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Participatory Democracy and Climate Change

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Abstract

The Climate Change Conference (COP26) in Glasgow, Scotland affirms the climate emergency findings of the United Nations Intergovernmental Panel on Climate Change (IPCC). The summit pursues the commitment to reduce carbon emissions to keep the earth's rise in temperature to 1.5 degrees Celsius. COP 26 recognizes the impact of the climate crisis on human well-being. Environmental disasters are a result of policy failures at the national level of governance. Global warming aggravates environmental degradation. The Covid-19 pandemic has truncated the economic growth in many countries. Human impoverishment accentuates the pressure on the environment. This paper analyses the problem when it comes to deficient state-centric decision-making procedures that preclude participatory mechanisms. It will be argued that to correct the system, policy gaps must be addressed in terms of technological and organizational support, communal leadership, and solidarity at different levels of governance.

Keywords: COP26, Climate Change, Climate Policy, Disasters, Participatory Democracy

Introduction

The Climate Change Conference (COP26) in Glasgow, Scotland does not dramatically alter the course in terms of how national governments must address the climate emergency. It simply affirms the findings of the United Nations Intergovernmental Panel on Climate Change. In fact, the summit pursues the commitment to reduce carbon emissions to keep the planet's temperature rise to 1.5 degrees Celsius (World Bank Group 2021). It also hopes to end the reliance on coal by 2070 at the latest. This is a tall order considering the obvious justification for the use of coal as an energy source in developing countries. Green energy is expensive and poor societies cannot attract the needed investments. Nevertheless, COP

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26 recognizes the impact of the climate crisis on human well-being, with 132 million people forced to suffer from extreme poverty if the 2016 Paris commitments are not met, according to the World Bank (2021).

After Kyoto 1997 and Paris 2016, why has the climate crisis remained a threat despite 26 billion dollars in financing for 2021 alone? It can be recalled that the United States stalled the Kyoto Protocol because of America's prioritization of its economic interests over and above the commitment to put a halt to rising global temperatures. The impact on developing countries became apparent due to the lack of mitigating measures. Typhoon Yolanda, for instance, killed more than 6,000 in the Philippines. Recently, abnormal weather patterns mean the worst flooding in Europe and strong hurricanes in the United States. This means that the threat from climate change has expanded to developed countries making pragmatic action on the issue more urgent. US President Joseph Biden has apologized on behalf of the United States as former President Donald Trump walked away from the 2016 Paris Accord, a legally binding international treaty that was signed by 196 countries.

The US has officially re-joined the landmark agreement on February 19, 2021. But the problems remain plenty, especially in developing countries. Poor governance, corruption, and the lack of alternative livelihood in developing countries mean the continued destruction of forests and their government's reliance on dirty sources of energy. They justify that without electricity, there cannot be progress. But systemic and structural problems seem to have an impact insofar as the failure to address environmental problems are a result of questionable policies that seem to unjustly favor big loggers and miners but put at a disadvantage the powerless in the peripheries, including indigenous peoples. In this paper, I attempt to look into the institutional gaps and issues pertaining to participatory democracy. This study seeks to expand the analysis of the problem in terms of fundamental issues that have high policy implications.

Understanding the Gaps: Disasters and Weak Institutions

Peter Singer (2002) explains why we must be worried about the fact that the planet has shown clear signs of warming. He mentions that the rise in the sea level in the past century is due to this phenomenon. There are many consequences to humans. Singer (2002) lists his prognosis in his book *One World: The Ethics of Globalization* the following: hurricanes and tropical storms, tropical diseases, food shortages in some regions, and the rise in sea levels. Global warming will also lead to deaths due to heat stroke, to an increase in the number of cases for diseases such as malaria and dengue, and hunger in impoverished countries. Scientists are one in saying that the threat to humanity from climate change is real.

The harms caused by climate change is well-defined (Singer 2002). In the early 80s, people knew about the effects of CFC (Chloro Fluoro Carbon) emissions that caused a hole as big as Antarctica in the Ozone layer. In the Rio and Kyoto summits, global climate policies have focused on the "polluter-pays" principle that was meant to improve the sense of duty of affluent countries when it

comes to their carbon emissions. But the principle did not prove to be effective as the impact of climate change continued to be felt most especially in poorer countries that lacked climate mitigation measures and the resources to fight the difficulties arising from weather disturbances. One of the biggest factors, however, is the reality of poor governance.

What is the relationship between poverty and environmental degradation? The problem of poverty is not just a question of resources. A huge part of it is cultural. The exclusion of the poor can be traced to unjust systems and historical injustice. The political structure, often under the control of the elite, exclude the poor from decision making processes. The obvious reason is that those who are in positions of power want to serve their vested interests. The poor, in this way, have no options except to get themselves involved in environmentally destructive activities like "slash and burn" farming and illegal small mines. Many of such activities are unregulated despite the fact that these are harmful to the environment and human well-being. Climate change, in fact, affects the poor because governments in developing countries lack the scientific initiative and technological innovation to respond to the impact of the climate emergency.

Disasters, Amartya Sen (1981) argues, can be traced to policy failures. The Great Bengal famine, Sen writes, was a result of wrong policy decisions on the part of the state. It favored the export of rice while the local population was starving. For Sen, it was the lack of empowerment on the part of the people that exacerbated the problem. They were too weak to protest against the abuses of the state. John Carroll (1970) writes about the failure of institutions in the Philippines to address the problems of the people as a case of unmet expectations. In the 70s, the economic development in the Philippines was uneven. People lacked jobs that befit human decency. It was during that time that the natural resources of the country had been exploited by the powerful interests and corrupt government officials. The social and economic problems of the Philippines are seen as a result of the inability of the government to meet strong demands (Hotchcroft and Rocamora 2003). Carlos (2010) cites various democratic deficits while Maboloc (2020a) points to the oligarchic nature of the economy that favors the elite in society.

Climate change is caused by human greed. The desire for money has resulted to the abuse and exploitation of the environment. According to Lonergan (1993), the issue of environmental degradation is linked to impoverishment, natural resource depletion, and population growth. In fact, environmental degradation has been aggravated by the reality of climate change. This is obvious in countries such as the Philippines. Forest denudation, unregulated small-scale mining, as mentioned above, and urbanization have caused the downtrend in terms of the quality of life of the people. The poor, for instance, do not have say in environmental issues. In the Philippines, 70% of the country's power source comes from coal. While the Philippines needs energy in order to create jobs, it should begin to consider other alternatives because coal has higher environmental costs.

Most governments in developing nations have a *post-factum* approach to environmental problems. In the Philippines, past leaders have shown their incompetence in disaster response. What this means is that some leaders will only act after the problem has become intolerable. The issue of accountability is something that is ignored. For some government officials, it is enough that they can distribute financial assistance or give aid to those who are affected by natural or man-made calamities. There is a failure to analyze the dynamics of the system. In the end, it is about the government's inability to balance economic interests and the profound concern for the environment when it comes to policy making. The desire for progress cannot be sustainable without a corresponding advocacy toward sustainability and environmental preservation.

The reason for this gap is the lack of democratic participation. The strategy in developing countries has always been state-centric. National leaders emphasize policy, law, and money but what is lacking is the real participation of the people. Discussions on climate change have not trickled down to the local communities, including indigenous groups. The Philippines has a very poor disaster impact mitigation-infrastructure. Post-rehabilitation plans and efforts often meet budget bottlenecks both at the national and local levels due to politics. The obvious problem is red tape in the bureaucracy which is compounded by the ageless issue of corruption. Brillantes and Fernandez (2011) argue that the problem of public administration in the Philippines is rooted in the idea of trustworthiness and the (lack of) integrity of the government.

Bridging the Gaps through Participatory Development

The responsibility of wealthy countries when it comes to the issue of climate change is clear. Having enjoyed the fruits of industrial expansion, the citizens of rich countries must contribute to solving the problem of climate change. It is a question of global justice. Developed countries have since focused on curbing gas and carbon emissions. Environmental standards have so far been improved and the way forward is a green economy in Western governments and democracies. While China remains to be the biggest carbon emitter in the last decade, it is also at the same time the largest producer of wind energy which is a renewable source. But even with this direction, the whole world has felt the effect of the energy crunch in the latter part of 2021 due to supply issues, which only highlights the reliance of the world economy on fossil fuels. But while climate change is apparently a global justice issue, local institutional problems should also be addressed in a parallel manner.

Climate change is a political problem. Without the solidarity at every level of governance, from communal to the local government, national and global levels, it will be hard to protect and preserve the integrity of the environment. Maboloc (2016), reflecting on environmental pragmatism, believes that what needs to be done is an action-based approach to the problem, which means that decision-making on the basis of political will is critical to address the climate emergency. The pragmatic approach is described as something that

looks into policy in terms of what needs to be done. There is a need to enforce policy and other measures that will curb carbon emissions and put a stop to abuses. Such will require government action. At the global level, affluent countries must fulfill their commitments to overcome the climate crisis.

Civil society should take the lead in enhancing social capital. This in turn will improve to certain degree the level of community empowerment. The Church plays a major role in terms of realizing the same. Local groups and schools must help in capacitating Local Government Units to act on environmental issues. Environmental planning can only be effective if all stakeholders are enjoined and consulted. Local leaders need to learn how to reach out to the grassroots if any effort were to succeed. In this way, civil society should extend their intellectual competence to LGUs. The government needs to work with radical environmentalists. Karl Gaspar (2020) says that mining and other extractive industries result to environmental disasters. Only a strong will on the part of government leaders can expose and put to an end to the collusion between private and government interests.

Typhoon Yolanda did not only show the force and might of Mother Nature. The disaster also revealed the ills of government ineptness. For instance, temporary shelters for the victims of the typhoon were made out of coconut lumber. This defies the whole logic of resilience and environmental sustainability. Moreover, it is wrong to design bunkhouses that disregard basic considerations of human dignity and well-being. The rooms for each family were barely 16 square meters each. There was a lack of sanitation and there was no place for children to play. There were no proper consultations with the people. There was no desire on the part of some officials to empower the poor. The lack of consultation is nothing but another symptom of unjust and hegemonic policy structures that altogether undermine the poor and powerless in society.

Policy gaps are products of poor governance. Technological innovation is crucial in truly adapting to the impact of climate change. To address the issue, organizational development in the area of public administration is crucial (Brillantes and Fernandez (2011). The people need the technology in order to understand the issues at hand when it comes to climate change. Sherlito Sable (2020) thinks that policy must be rooted in ethics. Globalization, Sable (2020) argues, is rooted in a modernization theory that emphasized the value of individualism. Meanwhile, Joseph Stiglitz (2002) sees the problem of global governance as a moral issue perpetrated by global financial institutions while Jeffrey Sachs (2005) thinks of the same as a matter of failed policies that condemn some countries into the poverty trap. Maboloc (2020b), however, points to the more fundamental issue, which is the capital-driven nature of liberal environmentalism.

Conclusion

Undemocratic structural mechanisms cause environmental problems. COP26 can fall into another failed attempt to address climate change if governments

do not honor their commitments. The paper points to a lack of democratic consultation in national governments which means that abuses and corruption have become commonplace. To address this, there must be transparency when it comes to government transactions, especially at the local level. Some officials have also taken advantage of the situation to use the Covid-19 pandemic as a means to pursue their vested interests at the expense of the welfare of the people. Such things happen when the civil society is unable to extend its oversight capacities. But ultimately, environmental degradation is a result of an unjust system where the poor in society are powerless in matters affecting their well-being. The way forward when it comes to policy is that the people must be empowered to be a part of sustainable and pragmatic means that respond to the climate emergency.

International treaties will need the support of the local population in countries that have adopted the same. Trust is an important element in good governance. It is not only important on a national level. For instance, grassroots leadership is very effective because it is grounded on communal trust. Trust promotes solidarity among people. For the poor, policies are cold and too abstract. Written in a foreign language, many find difficulty in comprehending the implications of the climate crisis to their lives. In this regard, an action-oriented type of leadership at the grassroots is an integral part in making resilient and sustainable communities. An essential aspect to this includes technological and organizational, financial support, and the capacity for good judgment on the part of local leaders. The most important element of the grassroots paradigm is the solidarity that is rooted in the high level of trust that the people give to their leaders.

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Considering collectivistic response to COVID-19 Outbreak

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Abstract

Despite the fact that the COVID-19 virus has caused more than 3 million deaths and 140 million cases of infection worldwide, some countries have been more successful than others in reducing the number of cases, thereby saving lives. These successful nations are some of the East Asian countries who practiced collectivism (places considerable emphasis on group unity over individual aims) in their response to the outbreak. The countries who failed to lower the number of COVID-19 cases, are some of the European and American countries who are known in practicing individualism (prioritizes own well-being over the group's welfare). This paper will explore the two different cultural dimensions, "collectivism and individualism" and their impact to the country when used as a way of responding to COVID-19. Specifically, this paper will claim that individualistic response cannot sustain in fighting against the outbreak and that collectivistic response, on the other hand, is an edge to fight COVID-19 successfully. To support these claims, this paper will explore the success story of Vietnam (collectivist) in battling the outbreak and the failure of United States of America (individualist) in dealing with COVID-19 and how the individualistic behavior of people from the latter country negatively affects the Philippines' (collectivist nation) battle against COVID-19 once they entered the boarder. This paper will argue that collectivism is the key that individualistic countries lack and that they should consider to adapt collectivistic approach to COVID-19 and other future pandemic if they want to triumph against it and bring everything back to its normal course.

Keywords: COVID-19; cultural dimensions; collectivism; individualism

Introduction

More than 3 million people have died as a result of the COVID-19 pandemic. So far, there have been 140 million deaths and 140 million instances of infection worldwide (JHU, 2021) making the SARS COV-2- the kind of pandemic, that forever altered how we live, work, and interact. It compelled governments to implement drastic mitigating measures such as closing schools, workplaces, and non-essential companies, restricting travel, and

issuing stay-at-home orders. Despite the fact that such precautions were implemented over the world, their effectiveness in slowing the spread of the pandemic differed greatly between countries. While the number of COVID-19 cases in Italy, France, Sweden, and the United States increased alarmingly over time, the number of cases in Vietnam, Singapore, South Korea, Japan, Hongkong, China and Taiwan decreased. What worked against some countries and for others as they battled the virus?

The first objective of this paper is to evaluate and compare the effect of collectivistic response from individualistic approach to COVID-19 outbreak. The paper will begin with introducing a brief knowledge about collectivism and individualism. It will also disclose countries that practice collectivism and individualism and how it affects their response towards COVID-19 outbreak. The paper will argue that, while government actions may be beneficial in helping to limit the number of cases, they are not enough to combat the growth of COVID-19 cases successfully. Indeed, the spread of an infectious disease within a society may be linked to its culture (Van Bavel et al., 2020), which influences individual behavior and decision-making (Markus & Kitayama, 1991). Moreover, recent study has highlighted the impact of culture on society's social distancing and self-isolation habits (Huynh, 2020). However, our understanding of culture's function in regulating COVID-19 growth rates among countries is not enough (Wolf, Haddock, Manstead, & Maio, 2020). Hence, this information must be educated in order to uncover narrow restrictions that may obstruct nation's efforts to combat infectious illnesses. In addition, this motivates the paper to address the recognized dilemma that individualist countries encountered today - whether to choose their culture of "valuing individual interests over group interests, no matter the broader consequences (individualist culture)" or "to place group interest first for a communal advantage (collectivist culture)". The Cultural Dimensions Theory of Geert Hofstede will be used in this paper in order to classify countries as collectivistic or individualistic and use his cultural values framework to explain variance of cultures as it provides a scientifically defined and proven framework of national cultural differences. In order to support evidences about the effectivity of collectivistic response from individualistic response to COVID-19 outbreak, the paper will disclose particular study which shows how individualism affects United States in combatting COVID-19 outbreak and how collectivism helps Vietnam fight against COVID-19.

The paper will also discuss the impact of the behavior of travelers from an individualistic country to the Philippines' battle against the outbreak. The chosen countries are in the top ranks of the list of individualistic and collectivistic countries respectively (Hofstede, 2001) based on the results of Hofstede's Cultural Dimension Theory. Furthermore, the theory of Utilitarianism by Jeremy Bentham will be also used to support the morality of choosing collectivistic culture over individualism in fighting against COVID-19.

Is collectivism an enough way to successfully combat COVID-19? If collectivism can combat COVID-19

effectively, does that mean that technological advancement (e.g., different high-tech medical equipment, GPS tracker for contract tracing, symptom reporting apps) and economic status of a country are irrelevant to consider? How about the shortage of government funds and other issues in the government policies that cannot be addressed by collectivistic approach alone? These questions are beyond the scope of the paper. Collectivism is not the only key to solve this challenge, however, this is "one" of the "proven high efficacy" solutions that is required to face public health emergencies especially in individualistic societies. The study of Maaravi et al., (2021) on "The Tragedy of the Commons: How Individualism and Collectivism Affected the Spread of the COVID-19 Pandemic" found that the more individualistic (vs. collectivistic) a country was, the higher the number of COVID-19 cases and fatalities and the more individualistic the participants were, the less likely they were to follow epidemic prevention strategies. Thus, the paper will only focus on the claim that collectivistic response to COVID-19 should be considered as it is seen to be an effective approach to reduce if not totally zero out the number of COVID-19 cases to some collectivist countries.

