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THOUGHTS

Principles, rules, and the deflation of the good in bioethics



Principes, règles et amoindrissement du bien en bioéthique

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Summary Prior to the Nuremberg Code, German Law had prohibited research on subjects without their consent. Yet, German Law could not restrain the Nazi research machine. Likewise, the United States Public Health Service continued research on poor black men in the southern US for 25 years after the promulgation of the Nuremberg Code. Once the Tuskegee Experiments were exposed, it prompted philosophers to articulate the more general and philosophically robust norms and principles that should ground and guide all future research and practice. Yet, this move to more general principles results in the deflation of metaphysical concepts traditionally thought necessary for ethics, namely the concept of the good and the concept of persons. Put differently, modern principles of biomedical ethics that seek to avoid pluralism and relativism grounds its ideas in the philosophy of right action at the expense of the philosophy of good. This essay argues that, because medicine is aimed at health, and the goods possible for persons in health, any ethics of medicine must be grounded in a philosophy of the goods for persons and goods of persons.

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MOTS CLÉS

Codes éthiques ;
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personne

Résumé Avant le Code Nuremberg, la loi allemande interdisait la recherche sur les personnes sans leur consentement. Pourtant, cette loi allemande n'a pas pu freiner la machine de recherche nazie. De la même façon, le service de santé public américain a continué à faire des recherches sur de pauvres hommes noirs dans les états du sud pendant 25 ans après la

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Imagination morale ;
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promulgation du Code de Nuremberg. Lorsque les expériences de Tuskegee ont été rendues publiques, cela a poussé les philosophes à édifier des principes et des normes plus robustes pour encadrer et guider les futures recherches et pratiques. Pourtant ce mouvement vers des principes plus généraux a contribué à réduire les concepts métaphysiques traditionnellement nécessaires pour la réflexion éthique, le concept du bien et le concept de personne. En d'autres termes, les principes modernes de la bioéthique médicale qui cherchent à éviter le pluralisme et le relativisme trouvent leurs justifications dans la philosophie du juste au détriment de la philosophie du bien. Cet essai explique que comme la médecine vise la santé et ce qui est bon pour la personne en termes de santé, l'éthique médicale doit se fonder sur une philosophie de ce qui est bénéfique pour les personnes et des biens pour les personnes.

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I have always found it odd to think that, if the Nazi's had gotten permission or informed consent for their research, then the research would have been acceptable. That is the sense that one gets from reading the Nuremberg Code, that if the code had just been in place, the Nazi's would not have done their evil research [1]. Yet, oddly enough, German law in 1931 prohibited research without informed consent, and even before the German legislation, the Prussian Minister of Culture had given an executive order forbidding research without consent as early as 1900 in response to the Case Neisser, as it is called [2,3]. Yet, the legal procedures of consent that were in place and were never rescinded in Germany could not prevent the evils of Nazi science.

Moreover, the Nuremberg Code, which was articulated in 1947 by the American judges presiding at the Nazi doctors trial, did nothing to interrupt the Tuskegee Experiments conducted by the Public Health Service of the United States. In fact, these clinical studies of untreated syphilis, which began in 1932, continued well beyond 1947 until 1972. Thus, procedures and policies aimed at consent seem insufficient to halt questionable research.

When the Tuskegee Experiments were finally exposed in 1972, a special commission was created in the United States, the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research [4]. The work of the Commission was established by members of Congress to try to find more effective ways of preventing the atrocious research like the Tuskegee Experiments. The Commission's report — the Belmont Report — articulated, under the guidance of Tom L. Beauchamp, more general philosophical principles that it hoped would give a fuller philosophical grounding for the bureaucratic procedures and rules that would govern medical research. Thereby, the Commission hoped to give more heft to procedures and policies that would protect research subjects and patients alike [4]. Undergirding the Belmont Report were three principles — respect for persons, beneficence, justice — that the authors thought sufficient to give philosophical ground upon which more robust future procedures and rules would be built. I will contend in this essay, that even these more

general procedures fail because they are aimed at the wrong dimension of moral action.

