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# Behind the Mask of Morality: (E)urochristian Bioethics and the Colonial-Racial Discourse

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# Behind the Mask of Morality: (e)urochristian[1] Bioethics and the Colonial-Racial Discourse

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Advisor: Miguel De La Torre, Ph.D.

1 The use of the lower case for "eurochristian," is intentional, and adopted from Dr. George Tinker's use of this form, used to describe the category as adjectival and sociological, and disallows any universalizing or essentializing of the category.

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# ABSTRACT

The discipline of bioethics is insufficient and ineffective in addressing the persistent issues of racism and racial inequalities in healthcare. A minority of bioethicists are indeed attentive to issues such as implicit bias, structural racism, power inequalities, and the social determinants of health. Yet, these efforts do not consider the colonial-racial discourse—that racism is an instrument of eurochristian colonialism, and bioethics is a product of that same colonial worldview. Exposing mainstream bioethicists to the work of anti-colonial scholars and activists would provide bioethicists a framework through which they would be better equipped to address issues of race through: 1) a deeper understanding of their complicity with colonialism, and 2) the importance of anti-colonial methods and approaches to ethical decision-making in healthcare.

Three contemporary bioethics cases involving issues of race are examined including Jahi McMath and the diagnosis of brain death, the Havasupai diabetes research protocol, and the treatment of Latinx undocumented immigrants with end-stage renal disease. These cases serve as the focal point for 1) the extrication of eurochristian colonial themes within three foundational bioethics texts, and 2) the application of the knowledge and praxis of three anti-colonial scholars toward racially responsive case

analyses and outcomes. I conclude that the combination of a robust self-examination of the discipline's eurochristian worldview and the prioritization of a range of anti-colonial perspectives would serve bioethics more fully in the imagining of a racially conscious bioethics practice, scholarship, and policy that aims to reject colonial constructs and normalize difference.

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# CHAPTER 1: BEHIND THE MASK OF MORALITY: (e)UROCHRISTIAN BIOETHICS AND THE COLONIAL-RACIAL DISCOURSE

A health care ethics conference was held in Denver, Colorado in 2018 focusing on marginalized patients and communities called “Expanding the Frame of Bioethics.” When evaluating participant feedback after the conference, several comments stood out. In response to a particular talk about Latinx ethics, one participant wrote “As a person of color I felt he was speaking my truth. I feel his presentation was necessary.” Another participant wrote “I was quite offended for myself and other ‘white’ medical professionals.” How does one make sense of such disparate reactions? In the face of real racial disparities and discriminatory treatment in health care, why are bioethicists and health care professionals, of all people, insulted by the naming of racial issues? Many bioethicists and health care providers consider the Tuskegee syphilis research trials as the signature bioethics race case. Yes, the trials were grotesque, a past case of extreme abhorrence. Unfortunately, the current disparities that are affecting real flesh and blood and are a continuation of the same paradigm that allowed Tuskegee to happen. We are not post-racial.

Do ethics committees truly stand as representations of the diverse communities within the U.S.? Is race adequately accounted for in the analysis of all ethics discourses, whether about physician-assisted suicide, withdrawal of life support, genetics, access to

health care, or expensive life-saving technologies? Is the bioethics of difference of multiple divergent (and often marginalized) communities given priority along with the bioethics of technology? Do eurochristian scholars risk belonging in a professional (or personal) peer group to stand with racial and ethnic "others" in the face of overt racism or subtle discrimination? Do ethics students read and learn from scholars of color with equal weight to their white counterparts? Do ethics students represent a variety of social locations? Robin Kimmerer, a Native American ecologist and author, writes "The stories we choose to shape our behaviors have adaptive consequences[2]." In looking at underlying worldviews and how they shape our world, she notes that Indigenous people see strawberries as a gift from the earth, as entities belonging only to themselves, and with which humans are in symbiotic relationship. She contrasts this to the non-Indigenous approach of viewing strawberries as a commodity to be manipulated and sold, with no underlying relationship of gratitude or reciprocity. The values we hold have consequences on our environment, our attitudes, and our communities. The stories that shape our worlds run deep, often go unquestioned, and have myriad and interconnected consequences. The goal of this dissertation is to illuminate the underlying eurochristian narrative based on eurochristian "stories" that shapes bioethics and its values, the same story that also sells chemically treated strawberries to produce profit. The aim is not to admonish all aspects of eurochristian thought, nor to romanticize alternative worldviews. But whether Christian or secular, liberal or conservative, bioethicists are often unaware of

[2] Robin Wall Kimmerer, *Braiding Sweetgrass*, First paperback edition. ed. (Minneapolis, Minnesota: Milkweed Editions, 2013), 30.

their entrenchment in a worldview that continues to have harmful implications for people of color. Louis Althusser asks, how many teachers,

> "(the majority), do not even begin to suspect the "work" the system (which is bigger than them and crushes them) forces them to do, or worse, put all their heart and ingenuity into performing it with the most advanced awareness (the famous new methods!). So little do they suspect it that their own devotion contributes to the maintenance and nourishment of this ideological representation of the School, which makes the School today as "natural," indispensable-useful and even beneficial for our contemporaries as the Church was natural, indispensable, and generous for our ancestors a few centuries ago."[3]

Like Althusser's teachers, bioethicists in practice, research, and education are similarly embedded in the eurochristian worldview and the history of colonialism.

In 2007 in an article written by Olivette Burton called "Why Bioethics cannot figure out what to do with race," she wrote, "Bioethics cannot figure out what to do with race until it understands the historical, cultural, and religious basis for current race relations." This is where my argument lies…of the involvement of modern bioethics in the continued inequalities of people and communities of color in the United States. Using race-oriented frameworks are not enough. Anti-colonial studies are, as I will argue, required to frame the "why" of racism, and to provide a framework through which we, as bioethicists, can understand more profoundly their complicity with colonialism and begin to grasp the importance of anti-colonial methods and approaches to morality in health care. Bioethics is a diverse discipline of practitioners, scopes, and methods. Yet, the discipline of bioethics shares the same origins and draws from (even while critiquing) the

[3] Louis Althusser, Ideology and Ideological State Apparatuses (Notes Towards an Investigation) (2006), 98.

foundational bioethics theories. Some bioethicists are indeed attentive to issues such as implicit bias, structural racism, power inequalities, and the social determinants of health. Yet, part of the argument set forth here is that bioethics as a discipline is not sufficiently familiar with the complexity of colonialism, with race as only one, albeit critical, dimension. An anti-colonial lens can reframe the way bioethicists understand issues of human dignity and equality. But some of the resolutions inherent in anti-colonial methods may not feel satisfactory or fulfilling to the bioethicist, as this approach demands the recognition that often no place exists for the eurochristian at the anti-colonial table. As illustrated by Native American ecologist in the earlier quote, if bioethics continues to tell its story through a eurochristian lens, it will continue to bear colonial-racial fruit. Put succinctly, racial disparity is an *instrument* of eurochristian colonialism, and bioethics is a *product* of that same colonial worldview.

In this dissertation I will argue that the discipline of bioethics' relative ineffectiveness in addressing race stems from its own blind complicity with eurochristian worldview. *My contribution to the discourse is overall to provide an argument for an anti-colonial approach to bioethics by engaging students and practitioners in this same kind of critical analysis for the purpose of addressing issues of race through: 1) the rendering of an anti-colonial analysis using the categories of ontological assumptions, moral epistemology, and socioeconomic factors on three influential texts by eurochristian bioethics scholars Tristram Engelhardt, Peter Singer, Tom Beauchamp, and James Childress; and 2) an anti-colonial account of three bioethics cases by engaging in the*

*works of anti-colonial scholars such as Miguel De La Torre, Sylvia Wynter, and Leanne Betasamosake Simpson.*

## Theory and Methodology

The methodology for this dissertation is not only anti-colonial, but post-eurochristian. In other words, while largely deconstructive and critical, it will offer up alternative ontologies and epistemologies that rival eurochristian worldview, entertaining the possibilities of novel futures. In the identification of elements of the colonial-racial discourse this project aims to refocus on marginalized worldviews while "reducing to size" universalized Western fictions.[4] Anti-colonialism as defined by Dei and Lordan is a "resistance to white supremacy and Eurocentric cultural organization…" that "looks for possibilities of resisting and transforming cultural systems of oppression and domination, or imposed ways of knowing, being, and living."[5] For this dissertation an anti-colonial methodology can be represented in two parts:

1) a radical resistance to oppressive eurochristian epistemologies including not only the dominant epistemological and ontological concerns of postcolonialism, but also the political and economic imperialism of capitalism, democracy, politics of recognition, and state security.
2) a centering of those who have been marginalized by eurochristian colonial oppression. The views of anti-colonial scholars and marginalized communities are

[4] As Mignolo and Walsh point out, "Western thought and Western civilization are in most/all of us, but this does not mean a blind acceptance, nor does it mean a surrendering to North Atlantic fictions." ibid., 2.

[5] George J. Sefa Dei and Meredith Lordan, *Anti-Colonial Theory and Decolonial Praxis* (New York: Peter Lang, 2016), 20.

central for holding a mirror up to the dominant “center”, as well as to provide powerful counter-narratives and alternative praxes. Patients and scholars of color are the subjects, not the objects, of moral and ethical discourse.

An anti-colonial methodology situates eurochristian institutions such as bioethics within a larger historical, social, and political context, and contests many of the current eurochristian methodologies of bioethics, particularly those underlying mainstream theological, philosophical, legal, and qualitative methods common to the discipline. This anti-colonial methodology is applied in chapters four through six. The task of each of these chapters is to: 1) define one bioethicist’s thinking using three categories: ontological assumptions, moral epistemology, and sociopolitical factors; 2) define one anti-colonial scholar’s thinking similarly; and 3) reflect on a particular bioethics case involving issues of race from both the bioethicist’s and anti-colonial scholar’s perspective. This analysis brings into view the relative position of a eurochristian worldview amid several competing perspectives, at once calling into question its universal nature. Through anti-colonial analysis this project demonstrates the continued harms of the eurochristian worldview held by bioethicists for racialized persons, while providing anti-colonial paradigms that would better address issues of racism and oppression in the cases discussed. What is uncovered is the multiplicity of anti-colonial viewpoints from scholars from various social locations, not a “new” universal framework for bioethics. Anti-colonial scholars are similar in the sharing of oppression, struggle, and survival with their communities, but have all experienced racism and colonialism/neo-colonialism differently. In this way, no replacement for

eurochristian ethics is sought; rather, various anti-colonial views are illustrated. The anti-colonial scholar chosen for each chapter is not meant to represent an entire race or group of people. Each scholar is positioned in their own habitus and amid a multitude of varying factors. For instance, Miguel De La Torre, a Cuban-American Baptist who grew up practicing both Santeria and Catholicism will have a different Latinx perspective than Gloria Anzaldua, who was a queer Chicana poet, writer, and feminist theorist who grew up in Texas and started life as a field worker.[6] In the critiques of this dissertation I have chosen one scholar for each chapter to provide an anti-colonial analysis of bioethics based on the time and space limits of writing a dissertation. The purpose of choosing one scholar is to illustrate one anti-colonial approach, not "the" anti-colonial approach.

This is not a philosophical argument of the type often used in bioethics, and will not engage in the merits and weaknesses in the opposition's arguments within the mainstream dialogue of bioethics. The arguments herein do not intend to sweepingly invalidate the particular usefulness and aspirational qualities of the examined approaches within bioethics discourse. Instead, this paper situates bioethics in a much more expansive context and aims to unearth the implications of several bioethics approaches specifically on issues of race. The focus solely on race is narrow and leaves out the dynamics of intersectionality, which is a limitation to the depth of the analysis.

[6] The Gloria E. Anzaldua Foundation. "About Gloria". https://geanzaldua.weebly.com/about-gloria.html. (accessed April 22, 2019).

Three Frames: Structural, Political, Experiential Discourse

The methodology of this dissertation is interdisciplinary, with discourse on three levels: structural, praxis-oriented, and experiential. First, it subjects the discipline of bioethics to Foucauldian concepts of knowledge and power in order to illuminate the contextual positionality of bioethics. Second, it proposes anti-colonial praxis for addressing the issues of race in bioethics practice and education through the critique of bioethics and the centering of scholars of color. And finally, it prioritizes the experiential knowledge of persons of color who have been marginalized by bioethics through case studies.

First, I apply to the truths, rules, and rituals performed by bioethicists the Foucauldian idea that truth is socially constructed and is a product of power.[7] I provide a broader Foucauldian genealogy of bioethics which, "when viewed from the right distance and with the right vision, there is a profound visibility to everything."[8] This is the 500-year long-view of colonialism. The knowledges contained within the discipline of bioethics are, from a Foucauldian lens, simply interpretations, one truth among many possibilities. The social sciences, for Foucault, are dubious in their standing as a true "science". Cultural practices, "determine what will count as an object of serious investigation," and thereby constructs a certain reality.[9] From a constructivist view, the

[7] This deconstruction, like for Foucault, is not an end in itself and is not nihilistic, but seeks to undermine only the social constructions that pose danger within the systems within which bioethics operates.

[8] Hubert L. Dreyfus, *Michel Foucault Beyond Structuralism and Hermeneutics*, ed. Paul Rabinow, Michel Foucault (Hoboken: Hoboken: Taylor and Francis, 2014), 107.

[9] Ibid., 116.

stories we learn and live by shape our worldviews. Constructivism as used in this dissertation does not require a non-existence of universally shared truths. But it shifts the focus away from the search for universal truths and focuses on ways bioethics might engage irreconcilable differences that lead to racism and oppression. In tracing the history of bioethics and race, the pattern of eurochristian colonial thinking is pervasive in the works of philosophers and theologians from which bioethics has arisen. Using a Foucauldian genealogy, a continuity is identified from these 17th-19th century thinkers to three contemporary bioethicists. This "history of the present" of race and bioethics represents a discernable trend.

Second, the critique of bioethics leads to the invocation of a radical framework for the practice and scholarship of bioethics that transcends the cultural wars between the dominant liberal Christian, secular, and the Christian conservative camps of bioethics. The proposed framework is anti-colonialism, which is a "resistance to white supremacy and Eurocentric cultural organization…" that "looks for possibilities of resisting and transforming cultural systems of oppression and domination, or imposed ways of knowing, being, and living."[10] Anti-colonialism is a political praxis, adept at responding to the material consequences of the continued colonialism and global imperialism, and an approach that makes whiteness visible. True to anti-colonial praxis, it is a centering of non-eurochristian communities, and a decentering of whiteness. Hence, the anti-colonial approach of this dissertation is the centering of scholars of color in the bioethics discourse. If there is a place for the "dominant/colonizer/oppressor in the anti-colonial

[10] Dei and Lordan, Anti-Colonial Theory and Decolonial Praxis, 20. ibid.

struggle," which some argue there is not, it is because "it provides [them] with an avenue for asking and insisting upon accountability and addressing responsibilities."[11]

And third, the case studies in this dissertation focus on the reclaiming of traditions, stories, histories, knowledge, and experiences of the racialized and oppressed. This methodology comes from an amalgam of several concepts: liberation theology's "preferential option of the poor", feminist standpoint theory's epistemological privileging of knowledge and experiences of the marginalized, and the decentering of whiteness/centering of persons of color discourses from critical race theory.[12] For this dissertation, the point of view of the marginalized, the three case studies, are pieced together from various sources such as news reports, interviews, legal reports, and scholarly accounts. Ideally the case studies would also include engagement with those who were directly affected by the actions of bioethics and the healthcare system, which was not practical within the scope this dissertation.

Context: Pragmatic Heuristic or Critical Anti-Colonialism

Two frameworks for approaching issues of race, poverty, and marginalization are the pragmatic heuristic and the critical anti-colonial analysis. The position I take in this project prioritizes the anti-colonial analysis. Many scholars and activists work within and from the standpoint of the heuristic of liberalism and modernity. This standpoint

[11] Marlon Simmons and George Dei, "Reframing Anti-Colonial Theory for the Diasporic Context," *Postcolonial directions in education* 1, no. 1 (2012).

[12] For more on these concepts see: GutieÌrrez, Gustavo. A theology of liberation: History, politics, and salvation. Orbis Books, 1973; Harding, Sandra G., ed. The feminist standpoint theory reader: Intellectual and political controversies. Psychology Press, 2004; and Wiegman, Robyn. The Political Consciouness: Whiteness Studies and the Paradox of Particularity in Object lessons. Duke University Press, 2012.

provides solutions to inequality and race that are intended to alleviate immediate suffering and provide basic material needs. This pragmatic heuristic often falls under the names of justice, charity, and the social determinants of health. Urgent needs such as housing, safe neighborhoods, access to healthy foods, and good medical care are such examples, and are helpful to a point. But these are solutions to problems that maintain the boundaries of the system as a whole. Eve Tuck and K. Wayne Yang's work identifies these pragmatic approaches as "settler moves to innocence", evasions of incommensurable differences while attempting to "reconcile settler guilt and complicity, and rescue settler futurity".[13] They continue,

> "the absorption of decolonization by settler social justice frameworks [a pragmatic heuristic] is one way the settler, disturbed by her own settler status, tries to escape or contain the unbearable searchlight of complicity, of having harmed others just by being one's self."[14]

What these pragmatic solutions fail to address is the liberation of persons from the master discourse of colonialism, within which lies the root causes of inequalities and suffering. A deeper radical anti-colonial analysis is required for the liberation of persons and communities who suffer under the weight of centuries of racism, exploitation, and oppression. The pragmatic approach continues to uphold oppressive structures while ignoring the complicity of the practitioners of economic, political, and epistemological imperialism.

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[13] Eve and Yang Tuck, K. Wayne, "Decolonization Is Not a Metaphor," *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 1.

[14] Ibid., 9.

In contrast to a pragmatic heuristic approach, critical anti-colonialism is a radical resistance to anything that continues to feed white supremacy, even those things of modernity such as ideas of social justice, social determinants of health, and cultural humility that, on the face of it, appear well-intentioned. To return to Tuck and Yang, they identify the process of decolonization of the settler-state as nothing short of giving back *all* of the land that was stolen from the Indigenous nations.[15] Anything short of this "turns decolonization into an empty signifier to be filled by any track towards liberation."[16] Decolonizing "is not converting Indigenous politics to a Western doctrine of liberation; it is not a philanthropic process of 'helping the at-risk and alleviating suffering; it is not a generic term for the struggle against oppressive conditions and outcomes."[17] In other words, decolonization is not social justice.

Yet, those who choose to work only within a pure anti-colonial approach might be accused of over-romanticizing certain ethnic groups and past lifeways and discounting the breadth within which both beneficial and destructive epistemological, economic, and political arrangements are shared. Many people, including people of color, use the pragmatic heuristic; in effect they have become part-eurochristian. How does one perceive the tension between the assaults of colonialism with what has now transformed the globe with nations and peoples who continue to modernize, want access to helpful

[15] Tuck and Yang use decolonization as their framework, while I am arguing for an anti-colonial bioethics. The differences between decolonial and anti-colonial work are described more in detail in a future chapter. But for these purposes, they share a critical approach to Western liberal heuristics.

[16] Tuck, "Decolonization Is Not a Metaphor," 7.

[17] Ibid., 21.

medicines, invest on the global market, and privatize their countries' economies? Robin Kimmerer, in addressing the problems of the 21st century asks, "How do we recognize what we should reclaim and what is dangerous refuse? What is truly medicine for the living earth and what is a drug of deception?" Anti-colonialism is not atavistic. Aimé Césaire negated the claim that anyone can return to an unadulterated pristine cultural past. Instead, "the great historical tragedy of Africa has been not so much that it was too late in making contact with the rest of the world, as the manner in which that contact was brought about…"[18] For Miguel de Unamuno "the choice was not between Europeanization or barbarism, technology or ignorance, modernity or the medievalism."[19] Leanne Betasamosake Simpson writes that "Indigenous peoples…can choose to use the conventions of the academy to critique the system of settler colonialism and advance Indigenous liberation," and I believe this is valuable work. We can also choose to continue to produce knowledge and theory in opposition to the academy as resistance, resurgence, and sustenance through our own systems of knowledge, and I believe this is also vital work.[20] So, while a tension exists between the goods and evils of modernity, this is not a project about saving the modern. My focus is on the critical anti-colonial analysis over and above the pragmatic heuristic. This project leans heavily towards radical liberation from structural oppression, while not discounting the need for the

[18] Aimé Césaire, *Discourse on Colonialism*, ed. Robin D. G. Kelley, Poetics of Anticolonialism (New York: New York: Monthly Review Press, 2000), 45.

[19] De La Torre, M. Ajiaco Christianity: Toward an exilic Cuban ethic of reconciliation. ProQuest Dissertations Publishing, 1999, 243.

[20] Leanne Betasamosake Simpson, *As We Have Always Done: Indigenous Freedom through Radical Resistance* (Minneapolis, MN: University of Minnesota Press, 2017), 31.

pragmatic work of alleviating the immediate pain and suffering of bodies and minds while moving ever-toward an anti-colonial resistance and centering of non-eurochristian people. This dissertation is not a "how-to" guide for bioethicists, but a deep questioning of the epistemologies we take for granted in bioethics that affect people and communities of color. For bioethicists, the anti-colonial analysis will appear radical to mainstream practices. An anti-colonial approach to bioethics will take time, imagination, and a radical shift in perspective. There is a need to override the grand narratives of bioethics with a multiplicity of subaltern narratives in order to understand historical dynamics and relationships, and to think about how the subaltern narratives are woven together.[21] Reflecting on David Scott, the way forward might be in "fidelity to the present", in "imagining new futures of the uncertain presents we live in…"[22]

## A Few Methodological Concerns

The first methodological clarification concerns the nature of both bioethics and racial categories as homogeneous entities. Bioethics is an expanding discipline. The methods of the discipline are diverse, and include empirical, historical, philosophical, theological, legal, casuistic, ethnographic, and economic approaches.[23] While primarily functioning in educational and consultant roles in hospital settings and in educating health care practitioners, bioethicists also have a role in informing and writing public

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[21] Ania Loomba, *Colonialism/Postcolonialism*, 3rd ed. ed. (Florence: Taylor and Francis, 2015), 200.

[22] David Scott, *Conscripts of Modernity the Tragedy of Colonial Enlightenment* (Durham: Durham: Duke University Press, 2004), 22.

[23] Jeremy Sugarman and Daniel P. Sulmasy, *Methods in Medical Ethics/Jeremy Sugarman and Daniel P. Sulmasy, Editors* (Washington, D.C.: Washington, D.C.: Georgetown University Press, 2001).

policy, and more recently in consulting and educating on issues in population health. Bioethicists also theorize from multiple frames, including more contemporary approaches such as virtue ethics, common morality, feminist, and relational schemes. The scope of this project is focused on several foundational texts in bioethics whose origins rest squarely within a eurochristian framework and continue to saturate the intellectual discipline. So, while the implication is that the discipline is growing and evolving, the term "bioethics" will be used throughout this project to indicate the essential, pervasive, and shared foundations of the discipline.

Essentializing racial categories presents a second methodological issue. This issue will be addressed borrowing from Glenn Coulthard's "essentialism challenge" in *Red Skins, White Masks*.[24] When speaking about Native Americans, African Americans, and Latinx, the essentialist problem suggests these categories can be used to ascribe certain (often undesirable) traits as fixed and immutable to quite diverse populations. The concept of "cultural pluralism" also naively maintains "cultural straightjackets" of categories of otherwise diverse groups of people who may or may not share similar values.[25] Yet, as Coulthard explains, an anti-essentialist stance, one that places culture under the auspices of social construction, postmodernism, and hybridity, can also work against persons of color. In contrast, anti-essentialism, especially in the context of a democracy, can disallow groups to claim a collective identity for political expediency. As Coulthard summarizes, what is most important is whether the essentializing "naturalizes

[24] Glen Sean Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, ed. Gerald R. Alfred (Minneapolis, Minnesota: University of Minnesota Press, 2014).

[25] Ibid., 20.

resistance" or "naturalizes oppression." Therefore, in using the categories Native American, African American, and Latinx, these groupings intend to be useful only in highlighting the colonial-racial oppressions associated with these categories, and not to stereotype diverse communities and individuals.

At the same time, essentialism is used as a stand-in for authenticity. The danger in essentializing is that it can bring about judgements regarding who truly belongs to a group; who can claim to be "pure". Linda Tuhiwai Smith reminds us that

> "at the heart of such a view of authenticity is a belief that Indigenous cultures cannot change, cannot recreate themselves and still claim to be Indigenous. Nor can they be complicated, internally diverse or contradictory. Only the West has that privilege."[26]

Essentialism, used by Western academics, is a political word referring often to liberation and human rights. Yet, as Smith argues, essentialism within an Indigenous worldview is something altogether different; it is the sharing of life with everything in the universe, an "essence" of being of the world and the universe.[27] The use of the terms Latinx, Black, and Indigenous in this dissertation is used always with the understanding that these terms identify a shared resistance of white supremacy despite the vast differences within such groups.

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[26] Linda Tuhiwai Smith, *Decolonizing Methodologies Research and Indigenous Peoples*, ed. Corporation Ebooks, 2nd ed. ed. (London ; New York: New York.

London ; New York: London ; New York: Zed Books ; New York: Distributed in the USA exclusively by Palgrave Macmillan, 2012), 77.

[27] Ibid.

## My Positionality

This dissertation is in part an excavation of the discipline of bioethics, and concomitantly a challenge to this author's own assumptions, biases, and worldviews. A commitment to the process of decolonizing one's mind is a lifelong pursuit and is never complete—there is no "arriving" at some utopian decolonized state. The positionality of this author in this dissertation involves risk, both as a white person talking with and about persons of color, and for critiquing one's own discipline of study and practice, bioethics. Where I critique bioethics, I am also critiquing myself. My goal is to center and prioritize anti-colonial authors and their works, as well as those patients, families, and loved ones who have been marginalized by bioethics and the healthcare system. The work that I cannot do that is fundamental to both anti-colonial and decolonizing projects is the ongoing work of resurgence, re-existence, reimagining, and transcending required for those who own inherited non-colonial knowledges and worldviews. Decolonization is a form survival, resistance, and refusal by those who have been colonized. So, while I have experienced colonization from a gendered perspective, I have no experience with the deeper intersectional oppression that both people of color and non-heteronormative people have experienced. Instead, I prioritize the works of those continuously emerging decolonial discourses and employ them to displace and dialogue with eurochristian-dominant discourses, particularly in the discipline of bioethics. This interdisciplinary labor intends to disturb the discipline of bioethics from its eurochristian slumber so that

morality is reimagined through what Sylvia Wynter calls cognitive openings toward *homo humanitas*, the Human that comes after Man.[28]

## Chapter Summaries

*Chapter Two, Bioethics, Race, and Colonialism: A Genealogy* lays out the structural position of race and bioethics from a Foucauldian perspective of knowledge as power. The genealogy begins with the problem of racism and racial inequality in healthcare, and the deficiency of bioethics in addressing these issues. A scholarly review describes the current state of the literature in bioethics and race, and bioethics and colonialism. Following the literature review, a short history defines bioethics as having roots in philosophy and theology. In this vein, I examine moral philosophers Immanuel Kant and John Stuart Mill, and Christian social ethicists Walter Rauschenbusch, Reinhold Niebuhr, and Joseph Fletcher to identify early trends in eurochristian colonial-racial thinking. These scholars were chosen for their influence in their respective disciplines, and as predecessors of bioethics. We can look back now and clearly see racism, Western exceptionalism, imperial conquest, and moral proselytizing underlying some of the most influential theologians and philosophers of their time, those who imparted the ideas of human dignity, preference utility, conscience, charity, and social order. These incongruities preface the kind of scrutiny under which bioethics should continue to locate

[28] Sylvia Wynter, ""Genital Mutilation" or "Symbolic Birth"; Female Circumcision, Lost Origins, and the Aculturalism of Feminist/Western Thought. (Response to Article by L. Amede Obiora in This Issue, P. 275)(Bridging Society, Culture, and Law: The Issue of Female Circumcision)," *Case Western Reserve Law Review* 47, no. 2 (1997).

itself, and which this dissertation will explore in regards to three foundational bioethicists and their influential texts.

In *Chapter Three, The eurochristian Colonial Discourse: Religion, Enlightenment, and Race,* first I define the eurochristian worldview, colonialism, and imperialism in both Christian and secular forms. Second, I give attention to the colonial-racial discourse which contextualizes the fundamental and deeply entrenched relationship between colonialism and race. These first two sections provide an historical backdrop and serve to contextualize the basis for an anti-colonial methodology, to expand the reader's understanding of the colonial trajectory and its violence. Third, I describe why I chose an anti-colonial, over postcolonial and decolonizing, frameworks. And finally, I outline the categories of analysis through which I will examine each case in the following three chapters. These elements of critique are three: ontological assumptions, moral epistemology, and socio-political factors. In comparing these categories between eurochristian and anti-colonial scholars, the depth of the differences stand out in relief.

*Chapter Four, A White God versus a Latinx Jesus,* begins with the case of 6,500 undocumented immigrants in the United States, the majority who are Latinx, who are suffering with end-stage renal disease but denied the standard of care in U.S. healthcare system. The Orthodox Christian bioethicist H. Tristram Engelhardt's widely read books *The Foundations of Bioethics* and *The Foundations of Christian Bioethics* are categorically analyzed from an anti-colonial perspective and contrasted with Miguel De La Torre's liberative anti-colonial approach. From this analysis it becomes clear that the ontological, epistemological, and socio-political elements of Engelhardt's metaphysical,

theological, and philosophical positions continue the eurochristian colonial agenda and leave Latinx immigrants on the margins to choose between suffering or receiving charity within a white evangelical system. De La Torre's Latinx ethics, on the other hand, meets these patients at the bedside, prioritizes their experiences and worldviews, and transfers the blame of their "undocumented" status onto the last centuries of U.S. political and economic domination of those south of the imaginary border.

*Chapter Five, Two Expressions of Life, Death, and Humanity,* considers the case of Jahi McMath, a 13-year-old African American teenager who was diagnosed as brain dead after exsanguinating and sustaining a cardiac arrest post-tonsillectomy. The liberal preference utilitarian Peter Singer's text *Practical Ethics*, with reference to his book *Rethinking Life and Death* frame the dynamics of the McMath case which revolved around definitions of death, humanness, and personhood. The works of Peter Singer reject the Christian ideas of human dignity for a humanist and secular approach, which are shared by many in healthcare. Singer can be extreme in how far the takes his analysis, but the underlying sentiments reflect the broader secular scientific medical culture. The works of anti-colonial scholar Sylvia Wynter challenges the narrative of progress, of defining humanity from a central position, and the idea of death as only biological, as opposed to a social death. The context she provides around McMath and her family's experiences identify the secular liberal bioethical relegation of McMath to near death both biologically and socially without fully considering the humanity and ontological sovereignty of McMath's family.

In *Chapter Six, The Protection of Human Research Subjects is Still Colonial,* I explore the 2010 court case surrounding the Havasupai Nation's involvement in an Arizona State University research protocol, the Diabetes Project. While the multiple ethical breaches and the harms caused by the research protocol and its handling were condemned by bioethics experts as a whole, I argue bioethics research regulations do not go far enough for those on the margins. One of the most widely cited bioethics textbooks, *Principles of Bioethics*, by Tom Beauchamp and James Childress, mentions this case under the subtitle "group harm". This is not untrue, but from the anti-colonial perspective of Leanne Betasamosake Simpson, the standpoints of Beauchamp and Childress are still engrossed in the projects of universals, of liberal multiculturalism and inclusivity, in Western economic and state subjectivities, and in the continued development of white bioethics scholarly narratives. Simpson will prove to shine a light on the incompatibility of Indigenous thinking with even the most well-meaning eurochristians.

The conclusion, *Chapter Seven*, *Bioethics Interrupted* summarizes the main points of each chapter, reviews the contributions of this work, provides recommendations for bioethics, and proposes future areas of research.

## CHAPTER 2: BIOETHICS, RACE, AND COLONIALISM: A GENEALOGY

This genealogy of race and bioethics is a Foucauldian one, a history of the present, which asks "how did we get here?" This chapter first defines the problem of race and bioethics based on relevant literature. Second, it identifies the Foucauldian rituals of power within bioethics and reviews the literature relevant to race and colonialism. And finally, it outlines the 50 to 60-year history of bioethics and its congruency with eurochristian ways of knowing synonymous with particular kinds of power. I use Foucault here because his concept of genealogy is helpful, but I use his work with caution. While Foucault challenges systems of power in the West, and in particular in France, he is not anti-colonial. Alexander Weheliye is helpful in demonstrating this point in his book *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*.[29] According to Weheliye, Foucault centers racism within the European center by "monumentalizing" the Nazi Holocaust as the "full reach of biopower" while ignoring the colonies and any forms of racism "ailleurs" (elsewhere).[30] This approach fails to acknowledge the Holocaust as just another enactment of colonialism and genocide alongside those enacted on Indigenous, African, and other racialized bodies outside Europe. In doing so, Foucault fails to understand the history and

[29] Alexander G. Weheliye, *Habeas Viscus Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*, Habeas Viscus (Durham: Durham : Duke University Press, 2014), 62.

[30] Ibid., 59.

meaning of concepts such as colonialism and race for his characterization of biopower, using the words uncritically.[31] According to Weheliye, Foucault's idea of racism is the "inevitable clash of unacquainted civilizations" after a period of an "internally cohesive" France based on those arriving from "elsewhere"—the alien races of ethnic racism, somehow separate from biopolitical racism.[32] Race, for Foucault, is a "fixed category rather than as the biopolitical apparatus it actually is."[33] So while Foucault is helpful in this paper for outlining a genealogy of bioethics, his works cannot speak to the colonial-racial discourse within bioethics, the foremost goal of this dissertation.

## Elements of a Foucauldian Genealogy

Before settling into a genealogy of bioethics, it is crucial to define the purpose of a genealogy. First, genealogy is the analysis of power and knowledge. For both Foucault and Frederich Nietzsche, history is the "endless repeated play for dominations".[34] The dominant structures at a point-in-time discharges its power through what Foucault calls "meticulous rituals of power", which are rules inscribed in law and moral code which seek to preserve the dominant power structure.[35] And rules can be bent for any purpose. History is "knowledge is thoroughly enmeshed in the petty malice of the

[31] Ibid.

[32] Ibid.

[33] Ibid.

[34] Michel Foucault, "Nietzsche, Genealogy, History," ed. Paul Rabinow (reprint, 1984), 85.

[35] Hubert L Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Routledge, 2014), 110.

clash of dominations."[36] Truth, for Nietzsche, is the "ceaseless and nasty clashing of wills."[37] While Nietzsche attributed the takeover of dominant forces as perpetuated by human will, Foucault saw the play for dominance as lying in some interstitial space within social structures. Whether dominant discourses are primarily willed by persons, or wholly operate in the interstices in technologies of power, is a matter of philosophical debate. Perhaps it is a combination of both individual and structural forms that contribute to the continuing clash of dominations.[38] In any case, it is the dominant power that dictates what counts as knowledge and truth. According to Foucault,

> "…truth isn't outside power, or lacking of power… each society has its regime of truth, its 'general politics' of truth; that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true from false statements, the means by which is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true..."[39]

In other words, for Foucault, what we take for the truth - our knowledge base, moral precepts, and professional expertise - are all a formation of power; knowledge is power. Knowledge is not truth – it is interpretation. For Foucault, the adage "speak truth to power" would be absurd, because power defines truth in order to maintain domination.

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[36] Ibid., 114.

[37] Ibid., 108.

[38] Anthony Giddens' theory of structuration takes a middle ground between individual and social forces as shaping our social reality. He theorizes that humans choose their own actions but are nonetheless limited by, and reproduce, those social structures. Anthony Giddens, *New Rules of Sociological Method: A Positive Critique of Interpretative Sociologies* (John Wiley & Sons, 2013).

[39] Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*, ed. Colin Gordon, 1st American ed. ed. (New York: New York: Pantheon Books, 1980), 131.

Whether a universal truth exists outside of power is a problem that will continue to be debated into the future; and I will not take a formal side. But this dissertation assumes that at least some "truths" are relative and driven by the ontologies and epistemologies of a dominant power.

Second, a Foucauldian style genealogy "writes the history of the present". In other words, it identifies a modern problem, historically traces central components of the cause of the problem, and asks "How did we get here?"[40] Genealogy is not the discovery of a past parallel of a present concept, nor finding that the past necessarily led to the present condition. To the contrary, genealogy is an archeology of historical moments, of shifts in discourse, and the evolution of ideas, which serve to illustrate the randomness and banality in how history unfolds. *Yet, when discourses and histories are viewed from a distance, patterns can be discerned and alternate ways of understanding modern problems are revealed.* When one is able to take a bird's-eye view of a moment in time in the context of history, the patterns of eurochristian thought can be seen to follow certain trends; but not trends that are moving human kind toward some great progress. For Foucault, genealogy seeks to dispel the linear trajectory of the evolution of a thing through history, which possesses neither some "pristine" origin, nor salvation or a great descent. There is no telos or purpose; there is no deep dark meaning or truth underlying human life. For Foucault, "the task of the genealogist is to destroy the primacy of origins,

[40] Dreyfus and Rabinow, Michel Foucault: Beyond Structuralism and Hermeneutics.

of unchanging truths", and of the ideas of development and progress.[41] Meaning and truth are all a matter of interpretation, which make philosophy irrelevant.[42]

Third, these dominating technologies of power, how power is grasped and maintained, is not merely conceptual or theoretical, but has actual effects on the bodies and minds of people. Bodies are caught up in the structures and actions of power, and alternately, power is localized in the body. As can be seen in many of Foucault's works, it is through technologies of power that social institutions function to imprint their influence onto the bodies of the prisoner, the mentally ill, the sick patient, and the homosexual. Later in this dissertation, this inscription of bioethics on the bodies of people will be laid out more explicitly. What is left out of histories written by the "winners" is the history of and violence enacted upon the oppressed. And once a new power is in place, despite the intent, violence continues to be enacted upon the oppressed through meticulous rituals of power. For Nietzsche, "guilt, conscience, and duty had their threshold emergence in the right to secure obligations; and their inception, like that of any major event on earth, was saturated in blood."[43] The violence to bodies of color has historically accompanied eurochristian dominance and continues to do so today.

As in Foucauldian genealogical form, a problem will be identified in bioethics, eurochristian bioethical rituals of power will be identified, and the discourse between bioethics and race will be traced to help elucidate "how we got here."

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[41] Ibid., 108-09.

[42] Ibid., 107.

[43] Foucault, "Nietzsche, Genealogy, History," 85.

## What is the Problem?

The primary problem with which this dissertation is concerned is the continued poor health, early death, and unequal treatment of non-whites in health care in the United States.[44] The problem can be expanded through several commonly asked modern questions: Why do inequalities still exist in medicine? Why do racialized groups such as Native Americans and African Americans statistically have higher rates of diabetes, heart disease, traumatic injury and alcoholism?[45] Why, if we as bioethicists and healthcare providers adamantly deny any racist tendencies, do people of color consistently report discrimination and are empirically treated differently than their white peers?[46] And especially, why, if bioethics and the medical professions espouse the ethical language of equality, human dignity, and conscience, are these bodily and psychological violences not thoroughly addressed? This is clearly a complex issue that has a multitude of proximal and distal causes. Yet, this genealogy will begin to explore the potential implications of one of those causes, the eurochristian colonial worldview of Western bioethics. In problematizing bioethics through an analysis of power and knowledge, this chapter aims

[44] Research also provides evidence that whites in the Appalachian counties exhibit poorer health and increased disparity when compared to whites in the rest of the U.S. But even in Appalachia, a black man has a life expectancy 3 years shorter than a white man based on statistics between 2009-13. The infant mortality rate was 16 percent higher in Appalachia, with black infants having higher rates in both Appalachia and throughout the country. Singh, Gopal K., Michael D. Kogan, and Rebecca T. Slifkin. "Widening disparities in infant mortality and life expectancy between Appalachia and the rest of the United States, 1990–2013." *Health Affairs* 36, no. 8 (2017): 1423-1432.

[45] Sheila S. Tann et al., "Triadd: The Risk for Alcohol Abuse, Depression, and Diabetes Multimorbidity in the American Indian and Alaska Native Populations," *American Indian and Alaska native mental health research (Online)* 14, no. 1 (2007).

[46] Joe Feagin and Zinobia Bennefield, "Systemic Racism and U.S. Health Care," *Social Science & Medicine* 103 (2014); Zinzi D. Bailey et al., "Structural Racism and Health Inequities in the USA: Evidence and Interventions," *The Lancet* 389, no. 10077 (2017).

to reveal that bioethics' moral and ethical discourse continues to allow violence, in spite of itself.

Medicine and Race

The history of racism and inequality in healthcare is no secret. In the 18th and 19th centuries, many physicians served as a cog in the wheel of colonization, complicit in the perpetuation of the concept of race. Morality and medicine were closely linked, as missionaries were expected to be trained as physicians, especially with "the advent of germ theory and antiseptics, anesthesia, and early vaccines."[47] Christian missionaries filled the roles of saving souls and sanitizing bodies. Imperial hygiene, the early public health approach, targeted the "uncivilized and unclean" practices of non-white subjects within colonized boundaries who were believed to threaten the health of settlers and the colonial military. Hubert Lyautey, a French colonial administrator, wrote in 1933 that "the physician, if he understands his role, is the most effective of our agents of penetration and pacification."[48]

During this same period in the United States, Marion Sims, the founder of modern gynecology, performed painful vaginal surgeries on enslaved black females without pain control. He also performed experiments on black infants by "cutting open enslaved children's scalps and [attempting] to pry their skull bones into new positions

[47] Jim Yong Kim et al., *Reimagining Global Health: An Introduction* (Berkeley: Berkeley: University of California Press, 2013), 47.

[48] Ibid., 37.

using a cobbler's tool" to try to find a cure for tetany. [49] Most of the children died. In the infamous Tuskegee Study in Macon County, Alabama, from 1932 to 1972 approximately 400 black men with syphilis were observed by physicians and staff of the US Public Health Service while the disease ravaged their bodies and minds, all the while misleadingly being told they were receiving treatment.[50] At various times throughout the 20th century and as late as the 1970s, hundreds of thousands of African American, Puerto Rican, Native American, and Latina-American women were exploited in the testing of various forms of birth control and were sterilized against their will.[51] And most recently, the Henrietta Lacks story accounted for a poor black woman who was treated for cancer in the 1950s. Researchers and physicians have established a multi-billion-dollar industry with the tumor cells removed from her body, while neither Lacks or her family ever received any financial compensation. These are the benchmark stories bioethics tells when race is addressed by the discipline. Otherwise, a general disregard exists within bioethics on issues of race, often relegating racism to "rare" and ghastly human atrocities that mostly occurred in the past.

Yet, this trajectory of racism and inequality in healthcare continues today. In 2002, the Institute of Medicine's *Committee on Understanding and Eliminating Racial and Ethnic Disparities in Healthcare* published their findings. Racial and ethnic

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[49] Camisha A. Russell, "Questions of Race in Bioethics: Deceit, Disregard, Disparity, and the Work of Decentering," *Philosophy Compass* 11, no. 1 (2016): 45.

[50] Ibid., 44.

[51] Lisa Ko, "Unwanted Sterilization and Eugenics Programs in the United States," *Independent Lens* (2016).

disparities at both the individual and systems levels "were found across a wide range of disease areas and clinical services….and in virtually all clinical settings" including preventative services, pain relief,

> "cardiac care, cancer screening and treatment, diabetes management, end stage renal disease, treatment of HIV infection, pediatric care, maternal and child health, mental health, rehabilitative and nursing home services, and many surgical procedures."[52]

In 2013, an article by Joe Feagin and Zinobia Bennefield examined systemic racism within the U.S. from historical and contemporary perspectives, citing through an extensive literature search the differential treatments of racialized persons, the implicit bias of individual practitioners, and the extensive racial framing of the healthcare system.[53]

In 2018, the University of Wisconsin's County Health Rankings and Roadmaps reported continued and growing gaps in health outcomes based on factors such as unemployment, lower high school graduation rates, and fewer transportation options. These gaps "disproportionately affect people of color – especially children and youth." Their findings suggest a "clear connection between place, race, and health." In the state of Colorado, for example, the County Health Rankings report indicated that American Indians/Alaskan Natives are less healthy than those living in the bottom ranked county, and blacks are most similar in health to those living in the least healthy quartile of

[52] Alan R. Nelson, "Unequal Treatment: Report of the Institute of Medicine on Racial and Ethnic Disparities in Healthcare," *The Annals of Thoracic Surgery* 76, no. 4 (2003): S1378.

[53] Feagin and Bennefield, "Systemic Racism and U.S. Health Care." Social Science and Medicine: 103.

counties, while Hispanics and whites are most similar in health to those living in the middle 50% of counties.

Some of the most severe inequalities can be found in the health of Native Americans. Life expectancies of Native Americans in South Dakota and Montana are 10-12 years shorter than their white counterparts.[54] The rates of diabetes, lack of prenatal care, adolescent female suicide, traumatic accidents, chronic liver disease, death from Hepatitis B and C are all roughly three times the rate of Caucasian counterparts in the U.S.[55] It is also a fact that Indigenous people globally suffer the worst poverty and health. According to The Indigenous World 2006 International Working Group on Indigenous Affairs, "Indigenous peoples remain on the margins of society: they are poorer, less educated, die at a younger age, are much more likely to commit suicide, and are generally in worse health than the rest of the population." For instance, according to the World Health Organization, infant mortality

> "among Indigenous children in Panama is over three times higher than that of the overall population. In Rwandan Twa households, the prevalence of poor sanitation and lack of safe, potable water were respectively seven-times and two-times higher than for the national population."[56]

[54] USA Life Expectancy. "Life expectancy Native American." (2013-2014). Accessed on April 22, 2019 at https://worldlifeexpectancy.com/usa/life-expectancy-native-american.

[55] Indian Health Service. "Disparities" https://www.ihs.gov/newsroom/factsheets/disparities/. (accessed on April 22, 2019) and US Department of Health and Human Services, Office of Minority Health. "Profile: American Indian/Alaska Native." https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=3&lvlid=62. (accessed on April 22, 2019).

[56] World Health Organization. "Media Center: Health of Indigenous peoples." https://www.who.int/mediacentre/factsheets/fs326/en/. (accessed on April 22, 2019).

## Bioethics and Race: In the Literature

The secondary problem, and the one addressed by this dissertation is the theoretical and methodological inadequacy of bioethics in addressing racism and racial disparity in healthcare. In 2016 John Hoberman published an article in the *Hastings Center Report* called "Why Bioethics has a Race Problem." In this article, Hoberman quotes Gregory Kaebnick, who wrote in a 2001 *Hastings Center Report* article, "Bioethics" should turn its attention to "easily overlooked, relatively little-talked-about societal topics" such as race.[57] According to a literature search done by Hoberman, he found that following the Kaebnick plea, only eight pieces were published in the *Hastings Center Report* on African-Americans over the next 15 years. In the *American Journal of Bioethics* only six articles on race were written; in *Literature and Medicine* two articles; and in the *Journal of the Medical Humanities*, only two on African American health, and two on nursing in Africa.[58] In Hoberman's article he also quotes Howard Brody who observed in 2009, "I am aware of little bioethics literature on the topic of health disparities," and that bioethicists were likely to find the ethical issues relevant to health disparities "shallow and uninteresting" and "better left to others to discuss".[59] It is not that voices from within the discipline of bioethics have not made calls for social justice. Bioethics scholars Carol Levine, Lisa Parker, Francoise Baylis, Laurie Zoloth, Leigh Turner, and Catherine Myser propose approaching issues of justice and equality in the

[57] Gregory Kaebnick, "Bioethics and Race," *The Hastings Center Report* 31, no. 5 (2001).

[58] John Hoberman, "Why Bioethics Has a Race Problem," *Hastings center report* 46, no. 2 (2016).

[59] Howard Brody, *The Future of Bioethics* (Oxford: Oxford University Press, 2009), Book, 146.

form of historical critique, activism, feminism, Levinasian hospitality, global health, and white normativity.[60] The problem is that the bioethics scholars who deal directly with the subject of racial disparities are a minority within the discipline; and a review of the scant literature on bioethics and racism uncovers an undeveloped and ambivalent narrative among bioethics scholars as to whether and how bioethics should address racial inequality.

The American Society of Bioethics and Humanities, the most prominent national bioethics professional organization, distributed its second edition of "Improving Competencies in Clinical Ethics Consultation: An Education Guide" in 2015. The readings for the section "Recognition of Context and Negotiation of Differences" is the closest ASBH comes to examining issues of race. The anonymous author of the one-page introduction points out the us/them dichotomy and the fact that "we" are also part of an "imagined norm", one that is "White, English-speaking, middle-class, healthy."[61] The author mentions the need for cultural self-reflection, the recognition of unequal access to healthcare, and the need to "build trust between socially disadvantaged or marginalized patients and the healthcare system."[62] The reading materials for educating oneself center the conversation around the concept of culture, and were published between 1970-1999. Key phrases include "engaging cross-cultural variation," "cross-cultural dialogue,"

[60] Lisa A. Eckenwiler and Felicia Cohn, The Ethics of Bioethics Mapping the Moral Landscape/Edited by Lisa A. Eckenwiler and Felicia G. Cohn (Baltimore: Baltimore: Johns Hopkins University Press, 2007).

[61] American Society for Bioethics and Humanities. Improving Competencies in Clinical Ethics Consultation, An Education Guide, Second Edition. (ASBH, 2015). 49.

[62] Ibid.

"culture and religion", "transcultural diversity", "cultural diversity and the search for ethical universals", and so on. The dialogue here is mainly around the universalism/relativism debate, but does not effectively address the socio-political issues of race in the United States as a basis for prejudice, discrimination, and oppression. The concept of culture softens and downplays the gross inequalities of racialized members of society.

In 2016 *The American Journal of Bioethics* dedicated a volume to race. The leading article was by Marion Danis, Yolonda Wilson, Amina White: "Bioethics and Race: Bioethicists Can and Should Contribute to Addressing Racism."[63] In the article the authors helpfully lay out a list of ways bioethicists can combat racism: in scholarship, consultation, teaching, policy, research, outreach, and training. Responses came from Kayhan Parsi, Lisa Fuller, John Stone, and Anita Ho among others covering issues such as whiteness, power, implicit bias, and structural racism. Camisha Russell also published an article in 2016 titled "Questions of Race in Bioethics: Deceit, Disregard, Disparity, and the Work of Decentering" in which she argues through feminist standpoint theory[64]

[63] Russell, "Questions of Race in Bioethics: Deceit, Disregard, Disparity, and the Work of Decentering."; Howard Brody, "Chauncey Leake and the Development of Bioethics in America," *Kennedy Institute of Ethics Journal* 24, no. 1 (2014); Marion Danis, Yolonda Wilson, and Amina White, "Bioethicists Can and Should Contribute to Addressing Racism," *American Journal of Bioethics* 16, no. 4 (2016); John R. Stone, "Racism and Bioethics: Experiences and Reflections," ibid.; Anita Ho, "Racism and Bioethics: Are We Part of the Problem?," ibid.; Lisa L. Fuller, "Policy, Advocacy, and Activism: On Bioethicists' Role in Combating Racism," ibid.; Kayhan Parsi, "The Unbearable Whiteness of Bioethics: Exhorting Bioethicists to Address Racism," ibid.; S. Arekapudi and M. K. Wynia, "The Unbearable Whiteness of the Mainstream: Should We Eliminate, or Celebrate, Bias in Bioethics?," ibid.3, no. 2 (2003).

[64] Feminist Standpoint theory from the second wave of feminist thinking claims that knowledge is socially situated, and that disciplinary scholarship should be driven by the marginalized. FST claims the social positions of the oppressed are sites of epistemic privilege. FST was originally derived from Hegel's master/slave dialectic, and Marx and Lukac's class consciousness of the proletariat. Bowell, T. Feminist

for social justice through structural competency and cultural humility.[65] In 2018 Yolanda Wilson wrote a piece titled "Jahi McMath, Race, and Bioethics" in which she highlights the racial implications of this benchmark case of brain death.[66] And in 2018 Denise Dudzinski wrote a blog entry on *bioethics.net* titled "White Privilege and Playing It Safe", calling for white bioethicists to engage more robustly with systemic racism.[67]

## What are the Rituals of Power?

Rituals of Power, the "rules inscribed in law and moral code," are the rituals of the day-to-day practices and influences of bioethicists that are embedded in plays for domination. I argue that the eurochristian colonial discourse contains the rules that maintain racism in medicine. Bioethics is caught up in both the historical disputes between secularism and Christendom in society, as well as the internal polemics between philosophical and theological, liberal and conservative.[68] Bioethics is positioned at the site of a culture war. The dominant approach to bioethics is liberal and secular and considers itself to be "objective" and inclusive, although criticized by conservative

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Standpoint Theory. *Internet Encyclopedia of Philosophy*. Accessed on April 22, 2019 at https://www.iep.utm.edu/fem-stan/.

