

Confucian Virtue Ethics and its Contribution to Biomedical Ethics

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Abstract

Recent reinterpretations of Confucian ethics as a virtue ethics have focused on demonstrating that Confucian ethics satisfies the requirements of a virtue ethics in Western ethical discussions. But these works have tended to neglect discussions of whether Confucian ethics can overcome some of the challenges that virtue ethics typically encounters. In the first part of my paper I will attempt to remedy that oversight. Some critics of Confucian ethics doubt its possible relevance to biomedical ethics, and one philosopher attempts to apply Confucian ethics to issues in contemporary biomedical ethics by interpreting Confucian ethics as a role-based ethics. But in my view, their interpretations of Confucian ethics overlook that Confucian ethics is built on and pursues recognition, cultivation, and realization of common *human* virtues. Furthermore their analyses of Confucian ethics do not successfully demonstrate that Confucian ethics can make a meaningful contribution to contemporary bio-medical ethics. Hence in the second part of my paper I will attempt to implement Confucian virtue ethics in the

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Keywords

Confucian Ethics, Virtue Ethics, Virtues, Role-based Ethics, Biomedical Ethics, Personhood, Patient-doctor/Researcher Relationship

Recent reinterpretations of Confucian ethics as a virtue ethics have focused on demonstrating that Confucian ethics satisfies the requirements of a virtue ethics in Western ethical discussions.¹ But these works have tended to neglect discussions of whether Confucian ethics can overcome some of the challenges that virtue ethics typically encounters. In the first part of my paper I will attempt to remedy that oversight. One philosopher also attempts to apply Confucian ethics to issues in contemporary biomedical ethics by interpreting Confucian ethics as a role-based ethics.² But in my view, his interpretation of Confucian ethics overlooks that, in Confucian ethics, ethical obligations and/or particular virtues derived from one's social roles should be understood and evaluated in terms of whether and how one recognizes, cultivates, and realizes common *human* virtues. Furthermore his analysis of Confucian ethics as a role-based ethics does not successfully demonstrate that Confucian ethics can make a meaningful contribution to contemporary bio-medical ethics. Hence in the second part of my paper I will attempt to implement Confucian virtue ethics in the context of contemporary biomedical ethics, specifically focusing on the issues of personhood and patient-doctor/researcher relationship.

Although a number of attempts to approach Confucian ethics as a

virtue ethics have already borne fruit, some critics of Confucian ethics still doubt its possible relevance to biomedical ethics, even before they examine it as a philosophical alternative in contemporary ethical discourse.³ These critics often focus on the alleged failure of Confucian ethics to provide a clear and specific answer to the question of what one ought (not) to do in every moral situation. I suggest that such a question itself demonstrates a concern that is too narrow to understand all moral aspects of our lives. For these problems, I will try to show that Confucian ethics should be regarded as a unique version of virtue ethics and then suggest a proper direction for meaningful attempts to re-think Asian perspectives on biomedical issues.

1.

Western ethical discourse has often focused on issues such as universal and objective moral rules (and/or principles, obligations, natural law, rights), justification (and/or arguments, methodology) for them, clarification of moral terminology, etc. It is not until very recently that a number of re-affirmations of the old but basic emphasis on virtues have been attempted in the climate of Western philosophy. Moral theorists who notice the philosophical significance of Anscombe's⁴ and MacIntyre's⁵ arguments for the revival of virtue have been developing diverse attempts to re-consider the notion of virtue and to change the direction of moral discourse, by asking not merely what one ought to do, but how one ought to live or what kind of person one ought to be. They all share the following central positions of virtue ethics⁶; 1) Moral philosophy should broadly envisage the question of the good human life in which the exercise of virtues plays a necessary and fundamental role. Such perspectives have

not been provided by modern moral theories; 2) For this reason, moral philosophy should focus on moral agents, their character, and their lives rather than on individual instances of moral conduct; 3) In doing so, the role of emotions should not be neglected. Because human emotions have been dealt with mainly as non-cognitive feelings, the general philosophical position towards them has been that they are an unreliable human faculty that inhibits the development and application of universal and objective moral rules.⁷ Virtue theorists open their arguments with the recognition that ethics is broader and more complex than ethics as understood by modern moral theories, and that the question of morality and/or even models of moral conduct cannot be adequately understood unless they are grounded on these basic notions of virtue ethics.

However, such attempts to re-consolidate virtue ethics as a substantial alternative to modern moral theories have been challenged along a number of lines. In spite of its intuitive plausibility, there are still many difficult questions that virtue ethics needs to confront.⁸ First, one of the common and serious criticisms against virtue ethics is that it does not offer any practical answer/guideline/instruction to the question of “what ought one (not) to do?” Instead, virtue ethics merely focuses on the examination of moral psychology. Although many books and articles on *applied ethics* (biomedical, business, environmental ethics, etc.) contain their own descriptions of this recent revival of virtue, they rarely try to *apply* virtue ethics to particular moral issues.⁹ Second, virtue ethicists criticize the futility of the notions of moral rules based on the variability of values and practices across cultures, but the same criticism must also be raised with regard to virtue ethics itself. The problem of relativism is raised especially in defining what virtue is and what a good life is, because the definitions of these terms involve social, historical, anthropological and axiological ideas that differ from culture to culture or community to

community.

1.1 Confucian Virtue Ethics

Having briefly examined the main concerns of virtue ethics in recent ethical discourse and its challenging questions, I turn to Confucian ethics and shed light on unique aspects of Confucian virtue ethics. Since a number of proponents of Confucian ethics as a virtue ethics have already attempted to demonstrate how the system of Confucian ethics satisfies the conditions and requirements that the recently revived virtue ethics requires, in this paper, I will try to focus more on how Confucian virtue ethics responds to the problems that virtue ethics faces. In this section, I introduce some of the main features of Confucian virtue ethics, and will deal with some other features later when I examine Confucian understanding of some issues in biomedical ethics.

