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Stem Cell Research and the Confucian Ethics of the Family *

I. Introduction

The research on human embryonic stem cells (ESC) promises to revolutionize medicine in the 21st century. Undifferentiated, pluripotent human stem cells are capable of developing into virtually any body tissue and therefore may be used to replace damaged organ tissues (such as cardiac tissue following a heart attack) or repair currently irreversible injuries (such as spinal cord injuries) so as to recover health. Today's many incurable conditions, such as Parkinson's disease, Alzheimer's disease, multiple sclerosis, and diabetes, may find their reparative therapies in the research on ESC. On the other hand, however, the ESC research is remarkably morally controversial in the West. Many people on the Christian background see such research as a grave moral mistake because in order to conduct such research scientists have to harvest the stem cells from a human embryo and thereby destroy the embryo.

In fact, some hold a series of moral disagreements from the supporters of the research. First, when research supporters point out that, at the blastocyst stage when the organism is typically disaggregated to create an embryonic stem cell line, the so-called human embryo is only a ball of cells no bigger than the punctuation of period at the end of an English sentence, opponents argue that, no matter how small it is, a living human embryo is member of the human species: it is already human from the conception and therefore has special moral status. It should, for the opponents, be valued, and not be killed. Secondly, to do such research, the opponents claim, would desensitize people to the value of human life, threatening vulnerable members of human society. Thirdly, when research supporters argue that there are discarded embryos (from infertility-therapy clinics) available for research – since they are going to be disposed of anyway, they might as well be used for research, opponents contend that such surplus embryos should not have been produced in the first place. Moreover, for the opponents, there is a difference between the embryos' dying and actively killing them. One should not do something that is intrinsically wrong even if good may come of it. Finally, when research supporters attempt to use parental consent to authorize such research, opponents rebut by arguing that parents do not have the moral right to consent to the destruction of the human embryos any more

than to the destruction of their own children. To the opponents, killing the embryo in order to harvest its ESC for the benefit of research is morally equivalent to killing a child in order to harvest his organs for the benefit of those waiting for organ transplantations.¹

Although the opponents' above argument has been made with full assurance, it is not apt to offer if one stands outside of the moral context of the Western Christian religion, although Christianity was originally not a Western European religion.² In the Confucian tradition, for instance, the full moral significance of an embryo cannot be identified in separation from the context of the family, even if the embryo carries some intrinsic moral value by itself (e.g., simply because it is human, it is morally more important than an animal or a non-human object). That is, in order to decide how to treat an embryo in a specific context, Confucians must consider not only the value of the embryo itself, but also its status in terms of the interest of the family. Evidently, Confucians and Christians hold quite different moral perspectives regarding the moral status of a human embryo.³

Is it possible to offer substantive answers to moral issues such as those regarding the ESC research without reference to the specific moral assumptions of any particular religion or culture, like Christianity or Confucianism? Indeed, that has been the attempt of contemporary Western liberal philosophy and ethics, reflecting the aspirations of the modern Western Enlightenment project. Regarding the ESC research, they would attempt to resolve the moral issues by setting up a "pure" rational argument – "pure" in the sense that the argument should be independent of any religion- or metaphysics-based ethical view on the moral status of the embryo. Their strategy is through an account of individual rights to place the individual in authority to make relevant moral decisions.

This paper argues that the liberal strategy cannot succeed in offering a persuasive ethical argument for the ESC research because, like the Christian morality, it is ethically individualistic. The paper indicates that Confucian

¹ A vivid intellectual confrontation between the supporters and the opponents can be found in "should federal funds be used in research on discarded embryos?" offered respectively by Myron Genel and Edmund D. Pellegrino (1999). Also see Green (2001).

² For a systematic explanation of the Orthodox Christian view of reproduction, cloning, abortion, and birth, see chapter 5 of Engelhardt (2000)

³ For a general comparative study between the Christian and Confucian views on personhood, see my (2000).

ethical familism provides a more appropriate moral strategy than liberal ethical individualism for addressing the ESC research. Section II compares how Confucian ethical familism differs from liberal ethical individualism in ethical exploration. Section III demonstrates how liberal ethical individualism is an one-sided ethical strategy and how it inevitably leads to inappropriate, extreme ethical conclusions regarding the ESC research. Section IV explains how Confucian ethical familism offers a two-dimensional ethical strategy and at the same time does not involve utilitarian maximization. Section V lays out three Confucian theses regarding the ESC research and explains how these can overcome the one-sidedness of individualist ethics and can be justified through the Confucian two-dimensional moral strategy. And Section VI is concluding remarks.

II. Ethical individualism vs. ethical familism

The Confucian morality is a type of ethical communitarianism, not ethical individualism. To summarize this morality for the purpose of analysis and comparison with liberal individualism, I shall recast the major Confucian moral viewpoints into the two following principles:

- (1) Both individuals and their communities ultimately count;
- (2) Individuals do not count equally.

These principles can best be understood in comparison with liberal ethics. At the core of liberal ethics is ethical individualism,⁴ whose major principles can be summarized as follows:

- (1)' Only individuals ultimately count;
- (2)' Individuals count equally.⁵

The liberal principle (1)' means only individuals have intrinsic values - values that count by themselves, without relying on any further value. This principle also entails the instrumentalist view of community: no matter how important a community is, it does not have any intrinsic value. The value of

⁴ Individualism can be stated in both metaphysical and moral claims. Its metaphysical claim is that ultimately only individuals exist. This paper focuses only on its moral claim, ethical individualism, as defined in the text. Liberals can hold ethical individualism without the necessity of holding metaphysical individualism.

