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## The Confucian Personhood and Informed Consent

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[Key words] Informed consent, personhood, Confucian ethics

[Abstract] “Informed consent” has been a core value, even a symbol, endorsed by modern Western medical ethics in a narrow sense and bioethics in a broad sense. Respecting the wishes of the patients more than merely amounting concern for their welfare has become the feature central to certain modern bioethics theories. Seeing patients as **persons**, who are rational, self-conscious beings capable of valuing their own life hence are entitled the liberty and rights to choose for themselves, is in general the backbone of the modern bioethical principles and the ethical rule of informed consent. Nevertheless, whether “informed consent” is agreeable to an Eastern ethos and can be applied transculturally have been a focus of debates and an interest of cross-cultural bioethical dialogue. Since Confucian philosophy has long been one representative of East-Asia cultural tradition, to examine the

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concept of informed consent through reflecting upon Confucius' idea of personhood may shed some light to the current debates at stake. The author argues Confucius' concept of persons, which is best interpreted by his theories of '*chun-tze*' (the morally ideal person) encapsulating a two-dimensional approach (the 'autonomous person' and the 'relational person'), provides a more comprehensive model regarding what a person is and how he should be treated. This two-dimensional approach sees a person not only as a rational, autonomous agent but also as a relational, altruistic identity whose self-actualisation involves incessant participating in and promoting of the welfare of his fellow persons. The concept of informed consent, being scrutinized under the light of the Confucian two-dimensional personhood, appears to be bleak, detaching, and endorsing merely a politically correct proceduralism. It suffices to be a beginning or a minimal requirement of a meaningful physician-patient interaction, yet a satisfactory and fulfilling one must incorporate the other-regarding morality of interdependence and altruism which is an indispensable trait of the Confucian personhood.

## 1. Informed consent violated?

Informed consent could be regarded as a "logo" or "cornerstone" of modern medical ethics in a narrow sense and bioethics in a broad sense. It means sufficient information should be provided for, understood by, and consent be obtained from the patients before doctors do anything to them. Its basic elements in medical practice and research hence generally entail "information

disclosure and explanation”, “patient’s comprehension and competence in decision”, “no force, coercion and manipulation upon patient”, and “patient’s freedom to judge, decide, and withdraw consent”. However, some medical and social practices that commonly occurred in Taiwan, and maybe similar in many other Asian countries as well, raises the question whether “informed consent” is a shared global medical morality and applicable to the Eastern societies? For examples, (1) not to disclose fatal diagnoses and prognoses to patients (not telling the truth) was a very common practice until recently. It is an accustomed practice that doctors usually divulge such information to the families first before telling the patients in order to decide or simply let the families decide what will be told to the patients, especially in an inpatient setting. If it is in an outpatient clinic when the families are not around, doctors may implicitly reveal the seriousness of the information or simply defer the process of disclosure to an inpatient setting which is often required for confirming such diagnoses. (2) The co-signature of at least one family member on the patient’s consent document for major surgeries or medical procedures is almost invariably required. This means that the family’s approval and support for any invasive medical intervention that will be carried out on the patient are highly regarded; the patient’s own permission for such risky operations is simply not enough. Similarly, medical decisions are quite often made by a key member of the family or at

a shared family discussion, not by the patient's autonomous choice alone. (3) A DNR (do-not-resuscitate) order may sometimes cause great disturbance both to the families and the doctors and yet has no legal power until the pass of "hospice and palliative care law" 4 years ago (AD2000) in Taiwan. Previously, physicians usually will not be able to perform DNR orders if any family member opposes and requests CPR (cardiac pulmonary resuscitation) to save the patients, even though the patients have expressed the wishes of refusing resuscitation beforehand. Are these examples showing that physicians in Taiwanese constantly violate the autonomy of patients as well as the rule of informed consent in their daily medical practices therefore informed consent is not exactly applicable to an Asia context?

## 2. A brief historical and theoretical review of informed consent

In 1955, Szasz and Hollender proposed three models of doctor-patient relationship, namely the 'activity-passivity model', the 'guidance-cooperation model', and the 'mutual participation model', which simulate respectively the prototype of parent-infant, parent-child (adolescent) and adult-adult models of

communication.<sup>1</sup> However, the consumer movement of the 60s and 70s promoted the ‘mutual participation relationship’ between doctors and patients, and the traditional paternalistic models were in general refuted by modern bioethics. Respecting the wishes of the patient more than merely promoting their welfare has increasingly become central to certain Western bioethics theories. This idea of “patient self-determination” or “the moral principle of respect for person/autonomy which contains the rule of informed consent” could be traced back to the 1945 Nuremberg tribunals following World War II, which revealed the abusive, horrible human experiments conducted by Nazi doctors. This event led to the Nuremberg Codes in 1948, and subsequently the Declaration of Helsinki drawn up by the World Medical Association in 1964, and highlighted the codes of ethics on human experimentation. The concepts of “informed consent” and “research benefit must outweigh risk” were first time expressly announced in these two documents. The theories of informed consent were later more thoroughly developed in the “*Belmont Report*” of the US National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research published in 1978, in which three basic ethical principles of “respect for persons”, “beneficence”, and “justice” were proposed

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<sup>1</sup> Szasz, T.S. and Hollender, M.H., A Contribution to the Philosophy of Medicine, *Archives of Internal Medicine* 1956; 97:585-92.

as moral guidance for conducting researches that involve human subjects.<sup>2</sup> The applications of these three principles refer to the requirements of “informed consent”, “risk/benefit assessment”, and “fair procedures and outcomes in the selection of subjects of research”.