[65] Russell, "Questions of Race in Bioethics: Deceit, Disregard, Disparity, and the Work of Decentering." *Philosophy Compass 11:1*.

[66] Wilson, Y. 2018. Jahi McMath, Race, and Bioethics. The Hastings Center. Accessed on April 22, 2019 at https://www.thehastingscenter.org/jahi-mcmath-race-bioethics/.

[67] Denise M. Dudzinski, "White Privilege and Playing It Safe," *The American Journal of Bioethics* 18, no. 6 (2018).

[68] Tristram Engelhardt defines this as biopolitics; others call it the culture wars. Is restorative justice for harms against people of color to be considered just another political agenda? I argue this is a moral issue outside the culture wars, even if it requires political action. H. T. Engelhardt, *Bioethics Critically Reconsidered: Having Second Thoughts*, ed. H. Tristram Engelhardt and H. Tristram Tristram Engelhardt, vol. 100 (Dordrecht: Dordrecht: Springer Netherlands, 2012), 4-15.

Christians for being exclusive and wrapped in its own moral and political agendas. Alternatively, neoconservative Christian bioethicists are, as Alto Charo writes, "suspicious of technological advance, opposed to moral relativism and moral pluralism, determined to identify moral absolutes" to convert into public policy to the exclusion of other views.[69] Secular and Christian liberals alike critique conservative Christianity for its history of genocide and oppression (including the Inquisition, Crusades, Doctrine of Discovery, and Manifest Destiny), while liberals are blamed for genocides in the name of anti-Christianity and pro-workers (including the French Revolution, Socialist prison camps, and the Cambodian genocide). Amid the biopolitical culture wars, both sides continue to assert their own versions of morality in a dominant eurochristian world. Fear exists on both sides...one of science and technology; the other of oppressive and overreaching government; and both are implicated in the continued oppression of people of color.[70] Bioethics commonly deals with questions such as science vs. God, universality vs. relativity, autonomy vs. beneficence, is vs. ought. These binaries represent old eurochristian struggles for dominance within a modern medical context. As a bioethicist, I am less concerned with resolving these questions as I am in recognizing that these discourses all lie within the same realm of power over colonized and racialized others, whose bodies and lives hold the history of oppression through "the nervous system,

[69] Alta Charo, "The Endarkenment" in Eckenwiler and Cohn, The Ethics of Bioethics Mapping the Moral Landscape/Edited by Lisa A. Eckenwiler and Felicia G. Cohn, 103.

[70] Both liberal and conservative white Christians are implicated in the continuation of injustices of colonial/neo-colonial structures of capitalism, neo-liberalism, and racial and economic privilege, intended or not. This will be the goal of this dissertation to demonstrate.

nutrition, digestion, and energies"[71] The body is "molded by a great many distinct regimes; it is broken down by the rhythms of work, rest, and holidays; it is poisoned by food or values, through eating habits or moral laws; it constructs resistances."[72] The deep philosophical question of whether morality is about relativity or universality is inconsequential for those suffering of body and mind and requiring immediate relief.

Neither Christian nor rational moral persuasion will change power and privilege. All combinations of liberal and conservative, secular and Christian have more in common than they think, when viewed from an anti-colonial perspective. Despite their polarities, all are partners in the ongoing colonial projects of capitalism, progress, salvation, and the racialization and marginalization of people of color. Despite these seeming divergences internal to bioethics, these plays for domination continue to maintain the power of the eurochristian discourse as a whole. What is not within view in these disputes are the millions of people of color, of non-Christian religions, and of varying ethnicities who are marginalized no matter which side is in control. To complicate things, bioethics has become an international enterprise. A second globalization of eurochristian morality is happening with little attention to the colonial aspects of the dominant narrative.

What are these "invisible" rituals of power in bioethics? Some of the rules are formal, legal, and procedural such as diagnosing brain death, performing decision-making capacity assessments, following research protocols, and being obliged to treat

[71] Foucault, "Nietzsche, Genealogy, History," 89.

[72] Ibid., 87.

and stabilize any life or limb-threatening injuries. Other rules are informal such as deciding whether to treat an undocumented immigrant, refusing to prescribe birth control, participating in physician-assisted death, accepting Medicaid or indigent patients into one's medical practice, and engaging in expensive research when many communities lack basic requisites such as housing and nutrition for good health. The heavy reliance on reason in bioethics comes at the expense of emotion, community, and ambiguity.[73] An ethical theory must have flawless internal consistency, and patients must be rational in order to make decisions. Biotechnology is also a rule. Bioethicists are enamored with expensive high-profile technologies, those things that are inaccessible to a large number of people in the United States (and globally). The sexy sci-fi quality of popular topics include the ethics of human cloning, face transplants, robot personhood, and CRISPR gene editing. Not only are these the subjects with which many philosophical bioethicists are preoccupied, these are the subjects of interest to medical institutions and bioethics centers because of increased funding from biotechnology companies and increased grants to researchers.[74] These technologies often promise to serve a few members of the population at great cost. And they further increase the gap between elite members of society and the marginalized. While many bioethicists would argue they are addressing the problems inherent in the use of specific biotechnologies, the fact remains that the

[73] Feminist bioethicists argue this, but mainstream bioethics is still largely driven by logic and law. Jonathan Moreno writes, "however challenging feminist bioethics has been and continues to be of bioethics orthodoxy, it has never abandoned the assumption that mainstream bioethics could and should be saved from itself." Moreno, J. "Forward." Eckenwiler and Cohn, *The Ethics of Bioethics Mapping the Moral Landscape/Edited by Lisa A. Eckenwiler and Felicia G. Cohn*, xiv.

[74] Ho, A. Racism and Bioethics: Are We Part of the Problem? AJOB, 2016.

discipline is growing more dependent on the existence and growth of these technologies for their salaries, and the futuristic, but possible, technological advances that will likely not affect the majority of the population positively, such as genetic therapies, neuroenhancement, human cloning, and military biotechnology. And overall, the idea of "ethical management" has dominated the greater ideal of a broader social critique in bioethics.[75]

Both formal and informal rules in bioethics are bound up within eurochristian discourse, and contain inherent oppressive knowledge and power, despite the seemingly normative and rational assumptions that naturally follow a certain worldview. In addition, bioethics, like medicine in general, is entrenched in a late-capitalist economic paradigm which further exacerbates the gaps in health and access to health in society, often along color lines, and always at the expense of the oppressed. Rituals are often formed at the philosophical, legal, and political levels, are informed by elites in society, and eventually trickle down to bedside bioethicists and community health spaces in the form of policies, procedures, and oft unquestioned truths. How can the culture and language we share as white eurochristian bioethicists be examined and radically revised? One of the arguments made in this dissertation is that eurochristian colonial discourse is the underlying etiology of racism, and similarly that viewing bioethics from the vantage point of colonialism provides a framework for uncovering the rituals of power that are invisible to the holders

[75] Sharpe, V. Ch. 14: Strategic Disclosure Requirements and ethics of bioethics. The Ethics of Bioethics. 2007.

of bioethical "knowledge" and painfully obvious to those marginalized by these same rituals of power.

Bioethics and Colonialism

A literature search in *bioethics and colonialism* turns up the sporadic article, and nothing that directly and deeply examines the discipline of bioethics in terms of the colonial discourse in the United States. Indeed, an anti-colonial discourse does not exist in bioethics in the U.S. Articles particular to both bioethics and colonialism are four, and generally address ethics from a non-U.S. perspective. Michael Weingarten, in his work with Yemenite and Ethiopian immigrants in Israel, challenges the "colonial moral hegemony of the Principlism approach" to bioethics by turning to a relational approach. Pablo Rodriguez del Pozo and José Smith describe the diverse disciplinary approaches of bioethics in Latin America as it struggles to move beyond the Spanish Catholic and human rights discourses.[76] Ademola Fayemi and Macaulay Adeyelure explore a decolonizing trajectory for bioethics in sub-Saharan Africa based on existential needs rather than solely on "African" identity.[77] And Catherine Myser, a U.S. scholar whose work focuses primarily on global bioethics, discusses the "normativity of whiteness" and suggests bioethicists decolonize their minds, but does not engage the complexity of decolonization.[78]

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[76] Pablo RodrÍGuez Del Pozo and JosÉ A. Mainetti, "Bioética Sin Más: The Past, Present, and Future of a Latin American Bioethics," *Cambridge Quarterly of Healthcare Ethics* 18, no. 3 (2009).

[77] A. K. Fayemi and O. C. Macaulay-Adeyelure, "Decolonizing Bioethics in Africa," *BEOnline* 3, no. 4 (2016).

[78] C. Myser, "Differences from Somewhere: The Normativity of Whiteness in Bioethics in the United States," *Am J Bioeth* 3, no. 2 (2003).

Several articles in the literature apply postcolonial theory to healthcare internationally, but not to bioethics, including the health of Indigenous populations in Brazil, medicalization of life in Pakistan, and HIV trials in Cambodia. [79] Several Canadian scholars have written articles on postcolonialism and the inequities of the health of Aboriginal people from a population perspective, with Cathy MacDonald and Audrey Steenbeek using a postcolonial feminist approach to uncover the historical root causes of health inequities in Canadian Aboriginal people's lives, and Allana Beavis et. al. proposing a postcolonial approach to health care student education.[80] K. McPhail-Bell et al. cite Australia's colonialism as a need for "systematic ethical reflection to redress health promotion's general failure to reduce health inequalities experienced by Indigenous Australians".[81] In a 2008 publication, Christy Rentmeester employs postcolonial theory to the racial and ethnic equalities in mental health in the U.S., specifically drawing attention to the psychological effects of epistemic violence,

[79] Luiza Garnelo, "Bioethics and Indigenous Worlds: Where Do We Situate Ourselves?," (Cadernos Saude Publica Rua Leopoldo Buhoes 1480, Rio de Janiero, RJ 210410210, Brazil, 2010); ibid. Abdul Wahab Suri, *Right without Choice and the Future of Bioethics Discourse in Post-Colonial Society*. J. M. Grant, "From Subjects to Relations: Bioethics and the Articulation of Postcolonial Politics in the Cambodia Pre-Exposure Prophylaxis Trial," *Soc Stud Sci* 46, no. 2 (2016). Fayemi and Macaulay-Adeyelure, "Decolonizing Bioethics in Africa."; J. M. Grant, "From Subjects to Relations: Bioethics and the Articulation of Postcolonial Politics in the Cambodia Pre-Exposure Prophylaxis Trial," *Soc Stud Sci* 46, no. 2 (2016).

[80] Cathy MacDonald and Audrey Steenbeek, "The Impact of Colonization and Western Assimilation on Health and Wellbeing of Canadian Aboriginal People," *International Journal of Regional and Local History* 10, no. 1 (2015); Allana Beavis et al., "What All Students in Healthcare Training Programs Should Learn to Increase Health Equity: Perspectives on Postcolonialism and the Health of Aboriginal Peoples in Canada," *BMC Medical Education* 15 (2015).

[81] K. McPhail-Bell et al., "'We Don't Tell People What to Do': Ethical Practice and Indigenous Health Promotion," *Health Promot J Austr* 26, no. 3 (2015).

infiltrated consciousness, and historical and transgenerational trauma.[82] And both Selina Mohammed and Tula Brannelly address colonialism in relation to health research.[83]

And last, a few scholars have applied an historical approach to bioethics. Duncan Wilson argues that historians should collaborate with bioethics to contextualize the ahistorical analytical approaches of bioethics, as well as to

> "shift bioethics away from its focus on new and emerging technologies, which may not impact the day-to-day lives of patients, to a broader consideration of the role politics plays in shaping medical services."[84]

Robert Baker critiques bioethics for its historically heavy reliance on the Roman Catholic approach to moral decision-making.[85] And Roger Cooter, in a clever and critical review of the 876-page *Cambridge World History of Medical Ethics,* cites the opportunistic nature of a gold-embossed volume of unreflective "history" dedicated to a discipline that is the pinnacle of epistemological colonizing.[86]

In sum, although contemporary critiques of the discipline of bioethics encompass certain components of a colonial-racial discourse such as race, whiteness, and history, this dissertation will be the first robust anti-colonial analysis of bioethics using a

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[82] C. A. Rentmeester, "Postcolonial Bioethics—a Lens for Considering the Historical Roots of Racial and Ethnic Inequalities in Mental Health," *Camb Q Healthc Ethics* 21, no. 3 (2012).

[83] Selina A. Mohammed, "Moving Beyond the "Exotic": Applying Postcolonial Theory in Health Research," *ANS. Advances In Nursing Science* 29, no. 2 (2006).

[84] Duncan Wilson, "What Can History Do for Bioethics?," *Bioethics* 27, no. 4 (2013): 223.

[85] Robert Baker, Before Bioethics a History of American Medical Ethics from the Colonial Period to the Bioethics Revolution, Before Bioethics (New York: Oxford University Press, 2013).

[86] Roger Cooter, "Inside the Whale: Bioethics in History and Discourse," (2010). Robert B Baker and Laurence B McCullough, "The Cambridge World History of Medical Ethics," (2008).

eurochristian worldview to frame the underlying colonial-racial discourse connecting present with past. This dissertation proposes an anti-colonial framework to agitate and extend the current approaches to the analysis of bioethics themes involving racial disparities. An anti-colonial approach to bioethics joins an emerging awareness that Western bioethics is no longer one universal voice, thereby continuing the shift of bioethics from a positivist to a constructionist frame, and opens the door to imagining a different future.

## The History of the Present: How Did We Get Here?

### A Short History of Bioethics

Bioethics is defined as "the systematic study of the moral dimensions—including moral vision, decisions, conduct and policies—of the life sciences and health care, employing a variety of ethical methodologies in an interdisciplinary setting."[87] The subset of bioethics, health care ethics,[88] is a discipline of practice that arose in response to medical paternalism, technological innovations in medicine, egregiously harmful research protocols, and in the context of the civil rights movements. In current practice, the roles and authority of bioethics has become contested but generally aim at clarifying and guiding moral decision-making in health care, particularly decisions around issues such as reproduction, life-sustaining technology, genetic science, end-of-life, research, and access to healthcare in both health and policy arenas nationally and globally. Bioethicists

[87] Group Gale and Stephen Garrard Post, *Encyclopedia of Bioethics*, 3rd ed. ed. (New York, N.Y. New York: New York, N.Y.: Macmillan Reference USA, 2004).

[88] Bioethics is an umbrella term that includes areas of study and practice in human health, animal treatment, and environmental issues. When I use the term *bioethics*, I am not intending to cover the entire discipline, but as short-hand to denote theory and practice of ethics specifically in health care.

work in hospitals doing consultations at the bedside and with hospital administration where values conflicts and moral distress arise. They review research protocols on academic institutional review boards in order to safeguard human subjects. Bioethicists work in public health and public policy, examining social issues such as population health, gun control, medical participation in torture and the death penalty, and the broader implications of biotechnology for society. Some bioethicists are called to the public square as educators and activists. And increasingly, bioethicists are being hired by biotech industries.

The discipline of bioethics did not exist during many of the atrocities occurring in the 18th through the mid-20th century, including the syphilis research studies at Tuskegee, the gynecological experiments of Marion Sims on black women, and the medical experimentation in Nazi concentration camps (not that a robust research ethics would have interrupted the latter). Ethical practice was driven by the virtues extolled and oaths taken by individual physicians and their professional organizations.[89] In tracing the discourse of bioethics, there is no exact origin or endpoint. The term "bioethics" was coined roughly in 1971, purportedly simultaneously by Mr. R. Sargent Shriver and Dr. André Hellegers at Georgetown University, and Dr. Van Rensselaer Potter at the University of Wisconsin.[90] Bioethics as a specific discipline emerged in the United States in the 1960s and 70s, coinciding with the post-Holocaust Nuremburg Trials and the US

[89] Yet, the American Medical Association, the largest and most powerful medical association since 1847, apologized for the first time in 2008 for its systemic exclusion of black physicians, among other actions it took to marginalize black physicians and patients. [89]

[90] Albert R. Jonsen, *The Birth of Bioethics*, ed. ProQuest (New York: New York: Oxford University Press, 1998), 26-27.

Civil Rights Movement, at the time of drastic changes in medical science and amid historical medical atrocities.[91] Early on, bioethics rejected the old-style paternalistic physician-driven morality in favor of patient rights and autonomy. In essence, when the long-standing discourses of theology, philosophy, and liberal humanism became exposed to the modern historical moments of life-saving medical technologies such as dialysis and ventilators, a dominant liberal and secular society, and a growing medical research agenda, bioethics was born.

## Bioethics: Roots in Theology and Philosophy

The discipline of bioethics emerged in the 20th century in the United States. But as philosopher K. Danner Clouser said in the first edition of the *Encyclopedia of Bioethics*, "bioethics is not a new set of principles or maneuvers, but the same old ethics being applied to a particular realm of concern."[92] As Albert Jonsen has portrayed in *The Birth of Bioethics*, the discipline stands on a long history of both Western theology and philosophy.[93] At different times in history both disciplines have been more or less in dialogue with each other, particularly until the 17th century.

Specifically, the contemporary discipline of bioethics arises out of two academic traditions: social ethics and moral philosophy. Social ethics is the Christian movement starting in the 1880s with the social gospel, with a "social-ethical mission to

[91] Ibid.

[92] K Danner Clouser, "Bioethics," *Encyclopedia of bioethics* 1 (1978): 116.

[93] Jonsen, The Birth of Bioethics.

transform the structures of society in the direction of social justice."[94] Early bioethics was started by theologians who, in importing the social ethics tradition, were concerned with issues of human dignity and the sacredness of life in the face of a changing practice of medicine and medical technologies. The three "founders" of bioethics, as suggested by Albert Jonsen, ushered in various elements of social ethics, with Paul Ramsey coming from the Christian realist tradition in the spirit of Reinhold Niebuhr, Richard McCormick from the Catholic ethics tradition, and Joseph Fletcher, who ultimately rejected his Episcopalian affiliation for a secular utilitarian approach to ethics.

Moral philosophy followed theology into the new discipline of bioethics, with an Enlightenment perspective rooted in rationality and empiricism, which, in the U.S., primarily centered around analytical rather than continental philosophy[95]. Analytical philosophy provided tools for the trade: systematic problem-solving, linguistic and conceptual analysis, and a discipline of the mind. Around the time of the Civil War, moral philosophy took a pre-eminent place in the U.S. at Harvard, Yale, and Princeton as a discipline in its own right, and yet was taught with reference to Scripture and Christian doctrine, in essence a "Christian ethics in thin disguise."[96] The presidents who taught the ethics courses were "custodians of certain truths necessary to the function of a civilized

[94] Gary Dorrien, Social Ethics in the Making: Interpreting an American Tradition, 1st ed. ed. (Hoboken: Wiley, 2009), 1.

[95] The method of analytic philosophy, more common in the U.S., is concerned with objectivity, logic, language, and reason. Continental philosophy, derived from France and Germany, uses descriptive and experiential methods, and more often deals with the subjects of metaphysics and ethics.

[96] Jonsen, The Birth of Bioethics, 67.

society."[97] From Yale alone hailed many early and prominent bioethicists including Paul Ramsey, Joseph Fletcher, Daniel Callahan, Tom Beauchamp, James Childress, and Albert Jonsen.

In the early 20th century, American pragmatism and a philosophy based on logical positivism and epistemology became a dominant discourse that rivaled theological ethics in the United States as well as the continental philosophies of existentialism, hermeneutics, and phenomenology found in Western Europe. The empirical and scientific nature of knowledge became important in both philosophy and the biological sciences, including medicine. From the colonial period onward, the unfolding of a succinct discourse can be traced which included industrialism, a profit-driven economy, a new American type of freedom and natural law, the focus on a civilized society built upon science and technology, and a sense of national exceptionalism.[98] This discourse is the dominant eurochristian narrative, on which this dissertation will argue is also the narrative of bioethics. While in the last few centuries American scholars have contributed greatly to an approach to moral philosophy no longer strictly European, the essence of the worldview was firmly rooted in a history of European and Christian traditions and colonial enterprise harkening from early Spain, Portugal, and Great Britain.

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[97] Ibid.

[98] American exceptionalism can be seen as a long trajectory from Manifest Destiny, to the Puritan leader John Winthrop's "City upon a Hill", to the "American Dream", to Vice President Dick Cheney's book *Exceptional: Why the World Needs a Powerful America.* The idea of a national exceptionalism is often associated with right-wing political views. Winthrop, John (1588-1649). Encyclopedia of the Environment in American Literature, edited by Geoff Hamilton, and Brian Jones, McFarland & Company, Incorporated Publishers, 2013. ProQuest Ebook Central, https://ebookcentral.proquest.com/lib/du/detail.action?docID=1137503.341. Cheney, Dick, Richard B. Cheney, and Liz Cheney. *Exceptional: Why the World Needs a Powerful America*. Simon and Schuster, 2016.

If this discourse is traced into the realm of the 1960s and to bioethics, the eurochristian worldview continues uninterrupted in its predecessors. The first bioethicists were theologians, and included the likes of Joseph Fletcher, Richard McCormick, and Paul Ramsey. Joseph Fletcher was an Episcopal priest turned humanist. In Joseph Fletcher's *Situation Ethics* can be found the utilitarian logic of Bentham and Mill, as well as strong advocacy for medical science and technology. Paul Ramsey, a Methodist Christian ethicist, was an emphatic deontologist as opposed to Fletcher; and often turned to scripture for moral truths. He wrote the book *Patient as Person*, extolling the primacy of the duty of physicians to their individual patients over duty to society. Richard McCormick, a Jesuit theologian, was a friendly colleague of Ramsey. They often debated on issues around the *Ethics at the Edges of Life*, also the title of Ramsey's book, especially about when quality of life can be considered in withdrawing life sustaining treatments.[99] These three theologians have been considered the early architects of bioethics.

Following the theologians into the realm of medicine were American philosophers including Tom Beauchamp and Tristram Engelhardt. Philosopher Tom Beauchamp, along with James Childress, wrote *The Principles of Bioethics*, which has been one of the most accessible and widely used theories of ethical decision-making in health care. Engelhardt was a philosopher trained as a physician, but never practiced, and instead focused on the philosophy and history of medicine. Of these three philosophers, it is worth pointing out that Beauchamp also attended divinity school and studied religion,

[99] Paul Ramsey, Ethics at the Edges of Life: Medical and Legal Intersections (Yale University Press, 1978).

Childress was a theologian, and Engelhardt rejected his Catholic upbringing to become a practicing Orthodox Christian. Yale Divinity School seemed to be one of the main origins for the founding and practice of bioethics, and is firmly rooted in Christian traditions. On the other side of the world Peter Singer studied at the University of Melbourne and University of Oxford between 1967-71, and later became the Ira W. DeCamp Professor of Bioethics at Princeton University, where he continues to be affiliated.

The differences between contemporary bioethics theories and theorists are not trivial. Each has made important contributions for the discipline and the practice of bioethics, and in the treatment of patients and communities. But often missing from the scope of bioethics are the voices, ethics, and preferences of people who are non-white, Indigenous, and/or queer persons. Adjacent to what appears to be a culture of tolerance, pluralism, and multiculturalism are voices silenced by the dominance of eurochristian language, medical practices, and control. Bioethicists and health care workers are not always conscious of the discrimination experienced by Blacks within the health care system. But it is common and correlates with physician mistrust, suspicion about medical care, adherence behaviors, and decisional control preferences.[100] Native Americans experience high incidences of diabetes, asthma, hypertension, mental illness, and alcoholism while receiving care "free" in a system that is underfunded and is unaligned with their own historical practices of health and healing, diets, and means of

[100] See Penner, L. A., Dovidio, J. F., Edmondson, D., Dailey, R. K., Markova, T., Albrecht, T. L., & Gaertner, S. L. (2009). The Experience of Discrimination and Black-White Health Disparities in Medical Care. *The Journal of black psychology*, *35*(2), 10.1177/0095798409333585. Penner, L. A., Dovidio, J. F., Hagiwara, N., Foster, T., Albrecht, T. L., Chapman, R. A., & Eggly, S. (2016). An Analysis of Race-related Attitudes and Beliefs in Black Cancer Patients: Implications for Health Care Disparities. *Journal of health care for the poor and underserved*, *27*(3), 1503-20.

livelihood.[101] But often their health is attributed to bad behavior and poverty, or treated like a statistical project for public health. Latinx patients are "sent back" to a country where they have never lived and have no family to get chronic treatments such as dialysis. Women of color are disproportionately affected by strict rules around reproduction and abortion.[102] Those operating from within a eurochristian worldview will rarely go far enough to understand and remedy the historical wrongs against those who have been racialized and oppressed. The worldview that allowed conquest, mass genocide, slavery, and violent civilizing of barbarians and savages did not vanish in thin air. The worldview that somehow blinded philosophers Immanuel Kant and John Stuart Mill to the full humanity of "Negros" and Indians, and allowed social ethicists Walter Rauschenbusch and Reinhold Niebuhr to believe in the exceptionalism of Christianity and America over racial and unfortunate others did not disappear.[103] The worldview has only evolved. It is incumbent upon the discipline of bioethics to understand how the embeddedness within a eurochristian worldview continues to signal participation in racialization and colonialism. How might we be blind to our own complicity in oppression that our successors will look back on as we do with Kant, Mill, Niebuhr,

[101] See Sequist, Thomas D. "Urgent Action Needed on Health Inequities among American Indians and Alaska Natives." *The Lancet* 389, no. 10077 (2017): 1378-379.

[102] Behavioral lifestyle choices are often cited as reasons for racial differences in health. Many other factors to be taken into account are those that complexify such choices such as the long-standing economic deprivation of families of color, poorer education, joblessness, historical trauma, psychological aspects to the experience of racism, healthy food availability, lack of transportation, safe neighborhoods, and distances to providers from rural areas. These factors may increase the likelihood of substance abuse, poor nutritional intake, higher levels of trauma, and less frequent visits to a health clinic, contributing to poorer health.

[103] This will be discussed in greater detail in the next section.

Rauschenbusch, and Fletcher? Bioethics is often expressed in terms of sanctity of life, human values, dignity, conscience, equity, autonomy, and the "good". A definition of the good has run the course of duty, pleasure, absence of pain, flourishing, and virtuous character. What is different about the "good intent" of Christian theologians who wished to impress their form of Christian and American exceptionalism upon others, and the "good intent" today of bioethicists? Without a major awareness of the eurochristian worldview, one cannot expect to see power shift into the hands of those who are racialized, oppressed, and still colonized in the U.S. (if the desire is to address racism in healthcare). What is required of bioethics is an awareness of its own worldview, the relinquishing of both epistemological and political power, and the challenging of current narratives of the eurochristian worldview with alternative views from those on the margins. This will be the content of chapters 4-6.

As has been noted, bioethics is buttressed upon the disciplines of theology and philosophy. Two highly influential philosophers whose work is ubiquitous in ethics are Immanuel Kant with his deontological theory of the categorical imperative, and John Stuart Mill, who (along with Jeremy Bentham), is known as one of the fathers of utilitarianism. These theorists are foundational to understanding the rational decision-making methods used frequently in bioethics education, and frame the philosophical debate between making moral choices based on duties vs. consequences. These philosophers' works are largely rooted in European Enlightenment, and both with copious attention to matters of morality. The examination of these two influential moral

philosophers reveals the racist and colonizing involvement of these "secular" precursors to bioethics.

Three Christian social ethicists will also be examined in accord with their influences on moral thinking as a precursor to bioethics: Reinhold Niebuhr, Walter Rauschenbusch, and Joseph Fletcher. Niebuhr and Rauschenbusch, while not bioethicists, have been highly influential Christian scholars in the early thinking of social ethics, and serve as examples of Christian and U.S. exceptionalism, social gospel, and political order (at the expense of social justice) that I will demonstrate continue to underlie the works of some prominent bioethicists. Fletcher, on the other hand, is an early bioethics scholar who began as a liberal Episcopal theologian with a concern for justice, who represented the changing social climate of the civil rights era. He is an outlier in this group in that he left the theological realm for a more secular view later in his career. These five (white male) precursors to bioethics are all products of eurochristian thought. They share a similar worldview and thought trajectory, even if on different sides of the same coin. While they may disagree on first principles and final ends, these eurochristian thinkers all proselytize some set of exceptional moral values and notions of progress upon others who, in their estimation, lack rationality, humanity, agency, or civility.

## The Moral Philosophers

Immanuel Kant is recognized as one of the greatest moral philosophers of the Enlightenment period. John Stuart Mill, in the 19th century, represents the paradigm of classical liberalism. Both were intellectuals who were highly influential not only in their time, but continue to be respected and read widely today. In the study of bioethics,

students are exposed to both as required foundational knowledge. Kant's categorical imperative is a moral theory based on the metaphysical good will acted on through individual choice of the moral agent. For students, Kant represents an approach to ethical decision-making that recognizes morality to be universal for all humans capable of rational thought. In comparison, students also learn utilitarian approaches to decision-making, most often through the writings of John Stuart Mill. Instead of a duty or rule-based ethic, the utilitarian approach appeals to students whose moral instincts align with a societally-based liberal approach in which a calculation of the greater good is prioritized over a Kantian duty-based method. These two intellectuals are ingrained in the discipline of bioethics. In both their pedagogical presentation and their application to medical cases, these theories appear reasonable and noble. This chapter sets out to situate these theorists and their theories within the colonial-racial discourse, and in no insignificant way. What does it meant for the genealogy of bioethics that Kant has been considered the "inventor of race", and Mill was a vociferous proponent of British imperialism?

Treat (Some) Humans with Dignity: Immanuel Kant (1724-1804)

> "So you act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means."[104]—Kant

Immanuel Kant, an 18th century Prussian scholar, is a bedrock for moral philosophy and bioethics. Kant is ubiquitously recited in health care and bioethics classes and in bioethics scholarship as the moral philosopher who sought a metaphysical

[104] Mary Gregor and Jens Timmermann, "Kant: Groundwork of the Metaphysics of Morals," (2012): 40.

universal morality known only through human rationality. Kant's morality was secured in human goodwill, which lies in the individual choice of a human to fulfill one's duty in respect for the laws of human morality. As the classic example of deontology, for Kant morality is not based on feelings, emotions, inclinations, or self-serving ends (or any end, for that matter). Morality is the compliance of rational human beings with three rules, which he names categorical imperatives. These three imperatives are 1) "I ought never to proceed except in such a way that I could also will that my maxim should become a universal law";[105] 2) "…act that you use humanity, in your own person as well as in the person of any other, always at the same time as an end, never merely as a means;"[106] and 3) act "so that the idea of the will of every rational being [is] a universally legislating will."[107]

The duty-based morality of Kant has appealed to students and scholars of bioethics who resonate with the idea of having a set of moral rules to follow, such as those in the Hippocratic Oath (First do no harm) and the Ten Commandments (Thou shall not kill). The first imperative assures that actions taken by individuals accord with the good (and continued existence) of humanity. The second imperative, as written in the epigraph of this section is also appealing to students and health practitioners, which translates roughly to human dignity – always treat others as an end in themselves, never only as a means to an end. In other words, morality exists within the reasoning faculties

[105] Ibid., 17.

[106] Ibid., 40.

[107] Ibid., 43.

of individual humans a priori to human experience, is not concerned with consequences of these actions, and can be accessed through the categorical imperatives that hold universal scope. All rational humans rational humans are ends in themselves, should never be exploited, and have access to the universal laws through reason. At face value Kant's moral philosophy sounds quite reasonable to those looking for a moral theory on which to base their practice.

As highly regarded as Kant's theories are in moral philosophy, many of his post-Enlightenment writings have contributed greatly to the conceptualization of race as a hierarchical category, to the dehumanization of people of color, and to the appointment of white Europeans as morally and physically superior. Concepts such as progress, human agency, and teleology strengthen these identity categories of race, and underwrite the eurochristian worldview. What follows is a brief discussion of the less well-known (but plentiful) writings of Kant, those that accomplish such a conceptualization. Kant's views on morality are held in tension with his understanding that not all humans are rational, including many racialized groups. These theories are of major contribution to the racialization of people still today in bioethics and medicine, and of major source of the continuation of the differential treatment of those people. The contradictions in Kant's theories highlight the ability for ethics scholars and their ideas to cause great harm.

Kant's moral philosophy is based on his anthropology and geography, which contain theories that propose a hierarchy of human moral and physical superiority.[108]

[108] Emmanuel Eze, "The Color of Reason: The Idea of Race in Kant's Anthropology," *The Bucknell Review* 38, no. 2 (1995): 201.

Contrary to what one might assume, Kant taught only 28 courses on moral philosophy, compared to 72 courses in anthropology or geography, which started in 1772.[109] So not only is his moral philosophy based on his racial theories, his direct contribution to racism through his scholarship is substantial, even at a time in history where the moral justification of slavery was being challenged, as will be discussed next. Some of the works where these sentiments can be found include *Anthropology from a Pragmatic Point of View*, *Physische Geographie*, "Conjectural Beginning of Human History" (1785), "On the Varieties of the Different Races of Man" (1775), and "Bestimung des Begriffs einer Menschenrace" (1785).[110]

For Kant, race was a part of the physical domain of geography, which classified physical characteristics of the externalities of places and people. Therefore, skin color, hair, and facial features were in the realm of geography. Anthropology was the study of the inner domain of humans, including rationality, agency, and morality. For Kant, those people closer to a "natural state" were closer to evil, and did not possess the gift of rationality or the ability to cultivate morality. In the same vein of contemporaries Carl Linnaeus and Friedrich Max Muller's categorization of humans and human languages respectively, Kant develops a hierarchical lineage of human classification in which the European white brunette is the stem genus, that from which all other races originate, and because of their habitation in the most hospitable climate for the achievement of progress. The telos of progress is represented through Kant's demonstration of the superiority of

[109] Ibid.

[110] Ibid.

the white European (males), which is a fixed concept. All races are static in their current levels of humanity. For him, only white Europeans have true worth; only in them does true human nature and morality reside. Other humans have "value", but not inherent worth or dignity.[111]

In his classification Kant notes:

> "In the hot countries the human being natures earlier in all ways but does not reach the perfection of the temperate zones. Humanity exists in its greatest perfection in the white race. The yellow Indians have a smaller amount of talent. The Negroes are lower and the lowest are a part of the American peoples."[112]

The essence of humanity, for Kant, is defined by the ability for man to perfect himself, to live according to goodwill and duty (the categorical imperatives). But this essence is only accessible to white Europeans. He theorizes that Native Americans are uneducable:

> "The race of the American cannot be educated. It has no motivating force, for it lacks affect and passion. They are not in live, thus they are also not afraid. They hardly speak, do not caress each other, care about nothing, and are lazy."[113]

About Blacks he writes,

> "The race of the Negroes, one could say, is completely the opposite of the Americans; thy are full of affect and passion, very lively, talkative, and vain. They can be educated but only as servants (slaves), that is they allow themselves to be trained. They have may motivating forces, are also sensitive, are afraid of blows and do much out of a sense of honor."

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[111] Ibid., 221.

[112] From Kant's *Physische Geographie*, quoted in "Neugebauer"The Racism of Kant', p. 264, interpreted in English by Eze.

[113] From Kant's *philosophische Anthropologie*, ed. Starke, p. 353, translated to English by Eze.

In the late 18th century one can watch as the colonial-racial discourse becomes more entrenched at the hands of the most influential moral philosopher of his day. According to translator Helen O'Brien, "His reputation as a thinker was already made when events in France drove men to reconsider the justification of their political ideals, and it was but natural that many should look to him for guidance and advice."[114] For centuries Kant has been widely read and respected for his ideas on morality. To drive home the connection between moral language and colonial-racial violence, while Kant waxed on about the universal goodwill, the dignity of humans, and the categorical imperative, he was also giving precise advice on how to beat the flesh of "Negros" in order to train them into submission. In *Physische Geographie* Kant

> "advises us to use a split bamboo cane instead of a whip, so that the 'negro' will suffer a great deal of pains (because of the 'negro's' thick skin, he would not be racked with sufficient agonies through a whip), but without dying."[115]

Not only does Kant fail to see the repugnance of the use of slaves for European labor, he recommends a gruesome violence on the bodies of Africans to further show is disregard for the humanity of Africans. What explains this disconnect between moral high theory and the infliction of horrific pain on human beings?

Benevolent Despotism: John Stuart Mill (1806-1873)

> "This firm foundation is that of the social feelings of mankind; the desire to be in unity with our fellow creatures, which is already a powerful principle in human nature, and happily one of those

[114] Immanuel Kant, "Perpetual Peace, Helen O'brien, Tr," *London: Garland Pub* (1927): 5.

[115] H Odera Oruka, Sage Philosophy: Indigenous Thinkers and Modern Debate on African Philosophy, vol. 4 (Brill, 1990), 264.

> which tend to become stronger, even without express inculcation, from the influences of advancing civilization."[116]

John Stuart Mill was a British moral and political theorist, philosopher, and administrator for the East India Company for 30 years. Mill, in responding to Kant-like duty-based theories, proposed a theory of morality based on

> "Utility, or the Greatest Happiness Principle, [which] holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain…"[117]

Certain types of pleasure, for Mill, are superior, especially those of the mind over those of the flesh. And the pleasure of the utilitarian kind is not the "agent's own happiness, but that of all concerned…. utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator."[118] The motivation of individuals to make decisions that benefit the "greatest number" is nurtured through education and habituation of one's conscience "based in the desire to be in unity with our fellow creatures."[119]

Mill was a British social reformer who supported women's rights in *The Subjection of Women* and liberal ideals in *On Liberty*. His liberalism can be detected in his faith in science and education, and his concern with political reform to protect people from poverty and bad laws. Mill also is a product of Enlightenment thinking in his belief in progress of civilizations through development and institutional reform. At first read,

[116] John Stuart Mill, *Utilitarianism* (Renaissance Classics, 2012), 34.

[117] Ibid., 8.

[118] Ibid., 19.

[119] Ibid., 34.

like Kant, Mill seems to be a leader in ethical thinking, and a useful tool in bioethical decision-making. His work suggests that students and practitioners of ethics consider the consequences of their choices, and to consider what creates the most happiness for the greatest number of people.

How can this moral theory be understood in the context of John Stuart Mill's life as a high official within the British East Indian Company[120], as a contributor and benefactor to British imperialism and exploitation of ethnic others? In this genealogy of bioethics, again we encounter moral language alongside the justification of the colonial-racial discourse. Mill worked for the Company from 1823 until the Indian Mutiny (rebellion) of 1857. The Company started in 1600 as a trade company for items such as salt, tea, opium, cotton, and silk, becoming a monopoly by the 18th century. On Mill's watch the Company ruled India with its own military, a military twice as large as the British military at the time. Mill's attitude towards British imperialism in India has been referred to as a "benevolent despotism", tolerant imperialism, and benign imperialism. Mill was opposed to a violent or brutal imperialism, and attempted to provide some freedoms for Indians through the concept of "empire of opinion".[121] This suggestion that Indians be given influence in social institutions was a pragmatic one, to keep Indians from subverting allegiance to the British.[122] Although his treatment of Indians came from

[120] The British East Indian Company will be referred to as the Company in the rest of the text.

[121] Lynn Zastoupil, *John Stuart Mill and India* (Stanford, Calif.: Stanford, Calif.: Stanford University Press, 1994).

[122] Stacey M. Floyd-Thomas et al., *Beyond the Pale: Reading Ethics from the Margins*, 1st ed. ed. (Louisville, Ky: Louisville, Ky: Westminster John Knox Press, 2011).

liberal ideas and good intentions, for Mill Indians were still backwards and in need of the civilizing interventions and education of the British. . How can Mill be at once the embodiment of liberal values while simultaneously taking part in the imperialization of India?

It is difficult to concern oneself with the deleterious effects of Mill's liberal British writings because they are well-mannered and concerned with the plight of women, the poor, and the colonized. Mill's ethics were socially liberal in his concern with the oppressed, but his life's work in the Company also positions him within the realm of classical liberalism, similar to what we know today in the U.S. as libertarianism: free markets and minimal government interference. This contrast provides us with the opportunity to confront the insidious nature of Mill's social and classical liberalism in the continued racialization and oppression of people. Imperialism and despotism are just that, despite whether they are practiced with benevolent intentions. Mill has managed to reconcile England's imperialism in India, and simultaneously his work with the Company and his moral theory of utilitarianism. First, Mill, like Kant, believed in the superiority of the British, that they represented a greater form of civilization, progress, and morality in comparison to the backwards, barbarous, semi-barbarous and the savage, all language he used to describe Indians. He writes "Savages are always liars. They have not the faintest notion of truth as a virtue. "[123] While it is clear Mill is against the use of violence, he thinks it is the civilized societies' duty to rule the uncivilized through moralizing and pedagogy. He thought that the Company was required to act as benevolent despot over

[123]John Stuart Mill, *Three Essays on Religion* (Broadview Press, 2009), 95.

Indians since they were still unable to self-rule, and the Company was in a good position to represent their interests.[124] Mill was supportive of British intervention in India and French intervention in Algeria. Some critics, such as Bikhu Parekh in his *Decolonizing Liberalism,* calls Mill "a 'missionary' for liberal ideologies."[125] Others including Mark Tunick have made a case against this interpretation of Mill, arguing that Mill was quite tolerant of "even some illiberal practices," did not seek forced assimilation, and did not waive the "harm principle for the 'not yet civilized'."[126]

More recently, scholars have looked at whether Mill compartmentalized his career in the Company from his metropolitan philosophizing; or whether there is some influence of his work in India on his moral philosophy. Lynn Zastoupil and other authors have painstakingly attempted to align Mill's theoretical work with his official writings as an imperial administrator of the Company. Sandhya Shetty notes the lack of mention of Mill's colonial work in his summative *Autobiography*. For Shetty this is indicative of not only a domestic/colonial split within Mill, but is also performative of the overall disconnect between liberal metropolis center and the colony, a "benign imperialism."[127] Ilsup Ahn, in reading Mill "from the margins," finds in his Utilitarianism that the "complex moral worth of an individual is largely reduced to the kinds of pleasures he

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[124] Mark Tunick, "Tolerant Imperialism: John Stuart Mills Defense of British Rule in India," *The Review of Politics* 68, no. 4 (2006).

[125] Bhikhu Parekh, "Decolonizing Liberalism," in *The End of 'Isms'? Reflections on the Fate of Ideological Politics after Communism's Collapse*, ed. Alexander Shtromas (Oxford: Blackwell, 1994).

[126] Tunick, "Tolerant Imperialism: John Stuart Mills Defense of British Rule in India," 606.

[127] Sandhya Shetty, "John Stuart Mill's "India": Liberalism in an Age of Colonial Domination," *Lit: Literature Interpretation Theory* 5, no. 2 (1994).

enjoys."[128] Reflecting on Mill's statement "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied,"[129] Ahn notes that this utilitarian statement also implies those who enjoy more qualitative pleasures of the mind (read as British) are morally superior to those who are uncivilized, who prefer "more base" pleasures. It is an easier move from here to see how colonialism was justified by Mill, where the British were the white saviors of the less-civilized.

A generation later we see Aimé Césaire defending non-European civilizations.

> "Every day that passes, every denial of justice, every beating by the police, every demand of the workers that is drowned in blood, every scandal that is hushed up, every punitive expedition, every police van, every gendarme and every militiaman, brings home to us the value of our old societies."[130]

And then,

> "the great historical tragedy of Africa has not been so much that it was too late in making contact with the rest of the world, as the manner in which that contact was brought about; that Europe began to "propagate" at a time when it had fallen into the hands of the most unscrupulous financiers and captains of industry…and that Europe is responsible before the human community for the highest heap of corpses in history."[131]

Franz Fanon in *The Wretched of the Earth* coming to the defense of Algeria and all colonized countries, says

> "For centuries Europe has brought the progress of other men to a halt and enslaved them for its own purposes and glory; for

[128] Ilsup Ahn, "John Stuart Mill on Utilitariansim," in *Beyond the Pale: Reading Ethics from the Margins*, ed. Miguel D La Torre Stacey Floyd-Thomas (Louisville, KY: Westminster John Knox Press, 2011), 84.

[129] Mill, Utilitarianism, 11.

[130] Césaire, Discourse on Colonialism, 44.

[131] Ibid., 45.

> centuries it has stifled virtually the whole of humanity in the name of so-called "spiritual adventure"….This Europe which never stopped talking of man, which never stopped proclaiming its sole concern was man, we now know the price of suffering humanity has paid for every one of its spiritual victories…When I look for man in European lifestyles and technology I see a constant denial of man, an avalanche of murders."[132]

Are these realities of the colonized the effects that Mill imagined from a benevolent imperialism? Was Mill ignorant, an idealist, or a defector of the Company's ideology as a whole despite his 30 years with the Company?

In essence, Mill had replaced the old regime of despotic imperialism with a kinder, gentler form of paternalism for the good of who he deemed to be barbarians, savages, and uncivilized. Mill is the liberal (both social and classical) precursor of the current trends seen in both bioethics and global development, that require the beneficent exceptionalism of America to save brown bodies from themselves for virtuous reasons and in the name of progress.

## Theology and the Social Gospel

In addition to a robust dialogical trajectory of moral philosophy, bioethics enjoys the contributions of a christian worldview through the influences of Medieval Catholicism, Calvinist Protestantism, and social ethics, as well as the influence of contemporary christian Empire apologists, neoconservative Catholics, and atavistic christian sectarians.

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[132] Frantz Fanon, The Wretched of the Earth/Frantz Fanon ; Translated from the French by Richard Philcox ; with Commentary by Jean-Paul Sartre and Homi K. Bhabha, ed. Jean-Paul Sartre, Homi K. Bhabha, and Richard Philcox (New York, NY: Grove Press, 2004), 235-36.

Evangelizing Christian Exceptionalism: Rauschenbusch (1861-1918)

Walter Rauschenbusch is often considered the spokesperson of the social gospel movement, the movement that ignited a third trajectory of christianity: namely christian social ethics. Rauschenbusch was a German Baptist pastor who traveled to Rochester New York to attend seminary school. While in Rochester he worked among the poor in the Hell's Kitchen neighborhood, where he acquired a Christ-like love and sense of justice for the poor. Much of his experience flew in the face of the Protestant focus on apocalyptic individualistic salvation. Why must humanity wait for a future salvation when people are suffering in the world, and "the kingdom of God is always but coming"? And second, it is social and political structures that are evil, not man. Turning to a more organic and revolutionary vision of Jesus, he called for a christianization of societal structures. For Rauschenbusch, the church held a responsibility for serving the poor and challenging the oppressive structures of capitalism and unjust social policies through pacifism, collectivism, socialism, and internationalism. Rauschenbusch and his interlocutors in early social gospel ushered in transformative ideas of social justice, of praxis, and of structural violence.

Considering context and with hindsight, Rauschenbusch also ushered in several ideas that have proven to be dismissive and harmful for marginalized peoples. Besides the usual criticisms that social gospel is idealistic and politically naïve, three major criticisms include his elaboration on the Darwinian justification of *racial superiority, of universal moralizing, and of a christian and Western exceptionalism.*

During the 19th century Darwin's theory of evolution as written in The Descent of Man was heavily drawn upon by social gospelers. John Fiske as Dorrien puts it, "helped the liberals save a role for God in the evolutionary process", but also theorized Manifest Destiny which justified Anglo-Saxon superiority for the social gospel movement.[133] Rauschenbusch fought for the mainly white male victims of industrialization and evil social structures, at the same time exhibiting an underlying thread of christian and Western superiority. In the slums of New York, he ministered to poor white German immigrants, not African Americans or other people of color. His belief in the moral superiority of certain races can be seen in his discussion on the celibacy of monks and nuns in the medieval period. For Rauschenbusch, this was the sterilization "of the best individuals" which "turned the laws of heredity against the moral progress of the race."[134] Elsewhere he essentializes the character of the poor as childlike, with a "dislike of regular work, physical incapability of sustained effort, misdirected love of adventure, gambling propensities, absence of energy, untrained will, careless of the happiness of others".[135] In some ways this is more reminiscent of a Marxian proletariat, the ignorant masses, than a genetic Darwinian argument. Still, Rauschenbusch seemed to recognize the sociocultural causes of certain inferior behaviors all the while attempting to fit his social gospel into the scientific paradigms of Darwinism. In later years he does discuss antebellum race relations, rejecting lynching and slavery, as well as the restriction

[133] Dorrien, Social Ethics in the Making: Interpreting an American Tradition, 73.

[134] Walter Rauschenbusch, *Christianity and the Social Crisis in the 21st Century: The Classic That Woke up the Church*, ed. Phyllis Trible and Paul B. Rauschenbusch, 1st ed. ed. (New York: New York: HarperOne, 2007), 146.

[135] Ibid., 249.

of immigration. He also criticized southern men for concluding blacks did not descend from Adam, in what appeared to be a justification of their continued exploitation of Blacks.[136] In the meantime, his clear preference for a certain race can be read through Rauschenbusch as morally superior.

In recent years academics have learned to contextualize and locate themselves in their writings, but for Rauschenbusch, he was sure that the christian truth was the Truth. The idea of universal moralization is prevalent in his liberal evangelical approach to social gospel. For Rauschenbusch, the universal state and universal religion were twins by birth (p. 96). The universal religion, christianity, would continue to partner with civilizations as they increased in size and reach. For early Christendom the religion served to moralize the nation. christianity was needed to tame the sexual indulgences of the Greeks and to pull all men into a morally perfect disposition and society. In the 19th century christianity should serve as a moral leavening in international structures. This "international and purely human religion" …"as we now know, was destined to fulfill this function."[137]

In addressing foreign missions, Rauschenbusch laments that trade and commerce have introduced other countries to the corruption on our own soil. He claims that the "moral prestige of christian civilization ought to be the most valuable stock in trade for the foreign representatives of christianity." He believes that the "foreign mission

[136] Ralph E. Luker and Ralph Luker, *The Social Gospel in Black and White: American Racial Reform, 1885-1912*, Social Gospel in Black &Amp; White (Chapel Hill: Chapel Hill: University of North Carolina Press, 1991).

[137] Rauschenbusch, Christianity and the Social Crisis in the 21st Century: The Classic That Woke up the Church, 96.

work of the modern Church is one of the most splendid expressions of the Christ-spirit in history…"[138] This christian exceptionalism undergirds American exceptionalism and justifies imperialistic tendencies of both. In fact, while Rauschenbusch was writing in support of pacifism and against militarism and capitalism, the Spanish-American War had taken place in 1898, without mention by Rauschenbusch, in which many colonized and marginalized people were being killed in the name of American colonialism. But Rauschenbusch in fact celebrated the war as a defeat of Spanish Catholicism in favor of his brand of christianity and American exceptionalism. The implication of America in the continued oppression, exploitation, and deaths of people in the Philippines, Guam, Cuba, and Puerto Rico seemed to be lost on Rauschenbusch.

In the end, it may be difficult to perform a utilitarian calculation as to the overall impact of Rauschenbusch's ethics on the marginalized. While he was a gadfly to the conservative Protestants and of the political economic structures of his day, one must also consider his social location. He is still writing from a position of privilege about groups of people he does not know, in a specific time in history.

Social Order at the Expense of Justice: Reinhold Niebuhr (1892-1971)

Niebuhr was a liberal Protestant German-American theologian, ethicist, and public intellectual. His christian realism challenged the social gospel for being too idealistic and naïve; in Niebuhr's mind human nature is implicitly selfish, prideful, and anxious. His realism also challenged religious conservatives who he thought were naïve in their view of scripture. Being a disciple of Christ in the world was more important than

[138] Ibid., 257.

focusing on the divinity of Christ. For Niebuhr, the sin of hubris applied more to nations and corporations than to individuals; and these power structures cannot be easily overcome. He lived in Detroit during the industrial boom, where he became acquainted with Henry Ford, and learned to despise him for his capitalist exploitation of his workers. Early in his career Niebuhr was a Marxist and a pacifist, but as the 20th century unfolded with Great Depression, World War I and II, the Nazi Holocaust, and the Cold War, Niebuhr's perspectives changed. He turned toward American exceptionalism with military intervention as an increasingly acceptable possibility. While he remained against the atomic bomb and the Vietnam War, his nonviolent disposition and his bent toward justice began to morph into protectionism in the face of nuclear war.

Early on, Niebuhr responded to many of the failures of Rauschenbusch. Rauschenbusch's universal moralizing was untenable for Niebuhr, who points out a clear delineation of ethics of the state, privileged classes, and proletariat. Niebuhr also challenges the liberal democrat, who tends to be middle-class and enmeshed with ego and racism cloaked with a "benevolent condescension".[139] In addition, Rauschenbusch's liberal democracy depends too much on science and reason, and especially pacifism, while remaining naïve to the real political and military threats to the mostly good christian democratic America. In addition, Niebuhr calls to task the national hypocrisy of the Spanish American War, especially the civilizing and peace-worthy justifications for imperialism – a war supported by Rauschenbusch. But what Niebuhr does retain is

[139] Traci West, "Reinhold Niebuhr on Realism," in *Beyond the Pale: Reading Ethics from the Margins*, ed. Miguel D La Torre Stacey Floyd-Thomas (Louisville, KY: Westminster John Knox Press, 2011), 124.

