

# **On the Viability of a Virtue Ethics Approach to Bioethics**

Master Thesis by Naomi Jacobs

Supervisors: Prof. dr. Marcus Düwell (1st), Prof. dr. Teun Tieleman (2nd), dr. Mariëtte van den Hoven (3rd).

Research Master Philosophy, Department of Philosophy & Religious Studies, Utrecht University.

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## Introduction

In recent years the approach of Aristotelian virtue ethics in the domain of bioethics has gained much popularity.<sup>1</sup> What is characteristic of Aristotelian virtue ethics, in short, is that it does not try to determine what we ought to do or what we owe to others, but primarily revolves around questions such as 'what kind of person should I be?' and 'how should we live?'

Aristotelian virtue ethics can best be understood as an attempt to analyse what the good life is and how it can be attained, and thereby focuses foremost on the character and conduct of the moral agent, rather than on action. Aristotle's approach is often characterized as *agent-centred* rather than *action-centred*, focussing foremost on the moral agent and his or her moral character, virtues, intentions, dispositions and motives.

The increasing popularity of virtue ethics in the domain of bioethics over the past years is partly due to the fact that it is seen as a viable counter reaction to the formalization of the practice of medicine. The notion of informed consent in medicine has become more and more important over the past years, and almost all prominent medical and research codes and institutional rules of ethics nowadays hold that physicians and investigators must obtain the informed consent of patients and research subjects prior to a substantial intervention.<sup>2</sup> This reliance on institutional rules and government regulations to protect patients and human research subjects subsequently has caused a strong emphasis on rules, codes and procedures, which has led to a formalization of medicine. The presence of a reliable and trustworthy health professional has for a large part receded into the background, while patients still highly value the presence of a compassionate and responsible health professional.

In this thesis I address the question whether Aristotelian virtue ethics is a viable approach to issues in the domain of bioethics. What I perceive as a pressing matter is that Aristotelian virtue ethics seems to be appropriate for addressing issues of personal judgement concerning biomedical matters, or issues of professional character and conduct. But another major remit of bioethics is to evaluate the ethics of biomedical procedures in order to recommend regulatory policy.<sup>3</sup> My main question therefore is: is virtue ethics able to also contribute to this important societal and political remit of bioethics? I believe this is important because only

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<sup>1</sup> See for instance Rosalind Hursthouse's 'Virtue Theory and Abortion' (1997), Philippa Foot's 'Euthanasia' (1977), Rosalind McDougall on parental virtues (2005, 2007), Edmund Pellegrino's 'Toward a Virtue-Based Normative Ethics for the Health Professions' (1995), and Matthew McCabe's 'Virtue in the Clinic' (2014), amongst others.

<sup>2</sup> Onora O'Neill, 'Some Limits of Informed Consent', *Journal of Medical Ethics*, Vol. 29, 2003. p.4-7.

<sup>3</sup> Stephen Holland, 'The Virtue Ethics Approach to Bioethics', In: *Bioethics*, Vol. 25, No. 4, 2011. p.195.

when virtue ethics can contribute not solely to the personal dimension of bioethics but to the political dimension *as well*, it can be a viable and complete approach to the domain of bioethics.

In order to come to an answer to this question I start with a short discussion of what I understand by the term 'bioethics'. Since there exists no clear agreement on the exact meaning of the term bioethics, it is important to start by making clear what I take it to mean. In short, I understand bioethics as a form of applied ethics that can best be understood as a discourse in which ethical reflection is applied to concrete practical moral questions concerning the life sciences. Given this orientation, the objective of bioethics is to reflect and advise on complex decisions in politics, research and clinical medicine.<sup>4</sup> I will reflect upon this thoroughly in chapter one, in which I will also discuss several often used philosophical and ethical approaches in bioethics.

In the next chapter I discuss some of the most important aspects of Aristotelian virtue ethics, in order to get a clear understanding of what virtue ethics precisely entails. I will discuss the concepts of human nature, *eudaimonia*, excellence, the character virtues, and *phronēsis*.

Although there exists besides Aristotelian virtue ethics also a Stoic virtue ethics, Thomas Aquinas' account of the virtues, and ancient Eastern variants such as the virtue ethics developed by Confucius or Mencius amongst others, I have chosen to solely focus on Aristotelian virtue ethics in this thesis because most of the contemporary virtue ethicists that apply virtue ethics to bioethics start from Aristotle.

In chapter three I discuss some of the most prominent accounts of virtue ethicists that apply virtue ethics to bioethics. I will discuss the accounts of Hursthouse, McDougall, McCabe, Pellegrino and Foot. The areas of bioethics that have received considerable attention from these authors are abortion, reproductive action, euthanasia and the practice of health care. Hursthouse evaluates what character traits a virtuous woman should possess in order to have the right attitude towards abortion and in order to make a right decision concerning the matter. McDougall examines what parental virtues parents need to possess in order to make right decisions concerning reproductive actions. Foot addresses the moral permissibility of euthanasia by analysing the virtues of justice and charity. And Pellegrino and McCabe discuss the moral character and conduct of the health professional, and focus upon the virtues that are necessary for the health professional to have in order to meet the *telos* of the health professional-patient relationship, which is the healing, or well-being, of the patient.

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<sup>4</sup> Helga Kuhse and Peter Singer, 'What is Bioethics? A Historical Introduction' In: *A Companion to Bioethics*. Edited by Helga Kushe and Peter Singer. Oxford: Blackwell Publishers. 1998. p.3.

Study of these current accounts of virtue ethics applied to bioethics subsequently shows that these virtue ethicists in question attend either to (i) personal decisions concerning bioethical matters, or (ii) issues in professional ethics centring on health professionals' character and conduct.<sup>5</sup> This is not all that surprising, since virtue ethics is very appropriate to addressing issues of personal judgement and professional character and conduct.<sup>6</sup> However, personal judgements and actions in a biomedical context need to be distinguished from societal decisions about how to regulate biomedical procedures. For instance in the context of life-ending ethics, a distinction must be made between a person's decision to end her life and the societal decision to legalize or criminalize related biomedical practices such as active euthanasia and physician-assisted suicide.<sup>7</sup> But the contemporary virtue ethicists working in the domain of bioethics seems to gloss over this distinction. None of the authors (except Foot) seem to address the societal and political remit of bioethics and evaluate the ethics of biomedical procedures in order to recommend regulatory policy. But the political and societal remit is an important aspect of bioethics and for an approach to be viable and complete; it also needs to be able to contribute to that remit as well.

The four authors that I discuss (all except Foot) seem to suggest that virtue ethics is an exercise in personal, not public, morality because it brings primarily into focus the kind of person who acts. Does this necessarily imply that virtue ethics cannot say anything about the societal and political dimensions of bioethical issues?

In chapter four on the political character of Aristotle's ethics, I will argue that this is not the case. What Aristotle shows his readers in the *Nicomachean Ethics* and *Politics*, is that laws, rules and policies can never be spelled out in such a way that leaves no room for interpretation, and therefore policy formation and implementation always requires the interpretation and best efforts of the ones who make and execute it. A virtue ethics approach thus does not divide the personal from the political, but instead calls our attention to the ways in which the level of the personal and the political are interconnected. Contemporary virtue ethicists working in the domain of bioethics, such as Hursthouse, McDougall, McCabe and Pellegrino, unfortunately do not seem to be aware of this close and inextricable intertwinement of the personal and the political when they write about bioethical issues from a virtue ethics perspective. I believe this is a serious shortcoming of current applications of virtue ethics to bioethics and very deplorable because, as I will argue in chapter four, Aristotle

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<sup>5</sup> Holland, 2011. p.195.

<sup>6</sup> Ibid. 192.

<sup>7</sup> Ibid.

has clearly shown how the ethical and the political, the individual and the societal, are intertwined. However, if virtue ethics wants to also seriously start to contribute to the social and political remit of bioethics, which I deem necessary if virtue ethics wants to be a fully viable approach to bioethics, than some of the most basic assumptions of Aristotelian virtue ethics need to be thoroughly thought through, and possibly revised, I will argue.

## 1. Bioethics

Since the 1960s there have been new and often revolutionary developments in the biomedical sciences and in clinical medicine. Think of breakthroughs such as the invention of the dialysis machine, artificial ventilators and organ transplants that offer the possibility of keeping people alive that otherwise would have died. Think also of new reproduction techniques such as *in vitro* fertilization and more recent research on stem-cell derived gametes, that allow a range of new reproduction possibilities and constitute novel relationships between parents and children. These are just a few examples of developments in the biomedical sciences and clinical medicine of the past decades that have had tremendous impact on our conception of the beginning and the end of life. Subsequently, these new developments have placed us for new and complex questions about how to understand and interpret such developments. More and more situations arose for which our moral intuitions were not prepared, and in which there were no, or insufficient, legal arrangements to guide a decision-making process.<sup>8</sup>

Against this backdrop the current domain of bioethics arose.

As already mentioned in the introduction, bioethics is a form of applied ethics that can best be understood as a discourse in which ethical reflection is applied to concrete practical moral questions concerning the life sciences. The objective of bioethics is to reflect and advise on complex decisions in politics, research and clinical practice; it provides reflection on the moral and legal standards that regulate medical practice, and provides guidance on the part of decision-makers.<sup>9</sup> Discussions in the domain of bioethics are often held against a backdrop of extensive pluralism of moral convictions since there is no, and most likely never will be, a universally accepted moral authority that can provide us with all the answers. Furthermore, the expansion of the range of topics that are being discussed under the notion of bioethics makes it increasingly difficult to identify the precise subject area of bioethics. Bioethics was initially often understood as an abbreviation of 'biomedical ethics', concerning with ethical questions within the domain of medicine and the clinic. Meanwhile, however, bioethics has

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<sup>8</sup> Marcus Düwell, *Bioethics: Theory, Methods, Domains*, London: Routledge. 2014, p.3.

<sup>9</sup> Ibid.

expanded its scope, and questions concerning animal ethics and environmental ethics are now as well being discussed under the heading of 'bioethics'. To establish the precise domain of bioethics is therefore a difficult task. One can understand bioethics in a narrow sense as biomedical ethics, or in a broader sense as an overarching term for medical, animal and environmental ethics, or in an even broader sense as ethics of the life sciences. When I refer to bioethics in this thesis, I choose to understand bioethics in the narrow sense of biomedical ethics, i.e. ethics concerning biomedical research, clinical medicine and public health.