As noted, philosopher Tom L. Beauchamp was a special consultant to the Commission, and shortly after the publication of the Belmont Report, he would publish a coauthored book with James F. Childress called *Principles of Biomedical Ethics*, which is now in its 7th Edition [5]. This book claims to articulate principles that would give philosophical grounding to norms that are supposedly universally valid and could thereby govern both the medical research enterprise and the clinical practice of medicine. Beauchamp and Childress would articulate four principles — respect for autonomy, non-maleficence, beneficence, justice — which roughly corresponded to the three principles of the Belmont Report. In this essay, I shall argue that the bureaucratic procedures such as informed consent, grounded in Beauchamp and Childress's philosophical principlism, for the same reason that the German law and the Nuremberg codes fail: the principles do not plumb the heart and soul of ethics, which is not about right and wrong, but about good and evil.

In this brief essay, I will first describe the moral imaginary of the late modern West, within which Beauchamp and Childress's principles cohere. I will then show that Beauchamp and Childress are pluralists in terms of theoretical ethics, while they still claim to be moral universalists noting that their principles emerge from a common morality applicable in all times and places. Third, I will show that Beauchamp and Childress appeal to a moral philosophy of right, rather than by appeal to a philosophy of the good. They never articulate a theory of value out of which their theory of moral norms and principles emerge. Thus, I will claim that Beauchamp and Childress suffer the same problem as the German law of 1900 and 1931, and the Nuremberg Code of 1947. They fail to articulate the metaphysics of the good and the metaphysics of persons. For the principles to do the work that Beauchamp and Childress think they do, they must once again turn to metaphysics and get down to the nitty gritty philosophical work grounded in notions of the good for and of persons.

Liberalism's moral imaginary

Before directly engaging Beauchamp and Childress, I would like to make a few preliminary remarks about liberalism as a political philosophy, which helps to shape the modern social and moral imaginary. I use the term social imaginary in a similar way as Charles Taylor [6], though he was not the first to use it. John Thompson first defined the term to mean the "creative and symbolic dimension of the social world, the dimension through which human beings create their ways of living together and their ways of representing their collective life" [7, p. 6]. Taylor further develops and transforms the idea to mean "the ways people 'imagine' their social existence, how they fit together with others, how things go on between them and their fellows, the expectations that are normally met, and the deeper normative notions and images that underlie these expectations" [6, p. 23]. Imaginaries are shared and almost sit in the background and make possible common practices [6, p. 23]. Standing behind these imaginaries is some sense of both a metaphysical and moral order, which I will refer to as the moral imaginary [6, p. 24–5]. Neither social imaginaries, nor moral imaginaries are theories; though they can both inform theories and be informed by them. The contemporary social and moral imaginaries inform the shared assumptions that make it possible for moral ideas to cohere.

Liberalism informs the contemporary social and moral imaginaries, creating the conditions in which bioethics generally, and Beauchamp and Childress particularly gain purchase as they have in the United States and Great Britain. The moral imaginary of bioethics mirrors the moral imaginary of late modern Western liberalism. The late modern West is historically dependent upon the liberal idea that human beings should be free to pursue various understandings of the good life. Beginning with John Locke and becoming most fully developed in David Hume, we see a metaphysical skepticism taking hold in the West, such that questions about the fundamental nature of things — including morality — seem to lose their grip on the imagination as foundational for human knowledge [8–11]. Neither empiricism, nor rationalism have access to metaphysical moral notions such as the self or the good, as such.

Thus, liberalism has for the most part set metaphysics aside generally, but particularly so with regard to the metaphysics of morals. Liberalism is less concerned with notions of the good, and more concerned with the philosophy of right action. Plato's dream of the good as the form of the forms [12], or Aristotle's good of an embodied life of contemplation [13], or Thomas Aquinas's summum bonum of life in communion with God [14, part I, question 6, article 2], became an impossibility of thought for early modern thinkers. Thus, for those like Locke and Hume on the empirical side, or Descartes or Kant on the rationalist side, humans have no access to the good as such, if such a thing as a metaphysical good exists at all. We can know the right — the correct — thing to do, but we cannot know the good thing to do.

So, how do we know the right thing to do? Well, if you are David Hume, Jeremy Bentham, or John Stuart Mill, you appeal to the ground of empirical experience, namely the sense experience of pleasure and pain, and you build your ethics on moral theories grounded in sense impression

[11,15,16]. We call pleasurable things good; we call painful things bad. We only have sense experience of pleasure, not an experience of the good; we only have sense experience of pain, not an experience of evil. Out of this sense experience, the idea is that we can figure out the right thing to do by appeal to how much pleasure it causes in the world. Just as empiricism would ground what we today call scientific knowledge, it would also ground moral knowledge. The right thing to do is what is dictated by the moral calculus aimed at utility, and originating in sense impression of pleasure and pain.