Hofstede's Cultural Dimensions (Individualism and Collectivism)

Hofstede's cultural dimensions have become a fundamental basis to understand others. According to Hofstede (2001), individualism and collectivism are both ideologies, behaviors, political philosophies, and cultural tendencies. They are frequently considered as in contrast with each other. Collectivism places considerable emphasis on group unity over individual aims, and it considers long-term connections to be crucial in achieving group objectives. Individualism, on the other hand, emphasizes personal autonomy and liberty. It is often opposed to external interferences in personal decisions. People in collectivist civilizations, such as those found in most Latin American, African, and Asian countries, as well as the Middle East, place a high value on their commitments to their in-group members and are prepared to sacrifice their own needs and desires for the good of the group. Collectivists value belonging, harmony, and conformity, and they are more likely to practice self-control over their words and actions because they believe it is immature or foolish to freely express one's thoughts, opinions, or emotions without considering the influence on others. They are concerned about their in-group relationships, and generally treat them differently than strangers or outgroup members, a trait called as particularism. On the other hand, individualistic cultures can be found in the United States, Germany, Ireland, South Africa, and Australia. People in these countries should be able to solve problems and achieve their objectives without the need for outside help (Fatehi et al., 2020). When they encountered problems, they should be able to "lift themselves up by their own." This culture's focus on personal identity and autonomy is prevalent, and it can have a significant impact on how a society runs. Workers in an individualist society, for example, are more inclined to prioritize their own well-being over the group's welfare.

Individualistic versus Collectivistic Response to Covid-19

Individualism vs. Collectivism is a conflict between countries that value independence over interdependence (Hofstede, 2001). Collectivistic nations, in contrast to individualistic nations, value collective interests over the independent self (Kitayama et al., 2018). As a result, collectivistic countries are more likely to recognize the value of mitigation. Their humanitarian behavior will be derived from their sense of shared identity (Van Bavel et al., 2020). In addition, because collectivistic countries are aware that socially incorrect behavior may result in community-wide sanctions (Heinrichs et al., 2006), they are urged to embrace COVID-19 mitigation. Individualistic nations, on the other hand, underestimate the validity of mitigation because it necessitates the sacrifice of self-oriented gains in favor of socially beneficial aims (Wolf et al., 2020), resulting in the rapid growth of COVID-19 cases. With that, I can say that people in collectivistic cultures are more likely to agree with statements like "I usually sacrifice my self-interest for the benefit of my group" and "My happiness is highly dependent on the happiness of those around me," whereas people in individualistic cultures are more likely to agree with statements like "I frequently do my own thing" and "What happens to me is entirely my fault." Increased government strictness is also tolerated better in collectivist countries than in individualistic ones since personal freedom and privacy are highly valued in individualistic societies. Thus, an individualistic society, as opposed to a collectivistic society, a public policy that maximizes collective benefits while restricting personal freedom will face more opposition. The restrictions imposed by COVID-19, such as the closure of schools and public transportation, the cancellation of public events, and even lockdowns, will undoubtedly limit personal freedom and privacy (Ferguson et al., 2020).

Moreover, an individualistic culture, people tend to be more unwilling to compromise their freedom to lower public health risk. As a result, infection and death rates are much higher in individualistic societies, which is consistent with the conclusion that individualism is significantly associated with greater pandemic infection rates and mortality (Cao et al., 2020; Gokmen et al., 2021; Wang et al., 2021). I reason that, because collectivistic countries place a priority on duty, obedience, and utilitarian outcomes (Inglehart & Oyserman, 2004), an increase in government strictness is less likely to be regarded as a punishment to the self, even if it restricts individual liberty thus, they had lower COVID-19 cases. Smith et al. (2002) found that laws and regulations are more acceptable in collectivistic countries than in individualistic countries, which supports this theory. Chen et al. (2006) discovered as well that collectivistic countries are more inclined to follow tight laws, especially if they are pro-social and presumably beneficial to society.

However, this may not be the case in individualistic countries, where increased government strictness may be viewed as a violation of personal freedom (Hornsey et al., 2018). One example of this is the issue of mask usage as protection for COVID-19 infection. Masks provide effective

protection against COVID-19 (3), but they can be uncomfortable and inconvenient. People in collectivistic cultures are more willing to tolerate such personal inconvenience and wear masks because they are more concerned with the collective welfare. Individualistic societies, on the other hand, are more prone to prioritizing personal convenience or choice over group benefit, as Kitayama (2020) lamented, and thus less ready to wear masks. According to a COVID-19 study, 64% of Americans who did not wear masks said "It is my right as an American not to wear a mask" or "It is uncomfortable" (Brookings Institution, 2020). In addition, many people in individualistic societies reject to wear masks because they see them as a symbolic infringement on their personal choice and liberty. Many anti-mask rallies have taken place in highly individualistic countries such as Germany and the United States, with slogans such as "Masks are muzzles" (Vox, 2021). "If I am going to acquire COVID and die from it, so be it," some opponents said (BBC, 2021). This statement symbolizes individualism's ideas of personal freedom and liberty, yet it ignores the potential that one can infect others and harm the greater community. Indeed, a large number of "super-spreader" incidents have occurred in culturally individualistic regions, where people chose to gather or party without masks, resulting in a massive number of infections. Many people in collectivistic societies, on the other hand, consider wearing masks not just a responsibility to society but also a show of solidarity suggesting that they are battling the pandemic together, due to their emphasis on interdependence and shared aims.

Collectivism during Covid-19 Crisis in Vietnam

The widespread use of masks and adherence to social distancing restrictions to guarantee the safety of others was influenced by collectivist standards. These could have been Vietnam's hidden weapon in preventing COVID-19's expansion" (Liu et al., 2020). Vietnam shares a border with China, where the coronavirus outbreak was initially discovered. Vietnam is home to more than 95 million people. By 20 May 2020, however, the Ministry of Health in Vietnam had only reported a little more than 300 instances of COVID-19, with no deaths. Vietnam's response to the pandemic problem is illuminating (Le, 2020). The Vietnamese response to the pandemic was successful because it included early measures: the Vietnamese leadership began using war rhetoric regarding the COVID-19 and called on citizens to unite (collectivist behavior); points of entry were tightly controlled; epidemic control groups carried out contact tracing and testing; localized centers for disease control and preventive health facilities are closely collaborating with hospitals in case detection, isolation, and treatment; citizens were well-informed of protective measures; the private sector gave its support, and so forth (Le, 2020). The role of the leadership and people's trust on their government are significant factors for the success of Vietnamese' early measure. Public trust in governments is crucial for policy implementation (Fukuyama, 1995), as it contributes to the development of a "social consensus" that is required to support any policy improvements

(Berggren and Bjornskov, 2017; Goldsmith, 2005; Heinemann and Tanz, 2008). When citizens' trust in government is low, the government is less attentive to or driven to adapt to their cultural preferences. As a result, we can expect to see a lower impact of culture on policy responses in countries where political trust is low. In contrast, policymakers in societies with high political trust will cater to citizens' cultural orientation, which means that in countries with collectivist cultures, the government will be able to react even more quickly because they expect less resistance from the public, whereas in countries with individualistic cultures, the government will be more hesitant to restrict citizens' freedom through legislative action. As factual evidence, I can see that during the COVID-19 pandemic in Vietnam, citizens tend to adopt proactive strict regulations, despite the fact that these policies may restrict their personal freedom.

Confucianism's essential values are reflected in Vietnamese society. These ideals incorporate conceptions of social obligation, freedom, and political organization that differ significantly from those held by Western liberals (Nghia, 2005). Collectivism, respect for the old, respect for authority, loyalty, social harmony, and so on are examples of these principles. Vietnam's culture, society, politics, economics, and philosophy are all influenced by Confucianism (Truong et al., 2016). In Vietnam, individual responsibilities to the community (collective rights) take priority over individual rights. At the heart of this argument are claims of cultural difference: Vietnamese, a Confucianism-influenced citizens, are believed to value the community over the individual, to strive for consensus, and to appreciate an authority that looks after its citizens (Truong et al., 2016). Individuals are first and foremost viewed as members of a specific group in this perspective (family, society, or nation). From this perspective, a legal foundation for restricting individual liberties can be found if it contributes to group health and the realization of the right to life.

Vietnam took precautionary precautions more than a month before the World Health Organization proclaimed a global pandemic of COVID-19 (Le, 2020). The country's leadership's early, decisive, and transparent steps, as well as people's engagement and unity, have been fundamental to Vietnam's success in countering COVID-19 to date (Le, 2020). This method aims to increase self-awareness and concern for others. From the start of the pandemic, the Vietnamese government used war rhetoric and promoted solidarity in the fight against the disease. "In Vietnam, a prominent storyline has dominated press coverage: 'Every citizen is a soldier combating the sickness'" (Tran, 2020). In fact, as of today, the Vietnam still maintained the minimal number of cases despite the spread of the new COVID-19 variant "omicron".

Individualism during Covid-19 Crisis in United States of America

According to a study conducted by Bo Bian et al., (2021), individualism influences the economy's response to crises by altering agents' ability to engage in socially efficient actions. East Asians' behavior contrasts sharply with that

of Americans; their response to COVID-19 was very individualistic (or intellectually and affectively independent) as well as highly politicized (Allcott et al., 2020). The United States has consistently ranked as the most individualistic country in the world, and American individualism has been a powerful force driving innovation and economic growth. However, it may complicate the fight against COVID-19, which urgently requires collective actions – such as social distancing or mask-wearing – that put individual preferences aside in order to achieve a collective goal. Many American citizens opposed to public health measures (such as social distancing, travel limitations, and mask wearing) as contraventions on their constitutionally protected freedoms (Evans & Hargittai, 2020).

Redistribution is another crucial collective action during a crisis. Since Americans value self-reliance and individual efforts, they are opposed to welfare-improving redistributions, especially when they are voluntary and not imposed by the government. Furthermore, growth in COVID-19-related initiatives is much slower in United States: fewer campaigns are launched, and these campaigns raise less money and are less likely to be fully funded. Concerns about transfers of material equality (redistribution), according to individualists, are incompatible with a proper concern for human equality (Schmidtz, 2006). In the Theory of Justice by Rawls (1971), he advocates for a more extensive state in which the government is obligated to provide citizens with access to basic human necessities as well as to care after the welfare of the poorest citizens especially during crisis. But, this idea was opposed by a libertarian liberal, Robert Nozick in his famous book *Anarchy, State and Utopia* (1974), calling Rawls' distribution theory a patterned theory. To Nozick, no distribution is fair, and there should be no redistribution at all. Individual rights are infringed upon by redistribution, according to Nozick, which took priority over all other concerns and issues. In addition, Nozick added that individual rights are all that matters, and there is no such thing as a society, community, or collective well-being. Hence, this can be associated to the reason why most Americans do not support redistribution because they see redistribution processes as unjust that will lead to inequality and violation of their rights. For them, everyone should work hard or find ways to support their own needs and not tolerate dependence from others. However, their sentiments might be true but not in the case of crisis such as the pandemic we have right now which impacts the economy detrimentally and closes a lot of opportunities to many that can supposedly help them support their daily needs. This pandemic might be an awakening call of realization to consider redistribution as a collective action to help the least privilege and the most affected sector and survive this dreadful situation together.

Individualism in United States also has a negative impact on people's willingness to get COVID-19 vaccines and, as a result, it hinders the pandemic's possible recovery. The study of Bo Bian et al., (2021) finds that individualism negatively influences the intent to take COVID-19 vaccine, based on data from a nationally representative random sample of 1,676 people in the

United States. Individualism's anti-vaccination effect is not restricted to COVID-19, according to the study, it also happened to other vaccinations, even before COVID-19. Thus, these several impacts are driven by individualism changing the American's tendency to internalize the consequences of their actions. They live in a country that is strongly committed to a serious notion of self-reliance, a culture that is pathologically invested in the idea that they should all "just do it"—an attitude that encourages them to push through whatever it is. Individualists don't have a common language for the idea that the difficult, real hard thing to do is to do less in order to help one another or to do nothing at all. Furthermore, individualists have permitted themselves to believe that all healing must be done by the self rather than the community just like the case of unwillingness to take COVID-19 vaccines. COVID-19 serves as a sharp reminder that the community, not the individual, should be the first line of priority to be protected. Being sick by COVID-19 is to recognize our interconnectedness, but being sick in individualistic societies today is to be confronted with the disease of a culture that denies the fact of collectivism. COVID-19 gives us the opportunity to modify our fears as a form of caring for one another, rather than panic or overwhelming anxiety and selfishness. Our interconnectedness is fundamental to the meaning of life. No man is an island; the country that values individuals over community fighting for survival. Accepting and embracing the idea of individualism in these times may be a more difficult path to take than pushing through, one by one, whatever happens.

Individualist Behavior impact to Philippines' Collective Fight Against COVID-19

The entire country put forth a lot of effort to keep our cases low. Our healthcare and frontline workers working overtime to save lives, our LGUs and the rest of the government crafting policies to balance health and economy — these are just some of the sacrifices they make so that we can recover from the pandemic, return to work, and safely reopen schools and establishments. To help minimize the spread of the COVID virus and its variants, they remind us to follow these protocols. They have been working hard to ensure that tourism in the Philippines is reopened, but some breaches contradict to these goals. Those breaches are some stubborn Filipinos who continue to defy government order, some also are Filipinos who need to go out to have food on their table because the Philippines lacks resources for the safety nets of people especially those who are poor or the least privilege citizens in our country. According to a report in *Inquirer Business* (2020), many Filipinos are daily wage earners who cannot afford to stay at home because they live in a developing country where 17% of the population lives below the national poverty level.

The Covid-19 pandemic in our country is causing havoc on the poor, exposing growing inequalities in access to food, shelter, and health care since the government aid are not enough to cater the needs of everyone. To mitigate this problem, Filipinos during the early time of pandemic did collective action to ease the difficulties of the poor through the establishment of community pantries that

displays fruits, vegetables, vitamins, milk, medicines, and other basic necessities for free. Community pantries are the outcome of concerned citizens' efforts to address the basic needs of the poor and the underprivileged (Suazo, 2021). The underlying principle of these pantries is to urge people to give whatever they can and just take what they need from the pantry. Community pantries have helped people in our country with some of their essential needs and it also reduced the number of people going out just to look for food. The concept of a community pantry demonstrates that our country's virtue of solidarity as a core of collective action is our best ally in surviving this pandemic.

Another breach that contradicts to the goal of reducing the number of cases in our country is the disobedience of travelers from abroad who do not care about following our quarantine standards thus causes COVID-19 crisis to continue. Example of this incident was happened in late 2021, a traveler from the United States was arrested after she evaded quarantine and spread COVID-19 while partying in Poblacion, Makati City. Interior Undersecretary Jonathan Malaya announced that seven of the so-called "Poblacion girl's" 15 close contacts had tested positive for COVID-19 (Rappler News, 2022). Days after the incident, Tourism Secretary Bernadette Romulo-Puyat claimed they had received an information that another American passenger had skipped quarantine upon arrival in the Philippines (GMA News, 2022).

The incident proves that an individualistic person, have a harder time internalizing the consequences of their behavior on others and unconscious of the externality of their behavior. Hofstede (2001) argues that individualists are a disadvantage when it comes to rapid group action and coordination due to the fact that they are encouraged and used to hold opposing viewpoints, express themselves, and question and debate decisions. That is the main reason why it may take longer to achieve the necessary consensus for policies to work when individualism is present in a society. Individualism: a pattern of behavior that contributes to the dangerous transmission of COVID-19, is an issue that should be address in these times.

Jeremy Bentham and Collectivism as a Utilitarian Approach

According to utilitarian philosophy, public policy should aim to increase happiness for a larger number of individuals. Jeremy Bentham's (1789) 'Introduction to *Morals and Legislation*' reflects a lot of that enlightened thinking. Bentham claimed that the moral worth of an action should be determined by its effects on human pleasure, and that we should strive for the 'highest happiness for the greatest number.' Because of his emphasis on the usefulness of behavioral consequences, his philosophy is known as 'utilitarianism.' As a result, the utilitarian roots of collectivism can be seen. Since Bentham advocated for a system that optimizes happiness for the greatest number of individuals, collectivism prevails over individualism, owing to the fact that adhering to collectivist ideals maximizes communal benefit (Gao, 2019, p. 21).

Legislation and the rule of law defend our democratic society by institutionalizing certain freedoms. Freedom of movement, assembly, religious practice, and expression are all examples of these rights. We have a right to these freedoms as individuals and as a community, and the government has a responsibility to defend them. Human rights law also acknowledges that restrictions on some rights can be justified in the situation of serious public health threats and public emergencies threatening the nation's life when they have a legal basis, are strictly necessary, based on scientific evidence and not arbitrary or discriminatory in application, are of limited duration, respectful of human dignity, subject to review, and proportionate to achieve the goal (UN Commission on Human Rights, 1984). Since the scope and severity of the COVID-19 epidemic plainly rises to the level of a public health threat, it justified the restrictions on certain rights, such as those resulting from quarantine or isolation limiting freedom of movement. In other words, when there is a pandemic and a state of emergency is declared, the government has the authority to restrict or eliminate these freedoms, and it deems to be its obligation to do so when the public's health is at stake.