⁵ Even if these two fundamental liberal moral principles are not always clearly articulated by every liberal ethicist, they have unquestionably underlain the moral argument of representative contemporary liberals, such as John Rawls and Ronald Dworkin. For an explicit articulation of these principles, see, e.g., Buchanan, Brock, Daniels, and Wikler (2000), p. 379.

a community (either a family, an organization, or a state) depends on its contribution to the individuals out of which it is constituted. Hence, it only has instrumental values – it is valuable insofar as it serves the values of individuals. This is to say, for liberals, the interests of community must be considered in terms of the interests of individuals, while the interests of individuals must be defined in terms of individual-oriented factors, such as individual dignity or capacity.⁶ According to liberal contractarian theories, individuals are ends, while communities are means: means should be constructed, revised, or rejected according to ends.

The principle (2)' indicates a liberal egalitarian position: individuals should be treated as equals. Although this position does not necessarily support an equal distribution of income, it discloses a basic liberal idea of equality: the interests of each member of a community matter equally for the community. In other words, it requires that each member be entitled to equal concern and respect and each member's interests be given equal consideration. In practice, this egalitarian thesis usually leads to some specific versions of concerns for equal treatment, such as equality of opportunity, equality of resources, equality of capacity, or even equality of welfare, although liberals disagree on which is the more appropriate version of equality. It also entails and supports a series of equal individual rights, which often come to conflict with each other in practical contexts. Regarding the moral issues relevant to the ESC research, there are two often referred but mutually contradictory rights: a right not to be killed and a right to control the use of one's own body.

Confucian communitarian ethics sharply contrasts with those liberal individualist theses. First, although Confucianism grants an independent intrinsic value to the human individual (to wit, a human being is highly valuable simply because he/she is a human being per se, not because he/she is useful to anything else, God, community, or whatsoever), it holds an anti-

⁶ This paper uses values, interests and goods interchangeably. Basically, there are two incommensurable views on the issue of where the value of the individual resides. The sanctity-of-life view holds that each human life has a sacred property carrying a value or worth that is equally predicated of all human individuals, irrespective of mental or physical capacity (Ramsey 1970). On the other hand, the quality-of-life view locates individual value in some valuable characteristics, "such as self-consciousness, rationality, the capacity to relate others, the ability to experience pleasurable states of consciousness..." (Kuhse 1995, p. 104). For an excellent paper evaluating these two different views, see Khushf 2002.

instrumentalist position of community. Confucians understand that individuals live in different types of geographically and non-geographically located communities, such as families, villages, cities, states, institutions, companies, associations, religious groups like churches, and so on. Those communities overlap with each other in terms of their constituting members, each carrying different moral significance for different people. Indeed, depending on particular religious and moral perspectives held by people, they naturally see different types of communities as morally primary for individuals - primary in the sense that their moral claims and interests trump those of other communities. For instance, church is the primary community for Christians. Confucians see the family as the primary community for every individual.⁷ In this regard Confucian familists have to disagree with liberal individualists regarding the ethical value of the family.

First, Confucianism does not accept any contractarian theory of the family. The family is in nature involuntary for the individual to begin with: one is naturally born to the parent-child relation and other family relations without giving voluntary consent to them in the first place. Confucians see that both individuals and families are ends. It is incorrect to say that families are merely means for individuals, just as it is incorrect to say individuals are merely means for families. Both individual and family ends/values should be integrated into a coherent system of ends/values grounded in a doctrine of

⁷ Confucians have always taken the family as their primary moral community. From Confucius (551-479 BC) on, family life has been emphasized as the essential activity for human existence. For instance, when someone asked Confucius “why do you not take part in government?” the Master answered: “as the *Book of History* says, ‘Oh! Simply by being a good son and friendly to his brothers a man can exert an influence upon government.’ In so doing a man is, in fact, taking part in government. How can there be any question of his having actively to ‘take part in government’?” (*Analects* 2: 21; translation adapted from D. C. Lau). For Mencius (372-289 BC), “there is a common expression, ‘the empire, the state, the family.’ The empire has its basis in the state, the state in the family...” (*Mencius* 4A: 5; translation adapted from D. C. Lau). Although the Confucian has a whole system of personal morality, including ideals of cultivating the self, regulating the family, governing the state, and making the entire world (all-under-heaven) peaceful (*Great Learning*), the two latter ideals are related indirectly to most persons, whereas the first two ideals (cultivating the self and regulating the family) are essential requirements for every individual.

the good and virtues. In short, for Confucians, the family life embodies the right way of human existence.

Liberal individualists see the interests of the family as nothing but the sum total of the interests of individual members. Even if they like to count all members – including not only current existing members but also members living in the past and members coming in future, the moral focus is evidently on currently existing members. In contrast, Confucian familists would see the interests of the family as greater than the sum total of the interests of currently existent individual members because they must include the well-being of deceased ancestors and future descendents. That is why the rituals for ancestor worship and the children's virtue of filial piety have been taken foundationally important in the Confucian tradition. As Confucians see it, the family substantializes the basic human relations which are irreplaceable ways for individuals to pursue human flourishing.

If that Confucian emphasis cannot deeply distinguish Confucian ethical familism from liberal ethical individualism because that seems still to appreciate the family ultimately in terms of individual flourishing, we should recognize that the family in the Confucian tradition carries a special moral value or dignity independent from the value or dignity of any individual member: the existence of the family reflects the deep moral significance set by the transcendent, Heaven (tian). The family dignity is irreducible to any individual dignity. This Confucian thesis has significant normative moral implications. Negatively, it implies that we should never give up the structure of the family. Even if a world could preserve all of individual dignity or value in the absence of the family (although that is impossible according to the Confucian understanding of the ways of individual flourishing as shown above), Confucians would still see a big loss of moral value in that world. Positively, it implies that we want to shape individuals suitable for the family structure. Genetic engineering makes it possible to shape individuals in future. But what kind of individuals should be shaped depends on what values are taken to be ultimately fundamental. The Confucian wants to shape those individuals who carry the appropriate sexes, emotions and intelligence for leading the lives of the family.

