

Virtue Ethics and Rational Disabilities:
A Problem of Exclusion and the Need for Revised Standards

by

Lindsay Weir

A thesis
presented to the University of Waterloo
in fulfilment of the
thesis requirement for the degree of
Master of Arts
in
Philosophy

Waterloo, Ontario, Canada, 2011

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AUTHOR'S DECLARATION

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

I understand that my thesis may be made electronically available to the public.

ABSTRACT

When we develop accounts of the good life we inevitably need to work with simplified images of human beings so as to limit the ideas our account must grapple with. Yet, in the process of this simplification we often exclude certain types of agents from having moral status because our image of humanity does not take their key features into account. The problems created by this type of simplification are very apparent when we consider how virtue ethics deals with the lives of people with Intellectual Disabilities. Since virtue ethics focuses on reason it very quickly excludes people with limited intellectual functioning from being moral agents who have access to the happy life. In this thesis I explore this problem of exclusion further and present a revised set of virtues based on the Capabilities Approach by Martha Nussbaum. By developing this new focus for virtue ethics I create a virtue-based approach to the good life that is not only more inclusive of agents with limited intellectual functioning but also represents a richer path to the good life for all agents.

ACKNOWLEDGEMENTS

I would like to thank my advisor, Dr. Mathieu Doucet for his support, guidance, and encouragement throughout the course of my degree. I would also like to thank my readers, Dr. Shannon Dea and Dr. David DeVidi for their suggestions and support in this capacity and as members of my department community.

Special thanks also to my dear friend Julianna Krock for her patience and support in living with me during this process. Very special thanks to my parents Martha Kirkland-Weir and Anthony Weir for their support, love, and commitment to my education. Thanks also to my sister Sarah Weir for her good humour.

I would also like to acknowledge the work of the many Special Education Teachers and resource people who took the extra time to help me learn to read and write and who fought for my right to an education. Without this effort I would not be where I am today. Thank you!

DEDICATION

I would like to dedicate this thesis to people who advocate and work tirelessly to create good lives for people with disabilities. Your commitment to inclusiveness and the dignity of the human being is truly compassion in action.

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INTRODUCTION

Ethical systems often work with an idealized version of humanity. After all, if we are to have any theories at all we cannot include all of the diversity that is a part of human life. Therefore, as we create moral theories we choose some characteristics of human beings and then generalize from there. However, this need for idealization leads to some difficulties when we take these idealized theories and apply them to real agents. These people of flesh and blood are neither so perfect nor as simple as the ones we use to develop our theories.

One of the biggest idealizing assumptions in moral theories that does not apply to a wide range of real agents is the idea that human beings are ideally rational. Indeed, starting with the Enlightenment and its return to the ancient focus on the human being as a rational man there have been a great many ethical theories that took reason as a given and then further promoted it to the status of the main component of human identity. In the case of Kant, Rawls, and Mill, as well as those who followed after them, this is certainly true.

This focus on reason ignores emotion and the relational aspects of the human being have been a key source of complaint from Feminist thinkers.¹ Since rational humans were regarded as the key moral agents for so long women became associated with emotion and irrationality and so were devalued and excluded from moral life. With the rise of feminism and the fight for equality over the last century many thinkers have questioned this focus on reason since it isolates and

¹ Some of this problem is laid out in Martha Nussbaum. 2006. *Frontiers of Justice*. London: Belknap Press. 103-105. See also: Rosemarie Tong and Nancy Williams. 2011 "Feminist Ethics", *The Stanford Encyclopaedia of Philosophy* Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/feminism-ethics/>.

ignores many other features of human beings which, if emphasised, would include more considerations in moral life.

This issue is also of utmost importance when we try to find a place for people with mental and physical disabilities in our moral theories. Since these agents do not have minds and bodies that function in ways that are typical or perfect our ethical theories are often a poor fit for such persons or leave them out entirely. Many disabled agents do not have the intellectual capacity that is so important to the image of human beings used in the major moral theories.

A key example of this problem comes in Virtue Ethics. Virtue ethics is a moral theory with a specific idea about what is most important in making someone a human being. It emphasises the development of reason and dispositions of character needed in order to reach the good life. In this account it is only through a life of reason with the proper rational dispositions to act and proper feelings about our actions that a person can have a successful and happy life. Without reason one is not a fully developed human being and therefore will never be truly happy.

When this theory is applied to agents it quickly becomes clear that there are many agents who are not sufficiently rational to live up to this ideal. Just as women were excluded from many ideals of the human person so too virtue ethics creates a picture of human beings where those that lack the intellectual capacities needed to have the reason and dispositions discussed above are not thought of or included. Since disabled agents are not the type of people virtue ethics imagines all humans to be they are potentially excluded from the kind of moral life virtue ethics promotes.

It is this problematic intersection between virtue ethics and people with disabilities that will be the focus of this work. Chapter 1 defines in more detail the kinds of disabilities that cause this problem in more detail. Chapter 2 shows how these agents are excluded by the common standards of virtue ethics. Finally, Chapter 3 presents a modified set of standards for virtue ethics that create a place for disabled agents in this ethical framework. I will show that not only is it problematic that virtue ethics excludes agents with intellectual disabilities but also that its narrow focus on reason does not present a sufficiently broad picture of human life as a whole. By revising the standards for virtue ethics I will develop a virtue based approach that not only avoids the problematic focus on reason present in common accounts but also presents a richer picture of what it is to live a good human life.

However, as noted above this problem of an overly narrow focus on reason is not unique to virtue ethics. Since this problem is present to varying degrees in all of the major ethical theories, before turning to the main business of this thesis I will first show how this focus on reason and the existence of people with disabilities presents a problem for Utilitarianism, Kant's Deontology and the Rawls' contemporary interpretation of Kant. Although virtue ethics has many problems of its own in relation to disabled agents some of the problems this theory has in accommodating such agents are also similar to those experienced by other theories and so examining other theories can provide some context for what will be said later on about virtue ethics.

I: UTILITARIANISM

Utilitarianism as set out by J.S. Mill is an account that evaluates actions based on the idea that pleasure and the avoidance pain are the only desirable things in life coupled with what Mill

calls the Greatest Happiness Principle.² In this theory the morally right action is defined as the one that maximizes overall pleasure. Although one is always completing this analysis from one's own perspective the pleasures and pains of all people are evaluated equally. So, what matters here is not just the effect of an action on an individual but the effect the action has on everyone's overall pleasure.³

Given its emphasis on pleasure one might think that utilitarianism was not vulnerable to the criticism that it was overly rationalistic or that it would exclude anyone who could feel pleasure or pain. After all, if pleasure and pain are what matter most then surely anyone who feels these sensations would have a place in this morality. Yet, Mill's account distinguishes between higher and lower pleasures. As far as Mill is concerned all pleasures are not equal. The first sort of pleasures a human can experience are the lower pleasures we share with "beasts". These are things that please our "animal appetites" for food, sensory pleasure and physical comfort.⁴ However, Mill does not think that any human being would really "consent to be changed into ...lower animals for the fullest allowance of the beast's pleasure" as "a being of higher faculty takes more to make him happy" than an animal does.⁵

Mill therefore introduces the idea of higher pleasures that engage these higher faculties. These pleasures are the pleasures of the intellect and are only possible for human beings.⁶ By this he means to pick out pleasure that we get from things like literature, the arts, philosophy and

² John Stuart Mill. 1906. *Utilitarianism*. Chicago, IL: University of Chicago Press, 210.

³ Mill 1906, 210-11.

⁴ Mill 1906, 8.

⁵ Mill 1906, 9.

⁶ Mill 1906, 10.

friendship and games of wit. For Mill this is a better sort of pleasure and is of a higher quality than the lower pleasures because it engages our rational faculties. Indeed, he goes so far as to say that it would be better to be “Socrates unsatisfied than a fool or a pig satisfied”.⁷ In other words, if we have the choice of being satisfied by the lower pleasures or waiting to be satisfied with the higher pleasures we should hold out for the higher pleasures every time.

Given this aspect of Mill’s account the Greatest Happiness principle provides a very specific answer about what we should value and where we should direct resources. Although the pleasure and pain of every person matters higher pleasures will be of the most use in promoting the greatest happiness for all since these pleasures count for more than lower pleasures do. Therefore, on this account we should direct more resources to promoting the higher pleasures. Since people who have an impairment to their reason can’t experience most of these pleasures they will be de facto excluded from many aspects of this account’s good life given that so much value is placed on the higher pleasures. While this does not mean that this theory advocates doing harm or causing pain to disabled persons it certainly creates a situation where their needs will not be valued in the same way as the needs of average persons.

II) KANT’S DEONTOLOGY

Approaching ethics from a different angle we have Kant’s deontology. In his approach the key to morality is the good will and human dignity through autonomy.⁸ Since human beings have the ability to be rational their worth comes from their ability to use this reason to participate

⁷Mill 1909, 10.

⁸ Immanuel Kant. 1981. *Grounding for the Metaphysics of Morals*. Cambridge: Hackett Publishing, S 395.

in moral life.⁹ Indeed, Kant says that “to produce a will that is good in itself reason [is] absolutely necessary” and that this good will and the reason that backs it are “the highest good of all the rest”.¹⁰ It is from this foundation that Kant develops his account of the universal moral law, the Categorical Imperative.

Apart from any problems with this imperative we already have a problem with respect to the place of disabled persons in this system. Here again human reason and intellectual ability is a huge part of how we determine what is morality. However, reason in this complex sense of the training of the will to follow duty and have the “respect for the moral law”¹¹ that is so important to Kant are not open to many people with intellectual disabilities. Many of them just do not have minds that are able to think in the abstract ways needed to understand, apply and then universalize these general principles or to understand the difference between duty and other motives for acting. They may also be unable to understand the idea of a good will as the ability to guide one’s actions by the rational moral law. Therefore, Kant potentially excludes them from moral life and moral worth from the outset. Since for Kant the only thing that is morally worthy is a good will¹² and these people do not have this ability or connection to the moral law they can never be truly good no matter what they do. They just do not have the right sort of minds to be moral agents.

Additionally, Kant’s imperatives also pose a risk to the status of the intellectually disabled as moral agents. Given that such persons lack the rationality needed to develop maxims

⁹ Kant 1981, S 412.

¹⁰ Kant 1981, S 396.

¹¹ Kant 1981, S 400.

¹² Kant 1981, S 393.

and assess imperatives, they are not able to participate in moral life and so do not have objective value in and of them. What this means for intellectually disabled agents is that, unlike fully rational human beings, they may not have an intrinsic value or dignity and only need to be afforded moral concern when situational and conditional factors would make this a duty. Like animals these agents are not fully rational so they are also outside the realm of moral concern. Not only are they unable to be moral agents but they also do not have any moral status in the decision making process of other agents. Indeed, Kant goes so far as to say that any being without reason is “a being altogether different in rank and dignity from things, such as irrational animals, with which one may deal and dispose at one's discretion.”¹³

This rather chilling statement excluding non-rational beings from moral concern for Kant follows from his emphasis on reason as the key feature of duty and moral life. However, this sort of exclusion seems mistaken if we are focused on inclusive ethics given how much impact excluding non-rational agents from moral concern would have on the moral status of people with intellectual disabilities and others who would be excluded from moral life by this judgment. For this exclusion to be unproblematic it needs far more discussion and justification than it is afforded by Kant. Although he does say that we ought to treat such beings humanely in order to be good people more than this minimum standard is needed if we are to create an appropriately respectful ethical system.

In general, as was the case with utilitarianism, people with intellectual disabilities are problematic for Kant given his focus on reason and its connection to the moral life. Just like in all of the above cases people with intellectual disabilities are excluded from moral life with very

¹³ Immanuel Kant. 1785. *Lectures on Anthropology*. Berlin: Akademie-Textausgabe, 7, 127.

little discussion or consideration. Although modern advocates of disability rights would never want to say, as Kant does, that they should be excluded from moral consideration it might perhaps be appropriate in some cases to say that Intellectually Disabled people are excluded from being actors in the moral life. However, if we are to resolve this problem much more discussion needs to be had about it. In all of these cases Intellectually Disabled people pose a problem simply because they are forgotten and so the archetypes of people used in these theories leave them out of their consideration.

III) JUSTICE THEORY

in his modern adaptation of Kant's foundations Rawls develops social principles based on justice understood as fairness.¹⁴ According to this theory a society should be governed by Principles of Justice which would be agreed on by a group of rational and equally able agents. Furthermore, these rational agents would develop these principles from behind a Veil of Ignorance these agents are also completely self-interested in the sense that they are not charged with looking out for the interests of any other person. Therefore, although they do not know what their social status will be and therefore will be likely to look out for the person in the lowest social position they will also imagine every agent to be like themselves in their level of ability to contribute to society.

Although Rawls is seeking fairness here this already leaves out agents with rational impairments as they will largely be unable to participate in this model from the outset. This model places a strong emphasis on reason from the beginning and so sets out standards that are out of reach of many impaired agents.¹⁵ Also, since this model sets out participating agents as

¹⁴ John Rawls. 1971. *A Theory of Justice*. Cambridge, MA: Harvard University Press, 177.

¹⁵ Rawls 1971, 177-179.

contributing equally to society and envisioning other agents as being the same this exclusion presents a problem with the scope of contract ethics and its original position since there is little place in this model for agents with different than average abilities.

If leaving the disabled out of the original position seems strange then on the surface it looks like the rest of the theory might be able to salvage a place for the disabled. After setting out the original position listed above Rawls then sets out the principles of justice. Here he says that society should be set up in such a way that every person has access to as much liberty as is possible without denying the same right to others. In addition to this Liberty principles he also states in the Difference Principle that all goods are to be distributed equally. However, inequality would be permitted if the inequality makes the person in the weakest social position better off.¹⁶

This set of principles would seem to help make a place for disabled people in society. After all, they would likely be disadvantaged enough by their condition to be benefited by the redistribution of goods in the manner set out by the difference principle. However, even this encounters problems because of the way Rawls construes society. As Nussbaum points out, as far as Rawls is concerned the bounds of society only include “fully cooperating members of society” who were able to make a contract with each other as the rules were set up in the original position.¹⁷ Therefore, since the intellectually disabled are unable to participate in this process as listed above even these criteria do not make a place for them. Here again, the focus on the life of the mind and on reason can potentially make this theory too exclusive for people with intellectual disabilities to have a place in it.

¹⁶ Rawls 1971, 177.

¹⁷ Nussbaum 2006, 25.

Scanlon suggests that if we were to implement the ideals of Rawls' theory we could establish trustees to speak for the interests of the disabled within the contract. By having a fully functioning person who can enter into the contract on the behalf of the disabled person we are able to make their needs part of the contract. This for Scanlon is a solution that avoids the above problem. The trustee makes the needs of the other person known and speaks for them as part of the contract and so they are afforded a place in the society that they would not have otherwise. ¹⁸

Although Scanlon sees this as a complete solution, this idea of a trustee still holds many problems for disabled agents. Although giving them a trustee is better than the alternative it still does not deal with the fact that in this system the disabled are not fully participating agents since they do not fit the paradigm of self-interest and full functioning that underpins contract ethics. So, while the trustee argument provides a working solution for this problem in contract ethics it does not deal with the deeper problem of the status of disabled agents in contractarian ethics. Therefore, it is at best a partial solution as the status of the disabled is still a problem for those who practice contract ethics.