Hence, collectivism is a utilitarian approach that prioritizes what is best for the greater majority over what is best for an individual. Bentham (1789) believed that the most likely path to such an agreement was to adopt the policy that would result in the greatest net benefits to society after all harms were considered. Perhaps the most serious problem in utilitarianism is that it ignores issues of justice because it only focuses on the majority. The majority constitutes the protection of ordinary citizens while the minority constitutes the safety of health workers, other frontliners, the poor, and the individual rights of freedom. This is a situation where a certain course of action would save the majority but is clearly unjust for the minority or the sacrificial lambs. Despite these flaws in utilitarianism, we must adhere to the general principle that morality must be based on balancing the positive and negative consequences of our actions. In today's "age of self-interest," utilitarianism serves as a powerful reminder that morality requires us to look beyond ourselves to the good of all.

Because of the magnitude of the challenge facing health systems and public policy, it is unavoidable that the needs of the many be prioritized. It is difficult to treat all citizens equally, and failing to examine the consequences of actions could result in a large loss of life that could have been avoided. The government may appear to be acting paternally by restricting our personal freedom but it would argue that protecting the population's health at the expense of individual rights is the right thing to do, and that as members, we have a moral obligation to participate collectively in such rules in order to save also the life of our frontliners and help the poor through collective act of redistribution (Bayod, Forsuelo & Niez, 2020). Although Bentham's theory of utilitarianism may not be applicable in all circumstances, it is especially relevant in these times because, as daily COVID-19 cases rise to unfathomable levels, we must no longer tolerate selfishness; now is the time to alter our approach and

encourage the collectivism consideration to fight the pandemic's challenge.

Conclusion

In this paper, we have illustrated how cultural dimensions (individualism and collectivism) of Hofstede play a role in explaining the pandemic's unequal effect across countries, and how they should be considered when determining the best tactics to battle COVID-19 or similar pandemics in the future. One cultural factor that could explain the variation in mortality between countries is public cooperation and readiness to make sacrifices for the greater good and to follow health rules. In addition, individual citizens must often be mobilized to change their behaviors and make personal sacrifices for the greater good in order for crisis management to be successful. The importance of trust in this challenge cannot be neglected: citizens who trust their leaders are more likely to follow government orders. Because the pandemic's harmful impact is stronger in individualistic societies where people are less concerned about the greater good, leaders should work to cultivate a more collectivistic mindset among their constituents and must know how to handle issues at hand in order to get a solid trust from their citizens during the current or future pandemics. Furthermore, as social distancing, redistribution, wearing masks, and COVID-19 vaccines have been approved, governments and health authorities are now confronted with challenges, including people who are hesitant to take the new vaccines out of fear or as part of the anti-vaccine movement, lack of citizens' trust, shortage of government funds to aid the poor, people who are so self-sufficient that they refuse to accept or extend help, and people who do not follow social distancing and wearing masks. Even the severe impact of the COVID-19 pandemic appears to have failed to persuade those who oppose vaccination, social distancing, masking, and redistribution. As a result, messages that emphasize one's obligation to the society are more effective in collectivistic groups, and individualistic societies should assimilate this mindset as soon as possible.

The fundamental problem with a utilitarian viewpoint is that it is willing to harm someone to cause the overall greatest utility. The utilitarian approach to ethics instructs us to choose the outcome that accomplishes the most good while causing the least harm. Is keeping everyone employed, free to go outside, decline vaccination, the greatest good in this pandemic? Or is keeping everyone, as many as possible alive, the greatest good? In this scenario we had today, we believe that the least harm choice is the one that preserves the greatest number of human lives. Although, collectivism can be seen as utilitarian approach, and that it truly have to undergo sacrifices in order to achieve the communal good, we should not neglect the inevitable reality that in order to win any battle, there must be a cost to consider to get that goal. However, it is through collectivism where we can save the sacrificial lambs in this pandemic. Just by following the protocols, conducting redistribution to poor, and trusting our government, we can surely lessen if not totally prevent the risks and harmful outcomes of this pandemic. On the other hand, the costs and benefits of individualism vary

with economic conditions: In good times, individualism encourages effort and innovation, but in bad times, it can be very costly, because it disincentivizes collective actions that are particularly important when facing challenges.

Lastly, we would like to highlight that people with a collectivistic point of view may be less receptive to conspiracy theories and misinformation, which can have a harmful impact on their behavior. Thus, the interventions or seminars that correct the misinformations or myths in this challenging time and emphasize communal empowerment that promote a “we are all in this together” may inspire people to follow COVID-19 prevention measures such as taking vaccination, masks wearing, social distancing, and stay at home. It is important to take note also that we will never get close to the finish line unless we recognize that our individual rights cannot always take priority over what is best for the collective good.

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Sexual Depictions for Sale: Online Selling of Sexual Materials and Performances Amid the COVID-19 pandemic in the Philippines

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Abstract

This exploratory paper aimed to investigate the online selling of sexual materials and performances amid the COVID-19 pandemic in the country. Findings revealed that while online sex work already existed even before the pandemic, including those involving children, it has worsened, exacerbated, and become widespread when people are challenged financially more than ever during this pandemic. The author concludes that the exacerbation of online selling of sexual materials and performances, especially among minor groups, may be mitigated if not prevented through revisiting the importance of responsible parenthood and guardianship, age-appropriate sex education, highly effective and efficient surveillance, provision of financial aid from the government for poor students to support their school-related needs during distance and online learning, and putting in place some stringent measures to filter sexually suggestive depictions posted and sexual activities taking place online.

Keywords: sex work, sexual depictions, responsible parenthood, COVID-19 pandemic

Introduction

Due to the COVID-19 pandemic, one-quarter of total employment in the Philippines, or 10.9 million employees, is anticipated to be affected by reduced incomes and working hours or complete job loss (ILO, 2020). This current economic and labor scenario has numerous ramifications. It could affect the breadwinner's ability to sustain the basic household needs and services of those who depend on them financially. Specifically, it could have adverse effects on the parents' or guardians' financial capability to weather the children's demands of distance and online education. One sector of the Philippine labor market that is gravely affected by the community quarantine measures is the sex "industry."

On a global scale, there are at least 13 million prostitutes in the world; 800,000 of these are from the Philippines, according to Havocscope – a provider of information and threat intelligence on the global black market, including prostitution. While sex work and prostitution in the Philippines are considered illegal, there is no denying that there are many Filipinos involved in these forms of livelihood to deal with poverty (UNICEF, 2016) and provide something for one's self and family.

In the Philippines, the sex "industry" may have its social structures, systems, and dynamics; it may even have huge and consistent patronage from clandestine clients,

but it is not formally supported owing to the illegality of sex work, let alone prostitution. However, it is noteworthy that even during the pre-pandemic period, UNICEF (2016) already declared that “the Philippines has become the global epicenter of the live-stream sexual abuse trade, and many of the victims are children.” Moreover, with the ongoing pandemic, some parents in the country, particularly those who lost their jobs due to the recession, even push their children to do online prostitution (Jennings, 2020).

As face-to-face activities are temporarily put on hold due to travel restrictions and limited mobility, the world saw a sudden shift into online or virtual platforms, and sex-related transactions and performances are no exception to this. One interesting phenomenon worthy of investigation is the exacerbation of online selling of sexual depictions (e.g., photos, videos, live streaming) during the COVID-19 pandemic in the Philippines. Notably, this phenomenon is participated in by children or those 17 years old and below. Data presented in this work are obtained from electronic articles reported by leading news agencies.

Sex work during the COVID-19 pandemic period

Sexual activities are originally physical in nature which entail contact with at least another person, except for solitary sexual activities which are done all alone. However, the travel restrictions and limited mobility being imposed by the government to contain the spread of the highly contagious coronavirus, the availability of smartphones, internet connection, and finally, the financial pressure brought about by the pandemic have all become contributory factors that resulted to the burgeoning of online selling of sensual materials (photos, videos) and staging of paid sexual performances (live streaming). While there are obviously other livelihood options, reduced though in this time of pandemic, sex workers are forced by prevailing circumstances to shift from handling clients face-to-face to entering the online and virtual world. Worse, “some students have been selling lewd photos and videos online to buy gadgets needed for distance learning, and pay for internet bills for online learning” (Marquez, 2021).

“Sex workers are individuals who offer sexual services in exchange for compensation (i.e., money, goods, or other services)” (Sawicki, Meffert, Read & Heinz, 2019). Some sex workers use “alter” accounts in social media to hide their identities. “Alter refers to anonymous social media users who post, share, or trade sexually explicit content” (Acosta, 2021). Conversely, some interested clients or patrons also use “alter” accounts in social media to preserve their anonymity.

Undeniably, sex work is a lucrative livelihood, at least in the Philippine setting; sex workers are making much money with the sexual depictions (e.g., photos, videos, live streaming) they sell. Based on an online article, one male sex worker confessed that he earns 700 to 800 US dollars per month, sometimes reaching 1,000 (Acosta, 2021). Another female sex worker is even earning 3,000 US dollars per month (Acosta, 2021). Indecent as it may appear at least in the Philippine context considering the country’s conservative and religious background, the

3,000 US dollars per month that a sex worker makes, which is tax-free, is roughly comparable to Salary Grade 28 that a government employee earns (this salary corresponds to that of a Professor V in state universities and colleges). Moreover, such income of some sex workers is sufficient to pay their bills, support their families, start a small business, pay tuition, or even send a sibling to college (Acosta, 2021).

Sensual materials and sexual performances for sale as the new normal

Sexual depictions are sold online, like candies and hot cakes being peddled on the streets. See the first image in Fig. 1. One sexual content seller posted on Facebook saying, “Hello Please Avail my Vidjacks & CsLive. Badly Need Po Bukod Sa Nasa Ospital Papa ko Pinapaalis nadin po kame Sa inuupahan namen Please avail Po Please SALAMAT PO... GCASH PAYMENT” (Hello! Please avail of my video jack-off and cam show live. I badly need [money] to pay for my father’s hospital bills and house rental to not get evicted. Please avail. Thank you. Pay through GCash.). This person appeals to clients’ natural propensity to pity his unfortunate situation; in his case, he needs money to pay for his father’s hospital bills and house rentals. True or not, this is his strategy to lure prospective buyers. In the second image still in Fig. 1, the sexual content seller describes himself as “moreno” (someone with dark, brown, or tanned skin), with 6.5 inches penis, and “bagets” (Tagalog term for teenager, young person, or young-looking). Further, he is saying in his Twitter post that he is available for “vidjakul” (this is an alteration of the term video call but with emphasis on the term “jakul,” which is slang Tagalog term for masturbate) and is selling his sexual videos.



Fig. 1: Ways how sexual content sellers lure prospective clients

Sexual content creators and sellers will notify prospective clients of their photos and videos’ corresponding rates and payment methods. Examples of their rates are provided in Fig. 2, which are actual messages from sexual content sellers. For example, one seller sells one video for 300 Philippine pesos (or approximately 6 USD), and two videos for 500 Philippine pesos (or 10 USD). The other seller, who identified himself as 19-year-old, is selling his three videos plus two pictures for 500 Philippine pesos (or 10 USD), five videos plus three pictures for 800 Philippine pesos (or 16 USD), one hour of live streaming via video call for 1,000 Philippine pesos (or 20 USD), and

three-hour live streaming for 1,500 Philippine pesos (or 30 USD). The principle being observed here is, “the more exposure of body parts or the more difficult sexual acts command a higher price. Generally, online sex predators pay US\$19 to US\$95, or even up to US\$190, for each sexual act on live stream” (Malindog-Uy, 2020).

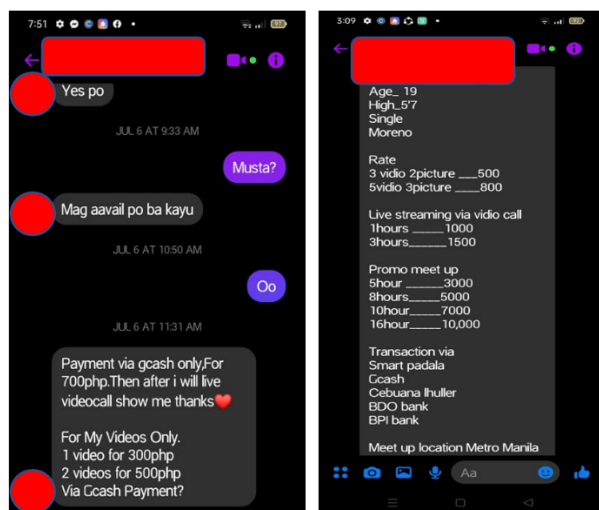


Fig. 2: Sample rates of sexual depictions sold online

While online sex work already existed even before the pandemic, including those involving children, it has worsened, exacerbated, and become widespread when people are challenged financially more than ever. “Since the start of the coronavirus outbreak in the Philippines, there has been an upsetting increase in online sex exploitation of children (OSEC) cases” (Malindog-Uy, 2020). Reality has it that some adult members in the family are the ones who push their children to earn through sexual performance over the internet (Jennings, 2020).

Implications

The online selling of sexual materials and sex performances that involve children aging 17-year-old and below is best dealt with by emphasizing the benefits of responsible parenthood and guardianship. While parents and guardians cannot practically monitor what their children are doing 24 hours a day and seven days a week, nevertheless, it pays when adult members of the family collectively supervise, either physically or through phone calls or video calls, the physical activities, smartphone logs, social media communications, and whereabouts of their children. In doing so, children's unwholesome activities may be detected early and maybe given appropriate interventions.

Age-appropriate sex education is a moral imperative, especially now when children spend more time surfing the internet. Unfortunately, parents and guardians have little to no control over what sites their children are visiting, and to whom they are exchanging messages on social media. Still part of responsible parenthood and guardianship is the inclusion of age-appropriate sex education inputs to children. This implies that sex or topics related to it should no longer be viewed as taboo.

Cracking down the online selling of sexual depictions is challenging to succeed since sellers are using “alter” or fake accounts. This therefore requires highly effective and efficient surveillance of activities of this kind. In this regard, social media sites, or websites in general, should consider putting in place some stringent measures to filter sexually suggestive depictions posted and sexual activities taking place online. They should view this as their corporate social and moral responsibility, especially in the Philippines where sex work and prostitution are considered illegal.

Lastly, financial aid from the government for poor students may be considered to mitigate if not prevent school children from engaging in online selling of sexual depictions to subsidize their school-related needs during the pandemic.

Conclusion

The online selling of sexual depictions (e.g., photos, videos, live streaming) has exacerbated in the Philippines as the COVID-19 pandemic continues to pose financial and economic challenges on highly vulnerable sectors in society. The said online selling of sexual content and performances includes young students who or whose families are hard-pressed during the pandemic. Arguably, this unwholesome phenomenon may be mitigated if not prevented through revisiting the importance of responsible parenthood and guardianship, age-appropriate sex education, highly effective and efficient surveillance, provision of financial aid from the government for poor students to support their school-related needs during distance and online learning, and putting in place some stringent measures to filter sexually suggestive depictions posted and sexual activities taking place online.

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Abortion, Texas "Heartbeat Act" and the US Supreme Court: A Critical Evaluation

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Abstract

Sanctioning abortion is a challenging task because of the competing maternal and foetal interests. While the former asserts her right to autonomy and bodily integrity the latter relies on its right to personhood and sanctity of life. In order to reconcile the competing interests the Courts across the world have declared the foetal viability as the line of demarcation, clearly acknowledging that the woman's autonomy does not include the right to sacrifice a viable foetus unless its continuance imperils the life of the woman. The U. S. Supreme Court's pronouncement on 1 September, 2021 refusing to injunct the Heartbeat Act enacted by Texas legislature, declaring the conceptus as "Unborn child", "from fertilization until birth", treating "fetal cardiac activity" as the relevant point to determine the fetal viability and equating an illegal abortion with "wrongful death" has created a storm in the ethico-legal circles and medical community. This article examines the

salient features of the Texas anti-abortion law and the U.S Supreme Court's refusal to grant the interim relief, in the light of judicial decisions on abortion across the world.

