

## Chapter 9

### Stem Cells, Pluralism, and Moral Empathy

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*We needn't lose sight of how much moral agreement is lurking on the background, nor need we interpret this agreement as a matter of brute, blind luck.*

Susan Wolf

#### 9.1 Introduction

[121] In discussions about the use of human embryos for stem cell research (Human ES-cell research) there is often a deeply felt disagreement as to what we may or may not do with human embryos. Participants in the debate try to defend their case and to convince others. In many cases such attempts are fruitless and do not bring the parties any closer. Hence, opponents and advocates of Human ES-cell research get [122] entrenched in fixed positions. Here, as in other burning issues such as euthanasia, or resorting to violence, the parties sometimes seem to represent different moral universes. It comes close at hand to conclude that morality is a matter of unbridgeable differences between subjective moral positions and that moral disputes are to be solved by procedural means only. Why discuss any further?

The first purpose of this essay is to challenge the view that deep and lasting differences are the result of mere subjective preferences. Moral plurality may better be explained as an expression of *shared* moral values which transcend these preferences. The most important hypothesis is that when parties advocate different actions and policies, this neither means that morality is a matter of mere subjectivity, nor that in such cases only one party is necessarily right and the other wrong. Perhaps both are right, or partly right. If this is correct, a debate is not only possible and meaningful, but also necessary, even if this does not always guarantee rapprochement. In the second part of this paper (starting in Section 5) I argue that we need a mental capacity to make such pluralistic thinking possible in practice: moral empathy.<sup>1</sup>

#### 9.2 Long Live Pluralism?

If there is lasting and deep disagreement about moral matters we often use the terms, 'plurality' and 'pluralism.' Although the terms are sometimes used as synonyms, there is an important difference between them: whereas 'plurality' merely points to the existence of multiple views and normally carries no evaluative connotations, 'pluralism,' like most 'isms,' does. The Dutch ethicist Frits de Lange describes pluralism as a 'manner of thought which accounts for the existence of differences and which knows how to appreciate them' (De Lange 1995). Pluralism, he argues, is a 'normative scheme of interpretation' which does not strive to reconcile opposing views at all costs. Between competing claims, there need not to exist a relationship of exclusion or hierarchy.

Pluralism is a theory of resistance against every form of monism, both religious and secular. Pluralists in ethics share the conviction that the plurality of values to which people adhere should

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not be considered as a factor of loss but rather as an asset to the benefit of the good life, even if these values are irreconcilable. Ethical pluralism always speaks about morality in plural: there are more morals and this is a good thing to be [ . . . ] Therefore: long live pluralism! A non rigoristic morality without *God's eye point of view*, without the total transparency of reason, but still with a minimal basis, a solid bottom line, a basic morality with two floors: a pluralistic upper store, on which a thousand private flowers may bloom, and a public basic morality which cannot be compromised.<sup>2</sup>

[123]The British philosopher of religion Brian Hebblethwaite shares this positive view on plurality. He admits that plurality is not always a feast, especially when it is caused by scarcity, irreconcilable interests, and deficiencies in moral knowledge. But his main arguments for embracing plurality are stated more positively: each person has a unique individuality; different people have different personal vocations in life; if we defend the possibility of supererogation, this implies that more than one choice can be called 'morally right'; different circumstances make for different modes of interpersonal and community life, and cultural differences yield different forms of excellence; and, finally, different stages in personal growth and historical development may yield penultimate forms of goodness. The quest for a perfect and united morality not only flies in the face of how the world 'works,' but also yields a morality in which the best is made the enemy of the good: if we always opt for the best without being prepared to settle for the second-best, we may end up empty handed (Hebblethwaite 1997, 56). And even if full perfection *would* be reached, there would still be a plurality of goods: God's goodness is in itself differentiated and brings forth a myriad of finite, contingent, human goodness [65]. Hence, Hebblethwaite prefers to refer to plurality as 'varieties of goodness.'