Rauschenbusch's belief in the Christianizing of America. Christianity and its virtues of love, humility, and justice are necessary in a sinful society. While not for quite the same reasons, both Niebuhr and Rauschenbusch maintain a theological stance in contrast with socio-political structures.

Other classic criticisms of Niebuhr include his German (and eventually American) exceptionalism, his ambiguous and confused views on race, his limited class-based view of inequality, and an eventual proclivity toward neoconservative values. While not always overt, Niebuhr appears to hold on to the virtuous superiority of his German background, despite his denunciation of Nazi German behaviors. While in graduate school he reveled in the Teutomania of Yale, and commented on occasions of the virtuous superiority of the German race.[140] It is not necessarily the condemnation of other races that is most disturbing, as is the underlying notion of racial hierarchy with his race at the top.

The leniency he affords early on to German virtue in spite of significant immoral proclivities is not extended to the moral character of other races. In some instances, Niebuhr can be found to be sensitive to the plight of "Negros". In *Moral Man and Immoral Society*, he frames the unjust situation of the African American, saddled between the acceptance of superficial rights which "do not touch his political disfranchisement or his economic disinheritance,"[141] while facing increased animosities and prejudices if violent revolution is pursued. And while this seems a sincere attempt to

[140] Ibid., 122.

[141] Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics* (Westminster John Knox Press, 2013), 253.

address race issues, other passages can be found expounding the inferior traits of "Negros" and "Orientals" for a variety of reasons. For instance, in preparation for a revolution the African American would "need only to fuse the aggressiveness of the new and young Negro with the patience and forbearance of the old Negro, to rob the former of its vindictiveness and the latter of its lethargy".[142] And while the stereotypical descriptions are disturbing alone, the context of this passage implies the responsibility for African Americans to overcome their own oppression through the attainment of certain virtuous traits. Asians were also type-casted by Niebuhr during the Cold War. According to Traci West, Niebuhr fits Edward Said's description of the Western male subject objectifying and racializing the Orient.[143] In essence, the Orient must be saved from themselves and their "particular cultural and spiritual deficiencies" in order to save them from communism.[144] African-Americans and Asians are caricatures for Niebuhr, echoed in Emilie Townes' caricatures of black folk and in Chandra Mohanty's white feminist classifications of Third World Women.[145] Along these same lines, Niebuhr has been criticized for his dismissive idea of inevitability. As West points out, in Niebuhr's resting of racism on a persistent prideful human proclivity for power over another, the race issue

[142] Ibid., 254.

[143] West, "Reinhold Niebuhr on Realism," 126.

[144] Ibid., 125.

[145] Emilie Maureen Townes, *Womanist Ethics and the Cultural Production of Evil*, ed. Inc ebrary (New York: New York: Palgrave Macmillan, 2006); Mohanty Chandra Talpade, "Feminism without Borders: Decolonizing Theory, Practicing Solidarity," (2005).

must be approached at best as a proximate justice, one that is circumscribed by a notion of relative futility.[146]

Later in life Niebuhr makes a turn to the maintenance of national order at the expense of justice. A more pronounced Anglo-Saxon imperialism spurred on by the threats of communism caused Niebuhr to side with Empire. In his attempts to shatter liberal illusions, Niebuhr may have traveled the slippery slope to the benefit of future neoconservatives. Michael Novak and others co-opted Niebuhr's American exceptionalism claims for their own ends. This type of thinking is contrary to young Niebuhr who chided the privileged for "appointing themselves the apostles of law and order", and for claiming that "it is dangerous to disturb a precarious equilibrium…"[147] He wrote that

> "The human mind is so weak an instrument, and is so easily enslaved and prostituted by human passions, that one is never certain to what degree the fears of the privileged classes, of anarchy and revolution, are honest fears…an to what degree they are dishonest attempts to put the advancing classes at a disadvantage."[148]

When are they real threats, and when are they protecting the privileged? It is possible the younger Niebuhr was more optimistic than the older Niebuhr, and even more so is the possibility that a lifetime of witnessing the vicissitudes of war might create fear, a defensive stance, and the need for national stability over the moral fight for equality.

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[146] West, "Reinhold Niebuhr on Realism," 124.

[147] Niebuhr, Moral Man and Immoral Society: A Study in Ethics and Politics, 129.

[148] Ibid., 136.

In sum, the reality is that for Niebuhr his arguments were limited to class, with very little engagement on race and gender. And the lens from which he envisioned racialized others was primarily as object, never as totalizing and equal subject.

Love is Not Justice: Fletcher (1905-1991)

Joseph Fletcher was a theological pioneer in bioethics, along with Paul Ramsey and Richard McCormick. Fletcher was an Episcopal priest who later turned agnostic, unlike Ramsey and McCormick, who remained theologians throughout their professional lives. But Fletcher is an interesting case because he straddled Christian and secular thought and attempted to accommodate the climate of justice in the 1960s and 70s during the rise of the discipline of bioethics. He grew up in New Jersey and worked for a coal company which ignited his sense of social justice and activism. His *Situation Ethics* was weakly based on the scriptures, but the theological Fletcher receded over his career. His ethics reflected the spirit of the 1960s, when secularism and human rights were bourgeoning. It also reflects an Augustinian account of the virtue of love as well as an Aristotelian notion of individual practical wisdom. Fletcher had a strong distaste for the dogmatic legalism of Protestant and Catholic ethics, while displaying a penchant for the postmodern. Although situation ethics was not relativistic in the total sense, his reliance on love as the only reigning principle over utilitarian arguments put him on the postmodern end of the spectrum. Agape, or a neighborly unemotional love, IS utilitarianism (greatest good for the greatest number), and love is also justice. His method of ethical decision-making was pragmatic in nature, dealing in relationships and human reason and not in metaphysical or essential truth. Fletcher's nontheistic, utilitarian,

optimistic, and individualistic philosophical ethics takes a hard turn from both Rauschenbusch and Niebuhr, in almost every sense.

The classical critiques of Fletcher are many. First, he retains all of the arguments heaped on utilitarians generally. How and who defines the good? Is the good defined as pleasure or human welfare (or agape for Fletcher)? How does one not fall into the trappings of moral relativism? How can one's choices necessarily predict good consequences? Is it morally acceptable to justify good ends with unethical means? What are the boundaries of a situation? Does a situation include proximal persons and short or long time-frames? Who is thy neighbor?

At first glance Fletcher does seem to attend to the situation of the oppressed. He argues that love is justice, and justice is distributive. Love is preferential, meaning it is thoughtful and responsible.[149] Love is a moral law, which surpasses human law. Love can in fact be subversive and can take the form of revolution if the outcome is for the greater good. (Yet, it is hard to see love in his example of President Truman's decision to drop the atomic bomb on Hiroshima and Nagasaki).[150] But a good first clue of the disconnect between the love and justice comes from Fletcher's quoting Sammy Davis Jr. about Davis' conversion to Judaism. "As I see it, the difference is that the Christian religion preaches love thy neighbor, and the Jewish religion preaches justice, and I think justice is the big thing we need."[151] This conflation of love with justice problematic. What justice

[149] Joseph F. Fletcher, *Situation Ethics: The New Morality* (Louisville, Ky.: Louisville, Ky.: Westminster John Knox Press, 1997), 98.

[150] Ibid., 101.

[151] Esquire magazine, October 1959 as referenced in ibid. 91.

is for Fletcher, or anyone else applying his method, only must be based on love. Love may be a non-sentimental neighborly-love, but that is all one can assume. The problem is revealed here. When love or justice comes from one's social location, the definition of *neighbor* and of *love* will vary. One can imagine a group of physicians and nurses in a Western hospital making decisions, and love being defined by those who are a part of the dominant culture. Situation ethics still privileges the privileged, especially when working within a Western power dynamic.

For sake of argument, if the community is a marginalized community operating with his model, we could deduce that they could choose their own brand of justice. But practically, if a marginalized person wants to uphold love or justice short of revolution in a dominant society, what are her options? Yes, love might look like revolution. But why should those who are marginalized be reduced on one hand to revolution, and on the other hand applying a basic utilitarian calculation to justify breaking the law or engaging in civil disobedience repeatedly in order to survive? The liberative message is lost. Fletcher is still operating within the power structure, despite leaving a bookmarked space for revolution.

While this method for making decisions seems to be based on an objectively neutral process that deems all humans equal, some serious problems arise for those on the margins. People are not equivalent utilitarian units. While ideal in theory, utilitarianism does not consider the power dynamics and inequalities inherent in society. There is no preferential option for those who need preference within unjust structures. Another critique from the margins comes from Henderson-Espinoza who says "Ethics is not a

responsible moral system for those who are marginalized and for communities of color"[152] Fletcher's position on self-sacrifice sounds virtuous to the untrained christian ear. But to ask people who are marginalized to put other's interests over their own (especially the dominant culture) is asking them to continue to prioritize the privileged while those who are marginalized are still fighting to survive. This idea of love is not "ordered by the community or engaged by the community. It is driven by christian narratives and individually embodied."[153] Henderson-Espinoza also points out the lack of intersectional analysis in situation ethics. While Fletcher has a vague idea of justice, his omission of power analysis is a deal-breaker for marginalized communities.

Bioethics clearly shares a much deeper historical worldview with medicine proper. Medicine and bioethics are steeped in the promises of both modern liberalism, those of "human freedom, rational progress, and social equality," [154] and a 2,000-year history of Christendom. The very aims of bioethics are thwarted by the worldview[155] and

[152]Robyn Henderson-Espinoza, "Joseph Fletcher on Situation," in *Beyond the Pale: Reading Ethics from the Margins*, ed. Miguel D La Torre Stacey Floyd-Thomas (Louisville, KY: Westminster John Knox Press, 2011), 185.

[153] Ibid., 186.

[154] Lisa Lowe, *The Intimacies of Four Continents* (Durham: Durham: Duke University Press, 2015), 2.

[155] The concept of worldview as used here indicates a deep linguistic-conceptual structure of the brain. Worldview according to Mark Freeland is an "interrelated set of cultural logics that fundamentally orient a culture to space, time, the rest of life, and provides a prescription for relating to that life." Worldview is pre-cognitive, and can hold within it various communal norms, rules, and ideologies. For instance, persons from Western Europe and the U.S. generally share the same worldview, which is oriented to time as linear and redemptive; which views land as property; and moves in the world according to similar rules. Within this eurochristian worldview are more conscious ideologies such as Catholicism, Marxism, and evangelical Christianity. It is this same worldview that centers bioethics and medicine: a linear and progressive view of time, a use of place that is fundamentally separate from the environment and foreign to patients; and rules of logic that follow Anglo-Saxon analytic philosophy based on human rationality. Worldview is essentially pre-cognitive, resistant to change (except over millennia), and can help explain significant cultural

ideologies within which it was produced, including Western theology, philosophy, and medical science. The intentions borne of the discipline of bioethics are respectable; yet, disparities in access to health care continue to exist for people of color; overt and covert racism are still ubiquitous in medicine; and the health care professionals and leadership who dominate Western medicine are still primarily white.[156]

This dissertation does not aim to dig into each contemporary bioethicist's life and scholarship to prove some kind of individual proclivity for racism or personal flaw. On the contrary, the eurochristian worldview is one in which the Western world is immersed, and is often unconscious and biologically and cognitively programmed. What the next three chapters will explore is how a eurochristian bioethics discourse affects the bodies, minds, and flourishing of people of color. The cases in these chapters are meant to highlight and illuminate some of the profound effects that a bioethics unaware might be able to perceive in the future.

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differences. Mark Freeland, "Conceptual Decolonization of Space: Worldview and Language in Anishinaabe Akiing," ed. George Tink Tinker, et al. (ProQuest Dissertations Publishing, 2015).

[156] The term "white", while denoting the color of one's skin, can also be used to describe those who hold more power and privilege in society based on western eurochristian structures. Whiteness is descriptive of an historical phenomenon in which primarily white male eurochristian subjects drove the conquest and exploitation of people of color. And while white males still hold a disproportionate amount of power in modernity, the landscape and degree to which this power is realized has been altered dramatically. As Karen Anijar writes, "whiteness is a myriad of complex, contradictory, competing discourses and discursive practices that are always contested and in formation." (Karen Anijar, "Into the Heart of Whiteness," The American Journal of Bioethics 3, no. 2 (2003).) Referring solely to skin color is to simplify and essentialize a complex phenomenon; yet the possession of white skin still holds power and privilege.

# CHAPTER 3: THE EUROCHRISTIAN COLONIAL DISCOURSE: RELIGION, ENLIGHTENMENT, AND RACE

Bioethics is a discipline[157] based in theology, philosophy, and medicine. These three knowledge groupings are derivative of the eurochristian trajectory of both Christianity and the Enlightenment. As discussed by Linda Tuhiwai Smith in *Decolonizing Methodologies*, Western academic fields and disciplines such as anthropology, geography, and history share similar genealogical foundations in colonialism and the Enlightenment. These disciplines are grounded in the eurochristian worldview and "are either antagonistic to other belief systems or have no methodology for dealing with other knowledge systems."[158] And while they have been built upon the foundation of the "truth" as revealed through science, the disciplines as we know them were built in the laboratories called colonies.[159] Bioethics as a discipline is also a eurochristian discourse.

This chapter will outline the foundation bioethics shares with most Western academic disciplines. The purpose of this chapter is two-fold: to describe the eurochristian colonial foundations upon which the discipline of bioethics arose, and to

[157] The terms "discipline" and "field" for bioethics is debated in the literature. Loretta Kopelman describes bioethics as a second-order discipline in her article: Loretta M. Kopelman, "Bioethics as Public Discourse and Second-Order Discipline," *Journal of Medicine and Philosophy* 34, no. 3 (2009).

[158] Smith, Decolonizing Methodologies Research and Indigenous Peoples, 68.

[159] Ibid.

demarcate the categories of eurochristian colonial thought through which bioethics can be critiqued. First, to contextualize bioethics within the eurochristian colonial discourse I define colonialism and imperialism, the colonial-racial discourse, and the eurochristian worldview through both Christian and Enlightenment paradigms. Second, I define anti-colonialism and its relation to postcolonial and decolonizing discourses and explain why I chose this framework. And third, I outline specific categories of colonialism for application to specific bioethics texts and cases in the following chapters. These categories will serve to expose the continuity of the structures of the colonial-racial discourse found within bioethics.

## Colonialism and Imperialism

Colonialism[160] and imperialism are major expressions of the eurochristian worldview. I briefly define them here before describing the colonial-racial discourse, which in turn will be fundamental to my argument that anti-colonialism is required to deal with issues of race in bioethics. Lorenzo Veracini defines colonialism as the "exogenous domination" of one group over another, and is defined by "an original displacement and unequal relations."[161] Ania Loomba puts it succinctly as "the conquest

[160] Applying cognitive theory to the language used in colonial discourse, Steven Newcomb traces the word colonization to the root *colere*: to till, cultivate, and farm; to *colo*: 'to remove (solids) by filtering' and 'to wash (gold)'; and to *colon*: the large intestine of the digestive tract. This etymology portrays colonization as an uprooting, overturning, and replanting of the soil; of a straining of the waste from the valuable; and as a devouring, digesting, and assimilation, respectively.[160] This dissection of language deepens one's understanding of how this metaphorical characterization of colonialism translates to actions. Newcomb uses an example from Franklin Delano Roosevelt who referred to an occupying army that "transplanted…whole little civilizations that took root and grew". Far from a metaphor, the Indigenous population was uprooted, devoured, and digested by the "more civilized" eurochristians. Steven T. Newcomb, *Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery*, ed. Inc ebrary (Golden, Colo.: Golden, Colo.: Fulcrum Pub., 2008), 13-16.

[161] Lorenzo Veracini, "Introducing: Settler Colonial Studies," *Settler Colonial Studies* 1, no. 1 (2011): 1.

and control of other people's land and goods".[162] Settler-colonialism, the primary form of colonialism experienced in the Americas, is not a colonialism that maintains the distinction between colonizer and colonized, but actually attempts to erase those whose lands they have invaded.[163] Patrick Wolfe wrote that "settler colonizers cone to stay: invasion is a structure not an event," intimating the ongoing elimination of Indigenous peoples until colonization is complete.[164] Although colonization and the formation of empires have occurred throughout history, European colonialism beginning in the 15th century is a particularly extreme and paradigmatic example of colonialism. The shear geographical extent of European colonialism is often cited as one reason for its distinctive type of domination. In the 1930s, 84.6 percent of the land surface of the globe was colonized.[165] Loomba suggests as another distinguishing characteristic of European colonialism its ability to restructure whole economies; in short, its synergistic establishment alongside capitalism.[166] It can also be distinguished by its use of race to justify conquest, profit, and progress on stolen bodies and stolen lands.

Imperialism is "the forceful extension of a nation's authority by territorial conquest or by establishing economic and political domination of other nations that are

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[162] Loomba, Ania. *Colonialism/postcolonialism*. Routledge, 2015.

[163] Veracini, "Introducing: Settler Colonial Studies," 2.

[164] Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 388.

[165] The only parts of the world not formally colonized by Europe were Arabia, Persia, Afghanistan, Mongolia, Tibet, China, Siam, and Japan. Loomba, *Colonialism/Postcolonialism*, 3.

[166] Ibid., 9.

not its colonies."[167] Through imperialism, a nation need not travel to dominate other nations. Western imperialism replaced formal colonialism across the globe through a growing global strategy of neoliberalism.[168] Western neoliberal policies include tenants such as less governmental regulation, a market economy, open trade, and individual freedoms (which often translates to market freedom). The hallmarks of this new form of global capitalism including multinational corporations, financial markets, global labor forces, and foreign direct investment changed the face of Western intervention in the world.[169] [170] Despite the formal decolonization[171] of most former European colonies,

[167] New World Encyclopedia. Imperialism. http://www.newworldencyclopedia.org/entry/Imperialism. (accessed on March 20, 2017).

[168] To the two forerunners of neoliberalism, Friedrich Hayek and Milton Friedman, were responding to "high inflation, low economic growth, high unemployment, public sector deficits , and two major oil crises within a decade", and believed that neoliberal policies would, in fact, improve economies and therefore improve human conditions. Manfred B Steger, *Globalisms: The Great Ideological Struggle of the Twenty-First Century* (Rowman & Littlefield Publishers, 2008), 30. Yet, how Hayek and Friedman had as much power as they did is another part of the story. During the Reagan and Thatcher administrations, and following the debt crisis of the 1970s, the Washington Consensus was created in order to "stabilize, liberalize, and privatize" not only the U.S. economy, but many developing economies as well. Jim Yong Kim et al., *Reimagining Global Health : An Introduction* (Berkeley: Berkeley : University of California Press, 2013), 87. As the IMF and World Bank doled out enormous loans to developing countries, they required the recipient countries to adopt neoliberal policies such as privatizing health care, charging user fees, and increasing trade. These became known as the structural adjustment programs, and for many the core of an American imperialism. By the mid-1980s it was becoming apparent that the policies were harming the countries they were meant to help. UNICEF's Adjustment with a Human Face and the UNDP report both documented the negative effects of the World Bank and the IMF's structural adjustment policies on developing countries. Ibid., 90-91. In retrospect, neoliberalism has been associated with increased inequality, poverty, and crime; decreased national trust; decreased power for governments to regulate in support of public interests; decreased democratic participation; increased instability and violent protests; and decreased economic security, in both Northern and Southern countries. Richard Sandbrook et al., *Social Democracy in the Global Periphery: Origins, Challenges, Prospects* (Cambridge University Press, 2007), 5-6.

[169] For Vladimir I. Lenin, capitalism is the defining element of imperialism, and as his book title suggests, *Imperialism: the Highest Stage of Capitalism*.

[170] For McClintock, She goes even further to outline her interest in "imperial and anti-imperial agency…how peoples actions and desires are mediated through institutions of power: the family, the media, the law, armies, nationalist movements, and so on."[170] Without disposing of postcolonialism

imperialism continues to exist through market globalism and neoliberalism which make up what Steger calls the modern imperial ideology.[172] According to Loomba,

> "If imperialism is defined as a political system in which an imperial centre *governs* colonized countries, then the granting of political independence signals the end of empire, the collapse of imperialism. However, if imperialism is primarily an economic system of penetration and control of markets, then political changes do not basically affect it, and may even redefine the term as in the case of 'American imperialism' which wields enormous military and economic power across the globe but without direct political control [emphasis mine]."[173]

Hardt and Negri go even further to assert that what they call Empire, the neoliberal regime, is postcolonial and postimperialist.[174] Globalization has a diffuse power base and dynamic flowing borders and margins. For Hardt and Negri power lies in communications networks, in multinational corporations, and in financial markets; it does not belong to a single person, a despot, an emperor, or a royal representative.

No bright line exists between acquisition of flag independence and what might be called the imperialism of hegemonic system of capitalism. The varied experiences of colonialism and imperialism in the immediate postcolonial period were, and continue to

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completely, McClintock manages to add to the poststructural concerns of postcolonialism a robust acknowledgement of structural forms as well, including politics of agency and the material violence always ready to back up epistemic violence. Anne McClintock, *Imperial Leather Race, Gender, and Sexuality in the Colonial Contest* (Hoboken: Hoboken: Taylor and Francis, 2013), 13.

[171] Flag independence marks formal national liberation, although the underlying colonial/imperial structures remain.

[172] Steger, M. B. (2008). Globalisms: The great ideological struggle of the twenty-first century. Rowman & Littlefield Publishers.

[173] Loomba, Colonialism/Postcolonialism, 11.

[174] Michael Hardt, *Empire*, ed. Antonio Negri, 1st Harvard University Press pbk. ed. ed. (Cambridge, Mass.: Cambridge, Mass.: Harvard University Press, 2001).

be, complex and varied. As primarily bourgeoisie matter, decolonization did little for Indigenous, women, Blacks, and workers. As J. Klor de Alva noted, those on the margins in postcolonial nations would often be wiped out, micegenated, made to endure forced cultural change, or continue be marginalized.[175] In settler-colonial states such as the Americas, Canada, and Australia, Indigenous people are still effectively colonized, while simultaneously being affected by more modern forces of imperialism in the form of neoliberalism.

The Colonial-Racial Discourse: Race as a Tool for "Progress"

The idea of race in medicine and bioethics is often considered in terms of individual overt racism, implicit bias, and structural racism. The colonial discourse on race is what underlies the latter, that which is embedded in the fabric of Western institutional success. European colonialism owes its success to racism.[176] Colonialism is co-constituted with, and served by, the racialization of people, creating the colonial-racial discourse. According to Jodi Byrd, "racialization and colonization have worked simultaneously to other and abject entire peoples so they can be enslaved, excluded, removed, and killed in the name of progress and capitalism."[177] Western prosperity was

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[175] J Jorge Klor de Alva, "The Postcolonization of the (Latin) American Experience: A Reconsideration of 'Colonialism,' 'Postcolonialism,' and 'Mestizaje.'," *After colonialism: Imperial histories and postcolonial displacements* (1995): 243.

[176] In the mid-20th century Eric Williams argued that racism was product of capitalism. Although early European colonialism was not yet true capitalism, the identifying of certain groups of people as inferior justified the appropriation of their land and bodies for material gain. And while it could be argued that the economic component of colonialism is its primary drive, some colonizers participated as missionaries, anthropologists, and as explorers seeking glory. Eric Williams, "Capitalism and Slavery. 1944," *Chapel Hill: U of North Carolina P* (1994).

[177] Jodi A. Byrd, *The Transit of Empire Indigenous Critiques of Colonialism*, ed. ProQuest (Minneapolis: Minneapolis: University of Minnesota Press, 2011), xxiii.

cultivated over 20 generations of slavery, genocide, and removal from land of racialized people in the service of the owners of mining, cotton, sugar, indigo, tobacco, and fruit industries. Aníbal Quijano called the idea of race the most efficient instrument of social domination invented in the last 500 years.[178]

This discourse is important to the arguments in this project for two reasons. First, the colonial-racial discourse sets the stage for the arguments herein that are not concerned with race alone but has deeper historical implements in the colonial narrative. While bioethics and health care literature focusing on race and healthcare is growing, very little can be found that explicitly situates race within the colonial context, particularly in the bioethics literature. Second, it is important to note that colonialism's co-constitution with racism over the last five centuries supports the fact that racialized groups in the U.S. still have poorer health, health care, and experience discriminatory treatment despite attempts to address "diversity and inclusion".[179] Race is an instrument of a broader and enduring discourse, not just one of skin color. It is one of Christianity, capitalism, empire-building, and military force that some might call progress, and others consider genocidal. Bioethics is a part of this continued colonial trajectory of progress.

A Short Genealogy of Race in Colonialism

In the 15th century, Europe was inundated with military conflict, religious intolerance, depressed wages, and devalued currencies. Portugal, Spain, France, and

[178] La idea de raza es, con toda seguridad, el más eficaz instrumento de dominación social inventado en los últimos 500 años. Aníbal Quijano, "¡Qué Tal Raza!," *Revista del CESLA*, no. 1 (2000): 192.

[179] Nelson, "Unequal Treatment: Report of the Institute of Medicine on Racial and Ethnic Disparities in Healthcare."

England were the first to set out to acquire new resources to mitigate their impoverished conditions and fortify their commercial ventures. In the 16th and 17th centuries the European invaders began to colonize the Americas driven by their desire for land, simultaneously raising questions about the religion and humanity of the Native Americans. Early on, the justification for enslavement and genocide came from Christendom's view of Native Americans as savages and Africans as degenerates, not as fully human or Christian. Missionaries forced Native Americans and Africans to convert to Christianity while engaging in torture, starvation, and forced labor. Alongside the missionaries, the European military used genocide, torture, removal, and disease to gain access to Native American land and resources.

The 15th century Doctrine of Discovery[180] which was led by European explorers with the appointment from papal authority led the Christian world toward enlightenment, eventually followed by the transformation of Christian Man into the Man of science and rationality.[181] In Man's shadow the "other" became defined as the irrational, taking on labels such as savage, barbarian, and degenerate. "With [these] population group's

[180] In essence, the documents that make up the doctrine of discovery relegated Indigenous people globally to a non-human and inferior status to European man in the eyes of God as communicated through the Pope. The idea of discovery was practical in its nature. With several Christian European countries competing for "discovery" of large masses of un-Christianized land, the agreement between them as written in Romanus Pontifex states: "And we make, appoint, and depute you and your said heirs and successors lords of them with full and free power, authority, and jurisdiction of every kind; with this proviso however, that by this our gift, grant, and assignment no right acquired by any Christian prince, who may be in actual possession of said islands and mainlands prior to the said birthday of our Lord Jesus Christ, is hereby to be understood to be withdrawn or taking away." This kept the Europeans from quarreling over territories in theory. But what seems like hypocrisy is the term discovery itself, of land already occupied by Indigenous peoples.

[181] Prior to the 15th century in Christendom, order rested in God and the cosmos. This supernatural teleological schema, as described by Sylvia Wynter, defined "Man" as Christian and "Other" as pagan, an enemy-of-Christ.

systemic stigmatization, social inferiorization, and dynamically produced material deprivation," Wynter writes, this served "both to 'verify' the overrepresentation of Man as if it were *the human,* and to legitimate the subordination of the world and well-being of the latter to those of the former." (emphasis mine)[182] The designation for being fully human was limited to only European Christian and rational Man. Lisa Lowe, in her book *Intimacies on Four Continents,* performs a genealogy of European liberalism in which she demonstrates the intertwined colonial and racial connections across the Americas, Africa, and the East Indies and China trades.[183] Lowe points out how race was one factor in the larger project of dividing humanity for the benefit of the colonizers. She goes on to point to some of the common representations of racialized others: Indigenous peoples as non-Christian and threatening savages, Africans as non-human property, and Asians as degenerates, vagrants, or prostitutes. While racialization and colonization have been shaped by local contexts and circumstances, amongst them the colonized/racialized share "intimacies" in their experiences with the colonizer.[184]

The 18th century brought race, as a new technology of power, to the forefront as an alternative to exploitation via religious justification. The science of Enlightenment produced the likes of Karl Linnaeus, one of the first to categorize the human species. In

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[182] Wynter p. 267 Sylvia Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," *CR: The New Centennial Review* 3, no. 3 (2003): 267.

[183] Lowe, The Intimacies of Four Continents.

[184] Ibid., 8. For instance, blood quantum measures were important to keep Africans black and therefore enslaved with the one-drop rule, while for Native Americans miscegenation was encouraged for their erasure from the settler-colonized landscape. Wolfe, "Settler Colonialism and the Elimination of the Native," 387-88.

1740 Linnaeus divided humans into four sub-categories or varieties, considered the first steps toward defining race based on geographical location, physical characteristics, and temperament. The four divisions were: *Europaeus albus* (white Europeans) who were gentle and inventive, *Americanus rubescens* (red Americans) who were stubborn and angry, *Asiaticus fuscus* (yellow Asians) who were avaricious and easily distracted, and *Africanus niger* (black Africans) who were relaxed and negligent.[185] The category "monstrosus" was delegated to wild humans. John Burke, in his essay "The Wild Man's Pedigree: Scientific Method and Racial Anthropology", he describes Linnaeus' list of five levels of humans, ranging from the four-footed, mute, hairy wild man to the black, phlegmatic, relaxed, capricious African.[186] 19th Century science used phrenology and craniometry to perform studies on skulls, often in an attempt to "prove" the inferior intellectual ability and undesirable behavioral traits of non-whites.[187] Science, although touted as objective, was (and continues to be) tethered to the racist cognitive metaphors of the eurochristian mind.

Also during the 18th century Immanuel Kant put forth his theories on race, for which he has been credited as inventor.[188] Kant divides the races into four groups as well,

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[185] Hallam Stevens, *Biotechnology and Society: An Introduction* (University of Chicago Press, 2016), 314.P. 314.

[186] These classifications deepened the association of physical characteristics with psychosocial characteristics attributed to the concept of race. Burke, John G. "The Wild Man's pedigree: scientific method and racial anthropology." The Wild Man Within: An Image in Western Thought from the Renaissance to Romanticism (1972): 259-280.

[187] Oxford Reference. "Scientific racism" in A Dictionary of Cultural Anthropology, 2018. http://www.oxfordreference.com.du.idm.oclc.org/view/10.1093/acref/9780191836688.001.0001/acref-9780191836688-e-326. (accessed on March 2018).

[188] Theodore M. Vial, *Modern Religion, Modern Race* (New York, NY: Oxford University Press, 2016), 1.

all originating from the superior white and blonde stem-species and a climate best suited for progress and civilization.[189] For Kant, the three other groups, Negro, Hunnish, and Hinuish had acquired internal and external features, particularly skin color and temperaments, to adapt to their migratory environments. The color of one's skin, for Kant, was indicative of internal characteristics and ability to be rational, therefore human. The religious scholar and linguist Müller divided up languages in a similar fashion to Kant's categories in the prior century.[190] And while not intending to be racist, Müller's classifications of languages and peoples served history as a favorite of Hitler in justifying the Holocaust. The 19th century solidified race as a concept, notably based on Darwin's theory of evolution, which consolidated the myth of biological teleology of human beings on the path to civilized humanity.

Modern continuities of race and colonialism manifested in Indian boarding schools which ran from the late 19th century and peaked in the 1970s, the mass imprisonment of people of color (a significant source of free labor), 20th century sterilization programs carried out on women of color, the poverty of Native Americans that underwrites many of the top 10 poorest counties in the United States, the environmental destruction of Native lands by the U.S. government and private industry, the current removal of Native children from their homes and subsequent adoption, the

[189] Ibid., 13.

[190] Max Müller, along with E.B. Taylor, Andrew Lang, and James Fraser all formed their theories of religion based on a handful of second-hand informants working with the colonized South African Zulu including missionaries Henry Calloway and Henri-Alexandre Junod, as well as adventure novelists Rider Haggard and John Buchanan. These early scholars created the category of religion and comparative religion within the colonial-racial discourse. David Chidester, *Empire of Religion: Imperialism and Comparative Religion*, ed. Corporation Ebooks (Chicago ; London: The University of Chicago Press, 2014).

imprisonment of Latinx migrant children and adults, and the racial and ethnic disparities in health care, both at the individual and systemic level. According to the 2002 Institute of Medicine's "Committee on Understanding and Eliminating Racial and Ethnic Disparities in Healthcare,"

> "disparities were found across a wide range of disease areas and clinical services…in virtually all clinical settings…including cardiac care, cancer screening and treatment, diabetes management, end stage renal disease, treatment of HIV infection, pediatric care, maternal and child health, mental health, rehabilitative and nursing home services, and many surgical procedures."[191]

It is no coincidence that Native Americans, Latinx, and African Americans, those people whose bodies and land were exploited to "make America great," are still suffering under the weight of the colonizer. Thomas McCarthy puts this into perspective writing, "five centuries of imperialism and racism did not disappear without a trace fifty years since the postwar successes of decolonization and civil rights struggles."[192] Lowe also indicates the continuation of the colonial-racial discourse in her observation, "race as a mark of colonial difference" is an enduring remainder of the processes through which the human is universalized and freed by liberal forms, while the peoples who created the conditions of possibility for that freedom are assimilated or forgotten.[193] In modern times, the function of racism has evolved from justifying slave labor, genocide, and erasure, to

[191] Nelson, "Unequal Treatment: Report of the Institute of Medicine on Racial and Ethnic Disparities in Healthcare," S 1378.

[192] Thomas McCarthy, *Race, Empire, and the Idea of Human Development* (Cambridge, UK ; New York: Cambridge, UK ; New York: Cambridge University Press, 2009), 17.

[193] Lowe, The Intimacies of Four Continents, 7.

supporting nationalism, creating in-groups and out-groups, and for targeting (non-white) immigrants.[194] It is still the reality that the oppression of certain groups allow for the flourishing of others.

## The (e)urochristian[195] Worldview

Bioethics, along with most Western institutions and the individuals therein, operates according to what I will refer to frequently, as the eurochristian worldview. The enduring nature of the eurochristian worldview has driven 500 years of colonialism, imperialism, and racism, and is fundamental to the argument that bioethics is also complicit in the colonial-racial discourse. Although worldview has various colloquial meanings, for the purposes of this argument I define it as a deep linguistic-conceptual structure of the brain. According to Mark Freeland, worldview is an "interrelated set of cultural logics that fundamentally orient a culture to space, time, the rest of life, and provides a prescription for relating to that life."[196] Worldview is partially rooted in the pre-cognitive, and can hold within it various communal norms, rules, and ideologies. Worldview is made up of one's ontology, epistemology, and the socio-political and economic structures that frame one's world. One's worldview is resistant to change because it centers a person in a certain reality, likely causing cognitive dissonance if

[194] McCarthy, Race, Empire, and the Idea of Human Development, 7-8.

[195] I credit George "Tink" Tinker for this concept and terminology, and graciously employ it as a fundamental concept in this analysis. Tinker, Tink. "The Irrelevance of Euro-Christian Dichotomies for Indigenous Peoples Beyond Nonviolence to a Vision of Cosmic Balance." In Peacemaking and the Challenge of Violence in World Religions. 2015, 206-25.

[196] Freeland, "Conceptual Decolonization of Space: Worldview and Language in Anishinaabe Akiing," 76. ProQuest Dissertation Publishing, 2015.

challenged. Persons from Western Europe and the U.S. generally share the same worldview which is oriented to time as linear, progressive, and redemptive; view land as property; engage in activities of "competitive achievement"; are individualistic; and share a common history based in the philosophies and religions of Western antiquity.[197] According to George Tinker, the eurochristian worldview is by nature evangelistic and has "inherently globalizing aspirations." The eurochristian worldview, according to Tinker, contains an "up-down" schema, categorizing different species along a progressive hierarchy. This hierarchical schema is also responsible for arranging people as more or less human, valuable, and civilized. Within this eurochristian worldview are more conscious categories of identity such as Catholicism, Marxism, socialism, conservativism, and Protestantism; yet all are eurochristian. For instance, while ideologically Marxism critiques capitalism and wage labor, it still assumes the governance of the white male position, the organization of the nation-state, and the idea of economic progress. The consequences of this kind of progressive, hierarchical, evangelistic, and competitive thinking have underwritten colonialism and racism. It is this same worldview that centers bioethics and medicine: a linear and progressive view of time, a hierarchical structure, rules of logic that follow Anglo-Saxon analytic philosophy based on human rationality, and moral proselytizing.

In order for eurochristians to comprehend their own worldview as one of many possible ways of experiencing the world, it must be compared with a differing

[197] Tinker, Tink. "The Irrelevance of euro-christian Dichotomies for Indigenous Peoples." *Peacemaking and the Challenge of Violence in World Religions* (2015): 206.

worldview. For this purpose I will compare it to an Indigenous worldview.[198] According to George Tinker, a Native American worldview is "inherently both local and cosmic in orientation;" positions itself spatially rather than temporally, primarily around land; is community-centered; and places "cosmic/holistic harmony and balance as the ultimate ideal or goal of all human activity…"[199] In contrast to the eurochristian anthropocentric up-down schema, Native Americans have what Tinker calls an "egalitarian-collateral image schema that results in a perception of the world that puts humans on the same plane as all other living nonhuman persons," including the two-leggeds, the four-leggeds, the flying persons and the living-moving ones such as plants, fish, mountains, and rocks.[200] The Indigenous worldview respects all life, strives for continual balance through ceremony and oral tradition, and is rooted in the place of ancestors and communal life. For Native Americans life is cyclical, balanced, and egalitarian where eurochristian worldview holds in esteem the myth of progress, human-centered individualism, and a Darwinian notion of competition and "natural order" rather than cooperation.

The eurochristian thinking that has led to "progress" and "civilization" has also led to environmental degradation, mass genocide, racial oppression, and extreme economic inequality, none of which would have likely occurred based on Indigenous

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[198] In *The Irrelevance of euro-christian Dichotomies for Indigenous Peoples*, George Tinker points out that, at least for what is called "American Indian religious traditions, there is" a "wide variety of culturally discreet customs." But there are also deep structure similarities, hence "worldview". Tink Tinker, "The Irrelevance of Euro-Christian Dichotomies for Indigenous Peoples Beyond Nonviolence to a Visionof Cosmic Balance," (2015), 207.

[199] Ibid. 208, 218.

[200] Ibid. 217.

values and worldview.[201] An Indigenous worldview aporetically challenges the "reality" taken for granted by Westerners. The ability to perceive the eurochristian worldview is fundamental to understanding how thoughts and actions are driven by a much larger and insidious order.

The Frenemies of Christianity and the Enlightenment

This eurochristian worldview encompasses both Christianity and the Enlightenment. When these two "arch-enemies" are viewed from a distance, it becomes clear that, despite their differences, they have worked on colonial-racial projects in tandem over the last five centuries. Colonialism occurred through a synergy of the expansion and conquest of nation-states and the evangelizing of the Church. Sylvia Wynter's work is helpful in understanding this macro-level fusion of Christianity and the Enlightenment, and their interrelated evolution and contribution to the eurochristian worldview. Wynter, in her sociogeny[202] of Man in *Unsettling the Coloniality of Being/Power/Truth/Freedom*, traces the dominant schemas of Western society from 1) Greek ontology, to 2) Gregorian Latin Christianity, to 3) the Reformation and Enlightenment. The first transition in Western history saw a gradual replacement of the Greek supernatural celestial central organizing principle of perfection with the Gregorian Christian spiritual perfection. The second transition called the "intense historical rupture"

[201] I neither intend to romanticize the Indigenous worldview, nor to assume how the world would look without European colonialism. What can be surmised is that Indigenous values would not have led to environmental degradation, extreme inequality, or mass genocide, the reigning problems of the 21st century.

[202] Sociogeny is the social development of a human, as opposed to ontogeny, which is the biological development of a thing (human). For Wynter sociogeny is the social process for how we acquire our ontologies and epistemologies which motivate our behaviors. Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," 280.

by Winant began with ocean navigation in 1500s which proved Copernican theories and positioned man as a political subject rather than a Christian subject.[203] In this second Western transition, science, evolution, and rationality abruptly replaced the Christian God as central to worldview. Wynter calls these three ontologies "schemas", all which dictate what humans consider truth, morality, and conscience. The newer humanist schema of the Enlightenment, while grounded in rational thought and dismissive of supernatural organizing principles, merely overlays its structure atop the Church's Judeo-Christian conceptions. Pragmatically, those who were sinners become the irrational; salvation becomes adherence to law; monarchy becomes expanding mercantilism and commercial interests; and Christian Man becomes rational Man. This profound shift to rational Man legitimated the expropriation of the land of "savages" and of the enslavement of African "degenerates", neither of them meeting the criteria of rational Man; and therefor comprising the secular shift from "enemies of Christ" toward a more secular racism.[204] No matter which schema, they all comprise the same general structure of defining who is

[203] The immense historical rupture includes the rise of Europe, slavery, the subjugation of people worldwide, the beginning of what Omi and Winant call the racial longue dureé. For them, colonial time is "a huge project demarcating human difference…" Omi, M and Winant, H. "On the theoretical status of the concept of race" in Min Song and Jean Yu-wen Shen Wu, *Asian American Studies: A Reader/Edited by Jean Yu-Wen Shen Wu and Min Song* (New Brunswick, N.J.: New Brunswick, N.J.: Rutgers University Press, 2000), 206.

[204] A defining moment of the transition between Christian and secular defining of the "other" occurred in the Valladolid Controversy of the 16th century between the missionary Bartolomé de Las Casas and the philosopher-theologian Juan Ginés de Sepúlveda. Las Casas was central to the beginning of the African slave trade when he could not, in good and just theological conscience, expropriate native bodies for slavery because of their lack of exposure to the word of God. In contrast, in his mind, Africans had "just titles" to slavery. Sepúlveda represented the secular humanist perspective, bringing in the encomienda labor system to enslave the Indigenous based on their "irrationality". This rationality argument seemed to get the colonizers out of the "enemies of Christ" conundrum…with the new formula that names Africans and Indigenous as irrational forming the new base of racism. Las Casas' Christian frame gives way to Seulveda's secular frame. Rationality becomes the right to sovereignty over religion.

human (always Man) and who is not. In considering the reliability of the organizing principles that have placed Man as superior over the last five centuries, we can begin to question whether medicine and bioethics has miraculously broken from this deep-seated trajectory. In sum, whether identifying as a Christian or humanist, liberal or conservative bioethicist does not relieve one from the eurochristian worldview or its bad habits.

Religion and Colonialism

Christianity has historically been fundamental to the colonial apparatus, and foundational to both religious and secular bioethics. As the term will be used throughout this project, Christianity indicates a socio-political designation and a social movement that has been institutionalized within both the church and state; in other words, modern Christendom. Peter d'Errico describes "Christendom" as "consisting of alliances among secular princes and priestly authorities; it culminates in the doctrine of divine right of kings and popes."[205] Christianity in this way is both political and religious and can be found in churches and in court houses alike.[206] What I exclude from the category of a church-state type Christianity is the actual life and teachings of Christ. This is not an attack on Christians who believe and follow Jesus' teachings without evangelizing or proselytizing. But it is imperative for this project to look realistically at Christianity and

[205] From Newcomb, Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery.

[206] This structural definition of Christianity does not necessarily refer to an individual, congregation, or denomination, although like any eurochristian individual or group, they are still likely complicit with colonialism. Like Mignolo and Walsh have stated, modernity/coloniality has implanted habits in all of us. As we will see with an analysis of Walter Rauschenbusch and later Tristram Engelhardt, even those Christians with the best intentions are likely complicit with colonialism at some level. Mignolo, *On Decoloniality: Concepts, Analytics, and Praxis/Walter D. Mignolo and Catherine E. Walsh*, 4.

its generous contributions not only to doing good in the world, but to the harms it has done whether with noble intent or through outright violence.

## The Christian Apologetic

Christianity has legitimized colonial activities and the exploitation of people and land for hundreds of years. Christianity was essential to what Steven Newcomb has called the conqueror model, a cognitive model pervasive in eurochristian thought that drives both colonialism and imperialism.[207] The European conqueror's power originated in the divine power of the pope in Europe through the infamous Doctrine of Discovery.[208] The Doctrine of Discovery, a collection of 15th Century papal documents became the impetus and justification for Portuguese and Spanish colonialism. Eventually the idea of discovery was adopted throughout Europe. Although not limited to these, three papal bulls, the Dum Diversas, Romanus Pontifex, and the Inter Caetera provided a foundation for the Doctrine. In 1452 Pope Nicholas V wrote the Dum Diversas, granting the Portuguese King Alfonso V "the … full and free power, through the Apostolic authority by this edict, to invade, conquer, fight, subjugate the Saracens and pagans, and other infidels and other enemies of Christ…" Between the Dum Diversas and Romanus Pontifex of 1455, the Portuguese monarchy was given permission by the Pope to seize any lands and possessions in West Africa with exclusive rights to trade and colonize. The third document, Inter Caetera, was written by Pope Alexander VI for Ferdinand and Isabel of Spain in order to clarify Spanish rights to land in the new world, as well as to

[207] Newcomb, Pagans in the Promised Land: Decoding the Doctrine of Christian Discovery, 23.

[208] Newcomb suggests the name of the Doctrine of Discovery would be more accurately portrayed as the Doctrine of Christian European Invasion. Ibid., 94.

define the nature of Christian-infidel relations and the responsibility of the pope to protect the infidels and to convert them to Christianity. By the time of Christopher Columbus' first voyage to the Americas in 1492, the content of these papal proclamations had become well known. Per Newcomb, the perceived "divine right" of the conqueror, gifted to him from God, is accompanied by the right to discover, to subdue, and to dominate. As Newcomb describes, the myths of domination and conquering have biblical roots. Newcomb breaks down the word dominion etymologically and argues that the word dominion shares the same meaning with the word subdue. As he points out, Lord "translates into the Latin term dominus, 'he who has subdued'."[209] This language can be found in Genesis 1:28 which reads: "God blessed them and said to them, 'Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground'."[210] The biblical language of subduing and dominating is a component of the eurochristian worldview, one that has driven the justification of not only the exploitation of the natural world, but also the justification of violence in slavery, genocide, and oppression.[211] The bible serves as a

[209] Ibid., 37.

[210] Genesis 1:28 (NIV).

[211] De La Torre distinguishes between the conquistador Christ that was used to subdue the Indigenous, and the Indigenous Christ, such as Bartolmé de Las Casas, who "es un cura de verdad" based on his actions to defend the Amerindians in what is now Cuba. The modern Cuban symbol of resistance, chiefton Hatuey, refused to be converted to Christianity when he was burned at the stake because of how cruel the Spanish Christians had been. The island of what is now Cuba was subdued by 1514, a mere 3 years after Spanish arrival. As De La Torre notes, the Spanish Christ was one of dominion over infidels, while Hatuey "cast his lot with the persecuted and suffered death" following the mission of Christ. Miguel A. De La Torre, *The Quest for the Cuban Christ: A Historical Search/Miguel A. De La Torre ; Foreword by Stephen W. Angell and Anthony B. Pinn* (Gainesville: Gainesville: University Press of Florida, 2002), 4-25.

form of collective consciousness in the minds of eurochristians, whether self-proclaimed Christians or secularists, through which they continue to perform acts of subjugation.

The story of God's Covenant with the Israelites is another site of biblical seeding of the eurochristian colonial trajectory as represented by the following verses:

- Genesis[212]: Abram traveled through the land as far as the site of the great tree of Moreh at Shechem. At that time the Canaanites were in the land. The LORD appeared to Abram and said, "To your offspring I will give this land."
- Psalms[213]: "Ask me, and I will make the nations your inheritance, the ends of the earth your possession. You will break them with a rod of iron; you will dash them to pieces like pottery."
- Deuteronomy[214]: When you march up to attack a city, make its people an offer of peace. If they accept and open their gates, all the people in it shall be subject to forced labor and shall work for you. If they refuse to make peace and they engage you in battle, lay siege to that city. When the LORD your God delivers it into your hand, put to the sword all the men in it. As for the women, the children, the livestock and everything else in the city, you may take these as plunder for yourselves. And you may use the plunder the LORD your God gives you from your enemies. This is how you are to treat all the cities that are at a distance from you and do not belong to the nations nearby. However, in the cities of the nations the

[212] Genesis 12:6-7 (NIV).

[213] Psalms 2:8-9 (NIV).

[214] Deuteronomy 20: 10-16 (NIV).

> LORD your God is giving you as an inheritance, do not leave alive anything that breathes. Completely destroy them—the Hittites, Amorites, Canaanites, Perizzites, Hivites and Jebusites—as the LORD your God has commanded you.

These biblical stories are the foundation of colonization. The Chosen Ones (Israelites/Christian Europeans) are divinely guided to conquer and subdue the Promised Land (Canaan/Indigenous lands). The deal given to the Native Americans was to cooperate and live in peace, or resist and be subjected to slavery or obliteration. Africans, on the other hand, were given no deal in relation to slavery. In drawing from Genesis 9, enslavement was the proper course for Black "descendants of Ham".[215] These Christian tropes of domination did not end with the postcolonial period.

In the 19th century, Christian ideology continued to dominate the world, this time under the academic discipline of "world religions". According to Tomoko Masuzawa, concept of world religions was likely invented out of Christian comparative theology, which saw Christianity as "the world religion,", and "uniquely universal."[216] The concept of world religions and its accompanying ideas of pluralism are extensions of European/Aryan universalism. By examining the 19th century pre-scientific texts whose authors framed "other" religions as deviants to the universal nature of Christianity, the assumption of a neutral and objective categorization of "world religions" is challenged by Masuzawa. The same myths of religious pluralism and diversity are only different in

[215] Genesis 9:20-27 (NIV).

[216] Tomoko Masuzawa, *The Invention of World Religions, or, How European Universalism Was Preserved in the Language of Pluralism*, Invention of World Religions (Chicago: Chicago: University of Chicago Press, 2005), 23.

category from the myths of racial pluralism and diversity. The World Parliament of Religions is a case-in-point. This organization, while instrumental in establishing religious categories as well as upholding pluralism is still largely Protestant in representation.[217] This is analogous to the stance of health care institutions and professional codes of ethics; white and eurochristian in nature, despite the language of pluralism and diversity.

Ted Vial, in his book Modern Race, Modern Religion makes the argument that the construction of modern race and religion are inextricably bound, and continue to define modern conceptual categories of identity, in large part due to the teleological and hierarchical ideas of several German thinkers such as Herder, Schleiermacher, Kant, and Müller. Because of the eurochristian worldview, religion is always a racialized category in the modern world.[218] Hence, we can conclude that, with early bioethics foundations set exclusively by Christian theologians, bioethics is also inextricably bound to racism.

Christianity is half of the eurochristian worldview. The underlying tropes of domination and conquest, of Christian exceptionalism and hierarchy, are threaded throughout the Western colonial-racial apparatus. The other half of the eurochristian worldview takes off during the Enlightenment, a period when Europeans were actively colonizing, “discovering”, and appropriating other people’s knowledge, land, and bodies.

[217] Ibid.

[218] Vial, Modern Religion, Modern Race.

The Enlightenment and Liberalism

Humanistic Western disciplines arose out of the Enlightenment, the project of modernity that brought with it liberal politics, the industrial revolution, and the Darwinian idea of evolution and progress. Modern-day liberalism is based on the "rights of man" as declared by the 1789 French Revolution through the concepts of "human freedom, rational progress, and social equality."[219] As Lisa Lowe points out, modern liberalism is constituted by

> "political emancipation through citizenship in the state, the promise of economic freedom in the development of wage labor and exchange markets, and the conferring of civilization to human persons educated in aesthetic and national culture…"[220]

What is forgotten is the simultaneous necessity of slavery, settler-colonialism, land theft, and capitalist imperialism in order to sustain modernity. In France in 1789, it was not persons of color, Indigenous persons, or even white women whose rights were being asserted. It was the "rights of man". In *The Intimacies of Four Continents*, Lowe examines the separate archives of both European liberalism and colonial documents, exposing their co-constitution in the defining of humans along a hierarchy. She states, "even as it proposes inclusivity, liberal universalism effects principles of inclusion and exclusion," and that

> "universalizing concepts of reason, civilization, and freedom effect colonial divisions of humanity, affirming liberty for modern man while subordinating the variously colonized and dispossessed

[219] Lowe, The Intimacies of Four Continents, 2.

[220] Ibid., 3-4.

