

# Morally Weighing The Body

Thesis for the degree of Master in Philosophy

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## Background

About one year ago a short but heated discussion between professional philosophers in Norway appeared in the publication for the Norwegian Doctors Union.<sup>1</sup> The debate concerned how to treat potential organ donors and their bodies if death was imminent: Would elective ventilation<sup>2</sup> be an acceptable procedure from an ethical perspective? The perceived 'lack' of organs and acceptable donors was emphasized and so-called 'Kantian' arguments were employed in the debate both for and against establishing a practice of elective ventilation.

Arguments concerning organ donors and other so called 'bio-ethical' questions have been numerous both in the popular press and in more specialized publications during the last couple of years. Questions regarding selection of and research on fertilized human eggs, abortion, organ donation and euthanasia have been aggressively debated both by the general public and by professional philosophers, and in all likelihood these arguments will continue and grow in the foreseeable future as we see the possibilities of intervention and 'improvement' increasing through medical research. However, several of these arguments arise from positions that appear to take certain ideas about both moral philosophy and the human body for granted. Usually these ideas point to a certain 'location' within our lives or our bodies as the starting point or foundation of our moral worth or lack thereof; and many of the disputes and the participants in these subsequently disagree more about where exactly this marker is to be found in a 'technical' sense than anything else. The general and questionable understanding within these 'bio-ethical' arguments seems to be that if this point could be sufficiently delineated and agreed upon, these disputes would be much fewer in number and easier to resolve.

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<sup>1</sup> Lars Johan Materstvedt and Johan-Arnt Hegvik, "Organdonasjon, Elektiv Ventilasjon Og Etikkk," *Tidsskriftet for Den norske lægeforening* 19 (2004).

<sup>2</sup> Artificial respiration/ventilation exclusively in order to preserve the viability of organs considered reusable.

## Introduction

How do you develop a focus on ‘the body’ in ethics? How do the bodily aspects of our being come to matter in ethical perspectives? How do you assure that the perspective on ‘the body’ developed in an ethical theory acknowledges how certain aspects of our physical being might be more culturally dependent than others?

As human beings we look at ourselves today from perspectives that more or less take our equal moral worth for granted. We see it as natural that the basic unit of moral worth is a person or human being. However, this understanding becomes less self-evident when we consider the sharp ethical dilemmas that arise in bio-ethical contexts. Medical personnel who care deeply about their patients may in critical situations be forced to weigh who among several patients they should prioritize saving. These matters of triage seldom give time for philosophical investigation or careful deliberation in public. In making these decisions those involved have to rely on established practices, feelings and intuition. Philosophy might nonetheless be of assistance in these difficult decisions by criticizing and hopefully clarifying the basic thoughts that form the practices, feelings and intuitions about moral worth that are brought to bear on these matters.

My initial suspicion when I started to consider these questions was that we have a tendency to overvalue mental aspects as a marker of moral worth in relation to our bodies. It is often taken for granted that our worth is fixed in a direct relationship to the status of our souls, intellect or consciousness – all mental aspects of our being. While the status of our feelings, affections and desires or other more physically based aspects are more contingent and fickle in comparison. Thus quite often the conclusion is drawn that if our mental aspects seem to be missing our moral status has also disappeared. This conclusion is probably less self-evident than it seems. Our self-conceptions, whether we see ourselves as ‘mental’ or as ‘physical’ beings, might of course all be some form of cultural constructions; especially when these constructions determine what is to be considered as ‘inside’ or ‘outside’ of culture or nature and hence ‘open’ or ‘closed’ to change by us. However determining that something is culturally constructed does not

necessarily imply that it is unimportant, or that our feelings towards for instance ‘the body’ are less valid. Hence our view of what we are is also in the end a view of what to do.

With this backdrop my aim with this paper is to take a fresh look at how to understand the moral subject from the perspective of ‘the body’ and to try to distinguish what ‘voice’ is given to this bodily perspective within moral theory. In order to do this I will examine three different philosophical perspectives that frequently appear in (bio-) ethical debates today: 1) The Kantian position. 2) Virtue Ethics. 3) The Ethics of Care. Each position entails different conceptions of moral beings and their worth, and each position therefore constructs the essential elements of what it means to be a moral subject or agent worthy of respect in different ways. My expectation in looking towards these three approaches was to find affirmation of my impression of the Kantian approach to be mostly concerned with the rational aspects of the person and less sensitive towards ‘the body’ and particular practical problems in interpersonal relationships. I expected that reason would be the sole basis of our respect for persons in a Kantian perspective, since reason determines the will. Furthermore I anticipated finding the Ethics of Care in the opposite end of the scale with more focus on the bodily aspects of our being in demarcating who to treat with respect. My expectation further was to find Virtue Ethics in a middle position, where both material and spiritual aspects of our being would be given weight in deliberations on moral respect.

To be able to elicit a understanding of the possible worth of ‘the body’ I therefore decided to focus particularly on how the relationship between ‘the body’ and ‘the mind’ is construed in these three positions and to see how this affects ‘who’ is considered to be moral subjects (patients). If different valuations are made of the ‘somatic’ or ‘mental’ aspects of our being within these three positions this might also reveal how the attitude of a particular approach towards ‘the body’ is to be understood. Is ‘the body’ accorded respect in any way independently of ‘the mind’? In this context it is also important to be aware that the extent to which ‘the mind’ or ‘the psyche’ is taken as a part of ‘the body’ might be unclear or underdeveloped, and also how ideas about the self might exclude

‘bodily’ or ‘somatic’ aspects. My point is however not to attempt to resolve the debate on ‘the mind-body problem’,<sup>3</sup> or anything resembling this problem. My focus is on the moral respect we usually have for persons, and to try to understand how ‘the body’ shares this respect. This occasionally becomes a problem of terminology as philosophers may employ terms as ‘person’, ‘human being’ or ‘individual’ etc. in ways that might fail to equal an embodied or unified moral subject, or might not even be intended to equal it. We also have to be aware of how the recurring phenomenon of splitting influences how ‘the body’ and ‘the mind’ is understood:

The psychoanalytic concept of splitting, like that of repression, has a narrow, technical use as well as a broader metapsychological and metaphoric meaning. Just as repression became a paradigm for a larger cultural process, so might splitting be suggestive not only for individual psychic processes but also for supraindividual ones. Technically, splitting refers to a defense against aggression, an effort to protect the “good” object by splitting off its “bad” aspects that have incurred aggression. But in its broader sense, splitting means any breakdown of the whole, in which parts of the self or other are split off and projected elsewhere. In both uses it indicates a polarization, in which opposites – especially good and bad - can no longer be integrated; in which one side is devalued, the other is idealized, and each is projected onto different objects.<sup>4</sup>

At times different entities may also be given different moral status depending on whether they are examined from the perspective of the agent or from the perspective of the subject (patient) that is the ‘beneficiary’ of the agent’s actions. In the following it is therefore this particular and morally significant other (as patient) that will be the main focus of my

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<sup>3</sup> Understood as the problem whether the ‘mental’ aspects of the world or consciousness are in the end explainable in fundamentally non-mental terms. The ‘scientific’ view that everything is fundamentally physical is curious in light of the equally popular idea of having some aspect of what is ‘mental’ to be the sole foundation of moral worth. Both positions seem equally untenable.

<sup>4</sup> Jessica Benjamin, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination*, 1st ed. (New York: Pantheon Books, 1988), 63.

investigation into how to understand the bodily aspects of the moral subject. I will supply this approach with the perspective from the agent where that seems to be required.

## The Kantian moral subject

Immanuel Kant's moral theory<sup>5</sup> is perhaps the most familiar moral theory for students of philosophy all over the world, and accordingly much has been said about whether his theories are convincing, in need of revision, or just plain wrong. I do not wish to enter into these debates on what is the authoritative reading of Kant, or on which ground he might fail to give us a convincing moral theory. Instead, I will try to give a brief account of the relevant issues that he considers and how these shape his moral theory. Then, hopefully, we will be in a position to make a closer examination of his description of the moral subject that will facilitate a later contrast with other ethical outlooks with regard to what 'voice' is given to 'the body'.

Traditionally Kant's moral theory has been interpreted as strictly intellectualist or rationalistic, where the moral subject is understood as essentially dominated by its intellectual side. However, my following examination of his treatment of 'the body' or the physical aspects of the moral subject, does not give support to this traditional interpretation.

### The Moral Law

Kant's initial problem in his moral theory does originate in a 'rationalistic' understanding of ethical questions: How is it possible to consider as valid our everyday ideas of freedom

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<sup>5</sup> I will focus my treatment of Kant's moral theory on how it is presented in: Immanuel Kant, *Groundwork of the Metaphysic of Morals* (New York: Harper & Row, 1964). Immanuel Kant and Mary J. Gregor, *Critique of Practical Reason, Cambridge Texts in the History of Philosophy* (Cambridge, U.K.; New York: Cambridge University Press, 1997)., Immanuel Kant, *The Metaphysics of Morals, Texts in German Philosophy* (Cambridge; New York: Cambridge University Press, 1991), Immanuel Kant and Werner S. Pluhar, *Critique of Judgment* (Indianapolis, Ind.: Hackett Pub. Co., 1987).



and choice as essential to moral responsibility, and at the same time provide an understanding of how moral rules can effectively bind us as moral subjects? Even though we consider ourselves as free and independent, normativity does make claims on us, and to be able to say that something is absolutely right or wrong, normativity must be able to make absolute claims. It must be able to obligate us unconditionally to do or refrain from doing something. It must have the force of law. The solution of this conflict between freedom and obligation for Kant is located in the will. A good will, the only thing in or out of this world that is good without qualification<sup>6</sup> is that which is not influenced by anything external to itself, and that through reason gives its own principles of action the form of law. The only way to make sure that your human will is good is to act only from the duty of following the law of reason. To exclusively be motivated by reverence for the law.<sup>7</sup>

Kant gives this categorical imperative for human moral agents a total of five formulations that are meant to highlight different aspects of the moral law for all rational beings. These formulations are as such seen as interchangeable and equally valid:

1. "Act only on that maxim through which you can at the same time will that it should become a universal law."
2. "Act as if the maxim of your action were to become through your will a universal law of nature."
3. "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."
4. "..., the Idea of the will of every rational being as a will which makes universal law."
5. "All maxims as proceeding from our own making of law ought to harmonize with a possible kingdom of ends as a kingdom of nature."<sup>8</sup>

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<sup>6</sup> Kant, *Groundwork of the Metaphysics of Morals*, 393.

<sup>7</sup> *Ibid.*, 400.

<sup>8</sup> *Ibid.*

Originating in rationality, the moral law is valid for all rational beings. Now the crucial point with reference to ‘the body’ in relation to Kant’s moral subject is ‘who’ are worthy of the agent’s consideration in reference to the moral law? Does this for instance depend on a previous relationship? Does this relationship have to be between two equals? Is this being passive or provocative in relation to the active agent?

## **Moral Worth**

The only thing that can conceivably have moral worth without qualification in Kant’s theory is a good will.<sup>9</sup> The moral worth of an action or the agent consequently is dependent on what ‘incentive’ influences the will. Only when the will is determined by respect<sup>10</sup> for the moral law may the will of the agent be judged to be good and the action moral:<sup>11</sup> ”Duty is the necessity to act out of reverence for the law.”<sup>12</sup> – To desire what is necessary for it to be a good action. Acting from duty thus is to have a moral interest, and this is opposed to any other sensible interest that you might or might not have in your action. But, ‘who’ is it that has a will that is determined in this way?

Kant considers three different types of beings as candidates for moral worth: Non-rational sensible beings (i.e. animals), rational sensible beings (i.e. humans), and supra-sensible rational beings (i.e. holy beings).<sup>13</sup>

## **The moral worth of non-rational sensible beings**

Kant explicitly states that animals, that is, non-rational sensible beings, are to be likened to things: “Respect is always directed only to persons, never to things. The latter can awaken in us *inclination* and even *love* if they are animals (e.g. horses, dogs, and so forth), and also *fear*, like the sea, a volcano, a beast of prey, but never *respect*.”<sup>14</sup>

Accordingly, as things, animals may be the object of many different feelings, but never the respect that is reserved for moral worth. Animals are from their lack of rationality and

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<sup>9</sup> Ibid., 393.

<sup>10</sup> Or reverence.

<sup>11</sup> Kant and Gregor, *Critique of Practical Reason*, 5:72.

<sup>12</sup> Kant, *Groundwork of the Metaphysic of Morals*, 400.

<sup>13</sup> Kant and Gregor, *Critique of Practical Reason*, 5:74 - 77.

<sup>14</sup> Ibid., 5:76.

(free) will by definition excluded from the possible sphere of moral subjects both as agents and as possible moral relations to agents.