There is undeniably an intuitive appeal in these arguments for a positive attitude towards plurality. After all, new and unexpected expressions of goodness are often a reason for joy and amazement. Moreover, the views represented by De Lange and Hebblethwaite are coherent with the view that morality is rooted in an objective reality which surpasses subjectivistic convictions. The recognition that there may be more than just one moral good involved is one of the keys to depolarize a complex moral debate.

Pluralistic theories thus offer promising perspectives, but before we can explore their relevance and value for the debate on Human ES-cell research, we need to be able to see the problems of pluralism. Competing claims and irreconcilable values present not only blessings but heartbreaking dilemmas and persistent questions as well. What is to count as a 'good'? Do *all* well-considered moral convictions represent a 'good'? Which good should prevail in case of a conflict? Which part of morality is the field of the thousand flowers and which is the part that is nonnegotiable? And if differences in opinion continue to be deep and divisive, how are we to make decisions in the field of public policy?

Before these questions can be addressed, a more basic question needs to be considered: what does the existence of moral plurality tell us about the plausibility of the different positions? Can people make different claims and be right at the same time? Or are questions of plausibility and rightness futile here, because pluralism implies that morality is a matter of subjective choices? Suppose A finds purely instrumental use of embryos always wrong whereas B considers the prospect of medical breakthroughs a justification of their instrumental use. The first possibility is that either A or B is right. This may be convenient for both, since that implies that their views are not subjective expressions of individual preferences. Meanwhile, of course, both assume that their own opinion is the right one and the other is wrong. The alternative would be that perhaps *both* are right or partly right. But is this possible while still affirming morality's objectivity? Can we argue that opposed views may both be called 'true' without ending in relativism and even subjectivism?

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<sup>2</sup> De Lange 2003, 45. De Lange, who here uses John Kekes (1993, 11), articulates this basic morality in the form of three principles: integrity, respect, and safety.

### 9.3 *Two Levels of Pluralism*

[124]In an instructive article in *Ethics*, entitled, 'Two Levels of Pluralism,' the American moral philosopher Susan Wolf elaborates two concepts of the term pluralism: 'pluralism without relativism' and 'relativism without subjectivism' (Wolf 1992). These concepts have differences as well as similarities. Both keep clear of the extremes of subjectivism and absolutism.

#### 9.3.1 *'Pluralism Without Relativism'*

The first kind of pluralism is 'pluralism without relativism.' According to Wolf, one may be a pluralist without embracing relativism (i.e., the view that moral truth depends on moral contexts). Even those who reject a context-bound morality may sometimes have two or more mutually exclusive options to choose from. Some rigoristic versions of Utilitarianism, Kantianism, and Divine Command theories do not know this possibility, since they all have one or more clear and independent principles which tell us what to do in the case of a dilemma. The pluralist does not always have such a principle. Wolf quotes Bernard Gert, who offers an analogy between the question, 'what is the best policy regarding euthanasia?' and the question, 'who is the best hitter in the major leagues?' The answer to the latter question depends on which quality, or combination of qualities, is taken into consideration: is it the number of home runs of a player? The highest batting average? The number of RBI's ('Runs Batted In')? Despite all these open questions, however, this much is evident: certain players do *not* qualify as best player. Undecidedness has nothing to do with subjectivism (Wolf 1992, 790; Gert 1988, 54). Too much attention to the problems in establishing the right decision criteria tends to divert our attention from the shared, objective basis: 'We needn't lose sight of how much moral agreement is lurking on the background, nor need we interpret this agreement as a matter of brute, blind luck' (Wolf 1992, 791).

Pluralism on this level occurs inside one person or within one normative system. This explains not only the existence of moral dilemmas for individuals, or of Gordian knots within a moral community, but also the occurrence of moral conflicts within a normative theory, worldview, or religion. This kind of pluralism keeps clear from subjectivism and needs in principle not to be relativistic. In what follows, I will call this kind of pluralism 'value pluralism.'