> peoples whose material labor and resources were the conditions of possibility for that liberty."[221]

The language of liberal societies make colonialism less visible, but the schema is still in place. Similarly, Walter Mingolo and Catherine Walsh write, "there is no modernity without coloniality."[222] According to them, right-wing nationalisms such as Trump's America and Britain's Brexit are not worse than the neoliberal globalism that has spread a capitalist economy worldwide.[223] Why? Because the nation-state and capitalism are both colonizing tropes of a particular worldview. Similarly, liberalism is no better than conservativism. While political liberals use the modern language of freedom and equality, they continue to uphold the political economy of the nation-state, which in-turn is co-constituted with the historical structures of race. Modernity orients itself toward the future, to some sort of "progress". This trope of progress is based on a teleological view that is also wrapped up in the colonial narrative, and is inseparable from the categorizing of humanity through race. According to Vial, despite our best efforts as scholars and liberals,

> "we are led…to theorize difference by comparing groups based on their proximity to a historical telos. When we rank parts of the world by how developed or progressive or modern they are, by how compatible their religions are with democracy, and when we notice what color the people are who live there, we find that our categories are not so different than Kant's and Müller's."[224]

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[221] Ibid., 6.

[222] Mignolo, On Decoloniality: Concepts, Analytics, and Praxis/Walter D. Mignolo and Catherine E. Walsh, 4.

[223] Ibid., 5.

[224] Both Kant and Müller ranked people according to race and language, respectively, in hierarchical taxonomies. Vial, *Modern Religion, Modern Race*, 19.

Modernity, replete with the promises of science, capitalism, and the nation-state, has failed in many ways. It did not prevent a century of world wars and genocides, it has contributed greatly to the destruction of the environment, and it has not solved problems of inequality and racism. Modernity is constitutive of these things. To eliminate them would be to eliminate modernism.

During the period of Enlightenment, both colonialism and imperialism set the stage for stealing valuable land and appropriating knowledge from others, while defining those others based on the Western worldview (and always as inferior). In *Decolonizing Methodologies,* Linda Tuhiwai Smith points out how Western disciplines, and particularly anthropology, "catalogued, studied, and stored" Indigenous communities as if their cultures were objects of study rather than subjects who existed with an equally valid worldview in their own right.[225] The "objects" of study, Indigenous people, while contributing heavily in the scientific foundations of Western research, were given as much credit as a "variety of plant, a shard of pottery, or a 'preserved head of a native'".[226] Edward Said made a similar argument in *Orientalism* by arguing that the West reified and defined the East, thus disallowing those in the East to speak for themselves. This representation of the East by the West was possible because of the political, cultural, intellectual and moral power of imperial America, Britain, and France.[227]

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[225] Smith, Decolonizing Methodologies Research and Indigenous Peoples, 61.

[226] Ibid., 63.

[227] Edward W. Said, *Orientalism*, 25th anniversary ed. ed. (New York: New York: Vintage Books, 1979), 21.

The "globalization of knowledge and Western culture constantly reaffirms the West's view of itself as the center of legitimate knowledge, the arbiter of what counts as knowledge and the source of 'civilized' knowledge."[228] And the knowledge was spread through both religious boarding schools or, later, public and secular schooling, which continues today. If Indigenous peoples were thought to be educatable, they were offered schooling. If they were thought to have a soul, they were offered salvation.[229]

The promises from the point of view of the Enlightenment, modernity, and political liberalism are no better at dealing with race than those from a religious or conservative space. The conservative Christian bioethicist and the secular liberal bioethicist alike are complicit in continued racism, just as Christian trope drives domination and hierarchy, and liberalism touts freedom while exploiting those who do not count. The eurochristian worldview did not disappear.

## Postcolonialism, Anti-Colonialism, or Decolonization?

The proposed framework for the ensuing analysis is anti-colonial. In this section I will define and critique postcolonialism, situate the discourse of decolonization within a larger anti-colonial framework, and finally make a case for an anti-colonial approach.

Anti-colonialism as defined by Dei and Lordan is a "resistance to white supremacy and Eurocentric cultural organization…" that "looks for possibilities of resisting and transforming cultural systems of oppression and domination, or imposed

[228] Smith, Decolonizing Methodologies Research and Indigenous Peoples, 66.

[229] Ibid., 63.

ways of knowing, being, and living."[230] Anticolonialism is a political praxis, adept at responding to the material consequences of the continued colonialism and global imperialism. Anti-colonial praxis centers non-eurochristian communities while making whiteness visible to white people.[231] If there is a place for the "dominant/colonizer/oppressor in the anti-colonial struggle," which some argue there is not, it is because "it provides [them] with an avenue for asking and insisting upon accountability and addressing responsibilities."[232] Herein lies the ultimate role of the bioethicist who is serious about dealing with race: to learn and teach the colonial-racial discourse, to act with marginalized patients and against colonial structures in practice, and to center scholars of color in the bioethics discourse. For bioethicists, anti-colonial deconstruction of one's consciousness and confronting colonial practices in one's own neighborhood are crucial steps toward reimagining a world where human means something other than Wynter's "Man". According to Wynter, a new definition of human can only be accomplished through the leadership of the external observer of the power structures, specifically those who experience the injustice based on their exclusion in

[230] Dei and Lordan, Anti-Colonial Theory and Decolonial Praxis, 20.

[231] Sara Ahmed writes "it has become commonplace for whiteness to be represented as invisible, as the unseen or the unmarked, as a non-colour, the absent presence or hidden referent, against which all other colours are measured forms of deviance." She reminds us that seeing whiteness is only difficult for people who are white. Whiteness is ever-present and part of ordinary experience for people of color. Ahmed. Declarations of Whiteness: The Non-Performativity of Anti-Racism. Borderlands ejournal, 3 (2), 2004. Sylvia Wynter notes how systemic subject who perceives their mode of reality as isomorphic with reality.Sylvia Wynter, "The Ceremony Must Be Found: After Humanism," *Boundary 2* 12, no. 3 (1984): 39.

[232] Simmons and Dei, "Reframing Anti-Colonial Theory for the Diasporic Context," 76.

access to representation and frames of reference; in other words, those on the margins.[233] This work is incremental and without a clear endpoint (rejecting the trope of linear progress). The challenging of worldviews is always met with resistance, the transformation of culture sluggish, and the changing of power structures intransigent. But if bioethics resists coming to terms with its own history and complicity, if it has little to say about racism and inequality, how can it consider itself concerned with the morality of life, its namesake?

Postcolonial Theory

Anti-colonialism and postcolonialism have often overlapped in their meanings and practices and have various divergent interpretations. Both aim to understand and respond to the aftermath and continued violence of colonialism, albeit in different ways. Postcolonial theory originated in South Asia from subaltern studies, inspired by Indian historian Ranajit Guha. Subaltern studies, rooted in Marxist notion of class struggle, began in 1970s among English and Indian scholars who wanted to write history "from below," from the perspective of the voiceless masses. The term subaltern was coined by Antonio Gramsci, and signifies those people who are oppressed and powerless, the masses who are left out of sociopolitical dialogue and power structures. The Calcutta-born Gayatri Chakravorty Spivak also engaged in subaltern studies and is often considered one of the founders of postcolonial theory.[234] According to Spivak, the

[233] Wynter, "The Ceremony Must Be Found: After Humanism."

[234] Although it has been argued that postcolonial theory goes further back to Frantz Fanon, Hatuey, and Jose Marti. De La Torre recognizes the Amerindian Hatuey as the first postcolonial thinker in his leadership of the resistance to the Spanish conquistadors in Cuba in the early 14th century. De La Torre, *The*

dominant culture can either *represent* the subaltern as an agent of power, or *re-present* as a signifier of historical account, both which are problematic for the subaltern.[235] The subaltern cannot speak because they will not be heard. It is a Western epistemological privilege to designate the identities of, and speak for, others.[236] Yet his "speaking for" only serves to essentialize and homogenize a diverse group of people.[237]

Also considered a forerunner of postcolonialism is the Palestinian literary theorist Edward Said. Through textual analysis, Said reveals how the West has reified the "Orient", including but not limited to the Middle East. Like Spivak, he uses the language of representation. He wrote that through a "re-presence", or representation of Orientalism, the Occident has "excluded, displaced, made supererogatory" any such *real thing* as "the Orient."[238] Said is anti-essentialist in the tradition of postcolonial scholars, careful to recognize the diversity within the subaltern and to eschew the rash stereotyping of the Western representations of others, especially the "Orient".

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*Quest for the Cuban Christ: A Historical Search/Miguel A. De La Torre ; Foreword by Stephen W. Angell and Anthony B. Pinn*.

[235] Spivak, Gayatri Chakravorty "Can the Subaltern Speak?" in Colonial Discourse and Postcolonial Theory, Patrick Williams and Laura Chrisman, eds., New York: Columbia University Press, 1994, 74.

[236] Spivak's best-known essay, *Can the Subaltern Speak*, is a critique of poststructural theorists, challenging the likes of Michel Foucault and Gilles Deleuze.[236] She tasks privileged academics to recognize the irony in their efforts to give voice to the subaltern; that they may in fact be reinscribing colonial concepts. In the naming of the subaltern, the subaltern is reified, objectified, and essentialized by the privileged. Borrowing a term from Foucault, Spivak recognizes the epistemic violence done upon Indian subalterns, while simultaneously acknowledging the inability for outsiders to speak for them.[236] Ibid.

[237] For Spivak, Gramsci and Marx's hegemonic and class-based ideologies essentialize the subaltern as the proletariat. ibid.

[238] Said, Edward. "Orientalism. 1978." New York: Vintage 1994 (1979), 21.

Homi Bhabha expanded the postcolonial anti-essentializing arguments beyond the colonizer/colonized binary through his concept of hybridity. In contrast to Franz Fanon's search for authenticity, hybridity is derived from the multiple and heterogeneous sites of contact between colonizer and colonized and accounts for the intersectionality of identities such as gender, race, and nationality. This "in-between space" is where cultures are engaged in dynamic formation and serve as a site of agency for the colonized. Like Spivak, he considers Marxist binaries, and those contemporary tactics to elevate "difference" as ineffective and counterproductive to the process of moving beyond decolonization.[239] [240]

Postcolonial Realities

Postcolonialism has had many critiques. First, the "post" in postcolonialism connotes its succession to colonialism, and therefore erroneously implies the conclusion of colonialism. Is post-colonialism only the literal successor of the formal colonialism of the last few centuries? Many postcolonialists, including, Bill Ashcroft, Gareth Griffiths, and Helen Tiffin, want to start the clock of postcolonialism at the moment of the discovery of Hispaniola in 1492.[241] Looking forward, Loomba suggests that postcolonialism is "more flexibly the contestation of colonial domination and the *legacies*

[239] Homi K. Bhabha, *The Location of Culture* (London ; New York: London ; New York: Routledge, 2004).

[240] Arif Dirlik calls Bhabha is a leftish libertarian. He views Bhabha's approach in the politics of identity, including his concepts of hybridity, heterogeneity, and in-betweenness as too postmodernist, denying the relevance of political and economic structures. Arif Dirlik, *The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism* (Routledge, 2018), viii.

[241] Bill Ashcroft, Gareth Griffiths, and Helen Tiffin, *The Empire Writes Back: Theory and Practice in Post-Colonial Literatures* (Routledge, 1989).

of colonialism."[242] Both of these approaches signify colonialism in its temporal formality, as something that is over, despite its continued after-effects on the colonized. Achille Mbembe goes even further to attach a specific time frame to postcolonialism when he states "the younger generation of Africans have no direct or immediate experience" of colonialism.[243] Therefore, postcolonialism ends with the fading of memory.

Anne McClintock's critique of postcolonialism interrogates the

> "almost ritualistic ubiquity of "post" words in current culture (postcolonialism, postmodernism, poststructuralism, post-cold war, post-Marxism, post-Soviet, post-Ford, postfeminism, postnational, posthistoric, even postcontemporary)," …which "signals…a widespread, epochal crisis in the idea of linear, historical progress."[244]

Here, the prefix "post" is indicative of what is still a Eurocentric period of time to which all other peoples and events are affixed. The enlightenment project of colonization and "progress" has failed, but the West blindly continues to move along its imagined narrative of salvation.

McClintock also takes issue with the "post" in postcolonialism, like Dirlik, in its inability to handle the transition to modern imperialism. She wonders what is "post" about South Africa, East Timor, Australia, Hawaii, Puerto Rico, and Native American peoples of the United States.[245] In her words, postcolonialism is "prematurely

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[242] Loomba, Colonialism/Postcolonialism, 16.

[243] Achille Mbembe, "Prosaics of Servitude and Authoritarian Civilities," trans. Janet Roitman, Public Culture 5 (Fall 1992): 137.

[244] Ibid, p. 10.

[245] Ibid, p. 12-13.

celebratory".[246] In addition, for McClintock the "post" in postcolonialism may not consider fully the variation in postcolonial-ness of different countries and cultures, asking whether they share enough in common to be categorized under one name. McClintock, in sum, recognizes not only the textual and dialogical power of imperialism, but also the physical and institutional violence of the state machinery as set up by colonialism.

Second, postcolonialism has blurred the location of power, hence the target for praxis. The poststructuralist postmodernist approach is sometimes blamed for creating this distortion. Jorge Klor de Alva, despite his acknowledgement that the effects of colonialism continue to impress upon peoples today, is a poststructuralist who favors a 'multiplicity of histories' rather than the master narrative.[247] If postcolonialism becomes unattached to any institution or structure, including de Alva's poststructuralist approach, it quickly becomes a vague condition difficult to locate, and vague enough to lose its usefulness. Although Foucault did not consider himself a poststructuralist, his 'discourse' is also consistent with the poststructural idea of insidious diffuse power. This leads to the hopeless state in which "power is everywhere and so ultimately nowhere."[248] Post-colonialism is poststructural from Derrida's point of view as well, focusing on multiplicity and dispersal. Shohat echoes this same critique, writing that the category does not lend itself to identifying the opposition, and in effect distorts the political

[246] Ibid, p. 13.

[247] Klor de Alva, Jorge. "The Postcolonization of the (Latin) American Experience: A Reconsideration of" "Colonialism," "Postcolonialism," and "Mestizaje." After colonialism: Imperial histories and postcolonial displacements (1995): 241-75.

[248] Hartsock, Nancy. "Rethinking modernism: Minority vs. majority theories." Cultural Critique 7 (1987): 187-206.

choices for resistance.[249] If postcolonialism is both directly following formal colonialism and applies vague poststructural conditions, what is the foundation for approaching the present continued colonial-racial structures? Does the power lie in systems or in individuals?

Third, postcolonialism is often referred to as an academic enterprise of intellectual elites. For instance, a criticism of Spivak is that despite her early years in India, her education is rooted in Western approaches, and she enjoys a privileged position in society.[250] In addition, the subaltern cannot access her writings. Often postcolonialism is entangled with Western academics and epistemology; issues of individualism and identity; and the idea of liberal progress. Take, for example, Dirlik's criticism of "postcolonial" as a marker for the elite American academy:

> "What then may be the value of a term that includes so much beyond and excludes so much of its own postulated premise, the colonial? What it leaves us with is what I have already hinted at: postcolonial, rather than a description of anything, is a discourse that seeks to constitute the world in the self-image of intellectuals who view themselves (or have come to view themselves) as postcolonial intellectuals. That is, to recall my initial statement concerning Third World intellectuals who have arrived in First World academe, postcolonial discourse is an expression not so much of agony over identity, as it often appears, but of newfound power."[251]

[249] Shohat.

[250] Arif Dirlik critiques Spivak for being part of the Indian elite. He refers to her as a "Marxist Feminist". Dirlik, Arif. The postcolonial aura: Third World criticism in the age of global capitalism. Westview Press, 1998, p. viii.

[251] Dirlik, The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism, 62.

For Dirlik, the postcolonial has been decoupled from the third world, and postcolonialism has become primarily the discursive realm of postcolonial intellectuals. Postcolonialism's attention has been distracted from global power sources such as capitalism, multinational corporations, and financial markets as a continuation of the colonial project. Dirlik advocates for indigenism as an alternative source for development in response and resistance to the ideology and ubiquity of capitalism.[252]

Fourth, postcolonialism is an attempt to move beyond binaries of colonizer/colonized, to more hybrid, multicultural, and transcultural approaches. Yet, rejecting essentialism and binaries blurs the line between colonizer and colonized, erroneously assumes a post-racial society, and creates an ambiguous and depoliticized context.[253] A critique of postcolonialism by Anne McClintock, in her book *Imperial Leather,* is that postcolonial anti-essentialism is a paradox in itself. She argues that while postcolonial theory imbues the deconstruction of the Manichean binaries of center/periphery and self/other, at the same time postcolonialism by name suggests "a single, binary opposition: colonial/postcolonial".[254] [255] Ella Shohat has criticized postcolonialism for its "a-historical and universalizing deployments', and its 'potentially

[252] Ibid.

[253] Dei and Lordan, Anti-Colonial Theory and Decolonial Praxis, 514.

[254] Ibid, p. 10.

[255] In Imperial Leather McClintock references an exhibit she visited called the Hybrid State. The visitor walks through the linear historical set of rooms called 'colonialism', 'postcolonialism', and 'enlightened hybridity'. The paradox, she explains, is in the exhibit's explicit recognition of the decentering of the West and concurrent recognition of "parallel histories", while the exhibit itself is set up for the visitor to travel linearly from primitive history to enlightenment. She proceeds to explain this is the paradox of postcolonialism itself. McClintock, *Imperial Leather Race, Gender, and Sexuality in the Colonial Contest.*

depoliticizing implications'".[256] Shohat and McClintock both criticize the prefix "post" in postcolonial based on its implication of a case closed, a finitude.

Fifth, postcolonialism delegitimizes Indigenous communities. Along with critical studies and liberation theology, it tends to ignore Indigenous thought and praxis. Postcolonialism is not about land, which is fundamental to Indigenous communities, traditions, and livelihood. In many ways postcolonialism is what Eva Tuck calls the "settler move to innocence," or the metaphorization of decolonization that "attempts to reconcile settler guilt and complicity, and rescue settler futurity," at the expense of true decolonization for Indigenous people, which equates to recovery of land.[257]

And sixth, in *Conscripts of Modernity* David Scott asserts that postcolonialism is stuck in the old questions of colonial power and colonized resistance: they have "uncritically taken over this Fanonian image of colonialism".[258] For Scott, one of the problems with postcolonialism is not with its offering up of *answer*s, but that it has co-opted the *questions* of the past, which are wholly, in Scott's estimate, irrelevant to the present. Scott analyzes C.R.L. James' revolutionary romance *Black Jacobins* depicting a Haitian hero figure, and compares it to the revised edition in which James suggests that the story to be read as a tragedy. Tragedy, for Scott, "is troubled by the hubris of enlightenment and civilization, power and knowledge."[259] Thus,

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[256] Ella Shohat, "Notes on the Post-Colonial", *Social text*, no. 31/32 (1992): 99-113. 99-113.

[257] Tuck, "Decolonization Is Not a Metaphor," 1.

[258] Scott, Conscripts of Modernity the Tragedy of Colonial Enlightenment, 6.

[259] Ibid, p. 13.

> "the tragedy of colonial enlightenment… is not to be perceived in terms of a flaw to be erased or to overcome, but rather in terms of a permanent legacy that has set the conditions in which we make of ourselves what we make and which therefore demands constant renegotiation and readjustment."[260]

There is no salvation, no romantic ending.

In summary, postcolonialism is a postmodern, poststructural, and anti-essentializing response to the epistemological dominance of colonialism over the subaltern following formal decolonization. The poststructural focus of postcolonialism on culture and identity leaves out the real structures and institutions of capitalism and globalization with the inflation of culture over politics; the focus on literary texts and art forms; and its heavy reliance on ideology. Postcolonialism does not deeply consider political and economic structures, and it does not know how to incorporate capitalism and the globalization of neoliberalism into its folds.

Early Anti-Colonialism

Early anti-colonialism began as the resistance and revolution of European colonies against their oppressors, taking place in the global space and time of formal decolonization. A fervor and revolutionary spirit can be seen throughout this time period, as nations and peoples hoped for free and idealistic futures. This attitude was exemplified by Aimé Césaire, the Martinique poet and politician, through the co-founding of the international Negritude movement with Léopold Sédar Senghor, a Senegalese poet and politician; in his optimism in regards to re-creating and reimagining selves; and through his surrealist and idealist expressions of a decolonized future. As Robin Kelley wrote of

[260] Ibid, p. 21.

Césaire's writing in the introduction to *Discourse*, "It is full of flares, full of anger, full of humor."[261]

The Martinique-born Frantz Fanon was a student and later colleague of Césaire. Fanon studied psychiatry in France, and became concerned with the psychopathology of colonization and consequences of decolonization. He was also reacting to the revolutionary spirit of his generation, albeit in a less romanticized way. Fanon develops a political philosophy of decolonization starting with a focus on psychological harms on black men in *Black Skin, White Masks.*[262] He shares the sentiments of Césaire on the objectification (or thingification as Césaire names it) of the colonized black-skinned person, as well as the idea that genocide of people of color was a regular colonial event far earlier than the holocaust in Nazi Germany. While Fanon was not as idealistic as Césaire, he also engaged revolution in a somewhat Marxist tradition (yet arguing that race was just as important as Marx's category of class in the process of decolonization). Fanon was a member of the Algerian National Liberation Front during the Algerian War of Independence from France. It was during his time in Algeria as a practicing psychiatrist that he wrote *Wretched of the Earth,* his anti-colonial manifesto.[263] In *Wretched* he critiques the decolonization of Latin American countries as a bourgeoisie affair and not one that benefits the masses. He also specifies the only way to avoid the

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[261] Césaire, Discourse on Colonialism.

[262] Frantz Fanon, *Black Skin, White Masks*, 1st ed., New ed. ed. (New York: [Berkeley, Calif.]: New York: Grove Press; Berkeley, Calif.: Distributed by Publishers Group West, 2008).

[263] The Wretched of the Earth/Frantz Fanon ; Translated from the French by Richard Philcox; with Commentary by Jean-Paul Sartre and Homi K. Bhabha.Fanon, F. (New York: Grove Press).

issues of a bourgeoisie decolonization in Latin America is for a violent revolution of the masses in Algeria. His reasoning and justification for violence relies on the assertion that "colonialism is not a machine capable of thinking, a body endowed with reason. It is naked violence and only gives in when confronted with greater violence."[264]

Similarly, a contemporary of Césaire and Fanon, Albert Memmi expresses this revolutionary passion in *The Colonizer and the Colonized.* His primary project is in the understanding of the colonial relationship between the colonizer and colonized, an immediate problem not only for his country but for Memmi personally as he straddles both worlds. In his analysis he condemns the "good colonist" not for his or her good intentions, but for the inability to agree ideologically to the kind of revolution that the colonized desire, one that contains violence and terrorism.[265] According to Memmi, liberals only want decolonization if it is peaceful and democratic.

In their essence, Fanon, Césaire and Memmi are squarely anti-colonial, struggling against a still-material and tangible enemy. But, as David Scott has written, they have yet to experience the tragedy of a lost era, the failure of a revolution and the feeling of being stranded frozen in the postrevolutionary present, particularly in the space and time of failed revolution.[266] According to Scott, the next generation of postcolonial

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[264] Fanon, F. *The Wretched of the Earth*. New York: Grove Press, 1968.

[265] Memmi, Albert. The colonizer and the colonized. Routledge, 2013.

[266] In David Scott's *Omens of Adversity* he explores the revolutionary novel *Angel*. The protagonist, Angel, is active in the Grenadian Revolution until Maurice Bishop was assassinated and the U.S. intervened, marking the loss of hope for idealistic change, not just for Angel, but for an entire nation. David Scott, *Omens of Adversity Tragedy, Time, Memory, Justice*, Omens of Adversity (Durham: Durham: Duke University Press, 2013), 68-96.

writers will be situated in a different "present". The landscape has changed since the revolutionary fervor of Fanon, Césaire, and Memmi's world. The nature of colonialism has changed as well. Colonialism today is experienced not only through the continued settler-colonial experiences of Indigenous people, but also through racism, inequality, and global imperialism. If colonialism is generally the physical habitation, theft of land, and exploitation of people, imperialism is the control and exploitation of a peoples and land through globalization of a neoliberal economy. I argue that an anti-colonial critique is still highly relevant, despite the distance from the revolutionary fervor of global decolonization and nation-building.[267]

A Word on Indigenous Decolonization

Eve Tuck and K. Wayne Yang take anti-colonialism to be limited to recovering "denied privileges from the metropole," defining subversion as a reclaiming of resources from *within* the framework of the colonizer and the nation-state. Instead, they attribute to *decolonization* what modern writers such as Dei and Corntassel consider to be characteristics of anti-colonialism.[268] Anti-colonial theory for them focuses on communities, land, and resurgence. According to Dei, anti-colonialism "challenges the colonizer's sense of reason, authority, and control…and seeks to theorize colonialism and

[267] David Scott characterizes anti-colonialism for its longing for revolution. He writes that in Aimé Cesaire's *Discourse on Colonialism* and Franz Fanon's *Wretched of the Earth*, "colonialism is conceived largely as a totalizing structure of brutality, violence, objectification, racism, and exclusion that the anti-colonial revolution was supposed to overcome." As Scott argued, they were writing in a time of romanticized longing for revolution, in the past present and in reaction to colonial oppression. They were writing in the 20th century, when groups of people were in various states of colonization and decolonization. *Conscripts of Modernity the Tragedy of Colonial Enlightenment*, 6.

[268] Tuck, "Decolonization Is Not a Metaphor," 19.

dominating social relations through the lenses of Indigenous knowledges and worldviews."[269] Yet, Tuck and Yang take the position that "the anti-colonial project doesn't strive to undo colonialism but rather to remake it and subvert it."[270] Alternatively, they consider decolonization as a deeper undoing of colonialism from the Indigenous perspective, in which only a recovery of stolen land is the foundation of recovery for Indigenous communities. Tuck and Yang claim that the

> "postcolonial pursuit of resources is fundamentally an anthropocentric model, as land, water, air, animals and plants are never able to become postcolonial they remain objects to be exploited by the empowered postcolonial subject."[271]

For them, decolonization is more encompassing than anti-colonial struggles.

Glenn Coulthard also uses the language of decolonization to indicate a much deeper framework for understanding the rejection of colonialism and the resurgence of Indigenous epistemologies and practices. He agrees with the anti-colonialist Frantz Fanon's ideas of recognition as colonizing, but critiques it for not "understanding contemporary Indigenous struggles for self-determination."[272] Land is not property according to the Indigenous worldview, but is "deeply informed by what the land as system of reciprocal relations and obligations can teach us about living our lives in

[269] Dei and Lordan, Anti-Colonial Theory and Decolonial Praxis, 37.

[270] Tuck, "Decolonization Is Not a Metaphor."Tuck 19.

[271] Ibid., 19.

[272] Coulthard, Red Skin, White Masks: Rejecting the Colonial Politics of Recognition, 23.

relation to one another and the natural world in non-dominating and nonexploitative terms…"[273]

Bonita Lawrence and Enakshi Dua write in their article *Decolonizing Anti-racism* that Indigenous people are left out of both antiracial and postcolonial theory. They cite five ways Indigenous people have been failed by these theories: by erasing Native existence through silence; by ignoring that racism is occurring on Native lands; that slavery is overrepresented in the colonial stories; that decolonization politics are the same as antiracial politics; and by stressing theories of nationalism.[274] This can be illustrated by an example by Lawrence and Dua, that "the same week President Lincoln signed the Emancipation Proclamation, he also approved the order for the largest mass hanging in U.S. history, of 38 Dakota men accused of participating in an uprising in Minnesota."[275]

Despite the language chosen, both an anti-colonial critique and a decolonizing praxis are necessary for challenging the colonial-racial discourse in bioethics. Anti-colonialism is a discourse and praxis that is simply opposed to colonialism. Decolonization is a part of this larger narrative. Decolonization will be different for each site of contact. In general, Blacks and Latinx in the U.S. have been more fully colonized based on the specific nature of their colonization, from the violent and complete severance of Africans from their lands and cultures, to the Spanish policies of miscegenation. The unique nature of Native Americans in a settler-colonial state is that

[273] Ibid., 13.

[274] Bonita Lawrence and Enakshi Dua, "Decolonizing Antiracism," *Social Justice- San Francisco* 32, no. 4 (2005).

[275] Ibid., 130.

while policies and practices of erasure have been dominant, they have not been thorough enough to completely expunge the Indigenous worldview. Tuck and Yang's idea of decolonization is one of returning land to Indigenous people, a very particular response to a particular sort of ongoing colonization.

## Contemporary Anti-Colonial Theory and Praxis

Anti-colonialism need not be relegated to the revolutionary period of postcolonial politics, nor must it be exclusive of white Americans. Anti-colonialism can be a multivalent approach including a resistance to white supremacy, a political praxis adept at responding to material consequences of colonialism and global imperialism, decolonizing practices, making whiteness[276] visible and exposing racism, prioritizing the knowledge and worldviews of people other than eurochristians, and a reclaiming of traditions, stories, histories. Where postcolonialism has been accused of having a limited

[276] If one is to take the colonial-racial discourse seriously, which this dissertation seeks to do, whiteness is part of that discourse. One cannot discuss race without also interrogating whiteness. On one hand, the human genome project has proven that race is not a valid theory. Jeffrey C. Long and Rick A. Kittles. "Human Genetic Diversity and the Nonexistence of Biological Races." Human Biology 81, no. 5 (2009): 777-798. https://muse.jhu.edu/ (accessed April 23, 2019). Yet, the social construction of race and racism continues to exist, causing violence to, and oppression of, millions of people. The tendency of many Americans to desire and project a multicultural and post-racial society are well-meaning but mislead. Race does not exist unless you are a person of color. Whiteness is descriptive of an historical phenomenon in which primarily white male eurochristian subjects drove the conquest and exploitation of people of color for centuries. This is a historical fact. This is not to say that some Native Americans did not hold African slaves, or that freed slaves did not acquire Native land, or that some African dictators rose to power in their countries after decolonization, only to replace the European colonial dictators; but these are not the primary pattern. The term "white", while denoting the color of one's skin, can also be used to describe those who hold more power and privilege in society based on western eurochristian structures. Karen Anijar writes, "whiteness is a myriad of complex, contradictory, competing discourses and discursive practices that are always contested and in formation." Karen Anijar, "Into the Heart of Whiteness," *The American Journal of Bioethics* 3, no. 2 (2003). For the purposes of this project, it is important to distinguish between white as individuals and white as a system, just as it is equally important to understand the difference between Christian persons and Christendom. And while referring solely to skin color is to simplify and essentialize a complex phenomenon, the possession of white skin still holds power and privilege. In this way the strategic essentialization of a clear trend, the phenomenon of colonialism and race, require the exploration of whiteness.

focus on the "politics of identity", anti-colonialism is more responsive to political and economic aspects of colonialism.[277] Where postcolonialism is often driven by elite academics and Western thought, anti-colonialism is based in the knowledge of the racialized and oppressed. And this point is the crux of a modern anti-colonial praxis: it must center the knowledge and experience of those outside the dominant center, those who hold the double consciousness that only persons of color can hold—a perspective enabling them to see the dominant discourse more clearly than those within and of the eurochristian center. Thus, the re-imagining and re-existence of those who have long been colonized, the reclaiming of traditions, stories, histories, cannot be directed by the eurochristian center, and not by eurochristian bioethicists. Through anti-colonial theory and praxis the bioethicist can participate in understanding the historical trajectory of colonialism and the implications of race, consider the profound differences between a eurochristian and other worldviews, and actively seek to center views other than the dominant narrative. Only then does the possibility of what Arturo Escobar calls radical interdependence make itself available.[278]

Anti-Colonial Theorists

The anti-colonial response to bioethics in this project draws heavily from Miguel De La Torre, George Tinker, Leanne Betasamosake Simpson, and Sylvia Wynter to elucidate the failures of, respectively, "Euro-American Truth," "euro-christian

[277] Arlif Dirlik makes this point in Dirlik, The Postcolonial Aura: Third World Criticism in the Age of Global Capitalism.

[278] Arturo Escobar, Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds/Arturo Escobar (Durham: Duke University Press, 2018).

worldview", "the schema of Man", and the settler-colonial state which includes heteropatriarchy, white supremacy, and capitalist exploitation. First, these scholars' approaches can elicit a profound disturbance for their colonized readers, an unsettling and persistent cognitive dissonance. This is the alterity sought to provoke the thinking of my bioethics and health care colleagues. Tinker's juxtaposition of a eurochristian and a Native American worldview is essential to this end: providing a radical alternative to the eurochristian worldview brings it into full visibility, so that one can recognize one's own unconsciousness to Western societal power structures. Second, all of the aforementioned scholars prioritize local praxis and identity, from which truth emanates. One of De La Torre's projects has been to define ethical paradigms from *lo cotidiano* of Latinx communities *para joder*, or by "screwing with" the dominant structures.[279] De La Torre notes that

> "truth, beyond the historical experiences and the social location where individuals act as social agents, cannot be ascertained, whether said truth exists or not. Only through justice-based praxis, engaged in transforming society, can individuals come closer to understanding the spiritual and theoretical."[280]

With this conceptualization of the truth I aim to place a moratorium on the age-old debate in ethics about universality vs relativism. With the bracketing of this debate, one can begin to appreciate how people of color in the U.S. are heaving under the weight of the universalization of morality.

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[279] Miguel A. De La Torre, Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking (Waco, Tex.: Baylor University Press, 2010).

[280] De La Torre, *Embracing Hopelessness* (Minneapolis: Minneapolis: Fortress Press., 2017), xiv.

Both De La Torre and Tinker painstakingly deconstruct the dominant eurochristian hegemony of white scholars and institutions. Among the methods De La Torre employs, he necessarily attempts "to deconstruct Eurocentric ethical paradigms to demonstrate why they are both detrimental to and irreconcilable with the Hispanic social location."[281] This critique borrows his method of ethical critique of Euro-American scholars "from the margins," but my framework prioritizes liberation without analyzing biblical foundations of my arguments. Both De La Torre and Tinker also heavily critique Western Christianity. Yet, while De La Torre "wrestles with the Almighty"[282] to clarify the concept of liberation, Tinker writes that a genuine liberation for Native Americans "may require a firm saying "no" to Jesus and Christianity."[283] The arguments herein, like both De La Torre and Tinker, strongly emphasize the role that Christianity (as a sociological adjectival category) continues to play in the colonial-racial discourse as part of the eurochristian worldview. Ultimately, this analysis will engage the works of both scholars generously and is a testament to the profundity of their teachings on my own scholarship.

The third anti-colonial scholar I engage is Sylvia Wynter. Her essays on the overrepresentation of Man as Human speak both to the deconstructive and contextual analysis of colonialism in this dissertation, as well as providing a conceptual frame to

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[281] Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, xi.

[282] Embracing Hopelessness, xv.

[283] Tinker, G. "American Indians and Liberation: Harmony and Balance" in Miguel A. De La Torre, George E. Tinker, and ProQuest, *The Hope of Liberation in World Religions* (Waco, Tex.: Baylor University Press, 2008).

open up consideration for new thought schemas. The "Second Emergence" to which Wynter refers, points to a new transcultural reality, one that breaks down barriers between the sciences and the humanities, and one in which a middle course can be found on irreconcilable ethical issues,[284] not least to dissolve what Howard Winant named the racial "longue durée".[285]

And last, Michi Saagiig Nishnaabeg scholar, writer, and artist Leanne Betasamosake Simpson is a voice for radical Indigenous resistance through grounded normativity, a land- and place-based ethic based on Nishnaabeg knowledge and intellectual practices – the "how" in living, organizing, and engaging in the world.[286] Her work provides radically different conceptualizations of living, learning, being that challenge the fundamental core of the assumed normativity of eurochristian thought and morality.

## Elements of Critique for Modern Eurochristian Colonial Institutions

An anti-colonial critique begins with the identification of eurochristian colonial themes within modern institutions. Those themes fall under the headings of ontological assumptions, moral epistemology, and the socio-political. These categories will be engaged in the following three chapters in the deconstruction of bioethics scholars, and

[284] The case discussed by Wynter is between Western feminists and women who defend female circumcision. Wynter, "Genital Mutilation" or "Symbolic Birth"; Female Circumcision, Lost Origins, and the Aculturalism of Feminist/Western Thought. (Response to Article by L. Amede Obiora in This Issue, P. 275)(Bridging Society, Culture, and Law: The Issue of Female Circumcision).

[285] Howard Winant, "The Dark Matter: Race and Racism in the 21st Century," *Critical Sociology* 41, no. 2 (2015): 2.

[286] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 19.

again to illustrate the often radically different worldviews of anti-colonial scholars. In comparing these three categories it will hopefully become apparent the problems that underlie the humanitarian language of multiculturalism and cultural pluralism; and the truth in what Wynter calls sociogeny, the fundamental differences in our moralities and realities based on the impact our stories have on the neurochemical make-up of our brains.

Much of one's worldview emanates from one's ontological positioning including one's creation story, the knowledge of what exists and how it is ordered, and the metaphysical components of one's worldview. For the eurochristian despite one's personal belief, our thoughts and behaviors have been shaped by the binary of sinner and saint rooted in the creation story of Adam and Eve, of a hierarchical organization of living beings with humans at the zenith, and of an organizational schema prioritizing time and linear progress, one that assumes human life is always progressing often due to some attribution of human power and intervention. Whether one's creation story is biblical or scientific, eurochristian thinking is organized hierarchically, linearly, and temporally. The ontological fallout of the eurochristian worldview is the erosion of relationship with community and nature based on human and individual centrism. Linear thinking creates an ideal of some kind of great progress, which is in reality gratifies a relatively select few at the expense of the majority in the frantic pursuit of fame and the fantastical. The linear idea of Christian salvation has led to both material pursuits and the evangelical meddling in other's lives (white savior complex) on earth for personal salvation in heaven.

Moral epistemology as an element of analysis builds on one's ontological frameworks and attempts to describe the basis of knowledge, including moral knowledge. Epistemologies can be sociological, psychological, ontological, evolutionary, methodological, and moral in nature.[287] Moral epistemology buttresses one's values, morality, sense of truth, and the content of collective knowledges. Knowledge is largely driven in the modern West by a scientific objectivity, empiricism, and pragmatism which is theorized and taught through formal and siloed disciplinary groups. Postmodernists are skeptical of the notion of discovering the foundations of objective knowledge, and similarly of the project of theory coherence as justifying moral truth. Anti-colonial scholars and activists are similarly skeptical of Western epistemologies, those that universalize, categorize, and "civilize" while hiding the logics of oppression and exploitation. As Walter Mignolo writes, the rhetoric of modernity including modernization, progress, and prosperity, hide the logic of oppression.[288]

These truths are communicated and legitimized through written text and the English language. The eurochristian epistemology stems from both Christian and Enlightenment concepts of morality including human dignity, hard work, self-sufficiency, freedom, autonomy, and individualism. At face value, these precepts of morality appear innocuous. But they are the tools of a civilizing rhetoric and practice that continue to uphold eurochristian values at the expense of others through blame, demoralization,

[287] For a brief explanation of these epistemologies, see Stanford Encyclopedia of Philosophy. "Moral epistemology." Nov. 28, 2015. https://plato.stanford.edu/entries/moral-epistemology/. (accessed on April 23, 2019).

[288] Walter D. Mignolo, "Epistemic Disobedience, Independent Thought and Decolonial Freedom," *Theory, Culture & Society* 26, no. 7-8 (2009): 161.

delegitimization; those with communal and egalitarian values as well as those who do not have the luxury of acute "moral agency" because of violent and negligent structural realities. In addition, the effects of civilizing rhetoric create a legacy of historical trauma and the internalization of self-hatred in those deemed of lesser value based on the high bar of rationality, intelligence, high culture, and overall "achievement".

Socio-political themes of analysis draw upon how a community organizes, how community members relate to one another, and what forms of order are used to protect peaceful communities. The nation-state has been the unit of political power in the West since the colonial nation-building project began. And while some would argue that global forms of politics have replaced the centrality of the nation-state, the U.S. political system is still central to politics and policy.[289] In the West, democracy is the supposed organizing ideal, however weak in practice. Security is established through police and military, and formal law assists in guiding order. While the economic drivers of capitalism are not hidden from view, Western political institutions are ensconced in concepts of justice, equality, and security while continuing to sustain policies that support the interests of the wealthy and powerful at the expense of the poor. The sociopolitical concepts of recognition, reconciliation, inclusion and diversity hide policies that encourage continued erasure, inequality, imprisonment, and discrimination. Economic themes of analysis include one's view of the material forms of life. For the eurochristian, material life is

[289] For differing views on domestic vs global arrangements of neoliberalism see: Cerny, Philip G. "Globalization and the changing logic of collective action." *International organization* 49, no. 04 (1995): 595-625. Drezner, Daniel W. "Globalization and policy convergence." *International studies review* 3, no. 1 (2001): 53-78.

dictated by property ownership, the accumulation of resources, and of a capitalist and competitive view of consumption. The reigning worldview of material life is one of scarcity, driven by fear. Colonialism and imperialism are the benchmarks of eurochristian economics, built upon a history of conquest, land theft, resource extraction, and military strategy and now expressing themselves through globalization, multinational corporations, and financial markets. Massive wealth accumulation is driven by a deep-seated Calvinist Protestant work ethic and the neoliberal capitalist culture. And finally, the U.S. maintains a massive and expensive military in order to protect its material and financial interests worldwide.[290] Capitalism inherently creates inequality, and the eurochristian salve to that inequality is charity, which creates a continued dependence and inequality rather than structural justice.

In the analysis that follows, these three elements of eurochristian colonial thought will be used to excavate colonial-racial themes within three textbooks that are foundational to the discipline of bioethics. The coloniality of bioethics will be rendered more visible. These same three elements of analysis will also be applied to the works of anti-colonial scholars for contrast. And ultimately three bioethics case studies will be employed to illustrate the effects a continued colonialism has on the discipline of bioethics.

[290] The Senate approved a military budget of $716 billion for 2019, including billions in "new investments in nuclear weapons research, new nuclear warheads, updated aircraft carriers and ballistic submarines whose practical application some say is hard to imagine in a modern war." America spends more on its military than the next 11 countries combined. Stein, J. Wonkblog Analysis: U.S. military budget inches closer to $1 trillion mark, as concerns over federal deficit grow. The Washington Post. Retrieved at https://www.washingtonpost.com/news/wonk/wp/2018/06/19/u-s-military-budget-inches-closer-to-1-trillion-mark-as-concerns-over-federal-deficit-grow/?noredirect=on&utm_term=.2909dfb2885e.

# CHAPTER 4: A WHITE GOD VS A LATINX JESUS

Of the estimated 10.7 million undocumented immigrants who live in the United States,[291] approximately 6,500 have end-stage renal disease (ESRD).[292] ESRD is the late-stage chronic failure of the kidneys, which is caused by conditions such as diabetes, high blood pressure, infection, or auto-immune disease. In ESRD, the kidneys are no longer able to function, causing a build-up of waste and fluid in the body. The standard treatment for this disease is either thrice-weekly dialysis or kidney transplantation. Many states in the U.S. only provide emergency dialysis in the emergency department of a hospital once the patient is physically distressed and is approaching dangerous blood levels of electrolytes that can cause cardiac arrythmias and arrest. A few states such as California have decided to cover thrice-weekly dialysis and transplantation based on the standard of care through Medi-Cal. But many states only provide suboptimal and costly emergency care to undocumented immigrants with ESRD. On the national level,

[291] The numbers of overall undocumented immigrants have decreased from 12.2 million in 2007 to 10.7 million in 2016. Around half of those are Mexicans, whose numbers are declining. From 2009-2014 more Mexicans left than arrived in the U.S., most on their own accord. The only increase in undocumented immigration is from El Salvador, Guatamala, and Honduras, an increase of 375,000 people from 2007 to 2016. Pew Research Center, November 27, 2018, "U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade".

[292] Lilia Cervantes, Monica Grafals, and Rudolph A. Rodriguez, "The United States Needs a National Policy on Dialysis for Undocumented Immigrants with Esrd," ed. Lilia Cervantes (2018).Cervantes, L. The US Needs a National Policy on Dialysis for Undoc with ESRD.

undocumented immigrants are excluded from the Affordable Care Act, the 1972 Medicare ESRD entitlement program, and the full Medicaid program.[293]

These patients are yo-yoing between death and resuscitation on a weekly basis, being turned away from medical facilities if they are not close enough to death. Care providers are required by state policy and hospital administration to withhold treatment until they have elevated potassium levels, poor oxygenation due to fluid build-up in the lungs, confusion, nausea and vomiting, and/or severe shortness of breath. Some hospitals have attempted to send patients to their country of origin, despite the lack of treatment availability in many of those countries, and even though the patient has lived and worked in the U.S. for decades and has no familial support in their country of origin. For healthcare providers and bioethicists, the issue is one of resource distribution, fairness, and compassion. The decisions to exclude this population of patients from the standard of care is one that stems from the political climate of a eurochristian United States. Both the libertarian and Christian perspectives of bioethicists like Tristram Engelhardt exemplify the eurochristian worldview, and, I will argue, affect the lives of marginalized populations such as Latinx and other undocumented immigrants. An anti-colonial ethics such as De La Torre's would provide bioethics with a more just and decentered praxis.

## H. Tristram Engelhardt

H. Tristram Engelhardt was trained in philosophy at the University of Texas, and in 1974 was in the first group of philosophers, along with Tom Beauchamp who will appear later in the dissertation, who met at a seminar at Haverford College in

[293] Ibid., 157.

Pennsylvania to prepare philosophy faculty to teach courses in medical ethics. [s] In the mid-1970s Engelhardt and Beauchamp were part of the National Commission for the Protection of Subjects of Biomedical and Behavioral Research who wrote the Belmont Report, the guidelines for human subjects research.[294] Later, Engelhardt attended medical school at Tulane but never practiced medicine. Instead, he was recruited to join the faculty at Texas Medical Branch Galveston to teach ethics to medical students, took a Chair position at Georgetown in 1977, then joined the Program in Medical Humanities at Houston's Rice University in 1983.[295] Over the course of his career he published six books, edited and co-edited 25 books, and published over 300 articles and book chapters.[296] He died of cancer in 2018 while holding the positions of Professor of History and Philosophy of Medicine at Rice University and Professor Emeritus at Baylor College of Medicine. He was the co-founder, and from 1976 to 2018 the Senior Editor, of the Journal of Medicine and Philosophy. The December 2018 issue was dedicated to Engelhardt.[297] He was remembered by Ana Iltis and Mark Cherry as "one of the intellectual founders of the disciplines that would become known as bioethics and the philosophy of medicine."[298] He was also the senior editor of the journal Christian

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[294] Jonsen, *The Birth of Bioethics*. (New York: Oxford University Press , 1998), 103.

[295] Ibid., 82.

[296] Bioethics.net "A Tribute to Professor H. Tristram Engelhardt, Jr., PhD., MD (1941-2018)" http://www.bioethics.net/2018/06/a-tribute-to-professor-h-tristram-engelhardt-jr-phd-md-1941-20.

[297] *The Journal of Medicine and Philosophy: A Forum for Bioethics and Philosophy of Medicine*, Volume 43, Issue 6, 17 November 2018.

[298] Iltis, Ana S., and Mark J. Cherry. "The Journal Loses Its Co-Founding Editor." In *The Journal of Medicine and Philosophy: A Forum for Bioethics and Philosophy of Medicine*, vol. 43, no. 6, pp. 613-614. US: Oxford University Press, 2018.

Bioethics, and the editor of the book series Philosophy and Medicine. The Center for Bioethics and Human Dignity said of Engelhardt after his recent death,

> "Through his keen intellectual wit, he was an academic provocateur par excellence, challenging the status quo, but also challenging all of us, to test the rigor of our arguments and assumptions.[299] His readiness (and even eagerness) to challenge the assumptions and claims of the bioethics academy and those closer to home in Christian bioethics will be genuinely missed."[300]

Engelhardt is known by some as the "enfant terrible" of bioethics due to his irreverent and provocative thinking.[301] He is known best for his critique of secular bioethics, arguing that at best, secular bioethics could aspire to a superficial libertarianism but never a content-full or complete morality. Interested in questions of irresolvable moral plurality[302], he theorized that bioethics can only be successful at the procedural and content-thin realm, not at the levels of particular values and beliefs. For Engelhardt, the loss of God and the deprofessionalization of medicine created a moral vacuum of which secular values filled, one in which moral decisions can only be formed through consent and permission between parties. While he is known for his libertarian stance regarding moral plurality, in a later-career text *The Foundations of Christian Bioethics*, he proposes a coherent and content-full model of morality that aims to

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[299] The Center for Bioethics and Human Dignity is a Christian bioethics research center at Trinity University with a national conference and graduate programs in bioethics. For more information see their website at https://cbhd.org/about-cbhd.

[300] The Center for Bioethics and Human Dignity. "H. Tristram Engelhardt, Jr. General Biography." 2018. https://cbhd.org/content/h-tristram-engelhardt-jr-md-phd.

[301] Jonsen, The Birth of Bioethics, 82.

[302] Engelhardt uses the term plurality to mean the co-existence of people and communities with a number of incompatible moral and religious beliefs who he names "moral strangers". This is not to be confused with pluralism, which is "a liberal ideal that consumes all", one that is ecumenical and encompassing.

transcend moral plurality through first millennium Orthodox Christianity. In this text he argues that American morality and therefore bioethics centers human life solely within the immanent and the rational, erroneously rejecting the metaphysical. He claims that traditional Christianity is the one Truth that is unique, original, and unaltered, rooting moral behaviors within one's recognition of sin and salvation, ultimately based on the primary goal of human life: salvation.[303]

Engelhardt puts forth several overarching critiques including 1) bioethics (and the American ethos) has become an enduring and pervasive secularism which he conflates with capitalism, 2) rational argument is not sufficient to solve moral dilemmas, 3) moral consensus can only be procedural in nature within the context of a universal secular ethics,[304] 4) secular bioethics is its own "particular" that relegates certain groups to the margins despite its claim of pluralism (including non-ecumenical religious affiliations), and 5) Christian noetics, also shunned by secularism, should be prioritized in moral medical decision-making. In these themes anti-colonial scholars might agree in-part, especially about the problem with the universalization of the secular-scientific-capitalist epistemologies in eurochristian thinking and the rejection of alternative worldviews and beliefs. The similarities fade on further examination of Engelhardt's work. What he critiques as secularism is actually the eurochristian worldview, of which

[303] H. Tristram Engelhardt, *The Foundations of Christian Bioethics*, ed. Inc ebrary (Lisse [Netherlands] ; Exton, PA Lisse (Netherlands) ; Exton, Pa.: Lisse Netherlands ; Exton, PA: Swets & Zeitlinger, 2000), xvi.

[304] This is referring to John Rawls' liberal contractual morality in John Rawls, *Justice as Fairness: A Restatement/John Rawls ; Edited by Erin Kelly*, ed. Erin Kelly (Cambridge, MA, Cambridge, Mass.: Cambridge, MA: The Belknap Press of Harvard University Press, 2001).

his thinking is a part. His polemic in the culture war is the "Christian" of eurochristian, even as he rejects modern "secular" Christianity in favor of a first millennial orthodox Christianity. In this chapter, Engelhardt's *The Foundations of Christian Bioethics* will be critiqued by juxtaposing the anti-colonial and liberative works of Miguel De La Torre. The implications of theories such as Engelhardt's on racial inequalities will be highlighted through the current issue of providing care to Latinx undocumented immigrants in the U.S. for ESRD.

## Miguel De La Torre: An Anti-Colonial Approach

If there was ever an anti-colonial scholar who could speak back to the irreverent Tristram Engelhardt, it would be the equally irreverent Miguel De La Torre. De La Torre is a Cuban-American scholar-activist of social ethics and professor of religion at Iliff School of Theology in Denver, Colorado. He evangelizes from the Baptist pulpit but with a postmodern tongue in defense of those who are marginalized by what he calls EuroAmerican Christian structures. He has published more than 35 books and countless articles. He has served as a director for both the Society of Christian Ethics (SCE) and the American Academy of Religion (AAR), President of SCE, and co-chair of the Ethics Section at AAR. He is the recipient of a Fulbright scholarship, and has taught courses worldwide. He serves regularly as an expert commentator on ethical issues locally, nationally, and internationally.[305]

[305] Miguel De La Torre: Religion Professor – Author – Scholar Activist. http://drmigueldelatorre.com/ (accessed April 23, 2019).

De La Torre is both a liberation ethicist and a post-modernist. Liberation theology is a modern phenomenon replete with paternalism and hierarchy and based in the eurochristian biblical history of the Exodus, which De La Torre resists.[306] Liberation theology never rose above its modern and oppressive roots as a romanticized Western Christian narrative, without separating itself from the continued oppression of the marginalized. But the liberationist philosophy of "the preferential option for the poor", and its political moves to free the oppressed are foundational to De La Torre's Latinx liberation ethics. His religious relativism deviates from a eurochristian universalizing religion and ethics that claims to speak for everyone. He is fully Nepantla, fluidly moving between his identity as a Cuban and an American, owing his religious upbringing to a hybridity of Santeria, Catholicism, and the Baptist faith.