Confucian ethics is built on and pursues four core virtues; *jen/ren* (仁 perfect virtue, benevolence, human-heartedness, humaneness), *yi* (義 righteousness, appropriateness, duty), *li* (禮 propriety, rituals, manners), and *chih/zhi* (智 wisdom, moral knowledge). Someone who has made a great achievement in realizing these virtues both in one's inner mind and in the outer world is called '*chün tzu/ junzi*' (君子 gentleman, exemplary man, superior man). In the *Analects*, Confucius often uses this word to mean the totality, completion, and embodiment of these virtues (e.g., 2:13, 4:4, 8:4, 8:6, 14:29, 14:30, etc.). Mencius also defines *chün tzu* and the four core virtues as follows; "That which *chün tzu* follows as his nature, that is to say, *jen*, *yi*, *li*, and *chih*, are rooted in his heart/mind (心), and manifest itself in his face, giving it an appearance." (*Mencius* 7A: 21)

One of the primary concerns of Confucian ethics is with the virtue of *jen* such that Confucian ethics can be essentially defined as theory of *jen* or

jen-tao (仁道). The virtue of *jen* means both the particular inner virtue of human-heartedness/benevolence/love and the unity of all other particular virtues such as courage (*Analects* 14:3), wisdom (*Analects* 5:19), respectfulness, tolerance, faithfulness in words, diligence, generosity (*Analects* 17:6), and so on. Confucius teaches this virtue in different ways depending on different contexts and students. The word, “the man of *jen*” means simply ‘a virtuous man,’ or ideally ‘*chiün tzu*.’ The virtue of *jen* as the all embracing virtue is achieved when all particular virtues are satisfied and harmonized in self-other contexts. *Jen* is not a concept which is understood as isolated from social contexts.

As a response to the criticism of the lack of codified guidelines, first, Confucian ethics asserts that the virtue of *jen* is complemented by the virtue of *yi*. Confucian ethics is concerned with an ability and/or sense to recognize, and moral will (志) to do what is right and/or appropriate in a moral context more than with an abstract set of moral rules regarding the question of right and wrong. The notion of *yi* serves well for this concern because, first, *yi* means the faculty of recognizing righteousness, oughtness, and appropriateness in a situation. Confucius asserts that “The superior man (*chiün tzu*) regards *yi* as his basic stuff (質) … ” (*Analects* 15:17) Second, *yi* often means righteousness and/or right behavior. Thus Confucian ethics entails a deontological view. However, even in such a case, *yi* is understood and evaluated in terms of whether it is derived from the virtue of *jen*; “only a man of *jen* can be right and impartial in liking or disliking others.” (*Analects* 4:3) From these implications of *yi*, the Confucian notion of *yi* is understood to be related to the *deontic* idea of righteousness, but to focus primarily on “self or *self/person-in-the* context.”¹⁰ In this sense, as Ames and Hall correctly point out, the virtue of *yi* “cannot be a principle in any sense of the classical Western senses of the term.” However, the virtue of *yi* never excludes self-and-other

contexts. Ames and Hall go on to describe, “*Yi* is context-dependent and hence comes into being with its context. It involves acts of signification which requires more than the application of an antecedently existing meaning to an action or state of affairs.”¹¹

As a second response to the criticism of the lack of codified guidelines, Confucian ethics provides us with *li* as a detailed guideline for behavior. Confucius stresses in a strong tone, “Do not look at what is contrary to *li*, do not listen to what is contrary to *li*, do not speak what is contrary to *li*, and do not make any movement which is contrary to *li*.” (*Analects* 12:1)¹² It is important to note, however, that it is the virtue of *jen* that *li* externalizes. *Li* is the manifestation of *jen* in social contexts. In this way, the relation of *jen*, *yi*, and *li* is oriented toward how the virtue of *jen* is expressed in a context and how harmoniously the virtue of *jen* is realized with *yi* and *li*; “The superior man regards *yi* as his basic stuff (質) and, by observing *li*, puts it into practice ... ” (*Analects* 15:17) The notion of *li* covers not only rituals and ceremonies, but also everyday manners and etiquette, but, by *li*, Confucian ethics does not mean to force one to practice a fixed form of rituals and manners. Instead, Confucians emphasize whether and how the virtue of *jen* is realized and regulated through *humanizing* forms; “What has a person who is not *jen* got to with observing ritual propriety (*li*)? ... ” (*Analects* 3:3)¹³ This is why, although, like the notion of *yi*, *li* has a normative component, it allows room for personal creativity according to diverse contexts. The virtue of *jen* is a necessary condition for practicing *li* and evaluating the moral value of *li*.

Without proper cultivation of the inner virtue of *jen*, *li* is simply a formal pattern of behavior. Tu Wei-ming correctly points out the relation of *jen* and *li*; “*Li* can be conceived as an externalization of *jen* in a specific social context. No matter how abstract it appears, *jen* almost by definition requires concrete manifestation. A Confucian personality does not

speculate on the metaphysical connotations of *jen* for their own sake ...¹⁴ *Li* can be understood as a rule or code of behaviors in the sense that it should be performed in the practical dimension of diverse social contexts. This is how the proponents of Confucian ethics as a rule-based or role-based ethics ground their approach. It is important to note, however, that the moral value of *li* should lie in the realization of *jen* and that the value of *li* should be approached from the cultivation of *jen*.

As a third response to the criticism of the lack of codified guidelines, Confucian ethics keeps encouraging that the virtue of *jen* should be motivated and/or confirmed by *chih*. Although Confucian ethics respects moral feeling and intuition, it guards against blind applications. For this, Confucian virtue ethics does not neglect the strenuous process of learning because to learn extensively is one essential part of cultivating a good character. Here, once again, the virtue of *jen* is necessary for realizing and evaluating a person's *chih*; Confucius said, "What is within the reach of a man's *chih* but beyond the power of his *jen* to keep is something he will lose even if he acquires it ... " (*Analects* 15:33) Confucius is not even satisfied with this relation of *chih* and *jen*. He goes on to add more conditions for proper moral practice in terms of virtue; "... A man may be wise (*chih*) enough to attain it and *jen* enough to keep it, but if he does not rule over them with dignity (莊), then the common people will not be reverent (敬). A man may be wise enough, *jen* enough to keep it, and may govern people with dignity, but if he does not set them to work in accordance with *li* (禮), he still falls short of perfection (善)." (*Analects* 15:33)¹⁵ By *chih*, the unity of particular virtues is also understood to mean the unity of moral reasoning and feeling, or of understanding and practice.