#### 9.3.2 *'Relativism Without Subjectivism'*

Next, Wolf identifies a pluralism which is prepared to accept relativism, but which still keeps clear from subjectivism. This 'relativism without subjectivism' entails [125]the view that several plausible moral systems can exist side by side. Wolf uses the example of the movie *Witness* (1985). In this movie, John Book, a policeman on the run played by Harrison Ford, finds refuge in a strictly pacifistic Amish community (Wolf 1992, 792ff). When Daniel, one of the Amish, is being harassed and humiliated by an outsider and does not defend himself, Book steps in and hits the aggressor with a fist in the face. Instead of praising Book for his assistance, the Amish Daniel reacts: 'It's not our way.' Wolf argues that if we agree that both the Amish pacifism and the justice-oriented ethic of the policeman have some plausibility, we adopt another kind of pluralism: pluralism which does embrace relativism without becoming subjectivistic. There may be several moral systems which all have a certain normative appeal and which fall within the range of *acceptable moral codes*, even if their plausibility depends on specific contexts such as religion or culture. The fact that certain systems (like Nazism) fall outside the range of acceptable codes indicates that the criteria for moral rightness are more than subjective [796]. Whereas the first level of pluralism is pluralism within one system and addresses the existence of different values *within* that system, this second pluralism affirms the truth in more than one system. Hence, we may here apply the term, 'systemic pluralism.'<sup>3</sup>

Both kinds of pluralism thus work from the assumption that, despite the fact that opposed moral

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<sup>3</sup> It may be useful to note that the two levels of pluralism are not mutually exclusive: a systemic pluralist can, within her own system, be a value pluralist; the value pluralist can, apart from his own system, accept the plausibility of other systems.

choices may both be true, their truth is more than subjective only. 'If the subjectivist can be understood as denying the existence of moral truth, the pluralist is better interpreted as believing that, though there may be a moral truth, the truth will be more complicated than one might have wished' [789]. Subjectivism considers moral judgments to be individual expressions of individual attitudes which, apart from being sincere, lack grounds that are valid for persons other than that individual. For the subjectivist, at the end of the day 'anything goes' [786]. The pluralist may find it hard to tell which option is the best but does not say that *all* options are right. What is rejected in Wolf's account of the two pluralisms is not objectivism, but absolutism: the view that in any given situation there is always only one right action or policy.

#### 9.4 Value Pluralism and Systemic Pluralism

It is here that we leave Wolf and, with the help of the distinction between two kinds of pluralism, come closer to exploring their relevance for questions regarding Human ES-cell research.

##### 9.4.1 Value Pluralism

[126]Value pluralism implies that in some cases more than one action or policy can be justified on the basis of one and the same set of values.<sup>4</sup> This can have several causes. First and foremost, it is not always possible to realize all values at the same time. Sometimes one value can only be promoted at the expense of another. It may not always be clear what the relative weight is of the values in the case of a collision. In the case of Human ES-cell research we have on one side values such as the search for new treatments for diseases, the development of medical knowledge and skills, the promotion of science and culture, all this backed by the autonomous consent of the donors; on the other side stand the value of embryonic life, the concern to prevent human life from becoming medicalized and instrumentalized, and respect for 'natural processes.'

Whatever the outcome, choices between irreconcilable values often lead to feelings of moral unease. Cancelling an appointment with a friend because something more urgent has come up may cause such feelings, but not cancelling the appointment may cause a similar frustration. Whereas the absolutist suppresses such feelings by reminding himself that he can only have one duty at a time, the pluralist is not so confident. To him, feelings of regret are a reminder of the existence of a plurality of values and of the need to solve future collisions in a way as respectful as possible to *all* values involved.

It is important to note that collisions between values may be settled in more than one way. The first is *prioritizing*: when different values call our attention and we can only promote or save one of them, we have to decide which value will remain unattended. An example may be the decision to save humans first and animals last in a flooding disaster. The second is *threat removal*. This may occur when one value poses a threat to the existence of another, and when it is decided to remove or destroy the threatening cause. An example is abortion of a fetus which threatens the life or health of the mother. A third way to settle a conflict is *sacrificing*. Here, the value that is overridden does not present a threat to the existence of the other value, but the latter would benefit from the purely instrumental use of the former. An example is animal experimentation performed in search of an effective cure for a life threatening human disease. Of these options, sacrificing is the most drastic one and carries the heaviest 'burden of proof.' Solutions in which all values are treated respectfully are clearly to be preferred above solutions which imply the destruction of a value. Since Human ES-cell research involves the sacrificing of a value, we will come back to this below.