Philosophers and ethicists working in the domain of bioethics are nowadays making use of various ethical theories to address and evaluate bioethical issues. One of the most often used methods in contemporary bioethics at present is the method of 'principlism' by Beauchamp and Childress, as developed in their *Principles of Biomedical Ethics* (1977). Their method consists of four pivotal moral principles that function as an analytical framework of general norms that are derived from what they call 'the common morality', and that form a suitable starting point for biomedical ethics.<sup>10</sup> The four principles that they distinguish are 1) *respect for autonomy*, that is a norm of respecting and supporting autonomous decision, 2) *nonmaleficence*, a norm of avoiding the causation of harm, 3) *beneficence*, a group of norms pertaining to relieving, lessening, or preventing harm and providing benefits and balancing benefits against risks and costs, and 4) *justice*, a group of norms for fairly distributing benefits, risks and costs.<sup>11</sup> These four pivotal moral principles are derived from what Beauchamp and Childress refer to as the 'common morality'. According to them, all persons living a moral life know several rules that are usually binding, rules such as do not lie, do not kill, and do not steal. All people that are committed to morality, they argue, do not doubt the relevance and importance of these universally valid norms and therefore they call this set of universally shared norms the 'common morality'.<sup>12</sup> This method of principlism by Beauchamp and Childress is a clear example of a mid-level approach: the norms, rules and principles that play a pivotal role in the method express our common sense understanding of right and wrong. According to Beauchamp and Childress that is precisely the reason why it is justified to have great confidence in decisions that are supported by the four widely shared mid-level principles; they are close to everyday life and therefore likely to be less controversial than principles that are not. However, not all philosophers and ethicists working in the domain of

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<sup>10</sup> Tom L. Beauchamp & James F. Childress, *Principles of Biomedical Ethics*, Oxford: Oxford University Press. 2013. p.13

<sup>11</sup> Ibid.

<sup>12</sup> Ibid. p.3

bioethics endorse the mid-level approach of Beauchamp and Childress and there are many alternative approaches and theories.

Some philosophers, such as O'Neill and Velleman amongst others, have for instance extended Kantian thought into several areas of bioethics. Velleman has written on the right of self-termination making use of a Kantian conception of human dignity<sup>13</sup>, while O'Neill has addressed the subjects of autonomy, informed consent and the importance of trust in bioethics from a Kantian perspective.<sup>14</sup> There are on the other hand also philosophers that make use of utilitarian theory when addressing issues in bioethics. These philosophers, such as Peter Singer and Julian Savulescu amongst others, focus foremost upon the utilitarian requirement for an objective assessment of interests and of an impartial choice to maximize good outcomes for all the affected parties involved. For instance the use of the method of quality-adjusted life years (QALYs) in healthcare, which is often used in cost-utility analysis in order to calculate the costs per-QALY associated with a health care intervention, is implicitly based upon the principle of utility, and the same holds for the often used method of triage in a hospital's emergency room. Another influential theory in the domain of bioethics is rights theory, of which Gewirth is a prominent advocate amongst others. Rights theory, in short, is based upon the idea that rights are entitlements or justified claims *to* something or *against* something, and to accept a set of rights is to endorse a certain view of what may, must, or must not be done. In the domain of bioethics, however, there are also strong opponents of the methodology of casuistry, which refers to the use of case comparison and analogy to reach moral conclusions.<sup>15</sup> Instead of basing their arguments upon moral rules, principles, or rights, casuists are of the opinion that moral certitude is to be found in the analysis of paradigm cases.

These just mentioned methodologies and theories are some of the most frequently used approaches in bioethics. However, they by no means form an exhaustive list of theories and methodologies that are being used in the domain of bioethics. As already mentioned in the introduction, the approach of virtue ethics has gained great popularity over the past years within the rich landscape of various different ethical approaches that are applied to the domain of bioethics -and that lead to varying interpretations, evaluations, and outcomes. There has been a spate of applications of Neo-Aristotelian virtue ethics to bioethical issues in recent years. Let me explicate what I believe the reasons are for this growing popularity of

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<sup>13</sup> David J. Velleman, 'A Right of Self-Termination?' In: *Ethics*, 1999, Vol.109 (3), p.606-628.

<sup>14</sup> Onora O'Neill, 'Some Limits of Informed Consent', *Journal of Medical Ethics*, Vol. 29, 2003. p.4-7, and Onora O'Neill, *Autonomy and Trust in Bioethics*. Cambridge: Cambridge University Press. 2002.

<sup>15</sup> Beauchamp & Childress, 2013. p.398.



virtue ethics in the domain of bioethics.

An important reason for the growing popularity of virtue ethics in bioethics is that over the past years medical practice has become formalized. This formalization of the practice of medicine is for a large part due to the increasing importance of the practice of informed consent in medicine. Virtually all prominent medical and research codes and institutional rules of ethics nowadays hold that physicians and investigators must obtain the informed consent of patients and research subjects prior to a substantial intervention. In her article 'Some Limits of Informed Consent' (2003) O'Neill writes that: "[I]nstitutions and professionals increasingly see obtaining informed consent as protection against accusation, litigation, and compensation claims."<sup>16</sup> Medical practice has therefore become more and more formalized. The reliance on institutional rules and government regulations to protect patients and human research subjects has caused a strong emphasis on rules, codes and procedures, with as a result that less attention is being paid to the 'human touch' and the virtuous judgements of health care professionals. The presence of an informed, conscientious, compassionate and responsible health professional have largely disappeared into the background.<sup>17</sup> However, patients and human research subjects still highly value the presence of a reliable and trustworthy physician or researcher: strictly conforming to rules and procedures is generally judged less important by patients than having a caring and discerning health professional who appreciates the importance of dialogue, reassurance, and honesty.<sup>18</sup> Now, what for a large part explains the increasing popularity of virtue ethics in the domain of bioethics is that one of the key points of virtue ethics is that a sound moral character is generally judged to be more important than strict conformity to rules and procedures. But the increasing interest in, and appreciation of, virtue ethics in the domain of bioethics forms also part of a larger movement towards a renewed interest in virtue ethics, which started in the late 1950's by Anscombe and others.

From the late 1950's onwards some fundamental critiques on the obligation-oriented character of modern moral philosophy have been handed down. Anscombe criticised modern moral philosophers such as Kant, Hobbes, Mill and Hume for regarding the idea of moral obligation

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<sup>16</sup> O'Neill, 2003. p. 4.

<sup>17</sup> Beauchamp & Childress, 2013. p.379.

<sup>18</sup> Ibid.

as the pivotal point of ethical thinking.<sup>19</sup> She argued that the notion of a moral law that prescribes obligations is a residue of a form of morality that is based upon a divine legislator that can no longer be given a systematic place. What modern moral theories wrongly provide us with is an account of what is morally right and wrong that really has no content outside the Christian framework with its divine law. We are presented with the survival of concepts outside the framework of thought that made it a really intelligible one.<sup>20</sup> Williams argued along the same lines in his article 'Morality, the Peculiar Institution' (1972), in which he wrote that in our modern society with its pluralistic religious beliefs and ideologies, morality is narrowed down to a formalised content that is often expressed in laws, rights and obligations. MacIntyre in his book *After Virtue* (1981) subsequently argued that the concepts prevailing in modern moral philosophy need to be understood as survivals from an older past, and that the problems that these concepts generate for modern moral theories will remain insoluble until this is understood well. These authors wanted to submit a fundamental criticism of the universalism of modern ethics. Subsequently they attempted to establish an alternative ethics that is based on an Aristotelian form of virtue ethics.

Whether they have succeeded in convincingly criticizing the pivotal points of modern moral philosophy is highly debatable. It is furthermore contested to what extent Anscombe, Williams or MacIntyre properly understood Kant and other writers of modern moral philosophy. However, I put this dispute aside because it is not of key relevance for the enterprise here. What is of great importance, however, is that this critique on modern moral philosophy, whether convincing or not, paved the way for a renewed interest in the virtue ethical tradition, particular that of Aristotle. Instead of trying to determine what we ought to do or what we owe to others, Aristotelian virtue ethics primarily revolves around questions such as 'what kind of person should I be?' and 'how should we live?' In short, Aristotle observed that all people strive to live a happy and flourishing life, but that it is not easy to determine what this happy life consists of. His virtue ethics is thus an attempt to analyse what the good life is and how it can be attained. Central to Aristotle's virtue ethics are the concept of *eudaimonia*, which is often translated as happiness or human flourishing, the various virtues, motives and moral character, moral education, wisdom and friendship.<sup>21</sup> However, one must note that some of these concepts, such as moral education and the various virtues,

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<sup>19</sup> G.E.M. Anscombe, 'Modern Moral Philosophy', In: *Virtue Ethics*. Edited by Roger Crisp and Michael Slote. Oxford: Oxford University Press, 1997.

<sup>20</sup> Ibid. p.30.

<sup>21</sup> Rosalind Hursthouse, "Virtue Ethics", *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2013/entries/ethics-virtue/>>.

are also present in the writings of other moral philosophers, even in the work of those who were severely criticized by Anscombe and others. Kant wrote for instance *Doctrine of Virtue*, Hume has given an extensive account of the natural virtues in his *Treatise*, Nietzsche speaks of the virtues in his *Genealogy of Morals* and utilitarians such as Driver and Hurka have developed consequentialist virtue theories.<sup>22</sup> But in these accounts the virtues are given a place in a larger and overarching framework of moral philosophy where virtues do not play the key role, while Aristotle has developed a virtue ethics that stands on its own. On the other hand, however, there exist besides Aristotle's virtue ethics also a Stoic virtue ethics, Thomas Aquinas' account of the virtues, and ancient Eastern variants such as the virtue ethics by Confucius or Mencius, amongst others. I have chosen, however, to focus solely on Aristotelian virtue ethics in this thesis since most contemporary virtue ethics approaches - but certainly not all of them<sup>23</sup> - show that their roots are in the ancient Greek ethics of Aristotle. Let me now start with discussing the key points of Aristotle's virtue ethics so that it will become clear what virtue ethics precisely consists in.

## 2. Aristotelian Virtue Ethics

In this chapter I will concisely discuss Aristotle's ethics as set out in his *Nicomachean Ethics*. Although Aristotle also wrote two other ethical treatises, namely *Eudemian Ethics* and *Magna Moralia*, I decide to focus my attention solely on the *Nicomachean Ethics* because scholars dispute the authorship of the *Magna Moralia*, and it is widely assumed that the *Nicomachean Ethics* is a later and improved version of the *Eudemian Ethics*. By examining the most important aspects of the *Nicomachean Ethics*, I hope to outline an accurate conception of Aristotle's virtue ethics, from which many present-day, western virtue theories stem.

### Human nature and *Eudaimonia*

Aristotle begins his *Nicomachean Ethics* with the statement that: "[E]very sort of expert knowledge and every inquiry, and similarly every action and undertaking, seems to seek some good. Because of that, people are right to affirm that the good is "that which all things seek"(NE, 1094a1).<sup>24</sup> This immediately shows that Aristotle argued that all human beings

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<sup>22</sup> Julia Driver, *Uneasy Virtue*. Cambridge: Cambridge University Press. 2001. Thomas Hurka, *Virtue, Vice, and Value*. Oxford: Oxford University Press. 2001.

<sup>23</sup> See for instance Christine Swanton's *Virtue Ethics, a pluralistic view*. Oxford: Oxford University Press. 2003.