If you are Kant, on the other side of the moral divide from Hume, you appeal to what reason can know untainted by sense experience; after all, if you do something because it is pleasurable that does not make it right; rather, the Kantian appeal is to a kind rationalistic exercise to find the transcendental condition for the possibility of any moral intuition and action, namely the free agent, acting in accord with the categorical imperative in its three formulations [17]. These moral theories — utilitarianism on the one hand and deontology on the other — ground the right thing to do, though they can say very little about the good thing to do, due to the antimetaphysical stripe of both Hume (and the Humeans) and Kant (and the Kantians).

Political liberalism is the compromise that is born of the early modern West's metaphysical skepticism in general, and metaphysical moral skepticism of the good in particular. The idea is that the individual should be free to decide what the good is based on his or her understanding of the good life. The state becomes the major player in society, but it is supposed to remain agnostic with regard to the good, and only creates the right conditions that will enable individuals to pursue the good life, as it is understood by that particular individual. Supposedly the law in Western, Educated, Industrial, Rich, Democracies — that is to say, WEIRD societies — takes no sides in relation to the good [18]. Rather, its role is to ensure that decisions are made according to the *right* procedures. Principles and rules tell us how we should act; but they cannot tell us toward what we should act.

That does not mean that there is no metaphysics at work in the late modern West. We still see remnants of metaphysics in the language of human dignity used in the European continent, but for the most part that metaphysical language ends up being couched in the philosophy of right, rather than in the philosophy of the good, namely in the language of human rights. Create the proper procedures — as was seen recently in the English case of Charlie Gard — and if the procedures say you have no rights, then you have no protection under the law [19,20]. The metaphysical claim made by his parents that life itself is the good can be set aside because we have no rational access to the good; we only have access to the way that reason can size up the procedures, which can tell us only about right and wrong, not good and evil. The good, if it can be called that at all, is whatever the state says is right, as Hegel noted in 1820 [21]. Thus, there are metaphysical claims lurking in the various moral theories that animate even bioethics, as I will show.

The moral imaginary of bioethics is the moral imaginary of the late modern West; and the moral imaginary of the late modern West is the moral imaginary of the early modern West. In the United States, in Britain, and in much of Europe, this late modern moral imaginary takes the form

of bureaucratic proceduralism, a drive for codes of ethics, and rules of engagement. Beauchamp and Childress to their credit realize that he proceduralism of bioethics needed a fuller philosophical grounding, which they hope to articulate. However, it will be my contention that they fail, and thus cannot prevent the kind evil we saw in the Nazi Experiments and the Tuskegee Experiments.

Beauchamp and Childress: theoretical pluralists, but not moral pluralists

While Beauchamp and Childress are not moral pluralists, they are theoretical pluralists. As noted, *PBE* has been criticized on many fronts, requiring many revised editions. The theoretical pluralism, as David DeGrazia notes, has been present from the very first edition.

For one author of this volume rule, utilitarianism is preferable to any deontological theory presently available, while for the other, rule deontology is more acceptable than utilitarianism. We come to these different conclusions after testing the various theories for their consistency and coherence, their simplicity, their completeness and comprehensiveness, and their capacity to take account of and to account for our moral experience, including our ordinary judgments. Still, for each of us, the theory that we find more satisfactory is only slightly preferable, and no theory is fully satisfactory on all the tests. Whether one takes the utilitarian or deontological standpoint no doubt makes a great deal of difference at many points in the moral life and in moral reflection and justification. Nevertheless, the difference can easily be overemphasized [22, p. 220].

Two important points come to light here:

- the first point DeGrazia explicitly makes. “One author, Beauchamp, held that rule-utilitarianism was preferable to any form of deontology; the other author, Childress, held that rule-deontology was preferable to any form of utilitarianism.” [22, p. 220]. I shall return to this first point later;
- no theory seems to be sufficient to all aspects of the moral life according to various tests that Beauchamp and Childress have applied. The evidence of the moral life is insufficient to determine what theory we ought to hold about the moral life. Put differently moral objects do not go into their moral theories without leaving a remainder, to paraphrase Adorno [23, p. 5].