In short, Confucianism sees the family carries certain interests which are irreducible to the interests of individuals, although both individuals and families have intrinsic values. Again, for the purpose of comparison and analysis, I shall summarize the interests of the family in the Confucian context as

the long-term integrity, survival and prosperity of the family clan.

These constitute the family interests no matter whether individual family members uphold them or not. There have been rich materials about the family interests in the Confucian tradition. The integrity of the family requires that family decisions and activities be made in following the virtues and that the purity of the family tree be maintained. No doubt, the Confucian family is heterosexual and patriarchal in nature. The survival of the family requires that the family must have a son to succeed the family clan. That is why the most unfilial thing for Confucians is having no posterity. The prosperity of the family includes both material wealth and the harmonious relationships (*he*) of family members: the harmonious relationships are appropriate family relationships (*ren lun*) based on the family members' cultivation of the virtues. For Confucians, important individual issues should be settled through a process of harmonious shared-determination of the family: that is a process of communication, reciprocation, compromise, and voluntary sacrifice. It is first and foremost the shared experience of the common family life. It is highly contextual, poetic, and holistic. It is only through comprehensive narrative rather than speculative discourse that we can come to the full understanding of the uniqueness and mystery of the Confucian shared family life. Importantly, when individual interests come into conflict with family interests, there is no simple Confucian formula that requires the sacrifice of individual interests as some may have conceived. Indeed, there is no such clear-cut formula as to whether individual interests should submit to family interests or vice versa. What Confucians pursue is a harmonious system of values in which both individual and family values have their appropriate standings. One has to turn to specific Confucian moral elaboration and casuistry in order to understand this harmonious system in its full sense (see section V).

The Confucian anti-egalitarian view of individuals holds that individuals should not be treated as equals; rather, they should be treated as relatives. The five basic human relations admired by the Confucian tradition are not only meant for acquaintances, but are also for strangers, to form - strangers can always be placed into one of these five relations. The ruler-ruled relation is like the parent-child relation. When people are good friends, they come into the relations of brothers or sisters (namely, older and younger). The difference is only that some are close, while others remote, relatives. Some might want to argue that an "egalitarian" level can be teased out from the Confucian moral account. This is because, they may contend, the requirement of treating people as relatives must include an egalitarian "threshold" below which people are no longer treated as relatives. However, a requirement of equality is never an emphasized point in the Confucian

familism. First, relatives are in nature unequal. What is morally proper for Confucianism is not to emphasize that the father and the son should treat each other with equal rights, but that the father should treat the son with the virtue of kindness (*ci*) and the son treat the father with the virtue of filial piety (*xiao*) – that is, they should cultivate different, *unequal* specific virtues. Second, the closer the relation one has with another, the more consideration one should give to his/her interests. It is morally wrong for Confucians to believe that one should equally consider the interests of one's son and another's son because, on Confucianism, one ought to consider the interests of one's son more than another's son. Third, as each individual exists in distinct, specific contexts and forms particular relations with others in the family, it does not make sense, for instance, for a Confucian mother to say that she should treat a fetus in her womb and a child already born into the family as two equals. What is proper for her is to treat them in different manners suitable to the respective characters and contexts of their lives and relations with others in terms of specific Confucian virtues.

What about politics and policy? Shouldn't government treat all citizens as equals and consider their interests equally? Again that is missing the real point in the Confucian concern. The Confucian principle of treating people as relatives upholds a harmonious (*he*), rather than equal, political system. First, the concept of citizenry is already a narrow concept, insufficient for taking care of the Confucian ideal of all-under-heaven (*tian xia*). Under the Confucian harmonious system of the state, the young should be cared, the elder should be respected, and the foreign should be attracted to join. Their interests should always be considered in different ways. Even for adult citizens, "to be treated as equals" is still not a good idea, because individuals are not equal in learning and practicing their virtues. As Confucians see it, although individuals carry equal moral potentials (that is, everyone carries the seeds of the virtues in Mencius' terms) to develop themselves, they always achieve differently in their moral cultivation. Confucianism is a type of elitism in this regard. It teaches that individuals should be treated according to the virtues they have achieved: the more virtuous the person, the more respect he should receive in society.

In short, the Confucian moral principle that the family has intrinsic moral value opens up a new moral dimension for ethical exploration - the balance of individual and family interests. Because the family has intrinsic value, each family member should also take care of the family interests in dealing with their individual affairs. Since some individual affairs significantly affect family interests, they become matters of interest for all family members and open to common exploration in the family. This

naturally leads to the moral model of family shared-determination (rather than individual determination) in the Confucian tradition. All important individual issues, such as education, marriage, and health care, should be decided by the whole family for each family member. When family interests are at stake, it is inappropriate for one to declare that “this is my own business” or “please leave me alone.” The value of shared-determination is implicit in the normal Confucian family life. Moreover, since the individual also ultimately counts, the family must seriously take into account an individual’s view when making a decision for him/her. In this light shared-determination integrates self-determination and moves it to a higher level of moral decision-making. In contrast with this Confucian moral concern of family interests as well as its shared family-determination model, the liberal individualist model of individual interests as well as self-determination is one-sided. It is no surprise that liberal individualist ethics cannot offer persuasive argument regarding the ESC research, to which we turn now.

