Philosophy and Medicine

P&M128

Marta Soniewicka *Editor*

The Ethics of Reproductive Genetics

Between Utility, Principles, and Virtues

Springer

Philosophy and Medicine

Volume 128

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ISSN 0376-7418 ISSN 2215-0080 (electronic)
Philosophy and Medicine
ISBN 978-3-319-60683-5 ISBN 978-3-319-60684-2 (eBook)
https://doi.org/10.1007/978-3-319-60684-2

Library of Congress Control Number: 2017959720

Printed on acid-free paper

This Springer imprint is published by the registered company Springer International Publishing AG part of Springer Nature.
The registered company address is: Gewerbestrasse 11, 6330 Cham, Switzerland

Chapter 4
A Bioethic of Communion: Beyond Care and the Four Principles with Regard to Reproduction

Thaddeus Metz

4.1 Introducing a Communal Ethic from Africa

With the rise of economic globalization and the spread of English have come greater cross-cultural engagements, including an improved awareness of the philosophical traditions of other parts of the world. It is now routine for a medical ethics textbook or anthology to include snippets of Islamic or Confucian moral approaches, for example. However, non-western bioethics are usually there for merely comparative purposes and are rarely taken seriously as alternatives to views that have lately dominated English-speaking research on morally right decision-making in a health-care context. The latter are well-known to be the four principles of James Childress and Tom Beauchamp, featuring a principle of autonomy, and the ethic of care.

In this chapter, I aim to give a fresh philosophical challenge to these influential western accounts of permissible action in a medical setting. Specifically, I draw on relational norms salient in the sub-Saharan African philosophical tradition to advance a novel principle of right action, and then apply it to several controversies concerning human procreation. According to this moral theory, an act is right just insofar as it treats people's capacity to commune with respect, where communing is a matter of identifying with others and exhibiting solidarity with them (spelled out below).

This communal ethic differs from the dominant, western approaches in several ways. Briefly, for now, it is like the ethic of care, and unlike the four principles, in that its content is relational and it is meant to be morally foundational. However, it is unlike the ethic of care, and instead is like the four principles, for taking a theoretical form and implying that welfare does not exhaust what has moral relevance about other individuals.

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M. Soniewicka (ed.), *The Ethics of Reproductive Genetics*,
Philosophy and Medicine 128, https://doi.org/10.1007/978-3-319-60684-2_4

Despite being grounded on African ideals, I contend that the communal ethic is not merely 'for Africans' and in fact has implications for reproduction that will be found intuitively attractive to a broad, global audience, including even many who currently hold a western bioethic. Although I lack the space to argue that the communal principle is more attractive than its rivals, I do aim to show that it is a prima facie attractive rival to them, meriting such weighing up elsewhere.[1]

In the following, I begin by spelling out the principle of communion, which I have in the past discussed in bioethical contexts such as the nature of health and illness, informed consent, standards of care, animal experimentation, and research ethics (Metz 2010a, b, 2012a, b, 2017). I demonstrate how it is informed by salient sub-Saharan reflections about morality, and note some of its appeal, including to those beyond Africa, as a foundational ethic. Then, I tease out its implications for the central controversy in reproductive ethics, namely, abortion, showing that it naturally justifies a moderate approach that is widely appealing. I next invoke the communal ethic to address various moral issues regarding reproductive genetics, specifically, selective abortion, surrogacy when there is no genetic link between the fetus and the prospective caregivers, enhancement, and confidentiality. I conclude by highlighting what is different and attractive about the communal ethic in relation to the four principles and the ethic of care.

4.2 A Principle of Communion

In this section, I first sketch some of the African sources of the communal ethic, then spell it out, and finally motivate it as a prima facie strong alternative to western moral perspectives common to encounter in bioethical debates. It is only in the following sections that I apply the principle to controversies about human reproduction.

4.2.1 Communion and the Capacity for It

Of the various philosophical interpretations of sub-Saharan moral thought (on which see Metz 2015), I have argued that a fundamentally relational one is most defensible and should be of particular interest to a global audience. Instead of conceiving of morally right action in terms of what honors or promotes a good intrinsic to a person, such as her welfare, autonomy, or life, my favored ethic places a certain

[1] My main reason for drawing on the African tradition is that there are under-explored ideas salient in it that are philosophically promising. For additional reasons to develop African ideas, see Behrens (2013).

way of relating between individuals at the ground of how to treat others.[2] The following comments from African thinkers express such an approach:

> (I)n African societies, immorality is the word or deed which undermines fellowship (Kasenene 1998, 21).
>
> Social harmony is for us (indigenous Africans – ed.) the *summum bonum* – the greatest good. Anything that subverts or undermines this sought-after good is to be avoided like the plague (Tutu 1999, 35).
>
> (O)ne should always live and behave in a way that maximises harmonious existence at present as well as in the future (Murove 2007, 181).