As a response to the criticism of relativity of diverse virtues, it should be noted, in addition to the genuine, universal, and moral value of the relation of *jen*, *yi*, *li*, and *chih* in diverse human contexts, that, in Confucian

virtue ethics, the epistemological ground, on which we know that human beings possess these four virtues by nature, is *common human* emotion. Based on this, Confucians deal with universal human conditions in terms of moral lives. Mencius demonstrates as follows;

“When men suddenly see a child about to fall into a well, they will without exception experience a feeling of alarm and distress ... From such a case we see that whoever is devoid of the feeling of commiseration is not human. Whoever is devoid of the feeling of shame is not human. Whoever is devoid of the feeling of courtesy and modesty is not human, whoever is devoid of the feeling of right and wrong is not human. The feeling of commiseration is the beginning/sprout (端) of *jen*; the feeling of shame is the beginning of *yi*; the feeling of courtesy and modesty is the beginning of *li*; the feeling of right and wrong is the beginning of *chih*.” (Mencius, 2A:6)

This understanding of emotion not as an obstacle to proper moral judgment, but as a ground for the realization of virtue provides a theoretical foundation by which Confucian ethics can overcome the relativity of particular virtues in diverse communities. It is obvious, from the relationship between common emotions and core virtues, that in Confucian virtue ethics, emotion, like virtues, is also understood both in the self-others relations and in the inner contexts of self as a moral being. So, according to Confucian account of virtues, virtues are not merely dispositions to perform certain actions in certain patterns, but, more importantly, the process of one's self-reflection/awareness toward both oneself and relational self with others. This theoretical foundation mutually cooperates with Confucian recognition of common structures of

human communities and of necessary and relational moral cultivation for each structure. The following passage from *Great Learning*, (大學) a core Classic in the Confucian philosophical tradition, entails this idea;

“The ancients who wished to manifest their clear character to the world would first bring order to their states. (治國) Those who wished to bring order to their states would first regulate their families. (齊家) Those who wished to regulate their families would first cultivate their personal lives. (修身) Those who wished to cultivate their personal lives would first rectify their mind. (正心) Those who wished to rectify their mind would first make their wills sincere. (誠意) Those who wished to make their wills sincere would first extend their knowledge. (致知) The extension of knowledge consists in the investigation of things. (格物)”¹⁶

These mutually relational steps of moral cultivation¹⁷ are grounded on the common conditions of human communities in different times and spaces. They also imply, as I shall examine in the next section, that a Confucian account of virtues assumes the notion of person not as an isolated individual who is understood, by most of modern moral theories, to be connected to others mainly in terms of external contracts/laws, and to be protected as having rights by laws/politics/moral rules.

In sum, Confucian ethics of virtues is a philosophy of awareness of moral value in oneself and learning for oneself (爲己之學), which means that the primacy of its philosophical concern lies in how one realizes the value of self as a moral being and the significance of self-cultivation. Such a self-realization is also the process in which one understands the value of

self as a relational being, the implication of the relationship between self and others, and how one should practice one's reflected and cultivated virtues in diverse human relations.

2. Personhood and Patient-doctor / researcher relationship

Having briefly explained my reading of Confucianism as a version of virtue ethics, I will turn to the issue of the applicability of Confucian virtue ethics, focusing on two problems in recent biomedical ethics; personhood and the patient-doctor / researcher relationship. It should be noted here once again that one of the major critiques of virtue ethics is the question of whether virtue ethics can provide us with a practical resolution and / or guideline to moral questions, such as “what we should (not) do” and “whether or not a particular action is morally acceptable.” Opponents of virtue ethics have negative answers to this question because it seems to them that virtue theorists deal mainly with particular virtues and / or character traits of agents, not with rules and behaviors. I intend to show that virtue ethics is also concerned with answering the question, “What should I do?,” but that the answer provided will always depend upon answering many other questions about the individual agent's character, role, circumstances, and whether a particular action displays virtue in a particular situation.¹⁸ For this work, I will first consider the Confucian idea of person / personhood as a foundation of the Confucian approach to biomedical ethics, and then examine the issues of patient-doctor / researcher relationship.

2.1 Personhood

Like many ethicists, theorists in the domain of biomedical ethics have been focusing on debates on issues such as universal and objective moral rules (and/or principles, obligations, rights), justification (and/or arguments, methodology) for them, clarifying moral terminologies, etc. In addition to these works, in this particular area of applied ethics, they consider the significance of policies and social institutions more than they did before. In doing such hard and meaningful works, they are always committed to the modern assumption of the autonomy of the individual person, and this assumption has produced and has been supported by the idea of individual rights especially in biomedical ethics. The idea of right has been paid more attention to as one of the essential concepts of contemporary ethical discourse, because of its practical effectiveness and applicability in the empirical world. So it is widely agreed that respect for autonomy /autonomous individual based on a right-based liberal perspective should be regarded as an ethical principle/guideline for biomedical research and practice. With this principle, some scholars criticize Confucian virtue ethics by saying that it lacks a serious consideration of the fundamental idea of rights and individual autonomy.¹⁹

