Introduction

Professionals, it is said, have no use for simple lists of virtues and vices. The complexities and constraints of professional roles create peculiar moral demands on the individuals who occupy them. Traits that are vices in ordinary life are praised as virtues in the context of professional roles. Should this disturb us, or is it naive to presume that things should be otherwise?

It is natural to turn for guidance on such matters to recent work in virtue ethics. Unfortunately, however, much of this writing suffers from a lack of detail about how the approach is to be applied to practical issues. This book is an attempt to address that problem. In what follows we develop a clear and rigorous account of virtue ethics, which explains how it differs from contemporary versions of rival ethical theories. We show why virtue ethics is to be preferred to those views, and explain how it offers a natural and promising approach to the ethics of professional roles. In doing so, we bring out how a properly developed virtue ethics can offer a promising way to resolve a central issue in professional ethics, in its ability to account for how professional roles can legitimately have their own action-guiding force, without compromising the broader values to which those roles are answerable.

Our general aim is to show how a theoretically advanced virtue ethics offers a plausible and distinctive alternative to utilitarian and Kantian approaches to understanding and evaluating professional roles – in particular, the role morality of medical and legal practice. We argue for the merits of virtue ethics over these other approaches on both theoretical and practical grounds. In the theoretical chapters of the book, we develop the notion of a 'regulative ideal' as a way of explicating the relation between an ethical theory's criterion of rightness and its account of how agents are to be guided by this criterion. We draw on this notion in outlining a rigorous virtue-based account of moral justification, and in comparing and defending this account

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against its Kantian and consequentialist rivals. Following this, we go on to provide an outline of a virtue-based approach to professional roles, which we then apply to medical and legal practice.

The rise of systematic approaches to professional ethics in the 1970s saw traditional practices in various professions subjected to critical scrutiny by broad-based ethical theories, such as utilitarianism and Kantianism. For instance, doctors were told that it is unethical to withhold a diagnosis from a patient out of concern for the patient's welfare, for telling patients the truth here respects their rights or maximises utility overall. Similarly, lawyers acting for the defendant in a rape trial have been advised to avoid making gratuitous courtroom references to the plaintiff's sexual history in order to impugn her character, as such conduct violates her rights and is in any case counterproductive to the administration of justice overall, because it deters many rape victims from reporting the assault in the first place. Many have welcomed this sort of external critical evaluation of previously accepted professional norms, which they rightly feel was well overdue. Indeed, some have gone on to suggest that professional norms are themselves redundant and that reliance upon them is pernicious. Robert Veatch, for instance, argues that 'the use of a professionally generated ethic makes no sense in theory or in practice', and he suggests that we instead appeal directly to more general moral standards.[1]

However, other writers have recently criticised the suggestion that professional ethical norms should be abandoned in favour of an approach which judges professional behaviour directly in terms of broad-based moral standards. They feel that something important is lost in the move to the general here. For example, Larry Churchill and Charles Fried have argued that utilitarianism and Kantianism fail to register certain role-generated commitments and characteristic sensitivities of good doctors, and Fried has put forward a similar argument about the distinctive requirements of the lawyer's role. Lawrence Blum has likewise made claims about the inadequacies of universalist ethical theories in capturing what it is to be a good teacher.

These critics seem to us correct in saying that an approach which judges the legitimacy of all professional behaviour directly in terms of broad-based moral standards will not do justice to the responsibilities and sensitivities proper to various professional roles, and that a satisfactory ethic for a given profession must be able to recognise the particular

[1] Robert M. Veatch, *A Theory of Medical Ethics*, New York, Basic Books, 1981, p. 106.

roles, responsibilities, and sensitivities appropriate to that profession. In the later chapters of the book, we discuss a range of problems that consequentialist and Kantian ethical theories might have in accommodating the distinctive requirements and sensitivities appropriate to various professional roles. But whatever implications such difficulties have for Kantian and utilitarian approaches to professional roles, we argue that virtue ethics has the resources to deal with the various problems we raise here.

Indeed, the topic of professional roles presents a particularly good example of how virtue ethics may be applied in practice, as the focus of virtue ethics on functions and ends fits well with professional practice, which can be readily regarded as having a teleological structure. The proper goals of a particular profession also tend to be clearer, more specific, and more widely recognised than do the characteristic functions and ends of human beings generally.

