be able to create ambiguity in the existing mindsets.

Conclusion

As climate crisis looms ahead of humankind, sustainable production, trade and consumption of palm oil is the way forward to feed the growing global population. The country has taken the necessary measures to responsibly produce palm oil, by protecting the environment while achieving its developmental goals. However, continuous collaboration, engagement and communication are required with relevant stakeholders to create a more balanced perspective of the palm oil industry.

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