III. One-sided morality on the ESC research

Liberal individualist ethics is one-sided. It only emphasizes individual value, underestimating the value of community: community must be redesigned or rejected in accord with individual values. This liberal view is already implicit in Kant’s famous statement: individuals should always be treated as ends, and should never be treated merely as means. Kant failed to recognize that some communities, like the family, are essential for individuals to pursue human flourishing. Worse yet, while the Kantian notion of individual autonomy carries the meaning of universal legislation through his formal rule of rationality as universalizability, contemporary liberals, facing the ever-increasing diversity and plurality of moral values (namely, there are incompatible and incommensurable moral visions and conceptions of the good life competing with each other in contemporary society), have reinterpreted the Kantian autonomy in terms of individual liberty or self-determination: every individual is in authority to order his/her life and decides his/her acts as he/she sees fit, as long as it does not harm others (the self-determination thesis). Hence, the classical liberal autonomy has become contemporary liberal self-determination, an one-sided, self-regarding morality. This morality is unable to handle genetic ethical issues because these issues are inevitably family-relevant and other-regarding.

Specifically, the self-determination thesis has two versions: weak and strong. The weak version holds that individual self-determination should not be coercively interfered with by others or society, although individual self-determination may not be an intrinsic value by itself. That is, under this version, the individual is solely in authority to make decisions about his/her

act, and society is limited from intervening with this decision, but society does not have any obligation to encourage or promote individual self-determination. On the other hand, the strong version of the thesis holds that exercising self-determination is an intrinsic value for the individual. Respecting individuals requires not only not interfering with their self-determination, but also positively strengthening their capacity for exercising self-determination. The essential requirement of both weak and strong versions is not to interfere with individuals in determining their own life plans. But they differ regarding whether self-determination is an intrinsic value that should be promoted.⁸

Thus liberals would find it misleading to emphasize the interests of community (such as the family). For them, since community matters only in terms of how it affects individual interests, the form or structure of community should be contractually revised by individuals according to their values, wishes, and agreements. Thus, contractual relationships become the primary, normative social relationships, while traditional relationships based on affective networks are understood as the epitome of pre-modern backward forms of social relations. Liberals focus not on establishing and pursuing a notion of the common good for a community; rather, they regard the common good in terms of the good of most of the community's individuals or as that good for individuals which can only be realized through cooperation with other individuals. All of this can be understood contractually. To support such contracts, liberals need only set up principles of justice to ensure individual liberty and rights so that individuals can freely undertake their life plans. Indeed, this has been the major task of liberal philosophy in the contemporary world.

How does this liberal moral and political understanding bear on the ESC research? Obviously, the answer will depend on how liberal ethics takes the status of individual human embryos. When liberals accent individual liberty or self-determination, typically they have in mind adult human individuals – only these are human agents capable of practicing self-determination and making contracts with each other. For contemporary liberals, respecting the life plans of such agents seems to be the only way of

⁸ Generally libertarianism holds the weak version, while contemporary liberalism holds the strong version. See Robert Nozick (1974) and Engelhardt (1996). However, in debating with communitarians, liberals sometimes claim that they only hold the weak version. See, e.g., Kymlicka (2002), p. 223. In any case this controversy does not affect the argument employed in this paper.

treating them as ends. Indeed, this individualist contractarian model seems to work well with adult individuals in pluralistic society. The maxim is: please don't put your nose into my business if it does not involve you, and if it involves you, I shall seek your consent in the first place. However, a problem emerges with the issue of reproduction. When one and one's spouse decide to produce a human embryo, they are deciding to bring another individual into being. They cannot seek consent from the individual in advance because it has not existed yet.

Does this mean that adult individuals are morally at liberty to reproduce an embryo for whatever purpose they wish (such as to do research on it or simply to kill it later for fun)? May they produce a child in whatever way they prefer (such as through the traditional way of sexual intercourse or through contemporary technical procedures like in vitro fertilization)? May they create a baby just as they may make a desk? Indeed, one may make a desk for whatever purpose one holds (such as using it as a reading table, a computer shelf, or simply destroying it later for fun) and in whatever way one prefers (such as traditional manual way or some modern technical method). Some would quickly add that producing an embryo should differ from producing a desk because an embryo, not a desk, possesses the potential of developing into a full human being – a normal human individual that has the capacity of self-determination. The question is: does the recognition of this potential of an embryo set any moral constraints on adult individuals' purposes for, or ways of, producing it?

From my view, the liberal individualist answer to this question must oscillate between “yes” and “no”, depending on whether one holds the weak or strong version of self-determination. If one holds the weak version, one wants to insist that one's decision and action, whatever they are, should not be coercively interfered with by others, as long as they do not involve others. If I and my partner cooperate to produce an embryo for research, then only I and my partner are in authority to make such a decision and action because the only other involved here is the embryo that does not have any capacity of self-determination. Although it has the potential for this capacity, the potential is not necessarily a value binding on me and my partner, because the weak version of liberalism does not take the capacity itself as a value for promotion. It is up to me and my partner – up to the particular personal, moral or religious view that we happen to hold regarding the potential – to decide what I want to do about an embryo. If I think an early embryo created for the ESC research is nothing morally special than a desk designed for a carpenter's use or experiment, no one is in authority to stop me from doing it. This is to say, under the weak version, the recognition of the potential of an

embryo for self-determination does not set a real external moral constraint on individual purposes for, or ways of, producing an embryo. Accordingly, the ESC research (no matter either the embryos involved are from in vitro fertilization procedures or from on-purpose embryonic clones) should be ethically permissible in society.