### **The moral worth of supra-sensible beings**

The supra-sensible beings or holy beings that Kant refers to are probably best to be understood as God, angels, or as (a) perfect being(s). As perfect, a supra-sensible being is always an ideal of pure rationality unable to differ from the moral law. Indeed, the ‘moral’ law is not even to be understood as an expression of obligation in reference to a holy being, since a holy being never will be inclined to diverge from the law. Thus a more proper name for the law of supra-sensible beings is the ‘holy’ law.<sup>15</sup> A supra-sensible purely rational being will always be moral and can not be thought to be otherwise;<sup>16</sup> but, since it is supra-sensible, it will not have a feeling of respect for the moral law since only sensible beings have feelings and bodies. Nor will this being ever be presented for us as a possible object of a feeling of respect or moral worth, since both depends on having a sensible nature, on needing incentives and on appearing in the sensible world. Thus the adherence to the moral law by the holy beings lacks merit, and the Kantian feeling of respect should be understood as ‘tribute’ supposed to be paid to merit where a being could have refused to follow the law. Lacking inclination, and hence lacking any hindrance to adhere to the law, the holy beings are purely determined by reason. They are good, and have no cause to be other than good. As long as moral worth by definition depends on either being an object of the feeling of respect or the ability to have feelings of respect (having bodies), supra-sensible beings will thus indeed be holy, but they will not have moral worth i.e. merit, in the manner of human (rational and sensible) beings. Consider here Kant’s own words: “All three concepts, however – that of an *incentive*, of an *interest* and of a *maxim* – can be applied only to finite beings. For they all presuppose a limitation of the nature of a being ... Thus they cannot be applied to the divine will.”<sup>17</sup> In a slightly different perspective where Kant discusses whether moral

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<sup>15</sup> Ibid., 5:82.

<sup>16</sup> “for where the former [as in a holy being] is the case there is no imperative.” Kant, *The Metaphysics of Morals*, 222.

<sup>17</sup> Kant and Gregor, *Critique of Practical Reason*, 5:79.

worth as virtue is to be accorded that “which can not be otherwise” i.e. rationality, it is clear that only the part that admits change: - your personality, character or in other words your individual sensible appearance is to be accorded respect or worth.<sup>18</sup> The ‘holy’ part of our being is not considered as changeable in this way, nor is God or other possible ‘holy’ beings open to virtue in this sense. It follows that God does not have merit in terms of overcoming a hindrance to the law, he has a necessary will. God does not have to make an investigation in the world to find out whether what he ‘decides’ is good. God necessarily is good, and thus is independent from others, omnipotent, perfectly encompassing all possible viewpoints. Any further discussion of God’s goodness or perfection is not likely to provide more insight into the status of ‘the body’ so I will leave this as it stands here.<sup>19</sup>

### **The moral worth of rational sensible beings**

A human being is both rational and sensible, and for Kant both describable under an idea of freedom and an idea of obligation. Our intellect is free, but since we are particular creatures in the world with our own particular viewpoints and perspectives, we are neither omniscient nor able to remain unaffected by the world. Our ‘inner’ moral worth thus depends on our respect for the moral law. Our moral worth in the eyes of others depends on how we provide an example of this respect i.e. an example of ‘good will’ or virtue, to the experience of others occupying their own particular positions throughout the world. Only if our will is determined by the moral law alone is it a good will, and only if our will has the moral law as its direct principle is it a free will, untouched by any empirical determination. At this point it becomes necessary to quote Kant in full:

But since this law is still something in itself positive – namely the form of an intellectual causality, that is, of freedom – it is at the same time an object of *respect* inasmuch as, in opposition to its subjective antagonist, namely the inclinations in us, it weakens self-conceit; and inasmuch as it even strikes *down*

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<sup>18</sup> Kant, *The Metaphysics of Morals*, 381.

<sup>19</sup> However the questions of God’s embodiment in the world and of the fall of Lucifer are interesting points in relation to ‘holy’ beings, their perfection, and the possibility of change.

self-conceit, that is, humiliates it, it is an object of the greatest *respect* and so too the ground of a positive feeling that is not of empirical origin and is cognized a priori. Consequently, respect for the moral law is a feeling that is produced by an intellectual ground, and this feeling is the only one that we can cognize completely a priori and the necessity of which we can have insight into.<sup>20</sup>

As free and intellectual beings the moral law is necessarily part of our nature, and as sensible beings we are as such capable of feeling an absence of sensible determination, and accordingly able to feel respect for the moral law within us. “In calling a feeling (the feeling of respect) intellectual, a qualification must be taken as understood; this feeling too, qua feeling, is sensible, a receptivity, though one that does not have its own sense; but we may still call it intellectual insofar as the basis that gives rise to it is (rational and as such) intellectual rather than sensible.”<sup>21</sup>

Thus far this consideration of morality and good will might lend itself at least partially to an intellectualist interpretation of Kant’s conception of the moral subject. Especially if the demand for being purely influenced by duty and the moral law is read as if the source of failure or vice accordingly must be our sensible nature (the body). A closer examination of Kant’s concept of Evil is helpful in order to clear up this misunderstanding.

### **Understanding Kantian Evil**

How are we as both sensible and free rational beings obligated by the moral law still able to be Evil? What is the source of Evil in humanity? Are we corrupted by our bodies, our sensible nature? It is at least clear that we would not be Evil if we were unable to do otherwise. If our ‘bodily’ urges or instincts were to drive us, unable to resist, that would make us determined (as animals are), but not Evil. Evil as a concept hence presupposes rational freedom. Evil consequently is a problem of moral character, and as such: “it is a failure that not only leaves the objective principle of morality concretely unrealized, but

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<sup>20</sup> Kant and Gregor, *Critique of Practical Reason*, 5:73.

<sup>21</sup> Kant and Pluhar, *Critique of Judgment*, fn. 205.

also leaves the potential of the natural human aptitude(s) for good unrealized.”<sup>22</sup> Evil hence is not-wanting to be good; wanting to be motivated by something different than the law, a free but ‘bad’ character. Evil, just as well as good, thus clearly has an ‘inner’ or free intellectual basis. I do not intend to try to resolve this paradox of the origin of Evil now, but instead I intend to proceed as if undoubtedly Evil humans are still to be considered as responsible and members of a possible “kingdom of ends”; as calling us to question the moral worth of our actions towards them. They are regardless of their Evil unable to forfeit their moral worth by choice as long as they are considered to be rational creatures under the Idea of a moral law.<sup>23</sup> Neither the existence of Evil, nor its source, may thus be used as an argument for disvaluing our sensible part, ‘the body’, in relation to the intellect.

## Persons

As long as it is impossible to experience a perfectly good will (i.e. God) or the moral law, in the sensible world, since our sensibility constitutes our experiences, we can only in our consideration of others presuppose the Idea<sup>24</sup> of the moral law and therefore consider others as providing us with examples of the moral law. In this context: “All reverence for a person is properly only reverence for the law (of honesty and so on) of which that person gives us an example. Because we regard the development of our talents as a duty, we see too in a man of talent a sort of *example of the law* (the law of becoming like him by practice), and this is what constitutes our reverence for him. All moral *interest*, so-called, consists solely in *reverence* for the law.”<sup>25</sup> The relevant criteria for being a person, for having the ability to provide an example of the moral law to us in experience, is for Kant the ability to outwardly posit and to signal (i.e. communicate) that action is

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<sup>22</sup> G. Felicitas Munzel, *Kant's Conception of Moral Character: The "Critical" Link of Morality, Anthropology, and Reflective Judgment* (Chicago: University of Chicago Press, 1999), 141.

<sup>23</sup> In practical matters however, this should not be taken as prohibiting punishment (or even killing) under an idea of civil justice. See for instance: Kant, *Groundwork of the Metaphysic of Morals*, footnote 430, Kant, *The Metaphysics of Morals*, 331-33, Kant and Gregor, *Critique of Practical Reason*, 5:37-38.

<sup>24</sup> Kant, *Groundwork of the Metaphysic of Morals*, 448, footnote. Kant and Gregor, *Critique of Practical Reason*, 5:46-48.

<sup>25</sup> Kant, *Groundwork of the Metaphysic of Morals*, 401\*\* (footnote).

taken out of reasons, that you have ends.<sup>26</sup> In so far that we only have experience of humans as reason-giving, the only creatures that give us grounds to suppose that they act under an Idea of moral law and freedom are other humans as they appear in particular relationships to us. However, if other creatures should appear as examples, for instance through advances in technology or through alien encounters etc., to be able to have practical ends for their actions, they should also be considered as persons under the Idea of the moral law. Now, since this arguably has not happened yet, the only persons we have encountered in practical experience are humans. Reason in itself is however clearly not enough, the practical desire to be good, a moral interest, and a capacity for such desire, sensibility, is also needed: “it does not at all follow [from the fact that] a being [is endowed with] reason, that such contains a capacity unconditionally to determine the power of choice through the mere conception of the qualification of its maxims for universal legislation... The most rational worldly being could after all require certain motivations stemming from objects of inclination in order to determine its choice, [and] apply thereto the most rational deliberations... without having any inkling... of even the possibility of something like a moral, absolutely commanding law.”<sup>27</sup> Here again Kant points out to his readers that the sensible nature of humans is essential to our understanding of them as moral subjects, as persons in relation to ourselves.

### **Realizing the good**

The central conditions of Kant’s ethics is that for a moral life, society and the highest good – a good will, to be possible in the actual world, people must adopt 3 basic principles: 1) always think for yourself, 2) always consider the perspective of others as well as your own point of view, 3) always think in a consistent manner.<sup>28</sup> If you adopt these 3 maxims in a ‘resolute’ manner you are on your way to realize your moral character – the overall end of humanity.

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<sup>26</sup> Ibid., 415.

<sup>27</sup> Kant (RV 26n), as quoted in Munzel, *Kant's Conception of Moral Character: The "Critical" Link of Morality, Anthropology, and Reflective Judgment*, 118.

<sup>28</sup> Kant and Pluhar, *Critique of Judgment*, 294.

The third formulation of the moral law states that: “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.”<sup>29</sup> Here Kant makes a slight distinction between the ‘humanity’ of a person and the ‘person’ that point to different aspects of the moral subject in reference to the moral law. In so far as the reference to humanity is more extensive than the reference to personhood, to posit the humanity of the person as an end is to say that both personhood and ‘what makes personhood possible’ is to be considered as an end. If being ‘a person’ in this limited context is roughly<sup>30</sup> equal to being rational and if being human is equal to being both rational and finite i.e. corporeal, to make the humanity of a person an end necessitates regarding both ‘the mind’ and ‘the body’ as equally sharing in what constitutes moral worth and dignity.<sup>31</sup> Only by being able to appear to us in the world may any being be able to provide us with an example of the moral law, i.e. be in a moral relationship with us. There would thus be no moral law, no idea of reverence or action from duty without the sensible part of human nature. “But we can indeed see that although experience shows that man as a sensible being has the capacity to choose in opposition to as well as in conformity with the law, his freedom as an intelligible being cannot be defined by this, since appearances cannot make any supersensible object (such as free choice) understandable.”<sup>32</sup>

Consequently, even though the ground for the outward experience of personhood might be missing at the moment, as for instance in a case of severe brain damage or dementia etc., proper reverence for the humanity in yourself or others does include as worthy the body ‘by itself’ from a Kantian perspective. Again, consider that no moral worth can be related to a holy and purely intelligible being by us since it will not appear for us directly as an example of good will or the moral law proper. “Hence I cannot dispose of **man** in my person by maiming, spoiling, or killing.”<sup>33</sup> Nor would you treat the humanity of

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<sup>29</sup> Kant, *Groundwork of the Metaphysic of Morals*, 429.

<sup>30</sup> This perspective is of course strained, - from the point of view of my argument it is a misunderstanding to even consider equating personhood with being rational since Kant’s point, as I understand it, is the indivisibility of humanity.

<sup>31</sup> That is, if the paradoxical origin of the feeling of respect is taken seriously.

<sup>32</sup> Kant, *The Metaphysics of Morals*, 226.

<sup>33</sup> Kant, *Groundwork of the Metaphysic of Morals*, 429. My bold



others as an end if you dispose of their body solely on the ground that they lack ‘personhood’ or rationality (or for instance: outward signs of brain stem activity) at that point in time. It is still in a relationship to us, at least minimally so. Without a body no humanity, no example of moral worth is possible, no good will (apart from holiness) can exist in our world. To further sharpen this indivisibility of the humanity of the person it is important to emphasize that for Kant the prohibition against treating the body as a means also excludes treating various body parts as means: “But acquiring a member of a human being is at the same time acquiring the whole person, since a person is an absolute unity.”<sup>34</sup> Although on other times Kant’s oblique references to the humanity that dwells ‘within’ us, and *homo noumenon* vs. *homo phaenomenon*<sup>35</sup> indicate that our personality or humanity is always something other than what appears, and I do not wish to appear to ignore this, none of these references to man as an ‘intelligible being’ contradict the interpretation that ‘the body’ is part of man’s fundamental nature. As long as a ‘good will’ is what constitutes moral worth, and as long as willing and free choice together is the privilege of humans only (rational sensible and practical beings); thorough consideration of the ‘holy’ part of humanity, as is necessary in Kant’s project, does not indicate that this ‘holy’ part is more important or what really counts. Again Kant’s own words are revealing:

To annihilate the subject of morality in one’s own person is to root out the existence of morality itself from the world, as far as one can, even though morality is an end in itself. Consequently, disposing of oneself as a mere means to some discretionary end is debasing humanity in one’s person (*homo noumenon*) to which man (*homo phaenomenon*) was nevertheless entrusted for preservation. To deprive oneself of an integral part or organ (to maim oneself) – for example, to give away or sell a tooth to be transplanted into another’s mouth, or to have oneself castrated in order to get an easier livelihood as a singer, and so forth – are ways of partially murdering oneself.<sup>36</sup>

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<sup>34</sup> Kant, *The Metaphysics of Morals*, 278.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.*, 423.