<sup>24</sup> Aristotle, *Nicomachean Ethics*. Translation, introduction & commentary by Sarah Broadie and Christopher Rowe. 1st edition. Oxford: Oxford University Press. 2002. p.95. I make use of the translation by Rowe, for reference to Aristotelian passages I make use of the standard-pagination by Bekker.

have a specific nature, namely a nature that is such that it moves towards a certain goal, which he defines as 'the highest good'. Aristotle argued that it was embedded in our human nature to strive for it; the human pursuit of 'the highest good' was embedded in the natural teleology of human existence. What formed the basis of this idea was Aristotle's teleological account of human nature: he argued from what he took as an empirical fact that the order of nature made all people live towards a *telos*, an ultimate goal, which is named *eudaimonia*. But what exactly is *eudaimonia*? And how do we need to define 'the highest good' that all human beings seek? These questions form the principle guideline of Aristotle's enterprise in the *Nicomachean Ethics*.

Pretty well most people agree about what to call the highest good, Aristotle quickly states. Everyone names it *eudaimonia* and supposes that living well and doing well are the same thing as being *eudaimōn*. Etymologically the *eudaimōn* is one who has a good *daimōn*, which means 'guardian spirit'.<sup>25</sup> But what does the ancient Greek term *eudaimonia* exactly mean? Rowe, prominent translator of the *Nicomachean Ethics*, decided, just like many other translators and interpreters, to translate it as 'happiness'. Other often-occurring translations are 'human-flourishing' or 'well-being'. I will stay with Rowe's translation 'happiness'. However, *eudaimonia* does differ from the ordinary meaning of happiness we use in our everyday language, Broadie warns us in her philosophical introduction to the *Nicomachean Ethics*. Broadie explains that in ordinary language 'happiness' often means a good feeling, or feeling good; or, a sort of pleasure or being pleased. "But an ancient Greek, knowing someone is in such state, would not on that account attribute *eudaimonia* to the person", she writes.<sup>26</sup> The reason is that a person, in our ordinary usage of the word, can be happy about one thing and at the same time unhappy about something else, while *eudaimonia* is not *about* something. Furthermore, regarding someone as *eudaimōn* does not mean that you attribute a feeling or a subjective attitude to the person, as we do when we call someone 'happy'. Regarding someone as *eudaimōn* is more like ascribing a status, or applauding that person. "It is to imply that the person is admirable, even enviable, an exemplar of life at its best", Broadie writes.<sup>27</sup> Translating *eudaimonia* as 'happiness' is thus potentially confusing, since both terms are far from synonymous. But it is not only due to the inaccuracy of the translation that the

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<sup>25</sup> Sarah Broadie, Philosophical Introduction, In: Aristotle, *Nicomachean Ethics*. Translation, introduction & commentary by Sarah Broadie and Christopher Rowe. 1st edition. Oxford: Oxford University Press, 2002. p.82. note 18.

<sup>26</sup> Ibid. p.12.

<sup>27</sup> Ibid.

notion of *eudaimonia* is difficult to grasp.<sup>28</sup> Aristotle himself already wrote that most people: "are in dispute about what happiness [*eudaimonia*] actually is, and ordinary people do not give the same answer as intellectuals" (*NE*, 1095a20). However, according to Aristotle, *eudaimonia* seems most of all to be like this:

"for this we do always choose because of itself and never because of something else, while as for honour, and pleasure, and intelligence, and every excellence, we do choose them because of themselves (since if nothing resulted from them, we would still choose each of them), but we also choose them for the sake of happiness, supposing that we shall be happy through them" (*NE*, 1097b1).

But *eudaimonia* no one chooses for the sake of something else, in contrast; the highest good is complete and self-sufficient. In other words, the highest good is desirable in itself, it is not desirable for the sake of some other good, and all other goods are desirable for its sake. Thus, in the eyes of Aristotle, no one tries to live well for the sake of some further goal. Instead, *eudaimonia* is the chief good, and all other goods, such as health, wealth, honour and so on, are sought because they promote *eudaimonia*, and not, as Kraut puts it; "because they are what well-being consists in."<sup>29</sup> But then, what *does* the chief good consist in? To resolve this issue, Aristotle states that we first need to establish the 'function' of human beings (*NE*, 1097b25). Subsequently he starts by arguing that the good of a human being must have something to do with being human. What distinguishes us from plants and other animals is that we have the capacity to guide ourselves by using reason. So it seems that a human life lived well must consist of a life in which, over its full course, reason is used well. And doing anything well requires excellence. Thus, Aristotle concludes; "the human good turns out to be activity of soul in accordance with excellence" (*NE*, 1102a5). This is, in short, Aristotle's famous function argument.

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<sup>28</sup> This is also due to the fact that Aristotle often starts from common notions that are often rather inarticulate and stand in need of further philosophical clarification. However, as to our present conception of happiness we more or less face the same problem: our present conception of happiness is unclear too and a matter for philosophical discussion, since our current conception of happiness does not seem to be entirely subjective either. Think for instance about the situation in which someone *feels* happy but is actually -as others already know- deceived by her husband: do we call this person happy?

<sup>29</sup> Richard Kraut, "Aristotle's Ethics", *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2014/entries/aristotle-ethics/>>.

Now the subsequent question is of course, what is excellence? Since *eudaimonia* is activity of the soul in accordance with excellence, it is necessary to discuss the subject of excellence, for perhaps in this way we shall get a better view of happiness too, Aristotle suggests.

### **Excellence**<sup>30</sup>

According to Aristotle, the human excellences are to be divided in two kinds: into those excellences that pertain to the part of the soul that engages in reasoning, the intellectual excellences, and into the excellences of character. The intellectual excellences are in turn divided in two; into the theoretical intellect (*sophia*), which pertains to theoretical reasoning, and the practical intellect (*phronēsis*), which pertains to practical thinking. Although Aristotle emphasizes the division between the excellences of intellect and of character by dealing with them in separate parts of the *Nicomachean Ethics*, nonetheless the excellences of character are impossible without the intellectual excellence of practical wisdom, *phronēsis*. I will discuss the coherence between *phronēsis* and the character-excellences at a later point, let us now proceed in a similar manner as Aristotle does: first examine excellence in general, then discuss the several excellences of character, to subsequently analyse the intellectual excellences.

Excellence is like a disposition, Aristotle writes (*NE*, 1105b20). Induced by our habits we are well or badly disposed in relation to our affections and feelings. When we have appropriate feelings towards our affections we are well disposed, whenever we have inappropriate feelings towards our affections we are badly disposed and are in a defective state of character. We acquire the excellences of character by practising and becoming used to behaving in ways typical of the virtues. As Aristotle writes: "we become just by doing just things, moderate by doing moderate things, and courageous by doing courageous things" (*NE*, 1103b1). In other words, the excellences of character result from habituation (*NE*, 1103a18). When a person has had a proper upbringing and stems from a good background this process of character-shaping through practice starts at an early age, which gives the person an advantage over his peers who didn't have the privilege of such a well upbringing. Aristotle emphasizes that it can make a big difference whether people are habituated to behave in one way or in another way from childhood on, stating even that: "it makes all the difference in the world" (*NE*, 1103b24). But,

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<sup>30</sup> The term 'excellence' stems from the ancient Greek *aretē*, which can be translated both as 'excellence' and as 'virtue'. Throughout this thesis I will therefore use the words excellence and virtue synonymously.

at the same time, every individual is up to a large part responsible him- or herself for becoming the sort of person they become; from the moment we grow up we start to choose and decide for ourselves how we respond to certain situations. It is in this regard that Aristotle stresses the importance of voluntary agency. Ethical dispositions are in fact expressed in voluntary action, Aristotle argues: "in response to what people do that is voluntary we praise and censure them, whereas in response to what is counter-voluntary we feel sympathy for them, and sometimes even pity [...]" (*NE*, 1109b31-33). Thus, it is only on account of voluntary actions that people deserve praise or not, and it is only because of their voluntary actions that we can say someone is good or not.

Now, let us return to the following question: as excellence is a disposition, what, then, is the right disposition to have? Aristotle argues there are three kinds of dispositions. Two of them are bad states, i.e. the one relating to excess and the one relating to deficiency. Then there is the third state; the intermediate state that is hitting upon the right intermediate between the excess and the deficiency. Excellence always both finds and chooses the intermediate, according to Aristotle (*NE*, 1107a6). But this is why being virtuous is something difficult to achieve, since for any context, getting hold of the intermediate is difficult (*NE*, 1109a24-5). To see how Aristotle elaborates the 'doctrine of the mean', we must look at how he discusses the character virtues individually.

### **The Excellences of Character**

Without explaining the order, Aristotle lists the ethical triads that need to be treated. He begins with the excellence of courage, and its excess and deficiency. With regard to feelings of fear and boldness, Aristotle states, courage is the intermediate state. Of those people who go to excess the one who is excessively bold is rash, while the one who is excessively fearful and deficiently bold, is cowardly (*NE*, 1107b1-4). With regard to the bodily pleasures and pains, the excessive state is self-indulgence and the deficient state 'insensate', although people who are deficient with regard to pleasures hardly occur, Aristotle remarks. The intermediate state, then, is moderation. Aristotle subsequently discusses two virtues that have to do with external goods, the virtues of open-handedness, which opposites are wastefulness and avariciousness, and the virtue of munificence, of which the opposites are vulgarity and shabbiness (*NE*, 1107b5-20). With regard to honour and dishonour, Aristotle argues that the intermediate state is greatness of soul, while the excessive state is called a kind of conceitedness, and the deficient one littleness of soul. With regard to anger, he emphasizes

that there are practically no names for the states he wants to describe. However, he distinguishes mildness as intermediate, with 'irascibility' as its excess and 'spiritlessness' as its deficiency. Furthermore, Aristotle distinguishes three social virtues, i.e. the virtue of truthfulness, opposite to being imposture or being self-deprecating, the virtue of wittiness, opposite to 'buffoonery' and 'boorishness', and the virtue of friendliness, opposite to being 'obsequious' or 'contentious' (*NE*, 1107b22-1108a31). Eventually, Aristotle analyses the virtue of justice, an excellence that requires an extended treatment to itself, which I will due to limited space leave for now. Important to note, however, is that the descriptions Aristotle gives of the specific virtues each seem to correspond to an aspect of the perfect character.<sup>31</sup>

### ***Phronēsis***

Character-excellences alone, however, do not lead to good conduct. Something else is also required and that is *phronēsis*, translated as 'practical wisdom'. Both *phronēsis* and the character virtues make a necessary contribution to good conduct. But what *phronēsis* precisely is, is hard to define. Aristotle states it is a true disposition that is accompanied by rational prescription in the sphere of what is good and bad for human beings, relating to action (*NE*, 1140b20-22). In compliance with Hursthouse who builds upon Aristotle, I am of the opinion that practical wisdom can best be described as the knowledge or understanding that enables its possessor to do the right thing in any given situation.<sup>32</sup> Two aspects are then characteristic of *phronēsis*; the first is that it comes with experience of life, the second regards situational appreciation. Let me start with the latter; someone who possesses *phronēsis* is said to have the capacity to recognize some features of a given situation as more important than others, or in the words of Hursthouse, a practical wise agent has "the capacity to recognize, in any particular situation, those features of it that are morally salient."<sup>33</sup> Closely related to this ability of situational appreciation is the fact that *phronēsis* only comes with the years. A person needs enough experience of life to be able to distinguish what is morally important from what is not. With the years, we learn how to be mindful of the consequences of possible actions; we learn about life and start to comprehend our fellow human beings. As a result, someone with sufficient experience of life and a sufficient degree of situational appreciation can possess the knowledge that enables her to do the right thing in any situation. This person,

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<sup>31</sup> Broadie. 2002. p.23.