On the other hand, if one holds the strong version of liberalism, a different structure of moral authority emerges. Here self-determination or individual autonomy becomes an intrinsic value to uphold, and that changes the entire ethical landscape of the issue. Of course, it is not that self-determination or individual autonomy must be the only intrinsic value held by liberals. Liberals may hold other intrinsic values, such as friendship, happiness, knowledge, and even some familial or religious faith, depending on particular individual liberals. However, liberals cannot be perfectionists. Even if they hold a set of intrinsic values in addition to individual autonomy, they must stand ready to trump those values by individual autonomy if they conflict each other. This is why liberals, but not the libertarians holding the weak version, have to take that slavery is morally mistaken. That is, liberals have to hold self-termination as a dominant intrinsic value [Kymlicka]. The liberal reasoning regarding the appropriate way of raising children constitutes an illustrative example in this regard: the primary purpose of liberal education is the promotion of children's capacity for self-determination.⁹ In this case, the recognition of the potential of an embryo

⁹ Small children have not fully developed their self-determination capacity yet and thereby are not competent to make contracts with their parents regarding ways in which they should be raised. Liberals have to make decisions for their children. Unlike devout Christians who will make their children Christians and serious Confucians who will train their children to become filial, liberals have to promote their children's capacity for self-determination: for liberals, it is essential that individuals be able to choose, reflect on, and revise their life plans by themselves; namely, they must practice the value of self-determination. Accordingly, for liberals, the ideal way of raising children is not training them to become a particular type of persons holding a specific notion of the good life or religion. Rather, the parents must prepare their children with opportunities and capacities necessary for exercising self-determination as adults in choosing and pursuing their own ways of life. That is, liberals should not embed their children in a way of life that accords with their (as parents') own life plans or views of the good. Rather, they bear the moral obligation to bring up their

for self-determination does set a moral constraint on individual purposes for, or ways of, producing and treating the embryo.

The strong version of liberal argument on the value of the embryo can be summarized this way. First, self-determination is a dominant intrinsic value (that is, in conflict with other values, self-determination dominates). Second, the life of an innocent individual that exercises self-determination is dominantly intrinsically valuable (that is, without compelling reasons, the life should not be taken). This corollary is derivable because the life of such individual is both the necessary and sufficient condition for self-determination. Third, the life of an embryo that has the potential of developing into the life of an individual that can exercise self-determination is also dominantly intrinsically valuable. This corollary is derivable because the life of such embryo is a necessary condition for the life of the latter individual.

Some may want to argue that the third point cannot be made. Given that the life of an embryo is only a necessary, but not a sufficient condition for the life of an autonomous individual, they may contend, the life of the embryo cannot be dominantly intrinsically valuable. This contention reminds us the big debate around the topic of potentiality. It is logically clear that if embryos are only potential persons, they do not have the rights of persons (Engelhardt, p. 142). Following this line, some may want to stress that even if the life of the autonomous individual is dominantly intrinsically valuable, the life of an embryo is not dominantly intrinsically valuable, because (1) the

children as persons exercising self-determination. Only in this way, liberals would argue, have their children been treated as ends (although they are not actually ends yet in the sense of moral agents), not merely as means to their parents' ends.

A typical liberal view in this regards is as follows:

A child's good is more fully determined by the developmental needs of children generally at that age than by his or her current but predictably transient goals and preferences. These developmental needs are based in significant part on the aim of preparing the child with the opportunities and capacities for judgment and choice necessary for exercising self-determination as an adult. Consequently, efforts to promote children's well-being focus prominently on fostering these abilities and opportunities so that as adults they will be able to choose, revise over time, and pursue their own particular plans of life, or aims and values, now suited to the adults they have become (Buchanan and Brock, 1989, pp. 227-228).

life of an embryo is not an autonomous life, and (2) it is a matter of chance that an embryo will become an autonomous individual. However, for liberals holding the strong version, the issue here is first not an issue of potentiality or rights, but an issue of value. The point (1) may be significant for ontological concerns, but not for axiological concerns. Axiologically, if one values A, and if B is a necessary condition for A, then one should value B, too, because without B, there would be no A. For the issue at stake, the life of an embryo is a necessary condition for the life of an autonomous individual. If one values the latter, one should value the former. The similar evaluation goes for the point (2). It is true that a fetus will probably not develop into an autonomous individual. But that, axiologically, gives one even more reason to value the fetus so as to protect it from being damaged, if one values an autonomous individual into whom it will probably develop.

If this argument is sound, then liberals holding the strong version must conclude that it would be morally wrong to kill an embryo without a compelling reason, because it is destroying a dominantly intrinsically valuable being. Can the promising benefits of the ESC research constitute a compelling reason? I think the liberal answer must be no. Contemporary liberals cannot be utilitarians. If an embryo's life is intrinsically valuable as we argue above, then liberals must treat it as an end. They cannot appeal to the utilitarian benefit-cost calculation to decide sacrificing the embryo for maximizing benefits, because in that way they treat the embryo as a means. Accordingly, the strong version of liberalism must conclude that it is morally wrong to produce extra embryos in order to increase the likelihood of success in medically-assisted reproduction via in vitro fertilization, because the embryos discarded after reproductive success are used merely as means for the success. Moreover, it is similarly morally wrong if they are used for research rather than being discarded, no matter how much benefit is promised out of the research. The same reasoning goes for the problem of embryonic cloning for research. The moral mistake of the embryonic cloning research, in this liberal moral context, may not lie in the problem of human cloning – human reproductive cloning should not be a moral problem insofar as the clone will be raised to become an independent individual exercising self-determination. The problem lies in that the embryonic clone is used merely as a means for research when it has the potential of becoming a full human being with ends.

In short, to the question of whether recognizing the potential of an embryo to become a full individual with the capacity of self-determination sets any moral constraints on our purposes for, or ways of, producing it, liberals holding the strong version of the self-determination thesis should

answer “yes,” while liberals holding the weak version of self-determination should answer “no.” This is the case no matter whether liberals themselves recognize the full sense of their theses.