IV) FROM CONTEXT TO PROBLEM

Having indicated how an overemphasis on reason is a general problem for moral theories, I will now move away from this general context and look at the specific issue of the overemphasis on reason present in virtue ethics and how this narrow focus excludes agents with intellectual disabilities. Although virtue ethics has some of the same problems of focus as the theories described above its emphasis on reason happen in a different way than for any other moral theory. What the above discussion shows is that this problem of an overemphasis on reason and a narrow view of humanity is far from unique to virtue ethics.

¹⁸ Thomas Scanlon. 1998. *What We Owe to Each Other*. London: Belknap Press, 42.

It is this problem in the specific context of virtue ethics which I will set out to solve in subsequent chapters. I will first spend some more time defining the impairments and disabilities I see as posing the most problems for virtue ethics. After setting out this focus I will spend most of Chapter 3 developing a new way of approaching virtue ethics that avoids the problems listed above as well as those that are more specific to virtue ethics. By promoting this revised virtue ethics approach I will not only create an account of the good life that is more inclusive but I will also strengthen such accounts in relation to average agents by developing a richer and more diverse focus for the good life.

CHAPTER 1: DEFINING INTELLECTUAL DISABILITY

The process of defining disability is complicated and fraught with issues. Given that we never perceive disabilities as objects separate from the persons who bear them it is hard to see what characteristics are unique to disability. Furthermore, since different limitations are covered by the term disability it can be very difficult to see what all of these cases have in common.¹⁹ For instance, we would say that a person who is unable to walk, a person who can't hear, and a person with a limited intellect are all "disabled". Yet, at first glance these cases have little in common.²⁰

One of the only starting places we have is to say that people who are disabled are different than "normal" people.²¹ Yet, this is insufficient as there are also many other cases where people have skills that are different than normal and yet are not disabled. For example, professional athletes have skills that are not in the normal range yet we would not want to call them disabled. Even saying that the difference here is a deficit in functioning is not helpful as then we are hard pressed to account for cases where the given skills are present in very low

¹⁹ Marian Croker. 2001. "Sensing Disability". *Hypatia* 16 (4):34.

²⁰ Carlson also has a lot to say about the epistemic issues related to disability. Her focus is on our inability to understand the suffering that may or may not come with a disability but she also mentions that there are many other things able bodied persons have a hard time understanding in relation to the disabled. This is especially an issue in cases where people who are disabled are unable to speak as this often limits how much they can tell us about what their lives are like. See: Carlson 2009, 179.

²¹ Accounts that push this line are often called the species norm account where disabilities are all about how the person is different than what is normal for a member of the human species. I will not be discussing this option at length but see Guy Kahane and Julian Savulescu. 2009. "The Welfarist Account of Disability" in *Disability and Disadvantage*. Brownlee Ed. New York: Oxford University Press, 18-21.

capacities. Such cases are not really true deficits yet we want to call the person in such cases disabled nonetheless. For example, it is not the case that a dyslexic person can't read. It is rather the case for most such persons that their reading level is very low or that this skill is very difficult for them to do.

To further complicate matters there are also cases where disabilities lead people to develop skills that we would consider assets. The advent of Deaf Culture is a key example of this process. Here people who are deaf create a rich and vibrant culture with similarly skilled individuals. This culture is connected to their disability and could not have developed without it. Yet, despite this connection we would not want to say that deaf culture is negative in the way that saying it is part of a disability would seem to imply.

We could brush these problems aside in favour of a pragmatic solution. After all, in general conversation we generally know what is meant by "disability". Therefore, it would seem like we already have a working definition that is effective for general purposes. Yet, calling a person disabled alters how we treat them, what we expect of them, and what we think we owe to them.²² Therefore, despite the above difficulties we have a huge responsibility to use this term

²² Although I have chosen a positive example here it is worth noting as James C. Harris does that the label of disabled can also lead to very chilling negative consequences in places where forced sterilization and eugenics are part of the consequences of having this label. In such places using the term properly is even more of a concern if we are to engage with the moral value of such actions. See James C. Harris. 2010. "Developmental Perspectives on the Emergence of Moral Personhood" in *Cognitive Disability and its Challenge to Moral Philosophy*. Edited by Kittay & Carlson. New York: Wiley-Blackwell, 55.

properly since it changes how we treat people both individually and as a society.²³ Arriving at a correct account is therefore ethically important.

In this chapter I will define disability while being responsive to the above concerns. As I engage with the debates about different aspects of disability I will present a picture of disability as an umbrella term best understood as referring to the concepts of “impairment” and “disability” as a more precise set of subterms. I will also show that disability is the product of both society and biology rather being created by just one of these sources. Both society and a person’s physical circumstances are involved in determining the level of disadvantage having an impairment will present for a person’s life. However, it is largely the reaction of society that determines how an impairment will be integrated into the self of the person who carries it.

Having engaged with disability in this general sense I will define the specific types of mental impairments that will be the focus of this work. Although my original goal is to engage with the specific set of problems the impairments referred to as Intellectual Disabilities pose for virtue ethics this category must be drawn in much wider terms since there are many other impairments of the mind that do not fit this clinical diagnosis and yet pose the same major problems for virtue ethics. Although this set of impairments may not be a natural kind they make up a conceptual category due to the similarities in the problems they create for virtue ethics.

²³ D.C. Ralston and J. Ho. 2001. “Humanity and Personhood: a survey of moral concepts”. *Journal of Medicine and Philosophy*. (32: 6), 619.

1) FORMALIZED DEFINITIONS FROM THE WORLD HEALTH ORGANIZATION

The World Health Organization (WHO) defines disability as follows:

“Disabilities are an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.”²⁴

This definition provides a more articulate version of our original associations. Noting that this is an “umbrella term” tells us from the start that “disability” can refer to many different aspects of this phenomena in the world. For example, in one case we may use this term to point to a person’s inability to see and in another it may point to the effects of this inability. Yet, this definition also begins to unpack the individual parts that compose this umbrella term. They first note that this concept refers in part to some sort of “impairment” as a “problem in bodily function or structure”.²⁵ As their further clarification suggests impairment is some problem with how the body works. Indeed, this term suggests that they are applying a comparison between how the person’s body functions in relation to other peoples’ bodies. Saying this person is impaired suggests that their body cannot do all of the things other bodies do. This privation of functioning is the root of both the impairment and the disability.

Since this thesis engages with impairments of the mind one might wonder how the WHO definition of impairment can apply here given that it only explicitly mentions impairments of the body. Although the brain is part of the body the mind is often viewed in general discussion as

²⁴WHO. 2002. “Disabilities”, Last modified April 2002.
<http://www.who.int/topics/disabilities/en/>. (Accessed October-4-11).

²⁵ WHO 2002.

something separate given that it is understood as something more than just the physical brain and therefore is often its own area of focus. Yet, this idea of limited functioning can also be meaningfully applied to concerns of the mind. Indeed, WHO does include intellectual impairments as part of the conditions they classify as disabilities. In such cases the root of the disability is a limitation in functioning so that the mind is unable to do the things one would expect of the mind of a similar agent.

The idea of impairment employed by WHO is a starting point for defining disability. However, since WHO merely say that impairment in the context of disability is some problem with bodily function this leaves open a question of scope. As it stands now this term is vague enough that one might wonder if a paper cut or a blister in an appropriately troublesome place would count as a disability. Yet, the inclusion of such an infirmity would weaken the definition to the point of absurdity. Given that, as mentioned above, saying someone is disabled changes what we expect of them and what we owe to them we want to be sure to avoid spurious cases.

One way we could solve this problem is to also apply the ideas contained in the next parts of the WHO definition. The idea of an “activity limitation” is described as “[the] difficulty encounter by an individual [in relation to] a task or action”. By this they mean to capture only the limitations caused by the person’s impairment. After all, a blind person can’t fly, but neither can anyone else. Therefore, since that limitation is not caused by the impairment it is safe to assume that such a limitation would be just part of being human and not part of the disability of visual impairment.

This idea combined with the final component of “participation restriction” is what prevents the problem of scope described above. Although the different parts of the definition can

be understood and applied separately in this case it is useful to employ them both to deal with the above issue of scope. A good example of what is meant by the final criterion is how a deaf person may not be able to learn from a university lecture if they do not read lips and it is not translated into sign language. By adding the stipulation that the impairment must affect the person's participation in daily life we avoid the inclusion of minor cases like the one described above that should not really count as a true disability. For example, something like a blister or paper cut no matter how painful would not affect daily life in an extensive enough way to be a true disability. It is only when something poses a true and lasting impediment to life participation that it becomes part of a disability.²⁶

Despite this criterion of non-trivial limitation cases where compensating strategies mask the impairment are still cases of impairment. For example, a dyslexic who corrects their spelling and letter reversal before the error goes on paper is still disabled.²⁷ Although they have developed systems to help them function normally they are still limited in their activities because they have to go to the trouble of compensating for their impairment. This still affects their quality of life as they must use extra energy to compensate where an average person does not do so.

²⁶ It is worthwhile to note that this criterion of exclusion is similar to the ideas employed by the Diagnostic and Statistical Manual of Mental Disorders IV (DSM-IV). In this case a set of behaviors only becomes a disorder when it affects the person's quality of life. For example, in the case of social phobia the symptoms of avoiding social situations, fear, anxiety and panic attacks must be having a significant effect on the person's life. See American Psychiatric Association. 1994. *Diagnostic and Statistical Manual of Mental Disorders* (4th ed.). Washington, D.C.: Author.

²⁷ Carlson notes that the current trend is to say that there is no mental retardation if there are no symptoms. See Carlson 2009, 6.

II) REFINING VOICES: MARTHA NUSSBAUM ON DISABILITY

WHO's definition of disability is very similar to the one provided by Martha Nussbaum in *Frontiers of Justice*. However, Nussbaum's approach has many advantages as she is more efficient in her exposition of this definition. Given the level of clarification needed with the WHO definition Nussbaum presents a more elegant and efficient formulation of similar ideas. Therefore, after discussing Nussbaum's formulation it will be the dominant definition for the rest of this work.

Her definition has three elements: impairment, disability, and handicap.²⁸ Her idea of impairment is largely the same as that of the WHO. However, her idea of disability combines WHO's notions of participation limitations and activity limitations. Here she captures all of the things a person is unable to do as a result of their impairment. This combination is an asset to her definition as in the WHO formulation it often becomes difficult to differentiate between activity and participation limitations. For example, a person not being able to climb stairs first looks like an activity limitation. However, this limitation affects their participation in society to such a degree that it is also a participation limitation. In many such cases the small difference between the two limitations is not helpful enough to warrant discussing them separately. By combining these ideas we avoid false precision.

On the other hand, Nussbaum is also overly precise when she includes "Handicap"²⁹ in her definition. By adding this term Nussbaum means to point out a particular sort of limitation connected to impairments and our participation in society in a much wider and policy based sense than was meant by WHO's participation limitations. Specifically, she means places where

²⁸ Nussbaum 2010, 43.

²⁹ Nussbaum 2001, 42.

impairment makes a person less able to compete with others for social resources. Given that she, like Rawls, is working in the contractarian tradition this kind of participation deserves special focus in her own work and definitions.

However, as part of a general definition this emphasis is not necessary. Questions of resources will sometimes arise in other ethical contexts since ethics is often connected to the construction of social policy. However, here such issues can be handled with reference to Nussbaum's idea of disability since loss of competitive access to social resources can just be considered another disability caused by the acting impairment. Adding an extra term only leads to unnecessary complexity and a proliferation of terms.

In summary, Nussbaum provides the concepts of impairment and disability with which to unpack the umbrella term "Disability". "Impairment" allows us to pick out the factors that limit a person's abilities and "Disability" picks out the consequences these limitations have for daily life. Given the effectiveness and elegance of these two terms they are all the vocabulary we need to discuss disability generally and in relation to virtue ethics.

III) WHAT CREATES DISABILITY?

Having defined these terms it is important to examine whether having an impairment in the above sense always leads to a disability as well. The oldest voice in this debate is the Medical Model. Here impairment and disability are seen as akin to an illness or a disease. Given that both the impairment and its "symptoms" of disability were viewed like disease the biggest focus was on prevention. Disability was part of an impairment as symptoms are part of a disease. Although

measures could be taken to limit the severity of these symptoms some level of suffering and disability were just part of the “disease” of impairment.³⁰

While this model represents the best attempt of the medical community to deal with disability there are several important disanalogies between disability and disease that make the model problematic. In the first place, it fails to take into account the fact that while many diseases are curable impairments are typically much more permanent. In all of the cases that we call a disability today one of the primary criteria is that this is not something that can be cured in the way we can cure many infections and some diseases. Therefore, the focus on cure in this model makes it unsuitable for working with disability.³¹ While this issue may just be a problem with our model of disease it is clear that this model is not effective for understanding disability. While modifications could be suggested to repair this model it is not worth repairing this framework when there are less problematic approaches available.

A possible replacement for the Medical Model is the Intrinsic Model. It views impairment as just another way of being. Just as average people are unable to run marathons or paint like Monet some people are unable to do basic tasks like reading, walking, and speaking.³²

³⁰ Jeffery P. Brosco. 2010. “The Limits of The Medical Model: Historical Epidemiology of Intellectual Disability in the United States” in *Cognitive Disability and its Challenge to Moral Philosophy*. Edited by Kittay, Eva Feder & Carlson, Licia. New York: Wiley-Blackwell, 31-32.

³¹ Interestingly, this connection between permanence and disability is what leads some to consider chronic diseases such as AIDS or chronic pain to be a disability. For more information on this debate please see the resources provided by Disabled Persons International: “HIV/ AIDS and Disability”. http://www.dpi.org/lang-en/resources/topics_detail?page=321. Accessed Oct. 4, 11.

³²S. D. Edwards. 1998. “The Body as Object vs. The Body as Subject”. *Medicine, Health Care and Philosophy*, 51.

In this “individual traits” model impairments and disabilities are intrinsic traits of a given person rather than symptoms of a disease. Since there are things they will never be able to do as a result of what sort of person they are they have a disability as part of their identity.³³ Furthermore, since the impairment is part of who this person is and the disability is part of the impairment no amount of social change will be able to alter the fact that this person has a disability.³⁴

A good comparison here would be to think of the difference between the average population and those with impairments as like the difference between Olympic athletes and average people.³⁵ No matter how much we change society average peoples’ skills are not those of the elite athletes. Similarly, the difference between an average person and someone who is impaired is a difference in natural skill sets. Both the disability and the impairment in this account are just part of who a person is.

Although the Intrinsic Model presents a valuable alternative to the Medical Model, before accepting it as correct it is worth considering the merits of the Social Model. This approach takes the opposite way of understanding disability and defines it as something that is a part of how a society is set up and not as a part of a person’s identity. Here it is still the case that a person has a fact about them that is an impairment. However, here this fact does not have to lead to disability

³³ Carlson 2009, 7.

³⁴ Edwards 1998, 51.

³⁵ In this work I will try to use the term average to refer to the general population. In such cases I often want to talk about what others might call the “normal” population. However, given that the idea of normal carries the problem of needing to establish what counts as a typical person I will use the term average. By this I mean to talk about what is most common for the majority of the general population rather than strict numerical average of skill levels of something of that sort.

if society is properly set up.³⁶ As Licia Carlson puts it, “disability” is a relational term between a person and society. The society is simply not set up to provide for people with impairments and thus creates situations where certain people are unable to do certain tasks and are seen as “disabled”.³⁷ Therefore, it is not an intrinsic fact of who the person is that they are disabled. It is rather a fact of society that makes it difficult for people of a certain sort to perform a task.³⁸

For example, it is a biological fact that blind people cannot see. However, it is society that makes this impairment also a disability. The society assumes that every person can see. So, people who can’t see are unable to do things like use money or navigate around the world because the ways these tasks are set up assume sight. If society were set up differently this person would still be blind. However, this impairment would not mean that the person was disabled because they would be able to function like everyone else.