Right after the *‘Belmont Report’*, Beauchamp and Childress published the *Principles of Biomedical Ethics*<sup>3</sup> in 1979 and developed a principles-based, common morality theory, namely, the four-principles approach to biomedical ethic, which has played an important role on the stage of modern bioethics in the last two decades. This method professes that the principles of respect for autonomy, beneficence, nonmaleficence, and justice not only cover most of the bioethics concerns but are also the commonly shared and accepted moral principles no matter what one’s ethical, political, religious or cultural stances are.<sup>4</sup> In their theories, *informed consent is one moral rule specified from and governed under the principles of respect for autonomy*; it indicates a prima facie moral obligation that doctors should fulfill

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<sup>2</sup> National Commission for the Protection of Human Subject of Biomedical and Behavioral Research, *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* DHEW Publication No.78-00(OS) Washington, D.C.: Department of Health, Education, and Welfare Publication, 1978.

<sup>3</sup> Beauchamp, T.L. and Childress, J.F., *Principles of Biomedical Ethics*, 1<sup>th</sup> Ed. (New York: Oxford University Press, 1979)

<sup>4</sup> Gillon, R. Medical Ethics: Four Principles Plus Attention to Scope. *British*

towards their patients in medical practice and research.

Different sets of bioethical principles have been proposed aside from the four-principles approach. For example, Engelhardt raised the principle of “permission” and the principle of “beneficence” as the principles of bioethics.<sup>5</sup> Veatch identified a set of moral principles including “utility, veracity, fidelity to promises, avoid killing, justice, and autonomy” as principles of right actions.<sup>6</sup> Macer has argued that love should be the foundation of bioethics, and presented his bioethical principles in various forms of love pertaining “self-love (autonomy), love of others (justice), loving life (do no harm), and loving good (beneficence)”<sup>7</sup>. A Physician charter of the new millennium proposed by many medical associations in 1999 indicated three basic principles of medical professionalism which include “primacy of patient welfare, patient autonomy, social justice”<sup>8</sup> These bioethical principles though differ in terminology and number; in effect they refer to similar moral principles as bioethical guidance. Moreover, the

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*Medical Journal*, 1994; 309: 184-8.

<sup>5</sup> Engelhardt, H.T., *The Foundation of Bioethics* (New York: Oxford University Press, 1996)

<sup>6</sup> Veatch, R., ‘Theories of Bioethics’, in *Global Bioethics: the 4<sup>th</sup> world Congress of Bioethics Program Book*, 4-7 Nov. 1998.

<sup>7</sup> Macer, D.R.J., *Bioethics is Love of Life: An Alternative Textbook* (Christchurch, N.Z.: Eubios Ethics Institute, 1998)

<sup>8</sup> ABIM Foundation, ACP-ASIM Foundation and European Federation of Internal Medicine: *Medical Professionalism in the New Millennium: A Physician charter*. *Ann Intern Med* 2002; 136:243-6.

centrality of principle of respect for autonomy and its priority over other principles has been argued. For example, Downie and Calman indicated the principles of “utility, justice, nonmaleficence, compassion (benevolence), and self-development” are “subordinate principles” governed under the “supreme principle” of “respect for the autonomous individual”.<sup>9</sup> Gillon also argued that respect for autonomy should be “first among equals”<sup>10</sup>

This principle of crucial position and importance in modern bioethics professes: “patients who are competent for decision-making should have a right to, and physicians the concomitant duty to respect their preferences regarding their own health care, whereas there should also be protection for persons with impaired or diminished autonomy.” And such principle could be justified by both the deontological approach and the consequentialist approach. The **Kantian Argument** will purport: persons are free, equal and rational beings, intrinsically possessed of absolute moral value, therefore, they are ends in themselves. This unconditional worth and capacity for self-determination of persons leads to the principle of respect for autonomy. **Mill’s Argument** will assert: when one strives to bring forth the greatest

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<sup>9</sup> Downie, R.S. and Calman, K.C., *Healthy Respect* (Oxford: Oxford University Press, 1988, 1994)

<sup>10</sup> Gillon R. Ethics needs principles - four can encompass the rest - and respect for autonomy should be “first among equals”. *J Med Ethics* 2003;29:307-12.



happiness and human flourishing, it is the individual's personal preferences and convictions that should define what one's happiness is, so long as they do not interfere with the freedom of others.

However, if one investigates the metaphysical foundation of these justifications, one can realise that *seeing 'persons' as moral agents bearing the capacity of self-consciousness, rationality and the ability to value their own life constitutes the moral justification why a person's wishes should be respected and his welfare be promoted. Furthermore, since persons are generally born with such moral capacities similar to each other, they hence deserve to be considered as equals and be treated with fairness.*

### 3. Persons in modern Western bioethics

The complex and diverse conceptions of 'personhood' have led to deep controversies in Western philosophy in general and bioethics in particular. Traditional thinking presupposes all human beings - the species *Homo Sapiens* - are persons which is an indisputable, self-evident truth. Devine described this as the 'species principle': human organisms, no matter their degree of maturity or decay, are persons, whereas non-human animals,

robots, or extraterrestrial life cannot be persons.<sup>11</sup> Since the Judeo-Christian traditions see human beings as having been created in the image of God, and human dignity and rights flowing from God's creation, they also assert that all human beings are persons. However, these traditionalist conceptions of personhood are challenged by bioethical dilemmas. Should an embryo or foetus, without any likeness to human beings, share the same dignity and rights as persons? Can someone, who is in a permanent vegetative state losing his or her consciousness and rationality forever, still be treated as a person?