However, from the Confucian moral perspective, either the “yes” or “no” answer is extremist: both are grounded in the liberal faith that only individuals have intrinsic values. As Confucians see it, the answer from the weak version is practically incoherent: on the one hand it grants individual self-determination so high a status that society may not interfere with it at all, and on the other hand, it does not necessarily take self-determination as a value for promotion. How could those liberals practice their weak thesis in the context of real politics? On the other hand, the answer from the strong version is morally problematic. It assigns self-determination a dominant value so that it is too difficult to balance it with other values. As a result, liberal ethical individualism does not have sufficient moral resources to transcend the two one-sided, extremist answers in addressing the moral issues of the ESC research.

IV. The Confucian two-dimensioned moral strategy: Not utilitarian maximization

Confucian familism offers additional moral resources for considering reproduction and the ESC research. On the one hand, reproduction is of individual interest: everyone has specific expectations, wishes, and preferences regarding one’s reproduction. On the other hand, one’s own view must be mediated by considering the family interests. Moreover, since issues relating to reproduction significantly affect the family interests, Confucianism holds that every family member must participate in the process of shared-determination with other family members. They together explore the specific implications of individual acts for the long-term integrity, survival and prosperity of the family. Consequently, when liberal individualists solely rely on individual values to decide the manners of their reproduction, Confucian familists appeal also to the family values to make their decisions. That is the Confucian two-dimensioned moral strategy. Methodologically, such a two-dimensioned moral structure is hopeful in overcoming the extreme conclusions drawn by the liberal one-sided moral views as shown in the above. If only individuals ultimately count, then individuals must confront individuals regarding their interests in the context of reproduction or the ESC research. When their interests count equally, a gridlock must be formed and cannot be resolved unless through an all-or-nothing strategy: either some individuals do not count and therefore anything can be done to them, or every individual counts and therefore nothing can be done. The Confucian introduction of both individual and

family values to the moral exploration offers the opportunity of appealing to communitarian interests to tip the scale at an appropriate point.

How do Confucians balance the individual and family values? Is the Confucian familism a type of utilitarianism aiming at the maximization of family interests in individual reproductive acts? The answer is no. First, Confucian familism does not hold ethical individualism as utilitarianism does. Although utilitarianism is teleological and liberalism deontological so that they are usually distinguished as two quite different forms of ethical theories, utilitarianism shares with liberalism the ethical individualism: only individuals ultimately count - so-called community interests are nothing but the sum total of individual interests. In contrast, the Confucian notion of community interests holds that community interests cannot be reduced to the sum total of individual interests (see Section II).

Second, Confucianism does not hold a value reductionism as utilitarianism does. Even if utilitarians do not have to strictly adopt the interest-maximization formula as a basic moral standard (that is, utilitarians may not have to conclude that, when individual interests conflict, those individuals with less interests should be sacrificed for those individuals with greater interests in order to maximize individual interests), they have to appeal to the quality-of-life view to locate the value of human life in some qualities such as consciousness and rationality. In this reductivist way they can conclude that (1) some lives are of greater worth than others, and (2) some lives are not worth living and thus it is in their "best interest" to die.¹⁰ In contrast, Confucians do not take that the value of the individual is reducible to a set of quality. For Confucians, human life has a sacred property of value that is transcendent so that it is irreducible to any empirically identifiable and comparable trait.¹¹

Confucians do not deny that individual interests and family interests can come into conflict. Even if the long-term integrity, survival and prosperity of the family are generally in line with the best interests of every family member, it may not always be the case. For instance, if one is the only son of a family, the best interests of the family, all things considered, are for him to get married and reproduce children, while his own best interests, all things considered, may be remaining single and having no child. Moreover, in many cases, the best interests of an embryo is being brought to birth, but the best interest of the family, all things considered, is to terminate

¹⁰ See Singer 1983, 1993; Kuhse 1987, 1991. For an excellent critique of the utilitarian view, see Khushf 2002.

¹¹ Whether the Confucian view of individual value is a solely sanctity-of-life view or a somewhat mixed sanctity-of-life and quality-of-life view, this essay leaves it as an open question.

the pregnancy. In addressing such conflicts, Confucianism never requires that family interests always transcend individual interests, or vice versa. Instead, Confucians appeal to the virtues to guide their actions. In pursuing any interests, either individual or familial, one ought to be virtuous. For example, killing one person in order to use his organs to save five other persons can be morally right according to utilitarianism if an everything-considered “impartial” calculation shows that such killing maximizes interests. But it cannot be acceptable on Confucianism because it violates the basic Confucian virtues of humanity (*ren*) and righteousness (*yi*). It would be a misinterpretation that Confucianism must in principle support the sacrifice of the embryos in the ESC research because such research promises huge likely benefits to families. Rather, Confucians must balance individual and family interests according to the virtues.

V. The Confucian two-dimensional moral strategy on the ESC research: Ethical Balance

How could the Confucian two-dimensional morality shed light on the ESC research? This issue involves a comprehensive account of the Confucian view of the embryo and the fetus, which cannot be addressed in length here. I shall disclose a few relevant Confucian theses in relation to the status of the embryo or fetus so as to lay out Confucian answers to the major moral issues involved in the ESC research.