Respecting the humanity of another as I understand Kant therefore entails respecting the finite nature of others, their bodies, apart from but still in the context of the status of their intelligible nature.<sup>37</sup> It should be sufficient that you believe it possible for them to have an intelligible nature, rationality, on a practical basis on account of our experience of them as active participants in society.

This however is contrary to the intellectualist reading of Kant's moral theory where only the presence of rationality seems to count towards moral worth. That reading however seems to be a case of confusion between the Idea of the moral law as a necessary presupposition for justifying morality, and the possibility of proof of a good will to experience. Kant is unwavering in his insistence that neither knowledge about the thing-in-itself nor of any being's intelligible nature is possible. No absolute proof of an entity's membership in 'humanity' may be established. It is thus a matter of practical moral judgment to determine whether you should act as if you are confronted with a moral subject (patient) or not.

### **Practical moral judgment**

The basis of our supposition that only humans provide us with an example of the moral law and hence a good will in experience, is in Kant's terminology a practical moral judgment. To understand why only humans satisfy our judgment in this manner, we need to give an account of how practical moral judgment function.

When we make a judgment to determine if some entity is a person or a thing, i.e. in making a judgment about its potential for moral worth, the judgment does not lie in comparing it to other entities. Judgments about worth are different from judgments about equivalency or relative value: "In the kingdom of ends everything has either a price or a dignity. If it has a price, something else can be put in its place as an equivalent; if it is exalted above all price and so admits of no equivalent, then it has dignity."<sup>38</sup> Then what

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<sup>37</sup> "Respect for the moral law is therefore the sole and also the undoubted moral incentive, and this feeling is also directed to no object except on this basis." Kant and Gregor, *Critique of Practical Reason*, 5:78.

<sup>38</sup> Kant, *Groundwork of the Metaphysics of Morals*, 434.

kind of judgment is this? It is probably something very similar to an aesthetic judgment. In judging the appearance of a particular individual on the basis of its relation to us at this moment, we are making a judgment about this individual's moral character. While doing this we will however not be able to assess the 'holy' part of someone's character, not even our own, as this 'holy' part never appears to us in the world. Anyone might possibly have a good will at a given point in time, but we can only learn about and judge his empirical character, how his acts appear to us. Since the question of the motivation of the will is the basis of any judgment about character, the 'true' virtue of a person is at best accessible to the person himself through his 'inner' judgment of his conscience, and consequently it is only indirectly available to others through his displays of character. "The virtue of an individual must, however, be assessed from within and this requires reflective judgment... Kant introduced reflective judgment as an aesthetic mode of comparing various subjective assessments of beauty, but ultimately it exposes something incomparable, namely, the sublimity of individual character."<sup>39</sup> Possible moral worth is therefore again limited to sensible rational beings we can relate to, i.e. actually communicate with: "It is true that our liking both for the beautiful and for the sublime not only differs recognizably from other aesthetic judgments by being universally communicable, but by having this property it also acquires an interest in relation to society (where such communication may take place)."<sup>40</sup> Only through community and communication may a being's character and the basis of aesthetic judgment become known to us. This *sensus communis* is different from everyday public opinion or what is usually referred to as 'common sense' since it is an ideal and might well not be actual, even though Kant thinks it should always be considered possible to bring the two to accord. Practical moral judgment and aesthetic judgment about worth presupposes others to communicate with, thus our duty towards the moral law forces us to relate to others and to consider the practical consequences of our actions so that they make a true *sensus communis* possible: "Reflection in the case of judgment does go beyond the given representation and is guided by a subjective principle of inference. In the case of aesthetic

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<sup>39</sup> Rudolf A. Makkreel, "Reflective Judgment and the Problem of Assessing Virtue in Kant," in *The Journal of Value Inquiry* (Kluwer Academic Publishers, 2002), 218.

<sup>40</sup> Kant and Pluhar, *Critique of Judgment*, 136.

judgment, Kant allows reflection to expand a privately felt response to an object into a common response. Here the commonness is not given, but projects a *sensus communis* or an ideal human community.”<sup>41</sup> Moral judging thus is to be understood as a mode of evaluation, an indirect evaluative skill that internally is the effect of conscience, and externally the effect of a (ideal) community: “[Taste is] an idea which everyone must generate within himself and by which he must judge any object of taste, any example of someone’s judging by taste, and even the taste of every one (else).”<sup>42</sup>

Practical moral judgment here emerges as a developed skill acquired in and through a community with others so that other point of views may be understood and taken into consideration. Hence practical moral judgment as such cannot be developed in isolation. From a further practical consideration on the possibility of knowledge of the sensible world, the question of when membership in ‘humanity’ begins accordingly cannot be ascertained once and for all, but once membership is granted in a reasonable manner, i.e. a relationship is established, it cannot be revoked. True respect for the moral law will demand a plurality of viewpoints and as large and differentiated membership in the *sensus communis* as is possible – to realize the goal of humanity.

### **Kantian Virtue**

The faculty of judgment in this context emerges as the condition of morality and hence of man’s sociability, i.e. his dependence on actual relationships to others for the needs of both his mind and his body. All acts of judgment are free, and all free acts are exceptional and exemplary. Acting in contrast to thinking, always deal with particulars – and in so far as judgment makes a decision to hold something as good or beautiful or *a* duty, it is a particular decision. A moral decision will be made by bringing the particular under the concept of the moral law, while an aesthetic decision is made without a concept (of the beautiful) in mind. However, both the moral and the aesthetic would be meaningless unless they could be communicated to someone else, whether ‘internal’ or ‘external’.

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<sup>41</sup> Makkreel, "Reflective Judgment and the Problem of Assessing Virtue in Kant," 214.

<sup>42</sup> Kant and Pluhar, *Critique of Judgment*, 79.

Thus bringing morality into the world needs the faculty of judgment and actual relationships to others; others who are able to communicate about aesthetics and morality from different viewpoints. This underlying requirement of communicability is hence the basis of common sense (as *sensus communis*), without it, both ‘common’ and ‘sense’ would be replaced by some private ‘insanity’. The clearest example of this communicative requirement is found in aesthetic judgment since it is held to be the most unrestricted and free type of judgment. Aesthetic judgment as opposed to moral judgment does not even refer itself to a concept (as the moral law), and thus is much more independent from the understanding than any other judgment. Since it is not referring to a concept, the aesthetic is the type of judgment that by itself only deals with the particular qua particular<sup>43</sup> i.e. the unique in this particular experience - that may be communicated or shared with others. The beautiful thus emerges as what is unique but shareable, incomparable but common, very reminiscent of the description of an end-in-itself. The salient feature about judgment in this context seems to be that a judgment finding something to be an end-in-itself i.e. as having worth, is an aesthetic judgment, a capacity of those who themselves are ends - man as an active member of society. Possessing taste, and refining taste, emerges as the relational condition of both aesthetic and moral judgments, and the chances are slim that someone that shows themselves to be without taste will be able to be moral.<sup>44</sup> “The ‘in-between’ of judging subjects is the realm of objects fit for judgment, and we display taste in rendering judgment upon them. This display of taste is a social relation, for we are always already committed to seeking acknowledgment from our fellows, to get them to acknowledge the reasonableness or rationality of our judgment and, thereby, to confirm our own ‘good taste’.”<sup>45</sup>

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<sup>43</sup>Hannah Arendt and Ronald Beiner, *Lectures on Kant's Political Philosophy* (Chicago: University of Chicago Press, 1982), 66.

<sup>44</sup> *Ibid.*, 111.

<sup>45</sup> *Ibid.*, 121.

### **Incomparable worth of the body**

If both ‘the body’ and ‘the mind’ thus equally share in the ‘humanity’ that founds moral worth, we cannot give ‘the mind’ a higher price, in for instance medical matters, than ‘the body’.<sup>46</sup> Thus, treating the body of any member of ‘humanity’ as something that only has value in relation to his rationality, or something that is at all comparable and has a price, seems to be in conflict with at least the third formulation of the moral law. Attempts to seize the moral high ground by referring to the Kantian tradition as supposedly giving legitimacy to undervaluing ‘the body’ in the treatment of others, confuses the ‘holy’ part of humanity with ‘humanity’ itself. Strictly speaking, it is also a clear misunderstanding of Kant to attribute the ‘holy’ part of our humanity to the functioning of the organ of ‘inner’ sense (as for instance the mind/brain). A preferable reading that is more friendly to Kant’s project is to look for the moral worth in our aesthetic appreciation of a particular human being or in our judgment of his displays of character. Much of worth in a person cannot after all be appreciated outside a real community since taste only can be developed in the company of others. Beauty and morality are thus for Kant necessarily interconnected: “It is man, alone among all objects in the world, who admits of an ideal of beauty, just as the humanity in his person, [i.e., in man considered] as an intelligence, is the only [thing] in the world that admits of the ideal of perfection.”<sup>47</sup> – the ideal in this figure consists in the expression of the moral, and judging by such a standard can never be purely aesthetic, nor can a judgment by an ideal of beauty be a mere judgment of taste.<sup>48</sup>

Beauty is consequently the exclusive arena of man as a social being: “Agreeableness holds for nonrational animals too; beauty only for human beings, i.e., beings who are animal and yet rational, though it is not enough that they be rational (e.g., spirits) but they must be animal as well; the good, however, holds for every rational being as such, ...,

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<sup>46</sup> “In the kingdom of ends everything has either a price or a dignity. If it has a price, something else can be put in its place as an equivalent; if it is exalted above all price and so admits of no equivalent, then it has dignity.” Kant, *Groundwork of the Metaphysic of Morals*, 434.

<sup>47</sup> Kant and Pluhar, *Critique of Judgment*, 81.

<sup>48</sup> *Ibid.*, 84.

only the liking involved in taste for the beautiful is disinterested and free, since we are not compelled to give our approval by any interest, whether of sense or of reason.”<sup>49</sup> The beautiful is as a result something we all like without having an interest in it, and therefore we cannot help but conclude that it contains a basis for being liked that is the same for everyone. We then believe it to be justified to require - ” a similar liking from everyone because he cannot discover, underlying this liking, any private conditions, on which only he might be dependent, so that he must regard it as based on what he can presuppose in everyone else as well. . . . For from concepts there is no transition to the feeling of pleasure or displeasure (except in pure practical laws; but these carry an interest with them, while none is connected with pure judgments of taste). . . ., a judgment of taste must involve a claim to subjective universality.”<sup>50</sup>

### **Virtue is an art**

In judging someone else’s character we will never be able to judge more than how this particular individual appears to us at this moment, and as such it is similar to the particularity of other judgments of taste in the manner that Kant has outlined them. We will have no basis for judging the ‘holy’ part of someone’s character, as it never appears in relation to us in the world. Anyone may at a given point in time possibly have a good will, we however cannot know this, we can only know his empirical character, and how his acts appear to us. He will thus only be a good human being through incessant laboring and becoming in a public manner.<sup>51</sup> “It is only through the correlation of intelligible and empirical character that we can judge virtue.”<sup>52</sup> As a result the ability to judge virtue is a skill developed inside culture and depends on actual community with others. It cannot be developed in isolation. Plurality, diversity and community therefore become preconditions for judging and developing character and virtue both in oneself and in others. It is then a duty to develop such virtue and community, since only through virtue and community with others will you acquire the skill needed to assess and refine your

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<sup>49</sup> Ibid., 52.

<sup>50</sup> Ibid., 54.

<sup>51</sup> Makkreel, "Reflective Judgment and the Problem of Assessing Virtue in Kant," 211.