Many philosophers and bioethicists from a liberal point of view argued against the traditional position and separated 'persons' from 'human beings'. That is, were a 'human being' not at the same time a 'person', he would have no human rights, as Engelhardt suggests, "Persons, not humans, are special."<sup>12</sup> Nevertheless, how is person defined? In modern Western philosophy, Descartes defined 'person' as 'thinking things'. John Locke was the first to distinguish 'person' from 'human being'; the latter only means a corporeal existence, whereas, the former is "a thinking intelligent being that has reason and reflection and can

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<sup>11</sup> Devine, P.E., 'The Species Principle and the Potential Principle', in B. Brody and H.T. Engelhardt (eds.) *Bioethics: Readings and Cases* (New Jersey, Englewood Cliffs: Prentice-Hall Inc., 1987) pp.136-41.

<sup>12</sup> Engelhardt, H.T., *The Foundation of Bioethics* (New York: Oxford University Press, 1986) p.104.

consider itself, the same thinking thing, in different times and places.”<sup>13</sup> Most importantly, according to Kant, person is the rational agent capable of exercising freedom as autonomy.

In modern bioethics, Singer distinguished two meanings of human beings - one, a member of the species *homo sapiens*, two, a being who possesses certain qualities such as self-awareness, self-control, a sense of the future, a sense of the past, the capacity to relate to others, concern for others, communication and curiosity which was a list proposed by Fletcher as the ‘indicators of humanhood’.<sup>14</sup> Singer defined that only human beings in the second sense are ‘persons’ who deserve rights and respect. He then suggested that ‘rationality’ and ‘self-consciousness’ are the crucial characteristics of persons.

Warren also distinguished a ‘genetic sense’ and a ‘moral sense’ of being human. She confined personhood to the moral sense by giving five criteria including: consciousness and in particular the capacity to feel pain, reasoning, self-motivated activity, the capacity to communicate messages of an indefinite variety of types, and the presence of self-concepts and self-awareness.<sup>15</sup>

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<sup>13</sup> Locke, J., *An Essay Concerning Human Understanding*, Book II (London: Oxford University Press, 1964) Chapter 27.

<sup>14</sup> Singer, P., *Practical Ethics* (Cambridge: Cambridge University Press, 1979) p.86. The list see Fletcher, J., ‘Indicators of Humanhood: A Tentative Profile of Man’, *The Hastings Center Report* 1972; 2: 5.

<sup>15</sup> Rudman, S., *Concepts of Person and Christian Ethics* (Cambridge: Cambridge University Press, 1997) pp.46-7.

The first feature alone (consciousness and the capacity to feel pain), according to her, could constitute personhood.

Similarly, Tooley indicated that a person must have the ‘awareness of self as a continuing entity’ and be ‘capable of having an interest in his own continued existence.’<sup>16</sup> Harris argued that a person is ‘any being capable of valuing its own existence’.<sup>17</sup> Engelhardt proposed that “a general secular moral community presumes a community of entities who are self-consciousness, rational, free to choose, and in possession of a sense of moral concern”. He defined those who had these four characteristics as ‘persons in the strict sense’. While human beings such as infants, the profoundly mentally retarded, the permanently comatose, and individuals suffering from advanced Alzheimer’s disease, who lack those characteristics, are merely ‘persons of social sense’ - that is, they are persons just for ‘social considerations’.<sup>18</sup>

Although these various conceptions have different emphases on what should be counted as the standards of personhood, they all stress that ‘rationality, self-consciousness, and autonomous moral agency’ are the key features of persons. In other words, the bioethical principle of respect for autonomy is established on the

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<sup>16</sup> Tooley, M., ‘The Criterion of Awareness of Self as a Continuing Entity’, in B. Brody and T.H. Engelhardt (eds.) *Bioethics: Reading and Cases, op. cit.*, pp.146-52.

<sup>17</sup> Harris, J., *The Value of Life* (London: Routledge, 1985) p.18.

<sup>18</sup> Engelhardt, H.T., *The Foundation of Bioethics* (New York: Oxford University Press, 1996) pp.136-47.

foundation that persons are rational, self-conscious, autonomous moral agents who have liberty and the right to choose for themselves, and should therefore be treated with the utmost respect.

#### 4. The Classic Confucian idea of persons

Confucius is one of the most influential thinkers of Eastern philosophy and could be seen as a representative of Eastern culture. Among the world's great philosophers, Confucius, together with Socrates, Gautama Buddha, and Jesus Christ were regarded as the four paradigmatic individuals by Jaspers owing to their extended influence through two millennia and their extraordinary importance for all philosophy.<sup>19</sup> Since the concept of persons plays such a fundamental role in modern Western bioethics, to examine Confucius' idea of persons may give us some hint to the current bioethical debates.

Similar to the Western traditionalist conception of persons, there is only one word, 人 (*jen*), in the Chinese language to stand for the Western terms 'human being (*homo sapiens*)' and 'person'. Neither was there such a parallel philosophical distinction between 'human being' and 'person' in traditional Chinese

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<sup>19</sup> Jaspers, K., *The Great Philosophers* (London: Rupert Hart-Davis, 1962) p.6.

philosophy. It was only during the last a few decades that such a term ‘*wei-ger* (位格)’ was coined to translate and introduce the concept of ‘personhood’ in academic discourse. Nevertheless, Confucian philosophy has its particular theories and conceptions of persons. The author will in this paper briefly discuss Mencius and Tsun Tze’s idea of persons and primarily focus on Confucius’ conceptions of personhood.