I do not take these comments at face value, for they have counterintuitive implications regarding human rights. As they stand, they variously suggest that certain (harmonious or communal) relationships are good for their own sake, it is always wrong to undermine them, and one should promote them as much as possible. However, if existing relationships alone were finally valuable, then a person not in relationship with an agent would seem to lack a moral status relative to her. If it were always wrong to act in ways that undermined the relevant relationship, then coercion and other forms of force would be categorically impermissible, even when directed against aggressors in order to protect innocents. And if one were supposed to maximize the relevant relationships, then it would be permissible to use any means whatsoever, including being violent towards innocents, whenever doing so would promote harmony in the long run.

To remedy these defects, while retaining a relational approach, I advance a principle according to which individuals have a dignity in virtue of their communal nature that demands respect. After spelling out what is involved both in being able to relate communally and treating that capacity with respect, I show how the ethic plausibly grounds human rights and some other intuitive moral categories.

By 'communion' or 'harmony' I mean the combination of two logically distinct relationships that are often implicit in African characterizations of how to live well. Consider these quotations:

> Every member is expected to consider him/herself an integral part of the whole and to play an appropriate role towards achieving the good of all (Gbadegesin 1991, 65).
>
> Harmony is achieved through close and sympathetic social relations within the group (Mokgoro 1998, 17).
>
> The fundamental meaning of community is the sharing of an overall way of life, inspired by the notion of the common good (Gyekye 2004, 16).
>
> (T)he purpose of our life is community-service and community-belongingness (Iroegbu 2005, 442).
>
> If you asked *ubuntu* (the Nguni catchword for African morality – ed.) advocates and philosophers: What principles inform and organise your life? What do you live for?....the answers would express commitment to the good of the community in which their identities were formed, and a need to experience their lives as bound up in that of their community (Nkondo 2007, 91).

[2] For a different approach to an African bioethics, which focuses more on vitality as a basic value to be promoted, see Tangwa (2010).

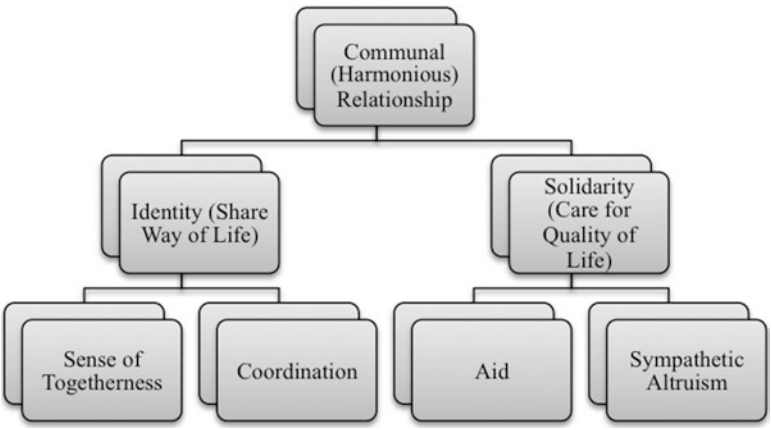

Fig. 4.1 Schematic representation of communion

In these and other sub-Saharan characterizations of how to commune or harmonize two logically distinct relationships are repeatedly mentioned, namely, considering oneself part of the whole, being close, sharing a way of life, belonging, and experiencing oneself as bound up with others, on the one hand, and then achieving the good of all, being sympathetic, acting for the common good, serving the community, and being committed to the good of one's society, on the other.

Elsewhere I have worked to distinguish and reconstruct these two facets of a communal relationship with some precision (e.g., Metz 2013). For an overview, consider Fig. 4.1.

It is revealing to understand what I call 'identifying' with others or 'sharing a way of life' with them (i.e., being close, belonging, etc.) to be the combination of exhibiting certain psychological attitudes of cohesion and cooperative behavior consequent to them. The attitudes include a tendency to think of oneself as a member of a group with the other and to refer to oneself as a 'we' (rather than an 'I'), a disposition to feel pride or shame in what the other or one's group does, and, at a higher level of intensity, an emotional appreciation of the other's nature and value. The cooperative behaviors include being transparent about the terms of interaction, allowing others to make voluntary choices, acting on the basis of trust, adopting common goals, living together, and, at the extreme end, choosing for the reason that 'this is who we are'.

What I label 'exhibiting solidarity' with or 'caring' for others (i.e., acting for others' good, etc.) is similarly aptly construed as the combination of exhibiting certain psychological attitudes and engaging in helpful behavior. Here, the attitudes are ones positively oriented towards the other's good and include an empathetic awareness of the other's condition and a sympathetic emotional reaction to this awareness. The actions are not merely those likely to be beneficial, that is, to improve the other's state, but also are ones done consequent to certain motives, say, for the sake of making the other better off or even a better person.

By the communal ethic advanced here, it is not this *relationship* that has a basic moral value, but rather an individual's natural *capacity* for it. Typical human beings, for example, have a dignity insofar as they are in principle *able* both to be communed with and to commune. The highest moral status accrues to us, beings that by nature can be both *objects* of communion, viz., able to be identified with and cared for by others, and *subjects* of it, able to identify with and care for others.