<sup>52</sup> Ibid., 212.

will towards the moral law. To purify your will so that it might be good in a way approaching perfection, actual experience with other people and community with others is needed. Hence the aesthetic assessment of the incomparable sublimity of individual character becomes possible,<sup>53</sup> and (re)-producing character is an art(proper).<sup>54</sup> In Kant's own words: "Virtue so shines as an ideal that it seems, by human standards, to eclipse holiness itself, which is never tempted to break the law. \*-(Man with all his faults Is better than a host of angels without will. Haller)"<sup>55</sup>

### **Preliminary conclusion**

We make an aesthetic judgment when we determine if some entity is a person or a thing. We base this assessment on 'common sense' (*sensus communis*), its communicability to others and on skill developed from practical experience in actual relationships with others. We cannot refer this judgment to a concept and thus remove it from the inherent indeterminateness of aesthetic judgments. Attempting to develop such a concept is consequently to overstep the limits for our possible knowledge. The salient feature of an entity that separates a 'thing' from a moral subject is its ability to enter into a community through the possible communication of its character to others. References to a 'true' or 'inner' self, the 'mind' or 'soul' thus do not compare to the moral subject that Kant has in mind. Kant's moral subject is necessarily corporeal and relational, and different from a more generalized other due to its actual aesthetic quality of embodying the moral law. Our specific interests, even though they are at least partially contingent, do not just impose themselves on us, but are the products of our activity with others and by ourselves. Kant's position thus (surprisingly) emerges as more practical and sensitive towards 'the body' than the 'intellectualist' readings allow, and both 'mind' and 'body' remain inseparable within the moral subject. The moral subject is a unity that naturally partakes in actual community and relationships with others, and that has 'bodily' and intellectual aspects on an equal level.

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<sup>53</sup> Ibid., 218.

<sup>54</sup> Kant and Pluhar, *Critique of Judgment*, 303.

<sup>55</sup> Kant, *The Metaphysics of Morals*, 199.



## Virtue Ethics and the moral subject

The second approach towards ethics that I will consider from the perspective of the ‘voice’ that is given to ‘the body’ is what is known as Virtue Ethics. Virtue Ethics is embraced by many of its adherents because it is supposed to give a stronger emphasis on actual living as opposed to rules and moral precepts, and it is subsequently often thought of as better equipped to handle complex and sensitive issues that arise in actual life in contrast to more ‘hypothetical’ dilemmas.

### What is Virtue Ethics?

A right action in Virtue Ethics is basically what a virtuous agent would do under the present circumstances. A virtuous agent is someone with a steady disposition to display and exercise the virtues. A virtue is a character trait required for some specific conception of how to live a good/right/happy/flourishing life. The virtuous agent should have a continuous emotional attachment to virtue as well as practical wisdom, i.e. an understanding of how to live and sensitivity towards how this applies to his particular circumstances.<sup>56</sup> The right action/attitude/feeling therefore is dependent on the idea of how to live, and this idea is not rigid but changes according to the requirements of the particular circumstances of the agent.<sup>57</sup> Virtue theory in itself therefore does not provide a particular rule of how to act, and “two virtuous agents, faced with the same choice in the same circumstances, may act differently.”<sup>58</sup> At the same time the understanding of ‘how to live’ in Virtue Ethics is intended to convey that virtue does not belong to a separate sphere but instead covers our whole mode of life and relationship with the world.

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<sup>56</sup> Also known as *phronesis*

<sup>57</sup> See for instance: Alasdair MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues* (London: Duckworth, 1999), 77.

<sup>58</sup> Rosalind Hursthouse, “Virtue Theory And Abortion”, Roger Crisp and Michael A. Slote, eds., *Virtue Ethics, Oxford Readings in Philosophy* (Oxford; New York: Oxford University Press, 1997), 219. Footnote.

## Agents

Virtue theory considers as agents those who have practical wisdom and the ability to have or to develop an emotional attachment to some ideal of life. These two abilities are usually seen as inseparable and reliant on both:

1. some minimal degree of functioning mental and physical abilities that enable participation in (a) society, and
2. some actual participation in (a) society at a certain level.

Thus learning virtue, or ‘learning to be good’, depends on being part of some interactive community with others. The level of participation and ability required for a specific society will however rely on this society’s idea of how to live, but in general the following groups are excluded: the very young, the (severely) brain damaged, the psychotic etc. The individual is usually considered dependent on having virtuous role models, on the prevailing norms and traditions that are present in his society, and on gaining experience of doing the right thing. The treatment of those who for any reason are unable to participate in this society depends however on the idea of life that this specific society adheres to. There is nothing that follows distinctively from virtue theory in general that requires any definite treatment of those that are excluded from a particular society. Neither is any evaluation of conflicting conceptions of ‘the good’ considered to be possible from the ‘outside’.<sup>59</sup> Practically some specific requirements might follow from the qualifications of what it means to be social, to interact, to learn, and so on, that will yield a list of common virtues for all particular societies if at minimum they are to have some viability. Some effort has been made to provide a list of virtues that are at least acceptable to all known examples of human society. Owing to the inherent changing nature of virtue tracking changes in historical circumstances no such list of virtues can however be expected to stay complete for very long.

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<sup>59</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 77.

## Motivation and practical wisdom

The emotional attachment of the agent to virtue is what distinguishes him from others within his society, but there is disagreement on how to understand this emotional attachment. Moreover the central theme is not only what the agent feels, but how he acts and how he is motivated to act in this manner. A popular example is the virtue of friendship that usually is considered natural for all humans as social beings. True understanding of friendship might require that you honor different friendships in different ways. Consider a friend that is hospitalized: The general understanding of friendship is that if you are able to visit your friend at the hospital without undue hardship to yourself this is the right thing to do. Another hospitalized friend might be made uncomfortable by such a visit because he might resent being seen in such a state. Whether to visit or not thus depends on the nature and understanding of your particular friendship, and not on a general rule to visit hospitalized friends. The essential feature is that what you do is motivated by this particular friendship. If, however, your motivation is to be seen as a friend instead of being a friend, it will usually not be considered an act according to friendship, even though the particular circumstances and acts are at least outwardly identical. It is important that what you do is also based on the right understanding of the situation. If you fail to pick up on or consider your friends unease and visit him anyway, your motive might be correct but you will be lacking in practical wisdom or sensitivity. Accordingly it is very difficult to be a perfect friend, and therefore no general rule that states whether you are to be blamed for this lack of perfection is provided. Your blameworthiness might depend on a proviso that this was a foreseeable consequence of your character or the circumstances, or on your freedom to be or act differently. It might also depend on whether your visit was the result of a habitual<sup>60</sup> or reasoned response to the situation.

The underlying problem which reflects a range of positions within Virtue Ethics is the level of freedom and awareness that is considered appropriate to different virtues. Some

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<sup>60</sup> Habit understood as an automatic conditioned response. You may of course also have habits that are the result of conscious choice.

will emphasize the importance of not even being tempted to do otherwise.<sup>61</sup> Others will consider the freedom to choose your character more important. This will also differ on account of how long term the consideration is supposed to be, ranging from the present moment to the fullness of your life, or even to your place in history.<sup>62</sup> But as the example of friendship shows, getting it right within Virtue Ethics depends partially on having the correct type of motivation and awareness, and partially the additional factor of actually ‘getting it right’.<sup>63</sup> This additional factor is intended to reflect the complexity of all possible particular situations. Some will optimistically say that getting it right here depends on experience and practical wisdom, others will allow for an additional factor of (bad) luck. The luck factor will usually not affect your culpability, as the quite common accident of unplanned pregnancies attest to in our everyday experience. Pregnancy originating in failed birth control measures is often frowned upon and considered to be a mark of irresponsibility, just as much as if no birth control device was used, whereas sexual activity without a resulting pregnancy is considered to be a undeniable good. Yet it will all the same reflect on your character regardless of what you have done to prevent it. There is an underlying idea that ‘fortune favors the bold’, at least in the sense that bad luck might signal a lack of virtue.

### **Necessity and freedom**

However difficult it is seen to control one’s urges, the accidents of our mortality and our biological nature; ideas of virtue always emphasizes an aspect of choice, sometimes especially when choice seems to be tragically absent. The fluid nature of what ‘getting it right’ means in light of its communal and historical nature, always keeps open the possibility of being excused or rather proven right at a later point in time. Accordingly lack of recognizable choice, even in retrospect, does not automatically remove blame or responsibility for getting it wrong. Only general approval<sup>64</sup> might get you of the hook, in

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<sup>61</sup> As in considerations of the problem known as ‘*akrasia*’

<sup>62</sup> One popular example originating with Aristotle is the end of Priam.

<sup>63</sup> “tracking the true and the false”, MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 57. and Alasdair C. MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981), 150.

<sup>64</sup> Here understood as for instance vindication of your actions through history.

the sense that the understanding of ‘getting it right’ changes in a sufficient manner. Nevertheless, sometimes no ‘right’ choice is available, and this might either reveal that you have placed yourself in a situation into which no virtuous person would be found, or that you only have the option to bear the consequences in a virtuous manner.<sup>65</sup>

### **The moral subject in MacIntyre’s<sup>66</sup> Virtue Ethics**

Alistair MacIntyre is one of the best known theorists within the modern field of Virtue Ethics. This field is broad and diverse, and many accounts of virtue might not in specific detail agree with the account that MacIntyre gives. His account is in his own words that of “a Thomistic Aristotelian”<sup>67</sup>, and as such much discussion is possible on whether his theory is representative of this tradition or on whether this is the best version of Virtue Ethics that is possible. I do not wish to enter these debates but instead I want to give a brief account of the relevant issues that he considers and how they shape his virtue theory. Then hopefully we will also possess an understanding of the ethical significance given to ‘the body’ of the moral subject within the framework of MacIntyre’s virtue theory.

### **Historicism and biology**

In *After Virtue*<sup>68</sup> MacIntyre presents his historicist and narrative understanding of human life and human rationality: (Human) action may only be intelligible if understood as part of a narrative context, a life-story, and thus as more than atomistic choice. This life-story therefore enlarges our perspective from singular acts and makes it relevant to consider how particular acts fit within a larger whole with a beginning and an end. Every particular action reflects back to an understanding of personal identity and character that is embodied in the unity of a single life. This life is in a large degree shaped by particular

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<sup>65</sup> Rosalind Hursthouse gives a revealing discussion of these elements of virtue in: “Virtue Theory And Abortion”, Crisp and Slote, eds., *Virtue Ethics*, 226-38.

<sup>66</sup> I will treat MacIntyre’s understanding of virtue as it appears in: MacIntyre, *After Virtue: A Study in Moral Theory*. and MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*.

<sup>67</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, xi.

<sup>68</sup> MacIntyre, *After Virtue: A Study in Moral Theory*.

social and historical facts, such as practices<sup>69</sup> and institutions and their evolution, that provide the context for the actions performed by the moral subject. In order to be intelligible acts must be examined and understood in this context. Furthermore: “Moral philosophies, however they may aspire to achieve more than this, always do articulate the morality of some particular social and cultural standpoint...”<sup>70</sup> No external objective account of morality outside any tradition is possible, according to MacIntyre. There is no morality as such. Neither is there any generalized ‘human’ as such. All human identity is continuously a particular situated bodily identity, and it is important to acknowledge how “... in this present life it is true of us that we do not merely have, but are our bodies.”<sup>71</sup> MacIntyre here emphasizes clearly the biological foundation of his ethics in *Dependent Rational Animals*, and that his earlier position in *After Virtue* was mistaken. And he deems it reasonable to expect that other virtue ethicists or Aristotelians will have to provide some explanation if they choose a different approach than what he considers to be the necessary starting point: “Our initial animal condition.”<sup>72</sup> However this shift in his evaluation of Aristotelian biology does not make it any easier for MacIntyre to realize his explicit goal to overcome what he considers to be the fallacy of Cartesian dualism.

### **Virtue and the good**

The overriding and essential virtue for MacIntyre in *Dependent Rational Animals* is the virtue of ‘Just Generosity’.<sup>73</sup> This virtue becomes accessible for us through realizing our human ‘telos’ – realizing and sustaining an idea of human beings as ‘independent practical reasoners’. MacIntyre treats the conditions necessary for realizing our telos as independent natural reasoners on two interdependent levels:

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<sup>69</sup> “... any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved are systematically extended. Ibid., 187.

<sup>70</sup> Ibid., 268.

<sup>71</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 6.

<sup>72</sup> Ibid., x.

<sup>73</sup> Ibid., 159.

1) Our initial animal nature: All human infants share with other intelligent animals<sup>74</sup> the preconditions for becoming moral subjects. These include having mental lives,<sup>75</sup> reasons or beliefs, i.e. preconditions for language, vulnerability to the environment; dependence on others through some form of social interaction with for instance parent or herd, and a biological as well as social evolutionary history.

2) Our species-specific interpretative experiences and distinctive human potentialities (i.e. our telos) that characteristically are: our involvement with others,<sup>76</sup> our narrative self-awareness, i.e. our ability to see ourselves in a temporal context, and our ability to be self-reflective and separate ourselves from our (immediate) desires.<sup>77</sup>

As a result our distinctive human potentialities consist of our ability to have our initial nature redirected and remade by and through the virtues so that our telos and highest good, the virtue of ‘Just Generosity’ might be continuously realized.<sup>78</sup>

### **The ‘utopia’ of unlimited friendship**

Realizing our telos and ultimate virtue is, by MacIntyre’s own admission, a somewhat utopian project.<sup>79</sup> Nevertheless MacIntyre takes as his central analogy something that seems recognizable and accessible to all: the classical idea of friendship.<sup>80</sup> ‘Just Generosity’ fully realized means that you comport yourself as if everyone are, or at least potentially will become, your friends. To manage this we need to develop an understanding of how essential friendship is to our project of being. No human being can exist alone absent from friend-like relationships without serious disability. Our self-conception and our reflective rationality, language and communication, rearing and learning, all depend essentially on particular others that extend their care to our specific

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<sup>74</sup> This includes at least higher mammals as dolphins, dogs or monkeys. No clear point is made as to the limit to intelligence other than what might be inferred from the discussion on Heidegger’s choice of examples : Ibid., ch.5.