#### 4.1 Mencius’ and Hsun Tzu’s Emphases on Persons

Mencius said, “*Slight is the difference between men and the brutes. The common man loses this distinguishing feature, while the superior man (chun-tze) retains it. Shun understood the way of things and had a keen insight into human relationship. He followed the path of humanity (jen) and righteousness (yi).*”<sup>20</sup> Then Mencius argued

When I say all men have the mind which cannot bear to see the suffering of others, my meaning may be illustrated thus: Now, when men suddenly see a child about to fall into a well, they all have a feeling of alarm and distress, not to gain friendship with the child’s parents, nor to seek the praise of their

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<sup>20</sup> Lau, D.C., trans. *Mencius*, IVB:19 (Hong Kong: The Chinese University Press, 1984) p.165. My Italics. Translation modified by the author. Shun is the legendary Sage King who built an ideal society.

neighbors and friends, nor because they dislike to the reputation of lack of humanity if they did not rescue the child. For such a case, we see that a man without the feeling of commiseration is not a man; a man without the feeling of shame and dislike is not a man; a man without the feeling of deference and compliance is not a man; and a man without the feeling of right and wrong is not a man. The feeling of commiseration is the beginning of humanity (*jen*); the feeling of shame and dislike is the beginning of righteousness (*yi*); the feeling of deference and compliance is the beginning of propriety (*li*); and the feeling of right and wrong is the beginning of wisdom (*zhi*). Men have these Four Beginnings just as they have their four limbs. Having these Four Beginnings, but saying that they cannot develop them is to destroy themselves... If anyone with these Four Beginnings in him knows how to give them the fullest extension and development, the result will be like fire beginning to burn or a spring beginning to shoot forth. When they are fully developed, they will be sufficient to protect all people within the four seas...<sup>21</sup>

According to Mencius, what distinguish men from animals are the inborn moral capacities of humanity (*jen*), righteousness (*yi*), propriety (*li*), and wisdom (*zhi*) which Mencius called the Four Beginnings. These moral potentialities bring one's life worth and

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<sup>21</sup> Chan, W.T., *A source book in Chinese philosophy*. (New Jersey: Princeton University Press, 1969) 2A:6, pp.65-6.

dignity, and make persons deserve respect, yet these Four Beginnings need to be realised. Obviously, the natural moral capacity of feeling right or wrong is a faculty of rationality, whereas the feelings of commiseration, shame and dislike, and deference and compliance require the agent to be a self-conscious person. From this point of view, Mencius' definition of person is not incompatible with the modern Western concepts of personhood. However, it is unclear whether human beings, who cannot develop (severely mental retarded infants) or who have lost (the advanced Alzheimer or permanently comatose patients) such capacities - in Mencius' terms possessing in effect no moral faculties of humanity, righteousness, propriety, and wisdom - can still be counted as persons by Mencius.

Hsun Tze, another prominent successor of Confucius, argued differently,

Men do not have the strength of bulls, nor do they run as fast as horses, yet why are bulls and horses mastered by men? All because men are capable of social organisation while animals are not.<sup>22</sup>

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<sup>22</sup> *Hsun Tzu*, V:9, The author's translation. Cited in Hui, E., 'Jen and Perichoresis: the Confucian and Christian Bases of the Relational Persons', in G.K. Becker (ed.) *The Moral Status of Persons: Perspectives on Bioethics* (Amsterdam-Atlanta: Editions Rodopi B.V, 2000) pp.95-118.



He emphasised an important perspective of persons - the relational dimension. In the Confucian traditions, a person is always conceived as a part of a network of relations rather than an isolated, individual entity. What distinguish human beings from animals are firstly the natural endowment of men's potential capacity to achieve *jen* and *yi*, and secondly the 'human sociality'. This explains why Mencius said, "The compass and the square produce perfect circles and squares. By the sage, human relations are perfectly exhibited."<sup>23</sup>

#### 4.2 Confucius' concept of persons

Confucius' concept of persons is expressed in his moral ideal of a *chun-tze*. *Chun-tze* in Confucius' ethics is the man of high moral achievement who constantly tries to improve and cultivate himself to attain various stages of perfection. He is a man of humaneness (*jen*) and righteousness (*yi*); he pursues harmony and unity with the universal moral order, the *dao*, and is the embodiment of Confucius' moral ideal in man. Many characteristics of a *chun-tze* reflect thoroughly the distinctive features of an autonomous person.

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<sup>23</sup> Legge, J., trans. *Mencius, The Chinese Classics Vol. II* (Taipei: SMC Publishing Inc., 1991) 4A:2, p.292. Mencius is generally regarded as the greatest successor of Confucius. Translation modified by the author.

#### 4.2.1 *Chun-tze* as an autonomous person — the vertical dimension of persons

The concept of *chun-tze* comprises various meanings that are commensurate with the idea of autonomous persons. Firstly, self-activation: In the *Book of Change* it is said, “Heaven, in its motion, gives the idea of strength. *Chun-tze*, in accordance with this, nerves himself to ceaseless activity.”<sup>24</sup> In order to undergo this unceasing self-renewal by imitating the constant running of the celestial planets, *chun-tze* has to be a man of self-activation with perseverance and a strong moral will.

Secondly, self-cultivation: Confucius said, “When substance exceeds refinement, one becomes rude. When refinement exceeds substance, one becomes urbane. It is only when one’s substance and refinement are properly blended that one becomes a superior man.”<sup>25</sup> This indicates that a superior man needs to cultivate himself and take a balance between the ‘unadorned human nature’ and the ‘moral and social cultivation’.