By this ethic, characteristic human beings are special relative to anything in the animal, vegetable, and mineral kingdoms. However, the communal ethic also entails that many animals have a standing as beings that can be directly wronged. In particular, those creatures with which we can commune as objects have a partial moral status, even though they lack a full moral status (a dignity) for being unable to be subjects of communion. Cats, pigs, and giraffes, for all we know, cannot identify with and exhibit solidarity towards others in the ways defined above, but, since we can with them, e.g., we can support their goals, sympathize with them, and help them, they matter for their own sake from a moral standpoint, unlike rocks and plants.

4.2.2 Respecting the Capacity for Communion

When it comes to how to treat others, the ethic prescribes respecting or honoring a being insofar as it can be party to a communal relationship. In the first instance, that means communing with others as objects, rather than ignoring them, let alone subordinating and harming them, which are the discordant or anti-social opposites of communion. In addition, one must commune with others in ways that do not degrade, and that ideally support, their capacity to commune as subjects. That means, for example, treating people as equals and not sacrificing another's capacity to commune for the sake of something worth less than it.

Supposing the capacity to commune has a dignity, sometimes honoring it will include actions that seek to promote the capacity, i.e., creating people, as well as its actualization, fostering communion. However, such pursuit of outcomes must be 'deontologically regulated', in at least two ways.

For one, actual communal relationships of which one is a part have some priority relative to merely possible relationships one could have and the actual relationships of others. To honor communion means in the first instance sustaining one's own ties, even if cutting off extant ones were foreseen to result in marginally more (sites of) communion, whether for oneself or elsewhere in the world. Such is a philosophical reconstruction of the special obligations often accorded to kin in traditional African societies (on which see Appiah 1998).

For another, to honor the capacity for communion entails that it is normally wrong to seek to realize it, even amongst one's own relations, by using a discordant means against innocents, where discord consists of relationships that are the opposites of communion, i.e., acting on an 'us versus them' attitude, subordinating, harming, and doing so consequent to hatred, cruelty, or the like. Respecting others

insofar as they are capable of communion means not aiming to foster it by being discordant with those who have themselves respected communion. However, it can mean directing discordance towards those who have misused their capacity to commune, if it is necessary to get them to stop or to compensate their innocent victims.

A principle of honoring individuals insofar as they are by nature capable of communion entails that wrongdoing, in respect of innocents, is a matter of either failure to commune with them, and so being indifferent to others, or, worse, discordance. The latter means that those who have not misused their capacity to commune are treated as separate and inferior, subordinated, treated in harmful ways, and acted upon consequent to cruelty or similar negative attitudes. These anti-social ways of relating to those who have done no wrong are arguably what make it wrong to torture, kidnap, rape, and engage in other human rights violations as well as kinds of wrongdoing such as lying, breaking promises, and stealing. Such a fundamental account of the nature of wrongfulness differs from the western moral theories that it is constituted by merely degrading autonomy, failing to maximize utility, violating rules that would be reasonable for all to accept, or breaking God's commandments.

4.2.3 Contrasts with the Four Principles and the Ethic of Care

I close this section by briefly differentiating the communal principle from its most prominent bioethical rivals, the four principles and the ethic of care. Important differences will, however, also emerge in the following, applied sections of the chapter, where I strive to show that the communal principle has certain plausible implications that its rivals do not.

With regard to the ethic of care, it is normally not understood to take the form of a theory, i.e., an attempt to posit a basic, general principle that clearly entails and plausibly explains all other (or at least a wide array of) particular moral duties. Instead, adherents to a care ethic normally eschew the systematic appeal to principle of the sort I advance.

In addition, the ethic of care is not normally interpreted as including an ideal of human dignity, whereas the African moral theory does. This theory entails that what gives all people a dignity, and hence entitles them to human rights, is their robust natural capacity to relate communally with others (which, in turn, calls for communing with them, at least when innocent).

Finally, the Afro-communal ethic includes everything that care ethicists prize, precisely under the heading of 'caring' for others or exhibiting 'solidarity' with them, but it also includes a certain kind of relationship that they typically do not, or at least not explicitly. In particular, the communal principle instructs agents to prize people insofar as they can share a way of life with others, roughly a matter of enjoying a sense of togetherness and participating in cooperative projects. Elsewhere I have argued that this relationship, of identifying with others, is essential to bring into a relational morality in order to avoid concerns about paternalism and similar

objections that plague the ethic of care because of its exclusive focus on well-being as a moral value (see Metz 2013).

Turning to the four principles, the communal ethic is like them for taking form of a principle. However, it purports to be 'the' single, basic moral principle, the one that grounds all other, less comprehensive ones. Childress and Beauchamp are well known for having advanced the four principles as 'mid-level' common ground among interlocutors and not invoking any allegedly basic principle, which they take to be more contested than their favored four.