Value collisions can take place both within a person and between persons. Evidently, the more persons that are involved and the more complex a community is, the greater is the number of potential collisions. What binds together in value [127]pluralism is the affirmation of each or most of those commonly held values, even if they cannot all be promoted simultaneously. Different choices may be

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<sup>4</sup> For the sake of brevity, I prefer in this essay to use the term, 'value.' In most cases it can also be read to mean other normative considerations, such as ideals, norms, principles, rights, duties, or virtues.

made, but the parties realise that those who choose differently may do so on the basis of a moral framework which is much like their own.

Value collisions are only one cause for differences in views within a value system. Even when there is consensus which value should prevail, there may still be discussion how this value is to be realized in a complex and changing reality. Dissensus may also exist about the question whether or not new insights from the sciences are allowed to influence our morality. Do findings from modern embryology justify a change in our view on the value of unborn life? Does, for example, the fact that only a minority of natural conceptions leads to a full-term pregnancy imply that embryos have less value than developed fetuses? And does the fact that a fetus cannot experience pain before a certain stage in its development mean that instrumental use before that stage is less problematic? (Cf. Schroten 1988 and 2000)

#### 9.4.2 *Systemic Pluralism*

Much of what has been said about value pluralism can be said about systemic pluralism, but the differences go deeper. Parties take different values to be the 'core' value around which all other values revolve. Values which one party holds and cherishes are irrelevant or even considered wrong by another party. The balances made are consistently and drastically different. We need only to compare arguments based on a Divine command theory (in which 'obedience' is a central virtue) with arguments in which individual autonomy features as the core moral value; or we can compare radical pacifism with just war theories.

Even in systemic pluralism there is some appreciation for those radically different views. For such appreciation to be possible, the different parties must share some of their convictions, especially when it pertains to human rights. But the common basis is thinner. People belonging to different systems are likely to have a harder time to imagine others making different choices because the arguments and motives behind these choices are to a large extent external to them.

Three remarks may be helpful here. First, it comes close at hand to assume that 'value systems' refer to religions, ideologies, or worldviews, but there is no synonymy. Sometimes people who adhere to one and the same worldview seem to belong to different value systems: compare, e.g., the different views which liberal and conservative Christians have on same sex relationships, or compare the different views which Dutch or Swedish Humanists have about assisted suicide. On the other hand, followers of different religions sometimes come remarkably close to sharing one value system.

Secondly, clear cut distinctions between value pluralism and systemic pluralism exist only in theory. In practice, the transition will be fluent. On one occasion people may sense that they share a system of values whereas on another occasion the prevailing sense may be one of alienation. The distinction may nevertheless be [128]useful in order to sound the depth of a dissensus and to explore the chances for reaching some form of consensus.

Thirdly, it is important to notice that we are speaking about pluralism, not plurality. That means: the focus is on moral discourses in which the participants have some *appreciation* of the possibility that moral truth may be plural. When the parties insist that only their choice, value, or value system is the right one, we are hardly speaking about pluralism but rather about a plurality of absolutisms. The prospects for a real ethical encounter between such parties are meagre. It should be noted that Wolf herself stresses that her typology does not imply that pluralism in any of those forms is desirable. Unlike her, I would like to make a moral assumption about plurality: discussions about any substantial moral issue with a social or political dimension should preferably take place under the affirmation that morality is pluralistic. When parties exclude the possibility of moral truth outside their own choice, 'moral' disputes will be settled by an 'agreement to disagree,' by a peaceful coexistence, perhaps even by authority, power, or brute force.<sup>5</sup> Pluralism offers a mid-way between the two extremes of absolutism and subjectivism.