Chapter 1 provides a systematic account of the essential and distinctive positive features of a virtue-based approach to normative ethics. We explain how a virtue ethics form of character-based ethics differs from recent character-based forms of Kantian and consequentialist theories, and we defend virtue ethics against several important criticisms which are commonly made in philosophical discussions of the approach.

In chapter 2 we argue for the superiority of a virtue ethics approach to contemporary consequentialist and Kantian theories, on the grounds that virtue ethics can appropriately recognise the nature and value of friendship, whereas consequentialism and Kantianism are unable to do so. The inadequacies we identify in consequentialist and Kantian treatments of friendship are instructive for our purposes in this book. For, as many recognise, the plausibility of any ethical theory rests importantly on its capacity to recognise great human goods, of which friendship is clearly one, and consequentialists and Kantians have done much work recently in attempting to accommodate the value of friendship. But further, the problems which impartialist ethical theories like consequentialism and Kantianism have in accommodating friendship will be helpful, by way of contrast and similarity, in understanding the problems these theories have in giving due acknowledgement to the value and normative force of various professional roles. Both friendship and professional roles may license departures from what universalist or impartialist ethical theory would ordinarily require of us, and the values inherent in both friendship and various professional roles seem significantly independent of the values contained in universalist and impartialist ethical

theories. However, as we show in chapter 4, section 1, the nature of and justifications for this independence and these departures from broad-based ethical theory that might be claimed for friendship and professional roles are importantly different.

Chapter 3 outlines how virtue ethics can provide a plausible framework for evaluating professional roles. We argue that good professional roles must be part of a good profession, and that a good profession is one which involves a commitment to a key human good, a good which humans need to live flourishing lives. Several virtues specific to medical practice are then outlined and defended at the end of this chapter.

Our arguments against consequentialism in chapters 2 and 4 complement each other. Two distinct sorts of critique can be made of consequentialist justifications of friendship. One might attack the empirical claim made by many consequentialists that engaging in relationships such as friendship is by and large the way in which individuals can produce the most agent-neutral good. Alternatively, one might question whether the sorts of relationship a consequentialist agent is permitted to have with others would really qualify as friendships, quite apart from whether the agent's engaging in those relationships does produce the most agent-neutral good. For example, one might examine whether the governing conditions that consequentialist agents must impose on their relationships preclude any such relationship from being a friendship. In chapter 2, we offer an argument against consequentialism along the lines of this second critique, and we leave aside consequentialists' empirical claim about friendships maximising the good. Some consequentialists have justified certain professional roles by making the empirical claim that those professionals produce the most agent-neutral good by engaging in such roles. When we go on to discuss professional roles, we attack this empirical claim made by certain consequentialists in relation to a general practitioner's commonly accepted partiality towards their own patients. Thus, in chapter 4 we argue that there are good reasons for thinking that such devotion to one's own patients will not in fact maximise the good, and we bring out the complacency on the part of consequentialists who provide little evidence for the plausibility of such a claim. We also demonstrate some limitations of influential personal relationship models of the partiality which might be thought appropriate to various professional–client relationships.

Chapter 5 addresses the limits which the general conception of the virtuous agent might be justifiably thought to impose on the exercise of role-based virtues in professional life. Here we focus on lawyers' roles,

and we argue that virtue ethics can consistently recognise the distinctive value of a lawyer's role and its associated virtues, while also holding that a lawyer ought not to fulfil those role requirements where doing so would involve a gross violation of justice.

In chapter 6 we examine what sorts of psychological integration between their personal and professional life would characterise a virtuous person, and we discuss what virtue ethics might say about various sorts of psychological distancing from one's professional role and its apparent requirements. Here, by drawing attention to the Kantian conception of the limits of the moral self, we also provide a critique of how Kantian ethics might understand the morality of professional roles.

There has been much writing in virtue ethics, and a good deal said about its promise, yet comparatively few works have really delivered on that promise. Much work in virtue ethics, for all its value, often lacks crucial details about the nature of the approach and about how it differs from the more sophisticated forms of rival theories which have been developed recently. As a result, there has been a certain lack of engagement, both in ethical theory and applied ethics, between the advocates of virtue ethics and those who take more traditional views. Our hope in writing this book is that it initiates greater dialogue between the advocates of virtue ethics and utilitarian and Kantian approaches, and that it reveals the richness and strength of a more developed and rigorous account of virtue ethics.