<sup>75</sup> Ibid., 33.

<sup>76</sup> Ibid., 14.

<sup>77</sup> Ibid., 69.

<sup>78</sup> See also: Ibid., 49.

<sup>79</sup> Ibid., 145.

<sup>80</sup> Ibid., 160-1.

self. These particular others might in different phases of our lives be family, friends or strangers, but we will always on account of our vulnerability (i.e. initial animal condition) be dependent on particular others to extend this form of care to us.<sup>81</sup> This vulnerability that is common to all humans regardless of their virtue has two central features: 1) our bodily frailty vs. our environment, and 2) the possibility of (bad) luck.<sup>82</sup> For these reasons everyone must be aware that all ideas about self-sufficiency are in the end illusions.

‘Just Generosity’ and its underlying specific virtues consequently characterize a type of community with others that to MacIntyre realizes the human telos: We are to develop from our animal or infantile pre-reflective reasons and beliefs into independent practical reasoners. To be able to do this we are dependent on others caring for us as particulars and we also need to learn to extend our care to particular others. We are hence dependent on society in a fashion that is analogous to the mutual reliance of friendship. In addition we need such relationships to develop into self-reflective beings able to separate ourselves from immediate desires, thereby acquiring a ‘narrative’ understanding of our life and its particularity. This understanding and its attached development of imagination and realistic practical knowledge is only possible through cooperation, as well as a mutual shared understanding of ourselves and the world in community with others.<sup>83</sup>

## **The deeper problem**

### **The naturalness of our humanity**

The account that MacIntyre gives of our nature and of the body is oddly conflicted. On one side our telos is our nature and thus our distinctive human potentialities or our species-specific world relationship as well as our initial animality, are interdependent and should not be separated into two natures.<sup>84</sup> The whole is needed to realize our

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<sup>81</sup> Ibid., 73 - 74.

<sup>82</sup> See also the discussion of ‘Fortuna’ in MacIntyre, *After Virtue: A Study in Moral Theory*, 93.

<sup>83</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 95.

<sup>84</sup> Ibid., 49-50.



‘humanity’. Accordingly MacIntyre quotes Aquinas saying: “Since the soul is part of the body of a human being, the soul is not the whole human being and my soul is not I”<sup>85</sup> My body thus is essential to who I am. However, other parts of MacIntyre’s theory pull in the opposite direction. It is important for MacIntyre to give the ‘disabled’ an equal part in the deliberation of the (ideal) community. If they are unable to speak for themselves we should, in the spirit of friendship and ‘Just Generosity’, be able to speak for them. This presupposes that we have intimate knowledge of how they view the world, either on the basis of earlier communication as friends, or on the basis of previously having shared their condition as infants. However, if the inability to communicate on a level higher than infancy or animality can not be overcome, no proxy for the disabled can be assigned in the deliberative practices of the community, and we will only be able to speak for them in the manner parents generally speak for their children.<sup>86</sup>

The similarity between intelligent animals, infants and independent practical reasoners, virtuous or not, is somewhat surprisingly not treated as relevant to the concept of the ideal community that MacIntyre here advocates. Animals share with humans both ‘forms of life’ and the ability to deceive,<sup>87</sup> and we can interpret or understand other species of a higher order (like dogs or dolphins) or infants, just as other adults. In spite of this MacIntyre is very careful not to suggest that this understanding might be reciprocal in any way.<sup>88</sup> Thus actually becoming an independent reasoner is the essential part of what constitutes moral worth. Realizing communicative ability in responsive interaction is what really counts.

Two possible but conflicting interpretations of MacIntyre’s approach to our animality therefore emerge that will yield different valuations of the animal and bodily side of our nature:

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<sup>85</sup> Ibid., 6.

<sup>86</sup> Ibid., 140.

<sup>87</sup> Ibid., 57-58.

<sup>88</sup> Ibid., 14.

### 1) A rational disposition within our animality

In this interpretation rationality is a part of our animality and not a product of external forces.<sup>89</sup> We are born social in our original untutored state: “I am my body and my body is social, born to those parents in this community with a specific social identity.”<sup>90</sup> Thus rationality as such is to be understood as a distinctive potentiality of our species, regardless of external forces. Rationality is part of our telos nature as a disposition, even as infants. Infants as a result may not be considered equal to or compared to other animals in degrees of rationality. Rationality as a potential exists independent of but in league with our social nature *within* our animality. We must ‘dissociate’ from physical appearance and presentation, but as long as the subject is part of the human species, rationality is necessarily part of its nature. We should have ‘regard’ for each individual, and positive feelings of empathy should be embraced on account of our common origin. Hence we are all inherently different and culture is a product of this difference. The body and its form is thus a sign of who we are as persons.

### 2) A irrational animality

Rationality is external and secondary to our animality. Our animality needs external (social) redirection for rationality to develop.<sup>91</sup> Infants are much like other animals, and rationality must be given to them from the outside. There is no rationality separate from society, no disposition to rationality other than what is produced by contingent social evolution. Realizing our telos as rational animals is hence a historical accident, a random evolutionary event. Imperfect social relationships and conflicts are normal, rationality is something to be hoped for but by no means guaranteed. We all thus need outside influence from culture to become different and to develop self-awareness. The source of self and difference lies outside of the person in the social control or tutoring of our

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<sup>89</sup> Ibid., 5.

<sup>90</sup> MacIntyre, *After Virtue: A Study in Moral Theory*, 172.

<sup>91</sup> “Our second culturally formed language-using nature is a set of partial, but only partial, transformations of our first animal nature.” MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 49.

physical (or animal) aspects. We are subsequently cultural products,<sup>92</sup> and bodily difference i.e. disability, might/should be overcome. Negative feelings that arise from confronting ugliness and disfigurement are illogical and should be suppressed.<sup>93</sup> The body consequently is not a sign of who we are as persons.<sup>94</sup>

The difference between these positions is not raised explicitly as a matter of argument by MacIntyre, but it seems fair to understand him to be at least dominated by the second position. In the struggle to achieve virtue ‘the body’ of an agent, understood both as his animality and his unrefined ‘nature’, is for MacIntyre, an antagonist.<sup>95</sup> Being virtuous is opposed to being subjected to raw emotions and desires,<sup>96</sup> but as our nature is refined through virtue, the status of our emotions and desires is supposed to change with us, so that we in the end desire to do what virtue demands. A particular problem in relation to conflicting desires not raised by MacIntyre in this context is the ‘acritic’, and our freedom and necessity with regard to the possibilities of choice of character. However it seems fair to assume that reason is supposed to direct (raw) passion, and that conflict between reason and passion is supposed to be resolved in favor of reason. Reason consequently is the judge of our passions and if our passions are inappropriate they must be continuously re-formed according to our social nature.<sup>97</sup>

### **A problem of teleology?**

Does MacIntyre’s understanding of raw animality characterized by position 2) follow from having a teleological viewpoint? No, it does not. It rather follows from the more specific Aristotelian teleology or biology as MacIntyre understands it.<sup>98</sup> General teleology in MacIntyre’s understanding has 3 central elements:

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<sup>92</sup> “character is imposed from the outside”, MacIntyre, *After Virtue: A Study in Moral Theory*, 29. “Man without culture is a myth.”161

<sup>93</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 137.

<sup>94</sup> “We therefore need to learn how to dissociate the evaluation of personal qualities and of reasoning from physical appearance and from manner of presentation. Ibid.

<sup>95</sup> Both in Ibid. And in MacIntyre, *After Virtue: A Study in Moral Theory*.

<sup>96</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 68.

<sup>97</sup> “The child has to learn that it may have good reason to act other than as its most urgently felt wants dictate and it can do this only when those wants have ceased to be its dictator.” Ibid., 69, see also 73.

<sup>98</sup> MacIntyre, *After Virtue: A Study in Moral Theory*, 52-54.

- 1) Untutored human nature,
- 2) Man-as-he-could-be-if-he-realized-his-telos,
- 3) The moral precepts required to pass from 1) to 2).

The difference here lies in the understanding of untutored human nature. If the understanding of untutored human nature in 1) is too negative with regard to rationality, ‘the body’ emerges as a negative dictator of passions and irrationality. However, this understanding is not inherent in teleology or Virtue Ethics, but instead the result of a conception of the human telos as something that must be developed in opposition to the ‘badness’ of the (human) body. The problem thus seems to be that MacIntyre here remains unable to reevaluate the traditional negativity of the body, and not teleology or Virtue Ethics in general. This problem of valuation occurs again and again in the texts as MacIntyre’s appraisal of the Aristotelian biology shifts from negative to positive and sporadically back again. Even in *After Virtue*, where he is negative to Aristotelian biology MacIntyre’s view is revealing: “... from an Aristotelian standpoint, reason cannot be the servant of the passions. For the education of the passions into conformity with pursuit of what theoretical reasoning identifies as the *telos* and practical reasoning as the right action to do in each particular time and place is what ethics is about.”<sup>99</sup>

### **Sources of moral failure**

What according to MacIntyre are the sources of moral failure? If being an independent reasoner is the telos of our nature as dependent rational animals, what is it that prevents us from realizing this part of our nature? MacIntyre’s argument is structured to convey that if we accept his understanding of ‘Just Generosity’ as a sort of universal attitude of friendship, failure to become virtuous will reveal itself in the same manner as failures to be or have a friend. To understand and to learn about the good of friendship you rely on a previous social practice of friendship to learn from. There must be a developed understanding of the difference between seeming to be a friend, and being a friend. This understanding subsequently constitutes the moral tradition of the relevant virtue(s) in a

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<sup>99</sup> Ibid., 162.

particular society where the social history of the moral outlook appropriate to a virtue is reproduced or represented by its institutions: art, science, law, politics, family, etc. As a particular practice changes with the people that share in this practice and the history of this practice, the institutions will also change. Therefore each particular virtue and each evaluation of a practice or an institution are interconnected. Each is explainable only in light of the other, and an evaluation of someone's performance is only possible within this context. Much more could here be said about the political<sup>100</sup> level of MacIntyre's argument and his polemic against positions of 'ironic' withdrawal from society, but this would probably not contribute towards a better understanding of 'the body', and I will therefore let that rest for now.

### **Culture vs. biology**

The deeper problem in the virtue account of the moral subject is just this opposition of animality vs. society and culture. As long as the creation of the (virtuous) self is supposed to take place as a refinement of an initial animal condition that is seen as pre-society and pre-moral, animality is in danger of being the pollutant in the understanding of the moral subject. The emphasis by MacIntyre on the initial animal condition that is shared by *infants* and other animals alike, gives the project of virtue an inherent drive to remove the self from this animality. It is thus in danger of becoming a tale of 'original sin' and of cultural suppression of our 'animalistic' tendencies. This danger is not removed by the naturalness of the virtuous self or the human telos, even though it is possible to force an interpretation of MacIntyre so that rationality is considered to be part of our animality (position 1). It is not just crude nature vs. culture that emerges as the problem in how MacIntyre understands virtue. Additionally it has become a problem within our refined nature as well, that moral development is seen in the context of an opposition of animalistic (badness) vs. cultural (goodness).<sup>101</sup> Becoming a virtuous person through the creation of your own narrative and your own character, with sufficient luck and help from others, has as its central feature a seemingly necessary denial of one's animalistic origin.

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<sup>100</sup> "Attitudes of regard" i.e. friendship, are political attitudes. MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 141.

<sup>101</sup> For instance: *Ibid.*, 49 and 147.

Whether this denial in a ‘psychoanalytical’ perspective amounts to a denial of death or of sexuality etc., will of course depend on the culture in question and its particular idea of the good.<sup>102</sup> Controlling ‘bodily’ affects, overcoming initial vulnerability,<sup>103</sup> creating confidence in our ‘true’ selves in the face of animalistic necessitation, are all strategies of becoming virtuous according to MacIntyre (and other virtue theorist’s). And even though MacIntyre insists that ‘we are our bodies’<sup>104</sup> it is clear from his understanding of ‘the body’ that being a body is something that needs to be negotiated and overcome. Since the initial animal condition of ‘disability’ is shared by all, difference emerges as a product of culture and chance, and failure to acknowledge how this initial dependence and vulnerability affects us all is in fact a failure to acknowledge the ‘badness’ of the initial condition.