Thirdly, self-reflection: Mencius said, “If a man love others, and no responsive attachment is shown to him, let him turn inwards and examine his own humaneness (*jen*). If he is trying to rule others, and his government is unsuccessful, let him turn

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<sup>24</sup> Legge, J., trans. *The I Ching*, (New York: Dover Publications, 1963) p.267.

<sup>25</sup> Chan, W.T., *A Source Book in Chinese Philosophy* (New Jersey: Princeton University Press, 1969) p.29. Translation modified by the author.

inwards and examine his wisdom. If he treats others politely (*li*), and they do not return his politeness, let him turn inwards and examine his own feeling of respect. When we do not, by what we do, realise what we desire, we must turn inwards, examine ourselves in every point.<sup>26</sup>

Fourthly, self-reliance: The superior man seeks in himself, not in others;<sup>27</sup> he worries only about his own inability, not about others' failure to understand him.<sup>28</sup> Neither would he blame Heaven or others for his own failure,<sup>29</sup> nor does he rely on others for his success; he is a man of self-reliance. Mencius described *chun-tze* as the man "whose heart cannot be dissipated by the power of wealth and honors, who cannot be influenced by poverty or humble stations, who cannot be subdued by force and might."<sup>30</sup> This capacity to withstand the trials of both adversity and prosperity, to resist the controlling forces of temptation, coercion and manipulation, reveals that the person is possessed of the qualities of self-reliance, self-determination, a strong will and moral authenticity.

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<sup>26</sup> Legge, J., trans. *Mencius, op. cit.* 4B:4, pp.294-5. Mencius is generally regarded as the greatest successor of Confucius. Translation modified by the author.

<sup>27</sup> Legge, J., trans. *Confucian Analects, The Chinese Classics Vol. I* (Taipei: SMC Publishing Inc., 1991) 15:20, p.300.

<sup>28</sup> *ibid.*, 14:32, p.287.

<sup>29</sup> *ibid.*, 14:37, p.288.

<sup>30</sup> Chan, W.T., *op. cit.*, p.72.

Fifthly, moral authenticity: Confucius emphasised that the moral characters of a *chun-tze* must be authentically his own, not merely the result of conformity to the social norm. He said, “He who puts on an appearance of stern firmness, while inwardly he is weak, is like one of the small mean men; yea, is he not like the thief who breaks through, or climbs over a wall?<sup>31</sup>” “Your good, careful [hypocritical] people of the village (*hsiang yuan*) are the thieves of virtue.<sup>32</sup>” “A man with clever words and an ingratiating appearance is seldom a man of humaneness.<sup>33</sup>” “A man who is strong, resolute, simple, and slow to speak is near to humaneness.<sup>34</sup>” Confucius hated hypocrites and reprehended those who spoke eloquently and behaved ingratiatingly towards the public yet lacked the genuine concern of humaneness and moral authenticity inside; he called them the ‘thieves of virtue’.

In summary, the superior man is well qualified to be an autonomous person, a true moral agent, since he sees himself as the master of his own life and attributes all responsibilities to himself and not to someone else. He is a self-starter and self-legislator; he refuses to be controlled or coerced by others and unceasingly searches and cultivates in himself the virtues of humaneness. The goal of Confucius’ moral philosophy and moral

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<sup>31</sup> Legge, J., trans. *Confucian Analects, op. cit.*, 17:12, p.324.

<sup>32</sup> *ibid.*, 17:13, p.324. Translation modified by the author.

<sup>33</sup> Chan, W.T., *op. cit.*, 1:3, p.20.

<sup>34</sup> *ibid.*, 13:27, p.41.

education in reality is to create an autonomous person who is self-activated, self-determined, self-reliant, and is constantly improving himself via moral self-cultivation.

Apart from being an autonomous person, *chun-tze* has another prominent feature as emphasised in Confucius' ethics, that is, the relational perspectives.

#### 4.2.2 *Chun-tze* as a relational person – the horizontal dimension of persons

The central theme of Confucius' ethics, 'humaneness (*jen*)', which in the Chinese character means two persons and is pronounced in the same way as the Chinese word 'human', reflects the idea of relational personhood because the Chinese conception of man is based on '*the individual's transactions with his fellow human beings*'.<sup>35</sup> The Chinese word '*lun-li*' (ethic), which implies the 'reason or logic' (*li*) of 'human relationship' (*lun*), is not quite the same to '*dao-der*' (morality) that verbatim indicates 'doctrine or the way' (*dao*) of virtue (*der*). Whereas in English 'morality' and 'ethics' mean quite similar and are usually interchangeable. 'Ethics' in Confucian philosophy in particular and daily life in general simply directs to the ideal interpersonal

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<sup>35</sup> Hsu, F.L.K., 'Psychological Homeostasis and Jen: a Conceptual Tools for Advancing Psychological Anthropology', *American Anthropologist* 1971; 73: 23-44. His Italics.

relationships, as the author defines it - the ‘horizontal dimension’ of being persons. In comparison, either the modern bioethical conceptions of personhood which focus on the self-consciousness, rationality and autonomous moral agent, or the Judeo-Christian traditions which see persons as a creation of God’s image that reflects God’s glory, primarily refer to the ‘vertical dimension’ of being persons. This constitutes an interesting contrast.<sup>36</sup>

According to Fingarette’s understanding of persons in the Confucian sense, “man is not an ultimately autonomous being who has an inner and decisive power, intrinsic to him, a power to select among real alternatives and thereby to shape a life for himself. Instead he is born as ‘raw material’ who must be civilized by education and thus become a truly human being.”<sup>37</sup> Liang Sou-ming identified that “In the Chinese thinking, individuals are never recognised as separate entities; they are always regarded as part of a network, each with specific role in relation to others.”<sup>38</sup>

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<sup>36</sup> Although Confucius never denied the creation of humankind by the transcendent heaven (*tien*), he did not refer to the moral personhood to be found in any particular act of the creation. On the other hand, communitarianism and feminist ethics also criticised liberalism for neglecting the communal and relational dimensions of persons.