Let us thus assume that in order to be able to have a meaningful moral debate about the morality

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<sup>5</sup> Of course, such solutions are sometimes unavoidable and helpful, but they should be preceded by attempts to attain mutual understanding of both our differences and our similarities.

of Human ES-cell research, we are aware that others make different choices and that they have good reasons to do so, that is to say: they are neither epistemically impaired (or simpleminded) nor morally reprehensible (or bad). In a mild form, disagreement as to the morality of Human ES-cell finds its cause in a conflict of values which in themselves are 'good' values; in a more radical form, it is the result of a conflict of value systems which in themselves are 'plausible' systems, i.e., they fall within the 'range of acceptable codes.'

### 9.5 *Moral Empathy versus Moralism*

But observing and appreciating the existence of different values and views is not sufficient. Thinking pluralistically needs to be a habit of mind *and* heart. To be able to understand and appreciate the valuing and weighing that others make, we need 'empathy': a capacity to imagine the arguments and motives of the other 'party,' a willingness to discern the truth in them, all in the presupposition of the other party's moral and intellectual integrity.

One of the ways to outline moral empathy is to take a closer look at what I here assume to be its counterpart: 'moralism.' Most definitions of moralism involve notions such as 'narrow-mindedness,' 'conventionalism,' 'knowing what is best for another person,' and 'judgmentalism.' Clearly, it is not enough to define 'moralism' as the habit of telling others what they ought to do. If the friends of an alcoholic try to talk him into seeking professional help, that qualifies them as responsible fellow [129]humans rather than as moralists. A person's firm conviction about moral truth and moral falseness does not qualify him as a moralist, not even when his truth regards others. Old Testament Prophets such as Moses and Jeremiah are seldom seen as moralists. They are reluctant to announce the Divine judgment over injustice and once they *do* speak, they do so with sadness and tears. Perhaps the moralist can be recognized by the triumphant smile on his face: he rejoices over his own rightness and over the other's wrongness.

This is where our analysis of the concepts of pluralism comes in: the moralist is unable or unwilling to see the values he has overlooked, removed, or sacrificed, but which nevertheless, in a way, are still there. Opinions different from his own, the moralist may find old-aged or modernistic, not to mention stupid or demonic. He is not interested in the arguments and motives of those with whom he disagrees. The moralist may be right in making unequivocal and brave moral choices, but is wrong in assuming that decisions are and should always be supported only by arguments in favor and that an alternative outcome has no positive sides at all.

In contrast to moralism stands moral empathy. Moral empathy neither precludes clear positions nor does it exclude a deep concern that others are making wrong choices. But unlike the moralist, the empathic person knows that morality is a complex field in which choices may sometimes be dilemmatic if not tragic. He knows that his own position may have its own dark sides and cast its own shadows. He knows that not everyone is prepared to make the sacrifices he advocates. Moreover, he is all too aware that he is a fallible human just as anyone else and thus susceptible to making false claims. And he is aware that his opponents are not necessarily at fault – neither morally, nor intellectually.

Although empathy normally functions within social relationships, the moral empathy meant here starts on the individual level. When an individual makes up his mind about a moral issue, this is often the result of a process of discerning and balancing. Even daily actions of minor importance may involve such a weighing. Sometimes it takes a long time to make up one's mind: prior to a decision, one may be torn between opposite directions. When a conviction is reached, this may come as a relief and as a stimulus to focus one's attention on other matters. Still, the values which one has decided to override have not ceased to exist and may thus need our attention and respect. Moral empathy means here: the creative and imaginative effort to remember those values. Its opposite, moralism, means: once having made up one's mind, one reframes the moral issue and rewrites history in a way which affirms the final decision. The moralist thus downplays or forgets the values he decided to override. In hindsight, he wonders about his own narrow-mindedness and rejoices about his newly gained moral insight. Moral empathy is on this level not a social skill; it is a way of dealing with our own values, our own past, i.e.,

in full respect for the concerns we had before making up our minds.