The most revealing example of the focal point of MacIntyre’s project of acknowledged dependence is his insistence on the ‘maternal’ closeness to this natural vulnerability, and how ‘men need to become more like women’.<sup>105</sup> Intending to argue for the necessity of understanding humans in light of our fragility and vulnerability as creatures with bodies, MacIntyre as a consequence, ends up in an understanding of culture as necessarily being constructed by and through a denial of this precondition, and thus in opposition to such animality. His understanding of the feminine or the maternal as more in touch with our animality just serves to further underline this opposition. Culture for all intents and purposes becomes the product of the domestication of infants inseparable from the domestication of other animals.<sup>106</sup> Essentially, a ‘better’ culture that is more in accord with the ‘maternal’ insight into our animality would be better suited to hold our animality at bay. We have thus failed to remove ourselves from necessitation and animal fragility

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<sup>102</sup> It is likely that MacIntyre would himself be unhappy to see this as a consequence of his position, compare: MacIntyre, *After Virtue: A Study in Moral Theory*, 124.

<sup>103</sup> For instance: MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 73.

<sup>104</sup> *Ibid.*, 6.

<sup>105</sup> *Ibid.*, 164.

<sup>106</sup> It seems fair to use the word ‘domestication’ here on account of how MacIntyre describes both the training of dogs and the social practices of human and non-human interaction. *Ibid.*, 16 and 31-32.

‘in the right manner’.<sup>107</sup> This end result is of course in clear contrast to a more successful project of removing the “silliness of Descartes”,<sup>108</sup> that for instance, might locate the source of difference and plurality (with)-in/as our bodies. Bodily differences might then be acknowledged as one of many equally significant sources of differences which influence who we are. MacIntyre’s insistence on our negative embodiment, as in the embodiment of our true self in bodily dictatorship, fails to see the self as indivisible from the body or animality, and therefore ends up in a perspective where this animality is a fixed negative influence on our being. The possibility of correcting our reasoning with ‘passion’ almost disappears. On the other hand, there are tendencies in the interpretations of achieving virtue as becoming someone with the ‘right desires’ that gives the animalistic side of our being a more positive spin. Nevertheless the emphasis is again on the need for culture or rationality<sup>109</sup> to control and purify our desire formation even with the virtuous. Thus the correctness of MacIntyre’s project to emphasize the necessity of acknowledging our animality and the dialectic of dependence and independence is undermined by his treatment of this animality as the antithesis of culture and morality.

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<sup>107</sup> A minor point is the manipulative nature of such domestication in view of his sharp critique of the manipulative nature of such modern characters as the bureaucratic manager and the therapist.

<sup>108</sup> MacIntyre, *Dependent Rational Animals: Why Human Beings Need the Virtues*, 13-14.

<sup>109</sup> *Ibid.*, 54.

## The Ethics of Care

The Ethics of Care is the latest alternative in contemporary debates on moral problems. The care perspective is advocated as giving yet more attention to close relations and biologically founded vulnerability than the Virtue perspective. Additionally many of the central aspects focus explicitly on biological differences and their significance or lack thereof in moral valuations and worth. Its proponents usually find this to be a particular strength within the care perspective when compared to Kantian or Virtue inspired approaches to specific problems as for instance abortion and organ transplantation.

### What is the Ethics of Care?

What is 'Ethics of Care'? At the outset an Ethics of Care might be characterized as an effort to critically examine (contemporary) society with an eye to the phenomena of care and dependency and their distribution. The perspectives range from meta-ethics to nursing, from 'object-relations' psychology to politics, and are generally influenced by 'feminism'; which in this context is an understanding that care and caretaking is more visible from a woman's perspective, and better portrays the world as experienced by women. The advocates of an Ethics of Care subsequently differ in their perspectives in manners comparable to differences within feminism, but my purpose here is not to discuss the merits of feminism or whether the Ethics of Care is rightly to be seen as a part of feminism. Outlooks within care ethics may vary from the Aristotelian to the liberal or revolutionary political, and this makes it difficult to pinpoint a specific quality in the care perspective that merits singling it out as a different branch of ethics. It is nevertheless at least the name of an 'area of debate' within contemporary ethics and thus merits serious consideration as it highlights a relational aspect of morality as well as questions concerning the justice and distribution of care that generally are taken to be left out of more 'traditional' moral theories.



In the following I will examine two different positions within the Ethics of Care represented by Joan C. Tronto in *Moral Boundaries*<sup>110</sup> and Eva Feder Kittay in *Love's Labor*,<sup>111</sup> with an eye to how 'the body' of the moral subject (patient) appears in the context of their discussion of an Ethics of Care. Since Kittay's work is regarded by MacIntyre to be an important inspiration for his discussion on dependency and vulnerability, her work adds an interesting light on the position of MacIntyre as well.

### **What is care?**

Alternative definitions of care thrive but as a starting point the definition given by Joan C. Tronto should be helpful: "On the most general level, we suggest that caring be viewed as a species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible. That world includes our bodies, our selves, and our environment, all of which we seek to interweave in a complex, life-sustaining web."<sup>112</sup>

This general definition suggests an understanding of care as an ongoing activity as well as signaling a cultural practice or a disposition. Both elements are equally important to give care its different political and virtuous aspects. As a result care is understood as both a virtuous disposition and intended to be a form of consequentialism making the caregiver and the care-receiver (charge) mutually responsible for the outcome. The political aspect of care is highlighted by Toronto in a discussion on how to assess which needs are worthy of care, and how this is a question that must be answered within a liberal conception of politics and justice.<sup>113</sup> This is especially important if the needs of the caregiver are to be taken care of and if the caregiver is to be protected from exploitation by both the cared for and others that may avoid care work because of the caregivers efforts. Thus assuring that care is given, and securing caregivers from possible

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<sup>110</sup> Joan C. Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care* (New York: Routledge, 1993).

<sup>111</sup> Eva Feder Kittay, *Love's Labor: Essays on Women, Equality, and Dependency, Thinking Gender* (New York: Routledge, 1999).

<sup>112</sup> Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 103.

<sup>113</sup> Especially *Ibid.*, 145-55.

exploitation are both important aspects of care ethics. Hence Tronto does not want to discard a traditional liberal understanding of justice, but instead argues that the perspective from care needs to be added to this tradition to improve the liberal outlook.

The central perspectives within the Ethics of Care as viewed by Tronto are:

1. Vulnerability: all human beings share the condition of being vulnerable, only the degrees of vulnerability will change throughout our lives due to differences in our (biological and social) circumstances.
2. (Inter-)Dependency: all humans are equally dependent on others. The degrees of our dependencies will differ, due to changing circumstances throughout our lives. A particular dependency exists between those who take care of their dependents and the rest of society. Such derived dependencies as the dependency of the caregiver are often described as nested dependencies.
3. Relationships: the need for care and the call upon the caregiver to give originates in relationships that often are involuntary, unequal and unrelated to the activity of care-giving.

All three perspectives are also intended to signify the biological basis and interdependence of each.

It follows that much of the perspective on care and care-giving is designed to highlight the particular role of the caregiver and how special responsibilities and characteristics of the caregiver's situation make the caregiver vulnerable to exploitation from others. This perspective is also intended to reflect how caregivers are understood to be predominantly female at least in contemporary society, and how many of the particular aspects of the caregiver's situation are gendered and consequently unjustly distributed.

The perspective on care as a result conflicts with traditional perspectives on liberal ethics that see independence and autonomy as the normal condition or fundamental goal for personhood. Arguments for equality or social justice within the care perspectives

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emphasize how such 'liberal' views will be inadequate to reflect the unequal social positions of dependents and caregivers as an inevitable feature to any society on account of our biology. Inevitable dependencies and vulnerabilities arise through the natural track of all human life, and our ideas of justice and personhood should reflect this understanding. Dependence and vulnerability thus has a better claim to be understood as more fundamental to our lives than (liberal) ideas of 'self-sufficiency'. The ability of someone to achieve a degree of independence and autonomy is always the result of the support and care given by particular others, especially parents, and any ethical theories that ignore this in favor of ideas of independence and self-sufficiency, do this to the detriment of caregivers and their importance in society. Since caregivers within the modern family usually are women, it follows that this ignorance comes at the expense of the recognition of their important contribution to sustaining society in general. However, it is also important to highlight that the degree to which this may be taken as giving an essentialist understanding of women's role in society is contested within the tradition of care ethics. The gendered nature of the current distribution of care work has tempted descriptions of care ethics as 'feminine morality', thus understanding the distribution of care work to follow necessary gendered lines. Tronto is emphatic that such essentialist understanding of women and care as 'women's morality' is a mistake and that other political perspectives as race and class are just as important to care ethics.<sup>114</sup>

Another central aspect of Tronto's care perspective is the question of how to understand the split between public and private spheres in relation to the current gendered distribution of care work. Conceptions of the family as gendered and as the primarily private arena for intimacy and care work is seen as one of several ideas about gender and dependency that serve to keep the care perspectives out of the public eye and out of bounds for questions about justice and the (proper) arena of the political. Joan Tronto<sup>115</sup> thus emphasizes the need to refine this 'traditional' division of perspective between the public vs. private spheres to be able to bring the distribution of care and dependency into

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<sup>114</sup> Ibid., chp.2-3.

<sup>115</sup> Ibid.

a political context. Tronto's stress on the need to reexamine the understanding of women and care as part of a 'natural' private sphere also contributes to her resistance towards understanding care as essentially a female quality and her argument against a gendered understanding of morality. Opposing an understanding of care as specific reasoning particular to women inside the private family, Tronto instead argues that our understanding of care should focus on care as implying both political action and a virtuous practice and disposition.<sup>116</sup> The notion of practice is suggestive of the cultural outlook of Tronto's predominantly liberal care theory, and how what we care about is the result of our culturally shaped positions.

### **Tronto's four phases of care**

Tronto outlines four interconnected phases of care to support our understanding of care as an ongoing activity:<sup>117</sup>

1. Caring about: recognizing a specific need for care, and following this recognition with a want to satisfy this particular need.
2. Taking care of: determining how a particular need is met.
3. Care giving: actually meeting this need.
4. Care-receiving: a response to care.

Even though Tronto with some reluctance points to 'mothering' as paradigmatic for how we should understand care as a practice in our society (and culture), care is *not* for Tronto related to any particular quality of the object cared for. The aspect of 'response' in phase four for this reason does not indicate that there should be an understanding of the recipient of care as an (potential) agent. The terminology of care fits equally well to care for material objects: "the repair person fixing the broken thing"<sup>118</sup> or for the

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<sup>116</sup> Ibid., 103-05.

<sup>117</sup> Ibid., 106-07.

<sup>118</sup> Ibid., 107.

environment<sup>119</sup> and the world in general: "...when a practice is aimed at maintaining, continuing, or repairing the world."<sup>120</sup> The returned response should be seen more as the care having some form of impact or effect, and who cares or what is cared for depends on the cultural context of the care practice.<sup>121</sup>

In addition to the four phases of care Tronto identifies four ethical elements of care that are to be taken as integrated:<sup>122</sup>

1. **Attentiveness:** sensitivity, and a concomitant openness to be affected by needs that arise around you. This openness should especially be towards the needs of others.
2. **Responsibility:** a flexible understanding of how the needs that come to your attention should be met and by whom. What you in particular are responsible for is shaped by your political outlook, individual psychology and cultural practices.
3. **Competence:** you should make sure that the care you give is competent, that it comes as close as possible to the desired result.
4. **Responsiveness:** the charge's own understanding (if any) of what should be taken care of should be given primacy in the care-giving process.

These four elements together make up the practical basis of judgment within care (thus constituting care's *phronesis*). Again her emphasis is on how care needs to be seen in a larger political and cultural context, and how the care practice depends on our particular situatedness.

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<sup>119</sup> A minor but puzzling point related to this definition is that it becomes virtually impossible to distinguish between activities of for instance farming (tending to cattle and pasture) and activities of nursing if this definition of care is used as the sole criteria for identifying care work in society. Thus the gender inequalities that are identifiable from the perspective of Tronto's definition of care may be significantly fewer in number than she intends.

<sup>120</sup> Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 104.

<sup>121</sup> *Ibid.*, 110. A similar position to 'response' is sometimes hinted at in Kittay: "Those creatures to which we have given much care, or from which we have received care are ones to which we tend to bond. Such bonding can perhaps be extended to nonsentient beings in a unidirectional fashion, such as ties we feel toward physical landscapes which have comforted or nurtured us and in which we have invested care." Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, footnote 71, 196.

<sup>122</sup> Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 127-37.

Once the required understanding of the phases and elements of care and their connection is achieved it should thus be possible to examine critically how the practice of care is structured in our society and culture, and accordingly redraw the moral and political boundaries in our society, especially the split between public and private spheres. This process should make us question how politics has been related to ‘interests’, to independent ‘universality’, and ‘the public’ in ways that otherwise might have remained hidden or seen as natural, and thereby in ways hindering justice for both caregivers and their dependents.<sup>123</sup>

Tronto’s call for a more caring liberalism remains a predominantly political and revisionist argument vs. traditional ‘liberal’ political outlooks. She strongly criticizes the shortcomings of both the traditional ‘liberal’ position, and she makes an equally strong case against the political implications of other strands of care ethics that from her perspective only manages to reverse the positions of ‘male’ ethics into an equally problematic ‘woman’s morality’.