Another difference between the communal ethic and the four principles is that the former is inherently relational, unlike the latter. The concepts of autonomy, beneficence, harm, and justice have usually been interpreted in individualist ways, not making any essential reference to anyone but a given person acted upon. For example, autonomy is normally conceived as an individual's ability to achieve whatever goals she elects to adopt; the goals need not be ones involving other persons. In contrast, the communal ethic instructs agents in the first instance to relate positively to other persons, by sharing a way of life with them and caring for their quality of life. Instead of grounding informed consent on a principle of autonomy, for example, the communal ethic does so on a demand for people to share a way of life with each other, which means (among other things) interacting cooperatively and not manipulatively (Metz 2010a, 6–7, 2010b, 160–161). And while some notions of beneficence and harm are implicit in the communal ethic's prescription to relate to others in a caring way, they include an essential relational dimension as well, e.g., an important way to care for others will be to protect and cultivate *their* ability to care for and share a way of life with others.

4.3 The Morality of Abortion

Before considering some of the ethical issues regarding genetics and reproduction, I first address the key issue of abortion, a woman's termination of her pregnancy that is foreseen to kill the entity in her womb. Besides being of interest in its own right, addressing abortion will help bring out and clarify some facets of the communal principle, enabling me to more easily address genetic issues in the following section. Furthermore, I submit that the communal principle grounds a moderate approach to the morality of abortion that many readers will find plausible, which is some evidence in its favor.

The striking thing about the four principles and the ethic of care is that neither perspective is grounded upon, or even routinely associated with, a theory of moral status. For whatever reasons, adherents have been reluctant to posit an account of which beings have moral standing, why they do, and to what degree (on which see, e.g., Hodges and Sulmasy 2013; Metz and Miller 2016, 8). However, it is natural in the context of abortion (and similar moral controversies that concern gametes, embryos, and animals) to make a comprehensive ethical appraisal in the light of

how morally significant the beings involved are. The communal principle includes such an account.

Recall that, by the ethic I advance, an agent is to honor individuals insofar as they have the natural capacity to commune, where some beings can be both subjects and objects of communion and so have a full moral status, and others can be only objects of it, with a partial moral status. Here is what follows from the application of this principle to abortion.

First off, normal, adult human beings can be subjects of a communal relationship; they by their nature can think of themselves as a 'we', cooperate with others, sympathize with them, and help them for their sake. In addition, they can also be objects of a communal relationship, meaning that they are essentially the kinds of beings that can be thought as a member of a relationship or group, cooperated with, commiserated with, and aided. So, a typical pregnant human being has a full moral status, a dignity.

In contrast, a fetus instead has at best a partial moral status, depending on how far along it is in its development. Certainly by the sixth month (and probably a bit earlier), fetuses can feel pain and more generally have interests that enable us to have emotional reactions toward their flourishing (e.g., sympathy), to help them, and to do so for their sake. They might also have aims of the sort that animals do that we could either retard or promote. Since we can commune with them, but they cannot commune with us, they have a partial moral status at that stage.

However, zygotes, embryos, and very early fetuses probably lack a moral status, by the present principle.[3] Besides being obviously unable to exhibit identity and solidarity themselves, we also cannot do so with them; they lack the capacity to be communed with, even if they have the potential for it in the way a tree does not. They have no aims that we could support, and they have no quality of life for which we could care (even though they have life as such). It might be that characteristic human beings can enjoy a sense of togetherness, a sense of 'we', with an embryo or young fetus. However, if this capacity to relate does ground some kind of moral status, it is significantly less than that had by a third-term fetus, with which our capacity to relate is qualitatively greater.

Moral standing is one thing, and right action is another. Moving from considerations of how important an embryo or fetus is to how to treat it, the communal principle instructs an agent to honor a being insofar as it is capable of being party to relationships of sharing and caring. As the woman has a dignity, her urgent interests come before those of a fetus, so that if there were an unavoidable choice to be made between her life and that of even her third-term fetus, it would be permissible for her and medical professionals to make the tragic decision to abort.

Furthermore, abortion is permissible for less than urgent interests on the part of the woman, when there is merely an embryo at stake or when the fetus is very young. As the latter beings lack a moral status altogether, or at most have one that is very

[3] A view that starkly differs from some other interpretations of African moral thought, e.g., Tangwa (2007).

low, abortion would not degrade them, at least when done for the sake of the woman's ability to relate in other, more substantial ways, say, with her extant children.

I submit that this account of abortion fits the secular ethical judgment of many enquirers particularly well. As noted, the four principles and the ethic of care do not invoke an account of moral status, but such seems essential when having to choose between the urgent interests, such as the life, of the pregnant woman and her late-term fetus.

Furthermore, note that prominent moral theories that do invoke an account of moral status have unwelcome implications, at least for most interlocutors. Kantianism, which accords a moral status only to beings with the capacity for autonomy, counterintuitively entails that late-term fetuses (and new-borns) lack a moral status altogether. A utilitarianism ascribing full moral status to any being capable of feeling pleasure and pain counterintuitively entails that a late-term fetus has a moral status equal to the woman's, as does a principle of respect for human life. Although there are of course ways that these views can be adjusted to try to avoid these implications, the communal principle stands out for naturally being able to make sense of a gradational approach to abortion: a fetus lacks a moral status early on, since it is incapable of being communed with as an object, but acquires one later upon acquiring that capacity, albeit one less than the dignity had by the woman insofar as she can herself commune as a subject.