The biggest challenge the Intrinsic Model could pose to this view is that it takes liberties with the truth of what is taking place when society accommodates a person with a disability. Instead of acknowledging that this person is being accommodated to compensate for their limitations the above approach would like to say that the accommodation removes the limitations altogether.³⁹ Indeed, the disability is supposed to be completely erased in this model with the right social set up. Yet, this obscures the truth as it ignores the fact that even with social change the impaired person is different than the average population in their needs and abilities. This

³⁶ Harris 2010, 57. See also Kahane and Saulescu 2009, 20-21.

³⁷ Carlson 2009, 5.

³⁸ Carlson 2009, 89. It should also be noted that she includes a great deal of debate about what society and social construction means in relation to this issue.

³⁹ Carlson 2009, 91.

difference may not directly affect how they function in society but it is still part of their identity. To deny this part of their person is to deny a fact about the type of person they are.

For example, with a mobility impaired person the social model would like to say that if we set up the world around them so that they could use assistive devices to get from place to place with no difficulty they would no longer be disabled. Indeed, in some of the stronger formulations this person would no longer be considered impaired.⁴⁰ Yet, this formulation ignores the fact that a great deal of compensating strategies and accommodation went in to allowing this person to move about unhindered. Although it would be hard to find an adaptation free baseline to compare this person too by saying that they are “normal” or “average” even in the best circumstances we ignore the fact that they still have needs that are different from the average population and so require accommodation in a much greater sense than the degree to which an average person adapts to life in a given society.

To avoid this unrealistic description of the situation we need to avoid making a false dichotomy by insisting that disability must be all the product of society or all the product of how people are. In place of either extreme view we should take up a blended solution where disability is part of how some people exist in the world but this effect of their impairments can be greatly moderated by setting up society in ways that allow them to accomplish many tasks. By seeing disability this way we can come up with an image of disability that takes into account the interaction between people and the world around them.

IV) IMPAIRMENT, DISABILITY, AND DISADVANTAGE

Another perspective on disability is the Welfarist Account, which focuses on whether being a person with an impairment always leads to disadvantage.⁴¹ Although this is an open question in modern literature on disability it should be noted that the medical model⁴² and traditional approaches to disability assume that it is inherently negative.⁴³ Given that the traditional models group disability in with disease this negative polarization and the focus on prevention⁴⁴ are understandable. However, given that other models of disability exist it is worth examining whether this connection between harm and disability is always warranted. Since I have already given reasons for setting aside the medical model I will leave it aside here also for the purpose of brevity.

This question is best laid out by Buchanan's use of the terms "conditional disadvantage of impairments" and "unconditional disadvantage of impairments".⁴⁵ A conditional disadvantage is created by a person with a given impairment who is also living in a particular sort of context. An example is a person who is mobility impaired being unable to work because there are no jobs in their society that do not involve the need to move about without assistance. This disadvantage

⁴¹ Kahane and Saulescu 2009, 23-24.

⁴² Jeffery P. Brosco 2010, 32.

⁴³ Carlson 2009, 10.

⁴⁴ Given that, as Carlson notes in Carlson 2009, 166-170., this prevention often involves abortion of impaired fetuses this question especially deserves examination. Whatever side of the abortion debate one stands on it is a huge decision and one that should be made while in possession of all the facts.

⁴⁵ Ralston and Ho 2001, 619-633.

and all the socioeconomic consequences that come with it are the product of the context and the impairment and would not be present in other places.

On the other hand, unconditional disadvantages are those that are part of the lives of an impaired person regardless of circumstance. A good example of this would be the fact that a mobility impaired person is going to need to have assistive devices or persons to help them move around the world and is going to need to have the resources to get these devices. Regardless of situation this disadvantage in the way this person needs to use resources will always be present. Indeed, so strong is the association between disability and harm in some formulations of this model that it is sometimes called the “Personal Tragedy” model as it assumes that any case of impairment will always lead to something that is normatively bad for the person involved.⁴⁶

Although I have set out this debate with terms that almost presuppose the fact that disability is affected by the situation what matters in this debate is whether the disadvantages that come with a disability are mostly conditional upon social facts or mostly unconditional in the sense that it is part of the person regardless of social conditions. Both of these ideas about the nature of disadvantage and disability are live options in defining disability and both sides are supported by a variety of thinkers. There are those like Elizabeth Barnes and Anita Silvers who hold that as long as society is set up correctly to suit their needs impaired people will not be at any more of a disadvantage than their unimpaired peers. Not surprisingly these people often side

⁴⁶ Buchannan in Carlson 2009, 5.

with the social model of disability as described above. They see the solution to disadvantage and impairment as appropriate social accommodation.⁴⁷

Alternately, as Barnes notes the other side of the debate holds that the harm that comes from impairment is mostly unconditional and as a result an impaired person will always be worse off than an unimpaired peer. Not surprisingly the people who hold this position often endorse the intrinsic models of disability as outlined above.⁴⁸ Given that they hold this view of impairment and disability they would also say that an impairment is always a predictor of lesser life chances for the person who bears it.

A helpful distinction is the one noted by Barnes when she says that we need to distinguish between disadvantage from an impairment in the short term and disadvantage in the long term. In the short term every person who has an impairment will likely experience some degree of disadvantage. From the outset there will be things they are unable to do for themselves and this will lead to some emotional distress and frustration at the least but will also likely mean that they are disadvantaged in the sense that they will always have to access resources to compensate for this issue.

However, in the long term it is much more dependent upon the society around the person as to whether their impairment causes them any lasting disadvantage. If his or her society is able to help them to compensate and lessen the things they are unable to do they will not be at more

⁴⁷ Elizabeth Barnes. 2009. "Disability, Minority, and Difference." *Journal of Applied Philosophy* 26 (4): 338. ; Carlson 2009, 124.

⁴⁸Barnes 2009, 337.

of a disadvantage than their peers. However, if his or her society is unwilling or unable to help their disadvantage in the long term will be much greater.

It could also be asked if the particular limitations a person has as a result of their impairment always mean that they will lack access to some good. For example, a person who is deaf will never be able to hear an opera regardless of their accommodations. Given that they will never be able to do this we might say that they are always lacking access to certain goods and will always be disadvantaged. Yet, to take this approach ignores the fact that all of us, by our circumstances, lack access to certain goods.

I, for example, will never be able to see the light house at Alexandria or many of the other wonders of the ancient world. I am a modern person who is born at a time when seeing those things is just not open to me as all but the pyramid at Giza have been destroyed. It would certainly be good for my development as a person to see those things. Indeed, in comparison to a person who was born at a time when these things existed I am certainly made worse off by the time of my birth in the specific sense of not being able to have this experience. Yet, those who were alive at the time of the light house at Alexandria will never see a space shuttle take off or get to enjoy images of the earth from space. By virtue of our time of birth both of us are disadvantaged in the sense of not being able to have a particular sort of experience. However, it is difficult to say if we are really all that disadvantaged since in both cases we have enormous advantages which the other does not possess.

This is a very similar situation to the case of a person who is impaired. While they may not have access to the goods open to the fully able the able also lack access to the goods of the impaired. For example, a deaf person may never hear Mozart but I would never be able to fit into

deaf culture the way they can. A mobility impaired person may not be able to climb the CN Tower but I also will never be able to play wheel chair basketball in the natural way they can. We can both experience the good of the other to a certain degree but our access to goods is different enough that we can't really compare these goods to each other. Therefore, this is more a case of having access to different goods rather than one group being disadvantaged by not having access to the goods enjoyed by the other.⁴⁹

V) RELATION OF THE IMPAIRMENT TO THE SELF

Another common question about the nature of disability is whether disability affects the person's self.⁵⁰ As noted above the intrinsic model holds that an impairment is just part of the person. However, we might expect that the rest of their person will develop more or less normally despite the presence of the impairment.⁵¹ For example, a person who is visually impaired does not use sight to interact with the world. However, under all of that they are just a regular person who exists inside an impaired body that does not allow them to see.

Other voices in this discussion say that this separation between the person and their impairment is too artificial. Since what we can do and how we are able to interact with the world affects the kind of person we become impairment cannot exist without affecting the formation of

⁴⁹ However, this may be less the case for people at the lower end of the spectrum of functioning given that although they will also have access to different goods as a result of their impairment but even these goods may be very limited.

⁵⁰ Carlson considers this question in her discussion of what she calls the "organic/inorganic" debate about the origin of disabilities. Carlson 2009, 35.

⁵¹ Richard Arneson. 2006. "Disability, Priority and Social Justice" in *Americans with Disabilities: Explaining the Principles for Inclusion*. London: Routledge Press.

the person's self.⁵² This side of the debate rejects the idea that the self is just the “ghost in the machine” and says that who we are is always linked to how we interact with the world.

Although there are reasons for the above model to hold that impairments can be separate from the self holding this position on the self denies the role environment plays in shaping the self. Things like how we are socialized play a huge role in shaping our selves. As Wong and McGee both suggest as impaired persons move through the world their whole self, impairment and all, will be part of how they interact with the world and how the world reflects their self back to them.⁵³ As was implied by previous examples they are different than regular people in some very relevant ways. So, they develop different self-concepts to match as a result of their socialization.⁵⁴ To say otherwise is to deny the power of socialization to shape the self.

As Shelly Tremian notes, impairment's effect on the self might be similar to the ways gender affects the self.⁵⁵ Strictly speaking, a person's gender as male, female, or intersexed could be seen as having no effect on their self. After all, other than for the processes of procreation and waste elimination there is very little difference in how people of different genders are in the world. In fact, it could seem like gender is just something that is tacked on to the core person

⁵² Edwards 1998, 50.

⁵³ S.I. Wong. 2010. “Duties of Justice to Citizens with Cognitive Disabilities” in *Cognitive Disability and its Challenge to Moral Philosophy*. Edited by Kittay, Eva Feder & Carlson, Licia (2010) (Wiley-Blackwell.), 135.

⁵⁴ Victoria McGeer. 2010. “The Thought and Talk of Individuals with Autism” in *Cognitive Disability and its Challenge to Moral Philosophy*. Edited by Kittay, Eva Feder & Carlson, Licia. New York: Wiley-Blackwell, 280.

⁵⁵ Shelley Tremain in conversation as quoted by Carlson 2009, 90.

underneath.⁵⁶ Yet, gender and its external markers change how the world around us interacts with us and the image of our self that is reflected to us just as having an impairment does. Therefore, gender shapes our self in a way that is very similar to the relationship between impairment and the formation of the self.

VI) SUMMARY OF MY DEFINITION

In summary, a disability is any significant limitation on a person's ability to perform general life tasks. This limitation is caused by an impairment on their intellectual or physical functioning. Furthermore, for a condition to be considered an impairment and/or disability the limitations it places on a person's ability to function must be non-trivial and have an effect on their quality of life. In my blended understanding disabilities are part of what it means to have an impairment as such a limitation will always cause some sort of corresponding limitation on what a person is able to do. However, with appropriate social accommodation this limitation can be lessened. Contrary to what is held by either the Social or Intrinsic Model disability is not the sole result of either biology or society.

Impairments will generally disadvantage their bearer in the short term as the disabled must compensate for things they are unable to do. However, in the long term disadvantage is not a forgone conclusion. With appropriate support from society it is possible that they will be able to compensate for their impairment so that they are not disadvantaged. Here again, as was the case with the debate about what creates disability a blended approach is the best option. Impaired people also may not have access to particular good things as a result of their impairment.

⁵⁶ Indeed, this was the stance held by the parents of one child in Toronto who refused to announce their child's sex to the world. For more information please see "Toronto parents hide child's gender in bid for neutral treatment," The Gazette (Montreal, QC), May 25th, 2011.

However, this is no different than the rest of the population who also may not have access to a given good thing given their situation and location. This is a case of different goods rather than a privation of goods.

Finally, just as things like gender, race, body and body size affect how others view us and how we interact with the world so too our abilities and limitations also affect this relationship. Although this effect on the self is not necessarily negative it does not appear that disability is case of an otherwise normal person trapped inside an impaired mind or body. Although the person is not their impairment the type of person they are is shaped by their impairment and how it shapes their interaction with the world.

vii) Defining Rational Disability

Having provided a general definition of disability I am now going to turn to applying this set of ideas to intellectual and rational disabilities which are the focus of this work. Although all of what I have said about disability generally applies to this type of disability I would like to spend some time defining my terms so as to make my focus clear. To begin with, the Diagnostic and Statistical Manual of Mental Disorders IV states that mental retardation or intellectual disability are characterized by an IQ of less than 70 points.⁵⁷ It is further marked by an inability to form adaptive behaviours and life skills. This low IQ and the way it shapes a person's life

⁵⁷ There have been many who have commented on the problems with IQ tests and their limitations as it relates to race and culture. Since I will be discarding these measures for other reason I do not plan to spend time on this issue. However, for more info see Brosco 2010, 40. and Harris 2010, 60. A longer discussion on race and disability can also be found in Anna Stubblefield. 2010. "The Entanglement of Race and Cognitive Dis/ability" in *Cognitive Disability and its Challenge to Moral Philosophy*. Edited by Kittay, Eva Feder & Carlson, Licia. New York: Wiley-Blackwell, 292-297.

marks out what the DSM-IV and the medical profession have to say about intellectual disability.

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This definition is a good place to start as it marks out the type of limitation that is generally picked out by the term “intellectual disability”. However, this definition needs to be altered as while it may be useful for diagnosis it is far too narrow for correct understanding of the whole concept. As Carlson notes it is understandable that a definition which governs medical treatment only picks out a small set of very homogenous concepts since it is these fine details that help to identify the issues and determine treatment.⁵⁹ Yet, like the medical model I discuss above this approach to disability is not helpful in terms of ethics as it does not deal with the issue in broad conceptual terms.

The other problem with medical definitions is their static nature. Indeed, Brosco, Harris, Carson, and Shoemaker have all noted that definitions that rely on a specific set of criteria do not take into account the fact that people with intellectual disabilities are able to grow and change.⁶⁰ By using this model to decide what disease they have and then proceeding with treatment we gain an inaccurate and unhelpful picture of disability and the people who bear it.

Indeed, despite the narrow and static focus of the medical model there are several impairments which, although clinically different from Intellectual Disability, present similar

⁵⁸ American Psychiatric Association 1994, Section 316.

⁵⁹ Carlson 2009, 31.

⁶⁰ Brosco 2010, 40.; Harris 2010, 66. ; David Shoemaker. 2010 .“Responsibility, Agency, and Cognitive Disability” in *Cognitive Disability and its Challenge to Moral Philosophy*. Edited by Kittay, Eva Feder & Carlson, Licia. New York: Wiley-Blackwell, 203.; Carlson 2009, 28-29.

problems in terms of ethics and the good life. Things like depression and other mental illnesses affect a person's mind in ways that present many of the same problems for ethics as are created by intellectual disability. By using broader concepts and wider terms we can work efficiently these similar problems for ethics.