### **The relational strength of the Ethics of Care**

In contrast to Joan Tronto and her predominantly political perspective, Eva Feder Kittay in *Love’s Labor*,<sup>124</sup> presents a perspective that is partly an extension of Tronto’s and additionally more focused on care’s ‘private’ and affective aspects. Her emphasis is on the particular nested relationships that we find ourselves part of, and on the specific biological basis of some of the dependencies that we necessarily are confronted with. Highlighting the possibility of severe disability as open to all she points towards a new understanding of need, dependency and vulnerability that does not consider this possibility to be socially or culturally constructed.<sup>125</sup> Furthermore, our response to these facts is (or should be) connection based in a way that recognizes our interconnectedness but does not look for mutuality or reciprocity in the foundation of relationships. Both the

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<sup>123</sup> Ibid., 178.

<sup>124</sup> Kittay, *Love’s Labor: Essays on Women, Equality, and Dependency*.

<sup>125</sup> Ibid., 180.

need to care and the need for care is described as found in the paradigmatic relationship of being some “mother’s child”.<sup>126</sup>

Echoing Tronto, Kittay makes feminism and care ethics’ probably strongest point when she directs our attention to how certain conceptions of morality and politics have been erroneously structured by accentuating special ideas of persons and their status: “To uncritically accept certain persons as the norm is to accept the status quo as fundamentally nonproblematic. But the inclusionary nature of the ideal of equality reveals the difficulty of its realization where the perspective of those who are dominant hold sway, where the norms which stand behind principles of universality and impartiality go unquestioned, and where status quo is complacently accepted.”<sup>127</sup> Thus she is partially making a demand for equality in the liberal vein, and partially making a critique of equality at the same time, questioning traditional conceptions of ‘liberal’ man, *his* independence, universality and self-sufficiency.

Her own approach to the concept of a person is to locate the basis of equality outside the individual in the relation between the individual and her mother. Frustrating the charge for this reason simultaneously frustrates and dishonors the care that this individual’s mother has invested. As a result the call to moral responsibility is found in the mother-child relationship, and not within the charge. Both the caregiver and the charge are additionally to be understood as vulnerable to each other, equally some ‘mother’s child’. The relationship of care is however unavoidably between two unequal individuals: “The inequality between worker and charge is one of capacity, although it may also be one of social status and even of power over life and death. Though the two may not even be moral equals – the charge may well be temporarily or permanently incapable of a moral response – the relation, at its very crux, is a moral one arising out of a claim of vulnerability on the part of the dependent, on the one hand, and of the special positioning of the dependency worker to meet the need, on the other.”<sup>128</sup>

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<sup>126</sup> Ibid., 23 and onwards.

<sup>127</sup> Ibid., 6.

<sup>128</sup> Ibid., 35.

Kittay hence explicitly constructs the ideal of the dependency worker's (motivational) self as a contrast to what she sees as the "rational self-interested liberal self".<sup>129</sup> This 'transparent self' of the dependency worker is also highly idealized and borders on sainthood as it is required to see the needs of another first, its own needs second: "...- a self through whom the needs of another are discerned, a self that, when it looks to gauge its own needs, sees first the needs of another."<sup>130</sup> The central point here is that in a dependency or care relation the idea of the 'transparent self' is indispensable in order to preserve the interests of the charge. Her understanding of the self of the caregiver thus raises some of the same concerns as Tronto's four elements of care (as seen above). The salient points for Kittay in outlining the relationships that involve care are that the relationships are *given* in a sense that is different from relationships of choice. They are often non-voluntary, but should also be understood as non-coerced, they should not be the result of a previous injustice. One example used of such a relationship is kinship. It is not unreasonable for kin to expect help from you if you are in a position to give and they are in need; and this expectation is at least in our culture unrelated to the fact that your kinship relations are not chosen by you, or that 'non-kin' might be in an equal or even better position to help than you.

In order to preserve justice in relation to care-giving for those unable to respond i.e. reciprocate, Kittay introduces her concept of *doulia*: "..., the concept of social cooperation that derives from the Greek word for service: *Just as we have required care to survive and thrive, so we need to provide conditions that allow others – including those who do the work of caring – to receive the care they need to survive and thrive.*"<sup>131</sup> Thus circles of reciprocity are to be established as a basis of welfare in larger social structures, giving the larger society the obligation to provide for the well-being of the caregiver. This extended principle of *doulia* should be understood not as equalizing goods

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<sup>129</sup> Ibid., 52.

<sup>130</sup> Ibid., 51.

<sup>131</sup> Ibid., 133.



or resources, but instead equalizing capabilities,<sup>132</sup> care if we become dependent, support if we have to care for others, and assurance that others will care for our dependents if we are unable due to our own dependencies.<sup>133</sup>

### A problematic origin

Eva Feder Kittay admits to a strong inspiration from the rethinking of moral selves and objectivity that is done by Carol Gilligan in *In a Different Voice*,<sup>134</sup> a work often taken to instigate the Ethics of Care standpoint, and consequently she also seems susceptible to some of problems that are entwined with this work. Even though Gilligan and Kittay both insist that there is nothing inherently gendered in the care perspective<sup>135</sup> these problems within care all seem to be connected to a specific understanding of gender and the family. The psychological foundation of care ethics as inherited from Gilligan's discussion, still balances on an understanding of the psychological-developmental mechanisms of 'separation and connection' vs. others, as oppositional and divisive along gendered lines.<sup>136</sup> This understanding thus emphasizes gender to the detriment of alternative biological and social foundations of care perspectives, and gives the care perspective an inherent gendered slant. Even though these difficulties sometimes are openly acknowledged<sup>137</sup> they are still evident within the work of both Tronto and Kittay, especially in their reluctance to admit the viewpoint of protection into care ethics. This reluctance is understandable, as they both seem to associate the need for protection with

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<sup>132</sup> "... the ability to realize those functionings we deem valuable." Ibid., 179.

This perspective on capabilities however comes with its own set of distinct difficulties, of which the most apparent is the use of 'capability' concepts in the perspective of caring for the very old, the demented and the dying.

<sup>133</sup> Ibid., 132.

<sup>134</sup> Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge, Mass.: Harvard University Press, 1993).

<sup>135</sup> For instance: Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, xiii. Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, 2. (Compare with Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, Part two. )

<sup>136</sup> The necessarily erotic and gendered understanding of the dialectic of submission and dominance, sameness and difference, remains unquestioned. Alternative perspectives as for instance age disappear.

<sup>137</sup> "So too Gilligan's work is not value neutral but is informed by how object-relations psychology conceives of the self. But the problem with this view of psychological development is that it makes gender the only relevant category of difference." Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 81.

‘male aggression’ and male ways of being in the world,<sup>138</sup> but they also subsequently miss out on the possibility of understanding differences in dependency and vulnerability within genders. Their understanding of care thus fails to acknowledge how for instance the common army private is nested in a range of dependencies and possibly risks exploitation on an equal level to other dependency workers.

### **Only positive personal affections?**

On a more curious note it is at times difficult to understand the tendency within the care perspective to only find positive affection arising in relationships of need, dependency, closeness, vulnerability and affliction. This amounts to a reemergence of the essentialist understanding of the ‘mother’ or dependency worker as always and endlessly positive. A natural account of negative feelings in close relationships of care disappears, or is pushed into the ‘limitations’ of care-receivers (infants) and taken to be arising outside of the caregiver. This phenomenon might again stem from the problematic origin of care ethics in psychological development theories<sup>139</sup> where the ‘good mother’ is understood as someone who always endures aggression and destruction without retaliation or retreat, and as such is only the mirror image of the patriarchal ‘good father’. Our affections, which arise in ‘close’ relationships, thus influence the moral understanding of these relationships, only in so far that they are good. Affections are also restricted so that they can only be valid when species specific. Both Tronto’s definition of care as a “species specific”<sup>140</sup> activity (see above) and Kittay’s attitude is revealing - “The kiss I share with another human is distinctively human. I argue that to reduce what makes us persons to a set of defined characteristics is a mistake.”<sup>141</sup> This is indicative that care in the deepest sense is limited to ‘persons’ after all, in spite of definitions and arguments to the contrary.

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<sup>138</sup> Ibid., 104 - 05. Especially negative is Kittay: Kittay, *Love's Labor: Essays on Women, Equality, and Dependency*, 41.

<sup>139</sup> For instance: Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, 45-47, 98.

<sup>140</sup> Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 103.

<sup>141</sup> Kittay in: “When Caring Is Just and Justice Is Caring”, in Eva Feder Kittay and Ellen K. Feder, *The Subject of Care: Feminist Perspectives on Dependency, Feminist Constructions* (Lanham, Md.: Rowman & Littlefield Publishers, 2002), 207.

### **The traditional family, not so bad after all?**

The ('middle class') family is often presented as the primary *site* of care within the care ethics perspective. This primacy is somewhat surprising since much of the analysis of the family is focused on the exploitative possibilities and realities that are seen as inherent in our current understanding of family and familial relations.<sup>142</sup> Nevertheless the understanding is that close affective or kinship ties, arising in a traditional family, give a privileged understanding of the needs and vulnerabilities of the charge. Other perspectives from for instance friendship or professionalism within nursing which through avoiding over-involvement, might give better care in a consequential sense are downplayed. Thus families as we understand them today as harboring heterosexual parents and their children, again are essentialized, and emerge as the correct or proper breeding ground for caring relationships. Hence the 'liberal' values of privacy and independence for the family are reasserted. It is taken for granted that care is a property of the 'inheritance' in familial relations directing for instance taking care of elders - that 'blood is thicker' after all. On the other hand, some of the imagery that is presented of the ideal caring society might be taken as somehow overruling the primacy of blood relationships or kinship in favor of a stronger more 'maternal' state.

### **Why your 'mother'?**

The positive and important core of the Ethics of Care is found in the way it brings to light the importance of particular relationships, and how they are foundational to our ideas of the self and society. The quandary of Kittay (contrary to Tronto<sup>143</sup>) is however, that the

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<sup>142</sup> Especially Tronto's analysis of 'traditional' valuations as well as Gilligan's perspective is revealing, but Tronto repeatedly asserts how the needs to be given priority are culturally determined and how the right thing to care about thus actually is what we already care about in our culture or just a little more so. "Needs are culturally determined; if some people in society seem to have disproportionate needs, that is a matter for the individuals in the society to evaluate and perhaps to change." Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 171.

<sup>143</sup> Assessing Tronto's contribution on this particular point is difficult. She argues against much of object-relations psychology and also against essentializing care as 'women's morality', nevertheless, if we take seriously her definition of care as primarily not interested in the status of the 'charge', the only other source of motivation left for caring are our current cultural practices, and thus part of Tronto's perspective here works to reinforce the status quo of the liberal conception of the family. Esp. *Ibid.*, 147 - 55. But also: "Ultimately, responsibility to care might rest on a number of factors; something we did or did not do has contributed to the need for care, and so we must care. For example, if we are the parents of children, having

primacy of the mother-child relation as in “some mother’s child” is only asserted, not argued for. Here Kittay again relies on an essentialist understanding of ‘mothering’ and gender that reveals its problematic origin in developmental psychology.<sup>144</sup> In this context the main difficulty within this type of psychology is its ‘top to bottom’ construction, only mirroring the problem previously assigned to ‘male-psychology’ of casting one genders adult experiences in contemporary society as ‘the rule’ and the other genders’ experiences as ‘the exception’,<sup>145</sup> and thus missing the ‘post-conventional’,<sup>146</sup> understanding of morality that is aimed for in the care ethics project as introduced by Gilligan. The fate of care ethics thus is linked to a highly contested part of developmental-psychology that takes as natural a current (and sometimes desired) ‘splitting’ within traditional families along gendered and sexual lines. Instead of being taken as fundamental this ‘splitting’ of gender and power might have been questioned more carefully if Tronto’s arguments to remove care ethics from its origins in psychological theory had been given more weight in accounts similar to Kittay’s.

### **Revisiting ‘the body’**

The care approach promises to give larger attention to the perspective of those who are at risk of exploitation due to unjust distribution of care work on account of gender, but also race and class. Gender, equally with race and class, is thus within this perspective, a political or social category independent of the self, and not primarily a bodily or physical perspective on the self. Tronto especially focuses on the seemingly constructed and cultural basis of this inequality in a revealing manner:

A vicious circle operates here: care is devalued and the people who do caring work are devalued. Not only are these positions poorly paid and not prestigious, but the association of people with bodies lowers their value. Those who are thought of as

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become parents entails the responsibility of caring for these particular children.” Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 132.

<sup>144</sup> A minor point here is that it also becomes difficult with this approach to point to any difference between humans and other mammals.

<sup>145</sup> Compare: Gilligan, *In a Different Voice: Psychological Theory and Women's Development*, 46-63.