However, from the standpoint of Confucian virtue ethics, the right-based perspective and the idea of a person that is based on it contain serious problems. Some theorists who attempt to re-consider Asian philosophical perspectives in biomedical ethics such as Julia Tao Lai Po-Wah, Ruiping Fan, A.T. Nuyen, and so on,²⁰ insightfully point out the problems of these assumptions as follows; first, regarding the right-based perspective,²¹ 1) It cannot provide the resources for building mutual concern and cooperative relationship between opposite parties caught in a conflict situation of competing interests; 2) It is a formalistic and acontextual approach to freedom and social justice. In particular, critics question the usefulness of an abstract universal principle of rights in

meeting the needs of those who are confronted with concrete major life crises; 3) As Charles Tyler as a communitarian liberal argues, it should be examined that the primacy of right supports the priority of individual and his/her right over society; 4) While the primacy of rights leads to emphasizing individual autonomy, free choice, and self-determination, a major difficulty of such an emphasis lies in its underlying notion that individuals can be abstracted from relationship, social contexts, and even from qualities of human agency that are vital to human life. It tends to reinforce separation and isolation.²² These problems lead to several problems regarding the idea of individual autonomy in biomedical ethics; 1) an over-emphasis on individualist autonomy has tended to marginalize family decision-making and to undermine the doctor-patient relationship, reinforcing separation and isolation rather than sharing and involvement;²³ 2) as Engelhardt analyses and Po-Wah supports, the ascending supremacy of an autonomy-based biomedical ethics results in the tendency for the autonomous choice increasingly to supplant the good moral choice as the primary concern of bioethics;²⁴ 3) The notion of autonomy also assumes the view that we can abstract and isolate individuals from relationship and social context, which clearly misrepresents the way that real people actually live their moral lives.

With an understanding of the problems of right-based perspectives and individual autonomy, let us examine the ideas of person and autonomy from the Confucian non-right-based perspective. The Confucian idea of a person demonstrates well how Confucian ethics is defined as a unique virtue ethics and how Confucian virtue ethics offers a more appropriate understanding of morality than right-based moral theories offer.

The Confucian notion of the self is not an isolated individual, but a relational self²⁵ in continual interconnection and interdependence with

others in community from family to the universe. This notion is represented in the Confucian emphasis on person as a familial being/animal. This idea explains why the natural human emotion of love and the virtue of filial piety based on it should be realized in order to be a true person; “Filial piety and brotherly respect are the root of *jen*.” (*Analects* 1:2)²⁶ This view is a ground of Confucian discussions on the significance of the five fundamental relationships in human community such as the relationship between ruler and minister, father and son, husband and wife, elder and younger, and friend and friend.

Some might criticize that these five relationships cannot cover all possible relationships in the human community. However, these relationships must be understood as representatives of diverse human relationships. When Confucian ethics deals with these five relationships as the fundamental structure of human community, its emphasis lies on the self-awareness of relational self in a complicated network of human context and on the core virtues that should be realized in each relationship. It is the virtue of filial piety that Confucian ethics regards as one of the most significant virtues in the community Confucius pursues.²⁷ Mencius mentions such implications regarding the relation between filial piety, brotherly respect, and the four Confucian core virtues,

“The actuality of *jen* consists in serving of one’s parents. The actuality of *yi* consists in obeying one’s elder brother. The actuality of *chih* consists in knowing these two things and not departing from them. The actuality of *li* consists in regulating and adorning these two things.” (*Mencius*, 4A:27)²⁸

The connection between these basic relationships and Confucian core virtues is expanded to other human relationships. For the relationship

between ruler and minister, the virtue of *yi* must be realized, between father and son, the virtue of intimacy; between husband and wife, the virtue of reciprocity with awareness of different obligations, between elder and younger, the virtue of respect; between friend and friend, the virtue of fidelity.

As I examined in a previous article,²⁹ some ethicists point out serious problems of Confucian ethics based on the idea of filial piety. In the history of East Asian philosophy, Mo Tzu, the founder of Mohism and one of the strongest critics of Confucianism, criticizes the Confucian idea of familial love as love-with-distinction and develops his own interpretation of *jen* based on his utilitarian standard, and the idea of *chien-ai* (commonly translated as all-embracing love, or universal love) as an essential Mohist moral code. Some contemporary commentators point out that the Confucian emphasis on the familial love has been a serious cause for social and political corruption.

These critiques result from simply contrasting the Confucian idea of love-with-*distinction* to the Mohist idea of *all-embracing* love and from ignoring the Confucian vision based on the view of the relational self.³⁰ The Confucian concern with love-with-distinction is not to recommend that one should practice different degrees of love toward different people, but to recognize how self as relational and familial being should be realized in other-related human relationships,

“Treat with respect the elders in my family, and then extend that respect to include the elders in other families. Treat with tenderness the young in my own family and then extend that tenderness to include the young in other families … ” (*Mencius*, 1A:7)³¹

As Phillip j. Ivanhoe correctly points out, the process of *extending* one's natural love implies a mutual connection between familial and social lives in the sense that "one cannot extend a moral sense without knowing what it is to love and what it is to be loved in one's family and one cannot love one's family without knowing a deep concern for the society in which one lives."³² Self, family as a small society, and society as a big family, can never be separated. Thus, our moral concern should focus on cultivation of self as a member of both one's family *and* community and its extension from inner maturation of self to family and community.³³

Regarding the Confucian idea of autonomy as relational autonomy, I strongly support Po-Wah's excellent analysis of it.³⁴ Although Confucian ethics does not exclude the autonomy of the individual, the notion of autonomy is not conceived as a basis for individual right and freedom. As Po-Wah notes, "Confucianism poses a distinction between individualism and autonomy. It emphasizes human connectedness rather than separateness." The Confucian notion of autonomy is understood as a motivation for self-reflection toward a proper realization of relational self/person and its inner virtue in diverse relationships. This sense of autonomy shares the sense of responsibility with the right-based notion of autonomy in the sense that Confucian ethics also recognizes the significance of moral function derived from each individual's social role and of the individual ability of choice according to individuals' own judgment. It is one of the reasons why Confucius asserts the necessity for a rectification of names (正名). As is well known, for Confucius, each name such as 'ruler,' 'father,' 'son,' and so on, implies its social and moral function and responsibility. However, Po-Wah neglects³⁵ that Confucian autonomy differs from Western views of autonomy in the sense that the Confucian sense of responsibility is not merely imposed from outside, by social roles or in interpersonal relationships. It is noteworthy that it also

means the inner process of one's self-awareness as a *moral being* and as a part of moral universe/order. It implies the sense of one's self-responsibility imposed from a reflection upon a possible gap between such self-awareness (or self-examination) and one's practice in the process of cultivation and externalization.