<sup>37</sup> Fingarette, H., *Confucius – The Secular as Sacred* (New York/Hagerstown/San Francisco/London: Harper & Row Publisher, 1972) p.34.

<sup>38</sup> Liang, S.M., *Chung-kuo wen hua yao-i* (The essential features of Chinese culture) (Hong Kong: Chi-cheng T’u-Shu Kung-Hsu, 1974), Cited in Tao, J., ‘The Moral Foundation of Welfare in Chinese Society: Between Virtues and Rights’, in G.K.

He proposed that the traditional Chinese is neither individual-based nor society-based, but relational-based.<sup>39</sup> Tu Wei-Ming also pointed out that ‘self’ in the classical Confucian sense is both ‘a centre of relationships’ and ‘a dynamic process of spiritual development’.<sup>40</sup> Whereas “one becomes fully human through continuous interaction with other human beings and that one’s dignity as a person depends as much on communal participation as on one’s own sense of self-respect.”<sup>41</sup>

In other words, a Confucian person is socially situated, defined, and shaped in a relational context where he must achieve humaneness (*jen*) through interaction with other particular individuals.<sup>42</sup> No one can be fully human without playing roles in the interaction with one’s fellow persons. Put differently, “the self develops its contours, unfolds its characteristics, takes shape, becomes actual and individuated through engaging and interacting

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Becker (ed.) *Ethics in Business and Society-Chinese and Western Perspectives*, *op. cit.*, p.11.

<sup>39</sup> Liang, S. M., *op. cit.*, p.94. Cited in King, A.Y.C. and Bond, M.H., ‘The Confucian Paradigm of Man: A Sociological View’, in W.S. Tseng and D.Y.H. Wu (eds.) *Chinese Culture and Mental Health* (Academic Press Inc., 1985) p.31.

<sup>40</sup> Tu, W.M., ‘Selfhood and Otherness’, in his *Confucian Thought: Selfhood As Creative Transformation* (New York: State University of New York Press, 1985) p.113.

<sup>41</sup> Tu, W.M., ‘A Confucian Perspective on Learning to be Human’, in his *Confucian Thought: Selfhood As Creative Transformation* (New York: State University of New York Press, 1985) p.55.

<sup>42</sup> King, A.Y.C. and Bond, M.H., ‘The Confucian Paradigm of Man: A Sociological View.’ *op. cit.*, p.31.

in a network of relations with others... Self-individuation is possible only through a process of engagement with others within the context of one's social roles and relationships.”<sup>43</sup> This concept echoes the original Latin term of person (*persona*) meaning a theatrical mask worn by an actor in classical drama. By putting on masks the actors signified that they were acting a role, hence person came to mean one who plays a role in life.<sup>44</sup>

In contrast, the classical liberal tradition emphasises that persons are autonomous, rational, and self-conscious individuals who are ‘making context-free choice in a conceptual vacuum’<sup>45</sup> and capable of identifying and pursuing their own good. Being conceived as sovereign agents of choices, persons hence deserve equal concern and respect that their rights and privacy are inviolable, *even collective goal and good are not sufficient reasons to compromise them*. In other words, it is a person's separateness, individuality, and distinctiveness rather than his relatedness, mutuality, and communion with others that are valued. To sum up this general contrast between Chinese and the West using Hansen's description, “Western theorists have understood the world as made up of particulars. Chinese metaphysical theory analyses objects as

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<sup>43</sup> Tao, J., ‘The Moral Foundation of Welfare in Chinese Society: Between Virtues and Rights’, *op. cit.*, p.16.

<sup>44</sup> Singer, P., *op. cit.*, p.87.

<sup>45</sup> Lee, K.S., ‘Some Confucianist Reflections on the Concept of Autonomous Individual’, *Journal of Chinese Philosophy* 1994; 21: 49-59.



parts carved out of a large, more basic whole.”<sup>46</sup>

### 4.3 Selfhood

Apart from stressing the relatedness rather than separateness of personhood, two more points concerning Confucian selfhood should be briefly mentioned here. Firstly, the boundaries between self and others in Chinese philosophy are not always clear. *Dao*, in Chinese philosophy, signifies the supreme metaphysical force that exists everywhere in everything and dominates the exercise and functioning of all things in the universe. Humankind, being bred and activated by the power of *dao*, inherits the infinite potential of *dao*. In other words, *dao* is embodied in a person’s selfhood as well as existent in every other being. For this reason, the boundaries between the creator and the created, the cosmos and the individual, the ‘selfness’ and ‘otherness’ are not always clear. As Mark Elvin indicated, “Perhaps this absence of alienation from the world gave the self in China slightly less sharply defined margins than it had in the West. For the Chinese, this life was neither a vale of tears, nor a testing-ground, but a home.”<sup>47</sup> The

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<sup>46</sup> Hansen, C., ‘Chinese Philosophy and Human Rights: An Application of Comparative Ethics’, in G.K. Becker (ed.) *Ethics in Business and Society-Chinese and Western Perspectives* (Hong Kong: Springer, 1997) p.108.