<sup>146</sup> *Ibid.*, 100.

“others” in society are often thought of in bodily terms: they are described by their physical conditions, they are considered “dirty”, they are considered more “natural.” Thus the ideological descriptions of “people of color” and of “women” (as if such categories existed) often stress their “natural” qualities: in dominant American culture, Blacks have a sense of rhythm and women are naturally more nurturant and emotional.<sup>147</sup>

Kittay’s approach on the other hand wants to understand a politically and psychologically constructed relation, being a ‘mother’s child,’ as something natural and hence also physical, reinvigorating the essentialism of Gilligan’s perspective which Tronto criticizes. The old debate of ‘nature vs. nurture’ thus has reappeared within the care perspective. This is not surprising since it is probably fair to all of the perspectives mentioned, from Gilligan and object-relation psychology via Joan Tronto to Kittay, to understand their use of the concept of gender as something culturally constructed and contingent to the subject of care. The underlying and reinforced position is that gender is valued either as male or female because of its constructedness, or more bluntly: because it is taken as a matter of culture and not a matter of biology. And hence seeing also the significance of the differences between the ‘disabled’ or the ‘able’ as a matter of interpretation, i.e. ‘mothers’ are in general less disabled than ‘fathers’, the argument reinforces cultural interpretation as more important than ‘bodily’ dependencies, not less. The question is not the charges or your physical aspects, but the moral subject’s social and cultural construction along political ‘boundaries’ of exclusion or inclusion. The perspective of the physical/body of the moral subject is thus in danger of disappearing in favor of for instance race, class or gender as fully constructed and sometimes even substitutable categories. This aspect of feminism and care ethics should at least caution us against any perspective on the self that does not explicitly acknowledge the difficulties in trying to do without the dualisms of gender or ‘mind/body’ that prevail in our culture and discourse.

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<sup>147</sup> Tronto, *Moral Boundaries: A Political Argument for an Ethic of Care*, 114.

### **Situatedness vs. the body, or the body as a site**

A definite strength of the Ethics of Care is nevertheless its understanding of the moral subject as necessarily situated and different from categories such as ‘the ego’ or ‘mankind’. The charge and the caregiver are both understood as being in a particular place, in a particular time, and in relationships to particular others. This emphasis on the situation, spatially, temporally and otherwise, as a result contributes to make the uniqueness of the individual more visible to ethical judgments. Consequently, as this uniqueness is linked to the entire situation of the individual, relationships and affections, capacities both corporal and intellectual may after all emerge as more important than ‘self-interested’ reciprocity. Care ethics from this perspective encompasses more of our intuitive understanding of morality than say, the narrow utilitarianism and ego-motivation that is ascribed to ‘the liberal’ intellectualist point of view, since it allows ‘the physical’ aspects of emotions and desires to influence what we care about. This strength within the care perspective is not removed by the evident limits to its tendency to cast gender (or birthing) as the only or primary bodily ‘feature’ of relevance to the moral subject.<sup>148</sup> If this somewhat overpowering perspective from gender may be overcome, the relational aspect of care ethics promises an interesting perspective on personhood and practical moral reasoning. An understanding that provides a rational explanation of why care of ‘the body’ even in the explicit absence of intellect, or capacities, might be warranted from a moral point of view.

On the other hand a tendency is also evident within care ethics which turn ‘the body’ into a mere ‘site’ of the self, and thus only significant as an outer boundary for the ‘psyche’; and we are again left with only a limited intellectualist understanding of the self that fails to provide a perspective on ‘the body’ and physical differences. One example is how ‘the body’ is sometimes understood as a mere ‘expression’ of the self. Both primitive and sophisticated practices of manipulation towards the body often reveal attitudes that take

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<sup>148</sup> There is of course also the additional problem of whether gender or sex is socially or biologically constituted. Evidence from experiences with ‘intersex’ (scrambled chromosomal patterns and dual or diverging genital development) today is taken to signal a definite biological foundation of gender and sex in opposition to previously popular ideas about social constructivism. See for instance: Kittay and Feder, *The Subject of Care: Feminist Perspectives on Dependency*, 294 - 320.

‘the body’ as a site. A prime example within feminist literature that reveals much ambivalence is ‘anorexia’. Other examples might be culturally founded ‘genital mutilation’, cosmetic plastic surgery or our contemporary focus on fitness and health. The rightness or wrongness of such practices from the perspective of care or feminism oscillates as the result is judged to be either demeaning or empowering. Also lost in this perspective is how one might just as well turn the relationship between ‘body’ and ‘mind’ around and ask how ‘the body’ expresses (its) self in thought and through ‘the mind’. Mutual ‘articulation’ is here probably a more useful approach than awarding primacy to one over the other.

## Final thoughts

In comparing these three different approaches to ethics with regard to the understanding of ‘the body’ we are unlikely to find one clear answer to our questions concerning (medical) triage. Nevertheless we should now be able to point out certain advantages and disadvantages. Care ethics starts with the explicit intention to give more room for perspectives linked to affective relationships and some underlying bodily and gendered features. Subsequently this relational approach makes it necessary to give more weight to ‘the body’ in our deliberation on bio-ethical dilemmas than before, even in the absence of consciousness or life. It matters how we treat people after death as well as before life ends.

MacIntyre wants to overcome Cartesian dualism and to give a voice to those unable to speak on their own behalf, the severely disabled. Nonetheless MacIntyre’s position reveals a much more negative perspective on ‘the body’ and our bodily aspects than I expected. MacIntyre and Virtue Ethics end up reemphasizing culture and society as having the final word on what is important, and although this in some cultures will entail giving substantial respect to people and their bodies after death as well as before, the respect given depends on fortuitous factors. Thus this perspective is more negative

towards the physical and bodily aspects than I expected from an approach emphasizing our mutual dependencies and initial animal condition.

Kant provides us with a turn to the aesthetic, stressing the need for actual communication with others to realize morality. His theory consequently shares more common ground with the Ethics of Care and their relational perspective than expected at the outset of my inquiry. There appears to be very little cause to claim that the Kantian approach only respects persons on account of their rationality, and that it is necessarily insensitive towards the actual situations and relationships that people find themselves in.

Care ethics is able to say more about particular affective relationships than the other theories and shares a strength of Virtue Ethics in not understanding responsibility as founded exclusively on voluntariness and choice. Interestingly, it is Kant's position that has the advantage of understanding the self as a positive unity of 'mind' and 'body', of 'psyche' and 'soma'. As we have seen Kant moreover shares the relational strengths of the Ethics of Care in the emphasis of the realm 'in-between' judging subjects as fit for aesthetic and moral judgment, and of how we depend on this social and relational realm, both for the needs of our intellect and our sensibility. A *sensus communis* is thus the foundation of thinking and necessary to get morality (and politics) off the ground. This perspective should hence not be underestimated, even if credit is given to more 'intellectualist' readings and general discomfort with deontology as providing 'one thought too many'.

In each perspective I have examined there is an underlying thread appearing in most of our theories regarding 'the body' since antiquity: It is seen as fundamentally different from the 'I' that we find in our words and thoughts. This 'split' is replayed in most if not all of ethics through our history, and is a fundamental challenge to a development of an ethics that has the whole unity of what we might call 'the embodied self' in its sight. Even if we postpone the discussion on whether such a perspective is what we really want from ethics until it has been further developed, challenging this fundamental division is a first step in developing such a position.



One of the crucial stories to be learned from the feminist or care ethics perspectives is that merely reversing an earlier split is tempting. Especially if one of the main points is to simultaneously present a critique of an earlier ‘splitting’ position. The challenge thus is that if we find that splitting the moral subject into material and immaterial (body and spirit) is unfortunate or questionable from a political or moral perspective: - overcoming this split means unerringly *not* to take it as fundamental. Casting a theoretical position as explicitly contrary to the previous split too easily ends up in a reversal. Instead the perspective needs to be developed anew from ‘the bottom up’.<sup>149</sup> Such a project will demand going back to some very basic assumptions of our current ethical attitudes to reconsider otherwise unquestioned premises. Much might also be developed out of a reexamination of how ‘splitting’ has skewed our perspective on what is taken as natural in our current positions. The feminist critique of ‘universality’ vs. ‘situatedness’ is one such important point, our traditional insistence that what is ‘rational’ or ‘reasonable’ is best developed without affective correction or influence is another. Indeed, the ideas that our bodies are separate from what thinks - that feeling and thinking are different activities, one part of the flesh the other independent of the flesh, are themselves not beyond scrutiny. They are themselves historical constructions of what to hold as ‘true’ and ‘valuable’ with their own ‘political’ consequences.

Reexamining these taken-for-granted starting points might also drive us into a confrontation with how the division of science into ‘natural’ and ‘social’ articulates a specific perspective on ‘what’ and ‘how’ we are. One perspective that often appears to be lost in both ‘natural’ and ‘social’ sciences today, is the perspective of how ‘the body’ is anything *but* static or constant throughout our lives. As we move from infancy to adulthood, through puberty and into old age, our relationships (and vulnerability and dependencies) towards our bodies and towards our surroundings are never constant. It is indeed not possible to point at any place in our lives where our ‘mind’ is in control of the totality of our physical aspects, and this ‘split’ of power must indeed itself be questioned, and not be naturalized. This fluctuation of change within the self subsequently often

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<sup>149</sup> And not ‘top to bottom’ as in Gilligan’s description of the faults of ‘male psychology’.

remains hidden on account of how our perspectives today are divided into stale ideas about 'soma' and 'psyche' (or something very similar).

Keeping in mind the difficulty of avoiding a mere reversal, it is still possible to question to what extent the flesh that is you should be given weight in my consideration of you, or indeed in my encounters with you. In any real 'intersubjective' environment the image of your flesh (your looks, your tone of voice, your smell etc.) usually precedes my full comprehension of you, or anything at least approaching such an understanding.<sup>150</sup>

Understanding vulnerability and dependency might demand that we comprehend that it is the unity of you which is vulnerable and dependent. Not something which is accidental to the 'real' you or merely the accidental or constructed site of the 'real' you.

To some extent our fuller understanding of the basic unit of moral worth might lead us into a position where what is 'really' you might be indistinguishable from the relationships that you are part of: The (sometimes caring) relationships which from the Kantian perspective, are essential to the development of your taste and practical judgment. And divergence in the formation of these relationships, divergence in the formation of your flesh, and divergence in the formation of your communication with your inner 'I', are equally significant in order to comprehend who and what you are, and how you are to be treated with respect.

From this 'new' perspective some questions that previously have been thought to be essential might fade in importance. Arguing where to precisely place the boundary between 'body' and 'mind', 'soma' and 'psyche', might no longer be seen as crucial, at least not in a moral perspective. Species-membership as a criterion on whom or what to care about or to label as capable of caring might be questioned and seen as less fundamental than it tends to be today. Political differences and political rights need not be labeled as necessarily dependent on possessing a certain spiritual or bodily capability. This formative setting of political boundaries could itself be brought to light as a

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<sup>150</sup> Any third person ontology will of course remain different from first person ontology.

fundamentally political question to be settled by political means. Responsibility is less of a question about free choice and volition than we have assumed in the ‘liberal’ political tradition. Giving ‘voice’ to those unable to speak does not necessarily impute an “equal but different” standard as the basis for being admitted into the political sphere. It might just as well imply ‘political’ entitlement without having to be essentially the same; more room for being ‘different while equal’. Casting the problem of ‘the ethical worth of the body’ as opposed to ‘the ethical worth of the rational spirit’ as a necessary dualism here is probably part of the problem, not the solution.

Keeping in mind the background question of “elective ventilation”<sup>151</sup>, we naturally remain without a definitive and clear cut answer on what to do in these difficult situations. Yet, I hope to have pointed out some aspects of respecting people and their bodies that are important, and how this is important even in the absence of consciousness or life. Whether this should make us abandon our current practices concerning organ transplantation, and adopt different attitudes towards temporarily or permanently unconscious people, is outside the scope of this paper. We nonetheless cannot define away the problems of triage.

My wish is to point out that ‘the mind’ or ‘consciousness’ or ‘psyche’ cannot be treated as if unaffected by our somatic being, and that this in turn is significant in asking how much weight ‘the body’ should have in moral matters. The position that ‘the body’ does *not* matter in practical considerations is in this context much more extreme than current debate seems to admit. Attempting to resolve ethical dilemmas about abortion, organ donation or euthanasia by looking for a proof of the mind’s separation or boundary from ‘the body’ is to take too much for granted about the value of ‘the body’, or indeed the value of the ‘situatedness’ of the self as well. Bodily aspects, flesh and blood, relationships to friends and kin, and mental events like dreaming and thinking are as far as we know integrated in our being; and even though these aspects may be separated for

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<sup>151</sup> Page 3.

purposes of study, they must be reconnected if we are to have any concept of the unity that is to be treated with moral respect. Neither aspect should thus be cast as more natural or less culturally constructed than the other, nor should we forget that moral respect fundamentally depends on bodies being involved.

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