For De La Torre's ethics he turns to the people, those at the margins who are politically, economically, and epistemologically oppressed. Especially for Latinx, he encourages individuals and their communities to define their own religions and ethics. While there is no monolithic group, Latinx often drawn together en la lucha, through the realities of their everyday lives en lo cotidiano, and together en acompañado.[307] De La Torre rejects both the promise of the poor for salvation and the idea of hope as placating

[306] The "promised land" was taken by the Jews thereby committing genocide of the Canaanites with the instructions by God: "So Joshua subdued the whole region, including the hill country, the Negev, the western foothills and the mountain slopes, together with all their kings. He left no survivors. He totally destroyed all who breathed, just as the Lord, the God of Israel, had commanded." Joshua 10:40, NIV.

[307] De La Torre reviews these three components of a Latinx ethics in Latina/o Ethics, la lucha, lo cotidiano, and de acompañamiento, building on concepts described in depth by Carmen M. Nanko-Fernández, Ada María Isasi-Díaz, and Roberto S. Goizueta respectively. De La Torre, *Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking*, 70-78.

instruments used by the dominant white Christian narrative. Only once the marginalized embrace hopelessness and feel they have nothing to lose will they feel free to engage in resistance.[308] In his book *Latina/o Ethics* he defines his ethics of joder, an ethics that can be used by the marginalized to undermine, or "screw with", the oppressive systems of ethics and religion without being sanctioned or punished. Power can be too dangerous to confront outright. In his latest book, a manifesto titled *Burying White Privilege: Resurrecting a Badass Christianity*, De La Torre defines a new Christianity in the face of the current state of fascism and religious hypocrisy ushered in by Trump, but by no means limited to him. The oppressive colonial regimes that continue today leave the marginalized "no other choice but to envision new paradigms for marginalized communities, paradigms rooted within their context."[309]

At first glance, some similarities between the two scholars seem to exist. Both Engelhardt and De La Torre critique Western Christianity. For Engelhardt, modern Western Christianity has become secular and liberal, ceding to materialism and self-interest. For De La Torre, Western Christianity has become nationalist and political, a tool to advance special interests.[310] Both scholars have a history of "being saved" by the Church. For Engelhardt this meant embracing the personal and transcendental union with God and the adoption of conservative values attributed to the story of Eden—patriarchy,

[308] De La Torre, Embracing Hopelessness.

[309] Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre (Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 2019), 38.

[310]De La Torre argues that "ethics is driven by the self-interest of EuroAmericans" through political and economic structures that favor a privileged few. Miguel De La Torre, *Doing Christian Ethics from the Margins* (Maryknoll, N.Y: Maryknoll, N.Y. Orbis Books, 2014), 4.

order, homophobia, salvation. For Engelhardt, belief trumps behavior. For De La Torre, orthopraxis (correct action) takes precedence over orthodoxy (correct belief).[311] He writes, "believing in Jesus is never sufficient, for even the demons believe and tremble at his name."[312] De La Torre's Christianity moved him toward the biblical and theological liberative Jesus, expressed through Christ-like value of justice for the marginalized. For De La Torre, Jesus is anti-colonial. Salvation for Engelhardt is through personal union with God and is deeply rooted in the Christian creation story; for De La Torre it is through solidarity with the marginalized and rooted in the teachings of Jesus.[313] To be saved, De La Torre reminds us, "is etymologically to be liberated from sin, in other words, the forces (individual and corporate) that bring oppression, enslavement, and death."[314] Any common ground falls out from underneath Engelhardt's feet with De La Torre's assertion that white Christians, especially evangelicals, are killing the gospel of Christ, "with evangelicals supplying the morphine drip."[315] Ultimately Engelhardt mistakes fundamentalists as the carriers of the truth, and the "heretics" of a post-Christian culture. Instead one could argue fundamentalists are remnants of Christian colonial apparatus, insiders on the fringes of the inside, thinking they are martyrs but mistaken of the true victims. The true victims are those who are under the power of eurochristians. As

[311] Ibid., xiv.

[312] De La Torre, Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 7.

[313] Ibid., 123.

[314] Ibid., 145.

[315] Ibid., 4.

Miguel De La Torre writes, "the privileged gaslight others into believing they are being persecuted by the secular government and the liberal media."[316]

For the discipline of bioethics to begin to address race seriously, the teaching of anti-colonial scholars such as De La Torre are imperative. Otherwise, the dominant discourses will continue to inculcate bioethics with the eurochristian, and by their nature hierarchical, universalized, and racialized policies and practices, despite our best intentions. The following critique analyzes in turn three dimensions of analysis: ontology, epistemology, and the sociopolitical. The critique is two-fold: to illustrate the eurochristian nature of Engelhardt's philosophical and religious approach to bioethics and to provide a Christian anti-colonial response based on the Latinx ethics scholarship of De La Torre. We must keep in mind the importance of Latinx knowledge and scholarship in a United States where the population is approximately 18% Latinx as of 2017 and growing (not counting over 11 million undocumented immigrants and the population of Puerto Rico).[317] And finally, the critique will be applied to the current situation for those undocumented immigrants in the U.S. who are being denied standard of care for end-stage renal disease.

Engelhardt's Ontological Assumptions: Transcendence, Eden, and Sin

The ontological basis of morality in *The Foundations of Christian Bioethics* is transcendence of the immanent through union with God as the ultimate human endeavor.

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[316] Ibid., 42.

[317] Flores, A. Pew Research Center. "How the U.S. Hispanic population is changing." http://www.pewresearch.org/fact-tank/2017/09/18/how-the-u-s-hispanic-population-is-changing/. (accessed April 23, 2019).

The biblical story of Eden is central to Engelhardt's traditional Christian ethics in that "it leads from Adam and Eve's sin to the birth of the second Adam, Christ from the second Eve, Mary."[318] Morality in life is secondary to the pursuit of salvation; all human activities must lead to union with God. In *Foundations*, the ontological assumptions come, in every sense, from a colonized mind: a Christian Church prioritizing one's personal relationship with God over human life: the story of Eden as bedrock for justifying the hierarchy of male over female and Man over nature, the linear narrative of salvation as the natural order of things, and the trope of the sinner who must suffer in the quest for redemption; and the setting of moral rules for humanity as secondary to the above.

First, the transcendent nature of the Orthodox Christian God who can be experienced by humans is the primary ontological assumption which underlies *Foundations*. The puzzle he sets out to address is "Can one break through immanence to Truth?"[319] He believes bioethics and all of secular society is stuck in an empirical world based on human reason with no personal God who is other-worldly and authoritative. Without transcendence in religion, humans are trapped in the failed project of Enlightenment and reason. The end in itself is union with God over and above the moral life, virtue, or scripture. How to access union with God? He writes, "The existence of God is experienced as one turns from oneself, wholeheartedly to Him."[320] The Church

[318] Engelhardt, The Foundations of Christian Bioethics, 239.

[319] Ibid., xiii.

[320] Ibid., 165.

itself, dating back to the first millennium, provides what he calls a metaphysical "continuity of spirit" that ties all Orthodox Christians in community.[321] In essence, he calls for a bioethics based in the personal pursuit of relationship with a transcendent God. And yet, his nostalgic and "heretical" ideas of noesis and mysticism does not take him out of the hierarchical, linear, and binary ways of arranging human thought that have driven racism throughout Western history. This will be revisited in the next section. The remaining three ontological assumptions are grounded in the biblical story of Eden.

Second, Engelhardt justifies several major ontological assumptions of his thesis by grounding his ethics within the Genesis story of Eden. Hierarchy, an entrenched eurochristian paradigm, is a clear result of Eve's sin and the tempting of Adam. Eve's act serves an indication that Man is to be the authority over her, hence man is the head of a household, and Eve is the "helpmate" For Engelhardt, this justifies the hierarchy of authority of male husbands, bishops, and priests. One of his grievances of liberal cosmopolitans is their lack of respect for authority of "bishops over churches, husbands over wives" in the ascetic pursuit of salvation.[322] This thinking is consistent with his concern that the individualistic and egalitarian bent of secular medicine has replaced a professional and autonomous physician practice and has removed the authority of physicians (read paternalism). He laments that secularism "abandons all hierarchies, not just those of kings over their subjects, imperial powers over their colonies, and men over

[321] Ibid., 160.

[322] Ibid., 141.

women, but also of humans over animals."[323] While this is Engelhardt's concern, I would argue that hierarchical structures do exist within the secular-scientific world as well, although of a different nature. For example, ontological Christian linear hierarchical and patriarchal thinking runs through the secular-scientific world in the form of Darwinism, eugenics, and the justification of race as a ranking category.

Third, and also stemming from the story of the Fall, is the belief that humans will eventually reach salvation through a personal relationship with God. This belief follows the pattern of linearity, one that underlies most of eurochristian worldview: Christian salvation, Darwinism, scientific progress, and the thought that humans are somehow on a trajectory towards advancement, perfection, or everlasting life. This linear thinking provides a semblance of order to eurochristian thinking. Order is of utmost importance in colonial thinking, despite injustices. The need to maintain civility and stability is a common eurochristian trope, despite those who suffer injustices within the dominant order. For Engelhardt, ethics is the unchanging nature of the Church, of the stability and "certainty" of the early teachings and of the experience of God. This kind of order is misleading and often harmful. The "order" of colonialism, whether called salvation or progress, has been a smoke screen that hides the underside of "good" laws and actions in the civilization of sub-humans and the saving of their souls. The unfortunate consequences of this worldview have played out through centuries of European colonialism, and more locally through manifest destiny, the westward expansion of Indian genocide and land theft, and the enslavement and abuse of Africans

[323] Ibid., 143.

in the name of progress. Modern racism is a continuation of this same narrative. Engelhardt does critique progress in the form of capitalism, yet he is blind to the nature of his own form of Christian thinking as having influenced this very mindset. Furthermore, the prioritization of salvation and promise of some future good does nothing to address the suffering of real people, often at the expense of those preaching salvation.

And fourth, the story of Eden drives Engelhardt's morality in its depiction of the human as sinner in need of redemption. Humans are corrupt and must pay for their sins through suffering and death. Engelhardt describes the condition of Adam after the Fall where "This sphere of lust, greed, and aggression becomes for him the self-evident sphere of the natural."[324] In the practice of bioethics he places significance on sin and redemption, devils and angels, immanence and transcendence. This ultimately serves to blame the victims. Those who have been oppressed, those suffering the most, must be repenting for their sins.

In Engelhardt's ontological world, the lives of those suffering from inadequate care of their ESRD are downplayed as mere immanence, unimportant worldly needs in relation to the promise of salvation awaiting in the afterlife. They should not concern themselves with medical technologies, as medicine has become a false God, and instead turn towards union with Engelhardt's God. We must remind ourselves; this is Engelhardt's ontology, not necessarily that of Latinx persons in the U.S. The Orthodox Christian Church has remained stable and unchanged over the last two millennia, and for

[324] Ibid., 175.

Engelhardt provides the order needed in society. This order resembles the universalizing and civilizing tactics of the colonial missionaries, who must save the heathens from themselves. Much like his Texan colleague Stanley Hauerwas, Engelhardt puts the Church first, and situates it outside the purview of social justice.[325] Situating the Church in the realm of transcendence puts critical distance between one's life of the mind and the real suffering of those who are oppressed and racialized. In fact, Engelhardt doesn't address the issue of race directly, which is also problematic for an ethicist. To assume a colorblind stance and never acknowledge the differences in social locations and beliefs is to continue to colonial assault on people of color in an attempt to convert and save their souls. The missionaries in what is now California had no qualms in imprisoning the Indigenous people in encomiendas, using them as slave labor, and watching them die early deaths, as long as they were able to add them to their list of souls saved. And finally, with Engelhardt's association of suffering with sin, in effect those Latinx persons suffering a treatable disease as well as the violence and poverty they have endured, might just be an indication of their sins and the need for repentance.

## An Anti-Colonial Response: Christ, Chaos, and Liberation

An anti-colonial alternative to Engelhardt's eurochristian approach starts with a very different ontology. Miguel De La Torre's ethics is centered around the immanent life of Jesus as a representative of the marginalized and advocate of justice. Engelhardt's ontological preference for a personal and transcendental savior dismisses the very life of

[325] Stanley Hauerwas writes that the Church's role is to be a community of truth, not a place for the practice of social justice. Stanley Hauerwas, *A Community of Character: Toward a Constructive Christian Social Ethic* (Notre Dame, Ind.: Notre Dame, Ind.: University of Notre Dame Press, 1981).

Christ himself, focusing only on his death. For Engelhardt, Christians can repent in isolation, while continuing to feed the engine of epistemological and material dominance in their lived existence and granting hope for the oppressed in death. De La Torre's ethics is not rooted in the universal, neither in the Christian nor secular sense. Such universal narratives are used by the dominant eurochristian culture to dictate the rules and maintain power. His argument is that "Eurocentric ethical theory maintains that universal moral norms can be achieved independent of place, time, or people group."[326] Although De La Torre recognizes, like the libertarian Engelhardt, there are different ethical paradigms emanating from various milieus, he is also not a moral relativist. His problematizing of the universal lies in the claiming of the white eurochristian milieu to universality over all others. The white eurochristian dominance allows for the continued marginalization of non-eurochristian people and their ethical paradigms. De La Torre's ontological norm is the historical Jesus and not a universal and transcendent truth. He writes, "Truth, beyond the historical experiences and the social location where individuals act as social agents cannot be ascertained, whether said truth exists or not."[327] A better ethics, for De La Torre, is to liberate dominant moral reality, for both the oppressed and oppressor through the preferential option for poor and led by the marginalized. In doing so De La Torre's ethics aligns with gospel of John who wrote that Christ "came that they may have life, and may have it abundantly."[328]

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[326] De La Torre, Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, x.

[327] Embracing Hopelessness, xiv.

[328] John 10:10 (ASV).

Second, rather than embrace Engelhardt's authoritarian and paternalistic version of Christian ethics, one that places male fathers and pastors in positions of power, De La Torre centers "the least of these."[329] His Christian ethics emanates from those located on the margins instead of a white male God at the authoritative head.[330] Latinx Christians, and all marginalized Christians, read the bible from their own social locations, not from the white heterosexual male perspective. Hispanics, specifically, "are a diverse and growing minority group that constructs its religious perspectives from locations of imposed marginality and disenfranchisement."[331] The paternalism of Engelhardt's Christianity rejects homosexuality and demotes women to handmaidens in the spirit of claiming and attaining some higher status with God. In contrast, De La Torre writes, "Despite the hours they spend on bended knees seeking God's face, they fall into the same mortal sin as their spiritual ancestors in Salem who hung independent-thinking women for witchcraft."[332] The liberation from this kind of thinking is freedom from what the feminist bell hooks calls the imperialist white-supremacist capitalist patriarchy.[333]

In contrast to Engelhardt's linear salvation narrative that puts mankind on an upward trajectory toward union with God, De La Torre considers this linear narrative as a

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[329] Matthew 25:45 (NIV).

[330] Reference to the cult of Trump in De La Torre, Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 89-92.

[331] *Introducing Latino/a Theologies/Miguel A. De La Torre and Edwin David Aponte*, ed. Edwin David Aponte, Latino/a Theologies (Maryknoll, N.Y.: Maryknoll, N.Y.: Orbis Books, 2001), 28.

[332] Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 42.

[333] bell hooks, *Ain't I a Woman: Black Women and Feminism/Bell Hooks* (New York, New York ; Oxfordshire, England: Routledge, 2015).

misguided part of the eurochristian worldview. Both theological and economic paradigms (salvation and capitalism) are wrapped up in this notion of linear progression. For De La Torre and other anti-colonialists, time is disjointed—there is no upward progression. He claims there is no certainty the world is moving in a positive direction, but for the wealthy who continue to get wealthier. He notes we are only a Supreme Court decision away from increased inequality and could face a backward slide toward Jim and Jane Crow by events such as the election of Trump.[334] In contrast to Engelhardt's need for the stability and unchanging order of the Church, De La Torre's ethics is chaotic and revolutionary. In order to bring justice to the marginalized, the dominant order must be challenged and disrupted. Civil disobedience should be a part of a liberative ethic, from the position of the trickster who practices what De La Torre calls para joder: to screw with.[335] The marginalized, who "stand before the vastness of neoliberalism with little hope for radical change in their lifetimes, have few ethical alternatives." Through jodiendo the trickster, occupying the liminal position, can call out the oppressor's greed, power, and privilege, and make the repugnant traits of eurochristian thought obvious. Engelhardt writes of Orthodox Christianity that it is the Truth, a content-full ethics that can answer all ethical questions. De La Torre acknowledges ambiguity in the good and evil binary, and cautions against the allure of "Eurocentric Christianity with its simplistic

[334] Podcast: "Episode 37: A Latinx Perspective of God with Miguel De La Torre" on Everybody is Talking About God. March 11, 2019 and De La Torre, *Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre*.

[335] De La Torre. Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, 92.

solutions for life's complexities."[336] For the marginalized, salvation resides in the chaos, ambiguity, and the liminal spaces around eurochristian ontological assumptions, not in the acceptance of suffering in this life for the promise of an afterlife.

And fourth, the ontological triad of Satan, sin, and suffering are very different between Engelhardt and De La Torre. For Engelhardt, Satan lured the first humans to sin, setting them up for human suffering in earthly life. The sinner, all of humanity, is in need of the redemption from the Orthodox Christian God. For De La Torre, it is the white Jesus who is satanic, the one that "masquerades as servants of righteousness" while turning a blind eye to human injustice and suffering.[337] De La Torre notes, "Hispanics should always be concerned when EuroAmerican ethicists tell them why their suffering, often caused by EuroAmericans in the first place, makes them better saved Christians."[338] De La Torre's trickster-based ethics also disrupts the binaries of good/evil, saint/sinner, God/Satan. Through the breaking all of the rules, the trickster disrupts what the dominant society defines as good and evil, and exposes the hypocrisies of dominant assumptions.[339] For instance, the virtue of "hope seems to be mainly claimed by those with economic privilege as a means of distancing themselves from the unsolvable disenfranchisement most of the world's wretched are forced to face."[340]

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[336] Ibid., 95.

[337] Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 24.

[338] Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, 26.

[339] Ibid., 106.

[340] De La Torre considers hope a middle-class privilege that creates a false sense of the future for those whose life circumstances are hopeless. The acceptance of hopelessness by the marginalized creates a "catalyst for praxis" with the "realization that there is nothing to lose." *Embracing Hopelessness*, 5-6.

Living within De La Torre's ontology, the "undocumented" persons who are sick are walking with the Latinx Jesus, one who is concerned with justice and suffering. Their beliefs are theirs, from their own social location, not the coerced beliefs of the Orthodox Church. A bioethics that is responsive to their suffering is willing to push the system's limits, para joder, to challenge the current order and bend the scales towards justice so that they can live life abundantly.

## Engelhardt's Moral Epistemology: Liturgy, Conscience, Coherence

The epistemology of Engelhardt's traditional Christianity, and therefore his bioethics, centers on the liturgy and one's relationship to God. The foundations of knowledge, how one knows truth, are framed in terms of the liturgy, not in discursive reason. He frames the epistemology of a Christian bioethics through seven elements: 1) one's heart, 2) a liturgical eucharistic assembly, 3) a liturgy that comes before scripture, 4) a hierarchical assembly with bishops at the top to maintain integrity; 5) a synodal or conciliar unity of bishops and people, 6) a Spirit-established office of prophets or elders who intimately know God and His word, and 7) a theology that is not academic but an expression of an intimate relationship with God.[341] Moral rules for Engelhardt, are only secondary to one's pursuit of union with God. He writes,

> "Moral principles are at best chapter headings and rules of thumb. Too much attention to general principles can even divert attention from the personal character of the communion with God to which all theology and all bioethics should lead...Murder and abortion are

[341] Engelhardt, The Foundations of Christian Bioethics, 189.

> wrong first and foremost because they lead us away from union with God."[342]

As he explains sexual moral guidelines, all sex and procreative acts are moral if the acts "are relocated within the mutual love of husband and wife in their companionship in loving God."[343] In other words, homosexuality, sex outside of marriage ("fornication"), polygamy, and many forms of artificial reproduction are all outside the marriage bed, the pairing of a man and woman within the Church and leading to holiness. Moral guidelines, for Engelhardt, do not carry the weight of authority outside of pursuit of Godly union. Moral decisions ultimately are made through worship and the hierarchical assembly of one's Church.

Second, Engelhardt's Christian bioethics epistemology is traditional (as opposed to post-modern) in the sense that he asserts the existence of an objective truth and reality as transmitted through a source of knowledge, for him a transcendent God. He argues for what he calls "a content-full ethics among moral friends that reconciles the right and the good, universals and particulars, provides motivation to be moral, and justifies the content of morality."[344] In other words, Orthodox Christianity can answer all moral questions arising within the medical context. It is his wish for a grand narrative. For Engelhardt, the post-modern represents the fracturing of Christianity and the failure of the Enlightenment's ability to define a universal and coherent morality. In his words, "The babble of post-modernity besets us not simply as a de facto socio-historical

[342] Ibid., 209.

[343] Ibid., 235.

[344] *The Foundations of Bioethics* (New York: New York: Oxford University Press, 1986).

catastrophe, but as an epistemological condition from which secular moral reason cannot liberate us."[345] He strives for coherence in his model despite the discrediting of discursive rationality and the recognition of transcendent experience as foundational to knowing truth. Engelhardt uses the epistemic tools of coherentism and foundationalism (God is self-evident) to philosophically avoid the problem of infinite regress. And yet, his Christianity is steeped in the eurochristian worldview, not outside of it. While recognizing the plurality of beliefs, religions, and moralities in the spirit of libertarianism, he promotes his ahistorical Christian God and accompanying way of life, calling on Christian physicians to evangelize and peacefully condemn others to conform. The Church, for him, "has the marks of universality, antiquity, and consent."[346] He is matter-of-fact that "fundamentalists are not open to negotiation," and are "moralistic, condemnatory, and divisive on fundamental matters."[347] And yet, Engelhardt rails against the universalism of liberal cosmopolitanism, noting its "bond to humanity as a whole is stronger than bonds to family, race, religion, culture, or citizenship."[348] The anti-colonial scholar would agree, universalism of liberal ideal theories such as Immanuel Kant's transcendental rationality and Mill's hedonistic utilitarianism are problematic. In their universalizing they attempt to speak from an objective place of truth and to speak for all persons and communities, ultimately defining their own epistemological positions and hence solidifying their power and justifying the oppression of others to maintain that

[345] The Foundations of Christian Bioethics, 35.

[346] Ibid., 190.

[347] Ibid., 159.

[348] Ibid., 143.

power. But Engelhardt's resigned acceptance of a libertarian society does not hide his own belief that his truth should be everyone's truth. This quality of universalism is a fundamental eurochristian colonial ontology shared by secular liberals and Orthodox Christians alike.

Third, for Engelhardt, conscience is what allows morality and truth to be known. He writes,

> "conscience is the knowing with (i.e., conscire) that discloses God's law, not by learning, study, or deep analysis, but spontaneously within us, from our nature through faith, ascesis, and prayer. It is natural in giving us a knowledge we would have had clearly, had there not been the Fall."[349]

One's conscience is strengthened by virtue, corrupted by passions, and mislead by reason. And while he does not dismiss rational discourse altogether, moral content is principally disclosed to the human heart by God. He writes, "Conscience is not just a human faculty, but a point of union between Creator and creature."[350] But the belief that an individual holds some kind of higher knowledge that is unavailable for outside scrutiny is problematic. The nail in the coffin of the Christian conscience is its partnership with evangelism. For Engelhardt, the physician is obligated to help patients "make medical decisions conducive to salvation," even if this involves lying, deceit, manipulating proxy decision-maker choices, withholding medical options, and intrusion into the lives of others.[351] This type of eurochristian thinking allows the Orthodox

[349] Ibid., 176.

[350] Ibid., 189.

[351] Ibid., 364.

Christian to justify one's supremacy on a transcendent notion without crediting one's embeddedness within a sociocultural context or considering its impact on the lives of others.

A bioethics under Engelhardt would be an evangelizing and moralizing one, doling out the answers to all ethical issues based on the grand narrative of what traditional Christians believe to be a coherent truth. There is a great hubris in assuming one has a special relationship with God, and that one's conscience and Church gives them authority over others, which parallels the nationalistic American exceptionalism that runs throughout eurochristian thought. This self-proclaimed authority is dangerous for Latinx persons. It is judging, damning, and rigid in the face of the chaos that is real life for many people. When a Latinx person, one who is labeled "undocumented" or "illegal," shows up at an emergency room, the journey that brought them to that moment is not singular or simple. It isn't because of their sins, it is not their lack of work ethic, it is not because they are not Orthodox Christian. Often it is the political climate of their situation, one that is embroiled with U.S. colonialism and its economic domination, the U.S. intervention in politics in Latino countries, and the fleeing of poverty and violence, that ultimately brings them to the dialysis center in San Diego, California or Denver, Colorado. Engelhardt's quest for order, coherence, and transcendence fail in the face of reality.

### De La Torre's Moral Epistemology: Orthopraxis, Post-Modernity, And Lo Cotidiano

In stark contrast to Engelhardt's personal and liturgical ways of knowing morality, De La Torre's moral epistemology starts with the oppressed. His method is cyclical and hermeneutical. The ways of knowing are many, so an ethics of the oppressed

begins with observation of *lo cotidiano* of the marginalized, then proceeds through reflection, prayer, action, reassessment, and back to observation.[352] His moral epistemology does not begin with a God-head or a grand theory, but in collaboration with communities. In a eurochristian world, there is "no epistemological option for the oppressed" without a deliberate centering of the margins. A double-consciousness makes clear for those on the margins what is invisible to the eurochristian center.[353] This reality means people who must understand the cultures of two worlds, the eurochristian "center" and their marginalized community, also have a broader and more realistic vantage point to "see" the eurochristian worldview and its consequences over those who equate the eurochristian worldview with the singular reality.

Second, against the backdrop of Engelhardt's epistemological certainty, De La Torre's liberative approach is post-modern, rejecting a singular history, denouncing neoliberalism, and "embracing hopelessness" for the powerless and disenfranchised.[354] For him, hope is a middle-class privilege.[355] The oppressed will not be liberated from the neoliberal economic structures; there is no economic or political salvation. De La Torre's

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[352] An ethics of *lo cotidiano* originates from daily life of a community rather than from grand theory. De La Torre, *Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking*, 70-72.

[353] "It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness, — an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder." W. E. B. Du Bois, *The Souls of Black Folk*, ed. Brent Hayes Edwards, Inc ebrary, and ProQuest (Oxford [England] ; New York: Oxford England ; New York: Oxford University Press, 2007), 8.

[354] Hopelessness as desperation, not despair. Podcast: "Episode 37: A Latinx Perspective of God with Miguel De La Torre" on Everybody is Talking About God. March 11, 2019.

[355] De La Torre, Embracing Hopelessness, 5-6.

liberative ethics frees the oppressed from the false promises of hope of the messiah complex and the illusion of defeating the eurochristian colonial apparatus.[356] When the truly oppressed have nothing to lose, they can aspire to radical change.[357] Consistent with post-modern thought, De La Torre is skeptical of claims of authority and universality. Instead, his anti-colonial ethics follows a liberation theology grounded in the margins and engaged in decolonization. For De La Torre, post-modern thought renders understanding of oppressive social structures but does not make up a complete worldview – meaning, some universal truths may be shared by all, although they are difficult to ascertain.[358] De La Torre recognizes that because deconstruction makes one suspicious of all metanarratives, it can lead to the current sociopolitical situation where facts are dismissed as fake, and everything is about agendas.[359] But without some post-modern skepticism, we are stuck in the quest for certainty in either reason or faith; which Mignolo points out, there is no modernity without coloniality.[360]

And finally, to address conscience. It is unclear how one's morality based on a spontaneously arising truth in one's heart from God is not colored by one's biases and social location. For De La Torre, social location is everything. Even among Latinx groups

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[356] A liberative approach to ethics, rooted in South American liberation theology from the 1960s, is employed across race, gender, and ethnic communities in the U.S. through different religious perspectives, and from the point of view of the powerless and disenfranchised.

[357] De La Torre, Embracing Hopelessness.

[358] Introducing Latino/a Theologies/Miguel A. De La Torre and Edwin David Aponte, 34.

[359] Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre.

[360] Mignolo, On Decoloniality: Concepts, Analytics, and Praxis/Walter D. Mignolo and Catherine E. Walsh, 4.

"there exists no such thing as one unified or monolithic Latina/o theology."[361] Possessing bias is unavoidable. Feminist epistemology is one that attempts to balance impartiality of "truth" with the partiality favoring women and other oppressed groups. De La Torre shares some of the feminist epistemology in his preferential option for the poor. In order to understand when partiality is ethical, one must be able to separate good biases from bad biases. We can, in fact, say that some personal biases are wrong, or at least suspect, if one has personal gains involved, is fearful, angry, or desires to avoid penalties. Would not the mere personal desire for eternal salvation or the fear of eternal damnation create bias in a person's ethics? Bias will also be present in growing up in a certain ontological reality such as the Orthodox Church. Some feminists have argued the importance of understanding how partiality can increase or decrease the chances of knowing the truth when the truths in question concern the subordination of women to men (or any one group to another.)[362]

A bioethics aligned with De La Torre's work would start by talking to those Latinx persons who experience the phenomenon in question, the disease, the symptoms, the healthcare system. Bioethics would follow their lead, not try to define and dominate the situation. This kind of bioethics would recognize its own biases, its personal gains, risks, and privileges, and how that might be upholding the status quo. And it would challenge the current structures in order to create movement towards radical change, not

[361] De La Torre, Introducing Latino/a Theologies/Miguel A. De La Torre and Edwin David Aponte, 2.

[362] De La Torre's epistemology shares traits with both feminist epistemology in its partiality, and with a methodological reflective equilibrium in his hermeneutical circle. Stanford Encyclopedia of Philosophy (2015). "Moral Epistemology." https://plato.stanford.edu/entries/moral-epistemology/. (accessed April 24, 2019).

just assuage people's suffering with promises of hope and salvation. A liberative and anti-colonial bioethics would risk something, professional acceptance, financial compensation, a luxurious life, failure, a job…in the service of justice.

## Engelhardt's Political and Economic Approaches to Bioethics: Rejecting Social Justice

Engelhardt's work in bioethics has largely focused on understanding the relationship between conflicting moralities in a globalized world. He spent much of his career in bioethics trying to understand the intersections between plural and incompatible bioethics and concluded no moral common ground for all moralities exists. Ultimately, he rejects liberal cosmopolitanism, stomachs libertarianism as a better alternative to liberalism, and argues for an Orthodox Christian bioethics, which he considers the ideal. Germane to an anti-colonial analysis of Engelhardt's bioethics is a distinction between types of liberties. The words liberal, libertarian and liberation all share the same root of liberty, or the quality or state of being free, according to the Merriam Webster dictionary. The definition of liberty takes many forms: the power to do as one pleases, freedom from physical restraint, freedom from arbitrary or despotic control, the positive enjoyment of various social, political, or economic rights and privileges, the power of choice.[363] The type of freedom most relevant to political and economic liberals is the positive enjoyment of various social, political, or economic rights and privileges. Libertarians prioritize freedom as the power to do as one pleases with the fewest restraints on their lives. And liberationists align most closely with freedom from physical restraint and freedom from

[363] *Merriam-Webster, s.v.* "Liberty," https://www.merriam-webster.com/dictionary/liberty (accessed April 24, 2019).

arbitrary or despotic control. This distinction helps to provide context for Engelhardt's project in critiquing liberalism, framing libertarianism, and rejecting liberation.

First, Engelhardt rejects the liberal cosmopolitan approach to bioethics, both secular and Christian, which for him are about self-fulfillment and determination in pursuing one's own projects rather than union with God, especially within consumer culture. He defines the liberal cosmopolitan ethos as immanent, egalitarian, and welfarist, critiquing it for its anti-Christian, anti-traditional, and anti-metaphysical ethos, consumerist economy, and the inability to discover any deeper meaning in life beyond the pursuit of liberty and equality.[364] An anti-colonial practitioner would agree with some of his critiques. Not unlike his perception of the marginalization of Christianity by rationalism and secularism, so too are various other ontologies and epistemologies in the U.S. such as Latinx, Native American, and Muslim-American marginalized by the dominant narrative. The liberal idea of diversity is insincere; it only allows similar liberal communities at the table, shunning conservative, sectarian, and metaphysical beliefs. And while traditional Christianity is shunned by the liberal narrative, it is by the *eurochristian* narrative that all other forms of marginalization happens, a eurochristian discourse that includes Orthodox Christianity. Despite Engelhardt's critiques of the secular, liberal, cosmopolitan ethos as the enemy of traditional Christianity (and traditional Christianity as the victim), both make up the two sides of the eurochristian coin. Traditional Christianity harms others though judgment of values, defamation of identities, and justification of oppression.

[364] Engelhardt, The Foundations of Christian Bioethics, 143.

An anti-colonial practitioner would also critique the capitalist consumer economy, but unlike Engelhardt would not place the blame on liberal cosmopolitan thinking as much as the underlying colonial schema of conquest and competition blessed by 14th century Christendom. Engelhardt makes the mistake of conflating secularism and capitalism. This capitalist thinking, mired in the ontology of linearity and progress, is driven by the same type of thinking that drove the Popes in early Spain and Portugal to sanctify the theft, genocide, and human abuses that was European colonialism, and later the Calvinist work ethic and the Protestant adaption of accumulation of material goods as a sign of God's chosen.[365] In addition, Engelhardt's one true Christianity is supposed to transcend the many factions created by splits in the Church, and within the eurochristian framework this is true—his Orthodox Christianity differs from many modern ecumenical churches. But it is similar in character to contemporary sectarian, fundamentalist, and charismatic Christian groups. In sum, while Engelhardt engages in certain sociological critiques of secular liberalism that a priori seem to share commonalities with anti-colonial thinking, especially its marginalizing of non-liberal epistemologies and the capital

[365] As Weber wrote, for Calvinists, "God helps those who help themselves." Weber argues that the ascetic Protestant work ethic played a part in creating the spirit of capitalism. The Calvinist idea of predestination, that some were God's elect, created "religious anxiety" that was quelled by a worldly outward sign: accumulation of material goods. Weber does not argue that Protestants created capitalism, but that it played a part. Weber reveals the harms of a bureaucratized capitalistic labor force on the virtuousness of Protestantism though his analogy of the iron cage: "The Puritan wanted to work for a calling; we are forced to do so. For when asceticism was carried out of monastic cells into everyday life, and began to dominate worldly morality, it did its part in building the tremendous cosmos of the modern economic order. This order is now bound to the technical and economic conditions of machine production which today determine the lives of all the individuals born into this mechanism, not only those directly concerned with economic acquisition, with irresistible force. Perhaps it will so determine them until the last ton of fossilized coal is burnt. In Baxter's view the care for external goods should only lite on the shoulders of the 'saint like a light cloak, which can be thrown aside at any moment.' But fate decreed that the cloak should become an iron cage." Max Weber, *Protestant Ethic and Spirit of Capitalism* (Renaissance Classics), 115.

economy, the similarities quickly disintegrate. What follows is an anti-colonial critique of both the libertarian and Orthodox Christian forms of ethics, both of which fall into the trappings of eurochristian thinking and ultimately have implications for those residing on the margins of eurochristian society.

If a liberal cosmopolitan ethos is not the answer to moral pluralism, Engelhardt concludes the only way to coexist is through a libertarian approach in which we must tolerate the sometimes-repugnant values of others and reach consensus only through permission (individual autonomy). In opposition to the many problems he cites with liberal cosmopolitanism, Engelhardt turns to the libertarian approach as the better option between the two, but preferring yet a third, a content-full Orthodox Christian bioethics. As Engelhardt uses the term, libertarianism is both a moral freedom arranged on the basis of agreement between moral strangers at the personal level, and a laissez-faire capitalism that advocates for property rights at the societal level. Although he ultimately doesn't claim a libertarian bioethics as his own, this is his argument of the best possible solution to the moral plurality problem. When addressing social inequalities, he cites their causes as either the natural lottery (the outcomes of natural forces such as illness, trauma, or disability) [366], or the social lottery (the outcomes of the choices of individuals and society) which he calls "being born rich."[367] He categorizes both causes as unfortunate, but not unfair.[368] He talks about social lottery, that society is not responsible for bad

[366] Engelhardt, The Foundations of Bioethics, 53.

[367] Ibid., 393.

[368] Here he is responding to John Rawls' *Justice as Fairness*, in which he argues society is obligated based on a social contract based on the "veil of ignorance" to distribute goods in a way that overcomes both the

things that happen to people. Those "injured by others" are not owed restitution by society. "One will need an argument dependent on fairness to show others should submit to forceable redistribution of their resources to provide HC to those injured by others"[369] This argument lies on the premise that private property is sacred to the libertarian, and may not be redistributed without the property owner's permission. In effect, secular moral authority doesn't allow for taking of others things or "coercively restricting peaceable private choice."[370] Thus, only resources held in common such as taxes can be redistributed to those who have lost the natural and/or social lotteries.[371] And so too, those who lost the social lottery will also be without health care. Libertarianism is about the individual's freedom to own and control one's property, not about liberating those who have been marginalized. In a libertarian world, individuals have the authority to "use their own resources in ways that collide with fashionable understanding of justice."[372] Engelhardt's libertarian type of freedom doesn't consider the health of impoverished—it is freedom of property owners. What he doesn't consider as a part of the libertarian calculation is when the injury is done by societal structures, not solely by individuals. Like Nozick, Engelhardt's starting place for healthcare allocation is with the current unequal distribution of resources secured by coercive and exploitative means and the

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natural and social lotteries. Rawls: ahistorical, ideal, everyone starts equal. EQUALITY. Limits people's self-determination, moral community, care for each other/goals based. Freedom is but one value. Authority is democratic state. Rawls, *Justice as Fairness: A Restatement/John Rawls; Edited by Erin Kelly.*

[369] Engelhardt, The Foundations of Bioethics, 381.

[370] Ibid., 385-86.

[371] Ibid., 381.

[372] Ibid., 376.

requirement for permission to access other's private resources.[373] This he calls the principle of Healthcare Allocation.[374]

Engelhardt's discussions of libertarianism and private property lend themselves easily to anti-colonial critique. To give one's permission in an exchange requires a non-coercive relationship. If one is oppressed, can one be free to make unencumbered decisions? If a physician or healthcare institution retains a preponderance of power over patients (which is known), how can one secure healthcare according to one's values free of the conscription of the systemic eurochristian biases? What recourse does the marginalized patient have in a libertarian society where permission is the only protection for humanity? Engelhardt says little that deals with the roles of power and politics in oppression or the historical injustices that have created the massive inequalities in the lives and health of people of color. Liberty is more than the procedural justice of the courts to protect the excesses in private property that continue to grow unchecked, the freedom of individuals to accumulate as much wealth as possible despite consequences for society. Justice is about acknowledging the fact that the majority of the wealthy in the West have become rich through the violent slave labor of Africans, the stealing of the territories of Native Americans, and the seizure of vital natural resources of the Mexicans, which is now considered the southwestern U.S. The categorization of this type of exploitation is not merely unfortunate, but is highly unfair. If, as Engelhardt states, the unfair "constitutes a claim on the resources of others" depending on where one draws the

[373] The argument is that, because people already own things, only with permission can their resources be used. Freedom is the source of moral authority and property rights reign. Ibid., 394.

[374] Ibid., 403.

line between unfortunate and unfair, the eurochristian colonial and postcolonial injustices endured by racialized people for five centuries would surely meet the criteria for unfair.[375] Winning the natural or social lottery or the privilege of "being born rich" does not constitute a fair playing field where persons can compete in the marketplace and make "free" decisions uncoerced by the lack of basic material needs, political power or social capital. In light of the anti-colonial perspective, it is clear that people of color continue to have a claim on Western society and medical systems for the redistribution of resources, even the private property of some, based on fairness and restitution. And yet, the libertarian view is incompatible with this assertion because it prioritizes the unapologetic freedom of wealth accumulation without interference by others despite any unfortune or unfairness. Fairness for a libertarian is a game of competition rather than cooperation, individual insatiability over caring for community. The libertarian approach to bioethics gives the system the ability to exploit others based on a short-sided and one-sided definition of freedom, the freedom to be left alone to do as one pleases.

A libertarian bioethics cannot be responsive to the injustices and unfairness done to Latinx patients whose fates have been tied to Western society.[376] A libertarian bioethics would not acknowledge the violent history that has created massive wealth

[375] Ibid., 382.

[376] In the Mexican-American War in the 19th century the U.S. under James K. Polk, the U.S. stripped Mexico of what are now the southern states of the U.S., including New Mexico, California, Arizona, Nevada, Utah, Texas, and parts of Colorado and Wyoming and the abundant natural resources therein such as oil, gold, silver, natural gas, uranium, and copper. Economic policies such as NAFTA, CIA operations used to remove democratically elected governments, and the training of Latin-American and South American dictators in the "School of the Americas" all generated much of the violence and poverty that sends Latinx residents to seek refuge north of the border.

inequalities, but would only look at the present, where people's private property is unquestionably theirs to keep or to give away as they please. For Latinx patients, they are at the whim of the "permission" of property owners, and without the charity they merely lost the social lottery for not being born rich and do not get standard healthcare. In fact, under Engelhardt's libertarian schema, justice is merely a "fashionable" liberal notion, and to consider changing structures to benefit people's lives are simply trends.[377]

Engelhardt acknowledges problems with the libertarian approach, including the requirement that one must suffer "many choices that they recognize as grievously wrong" in the pluralistic project of peaceable libertarian co-existence.[378] For Engelhardt toleration for the Orthodox Christian refers to arrangements such as abortion, physician-assisted suicide, homosexuality, and euthanasia. As he would have it, Orthodox Christianity would be the dominant bioethics, but acknowledging this unlikely event, he would choose to preserve its practice within a libertarian framework acknowledging that Orthodox Christianity can co-exist within a libertarian approach, but not with liberal bioethics.[379] It is in *The Foundations of Christian Bioethics* where he expands on his personal approach to bioethics, one of first millennial Orthodox Christianity.

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[377] Engelhardt, The Foundations of Bioethics, 376.

[378] The Foundations of Christian Bioethics, 41.

[379] Engelhardt does not embrace the libertarian approach, which is clear in the second edition of The Foundations of Bioethics that argues for libertarianism over liberalism where notes, "this is not a book about the concrete views of the author…Many have regarded The Foundations of Bioethics as a defense of the value of individualism and of the worth of freedom or liberty." What this ethics project is for him is summed up in his statement, "This book acknowledges that, when individuals attempt to resolve controversies and do not hear God (or do not hear him clearly) and cannot find sound rational arguments to resolve their moral controversies, they are left with the device of peaceably agreeing how and how far they will collaborate." "In the deafness of God and the failure of reason, moral strangers meet as individuals." Ibid., x-xi.

To understand Engelhardt's Christian bioethics is to ask as he does in *The Foundations of Christian Bioethics*, "Can one break through immanence to Truth?"[380] Transcending immanence is his project for bioethics. He defines the noetic experience, the experience of God by the person of faith, as the sufficient condition for locating truth and moral knowledge.[381] In his estimation, the failure of secular bioethics lies in its reliance on human reason and empiricism for answers that only exist within the metaphysical realm. For Engelhardt, Orthodox Christianity can finally reconcile the right and the good, something for which moral philosophy and secular bioethics have failed. The secular mistake is to seek the good in immanence, in this world – and moreover to confuse the good with the ends of moral action. For Orthodox Christians, despite the tragedy and sacrifices one makes for the "right" on earth, eternal "goods" will be enjoyed posthumously, and the right and the good will be fully reconciled. The devil will be a stumbling block, a tempter for the bioethicist who must draw ethical decisions from prayer and grace first, and never from reason alone. One's personal relationship with God is always sufficient, complete with "miracles, saints, angels, and devils" who "interrupt the immanent by their presence."[382] Moral rules are secondary. They are not legalistically and rationally derived, but instead serve as an indicator of the proper actions toward the fulfillment of the individual's union with God.

[380] Ibid., xiii.

[381] Ibid., 169.

[382] Ibid., 208.

The implications of this kind of thinking, minimizing the immanent, the real and material lives on earth, for the promise of salvation in death, is dangerous for two reasons. First, the attribution of sin as the cause of suffering places the blame on the individual, or as De La Torre says, blaming the victim.[383] While some individual accountability for certain disease states is inevitable, the suffering of entire groups of people based on power inequalities is not accounted for by Engelhardt. He asserts that when Adam and Eve joined Satan in prideful separation, binding all humans in the consequences of their sin, including suffering and death. It follows that those who suffer greatly are more sinful related to personal choices that are evil. From an anti-colonial perspective, this kind of thinking upholds and justifies the continued condemnation of racially oppressed people as more evil, and somehow solely responsible for their own poverty and poor health. This is eurochristian worldview. Whether by religious dogma or scientific "fact", communities of color have been scapegoated for sacrifice to white eurochristian well-being for five centuries.

Second, while the anti-colonial practitioner might agree with Engelhardt regarding the perils of excessive materialism in the eurochristian world, the conflation of materialism with survival is a mistake. Engelhardt rejects social justice outright in favor of Christian charity, one that allows Christians to do good works so that they personally may experience eternal goods. To quote him, "Christ did not call us to use the coercive force of the state to ensure that others will be cared for by an anonymous, secular welfare

[383] De La Torre, Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 65-66.

system."[384] For Engelhardt medicine has become an idol, distracting humanity from God. Because the healthcare system is anti-Christian, he attempts to clear as much space as possible for Christian bioethics by endorsing Christians to 1) withhold support for state-provided healthcare; 2) critique all appeals to social justice; and 3) counteract any movements that enshrine social justice.[385] According to Engelhardt, only an egalitarianism of altruism is acceptable, one that is based on appeals to the sympathy of others, as opposed to an egalitarianism of envy, which he defines as based on someone else being better off based on good fortune.[386] In *The Foundations of Christian Bioethics*, he advises Christians to concern themselves not with inequality based on good fortune, only that some have too little for their needs. But still, this does not mean that they must give from their surplus or possession in order to give to those in need of healthcare.[387] Instead of social justice, he proposes a separate Christian healthcare system under the name Vaticare (the Roman Catholic version), or Orthocare (the Orthodox Christian version) that would "offer a preferential option for the poor through an internal taxing system based in charity that would redistribute resources" while maintaining Christian religious commitments and endorsing "civil recovery and criminal prosecution" for those providing unacceptable services such as abortion or euthanasia within the system.[388] If Engelhardt cannot have a Christian state, he will create one within the framework of a

[384] Engelhardt, The Foundations of Christian Bioethics, 381.

[385] Ibid., 380.

[386] The Foundations of Bioethics, 386-87.

[387] The Foundations of Christian Bioethics, 381.

[388] Ibid., 382.

libertarian state. The secular state, for Engelhardt, should not be the arbiter of public morals.[389]

For the Latinx patient, their poverty and suffering indicate their inferiority for an Orthodox Christian, intended or not. This accounting for the Latinx patient's suffering is evil, which also upholds many stereotypes such as "Hispanic laziness…responsible for the economic privation [they] face in this country. After all, the idle hands are the devil's handiwork."[390] Also, the state should have no hand in providing health care for the undocumented, and instead any charity should be distributed by the Church, where they can continue to evangelize and "save" the patients that are desperate for healthcare. Maintaining power over people through charity and religion (the most ubiquitous colonial trope) rather than serving justice maintains oppression of Latinx persons who are suffering.

### De La Torre: Political and Economic Liberation

Engelhardt, while wishing for a content-full U.S. Christian bioethics, will still tolerate the libertarian approach to ethics despite its basis in property rights and unabashed freedoms. In a libertarian society, one can own animals or people if both parties agree to it, and anyone has the right to sell their own organs for a profit.[391] The contracts between moral strangers can only be made in terms of an often unregulated

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[389] Margret McCaffety, "The Humble Philosopher," *CAN. FAM. PHYSICIAN* 30 (1979). "The Humble Philosopher: Dr. H. Tristram Engelhardt".

[390] De La Torre, Introducing Latino/a Theologies/Miguel A. De La Torre and Edwin David Aponte, 6.

[391] I would argue the granting of the poor to own people or for the poor to sell their organs is short-sided without an account for the desperation of the poor and the high chance of exploitation, suffering, and coercion involved in a society that is radical in its inequality. Engelhardt, *The Foundations of Bioethics*, 80.

exchange of services. But the negotiations of permission and agreement of moral strangers in a libertarian society does not consider the power inequality of such "free and autonomous" persons. As De La Torre writes, "For those who do ethics on the margins, the issue of power becomes paramount in the development of any ethical discourse."[392] In *Doing Ethics from the Christian Margins*, De La Torre spends a lot of time damning the neoliberal profit-making venture, an extension of the eurochristian colonial trajectory of exploitation of the poor and persons of color for production, profit, and power. The new virtue is "maximization of wealth," and "everything and body is reduced to a consumer good."[393] Globally, non-governmental organizations, the World Bank, and the International Monetary Fund have a history of imposing structural adjustments on countries receiving aid, requiring privatization, austerity, deregulation, and free trade while at the same time cutting of social benefits such as health, education, social services.[394] [395] De La Torre, in a chapter on life and death, points out the folly in making healthcare a profit-making venture. He questions the possibility of a coexistence of affordable healthcare and profit-making, and writes that "complaining about the

[392] 10 Ethics from Margins. De La Torre, *Doing Christian Ethics from the Margins*, 10.

[393] Ibid., 68.

[394] De La Torre, Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 130.

[395] Neoliberalism in this form is free market capitalism with the foundational four economic liberalization polices as listed above. The Reagan and Thatcher presidential administrations marked the golden era of structural adjustments worldwide. Neoliberal policies have functioned to coerce the rest of the world into capitalist economic paradigm, often benefiting the richest countries and undermining health care systems and increasing inequality in the poorer countries. Pfeiffer, J (2003). "International NGOs and primary health care in Mozambique: the need for a new model of collaboration". Social Science & Medicine. 56 (4): 725–38.

affordability of healthcare betrays our capitalist economic structures."[396] In terms of capitalism and bioethics itself, De La Torre writes, "When bioethicists focus on the ethical issues raised by scientific and technological advances, advances that may prolong or secure a richer quality of life, little attention is given to how or why those on the margins fail to benefit."[397]

Leaving the wake of Engelhardt's libertarian bioethics, Engelhardt's Christian bioethics is also problematic for persons and communities of color. Engelhardt minimizes the immanent, attributing the suffering of people on earth to the necessary punishment of humans related to the sins of Adam and Eve. In doing so, he blames those who suffer most under the domination of eurochristian economic and political structures; for their situation must be related to their own ungodly actions. Engelhardt critiques the systems of human greed in his content-full Christian ethic, especially in his critique of the liberal cosmopolitan ethos. He criticizes liberals for their claimed "right to be at liberty to pursue one's own life projects" which can necessitate abortion, physician assisted suicide, or assisted reproduction for homosexual couples, but also seems to include "equality of opportunity and basic welfare rights…"[398] In his critique of liberal cosmopolitanism, Engelhardt does not distinguish between the wealth-production of neoliberal materialism with the material needs and fair playing field for survival of those who are marginalized. He writes,

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[396] De La Torre, Doing Christian Ethics from the Margins, 218-19.

[397] Ibid., 220.

[398] Engelhardt, The Foundations of Christian Bioethics, 143.

> "In the face of the moral vacuum that emerges in the absence of functioning robust moral communities, and given the attraction of immediate satisfaction through the market, an ethos of guaranteeing to each person an adequate level of satisfaction and fulfillment can become central, even including welfare claims of an equality of opportunity in the pursuit of thisworldly, immanent life projects."

He does not legitimate certain life projects of jobs, children, relationships, livelihoods that all require some level of material resources. This "immanence" that Engelhardt skims over is the tenuous lives of many Latinx who suffer in the present, the reality that need not be experienced by ontologically white eurochristians. He merely accepts the suffering of others as status quo and elevates charity because of what it does for the Christian in union with God: "Since the poor will always be with us (Matt 26:11), the goal cannot be the abolition of poverty or its results. God can always provide for those in need. …The focus must be on the character of the charity, the character of the live that motivates the giver."[399] In *Burying White Privilege: Resurrecting a Badass Christianity*, De La Torre anticipates three reasons calls for justice are rejected by white Christians: 1) justice is too utopian, 2) it is the antithesis of faith (this is Engelhardt), and 3) it is a mistake made by the church in the past.[400]

This begs the question, why are white Christians defining justice instead of those who are acutely experiencing the injustice?[401] When the powerful in society make the rules that their private property is inviolable and that only through charity can others

[399] Ibid., 380.