<sup>32</sup> Rosalind Hursthouse, "Virtue Ethics", *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2013/entries/ethics-virtue/>>.

<sup>33</sup> Ibid.



then, possesses *phronēsis*. A proper upbringing and good education that involves examples set by good persons, the *phronimos*, are part of the necessary conditions for a person to gain *phronēsis*, together with the right societal context in which just laws stimulate the moral progress of all citizens.

### **Action-guidance**

What has become clear now is that the prime task of Aristotle's ethics is to articulate the highest good in relation to the other human goods, and thereby it focuses foremost on the character and conduct of the moral agent, rather than on action. Aristotle's approach is often characterized as *agent-centred* rather than *action-centred*, focussing foremost on the moral agent and his or her moral character, virtues, intentions, dispositions and motives. It chiefly revolves around the kind of person the moral agent becomes, wishes to become and, finally, ought to become as a result of her habitual disposition to act in certain ways. Whereas, in contrast, modern moral theories are not so much occupied with articulating what happiness is, but instead these theories try to formulate principles that indicate what we owe to others and how we must act. An often-heard but superficial objection to Aristotelian virtue ethics therefore is that it, in contrast to most modern moral theories, cannot provide the foundation for any guidelines for conduct in general.

At the very beginning of Book I, Aristotle seems to emphasize that this is true when he states that ethics cannot lay down any guidelines for conduct in general, since fine, just, and good things involve great variation and irregularity (*NE*, 1094b15-1094b23). And because of that, every wise agent must decide for herself what to do in a particular situation. However, a lot of readers have misinterpreted this passage by thinking that it means that Aristotle's ethics cannot lay down any guidelines for action, which is not true. At the beginning and the end of the *Nicomachean Ethics* Aristotle namely indicates that he is writing his ethics primarily for future lawgivers and politicians. These future politicians and lawgivers are the people that will be laying down guidelines for actions to citizens in the future. What Aristotle therefore means at the beginning of Book I is that general rules and laws *alone* can never make you completely good and happy because moral action is always also concerned with individual situations that require moral fine-tuning and appreciation by the individual agent. Occasions always vary and time specific situational aspects need to be taken into consideration, therefore there can be no standard set of rules that will solve every practical problem that a wise agent faces. Instead, it is inherent to the good person to discriminate correctly in every set of circumstances, and in every set of circumstances "what is true is apparent to him" (*NE*,

1113a30-31), Aristotle argues. However, Kraut points out, this should not be taken to mean that the wise person has something of an incommunicable insight into the truth according to Aristotle.<sup>34</sup> It means that the wise person is someone who is good at deliberation and decision-making, which is a process of rational inquiry (*NE*, 1107a1). Excellence, Aristotle argues, is the disposition of intermediacy issuing in decisions, which is determined by rational prescription and "in the way in which the wise person would determine it" (*NE*, 1107a1-2). To state that a wise person knows what to do in any particular situation is stating that her reasoning succeeds in disclosing the mean, i.e. what is best, in each situation.<sup>35</sup>

However, given that from the exploration of the virtues we now know what goodness is, we still need to know how people *become* wise and good.<sup>36</sup> A proper upbringing and good education that involves examples set by the *phronimos* alone, however, are not sufficient according to Aristotle; good laws that promote virtuous action, such as just, moderate and courageous behaviour for instance, are also needed. Malcolm rightly points out that: "Aristotle accordingly turns to the question of how far training can produce goodness, and this issue leads in turn to the role of law and legislation, as shaping the characters of those who have the capacity for virtue and deterring those who have not by the fear of punishment."<sup>37</sup>

The law continues where the role of the wise educators stops, and just laws are there to further stimulate the moral progress of all citizens, which indicates that the law itself is pedagogically motivated according to Aristotle. And this is precisely the reason why it is of such importance that future politicians study virtue ethics according to Aristotle: "for he [the politician] wants to make the citizens good and obedient to laws" (*NE*, 1102a10-11). A good community must be based on good laws; both written and unwritten, and such laws require universal knowledge of what is good for people. The importance of good legislation and general rules is furthermore invigorated by Aristotle's argument that humans are essentially social animals, who can only become fully *eudaimōnes* in a well-regulated society. As Malcolm writes: "on the Aristotelian conception humans are essentially social animals, and the way the governments of the communities in which they live out their lives are organized may make a huge difference to their prospects of acquiring virtue and achieving happiness."<sup>38</sup> I shall

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<sup>34</sup> Richard Kraut, "Aristotle's Ethics", *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2014/entries/aristotle-ethics/>>.

<sup>35</sup> Ibid.

<sup>36</sup> Malcolm Schofield 'Politics, the legislator, and the structure of the *Politics*.' In: *The Cambridge History of Greek and Roman Political Thought*. Edited by Christopher Rowe and Malcolm Schofield. Cambridge: Cambridge University Press. 2000. p.312.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid. p.311.

return to the relation between ethics and politics – conceived as turning on law-giving – according to Aristotle in due course (see chapter four, p. 29-34).

### **3. How is Virtue Ethics Applied to Current Bioethical Debates?**

In the previous chapter I have discussed some of the most important aspects of Aristotle's virtue ethics. I will now proceed to analyse and evaluate how virtue ethics at present is applied to the domain of bioethics. As we have seen in chapter one, bioethics revolves around ethical questions about pressing moral issues in biomedical science and clinical medicine that arise due to new (technological) developments that place us for new and unforeseen situations. Bioethicists have the task to analyse and evaluate such moral issues, and to formulate possible solutions from a well-argued ethical framework. The objective of bioethics is, as already mentioned in chapter one, to provide reflection on the moral and legal standards that regulate medical practice, and provide guidance on the part of decision-makers.

Let us now look how various philosophers that have a form of Neo-Aristotelian virtue ethics as their starting point, approach and analyse current issues in bioethics. I will discuss the accounts of Hursthouse on abortion and of Foot on euthanasia, I will analyse McDougall's discussion of reproductive technologies and sex selection, and McCabe's and Pellegrino's analysis of the physician-patient relationship in clinical medicine. The reason that I discuss these five authors is because all of them explicitly start their discussions of bioethical issues from a Neo-Aristotelian theory of virtue. All five, thus, explicitly apply Neo-Aristotelian virtue ethics to bioethics. This is at the same time the reason why I do not discuss other contemporary virtue ethics accounts, such as the influential ones of Thompson, Nussbaum, MacIntyre, Slote or Swanton. Although some of these accounts are developed in much more detail and provide us with original solutions to pressing difficulties that contemporary virtue ethics can give rise to, I have decided not to discuss these accounts here because these authors do not explicitly apply their theories to the domain of bioethics, and my inquiry here focuses primarily on the analysis and evaluation of virtue ethics applications to bioethics.

#### **Hursthouse**

The prominent contemporary virtue ethicist Hursthouse discusses virtue ethics in relation to bioethics in her article 'Virtue Theory and Abortion' (1991), in which she examines a virtue ethics approach to the question of abortion. She writes that if we use virtue ethics in addressing the issue of abortion, our first question should not be 'what do the familiar

biological facts show and what can be derived from them about the status of the foetus?' as is often the case in ethical discussions on abortion. Instead, following the example of Aristotle, she argues that the emphasis should be on the question 'how do these facts figure in the practical reasoning, actions and passions, thoughts and reactions, of the virtuous and the non-virtuous?' And furthermore on the question 'what is the mark of having the right attitude to these facts and what manifests having the wrong attitude to them?'<sup>39</sup> After stating this, she proceeds by investigating what character traits a virtuous woman should possess in order to have the right attitude towards abortion in order to be able to make a right decision concerning the matter. Hursthouse writes that familiar facts support the view that parenthood in general, and motherhood and childbearing in particular, are intrinsically worthwhile and are among the things that can be correctly thought to be partially constitutive of a flourishing *eudaimon* human life. Hursthouse thus takes over the notion of *eudaimonia* from Aristotle, and furthermore also seems to endorse a conception of ethical naturalism that we have already seen in the theory of Aristotle.

Hursthouse endorses that it is part of our human nature to reproduce and for women to become mothers. With this statement she refers to Aristotle's account of human nature, which forms the authorisation and the foundation for his ethics, and Hursthouse seems to follow Aristotle's example on this point here. Or to be more precise: Hursthouse has been greatly influenced by the Neo-Aristotelian account of Foot on human nature, whom in her turn was influenced by the Neo-Aristotelian account of Thompson on this matter. Let me briefly explicate this. According to Thompson's earlier work, ethical judgements are the same kind of judgements as judgements about good sight.<sup>40</sup> With this Thompson means, Harnacke explicates in her dissertation 'From Human Nature to Moral Judgements' (2016), that natural-historical judgements should set a standard for the goodness or badness of individuals.<sup>41</sup> What a human being is, and what human nature consists of, thus is not simply an empirical observation but is rather the highest concept of practical philosophy and tells us all about normativity, according to Thompson. Foot follows Thompson's theory that he sets forth in his earlier work up to a great extent. In her book *Natural Goodness* (2001) she argues that in order to define what goodness and badness is, we must consider "what kind of a living thing a

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<sup>39</sup> Rosalind Hursthouse, 'Virtue Theory and Abortion', In: *Virtue Ethics*, edited by Roger Crisp and Michael Slote. Oxford: Oxford University Press. 1997. p.229.

<sup>40</sup> Michael Thompson, 'Apprehending Human Form.' In *Modern Moral Philosophy*, ed. by Anthony O'Hear. Cambridge: Cambridge University Press. 2004.

<sup>41</sup> Caroline Harnacke, 'From Human Nature to Moral Judgements, Reframing Debates about Disability and Enhancement', *Quaestiones Inertiae: Publications of the Department of Philosophy and Religious Studies Utrecht University*. 2015. p. 72.

human being is." <sup>42</sup> Foot thus argues, in compliance with Thompson and ultimately with Aristotle, that ethics is rooted in human nature. Both Foot and Thompson, following the example of Aristotle, argue that conceptions of what a human being is can be employed as foundation for an ethical theory. Hursthouse, now, takes over this idea and also endorses the idea that ethical standards follow from a description of the nature of human beings. At this point, however, one can rightly ask yet why these authors believe that ethical standards should follow from a description of the human being? Most of these Neo-Aristotelian virtue ethicists, Harnacke points out, argue in compliance with Anscombe who refers back to Aristotle, that the notion of a moral 'ought' rests on a mistake and that ought-statements should rather take the form of an ought-statement such as 'the plant ought to have water'. <sup>43</sup> Therefore, these authors argue, descriptions of human nature are not themselves in need of a normative foundation to be able to provide normative reasons, because ethics itself is rooted in human nature.