CHAPTER I

The nature of virtue ethics[1]

The current renewal of philosophical interest in the virtues is one of the most noteworthy developments in contemporary ethical theory. The first signs of this revival appeared in 1958, when Elizabeth Anscombe called for the restoration of Aristotelian notions of goodness, character, and virtue as central concerns of moral philosophy.[2] While initial reactions to Anscombe's call were modest, interest in the virtues gathered momentum during the 1980s, largely because of the work of philosophers such as Philippa Foot, Bernard Williams, and Alasdair MacIntyre. The philosophical literature on the virtues is now vast, and there is a great variety of different views which advertise themselves as forms of virtue ethics.[3] Many of those who hold such views argue that virtue ethics can lay serious claim to rival Kantianism and utilitarianism as comprehensive normative ethical theories. But what exactly is virtue ethics? What are the central claims which the variants of virtue ethics

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[1] Earlier versions of this chapter were read at the 'Consequentialism, Kantianism, and Virtue Ethics' conference at Monash University, at an Ethox seminar at Oxford University, at Kyoto University, and at a seminar in Tokyo organised by the utilitarian studies research group in Japan. We would like to thank those audiences for useful discussion on those occasions. We are especially grateful to John Campbell, John Cottingham, Brad Hooker, Per Sandberg, and Christine Swanton, for their very helpful comments on previous versions, and to Kazunobu Narita for his detailed critique of a late draft of this chapter.

[2] G. E. M. Anscombe, 'Modern Moral Philosophy', *Philosophy* 33, 1958.

[3] A comprehensive bibliography of material on virtue ethics can be found in Robert B. Kruschwitz and Robert C. Roberts, *The Virtues: Contemporary Essays on Moral Character*, Belmont, Wadsworth, 1987. For good recent collections of papers on virtue ethics, see Roger Crisp (ed.), *How Should One Live? Essays on the Virtues*, Oxford, Clarendon Press, 1996; Roger Crisp and Michael Slote (eds.), *Virtue Ethics*, Oxford, Oxford University Press, 1997; Peter A. French, Theodore E. Uehling, and Howard K. Wettstein (eds.), *Midwest Studies in Philosophy, Volume 13: Ethical Theory: Character and Virtue*, Notre Dame, Notre Dame University Press, 1988; and Daniel Statman, *Virtue Ethics: A Critical Reader*, Edinburgh, Edinburgh University Press, 1997. See also the survey articles on virtue ethics by Gregory E. Pence, 'Recent Work on the Virtues', *American Philosophical Quarterly* 21, 1984; and Gregory Trianosky, 'What is Virtue Ethics all About?', *American Philosophical Quarterly* 27, 1990. Pence summarises and compares certain key texts in the recent history of virtue ethics, while Trianosky offers a more systematic guide to the different forms of virtue ethics, in terms of a range of common targets which unite various writers in the field.

share, and how is virtue theory distinct from other, more familiar ethical theories?

There is a somewhat bewildering diversity of claims made by philosophers in the name of virtue ethics. Many of those claims are put in negative form, and are expressed in terms of an opposition to an 'ethics of principles', or to an 'impartialist ethics', or to 'abstract ethical theory', or simply to an 'ethics of action'. Unfortunately, this negative emphasis has resulted in virtue ethics becoming better known to many by what it is *against*, rather than by what it is *for*. Of course, given that the revival of virtue ethics has been sparked by dissatisfaction with standard Kantian and utilitarian ethical theories, it is not surprising that those negative claims have gained prominence. However, to focus only on those claims in an outline of virtue ethics and its variants would be inadequate, for this would not sufficiently distinguish it from other approaches – such as an ethics of care, and various forms of feminist ethics – which are also often advanced in terms of a rejection of similar features of orthodox ethical theories. While virtue ethics does share certain common targets with these and other ethical theories, it can be more clearly distinguished from them by its positive features.