Key Words: *Abortion, woman's autonomy, sanctity of life, embryo, foetus, unborn-child, viability, cardiac activity, wrongful death, injunction*

Introduction

On 1 September, 2012 the US Supreme Court by a razor thin majority (5:4) refused to injunct (1) the Texas Heartbeat Act enacted by the Texas Legislature and signed by the Governor on May 15, 2021, prohibiting the abortion from the point of detection of fetal heartbeat, which may be as early as 6 weeks into a woman's pregnancy. (2) The Texas Heartbeat Act is the strictest abortion law in the United States that is currently in force. (3). The law has evoked angry reactions among the U. S. medical community one of whom compares the Texas legislature with the "Taliban". (4) The law does not distinguish among zygote, embryo and fetus. Instead, it uses the term "Unborn child" which as per the law "means an offspring of human beings from fertilization until birth." Thus, right from the point of fertilization, the conceptus is granted the status of an "Unborn child". The law concludes "fetal cardiac activity" as the relevant point to determine the fetal viability, thereby prohibiting abortion from 6 weeks of pregnancy onwards. The law reflects the legislature's strong value perception and resolve to treat the life of an "unborn child" at par with a living person, equating an illegal abortion with a "wrongful death". The law has several peculiarities in as much as it totally exempts the abortion seeking woman against any legal action but provides stringent action against the entities even remotely connected with the act. Furthermore, the law does not cast any duty on the state officials to enforce the Act. Instead, it anticipates private litigants to sue the violators of law. The law reveals an attempt to circumvent the US Supreme Court's 1973 pronouncement in *Roe v. Wade* (5) which affirms a woman's constitutional right to abort till the point of fetal viability. Concerned at arbitrary and unconstitutional enactment the Act was challenged in the U.S. courts by the affected parties but in the absence of final hearing before September 1, 2021 i.e., the date of enforcement of the Act, the matter was agitated in the U.S. Supreme Court, seeking an injunction against its operation but the apex Court declined to grant the relief. In this article I examine the salient features of the Heartbeat Act in the light of prevailing ethico-legal paradigms and judicial decisions on abortion across the world and offer a brief comment on the U.S. Supreme Court's order denying the relief as prayed for.

Salient provisions of the Act

1. Section A171.201. (1) defines "Fetal heartbeat" as "cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac". This means that mere existence of "cardiac activity", even in the absence of contraction of the fetal heart, is sufficient to make the law applicable.

2. The law does not distinguish among zygote, embryo and fetus. Instead, in Section A171.201. (7) it

uses the term "Unborn child" which as per the law "means an offspring of human beings from fertilization until birth." Thus, right from the point of fertilization, the conceptus is granted the status of an "Unborn child"

3. In Section A171.202 the Act records its legislative findings stating that "less than five percent of all natural pregnancies end in spontaneous miscarriage after detection of fetal cardiac activity"; "over 90 percent of in vitro pregnancies survive the first trimester if cardiac activity is detected in the gestational sac"; "nearly 90 percent of in vitro pregnancies do not survive the first trimester where cardiac activity is not detected in the gestational sac" and "fetal heartbeat, therefore, has become a key medical predictor that an unborn child will reach live birth" Thus, the law concludes "fetal cardiac activity" as the relevant point to determine the fetal viability.

4. As per Section 171.204 (b) the physician does not violate the law "if the physician performed a test for a fetal heartbeat under Section 171.203 and did not detect a fetal heartbeat." Thus, the physicians are free to perform the test, without attracting any legal liability.

5. Section .A171.205 (a) provides an exception "if a physician believes a medical emergency exists that prevents compliance with" the provisions of this law. Thus, the law permits abortion in order to address a medical emergency. However, the term "medical emergency" has not been defined in the Act.

6. Sec.A171.206 (a) says, "This subchapter does not create or recognize a right to abortion before a fetal heartbeat is detected." This is important as this provision leads to total denial of a woman's right to abortion, regardless of the period of gestation.

7. Section 171.206 (b) protects the "woman on whom an abortion is performed or induced or attempted to be performed or induced in violation of this subchapter" from "initiation of a cause of action or the prosecution." This is significant as the provision grants immunity to the women against legal liability

8. As per Section A171.209(a) an illegal abortion is treated at par with a "wrongful death" as a "woman on whom an abortion is performed or induced in violation of this subchapter may file a civil action for wrongful death under Section 71.002, Civil Practice and Remedies Code." This reflects the legislature's value perception and their resolve to treat the life of an "unborn child" at par with a living person.

9. The law authorizes action not only against the abortion providers, but also against a wide array of entities including insurance companies defraying the costs of an abortion, anyone else who helps abortion even by indirect means such as referrals, transportation, or any kind of logistical support.

10. The law does not make exception even for the pregnancies of minors or those resulting from rape or incest,

11. The law can only be enforced through private lawsuits, without any intervention by the government.

The U.S. Supreme Court's Order

1. Merits left undecided

Although the Court has made certain important observations, the merits of the case have been left undecided and the law remains prone to challenge in the Court. The order contains following significant remarks: "neither it nor its executive employees possess the authority to enforce the Texas law either directly or indirectly"; "Finally, the sole private-citizen respondent before us has filed an affidavit stating that he has no present intention to enforce the law."; "we do not purport to resolve definitively any jurisdictional or substantive claim in the applicants' lawsuit" and "In particular, this order is not based on any conclusion about the constitutionality of Texas's law, and in no way limits other procedurally proper challenges to the Texas law, including in Texas state courts." This means that the law has not attained finality and is still subject to judicial review

2. Emphasis on procedural questions

Denying the interim relief, without examining the merits of the case and relying on their earlier decisions, the Court says, "To prevail in an application for a stay or an injunction, an applicant must carry the burden of making a "strong showing" that it is "likely to succeed on the merits," that it will be "irreparably injured absent a stay," that the balance of the equities favors it, and that a stay is consistent with the public interest." The Court also acknowledges, "The applicants now before us have raised serious questions regarding the constitutionality of the Texas law at issue." But, despite these findings the Court chose not to pass a judgment on the merits of the case and denied the interim relief for lame reasons of "complex and novel antecedent procedural questions"

3. Contrary to earlier decisions

The present decision is not only contrary to the landmark and time-tested pronouncement in *Roe v. Wade* (6) it is also inconsistent with the 2013 decision relating to House Bill 2 (H. B. 2), enacted by Texas Legislature imposing two distinct regulatory requirements on the delivery of abortion services wherein the U.S. Supreme Court ruled that that "Both the admitting-privileges and the surgical-center requirements place a substantial obstacle in the path of women seeking a previability abortion, constitute an undue burden on abortion access, and thus violate the Constitution" (7)

4. Valuable dissenting opinions

The four dissenting judges were in favour of granting the provisional relief. The Courts order contains strong component of dissent as reflected in the following observation: "In effect, the Texas Legislature has deputized the State's citizens as bounty hunters, offering them cash prizes for civilly prosecuting their neighbors' medical procedures"; "Taken together, the Act is a breathtaking act of defiance of the Constitution, of this Court's precedents, and of the rights of women seeking abortions throughout Texas"; "It cannot be the case that a State can evade federal judicial scrutiny by outsourcing the enforcement of unconstitutional laws to its citizenry" and "Texas law prohibits abortions for the vast majority

of women who seek them in clear, and indeed undisputed, conflict with Roe and Casey". They further observed, "The Court's order is stunning. Presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of Justices have opted to bury their heads in the sand. Last night, the Court silently acquiesced in a State's enactment of a law that flouts nearly 50 years of federal precedents. Today, the Court belatedly explains that it declined to grant relief because of procedural complexities of the State's own invention."

5. Passive pronouncement

The minority opinion sounds far more convincing and valid than the majority's inert opinion as the constitutional guarantees, citizens rights, rule of law and judicial diktats cannot be subordinated to procedural considerations. However, as per the law, the majority opinion prevails regardless of its merits. This has resulted into a sterile pronouncement throwing the citizens on the mercy of an ill-conceived legislation.

Discussion

A candid discussion on abortion raises following fundamental questions:

- i. Is abortion a fundamental right of the pregnant woman, emerging out of her right to autonomy and self-determination
- ii. Does the unborn carry a fundamental right to life during his/her intrauterine existence? If yes, at what stage of intrauterine existence does that right begin?
- iii. In the event of conflict between the unborn and the pregnant woman whose interest should prevail?
- iv. How does the abortion affect the state and the society in general?

The answers to the above questions are not straight. They lie at the intersection of religious beliefs, cultural sensitivities, socio-economic imperatives, political compulsions, philosophical concepts and scientific promise, amongst others. They vary from avant-garde to deeply conservative. The legislative strategies on abortion therefore reflect heterogeneous approaches ranging from absolute ban on abortion as in Chile and Vatican City to making it available at the woman's will as in Cuba and China. In between, there is a wide spectrum of prohibitions and liberalizations. Judicial decisions across the world including the Courts in the USA, Canada, the UK and the European Court of Human Rights unanimously affirm the woman's right to autonomy, privacy and bodily integrity. At the same time, the decisions also reflect a recognition of the foetal right to survive.

In order to reconcile the above two competing interests the Courts have relied upon the foetal viability as the benchmark. As the foetus moves closer to viability the woman's right to abort starts getting diluted. There is a clear acknowledgment that woman's autonomy does not include the right to sacrifice a viable foetus unless its continuance causes immediate risk to the life of the woman. As regards the state's power to interfere with the woman's choice on the ground of "compelling state

interest" the US Supreme Court has ruled that the term "compelling" has to be accorded a narrow expression while intruding "into the matters so fundamentally affecting a person as the decision whether to bear or beget a child". (8) The U.S. Supreme Court in 1992, held that "a statute which, while furthering [a] valid state interest, has the effect of placing a substantial obstacle in the path of a woman's choice cannot be considered a permissible means of serving its legitimate ends" (9) In 1988, the Canadian Supreme Court held the country's federal abortion law as arbitrary and violative of Section 7 of the Canadian Charter of Rights and Freedoms because of "arbitrary delays and disparities in access to abortion." (10) In 2010, the European Court of Human Rights held " While Article 8 cannot be interpreted as conferring a right to abortion, the prohibition of abortion where sought for reasons of health and/or well-being come within the scope of their right to respect for their private lives and accordingly Article 8." (11) In an earlier case the Court held that denial of abortion and forcing the woman to deliver the child resulting in to serious damage to her eyesight constitutes violation of Article 8 of the European Convention on Human Rights (12)

As regards the urge to protect the fetal existence it is rooted in the concern for the sanctity of life. The question is when does the life begin? This is a difficult question. In the 1973 US judgment *Roe v Wade*, (13) the opinion of the justices included the following statement: "We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer."

Biologically speaking, human embryo is not merely a surplus mass of cells. Embryo comprises complete human genome and possesses potential to develop in to a human being. Its status is intimately linked to the sanctity of human life. That makes its position distinct. The pro-lifers argue that "..... human life begins at fertilization when a one cell zygote is formed by fusion of a sperm and ovum. Thus, the zygote at the time of fertilization is not a potential human being; rather it is a human being with active potential." (14) While adjudicating the embryo's status, the Courts across the world have adopted heterogeneous approaches. At times, the judicial approach has been profoundly pro-embryo. In 1996, the Supreme Court of Tasmania, Australia, held that frozen embryo is entitled to acquire inheritance rights. In so doing, Justice Slicer deviated from the common law doctrine that a child *en ventre sa mere* is not a person unless it is delivered alive. (15) In 1933, the Supreme Court of Canada, in *Montreal Tramways Co v Léveillé* held that " a child, if born alive and viable, should be allowed to maintain an action in the courts for injuries wrongfully committed upon its person while in the womb of its mother." (16) In *Borowski v. Canada (Attorney General)*, Supreme Court of Canada declined to decide whether the fetus had a right to life under sections 7 and 15 of the Canadian Charter of Rights and Freedoms holding that in view of earlier

judicial decisions the questions concerning foetal rights violations are moot. (17) In 1991, in *R. v. Sullivan* the Supreme Court of Canada held that a fetus is not a person in the context of the negligence law in the Criminal Code of Canada. (18) In 1997, in *Winnipeg Child and Family Services (Northwest Area) v. G. (D.F.)*, the Supreme Court of Canada held that the "law of Canada does not recognize the unborn child as a legal person possessing rights" (19)

The Courts in UK have held in several cases that the foetus has contingent legal interests but it has no rights until live birth. (20) In *Paton v Trustees of BPAS* Baker P observed, "The foetus cannot, in English law, in my view have any right of its own at least until it is born and has a separate existence from its mother. (21) However, despite this *locus classicus*, there are many cases where the British Courts have been very liberal while considering the interests of the unborn. Lord Loreburn in *Villar v Gilbey*, in 1907, held, "It is certain that a child *en ventre sa mere*" (an unborn child) "is protected by the law, and may even be a party to an action." (22) According to Justice Macnaghten, in *R v Bourne*, "The law of this land has always held human life to be sacred, and the protection that the law gives to human life extends also to the unborn child in the womb." (23)

In the House of Lords decision of Attorney-General's Reference [No 3 of 1994] the Court held, "The creation of an embryo from which a foetus is developed requires the bringing together of genetic material from the father as well as from the mother. The science of human fertilisation and embryology has now been developed to the point where the embryo may be created outside the mother and then placed inside her as a live embryo. It serves to remind us that an embryo is in reality a separate organism from the mother from the moment of its conception. This individuality is retained by it throughout its development until it achieves an independent existence on being born. So the foetus cannot be regarded as an integral part of the mother in the sense indicated by the Court of Appeal, notwithstanding its dependence upon the mother for its survival until birth." (24)

The decision of the European Court of Human Rights, on 27 August 2015, in *Parrillo v. Italy*, has reaffirmed the special status of human embryo. While dismissing the appeal of Adelina Parrillo, an Italian national who wanted to donate her five unimplanted embryos for scientific research, the Court upheld the validity of Section 13 of the Italian law No. 40/2004 of 19 February 2004 which prohibits research and experiments on human embryos even for scientific purpose as the Italian legal system considers human embryo as a subject of law entitled to the respect. With regard to Article 1 of Protocol No. 1 of the Convention which guarantees peaceful enjoyment of his/her possessions to every natural or legal person the Court held that it did not apply to the present case since the human embryos cannot be reduced to "possessions" within the meaning of Article (1) (25)

At the fundamental level, controversy about abortion emerges out of the conflict between two equally compelling moral concepts namely the sanctity of foetal life and the autonomy of pregnant woman. In addition to this intrinsic maternal-foetal discord, other important concerns such as impairment of woman's health and risk

to her life, protection of woman from unwanted consequences of sexual abuse, maternal minority, maternal mental disablement, birth of a malformed and unviable child, sex selection, eugenics, diversion of scarce healthcare resources, population containment and shifting of focus from simpler contraceptive devices also determine the course of legislative policies.

With fast advancing biotechnology new contexts and perspectives are emerging. Evolving therapeutic capabilities have enhanced the possibilities of correction of foetal aberrations and malformations, in the early stages of gestation. Foetal viability i.e., when a fetus attains sufficient maturity to survive in the neonatal period, is a cardinal issue. Although, at present, there is no worldwide and uniform gestational age that defines foetal viability, in the United States viability presently occurs at approximately 24 weeks of gestational age (26) The decision to sacrifice a foetus is therefore a far more difficult decision today than it was in the earlier times.

Thus, it is clear that the restriction as well as liberalization of abortion, both, are fraught with complications and the state as the custodian of people's rights and interests is a vital stakeholder. It is the state's responsibility to evolve equitable policies by reconciling the competing interests of various stakeholders. In addition to national constitutions and charters international pronouncements and treaties such as International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the European Convention on Human Rights, and the European Social Charter need to be respected. The controversy regarding moral status of foetus has attained new dimensions in view of advances in reproductive medicine and foetal therapy enhancing foetal viability, and growing possibilities of foetal commodification. Similarly, the concerns for woman's autonomy are getting greater recognition owing to increasing human rights consciousness and their important role in the society. The state has to resolve the conflicts between pro-lifers and pro-choicers by balancing interests of the pregnant woman and the foetus. Theological, moral, legal and medical constructs have to be objectively delineated in order to evolve candid and holistic ethico-legal paradigms compatible with foetal, parental and societal interests.

Conclusion

1. Abortion embraces in its fold cultural, religious, social, political, economic, scientific, ethical and legal issues. Multiplicity of stakeholders, with conflicting perspectives, contemplates delicate balancing of diverse concerns.

2. The Texas "Heartbeat Act" reflects a profound value judgment about the sanctity of the intrauterine human life. This is a widespread concern as is evident by a host of judicial pronouncements across the world coupled with legislative developments, particularly in the USA where several states have imposed restrictions on abortion, including Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri and North Dakota.

Unrevealed political facts of the Hwang scandal

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Abstract

This study examines documents related to the Hwang scandal only known to a few people. In 2004, a research paper by Dr. Hwang in South Korea was published in the journal *Science*. The report indicated that Hwang's team had obtained human embryonic stem cells from ova and somatic cells. In 2005, Hwang's team claimed that it had developed a method for patient-specific embryonic stem cells. However, an anonymous informant claimed that his research was fake and he violated medical ethics. The media investigated his research, and the papers were retracted in 2006. Despite the editor's testimony, Newcastle University's re-verification, and the Supreme Court's decision, Hwang was still considered a fraud by the non-expert mass media. He was not the only one responsible for the scandal, and the *Science* editorial team stated that the fabrication did not significantly affect the primary point of the research. Nevertheless, the paper was still retracted by the authors. Notably, the South Korean Supreme Court also acquitted Hwang of fraud, and the Seoul National University Investigation Committee, which was mainly comprised of non-experts, had misrepresented their conclusion. This misrepresentation led to the unfair dismissal of Hwang. The Korean media also partially blocked information about the scandal. As a result, the Seoul National University College of Medicine inherited financial support for the College of Veterinary Medicine. President Roh prevented the prosecution from investigating his slush fund, and the Samsung Group and the prosecution hushed up its misconduct. This study seeks to shed more light on the case and contribute to nurturing more responsible researchers.