To deal with this problem of inclusiveness we can focus instead on *rational* disabilities broadly understood as a group of impairments that hinder a person's rational abilities to do things like thinking abstractly, understanding cause and effect and applying general concepts to a specific case. In all such cases the impairment that is causing the problem may be very different and warrant very different medical treatment. Autism and Clinical Depression, for example, are very different in terms of what medical and social needs their bearers have. However, because they both affect a person's ability to reason they both present a problem for the major schools of ethics given that reason is so staunchly emphasised. Therefore, for these purposes examining impairments with similar effects as a unit will allow us to engage with the relevant problems most efficiently. Although this category allows for clear analysis of concepts it is not natural kind. They are similar their effects on the person's abilities but there is little else that makes them similar to each other.

However, it should be noted that understanding disability in this way continues to support the idea proposed above that both society and biology have a part in creating disability. Although the idea of disability picks out a biological fact it is the ideas of society that form conceptual groups of disabilities based on what is needed to understand a given situation. Therefore,

although I recognize that rational disabilities are not a natural kind it is acceptable to engage with them as a group as the similar problems they pose to ethics are worth analyzing as a unity.⁶¹

The type of action that would be impaired by these “Rational Disabilities” is the ability to think with a level of clarity and abstraction so that one can draw good deductive conclusions and perform well thought out actions involving both cognitive and meta-cognitive skills. By thinking things through carefully and by reflecting on our thinking we are generally more able to make decisions that are reasonable and effective. This element of critical thinking and self-awareness is a key part of being a rational agent as it allows us to spot our mistakes and become better reasoners in the future.

As alluded to above, given that this type of complex reasoning takes a fair amount of thought and abstraction on the part of the agent there could be many impairments which could inhibit a person’s ability to perform this action. In the first place anything that made a person unable to reason soundly based on a set of information would inhibit this process. In this case things like a lower IQ, slow processing speed and the inability to develop consequential reasoning could inhibit rationality.

Impairments that limit our ability to gather accurate information about the world would also inhibit our ability to reason soundly as even with the best deductive skills if we start from false premises we will not get sound conclusions. In this case some developmental delays or cases of a low IQ that means the person is unable to understand the world around them would also inhibit this part of the process. Mental disorders like schizophrenia that lead to paranoia or

⁶¹ For a further dissuasion of natural kinds and Intellectual Disability see Carlson 2009, 10, 98.

delusion or cases where emotional responses significantly affect our view on the world might also change how accurately our perceptions are formed. Additionally, cases where the memory is impaired might also affect this stage of the process as the person may be unable to remember past consequences or compile past information with the present situation to see the whole picture.

Finally, anything that makes us unable to monitor our own application of this process could be considered a relevant impairment. Although average people have problems exercising this self-monitoring there are impairments that make this task even more difficult than usual. For example, a low IQ or developmental delays might lead to a distorted view of the self or an inability to think critically. However, other mental illnesses or personality disorders might also inhibit this part of the process so that a person is unable to reason fully as they would be unable to monitor their own thought processes. In total, in all of these cases the impairment in question makes us unable to perform some part of the reasoning process. By inhibiting this process these disorders impair the agent's reason and lead to a rational disability.

It should be noted that in some cases all of us have impaired reason. If we have had too much to drink or are over tired we may not reason the way we should. Also, if we are not provided with the right facts about the world our reason may be temporarily impaired. While it is important to remember this fact when we are trying to help disabled people, temporary rational impairments are not part of my focus as permanent rational impairments affects a person's ability to reason and make choices over the long term and thus affect the extent to which they are able to shape their character effectively and rationally. While temporary impairment may be a problem for a few days, it is the permanent variety which deserves our attention because it can have greater consequences on a person's life overall. Although moments of irrationality may be

of interests in some ethical contexts it is this issue of impairment in the long term that is most important given the emphasis on character in virtue ethics.

Here again it should be noted that none of us are ever perfect reasoners even if we do not have any impairments. After all, we are all prone to letting emotion or the factors of the moment affect our judgment. We are also not always in possession of all of the information we need to make a sound and reasoned decision. However, what matters here is that the ability of people with certain types of impairments to reason is always as a much lower baseline than the average person. So, while we all have issues with reason from time to time rational disabilities are more of a problem in this respect as from the beginning these people have a lesser ability to reason regardless of situational factors and thus present a particular challenge to ideas of the good life where reason is given particular emphasis.

VIII) SUMMARY

In this chapter I have developed a definition of disability and its closely related concept of impairment. By engaging with the work of the World Health Organization and Martha Nussbaum I have developed a working definition of disability generally that will be employed for the rest of this work. To extend the scope of this definition I have also shown that disabilities should be understood as being created by both the society around a person with its expectations regarding ability and by the impairments and limitations in functioning that person experiences. I have also examined the relationship between impairment, disability and disadvantage and the connection between disability and their self of the bearer.

Following this general definition I have also explored the definitions relating to my specific focus on disabilities that are not purely physical. Although the ideas discussed about disabilities generally will apply to this type of disability also it is important to note that this type

of disability presents some specific challenges which are less common with purely physical limitations. By talking about how these two cases are different and how they are similar I hope to have further illuminated the non-physical disabilities which will be the focus of the rest of this work.

Finally, I have also marked out the range of intellectual disabilities that I wish to focus on. By noting that I wish to focus on any disability created by something that limits a person's reason I want to mark out that as well as including what is covered by the traditional term "intellectual disability", I also want to include some types of mental illness and sensory impairments as I think that the ethical concerns with these impairments are similar. By constructing my own terms I hope to avoid any confusion or concerns about what is included in a given category so that I can make my purpose as clear as possible.

In the chapter that follows I will be giving an outline of virtue ethics and how it causes some very specific problems for rational impairments and the people who bear them. I will also be engaging further with some of the debates about what the good life should look like for all of us but particularly for those with impaired reason. With the above set of definitions in place I can now start to outline the problem these constructs create for virtue ethics. Before the end of this work I also hope to offer some solutions for how the above constructs can be unified with the same virtue ethics that causes so many problems where such cases are concerned.

CHAPTER 2: A BRIEF INTRODUCTION TO VIRTUE ETHICS

Virtue ethics is an account with exacting standards for a good human life. What makes these standards most exacting is their focus on human rational abilities and higher intellectual functions. Although these standards ask a lot of average people they pose an even greater problem for persons with impaired rational abilities. Indeed, these standards are so exacting that unless they undergo some degree of reformulation they exclude people with impaired rational abilities from moral and happy life altogether. Given that this a substantive claim about the moral status of impaired agents this exclusion represents a problem for virtue ethics and perhaps even a reason against its adoption. In what follows I will detail the parts of virtue ethics that cause this problem and show that a reformulation of virtue ethics is the only way to salvage it in the face of this exclusivity.

1) CHARACTER: A UNIQUE FOCUS

Virtue ethics examines the moral value of an agent in a way that is not common to other stories about the good life. Alternative approaches such as consequentialism and deontology think of good agents in terms of the actions they perform and the motives and values involved therein. In the eyes of such accounts a good agent is a person who has performed the right actions in a way that leads to a good life. Such theories begin with an account of right action, rather than an account of virtuous character..

In contrast to this external focus virtue ethics looks to the status of the agent's character to determine their moral value. A good agent is not just someone who has performed the prescribed action but rather is an agent who is the right sort of person. John McDowell calls this an analysis of actions "from the inside out" where agents are expected to have the right sort of character that will dispose them to act and feel in ways that are conducive to a good and happy

human life.⁶² Furthermore, as will be detailed below this good and happy life must live up to particular objective standards to be considered truly good.

II) VIRTUE ETHICS AND THE GOOD LIFE

This good and happy life is developed based on an understanding of what kind of creature a human being is and what traits generally allow this type of being to be successful and flourishing.⁶³ Characteristic dispositions that contribute positively to the good life are the virtues. Those that actively detract from this purpose are considered to be vices. It is through virtuous internal dispositions rather than individual actions that an agent is able to attain virtue and the happy life it promotes. The goal is to be a person who is disposed to always act in ways that contribute to a good and successful life by the standards of virtue ethics.

An example of how human identity connects to the virtues can be seen in the development of the virtue of patience. Since human beings are the type of being that can work on detailed and highly involved projects patience is often necessary so that a person can work toward a large and complex goal over a long period of time. Since these complex actions make a person better off and allow them to attain goods and develop themselves having this virtuous disposition contributes to a happy life as it allows us to reach goods and levels of personal development that would not be possible without patience.

By saying this happy life comes from the type of being a human being is, virtue ethics does not mean to say that this should be the standard for a good human life because all humans are naturally virtuous. Even limited observation of human beings will show us that this is not the

⁶² John McDowell. 1979. "Virtue and Reason". *The Monist*, 232.

⁶³ Rosalind Hursthouse. 1999. *On Virtue Ethics*. Oxford: Oxford University Press. 192

case. What is meant here is rather that the virtues of, for example, patience, courage, justice, and mercy are what allow humans to flourish and have successful lives. It is this much more idealized standard that connects virtue with what a human being ought to be.

It should be noted that calling this life “happy” does not point to some idea of pleasure or joy. Indeed, there are ways in which practicing virtues like temperance while at the bar or prudence in one’s romantic relationships will inhibit pleasure. However, the happy life virtue ethics intends to promote is more a life of *eudemonia*. By this most translations mean that a happy person has attained a level of virtue and excellence or flourishing so that they are living up to all of the things that are best for a human being. It is this type of successful flourishing that is the goal of a happy human life.

III) THE ESSENTIAL NATURE OF HUMAN BEINGS AND THE STANDARDS OF VIRTUE ETHICS

The vocabulary used to describe this happy life and the aspects of a human being that facilitate it vary greatly in ancient and modern accounts. While modern formulations use the idea of a species norm as described by Philippa Foot in “Natural Goodness”, Aristotle is using very similar criterion but simply says that the virtues are what the best human beings have rather than being some norm of the human species.⁶⁴ Yet, despite this difference, modern thinkers like Anscombe, Foot, Hursthouse, and MacIntyre all pick up on a similar set of features as Aristotle does. In what follows here I will give a brief description of each of these features so as to provide a general picture of virtue ethics. Yet, although each of these features is a main component of virtue ethics it should also be noted that these are the very features that exclude impaired agents in the ways mentioned above.

⁶⁴ Aristotle. 1962. *Nicomachean Ethics*. Trans. Martin Ostwald. New York: Macmillan. 1094a19-b12.

1) HUMANS BEINGS AS RATIONAL ANIMALS

The first key feature of all of these accounts is that human beings are Aristotle's "rational animal", endowed with the ability to use reflection and practical reasoning to examine their actions and surroundings.⁶⁵ This feature is also emphasised by contemporary proponents of virtue ethics who focus on practical reasoning and its role in the habits that create a happy human life. However, in either formulation a key part of being a member of the human species is this ability to reason about the world around you in complex ways that are not open to other lower animals. In most modern accounts this key feature is called practical reasoning.⁶⁶

This might make it seem as if virtue requires constant conscious deliberation where the agent is continually and actively thinking about what the best action would be. However, it should be noted that although Driver and Merritt have taken this part of virtue ethics to be this process of continual deliberation the original formulations do not involve this level of intentionality.⁶⁷ In contemporary accounts by Anscombe and Foot, as well as in the classical formulations by Aristotle the idea of habituation is already present. Indeed, Aristotle says that part of the happy life is learning to do things excellently with ease and pleasure.⁶⁸ This idea

⁶⁵ Aristotle. *Nicomachean Ethics*. 1097b25-1098a15 . see also Philippa Foot. 2001. *Natural Goodness*. Oxford: Clarendon Press, 17.

⁶⁶ David Copp. 2005. *The Oxford Handbook of Ethical Theory*. New York: Oxford University Press. Oxford Scholarship Online. Oxford University Press. 4 August 2011
<<http://dx.doi.org/10.1093/0195147790.001.0001>>, 516.

⁶⁷ Julia Diver. 2000. *Uneasy Virtue*. Cambridge: Cambridge University. ; Maria Merritt. 2000. "Virtue Ethics and Situationalist Personalist Psychology", *Ethical Theory and Moral Practice*, 3: 365-83.

⁶⁸ Aristotle. *Nicomachean Ethics*, 1143b18-1144a18.

denotes the fact that although cultivating virtue involves complex cognitive resources it is not the case that the person who has to think the hardest about what is most virtuous is on the right track. Rather, fully virtuous people will be so habituated to virtue that their character will steer them in the most virtuous direction automatically. Therefore, while Driver and Merritt go to great lengths to promote their idea of non-deliberative virtue this idea is a clarification already found in the original account rather than a true modification.

What this part of virtue ethics denotes is the fact that human beings are best able to develop themselves and live good lives when they engage their rational abilities. By developing their character so as to be habitually properly disposed to virtue an agent uses their rational mind to become the type of agent that it is best for them to be. Since it is the rational mind that drives the virtues its use is a key part of a happy human life.

II) *HUMANS AS SOCIAL AND POLITICAL ANIMALS*

The second key feature highlighted by virtue ethics is our inclination to be social and live in community.⁶⁹ For Aristotle this standard of human living comes from the view that humans are political animals who are meant to be involved in public life in ways not open to other animals.⁷⁰ For example, although other animals live in groups humans are some of the only animals who actually spend time and energy deliberately forming these groups. By using our reason to develop these complex relationships human beings perform an action which sets them apart from other types of animals.

⁶⁹ Foot 2001, 56.

⁷⁰ Aristotle. *Nicomachean Ethics*, 1094a19-b12. ; MacIntyre.1985. *After Virtue*. London: Duckworth, 229.

This social ability connects to a happy human life first because it is undeniably easier to live a happy life if we have others to help us attain the goods needed to promote this life. Through division of labour and co-operation we are able to do more with the resources we have and develop ourselves further. However, Aristotle⁷¹ and others are quick to point out that a virtuous life is nothing without friends. By having friends to share the virtuous life we are made happier than if we were to have all of the virtues but lacked this vital social relationships. Given that this type of relationship is seldom possible outside society humans are happiest and most successful when their lives include this social component.

III) HUMANS AS LANGUAGE USERS

The final key feature of contemporary Virtue ethics is less explicit in Aristotle's account but is nonetheless part of his idea of humans as political animals. In addition to being social animals Foot and her contemporaries also note that human beings use language in a way not open to other animals.⁷² Indeed, although other animals use sounds and gestures to communicate with each other human beings are the only species that has a complex enough system of language to be able to communicate a wide range of ideas about our surroundings, internal states, and even abstract things. Since such communicative abilities are so much a part of human life they too are part of the standards for a good human life employed by virtue ethics.

At first glance it is difficult to see how language ability connects to having a happy life. After all, it does not seem obvious that we need to be able to communicate to be happy in such a complex way. Yet, given that so many of the highest goods in human life involve complex ideas

⁷¹ Aristotle. *Nicomachean Ethics*, Book 9, Section 9.

⁷² Foot 2001, 55.

and social interactions, language is every bit as much of a part of this happy life as friendship or rational ability. Language allows humans to participate in intellectual and social goods that make up a large part of the fully developed life of the mind. Therefore, language is necessary to promote flourishing.

IV) CHARACTER AND THE INTELLECT⁷³

In the case of each of these standards the key component is the way the human mind allows us to perform complex tasks and form social relationships which allow for the development of the person. In the case of our reason, social relationships, and language skills it is the way the mind uses practical wisdom to perform these acts that sets us apart. Other animals are different from human beings because they cannot use their minds in this way. By planning out actions and choosing what sort of person we want to be virtue ethics emphasizes the importance of dispositions to employ practical reason in a way that allows us to be successful and live up to the best way of life for us as a member of the human species. Someone who is habitually merciful, courageous, and patient for example, has the character traits needed to participate in this happy life.