When virtue ethicists *do* enunciate their positive claims, however, there is often a lack of clarity and specificity which does not help in fixing the theory's distinctive content. Thus, when virtue ethicists suggest how the theory can overcome many of the perceived vices of Kantianism and utilitarianism, there is often a failure to articulate virtue theory in ways which make clear how or why its features cannot simply be appropriated by more sophisticated or ecumenical forms of these more familiar ethical theories. For example, many regard virtue ethics' emphasis on an agent's character in justifying right actions as a feature which distinguishes virtue ethics from other ethical theories. However, while the virtue ethics movement has helped bring considerations of character to the fore in contemporary ethics, it is not alone in emphasising the important connections between right action and an agent's character. For recent influential versions of Kantianism and consequentialism have also moved towards endorsing the idea that the morally good person would have a certain sort of character.[4] So, while many writers on virtue ethics assume that arguments for the importance of character necessarily lend support to a

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[4] See, for example, Barbara Herman, 'The Practice of Moral Judgment', and other essays in her *The Practice of Moral Judgment*, Cambridge, MA, Harvard University Press, 1993; and Peter Railton, 'Alienation, Consequentialism, and the Demands of Morality', in Samuel Scheffler (ed.), *Consequentialism and its Critics*, Oxford, Oxford University Press, 1988.

virtues-based approach to ethics, the moves by contemporary Kantians
and consequentialists to recognise the importance of character in evalu-
ating actions indicate that this broad assumption is unjustified. What
virtue ethicists need to show, in addition to the importance of character,
is what makes a *virtue ethics* form of character-based ethics distinctive, and
why such an approach is to be preferred to character-based forms of
Kantianism and consequentialism. Thus, in order to show how virtue
ethics resists assimilation to a form of Kantianism or utilitarianism, one
needs to bring out which features of virtue ethics could not consistently
be endorsed by someone who holds one of those theories.

In this chapter we set out the basic features of virtue ethics, by pre-
senting a systematic account of its main positive claims, and by showing
how these claims help to distinguish it from other approaches. We also
develop certain aspects of this basic virtue ethics approach, introducing
the concept of a 'regulative ideal', and demonstrating how this concept
helps to clarify and strengthen virtue ethics. At the end of the chapter,
we consider several criticisms of virtue ethics which are commonly made
by philosophers, and we discuss how virtue ethics might be defended
against these criticisms.

I THE ESSENTIAL FEATURES OF VIRTUE ETHICS

There are at least *six* claims which seem to be essential features of *any*
virtue ethics view. The first and perhaps best-known claim, which is
central to any form of virtue ethics, is the following:

**(a) An action is right if and only if it is what an agent with a virtu-
ous character would do in the circumstances.**

This is a claim about the primacy of *character* in the justification of right
action. A right action is one that is in accordance with what a virtuous
person would do in the circumstances, and what *makes* the action right is
that it is what a person with a virtuous character would do here.[5] Thus,
as Philippa Foot argues, it is right to save another's life, where life is still
a good to that person, because this is what someone with the virtue of
benevolence would do. A person with the virtue of benevolence would
act in this way because benevolence is a virtue which is directed at the
good of others, and to have the virtue of benevolence, according to Foot,

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[5] For an explicit statement of this claim, see, e.g., Rosalind Hursthouse, 'Virtue Theory and
Abortion', *Philosophy and Public Affairs* 20, 1991, p. 225. See Aristotle, *Nicomachean Ethics*
II.6.1107a1–2.

is to be disposed to help others in situations where we are likely to be called upon to do so.[6] Similarly, as Rosalind Hursthouse argues, it is right in certain circumstances to reveal an important truth to another, even though this may be hurtful to them, because a person with the virtue of honesty would tell the truth here. For example, if my brother asks me whether his wife is being unfaithful, and I happen to know that she is, I ought to answer him truthfully because this is what a person with the virtue of honesty would do here.[7] Likewise, in regard to justice, Foot argues that I ought to repay you the money I have borrowed, even if you plan to waste it, because repaying the money is what a person with the virtue of justice would do.[8]

Now, as we noted above, the primacy given to character in (a) might also seem to be endorsed by recent influential forms of Kantianism, consequentialism, and utilitarianism, which invoke one of these theories to give content to the notion of a 'virtuous person'. For example, Barbara Herman has argued that the Kantian Categorical Imperative, which provides the standard of rightness for actions, is best understood as a normative disposition in the character of a good agent to rule out certain courses of conduct as impermissible.[9] Similarly, Peter Railton has argued that the consequentialist requirement to maximise agent-neutral value can be understood as a normative disposition in the character of the good agent, and R. M. Hare suggests that the utilitarian requirement to maximise utility can be thought of in the same way.[10] How can (a) help distinguish virtue ethics from these other theories?