On the basis of this account of what moralism and moral empathy mean on the individual level, it is possible to imagine what they mean on a *social* and a *historical* level, i.e., when our opinions conflict with the choices of other people in our political and societal community, or when they deviate from choices that were common in times different from our own. Empathy means here: awareness of the values which [130]motivate the choices of others now and formerly (this includes being conscious about the values which steer our own choices). Historically, moral empathy takes the form of awareness of, and respect for one's personal and cultural traditions back in time.

## 9.6 *Moralism as Forgetfulness*

Individuals and communities do not always keep in mind the values deemed necessary to override. The Dutch debate about euthanasia<sup>6</sup> before and after its legalization may serve as an example. In 2001, the Netherlands was the first country in the world to adopt some form of legislation on euthanasia.<sup>7</sup> Morally, euthanasia is not much different after 2001 than it was before. In either case, there is a value collision between the patient's well-being and his autonomous wish on the one hand, and moral considerations such as a preference for a 'natural' death, the duty to protect life, and concerns about the professional ethic of the physician, on the other. Despite the ambiguous character of euthanasia before and after its legalization, something close to moralism has occurred in the minds of some.

A few examples may serve to illustrate the point. When the Dutch Parliament voted on the issue, a crowd of 10,000 people demonstrated in protest, an unusually high number for an issue which does not involve socioeconomic interests. The Minister of Health, a fierce advocate of the law, refused to receive a delegation of the protestors. Four days later she declared in an interview: 'Unfortunately, I have lost every form of contact with the opponents, with people who think like they do' (*NRC Handelsblad* 2001). Not much later, a pastor invited me to lecture on the ethics of euthanasia. At my enquiry about his expectations of such a lecture, he confided: 'Well, we all know that no sensible person in this country is opposed to euthanasia, don't we?' I explained to him that the new euthanasia law is not meant to solve the value conflict once and for all: the only thing this law *does* is open just one more option for settling the conflict. On another occasion, the ethics committee of a psychiatric hospital had gathered to develop its policy on physician assisted suicide. When the chairperson proposed a round for inventarizing the policy options for the hospital (from a 'No, never' to a 'Yes,' and everything in between), one member protested: 'Why do we have this conversation? After all, euthanasia is legal now, isn't it?' A fourth example is taken from a social facility in my hometown. When one of the employees, a young man with a mild mental handicap, was told that his boss, who had cancer, had died from euthanasia, he was shocked and reacted emotionally: 'How could this happen? A human person is not a dog!' The deputy chief considered this remark to be so off-limit that he sent the young man on leave for several weeks. Despite the fact that the 'forgetfulness,' or moralism, which typifies all these examples, [131]is hardly condoned by any of those who reflect professionally on the topic of euthanasia, the fact that these examples happen, is symptomatic: once a value collision is 'settled' in one way or another, a page is turned and the previous pages are no longer present in the minds of many. History is, even here, written by the winners.

We can only make guesses as to what causes people to forget the values and moral considerations which once played an important role before reaching a decision. Perhaps it is because life goes on and new decisions deserve our attention. It is hard to keep in mind all the considerations we had before reaching a more or less final decision. Moreover, others rightly expect us to stand for the choices we made. To some, showing concern about the values one has sacrificed is tantamount to admitting that one may have been wrong. It runs counter to our sense of pride to express afterthoughts once we have gone through a painful process of making up our minds. Another reason to 'forget' overridden values is

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<sup>6</sup> In what follows, the term, 'euthanasia' means both euthanasia and physician assisted suicide.

<sup>7</sup> The Australian Northern Territories' euthanasia law in 1996 was overruled in 1997. Belgium followed in 2002.

of a social nature. Once having made up our minds on a contested policy, we often belong to ‘camps’ of allies or adversaries. Those who belong to one camp are no longer expected to identify themselves with their opponents. Finally, there are meta-ethical reasons for forgetting overridden values. According to Richard Hare's principle of overridingness, there can be no conflict of moral duties since only one duty can be our moral duty.<sup>8</sup> If a maximum of preference satisfaction can only be reached by sacrificing certain values, this is what needs to be done. A similar mechanism may be at work in some versions of a theory of the Divine command: when God asks us to do A rather than B, we need not worry about not doing B.