I cannot argue in this chapter that the communal principle makes the best sense of the abortion debate. I submit, however, that it offers a novel and reasonable account that should not be neglected and that demonstrates some of its explanatory power.

4.4 Ethical Issues in Reproductive Genetics

In this section, I address four major moral controversies in reproductive genetics, highlighting respects in which the communal principle either entails conclusions that differ from commonly held ones or grounds rationales for them that differ. Specifically, I consider some ethical issues regarding selective abortion, surrogacy when there is no genetic link between the fetus and its intended caregivers, enhancement, and confidentiality.

4.4.1 Screening and Selective Abortion

In the previous section I argued that abortion in the early stages is normally permissible, since the embryo or very young fetus lacks a moral status; it cannot be party to a communal relationship, neither as subject nor as object. Or at most it has a very low moral status, as a being with which we can (merely) share some emotional attachment, a status that is not enough to outweigh the moderate interests of the

mother, given her dignity. Does it follow from this that terminating a human pregnancy because the fetus lacks the desired sex is invariably permissible?

The mere fact that a being lacks a moral status, or has a low one, does not necessarily mean that one may treat it however one likes, as the treatment could wrong other beings that have robust standings. There are forms of selective abortion that I argue are probably wrong for this reason.

It appears possible to determine the sex of a fetus reliably at 7 weeks, by analyzing the fetal DNA that is present in the mother's blood. Note that, upon reflection, it would not *always* be immoral on balance to terminate a pregnancy in the light of this knowledge. Hypothetically, suppose there were a serious shortage of girls throughout the world, risking the demise of the human race, or imagine that a dictator required parents to have only girls for a 2 year period, on pain of death to them and the doctors if they had boys instead. These 'fantastic' thought experiments show that selective abortion is not categorically wrong, and that it depends on the purpose for which it is undertaken. If it were done to continue the human species or to prevent murders of beings with a dignity, it would be morally justified, on the whole.

However, other purposes are more suspect. If one were to abort a fetus because one thought that girls are worth less than boys – perhaps one believed they are less intelligent – then the action would be discriminatory. Although it would not wrongfully discriminate against the fetus, for it lacks a moral status, it plausibly would do so against females generally, a large majority of whom have a dignity.[4] It would treat females as 'less than', would convey a sexist judgment, which is wrongful even if, as in the present case, doing so would neither impair anyone's autonomy, nor harm or be uncaring with regard to anyone (remember that the fetus, although alive, does not yet have a quality of life).[5]

It does not follow that selective abortion should be criminalized. Not all moral wrongs should count as legal wrongs. After all, it would be unjust to put people in jail or fine them for seeking to adopt a child of a particular sex, even if they did so because they thought that members of that sex were smartest. For one, non-punitive reactions, such as education about biology and its influence on intelligence, would likely be sufficient to prevent selective abortion. For another, the scarce resources available to the criminal justice system should be directed against more serious wrongs, ones in which the victims are not females in the abstract, but rather are specific women, e.g., as in the case of rape.[6]

One might wonder whether the communal principle would prescribe (rather than proscribe) selective abortion since one sex is more disposed to commune as subjects

[4] This explanation differs from a more common, traditional one in the African context, which Segun Gbadegesin has articulated: 'The use of genetic knowledge for choice of sex is not looked upon favorably because it is considered tampering with the work of God' (1998, 193).

[5] One might suspect that the fourth principle, of justice, could account for the discrimination, but this principle is usually interpreted as a macro-level account of how to allocate medical benefits.

[6] I am open to the idea that part of what makes rape wrong is the more 'general' or 'group' consideration of sexism, of targeting women because they are women, but am suggesting that a necessary condition for prioritization with respect to criminal justice is the presence of a more specific, immediate victim.

than another. Suppose it turned out that females are on average better able than males to commune in virtue of their nature, not nurture. And then imagine that parents were inclined to select in favor of girls on that basis. Would the communal principle morally forbid, permit, or perhaps even require this form of selective abortion?

I believe it would forbid it. The principle instructs one to treat beings with respect in accordance with their capacity to be party to a communal relationship with us; it does not say to promote communion as much as possible à la consequentialism. Even if it were true that females were somewhat better able to commune than males, it would not be to such a degree as to make a moral difference. Just as degrees of moral status do not track degrees of rational capacity for the Kantian, so degrees of moral status do not track degrees of communal capacity, by my African-inspired ethic. Instead, everyone has the same dignity upon reaching some threshold.[7] So long as females and males were in the same ballpark with regard to the capacity to exhibit communion, as they indeed are, they both have a dignity, and it would be disrespectful, because discriminatory, to select against males, even supposing one did so in order to maximize the amount of communion in society.

4.4.2 Surrogacy without a Genetic Link[8]

In this section I set aside many controversies about surrogacy, such as whether there is something morally objectionable about using in-vitro fertilization or paying for a surrogate beyond compensation for her discomfort, loss of time, and the like. In contrast, I address the rarer question of whether it is permissible to arrange a surrogate to give birth to a child who will not be genetically related to one of the 'parents' who intends to rear it.