[400] De La Torre, Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 96.

[401] Ibid., 78.

exist, this is not justice. Counter to Engelhardt's "egalitarianism of altruism" De La Torre would reply that "justice is not a response born out of pity or a duty based on paternalism."[402] Love, which is the soul of justice, "is an action taken regardless of how one feels."[403] For De La Torre's Christian ethics, justice is following the Hispanic Christ who is a liberator, who takes sides with "the least among us".[404] Justice is also about challenging the dominant culture's power and privilege, whether one is part of the dominant culture or outside of it. A bioethics that cannot look in the mirror as a critic to understand how it is part of the dominant culture will never serve true justice. A bioethics that does not take the lead of Latinx people is not true justice. Real justice is understanding the structural causes of poverty and racism, both historically and in the present. In response to Engelhardt's idea of charity, this is the way the wealthy get to keep their wealth and feel good about themselves for giving some away, rather than for those who are oppressed to receive restorative justice which rightfully corrects the harms that have been done. Social justice is turning the scales toward the restorative rights of the oppressed over the liberty rights of the eurochristian privileged, the freedom to one's moral beliefs, freedom from exploitation, and the ability to meet one's own material needs.

[402] De La Torre, Doing Christian Ethics from the Margins, 8.

[403] Ibid., 9.

[404] De La Torre, Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, 81.

## A Badass Bioethics

De La Torre calls for a "Badass Christianity" which, among other things, is a "survival praxis" that responds to the hopelessness of the people.[405] The imminent is the center of De La Torre's ethics, one that centers on *lo cotidiano* (the everyday experiences of the marginalized), and is contextualized in *Nepantla* (the in-between state of Latinx people as Indigenous and European living as borderlanders), and *la lucha* (the struggles of being on the margins of the eurochristian system.)[406] A bioethicist who is not racist defines justice with and by those suffering oppression. And justice would be restorative, not just distributive. For the 6,500 people suffering from ESRD, a bioethicist would consider the responsibility of a society that has acted collectively and historically to bring Mexicans, Guatemalans, and El Salvadorians to U.S. hospitals. An anti-colonial bioethicist or ethics center would question and challenge the economic system of healthcare finance and decision-making, and would prioritize inequalities over expensive technologies, or would create a way to make all highly beneficial technologies available to everyone. An anti-colonial professor of ethics reads and teaches from the margins of power and exposes how faith is interpreted and used by the margins in contrast with those who study a eurochristian-centric academic ethics. If we think about how a Engelhardtian bioethics would address the current bioethical issue of inadequate treatment of immigrants from Latin-American countries, it does not work in their favor. It becomes

[405] Burying White Privilege: Resurrecting a Badass Christianity/Miguel A. De La Torre, 147.

[406] Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, 67-76.

clear on anti-colonial analysis of Engelhardt's bioethics that the eurochristian nature and its racist proclivities are abundant.

De La Torre's liberative ethic provides bioethics with a much more theologically aligned, compassionate, and just framework for patients who are excluded from standard treatments for ESRD based on an "undocumented" status. For Christian bioethicists, he makes the case that Jesus himself was an immigrant, poor, and understood the suffering that is experienced by Latinx patients who have found themselves on the margins of a world not of their own. Latinx ethics from the perspectives of various Latinx communities "recognize Jesus' commitment to the marginalized."[407] A De La Torrian Christian bioethicist would not blame the patients' suffering on their sins, nor on the stereotypes of "laziness", "ignorance", or "violent"; but instead would engage in the discourse of oppressive structures "that have intentionally created an army of low-skilled laborers for the benefit of commerce."[408] Many secular bioethicists think of ethics as taking a neutral stance, much like a libertarian world as described by Engelhardt. But a bioethicist influenced by De La Torre is not neutral, and takes a formal position against racism, not just in theory but in praxis. Praxis would include accompanying the undocumented ESRD patients to understand their situation-- being *presente*- in an effort to change the system in their favor.[409] De La Torre writes, "physically engaging in consciousness-raising praxis leads to understanding the causes of oppression, from which

[407] Introducing Latino/a Theologies/Miguel A. De La Torre and Edwin David Aponte, 83.

[408] Ibid., 82.

[409] The U.S. Immigration Crisis: Toward an Ethics of Place/Miguel A. De La Torre (Eugene, Oregon: Cascade Books, 2016), xx.

a spiritual response flows that can lead to better informed theories or doctrines."[410]. For De La Torre, praxis comes first, and helps one to form theories grounded in the realities and experiences of undocumented patients. Political praxis might also be included, such as taking action to provide services to cover patients through the Affordable Care Act and the ESRD Medicare program. A bioethicist concerned with justice would do one's homework and ask "why they come".[411] Much of De La Torre's work provides an answer to this, which includes the U.S. involvement in many acts of dominance including stealing the most resource-rich land from Mexico, signing economic treaties such as NAFTA, and the overthrowing of many democratically elected leaders in Latino countries in order to protect U.S. economic interests. The U.S. has had much direct involvement in the poverty, joblessness, and corruption that cause people to cross the imaginary border between Mexico and the U.S. De La Torre is often heard saying one should not be surprised when Latinx people south-of-the-border follow the roads to the U.S., the same roads that the U.S. used to steal their resources and livelihoods. The discipline of bioethics has an opportunity to liberate itself from the eurochristian narrative in order to fully address the deep-seated issues of race. Bioethics would do well to learn from our colleagues of color, to move away from universalizing white eurochristian theories, from the white Jesus and the paternalistic God, and to understand this "undocumented patient" showing up in our renal clinic or emergency department is a person with a story of oppression that is tied directly to U.S. actions. And that we as a

[410] Ibid., xix.

[411] Ibid., xvi.

country, including healthcare institutions and their leadership, health providers, and bioethicists, owe them not only distributive, but restorative and liberative justice. A badass bioethics calls out the system, takes action, and centers the Latinx son, grandmother, wife, friend who the U.S. calls “undocumented”.

## CHAPTER 5: SINGER AND WYNTER:

## TWO EXPRESSIONS OF LIFE, DEATH, AND HUMANITY

Sitting at a table of philosophers at the American Society of Bioethics and Humanities conference one year, the topic of discussion turned to whether robots with artificial intelligence and human qualities should be considered human. While an intriguing intellectual question, does it not follow that if robots are designed to have the emotions and ability to think like humans, in other words if we make them human, that they enjoy the moral status of being human? This defining of whether someone is human, what benefits derive from such a status, and what can be done with their bodies if they are not fully human is not new. Observing the philosophers in their deliberations about who is human and who is not is reminiscent of the defining of Native Americans as savage animals, and enslaved Africans as degenerates, which allowed justification for slavery and stealing of land. For bioethics, brain death is yet another one of these thresholds. The defining of death as "the irreversible loss of all functions of the brain, including the brainstem" has allowed physicians to unilaterally withdraw patients from "life-sustaining" medical treatment and to procure organs for transplant.[412] This chapter proposes that the defining of humanity is a colonial endeavor, one that has historically

[412] Capron, Alexander Morgan. "The Report of the President's Commission on the Uniform Determination of Death Act." In *Death: Beyond Whole-Brain Criteria*, pp. 147-170. Springer, Dordrecht, 1988. Ad Hoc Committee of the Harvard Medical School to Examine the Definition of Brain Death: 1968, 'A Definition of Irreversible Coma', *Journal of the American Medical Association,* 205, 337–340.

benefitted the colonizer. What follows is a critique of Peter Singer's book *Practical Ethics* and an anti-colonial response through the works of Sylvia Wynter, using the case of Jahi McMath to illustrate the continued colonial structures of bioethics.

## The Jahi McMath Case

Jahi McMath was a 13-year-old African -American teenager who, in 2013, underwent a tonsillectomy at Oakland's Children's Hospital in California. After surgery McMath began having a large amount of bleeding, which went untreated despite her nurses' notifications to the physicians on service. Several hours later, McMath sustained a cardiac arrest and hours of attempted resuscitation ensued. According to Rachel Aviv in the New Yorker, two days later McMath was declared brain dead by physicians.[413] Under current law, all states have adopted versions of the 1981 Uniform Determination of Death Act, which states that a diagnosis of brain death equates to actual death, allowing physicians to unilaterally remove the patient from life support.[414] And yet, McMath's mother Nailah Winkfield did not accept McMath's state as death, despite the medical team's insistence that the ventilator needed to be discontinued. McMath's family consulted a personal-injury lawyer who wrote a cease and desist order to assure McMath would not be removed from the ventilator; then filed two motions involving the hospital's conflict of interest in avoiding a higher liability if McMath did not "die", and in the

[413] Rachel Aviv, "What Does It Mean to Die?", *The New Yorker* 5 (2018).

[414] National Conference of Commissioners on Uniform State Laws. Meeting 1980: Kauai, Hawaii). Uniform Determination of Death Act (August 7, 1980). National Conference of Commissioners on Uniform State Laws - Archive Publications. 1980.

infringement of the hospital on Winkfield's right to express her religion.[415] Contrary to medically and legally accepted practice around brain death, McMath was transported to New Jersey, one of only a few states that allows religious exemptions to the brain death laws. McMath remained on a ventilator for approximately four and a half years, reportedly going through puberty, moving her hands and feet, and inconsistently following commands from her mother. The case created contentious debates between neurologists, bioethicists, theologians and others. McMath's parents had single-handedly thrown into question the "standard" definition of death. And they have lost their daughter.

## Peter Singer's Bioethics

In his books *Rethinking Life and Death* and *Practical Ethics,* Peter Singer addresses issues such as who counts as a person, when can persons (and animals) be killed, and whether humans are indeed superior to other forms of life. These views have earned Singer both praise and considerable criticism. Singer represents the secular utilitarian view of Western ethics. A moral philosopher from Australia and the Ira W. DeCamp Professor of Bioethics at Princeton University, Singer is a vocal proponent of animal rights as illustrated in his books *Animal Liberation, Animal Factories*, and *In Defense of Animals*. His non-profit organization and book of the same name, *The Life You Can Save*, signify his views on, and commitment to, obligatory altruism and alleviating world poverty. But it is his views on life and death that are most relevant for the arguments herein.

[415] Aviv, "What Does It Mean to Die?", 33.

Singer identifies himself as a preference, rather than hedonistic, utilitarian.[416] For Singer, moral decisions should be made based on "equal consideration of interests" rather than solely for pleasure or happiness.[417] Equal consideration of interests is a minimal principle of equality, in which "we give equal weight in our moral deliberations to the like interests of all those affected by our decisions."[418] An interest is an interest, despite whose interest it may be, and does not require any qualifiers such as race, intelligence, genetic predisposition, or other inherited or environmentally-influenced attribute. His work sets out to create a "Copernican revolution" in the way society defines life and death.[419] His utilitarian views consider the traditional Christian concept of the sanctity of human life unable to cope with the 20th century changes in healthcare, especially under the weight of technologically-driven issues such as those caused by life-sustaining medical treatments. Singer dwells in what Engelhardt called the liberal cosmopolitan secularist realm of Western society, the other side of the coin from

[416] Singer is in constant dialogue with John Rawls, Henry Sidgwick, John Stuart Mill, and Jeremy Bentham, among others.

[417] Singer sees progress as universal utilitarian calculations of people's interests considered such as "avoiding pain, in satisfying basic needs for food and shelter, in enjoying warm personal relationships, in being free to pursue one's project without interference, and many others…"P. Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1991), 28.

[418] Singer defines equal consideration of interests as: "We give equal weight in our moral deliberations to the like interests of all those affected by our actions…weighing interests impartially. True scales favour the side where the interest is stronger or where several interests combine to outweigh a smaller number of interests, but they take no account of whose interests they are weighing." Ibid., 21-22.

[419] The subtitle on the cover of the book reads, "A new Copernican revolution is in the offing, one that challenges the basic precepts and code of ethics that have previously governed life and death." Peter Singer, *Rethinking Life & Death: The Collapse of Our Traditional Ethics/Peter Singer*, Rethinking Life and Death (New York: New York: St. Martin's Griffin, 1996).

Engelhardt's traditional Christianity. Singer critiques Christian precepts of bioethics. But Singer is still eurochristian in his views.

## Sylvia Wynter: An Anti-Colonial Approach

Sylvia Wynter also discusses issues of life and death, what it means to be human, and global issues affecting human life. In contrast to Singer's humanist eurochristian perspective, Wynter is thoroughly post-humanist and anti-colonial. Wynter was born in Cuba and grew up in Jamaica in the 1940s during the anti-colonial protest movements. She attended college in London at University London, Kings' College to study modern languages.[420] After several moves, she landed back in Jamaica teaching Spanish literature at the University of West Indies (UWI). Wynter is a prolific writer spanning the disciplines and media of "fiction, physics, neurobiology, film, music, economics, history, cortical theory, literature, learning practices, coloniality, ritual narratives, and religion."[421] Wynter has put forth "more than 200 texts and presentations which comprise dramatic plays ,translations, essays, plenaries, symposia, and creative works."[422] After writing a full-length play *Under the Sun* and her novel *The Hills of Hebron*, she went on to teach Spanish language and Hispanic literature at The University of West Indies, Spanish and Third-World literature at the University of California at San Diego, and since 1977 has been at Stanford University as professor of Spanish and

[420] David Scott, "The Re-Enchantment of Humanism: An Interview with Sylvia Wynter," *Small Axe* 8, no. 120 (2000).

[421].Katherine McKittrick, *Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed* (Durham: Duke University Press, 2015), 1.

[422] Ibid.

Portuguese, and of African and Afro-American studies, and now is faculty emeritus.[423] Her anti-colonial intellectual project is to dismember the Western dominant concept of humanity and to propose a long-view of a post-humanist hybrid human as a new science based on both biology and mythology, or as she refers to it, bios/mythoi. She builds on Frantz Fanon and Aimé Césaire's work. From Fanon she borrows his idea of sociogeny, proposing a new sociogenic science that transcends mere human biology and emanates from what she calls the Third Event. Following the coming-into-being of the universe and the appearance of life on earth, The Third Event marks the evolution of the human brain in gaining the capacity for language, symbolism, story-telling, and myth-making.[424] She adapts Césaire's science of Word to propose that ultimately our origin myths determine our nature, even on the biological and neurochemical levels. In contrast to De La Torre's primarily (but not solely) political anti-colonialism, Wynter's is primarily epistemological in nature. In this dissertation De La Torre is used to speak back to Engelhardt's libertarianism and Orthodox Christianity. In contrast, Wynter, in relativist language, engages in the deconstruction of the discourse of the secular Humanities from the Renaissance forward. Wynter is fitting in addressing the humanist eurochristian philosophy of Singer, in providing a different perspective on both Singer's context and the concepts of life, death, and the human in general. The anti-colonial works of Wynter

[423] Stanford Profiles. "Sylvia Wynter, Professor of Spanish and Portuguese and of African and Afro-American Studies, Emerita." https://profiles.stanford.edu/sylvia-wynter. (accessed April 25, 2019).

[424] Fanon wrote, "Along phylogeny and ontogeny, there is also sociogeny." Fanon, *Black Skin, White Masks*, xv.

will provide an alternative view to Singer's, one that accounts for the marginalized in ways his theories do not.

## Singer's Ontological Assumptions: Evolution and Categorization

Singer is an atheist and rejects both God and human nature as foundations of morality. He writes of the belief of heaven and hell, reward and punishment:

> "To rely on such a justification, one would first have to show that we do survive death, in some form, and secondly, that we will be rewarded and punished in accordance with the extent to which we have lived an ethical life. I do not know how this could be demonstrated."[425]

He challenges the Christian assumption of sanctity of life in its precepts that all human lives are equally inviolable (and all animal lives equally violable). Where Engelhardt credits the Church for morality, Singer turns to philosophical arguments based on outcomes and empiricism. Where Engelhardt sees progress as salvation, Singer sees progress as individuals seeking meaningful future projects. Where, for Engelhardt, Man is the zenith of life on earth with direct access to God, Singer discredits human superiority as a Christian myth originating from the Hebrew bible. Instead of unquestionable sanctity of human life, Singer says humans have more moral worth if they are persons who are self-aware and future-directed. Singer's ontological assumptions are a continuation of the eurochristian worldview through the hierarchical and linear thinking reflected in his acceptance of a Darwinian evolutionary trajectory and his categorization of beings by selected traits. In Singer's intention to expand the notion of personhood to animals and contract the notion of personhood of permanently unconscious humans, he is

[425] Singer, *Practical Ethics*, 287.

nonetheless engaging in a project of categorizing and defining the other, a thoroughly colonial endeavor. In accord with a eurochristian worldview, Singer's creation story is evolution, and his thinking is linear and categorical. These three ontological assumptions are reviewed in-turn.

First, Singer's Darwinian proclivities lead him to examine the evolutionary science behind human and animal traits, describing the likeness of apes, dolphins, and dogs to humans. He uses many examples in Practical Ethics to illustrate the similarities of animals and humans, such as Koko the gorilla who can use 500 signs in American sign language, uses signs to refer to past and future events, and recognizes himself in a mirror, illustrating self-consciousness. He quotes genetic science noting that apes share over 98.5% genetics with humans. Singer also considers at some length genetic diversity within groups such as race and gender, looking at IQ and aggression (therefore power) through the lenses of evolutionary genetics and environmental influences.[426] And although his ontological starting point is evolution, he cautions his readers to also engage rational choice to ascertain whether evolved traits are still meeting the needs of human life. He states that it would be a mistake to always follow our natural moral intuitions which we have inherited from our ancestors or to always refrain from doing what is unnatural, including the treating of disease and use of life-saving technologies.[427] His grounding is Darwinian and is supplemented by human reason.

[426] Ibid., 95.

[427] Ibid., 5.

Second, Singer is a reflection of Enlightenment thinking. Consistent with Singer's evolutionary eurochristian worldview, he thinks about progress in a linear manner (like most in the Western world). Progress, for Singer, is a universal endeavor to better the lives of persons globally through reproductive choices, charity, animal rights, and allowing the deaths of certain members of the *Homo sapiens* species, especially embryos, fetuses, severely affected infants, people wishing to end their lives, and those in irreversible states of unconsciousness. He also defines progress on an individual level, as those who have a future orientation and planned achievements. His ideas of when *Homo sapiens* can be considered persons and when they can be killed (removed from life support, participate in abortion or physician-assisted suicide) are ultimately defined by one's desire and capability for progression.

Enlightenment, the sibling of colonialism, has engendered a worldview of progress. For those on the upside of progress, benefits are both created and enjoyed. But the myth of progress is silent for the "wretched of the earth."[428] The eurochristian idea of progress drove the land-grabbing and human brutalities of manifest destiny across Turtle Island, now North and South America. During the Industrial Revolution, the logic of progress undermined "the sociocultural" conditions of individual autonomy and lock[ed] us up in an "iron cage of our own making."[429] The discourse of progress continues to define the "Other" as lazy or ineffective (the stereotype of Mexicans taking a siesta or Native Americans sharing their material goods freely rather than accumulating wealth).

[428] Fanon, The Wretched of the Earth/Frantz Fanon ; Translated from the French by Richard Philcox ; with Commentary by Jean-Paul Sartre and Homi K. Bhabha.

[429] McCarthy, Race, Empire, and the Idea of Human Development, 143.

And the scientific, technological, and economic revolutions have similarly created situations of disproportionate risk to the poor on a global scale including mass inequalities, climate change, and weapons of mass destruction.[430] Why must the pursuit of progress, of personal future achievements and a universal good based on Singer's ontology necessarily be the defining moral pinnacle of life? What effects might this more secular universal approach have on marginalized communities, despite Singer's good intentions?

Third, Singer's ethics aims to recategorize the claim to personhood in an attempt to extend this moral status to sentient animals, as well as to expand the life and death choices humans can make around abortion, infants with severe disability, and people experiencing intractable pain and suffering. His utilitarian project is ultimately about reducing suffering and balancing the welfare of all people. He rejects the Christian notion that humans are superior to all other living beings by examining the shared traits of humans and animals in tool-making, language, emotions, and sentience, and future planning. He argues against the use of self-awareness as a "human" and therefore more valuable trait, contending that a dog may have some self-awareness and a disabled child may have no self-awareness.[431] Overall, sentience suffices to place a being within the sphere of equal consideration of interests. Singer draws a line in prioritizing human preferences in their ability to have a "biographical sense of their life and a stronger

[430] Ibid.

[431] 66 practical Singer, *Practical Ethics*, 66.

orientation towards the future."[432] The human has a personal interest in continuing to live based on a life story "that has chapters still to be written", and contains "hopes for achievements to come."[433] Overall, Singer shifts the categories to prioritize the moral status of humans with future goals, then humans and animals who are sentient and can experience pain and joy, and at the bottom, humans and animals who have no sentience or awareness, therefore not commanding the same moral consideration of preferences (because they do not have conscious preferences). This author agrees with the idea that human dignity is not 'life at all costs', and that animals should be cared for more thoroughly. But his project is still one of categorization, of continuing the Enlightenment projects taken up by the likes of Aristotle, Carl Linnaeus, Max Mueller, and Immanuel Kant in the categorization of living beings. The problem is both *that* he categorizes and *how* he does so from his particular social location. It is understandable that a philosopher would attempt to find boundaries to guide the practice of medicine in its current quandaries. But this defining of death is from Singer's worldview, still within the same eurochristian privileged space that takes for granted the current state of medicine which is also eurochristian. Unfortunately, what we have is, once again, the dominant voices making the rules for all.

## Wynter and Ontology

Wynter's ontology frames human life in broad context, one that starts with what she calls the Third Event, the evolution of language, story-telling, and myth-making over

[432] Ibid., 122.

[433] Ibid.

100,000 years ago.[434] The Third Event defines how humans are hybridly biological and sociological in nature, with one's origin stories (as opposed to one's genetics) as the driver for one's beliefs and behaviors. For Wynter, reality lies in what she calls the sociogenic principle, which underlies all human societal orders. After biological birth, humans are reborn sociogenically from an encoded second set of instructions. In other words, "individual subjects… are all now reborn of some origin story rather than of the womb."[435] These codes, based on a group's origin stories or cosmogonies, are auto-instituted and thereby "made flesh" through the social codes' transference into neurochemical reward-and-punishment mechanisms within the body. The Word, the mythical and symbolic second set of instructions literally drive biology (rather than the other way around).[436] This sociogenic principle deems the human what she calls genre-specific (or culture-specific) and kin-recognizing, with members barely able to see outside this autopoiesis that is "always already initiated as fictively eusocialized."[437] In other words, Wynter's ontology is based on the evolution of our species as myth- and meaning-making beings, but beings that cannot perceive oneself as a part of this narrative

[434] She describes Blombo's cave as an example of the Third Event, evidence of biological and social/artistic artifacts indicating the early hybridization of humans between bios and mythoi. McKittrick, *Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed*, 62-69.

[435] Ibid., 68.

[436] Ibid., 27.

[437] Sylvia Wynter borrows the term autopoesis from Humberto Maturana and Francisco Várela, which is the mode through which individuals define sameness and difference, gain one's identity and create group bonds; in other words, how members of a group reproduce and maintain the social normativities of the group. Humberto R Maturana and Francisco J Varela, *Autopoiesis and Cognition: The Realization of the Living*, vol. 42 (Springer Science & Business Media, 1991).

structure because it has become ingrained in our neurological make-up.[438] These structures are cognitively closed systems, meaning they dictate our roles, morality, and beliefs without allowing alternative systems to compete. The sociogenic codes must remain closed to synchronize biology and myth, and to stabilize the symbolism with neurochemical processes. Wynter asks, why did humans hybridize? Why language, story-telling, and myth-making? Her purpose is that in knowing this we can relativize the globally hegemonic worldview that dictates life and death, truth and untruth, which operates at the expense of the millions of marginalized. This relativist view is that each individual has a "truth-for", the reality within which they live derived from the sociogenic principle. Her truth-for premise "already questions the assumption that there is a truth-for someone who can know the truth-for everyone else."[439] Singer, coming from the eurochristian humanist worldview, proposes his truth-for as a global truth-for. While his Darwinian-practical theories of life, death, and the human are contrary to Engelhardt's, they are still globally hegemonic and eurochristian in nature. Wynter sees both creation and evolution as eurochristian origin stories, merely two sides of the same coin. She does not judge as to their truthfulness, but only that both are representations of human origin, and that they have become dominant and unquestioned genre-specific

[438] The analogy Wynters uses here is that, as on a purely biological level the bee cannot pre-exist its beehive, humans cannot pre-exist their cosmogonies or origin myths sociologically. Sylvia Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," *Black knowledges/Black struggles: Essays in critical epistemology* (2015): 213.

[439] Mignolo in McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 121.

codes that leave many at the margins of society.[440] The shift between creation and evolution began, according to Wynter, with Copernicus' revolutionary science, with the *studia humanitatis* in tow.[441] With a shift from Christianity to Humanity (Man1), God was now for man's sake instead of humans living for God's sake.[442] For Wynter, Singer falls into her Man2 category, Man for man's sake, *homo oeconomicus*.

For Wynter, the theory of evolution is indeed part-science, but is also part-myth in its mistaking a biocentric origin with the basis of "being human".[443] Evolution may tell us something of the biological aspects of being human, but cannot tell us the meaning of being human, and therefor "has been slotted into that same old place in our minds and cultures that used to be occupied by myths...our new origin beliefs…are in fact surrogate myths."[444]

So where does this leave Singer? Singer's evolution is part-science, part-myth. He challenges the myths of Christian origins, and inserts his own, as evidenced by his statement concerning Christian myth of heaven and hell, "I do not know how this could be demonstrated." This secular consciousness for Singer is tell-tale of his sociogenic code, his genre-specific neurochemically induced worldview, according to Wynter. Human reason, as held in esteem by Singer, is like evolution in that it may be a

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[440] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," 215.

[441] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 13.

[442] Ibid., 16.

[443] Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 215.

[444] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 36.

descriptive instrument for defining what is and what "fits", but not *why* something is, nor whether something is moral, right, or good. His mistake, according to Wynter's viewpoint, is basing the meaning of being human for everyone on evolutionary and rational constructs. Wynter's *mythoi* interrupts and decenters the biocentric human origin story as one of many possible origin stories based on the sociogenic principle.

Where Singer is linear in his thinking toward the utilitarian preferences of living beings who individually possess or do not possess future goals and life projects (whose qualities decide when an individual can be killed or is replaceable), Wynter is not teleological. As Katherine McKittrick puts it, Wynter's work is "but knots of ideas and histories and narratives," and that Wynter's "project mirrors the conceptual frame it promises."[445] Singer's teleology is toward utility (with a secondary purpose leading to global welfare), while Wynter seeks emancipation in a non-linear fashion through "praxis". For Wynter, emancipation, not "balancing preferences" is most important. This liberating focus derives from the liminal spaces, from the margins, and from "multiple self-inscripting, auto-instituting modalities."[446] In contrast, Singer's utilitarian approach, while well-meaning and seemingly practical, comes from high theory. It is grounded in ideas, not the praxis of people's diverse lives with diverse scripts. Wynter and De La Torre both prioritize the liminal, the gaze from below, the actual lives of (marginalized) people as a starting place for ethics. Attempting to fit the world into one's theory will be

[445] Ibid., S2.

[446] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," 330.

blinding to the actual consequences for the marginalized and is often a contributor to the sustaining of marginalization, even if unintentionally.

The categorizing nature of Singer's ideas about life and death is part of the ontology of the Western empirical project. Many Western philosophers in the past have attempted to classify humans and other living organisms, including Max Müller and Carl Linnaeus. The outcomes of classifying persons from a particular (hierarchical) perspective wreak havoc on those who do not share the dominant ideology and are therefore relegated to the margins. One of many examples of this Western proclivity for categorizing is with Max Müller, a philologist who is known for inventing the science of religion through classificatory and comparative methods. His dream, as described by Arie Molendijk, was to show that all religions have the same foundation to undermine the problem of religion and create global peace.[447] But several passages give away an underlying affinity for Christianity as well as a hint at anti-Semitism. In his First Lecture he states,

> "Has Colebrooke, or Lassen, or Burnouf, ever suggested 'that we Christians, who are Aryans, may have the satisfaction of Christ has not come to us from the Semites, and that it is the hymns of the Veda and not the Bible that we are to look for the primordial source of any religion…"[448]

Even in his best moments there are hints of an evolutionary hierarchy of religions, with Christianity at the pinnacle, heathens and primitives as childlike, and Judaism as a history not to be claimed by Germans. David Chidester calls into question

[447] Molendijk, A. L. Friedrich Max Muller and the Sacred Books of the East, on New Books in Religion podcast edited by Marshall Poe. Recorded October 18, 2016, Oxford UP.

[448] Muller, F. Max. Introduction to the Science of Religion. Oxford, 1873, 36.

Müller's use of "classify and conquer", although it is difficult to know what Muller meant by "conquer". Chidester, through a South African postcolonial lens, shows the instability of the foundation of some of Müller's work based on the fact that his theories were derived from distant sources, colonizers such as Calloway and Bleek, and a number of Christianized African informants. For Chidester, his comparative religion was based on an accumulation of knowledge from colonized people who are no longer free from outside bias and are submersed in a struggle for their own cultures and livelihoods. In fact, Müller apparently never traveled to India.[449] In essence, Müller was part of the empire responsible for the oppression of Africans; and he capitalized on his access to them through the colonial informants on the ground. He also capitalized on his position in empire in his access to the Vedic texts. What Müller's story shows us, is he is unable to create world peace for two reasons: one, he cannot see outside his own sociogenic genre-specific frame of being German and Christian. And two, his theories are from colonized distant informants and ancient texts. He ignores those in the margins, those who were relatively untainted by the eurochristian-dominant worldview. Wynter's work illuminates both the dominant worldview's power to define rational/irrational, haves/have nots, symbolic life/death, and the grave mistake of writing from a hierarchical space rather than being led by those residing on the margins. The views of the likes of Müller does not consider worldviews of those who have a different classification system of the status of different entities. Singer is also making the same mistakes. He is attempting to categorize

[449] Molendijk, A. L. Friedrich Max Muller and the Sacred Books of the East, on New Books in Religion podcast edited by Marshall Poe. Recorded October 18, 2016, Oxford UP.

human and animal lives from his sociogenic genre-specific frame using theory and logic rather than listening to those on the margins who will be affected by his theories. In contrast to Singer, Wynter is not trying to classify people differently—she is not trying to replace existing categories with her own. Instead, Wynter is pointing out the theorizing of liberal humanists is always based on sociogeny and origin stories, and just happens to be the dominant global narrative.

Consider, also, the view of many Native Americans in which all living and non-living things are respected and given moral status. A Native American worldview is also cyclical in nature, not progressive over one individual's lifetime. Some Indigenous views are inclusive of seven generations before and seven generations after the present time. A Native American worldview (while not homogeneous, does have shared ontologies and epistemologies) is an example of a competing worldview that has been almost destroyed by the eurochristian ontology and epistemology. The eurochristian worldview denies the Native American non-linear sociogenic genres that respect all living and non-living entities, that are relationship focused rather than achievement focused, and that views life as cyclical and inclusive. How does Singer's ontology affect the marginalized? It deprives them of the gut-level consciousness of their own beliefs and values, immerses them in a world of ideas and forced behaviors that dominate their own, and demeans their behaviors as inferior if not based on progress, hard work, and achievement. Singer may not intend this, but his eurochristian worldview keeps the order for the secular-humanist eurochristian world. Sylvia Wynter's project is to poke holes in the current fossilized

ratiomorphic values of the West.[450] For Wynter, humans frame their ontological modes of reality, definitions of order and chaos, and their ideas of sameness and difference, on the conception of life and death. For instance, in medieval Christendom, human life embodied the profane and sinful, while death represented the spiritual sacred. The Renaissance and the birth of reason shifted the idea of life and death. With the rejection of the divine by humanism, life became dignified and "culturally civilized" through human nature and reason. Any conception of folklorish myth, of spirit, of God were rejected as irrational, with death eventually falling under human control. Singer is, once again, tinkering around the margins of the accepted definitions of life and death, based on this humanist-biological schema. For Singer, categorizing life is based on the utility and individual achievements of a person, and death is the inability to have an individual projection for one's future. For someone like Winkfield, her daughter was her future. Singer focuses on the utility and plans of the individual from the perspective of his dominant origin story, not on the family unit or Winkfield's origin story. His tinkering of definitions is still ontologically a part of the eurochristian trajectory of evolution, linear progress, and categorization.

## Singer and Moral Epistemology: Utilitarianism and Universalization

Singer is a preference utilitarian, although in *Practical Ethics* he had become less convinced that this theory can address all moral philosophical problems. Singer's

[450] Ratiomorphic apparatus: The universal underlying processes involved in perception and absolutized worldviews which appear as rational; the mode through which human autospeciation occurs. This apparatus arranges things into binaries of symbolic life and death, defining things as either order/chaos. Examples include clergy/laity, noble/non-noble, culture/nature, civilized/primitive, rational/irrational. These set the parameters of motivation/behavior. Wynter, "The Ceremony Must Be Found: After Humanism," 23.

epistemology, like other utilitarians, rest on the acceptance of an intrinsic goodness of either an individual's interests and preferences, or the positive balance of enjoyment of pleasure and welfare with avoidance of pain and suffering. The utilitarian calculation for Singer depends on the universalization of people's preferences globally. Possessing the capacity for suffering and enjoyment entitles a person (and some animals) to equal consideration of their interests. These interests are weighed impartially.

The utilitarian approach underlying Singer's epistemology is a universal one in that all people's preferences should be given equal weight based on how the action affects all those involved.[451] His approach is based on the welfare of persons as weighed in a universal cosmopolitan context. Traits such as race, species, sex, disability, and even self-awareness, are useless in a utilitarian calculation based on interests. All sentient beings should have basic rights and equal weight to their preferences. In effect, his theory is an ideal one that assumes real people and institutions will make decisions based on the balancing of interests. He falls shy of arguing ethics fully from the position of an impartial spectator or ideal observer but does state that the universal aspect of ethics starts with a broad utilitarian position.[452] In preference utilitarianism everyone's preferences count. It does not bring about total equality but goes beyond justice based on merit or effort. If not the impartial spectator, who is weighing preferences and balancing them? The basis of his theory states "I cannot give my own preferences greater weight,

[451] Singer, Practical Ethics, 12.

[452] Singer, Practical Ethics, 11.

simply because they are my own, than I give to the preferences of others."[453] Who is the "I" that is doing the calculations? Is it possible for a eurochristian individual or institution that still favors the white Christian male or the liberal secular demi-god to affect the consideration of other's preferences universally? And equality, even if based on utilitarianism, is not necessarily the goal, if we are concerned with justice. Racism is colonial. It is embedded in worldview and power structures. It requires more than suggestions of consideration of other's preferences, or in leaving justice in the hands of the "I" who is making the decisions. Providing a theory where everyone's interests are considered equally does not make it so.

Second, Singer is a liberal humanist, with a philosophical model that prioritizes the individual and their rights. He writes, "humans differ as individuals, not as races or sexes."[454] When talking about race (or gender) and inequality, he says we must judge people as individuals, not as averages, and that "members of different racial groups must be treated as individuals, irrespective of their race."[455] Individuals should stand on their own in regards to IQ, aggressiveness, and leadership potential. Singer downplays racism as a minor issue. He says the "principle that all humans are equal is now part of the prevailing political and ethical orthodoxy." And while racists exist, they are less so publicly.[456] This kind of thinking is problematic. The humanistic principle that now all

[453] Ibid., 12.

[454] Ibid., 19.

[455] Ibid., 27-28.

[456] Ibid., 16.

people are considered racially "generally" equal downplays the very real differences and oppression that continues. Although it is appealing to put every individual on an equal playing field, Singer runs into the trap of humanism and its colorblindness. An ideal theory does not account for the actual inequalities in society based on one's skin color, gender, sexuality, or disability. He does not address past harms and the continued racial oppression of certain groups. Although biological theories of race are passé and have been replaced by socially-based theories, Singer's utilitarianism is still willing to entertain new biological theories on race and skips over the social aspects of power and discrimination in the maintenance of race as a category. He wants to say race doesn't matter, which gives coherence to his theory but ignores reality.[457] In arguing this, he looks specifically at the "scientific" narrative of race and IQ over the last few decades. He argues that if researchers were to prove a genetic hypothesis that different races actually had differing IQs, that it would not give support for racism.[458] But if the purported results were true, it would only deepen stereotypes of Asians as the model minority and Blacks as irrational or degenerate. If the results were to be different than suspected, this also will not necessarily decrease racism. The dominant narrative will find a way to justify eurochristian white superiority on other grounds. Racism is embedded in the eurochristian worldview. The eurochristian worldview is a narrative that is invested in maintaining power. Singer also argues that his theory, based on an equal consideration of

[457] Ibid., 25.

[458] Ibid., 27-28.

interests, demonstrates in spades the errors in the Nazi Holocaust.[459] A theory of equal consideration of interests is not needed to do this. Nor would his theory have saved millions of Jews, persons with disabilities, and other victims of the Holocaust. Nazis did not subscribe to equal consideration if interests any more than they did any other moral principle of nonmaleficence, equality, or justice. Preference utilitarianism would not have stopped the Holocaust and will not stop racism. The flaw in preference utilitarianism is that, like any other Western moral theory, it is embedded in a colonial history, including the continued economic, racial, and gender oppressions. Just like an egalitarian, communist, or democratic system, utilitarianism requires buy-in from those who hold the power. In theory, skin color is irrelevant to the consideration of an individual's interests. In theory, societal rules that base decisions solely on preferences and do not allow decisions to be made on any other grounds, including IQ, race, and disability, sounds faultless. In reality, who is giving all person's interests equal weight? The physician? The insurance companies? The employer? The state? Along these same lines, Singer critiques Rawls' contract theory, citing that contracts cannot work based on the concept of reciprocity; that white colonizers would not have entered into a mutually respectable contract with enslaved Africans. But a utilitarian set of rules would not have deterred white colonizers, Nazis, or the Spanish inquisition. The problem lies in the categorization of people, in the justification of exploitation for economic purposes, and the inherent worldviews of eurochristianity, not in a theory of best practices in moral decision-making.

[459] Ibid., 188.

Singer also falls under the epistemological category of pragmatic naturalism. Although his ontological starting point for morality is evolutionary fitness, he also acknowledges the need for reason instead of relying solely on our evolutionary instincts to achieve moral progress. In other words, humans fulfill moral functions that allow society to adapt to new paradigms, which for Singer would be the technological advancement of medicine, climate change, and inequality. Singer is a functionalist, meaning morality is in part how one realizes societal functions for overall harmony. The functions do not derive from something internally or innate, but instead are valued for how they address societal problems. Some examples of this are Singer's (and currently society's) acceptance of recovering the organs of those who are considered brain-dead or neurologically devastated for transplantation based on the large number of potential organ recipients on the waiting list. Singer is also Malthusian in his ideas of encouraging the noncoercive limiting of procreation through the voluntary use of birth control and abortion, especially if the baby is likely to lead a miserable life. He also discusses how large family sizes impact the planet and homosexuality does not, leading to a change in the instrumentality of old pro-family anti-gay morality.[460] We could also consider the future use of artificial persons through artificial intelligence in serving the needs of more "quality" human life. This author has sympathy for Singer's intentions. Patients who have lived because of a new heart are deeply grateful and touched by the gift they have received. Families of patients who are in a persistent vegetative state or "whole brain death" sometimes do not think it is a "life worth living". The weighing of the organ

[460] Ibid., 4.

recipient's good over the value of the life of someone who is brain dead is purely functional in a utilitarian sense, and a matter of a particular kind of value which justifies the means. Slave labor was also functional (but obviously not preference utilitarian), leading to wealth, progress, and nation-building. The harms in coercive withdrawal of life support and requesting organ donation are not the same in degree, but are they the same in kind? The submission of all patients to a worldview based on functionality is marginalizing, especially when many patients do not share the same origin stories. Who gets to decide what is life and death, and how functional one's choices should be?

So, what does Singer's universal and functionalist utilitarianism say about life and death? Singer's book *Rethinking Life and Death: The Collapse of Our Traditional Ethics* is described as such: "A new Copernican revolution is in the offing, one that challenges the basic precepts and code of ethics that have previously governed life and death."[461] He describes a shift from the religious sanctity of life arguments in medicine to the post-technological age of life-sustaining technologies such as ventilators, feeding tubes, and dialysis machines. With these advances in medical technology, a secular and biological form of ethics has emerged. Often heard in intensive care units are the statements "We need to convince this family to withdraw 'person x' from the ventilator and let them go," and "Why are we keeping a corpse alive?" This secular shift has no doubt happened in many circles, with more health providers jumping off the "life is always dignified, at all costs" ship into the sea of futility and economic concerns. Singer is one of the most prolific proponents of this kind of thinking, one that is foremost an

[461] Singer, Rethinking Life & Death: The Collapse of Our Traditional Ethics/Peter Singer.

advocate of welfare, and one that is also secular, biological, Malthusian, and instrumentalist in kind.

Defining Death

Singer is in search of a way to justify ending the lives of those with not only a brain death diagnosis but all permanently unconscious beings. He discusses three levels of questioning about brain death: "when does a human being die, when is it permissible to stop trying to keep a human being alive, and when is it permissible to remove organs from a human being for the purpose of transplantation into another human being?" [462] He says the Harvard brain death committee's work was "to avoid the nightmarish prospect of filling our hospitals and nursing homes with living but permanently unconscious beings."[463] [464] Singer described the Harvard brain death criteria as "a concept so desirable in its consequences that it is unthinkable to give up, and so shaky on its foundations that it can scarcely be supported."[465] And while Singer might be opening up opportunities for individuals and family members to choose a peaceful and quick death in more situations, it alternately supports medical culture in forcing their own ideas of death on individuals and families. What starts as permissible for families becomes obligatory as healthcare

[462] Ibid., 55.

[463] In 1968, Dr. Henry Beecher called an ad hoc committee together at Harvard consisting of eight physicians, including 2 transplant surgeons, a professor of public health, professor of history, and professor of social ethics from the School of Divinity. The purpose, according to the final report, was "to define irreversible coma as a new criterion for death." Ad Hoc Committee of the Harvard Medical School to Examine the Definition of Brain Death, *A Definition of Irreversible Coma: Report of the Ad Hoc Committee of the Harvard Medical School to Examine the Definition of Brain Death* (American Medical Association, 1968).

[464] Singer, Practical Ethics, 55.

[465] Singer, Rethinking Life & Death: The Collapse of Our Traditional Ethics/Peter Singer, 54.

providers and institutions look to save money, create closure, provide organs, and diminish moral distress of nurses and physicians. The argument here is not whether the assistance in dying is murder, or what the legal consequences might be. It is not either a utilitarian argument about the costs of keeping someone on life support who will never regain consciousness. Nor is it about whether human life is sacred. These are the typical ethics arguments. The anti-colonial arguments are: can health care providers choose to end what others regard as continued life? What are the views of those who disagree with the Western notion of "brain death", and why are their worldviews not considered in deciding whether one is alive or dead? Where were they when the Harvard committee of experts were deciding where to draw the line? The issue taken here is not whether a family member should be able to discontinue treatment on a loved one with severe and intractable pain or irreversible coma or persistent vegetative state. The true problem in the ethics of life and death is who defines death, and how the medicalized capitalist system we operate within defines the stark realities of who the system benefits and who is on the outside. *The problem is not those who disagree or resist Western definitions of death, it is the Janus-face of technology itself.* Healthcare workers blame those with alternative understandings of the world (and those who rightfully lack trust in the healthcare system) rather than accepting the life-saving technologies and the drive for progress are to blame. The problem isn't "getting ethnic and religious families to understand what death really is," but to come to terms with the system we have created as a whole, and as a continuation of the function of the human quest to control life and death, and to realize this is society's problem to address, not to place the blame on those

who “don’t get it.” We all need liberation from this trap, but those of us on the abundance side of eurochristianity, while these cases are distressing, they are not defining.

Defining Human

Making decisions regarding life and death requires the defining of the categories of human and person. A human, as Singer puts it, is an entity with the genetics of the species *Homo sapiens*. But being merely human for Singer does not give one the moral claims that being a person does.[466] A person, for Singer, is someone who has self-consciousness, a life story, and is future-directed. As he writes, “medical practice has become incompatible with belief in equal value of all human life.”[467] Decisions to end life, such as abortion, physician assisted suicide, and withdrawing life support when one is irreversibly unconscious or brain dead all rely on questions about humanhood and personhood. But when healthcare staff and families disagree about withdrawing life support, whose definition of death reigns? When a patient is considered “brain dead”, it is because a physician (or two) have performed a series of tests that look for higher and lower brain functions. If none are detected, the patient is definitionally legally dead. But the patient is still on a ventilator, with a beating heart and warm skin. Brain dead patients have been kept “alive” for months awaiting the birth of a child. And in the case of McMath, she was kept on life support for over 4 years. Healthcare providers (and organ procurement specialists) are instructed to say she is deceased, and that her body is being maintained on a ventilator. Singer points out the absurdity of this. The patient still has

[466] Unlike the Christian assumption that all human life is made in the likeness of God is therefore sacred.

[467] Singer, Rethinking Life & Death: The Collapse of Our Traditional Ethics/Peter Singer, 189. 189

some hormonal functioning of the brain in the output of certain hormones, and often the patient's heart rate and blood pressure respond when the patient is cut open in surgery. Brain death is not really death. And family members sense this. This is why nurses' and physicians' language and behaviors do not reflect a belief the brain-dead patient is dead and require coaching.[468] Brain death is a convenient fiction. So, who decides how to mark the difference between life and death? And when is it permissible to stop trying to keep a human being alive? Singer's solution is not in defining someone as dead, but in allowing the taking of life in situations where the patient will never again be "person". And the utility of saving hospitals money and providing organs for donation justify the overriding of deeply held marginalized family values embedded in their worldviews. In turn, the system continues to oppress those who do not fit. In sum, Singer's moral epistemology, including his definitions of life, death, and human, is based on a liberal humanist utilitarianism that focuses on practical outcomes of certain actions, determined by their preferences and functions.

## Wynter and Epistemic Disobedience[469]

Wynter's work is primarily epistemic**.** Hers is the "Afro-Caribbean epistemic revolution against the Eurocentric concept of 'Man' and its role in the construction of racism."[470] Wynter is a critic of dominant liberal humanist epistemology. The Western

[468] A common "error" health professionals make is to state, "The dead patient is being kept on "life" support."

[469] Walter Mignolo uses the term epistemic disobedience to describe Wynter's project in Chapter 4: "What does it mean to be human?" McKittrick, *Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed*.

[470] Ibid., 111.

bourgeois conception of Man, for Wynter, has been overrepresented as Human for centuries, which she traces in her essay *Unsettling the Coloniality of Being/Power/Truth/Freedom*.[471] She defines man who emerged in the Renaissance as Man1, *Homo politicus*, at the time Man is rejecting the theocentric conception of human for man as a political subject of the state.[472] Man2, *Homo oeconomicus*, marks the criteria of man from late 18th century onward with the growth of capitalism, which she refers to as a master of scarcity through investment and accumulation.[473] Both Man1 and Man2 still exclude marginalized "Others" despite the inclusive language of the humanities and the "impartial" invisible hand of capitalism. Singer is Wynter's Man1 and Man2, exposing elements of both a colorblind humanist universalizing perspective, and a resignation to the capitalist economic structure as will be discussed later.

Both Singer and Wynter claim their works are epistemological ruptures. Singer is drawing attention to a "new" secular utilitarian approach to death and dying of the human in healthcare. But he is always already in the category of eurochristian, or what Wynter calls the "neo-Liberal humanist Western-Bourgeois" Man 2, or Anglo-American Man.[474] According to Wynter, humanism was at one time the heresy, the challenging of a stale and overgrown Christian-Latin paradigm for stabilizing order. But now, she says the humanist-biological-economic conception of Western life has become the norm, and

[471] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument."

[472] Ibid., 269.

[473] Ibid., 321.

[474] "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 223.

continues the Christian-Latin project of defining and excluding the "Other". The once and still sometimes code of Creation has been nearly replaced by evolution. Yet both are origin stories from the same overall eurochristian worldview. The overall structure has not changed, only the furniture has been rearranged. And the "Others", the defined symbolically dead, 'degenerate', 'irrational', religious Others, continue to suffer under the weight of this worldview. Singer is moving deck chairs around on the sinking Titanic by replacing the old eurochristian definitions of life and death with new ones. In contrast, according to Katherine McKittrick, Wynter's project is not to replace or occupy, but to generally undo and unsettle, "Western conceptions of what it means to be human."[475]

The problem with humanism, as portrayed by Wynter, is a general ignorance to the fact that humanism is itself a hegemonic arrangement, one that is unable to comprehend its part in the continued oppression of people of color. In fact, the rise of Man would not have happened without the oppression of Africans, Indigenous, and Asians.[476] Walter Mignolo says of humanism, "decolonial thinking and living are not to assimilate but to deny the universal pretense of *humanitas*."[477]

Wynter asserts a new justice over the humanist is needed. Humans, since the acquisition of language, have been relying on their origin stories for autopoiesis. The

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[475] On being, McKittrick, 2.

[476] Lisa Lowe describes how the French bourgeoisie's "Rights of Man" borne of the 1789 Revolution were not intended for the colonized, those who were Indigenous, African, Asian, slaves, or indentured servants. She writes that "liberal philosophy culture, economics, and government have been commensurate with, and deeply implicated in, colonialism, slavery capitalism, and empire." Lowe points out how "the imperatives of the state subsumes the colonial violence within narratives of modern reason and progress." Lowe, *The Intimacies of Four Continents*, 2.

[477] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 120.

dark side of autopoiesis is in its creation of I and Other, us, and them, symbolic life and death. This pattern will be repeated until what Wynter calls the "second emergence", which, through the "outsider" perspectives of the liminal, will inform the unconsciousness of neo-Liberal humanist Western bourgeois "paradigms of justice" such as human rights[478]. As Wynter points out, the Rastafari movement is such a "counter-cosmogenic", "liminally deviant" gaze from below. Rastafarians were the poor whose lived existence and aspirations were not served by the "world-system's ostensibly universally applicable" 'paradigm of justice' and so-called universal human rights.[479] Singer, both a humanist and evolutionist, cannot separate himself from both the absence of the liminal in his theories except as objectified groups of the world's poor to be saved by the eurochristian rich through development work, and to conflate material fairness/equality with ontological and epistemological justice. He takes a colorblind universal humanist stance, proclaiming the unimportance of race for the functioning of his preference utilitarianism.

Counter to a universal utilitarianism, Wynter would respond with a more relativistic view of "multiple self-inscripting, auto-instituting modalities," or the existence of many ethno-knowledges. There can be no impartiality from a universal point-of-view, because that so-called "universal" point-of-view comes from one group's particular (dominating) autopoiesis. The current state of affairs is the inability to accept other's ethno-knowledges, their epistemic structures, and thereby creating binaries and

[478] Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 208.

[479] Ibid.

divisions. Wynter's new science of sociogenics is transcultural and transcendent of the universal. The universal leaves out history, racial harms, and ignores liminal epistemology.[480] The applications of this new epistemology have yet to be imagined.

## Life and Death: An Anti-Colonial Interpretation

While Singer is asking whether Jahi McMath is a corpse or a living child, Wynter is thinking about life and death symbolically. Singer wants to "find another way of responding to human beings who can never be conscious."[481] The reason for the predicament to which Singer is responding is the technological big-picture. Medicine has gotten itself into a bind, between keeping patients alive "too long" and setting up the pressure at the back-end of life with high hospitalization costs and organ procurement organizations. As Wynter intimates, our generation is overly defined by a purely biological and medicalized conception of life and death, and simultaneously clings to the *symbolic* binaries of life and death as perfectibility vs. degeneracy, of the rational vs. irrational/emotional, of the scientific vs. the religious/myth-making. Recall Wynter's epistemic shift happens through Fanon's sociogenesis, the origin and development of a society through its stories and foundational myths. A human's second birth is of fictively instituted and their biological birth "dies"; we are reborn as symbolic life (like Christian baptism) that is opiate rewarded and becomes living flesh. Cultures, life/death, good/evil

[480] Ania Loomba echoes Wynter. She writes, "we need to move away from global narratives, no because they necessarily always swallow up complexity, but because they historically have done so, and once we have focused on these submerged stories and perspectives the entire structure appears transformed". Loomba, *Colonialism/Postcolonialism*, 207.