Our capacity to use practical reason is what makes us moral agents and so is connected to the sense that it is appropriate to hold us responsible for our actions. Since moral agents have the rational ability to plan how they act and to reflect on what sort of a person would take a given action we can safely say that an action they undertake is really of their own volition and making.

⁷³ There is a debate about the very existence of character traits. Although I do find this research problematic for a number of reasons it is outside the scope of my project. See Rosalind Hursthouse. 2010. "Virtue Ethics", *The Stanford Encyclopedia of Philosophy (Winter 2010 Edition)*, Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/win2010/entries/ethics-virtue/>.

Since they are able to think about their actions before acting in most regular cases the idea that they should not be held responsible for their action is ruled out. Therefore, the idea that a person has this rational control over the type of agent they want to be means that we can make judgments about their moral status as an agent.

Given that the mind and our ability to use it in such complex ways has such a large role in the formation of the good life, virtue ethics presupposes that there be a minimum level of intelligence a person must have in order to develop excellence of character. To put it as Hursthouse does “to possess a virtue is to be a person with a certain complex mind set.”⁷⁴ Although different formulations of virtue ethics say this differently this also means that, as MacIntyre so aptly puts it, “a certain level of stupidity precludes virtue”⁷⁵. In other words, there is a minimum level of intellectual ability⁷⁶ that is needed if a person ever hopes to live up to this standards of virtue connected to the good life. If a person is unable to use their practical reason or is unable to communicate and form social relationships they will have limited ability to develop character to the standards of a good human life listed above.

What this fact highlights about the standards of virtue ethics is that they privilege the abilities of the human mind above all. Given that the human mind has rational abilities that are not present in the minds of other animals this norm seems reasonable since it highlights a key feature of what it is to be a member of the human species. However, there are many human

⁷⁴Hursthouse 2010.

⁷⁵ MacIntyre 1985, 155.

⁷⁶ Or practical wisdom in some formulations. See Hursthouse 2010.

beings who do not have this high degree of intellectual capacity. For example, small children and the very old may not possess this level of reason given their place in the human life cycle.

Furthermore, given that virtue ethics places so much moral worth on rationality⁷⁷ and makes so many reason-based expectations of people this focus on reason gives virtue ethics a narrow focus from the start. Given that in the case of people with rational impairments this level of reason may not be possible these people will also be excluded from the moral life prescribed by virtue ethics in a much more permanent way than was the case for people who lack reason at a given time in their life cycle. Since they will never have more rational ability than they already do there is no chance for them to grow into moral life or have been involved in it in the past. Yet, since people with rational impairments are still recognized as people their exclusion from moral life means that virtue ethics includes a serious flaw in scope unless it can find a place for these agents or justify why they should be excluded from moral life.

V) THE UNITY OF THE VIRTUES

In addition to this problem of scope created by the standards of virtue ethics the idea that the virtues are a unity included in many accounts of virtue ethics also causes problems for the inclusion of agents with limited rational capacity. In this thinking the virtues are so strongly interconnected that a person cannot have any one of the virtues if they do not have them all.⁷⁸ For example, being courageous may sometime require one to be patient, and being properly merciful may also require one to be just—it would display a *lack* of the virtue of mercy to grant

⁷⁷ An excellent summary of the requirements virtue ethics places on an instance of virtue is provided by Hursthouse. See Rosalind Hursthouse. 1999. *On Virtue Ethics*. Oxford: Oxford University Press, 123-126.

⁷⁸ MacIntyre 1985, 175, 180, 155. ; Aristotle. *Nicomachean Ethics*, 1144b34-5.

clemency to someone who did not deserve it. Therefore to have courage or patience one must also have other supporting virtues mercy and justice. Although other formulations of this idea exist in other accounts it is this above idea of interconnection which is most common and therefore presents the biggest threat to the inclusion of people with impaired reason in moral life.

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Simply put, in the case of people with impaired reason there will often be one or more of the virtues which they do not have the intellectual resources to exercise. Given that the unity thesis says that one must have all the virtues to have any one of them this means that people with impairments which limit their cultivation of one of the virtues will be unable to have any of the virtues at all. Therefore, they will be excluded from moral life so that they do not even have a chance of being able to cultivate virtue in any sense. This is major exclusion and without the right sort of justification it represents a significant problem for virtue ethics as an account of the good life.⁸⁰

VI: RATIONAL DISABILITY AND VIRTUE ETHICS: A PROBLEMATIC PAIRING

Having given a general outline of virtue ethics I will now outline the problem I wish to focus on. Simply put, although virtue ethics has many benefits it presents a very particular set of problems in relation to agents who have impairments that limit their mind or intellect in any significant way. Although some of these problems have been mentioned above in connection to the unity of the virtues there are other problems of this sort that deserve examination.

⁷⁹ Susan Wolf. 2007. "Moral Psychology and the Unity of the Virtues". *Ratio* 20 (2):145, 162.

Neera K. Badhwar calls them "systematically related to each other" in Neera K. Badhwar.1996. "The Limited Unity of Virtue". *Noûs* 30 (3): 330.,

See also Terry Penner.1973. "The Unity of Virtue". *Philosophical Review* 82 (1): 36.

⁸⁰ For dissenting voices on unity of the virtues see Badhwar 1996, 307-321.

VII) A PROBLEMATIC SET OF STANDARDS: AN ISSUE OF STARTING POINTS

By far the biggest problem with respect to rationally impaired agents and virtue ethics is with the standards that underpin virtue ethics' approach to the good life. From the start virtue ethics expects that agents will be able to live up to a set of standards as a member of their species. Beyond merely setting out what is normal for a given species virtue ethics takes this one step further and says that there is also a species-based set of things that an agent ought to be in order to be flourishing and fully developed. Yet, given that with in the human species there are many different degrees of capability and impairment there will always be people who are unable to reach this standard.

The cases of exclusion I am most interested in are people who lack the intellectual capacity to employ practical wisdom, use language, or participate in social life, and so seem to be excluded from the flourishing expected of people in virtue ethics. Given their impairments they are just not able to exercise these capacities at a basic level, let alone to the degree required by the good life of virtue ethics. Throughout the rest of this chapter I will illustrate the spectrum of agents I mean to include in this worry so as to further illustrate why it is difficult to include these people in the good life of traditional virtue ethics.

On the lowest level of impairment we have people who have episodes of impairment. For example, people with disorders like depression can intermittently use their practical wisdom to have dispositions and character in the way virtue recommends. When they are caught up in a particularly serious low their ability to reason will be impaired. However, since such extreme lows will not be their entire life they will at least some of the time be able to live up to a species norm of practical wisdom and be able to form character traits like patience, humility, mercy and other traditional virtues. Nevertheless, the instances of depression will mean that a consistent

adherence to the standards of virtue ethics will be difficult for them and will mean that they will sometimes be excluded from the moral life virtue ethics prescribes.

The next degree of impairment to cause exclusion is cases of consistent but mild impairment affecting a person's reason. Developmental or intellectual disability could be at the heart of this impairment. For example, in the case of a person who has a serious working memory deficit they may be able to reason about what kind of agent they want to be and what kind of dispositions they must have. However, even having decided what kind of life they are going to lead with the passage of time they may not be able to fully remember what actions they must take and so would not be able to act in a consistent enough way to form lasting dispositions.

In such cases people will be able to do some of the reasoning required by the species norm. They will also likely be able to use language at least to a degree and also to form at least some level of social relationship. However, since the real goal here is not just the right kind of reasoning but also the right kind of disposition formation these people would also fall short of virtue based standards because the faculties surrounding their practical reasoning are not strong enough to make even the best reasoned process into action. Their social relationships will also likely be of such a basic nature that they too will not fully live up to this species norm. Therefore, they will also be unable to fully live up to the standards of virtue ethics to a high enough degree to be fully happy.

In the most extreme cases of this problem we have people who lack the cognitive resources to use their mind or body in self-directed ways. This status would apply to people very low levels of total functioning as a result of some developmental or acquired impairment. In

these cases the impairment is so severe that it would affect not just their ability to use practical reasoning but also the person's language skills and social relationships. Since these impairments are so global such persons are completely unable to develop any of the skills set out by virtue-based standards. While they may have other skills open to them, language, complex social relationships and practical reasoning are completely out of their reach and by extension so is virtue.

The fact that living up to the standards of virtue ethics is not open to all persons would not be such a problem if these standards were just a tool to differentiate humans from other similar animals. If these were just standards of selection then we would just need to understand that there is the possibility of outlying cases. However, since attaining these standards is essential to a good human life they are very problematic for people with rational impairments as being excluded from this norm also means that they are excluded from the moral life we expect of human beings.

This consequence of virtue ethics seems very harsh indeed. After all, in most other contexts we do not want to exclude a person from moral life as a result of disadvantages beyond their control. Although excluding these people from our norms of a good life is not really blaming them for their own condition we are being extremely exclusive about whose life we call good and whose we do not. While it may be the case that we later decide that the effect of these impairments really is so severe as to preclude participation in moral life this is not an exclusion to make without justification to a degree not found in virtue ethics. If we are to exclude rationally impaired agents from this norms and access to happiness we must at least consider and justify why we are right in doing this.

In what follows I will give some more details about how each part of this species norm is out of reach for many people with rational impairments. By giving these details I hope to further elucidate why people with rational impairments pose such a problem for virtue ethics. As I have noted in my introduction this problem is not unique to virtue ethics and is also a live issue for other moral theories. In the case of both Virtue Ethics and Rawlsian contractualism the idealized people used as a starting point for the theory are not varied enough to be inclusive. As such, the original positions of both theories are just too narrow to take the disabled into account.

However, it should be noted that this issue of starting point is a much greater threat to virtue ethics than it is to contractualism. When contractualism makes claims about who is and is not included in ethics these claims are made in the pursuit of developing an admittedly idealized and formalized model of social organization, rather than as an attempt to describe the essence of human beings. However, in virtue ethics the starting point is intended to say something about what a human being ought to be on a much deeper level. Therefore, by excluding people with rational impairments from its starting point virtue ethics commits its self to conclusions with much deeper implications than those of contractualism.

VIII) A NARROW SORT OF WISDOM

Having discussed this issue of starting points I will look at how each of the specific standards in virtue ethics is a problem for agents with rational impairments. The first major problem for the norm used by virtue ethics is the fact that the wisdom that is stressed by virtue ethics is very exacting. In all cases it is practical wisdom that involves responsiveness to the right reasons, acting with the right intentions, and having the right emotions that matters. All of this internal framework must be present along with a characteristic disposition of knowing what is right to do in every case for virtue to be present. It is not enough just to have done an act that

seems to be right in the situation. One must also have done this act in the right way. This is asking a lot of every agent as it is not enough for them to be trained to do the right action or follow the rules. Unless they are doing the action for the right reason, and unless they do so *characteristically*, and not merely on some occasions, they cannot be fully virtuous.

To be clear here, by saying that all of these factors must be present for a person to be fully virtuous we are not saying that by not having some or all of these things the agent is bad or vicious. On the contrary, there is a wide range of actions that are neither virtue nor vice. So, failing to act in ways that are one type of act does not lead, by default, to the other. However, in the case of a person who cannot live up to the wisdom required by virtue it is the case that they cannot be fully virtuous. And, because of the close connection virtue ethics draws between virtue and happiness, this means that they cannot have a fully good or happy life. Given that this good life is a key part of virtue this is still a problem for the agent because if they cannot attain these character traits and dispositions then virtue and happiness are automatically out of reach as well.

This idea of the internal states that go with a right action in virtue ethics is problematic for people with intellectual impairments as they are often not capable of having the right inner states that go with this action. For example, if I was a person with autism my emotional responses to the world would be different than those of other people. After all, a key part of this impairment is that a person fails to develop the emotional responses and affective qualities we usually expect of people.⁸¹ Given this lack of the proper emotions this person would also be automatically unable to have one of the key mental states that must accompany virtue. Given this

⁸¹ See American Psychiatric Association 1994, Section 299.00.

requirement then a person who has little emotional response at all would be unable to live up to this standard.

In other cases it might be the responsiveness to reason that is the problem. For example, a person with schizophrenia will not be able to respond to the same reasons as the average person because they do not have the connection to reality that would allow them to even perceive these reasons. Likewise, the thinking of a person with Downs Syndrome may not be complex enough to fully comprehend the reasons for acting a given way. In all of the above cases the nature of these impairments means that these people are just unable to live up to the narrow sort of wisdom that is required by virtue ethics. In some cases they could be coached so that it might be possible to do the right action. However, given the missing mental and emotional component this would not be considered acting with virtue since the right actions are not enough.

IX) A PARTICULAR SORT OF SOCIAL LIFE

In addition to the above issues with the narrow scope of practical wisdom the second issue that virtue ethics presents for people with rational impairments is the type of social life and social participation it demands of virtuous people. As MacIntyre notes especially in classical accounts one cannot be a virtuous person without being a good and participating citizen. Since we are also a political animal we must have a high level of social participation to be flourishing.⁸²

Foot and other contemporary virtue theorists also note that the requirement of a social life means that one must also have a certain ability to use language. So, in such accounts not only

⁸² MacIntyre 1985, 155.; Aristotle. *Nicomachean Ethics*, 1094a19-b12.

must one have a social life to be a flourishing person but as is entailed by this requirement one must also have a certain level of language ability so that one can communicate with people in social settings.

Both the requirement of a social life and this degree of language competence are problematic for many people with rational impairments. Although people at the upper end of the spectrum of functioning may have no problem with conversing with others and being in society this world of “savants”⁸³ and people whose impairments are mild is not representative of many people with intellectual impairments. For example, although language use is quite possible for many people with Downs Syndrome there are many cases where the complex social relationships and friendship of equals are not possible for them given the deficit in their IQ. Even as people at roughly the middle of the spectrum full participation in the social life that virtue ethics sees as essential to the good life is just not open to them given its complexity.

However, in even more stark contrast to people who can use language and have some degree of social relationship, we also have people whose intellectual abilities are so impaired that they are unable to use language at all.⁸⁴ A person in a persistent vegetative state or someone who never developed past the stage of infancy will be incapable of language and also largely incapable of the complex social relationships emphasized by virtue ethics. At this point on the

⁸³ An old term used here for clarity but one that is being phased out. See the introduction of the DSM-IV.

⁸⁴ In some cases this might be able to be compensated for with things like pixs boards or assisted typing. However, this may not always allow for enough use of language in a spontaneous enough way for the person to participate fully in all of society and this type of accommodation does not always work for all people with intellectual disabilities.

spectrum it is particularly apparent that these people are excluded from the language and social life expected of them by virtue ethics.

This is a problem for inclusive ethics as here we also need to say that such persons are unable to be fully virtuous, and so unable to live good lives, if they are unable to live up to a full human social life. In some cases they may be able to get part of the way there but even this is not enough to allow for virtue. From the very beginning the basic abilities of these people are just not enough to allow them to seek the good life in virtue. Although some advocates of virtue ethics might be fine with saying that some people are just not in the scope of virtue given that we usually try not to exclude impaired people from things without good cause it is strange that virtue ethics has little place for them in the good life and makes no move to justify this exclusion. Without further justification holding a version of virtue ethics that entails this consequence this conclusion is very heavy-handed indeed in light of the goal of this thesis in providing a more inclusive approach to virtue ethics.