<sup>47</sup> Elvin, M., ‘Between the Earth and Heaven: Conception of the Self in China’, in M. Carrithers, S. Collins and S. Lukes (eds.) *The Category of the Person* (Cambridge:

self, as the centre of relations, is not merely ‘a privatised self, the small self and a self that is a closed system’. Instead, it can be and should be broadened to become a public-spirited, great self and a self that is an open system,<sup>48</sup> and deepen in self-transformation through genuine communication with others. Family, community, country and the world, from the Confucian point of view, are spheres of selfhood where one engages in promoting them and transforming oneself.

Secondly, the Confucian self searches in unity with *dao*. In the *Book of Change* it is said, “Heaven, in its motion, gives the idea of strength. *Chun-tze*, in accordance with this, nerves himself to ceaseless activity.”<sup>49</sup> Confucius said, “It is man that can make the *dao* great, and not the *dao* that can make man great.”<sup>50</sup> In Chinese philosophy, *dao* also symbolises the universal moral order and the ideal status of moral achievement for man to define, pursue and accomplish. Metaphysically, man realises his *true self*, the ‘true manhood’ when he lives in unity and harmony with *dao*. Put differently, the universal moral order is a purpose that invites and demands the participation of man; man is likewise inspired by the *dao* in his ceaseless pursuit and transformation to be in unity with

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Cambridge University Press, 1987) pp. 13-4. Cited in Tao, J., ‘The Chinese Moral Ethos and the Concept of Individual Rights’, *Journal of Applied Philosophy* 1990; 7: 2: 119-27.

<sup>48</sup> Tu, W.M., ‘A Confucian Perspective on Learning to be Human’, *op. cit.*, p.58.

<sup>49</sup> Legge, J., trans. *The I Ching*, *op. cit.* p.267.

<sup>50</sup> Chan, W.T., *op. cit.*, 15:28, p.44.

*dao*. Therefore, the self in Confucius' ethics is not alienated from the universe which is not a lifeless, soulless but a lively and purposive one. The true self, in its sincere pursuit of *dao*, participates and thus transforms the universe as well. For this reason, Confucius said, "it is man that can make the *dao* great." The concept of the 'self searches in unity with *dao*' is beautifully explicated in *Chung-yung (The Doctrine of the Mean)*,

Only those who are absolute sincere can fully develop their nature. If they can fully develop their nature, they can fully develop the nature of others. If they can then fully develop the nature of others, they can then fully develop the nature of things. If they can fully develop the nature of things, they can then assist in the transforming and nourishing process of Heaven and Earth. If they can assist in the transforming and nourishing process of Heaven and Earth, they can thus form a trinity with Heaven and Earth.<sup>51</sup>

#### 4.4 Moral Self-cultivation and Altruism of Persons

*Chun-tze* not only fulfils the requirement of an autonomous person but also is a man of virtues and commitments towards family and society. He pursues harmonious relationships with man and *dao*, and is featured with two major components that are

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<sup>51</sup> *ibid.*, pp.107-8.

mutually dependent - moral self-cultivation and altruism towards others. That is, the ultimate concern and self-realisation of a Confucian person consists in giving security and peace to people, yet in order to achieve this goal one must become a *chun-tze* first, which requires incessant moral self-cultivation. This notion can be found in the dialogue when Tzu-lu asked about *chun-tze*, Confucius said,

“The superior man is the man who cultivates himself with seriousness (*jing*).” Tzu-lu said, “Is that all?” Confucius said, “He cultivates himself so as to give the common people security and peace.” Tze-lu said, “Is that all?” Confucius said, “He cultivates himself so as to give all people security and peace. To cultivate oneself so as to give all people security and peace, even Yao and Shun found it difficult to.”<sup>52</sup>

It is through rational self-consciousness and reflection the Confucian person develops a deep moral concern and commitment towards society,<sup>53</sup> as described by Confucius’ student, Tseng Tzu,

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<sup>52</sup> Chan, W.T., *op. cit.*, 14:45, p.43. Yao and Shun were the Sage Kings that Confucius regarded as paradigms.

<sup>53</sup> Liu, S.S., ‘*ru-jia-lun-li-zai-hsien-dai-she-hui-der-yi-yi*’ (The meaning of Confucian ethics in modern society), in his *da-lu-yu-hai-wai (Mainland and overseas)* (Taipei: Yun Chen Company Press, 1989) pp.295-318. (In Chinese)

An officer must be great and strong. His burden is heavy and his course is long. *He has taken humaneness (jen) to be his own burden - is that not heavy? Only with death does his course stop - is that not long?*<sup>54</sup>

For Confucianism, “rationality is historically and culturally grounded” ; “well-tested social practices and tradition provide sound foundations for meaningful life.”<sup>55</sup> When a *chun-tze* exercises his autonomy rationally and self-consciously, he is not choosing in a context-free manner but locating himself in a certain moral historical-tradition. The cardinal concern and meaning of life for the Confucian person lies in his fulfilling his duties in the various roles he plays, creating and maintaining the harmonious relationships with people and nature, contributing to the flourishing of human society, and ultimately being at one with the *dao*. The conception of persons is thus shifted from emphasising the ‘individual’ to the ‘individual’s relationships plus an other-regarding morality with altruistic responsibility’. And since this Confucian person is autonomous, whatever is to be achieved by each person should be done by a genuine sense of responsibility, self-awareness, self-reliance and self-efforts. Therefore, the Confucian sense of human dignity and worth, in contrast to the bioethical personhood of stressing the natural criteria of

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<sup>54</sup> Chan, W.T., *op. cit.*, 8:7, p.33. Translation modified by the author. My Italics.