Imagine a couple that has tried for over a decade to get pregnant, but has been unable to do so. Suppose that he is sterile and she is now in her late 40s, without viable eggs and unable to gestate a fetus. And yet both still long to be involved with a child from the start, perhaps one that is likely to have some features similar to theirs. May they rightly use a surrogate mother who would carry an embryo fertilized by donor gametes that the couple has selected from a bank?

Considerations of autonomy straightforwardly ground an affirmative answer. In addition, so long as the child reared in such circumstances would have a life well worth living,[9] there need not be any maleficence or failure to care. The communal principle also entails the conclusion that it would be permissible to create a child

[7] With degrees of moral status below dignity being based on large differences of ability to be communed with, e.g., between a human baby, a cow, and a fish (on which see Metz 2012a, 399–400).

[8] Much of this section borrows ideas and phrasings from Metz (2014).

[9] As recent evidence suggests, cited in Metz (2014, 35).

without a genetic link to one of its caregivers, but for a different reason, roughly that there would be no disrespect of familial relationships in doing so.[10]

Other, more conservative thinkers such as Leon Kass have argued that such an arrangement would in fact undermine or otherwise degrade the family. Speaking of creating a child who would not have a genetic link to those who rear it, Kass says that techniques such as IVF and embryo transfer would serve:

> not to ensure and preserve lineage, but rather to confound and complicate it…Properly understood, the largely universal taboo against incest, and also the prohibitions against adultery, defend the integrity of marriage, kinship, and especially the lines of origin and descent. These time-honored restraints implicitly teach…clarity about who your parents are, clarity in the lines of generation, clarity about who is whose…This means, concretely, no encouragement of embryo adoption or especially of surrogate pregnancy (2002, 55–57).

Some of Kass's rationale is consequentialist, to the effect that when origins and parentage become opaque, the prospects of what he calls 'civilized community' (2002, 57) decline. However, another part of it is non-consequentialist and, specifically, a matter of the 'respect owed to our humanity on account of the bonds of lineage, kinship, and descent….The navel, no less than speech and the upright posture, is a mark of our being. It is for these sorts of reasons that we find the Brave New World's Hatcheries dehumanizing' (Kass 2002, 52–53). When people are foreseeably created without a genetic link to those who will take care of them, then for Kass they are objectionably treated as inhuman, or perhaps human nature in the abstract is degraded.

I believe the claim that such surrogacy would degrade human nature has been adequately criticized already (Buchanan 2011, 52–74; Metz 2014, 36–37). In any event, here I want to show that there are other conceptions of what is valuable about human nature and familial relationships that are plausible and ground a conclusion different from Kass'.

Although it is true that often traditional African peoples valued kinship, the present philosophical reconstruction of their partialism does not accord genetic lineage any ethical significance in itself. Social ties matter morally, while biological ties do not. More specifically, according to the communal principle, normal adults have a dignity in virtue of their capacity to be party to relationships of identity and solidarity. Treating them with respect means (in part) enabling them to actualize this capacity and taking care not to interfere with their actualizations of it, i.e., with the relationships themselves. And there is nothing genetically essential to these relationships, ones of enjoying a sense of togetherness with others, participating with them on a cooperative basis, and helping them out of sympathy and for their sake. Arranging

[10] This is another place where my reconstruction of African ethics might have implications that differ from the intuitions of traditional sub-Saharan peoples. Segun Gbadegesin remarks that they 'will not entertain any counsel against natural reproduction because of the belief that one should bear one's children' (1998, 188). However, later in the same text he suggests, 'Surrogate parenthood is not all that strange' for Africans since it is present in a way in polygamous marriages, in which African women have often helped to rear one another's biological children (1998, 193).

a surrogate to give birth to a child whom genetically unrelated caregivers would love does not appear disrespectful of such relationships.

In fact, just as the marriage of two people who are genetically unrelated to each other warrants respect (as a way to respect those party to it), so their creation and parenting of a child genetically unrelated to them merits the same kind of respect. Communion, not blood, is arguably what counts about family.

4.4.3 Genetic Enhancement

Is it morally permissible to modify individuals genetically in order to give them abilities beyond the norm? For example, if one could alter the DNA of an embryo so that the eventual child would be more intelligent, creative, or empathetic, would it be right to do?

Like selective abortion, there is no question that enhancements would be justified for certain reasons. As Stephen Hawking has pointed out, the sun will not last forever and in order to survive as a species we will probably need to modify our genes in order to be able to travel in space for long times in search of a new planetary home.

However, the harder question is whether enhancements are justified for less urgent purposes. A principle of respect for autonomy seems readily to entail an affirmative answer, as neither the parent's nor the child's autonomy would necessarily be impaired, or otherwise degraded, by the former authorizing genetic modification of the embryo from which the latter grew. In addition, so long as enhancements were safe, in the sense of not threatening the child's health or other facets of her well-being, the care ethic would appear to permit them.