It might be the case that part of having intellectual impairments is a more limited degree of access to the good life. Indeed, this designation might communicate something similar to the disability that we often associate with other impairments. However, as mentioned in Chapter 1 there is a great deal of debate about whether disability always leads to disadvantage. In the section devoted to this subject I suggested that in most usual cases disability should not lead to disadvantage in the long term if society is set up in the proper way. However, if we go by the standards of virtue ethics disability and disadvantage would go together as a matter of course given.

One way of dealing with this issue is to conclude that such exclusions are just part of what we commit to when we subscribe to virtue ethics. After all, if the good life is really worth working towards it may just be that it will be a goal that is too difficult for some people. Yet, I do not think this is the best approach to take, especially since virtue ethics makes these conclusions with so little discussion and justification. It is simply not enough to say that the good life is difficult and so some people will not be able to attain it. Since the standards used by virtue ethics are what create the problem I will show that if we reformulate the standards on which we build virtue ethics we can develop a picture of the good life that is more inclusive but also still promotes the type of life valued by virtue ethics.

X) SALVAGING THE GOOD LIFE: REFORMULATING VIRTUE ETHICS

One of the first ways we could “reformulate” virtue ethics so to speak is to discard virtue as an unhelpful account from the beginning and look for other values on which to base a good human life. After all, by stepping away from virtue’s emphasis on practical rationality altogether and building a new picture of the good life we would be able to avoid the problems that plague virtue ethics with respect to intellectually impaired agents. Yet, given that virtue ethics has many assets as a rich account of the good life it is worth seeking other less drastic solutions that allow us to retain a virtue based approach while being more inclusive.

We could also reform this theory by saying that people with intellectual impairments are a category⁸⁵ unto themselves with different aims and goals. By saying that people with rational impairments are just a different sort of person than the rest of us we would solve the problem by being able to come up with a different good life for these people to live. By making them, as it were, a separate category of person we would be able to come up with a list of standards for

⁸⁵ Aristotle would say species given his taxonomy and logic

them alone and develop a different good life from these norms. This would mean that while they still would not live up to the norms of virtue ethics they could have their own good and happy life so that this would not matter as much.

Yet, this creates problems of its own as there is such a spectrum of impaired persons. As soon as we create a list of norms for one place on the spectrum they will already be too much or too little for someone in another location. After all, the needs of a high functioning person with autism and the needs of a person in a vegetative state are so diverse that it is almost impossible to come up with a list of norms that works equally well for both cases. Without creating a smaller version of the exclusion problems we see in the conventional virtue ethics we cannot take this option as our solution.

Another solution to this problem is just to agree that people with rational impairments are unable to reach the happy life that we expect of other agents. This conclusion is likely disappointing for people who advocate for full lives for impaired persons. By saying that a life like those of average persons is not open to the intellectually impaired we are giving up on the idea that with enough help and support these people can attain fully good lives. Given that the hope of a good life for the disabled is what fuels many advocates and care givers this conclusion will be unsatisfying for many.

However, this position could be worth adopting as it might just encapsulate the nature of disability in a relevant way. After all, the main reason we talk about impairments is that they limit a person's flourishing. By saying they are impaired we are acknowledging that there will be things that are hard or impossible for this person to do given that they are unable to perform certain tasks. This is why we often give such persons additional help and support, as we know

that their lives will not always be as excellent or easy as is possible for the average person. Therefore, we often feel compelled to help them improve the life that is open to them since we know they will never attain a life like the one most of us enjoy.

Yet, if we take this position we need to deal with the fact that in virtue ethics people who are unable to be virtuous and live the good life in this sense are unable to attain the fullest level of moral goodness. Although this does not by default make them “bad” it does exempt them from being fully good. Since we also do not want to blame people for their impairments this seems like a consequence of virtue ethics that we do not wish to hang on to. In some cases it might say what we want it to say but it does this in a way that is not altogether accurate. It is this issue that is the problem for virtue ethics.

To avoid all of the pitfalls of the above solutions by the end of this work I will develop a reformulation of the standards of virtue ethics which will apply not just to those with impairments but to every human being. By developing this solution I will not only solve the problem of exclusivity that is the focus of this work but also develop a stronger version of virtue ethics that makes this approach a more attractive account of the good life not just for people with impairments but also for agents in general. Therefore, this solution should be seen as a friendly amendment to virtue ethics rather than a competing theory.

CHAPTER 3: REDEEMING VIRTUE ETHICS WITH BROADER STANDARDS

The problems virtue ethics creates for people with rational disabilities make it seem like we should abandon virtue ethics as a moral theory. After all, if a theoretical framework cannot accommodate a variety of agents using this framework can only ever be a limited way of approaching the world and the good life. Additionally, it is not just disabled agents who fall short of the standards of virtue ethics. Average agents also have problems with their rational abilities some of the time. Therefore, we may have more reason to abandon virtue ethics than to repair it given that its standards present so many problems for agents of all abilities.

Yet, as I have mentioned in my introduction this problem with the status and involvement of people with rational or intellectual disabilities in ethics is not unique to virtue ethics. Since reason and rational thinking are part of the assumptions we make about the good life every major ethical theory has problems with what to do about people with serious rational impairments. In all cases these agents are just not enough like the ideal agents the theory was developed to govern and as such do not live up to the emphasised standards. Therefore, by simply seeking out another theory we carry this problem over to another context rather than finding a solution for it.

There are also many reasons to keep the virtues as part of our view on the good life. Indeed, the biggest asset of virtue ethics is that it looks at the whole person and their whole life when assessing moral value. By looking globally at how the agent's feelings and dispositions work towards a happy life this account considers more aspects of the agent as a whole than competing accounts do. Given its sensitivity to emotion, judgment, and disposition and the role they play in moral life virtue ethics still holds many benefits as a moral theory and so should not be discarded as an account of the good life.

We should therefore take a second look at the virtues and see if there is a way for virtue ethics to accommodate agents with serious rational impairments. Given its emphasis on reason, the standards used by virtue ethics threatens to create a picture of the human being that is heavily rationalistic and not inclusive of impaired agents. In what follows I will lay out alternative standards of virtue that will allow this account to include a greater variety of agents. By retaining the global approach of virtue ethics but not its specific standards we keep what is beneficial about this account and avoid the narrowness that limits its scope of application.

These new standards are intended to apply to all agents and not just those with rational impairments. As previously mentioned developing standards for impaired agents alone is a thoroughly wrongheaded idea. This approach of setting these agents apart underestimates the degree to which average agents share characteristics with their impaired and disabled counterparts. Average agents often have less severe periods of many of the same problems with their reason as is common for agents who are impaired. Therefore, average agents can benefit from a new set of standards every bit as much as impaired agents can. The failure of overly rationalistic accounts of the good life in the case of agents with serious intellectual disabilities forces us to reconsider the plausibility of these accounts for agents who do not have such disabilities as well. What emerges from considering the application of virtue ethics to intellectual disability is a new understanding of the relevant standards for the abled and disabled alike and a move away from the rationalistic focus common to the original formulations of virtue ethics.

It is these new standards for virtue ethics that I will be defending in this chapter. By engaging with how Martha Nussbaum has redeemed Rawlsian contractualism in the face of similar problems I will refocus the virtues so that they have a more global focus than the reason emphasised by the original account. I will then show that although this new set of virtues is not a

perfect solution it nevertheless presents a richer and more global picture of the good life which is a better account of human nature than the original reason based standards.

1) NUSSBAUM AND THE CREATION OF ALTERNATIVE STANDARDS

As mentioned in the introduction Nussbaum encounters a very similar problem, since the Rawlsian Contractualism she engages with can be every bit as rationalistic as virtue ethics in its view on human identity. Because of the problems she sees with the Original Position's assumption of rationality, Nussbaum creates a new image of the human being that is the starting point of a new contractualist ethics. This is her capabilities-based approach to ethics. Although she makes it clear that she is stressing this norm simply as a political construct to aid the development of ethics and not as some deeper picture of the human being, her approach is valuable and can be altered slightly to be the standards for virtue ethics norm that I am seeking.⁸⁶

Indeed, it is important to note that many of the same capabilities highlighted by Nussbaum are also highlighted in documents such as the UN Universal Declaration of Human Rights and the Canadian Charter of Rights and Freedoms.⁸⁷ Given that we often see these documents as statements about what rights are inherent in a human being this picture of the human being can be easily developed into ethical standards and starting points.

Nussbaum calls the items that make up the human being as "capabilities" and calls this the capability approach to ethics. She begins with capabilities for things like life, health, and the

⁸⁶ Nussbaum 2006, 22.

⁸⁷ An example of such documents is the Canadian Charter of Rights and Freedoms. Government of Canada. 1985. *Canadian Charter of Rights and Freedoms*. R.S.C. There is also the Universal Declaration of Human Rights by the UN: United Nations. "Universal Declaration of Human Rights," adopted December 10, 1948 by the United Nations General Assembly.

integrity of the body as some of the most basic things a human being is able to do.

Fundamentally, we are all able to live and we all seek out things like health and integrity of the body. She then adds that human beings are capable of sense, imagination, and thought as the next layer of this approach. By highlighting the processes of the human mind she points to yet another layer of capacities we expect dignified human beings to have.⁸⁸

She then notes that emotion, attachment, affiliation, and community are also capabilities of human beings given our intensely social nature. It is these capabilities that allow us to have such complex and fulfilling social lives. She also adds that human beings are capable of practical reason and control over their environment. With this type of wisdom we are able to make decisions about our lives and to control the things around us. Finally, she adds that we are also capable of play as part of what makes up the life of a dignified human being.⁸⁹

Properly modified, this approach of focusing on human capabilities can serve as the basis of an account of flourishing that can be employed by virtue ethics in a way that does not improperly exclude those with intellectual impairments. Yet, it should be remembered that here again Nussbaum notes these ideas as capabilities of a human being and not as a hard and fast set of skills. These are things that human beings are capable of but this does not mean that they always are able to do them. Therefore, this approach should be modified as a flexible list of possible virtues and not as a hard and fast list of what a human being must be. In what follows I

⁸⁸ Nussbaum 2006, 75.

⁸⁹ Nussbaum 2006, 76.

will modify this list of capabilities into virtue and also show how this solves the above problem of the narrow focus of virtue ethics.

A) THE NEEDS OF THE ORGANISM

As mentioned Nussbaum begins with the capabilities of life, health, and bodily integrity.

⁹⁰ Fundamentally a human being is capable of being a living being who desires health and bodily integrity in order to continue this living status. Given that the norm that underpins the virtues is supposed to be a set of standards for the ultimate good of the human being, this cluster is a good place to start when remaking our standards also. Fundamentally, all the things that virtue ethics asks of people would be nigh on impossible if they did not have life, health, and integrity of the body.

What we can take from this is that these things are a necessary part of the kind of life human beings want. Since nothing can be done to promote this sort of a good life without them they are the most fundamental desire of a human being and the very foundation of attaining our ultimate ends for those who seek this kind of good life. Nussbaum intends to introduce these as part of a vision of society where we ensure that every person has access to these basic capabilities. However, given the relationship between these fundamental needs of the human body as the locus for every human action these should ground any plausible account of human flourishing that can be of use to virtue ethics.⁹¹

⁹⁰ Nussbaum 2006, 75.

⁹¹ Thomas Aquinas has a picture of the human being as having vegetative powers that are very similar to this list given by Nussbaum. By laying out the different layers of the human soul as the force that animates the human being Aquinas begins by listing these very basic powers that allow the human being to function as a physical entity. See: Thomas Aquinas. 1949. *The Soul*. Trans. John Patrick Rowan. St. Louis: B. Herder Books.

Having highlighted this part of the new species norm one might wonder what virtues could be associated with life, health and bodily integrity. After all, these are not things that even seemed worthy of mentioning in the original rationally focus norm. However, if we think about re-emphasizing virtues which are already present in our understanding of virtue we could see how things like self-respect and the maintenance of the body could act as virtues that would emphasize and support this standard. By valuing traits of character that allow us to value our bodies in the way this part of the norm suggests we create virtues which are in line with a standard for virtue ethics with a wider focus.

Given that the original goal of this thesis is to create a picture of virtues that contribute to a good life that is attainable for people with rational disabilities, we must examine how the above idea of virtues that promote the health of the body would work for people with rational disabilities. Obviously, there will be some cases where a person is so strongly disabled that they are unable to do these things themselves to any significant degree. A person with a very severe developmental disability or who is in a vegetative state will be able to learn how to care for themselves in the way the above virtue suggest.

However, for other people on the spectrum of disability they are able to learn about their own personal care, and the value of their life as a person. Indeed, we teach many of these things to people with Downs Syndrome, developmental disabilities, and autism on a regular basis. By teaching them life skills and instilling in them and need to care for their person we try to give them a better chance of survival on their own. Given that these programs are often successful by

denoting this care for the body as a virtue we would create something that leads to the good life that would be more attainable for people with rational disabilities.

Although this virtue is rather basic it cannot be underestimated how much the health and integrity of the body affects the rest of our life and our happiness. One need only talk to a person with chronic pain or chronic illness to understand how important health is. After all, without our bodies we can do nothing. The overly intellectualized norms of traditional virtue ethics can easily overlook this critical fact of embodiment as part of the same narrow focus that excludes disabled agents. By having virtues that relate to the body we not only create virtues that are more accessible but we also create a stronger standard in virtue ethics that encompasses more of our human identity.

B) THE NEEDS OF THE MIND

Nussbaum also introduces the idea that sense, imagination, and thought are basic capabilities of the human being.⁹² After having established that humans are the type of being that want to keep living in a way that allows for integrity and healthy functioning of the body we now have reference to the fact that good human lives are composed of more than just a body. Our sensory impressions of the world and the way our minds interact with these impressions are part of what makes our lives interesting and good. This life of the mind may not be fully rational but it allows us to use our mind to create an understanding of the world that is complex and interesting. It is this additional dimension of human living that enriches human life with another level of flourishing.

⁹² Nussbaum 2006, 75.

Given that being able to think about the world with our sensory impressions of it are such enriching parts of human life this capability should be fully included in the standards for virtue ethics. With virtues like creativity and imagination we can recognize this world of the mind as both something that enriches human life and also as a foundation for rational thinking. After all, without the complex way of using the mind to engage with the world listed above the mind lacks anything to reason about.

Here again, there will be cases where learning about the world will be only minimally possible for people with rational disabilities. However, arguably there is a sense in which most people⁹³ are able to learn about the world in at least some capacity. To a person with a lower IQ or a developmental disability things like learning how to ride the subway or what happens when it rains could be incredibly fulfilling. It is true that the above life of the mind will not always be as elevated and complex as the original standards of virtue would demand. After all, in comparison to how an average person can use their mind to interact with the world the intellectual life of a rationally disabled person will often be objectively impoverished.

Here I am not trying to negate the fact that rational disabilities hinder the creation of an intellectual life by nature. However, given that, as noted in Chapter 1, a disability does not always need to disadvantage a person's quality of life in the long run the above idea of still expecting virtues that promote a intellectual life of every agent points to the fact that even if a person has diminished intellectual capacities they can still have a satisfying life, by their standards, if they foster the life of the mind that is open to them. This may not be as complex or elevated as what another agent will achieve but it will still improve the life of the individual agent and bring them closer to flourishing. Therefore, this standard is a helpful addition to the

⁹³ People who are in a vegetative state would be an exception here

new standards of virtue ethics because it speaks to yet another facet of a flourishing and varied human life.