2.2 Patient-doctor/researcher relationships

With this understanding of the Confucian idea of the person and of autonomy as relational self and relational autonomy with the Confucian idea of core virtues, we can gain a better approach to the question of how Confucian virtue ethics deals with the patient-doctor/researcher relationship. As a *human* relationship in human lives, the relationship should not be a place where individuals struggle to secure their rights and justification of their roles, but a context where human virtues can be mutually realized. So it is simply another arena in which the virtue of *jen* as the all-embracing virtue and the three other core Confucian virtues can be applied. In this section, I will add and focus on some particular concepts of virtues, *cheng* (誠 sincerity, seriousness) and *hsin* (信 faithfulness, fidelity), and the Confucian view of the rectification of names (正名). This work also implies a response to Nuyen's role-based approach to the same issue.

In his recent article,³⁶ Nuyen successfully points out the problems of right-based approaches to the issues of personhood and privacy. He then contrasts the Confucian notion of a person to these right-based approaches. Based on the Confucian notion of a person, he supports his interpretation of Confucian ethics as a role-based approach, and deals with the question of patient-doctor/researcher relationships. I do not recognize any crucial difference between his and my critiques of right-based

approaches. However, I am concerned with his suggestion that role-based ethics be a proper approach to the issue and with his depiction of Confucian ethics as a *role-based* ethics. According to him, “In role-based ethics, moral rules concerning duties, obligations, and the moral virtues, are all derived from the roles that define an individual as a person, or an agent.”³⁷ He goes on to claim that a person’s privacy should be respected as a matter of someone’s responsibility rather than as an exercise of that person’s right to it because the responsibility to ensure privacy is embedded in the role itself. He applies this claim to the issue of privacy in patient-researcher relationship.

Nuyen evaluates that one of the advantages of the role-based approach is found especially when there has to be a proportionality between what should remain private and what may be disclosed and between what is good for the community and what is good for the individual. In this case, it is not easy to calculate such a proportionality from the right-based approach. However, from a role-based approach, “such a proportionality is not a matter to be decided, but one that is embedded in the network of social roles; no longer a variable in the calculus of competing rights, but a constant in the social equation.”³⁸ The second advantage which Nuyen claims for the role-based approach to privacy is that, in the case of bio-medical research, “researchers may expect more responsible participants. In turn, participants can also expect researchers and all others involved in a research project to discharge their responsibilities and obligations, including the responsibilities to protect privacy.”³⁹ In this way, such “reciprocity” is understood as “the hallmark of the role-based approach since roles are intertwined and so are the attendant responsibilities.”⁴⁰ The problem is that understanding of one’s role and responsibility alone does not always lead/motivate one to realize one’s role and responsibility embedded in the role. In addition, when one

confronts a conflict between different responsibilities and obligations from different roles, one's choice and its evaluation should be based not on a particular role, but on one's character.

I find that there are some more relevant problems in his analysis. First, the ground on which Confucian ethics should be understood as a role-based ethics is not clear. What he has in mind⁴¹ is the Confucian idea of a person as a relational being in social context and of 'name' as a social role, from which moral rules and obligations are derived. But, although the Confucian theory of rectification of names (正名) claims that every name has its own function and responsibility, Confucian ethics is concerned not only with each role in social context, but also, more importantly, with the common ground for every social and moral role and its realization. Second, one of the reasons why an alternative to modern moral theories is demanded is that there are complicated and sensitive moral contexts that can't be approached simply in terms of rule application and its justification. This is true especially in the case of moral quandaries where multiple moral rules and *roles* face a conflict. Third, as Nuyen himself recognizes, role-based ethics fails the test of universalizability, because, "if roles are determined by the structure of the society, then different social structures will result in different social roles / relationships and role expectation, which in turn will result in different understandings of duties, obligations, virtues and vices."⁴²

Confucian ethics is a virtue-based perspective, concerned mainly with the primordial origin of human beings and the universal conditions of human existence. Thus, to be more concrete, the philosophical investigation of human nature, mind/heart, virtues, and emotion has been the main emphasis. When Confucians discuss the horizon of practical / social life, they carefully deal with the rectification of names and *li* as a guideline of behaviors in the human common context. For Confucians,

virtue means not merely a certain disposition to behave in a certain pattern, but a universal and original quality of human beings with which Heaven endowed them. It also means one's self-awareness of such a quality. Virtue is not driven from a particular role assigned by a particular community. Rather, virtue means a *human* energy which makes rule-application and role-realization possible as we can see in the relationship between *jen* and *li*. The fact that Confucian ethics sincerely considers socially-assigned roles and its accomplishment as a way to realize human virtues in practical/social life does not support the claim that Confucian ethics is defined as a role-based ethics.

Let me turn the issue of how Confucian virtue ethics would look at the patient-doctor/researcher relationship. In addition to my re-emphasis of the Confucian ideas of four core virtues (*jen*, *yi*, *li*, and *chih*), I would add two more virtues for this issue; *cheng* and *hsin*,⁴³ so that I could demonstrate that the sense of responsibility is not drawn mainly from a conceptual understanding of assigned roles of each position. The notion of *cheng* in all Confucian classics contains cosmological, normative, and practical implications. That is why the word *cheng* has been translated as 'sincerity' (Legge 1960 and Chan, 1963),⁴⁴ 'integrity' (Needhem 1957 and Graham, 1989),⁴⁵ and 'creativity' (Hall and Ames, 2001),⁴⁶ and I would translate it as self-completion. All of these translations together suggest that the term contains more implications than simply a state of being sincere. Here I simply focus on the concept of *cheng* as a virtue which means "to be sincere or true" to both one's self and others. Confucian virtue ethics regards *cheng* as a commitment to the virtue of *jen*, and thus as a moral character. It also means not merely a state of mind, but a moral energy to make external realization of *jen* possible. The notion of *hsin* originally means a leader's commitment and royalty to the people, but it is extended to mean 'to be trustworthy in relation to others.' 'Being trust-

worthy' implies at once honesty and the unity of speech and behaviors.