Now, to return to Hursthouse's discussion of virtue ethics and abortion, Hursthouse writes that it is part of our human nature to reproduce and for women to become mothers. Consequently, she writes, "a woman who opts for not being a mother (at all, or again, or now) by opting for abortion may thereby be manifesting a flawed grasp of what her life should be, and be about-a grasp that is childish, or grossly materialistic, or short-sighted, or shallow." <sup>44</sup> In other words: at first glance it is wrong because it goes against a woman's nature if she doesn't reproduce, and going against your human nature is a bad thing. Later on Hursthouse writes that the decision to have an abortion can, however, in some circumstances be the right decision, but that it does not follow that there is no sense in which having the abortion is wrong or guilt appropriate. Since what gets one into those circumstances in which an abortion is the right decision is, except in the case of rape, one's sexual activity and one's choices, or the lack of them, about one's sexual partner and about contraception, Hursthouse argues. The virtuous woman, however, should have such virtuous character traits as strength, independence, resoluteness, decisiveness, self-confidence, responsibility, serious-mindedness, and self-determination, and no one can deny, Hursthouse writes, that many woman become pregnant in circumstances in which they cannot welcome having a child precisely because they lack one or some of these character traits. <sup>45</sup> So even in the case where the decision to

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<sup>42</sup> Philippa Foot, *Natural Goodness*. Oxford: Oxford University Press. 2001. p.51.

<sup>43</sup> Harnacke, 2015. p.73.

<sup>44</sup> Hursthouse, 1997. p.235.

<sup>45</sup> Ibid.

have an abortion is the right one, it can still be the reflection of a moral failing, Hursthouse argues. "Because lack of requisite opposite of these failings landed one in the circumstances in the first place."<sup>46</sup>

### **McDougall**

In her articles 'Acting Parentally: an Argument Against Sex Selection' (2005) and 'Parental Virtue: a New Way of Thinking About the Morality of Reproductive Actions' (2007)

McDougall presents a parental virtue approach to some questions of reproductive ethics. In her first article, McDougall formulates an argument against sex selection based upon a Neo-Aristotelian concept of virtue ethics. In short, her argument consists of the idea that the virtue of acceptance, i.e. the willingness to accept one's child regardless of characteristics such as the child's sex, is a character trait of the good parent.<sup>47</sup> McDougall underpins her argument by endorsing two claims that she believes are key to a Neo-Aristotelian virtue ethics approach, which are: 1) an action is right if and only if it is what a virtuous agent would do in the circumstances. And 2) virtues are character traits conducive to human flourishing, based on immutable facts about human life. Subsequently, she re-formulates these claims specific to the realm of parental action. The claims then become: 1) an action is right if and only if it is what a virtuous parent would do in the circumstances. And 2) parental virtues are character traits conducive to the flourishing of the child, based on immutable facts about human reproduction and rearing.<sup>48</sup> Now, with her parental virtue approach McDougall assumes that the primary purpose of a parent is the flourishing of his or her child and that a child's characteristics are unpredictable. She then argues that if parents embrace the child regardless of his or her unpredictable characteristics this will facilitate the child's flourishing.<sup>49</sup> Thus, the virtue of acceptance, the willingness to accept one's child regardless of his or her characteristics, is a parental virtue McDougall argues. Whenever parents would opt for sex selection this would be evidence of the parent's failure to act in accordance with the parental virtue of acceptance, since they would not be willing to accept the unpredictability of the child's sex.

In her article 'Parental Virtue: a New Way of Thinking About the Morality of Reproductive Actions', McDougall elaborates further on her parental virtue approach. In this article she,

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<sup>46</sup> Ibid.

<sup>47</sup> Rosalind McDougall, 'Acting Parentally: an Argument Against Sex Selection', *Journal of Medical Ethics*, Vol. 31, 2005. p.601.

<sup>48</sup> Ibid. p.602.

<sup>49</sup> Ibid. p.603.

again, draws on several Neo-Aristotelian claims about right action. Besides the two claims already mentioned in her first article, she adds the claim that a virtuous person is one who has and exercises the virtues. With regard to reproductive ethics and parental actions McDougall again asks herself the question which character traits are the parental virtues? Besides acceptance, she now also identifies the virtue of committedness and future-agent focus.<sup>50</sup> According to her, these three virtues are important for parents to have when we consider the question 'How is one to parent well?' in the context of relevant facts and a primary aim of flourishing children.<sup>51</sup> Why acceptance is a necessary virtue we have already read in her first article. A further indisputable fact about children, however, is that they are born in a highly dependent state, which makes the committedness of a parent an indispensable characteristic McDougall adds. Furthermore, she argues that human reproduction produces future moral agents, and therefore parental behaviours that promote the development of children into good moral agents are conducive to the flourishing of the child, as well as the wellbeing of whichever wider communities the child is or will be a part of.<sup>52</sup> Now, by positing these three parental virtues McDougall develops a framework for the moral assessment of reproductive actions that centres on this conception of parental virtue. She tries to argue that we must see the moral status of a reproductive action as determined by the relationship between such an action and the three parental virtues. Thus, when morally assessing reproductive actions one must think in terms of the question 'would the virtuous parent do this?' McDougall concludes.<sup>53</sup>

## **McCabe**

McCabe, writer of the article 'Virtue in the Clinic' (2014), discusses an ethics of care as a form of virtue ethics, with the motive of care or concern for others as being the primary virtue to serve as the basis for moral judgement.<sup>54</sup> McCabe distinguishes three primary features of such a virtue ethics of care, which are empathetic understanding, sensitivity to context, and balanced care.<sup>55</sup> These three primary features of virtue ethics of care direct health professionals in the clinic to develop the ability to assess a right motive in action: the more

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<sup>50</sup> Rosalind McDougall, 'Parental Virtue: a New Way of Thinking About the Morality of Reproductive Actions', In: *Bioethics*, Vol.21 No. 4, 2007. p.185.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid. p.186.

<sup>53</sup> Ibid. p.181.

<sup>54</sup> Matthew McCabe, 'Virtue in the Clinic'. In: *The Handbook of Virtue Ethics*, ed. Stan van Hooft. Durham: Acumen Publishing Limited. 2014. p.329.

<sup>55</sup> Ibid. p.330.

the motive embodies the three features, the more admirable it is.<sup>56</sup> But McCabe not only sheds light on the primary features of a virtue ethics of care with regards to the character and conduct of the health professional. He also focuses attention on the ethical responsibilities of the patient in the clinic. According to McCabe, both healthcare professionals *and* patients are unified in pursuing the ends of medicine in specific contexts and each can significantly help or hinder the achievements of those goals. Noteworthy here is that McCabe, in compliance with Aristotle, endorses the notion of an ultimate *telos*. However, in Aristotle's ethics, it revolves around the ultimate goal of every person's life, while in the case of McCabe it revolves around the very specific goal of medicine that consists of the healing (or whenever that is no longer possible, the increasing of well-being) of the patient. Now, according to McCabe, the main care-based moral expectations placed upon patients can be centred upon their contribution to meeting the end of medicine given their particular situation. When the motives for action of a patient are shaped by being sensitive towards meeting the end of medicine, the patient takes on his or her responsibilities and acts admirably.

McCabe subsequently offers a virtue ethics of care representation of three major issues in medical practice, i.e.: physician-patient confidentiality, end-of-life decision-making, and beginning-of-life-decisions. In short, physician-patient confidentiality in terms of virtue ethics of care can be justified by way of a caring motive shaped in no small part by sensitivity to contextual detail.<sup>57</sup> With regard to end-of-life decision-making, from the viewpoint of a virtue ethics of care, the physician's participation in ending the life of a suffering patient can only be considered just if it would reflect a motive of empathetic concern for the patient that was sensitive to the contextual details surrounding the patient's particular medical situation.<sup>58</sup> And finally, concerning beginning-of-life decisions, a virtue ethics of care should foremost draw attention to the right motives of future parents, McCabe argues.

### **Pellegrino**

Just as McCabe, Pellegrino too emphasizes the importance of the ultimate end in medicine that both health professional and patient must share. Pellegrino talks about the *telos* of the relationship between the health professional and the patient in his article 'Toward a Virtue-Based Normative Ethics for the Health Professions' (1995). In this article, Pellegrino sets forth his ideas on a re-emergence of virtue ethics in the domain of the health professions.

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<sup>56</sup> Ibid. p.330/1.

<sup>57</sup> Ibid. p.333.

<sup>58</sup> Ibid. p.336.



Pellegrino understands professional ethics with regard to the health professions in a narrow sense as the realm of the ethics of the physician- patient relationship.<sup>59</sup> Such a relationship between a physician and a patient offers the possibility of agreement on a *telos*, Pellegrino points out, because central in the relationship between a physician and a patient is the health of the patient. In other words: the primary goal, the *telos*, of such a relationship is the healing of the patient by the health professional. Therefore Pellegrino emphasizes that there seems to be agreement possible upon a primary goal and a chief good in professional ethics. That said, Pellegrino states furthermore that a virtue ethics approach of the physician- or nurse-patient relationship will require a concept of medicine that defines the good of medicine as an activity; a concept of virtue; and a list of virtues that characterize the 'good' health professional.<sup>60</sup> In short, this encompasses that the goal of medicine is the healing of a patient by a health professional, a virtue is defined as a character trait that disposes its possessor habitually to excellence of intent and performance with regard to the goal of healing, and finally, the set of virtues that characterize the good health professional include fidelity to trust and promise, benevolence, effacement of self-interest, compassion and caring, intellectual honesty, justice, and prudence. Pellegrino concludes that a virtue ethics approach is viable with regard to the health professional-patient relationship because it clearly enlightens the goal of the relationship and says something about the virtuous character traits a good health professional should possess.

### **Foot**

In her famous article 'Euthanasia' (1977) Foot discusses the moral permissibility of euthanasia from a virtue ethics perspective. Foot adheres to a Neo-Aristotelian account of virtue ethics with a strong conception of human nature, as just explained in relation to Hursthouse's account. Foot's Neo-Aristotelian ideas on human nature clearly come to the fore in her discussion of euthanasia, but let me first address what Foot precisely means by euthanasia. Foot writes: "[W]hen we talk about euthanasia we are talking about a death understood as a good or happy event for the one who dies."<sup>61</sup> An act of euthanasia is thus, according to Foot, by definition an act of aiming at the *good* of the one whose death is in question and it is always for his or her sake that death is desired, she emphasizes. But what is meant by 'the good' in this regard? To answer this question Foot states that we first need to better

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<sup>59</sup> Edmund D. Pellegrino, 'Toward a Virtue-Based Normative Ethics for the Health Professions', In: *Kennedy Institute of Ethics Journal*, Vol. 5 No. 3, 1995. p.265.