Virtue ethics gives primacy to character in the sense that it holds that reference to character is *essential* in a correct account of right and wrong action. However, the examples from Foot and Hursthouse do not bring out fully how virtue ethics envisages (a) operating as a standard for determining the rightness of actions. For (a) might be proposed as providing a purely 'external' criterion of right action, which a person may meet no matter what kinds of motives, dispositions, or character they act from in performing the action the criterion directs them to do. On this interpretation, acting rightly would not require modelling oneself on a virtuous

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[6] See Philippa Foot, 'Euthanasia', p. 54; and 'Virtues and Vices', p. 4, both in her *Virtues and Vices*, Berkeley, University of California Press, 1978. Foot sometimes calls this virtue 'benevolence', while at other time she refers to it as 'charity'.
[7] See Hursthouse, 'Virtue Theory and Abortion', pp. 229, 231.
[8] See Foot, 'Euthanasia', pp. 44–5, and 'Virtues and Vices'. See also William Frankena, *Ethics*, 2nd edn, Englewood Cliffs, Prentice-Hall, 1973, pp. 63–71.
[9] See Herman 'The Practice of Moral Judgment'.
[10] Railton, 'Alienation'; and R. M. Hare, *Moral Thinking*, Oxford, Oxford University Press, 1981.

person or a particular aspect of their character, but would involve just
having a good idea of what kinds of acts such a person would perform
in various circumstances. In that case, (a) would be analogous to the role
in certain ethical theories of an Ideal Observer, whose deliverances may
guide one even though one lacks the qualities of such an observer oneself
(and indeed, even if there were no 'natural' persons who embodied all
the characteristics of an Ideal Observer).[11] Alternatively, the criterion of
right action in (a) might be proposed as carrying certain 'internal'
requirements, such that a person can act rightly only if they themselves
have and act out of the kinds of motives, dispositions, or character-traits
that a virtuous agent would have and act out of in the circumstances.

Now, it is clear from (a) that virtue ethics makes character essential to
right action at least in the sense that its criterion of rightness contains an
essential reference to the character of a hypothetical figure – namely, a
virtuous agent. And this feature is already enough to distinguish virtue
ethics from forms of act-utilitarianism and act-consequentialism which
evaluate an act according to the consequences that it *actually* results in,
as Railton's act-consequentialism does. For unlike virtue ethics, these
actualist approaches allow us to say what acts are right, with no refer-
ence to the character of a hypothetical agent (or, for that matter, to the
character of the real agent whose action is being evaluated) at all. For
these actualist versions of act-utilitarianism and act-consequentialism
hold simply that an act is right if and only if it results in the best conse-
quences.[12]

However, many contemporary utilitarians and consequentialists
repudiate actualism in favour of some form of expectabilist approach,
where actions are evaluated according to their *likely* consequences,
rather than their actual consequences. One widely held expectabilist
form of act-consequentialism evaluates an act according to the conse-
quences it is *objectively* likely to result in, and this approach can be inter-
preted as having a criterion of rightness containing an essential
reference to the character of a hypothetical figure.[13] For this form of

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[11] See Roderick Firth, 'Ethical Absolutism and the Ideal Observer', *Philosophy and Phenomenological Research* 12, 1952. We thank John Campbell for pointing out this similarity between virtue ethics and an Ideal Observer theory.

[12] Railton uses the term 'objective consequentialism' to refer to what many call 'actualism'.

[13] For one account and defence of this approach, see Graham Oddie and Peter Menzies, 'An Objectivist's Guide to Subjectivist Value', *Ethics* 102, no. 3, April 1992. This form of expectabil-
ism is to be distinguished from that form which evaluates an act according to the consequences it is *subjectively* likely to result in. This subjectivist approach holds that the consequences relevant to the act evaluation are those which the agent *believes* are probable consequences of the act (rather than those which are *objectively* probable consequences of the act). For one account and