Keywords: stem cell research; misconduct; medical ethics; journalism; political corruption

Introduction

This study explores the suspicious circumstances surrounding Woo Suk Hwang's research paper manipulation incident in 2005. The Hwang scandal is a biomedical research manipulation case that was triggered by suspicion over the source of human ova that Hwang used in his 2004 study published in *Science*. In 2004, Hwang established human embryos and embryonic stem cells by using a somatic cell nuclear transfer method. In 2005, he collaborated with worldwide research teams and derived patient-specific stem cells. A biomedical research ethics concern was raised by an anonymous informant, which resulted in a controversy about Hwang's research. Questions revolving intellectual property, rights and journalism ethics were also raised. The concerns raised became even more complex because of a range of conflicts of interest in political and economic forces. Although the scandal was initiated through a concern over medical

ethics, it gradually expanded to include the issue of the authenticity of the research. The prosecution accused Hwang of violating bioethics laws that were actually non-existent at the time. In 2014, when the incident had already been forgotten, the Seoul National University expelled Hwang and the court remanded him. During this time, the government had still not approved his research. The violation of journalism ethics and distortion, which had been identified as the main issues in his research, had also been forgotten.

Hwang's case is important because it draws attention from all circles and affects academic, economic, and political masses. Many studies have been conducted on this scandal, but they have mostly impugned the research or focused on the aftermath (e.g., *East Asian Science, Technology and Society* volume 12 issue 2). Apart from the few studies that have supported Hwang's research such as *Science's* editorial team report and the Newcastle University's report, all the other existing studies have unilaterally castigated Hwang and even sometimes stigmatized him. However, this study takes a different approach. It explores the arguments of Hwang's supporters and attempts to unravel the reasons behind their decisions. The current study aims to present an alternative perspective about the Hwang scandal. To achieve this, no research papers related to the subject are cited within this study; instead, I wrote an entirely new study by mainly citing news articles that covered the scandal at the time.

This section provides the background information that the readers need to know to understand this article. First, the relationship between the College of Medicine and the College of Veterinary Medicine, Seoul National University, will be discussed. For decades, the College of Medicine of Seoul National University (SNUCM) has only been admitting the highest-level elites of the Republic of Korea. It also symbolizes the vested interest and conservative forces in biomedical research fields. On the other hand, the College of Veterinary Medicine (SNUCV) is not as well established as the College of Medicine. Hwang was a professor in the College of Veterinary Medicine, and he was mostly criticized by the College of Medicine (Sin, 2006). Notably, after the Hwang scandal, the SNUCM took control of the research and support for Hwang and SNUCV (Sin, 2006; YTN, 2006a).

Second, the role of the Samsung Group in the scandal will be explored. According to the 2015 Brand Finance analysis, Samsung is considered the world's second-largest brand (Brand Finance, 2015). At the same time, the 2012 Nominerte Firmen Public Eye Awards cited Samsung as a company that tolerated tax evasion and environmental pollution while threatening workers and consumers because it is only focused on making corporate profits and nurturing cozy relations between politics and business that further enable labor repression and subdue public opinion (Public eye, 2012). Most of the advertising revenue of media in Korea such as MBC and Naver—the largest web portal in Korea, a subsidiary of Samsung—comes from Samsung. This, therefore, implies that Samsung has the capacity to influence the media. For instance, 75% of news writers experienced their articles about Samsung were unexpectedly modified or deleted

(VOP, 2005a; 2005b). It is also worth noting that a few years before the Hwang scandal, Samsung started investing in biotechnology. (Joongang Ilbo, 2002). Samsung requested the government to allow it to invest in biotechnology when the Hwang scandal had just started (Hong, 2005a).

The Samsung Group has Bokwang Venture Capital as a holding company. Ra Hui Hong, who is the wife of Kun-Hee Lee, is the chairman of Samsung, and her family had a 61.81% stake in Bokwang Venture Capital. Bokwang Venture Capital sold a stake to MEDIPOST, and it made a profit of 1160% (Lee, 2005a).

Hwang's research team was considered as an obstacle to conservatives in both the academic and political scenes. Their growth was unwelcomed because of the vested interests in the Republic of Korea. As Hwang received worldwide attention, the SNUCM lost support. Samsung wanted to own Hwang's research by ostracizing him. From the foregoing, it can be presumed that the Republic of Korea's political forces were also involved in the scandal.

Finally, this study will examine the role division of stem cell research. In the research, Hwang's team, together with SNUCV undertook embryonic stem cells cloning, and it collaborated with MizMedi Hospital and MEDIPOST Co. to conduct adult stem cell culturing. Controversies, such as cell contamination, mix-planting, cell switching, and even the source of the eggs—which is what triggered the scandal—happened during culturing process. The main investor in the two companies in charge of culturing was the US National Institutes of Health (Min, 2002; Lee, 2002).

The controversy surrounding Hwang's research was triggered by various factors. Below are facts about the beginning of exchanges and the background of the collaborative research as revealed in the 5th trial on September 28, 2006 (*Chondogyo Wolbo*).

Shin Yong Moon, the corresponding author of the research in 2004 was a professor at SNUCM.

Sung Il Roh, the chairman of MizMedi Hospital, was responsible for culturing the adult stem cells in Hwang's team. He also had a significant stake in the research. He is the only son of the director of Samsung Cheil Hospital. The source of eggs, which was the starting point of the scandal as well as research ethics issues was the responsibility of the MizMedi Hospital. The cells also got mixed with others in the hospital. The MizMedi Hospital and Bokwang Venture Capital founded a company, MEDIPOST Co. The largest shareholder of the company was still the Samsung family. In particular, Yang, the CEO of the MEDIPOST Co., is a professional doctor at the Samsung Seoul Hospital, and he completed all his degrees from SNUCM. It is therefore clear that both the Samsung Group and SNUCM were involved in the scandal. It was one of SNUCM's cell that the MBC and SNU investigation commissions identified as Hwang's (Go, 2006).

Roh has established a strong partnership with MEDIPOST and affected them in abnormal ways (Jeong, 2006a). Hwang declined Roh's proposal for the Pangyo Project, and he assumed that it had an underlying ill motive (Chosun Ilbo). The Pangyo Project provides crucial evidence that shows not only the relationship between

MizMedi, MEDIPOST, and Samsung but also Roh's criminal motive. The Samsung Cheil Hospital originated from the Cheil Hospital, and the founder of Cheil Hospitals, Dong-Hee Lee is a cousin to Kun-Hee Lee, who is the chairman of the Samsung Group. Cheil Hospital was incorporated into Samsung Medical Center in 1996 and became independent from Samsung in November 2005 (Kim, 2005a). When the public broadcasting station of Korea, MBC—the government had a 70% stake at the time—interrogated Hwang about the source of ova, it was MizMedi Hospital's responsibility, and that Hwang was only a well-known participant in the entire team.

There was a lawyer whose name is Matthew Park (Korea daily; Korea portal). He had noticed Schatten's patent theft and informed Hyeongryeol Mun about it. Mun was then a product director at KBS (Korean public broadcasting), and when he received the information, he reported Schatten's plagiarism and technical know-how drain through Park's interview on *Chujeog 60 Bun*. That episode was banned from KBS, but Mun opted to share the video by uploading it on the Internet. As a result, he was fired by KBS. After Park revealed Schatten's patent theft and cooperated with Mun to record a video over the incident, he was involved in a traffic accident and died under suspicious circumstances at a hospital (Jeong, 2006b; Wikipedia) Naver then completely blocked any search for information about him. Currently, there are no search results for “마태 오박” on Naver.

In 2014, Samsung distributed a movie titled “The Whistleblower” through a subsidiary, MegaBox. The contents of the movie are about a professor who researches on stem cells and manipulates the results, thus violating all kinds of research ethics. A veracious postgraduate student then reports him. MegaBox claims that the movie is a work of fiction. However, the background and the characters in the film seem to symbolize the relevant characters and organizations in the Hwang 2004 research such as MBC, Woo Suk Hwang, Young-Joon Ryu, and most of the media and the public understood like that.

Introductory remarks: Some of the references are linked to other literature; however, they are cited because most of the data have been effaced or denied. This study also tries to cite the original literature, but some addresses might not be accessible.

Suspicious

In addition to the questions raised in the introduction, there was also suspicion about the National Intelligence Service's (NIS) involvement in the scandal. Although there is no noticeable search for “Hwang, NIS” on Naver, on Daum—the second influential portal site in Korea—, there are many articles on the topic; for example, “The relationship between Hwang, Yun, NIS, YTN must be identified”, “Did NIS get involved in covering Hwang's YTN news?”, and “NIS gathered information from the beginning of the Hwang scandal.” Therefore, it is difficult to ignore suspicions that the NIS played a role in manipulating the Naver search engine results.

The suspicions are raised below.

1. Suspicion that someone associated with the Hwang scandal, including Schatten and Moon, infringed on Hwang's patent right

In 2003, Schatten indicated that primate cloning is impossible (Simerly, 2003). However, Hwang succeeded in cloning the pluripotent human embryonic stem cell line in 2004 (Hwang, 2004). Schatten, who was never interested in Hwang's team, visited his lab and even paid travel expenses for himself (Roh, 2007). He wanted to collaborate with Hwang and even asked him to send his researchers to his team (Kim, 2004a). Later, Schatten revised his existing patent considerably by rehashing Hwang's research and techniques (Ebert, 2006). After that, he announced his breakup with Hwang's team because of the ethical issues that surrounded the source of the eggs for the research (Weiss, 2005a). In 2005, Schatten claimed in an interview that he had succeeded in cloning primates using the methods derived from Korea (Roh, 2007). However, the University of Pittsburgh also believed that Schatten had plagiarized Hwang's patent (University of Pittsburgh, 2006).

On February 21, 2004, Shin Yong Moon made a patent application for Hwang's technology under the name Korea Research Institute of Bioscience & Biotechnology (KRIBB) and his medical foundation—Application number: 1020040011705, Application: Production method of human neural progenitor cell line from human embryonic stem cells. Although the contents are about Hwang 2004, Hwang is not in the list of inventors.

2. Suspicion about the source of the eggs for the research

MBC *PD Sucheop* reported that Hwang bludgeoned one of his students to donate her eggs by intimidating her that he would remove her from the authors' list (Han, 2006). Researcher Park spilled the experimental eggs during the experiment in March 2003 and decided to provide her eggs instead (Hyeon, 2005). According to *PD Sucheop*, Park received medical treatment for the extraction of eggs by Roh from February 7th to March 10th, which is the period when she damaged the eggs. Considering that it takes about a month to extract an egg, it seems that they premeditated to sabotage them on March judging from the medical record since February 7. The final report written by the SNU Investigation Committee also described the suspicion—that the researcher tendered eggs due to coercion of Hwang—as a “factless rumor,” although their aim was to pressure Hwang (Seoul National University Investigation Committee, 2006). Moreover, the prosecution investigation report indicated that researchers had announced their intention to donate, and there was no coercion by Hwang (Seoul Central District Public Prosecutor's Office, 2006). Nevertheless, Roh was responsible for supply of the experimental eggs; this was not Hwang's responsibility (*The Korea Times*, 2005).

3. Suspicion about bioethics law

According to the Act on Bioethics and Safety, which came to force on January 1, 2005, since human cells are necessary for stem cell research, Hwang needed to get approval from the Minister of Health and Welfare after consulting with the National Bioethics Committee. Although Hwang applied for approval for research after acquiring the necessary facilities and personnel, the government rejected the application on ethical grounds.

Since Korean law follows the personal law principle, even if Hwang possess an inventory, it cannot be reproduced or authenticated until he denounces his Korean nationality.

The government also pointed out the ethical issue of the “egg donation process.” Although Hwang's team acquired the experimental eggs through egg donation, as advised by the National Bioethics Committee, the court still held that “egg donation” is not provided for as a legal process in the Act on Bioethics and Safety. Therefore, in the court's view, the egg donation process was illegal because there is no reference to egg donation in the law.

4. Deifying Hwang and pretending as if he was grandstanded

At the time, Hwang was considered as the cynosure of all eyes, and talking about him guaranteed news writers a high number of hits. Many media houses lionized him excessively, and some even deified him (Jeong, 2005). Some critics and politicians even alleged that Hwang had said that he would “make cripples walk soon (Choi, 2006; Jin, 2006; Choe, 2005)” However, a doctor who was there testified that Hwang did not say that (Kim, 2004b). According to *Trust the news only in half*, p.64–68, not only did always tell people that “I cannot make cripples walk right now,” but he also stated that there was no context for pseudo-religion as media put it, and this was only meant as a consolation for a kid who was accompanied by his parents (Roh, 2007).

When suspicion on the source of the research eggs began, a female professor who is a co-author of Hwang's paper said that “I'm willing to donate several times. When I leave the lab, I'll donate them.” on a telephone interview. However, the contents of this statement were published in magazines and distorted to suggest a doubtful trade. Despite her contradiction, the journalists demanded that Hwang reveals the donor of his experiment eggs if he was innocent. However, he did not respond to this demand because in medical practice, it is unethical to reveal the patient's identity (Kim, 2004b).

When Myung-Hee Chung, Chairman of SNU Investigation Committee, announced that “the technology is no longer unique,” reporters promptly reported it without conducting any due diligence to verify the information. After publishing and reporting this, the reporters and journalists avoided responsibility, saying that “[they were] also deceived by Hwang.” Soon, the public and mass media started referring to Hwang's fans and supporters as Hwang-ppa—Hwang's enthusiastic zealots (Kim, 2009).

5. PD Sucheop and MBC informant

An anonymous informant who did not take part in the 2005 research reported Hwang's paper manipulation to MBC without any evidence, and *PD Sucheop* started surmising. Three months later, the informant got the DNA verification result and handed it over to *PD Sucheop*. This was comparative data from MIZ-1 to MIZ-15, which no one but Sun Jong Kim alone could get. Furthermore, the manipulation had been occasioned by Kim, but Hwang was not aware.

MBC *PD Sucheop* then resolved to cover up Roh's role and instead sell it as Hwang's while also covering the team's ethical violations. This marked the beginning of the whole scandal. MBC also reported that Hwang's team did

not deposit any stem cell while applying for the patent, thus discrediting the cell bank personnel's explanation that Hwang had already deposited NT-1 cell in 2004, and therefore, he had no obligation to do that. They also tried to portray Kim, a prominent suspect, as a righteous informant.

They met and conciliated Kim and also acquired a photographic manipulation testimony. Four years later, the court convicted Kim of the crime of manipulating Hwang's research. The prosecution concluded that Kim was the sole criminal and Hwang was acquitted, but *PD Sucheop* shirked responsibility.

After *PD Sucheop's* report in 2005, Dr. Donald Kennedy, the chief editor of *Science* said "None of these allegations [by MBC] have been credible. Until a specific, scientifically based claim against Dr. Hwang's findings is reported to us, we will not offer speculations." in response to MBC's questions (AAAS, 2006). He also said that "It is our understanding that the correction of the table does not significantly alter the paper's primary conclusion that patient-specific embryonic stem cells were derived from human SCNT-blastocysts." (AAAS, 2006).

6. Suspicion about the announcement of the Seoul National University Investigation Committee

On January 10, 2006, the SNU Investigation Committee evaluated Hwang's blastocyst forming technique to determine whether it would be able to secure intellectual property rights (Seoul National University Investigation Committee, 2006; YTN, 2006b). On the same day, at a press conference, Myung-Hee Chung announced that Hwang's technology is no longer unique (Kim, 2006a). An argument ensued between Newcastle University and the SNU Investigation Committee about this. It was argued that Chung deliberately made the announcement without taking into consideration empirical experiments and the findings of other researchers (Puccazoa, 2008). He also attempted to misrepresent Newcastle University's report despite the fact that its authors had indicated that Hwang played a significant role in their research and contributed to the success of the Newcastle team (Joongang Ilbo, 2005; Choi, 2006b). Moreover, Chung acknowledged that even he does not understand what he announced that day in an interview with *PD Mun of Chujeog 60 Bun*, KBS (Choi, 2006c; Caaleaf, 2015). In addition, according to the facts revealed by court investigations, there was no one who had experience observing human eggs or experts in embryonic cells in the SNU Investigation Committee (Mun). When people lost interest in the Hwang scandal, some of those involved in discrediting Hwang's technology blatantly confessed that "[they were] just killing Hwang only." (Cho, 2007).

7. The controversy of cell substitution

7.1. Investigation on Woo Suk Hwang

At the beginning of the Hwang scandal, the public demanded that Hwang opens the stem cell invention to the public and prove his innocence if his research was genuine. Hwang claimed that he made stem cells, but someone replaced them with different ones and commissioned the prosecution to investigate Sun Jong Kim (Cho, 2007). Soon, the prosecution announced that Kim mix-planted the MizMedi Hospital's embryonic stem cell to the internal cell mass of Hwang's laboratory (Lim,

2007). The prosecution also announced that Kim directed MizMedi's researchers to fabricate or discard the cell freezing and defrosting history books that showed the state of export of the embryonic cells at the time (Seoul Central District Public Prosecutor's Office, 2006). The prosecution investigated Kim and Hwang using a polygraph, and concluded that Kim mix-planted cells dogmatically and Hwang did not recognize it (Seoul Central District Public Prosecutor's Office, 2006). When the prosecution concluded that the stem cells were mix-planted, the press reported that it was not "replacing" as Hwang had claimed, but it was "mix-planting." The public interpreted this statement to mean that Hwang was wrong, and therefore, he had committed fraud.