<sup>60</sup> Ibid. p.267.

<sup>61</sup> Philippa Foot, 'Euthanasia', In: *Philosophy & Public Affairs*, Vol. 6, No. 2, 1977. p.86.

understand the reason for saying that life is a good, and we must analyse if there is a connection between good and life. Here Foot's Neo-Aristotelian ideas on happiness and human nature come to the fore. Foot argues that there is a certain conceptual connection between *life* and *good* in the case of human beings just as in that of animals and even plants. In the case of humans, just as with plants and animals, it is not the mere state of being alive that can determine, or itself count as good, but rather life coming up to some standard of normality, she writes.<sup>62</sup> With these 'standards of normality' Foot means the minimum of basic goods that every ordinary human life should possess; when these basic goods are absent we no longer link life to the conception of the good.<sup>63</sup> Such minimum basic goods are for instance that a person has the support of a family or community, that a person can more or less satisfy his hunger, that a person can lie down to rest at night, and that he or she has hopes for the future.<sup>64</sup> These minimum basic goods enable people to ultimately live a flourishing life. However, when these minimum basic goods are absent and we no longer link life to the conception of the good, we can speak of the fact that death might be desired for his sake and that euthanasia might be an act of aiming at the *good* of the one whose death is in question. But when is an act of euthanasia morally permissible, Foot asks? In order to come up with an answer she argues that we need to examine the requirements of two different virtues in relation to euthanasia, namely the virtues of justice and charity. In short, Foot argues that in general acts of euthanasia are not in line with the virtues of justice and charity, but when we are able to describe such circumstances in which acts of euthanasia are in line with justice and charity then euthanasia could be morally permissible and we need to carefully consider the legalization of such an act.

### **Critical Evaluation**

After discussing the accounts of Hursthouse, McDougall, McCabe, Pellegrino and Foot, one can now ascertain that among the areas of bioethics that have received considerable attention from virtue ethicists are abortion, reproductive action, euthanasia and the practice of health care. However, one can now also note that it turns out that these virtue ethicists in question attend either to (i) personal decisions concerning these matters, or (ii) issues in professional ethics centring on health professionals' character and conduct.<sup>65</sup>

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<sup>62</sup> Ibid. p.95.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Holland, 2011. p.195.

Pellegrino and McCabe, as we have just seen, primarily address the character and conduct of the health professional in relation to their patients. They address the appropriate emotional responsiveness and the right motivation the health professional should possess, and focus upon the virtues that are necessary for the health professional (and in the case of McCabe, also the patient) to have in order to meet the *telos* of the health professional-patient relationship, which is the healing, or well-being, of the patient. This primary focus upon the moral character and conduct of the health professional in the writings of Pellegrino and McCabe is at first glance not that surprising when we recall that Aristotle's virtue ethics chiefly is an agent-centred ethics in which it revolves around the kind of person the moral agent becomes, wishes to become and, finally, ought to become as a result of her habitual disposition to act in certain ways. But for Aristotle, it is always the agent as a *social animal*: as a member of a community.

Hursthouse and McDougall do not primarily focus upon issues in professional ethics centring on health professionals' character and conduct, but instead draw attention to personal decisions concerning bioethical matters. Hursthouse evaluates what character traits a virtuous woman should possess in order to have the right attitude towards abortion, and in order to make a right decision concerning the matter. McDougall examines what parental virtues parents need to possess in order to make right decisions concerning reproductive actions. Some authors have argued that Foot's account on euthanasia is also concerned with personal decisions, namely the personal responses to a request by a competent person to be killed.<sup>66</sup> I, however, do not agree with this claim. In contrast to Hursthouse and McDougall, Foot does not solely focus upon the right dispositions and virtues the individual agent that is facing a bioethical issue should possess. Instead, while relying on a Neo-Aristotelian concept of ethical naturalism, Foot examines the moral permissibility of euthanasia. By concentrating on the moral permissibility of euthanasia, Foot inevitably steps into the realm of politics, i.e. that of questions concerning the legalization and accompanying policy that surround acts of euthanasia. Although Foot does not explicitly address, nor answers, the question whether euthanasia should be legalized according to her, she nonetheless touches upon this question by her analysis of the moral permissibility of euthanasia. Thereby she is one of the few contemporary virtue ethicists who also -carefully- hints at the societal and political remit of bioethics to draft, regulate and evaluate policy and procedures in biomedicine. And this brings me exactly to the point I want to address here.

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<sup>66</sup> Ibid.

The contemporary virtue ethicists that are addressing bioethical issues seem to foremost focus upon the personal decision-making process of individuals concerning bioethical matters or on issues in professional ethics centring on health professionals' character and conduct. However, personal judgements and actions in a biomedical context need to be distinguished from societal decisions about how to regulate biomedical procedures. Holland rightly illustrates this in his article 'The Virtue Ethics Approach to Bioethics' (2011) when he writes that: "in the context of life-ending ethics, a person's decision to end their life can be distinguished from the societal decision to legalize or criminalize related biomedical practices (such as active euthanasia and physician assisted suicide)." <sup>67</sup> However, the just discussed accounts (except the one of Foot) seem to have little eye for this distinction. McDougall, for instance, seems to simply gloss over the distinction: while she advocates a virtue ethics approach to bioethics in general, her two papers provide in fact only virtue ethical evaluations of personal judgements and actions in a biomedical context. After concluding what dispositions virtuous parents should have towards parenthood, McDougall does not make any statement about what desirable policy or legal measurements surrounding sex selection and reproductive actions need to come into being in order to support her conclusions. Her conclusions, thus, remain on the individual level of personal judgements and actions, and do not rise to the societal and political level. But one of the crucial remits of bioethics is to also make contributions to societal decisions about how to regulate biomedical procedures. Holland accurately writes that: "advocates of the virtue ethics approach often gloss over the distinction between the moral permissibility of a personal decision involving a biomedical procedure, and how to regulate it." <sup>68</sup> We have just seen, whilst discussing the accounts of Hursthouse, McDougall, Pellegrino and McCabe, that they all primarily focus either on (i) personal decisions concerning bioethical matters, or (ii) issues in professional ethics centring on health professionals' character and conduct, instead of the societal and political question how to regulate and evaluate relevant biomedical policy and procedures. For virtue ethics to be a truly viable approach to the domain of bioethics, however, it needs to be able to make contributions both to the individual *and* to the societal and political level of bioethical issues. Virtue ethics must not only provide insight in personal decision-making processes or professional ethics, I believe, but must also be able to offer insights in societal and political questions that concern the regulation of biomedical procedures.

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<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

What is striking is that the contemporary virtue ethicists who are working in the field of bioethics, and whose accounts I have just discussed, do not seem to address this societal and political remit of bioethics. Only Foot touches upon it carefully in her account on euthanasia, but she seems to be an exception. Why do these other authors seem to gloss over this crucial distinction between personal judgements and societal decisions about regulating policy? Is it because a virtue ethics approach is simply not capable of addressing the societal and political dimension of bioethical issues? The just discussed authors (except Foot) seem to imply that this is the case when they solely discuss the contributions that a virtue ethics approach can make to personal judgements and to issues in professional ethics centring on health professionals' character and conduct. Hursthouse, McDougall, McCabe and Pellegrino all four seem to suggest that virtue ethics is an exercise in personal, not public, morality because it brings primarily into focus the kind of person who acts. But does this necessarily imply that virtue ethics cannot say anything about the societal and political dimensions of bioethical issues? I strongly doubt that. Why would Aristotle otherwise have written his virtue ethics primarily for future lawgivers and politicians? I believe that in order to be able to answer the question if virtue ethics can also make a viable contribution to bioethics' societal and political remit, i.e. to evaluate the ethics of biomedical procedures in order to recommend regulatory policy, I believe we must take a closer look at how Aristotle understood the relationship between ethics and politics. Because by examining that relationship, we might find an answer to this pressing matter.

## 4. Politics

### The Political Character of Aristotle's Ethics

As already mentioned in chapter one, Aristotle wrote his *Nicomachean Ethics* in first instance for future lawgivers and politicians. To present-day readers of the *Nicomachean Ethics* it might come a bit as a surprise, but Aristotle even describes the subject matter of the *Nicomachean Ethics* as 'political science'. One must note, however, that for Aristotle political science encompasses two fields that we are nowadays used to distinguish as ethics and political philosophy.<sup>69</sup> Aristotle however doesn't make the same distinction between ethics and political philosophy as we nowadays do and instead gathers both ethics and political philosophy under the header of political science. The reason for this is that he sees political

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<sup>69</sup> Fred Miller, "Aristotle's Political Theory", *The Stanford Encyclopedia of Philosophy* (Fall 2012 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2012/entries/aristotle-politics/>>.

science as the most authoritative science that governs all the other practical sciences. The ends of all other practical sciences serve as means to the end of political science, which is *eudaimonia*: the human good.<sup>70</sup> At the very beginning of the *Nicomachean Ethics* Aristotle writes that political science: "legislates about what one must do and what things one must abstain from doing, the end of this expertise will contain those of the rest; so that this end will be the human good" (*NE* I, 1094b5-7). With this statement Aristotle emphasizes the inextricable intertwinement between politics and ethics. The statement furthermore implies that Aristotle is of the opinion that no individual can achieve *eudaimonia*, or even something that comes close to it, on its own. Instead, *eudaimonia* can only be reached when one lives in a political community that fosters good habits and provides the basic equipment of a well-lived life.<sup>71</sup> The individual and the political are in Aristotle's writing thus also inextricably linked to each other. And the political, the interest of the political community, is to be valued even higher than that of the individual. At the end of the *Nicomachean Ethics* he writes:

"For even if the good is the same for a single person and for a city, the good of the city is a greater and more complete thing both to achieve and to preserve; for while to do so for one person on his own is satisfactory enough, to do it for a nation or for cities is finer and more godlike. So our inquiry seeks these things, being a political inquiry in a way" (*NE*, 1094b7).

In her article 'The Political Character of Aristotle's Ethics' (2013), Frede emphasizes that for Aristotle politics concerns much more than only the provision of what is necessary for the life of a community. The well being of the community is not confined to economic security and to internal and external peace, instead: "[I]ts prime task is the care for the citizens' acquisition of knowledge and their moral conditioning", Frede writes.<sup>72</sup> This immediately hints at the fact that Aristotle's understanding of the political community differs from our present-day conception of the modern nation-state. Let me explicate the differences.

### **Aristotelian Polis and the Modern Nation-State**

Aristotle was of the opinion that all human beings were political by nature. With this statement he meant that people could only live flourishing lives within a community of others,

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<sup>70</sup> Ibid.