C) THE EMOTIVE AND ATTACHED BEING

Nussbaum also mentions that emotion, attachment, affiliation, and community are key parts of the human being.⁹⁴ On the surface this seems very similar to Aristotle's idea that friendship is critical to a happy life. Indeed, Aristotle even goes so far as to say that a truly happy life is impossible without true friendship.⁹⁵ Yet, what Nussbaum is pointing to with the above capabilities is a style of relationship that is less rationally focused than Aristotle's idea of true friends being people who have a common rational life of contemplating the good.⁹⁶ Since both Nussbaum's and my revised standards for virtue ethics are not so narrowly focused on reason as conventional virtue ethics accounts the value of relationships stressed by Aristotle's friendship can be retained without exclusively insisting on this rationalized component.

In this new set of standards human beings are still Aristotle's "political animal". However, since reason is not the only focus these relationships can have a richer focus. Instead here we can focus on virtues such as attachment, compassion, mercy, and community belonging as key parts of this relationality. It was the focus on reason in his account that led Aristotle and those who followed him to see intellectual friendship as key to a happy life. When we remove this exclusive focus on reason we are able to create a richer and more accessible approach to human relationships where it is the relationship itself that matters and not just its focus.

⁹⁴ Nussbaum 2006, 76.

⁹⁵ Aristotle. *Nicomachean Ethics*, 1169a35-1172a5.

⁹⁶ Aristotle. *Nicomachean Ethics*, 1168a21-1169a8.

This idea that human beings are by nature designed for relationship is also central not only in Nussbaum but also to the ethical norm proposed by Jean Vanier in “Becoming Human”.⁹⁷ In this work he develops the idea that we need to move away from our society's competitive ideals as they create a lot of “woundedness”⁹⁸ and loneliness in the world. He suggests that by moving towards the norm where community and our love for others is the most important thing in our lives we can move to a norm of relationship that avoids this loneliness and brokenness for both average and impaired individuals.⁹⁹

Indeed, Vanier created this focus on human relational abilities to provide inclusive lives for people with intellectual impairments. He observed firsthand how our focus on the life of the mind, reason and the ability to compete with others excluded the intellectually impaired from having lives of purpose. It is this exclusion that creates much of the loneliness and woundedness that pervades the lives of these people. However, average agents can also fall victim to this exclusion and its effects if they are not able to use their minds in as strong a way as those around them. Given this direct focus on the intellectually impaired and their exclusion from the ideal of a good life it would seem like Vanier’s work should be the core of any new norm of virtue ethics as he is seeking to solve the same over emphasis on reason as is found in virtue ethics.

Although Vanier has very good reasons for stressing community and relationship, when we focus on just one characteristic of a human being we run the risk of creating a standard that is too narrowly focused on one part of human identity. Since one part of human life will never

⁹⁷ Jean Vanier. 1998. *Becoming Human*. Toronto: House of Anansi Press.

⁹⁸ Vanier’s term here

⁹⁹ Jean Vanier 1998, 22-27.

encompass who we are as a whole my revised standards of virtue ethics created here will include Vanier's ideas about human relationships. However, they will not be given pride of place as to move away from emphasising reason above all else only to do so with a different human characteristic would be to move from one narrow focus to another rather than correcting this problem of scope completely.

Although the standard of community and the social virtues of mercy, concern for others, and attachment that are associated with it will not be all of the new standard for virtue ethics this standard does have a place in the remaking of virtue ethics. After all, even people with very global impairments like developmental disabilities, Downs Syndrome, or Prader-Willi syndrome are able to form at least some relationship and attachment with those around them. Even if we cannot speak every human being is capable of at least some level of relationship. This may be easier for someone with Downs Syndrome than it would be with someone who has a disability that affects their relational skills. However, even in such cases relationships are possible and can enrich the life of the person forming them.

An objection to relationship as an accessible virtue is that often the relationships of people with impairments and those around them are based most centrally on dependence. Fundamentally the impaired person is often dependent on others to help them live and function. For example, someone who needs a worker to help him or her grocery shop has a relationship with that person. However, given that this is not a relationship by choice it does not meet the ideal of full friendship between equals in virtue, since the impaired person must have this relationship whether they choose to or not. After all, the goal with virtue is not just some sort of relationship but the right sort of relationship.

This objection is valid in the sense that relationships of dependence are not cases of complete virtue. Yet, it is often also the case that if they had access to their peers people with impairments could still form meaningful and virtue-based relationships at their own level. Too often their loneliness and isolation except for their care givers is a disadvantage from their society rather than their impairment. For example, it is not the case that people with Downs Syndrome or autism are all unable to form relationship with other people who can connect with them. It is more often the case that they live in situations where they do not have the opportunity or tools to do so. Therefore, what should be sought out here are relationships with people that allow an impaired person to have real virtue based relationships that are not all about dependence.

D) PRACTICAL REASON

The next standard in need of revision is the same practical reason which is emphasized in the original standard used by virtue ethics.¹⁰⁰ It may seem strange to keep the very norm which causes so many of the problems in the original formulation. Yet, the new standards for virtue ethics created in this work are not intended to say that practical reason is not important or that it never has a role in a happy human life. Rather, in the original formulation of virtue ethics places too much emphasis on too narrow a conception of reason, and so leads to a narrow and impoverished image of a good human life.

Practical reasoning is a central part of the good human life. Being able to reason about things and make decisions is an important and essential human task. Creating a standard that does not take this into account would be inadequate given that reason has so much to offer us. Therefore, practical reasoning should still be a part of the standards of virtue ethics. Yet, while it

¹⁰⁰ Nussbaum 2006, 76.

is an important part of virtue it is no more important than any of the other parts in the sense that at different times different virtues will be required to promote a happy and flourishing life. By avoiding putting too much emphasis on practical reason we avoid the narrow scope that plagues original formulations of virtue ethics. Just like the relationality discussed above practical reason will be some of what virtue is but it is not everything we need for a good human life.

Given that practical reason is still part of virtue ethics, traditional virtues such as prudence and wisdom will come into play. In contrast to the above set of relational virtues practical reason is more difficult to accomplish for agents with rational disabilities. However, given the importance of practical reason to human life leaving this type of virtue out would not be presenting the diverse and widely focused good life I am advocating. While this does create problems for impaired agents they will be solved with other parts of the new standards for virtue ethics discussed later on in this work.

E) ENVIRONMENTAL CONTROL

Another criterion for a good life listed by Nussbaum is the idea that we desire control over our environment.¹⁰¹ Although Nussbaum lists this criterion in a place that is far separate from the above idea of practical reason this idea of control over one's environment highlights some of the things in the original formulation of practical reason in a very different way. By emphasizing that we human beings desire to control our own lives and the environment around us this norm emphasizes that we wish to live in ways that are deliberate and developed by us. We wish to be autonomous players in our own story rather than passive observers carried along by the tide of our lives.

¹⁰¹ Nussbaum 2006, 76.

Given that living the good life and being able to form one's character almost always involve some degree of control over one's environment it is important to include this criterion as part of our standard for virtue. By being able to control our environment we are able to increase our chances of being able to live the good life. While complete control is never possible for any agent being able to foster at least some level of environmental control is critical to having a good life.

The virtue of autonomy and appropriate decision making are incredibly difficult for agents in general. However, they become even more difficult for those with rational impairments given that in many cases such people live lives that are almost wholly governed by others who care for them. Therefore, it might seem like control over one's environment is not a virtue at all but rather something that is provided to us by other people.

However, the importance of autonomy and making one's own choices as part of a good life cannot be underestimated. In his work on autism and autonomy DeVidi argues that people with autism (and one could expand this to include others with rational impairments) should be given as much choice as possible in terms of how their lives are set up. Although his work focuses most centrally on the issue of autism and autonomy, DeVidi's work also provides a picture of how people with impairments can and should have control over their own environment with the appropriate assistance.

DeVidi describes how people interested in the welfare of persons with autism often use a variety of frameworks to help these people make decisions about things in their lives like who they live with and how their whole environment will be composed. DeVidi stresses that although these people are being assisted with their decision-making abilities, it is still always supposed to

be them making the decision.¹⁰² For example, care givers are encouraged to monitor what they know of a person and assess if an answer to a question is really what the person wants or whether it is really environmental factors affecting them. By ensuring that the person is not pressured into making a decision that they do not really want to make care givers help this person to have autonomy and control over their own environment.

DeVidi stresses that this assistance does not mean that the person is not exerting their own decision making abilities. Indeed, he points out that average agents often require similar assistance when trying to make the right decisions. For example, DeVidi recounts the example of his wife who enlists the help of the members of her family in order to avoid eating too many chocolate chips. DeVidi stresses that no one would say that his wife is not being autonomous even though she enlists help to make the right decisions. From this DeVidi argues that in the same way as his wife is still autonomous when she has help making decisions she knows are right for her, so too people with autism (and one could easily say other impairments also) are still being autonomous even if they have assistance in making choices.¹⁰³

It is this image of assisted environmental control that is most helpful with respect to people with disabilities and the virtues. In the original account of virtue any case where someone needed to be assisted to perform an action would not be virtue. After all, if they need help to do the right thing then they must not possess that virtue to a sufficient degree to really exercise it. However, when we take out the emphasis on practical reason and wisdom and look at each of the virtues separately we can see that with assistance people with autism are displaying stable

¹⁰² David DeVidi. 2011. "Advocacy, Autism and Autonomy," to appear in *Autism and Philosophy*, edited by Jami Anderson and Simon Cushing, 19.

¹⁰³ DeVidi 2011, 2, 16.

characteristic dispositions to exercise reason in making decisions. Since the people who assist them are not making the choices for them or directing them towards one particular choice it is still the person making the decision and thus still their dispositions that drive this process. Therefore, although these people are being assisted in the decisions that would form their character they are nevertheless involved in displaying dispositions of their own accord and thus are eligible to attain virtues associated with environmental control.¹⁰⁴

Here again this assisted decision-making process will not be possible for all persons with disabilities. There will be some cases where individuals with disabilities are not endowed with enough cognitive functioning to make decisions about their own environment even with assistance. However, if we are sensitive to the spectrum we can see that just like average people with the proper support there are a great number of people with impairments and disabilities who would be able to develop their decision-making skills and their control of their own environment and thus exercise the virtues associated with environmental control.

F) PLAY AND JOY IN THE GOOD LIFE

The final criterion from Nussbaum is the idea that play as a key part of the good life.¹⁰⁵ This idea is not present in the old standards of virtue ethics but is a beneficial addition to the new formulation. The idea that human beings play and can do things purely for the joy of doing them seems to encompass some of the happiness and ease of living that we would think would accompany a good life.¹⁰⁶ Although we must understand that the good life will not be happy and easy all of the time the idea that play and the enjoyment of the task can be included in our very

¹⁰⁴ DeVidi 2011, 10-11.

¹⁰⁵ Nussbaum 2006, 76.

¹⁰⁶ Aristotle. *Nicomachean Ethics*, 1169a35-1172a5

standards for virtue encompasses the idea that fundamentally our goal in following the virtues is to create a happy life for ourselves. While it may not always be pleasant we would hope that this happy life would make a somehow better off than other alternative lives. The joy that comes from play could be part of this being better off.

It should be noted that play is certainly something that is not always heavily rational as the idea of the good life were in the original standards of virtue ethics. Play is often nonsensical as people do something simply because it pleases them. While it is true that some kinds of play like chess or games of strategy do involve the mind in more complex ways this kind of play is not the only kind of play. Traditional virtue ethics would hold that play that involves the mind is somehow objectively better than other kinds of play. Yet, since we are already moving away from this narrow rational standard this idea need not be a given in terms of our standards for play.

Thus, we can include play and the character traits like humour, joy, and fairness that promote it in our new set of standards for a happy life. As a non-rational activity for the most part this idea of play can help us to move away from the narrow rational focus of the conventional virtue ethics . While it is true that there will still be people like those who are in a permanent vegetative state for whom play is not possible this idea of play and the virtues that support it provides a less rational path to the good life and the joy that can come with it.

II) A REVISED NOTION OF FLOURISHING

Given that on the original account the virtues are so closely tied to the notion of flourishing one might wonder what flourishing would look like in this account. After all, even if we take these revised virtues as the new goals for human life it looks like we run into some of the same problems we had with other formulations of virtue ethics if we set out to require agents to

seek excellence in everything in order to flourish. If we make this high level of excellence our goal in this case then we would go right back to having an account of the good life that uses such high standards that it excludes agents who are impaired in some area of their functioning.

Yet, as will be explained later on in this thesis there are many ways in which average agents also have a hard time living up to the standards of virtue ethics. After all, in any formulation of virtue ethics that involves any sort of excellence or flourishing there will be cases where even the most capable average agent falls short of this standard. Therefore, as will be discussed below, if it is a problem to require a given standard of anyone who might fail to meet it perfectly then we will have difficulty requiring standards of agents at all.

In light of this issue then we are still able to say that even with this revised account of the virtues flourishing will be exemplified in attaining a level of excellence in terms of having the above set virtues as part of one's character in relevant ways. There will certainly be places where impaired agents are unable to live up to this high standard for the good life. However, given that this can also be said of other average agents we can still use this same standard in relation to the lives we expect of impaired agents in relation to this revised set of virtues. We just need to understand that in some places agents will fall short of this standard of excellence. However, this is more a reflection of the nature of agents than it is a problem for my account.

III) IMPAIRMENT: A PERSISTENT PROBLEM

Given that the above account provides standards for a good life that emphasis things other than an exclusive focus on a narrow conception of reason, it is a more accessible alternative to the norm usually associated with virtue ethics. Given that less intellectual functioning is needed to live up to this norm a greater range of agents will be able to live up to this standard of the good life even if they have impaired intellectual abilities. Although practical

reasoning is still needed in some cases now there are other good things that are a part of the good life that people can aspire to. Practical reason is still important but now it is just one of many things needed for a good life.

However, even this greater range of virtues and the greater range of accessibility they provide cannot change the fact, as mentioned above, that there are still some things on this list that will not be attainable by every agent. For example, a person with Downs Syndrome and a lower IQ may not be able to use practical reason even to the degree that the above revised standard demands. Similarly, things like emotional attachment and the community that is stressed by the above norm may not be possible for people who have disorders like autism that are characterized by limited emotions. Indeed, arguably all of these things will be almost completely inaccessible to people who are at the lowest end of the spectrum in a persistent vegetative state.

Therefore, although my above list of norms does solve the problem of accessibility for a greater range of agents and does allow for more people with impairments to have at least a minimum level of virtue it is still important to note that we encounter the problem that there will just be some people who are completely unable to possess the dispositions needed for even this good life. More moderately, there will always be agents whose abilities simply prevent them from doing the majority of the things on this list. Since they may not be able to develop many of these things it would seem like they are not able to have a very good life by the terms of virtue ethics.

Although this seems like a problem perhaps this is as it should be. As mentioned above, if we are to keep the idea of disability in any meaningful way there will simply be cases where

people have difficulty attaining a traditionally good life. After all, though we don't want to say the disability automatically sets people up for a life of disadvantage one cannot deny that having abilities that are different from those of the average individual makes it much more difficult to do things generally expected of us as human beings. Therefore, there are some ways in which the above conclusion about even a modified set of virtues is inevitable. Unless we are to severely alter the construct of disability and make it meaningless it is just part of the very concept of a disability that there are things they cannot do that non-disabled people can. Therefore, there will always be some virtues that are out of reach, and therefore some aspects of the good life that are not fully accessible.