<sup>55</sup> Lee, K.S., *op. cit.*, pp.51, 53.

rationality and self-consciousness, emphasises more a moral accomplishment for one to attain, and less on a given fact that one is born with. To sum up, the emphasis on interpersonal relationships, the necessity to fulfil each role-attached duties in every specific human relationships, and the predetermined goal and value of life of ‘cultivating oneself and benefiting others - sagely within and kingly without’, make up the meaning of being a Confucian person. This is very different from the views of moral scepticism, pluralism or liberal individualism of Western modernity and post-modernity which endorse the rights of individuals to make autonomous choices.

## 5. Conclusion

To sum up, Confucius’ conceptions of two-dimensional personhood pertain the vertical dimension: the autonomous, self-cultivating one, and the horizontal dimension: the relational, altruistic one. Persons in the Confucian sense comprise not merely the moral faculties of rationality and self-consciousness that one is born with, but moral accomplishment. This accomplishment arises in a cultural-historical tradition stressing the individual’s relationships with and altruistic responsibility towards others. When a person exercises autonomy, he is not choosing in a context-free, conceptual vacuum but considers himself a

person-in-relation with many roles to play and responsibilities to take in accordance with different relationships. A person cannot become fully human without fulfilling his role-specified relation-oriented responsibilities; the Confucian personhood is to be realised through interpersonal transactions in human society.

Therefore when a doctor approaches his patient, he sees a person not only as a moral agent with autonomy and dignity to be respected, that is, the patient's concerns, preferences and choices to be respected and his rights protected. He also sees the patient as a relational being with certain family, community and social-historical context — a small self encompassed by one or many greater selves. In a Confucian context, the family, more than the individual, is often considered as one basic unit in the two aspects of doctor-patient relationships. Medical ethical decision-making is prone to respect the opinions and decisions made or agreed to by the family as a whole. While considering the relational personhood, the emphasis on family values, the large role and responsibility family usually take in caring for the sick persons, and the interconnectedness and interdependence between family members, families must be taken seriously in such Chinese culture-based societies. After all, medical decisions by the patient often greatly influence the family members (especially in a traditional family system), among whom the 'morality of intimacy' cannot be replaced or overruled by the 'ethics of impartiality, universality, and individualism of moral strangers'.

Moreover, when a doctor helps to maintain harmonious relationships among families and to reach agreement out of conflicts, he is in effect searching to maximise the long-term welfare of the patient.

Nevertheless, vices might be induced if one concentrates merely on the relational perspectives of persons. For example, emphasizing filial piety (*Shiaw*), family values and the common good may cause the patient to reconcile their right of autonomous decision-making with the preferential choice of the families or social values, willy-nilly. Putting the public interest before self-interest and individual rights, in addition to highlighting the individual responsibility to the group, may lead to collectivism. A more ‘paternalistic and patriarchal society’ came from the historical tradition and social practice may naturally lead the doctor-patient-family relationship and medical decision-making the tendency towards ‘medical paternalism’. For these reasons, the autonomous perspective, the vertical dimension of persons is likely to be suppressed by the relational perspective, the horizontal dimension of persons resulting in the sacrificing of patient’s rights and autonomy, as well as the jeopardising of the cultivation of an autonomous person.

Some may hence argue that there is no vertical dimension at all in the Confucian personhood. This is incorrect. The author has expounded that the aim of Confucius’ moral education is for the making of autonomous persons. To say that the vertical dimension



and the horizontal dimension of Confucian personhood are incompatible with each other is also mistaken. They are two fundamentally coexisting, mutually supportive rather than exclusive, but sometimes competing values in Confucius' ethics, which require constant balancing and reconciliation in practice.

In other words, a (competent) patient's decision-making concerning his personal moral values should unexceptionally be an autonomous choice of his own. However, how such decisions are made should not forget the fact that the patient, the agent, is always a person-in-relation. The tension might be difficult to solve in some instances, but the traditional tendency of social-orientation should surely be balanced by and reconciled with respecting the individual rights and autonomy. The ultimate concern of this Confucian, two-dimensional person/physician lies in *fulfilling his duties in the various roles he plays, creating and maintaining the harmonious relationships with people and nature, contributing to the flourishing of human society, and at the end of the day being at one with 'dao'.*

Consequently, the concept of informed consent, being scrutinised under the light of the Confucian two-dimensional personhood, appears to be bleak, detaching, and endorsing merely a politically correct proceduralism because it emphasizes only the vertical dimension of personhood. A Confucian person/physician will consider himself a 'friend' or 'teacher' to the patient who is facing the medical moral decisions. He is willing to engage in the

patient's moral discourse and development contained in the life and death choices in sickness at the risk of himself being charged of medical paternalism. Informed consent hence just suffices to be a beginning or a minimal requirement of a meaningful physician-patient interaction. A satisfactory and fulfilling relationship must incorporate the other-regarding morality of interdependence and altruism, which is one of the two indispensable traits of the Confucius' ideal person. Confucius' ethics of antiquity, being carefully deliberated and creatively transformed, can contribute to the bioethical quandaries of modernity.

[The main arguments of this paper have been published in: Daniel Fu-Chang Tsai, How should doctors approach patients ~ A Confucian Reflection on Personhood, *Journal of Medical Ethics* 2001; 27: 44-50. The author extends the ideas of the Confucian personhood to discuss the concept and practice of informed consent in the paper.

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