<sup>71</sup> Richard Kraut, "Aristotle's Ethics", *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2014/entries/aristotle-ethics/>>.

<sup>72</sup> Dorothea Frede, 'The Political Character of Aristotle's Ethics', In: *The Cambridge Companion to Aristotle's 'Politics'*. Edited by Marguerite Deslauriers and Pierre Destrée. Cambridge: Cambridge University Press. 2013. p.15.

because only in a well structured setting people can fully exercise their moral and intellectual faculties and in so doing achieve *eudaimonia*, Aristotle argued. His definition of the city-state illustrates this argument very well:

"the city is an association of equals; and its object is the best and highest life possible. The highest good is happiness; and that consists in the actualization and perfect practice of goodness. But, as things happen, some may share in it fully, but others can only share in it partially or cannot even share at all. Obviously this is the reason why there are different kinds and varieties of cities, and a number of different constitutions." (*Politics*, 1328a40-47)<sup>73</sup>

Important to notice is that although our modern word 'political' derives from the Greek *politikos* it had a different meaning than our word political has now. *Politikos* can be translated as 'of, or pertaining to, the polis', and the Greek term 'polis' is best understood as 'city state'.<sup>74</sup> However, a city-state was something else than our modern-day nation states and a comparison is controversial. Athens and Sparta were such ancient city-states: characteristically they were relatively small and they formed cohesive units in which political, religious and cultural concerns were intertwined.<sup>75</sup> Thus, when Aristotle emphasizes the inextricable relationship between the individual and the political, and when he stresses the importance of the political community for the well being of the individual, he refers to different notions than our present-day understanding of the political.

What comes to the fore is that Aristotle's conception of the polis is based on, and embodies a substantive conception of the human good, Bielskis points out in his article 'Towards the Conception of Post-Modern Politics: the Aristotelian Polis vs. the Modern Nation-State' (2008).<sup>76</sup> What makes Aristotle's understanding of politics so different from our present-day understanding of politics in liberal democracies of the modern nation-state is foremost that our current liberal democracies are instead based upon a conception of a minimal and neutral state. Modern political philosophers, from Locke to Rawls, all have argued that the state must be understood as an instrumental mean to the individual's good and well being, and must not be understood as an end or good in itself, and this has become a common understanding.<sup>77</sup>

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<sup>73</sup> Aristotle, *Politics*. Translated by Ernest Barker. Oxford: Oxford University Press. 1995. p.269.

<sup>74</sup> Fred Miller, "Aristotle's Political Theory", *The Stanford Encyclopedia of Philosophy* (Fall 2012 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2012/entries/aristotle-politics/>>.

<sup>75</sup> Ibid.

<sup>76</sup> Andrius Bielskis, 'Towards the Conception of Post-Modern Politics: the Aristotelian *Polis* vs. the Modern Nation-State'. In: *Filosofija Sociologija*. Vol 19, No 3. 2008. p.84.

<sup>77</sup> Ibid.

This modern conception of the role of the state as primarily instrumental and facilitating thus differs greatly from that of Aristotle, who has even claimed in his *Politics* that the state came into existence as a means of securing mere life, but it continues to exist to secure the good life (*Politics*, 1252b31-32).

Furthermore, the scale of the *polis* differs greatly from the scale of our modern nation-states. In the *polis* of which Aristotle speaks, the political community was relatively small and formed a cohesive unit in which political, cultural, religious and moral concerns were intertwined. While, in comparison, the community in the modern nation-state is of a much larger scale, which makes it very difficult to come to a system of common beliefs shared by all citizens. In our present-day pluralistic nation-states it has become difficult to regulate communal activities because of the intraregional cultural variations within such pluralistic and multicultural contexts; cultural backgrounds and religious systems often clash with each other, making it hard to set up communal policies that suit everyone. How could virtue ethics in such circumstances be endorsed, when deep cultural differences can lead to rival and incompatible beliefs on what happiness is and subsequently result into conflicting and irreducible conceptions of virtue? How should a contemporary virtue ethics approach deal with this difficulty?

One way could be to point to the role of natural facts about human beings in establishing substantive content about what it means for humans to flourish and which virtuous character traits conduce to flourishing. This is the strategy of contemporary naturalists like Hursthouse and Foot amongst others. An alternative response could be to admit that cultural relativism *is* a challenge for virtue ethics, but that it is just as much a problem for other ethical approaches.<sup>78</sup> But how convincing is that strategy? At least it doesn't solve or release the problem. A bolder alternative is to claim that much cultural disagreement arises from local understandings of the virtues, but that the virtues themselves are not relative to culture.<sup>79</sup> This is the strategy of Nussbaum amongst others, who claims that we can draw up a general table of virtues that universally applies to everyone. This might form a reasonable alternative to the naturalistic approach, but nevertheless the charge of cultural relativism seems to stay a problematic hurdle for virtue ethics to which it cannot simply formulate one uncontroversial, rock-solid reply.

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<sup>78</sup> Rosalind Hursthouse, "Virtue Ethics", *The Stanford Encyclopedia of Philosophy* (Fall 2013 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2013/entries/ethics-virtue/>>.

<sup>79</sup> Ibid.



What is yet left unmentioned, however, is that one of the principal features of our modern societies is the increased process of 'functional differentiation', as it is called in sociological theory. Functional differentiation refers to the fact that our societies are divided into several function systems: that of politics, economy, science, art, religion, our legal- and our health system, sports, education and our media system for instance. Our society is divided up into these different subsystems, which causes the complexity and variation of each system to increase because, in short, each of the subsystems can make different connections to the other subsystems. Now I believe that the domain of bioethics can also be understood as such a subsystem; i.e. as a function system that revolves around the practice of resolving ethical issues that concern biomedical research, clinical medicine or public health. When one understands the domain of bioethics as such a function system, then it becomes admissible to speak of a community in which all the members can share the same system of virtues and beliefs, and in which agreement can exist upon the end, the highest good, of that system. However, the problem remains that bioethical policy is regulated at the national, and sometimes even global level and thus always eventually supersedes the level of the function system. Furthermore, one can question, when every subsystem has its own internal logic and its own *telos*, and we live in a society in which several subsystems exist independently of each other because our society is build up out of different function systems, then how do all these systems relate to each other? Do they share one common moral foundation, or not? And if so, upon what would this foundation be based? I am afraid it would far exceed the limitations of my inquiry here to try and answer these questions. Let us instead now return to the writings of Aristotle, and see whether we can find any designations there that help us further in our inquiry.

### **The Personal and Political Intertwined**

At the beginning of Book I of the *Nicomachean Ethics*, Aristotle states that legal regulations are the means of political science to ensure the proper conduct of the citizens (*NE*, 1094b5). At the final conclusion, he writes that we need to attribute to the laws not only the supreme authority in education but also the respective executive power (*NE*, 1179b31-1180a4). The laws can thus best be understood as both incentives to right actions and as powers that impose discipline. However, Aristotle is no advocate of nomocracy, Frede argues.<sup>80</sup> This emerges "from the fact that it turns out that the emphasis on the authority and importance of legal

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<sup>80</sup> Frede, 2013. p.15.

regulations serves as an introduction to the question of how to obtain competent lawgivers as the crucial prerequisite of legislation that supports good constitution", she writes.<sup>81</sup> Hence, the final question in the *Nicomachean Ethics* concerns the education of future politicians and lawgivers. This re-affirms the close connection between ethics and politics that Aristotle had postulated at the beginning of Book I, but it also makes explicit what has been presupposed implicitly throughout the work's disquisitions, namely that the right moral education is public concern, Frede emphasizes.<sup>82</sup> Aristotle regards moral education as a public concern because he believes that a good community is always based upon good laws, and good laws are laws that require universal knowledge of what is good for everyone by the ones who make and enforce those laws.

The most important reason why it is so significant that lawgivers have a good moral education and possess a sound moral character is because of the fact that laws and policy of what is to be done can never be overly precise, according to Aristotle. There cannot be precise precepts for all cases, not only because no manual could hold them all but also because not all eventualities can be foreseen. As already mentioned in chapter two when discussing the subject of action guidance, Aristotle argues at the beginning of the *Nicomachean Ethics* that general rules and laws can never *alone* ensure consistent performance of right action, because moral action is always concerned with specific situations that require moral fine-tuning and situational appreciation by the wise agent. It always partly depends upon the responsibility of the agent to determine what action fits the particular circumstances, i.e. what should be done, in what way, when, and so on. But, Frede points out: "the very fact that the responsibility concerns the adaptation of "the general account" to the particular circumstances confirms the existence of *ceteris paribus* rules, otherwise there would be nothing to adapt."<sup>83</sup> It is certainly not the case that Aristotle believes that agents should be left entirely to their own devices. Because if that would have been Aristotle's opinion than he could have saved himself the trouble of giving such a detailed account of all the excellences of character and the respective kinds of actions and affections, and his ideas on moral education through practice and habituation are then pointless.<sup>84</sup> Moral education, i.e. the knowledge of the virtues, the good, and the human mind, is according to Aristotle of essential importance because it learns you to recognize what is characteristic of virtuous acts, it learns you to make clear distinctions between conditions that make a particular act virtuous and what not, it learns you to recognize

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<sup>81</sup> Ibid. p.16.

<sup>82</sup> Ibid, p.17.

<sup>83</sup> Ibid. p.30.

<sup>84</sup> Ibid.

what is the best in each particular situation by good practical reasoning, and it learns you to discriminate correctly in every set of circumstances.

The reason why it is of such a great importance that future lawgivers and politicians have a good moral education is because of the fact that they are the people who will be making and enforcing laws and policy, and those laws and policies of what is to be done can never be overly precise Aristotle argued, and therefore there is always also insight needed of the individual lawgiver or politician over what needs to be done in a particular situation. The personal and political are thus always inextricable intertwined.

## **Final Remarks**

What Aristotle has shown his readers is that laws, rules and policies can never be spelled out in such a way that leaves no room for interpretation, and therefore policy formation and implementation always requires the interpretation and best efforts of the ones who make and execute it. This fact emphasizes the importance of moral education and character: the moral character of the individual agent helps to guide her within the wide range of behaviour that is bounded by general principles and rules. A virtue ethics approach thus does not divide the personal from the political, but instead calls our attention to the ways in which the level of the personal and the political are interconnected. Policy and moral character serve as mutually reinforcing assurances that determine right action in professional matters.<sup>85</sup> Eminently a virtue ethics approach can elucidate how the personal and the political are inextricably intertwined with each other. The contemporary virtue ethicists I have discussed that apply virtue ethics to the domain of bioethics, however, do not seem to be aware of this close and inextricable intertwining of the personal and the political when they write about bioethical issues from a virtue ethics perspective. They focus foremost upon (i) personal decisions concerning bioethical matters, or (ii) issues in professional ethics centring on health professionals' character and conduct. Reflection upon regulations and procedures is not present in the writings of these authors, except in the account on euthanasia by Foot. I believe this is a serious shortcoming and deplorable because Aristotle has clearly shown how the ethical and the political, the individual and the societal, are intertwined.