With understanding of all these virtues, their realization/cultivation, and self-awareness of self as a moral being and relational being from Confucian virtue ethics, the questions we need to consider regarding the issue of patient-doctor relationship as a human relationship are not simply "how to justify doctors' obligations such as disclosure of all relevant medical information and confidentiality," or "how to explain doctors' obligations in terms of fundamental principles such as respect for autonomy that deontological or utilitarian perspectives have been approaching in terms of the rights of both patient and doctors." *Together* with these questions, the question "what kind of doctor do we need?" should be seriously considered and further the question "what kind of doctor should I be?" should be asked by the doctors *themselves*. These questions are asking not only about obligations, politics, and rights, but also about the patient-doctor relationship as such in terms of *human* ethical contexts. It is obvious that the kind of doctor we need and the qualities we want in them depend on the nature of patients' needs and that doctors should possess knowledge about current medical research so that they can be competent in clinical care. However, there are many cases where we can't stop our considerations by being satisfied simply with such roles, rights, and duties. It is possible that a doctor faces a potential conflict such as conflict between obligations as a researcher and as a physician. It is also obvious that doctors have other obligations such as a duty to their employers, which might be in conflict with the needs of patients. Considering both these complicated contexts and *mutual human* relationships between patients and doctors, the Confucian emphasis on the virtues of *cheng* and *hsin* with other core virtues is a proper foundation from which one can reflect upon those fundamental questions. For the Confucian view of the unity of all these virtues in the particular

relationship of patient-doctors, let me quote; When Tzu-chang asks about *jen*, Confucius describes it in terms of five virtues; “They are respectfulness, tolerance, trustfulness in word, diligence, and generosity. If a man is respectful, he will not be treated with insolence. If a man is tolerant he will win the multitude. If a man is trustworthy in word his fellow men will entrust him with responsibility. If a man is diligent, he will achieve results. If a man is generous his fellow men will be willing to do his bidding.” (*Analects* 17:6)

In summary, I deeply welcome a sprout (端)⁴⁷ of attempts to incorporate Asian perspectives into contemporary discussions in biomedical ethics from recently published books⁴⁸ and some articles. Many scholars have taken up the valuable task of examining how traditional Asian philosophies can participate in contemporary ethical debates. Although I greatly appreciate their contributions to this hard work, I have to point out that much of this research is approached mainly from the perspectives of scholars in the fields of medicine, administration, or politics. The problem is that some serious critics seem to lack any conviction that Asian philosophical perspectives as living *philosophical* systems can make a unique and meaningful contribution to contemporary ethical discourse especially on biomedical problems. Recent discussions in biomedical ethics approached from right-based liberal perspectives lean too far much toward the theoretical establishment and justification of rules, policies, and roles in the biomedical fields. If the range of discussion is limited to these questions, it seems that there is no room for Confucian virtue ethics to participate in the discussion. Readers/critics mainly oriented by action-centered, rule/right-based/assumed discussion would keep asking Confucians for answers to the question of what to do in diverse moral situations. I mean to argue neither that such a request

should be abandoned, nor that Confucian concern excludes such considerations. But, with suggestions and questions of recently revived virtue ethics and Confucian version of virtue ethics, we have a good motivation for re-considering whether or not the questions such as what to do and how to justify a moral behavior, etc., can fully and desirably cover complicated and sensitive cases of morality in biomedical fields and human community in general. As I tried to show in this paper, Confucian virtue ethics allows us to add additional layers to our moral discussion. It allows us to go beyond rights, roles, and obligations into the richer dimensions of virtue, human character, self, and diverse relationships in human contexts.

NOTES

1. James T. Bertzke, S.J., "The Tao of Confucian Virtue Ethics," in *International Philosophical Quarterly*, vol.35, no.137 (1995), pp.25-41. Chong Kim Chong, "Confucius's Virtue Ethics. *Li, Yi, Wen, and Chih* in the *Analects*," in *Journal of Chinese Philosophy*, 25 (1998), pp.101-130. Edward Slingerland, "Virtue Ethics, the *Analects*, and the Problem of Commensurability," in *Journal of Religious Ethics*, 29 (2001), pp. 97-125. Stephen A. Wilson, "Conformity, Individuality, and the Nature of Virtue: A Classical Confucian Contribution to Contemporary Ethical Reflection," in *Journal of Religious Ethics*, 23 (1995), pp. 263-289, this article is reprinted in the book, *Confucius and the Analects: New Essays*, ed., by Bryan W. van Norden (Oxford University Press, 2002), pp. 94-115. Wong Wai-Ying, "Confucian Ethics and Virtue Ethics," in *Journal of Chinese Philosophy*, 28:3 (2001), pp. 285-300.
2. A.T. Nuyen's recent article, "Privacy and Biomedical Research: A Role-based Approach," in *Biomedical Law & Ethics*, vol.3, no.2 (2009).
3. A representative of such a critique is found in the article, "Confucian Personhood and Bioethics," by Po-Keung Ip, in *Bioethics: Asian Perspectives*, pp.49-56.
4. G.E.M Anscombe, "Modern Moral Philosophy," in Vol.III of her *Collected Papers*,

Ethics, Religion, and Politics (University of Minnesota Press, 1981).