Confucian Thesis I: it is morally justifiable to conduct the ESC research by using the extra embryos left from in vitro fertilization procedures. In the first place, reproductive technologies (such as in vitro fertilization procedures) are of no moral problem for Confucians to use for reproductive purposes, as long as there is no harm to the integrity, the harmonious order and relationships of the family. These technologies can simply be taken as the extension of human physical reproductive abilities. Confucianism does not hold that the essence and moral status of personhood can be found in a particular act of divine creation. Instead, the manner of human birth through the parents’ acts is itself the good manifestation of the way (*dao*) of Heaven, the transcendent. The way of Heaven is presented by the reproductive actions of parents, without involving any additional divine infusion. The Confucian emphasis is always put on the parents’ good intentions and actions in accordance with the virtues. It is the Confucian belief that “it is man who is capable of broadening the way; it is not the way that is capable of broadening man” (*Analects* 15: 29). Accordingly, it is not taken as a problem for a couple to make surplus embryos in order to pursue a better success rate of reproduction. This effort is morally defensible because securing a child for the family is morally admirable. It is also morally

permissible to give up extra embryos after success, because the family is in authority to decide how many children it likes to have. If one wants to contend that the life of the embryo is too valuable to be abandoned, the Confucian would point out the very low status of such an extra embryo in terms of the family interests: it is not that the embryo is not valuable per se, but it is that, in this context, its value is not so important compared to its status in terms of the family interests. Indeed, the Confucian two-dimensional moral deliberation holds a balanced view of justice between individual and family interests, although it is not interest maximization in the utilitarian sense.

Some may want to argue that it is one thing to let these embryos die by abandoning them, but quite another to kill them by harvesting stem cells from them. The morality of letting die cannot lead to the morality of direct killing. However, Confucians would argue that it should be morally permissible to use the discarded embryos for the ESC research, because there is nothing for those embryos to lose - they are going to die anyway in a relatively short time. On the other hand, there is everything to gain – the ESC research promises great possible benefits to people.

Confucian Thesis II: it is morally justifiable to conduct therapeutic cloning in order to harvest ESCs to save an individual life or treat a severe disease. Everyone recognizes the great technical promise of therapeutic cloning¹² because the stem cells thus obtained are immunologically compatible with the patient. Is it morally defensible to use it after it is technically reliable? Some want to object because, as they see it, therapeutic cloning is morally more problematic than the case of using left-over embryos for research: that is to create a human embryo only to destroy it. However, Confucians would not think it always wrong to directly take an embryo. The first thesis already indicates a context in which the embryo is going to die anyway in a short time and Confucians take it morally justifiable to directly take the embryo. Here I want to argue that there is an additional context in which although the embryo is not going to die in a short time, it is morally justifiable to directly kill an embryo. If either the embryo/fetus or the mother, but not both, can be saved, and if in order to save one, the other must be directly taken, then Confucians would hold that the embryo or fetus should be taken in order to save the mother's life. This is because, for Confucians, even if the embryo/fetus and mother carry equal individual value, the mother is more important than the embryo/fetus in

¹² Therapeutic cloning is morally different from reproductive cloning. For a Confucian account of reproductive cloning, see Fan 1998.

terms of the family value: she has contributed more than the embryo/fetus to the family's integrity, survival and prosperity so that it is only fair to save her life.¹³ Indeed, Confucianism would take the mother's contribution to the family value so significant that even if a context is such that the fetus will survive and the mother will die if nothing is done, it would still be justified for Confucians to take the fetus in order to save the mother's life. Given the mother's importance to the family value, it is only fair to save the mother by killing the fetus in this context. Analogically, the case of therapeutic cloning can be considered this way: if nothing is done, a current family member's life will be lost; given the mother's importance to the family value, it is justifiable to create an embryo to offer ESCs so as to save her life.

Confucian Thesis III: it is morally justifiable to research on human embryos – either clones or non-clones – that have been created for research as long as the research is constrained to reasonably early-stage embryos. This case differs from the case of therapeutic cloning, where the moral concern is to prevent the loss of a family member. Here the work is to justify creating embryos for research without the specific end of saving a particular family member. As a virtue-based ethical tradition, Confucianism does not hold that the parents are solely in authority to decide whatever action they like to take with the embryo or whatever children they like to reproduce. Their decision and action must be virtue-guided. Specifically, they must be directed by balanced considerations of individual interests and family interests based on the Confucian conception of the virtues and good life. For instance, Confucianism would take it morally wrong for deaf parents to seek to get deaf, rather than normal, children through artificial reproductive procedures. For Confucians, even if we cannot argue that such parental actions harm their children's individual interests,¹⁴ they damage the family interests. It is good to the family value if an individual member is able to

¹³ Ethical individualists would have trouble with such cases. Because both the mother and the fetus are innocent individuals carrying equal value, individualists may have to argue for a fair random method to decide who should be saved, if they do not take the utilitarian maximization as a fair strategy. See Brody 1972, p. 340. Moreover, ethical individualists cannot argue for abortion in the case of rape because the fetus is an innocent life. But Confucians can morally support the abortion in the rape case because bringing the fetus to maturity would cause a terrible strike to the interest of the family.

¹⁴ This is because the individual child may not have been existed if the parents were not allowed to bring about a deaf child via artificial reproductive procedures.

hear and talk. Accordingly, it is morally wrong for deaf parents to ensure deaf children through reproductive technologies.

Still, in the context of an early stage embryo, the Confucian view is that the individual value of the embryo is not so important as its status in terms of family value. Creating an embryo to harvest stem cells for research may be justified given the research carries a good intention and promise to achieve scientific knowledge and technology for saving many individual lives and promoting family interests. However, such research should be limited to the early stage of the embryo because the more developed the embryo, the more contribution it may have made to the family value: the embryo has shared a history of development with the mother and other existent family members by being part of some family rituals. This is why the condition in the Thesis III is morally necessary.