In contrast, the communal principle provides some reason to doubt the moral permissibility of enhancing, or at least enhancing in a particular way. It grounds a criticism of genetic enhancement different from the usual suspects of contending that it would: degrade human nature qua biological configuration à la Kass (see the previous sub-section on surrogacy); consist of playing God; foster injustice in the form of greater inequalities between the rich and the poor; and evince base desires for perfection and total control. Instead, a principle requiring one to prize communion entails that enhancing would be morally objectionable roughly insofar as it put distance between people.

More carefully, one may reasonably suspect that enhancements would threaten to make it harder for people to share a way of life. Recall that one part of what is involved in this way of relating is enjoying a sense of togetherness, i.e., thinking of oneself as a 'we', cultivating a sense of 'who we are', feeling good about being with others, and appreciating and even taking pride in others' accomplishments. To be avoided are more divisive attitudes, of thinking of oneself as an 'I' as opposed to others, developing senses of identity that are defined in opposition to each other, disliking other people's presence, and being envious of others.

A second respect in which one can share a way of life, for many in the sub-Saharan tradition, is undergoing the same fate as one's fellows, at least in certain ways. As the most influential sub-Saharan political philosopher of the past 20 years remarks, African communitarianism 'advocates a life lived in harmony and cooperation with others, a life of mutual consideration and aid and of interdependence, a life in which one shares in the fate of the other' (Gyekye 1997, 76). The most salient examples in the African philosophical tradition are living with a family and participating in the rituals of one's society. However, there are plausibly additional ways to ride in the same boat, as it were. For example, if there were a choice of distributing two units of a burden on ten people or ten units on one person, the communal principle would prescribe the former, despite the fact that there would be double the aggregate amount of harm than the latter. Similarly, it would likely entail that it would be more apt to distribute one unit of a benefit on ten people rather twenty units on only one.

Now, enhancements would probably interfere with people's ability to share a way of life in these various ways, at least if some were substantially enhanced and others were not. First, large differences in abilities could be expected to impede psychological identification, as great inequalities of wealth tend to do. It is well known that it is harder to form friendly and loving relationships across class divides. In addition, studies show that large gaps between rich and poor tend to foster indifference to others' suffering on the part of the former as well as feelings of envy on the part of the latter. The present point is not the common one to make, that by allowing enhancements the rich would get biologically richer and become all the more superior, but rather that biological hierarchy would likely have negative influences on people's ability to share a sense of self with one another, like economic stratification does.

Second, if some were to enhance while leaving others behind, then those authorizing the enhancing would probably be failing to honor the value of undergoing the same fate. Giving a handful of people qualitatively superior intelligence, for example, would be akin to distributing a large amount of wealth on a minority, instead of opting for a more egalitarian and inclusive allocation.

I do not mean to suggest that honoring the communal value of sharing a way of life requires 'levelling down' or demands that everyone live identical lives. Rather, the point is that enjoying a sense of togetherness and undergoing the same fate can be important instantiations of this value, and that they would be much harder to realize if enhancements were distributed such that only some people received them and their abilities were noticeably greater.

Of course, there is nothing intrinsic to enhancements that would require that sort of distribution. Perhaps they could be allocated more equally. Or perhaps if they were allocated unequally, they would not facilitate *great* divergence in abilities. Or maybe if there were only some who were genetically gifted, the value of sharing a way of life could still be honored if they were to use their gifts to lift up others in society. Although there are these ways to avoid the concern about divisiveness, the point is that divisiveness is a relevant moral concern on the face of it, and that it has not been salient in discussion about the ethics of enhancement. The communal

principle highlights an under-theorized objection to genetic enhancement, an objection that, if it does not forbid it altogether, would require that it be undertaken in certain ways rather than others.

4.4.4 Confidentiality Regarding Genetic Tests

Upon having given informed consent to undergo a genetic test, under which circumstances may the tester disclose the obtained information to someone other than the one tested? When may the tester share the genetic data with a third party supposing the one tested has not given consent for him to do so?

There are a variety of cases discussed in the literature, but I focus on two. First, suppose that a mother is concerned about passing a serious disease onto her offspring, and a genetic test reveals that she indeed has one (which may or may not be the initial one in which she was interested). Suppose, too, that it is a disease that her siblings likely also have, unbeknownst to them. Under which conditions may the tester tell her siblings?

The second case concerns paternity. Imagine that a genetic test reveals that a woman's male partner incorrectly believes that he is the biological father. Under which conditions may the tester tell him that he is mistaken?

There are two dominant answers to these questions in the western literature. On the one hand, some maintain that the privacy of the individual is paramount, such that genetic information may not be disclosed to third-parties unless doing so were necessary to prevent an imminent serious harm to them. Respect for autonomy is of course the main rationale for this restrictive approach, but sometimes a concern 'not to disrupt families' is also given as a reason not to disclose. On the other hand, some maintain that, while individual privacy matters, public goods often matter more and more frequently permit infringing an obligation to keep the information secret.