Yet, I would also like to note that there is an answer to this issue that is often overlooked in the sense that if the above norm is inaccessible to those with disabilities there are also a great many cases where it is inaccessible to average individuals. As DeVidi points out in his work on autism and autonomy often times the very visible nature of disabilities like autism make it very easy for us to focus on the differences between an average person and a person with autism.¹⁰⁷ For example, the fact that a person with autism may be unable to speak and find it uncomfortable to make eye contact with other people makes it very easy for us to see these outward markers and then label them as someone completely different from ourselves. This is also true with other disorders and disabilities. Since outward markers are so strongly visible we tend to focus on them as a way of understanding this construct. However, throughout his work DeVidi makes a valuable point about the similarities between average individuals and persons with disabilities. This is clear in how he approaches the example of his wife and her use of assistive strategies to avoid the chocolate chips discussed above. As mentioned DeVidi's wife is a generally average

¹⁰⁷ DeVidi 2011, 7.

individual in her abilities. However, in the case of her weakness for chocolate chips she knows that she will not be able to do the task alone and so enlist the help of her family members to remain committed to her good health.¹⁰⁸

DeVidi then goes on to mention that many of the coping strategies his wife uses to avoid eating chocolate chips are very similar to the strategies used by people with autism and other disabilities to avoid doing behaviours that cause them harm or in a more positive sense to be able to perform behaviours that they need to do in order to have a fulfilling life. By using this analogy between his wife and people with disabilities DeVidi shows that there are many ways in which we are very similar to people with impairments and disabilities in the sense that we all have moments where our abilities are not what we would like them to be or are somehow weakened by the situation.

Other examples are cases where our mind or body is impaired for a short period of time. For example, in cases where we are very ill or have injured ourselves our skill level may be diminished to such a degree that our skills would be very similar to people who regularly have a disability. To make this applicable to my context of rational disabilities, we can note cases where events in our lives mean that our minds do not function the way they normally would. When we are ill, injured or simply over tired we are often unable, if only for a short period of time, to function in many of the ways that would be required by even the revised standard of virtues.

What both the example used by DeVidi and my own examples above show us is that if the norms of virtue ethics are a problem for disabled agents they are certainly a problem for the rest of us also. Although there is a difference in degree there is no denying that if our response to

¹⁰⁸ DeVidi 2011,16.

people with disabilities being unable to do many of the things listed in the above list of virtues is to throw the virtues out entirely then arguably we should not have bothered with the virtues in the first place. There are so many reasons why average agents are impaired from time to time, so if we are really looking for a norm that always includes every agent then we are always going to be slightly disappointed. The virtues, by their very nature, are an aspirational ideal that few, if any, fully reach.

Given that any list of virtues is always going to be slightly unattainable one might wonder why we should bother with the virtues at all. After all, it might seem odd to insist that the good life depends on the attainment of characteristics that few if any can fully achieve, at least if these are presented as standards that are intended to be action-guiding. After all, if we know that the virtues are largely difficult to attain from the beginning it seems strange to ask such a high standard of people.

This problem has been encountered and discussed by many people who promote virtue ethics. There have been many different responses to this problem but perhaps Hursthouse says it best when she says that the virtues are difficult because living a good life is difficult.¹⁰⁹ Since the virtues encapsulate what is like to live the good life if the good life is difficult then the virtues must be also. However, this answer might still be cold comfort for people who are wondering why we should ask such a high standard of people when we know that even average agents will not be able to fulfill the standard all of the time. This seems like an incredibly frustrating project even when we know that the good life is difficult from the start.

¹⁰⁹ Rosalind Hursthouse. 1991. "Virtue Theory and Abortion". *Philosophy & Public Affairs*, Vol. 20, No. 3, 227.

IV) THE SOLUTION

What will solve this problem is to remember that in its essence virtue ethics is an aspirational account. As Hursthouse reminds us living well is difficult and the virtues are far from an easy plan for a good life. Instead the virtues are designed to be an ultimate goal for us to aspire to so as to make our character and our lives better. Although the composition of this life changes depending on our external commitments what is certain here is that virtue ethics is not intended to be an easy how-to description of good human beings. It is rather a difficult and complex aspirational account that describes things that would make the human being most perfectly happy.

Knowing then that the virtues are an aspirational account we are able to develop a solution for the fact that both average and impaired agents will often be unable to attain the virtues to varying degrees. Here we must simply understand that not every person will be able to attain virtue perfectly. However, every person will be able to find a role where they can at least make an attempt at virtue.

There will be different roles open to different human beings and, given our abilities, we will be able to attain virtues to different degrees. In the case of impairment and disability it will simply be the case that people with rational disabilities will be less able to attain some of the virtues than average individuals. Equally, there will be cases where average individuals have their reason impaired by some factor in their lives and will be unable to attain virtue for a short period of time. However, what can be suggested for both of these cases is that the agent in question should do the best they can with the situation they have. By attempting to attain virtue even knowing that we may never be able to attain a perfectly we are still able to make our lives better off than they would have been if we did not attend to virtue at all.

It should be noted that even with this solution there is a tension between wanting to include more agents in the moral life prescribed by virtue ethics and keeping the aspirational quality of virtue ethics. On the one hand virtue ethics would say that this “try your best” approach is not enough as only a truly good life is the best goal. On the other hand people who advocate for the status of the disabled will not be happy with this account as even with moving away from a rational standard for virtue and giving the virtues a new and broader focus we still have an account that does not always work for people with disabilities.

Yet, unless we are to abandon the virtues entirely or return to the overly narrow reason based standards promoted by the original version of virtue ethics we must be satisfied by this account. After all, we must have a balance between a meaningful account and one that is inclusive. Therefore, it will always be the case that some people will not be able to live up to the standards of a good life. Yet, this is really more a fact of the differences in peoples’ skills and life styles than a flaw in the theory. There will always be some people who cannot live up to even the best moral standards and this is just how the world is.

V) THE VALUE OF A REVISED NORM

Given that even this solution does not always fully include all people it would seem like we could have just stayed with the original formulation of virtue ethics and saved ourselves the time of modifying the virtues as I have done above. After all, if we are simply to say that we need to do the best we can with the virtues since none of us will ever be perfect it seems like the original rationally focus norm of virtue would have been perfectly acceptable if we are to take this line. It could seem rather strange to clarify our standards but still retain the idea that they are difficult to attain and not everyone will be able to reach them.

Yet, the account provided above is an important modification as it encompasses more of what we expect from human beings than the original narrow rational standard allows. By taking into account the many varieties of human lives that are open people with impairments we are able to create a wider picture of what makes for a good human life. By understanding that there is more to human life than simply our reason we are able to create a picture of a good life and the virtues that is richer and more developed than the original rationally focused norm. Although this picture was originally created to include people with rational disabilities in our understanding of virtue by understanding the similarities between agents with impairments and people we consider average we can come to a greater understanding of what is to be a human being in a much more holistic sense than the original rationally focus norm. By re-focusing our idea of the good life we are able to develop a new idea of the good life that is open to the disabled and average alike.

VI) SUMMARY

In conclusion, by drawing on the work of Martha Nussbaum we can develop an understanding of human nature which is much more inclusive and sensitive to the many different things that make us human. By moving away from the narrow rational norm that was used by virtue ethics in the past we can create a new species norm that both solves the problem of the exclusion of people with rational disabilities from the original construct of virtue ethics and also creates an understanding of virtue ethics that is richer and more varied in terms of what we can expect from the good life of an average agent.

Although there will still be cases where both disabled and average agents will be unable to live up to the standards placed upon them by even these modified virtues it is important to note that virtue is an aspirational account. By using this advanced picture of what a human being ought to be we are able to create something for us to aspire to in order to get us closer to the

good life that we should ultimately be having. Although these aspirations will often be more difficult for people with impairments and disabilities it should be noted that in both the cases of people who are impaired regularly and in the case of average agents who often experience impairments at various points in their lives trying to attain a modified set of the virtues is at least a worthy goal to aspire to in either case.

CONCLUSION

With the first chapter of this work I hope to have shown that although disability and impairment are difficult to define and parse out by working with the definitions provided by the World Health Organization, Martha Nussbaum we can at least pin down some of what disabilities and impairments are in practice. While this still leaves us with questions about the relation of the disability to things like the person's self or to the disadvantage they might experience by examining each of these questions in turn we can develop further our idea of disability and impairment as part of how people exist in the world.

As they are generally understood Disabilities and impairments, especially those that effect a person's mind or reason, present a particularly difficult problem with respect to how we often envision human beings when we develop systems of ethics. Although this issue with an idealized starting point is a problem for all of the major ethical theories this problem runs much deeper in virtue ethics. Given that this idea of the good life is rooted in a very exacting set of standards the fact that this norm does not include people with impairments implies that such persons are somehow defective or unable to live up to the standards of what we think a human being should be.

The major part of this set of standards that causes these problems is the fact that a very complex sort of practical wisdom is required of people by this norm. Not only are they required to perform the right action but they are also supposed to perform this action for the right reasons and accompany it with the right sort of emotional responses. Given that there are many people with different sorts of impairments that disabled their reason to such a degree that this process is just not possible for them this fact means that there is, from the beginning very little place for such persons in the good life proposed by virtue ethics.

Additionally, the type of language use and social life that is seen as a large part of the good life by virtue ethics is also out of reach of many people who are impaired. Since a complex use of language and complex participation in society is a major part of a virtuous good life some impaired persons are excluded from the beginning as they lack the skills to perform such actions. Here again, these persons are just not the type of person virtue ethics envisions and so they are excluded from the good life this theory proposes.

This issue of exclusion is a problem for proponents of virtue ethics because it is very strange to think that by virtue of facts about themselves that they cannot control these people should be excluded from the good life from the beginning. By not fitting the idea of a human being used by virtue ethics these people lack the capacities used in the good life from the beginning and so stand very little chance of being able to attain a fully good life. While this does not mean that they are “bad” by nature it means they can never be fully good no matter how hard they try.

While this problem of exclusion is most apparent for people with impairments as I have noted above there are many ways in which this issue is also a problem for the rest of us “average” agents. There are many times in our lives where our own skills and abilities overlap with those who are permanently impaired. When we are very young, very old, sick or preoccupied by some life event we too are impaired in our reason and do not live up to the demands of virtue ethics. Therefore, if impaired persons are to be left out of virtue ethics then it stands to reason that most of us will also be excluded at some time or other given the fluctuating nature of human skill over our life span.

Given this fact of temporary exclusion and also the exclusion of people who are impaired if we want to keep the image of the good life proposed by virtue ethics we must look for a solution that allows us to keep this theory but also to make it more inclusive of people with all skill levels. After all, if we are unable to do this we are left with a picture of the good life that is either far too exacting to be worthwhile or one that declares a large percentage of the population as unfit persons. Since neither of these options are acceptable if we seek inclusion another option must be sought out.

This is where we can turn to the work of Martha Nussbaum and Jean Vanier to discover a new image of the human person that will provide a more accessible good life with virtues that can be achieved by a larger section of the population. By looking at Nussbaum's capabilities we can develop a picture of the human person that still includes many of the things Aristotle and other proponents of virtue ethics valued. However, by emphasising not only the fact that we are rational animals but also valuing other things that make human life well we are able to develop new virtues that encompass a wider section of the human condition and in turn create a good life with a wider focus in general.

Yet, even this is not a perfect solution. While this new set of virtues I am emphasising will be accessible to more people than was the case in the original theory there is still the issue that impairment produces a spectrum of human abilities and deficits that mean that there really will be no one action that every person will be able to perform effectively. This is where we must recognize that even in this altered form the good life is difficult to attain and that virtue ethics is also there to provide us with a good life to aspire to and not just an easy plan for a comfortable life.

WHAT THIS MIGHT LOOK LIKE IN PRACTICE

Having provided this theoretical picture of a more inclusive virtue ethics it is reasonable to wonder what this might look like in practice. After all, it is all well and good to say that one has developed a list of accessible virtues for agents of all skill levels. It is quite another to try and imagine what this will look like when put into practice. Indeed, virtue ethics is such that it is often easier to discuss the necessary virtues than it is to discover how to put them to work in our lives.

One thing is for certain if this approach is to work there would need to be great care taken in the way we care for impaired persons to ensure that although they need assistance in many parts of their lives there is still a place for them to make their own decision about how they want to live and what sort of person they want to be. Here there would need to be a balance between the paternalism that is needed to a certain extent to care for a person who has limited use of reason and a margin for choice and even error on the part of the impaired agent.

A good example of how this might play out is the assisted decision making outlined by DeVidi that I have mentioned in several places above. In such cases a group of average agents work with an impaired person (in the case DeVidi describes this is usually a person with Autism) to support this person in making choices about how they want to live and act in the world. By knowing the person with the impairment well and by working closely with them the average agents can assist this person in making the decision they really want to make.

However, if this process is to work with respect to virtue ethics we must be sensitive to something DeVidi alludes to in his work. If this is really to be assisted decision making and not just paternalistic care providing we must be sure that the desires of the assistants for the person with the impairment do not get in the way of the individual making real choices and even

mistakes. By allowing for real decisions and choices about what is the right thing to do on the part of a person with an impairment we give them what might be their only chance at having enough control of their own lives to attain virtue.

For example, let's say we have a case of a woman who has Down's Syndrome. Her understanding of the world is limited by her lower than average IQ and also some problems with her cause and effect reasoning. This woman and those who support her are faced with a choice. Should she save her last pay check for later expense when she knows she will be laid off from her job or should she use it to go on a casino trip with her friends. Perhaps the worst thing that could happen here is for this woman's assistants to make this choice for her. Although they will know full well that the casino trip is not the best option if they enforce temperance on this woman she misses out on the chance to make a real choice and to form her own character.

The best thing that could happen here is for the assistants to help this woman weight out the options in this case and to support her in making a decision that really comes from her. For this to be possible it is critical that she be allowed to choose the casino trip if that is really what she thinks is the best option. While the assistants will most certainly coach this woman about what is likely to happen if she chooses not to save the money they must also be willing to step back when she makes the final choice so that she is actually making the choice to be temperate on her own if she does in fact save the money.

It is this allowance for as much control and choice in the lives of the impaired that will be critical for them to be able to attain any sort of virtue. While there will still be a large role for average agents to coach and educate agents with lesser powers of reason it will be critical that this coaching is really assistance and not just the removal of the choices that shape this person's

life. Wherever possible every person, weather impaired or not, should be allowed to make as may self-directed actions as possible without the threat of paternalistic predefined actions so as to be able to shape their own character and the nature of their lives.

It could very well be asked whether this assisted choice making and coaching as to the moral status of a given option allows for true virtue at all. After all, it would seem like if the person needs so much assistance to choose an action even if they did choose the action that is in line with virtue they will lack the internal states needed for true virtue. Indeed, it would seem like the internal states and real reflection would belong to the assistants and not to the person themselves.

Yet, this is where the subtle differences I have mentioned above come in. It will be critical for the people who assist impaired agents to shape their lives to know this agent well enough to be able to step back at the proper moment so that although the deliberation was assisted the final choice is that of the agent's. Given that this process will still involve a large amount of assistance from those around an agent this will likely not be the best or most perfect case of the exercise of virtue. However, as I have mentioned above given that this is an aspirational project this process will give such agents a better chance at virtue than would have otherwise been the case and will then give them a better chance at the good life more generally.

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