5. Alasdair MacIntyre, *After Virtue* (University of Notre Dame Press, 1984).
6. For a good summary of the recent discussions of virtue theory in general, see Sarah Conly, "Flourishing and the Failure of the Ethics of Virtue," in *Ethical Theory: Character and Virtue, Midwest Studies in Philosophy XIII*, ed. by P.French, T. Uehling, and H. Wettstein (University of Notre Dame Press, 1988), Gregory Trianosky, "What is Virtue Ethics All About?" in *American Philosophical Quarterly*, vol.27, no.4 (1990), and Philip Montague, "Virtue Ethics: A Qualified Success Story," in *American Philosophical Quarterly*, vol.29, no.1 (1992), pp.53-61.
7. I note this claim especially for my examination of Confucian ethics. Bernard Williams notices that modern moral theories have largely neglected human emotions. He regards the exclusion of the emotions as one of the core features in modern moral theories. It results from their over-emphasis on moral obligation and the general features of moral language. Williams points out that "if you aim at the most general characteristics, and connexions of moral language, you will not find much to say about the emotions; because there are few, if any, highly general connexions between the emotions and moral language." Bernard Williams, *Problems of the Self* (Cambridge University Press, 1973), p.208. Williams contends that modern moral theories are "governed by a dream of a community of *reason* that is too far removed from social and historical reality and from any concrete sense of a particular ethical life - farther from those things, in some ways, than the religion it replaced." Bernard Williams, *Ethics and The Limits of Philosophy*, pp.197-198. The italic is added. Relating MacIntyre's diagnosis, I note that, since this unfair treatment of human emotions is also a negative product of the Enlightenment project, human emotion should be given back its proper or positive role in moral language, motivations, and life. The complexity of human lives requires deeper and broader understandings of them than simple codification of moral obligations.
8. For typical patterns of criticism of virtue ethics, see Jerome B. Schneewind, "The Misfortunes of Virtue," in *Ethics*, vol. 101 (1990), Robert B. Loudon, "On Some Vices of Virtue Ethics," in *American Philosophical Quarterly*, vol.21, no.3 (1984), pp.227-236 and David Solomon, "Internal Objections to Virtue Ethics," in *Ethical Theory: Character and Virtue, Midwest Studies in Philosophy XIII*, ed. by P.French, T. Uehling, and H. Wettstein.

9. This first criticism leads to two more relevant problems; 1) an epistemological problem; virtue ethics cannot offer concrete criteria to know who is virtuous and who is not. This question is related to a definitional problem: what does it mean to be virtuous, or how should we define virtue. If, as many virtue ethicists attempt to formulate, right action is defined as that which a virtuous person would perform and a virtuous person is defined as a person who has certain dispositions to perform right conduct, our reasoning falls into circularity; 2) The lack of practical guidance and of epistemological criteria for identifying virtuous persons also raises a question about moral education. The problem is that moral education should be designed to develop the student's character in such a way as to make him/her more virtuous and less vicious. However, in the absence of criteria for practical guidance and a coherent definition of what it means for an agent to be virtuous, it will be extremely difficult for the moral educator to successfully develop her students' characters, because she will not have a clear idea of what she is trying to develop them into.
10. Thus, "yi denotes appropriateness to one's own person." Roger T. Ames and David Hall, *Thinking Through Confucius* (SUNY Press, 1987), p.96. Here Ames and Hall contrast this notion of yi to its homophone notion of yi (宜) as referring to appropriateness to one's context.
11. Roger T. Ames and David Hall, *Ibid*, p.102. They continue to criticize D.C. Lau's interpretation of yi as a characteristic of acts with the distinction between agency and act.
12. Translation is adopted with slight modification from Wing-tsit Chan, trans., by, *A Source Book in Chinese Philosophy* (Princeton University Press, 1986), p.38.
13. Translation is adopted with slight modification from the book, *The Analects of Confucius: A Philosophical Translation*, trans., by Roger T. Ames and Henry Rosemont, Jr., p.82.
14. Tu Wei-ming, *Humanity and Self-Cultivation: Essays in Confucian Thought* (Asian Humanities Press, 1979), p.10.
15. Translation is basically from D. C. Lau, trans., by, *Confucius: the Analects* (The Chinese University Press, 2002), p.157, with modification.
16. The Great Learning (大學), translation from *Source Book*, pp.86-87.
17. For another way of characterizing this, see Peimin Ni's article, "Confucian Virtues

and Personal Health,” in *Confucian Bioethics*, ed., by Ruiping Fan (Kluwer Academic Publishing, 1999), p.42, in which he summarizes, “Confucian ethics is a system in which many distinctions are relative, such as the distinction between health care and other types of well-being, the distinction between the well-being of oneself and of others, the distinction between biological and psychological, moral and technical, learning what is good and learning how to be good, and so on.” Regarding the present interest in this paper, he also comments, “Confucianism is concerned with health care, but health care is not merely a matter of medicine, but a noble cause, an aesthetic ideal, and a never ending journey toward the highest perfection of a human being. Thus, Confucianism values the idea of personal health, but personal health should be realized in harmony with the health of others.”

18. For a representative of this work, see Rosaline Hursthouse, “Virtue Theory and Abortion,” in *Philosophy and Public Affairs*, 20 (1991), pp.223-46. The article is reprinted in the book, *Virtue Ethics*, ed., by Roger Crisp and Michael Slote (Oxford University Press, 1998).
19. Po-Keung Ip, “Confucian Personhood and Bioethics,” in *Bioethics: Asian Perspectives*, ed., by Ren-Zong Qui (Kluwer Academic Publishing, 2004), pp.49-56.
20. A.T. Nuyen’s recent article, “Privacy and Biomedical Research: A Role-based Approach,” in *Biomedical Law & Ethics*, vol.3, no.2 (2009), Julia Tao Lai Po-Wah, “Confucian and Western Notions of Human Need and Agency: Health Care and Biomedical Ethics in the Twenty-First Century,” and Ruiping Fan, “Right or Virtues? Towards A Reconstructionist Confucian Bioethics,” in the book, *Bioethics: Asian Perspectives*, ed., by Ren-Zong Qui (Kluwer Academic Publishing, 2004).
21. Julia Tao Lai Po-Wah, *Ibid*, pp.14-16, and Ruiping Fan, *Ibid*, pp.58-60.
22. Nuyen detects these problems of right-based perspectives and examines the issue of privacy, based on them. However, as I shall examine later, his critiques of right-based approach is a ground on which he interprets Confucian ethics as role-based ethics.
23. Julia Tao Lai Po-Wah, *Ibid*, pp.18-19.
24. H. Tristram Jr. Engelhardt, “Morality, Universality, and particularity: Rethinking the Role of Community in the Foundation of Bioethics,” in *Cross-Cultural Perspectives on the (Im)possibility of Global Bioethics*, de., by Julia Tao Lai Po-Wah