7.2. Investigation on Sun Jong Kim

It was revealed that Kim replaced Hwang's stem cells (Seoul Central District Public Prosecutor's Office, 2006; Ha, 2005). Kim had been silent before the revelation, but after that, he began responding to the concerns that were raised (Son, 2006). Although it was a crucial moment for media houses to intervene and verify the allegations, they instead opted to publish and report information that neutralized Hwang's claim by subjective interpretation and speculation (Donga Ilbo, 2006; Lee, 2006).

Meanwhile, the prosecution confiscated Kim's, which had been damaged and was under repair. It also shifted focus to Kim and MizMedi's data collection, wondering why the SNU Investigation Committee did not investigate Kim's research records. On the contrary, the reporters focused on blurred rumors about Hwang's team, which were not clear facts on Kim's culpability (Kang, 2006)

The media wrote speculative articles that seemed to imply that Hwang had manipulated the data. They used ambiguous expressions, such as "seemed to be, known as, and suspicious" without basis, and even attempted to distort the prosecution's conclusion.

7.3. Seoul High Court's judgment

Sun Jong Kim concealed the crime by manufacturing fake stem cells and fabricating DNA results. Consequently, the Seoul High Court ruled that Kim was guilty of business obstruction, and he did not protest this verdict. Kim accused Hwang of embezzling research funds, but the court dismissed these allegations for lack of evidence. (Seoul High Court, 2010).

8. Sung Il Roh's press conference(TVpot)

At 15 minutes and 40 seconds of the video, Roh blurted that he made a personal decision to keep the research materials with him. At 21 minutes and 46 seconds of the video, Roh confessed that he had a grudge because he had requested Hwang to prepare for him a cell but he did not. At 22 minutes and 13 seconds of the video, he mentioned the newest electron microscope that was in Daejeon. At 29 minutes and 8 seconds of the video, he ended the press conference in a hurry as soon as someone handed him a phone and said "There is a call from Prof. Moon. He has requested you put the press conference on hold and call him."

At 15 minutes and 40 seconds of the video, he admitted his crime. At 21 minutes and 46 seconds of the video, he announced his criminal motive. It was KRIBB where he mentioned at 22 minutes and 13 seconds of the video. Roh was KRIBB Cellular Application Research

Group Director. There were his juniors and puppets, who included Dr. Gyeong Gwang Lee (the Director of KRIBB Cellular Application Research Group, the Director General for Research Policy), Dr. Yong Man Han (a member of KRIBB Cellular Application Research Group, and the Section Chief), Dr. Hyo Jeong Hong (a member of KRIBB Cellular Application Research Group, A Responsible Researcher). It was also KRIBB where Hwang suffered from frequent mysterious fires.

The call that Roh received in the middle of the press conference seemed to suggest that there was an urgent situation, and Moon thought that Roh had made a mistake. The call may also suggest that Roh and Moon were colluding.

9. *The contradiction of Sung Il Roh's interview and inconsistent attitude toward Sun Jong Kim*

At an interview with *PD Sucheon* broadcasted on December 15, 2005, Roh said that he had never seen stem cells. However, in 2007, during the 15th trial of the Seoul District Court 417 on August 28, he said that "I have seen stem cells with a guy who came from the UK and whose name is Ian Wilmut."

About Kim, he said at the press conference that he encouraged and embraced Kim and told him "I'll be your brother, so don't worry." (TVpot). However, after the SNU Investigation Committee found MizMedi's stem cells in Hwang's cells, he aloofly said "I don't know that guy [Sun Jong Kim]." (Kim, 2006b).

10. *Connecting link of all suspicions and the relationship between the persons involved in the affair*

On August 28, 2007, at the 15th trial of the Seoul District Court 417, a record on a currency conversation was opened to the public as evidence proving a scheme between Kim and Roh.

In the conversation that was recorded on December 17, 2006, Kim is heard saying to Jeongbok Lee, a researcher at MizMedi, "help me if Hwang, the son of a bitch, evades."

In a conversation that was recorded on December 18, 2006, Roh is heard saying to Kim, "let's conclude it at once at the SNU investigation. You do not have to waste your time. Hang in there; we can topple him even though we are disadvantageous in number."

In another conversation recorded on December 20, 2006, Roh is heard telling Kim, "Sun Jong, you better not contact Hwang."

In a conversation recorded on December 22, 2006, Yun's is heard telling Kim, "The SNU Investigation Committee is trying to kill Hwang. They are not aiming at you, and they will not ask you about the paper manipulation."

The following is written based on the content referenced by Bok Jae Lee's article, but I cited the redistributions and vestiges because the original text was deleted (Lee). Shin Yong Moon and Sung Il Roh are 62th and 67th alumni of Kyunggi High School respectively. The SNU Investigation Committee consisted of people who were hostile toward Hwang, and all of them were Moon's junior colleagues or subordinate staff. Reporter Lee presented other suspicions and evidence other than those mentioned in the article. After uploading the article, he was banned from accessing the prosecutors' office (Lee).

A thief got his house, and unofficial materials that he had kept at home were also stolen, but surprisingly, no cash or valuable items were stolen (Hateuman, 2006; Minchori).

11. *The suspicion that the President Moo Hyun Roh was engaged in the scandal* (Shehan, 2017)

In 2015, Hwang said, "When I was under investigation by the prosecution, Cheong Wa Dae—the Korean government—secretary told me that the president has a desire that the prosecution would not investigate his money." As if proving that, the prosecution protracted the investigation on the issue of embezzlement as it became clear that Hwang did not direct or connive paper manipulation. Hong and Lee's party, who led the prosecution at that time, again led the investigation of president Roh's slush funds. The investigation was concluded just after the demise of Roh.

12. *The suspicion that NIS and YTN interfered with the scandal*

It was revealed that Sun Jong Kim received suspicious money when Dr. Ahn, Dr. Yun, and YTN visited the US, and the Seoul Central District Prosecutor's Detective Division 2 banned Kim from traveling (Roh, 2016). It was also revealed that it was the NIS who delivered money to them. Before then, Dr. Ahn had claimed that Hwang bought them off with money, but on this day, she realized that it was not Hwang but the NIS who gave them money (Son, 2005; Sample, 2005).

13. *Collection of information indirectly related to parties and affairs*

In 2005, there was a huge scandal that came to be known as the *Samsung X file scandal*, and it significantly affected the Korean political and financial world, including president Roh, Samsung, and the prosecution. The *Samsung X file scandal* began in July 2005 when Sangho Lee, a MBC reporter, reported wiretap records of the Agency for National Security Planning (the current NIH). The X file contained sound recordings that brought to light the relationship between Samsung, the prosecution, the government, and the media. Although an independent counsel team was set up to investigate the X files, it is clear that there are underhanded misdeeds between the political and financial worlds—Moo Hyun Roh, the prosecution, and Samsung. This is further corroborated by the fact that the prosecution refused to disclose the content of more than 280 files and nobody was arrested despite fact that names and specific actions of corrupt prosecutors were disclosed in the recordings (Kim, 2005b).

On June 8, 2005, Lee's article was published, and the surreptitious connection was revealed. On July 4, 2005, Moo Hyun Roh suddenly proposed a grand coalition to the Grand National Party, which was the leading opposition. On 22 July of the same year, the X file was released, and details of the corrupt relationship between political and business circles were revealed.

Not only high-ranking officials of the prosecution but also his advocator were accused of bribery. Roh sought to extricate them, and glossed it over. The prosecution investigated their suspicions themselves. Afterward, the X file special law and the independent counsel team were abolished and public attention was diverted to the Hwang scandal (Jang, 2013).

The ruling was read on February 16, 2013. By this time, the public had already forgotten about the X file. The Supreme Court ruled that:

Yeonkwang Kim, chief editor of the *Monthly Chosun*, who reported the X file was sentenced to 6 months imprisonment, disqualification for a year, and a suspended sentence; Sangho Lee, a MBC reporter who reported the X file, was sentenced to 6 months imprisonment, disqualification for a year, and a suspended sentence; and Hoechan Roh, a congressman who disclosed the X file partly, was sentenced to 4 months imprisonment, and reprieve for a year

Hak-Su Lee, vice chairman of Samsung Group, Seok-Hyun Hong, chairman of *Joongang Ilbo*, and all the prosecutors who were associated with the scandal were not indicted.

14. Key events organized according to the timelines (Roh, 2016)

The usual stem cell research order is stem cell formation, experiments on animals, experiments on primates, and finally clinical trials on humans.

After a 2004 publication highlighted Hwang's research, he attempted to treat a handicapped dog whose spinal nerves were broken, and the lower half was paralyzed using his stem cell.

By April 2005, the dog had recovered to such an extent that it was no different from normal dog (Hong, 2005).

KRIBB secured a national primate research center for Hwang's research (Jeon, 2004).

One day, Hwang asked Yun—the president of Samsung Electronics—to help him get some monkeys for research. Yun traveled to Africa himself and brought 99 baboons (Seoprose Daum).

The primate experiment that was scheduled for May to June was not completed until August because the monkeys were killed in KRIBB (Gu, 2005).

The accident took place on April 20, but KRIBB did not know that even though they were capable to be aware of it beforehand (Gu, 2005).

Although the monkeys died due negligence, Yun was cavalier. Besides, he never approached Hwang again.

KRIBB avoided explaining why they could not prevent the death of the monkeys despite the fact that the facility was equipped with multiple defenses to prevent power outage (Gu, 2005).

In October 2005, *PD Suchoep* reported the ethical issue of the source of eggs for research.

On December 11, Hwang succeeded in experimenting with primates (Hwang, 2005).

On December 15, Roh made a press conference.

However, Hwang did not get to authenticate his research because his records were lost due to a mysterious fire at KRIBB (Lee, 2005b).

15. Core events organized by correlation

15.1. Bioethical law

On December 28, 2004, a person in charge of culturing in MizMedi took out four stem cells secretly, including an American diabetic patient's cell.

On January 1, 2005, the Korean government enacted the "Bioethics Act" to limit the supply of eggs. The law required any researcher who carried out research on eggs to follow advice from the National Bioethics Committee

and seek approval from the Minister of Health and Welfare under the government.

On May 12, 2006, the Seoul District Prosecutor prosecuted Hwang for fraud, embezzlement, and violation of the Bioethics Act.

In September 2007, Hwang's team was registered as an embryo cloning research institute under the Korean government with the relevant facilities and personnel.

In December 2007, Hwang implored the Korean government to approve research using human eggs.

In April 2008, the Ministry of Health, Welfare, and Family Affairs held off research approval.

On July 3, 2008, BBC reported that the egg donation system was rated as successful bioethics policy in the UK.

On August 1, 2008, the Ministry of Health, Welfare, and Family Affairs rejected the approval of Hwang's stem cell research due to bioethics violation.

On March 9, 2009, the US federal government deregulated restrictions on embryonic stem cell research.

On June 24 2015, the Supreme Court acquitted Hwang of violation of the bioethics law.

15.2. Relationship between Sung Il Roh and Sun Jong Kim, stem cell exchange, and the involvement of SNU

On December 16 2005, Hwang expressed his suspicion about stem cell replacing during the incubation phase through a press conference. Roh criticized Hwang over the press conference and alleged that he was attempting to shift his responsibility to Kim. Roh wept and said to Kim, "I will be your brother."

On December 18 2005, Roh called Kim and said "Let's conclude it at once at the SNU investigation."

In December 2005, Kim directed MizMedi researchers to destroy evidence.

On December 19, 2005, the SNU Investigation Committee started an investigation. Hwang's Lab was closed and the cells were sealed.

On December 22 2005, Prof. Hyun-Soo Yun called Kim and said "The SNU Investigation Committee is trying to kill Hwang. Kim, directed MizMedi researchers to falsely testify that they had seen Hwang's instruction for manipulation.

On December 23, 2005, the SNU Investigation Committee confirmed the manipulation in Hwang 2005 through an interim announcement. Ho-wan Jang, chairman of professors at SNU, recommended that Hwang be expelled.

On December 28, 2005, SNU alumni strongly criticized the SNU Investigation Committee's decision to close Hwang's laboratory on the SNU alumni bulletin board.

On December 29, 2005, the SNU Investigation Committee made a second announcement that there is no real stem cell, and therefore, the suspicion for replacement is not a subject to investigate.

On January 10, 2006, Myung-Hee Chung announced that "The source technology is no longer unique, and it is likely that NT-1 was also a coincidentally created reproductive stem cell."

On January 12, 2006, Hwang sought an opportunity to react, and through a press conference he said, "I'll take responsibility, so please give me six months."

On January 13, 2006, Roh said in SBS news interview "I don't know that guy [Kim]."

On January 21, 2006, Un-Chan Chung, the president of SNU, delivered a lecture in which he said that he would never give a chance experiment react to Woo Suk Hwang.

On March 2, 2006, the Seoul District Prosecutor subpoenaed and investigated Kim and Hwang. Kim confessed that he mix-planted the cells.

On March 20, 2006, SNU held a disciplinary committee and decided to expel Hwang.

On March 20, 2007, Prof. Yong-Sung Lee, an SNU Investigator, testified in court that there was no one experienced in observing human eggs or versed with embryo development in the SNU Investigation Committee.

On December 31, 2008, SNU ceded the NT-1 patent to Hwang.

On January 12, 2009, SNU signed the NT-1 patent transfer agreement with Sooam Foundation.

On February 2, 2009, Chung apologized saying that "I viscerally vouched it as a virgin reproduction because I was furious." He also testified that he resigned from the position of chairman of the SNU Investigation Committee because of lack of professionalism at the time.

15.3. Paper manipulation

On January 6, 2005, Sun Jong Kim, the researcher responsible for cell culturing at MizMedi realized that the cells in SNU were contaminated with mold.

On January 9, 2005, Kim hid the contaminated cells for three days and only reported it to Hwang when it was too late to restore them. All the contaminated cells were then discarded.

On January 15, 2005, Hwang reported the contamination to Schatten and consulted at an Indian conference. Schatten advised him that contamination is a common issue, so he should forget it and continue writing.

On February 5, 2005, Hwang instructed Kim to write a paper containing four stem cell lines that had been lost due to contamination. Kim fabricated the images of the stem cells.

On April 25, 2005, the research team wrote a paper about 11 established stem cells excluding NT-4+, which had been lost due to contamination, and submitted it to *Science*.

On May 19, 2005, Hwang and Schatten published the article about patient-specific embryonic stem cells derived from human SCNT blastocysts on *Science*.

In August 2005, Kim interfered with Hwang's experiments for dogs' stem cell research by mix-planting.

On May 12, 2006, Seoul District Prosecutor indicted Hwang of fraud, embezzlement, and violating the Bioethics Act. Egg extraction by Hwang was discerned to be groundless.

On July 4, 2006, in the second trial, a charge of Hwang to direct exaggerating a photo was accepted.

On October 26, 2009, the Seoul Central District Court sentenced Hwang to two years in prison and three years on probation. The court convicted him of publishing a manipulated article, embezzling government grants, and engaging in illegal trafficking of eggs. On the other hand, the court acquitted him of receiving a grant from a private company by exaggerating the possibility of patient-specific embryonic stem cells' practical use.

On December 16, 2010, the third part of the Seoul High Court convicted Kim of "disturbing business" and acquitted Hwang.

In July 2011, Korean researchers published a statement for the re-verification of Hwang's 2005 article on the *International Journal of Molecular Medicine*.

On November 3 2011, the Seoul High Court ruled that the decision to expel Hwang as a professor from SNU was unfair.

On February 27, 2014, the second part of the Supreme Court held that Hwang was partly guilty of embezzlement and acquitted him of fraud. It then sentenced him to 18 months in probation and six months in prison. They also remanded the High Court's decision that expulsion as a professor from SNU was unfair.

15.4. Media reports

On June 1, 2005, an anonymous informant, Dr. K, reported Hwang's paper manipulation to MBC *PD Sucheop*.

On June 3, 2005, Dr. K met Mr. Han who was the representative PD of *PD Sucheop*. During the meeting, he questioned what should take precedence over the other; the truth or national interests. Mr. Han and his team then started collecting evidence on Hwang's paper manipulation.

On October 19, 2005, Dr. K presented material evidence to support his claim.

On October 20, 2005, *PD Sucheop* production crew conciliated Kim and said, "What we have to do is only kill Hwang." They got a testimony that Hwang had authorized photo manipulation.

On October 31, 2005, Hwang's team handed MBC and YTN 15 samples of stem cells for verification.

On November 12, 2005, Kim attempted to commit suicide when he heard that Hwang had handed over the stem cells to MBC for verification.

On November 18, 2005, *PD Sucheop* production crew got a false testimony from Roh that he had never seen the stem cells. YTN informed Hwang about the DNA discrepancy in the stem cell samples.

On November 20, 2005, Hwang found out that his cells were not consistent with the paper.

On November 21, 2005, Roh admitted in a press conference that he used the paid eggs.