[481] Singer, Rethinking Life & Death: The Collapse of Our Traditional Ethics/Peter Singer, 55.

are defined by these second set of instructions.[482] These second set of instructions make us human, the mythoi of Wynter's hybrid bios/mythoi human. Humans "cannot/do not pre-exist our cosmogonies, our representations of our origins – even though it is we ourselves who invent those cosmogonies and then retroactively project them onto a past."[483] Humans are always already mythically chartered. Life and death are no longer about biological death, but about sociogenic life and death. The dark side of the autopoiesis of humans is in its creation of symbolic life and death, in other words I and Other, Us and Them.[484] Compared with the symbolic life of Man as *Breadwinner* and accumulator, the symbolically dead began as the "peripheral slave labor *'Negros'/'Negress'* together with the semi-peripheral *'Indian'/'Indian Squaw'* neo-serf labor" and in contemporary times have transformed into the "now institutionalized *Welfare Mom/Ghetto 'Black' Others* (including their *Trailer Park Trash, Wigger "White"* counterparts) as the extreme expression of the category of the *non-Breadwinning* 'planet of the slums' *Jobless Poor*, and at the world-systemic level, of the category of the '*Underdeveloped'* all ostensibly as *naturally dysselected Others* allegedly mastered by

[482] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 34.

[483] Ibid., 36.

[484] In her interview with David Scott, Wynter recalls going to England and the U.S. having to confront the stereotyping that she experienced when leaving the Caribbean. These stereotypes socialized her to think she was not fully human, but a "nigger". She admits that her drive for transformation of the imagination depended on her geographical displacement in Western countries. She noted she "always felt a certain sympathy for students at the University of the West Indies because they don't experience that displacement. The displacement is very jolting because from that moment you can no longer coincide with yourself." Scott, "The Re-Enchantment of Humanism: An Interview with Sylvia Wynter," 132.

the Malthusian origin-mythic trope of "Natural Scarcity". …"[485] This pattern will be repeated until what Wynter calls the "second emergence", which, through the "outsider" perspectives of the liminal, will inform the unconsciousness of neo-Liberal humanist Western bourgeois "paradigms of justice" especially in human rights.[486] From the liminal comes concepts such as double consciousness and border epistemology, those flesh and geography spaces where disparate sociogenies are comprehended.[487] Wynter's science of sociogeny is most easily grasped at the borders (territorial, linguistic, subjective, epistemic, ontological).[488] Her overarching questions are how to find a ceremony to free biological reality from order-stabilizing symbolic life/death codes? How can we finally know our social reality outside the codes of symbolic life/death which is synchronized with our biochemical and opiate reward/punishment system of the brain?[489]

Singer admits that those diagnosed with brain death have been excluded from the moral community.[490] But in utilitarian terms, there seems to be little resistance from the healthcare community. The brain-dead patient no longer can pursue future goals, their organs could "save" other patients, and the long-term care is expensive and wasteful. In

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[485] Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 216.

[486] Wynter borrows the term "paradigms of justice" from Bernard Williams in Shame and Necessity (1993). The paradigm of justice requires the exclusion and the sacrifice of certain citizens in order for privileged citizens to be free. Ibid., 208.

[487] Mignolo in McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 116.

[488] Ibid.

[489] Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition."

[490] Singer, Rethinking Life & Death: The Collapse of Our Traditional Ethics/Peter Singer, 22.

our eurochristian world we have created these conditions and have decided they are true. We have also continued to fault "Others", those with non-secular origin stories and therefore differing concepts of life and death, and of different familial organizational principles, for resisting. The system is working. It keeps the symbolic life/death codes, and with it the dominant narrative, intact. For Jahi McMath, she was doubly cursed. She was no longer a "person" in Singer's sense (although is still genetically human), and she was always already symbolically dead based on the color of her skin. There was widespread confusion and annoyance from medical and bioethics professions when her mother resisted withdrawal of life support. In essence, she was being "ignorant", "non-rational", and "uncooperative", and was potentially going to drive up unnecessary costs (because we assume she is also poor, perhaps even on welfare) to keep McMath alive. Why is Winkfield at fault? What she experienced likely felt like a violent act in the face of power. Instead, what if the problem in this conflict is the dominant secular-technological-progress-oriented system, challenging the deeply held worldviews of persons globally?

For Wynter, to be human is to have a biographical sense of self which would include relationships. Singer also mentions this biographical sense of self as being human, in other words having self-consciousness and conceptualizing a future and past.[491] At first Singer seems to share a point with Wynter, that being human is biographical, the telling of stories. Important here is to note two differences. Singer focuses on the capacity of the individual, for instance, the person with a diagnosis of

[491] Ibid., 103.

brain death or persistent vegetative state, who does not have future goals, and therefore possessing only biological human status, not personhood. Singer is focusing on an individual's ability to tell stories and to live with the possibility of future achievements. Wynter's story-telling honors the communal and does not necessarily rely on the biological criteria as does Singer's. And two, Singer has defined the moral status for those who share his secular liberal genre but may not resonate with the worldviews of patients and families. His defining of human is meant to be universal, in contrast to Wynter's idea that people come from different worlds and therefore, they have a very specific biographical sense of self that is not tied merely to biological life and includes shared understandings of morality through autopoiesis. Being human for Wynter is a verb, open to those on the margins to think about being human anew. It is relational and ecumenical. Being human is not about the "empiricism of the unfittest", but instead the "realization of the living"[492] While Singer talks about the biological-empirical *Homo sapiens*, Wynter talks about the sociogenic-scientific *Homo narrans*. For Wynter, the hybrid bios-mythoi human and the process of autopoiesis must "no longer be allowed to function outside our awareness."[493]

> "Man's history-for is therefore now put forward as if it were transcreedal, supracultural, universal. And my point here is that if we are able to reimagine the human in terms of a new history whose narrative will enable us to co-identify ourselves each with the other, whatever our local ethnos/ethnoi, we would have to being by taking our present history, as narrated by historians, as empirical data…"

[492] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 3-4.

[493] Ibid., 28.

to understand how we got here, Man as human.[494] No ethno-class, for instance Singer's, "can embody the truth of what Human is and means."[495] These meanings, these sociogenic codes, affect matter. That matter is people.[496]

Singer and Socioeconomics: Obligation to Assist, Exceptionalism, and Democracy

One of Singer's strongest arguments for addressing the lives of the marginalized is his "obligation to assist." He notes, "helping is not, as conventionally thought, a charitable act that is praiseworthy to do but not wrong to omit. It is something that everyone ought to do."[497] We owe because of the utilitarian principle, because people should not be treated differently depending on their circumstances or luck. Singer is a proponent of the affluent in Western countries donating 5% of their wealth to aid organizations from their private funds. He is also a proponent of fair trade, the end of agricultural subsidies that affect farmers who cannot compete with the prices, political action, and more official government development assistance.[498] He does not hold private property sacred as do libertarians, and states utilitarians are game to override property rights when a calculation of interests estimates its necessity. His ideas are based on addressing the welfare of people globally. He believes it is better for children to be born

[494] Scott, "The Re-Enchantment of Humanism: An Interview with Sylvia Wynter," 198.

[495] Mignolo in McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 122.

[496] Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 216.

[497] Singer, *Practical Ethics*, 200.

[498] Only 1% of the US federal budget goes to foreign aid, despite the belief of Americans that the US gives 25%-27%. And although aid does provide needed material goods for people such as food, water, sanitation, and education, it is debated as to whether it merely creates dependency on foreign aid. Simmons, A. May 10, 2017. *U.S. foreign aid: A waste of money or a boost to world stability? Here are the facts*. LA Times.

in a developed world where they have a higher standard of living and better chances to "lead enjoyable lives".[499] And yet, he prioritizes those in "developing" countries (although a colonial term) for funding assistance because of their absolute poverty, compared with the relative poverty of the U.S.[500] Development organizations can help to alleviate the immediate needs of people such as providing water, food, shelter, and education. This is undisputable.

About capitalism, Singer assumes it cannot be challenged, that private enterprise will never be abolished, and that black markets will always emerge. He says "we might as well accept that financial rewards will go to those with inherited abilities, rather than those who have the greatest needs."[501] Instead, "we should try to create a climate of opinion that will lead to a reduction in excessive payments to senior management and an increase in payments to those whose income barely meets their needs"[502] He also locates some ability to redistribute wealth within the taxation schemes and through increased equity in salary (with a margin before brain drain happens).

He identifies affirmative action as the best hope for reducing long-standing inequalities, especially in education and employment.[503] He is most concerned with reducing the inequalities "within" certain racial or ethnic groups rather than between

[499] Singer, Practical Ethics, 88.

[500] Ibid., 192.

[501] Ibid., 38.

[502] Ibid.

[503] Ibid., 39.

racial and gender groups, which he thinks may have a more divisive effect.[504] For instance, in selecting candidates for jobs or higher education, affirmative action, for Singer, is not "contrary to sound principle of equality and does not violate any rights of those excluded by it."[505] In the U.S., he notes that managing admissions to achieve diversity is permissible, but not by using racial or ethnic quotas. But if a school wanted to increase diversity, they could do so based on potential student "interests" rather than IQ, race, or some other criteria alone.

In a chapter called *Civil Disobedience, Violence, and Terrorism*, he asserts that civil disobedience may be necessary to restore democracy. He believes the state is more sophisticated than "tribal societies that kill with impunity."[506] And he recognizes that democracy is not perfect, but having some kind of agreed-on procedure is "the firmest possible basis for a peaceful method of settling disputes."[507] In contrast to civil disobedience, violence is only justified perhaps in the cases of dealing with a murderous dictator or protecting people from a mass killing or genocide.[508] And he concludes that terrorism is never justified. He says in general violence may have harmful long-term effects.

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[504] Ibid.

[505] Ibid., 44.

[506] Ibid., 72-73.

[507] Ibid., 266.

[508] Ibid., 273.

## Wynter's "We the Underdeveloped"

An anti-colonial critique of Singer's "obligation to assist" reveals more eurochristian assumptions, entailing harms to the marginalized. First, while absolute poverty is not disputed, Singer minimizes the poverty in the U.S. by using the terms "relative" and "absolute" poverty, and by citing the life expectancy in the U.S. as 78 years.[509] He does not cite the inequalities of life expectancy and health *within* the U.S.[510] Also, Singer as *Homo oeconomicus* takes for granted the rich/poor divide and calls for giving 5% of one's wealth to development organizations. Wynter would consider these givers Malthusian jobholders and breadwinners, masters of the ill of "Natural Scarcity" and "'curable' therefore, only in economic terms."[511] Development work has largely been criticized for its cooptation of the world into the eurochristian global schema, into neoliberal economic (and thereby already oppressive) institutions. This "help", the transfer of wealth from the affluent to development organizations, largely funds Western aid organizations with eurochristian epistemic models. In addition, the helping doesn't address the root causes of inequality, such as a neoliberal economic system, politics, corruption, and greed. Helping is often (but not always) a band-aid. If development organizations are led by the marginalized from their own sociogenic schemas and

[509] Ibid., 192.

[510] The areas of lowest life expectancies are on Indian Reservations, in poor and black neighborhoods in the U.S. South, and Appalachia. "The average life expectancy in the U.S. is almost 80 years. But that average obscures enormous differences based on where people live. In some U.S. counties, life expectancy is close to 90. But in others, people are lucky to live to 65." Ubel, P. "Where you Live in America determines when you die." *Forbes*, January 24, 2019.

[511] Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," 321.

epistemologies and are sustainable, this kind of organization would benefit from some initial funding aimed at anti-colonial welfare. Unfortunately, Singer notes he would encourage Western governments to withhold funding countries who restrict contraceptives for religious or nationalistic reasons, or who disallow women from receiving education.[512] While many secular bioethicists may agree with this tactic for utilitarian (or human rights) reasons, it is still the impression of eurochristian values on an autonomous society. The outcome is not the point here. The "white men saving brown women from brown men" in Gayatri Spivak's essay *Can the Subaltern Speak* points to the British as being an intruder, not a white savior, in the practice of sati for widowed Indian women.[513] Wynter would attribute this alterity experienced by the British to the fundamentally different origin stories and socigenesis of Indians from the British. Singer's "obligation to help" is altruistic, but fundamentally flawed from an anti-colonial perspective, especially in colonized and marginalized people's ability to be autonomous in the development of their own ontological and epistemological well-being and to imagine their own futures uncoerced by eurochristian dominance.

But Wynter goes beyond the empirical and proposes to "get rid of the concept of development altogether."[514] Development and economic growth "lay down the

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[512] Singer, *Practical Ethics*, 209.

[513] Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," *Can the subaltern speak? Reflections on the history of an idea* (1988): 92.

[514] As the title of Wynter's essay questions, "is development a purely empirical concept or also teleological?" Sylvia Wynter, "Is' Development'a Purely Empirical Concept or Also Teleological?: A Perspective From'we the Underdeveloped'," *Contributions in AfroAmerican and African Studies* 169 (1996): 299.

prescriptive behavioral pathways instituting our present world system."[515] In other words, the idea of development itself is the eurochristian remaking of other societies. I think Wynter would say that Singer is focused on "material redemption", at the cost of Africa losing its own soul, and at the same time strengthening stereotypes of Africa as underdeveloped, backwards, and impoverished.[516] Wynter writes, it is

> "this 'sense of right' that, as the [eurochristian] ethico-behavioral code based on a new 'reasons-of-the-economy' (a code that is itself fundamentally culture-systemic rather than purely economic as it represents itself to be), is the cause of the trap in which Africa—and the Black world—now finds itself today."

Singer believes living in a "developed" country is superior and wants to save who Wynter calls "we the underdeveloped" through a Western economic scheme, namely development organizations. Unfortunately, Singer focuses on the giving of the affluent rather than listening to and engaging with "We the Underdeveloped".

While a redistribution of the wealth from sources of low-lying fruit is not disputed here, the overall thought process behind redistribution is that capitalism, the partner of the scarcity myth, cannot be disturbed. In effect, the system that creates inequalities persists, while a few regulations redistribute here and there. Wynter calls Man2 the alleged "masterer of natural scarcity (investor or capital accumulator)", defining the "jobless, the homeless, the Poor, systemically made jobless and criminalized—of the underdeveloped—all as the category of the economically

[515] Ibid., 300.

[516] Ibid.

damnes."[517] The "ill" of the present is natural scarcity which is also a common trope in medicine, and can only be cured in economic terms within the current eurochristian economic structures of capitalism and neoliberalism, through constantly increasing economic growth and accumulation. "Capital is projected as indispensable, empirical, and metaphysical source of all human life, thus semantically activating the neurochemistry of our brain" and driving the desire for accumulation.[518] She notes that humans are stuck in a "teleological economic script that governs our global well-being/ill-being…"[519] But this secular-capitalist human is not the whole of the human species. It is Man2, it is "us", the "Western and mimetically Westernized middle classes", the only means of production and needs repression of all other alternative modes of material provisioning. The narratives of race, scarcity, and progress are not naturally determined as eurochristians like to believe. They are systematically kept in place by a destructive worldview.

Like Singer's desire to redistribute wealth, healthcare and bioethics do good within its eurochristian walls and according to its eurochristian logic, but the structures are oppressive or only superficially helpful to many.[520] A common example of the good being done is the push for addressing the social determinants of health such as housing, access to health care, healthy foods, safe neighborhoods. These are important resources.

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[517] "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," 321.

[518] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 10.

[519] Ibid.

[520] The level of "help" proposed by Singer is an echo of Walther Rauschenbusch's Christian social justice, of current institutions are about lower hanging fruit.

Singer wants to alleviate world poverty with altruistic monetary donations to well-meaning non-profit and government organizations. But the level of transformation required by many liminal groups of society transcends this kind of naïve material view of social justice. The liberal eurochristian worldview, while seemingly more altruistic and helpful (and does attend to the immediate physical needs of many humans worldwide), is still steeped in not only medieval Christianity, but also the Humanism of/as Man, the narrative of Malthusian scarcity and capital accumulation, and the continued categorization of people hierarchically, if not always as overtly. The worldview solidifies racial stereotypes and racial exploitation; which is why race cannot be the sole and final category for targeting inequality. It must be colonialism and its ontological, epistemological, economic, political, and psychosocial components.

On affirmative action, Wynter is also instructive to the attempts of liberal humanists to improve the lives of others. Wynter notes the contradiction between individual equality and group hierarchy in the "category structure of the representational system 'America'."[521] In her telling of this contradiction, she discusses David Bradley who is a black man in the early 1980s who, based on affirmative action, is admitted into a liberal university, which seems like a move toward equality. The illusion of his equality as an individual within the system evaporated with the shouts of "Nigger!", the bomb threats, and the relegation of Blacks on campus to a dilapidated and underfunded "Black Cultural Center" on the margins of campus. The group identity associated with black skin is retained and contained through a process of homeostasis, that according to Wynter,

[521] Wynter Ceremony p. 40.

holds Blacks in the position of Chaos to the Euro Order.[522] Wynter realizes that Blacks will always be relegated to some subjective and marginalized space in the current order of things, despite well-meaning attempts to "help". Wynter calls for an epistemological break, a new heresy, to contradict the "first planetarily extended system in human history."[523] The argument for Wynter is not whether affirmative action is helpful or harmful, but how can the orthodoxy of the secular humanistic and still-racist paradigm be restructured so that people of color are no longer the reflection of chaos/evil to eurochristian order/good.

Singer puts faith in the state and law to create stability within society, for the peaceful settling of disputes. The "sophistication" of the state provides a good minimum level of justice and equality. But Western categories of "normally American and normally human" do not include the racialized, impoverished, and underdeveloped.[524] What we find is that *Homo politicus* and *Homo humanitas* often have overriding drives to create security and order at the expense of those on the margins. The state and legal systems are not tuned to serving the symbolically dead/inferior/irrational of society. Ania Loomba echoes this pointing out "the 'fraternity'" of the nations claims to represent them even as it does not include them as equals. Nations were originally forged on the inclusion of some to the exclusion of others, while the power and appeal of nationalism and its myth of belonging still draws many under its spell. In the U.S., despite the

[522] Wynter, "The Ceremony Must Be Found: After Humanism," 41.

[523] "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 202.

[524] Ibid., 212.

autochthony of Indigenous nations, the true God-given owners of the Americas are white settlers based on the Doctrine of Discovery, written by a handful of Popes in the 15th century. And despite the spread of nation-building during postcolonial period, most often the nations were still a eurochristianized racialized version of themselves because of what Wynter calls mimesis. Singer, in taking for granted the nation (and Western nations and law more specifically), is the bee unaware of his beehive. Then he allows for civil disobedience as long as it is in service of national order and democracy. But he stops at violence—this is Singer's white privilege. While this author does not condone violence, this luxury of avoiding violence is both racial and class privilege. Racialized situations including Native American genocide, the stripping of Mexicans of their northern-most territories in the 19th century, the devastating policies of overthrowing elected leaders and neoliberalism for regular Latin-American families due to political and economic U.S. intervention, the loss of lives and the imprisonment of Latinx children often leave people desperate and without options. But as Loomba puts it, nations are not transhistorical, and can be continually reimagined.[525]

## Returning to Jahi McMath

For Peter Singer, McMath was a human, but not a person. Her continued life had no meaning for McMath as an individual, for she was, as far as science could tell, irreversibly non-sentient, and therefore had no possible future achievements. There is no empirical proof of a God, so any religious beliefs would be irrelevant to the decision to withdraw McMath from life support. Nor is there the potential for miracles. He would not

[525] Loomba, Colonialism/Postcolonialism, 170.

have agreed with the UDDA that said she was actually dead, because for him brain death is a legal fiction, but he might press to withdraw life support for utilitarian reasons, such as avoiding economic burdens on the hospital or health care system, providing organs for persons on the waiting list, and avoiding the moral distress of healthcare providers. Winkfield would have agreed with Singer, that McMath did not look dead; her heart was beating, she was warm, and moved her extremities on occasion. Singer does say, in talking about babies with bleak prospects, the decision to keep a baby should be up to family that will care for it; but that the family should also have the right to allow death if they cannot. What this author is unsure about is whether Singer agrees with a unilateral withdrawal of life support by physicians in situations such as brain death. But the vocal public bioethicist Arthur Caplan, from the Division of Medical Ethics at New York University Langone Medical Center, adamantly responded that "the legal right to stop is on the doctors' side," in an interview with CNN. "We don't treat the dead. Sadly, she has died."[526]

The fact that McMath and her family are black should not theoretically be a factor in Singer's calculations, because each person must be taken as an individual, not as part of a group. The situation is merely a scientific-functionalist question. The heresy in this case by the bioethics community was the fact that someone had challenged the "accepted" dead donor rule of brain death. This was the scandal that upset the apple cart. Singer says nothing about implicit bias, the general poorer health and access to healthcare

[526] Tom Watkins and Mayra Cuevas. "Family wants to keep life support for girl brain dead after tonsil surgery," CNN. https://www.cnn.com/2013/12/17/health/california-girl-brain-dead/. (accessed April 26, 2019).

for racialized persons in the U.S., nothing about the power differentials around race in healthcare. The likelihood that McMath may not have had all of her social determinants of health met prior to her surgery does not enter into the discussion of whether or not she is alive or dead, a person or a human. The inequalities in the U.S. which stem from both a colonial history and the current capitalist and neoliberal policies are inevitable, but at least we have a minimum level of peace and equality due to an imperfect democracy and affirmative action, all according to Singer. And in fact, the real problem is not with inequality in the U.S., but overseas in underdeveloped countries. So according to Singer's *Practical Ethics*, Jahi McMath was not about race at all, but merely a biological-functionalist view of brain death, with empathy toward families who are the bearers of the suffering.

## Sylvia Wynter and Jahi McMath

Sylvia Wynter provides us with a different view. She moves the conversation of inequality from a secular-liberal biological view to the conception of ontological sovereignty: "we would have to move completely outside our present conception of what it is to be human, and therefore outside the ground of the orthodox body of knowledge which institutes and reproduces such a conception."[527] Wynter struggles to think outside the limits of the biocenetric order of consciousness of *homo oeconomicus*. But, she admits that Darwin pulls hard so this is difficult thinking.[528] But what is obvious is that large scale injustices are indispensable to a overrepresented narrative of *homo*

[527] Scott, "The Re-Enchantment of Humanism: An Interview with Sylvia Wynter," 136.

[528] Ibid.

*oeconomicus' s* bio-origin narrative which act as if isomorphic with now emergent-referent-we "in the horizon of humanity". In other words, Man2's dominant narrative acts as if it speaks for all people, but instead continues to oppress. Wynter acknowledges that science does bring some knowledge but leaves out *mythoi*.[529] She describes that the 1960's was the first big eruption in Man's episteme, the same era of the birth of bioethics. But quickly the gains were subsumed by Man in the recapturing of power. The cost, for Wynter, is the subordination of racialized groups' genre-specific story-telling codes of symbolic life/death. In sum, a neoliberal society and a clinging to the old Man1's colorblind humanities continues to deny its own and others' origin stories and sociogenic truths.

In applying Wynter's work to the case of McMath, different ways of bioethical thinking emerge. First, bioethicists and healthcare providers would be able to comprehend the big-picture. What led up to the trauma experienced by McMath and her family from an anti-colonial perspective? Ontologically, what was Nailah Winkfield's origin story?[530] What was the meaning of life and death for her? We know what mainstream secular doctors and hospital ethicists believe. Singer and Engelhardt are two well-known bioethicists with competing claims to morality in healthcare. After an

[529] In terms of Fanon's *Black Skins White Masks*, the skins are the scientific phylogeny and ontogeny, and masks are sociogeny (mythoi).

[530] Keisha Ray discusses the lack of acknowledgment of culture, race, religion in the bioethical treatment of McMath. She points out the importance of acknowledging conceptual and metaphysical death, Christian beliefs, and the history of minorities and medicine. Keisha Ray. "The Case of Jahi McMath: Race, culture, and medical decision-making," Voices in Bioethics. http://www.voicesinbioethics.net/opeds/2014/07/08/the-case-of-jahi-mcmath-race-culture-and-medical-decision-making. (accessed April 26, 2019).

analysis of both, we might be compelled to ask why their worldviews, and not the family of Jahi McMath's, are considered to take precedent in cases such as McMath's. Does some special authority exist in either Engelhardt's religion or Singer's philosophy? Neither mainstream secular nor Christian ethicists have the "truth-for" everyone. Winkfield's hybrid bios/mythoi self is no more or less than the bios/mythoi of any physician or bioethicist. Each group's origin stories or cosmogonies are reality, "made flesh," through the social codes' transference into neurochemical reward-and-punishment mechanisms within their bodies. The latter just happens to dominate through the eurochristian narrative. The discrimination the family felt was the product of a long (and continued) history of eurochristian scientists and philosophers categorizing people by skin color, rationality, and intelligence, defining a hierarchy of humanity. Bioethicists and healthcare providers, like Kant, Muller, and Linnaeus, cannot see outside their (our) own sociogenic genre-specific frame, which we mistake for the higher truth, for everyone's truth. Wynter's connection of our social codes with neurochemical opiate reward systems provides insight, as we intuit the right thing for our patients and are indignant when someone's choices or behaviors do not align. Our colleagues and patients all define morality based on their origin stories.

In addition, bioethics rests on a long history from the views of privileged white men, Man1 and Man2, from the exercise of high theory, without co-creating theories with those on the margins, those with differing worldviews and religions. From Wynter (and De La Torre) we can take as prescriptive that a bioethics interested in dealing with race must genuinely center those on the margins, to listen, and be open to engaging the alterity

faced when one's own worldview (and origin story) is questioned. Winkfield said, "No one was listening to us, and I can't prove it, but I really feel in my heart: if McMath was a little white girl, I feel we would have gotten a little more help and attention."[531] McMath's family should have been deferred to, without assuming ignorance, superstition, inferiority, or resistance. This is almost blasphemous to say in the world of medicine, where we have "standards" and legal definitions of death. But until bioethics realizes its mainstream taken-for-granted systems are upholding racism, nothing will change. Intellectuals, even when acting oppositional, most often maintain a eurochristian narrative and reinscribe dominance over those who have historically been marginalized. Wynter cautions, "the trap for us…is to choose whether your allegiance will be to the dominant world of the "men" or to the subordinated world of the "natives"."[532] For bioethics this will often mean acting first to reduce racism even if something feels askew, even if it challenges one's own neurochemical receptors.

The epistemology of *Homo humanitas* is one of colorblindness. The ethical and scientific flurry of excitement by neurologists and bioethicists around McMath's case hardly mentioned race. Wynter is generous in pointing out that the functional rhetoric of the Liberal Creed is beyond the limits of conscious intentionalities.[533] And yet, brain death, the holy grail of intensive care, was being questioned, as was the physician's

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[531] Aviv, "What Does It Mean to Die?", 30.

[532] Wynter was speaking to scholars of color who are trapped between skins and masks, but it is also a relevant statement for whites. Scott, "The Re-Enchantment of Humanism: An Interview with Sylvia Wynter," 136.

[533] Wynter, "The Ceremony Must Be Found: After Humanism," 40.

authority to make the calls. Experts were brought in to detect any signs of life, and like Singer, some questioned the label "death" a legal fiction…that McMath, although neurologically devastated, was not dead. Others, such as Bob Veatch, said it makes sense to let families decide based on their own definitions of death.[534] And then there is Arthur Kaplan, who, in agreement with many others, insisted on following the legal definition: dead is dead.[535] In Aviv's article, McMath's family claims that one of the doctors at Oakland Children's Hospital "pounded his fist on the table, saying, 'She's dead, dead, dead.'"[536] But while questions arose regarding the biological-technical aspects of brain death, mainstream bioethics ignored the elephant in the room, dismissing the patient and family's racial and cultural identities as unimportant. The legal and biological universal "agreements" around brain death were being threatened.

While McMath was no longer either a person in Singer's sense, or alive based on mainstream bioethics and law, for Winkfield she was still very much alive and part of the moral community and her family. Winkfield was having to contest those who said McMath was not biologically human/alive, but also that she was never symbolically alive in a eurochristian world. McMath was born into a world that equates black with chaos, evil, poverty, and ignorance. For Winkfield, the world outside considered her beloved daughter doubly dead. Winkfield said she lost all of her trust when a black physician

[534] Maanvi Singh. "Why hospitals and families still struggle to define death." NPR, https://www.npr.org/sections/health-shots/2014/01/10/261391130/why-hospitals-and-families-still-struggle-to-define-death. (accessed April 26, 2019).

[535] For more about Caplan's views on brain death: A. Caplan, *"The Case against Care for Those Who Are Brain Dead," Newsday, January 9,* 2014.

[536] Aviv, "„What Does It Mean to Die?"," 33.

attempted to empathize with her about how African-Americans lose their children at higher rates than other groups. According to Aviv's article, when the physician said "You know how we are," Winkfield said

> "Who's we? We African Americans? I felt so belittled. Yes, a lot of black children die in Oakland and people do have funerals for their children – but that don't mean all of us are like that. Do you think we're supposed to be used to our children dying, that this is just what black people normally go through?"[537]

Wynter would advise bioethics to engage in the perspectives of the liminal, those of Jahi's family. As described in the Aviv article, the highly respected neurologist Alan Shewmon did just this. After years of research on brain death, he abandoned his mainstream colleagues. He said that "dissenters from the 'brain death' concept are typically dismissed condescendingly as simpletons, religious zealots or pro-life fanatics," and as Aviv said, "he announced that he was joining their ranks."[538] The perspectives of those with a double consciousness, those living in the borderlands, can be instructive to those who are still trapped in the liberal humanist "paradigms of justice" of their own creation, without knowing what justice is to those experiencing injustice.[539]

Another touchpoint of brain death, and a factor in Jahi's case, is economics. Wynter writes of economists as the "secular priesthood" of the U.S. nation-state's economic system, now operating at a global neoliberal level. Economics now functions as

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[537] Ibid.

[538] D Alan Shewmon, "Recovery from "Brain Death": A Neurologist's Apologia," *The Linacre Quarterly* 64, no. 1 (1997).

[539] Borderlands is a term attributed to Gloria Anzaldúa. Gloria Anzaldúa, *Borderlands: La Frontera = the New Mestiza/Gloria Anzaldua*, Frontera (San Francisco: San Francisco: Aunt Lute Books, 1987).

theology did in the past. The Christian original sin morphed into the evil of natural scarcity, and the cure is "ever-increasing economic growth."[540] Wynter's "overrepresented narrative of *Homo oeconomicus' s* bio-origin narrative" acts "as if isomorphic" with now emergent-referent-we "in the horizon of humanity". Economics are often one of the strongest arguments against keeping people on life support in permanent non-sentient states, although many are uncomfortable in admitting to this. *Homo oeconomicus* is overrepresented, and is used in cases like Jahi's to moralize from the point of view of experts—the "symbolic <u>life</u> of Man as *Breadwinner* and accumulator, making decisions for the symbolically <u>dead</u> *Welfare Mom/Ghetto 'Black' Others* (including their *Trailer Park Trash, Wigger "White"* counterparts)."[541] And economics is the reason many of the poor, undocumented, and people of color have worse health based on poor access to health services and unmet social determinants of health.[542] Deep health disparities continue despite decades of research.[543] Yolanda Wilson points out a series of reasons for the health disparities, including lower quality healthcare

[540] Katherine McKittrick, *Sylvia Wynter : On Being Human as Praxis / Katherine Mckittrick, Ed* (Durham : Duke University Press, 2015), 26.

[541] Underlining mine for emphasis. Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 216.

[542] M. van Ryn and S. S. Fu, "Paved with Good Intentions: Do Public Health and Human Service Providers Contribute to Race/ Ethnic Disparities in Health," American Journal of Public Health 93, no. 2 (2003): 248–55; Council on Ethical and Judicial Affairs, "Black-White Disparities in Health Care," Journal of the American Medical Association 263 (1990): 2344-46; see Institute of Medicine, Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care (Washington, D.C.: National Academies Press, 2003).

[543] Centers for Disease Control, "Heart Disease Death Rates among Blacks and Whites Aged > 35 Years—United States, 1968-2015," March 30, 2018, at https://www.cdc.gov/mmwr/volumes/67/ss/ss6705a1.html; N. Martin, "Black Mothers Keep Dying after Giving Birth. Shalon Irving's Story Explains Why," National Public Radio, December 7, 2018.

compared with white counterparts, and a greater dissatisfaction of care they receive, especially related to perception of racial discrimination.[544] This translates to increased anxiety and lower levels of engagement with the healthcare system. Other factors that disproportionately affect the poor are lack of transportation, geographic distance, and limited insurance status.[545] Mistrust also runs deep since the middle passage onward, including an ongoing string of vile experiments and medical mistreatment.[546] The assumptions of health providers regarding the poor and stereotypes of black female welfare-seekers are closely tied to the biases, even if implicit, of eurochristian healthcare workers and hospital administrators. Winkfield's lawyer, Dolan, said to Rachel Aviv in her New Yorker article, "They think she's just some black lady sucking down social resources."[547]

Walter Mignolo recognizes one of the goals of Wynter's *decolonial scientia* (a Renaissance-style science) is to generate

> "knowledge to build communities in which life (in general) has priority over economic gains, economic growth, and economic development. This is knowledge that will subject economic growth to human needs rather than submit human needs to economic growth and development."[548]

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[544] Yolanda Wilson. "Why the Case of Jahi McMath is important for understanding the role of race for black patients." The Conversation, July 2018. https://theconversation.com/why-the-case-of-jahi-mcmath-is-important-for-understanding-the-role-of-race-for-black-patients-99353.

[545] Ibid.

[546] Washington, Harriet A. Medical apartheid: The dark history of medical experimentation on Black Americans from colonial times to the present. Doubleday Books, 2006.

[547] Aviv, "„What Does It Mean to Die?", 37.

[548] Mignolo in McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 118.

The decentering of economics and a recentering of the marginalized are vital, for Wynter, in the reimagining of, and liberation for, the human. How this would be accomplished is yet to be imagined. Wynter says social uprisings have tremendous links to the transformation of knowledge.[549]

Stuart Hall suggests the mere continued presence of the subaltern is "a kind of passé historical-cultural force, has constantly interrupted, limited, and disrupted everything else".[550] Existence is important without necessarily being agents of one's own histories. Winkfield is still there interrupting, limiting, disrupting; colonialism did not erase her. Perhaps Jahi set this uprising in motion on her insistence on existing, on living, and Winkfield as the trickster, pointing out the hypocrisies within, and the mask of, eurochristian morality within bioethics.[551]

[549] Ibid., 27.

[550] Lawrence Grossberg, "On Postmodernism and Articulation: An Interview with Stuart Hall," *Journal of Communication Inquiry* 10, no. 2 (1986): 52.

[551] The trickster-based ethics employs a character that breaks rules, exposes hypocrisies, and disrupts dominant paradigms. This is an important figure in De La Torre's Latinx ethics. De La Torre, *Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking*, 105-17.

# CHAPTER 6: THE PROTECTION OF HUMAN RESEARCH SUBJECTS IS STILL COLONIAL

The 2010 case *Arizona Board of Regents v. Havasupai Tribe* has been of great interest to bioethicists. The Havasupai nation are a group of approximately 600 Indigenous people living in a remote part of the Grand Canyon in the state of Arizona. In 1989, researchers at Arizona State University created the Diabetes Project to study the genetic markers for the risk of type 2 diabetes in members of the Havasupai people. In general, Native American adults have 2-3 times the rate of diabetes than whites, and more than any other race or ethnicity in the United States, with the Havasupai being no exception. The researchers secured broad (general) informed consent but allegedly did not inform the participants that the remaining blood samples might be used to study topics such as schizophrenia, migration, and genetic homogeneity (can imply inbreeding). In addition, the DNA was shared with the University of Arizona and subsequently used in 3-4 student dissertations, and approximately 20 publications. These research projects were never disclosed to the tribe but stumbled upon at a lecture attended by a Havasupai tribe member. Two lawsuits followed. The second lawsuit, reinstated by the Arizona Court of Appeals, lead to a settlement in 2010 of $700,000, funds for a clinic and school, and return of the DNA samples. In what follows, I will mine the foundational ethics book *Principles of Biomedical Ethics* by Tom Beauchamp and James Childress for evidence of

eurochristian colonial themes in light of the case Arizona Board of Regents v. Havasupai Tribe in order to specify how bioethics misses the forest for the trees in relation to communities of color. Beauchamp's ontological assumptions, moral epistemology, and socio-economic framing within bioethics will be explored in this chapter and will be compared with Leanne Betasamosake Simpson's Indigenous perspectives of the same three categories. And finally, Simpson's work will be used to elucidate a different approach to thinking about the Havasupai case.

## Beauchamp and Childress' *Principles of Biomedical Ethics*

Tom Beauchamp's and James Childress' book *Principles of Biomedical Ethics* has been a cornerstone of bioethics since the 1980s. The concepts within the book are easily accessible and have practical applicability for teaching healthcare students, for ethics consultation within healthcare institutions, and for framing both basic and clinical research guidelines. Now in its seventh iteration, the first edition was published in 1979. This systematic analysis has grown up alongside the nascent discipline of bioethics itself. The authors have fastidiously addressed each proposed concept in light of the highest praise and the most vicious critiques alike. The basis of *Principles* is that certain mid-level principles can, with further specification, represent a common morality for all persons, particularly in reference to bioethics. Beauchamp has written that although autonomy, beneficence, non-maleficence, and justice are stable and deeply resistant to change, he and Childress are not in the business of categorizing and maintaining an

enduring list that is unchallengeable.[552] The principles stand in as accessible moral currency to the high theory of moral philosophy of which Beauchamp questions its utility for the practice of bioethics at the bedside.[553]

Both Beauchamp and Childress are philosophers with training in Christian theology, each holding a degree from Yale Divinity School. Despite their training in religion and Childress' role as a theologian, their approach to bioethics is flexibly secular with practical applicability (but not necessarily sufficient) for religious healthcare institutions as well. Both authors also serve as fellows of the Hastings Center, which is "the oldest independent, nonpartisan, interdisciplinary research institute of its kind in the world," that "addresses fundamental ethical and social issues in health care, science, and technology."[554] The influence of these two men is significant on the formation of the discipline of bioethics. In this chapter I will focus on Tom Beauchamp, especially because of his foundational and ongoing participation in research on human subjects through his drafting of the Belmont Report and his work on informed consent in addition to co-authoring *Principles*.[555]

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[552] Tom Beauchamp, "On Common Morality as Embodied Practice - a Reply to Kukla," *Cambridge Quarterly of Healthcare Ethics* 23, no. 1 (2014).

[553] Tom L. Beauchamp, "Does Ethical Theory Have a Future in Bioethics?," *The Journal of Law, Medicine & Ethics* 32, no. 2 (2004).

[554] The Hastings Center. https://www.thehastingscenter.org/, (accessed April 26, 2019).

[555] The Belmont Report was written to define ethical standards for research on human subjects and to create enforceable national oversight guidelines in the wake of the Tuskegee syphilis studies and others like it. The National Commission for the Protection of Human Subjects of Biomedical and Biobehavioral Research. The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research. Washington, D.C.: Department of Health, Education, and Welfare; DHEW Publication OS 79-0012 1978.

Beauchamp completed graduate school at Yale Divinity School and earned a PhD in Philosophy at Johns Hopkins where he studied in depth the works of David Hume. He is a retired Professor of Philosophy at Georgetown University and Senior Research Scholar at the University's Kennedy Institute of Ethics where he spent the duration of his career. In his early days at Georgetown he was appointed to the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research to write the Belmont Report at the same time he was drafting the first edition of *Principles* with Childress, in the late 1970s.[556] The Belmont Report and *Principles* materialized simultaneously, and as Beauchamp describes, the projects overlapped in many ways.[557] The well-known bioethics approach of Principlism was borne out of these two works. The Belmont Report named beneficence, respect for persons, and justice as its three guiding concepts, and *Principles* added nonmaleficence as the fourth. Beauchamp reveals in his article "My Path to Bioethics" his lifelong concern with inequality, racial segregation, and other practical public issues such as war, civil disobedience, and affirmative action, which propelled him into the profession he chose.[558] His professional works have focused on David Hume, informed consent/research ethics, moral

[556] Both Tristram Engelhardt and Tom Beauchamp contributed to the work of the Commission through the contribution of essays for the group's deliberations.

[557] The Belmont Report was named after the conference center at the Smithsonian Institute in Maryland where the Commission convened. Jonsen, *The Birth of Bioethics*, 108.

[558] Tom L. Beauchamp, "My Path to Bioethics," 27, no. 1 (2018).

philosophy, right to die, and animal ethics. Beauchamp ultimately wanted bioethics to be multidisciplinary and practical, neither of which philosophy was.[559]

While many critiques of *Principles* have been executed, they will not be covered in this dissertation. This analysis does not set out to create a new theory, to settle the universalism/relativism debate, nor to discredit the good that has come from Beauchamp's (or Childress') work. The purpose of this analysis is to move beyond their work by framing some of the fundamental concepts within in terms of anti-colonial scholarship. Despite the passage of time and of the attempts over the last decades to address racism, the United States continues to boast a culture of economic extremes, material disparities, and entrenched racism. The intention of this chapter is to uncover the insidious way the eurochristian worldview continues to influence and undermine the efforts of bioethicists and healthcare providers from within.

In *Principles*, Beauchamp and Childress locate the Havasupai case under the title of group harm. They deal with issues such as the unethical use of broad consents, the risk of stigmatization, threat to identity and land rights, and that researchers may have taken advantage of a vulnerable population. All of this is true. But if we, as bioethicists, were to analyze this case from an anti-colonial perspective, this is not just a story about harms. It is about power and privilege. The fact that genetic research is required at all on a population with a severe disease load is, itself, due to the dispossession of the Havasupai people from their land, bodies, and minds. The fact that the Western world considers the tribe "vulnerable" is related to this dispossession. The system of scientific

[559] Ibid.

and material progress that defines the massive medical research agendas of academic institutions is the same system that is the root of Native American health problems including high death rates, diabetes, cardiac and renal disease, substance abuse, and high rates of suicide and mental illness. This colonial system of progress and wealth accumulation continues to colonize Indigenous people through land control, consumption of natural resources, and pollution on reservation land, putting Native Americans at increased environmental health risk. The building of massive research centers, the fueling of those centers, and the intense competition for research grants and publications all radiate from the eurochristian linear evolutionary trajectory while upholding underlying harms of resource extraction, pollution, and capitalism-induced inequalities. And on stolen Native American land. The very system that wants to "help" the Havasupai are part of the system that continues to dispossess them. Bioethics is not outside of the eurochristian system, nor is research ethics, despite the intent to "protect".

Leanne Simpson

Simpson is Michi Saagiig Nishnaabeg from the area around the Great Lakes that is now called the Northwest Territories, Canada. She is a writer, poet, song writer, storyteller, activist, and faculty member at the Dechinta Centre for Research and Learning in Denendeh.[560] She received her PhD from the University of Manitoba and is a member of Alderville First Nation. She has spent most of her adult life learning and living Nishnaabeg from the Elders, breathing Nishnaabeg into revival for new

[560] From the back cover of: Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance.

generations. Simpson has written several books, including *Dancing on Our Turtle's Back* and *As We Have Always Done*. Simpson has been teaching land-based education for twenty years. She was awarded Best Subsequent Book by the Native American and Indigenous Studies Association for her book *As We Have Always Done*, and the Outstanding Indigenous Artist at the Peterborough Arts Awards in 2018 for her song writing and musical performance.[561]

Grounded normativity is the basis of an Indigenous ethic that is rooted in the relationship with the land and all living things, is inseparable from these things. Simpson knows the recovery of an ethic of grounded normativity is only possible through radical resurgence which can be conceptualized through three objectives. One, it sets out to look critically at the settler colonialism of the present including capitalism, white supremacy, heteropatriarchy, and anti-Blackness. Second, it is an Indigenous refusal of dispossession. And third, it is for Indigenous peoples, particularly Nishnaabeg for Simpson, to become deeply re-embedded and enmeshed in their own grounded normativity. Her idea of resurgence is political, not just cultural. It is a full recovery of Indigenous bodies, minds, and land. Understanding the Havasupai case from within an Indigenous framework as described by Simpson provides a critical lens for identifying both the deficiencies of eurochristian research ethics and for a very different kind of ethic to emerge.

## Beauchamp's Ontology

Unlike the Christian metaphysical ontology of Engelhardt and the Darwinian-Malthusian ontology of Singer, Beauchamp does not wear his ontological assumptions on

[561] Leanne Betasamosake Simpson. https://www.leannesimpson.ca/about. (accessed on April 26, 2019).

his sleeve. What is Beauchamp's origin story? His empathy toward the oppressed aligns with a humanistic approach, while his attendance at Yale School of Divinity is a clue to a Christian worldview. In an interview he remarked that as a graduate student he was interested in religious studies because his understanding of ethics had come from this discipline.[562] His academic focus is on philosophical argument including conceptual analysis, argumentation, and rational justification, but without reference to the origins of rationality (metaphysical, human nature, a priori). The difficulty in pinpointing Beauchamp's worldview is an underlying point of this dissertation – that the eurochristian worldview is anonymous and invisible for those of us within it. Whether practicing Christians, self-proclaimed humanists, or rational pragmatists, all of these traits are eurochristian, and seemingly normal and benign to eurochristians; but not necessarily to others. The underlying traits of the eurochristian worldview are fundamentally about hierarchy, progress, and temporal, rather than spatial, arrangements. One's orientation to the world is like breathing; we move a certain way in the world unconsciously. While Beauchamp does not display as overt and obvious an expression of the eurochristian worldview as Engelhardt and Singer, he is eurochristian in his theorizing. This is demonstrated in an absence of substantive discourse in the worldviews of others, relegating "particular" content-full ethics to the margins of Principlism. The overriding project for Beauchamp is to prove the likenesses in people's moralities, rather than to dwell in the differences. His is a matter of intentional focus on shared morality

[562] Elizabeth Galt. "An interview with Tom Beauchamp, early bioethics innovator. Voices in Bioethics." http://www.voicesinbioethics.net/voices-in-bioethics/2016/10/11/an-interview-with-tom-beauchamp-early-bioethics-innovator. (accessed April 26, 2019).

rather than the incompatible and worthwhile differences in moralities based on inherent ontological thinking.[563] Principlism centralizes liberal, rational, and secular thinking over differing ontologically driven moralities. What will become clear when it comes to research, is that while certain issues such as adequate review boards and informed consent promise to adjudicate and prevent many harms to research subjects, they are framed within a fundamentally limited eurochristian worldview. From an Indigenous perspective, these safeguards only scratch the surface when an Indigenous worldview comes in contact with Western institutions.

## Simpson's Indigenous Ontological Grounding

The ontology from all Indigenous peoples' origin stories cannot be represented by one person or one nation. What is described here is Simpson's account of Nishnaabeg's creation stories, which she describes as layered in kinetics, lessons embedded in stories, and theory. In her telling, Gzhwe Manidoo is the Creator, "the one who loves us unconditionally".[564] But many creation stories exist, from the sky, the water, and the ground. Each story connects the past and future with the present generations. In her telling, constellations are not only doorways where spirits are transported between sky and earth, but they are also symbolically coded mappings that remind one of the time for certain ceremonies and story-tellings, through which come

[563] In studying the acceptance of the concept of brain death, approximately 6 million Americans, particularly Japanese Shinto, Orthodox Jews, Native Americans, Buddhists, and Muslims have religious objections to removing someone who is "brain dead" from life support. Thaddeus Mason Pope, "Brain Death Forsaken: Growing Conflict and New Legal Challenges," *Journal of Legal Medicine* 37, no. 3-4 (2017): 291.

[564] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 20.

enduring theories of Nishnaabeg intelligence.[565] Unlike the Christian creation story in which everything was made in seven days and handed to humans, in Nishnaabeg creation all worlds "were created, collectively, out of struggle, and the *process* of creating and creation was given to [them], not the results of that."[566] This idea of collective struggle is the heart of Nishnaabeg origin stories. For example, as Simpson describes, the story of what Westerners call the big dipper is one of misadventure and struggle for Ojiig the fisher, wolverine, lynx, and otter. It is a story about their "mistakes, struggle, mobilization, sacrifice, love, negotiation, and sharing" on their way to gain more sunlight from the sky, and is told every year during certain constellational arrangements. This kind of origin story, of which there are many, forms the basis of grounded normativity, or a place-based system of thinking in which time is circular and everything is in relationship with everything else. The land and all of its gifts, the animals and non-living things, one's ancestors and future generations all form a web of reality, informing one's ethics and knowledge systems. The system is what Tink Tinker calls an egalitarian-collateral image schema, in which mutual respect and reciprocity replaces the hierarchical structure of the eurochristian world.[567] A spatial orientation replaces the eurochristian orientation to time. This is why land is vitally important to Indigenous peoples – it is how one orients oneself to the world in relationship and interconnectivity while providing what is necessary for life. Land is not a resource to be owned and exploited, but to be

[565] Ibid., 211-13.

[566] Ibid., 226.

[567] Tinker, "The Irrelevance of Euro-Christian Dichotomies for Indigenous Peoples Beyond Nonviolence to a Visionof Cosmic Balance," 217.

respected. Simpson notes that for Indigenous people it is easier to rely on liberal Western theories than to struggle for land. But for many Indigenous people the only true decolonization is for a return of Indigenous land from the hands of colonizers and their heirs.[568]

In reflecting on the Havasupai case, the worldview which defines their existence relies on their relationship to their land, to a collateral egalitarian organization of the world, and to the origin stories that have sustained them for thousands of years. In the origin studies performed on their DNA, genetic science challenged the tribe's identity and ontological organization of the world as they view it. Beauchamp and Childress do account for the harms of genetic information to a nation's identity when they write, "to be told that the tribe was instead of Asian origin" instead of originating in the Grand Canyon was "disorienting and abhorrent."[569] Despite this recognition, they are still imposing a universalizing eurochristian ontology on the Havasupai community. They do not dispute that genetics is the final word on truth, nor do they allow for other possible origin stories as ways of organizing truth. And yet, there are still many Indigenous communities who continue to exist in their fullness alongside the colonial world, alongside a colonial reality.[570] Indigenous communities define their cosmogonies through their origin stories, such as the Nishnaabeg creation stories. These stories orient individuals and communities not only to the value of respecting all life, but are intrinsic in the way they move through

[568] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 67.

[569] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics (7th Edition)*, 188.

[570] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 16.

the world. To repeat Sylvia Wynter's quote, humans cannot pre-exist their origin stories any more than a bee, at a purely biological level, can pre-exist its beehive.[571] Even the origin myth of evolution, according to Wynter, is "part-science, part-myth" in its mistaking a biocentric origin with the basis of being human.[572] So, ultimately, studying only biological origins of a community serves to dehumanize and delegitimize that community's claim to exist how and where they do. Many traditional Native American tribes continue to struggle to recover their traditional civilizations. And while many participate in Western constructs, the fact remains that oral histories and origin stories are fundamental to Indigenous ethics and a resurgence of traditional life and identity. So to engage in the repudiation of, for instance, the Bering Strait theory, is an insistence on disproving a merely biological ontology, which says nothing about Wynter's sociogeny, the relational narratives that bind human communities and define reality and morality. The hypothesis only serves to classify Native Americans as immigrants, potentially delegitimizing their connections to territory and furthering the justifications of colonialism. Fundamentally, despite science, an oral history of stories that create structure, meaning, and relevance for a community should be no more in question than a reliance on science to do the same thing. Even so, the Bering Strait theory is heavily disputed and is still distant from the "truth".[573]

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[571] Wynter, "The Ceremony Found: Towards the Autopoetic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-) Cognition," 213.

[572] Ibid., 215.

[573] Two recent studies show human settlements in both Chile and Florida between 14,500 and 15,000 years ago, before the Bering Strait land bridge is believed to have opened up for human passage Mikkel W. Pedersen et al., "Postglacial Viability and Colonization in North America's Ice-Free Corridor," *Nature* 537

Even though the eurochristian narrative is based on scientific fact, it cannot explain the how and why, the meaning of life. In the end, what may be more significant is how one's origin stories frame one's ethics. A eurochristian origin story based on both science and the biblical justification of human exploitation of all living things as deep ontology even in non-Christians, has little interest overall in the respect and protection of *all* life. Instead, it is destroying the planet and maintaining racial hierarchies. Like Wynter, Simpson talks about how human neuropathways are changed by how we live, organize, and engage the world. The challenge of the eurochristian is to realize our neuropathways form what is believed to be the truth, to be moral; and may differ from other societies. An Indigenous worldview of creation as a collaborative struggle and of learning from mistakes within a nurturing community sets up a very different kind of morality than from a eurochristian creation story that requires us to think of ourselves as individual sinners, and at the same time gives us, humans, the charge to subdue the earth for our purposes. The stories we live by define who we are.