(Kluwer Academic Publisher, 2002), pp.19-40. It is re-quoted from Julia Tao Lai Po-Wah, *Ibid*, p.18.

25. I do not mean to argue that only Confucian ethics asserts this notion. In Western ethical discourses, a few theorists have already suggested the significance of recognition of a relational self. For example, see Nel Noddings, *Caring: A Feminist Approach to Ethics and Moral Education* (University of California Press, 1984). For a research on the similarity between her Care Ethics and Confucian ethics, see Chengyang Li's article, "The Concept of *Jen* and the Feminist Ethics of Care: A Comparative Study," in *The Sage and the Second Sex: Confucianism, Ethics, and Gender*, ed. by Chenyang Li (Open Court, 2000) or *Hypatia: A Journal of Feminist Philosophy*, vol.9, no.1 (Winter 1994), pp.70-89.
26. Translations are adapted from *Source Book* with slight modification.
27. Thus, Confucius' instructions are often very concrete and cautious. For example; "Young men should be filial when at home and respectful to his elders when away from home. They should be earnest and faithful. They should love all extensively and be intimate with men of humanity." (*Analects* 1:6); Confucius said, "When a man's father is alive, look at the bent of his will. When his father is dead, look at his conduct. If for three years [of mourning] he does not change from the way of his father, he may be called filial." (*Analects* 1:11)
28. Translation is adapted from *Source Book* with slight modification, p.76.
29. Suk Choi, "A Reflection on Confucian Ethics of the Family," in *The Ethics of the Family*, ed., by Stephen Scales, Adam Potthast, and Linda Oravec (Cambridge Scholars Publishing, 2010), pp.277-290.
30. For another reason, I would like to re-quote A.C. Graham interpretation that what Mohism meant by *chien-ai* is not an emotional love, but an "unemotional will to benefit people and dislike harming them." A.C. Graham, *Disputers of the Tao* (Open Court Press, 1989), p.4.
31. Translation is adapted from *Source Book*, p.61.
32. Phillip J. Ivanhoe, *Confucian Moral Self-Cultivation*, 2nd ed. (Hackett Publishing, 2000), p.22.
33. As I tried to demonstrate (Choi, *Ibid*, p.287), through a notorious debate on 'Upright man' in the *Analects* (13:18), Confucius intends to claims; the most dangerous

behavior and judgment in our ethical lives would not be that a son conceals his father's wrongdoing after he struggled to fully consider both love toward parents and obligation toward his community, but he stands against his father by blindly following a rule established independent of human natural emotion simply because that is a rule, absolute and fixed rule to be obeyed.

34. Po-Wah, *Ibid*, pp.22-23.
35. As I shall note later, Nuyen also neglects this point.
36. A.T. Nuyen, "Privacy and Biomedical Research: A Role-based Approach," in *Biomedical Law & Ethics*, vol.3, no.2 (2009).
37. A.T. Nuyen, *Ibid*, p.149.
38. A.T.Nuyen, *Ibid*, p.154.
39. A.T.Nuyen, *Ibid*, p.155.
40. A.T.Nuyen, *Ibid*, p.155.
41. A.T.Nuyen, "Confucian Ethics as Role-based Ethics," in *International Philosophical Quarterly*, September 2007.
42. A.T.Nuyen, *Ibid*, p.326.
43. I recognized and learned once again the importance of these virtues in Confucian ethics from Julia Tai's article, "The Bioethics of Trust," pp.3-7, and Ruiping Fan's articles, "A Reconstructionist Confucian Approach to Chinese Health Care: The Ethical Principles, the Market, and Policy Reforms," pp.124-125. Both are published in the book, *China: Bioethics, Trust, and The Challenge of the Market*, Julia Tao ed., by, (Springer, 2008).
44. Wing-tsit Chan, *Source Book*, pp.95-114 and James Legge, the *Doctrine of the Mean*, in *The Chinese Classics*, vol.1 (Hong Kong University Press, 1960).
45. Joseph Needham, *Science and Civilization in China*, vol.2, *History of Scientific Thought* (Cambridge University Press, 1957), p.468, and Graham selected this English term to mean the combination of two meanings, wholeness and sincerity. A.C. Graham, *Disputers of the Tao: Philosophical Argument in Ancient China* (Open Court, 1989), p.133.
46. Roger T. Ames and David L. Hall, *Focusing the Familiar: A Translation and Philosophical Interpretation of the Zhongyong* (University of Hawaii Press, 2001).

47. For those who are not familiar with this word in philosophical discourse, I would like to mention that I use this word, a standard translation of the word, *duan* (端 *Mencius* 2A:6) in the sense that the word is one of the key concepts to understand Confucian ethics. I hope I have already demonstrated the point.
48. Julia Tao ed., by, *China: Bioethics, Trust, and The Challenge of the Market* (Springer, 2008), Ren-Zong Qui, ed., by, *Bioethics: Asian Perspectives* (Kluwer Academic Publishing, 2004) and Ruiping Fan, ed., by, *Confucian Bioethics* (Kluwer Academic Publishing, 1999).