VI. Concluding remarks

Liberal individualist morality is both too general and too parochial. It is too general because it does not rely on any full-fledged moral perspective or coherent conception of the good life to deal with moral issues. Therefore, it cannot offer specific moral guidance for biomedical practice. It is also too parochial because it assumes that only individuals have ultimate values, failing to integrate considerations from non-individualist moralities like Confucianism. Using the ESC research as an illustrative case, this essay shows that individualist ethics, without taking into account specific communitarian interests, does not have sufficient moral resources adequately to address moral issues.

Confucians recognize the family as the primary community of individuals, which carries ultimate intrinsic values. Of course not all people hold a familist moral view as endorsed by Confucians. In fact many individuals today have been misled by an individualist ethics so that they do not take that the family ultimately counts. They see the interests of the family either in terms of the total sum of individual interests (utilitarian individualism) or in terms of the fulfillment of individual rights (deontological individualism). Instead, the Confucian sees the family interests lie in the long-term integrity, survival and prosperity of the family clan, independently of the wishes or preferences of individual family members. The Confucian view is neither utilitarian, nor deontological, but is virtue-based. If human existence is meaningful, the meaning must lie in some way of existence. For Confucians, it is the familist way of existence as well as the two-dimensioned ethical strategy (of considering both individual and family values) that are morally profound and can shed light on morally

acceptable approaches to tackling the perplexing moral puzzles engendered by genetic medicine in general and the ESC research in particular.

At the threshold of the 21st century, we have recognized significant differences underlying biomedical research, health care policy and bioethical explorations in the different areas of the world. This article offers an account of how Confucian family-oriented morality differs from liberal individualist morality bearing on the issues of human embryonic stem cell research. This account is part of my general project of recapturing an authentic understanding of the Confucian way of life, drawing out its implications for bioethics and health care policy, regaining a voice around the Pacific Rim. I have approached this challenge through a proposal for the reinvigoration of Confucian thought under the title of “Reconstructionist Confucianism” (Fan, 2003). Among other things, Reconstructionist Confucianism holds that it provides a more ample account of human flourishing and morality than that offered by liberal individualist moral and political theory. It calls for engaging in the serious moral enterprise of restructuring social institutions and reformulating public policies in accordance with the fundamental Confucian moral concerns and commitments. This essay is just one of such attempts.

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References

Brody, B.: 1972, ‘Thomson on abortion,’ *Philosophy & Public Affairs* 1 (Spring 1972): 335-340.

Buchanan, Allen and Brock, Dan W.: 1989, *Deciding for Others: The Ethics of Surrogate Decision Making*, Cambridge University Press, Cambridge.

Buchanan, Allen; Brock, Dan W.; Daniels, Norman; and Wikler, Daniel: 2000, *From Chance to Choice: Genetics and Justice*, Cambridge University Press, Cambridge.

Confucius: 1979, *Analects*, trans. D. C. Lau, Penguin Books, Suffolk.

Mencius: 1970, *Mencius*, trans. D. C. Lau, Penguin Books, Suffolk.

Engelhardt, Jr., H. Tristram: 1996, *The Foundations of Bioethics*, Oxford University Press, Oxford.

Engelhardt, Jr., H. Tristram: 2000, *The Foundations of Christian Bioethics*, Swets & Zeitlinger Publishers, Lisse.

Fan, Ruiping: 1998, 'Human cloning and human dignity: Pluralist society and the Confucian moral tradition,' *Chinese & International Philosophy of Medicine* I: 3 (August 1998), pp. 73-93.

Fan, Ruiping: 2000, 'Can we have a general conception of personhood in bioethics?' in *The Moral Status of Persons: Perspectives on Bioethics*, ed. Gerhold K. Becker, Rodopi, Atlanta, pp. 15-27.

Fan, Ruiping, 2002, 'Reconstructionist Confucianism and bioethics: A note on moral difference,' in H. Tristram Engelhardt, Jr. and Lisa Rasmussen (eds.), *Bioethics and Moral Content: National Traditions of Health Care Morality*, Kluwer Academic Publishers, Dordrecht, pp. 181-187.

Genel, Myron and Pellegrino, Edmund D.: 1999, 'Should federal funds be used in research on discarded embryos?' in *Physician's Week*, Vol.XVI, No.37 (October 4, 1999).

Green, Ronald M.: 2001, *The Human Embryo Research Debates: Bioethics in the Vortex of Controversy*, Oxford University Press, Oxford.

Khushf, G.: 2002, 'The domain of parental discretion in treatment of neonates: Beyond the impasse between a sanctity-of-life and quality-of-life ethic,' in Julia Tao Lai Po-wah (ed.), *Cross-Cultural Perspectives on the (Im)Possibility of Global Bioethics*, Kluwer Academic Publishers, Dordrecht, pp. 277-298.

- Kuhse, H.: 1987, *The Sanctity-of-Life Doctrine in Medicine: A Critique*. Oxford University Press, New York.
- Kuhse, H.: 1991, "Severely disabled infants: Sanctity of life or quality of life?" *Baillieres Clinical Obstetrics and Gynecology* 5(3): 743-759.
- Kymlicka, Will, 2002: *Contemporary Political Philosophy: An Introduction*, 2nd edition, Oxford University Press, Oxford.
- Ramsey, P. 1970, *The Patient as Person*, Yale University Press, New Haven.
- Singer, P.: 1983, 'Sanctity of life or quality of life,' *Pediatrics* 72 (1): 128-129.
- Singer, P.: 1993, *Practical Ethics*, 2nd edition, Cambridge University Press, Cambridge.
- Thomson, J. J.: 1971, 'A defense of abortion,' *Philosophy & Public Affairs* 1 (Fall 1971): 47-66.
- Nozick, Robert, 1976: *Anarchy, State, and Utopia*, Basic Books, New York.