## Beauchamp's Moral Epistemology: Inclusion, Common Morality, and Protection from Harm

In exploring Beauchamp's epistemology, three themes will be examined: common morality, virtue ethics, and research ethics. First, the basis of Beauchamp and

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(2016). And Jessi J. Halligan et al., "Pre-Clovis Occupation 14,550 Years Ago at the Page-Ladson Site, Florida, and the Peopling of the Americas," *Science Advances* 2, no. 5 (2016). Another theory called the Standstill Hypothesis theorizes that people became genetically separate from Asian ancestors by living in an isolated area on or near Beringia. Watson, Traci. "News Feature: Is theory about peopling of the Americas a bridge too far?." *Proceedings of the National Academy of Sciences of the United States of America* vol. 114,22 (2017): 5554-5557. doi:10.1073/pnas.1705966114 . I *Red Earth White Lies,* Vine Deloria Jr. disputes the Bering Strait theory. Vine Deloria, *God Is Red: A Native View of Religion,* ed. ProQuest, 3rd ed. ed. (Golden, Colo.: Golden, Colo.: Fulcrum Pub., 2003).

Childress' ethical construct begins with a common morality, defined as "a set of universal norms shared by all persons committed to morality. It is not merely *a* morality, in contrast to other moralities."[574] For Beauchamp and Childress, "the common morality is applicable to all persons in all places, and we rightly judge all human conduct by its standards."[575] In its essence, their common morality is universal and rests upon four general principles: autonomy, beneficence, nonmaleficence, and justice. The authors admit that little empirical data support this assertion, but a common morality is the foundational assumption upon which they rely. They do allow for consideration of "particular" ethics, but these cannot challenge or replace the common morality.[576] The common morality, for Beauchamp, is always in pursuit of human flourishing and to "ameliorate or counteract the tendency for the quality of people's lives to worsen or for social relationships to disintegrate."[577] Beauchamp writes, "In every well-functioning society norms are in place to prohibit lying, breaking promises, causing bodily harm, stealing, fraud, the taking of life, the neglect of children, and failures to keep contracts."[578]

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[574] Beauchamp and Childress, Principles of Biomedical Ethics (7th Edition), 12.

[575] Ibid., 3.

[576] While people everywhere might agree on certain ideas such as "murder is wrong," the particulars matter. Whether the particulars are truly to be considered moral relativism or are subsets of a universal truth is a topic for another debate; and is not relevant to the arguments here. We fail to recognize the culture of our present mode of being. Man becomes supracultural human, overrepresented, and subjugating human others. Wynter, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation--an Argument," 282 and 88.

[577] Tom L. Beauchamp, "A Defense of the Common Morality," *Kennedy Institute of Ethics journal* 13, no. 3 (2003): 261.

[578] Ibid.

Beauchamp is a positivist in his assertion that all persons who are dedicated to the objectives of morality share the same fundamental values. He proposes that with a well-designed study this could be demonstrated. He is also a constructivist in his recognition of the capacity of particular moralities, such as Talmudic norms, Catholic casuistry, and professional values, to be legitimately different and still loyal to the objectives of morality. Beauchamp is a pragmatist in his justification of common morality. His four principles are practical in their usefulness at the bedside through specification of their meanings. Specification is the narrowing down of a norm into the who, when, why, and how. In other words, specification adds content to the principles. Yet, despite agreement on the general level of principles, specification will bring about genuine incongruities between worldviews. If particular moralities differently specify the common morality, is it still common? Who breaks the tie? For the Havasupai research protocol, the subjects consented to research based on an idea of beneficence for the health of the community. The researchers may have agreed with this, but also may have defined beneficence as something different such as to further science.

From an anti-colonial perspective, several problems arise with common morality. First, how are the parameters of human flourishing and social order conceptually defined? And by whom? The power to define lies in the hands of health care institutions, beside practitioners, and bioethicists (along with law and public policy) and to deem whether the patient, family member, or research subject does indeed have human flourishing or societal order in mind. Second, when bioethicists talk about a well-functioning society, are they including everyone in that society? If the discourse is about

lying, breaking promises, causing bodily harm, neglecting children, and failing to keep contracts, these are things that continue to be endured by the Indigenous peoples of Turtle Island. How well a society is functioning depends on who you ask within that society. Beauchamp does recognize this. He writes, "the common morality does not now, and has never in fact, included such a provision of equal moral consideration *for all individuals* – although this scope change could become part of the common morality."[579] Yet, the problem with increasing the scope of equal consideration is the goal of subsuming all persons under a broader common morality causes another issue. For Indigenous peoples, inclusion is erasure. The Native American civilizing project of the last several centuries has been an exercise in their erasure through the coercive measures of "inclusion" in eurochristian economics, education, health care, and political systems. Civilization has been an attempt to destroy Indigenous life. And third, social order, or as Beauchamp defines it the norms necessary "to ameliorate or counteract the tendency for the quality of people's lives to worsen or for social relationships to disintegrate," unless in an egalitarian society, always subjugates some people at the expense of others. Without defining who we mean by society, a norm that keeps safe some of society at the expense of others should not be an objective of common morality.

Moral character is a second epistemological concept that is highlighted in *Principles*. It is written, "all persons with normal moral capacities can cultivate the character traits of chief importance to morality."[580] The virtues and vices spelled out by

[579] Ibid., 271-72.

[580] Beauchamp and Childress, Principles of Biomedical Ethics (7th Edition), 32.

Aristotle and expanded upon by Thomas Aquinas are Western epistemology. Virtue ethics are derived from Aristotle, who philosophized at length about excesses and deficits of human virtues only a select few could cultivate.[581] Aristotle knew that "happiness obviously needs the presence of external goods as well, since it is impossible, or at least no easy matter, to perform noble actions without resources."[582] He also notes the condition of luck in prosperity which provides for more opportunities to be virtuous. The healthcare professional and the bioethicist are privileged to have the luxury of creating moral standards that are "reasonable and fair-minded," "sufficiently advanced morally," and with a "renewable sense of progress and achievement."[583] And while no one would argue against a virtuous physician or nurse, the prioritizing of "good behavior" causes a moral hierarchy where those with resources and power uphold the very values they have defined, while blaming those who are structurally oppressed and impoverished for their own suffering. The problem is with the eurochristian choices of priority and focus. Survival and morality are only attainable together by the strongest of wills.[584]

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[581] Aristotle's teachings were to young free men of social standing. In the defining of happiness, he distinguished between the base happiness of pleasure chosen by the "masses, the coarsest people" and the civilized and virtuous happiness of "sophisticated people, men of action." Roger Crisp, *Aristotle: Nicomachean Ethics* (Cambridge University Press, 2014), viii and 6.

[582] Ibid., 14.

[583] Beauchamp and Childress, Principles of Biomedical Ethics (7th Edition), 19, 50, 51.

[584] De La Torre writes that "the practice of virtue by an individual creates a false sense of righteousness." He notes, "for virtue ethicists", "personal piety or the demonstration of virtues in equated with ethics; yet, for Hispanics, ethics can never be reduced to individual traits , for not matter how personal we wish to make ethics, it always has a collective dimension." De La Torre, *Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking*, 28-29.

Consider the words of a Nazi concentration camp survivor, Viktor Frankl, who wrote that those who survived the camps were not necessarily the most moral.

> "On the average, only those prisoners could keep alive who, after years of trekking from camp to camp, had lost all scruples in their fight for existence; they were prepared to use every means, honest and otherwise, even brutal force, theft, and betrayal of their friends, in order to save themselves. We who have come back, by the aid of many lucky chances or miracles – whatever one may choose to call them—we know: the best of us did not return."[585]

While this is an extreme example of the pressures upon a person's morality, values change depending on one's circumstances. Virtue is easy when one has plentiful resources and feels safe. The issues with setting up a common morality lie in its exclusivity, its detachment from many persons' realities, and most importantly, the *reasons* for the depressed realities of many racialized and ethnic groups.

Perhaps a common morality exists, but it does not seem that appeals to virtue confronts racism and disparity. The common morality includes both standards for action and recognition of desired characteristics. It holds everyone equally accountable for a eurochristian morality, while the forces of colonialism, racism, and the epistemological erasure continue to situate groups of people in survival and resistance modes. What is eurochristian morality to people who are racialized, impoverished, and live with the stories of slavery and genocide passed down from their grandparents and great grandparents? And then those victims of a racist and colonial system are called evil, lazy, self-destructive, criminal, and irresponsible by their oppressors. Virtue ethics is not about giving the oppressed a bar to reach. Instead, it keeps them marginalized and labeled

[585] Victor E Frankl, "Man's Search for Meaning, New York: Touchstone," (Simon & Schuster, 1984), 9.

negatively in the continuation of colonial power. This is not Beauchamp's intention, nor is it any of us who are eurochristian. Yet, the insidious nature of colonialism continues on within us. My critique of Beauchamp is not that universals do not exist, but refocusing on the particulars, the moral differences in worldviews, would be a more fruitful way to address racism and racial inequality.

Third, research on human subjects has required a moral response by bioethics. Research is a human endeavor. For the West it has become a site of not only hope and cure, but of individual profit, of capitalist ventures, of competition, and of exploitation of human subjects. Since the 1970s Beauchamp has been involved in the ethical response to such egregious research protocols as the Tuskegee syphilis study, as well as the awareness that research policies at the NIH were "morally and legally inadequate."[586] He has been a strong voice for research subjects since his writing of The Belmont Report in 1978, and over the last decades his work has continued to attempt to clarify and improve informed consent in both research and clinical practice. He has lamented the lack of movement of informed consent toward a more autonomous and educated permission by a patient rather than the legal and institutional policies that continue to drive a diminished utility of the concept.

Human subjects are protected by institutional review boards, consisting of a group of professionals who review every research proposal within their institution. Subjects are also protected through the process of consent and required to give their

[586] Tom L Beauchamp, "How Not to Rethink Research Ethics," *The American Journal of Bioethics* 5, no. 1 (2005): 32.

permission to engage in the trial once they have been given adequate information regarding the risks, benefits, and details of the trial. Special groups of potential human subjects are considered vulnerable such as prisoners, pregnant women, children, the cognitively impaired, and those who have situational vulnerability and are more susceptible to undue influence or coercion. Issues of intrinsic vulnerability such as ethnicity, income, education, literacy, housing, and legal status were all factors in the Havasupai nation. These factors and the poorer health status of the Havasupai have largely been caused by colonialism, past and present. Do eurochristians have special duties to groups that are vulnerable because of colonialism? But defining the Havasupai as vulnerable is only part of the equation. How can Native Americans be seen as sovereign and vulnerable at the same time?

Beauchamp also deals with the ethical problems of the Havasupai case, listing it (with Childress) under the title of group harm in *Principles*, and as an inappropriate use of broad consent in his article *Informed Consent: Its History, Meaning, and Present Challenges*.[587] His discussions deal with some of the problems associated with the case such as the abuse/miscommunications with broad consents, the investigation of highly sensitive and potentially discriminatory personal and group knowledge, and that researchers may have taken advantage of a vulnerable population. All of this is true. But what Beauchamp and Childress do not deal with is the WHY. Why does a high rate of diabetes exist in Native American communities? Why have the Havasupai acquired the

[587] "Informed Consent: Its History, Meaning, and Present Challenges," *Cambridge Quarterly of Healthcare Ethics* 20, no. 4 (2011).

status of “vulnerable”? Also, the description that they are uneducated and require simplified consent, while well-intentioned based on the concept of true informed consent, compares the knowledge traditions of the Havasupai with Western education. This assumption of the Havasupai as “uneducated” harkens back to the descriptions of the missionaries’ need to educate Native American children in boarding schools in order to civilize and assimilate them. To illustrate this point, at a recent conference, the Lakota activist Robert Cross refused a Western education by running away in the 6th grade from the boarding school where he was treated poorly. He refused to lose his Indigenous knowledge, and instead “educated the hell out of myself about you all.”[588] Many traditional Native American communities still exist, and struggle to recover their traditional knowledges and seek self-rule and freedom from colonial constructs. Often what is perceived as uneducated is a resistance to eurochristian epistemologies. But Beauchamp does not identify this tension, between being “uneducated” or having different epistemologies altogether. In sum, while Arizona State University did harm the Havasupai in multiple ways, the bioethical framing of this case as only one of harming a vulnerable population is limited in its view. The respect for Havasupai epistemology is absent from the conversation. Despite Beauchamp’s sensitive review of the case, research ethics focuses on vulnerability (which is colonial in its cause) and refrains from meeting the Havasupai on non-stigmatized and equally valid epistemological ground. It does not stop the cycle of oppression, erasure, and assimilation. The harm that Beauchamp left out

[588] Robert Cross, speaking at the Red Skin/Tanned Hide conference at Iliff School of Theology on March 29, 2019.

in his analysis is the complete dispossession of Indigenous people from their sovereignty, particularly in the handling of the research protocol. An anti-colonial perspective of Indigenous epistemology provides a different approach to research ethics.

## Nishnaabeg Epistemology: Grounded Normativity

Simpson explains the Nishnaabeg intelligence system as "a series of interconnected and overlapping algorithms—stories, ceremonies, and the land itself are procedures for solving the problems of life."[589] "Living is a creative act, with self-determined making or producing at its core." Ethics and values are not a set of protocols or laws or series of teachings as they are in Western thought. They are more fluid, "a series of complex interconnected cycling processes that make up a nonlinear, overlapping emergent and responsive network of relationships of deep reciprocity, intimate and global interconnection and interdependence, that spirals across time and space."[590] What has been lost is not just land, but the intelligence from which morality arises from Indigenous grounded normativity that colonialism, including neoliberalism, land acquisition, and settlement, has tried to eliminate. Being Nishnaabeg is not just a "quaint cultural difference that makes one interesting", but a different way of being in the world.[591]

Simpson, along with other Indigenous scholars, talk about an ethics of grounded normativity. Glen Coulthard, in Red Skins White Masks, defines grounded normativity as "the modalities of Indigenous land-connected practices and longstanding experiential

[589] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 23.

[590] Ibid., 24.

[591] Ibid., 25.

knowledge that inform and structure our ethical engagements with the world and our relationships with human and nonhuman others over time."[592] The foundation of place on interrelated practices, knowledge, and ethics are what, for Simpson, "construct the Nishnaabeg world", and is the "closest thing to Coulthard's grounded normativity".[593] She cites the seven grandmother teachings of the Seven Fires, which include "ethics of noninterference and the practice of self-determination, the practice of consent, the art of honesty, empathy, caring, sharing , and self-sufficiency…"[594] She describes the grounded normativity of Nishnaabeg people like this:

> "our economy, fully integrated with spirituality and politics, was intensely local within a network of Indigenous internationalism that included plant and animal nations, the Great Lakes, the St. Lawrence River, and nonhuman beings and other Indigenous nations."[595]

Compared to the categorical confines of common morality, Nishnaabeg values are of profound freedom and acceptance of individual self-determination within a network of respect. The Nishnaabeg world and knowledge system continues alongside the colonial world, and within it there is no room for seeking the colonizer's acknowledgement or approval.[596] Yet, the colonial world continues to work to minimize the complexity of, and overall shrink, Indigenous knowledge systems.[597] In Beauchamp's work on common

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[592] Coulthard, Red Skin, White Masks: Rejecting the Colonial Politics of Recognition, 13.

[593] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 23.

[594] Ibid., 24.

[595] Ibid.

[596] Ibid., 16.

[597] Ibid., 23.

morality, the "particulars," often fall under the rubric of "culture". This designation is problematic for people and communities of color. As Simpson explains, culture is compatible with the dominant eurochristian world; it can be subsumed within it and co-opted by liberal recognition. What she, as an Indigenous scholar is interested in, is not compatibility with, recognition by, or reconciliation with eurochristians; this would signify continued assimilation and erasure. Nor is she interested in a replication of eurochristian anti-queerness or anti-Blackness. What she is interested in is full political resurgence of Indigenous communities and the recovery of land.[598] A common morality, like the notions of multiculturalism and inclusivity, tend to minimize the very real differences in people's values and behaviors based on fundamentally different worldviews. Beauchamp and Childress say are looking for the most consistent truth, or coherence.[599] But what they are actually discussing are eurochristian values.

Simpson also has an Indigenous perspective on research. She tells of the story of the first Nishnaabeg intellectual, Nanabush, as also being the first researcher. Nanabush traveled the world twice, not to gain natural resources or to "help those less fortunate," but to understand Nishnaabeg's place in the world.[600] His research methodology, which is Nishnaabeg research methodology, is "through doing or making,

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[598] Ibid., 49-50.

[599] BC say their common morality theory does not view particular moralities as part of the common morality even though they may embody elements of the common morality. Particular moralities differ in beliefs and practices, but the general norms in the common morality provide a basis for evaluating and criticizing particular viewpoints. Beauchamp and Childress, *Principles of Biomedical Ethics (7th Edition)*, 5.

[600] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 57.

relationship, visiting, singing, dancing, storytelling, experimenting, observing, reflecting, mentoring, ceremony, dreaming, and visioning as ways of generating knowledge." Nishnaabeg research ethics centers around "consent, reciprocity, respect, renewal, relationship."[601] As she describes, Nanabush is accompanied his second trip around the world by wolf, who brought a different lens, formed different relationships, and experienced the world differently than Nanabush would have done alone. Their travels demonstrate a contextual learning of internationalism through which there is sharing of technology, stories, and relationship to the earth, not just relationship to other humans. Their story stresses the importance of acknowledging one's presence and respect when on another's land. Their focus is on creating relationship through reciprocity, not on gaining academic knowledge through a minimized consent process for the appropriation of Native American knowledge and bodies. Where in the process of IRBs are Native Americans protected from appropriation of ideas and material possessions of people of color by the colonizer? The appropriation of Havasupai genetic material for purposes of research agendas and researcher advancement is one-sided appropriation. There is a Western assumption that joining the medical and wider world of progress and consumption is more desirable for people of color than their current situation. If "we" could only get "them" to trust us. Native Americans and other persons of color have been hearing empty promises from white people for centuries. Trust is the white person's problem, only to be earned through anti-racist and anti-colonial praxis. Where is the relationship and reciprocity? Simpson explains how, through grounded normativity,

[601] Ibid.

Indigenous communities can assess outside ideas, contracts, and technology from within one's worldview and values. She has a practice of asking a series of critical questions before adopting an outside theory including "Where does this theory come from? What is the context?…What is their relationship to community and the dominant power structures?...How is it useful within the context of my own people?"[602] Simpson's Indigenous radical resurgence includes "a rebellious transformation in how we conduct research, whom we cite as experts, and how our thinking is framed and ultimately takes place."[603]

To perform research under the values of autonomy, justice, nonmaleficence, and beneficence will look very different from those conducted through Nishnaabeg values of reciprocity, respect, renewal, and relationship.[604] For Native Americans, seeking some scientific universal truth gets in the way of the more fluid Indigenous maintenance of harmony and balance.[605] For instance, in Indigenous peacemaking practices, the primary goal is not to investigate the facts of the case and punish perpetrators of crimes; it is to engage the wrongdoer with the community and the victim, to collectively address the

[602] Ibid., 63.

[603] Ibid., 52.

[604] Ibid., 57.

[605] Tink Tinker discusses how Indigenous freedom comes from the constantly shifting character of creating harmony and balance within communities which does not rely on rigid ideas of eurochristian individualism. "American Indians and Liberation: Harmony and Balance," in The Hope of Liberation in World Religions. Edited by Miguel de la Torre. Baylor University Press, 2008. Pp. 257-273.

imbalances the act created in the community.[606] It is about maintaining relationship, reciprocity, and harmony, not discovering the latest universal theory or scientific finding.

It is not up to Western bioethicists to assume a common morality for everyone. It is up to particular communities, such as the Havasupai, to decide whether to engage with these Western theories, by asking whether and how these theories are relevant or helpful to one's own practices. De La Torre instructs that

> "We must reject any ethical framework or analysis that either insists on speaking for the marginalized, while refusing to understand our social location or, worse paternalistically believes that its so-called universal truths or worldview construction automatically includes us.[607]And for De La Torre, truth, beyond the historical experiences and the social location where individuals act as social agents, cannot be ascertained, whether said truth exists or not."[608]

Western research ethics arose in response to egregious studies being carried out on bodies of color, setting out to balance the benefits and harms to individuals with future benefits for society. It was a start.

Socioeconomics of Beauchamp: The Social Lottery and Justice as Redistribution

Within Beauchamp and Childress' *Principles*, three socioeconomic manifestations of eurochristian thinking are present: their particular framing of justice, the trope of scarcity, and the relegation of racism to the past. First, a tendency exists in medicine and bioethics to downplay the reason for the fundamental inequality and

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[606] For more on Indigenous peacemaking, see Wanda D McCaslin, *Justice as Healing: Indigenous Ways* (Living Justice Press St. Paul, MN, 2005). And Kay Pranis, Barry Stuart, and Mark Wedge, *Peacemaking Circles: From Crime to Community* (Living Justice Press, 2003).

[607] De La Torre, Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, 62.

[608] Embracing Hopelessness, xiv.

consider justice in terms of redistribution. Much of Beauchamp and Childress' chapter on justice focuses on the models of distributive justice, such as egalitarianism and utilitarianism. These are models that depend on the nation-state, also a colonial enterprise, to redistribute the resources in an unfair capitalist system against the influence of the rich and powerful. From within this essentially hierarchical system, Beauchamp and Childress argue for the right to health care based on collective social protection and fair opportunity for "those with unpredictable misfortune."[609] Rearranging healthcare resources might be helpful to a point, but it does not challenge the overall neoliberal structure and its fundamental inequalities. This is engaging in the pragmatic heuristic of inequality, the liberal interest in justice from the eurochristian standpoint. Well-meaning liberals actually pull more Indigenous peoples into the nation-state. For Simpson, Western liberal theories can only be useful if considered within grounded normativity.

The provision of welfare through social determinants of health are not bad goals. But from an anti-colonial view, this misses the forest for the trees. For Indigenous people especially, it is not a meager monthly check in the mail or an underfunded Indian Health System, "gifts" from one's genocidal colonizers, that is ultimately desired. The current state of Native American health with the high prevalence of diabetes, drug and alcohol addiction, and shorter life spans reflects how seriously (or not) the federal

[609] Beauchamp and Childress, Principles of Biomedical Ethics (7th Edition), 272.

government is taking their fiduciary duty based on the Supreme Court trust relationship within a colonial system.[610]

A second problem with Beauchamp and Childress' ideas of justice is that they use the language of a human lottery, and of the concepts of unfortunate and unfair in their analysis of justice. They identify the problematic nature of these concepts, and state that "fair opportunity without reference to welfare makes for an inadequate account of justice."[611] But this discussion is void of the elements of power and oppression that create the need for fair opportunity and welfare in the first place. Beauchamp and Childress define the lotteries as both biological and social.[612] One's genetics, varying abilities and disabilities, may be truly about chance. But the social aspects of one's life are not a role of the dice; they are about how society organizes itself.

Third, Beauchamp and Childress assert that justice is the most important principle in the book.[613] They mention in the chapter on justice that inequalities "are often distributed by social institutions that can be structured to explicitly to reduce inequalities."[614] How this is to be accomplished, especially when healthcare has become a business, is not addressed. Unfortunately, their discussion on racial disparities accounts for only two pages of the entire justice chapter, and the percentage of scholars of color

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[610] Administration for Native Americans. (2014). "American Indians and Alaska Natives – The Trust Responsibility." https://www.acf.hhs.gov/ana/resource/american-indians-and-alaska-natives-the-trust-responsibility. (accessed April 26, 2019).

[611] Beauchamp and Childress, Principles of Biomedical Ethics (7th Edition), 264.

[612] Ibid., 272.

[613] Ibid., 293.

[614] Ibid., 278.

cited in the same chapter are roughly 7% of the citations. While institutions have the power to make decisions to prioritize the poor, it is those very institutions that have joined the ranks of Western capitalism and succumbed to Adam Smith's invisible hand.[615]

And a finally, justice is framed by Beauchamp and Childress in *Principles* as one of the four main principles of common morality. Why is the suffering of black, brown, and red bodies and minds "balanced" with autonomy and beneficence? Why does bioethics not hold a preferential option for the marginalized? Beauchamp and Childress describe the tradeoffs between autonomy and the public good, asserting that autonomous choices can be overridden by public health concerns—those that harm innocent others—such as the dumping of toxins in the water supply or the quarantining of persons with infectious diseases, and those that require scarce resources. Are not the health disparities among people of color based on their history of and continued oppression considered the harming of innocent others? Working from a position of scarcity, would not the continued harm of people of color justify their care over expensive cancer drugs and cardiac transplants? People of color, including Native Americans, African Americans,

[615] The idea that the greed of the rich will inadvertently serve the poor was an early justification for an economy based on capital and the natural selfishness of humans. Adam Smith writes, "The rich … consume little more than the poor, and in spite of their natural selfishness and rapacity, though they mean only their own conveniency, though the sole end which they propose from the labours of all the thousands whom they employ, be the gratification of their own vain and insatiable desires, they divide with the poor the produce of all their improvements. They are led by an invisible hand to make nearly the same distribution of the necessaries of life, which would have been made, had the earth been divided into equal portions among all its inhabitants, and thus without intending it, without knowing it, advance the interest of the society, and afford means to the multiplication of the species. When Providence divided the earth among a few lordly masters, it neither forgot nor abandoned those who seemed to have been left out in the partition." Later, Ronald Reagan will call this a "trickledown economy." Smith, A., 1976, The Theory of Moral Sentiments, vol. 1, p. 184 in: The Glasgow Edition of the Works and Correspondence of Adam Smith, 7 vol., Oxford University Press.

and Latinx find themselves clawing their way back to health against the pressures of continued racism and the colonial project.

The idea of scarcity is also part of the worldview of eurochristian America. The mythical "limited resources" argument undergirds the need for efficiencies, cost-effectiveness, rationing, budgeting, and prioritizing. Beauchamp and Childress explain about these constraints that "it seems unfair and unacceptable to allow forms of cost-effective rationing that adversely affect or ignore levels of health among the most disadvantaged populations, in effect worsening their condition." If there was a scarcity, this author would be in agreement. But, how does one confirm scarcity exists outside of the fact that the top 10% of people in the U.S. own 72% of America's wealth?[616] Inherited wealth and the exponential accumulation of capital, in addition to what Thomas Picketty calls "hypermeritocracy" by supermanagers who make a fortune out of high incomes, are large contributors to the increasing inequalities in the United States. [617] The Malthusian trope of scarcity is a myth. While many *feel* a scarcity, there is no real scarcity, only a perverse economy. Rationing and efficiency measures in the face of extreme wealth inequality is a poor strategy. As Wynter has opined, *Homo economicus* is overrepresented in eurochristian society, and economists have become the "secular priesthood".[618] In Native American worldview, the values of harmony, balance, and

[616] P. 257. This is due to the "principle of infinite accumulation" according to Karl Marx; 'what Picketty calls the "inexorable tendency for capital to accumulate and become concentrated in even fewer hands, with no natural limit to the process." Thomas Piketty, "Capital in the 21st Century," in *Inequality in the 21st Century* (Routledge, 2018), 9.

[617] Ibid., 265.

[618] McKittrick, Sylvia Wynter: On Being Human as Praxis/Katherine Mckittrick, Ed, 26.

generosity protect communities from scarcity. Tinker highlights a Native American value of generosity as the common community-building ceremony in which everyone gives away their possessions to others. Compared to societies who value those with the most material wealth, Native American communities value those who give the most away.[619] But for those living on reservations such as the Havasupai, the loss of arable land and water sources and the erasure of Indigenous knowledge for self-sufficiency through genocide and boarding schools inhibit their ability to exist in harmony and abundance with the living world around them.

A third example of eurochristian thinking in *Principles* is the relegation of oppression and racism to the past. In a discussion concerning the moral status of persons, Beauchamp and Childress recognize the perils of using moral status to define classes of individuals. They also argue that without norms around moral status, practices of slavery and human research subject exploitation would continue to thrive. Yet, they subtly locate the substandard treatment of racial groups in the past, for instance, "…some racial groups were treated in the United States as if they had little or no moral status by some of the finest centers of biomedical research in the world, and by sponsors of the research."[620] The hazard with framing the "lack" of moral status of African-Americans as a thing of the past (as if the passing of law solves for this) blinds the reader to the continued reality that despite attaining "moral status," people of color are not treated equally with white counterparts. It could easily be argued that in the Havasupai studies, the research

[619] Tink Tinker. "American Indians and Liberation: Harmony and Balance," in *The Hope of Liberation in World Religions*. Edited by Miguel de la Torre. Baylor University Press, 2008. Pp. 257-273.

[620] Beauchamp and Childress, Principles of Biomedical Ethics (7th Edition), 90.

participants were treated as if possessing an inferior moral status by a fine center of research. To be sure, Beauchamp and Childress are concerned with the inequalities in healthcare today, but their language obscures the continued colonial penchant for assigning moral status based on skin color. Beauchamp is thoroughly entangled in a liberal eurochristian socioeconomic world, where justice is at best a limited redistribution of resources based on a capitalist state, driven by an economics of scarcity, and unaware of the depth of continued racism and colonialism within bioethics.

## Socioeconomics of an Indigenous Community

For Simpson, Indigenous freedom is something very different than living in the capitalistic fear-based scarcity of the eurochristian world. She explains freedom this way:

> What does it mean for me, as an Nishnaabekewe , to live in freedom? I want my great-grandchildren to be able to fall in love with every piece of our territory. I want their bodies to carry with them every story, every song, ever piece of poetry hidden in our Nishnaabeg language. I want them to be able to dance through their lives with joy. I want them to live without fear because they know respect, because the know in their bones what respect feels like. I want them to live without fear because they have a pristine environment with clean waterways that will provide them with the physical and emotional sustenance to uphold their responsibilities to the land, their families, their communities, and their nations. I want them to be valued, heard, and cherished by our communities.[621]

As Simpson tells it, her people were travelers. Their system of government was intermittent and changing, like "breathing – a rhythm of contract and release."[622] Leaders chosen by the people would be appointed for a period of time or an important decision,

[621] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 7-8.

[622] Ibid., 3.

and then would disengage when finished. Children were full citizens, and everyone's self-determination was respected. For her, the prime minister (or president) and the nation-state are inconsequential to the full life of Nishnaabeg people.[623] No matter whether the government is democratic or republican, for Indigenous people it is still an oppressive settler-colonial nation-state. Justice for many Indigenous peoples is about sovereignty and freedom from colonial oppression.

Capitalism is a driving force for this oppression. The history of America is one of the removal of Native Americans from their land, resource extractivism, and accumulation of capital. The dispossession of Indigenous peoples was necessary for colonizers to profit and the Americas to thrive. This dispossession is described by Simpson as the removal of bodies from the land, yes. But also the destruction of their ethics of grounded normativity, and with that followed the current state of poverty, murder, addiction, mental illness, and Christianization of Indigenous spirits. But this is not about gaining land back for resource extraction or profit. She describes that "the opposite of dispossession is not possession, it is deep, reciprocal, consensual attachment."[624] She explains how her ancestors "accumulated networks of meaningful, deep, fluid, intimate collective and individual relationships of trust," not capital. Resources were shared. Everyone was cared for through these relationships and through gift giving and regular redistribution. In fact, excess, greed, private property, and

[623] Ibid., 6.

[624] Ibid., 43.

disproportionate profits were considered mistakes in this economy.[625] Capitalism and global "neoliberalism provide just enough ill-conceived programming and "funding" to keep us in a constant state of crisis, which inevitably they market as our fault."[626] She notes that Canada would like to put aside the past and "start a new relationship on Canada's unchallenged jurisdiction over the land."[627] She worries that if Indigenous peoples do not claim and revitalize their own intelligence systems and grounded normativity, they will continue to be victimized by dispossession of the state. From an Indigenous perspective, Beauchamp and Childress' chapter on justice outlining state-led distributive justice within the confines of a capitalistic healthcare system will not affect the dispossession of Indigenous peoples overall. It is a band-aid on a gaping wound.

In comparison to the eurochristian trope of scarcity, Indigenous worlds focus on abundance. Considering the vast wealth in the Americas, it makes one question this fear-based thinking. Simpson explains how "Our knowledge system, the education system, the economic system, and the political system of the Mihi Saagiig Nishnaabeg were designed to promote more life…to generate life of all living things."[628] Besides an abundance of life, the idea of abundance is reflected in "the idea that the earth gives and sustains all life, that "natural resources" are not "natural resources" at all, but gifts from Aki, the

[625] Ibid., 76-78.

[626] Ibid., 42.

[627] Ibid.

[628] Ibid.

land."[629] If one respects the earth, it will reciprocate with abundance. Rules of economy can be seen in the guidelines of the Honorable Harvest as explained by Robin Wall Kimmerer in *Braiding Sweetgrass*: "Never take the first. Never take the last. Take only what you need. Take only that which is given. Never take more than half. Leave some for others. Harvest in a way that minimizes harm. Use it respectfully. Never waste what you have taken. Share."[630]

The downplay of racism in the present by eurochristians, Beauchamp included, probably affects Indigenous peoples most acutely. But as Simpson points out, it is dispossession more than discrimination alone that has attempted to destroy Indigenous communities. The goal of colonialism has always been their erasure, whether through genocide or assimilation. The Western myth is that the colonizers were successful. But as Audra Simpson said in *Mohawk Interruptus*, the fact that colonialism still survives in settler-colonial form indicates it "fails at what it is supposed to do: eliminate Indigenous people; take all their land; absorb them into a white, property-owning body politic."[631] Many Westerners believe Wounded Knee was the final downfall of Native Americans. But in *The Heartbeat of Wounded Knee: Native America from 1890 to the Present*, David Treuer outlines the rich and resilient histories of the Native Americans since the Massacre of Wounded Knee. This resilience can be seen in Simpson's methodology which she calls "kwe", which is to be unapologetically herself, including her refusal of

[629] Ibid., 8.

[630] Kimmerer, Braiding Sweetgrass, 183.

[631] Audra Simpson, Mohawk Interruptus: Political Life across the Borders of Settler States (Duke University Press, 2014), 7-8.

colonial domination, heteropatriarchy, and pressure to be tamed by whiteness in the academy; in essence, a refusal to disappear.[632]

## An Indigenous Approach to the Havasupai Research Case

When viewed through the lens of Leanne Simpson, the deficiencies of research ethics stand out. The Havasupai trusted a research center and its faculty, and the "treaty" was broken yet again.[633] The ethics system broke down. But even so, the system at its best only requires a signed consent form, and, in theory, a certain level of understanding by research subjects. What if the Indigenous ontologies, epistemologies, and socioeconomic factors had all been accounted for when entering into the contract? What if an Indigenous research methodology had been used? What if the research was carried out with reciprocity, respect, renewal, and relationship? Most eurochristian researchers would find this painful, to build relationships over time and to do research the Indigenous way, in part because of their Western ontological orientation to time rather than place and relationship. Eurochristians tend to be rushed, goal-oriented, and impatient because of this frantic pursuit of progress and profit. As for reciprocity, how can the assault of colonialism be redeemed through an Indigenous research ethics? Should the research centers have given more back than they took? Despite the errors made by the Institutional Review Board and the lax use of a broad consent form, had the researchers slowed down, formed relationships with the Havasupai, and partnered with them, the errors would likely have never been made.

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[632] Simpson, As We Have Always Done: Indigenous Freedom through Radical Resistance 33.

[633] Not a single treaty signed between Native Americans and European colonizers was ever kept by the colonizers.

Research institutes are largely unfamiliar with Indigenous research methodologies such as those in *Decolonizing Methodologies* by Linda Tuhiwai Smith, and are driven by largely eurochristian Western-educated people and institutions.[634] For research ethics to cease being colonial and racist, it must start with reading and learning from the epistemologies of different communities. What would bioethics look like if it were about reciprocity, balance, and gratitude, not just for humans, but for all living beings?

As for Beauchamp, he is on the liberal side of eurochristian thought. This thought is still limited to a certain construct that continues to discriminate against people of color and dispossess Native Americans through a hierarchical and linear ontology, a universalizing epistemology, and a capitalist and extractivist economy. The relegation of an Indigenous worldview to a "particular" or a "culture" serves to subsume them under a eurochristian banner that means inclusion and "multiculturalism" instead of sovereignty and respect for self-determination. The idea of sovereignty is difficult to shore up with the Havasupai as "ignorant and uneducated" for Westerners. The idea of vulnerabilities, while true in some sense, is a product of colonialism; but this accountability is rarely acknowledged.

A different approach for research ethics would be to either stop using Native American and other groups for research altogether, or to drastically change one's thinking. This change would require collaborative struggles with study subjects, of forming relationships, and of offering significant reciprocity in the form of land. It would

[634] Smith, Decolonizing Methodologies Research and Indigenous Peoples.

be turning the mirror back on oneself to recognize complicity with the eurochristian system and its continued oppressions, and perhaps changing fundamentally one's methodology for living and working in this world. It would be an acknowledgement that science does not address the stories that frame communal organization and ethics. And it would be to stop trying to fit Indigenous peoples into Western conceptions of justice, virtue, beneficence, and non-maleficence. Instead, bioethics must listen to Indigenous descriptions of human flourishing and social order.

# CHAPTER 7: BIOETHICS INTERRUPTED

In this dissertation I interrogate eurochristian bioethics through anti-colonial critique and the engagement of anti-colonial scholars and activists who provide rich, contextual, historical, and practical ethical counter-perspectives. I emphasize that, in general, we, as bioethicists (and medical practitioners), take for granted the paradigms of Western morality without questioning the deeper impressions of the unconscious but ubiquitous eurochristian worldview, including racism. My project opens up the discussion between mainstream bioethicists and anti-colonial scholars and activists in order to envision robust anti-colonial bioethics practice, scholarship, and policy. This marriage between bioethics and anti-colonialism is imperative if bioethicists, as agents of medical morality, take issues of race, justice, and equity seriously. How bioethicists grapple with the eurochristian tropes of scarcity, inequity, and the pursuit of progress and profit both conceptually and practically will require fundamental challenges to deeply held "truths," to the centers of authority, and to business as usual. Partnering with, and often taking the lead from, anti-colonial scholars and activists, would fuel a joint enterprise in imagining a bioethics that prioritizes abundance, collective struggle, reciprocity, life, emancipatory praxis, and self-determination.

The ontological assumptions, the moral epistemology, and the socioeconomic conventions that make up the eurochristian worldview permeate Engelhardt's, Singer's,

and Beauchamp's bioethics. While their writings are neither as overtly violent as Kant's description of how to whip a slave, or as obviously complicit in colonialism as was Mill in his job as an administrator for the East India Company, they do share the traits of a Christian or secular exceptionalism, a disregard of their own positionality within their works (with the exception of Engelhardt), an idealistic view of ethics that may consider race only peripherally, and ultimately an active participation in the economic and power privileges that comes with being middle-class white male scholars (this includes myself, minus the male gender). Rather than a personal attack, this assertion means they hold a particular point of view that is attached to a long history of racism, genocide, and exploitation. To revisit Foucault, the errors of some of the first bioethicists are not merely conceptual or theoretical. The effects of these errors imprint onto the bodies and minds of humans, such as Jahi McMath and her family, 6,500 undocumented Latinx immigrants with ESRD, and the Havasupai Nation. Engelhardt, Singer, and Beauchamp, like their precursors Kant, Mill, Rauschenbusch, Niebuhr, and Fletcher, are also highly influential in continuing the colonial-racial discourse despite the quality of their scholarship and the moral fibers of their beings.

For bioethicists with a eurochristian worldview (which is most of us), the concepts of virtue, reason, universalization, utility, and social justice are seductive. They conform to embedded worldviews and confirm one's identity. They can serve to either solidify one's Christian roots, or appeal to one's secular proclivities. Who can argue against Hippocrates' "First do no harm?" What kind of person would feel no compassion for Omran Daqneesh, the five-year-old boy pulled from the airstrike rubble in Syria, and

whose picture went viral on social media? Who would be against fighting for the economic justice in and of "developing nations?" But underlying eurochristian morality is an insidious worldview that directs the Western world unconsciously and insidiously, even in the ostensibly most moral of places. My work demonstrates a method for unpacking colonial concepts such as Aristotelian virtue, Rawlsian fairness, Kant's reason, Mill's utilitarianism, and Beauchamp and Childress' universal Principlism using anti-colonial scholarship and activism. Examining the categories of ontological assumptions, moral epistemology, and socioeconomic factors of the foundational text books of three influential bioethics scholars has put into relief the eurochristian nature of this scholarship. The main eurochristian/colonial themes exposed include the *ontological assumptions* of biblical and Darwinian origin stories including linear thinking, a temporal orientation, pursuit of progress, and the impulse to categorize living things along a hierarchy; the *moral epistemologies* of science, rationality, modernity, universalization, utility, and humanism; and the *socioeconomic organization of society* including a scarcity mentality, justice only as redistribution, charity, capitalism, state-centered exceptionalism, and libertarianism. The worldviews and works of anti-colonial scholars provide contrast to, and put into perspective, the eurochristian colonial themes of Western bioethics. Great harms underlying the mask of eurochristian morality is the continued marginalization of communities of color, ethnicities, genders, sexual orientations, and socioeconomic backgrounds.

On the margins of mainstream academic bioethics scholarship and public ethics is a growing and diversified body of ethics of difference, resistance, counternarrative, and

sometimes solidarity. This body of Latinx, Indigenous, Black diaspora, and other communities' knowledges, including that of Miguel De La Torre, Sylvia Wynter, and Leanne Simpson, recognizes the limits to classical Western ethics through many lenses including postcolonialism, anti-colonialism, feminism, womanism, queer ethics, liberative ethics, anti-capitalism, and anti-globalism. My dissertation underscores the significance of their works for bioethics and healthcare in general, especially in addressing the dearth of praxis and scholarship on the continued issues of racism and racial inequality in healthcare. Bioethics as a discipline is stuck in its own colonial-racial discourse, and this dissertation provides a transformative way forward. I have exposed the discipline to the concept of anti-colonialism and to three specific anti-colonial scholars of color as the infrastructure for envisioning a just bioethics.

From De La Torre, Wynter, and Simpson, I have proposed new ways of perceiving and approaching recent bioethics issues including inadequate care for undocumented patients with ESRD, the resistance of Jahi McMath's mother to the diagnosis of brain death, and the harm caused to the Havasupai from a research protocol. First, from De La Torre's scholarship, my research reveals a future bioethics that rejects universals and starts any theorizing with individuals and communities embedded in their social locations, especially those who are on the margins. Imagine the impact of this kind of bioethics for the Latinx undocumented ESRD patients whose health varies from discomfort to near death on a weekly basis. A good example of this is a study by Cervantes, Fischer, Verlinger, Zabalaga, Camacho, Linas, and Ortega called "The Illness

Experience of Undocumented Immigrants with End-Stage Renal Disease."[635] This article clearly demonstrates the suffering of undocumented immigrants who receive less than standard of care for their ESRD, the disabling symptom load, and the argument for better access for these patients. My analysis is explicit about how the U.S. healthcare system, according to Foucault's "technologies of power," cause suffering and early death of Latinx bodies. These technologies of power, such as state Medicaid policies, the Affordable Care Act, hospital budgets, healthcare provider acceptance, and lack of bioethics scholarship, fueled by overt and covert racism, a belief in the scarcity myth, and the colonial mindset of "protecting the nation-state from bad people" all work to keep suffering Latinx persons from access to the standard of care. The *praxis* of De La Torre's liberative ethics is also informative to bioethics. Accompanying those who are marginalized, asking them why they come to the U.S., partnering with them, and getting involved in relational and participatory political action is at the heart of justice.[636] Justice is not pity or charity; it is an actual placing of one's white body in the spaces of those who have come to the U.S. seeking a better life. A De La Torrian-influenced bioethics would also denounce neoliberalism and would challenge the commodification of medicine, including how bioethicists, as individuals, can begin to seek out ways to divest ourselves from the dominant economic system. This is difficult; almost no one can escape it completely. De La Torre's work would be particularly instructive for both bioethicists,

[635] A good example of this is Lilia Cervantes et al., "The Illness Experience of Undocumented Immigrants with End-Stage Renal Disease," *JAMA internal medicine* 177, no. 4 (2017).

[636] This refers to an "ethics of place" as described in De La Torre, The U.S. Immigration Crisis: Toward an Ethics of Place/Miguel A. De La Torre.

healthcare leaders, and healthcare workers who are caring for people who are marginalized, which includes those in the public realm and in hospitals. This would require political work, for bioethicists to take a stand, rather than to continue to foster "neutrality," another myth of the eurochristian colonial mindset. To echo De La Torre, "no ethical perspective is value-free."[637] His work is also instructive for providing a deeper understanding and context of Latinx histories, ethics, and current experiences. Only through relationship, a deep and meaningful solidarity with Latinx *en la lucha*, can bioethicists be taken seriously. I would suggest that embedding De La Torre's work in ethics and medical education would benefit the disciplines by debunking the myth of neutrality, promoting understanding of one's complicity in the continued marginalization of Latinx people, and requiring the social, academic, and political work that supports Latinx liberation, including those who are undocumented.

In my analysis of Wynter's work and its impact on patients like Jahi McMath, I consider many possible contributions to the discourse of an anti-colonial bioethics. Wynter's attention to the "schema of Man" would instruct the discourse of bioethics to challenge its own narrative, its "truth-for", that defines its worldviews – there is no impartial point-of-view. Her rejection of Man as representative of Human is instructive for understanding how the eurochristian worldview is only one of a number of potential ontologies/epistemologies possible in our encounters with each other within a diverse population. Her history of race through the last millennium provides the long-view of racism and the depth to which it is entrenched in eurochristian worldview. For families

[637] Latina/O Social Ethics: Moving Beyond Eurocentric Moral Thinking, xi.

such as McMath's, Wynter instills the need to respect the neurologically grounded fundamental truths of others' definitions of life and death based on their own worldviews and origin stories. The violence imparted on the black bodies of Winkfield and McMath to withdraw McMath from the ventilator was yet another imposition of the eurochristian worldview. This insistence of following "the rules" within bioethics and medicine is another example of how the Foucauldian technologies of power, the power that is built into the structures of eurochristian institutions, continue to work in favor of maintaining the dominant system. The technologies that marginalized the Black bodies of McMath and Winkfield include the brain death laws created by an ad hoc Harvard committee, mostly white male physicians and scholars in 1968, and then by the President's Commission for the study of Ethical Problems in Medicine and Biomedical and Behavioral Research, the latter with a few women involved. These discussions were fueled by the utilitarian-economic pressures to account for the cost of life support and for the accumulating number of potential organ recipients, at the expense of what Wynter would call the sociogenic reality of McMath's family, one that still sees her as a member of their family, as human, and as alive. Wynter teaches that the utilitarian-economic schema of efficiency has been prioritized over the respect of non-eurochristian worldviews and ontologies, and the transparency of care providers in helping patients understand the dilemmas (which builds trust), rather than selling people like Winkfield on the legal fiction of brain death while she watches McMath's heart beat on the screen and holds her warm pink hand. Like De La Torre, Wynter also prioritizes the "gaze from below", those on the margins, those who will ultimately define the "second emergence,"

a new paradigm for Human that is richer and more just because of their ability to live in two worlds at once, straddling two worlds. In healthcare, eurochristians find themselves straddling worldviews regularly, but can default to the eurochristian "rules" rather than being required to feel the tension of living in a world in constant negotiation, tolerance, and humility. This, I argue, is ontological and epistemological privilege. As bioethicists we have the choice to defer to the rules when negotiation gets difficult. In a bioethics following the lead of Wynter, a border bioethics would emerge from a relational and ecumenical *Homo narrans*, one that respects the physical manifestation of individual and communal stories; the ontologies and epistemologies become living flesh. Wynter's work is also persuasive for raising awareness of the racism imparted by the eurochristian worldview through her discourse on symbolic life and death. She argues the liminal, such as people of color and the socioeconomically disadvantaged, are continually defined as the negative pole of binaries such as rational/irrational, productive/lazy, good/evil, Christian/heathen, symbolic life/death. The binary structure remains through time; only the words change. The Black diaspora continue to be relegated to an inferior space both physically and in the Western imagination despite individual good intentions, because it is the systemic worldview that creates racial harms. Finally, Wynter, like De La Torre, notes how the economics of capitalism defines the whole of humanity as a master of scarcity through investment and accumulation. Our behavioral codes are primarily "reasons of the economy" that drive eurochristian ethics. More important than honoring Winkfield's wishes, it was important not to waste money in keeping McMath's body alive—for the hospital, for society, for potential organ recipients, and even for

Winkfield's own good. This is not to say economics is irrelevant to decision-making in medicine, but it has become the final word. Again, my analysis uncovers how the trope of scarcity and the priority of progress and profit in the West both contribute to the overemphasis of economics over respecting people's relational values. Towards an anti-colonial bioethics, my dissertation demonstrates how Wynter's work would be especially helpful in framing bioethics, healthcare worker, and healthcare administration education in reframing values differences as ontological/epistemological and in challenging economic models and their supremacy.

In my analysis of Simpson's work I demonstrate how Simpson would move bioethics into the realm of Indigenous values, including the values that are being lost to progress. The philosopher Jacques Ellul wrote in 1963, "the fact is that, viewed objectively, technological progress produces values of unimpeachable merit, while simultaneously destroying values no less important."[638] Simpson reasserts the values of respect, renewal, relationship, and reciprocity. These values have the potential to transform research ethics. Such a transformation would be disruptive to the pace of "progress," but I project they are necessary to salvage the values important to planetary well-being and the future of human life. When applying Simpson's work to the Havasupai case, it becomes clear that if these values had been intact as part of research ethics, the breaching of issues of consent and the harms done to the study subjects would have been unlikely. Consent falls short if not embedded in real respect of the study

[638] Jacque Ellul, "The Technological Order", in Carl Mitcham and Robert Mackey, *Philosophy and Technology*, vol. 80 (Simon and Schuster, 1983).

subjects, in a commitment to renewal of community, and of a deep and reciprocal relationship between study subjects and researchers. Like Wynter's *Homo narrans*, Simpson also values the origin stories and oral histories of individuals and communities as a fundamental trait of human life, not as a "particular" that can be tossed to the side of biological and theoretical universalism. The grounded normativity of Indigenous life prioritizes the relationship of humans with the earth and all living things, placing communities in a collective struggle to maintain balance and to maximize *all* life. The Indigenous life is a content-full ethics, as Engelhardt would call it, much like his Orthodox Christian ethics, and like many other ethnic and religiously derived ethics. Towards an anti-colonial bioethics, Indigenous scholars bring attention to the mutual respect of self-determining and content-full communities toward each other, despite disagreement. The prioritizing of Indigenous self-determination (as Indigenous nations have granted one another for millennia) is also instructive for those who evangelize their own morality. Simpson also provides a clear description of a worldview that is a contrast to the eurochristian worldview, enabling Westerners to envision radically different paradigms for moving in the world and relating to others. My dissertation demonstrates how Simpson's views, and those of other Indigenous scholars, have the power to transform research, health policy, and the provision of care in ways that recover life-sustaining values.

The works of De La Torre, Wynter, and Simpson are paradigmatic examples of a rich discourse happening outside mainstream bioethics. Anti-colonial voices such as theirs matter to racialized communities and their interactions with the healthcare system.

They also matter to those unaware they are imprisoned by the eurochristian worldview, of which ignorance not only affects social justice, but the health of the planet. The scholarship and praxis of anti-colonial scholars unearth the racial harms hidden in eurochristian structures, including the discipline of bioethics. Anti-colonial scholarship is also explicit that, while eurochristian allies may have a role in anti-colonial praxis, it is primarily the work of communities of color who have been marginalized and their counterparts in academia, politics, and healthcare practice who have the fundamental task of resisting eurochristian structures and reimagining and reclaiming their ontologies, epistemologies, and socioeconomic models that have been nearly (but not wholly) lost through appropriation, land theft, the slave trade, and genocide. This resurgence is not the work of eurochristians but can be supported through the challenging of eurochristian structures of capitalism, evangelism, racism, and blind pursuit of progress. Bioethics can be engaged through the literal joining of people in *la lucha*, the fight of those on the underside of colonialism against the systems that oppresses. Anti-colonialism is not about charity, assimilation, multiculturalism, or inclusion. It is about radical diversity, difference, and self-determination. I am proposing the bioethical prioritization of issues of race by transforming its education, practice, and policies through the use of anti-colonial scholarship and praxis.

In sum, I contend that an anti-colonial bioethics questions the aims and outcomes of bioethics in general. It takes the lead to address issues of racism, inequality, and oppression in healthcare. An anti-colonial bioethics must be led by those at the margins of bioethics, not those at the center. An anti-colonial bioethics focuses on

differences, not similarities. It demands the co-existence of multiple epistemologies; the differences that come from people's core truths. Anti-colonial bioethicists do the difficult and ongoing internal work of staying epistemologically open to an individual's or community's ethical self-determination and sovereignty. Future pursuits in this area might include a study to assess the state of bioethics education on race; introducing anti-colonial concepts and scholars in ethics education; building deeper relationships with communities who are marginalized by bioethics/healthcare systems to understand diverse worldviews and moral epistemologies; and to partner with both anti-colonial scholars and communities to challenge eurochristian colonial-racial structures.

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