Still, there are other reasons for *not* forgetting ‘where we came from.’ The most important one is this: if we agree that values in some way transcend subjective preferences, a value which has become overridden has not ceased to be relevant, let alone ceased to exist. When as a result of a complex weighing process one value or a set of values ‘loses,’ there is no reason to assume that it should be removed from the moral forum altogether. In that drastic case, moral absolutism would have replaced a free and pluralistic moral debate. Empathy may serve as a heuristic instrument for being aware of the presence of overridden values. Moreover, it can keep us keen on the need to avoid value-clashes in the future or to settle them in such a way that they involve as little value-sacrificing as possible.

### 9.7 Embryos: Which Values Are at Stake?

Many of the values brought forward in the debate about Human ES-cell research are shared by both opponents and advocates. The most important argument in favor of such research is the promotion of the value of health. The importance of this [131]value can hardly be overestimated, especially since a medical breakthrough with the help of Human ES-cells could mean a revolution in the life quality of considerable categories of patients. Moreover, health is a prerequisite for the flourishing of other values, such as happiness and autonomy. Besides, there are the value of scientific progress in knowledge and skills, and the value of cultural progress. Last but not least, there is the economic value of this kind of research: if successful, Human ES-cell research could lead to a ‘growth industry’ analogous to animal biotechnology and computer technology.

No doubt, the most important value which speaks against Human ES-cell research is related to the human embryo. Here, personhood is both the most important and the most contested value. It is contested because there is no consensus about what we mean by ‘personhood,’ nor about the criteria for affirming its presence in embryos. And it is important because, if the human embryo is a person, this would justify a ban not only on creating embryos for Human ES-cell research, but perhaps also on any research which destroys embryos. But the concentration on the contested issues of personhood should not keep us from seeing some other considerations. Even if we cannot confirm that an embryo is a person – or if we positively deny its personhood –, we may still have reasons to protect it. Embryos are in some relevant respects similar to human persons; embryos normally stand in one continuous development to human persons; with or without such continuity, embryos are potential persons; they belong to the human species; and they represent the dignity of the parents.<sup>9</sup> Apart from that, we may want to protect human embryos out of respect for natural processes preceding the formation of a human person, out of religious reasons, or out of caution – *in dubio pro embryone* (also known as tutorialism; Damschen and Schönecker 2002, 187). We may find it a cultural value to keep certain taboos, just as there is a taboo on eating human corpses. We may also want to protect the embryo out of respect for what people before us have assumed to be the case; or out of respect for those around us whose beliefs we don't share, but whose value system still belongs to the ‘range of acceptable codes.’ To be sure,

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<sup>8</sup> Hare 1984, 24. Hare still allows for the possibility that overriding a value leads to feelings of regret. While prioritizing or sacrificing (utilitarians, by the way, do not assume a difference between the two) does not justify a sense of guilt, he argues, we may still feel sorry (Hare 1984, 28).

<sup>9</sup> Damschen and Schönecker (2002) speak about the so called SCIP-arguments: embryos belong to the human *Species*; there is a *Continuity* between embryos and human persons; embryos are morally *Identical* to grown up people; and embryos are *Potential* people.



when we cannot affirm, or when we positively deny personhood in an embryo, an important reason for its protection is demented. But that does not mean that embryos have ceased to have an intrinsic value at all.

Many of those who advocate the use of embryos for research purposes are still aware of the values they sacrifice (and which they may still be holding). A leading scientist specializing in Human ES-cell research remarked: 'When I look through a microscope and see a human embryo, I experience a hundred times more reverence than if I were looking at an animal embryo.'<sup>10</sup> She displayed the kind of empathic thinking advocated here. Reversely, those against Human ES-cell research should be aware of the plausibility and the urgency of the arguments in favor.