The communal principle entails an approach that is distinct from both of these. According to it, the one tested has strong obligations to aid those with whom she has intensely communed, roughly, family members. Aid can come in the form of promoting their health and other needs, but it can also be a matter of fostering their self-realization as communal-moral beings. That is, a particularly important way to help one's family members is by enabling them to exhibit identity and solidarity with others. And identifying with others, recall, is neither the mere absence of force and fraud, nor even the mere presence of peaceful interaction. In addition, genuinely *sharing* a way of life with others means relating to them on the basis of knowledge of fundamental facts about their history, and so can require revealing truths known to one party and not yet to another.

Furthermore, because the individual's duties to aid family, including what westerners call 'extended' family, are weighty (Gyekye 1997, 61–75), it is reasonable to deem family members to have a stake in becoming aware of her illness and playing a role in discussing how she ought to treat it. Such is the view of several other bioethicists

working in the African tradition (Gbadegesin 1998, 194; Kasenene 2000, 349–356; Dube 2009, 170–171; Murove 2009, 192–199; cf. Metz 2010b, 160–161).

Consider, now, some of the implications of the communal principle for the first case, regarding a serious disease revealed by genetic testing that the mother's siblings probably also have. Central to consideration of whether the tester may disclose this fact to the siblings is the point that the mother has an obligation to do so. If she did not do so, she would (probably) be dishonoring the communal relationship. Just as slaughtering a goat and failing to offer some of the meat to one's family would be considered theft by many traditional African peoples (Metz and Gaie 2010, 278), so failing to offer one's brother or sister weighty information one has acquired about their health is wrongful.

In contrast to the 'pro privacy' approach mentioned above, the communal principle entails that ignorance on the part of the siblings would itself partially constitute a 'disrupted' familial relation. Disruption is not merely a matter of bad feelings by the communal ethic, but is also a function of the absence of beneficent treatment. And in contrast to the more permissive approach, the communal principle does not reduce the moral considerations that the tester must weigh to a duty not to harm the patient and a duty to help her siblings, à la the four principles; in addition, the fact that the former would be wronging the latter in not telling them is a relevant ethical factor.

It does not *obviously* follow that a tester may disclose the information. However, the communal principle entails that there is more moral reason to do so than normally highlighted by the dominant approaches in the literature. The tester would have reason to urge the one tested to share the information with her siblings. In addition, the tester would have reason to urge the siblings to speak with the one tested about the results of the test. It could also be, in the final analysis, that the tester should tell them about the results, for the sake of their relationship with the one tested, if it were unlikely to become one of aid on its own.

Now consider the paternity case. Like the restrictive, 'pro privacy' approach mentioned above, the communal principle entails that familial relationships matter morally, and, indeed, for their own sake. That means that a broken family would be a serious ethical cost. However, unlike that approach, the communal principle also entails that there is a moral cost to a relationship based on the withholding of important truths such as paternity. The mother has a duty, of some weight, to the one who thinks (because of her) that he is the biological father to inform him that he is not. It does not immediately follow that the genetic tester may tell the partner if the mother failed to do so. However, the tester would probably not be wronging *the mother* if he were to disclose to the partner, supposing she were refusing to, with the more salient moral concern being the likelihood of the prospective child not having enough support.

Such an approach differs from the more permissive one mentioned above, in that the latter would normally weigh the mother's interests against those of the father. However, by the former, communal ethic, for the tester to disclose to the mother's partner would not be to disrespect her capacity to commune, i.e., her interests carry less weight since she is not respecting her partner's capacity to commune.

4.5 Conclusion: The Promise of the Communal Bioethic

I close this chapter by briefly highlighting what has made the communal ethic, grounded on African relational ideals, distinct from and appealing in relation to the four principles and the ethic of care, the dominant western approaches to right action in bioethical contexts. According to the former principle, one is to honor individuals in virtue of their natural capacity to commune, i.e., to share a way of life and to care for others' quality of life. A being may be able to exhibit communion, in which case she has a full moral status or a dignity that demands respect, or a being may be able merely to be communed with by us, in which case it has a partial moral status that also deserves some (albeit lesser) consideration.

Neither the four principles nor the ethic of care typically invoke the concept of dignity (or even moral status), while the relationality of care is merely welfarist, lacking the dimension of sharing a way of life. For every bioethical matter discussed in this chapter, the key concepts of dignity and relationality were invoked and, I submit, made prima facie good sense of how to understand each of them. Recall that among the key claims were that: a moral status of a fetus becomes greater with its development but remains short of dignity; aborting individuals of a certain sex would, while not wrongly them, disrespect other, dignified beings of that sex; arranging a surrogate to give birth to a child genetically unrelated to its caregivers would not degrade people's capacity to relate in a familial way, i.e., communally; genetic enhancement is morally suspect insofar as it would make it more difficult for people to share a way of life; and when deciding whether to infringe a duty to maintain confidentiality, the fact that the patient has failed to respect her communal relationships in not sharing information is a morally relevant factor. Supposing the reader finds these claims and those like them to be worthy of consideration, this chapter has shown the communal ethic to be a promising new approach to thinking about the ethics of human reproduction.

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