When future policy makers and implementers working in biomedicine and health care possess a virtuous character, practical wisdom, and dispose of a good moral education, one can -to a high extent- ascertain that the drafting and implementation of policies and procedures in

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<sup>85</sup> Karen M. Meagher, 'Considering Virtue: Public Health and Clinical Ethics', In: *Journal of Evaluation in Clinical Practice*. Vol. 17. No 5. 2011. p.892.

health care and biomedicine will show to be virtuous too, because every implementation of general rules and laws partly depends upon the responsibility and best insight of the individual agent to determine what is best in that particular circumstance, Aristotle has shown us. However, it is important to make clear that it of course does not solely revolve around the *right implementation* of rules and procedures by morally educated practitioners working in the field of biomedicine and health care. A viable virtue ethics approach to bioethics should also make clear *which* laws, rules, and procedures are to be formulated and implemented by these morally educated health care professionals and policy makers. Although a virtue ethics approach will emphasize that rules and laws always stand in need of practical wisdom, i.e. moral fine-tuning and correct implementation, such general rules and laws are nevertheless necessary. Let me elucidate what such general rules in the context of bioethics could be by referring back to the account of Foot on the moral permissibility of acts of euthanasia.

As mentioned in chapter three, Foot argued that an act of euthanasia should be understood as an act whose purpose is to benefit the one who dies. Subsequently she argued that when one is able to describe such circumstances in which acts of euthanasia are in line with the virtues of justice and charity - i.e. justice has to do with what men *owe* each other in the way of non-interference and positive service, while charity is the virtue which attaches us to the good of others- than euthanasia could be morally permissible. Because life is normally a good, Foot argued, charity demands that life should be saved or prolonged. However, when euthanasia is defined as an act that seeks a persons death for her own good, than charity will normally speak in favour of it. "This is not, of course, to say that charity can require an act of euthanasia which justice forbids, but if an act of euthanasia is not contrary to justice- that is, it does not infringe rights- charity will rather be in its favour than against", Foot writes.<sup>86</sup> The virtues of charity and justice here thus function as general rules; as rules that that tell us when an act of euthanasia is permissible and when it is not, and at the same time promote virtuous behaviour in an admittedly general way that stands in need of fine-tuning and correct implementation by the practically wise practitioner.

However, what is very important to emphasize here once again is that Aristotle argued that laws and rules continue where the role of the moral educators stop. This subsequently means that laws and rules always have a morally educative and eudaimonia-promoting function. Rules and laws are there to promote morally desirable and virtuous behaviour, which stands in line with Aristotle's idea that politics concerns much more than only the provision of what

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<sup>86</sup> Foot, 1977. p.106.

is necessary for the life of a community, as already mentioned in chapter four. As already stated on page 30, Aristotle argued that the well being of the community is not confined to economic security and to internal and external peace, but its prime task is instead to take care for the citizens' acquisition of knowledge and their moral conditioning. This stands in great contrast with our present-day understanding of politics and the role of laws and rules; our conception of politics is based upon the conception of a minimal and neutral state that primarily has an instrumental and facilitating role. Now inevitably the following question arises: is it possible to introduce laws and general rules from a virtue ethics perspective that have a morally educative and eudaimonia-promoting function, while at the same time keep hold of our current conception of the modern neutral nation state as primarily instrumental and facilitating? Can these two conceptions co-exist, or do we need to seriously revise our conception of politics when we want to start making use of virtue ethics in the societal and political domain?

It is clear that this is a fundamental question with far reaching consequences. It would far exceed the limitations of this thesis to try and solve this fundamental matter here. It is, however, important to identify some possible philosophical directions that an answer to this pressing matter could go into. Let me therefore very concisely elucidate some possible solutions to the question if a virtue ethics approach can co-exist with and justify modern-day liberal political ideals.

The most renowned advocate of a serious and profound revision of our modern liberal political ideals is MacIntyre. He defends in *In After Virtue* that we need to move away from a liberal conception of politics and move towards an Aristotelian ideal of an intimate, reciprocating local community bound by shared ends, where people simply assume and fulfil socially given roles.<sup>87</sup> Nussbaum, on the other hand, works out a very different approach in *Frontiers of Justice* (2006) in which she argues that Aristotelian ideas can, after all, generate a satisfyingly liberal political philosophy.<sup>88</sup> Drawing on Aristotelian ideas on human nature, Nussbaum develops an account of what human beings 'essentially are' as a foundation for her capabilities approach, that in short purports that freedom to achieve well-being is a matter of what people are able to do and to be, and thus the kind of life they are effectively able to

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<sup>87</sup> Daniel Bell, "Communitarianism", *The Stanford Encyclopedia of Philosophy* (Summer 2016 Edition), Edward N. Zalta (ed.), forthcoming URL = <<http://plato.stanford.edu/archives/sum2016/entries/communitarianism/>>.

<sup>88</sup> Ingrid Robeyns, "The Capability Approach", *The Stanford Encyclopedia of Philosophy* (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2011/entries/capability-approach/>>.

lead.<sup>89</sup> Slote, by contrast, argues that we need to examine Stoic virtue ethics instead of Aristotelian virtue ethics, because: "ancient [Stoic] virtue ethics is capable of helping us to understand and justify modern-day political ideals."<sup>90</sup> By appealing to Stoic virtue ethics, instead of (Neo-) Aristotelian virtue ethics, Slote develops a virtue ethical alternative to utilitarian/consequentialist and Kantian accounts of liberal democracy. Another different alternative is to turn to Kantian virtue ethics, instead of Stoic or (Neo-) Aristotelian virtue ethics. One of the most striking differences between Aristotelian virtue ethics and Kant's account of virtue is that Kant presupposes an account of moral duty already in place.<sup>91</sup> Rather than treating admirable character traits as more basic than the notions of right and wrong conduct, Kant takes virtues to be explicable only in terms of a prior account of moral or dutiful behaviour, Johnson explicates.<sup>92</sup> Subsequently, Kant doesn't try to make out what shape a good character has and then draw conclusions about how we ought to act on that basis, but instead sets out the principles of moral conduct based on his philosophical account of rational agency, and then on that basis defines virtue as the trait of acting according to these principles.<sup>93</sup>

These are some brief indications of some of the possible directions in which an answer could be found to the pressing matter if a virtue ethics approach can coexist with and justify some of our most important modern-day liberal political ideals, however, all possible solutions would have profound consequences: either for our understanding of politics, or for our understanding of virtue ethics.

What I have shown in this thesis is that in recent years the approach of Neo-Aristotelian virtue ethics is being applied more and more often to issues in the domain of bioethics. However, it is almost solely applied to issues that concern matters of personal judgement or professional ethics. To the societal and political remit of bioethics is being little to no regard paid. I have argued that this is a serious shortcoming of current applications of virtue ethics to bioethics, and that it is moreover surprising since Aristotle has clearly argued that the individual and the political are always inextricably intertwined with each other. However, what also has become clear is that if virtue ethics wants to contribute to the political remit of bioethics, which is

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<sup>89</sup> Ibid.

<sup>90</sup> Michael Slote, 'Virtue Ethics and Democratic Values', In: *Journal of Social Philosophy*, Vol. 14. 1993. p.6.

<sup>91</sup> Robert Johnson, "Kant's Moral Philosophy", *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/sum2014/entries/kant-moral/>>.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

necessary if virtue ethics wants to be a fully viable approach in the domain of bioethics I have argued, than some of the most basic assumptions of Aristotelian virtue ethics need to be thoroughly examined, and possibly revised. One important issue, as I have just argued, is that in Aristotelian virtue ethics general rules and laws have a morally educative and eudaimonia-promoting function, which stands in conflict with our modern-day liberal political ideals. I am of the opinion that virtue ethicists currently working in the domain of bioethics should seriously address this matter, because from the moment attention is paid to this issue and an attempt is being made to formulate a coherent and convincing answer to the matter, only then can virtue ethics start to really contribute to the societal and political remit of bioethics as well, which I deem necessary for a fully viable virtue ethics approach to the domain of bioethics. I therefore want to urge virtue ethicists currently working in the domain of bioethics to not only address matters of personal judgement or professional ethics, but to also seriously think about the way in which a contemporary virtue ethics approach should relate to current political structures and ideals.

## Summary

In recent years the approach of Neo-Aristotelian virtue ethics is being applied more and more often to issues in the domain of bioethics. However, it is almost solely applied to issues that concern matters of personal judgement or professional ethics. To the societal and political remit of bioethics is being little to no regard paid from a Neo-Aristotelian perspective. In this thesis I argue that this is a shortcoming of current applications of Neo-Aristotelian virtue ethics to the domain of bioethics, and that it is moreover surprising since Aristotle has clearly argued that the individual and the political are always inextricably intertwined with each other. What Aristotle shows his readers is that laws, rules and policies can never be spelled out in such a way that leaves no room for interpretation, and therefore policy formation and implementation always requires the interpretation and best efforts of the ones who make and execute it. However, a viable virtue ethics approach to bioethics should also make clear *which* laws, rules, and procedures are to be formulated and implemented by such morally educated health care professionals and policy makers. Foot, one of the few Neo-Aristotelian authors that pays attention to the political remit of issues in the domain of bioethics, gives an indication of how such virtuous rules should look like when she discusses the virtues of justice and charity with regard to the moral permissibility of acts of euthanasia. However, Foot endorses Aristotle's argument that laws and rules continue where the role of the moral educators stop. This subsequently means that laws and rules always have a morally educative and eudaimonia-promoting function, i.e. rules and laws are there to promote morally desirable and virtuous behaviour, which stands in line with Aristotle's idea that politics concerns much more than only the provision of what is necessary for the life of a community. Aristotle argued that the well being of the community is not confined to economic security and to internal and external peace, but its prime task is instead to take care for the citizens' acquisition of knowledge and their moral conditioning. This stands in great contrast with our present-day understanding of politics and the role of laws and rules: our conception of politics is based upon the conception of a minimal and neutral state that primarily has an instrumental and facilitating role. Inevitably the following question arises: is it possible to introduce laws and general rules from a virtue ethics perspective that have a morally educative and eudaimonia-promoting function, while at the same time keep hold of our current conception of the modern neutral nation state as primarily instrumental and facilitating? I argue that an answer to this pressing matter either implies some profound consequences for our understanding of politics, or for our understanding of Neo-Aristotelian virtue ethics.



Nonetheless, I argue that it is of importance that Neo-Aristotelian virtue ethicists currently working in the domain of bioethics pay attention to this pressing matter, because only when these virtue ethicists also seriously think about the way in which a contemporary Aristotelian virtue ethics approach should relate to current political structures and ideals, -and they not only focus upon matters of personal judgement or professional ethics in bioethics- than a Neo-Aristotelian virtue ethics approach to the domain of bioethics could be fully viable.

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