[133]Although the risk of forgetfulness and moralism thus exists on all sides, we should point to a possible asymmetry here. Values in connection with the embryo may, once overridden, be more at risk to be forgotten than the values of medical and scientific research and the value of health of patients with degenerative diseases. The latter values are not only brought forward by patient organizations and research lobby groups, but are also supported by a broadly shared tendency to define 'morality' exclusively in terms of pain, pleasure, and autonomy. Values connected to embryos lack any of this support. Neither patients nor any group of researchers is likely to benefit from the protection of human embryos.

## 9.8 *Final Remarks*

The intensity of discussions regarding Human ES-cell research points to the 'existence' of multiple and sometimes colliding values. There are deep and lasting disagreements as to which values are involved and about the proper way to balance them. Still, all these disagreements do not warrant the conclusion that morality is a matter of mere subjective preferences. As long as the parties agree that some outcomes are wrong, and as long as debates take place on the basis of arguments, there is some awareness that morality has a basis which surpasses the subjectivity of human preferences.

The conviction that the different values brought forward in the debate have an objective basis does not have to lead to absolutism. There may be a 'variety of goods' which collide as a consequence of scarcity, finiteness, and tragedy. Moreover, the human capacity for discerning what is valuable and right is limited and distorted. Thus, debates about Human ES-cell research will benefit much if different parties in the debate keep in mind that rightness is not always an either-or issue, and if they try to empathize with the views held both by others and by themselves in the past. If we try not to forget the values we deemed necessary to sacrifice, we may in the future remain open to the development of alternatives in which both the value of the human embryo and the value of science, medicine and good health are safeguarded.

The objective basis of morality enhances the prospects for a debate on the basis of arguments about a number of questions: what are the presumptions behind the value ranking we make? Are there values we have overseen? What is the effect of sacrificing one value on the respect we have for other values? Can we find scenario's which do not involve the sacrificing of any values? And how do we find policies which are respectful with regard to different views?

Public policies on sensitive ethical issues should in some way reflect this plurality of views and the plurality of values which is present in a society. Let us imagine that a government, after a careful process of deliberation, has chosen a certain policy. Whether this is a 'Yes' or a 'No,' it follows from our analysis of pluralism that such a policy should in some way reflect an awareness of the existence of a value conflict. It should reflect respect for values which were overridden or sacrificed, [134]respect for those who think a different course should have been chosen, respect for the intellectual and moral integrity of one's adversaries, and respect for a culture's own traditions. Thus, a 'no' position should encourage alternatives so as to maximize the health advantage; and a 'yes' position should accept clear limitative criteria and should encourage the development of feasible alternatives which may help to minimize the need to sacrifice embryos. Empathy will prevent overridden values from gliding into

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<sup>10</sup> The British biophysicist Christine Mummery, in a Dutch radio discussion in 1999.

oblivion. The debate must go on even after a country, a community, or an individual has made up its mind as to which policy or stance is to be preferred. Empathy and memory keep us awake. They may in the future help us find solutions which do not imply painful and contested sacrifices.

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## Stem Cells, Pluralism, and Moral Empathy

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### *Abstract*

In discussions about the morality of Human Embryonic Stemcell Research, the focus is often on the differences. In this essay, two points are made. First, it is argued that different standpoints do not necessarily imply that altogether different values are held. Rather, shared values, including the intrinsic value of embryos (persons or not) *and* the value of developing medical therapies, may conflict and are *weighed* differently. Secondly, since we tend to forget or downplay values which we override, it is argued that we need the moral virtue of empathy. Empathy enables us to see overridden values in our own position, it fosters understanding of the weighing made by our opponents, and it stimulates the search for alternatives to Human ES-cell research which respect all values involved.

KEY WORDS: *stem cells, embryos, pluralism, relativism, ethics*

### INDEX KEYWORDS:

- absolutism
- embryo research
  - o alternatives to
  - o conflicting values in
  - o morality of
- empathy, moral
- moralism
- objectivism
- personhood
- pluralism
- public policy
- relativism
- subjectivism
- moral truth
- values
  - o weighing of conflicting values
  - o sacrificing of