On November 22, 2005, *PD Sucheop* exposed Hwang's violation of the bioethics law on a broadcast. In response to MBC's question, Dr. Donald Kennedy, the chief editor of *Science* said "None of these allegations [by MBC] have been credible. Until a specific, scientifically based claim against Dr. Hwang's findings is reported to us, we will not offer speculations." He also said that "It is our understanding that the correction of the table does not significantly alter the paper's primary conclusion that patient-specific embryonic stem cells were derived from human SCNT-blastocysts."

On December 1, 2005, the prosecution terminated the oocyte trading investigation, and MizMedi was not prosecuted. Later, a YTN reporter found out the coercive coverage done by *PD Sucheop*.

On December 4, 2005, YTN exposed *PD Sucheop's* coercive coverage on a broadcast.

On December 8, 2005, more than 30 young SNU professors who were in charge of Life Science,

Agricultural Life Science and College of Medicine, and Dentistry urged SNU president to investigate Hwang 2004 in detail.

On December 15, 2005, Roh gathered MBC reporters and announced on a broadcast that “Hwang had no stem cells at all.” An emergency press briefing organized *PD Sucheop* also announced that “[the] stem cells were fake.”

On December 16, 2005, Roh declared that “What *PD Sucheop* reported was scientifically perfect.”

On January 3, 2006, *PD Sucheop* raised suspicion that Hwang had coerced female researchers to donate their eggs.

On January 10, 2006, the *MBC Newsdesk* alleged that Hwang was a billionaire who owned large parcels of land. *PD Sucheop* raised suspicion that Yeongrong-i was a fake.

From March to April 2006, the *Chujeog 60 Bun* production crew met Chung and conducted an interview with him where he alleged that he was not even sure of whether the cells were created through parthenogenesis or not. He said he did not even understand his announcement himself.

On April 4, 2006, KBS decided not to broadcast *Chujeog 60 Bun*.

On April 5, 2006, Mr. Mun, who was the representative PD of *Chujeog 60 Bun* objected to KBS's order and went ahead to make it public by uploading it online.

On April 15, 2006, hundreds of people who had gathered outside the KBS company building to demand that the episode be broadcasted were arrested.

On September 28, the Seoul Administrative Court held that Mr. Mun's disclosure episode was reasonable.

On October 2, 2014, MEGABOX released the movie *The Whistleblower*.

15.5. Patent

Hwang claimed his patent for the embryonic stem cell line and method for preparing the same.

On December 30, 2003, the patent was first filed under application number PCT/KR2003/002899.

On December 30, 2004, the patent was filed internationally under application number PCT/KR2004/003528.

On July 14, 2005, the patent was first registered as a Canadian patent under application number CA2551266 A1.

On December 9, 2011, the patents were filed that NT-1 and the human embryonic stem cell line prepared by nuclear transfer of a human somatic cell into an enucleated human oocyte.

On April 5, 2012, the patent was registered as a US patent under application number US20120083032 A1.

On June 28, 2012, the Seoul Administrative Court held that it was unreasonable that the Korea Centers for Disease Control and Prevention affiliated to the Ministry of Health, Welfare and Family Affairs declined the patent registration of NT-1 by Hwang.

On February 11, 2014, the above patent was registered as a US patent under application number US8647872 B2.

On June 24, 2015, the Supreme Court concluded that it was illegal for the Korea Centers for Disease Control and Prevention affiliated to the Ministry of Health, Welfare and Family to refuse to register Hwang's NT-1 patent.

15.6 Foreign presses briefings about Schatten

On November 20, 2005, *the Washington Post* raised suspicions about Schatten. According to the article, Schatten was link to the source of the eggs ten years ago, but it was concluded that there was no any wrongdoing by him (Ertelt, 2006).

On January 7, 2006, *The Pittsburgh Tribune-Review* argued that Schatten's research team is coveting the patent of Hwang's team on treatment of human embryos and embryonic stem cells. There was an analysis that Schatten is pressing the US government to register Hwang's technology as patented of his (Weiss, 2005b).

On February 8, 2006, the University of Pittsburgh's investigatory panel announced that Schatten's patent was not his achievement.

Conclusions

This study has highlighted some of the suspicious circumstances surrounding the Hwang scandal. The scandal was triggered by suspicions on the source of experimental eggs and later degenerated into questions about the authenticity of the research. Although the editor's testimony and a replicated study later confirmed that Hwang's research was credible, the ethical issues were still emphasized. The controversy later shifted to alleged research manipulation and genuineness. This controversy may be cleared by giving Hwang a chance to defend himself. However, the Korean government is not willing to do that. While writing the article, the researcher established that some of the links for the references were blocked or missing, and that is one of the main reasons why they tried to publish the article on a foreign journal. Hwang's scandal is an unprecedented case that not only involves academic parties, but also political and economic circles. Therefore, the findings are important to the research society. Therefore, appropriate action should be taken to prevent further cases.

To achieve that, this article proposes the following: 1. Naver should explain why they concealed the scandal involving Mathew Park; 2. The Seoul National University Investigation Committee should explain the contradiction between their documents and speech; 3. KBS should open the *Chujeog 60 Bun* episode and give Hyeongryeol Mun a chance to make a statement on the issue; 4. The Democratic Party of Korea should investigate and verify the relationship between Moo Hyun Roh and Woo-Suk Hwang; 5. the Korean government should explain why it refused to approve Hwang's research; 6. Hak Soo Han and MBC *PD Sucheop* should explain their violation of news coverage ethics and the statement, “*We frankly say, only want Mister Woo Suk Hwang hurt.*”

Even while I wrote this manuscript, some of the online references were blocked. Although those are not available for public at now, the original source will be existing with presses and media in documents or video form. This study just suggests some circumstances for that, and I believe that other scholars in this field and news writers could investigate them in depth.

The Hwang scandal led to delays in the research on embryo stem cells at the time and many patients were left in despair. All the suspicions around the scandal should be cleared to ensure that such a tragedy does not recur again in future.

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Being Truthful or Comfort With a Lie – An Ethical Debate

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Abstract

Breaking the bad news is one of the most difficult duties of health care professionals, yet the medical profession typically paid little attention to this major concern. Bad news is defined as any news that drastically and negatively alters the patient's view of her or his future. Many people believe that the truth always hurts. Yet honesty has always been considered the best policy. This brings us to the query that what to do; either to say the truth even though it hurts or to adopt the principle of honesty. Numerous studies results show that honesty should be considered while breaking the bad news but in Pakistani culture it is different. Focused training in communication and certain techniques are required for health care professionals to facilitate breaking bad news to improve patient satisfaction and comfort. This paper aims to explain and analyze this concept in light of ethical principles. The paper will discuss the role of health care professionals in the disclosure of sad news by integrating an explicit ethical decision-making process.

Keywords: *Bad news, Hurts, Truth, Honesty, Communication, Satisfaction, Decision making, and Ethics*

Introduction

Although truth hurts but this is how reality works. This raises a question, what to do? Either to reveal the reality or be comfortable with a lie. Unfortunately, despite many advances in medical technology in Pakistan, cancer is still the leading cause of death and health professionals, especially nurses, come across this difficulty to disclose the bad news to the family. In Pakistan, it is a norm that family decides for the patient. In biomedical ethics, questions are not only limited to whether to disclose but also "how much", "when" and "how" the information should be unveiled are the main challenges.

Case Scenario

Ms. A, a 50 year old patient arrived with the complaint of intense progressive pain in the pelvic area and legs. After several investigations, it was found that the patient is having third-stage metastasis bone and lung cancer. One of the doctors entered the patient's room and discussed these findings with the patient. Later that day, patient shared; I have been informed that my primary cancer is treatable. This made me feel uncomfortable as I was fully aware of her terminal disease and prognosis. When I confronted the doctor about the counseling he said the family does not want the hospital to share the diagnosis with the patient.

Analysis of Ethical Dilemma

The above-mentioned scenario generated some thought-provoking questions:

1. Whether a nurse should hide the diagnosis from a patient and respect family wishes?
2. Or she should disclose the truth and abide by the code of ethics which emphasis on advocacy and patient rights?

This paper will reflect on the situation from different perspective and analyze it with various ethical principles and theories.

My Position and Firm Act

I believe that in the above-mentioned scenario withholding information from the patient is breaching her autonomy. In the past, the concept of non-maleficence was so strong that hiding the diagnosis from the patient was considered acceptable. However, time has changed and today telling the truth has considered the righteous thing to do. Moreover, nurses are committed to safeguard the interest of patients (code of ethics for nurses, 2001 as cited by Burkhardt & Nathaniel, 2013). Not only this, nurses also have taken a pledge to respect the patient's preference and wishes. Therefore, if they neglect the patient's wishes this means they ultimately ignored the concept of holistic care.

Veracity vs. Hope

Telling truth is the key role and should not be abandoned even when a nurse is aware of the outcome. It is patients' right to be informed with honest and genuine information. Abdullah (2015) conclude that "patients preferred and were glad to receive the correct information about their treatment". Therefore, making them aware of the disease process will help them to take decision. On the other hand, it is argued that telling factual situation will lessen patient's hope. As per the doctor's perspective, it is concluded that sharing information has a huge impact on the culture (Velan et al., 2019). However, in family-oriented culture decisions are mostly taken by the family instead of the patient because they believe that disclosing bad news to the patient will increase their suffering. Brody (1999) wrote, "meaning and perception of hope is different to different people as they move through stages of illness". Thus health care professionals should deliver the complete and correct information base on their level of understanding and help them to define their hope.

Autonomy vs. Non-maleficence

It is patients' autonomy to take decisions and healthcare provider should respect this by providing them the accurate information and allowing them to decide what is better. Patient feels more secure and fearless when they are aware of their disease process. Abdullah (2015) explained that autonomy in decision-making should always occur in the absence of physician and family interference. However, in the Pakistan, it varies. As in our culture, every individual is dependent on each other. Therefore decisions are mostly combined rather than autonomous and here the principle of non-maleficence comes which focuses on the obligation not to impose harm to others. Conveying poor prognosis to the patient may cause psychological stress which can increase suffering.

Deontology vs Ethics of care

The most challenging issue nurses face is to choose between either to be righteous or to value family wishes. Deontology theory can be taken under care in the above scenario as this theory suggests that acts are morally obligatory regardless of their consequences. Thus, the actions either good or bad, health care providers should abide by their duty and inform patient about the diagnosis. This is a believe that when patient is aware about his prognosis and disease process, they can tolerate the treatment more positively (Kaplan, 2010). Moreover, educating patients about their health and treatment will be beneficial as this will reduce cost, over treatment and overall hospital stay. It is a fact that family members cannot see their loved ones in pain and ethics of care supports the same. As close family members of the patient are more capable of deciding what is best for a patient. Meeting the need of the family and providing compassionate care is more important than securing the rights and duties.

SPIKE Framework:

SPIKE is a framework for discussing stressful information to the patient in an organized manner. Breaking the bad news is a complex process. Thus, this step-by-step approach helps the health care professionals to ease the distress. Each letter describes the phase: S: Choose the setting, P: Uncover the perception, I: information, K: shared the knowledge, E: respect emotions and S summarize. The key component of this framework strengthens empathy, validating the patient's feeling, understanding their perception, and providing all possible strategies for intervention (Velan et al., 2019).

The Best Way Forward

As these are the most discussed issues in the past yet unsolved. Thus the recommendation should be strategized at three-level; individual, institutional and governmental levels. Understanding patient's wish is essential and nurses need to put extra effort to make the family understand the concept of patient autonomy. Moreover, institution, family, and patient must work coherently so that patient's comfort is achieved. Moreover, SPIKE protocol steps should be added in the nursing curriculum to educate and train health care providers from the beginning so that they can disclose the news in an empathetic and competent manner. Lastly, from the government level concept of the advance directive should be strengthened and this document should be read in the presence of family members so that they are aware of values and wishes of the individual.

Conclusion

Health care professionals encounter various health care dilemmas every day. However, all the above ethical principles are important that consider patient's autonomous decisions because one principle overrides the other. Yet, speaking the truth is expected from health professionals as it is considered a moral act. It is encouraged to follow the principle of beneficence, non-maleficence, patient's autonomy, and deontological theory

whenever any conflict arises. This will help health professionals to see the bigger picture without compromising patient wellbeing.

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commentary

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STUDENT PAPERS

Teachers' Views on the Incorporation of Bioethics Courses in Primary School Syllabus

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Abstract

The current study is a pilot survey of future research that seeks to record the views of Primary Education (PE) teachers with respect to the promotion of bioethics literacy in PE through the incorporation of bioethics in the syllabus of primary schools. In this study, that took place in Athens from March 10, 2020, until May 10, 2020, all the appropriate research tool (questionnaire) refinements have been considered before its finalization. Snow-ball sampling method has been used for primary school teachers of various disciplines. Furthermore, the requirements of the mixed research (qualitative and quantitative – triangulation) are met. Research data have been collected through an open-ended type questionnaire comprising of 10 questions pertinent to the incorporation of bioethics in the PE syllabus and data process has been performed with the use of Content Analysis Method. The majority of the participants showed a positive attitude towards the perspective of introduction of bioethics courses in PE and expressed their thoughts and concerns for the implementation of this endeavor. The most important finding is the perception of importance of bioethics literacy in the PE.

Keywords: *Bioethics, Literacy, Primary Education, Good Practice.*

1. Introduction

Education and Bioethics Literacy

Education is defined as an institution that aims at “the systematic teaching of pupils and students, the development of mental and moral abilities of human through special institutions (schools) and specific methods” [2]. During the last decades, it has been made evident that Bioethics Literacy need to be included in the educational requirements. Bioethics Literacy is the promotion of bioethics principles and values through education and its objective is first of all the development of self-perception of the individual as an entity and afterward the development of the sense of belonging in a small or wider social group. Individuals who have developed their bioethics literacy will be capable of recognizing, understanding and managing moral challenges in all aspects of their life, whether they are directly or indirectly (as members of a social group) affected.

Bioethics topics have already been traced in various curricula across the European countries, according to the “EURYDICE” network, which is the European Information Network for the educational systems and policies in the European Union. Topics such as Life Skills, Ethics,

Equality, Diversity, Civics, have either been incorporated in various syllabus courses such as Literature, Music, History, Religion, Science and Biology or they are taught independently as Ethics or Bioethics course.

According to International Organizations, such as the Presidential Commission for the Study of Bioethical Issues (<http://www.bioethics.gov>), the ethical education shall begin early enough and essentially it needs to act as a receptor of new skills, which the individual will gain through lifelong learning.

Lifelong learning of Bioethics, which has as starting point the Primary Education, may lead to a special perception of life. The students have a less self-centered perception of their environment, by participating in debates in their classrooms and exchanging views on bioethics related topics. In this way, they realize that they are equal members of their society and also they become better citizens, who are responsible for their quality of life [6].

Teaching of Bioethics at the earliest stages of education (primary school), namely well before pupils get engaged with specialized courses of higher grades, ensures more effective learning outcomes. Also, the individual will gain timely moral skills, develop bioethics principles and gain basic scientific knowledge that is useful during adulthood in the evaluation of personal and social issues and ultimately will make him/her a better world citizen [13].

Primary education constitutes the main pillar for the promotion of bioethics literacy for the entire population [14]. In the earlier grades of primary school, the individual develops basic skills and pupils gain rudimentary knowledge on the general principles. In higher grades, it is necessary to deal with and study various bioethics issues that are classified on the basis of age and topic.

The field of bioethics education is considered as most appropriate for the implementation of alternative ways of teaching [10]. It can serve the purpose of introduction of techniques that aim at skill development both individually and collectively. More specifically, its targets are to promote critical thinking, cooperation that shows respect to different views, teamwork and development of individual and collective responsibility. At the same time, the engagement of teachers in bioethics in all levels of education enhances good teaching practices, which can form the basis for those interested in the promotion of bioethics literacy through education.

2. Methodology

The research methodology follows the triangulation concept. The qualitative approach has been used as an initial step, since it has been widely considered as most suitable for the in-depth review of the views of the participants, and afterwards the qualitative approach is used to analyze the results. Data collection took place in Spring 2020 and more specifically from March, 10 to May, 10 during the COVID 19 quarantine period with the use of the snowball sampling method. A questionnaire followed by a short text, that included the definition of bioethics, has been sent via email to the teachers. The main research target is to capture the personal views of the participants

on the perspective of incorporation of bioethics in PE syllabus. The participants needed to respond in ten bioethics related topics. True conclusions can be drawn with respect to the research hypothesis through the method of recording of ideas, views and concerns [1]. The final research sample has been defined to 20 participants, since the response rate has reached 80% (20 out of 25).

The data have been processed with the use of Content Analysis Method (CAM), as it has been considered as most appropriate, since it covers "...the decoding and recording of written information and especially personal views and perceptions, hypotheses and perspectives..."[15]. CAM includes the classification of issues in thematic categories, with distinct boundaries among them, in order to reach reliable deductions. It needs to be noted that all the views of the participants are included in the data analysis that has been performed.

The questionnaire that has been sent to the participants, included open-ended questions on the following thematic categories – issues:

- Bioethics in primary school. Should this course be included or not? Present your arguments (topic #1).
- Bioethics as an independent course or incorporated in some of the current courses? Which courses are eligible to include bioethics? Interdisciplinary aspects (topic #2).
- Which grades are more suitable to be taught bioethics courses (topic #3)?
- How many hours need to be taught per week (topic #4)?
- Goals of bioethics courses (topic #5).
- Educational discipline of teachers that is preferable for bioethics courses (topic #6).
- Topics of bioethics that need to be covered (topic #7).
- Suggestions for relative course material (topic #8).
- Support by the Teaching Federation of Greece (DOE) - (topic #9).
- Other concerns (topic #10).

Table 1. Participants per Discipline

Participants	20
Teachers	11
IT Teachers	1
German Literature Teachers	1
Gymnastics Teachers	1
Arts Teachers	2
French Literature Teachers	1
Music Teachers	1
Psychologist	1
Coordinators	1

3. Limitations

It is important to note that since this study is based on low scale qualitative and quantitative research, it is difficult to generalize the results. Generalization of results is essentially a very difficult target in all cases, however, we need to stress the innovative perspective of studying the views of teachers on the incorporation of bioethics in primary schools syllabus.

4. Results

The majority of teachers that were selected to take part in this study, were assigned to classes with active duties. 11 out of 20 participants were teachers, 1 was IT teacher, 1 German Literature Teacher, 1 French Literature Teacher, 1 Gymnastics Teacher, 2 Arts Teachers, 1 Music Teacher, 1 Psychologist and 1 Coordinator.

The teachers of our sample were randomly selected in terms of their total years of service. From descriptive statistics (Table 2) we note that: 3 teachers had 0-5 years of service, 1 had 5-10 years of service, 7 had 10-15 years of service, 3 had 15-20 years of service, 3 had 20-25 years of service and 3 had 25-30 years of service.

Table 2: Years of Service

0-5	5-10	10-15	15-20	20-25	25-30
3	1	7	3	3	3

12 out of 20 teachers had a permanent type contract, 1 had a limited time contract and 7 were substitute teachers with a fixed term contract

Table 3: Type of Employment

Permanent	Substitute	Contract
12	7	1

6 out of 20 teachers serve in executive administrative positions with managerial duties. More Specifically: 1 serves as a coordinator, 1 is school director, 2 are school superintendents and 2 are deputy school directors.

Table 4: Administrative Position

Administrative Position	Participants
Coordinator	1
School Director	1
School Superintendent	2
Deputy School Director	2
Total	6

18 out of 20 teachers have full time teaching duties and 2 out of 20 teachers have full time administrative duties (coordinator and school director). 3 teachers teach in the 1st grade, 1 on the 2nd, 2 in the 3rd, 1 in the 4th, 1 in the 5th, 1 in the 6th 2 in both the 5th and 6th and finally in all grades teach 7 teachers.

19 teachers hold a Bachelor degree, 1 holds a Bachelor from a technical university, 13 hold a Masters degree and 1 holds a Ph.D. degree.

The following responses per topic have been traced:

i) *Bioethics in primary school. Should this course be included or not? Present your arguments.*

The majority of the teachers of our sample (17/20) agreed on the view that the bioethics courses need to be introduced in PE. The following arguments have been recorded:

"...it will enable the creation of concerned citizens who will improve the world. It will enable to broaden their horizons..."

"...it is an important issue that concerns more and more our lives, taking into account the fast pace of scientific progress..."

"...it is interesting as teaching material. It is a contemporary issue because of the rapid progress of science and technology and the impact they have on our everyday life. Most of the people cannot understand the consequences of this progress. Preparation of citizens of the future will be achieved through bioethics..."

"...everybody will need to make decisions on problems and dilemmas that stem from both the science and our work environment. These decisions will ultimately affect our society and our environment. Through bioethics we will receive the proper skills in order to make correct decisions based on moral values and critical thinking ..."

"...there is a necessity to teach more ethical and social related topics pertinent to science and technology..."

"...PE should help students grasp basic bioethics principles. These are the future active citizens who will use science and technology..."

"...its topic is quite interesting and covers many issues..."

"...children need to be educated in order to adopt acceptable behaviors and perceptions from the very beginning concerning issues that emerge from the widespread applications of biotechnology..."

"...it will act as bridge for pupils between PE and Secondary Schools..."

"...Ethics is a developmental process..."

"...Children will be facilitated to build a good social identity and therefore they will have the skills needed for the development of abstract reasoning..."

"...it is important for children to learn early enough that even in science there are ethical boundaries..."

"...Children need to develop, apart from cognitive and general skills, life skills that will help them in decision making in all aspects of their life. They need to understand values and develop critical thinking for bioethics issues that they will come up with in the future..."

"...Bioethics, as part of a holistic approach that the school tries to convey to the students, could be a field of research and discussion..."

The minority of the teachers of our sample (3/10) do not believe that the incorporation of bioethics in primary school syllabus would be useful. They expressed the following views:

"...It requires combined thinking skills, which may have not yet been developed by children at this age..."

"...Children of this age do not have the maturity nor the experience to grasp this kind of concepts..."

"...Maybe it is more suitable for secondary school pupils..."

As far as topic #1 is concerned, the majority of the teachers of our sample (14/20), expressed the view that bioethics need to be incorporated in primary school syllabus, integrated in already existing courses. A small number of teachers (4/20) believe that bioethics needs to be introduced as a standalone course and 2/20 believe that it would be useful to have this course integrated in other courses for the lower grade (A, B' and C'), whereas in the upper grades the stand alone option would be more beneficial.

Concerning the type of courses that could serve as a host for bioethics teaching material, the following results were received: 9/20 Study of the Environment, 8/20 Science, 6/20 Religion, 6/20 Social and Political Education, 5/20 Greek Language and Literature, 4/20 in Complementary Skills, 2/10 in history and 4 /10 in all taught courses. It needs to be noted that the participants were not guided to limit their answers to a specific number of options and they were free to choose whichever courses they wish. Another important parameter that needs to be taken into consideration is the fact that the course Study of the Environment is being taught in the first four grades, whereas Science is taught in the last two grades of the primary school.

In topic #2, 9/20 teachers believe that bioethics is considered proper teaching material for pupils of all grades of primary school. Also, 4/20 expressed the view that bioethics is proper only for F' grade students, 3/20 for D'. E' and F' grades and finally 4/20 for E' and F' grades.

The majority of the teachers (7/20) believe that bioethics needs to be taught 1 hour per week (topic #4), 4/20 2 hours/week, 1/20 3 hours/week and 1/20 more than 5 hours per week. Also 4/20 expressed the view that bioethics material should be spread throughout the existing courses, 1/20 responded that the time devoted to bioethics need to be adapted to the pupils potential, 1/20 believe that there should be a short discussion (15 minutes) on a daily basis and finally 1/20 think that teaching of bioethics topics should not exceed 1-2 hours annually.

As far as topic #5 is concerned, the teachers of our sample mentioned a wide range of goals for bioethics in PE. At this point we need to stress again that there was no specific number of options for the participants to choose. The following results were recorded as goals of bioethics:

- Versatile development and maturation of the individual.
- Learning of code of conduct and dissemination of ethical attitudes and values.
- Apprehension of meta-cognitive strategies of self-control and self-assessment and the development of critical thinking.
- Development of empathy and respect towards both the individual and diversity.
- The development of a mentality of creativity and productivity within a collaborative framework.
- Development of democratic and cooperative principles.
- Concern for our environment.

- Understanding of the effects of technological development in our environment.
- Education of future citizens through engagement with basic principles of organization of a state.
- Preparation of the individual to deal with emergency situations (e.g. COVID-19).
- Improvement of way of life.
- Familiarization with Ethics and Bioethics terminology.

It needs to be added that some teachers believe that the goals of the teaching material of bioethics in PE depend on the age of the pupils.

In topic #6, the majority of the teachers (12/20) responded that teaching of bioethics in PE needs to be assigned to the teachers (PE-70). The main reason behind this choice is the fact that the teachers have received the appropriate pedagogical training, they are knowledgeable of the interests and the individual differences of the pupils and they are the ones who attract most love and trust from the pupils. Another view that represents a minority of our sample (3/20) states that teachers (PE-70) are responsible for bioethics teaching, however, teachers of other disciplines need to cooperate towards this end.

Furthermore, 3/20 teachers responded that teachers of all disciplines are suitable for teaching bioethics in PE, since the teaching material of this course should be widespread across the PE syllabus. Finally, 2/20 teachers believe that the introduction of bioethics courses in PE must incur the employment of new teacher specialties in the primary school. Hence, this new course will be taught by biologists, sociologists or psychologists. Concerning the preparation of the teachers who will be assigned to teach this new course, 11/20 teachers believe that relevant training needs to be offered, in order to cope with the new duties successfully. 9/20 have not provided any response for this issue.

As far as topic#7 is concerned, the teachers reported a large number of issues that need to be covered by the teaching material of bioethics in PE. Once again, the teachers were not offered a pool of specific topics, but they were free to state their own. The following list of topics has been formed, based on the answers provided, that includes biomedical, socio-economic and environmental issues:

- People with disabilities.
- Human rights and duties.
- Understanding of the term empathy.
- Scientific evolution and human rights
- Management of juvenile delinquency
- Elderly people.
- Robotics.
- History of evolution. The role of science and technology in the evolution of the human being.
- Relationship between scientific knowledge and ethical values.
- Ethical Limits of Science.
- Study of human reactions to technological advances (per age, time and place).
- Ethical and legal issues that stem from human intervention in nature. Consequences of science and technology in the environment. Risk assessment.
- Environmental Ethics.
- Environmental Awareness.

- Renewable sources of energy.
- Agriculture / Husbandry.
- Animal Experiments.
- Nutrition.
- Genetics.
- Management of emergency health conditions.
- Transplantations.
- Ethical constraints of medical research.

In topic #8 (History...), 35% (7/20) of the participants of this study provided no answer. 12/20 stated that it is necessary to create an educational platform – website in order to upload educational material and relative documentation (social stories, role playing, projects, academic research etc). A pool of topics that are frequently updated needs to be uploaded on this platform, so that the teachers can make use of them as teaching material. Another important aspect that has been recorded is the creation of a forum for exchanging ideas among teachers who teach bioethics, on the aforementioned platform. This forum will enable teachers to exchange views, good practices and teaching techniques that facilitate the promotion of bioethics literacy of the pupils. One teacher stated that it is necessary to produce a manual for the teaching material of bioethics, that will include alternative teaching plans and teaching practices.

The participants of our sample suggested some action items that could support the teacher of bioethics in PE. The establishment of a coordination group that will provide guidance and support to the teacher assigned to teach this new course is considered of high importance. Furthermore, they believe that members of the scientific community need to be invited to primary schools, in order to present various topics and interact with the pupils. This type of communication can also take place on-line in a VTC environment. Finally, according to the participants, it would be beneficial to promote bioethics literacy in PE with various ways such as an appropriate campaign of mass media, brochures, publication of articles etc.

Concerning topic #9, the response rate was lower than 50%, since 12/20 provided no answer for this matter. 5 participants believe that the endeavor to include bioethics in PE syllabus will receive support by the Teaching Federation of Greece (DOE), whereas 3 teachers believe it will not.

Finally, in topic #10, the prospect of introduction of bioethics in PE syllabus is matter of debate. 11/20 of the participants did not an answer on this topic. The major concerns that were expressed for this matter were related to the preparation of the teachers who will be assigned to teach this course, the reception of the course material not only by the teaching community, but also by the entire society and the way of conveying the concepts, the principles and the values of bioethics to primary school pupils. More specifically, the concerns that were recorded are mentioned below:

- Are the teachers ready to teach this course?
- What will be the reaction of teaching community in the prospect of including a new and innovative course such as bioethics in the PE syllabus?
- How will the teachers manage the sensitive ethical issues in the classroom?

- What will be the reaction of the society in the prospect of including bioethics in PE syllabus? What will be the reactions of the parents?
- How can we ensure that the teachers assigned to teach this course are trained properly? Will their training be adequate or not?
- Will all teachers be capable of teaching this new course?
- What will happen with the teachers who are less aware on these issues or cannot perform well within an interdisciplinary framework?
- What will happen if the teachers do not wish to discuss ethical issues on science and technology, which may lead in multiple concerns which they are unable to manage?
- How can we ensure that an in depth approach of bioethics issues will be followed?
- How can we avoid the possibility of “conflicts” or contradictory opinions among teachers of different disciplines who are assigned to teach bioethics? How can we ensure that the deduction of distorted conclusions will be avoided?

5. Discussion

This pilot study shows that the majority of the teachers who participated in our research (regardless of their discipline, years of service or their educational background) considers that it is necessary to incorporate bioethics in PE syllabus. Their views on the benefits that bioethics literacy may offer to pupils are consistent with the standpoint of organizations such as the Commission on the Teaching of Bioethics [5]. More specifically, according to this organization [5], the ultimate goal of bioethics literacy is to teach pupils multifactorial ethical, social and mental skills through their engagement with technological and scientific advances preparing them to generate informed decisions both for themselves and for their social group. The participants believe that a new framework of learning is being created that includes multiple pedagogical and learning goals. The new educational programs that are being developed consider not only the cognitive aspect of the teaching material, but also the development of pupils' perception that is based on personal beliefs and ethical values. According to [7], a more comprehensive vision looking through the personal standpoint is required, since the sheer knowledge on the fields of science and technology is not enough.

The majority of the participants believe that the teaching material of bioethics need to be integrated in one of the existing courses, in order to be widespread in the syllabus and hence it can be studied within a multidisciplinary perspective. This approach will improve the performance of the learning outcome and will enable the comprehension of the interface of bioethics with the other scientific fields [3]. On the other hand, according to [4], this integration will facilitate the ethical reflection, “in the mid of actual circumstances” [8].

Most of the participants of our sample agree that teaching of bioethics would be beneficial for pupils of all grades. It is suggested to teach this course in the upper classes of primary school, provided that tailored teaching techniques are applied for each grade [9]. However,

Shahadur et al [14] state that PE is the main pillar for the promotion of bioethics literacy of the entire population, through individual development. The child who acquires ethical skills early enough, will use them in multiple aspects of his/her adult life and ultimately he/she will become a better world citizen according to [13].

The majority of the participants believe that teaching of bioethics must be assigned to teachers (PE-70), which is consistent with the view of [8], who state that teaching in PE requires enthusiasm, interactive way of dealing with the topics and not just “toneless” lecturing. Thus, all teachers need to acquire knowledge on Pedagogics, since only PE-70 teachers cover this requirement. Alternatively, a carefully planned training program may be offered to non PE-70 teachers, in order to prepare them to assume their new duties pertinent to teaching of bioethics. There are some participants who believe that all teachers need to collaborate with the PE-70 teacher of the class, who will act as a coordinator or alternatively, all teachers of PE, regardless of their discipline, may be assigned to teach this course. Finally, some participants expressed the view that bioethics need to be taught by teachers of new disciplines that currently do not serve in PE. It is very important to note that none of the participants stated the requirement to include bioethics in the syllabus of Teachers' university degrees.

Concerning the topics of the teaching material of bioethics in PE, the majority of the participants raised issues of biomedical, environmental and socio-economic content, which need to be managed by pupils within the primary school context, in order to successfully accomplish their preparation as equal members of every society and for the challenges of their adult life.

The creation of a coordination group that will provide support and pedagogic guidance to teachers has been deemed necessary. The majority of the participants believe that it is important to establish a platform-website, in order to upload teaching material, training scenarios, good practices, projects, academic studies and announcements relevant to the bioethics course. Most of the participants consider very important the creation of a forum for exchanging ideas and communicate with other teachers on course issues. Finally, it has been recorded that publication of a manual for this course would be valuable for the support of the teachers.

Most of the participants consider that the most “bitter aspect” of this endeavor is the support that is required by the Teaching Federation of Greece (DOE), which is the main union of the PE-70 teachers. DOE support is deemed necessary by the participants, however, most of them doubt it will be finally secured. Furthermore, it has been expected to face various concerns be expressed by the relevant stakeholders, as it is the case for every new and innovative approach.

Based on the participation of the teachers in our pilot study, their responses and their concerns, we can draw the conclusion that the topic of research for the promotion of bioethics literacy, through the incorporation of bioethics in PE, is interesting, contemporary and innovative. The use of our research tool (questionnaire), showed that is reliable and effective and the suggestions-

concerns of the participants has proven to be particularly helpful for the researchers.

Conclusion

It is important to stress that the majority of the participants of our sample expressed the view that bioethics need to be incorporated in PE syllabus and recognized that there is a plethora of benefits of such an educational innovation. As Knight states [11] on the goal of teaching bioethics in children: "...We want children to think if we need to take into account the conditions when we are to decide if a certain action of lie is a mistake...And we want them to think on how important it is to be good people to live a good life and it is important, which aspects of their character they need to develop in the pursuit of this goal".

Of course, further research needs to be done on this innovative and contemporary issue and all the parameters pertinent to the incorporation of bioethics in PE need to be deeply analyzed. However, it is important that teachers of all disciplines, each one from his/her own standpoint, needs to realize the importance of Bioethics as a distinct discipline and the benefits that will emerge if it will be incorporated to the PE syllabus As a final point for our argument we would like to quote one of the views of a teacher of our study as an answer to the scope of our research:

"...Children need to develop, apart from cognitive and general skills, life skills that will help them in decision making in all aspects of their life. They need to understand values and develop critical thinking for bioethics issues that they will come up with in the future..."

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