These tests of moral theory are consistent with the way that we normally think of in scientific theoretical adequacy. Beauchamp and Childress test each moral theory, particularly utilitarian theories and deontological theories, for “their consistency and coherence, their simplicity, their completeness and comprehensiveness, and their capacity to take account of and to account for our moral experience, including our ordinary judgments.” [24, p. 40]. There are both rational elements and empirical elements in testing each theory. In the most recent (7th) edition, Beauchamp and Childress are more concise: “If the two authors of this book were forced to rank the types of theory examined in this chapter, we would differ. Nevertheless, for both of us,

the most satisfactory type of theory — if we could find one to be most satisfactory — would be only slightly preferable, and no theory would fully satisfy all of the criteria for assessing theories presented” in *PBE* [5, p. 383]. In both the first edition and the last edition, they point out that Richard Brandt’s utilitarian theory usually arrives at the same principles and rules as W.D. Ross’s non-utilitarian intuitionist deontological theory [24, p. 40–43; 5, 25].

They state:

In fact, we find that many forms of rule utilitarianism and rule deontology lead to identical rules and actions. It is possible from both utilitarian and deontological standpoints to defend the same rules (such as truth-telling and confidentiality) and to assign them roughly the same weight. These standpoints draw even closer if utilitarians take a broad view of the values that support the rules and consider a wide range of direct and indirect, immediate and remote consequences of classes of acts, while deontologists admit that moral principles and rules such as beneficence and nonmaleficence require us to maximize good and minimize evil outcomes [24, p. 40].

Beauchamp and Childress agree that rule utilitarianism and rule deontology result in the most general of rules, namely the four principles, relevant to bioethics specifically, and contemporary life more generally. Their point is that, regardless of the theoretical origin of the principles, if one uses both rational and empirical tests, as well as ordinary pragmatic tests of judgment, one can settle on mid-level principles, neither dependent on theory, nor limited by practicalities.

Further securing their case, they take the fact that various moral theories seem to converge on these prima facie obligations as a part of confirmation that they are correct. They turn to Ross and his use of the notion of prima facie obligations derived from his moral intuitionism [25]. They go no further than to assert these prima facie obligations, nor to defend them as prima facie. Neither do they show how these norms are related to any theory of value, a point to which I shall turn in the next section. Moreover, Beauchamp and Childress are not clear as to how the common morality relates to the prima facie obligations. The principles, these moral norms, “derive from the common morality” [5, p. 13]. Thus, it seems that the prima facie obligations originate in the common morality, but at the same time it seems that the common morality begins in something like Ross’s ethical intuitionism and the prima facie obligations.

Despite the seemingly circular nature of the position held by Beauchamp and Childress — namely that the prima facie obligations derive from the common morality and that the common morality derives from the prima facie principles — there is work for the actors in any situation to do. Actual obligations are related to the prima facie obligations, but actual obligations are duties that emerge from the situational factors in order for the agent to move from prima facie duties to actual duties [24, p. 45; 5, p. 14]. Put differently, these prima facie principles act as boundary conditions for the possibility of the common morality, an argument that I will develop shortly, after I have summarized their position.

We can say that for Beauchamp and Childress what is clear is that principles are essential not the covering

theories articulated by deontologists, utilitarians, care ethicists, or virtue ethicists. These general principles are not common because they emerge from theories of ethics. The principles seem to be the common morality itself, *prima facie* because they seem to be intuitively obvious. Rules then are intermediary between the moral general principles and the facts on the ground.

It is through rules that Beauchamp and Childress avoid the problems of relativism on the one hand, and the problems of moral absolutism on the other. One avoids the relativism of “situation ethics,” popular in the 1960s and 1970s. Situation ethics elevates a single principle over all others, such as the principle of love, or the principle of utility. Moreover, they avoid the positions of action theorists such as act utilitarians and act deontologists, who see rules as general rules of thumb with which one can dispense too easily. Thus, with strong *prima facie* principles, they can avoid pluralism and relativism. They avoid moral absolutism by giving space for specification within any one principle and weighing and balancing between all principles. Thus, Beauchamp and Childress are theoretical pluralists, while avoiding moral pluralism and moral absolutism. The principles allow them to avoid relativism; specifying, and weighing and balancing permit them to avoid absolutism. Yet, what seems also to be true is that they have no way of articulating the relationship of a theory or metaphysics of the good to the norms which seem to be intuitively obvious.

In the next section, I shall argue that the reason for this seeming disconnect between the good and the right is that their commitments to their respective theories — Beauchamp’s to rule utilitarianism, and Childress’s to rule deontology — do not permit them to make strong metaphysical moral claims about the good, rendering the *prima facie* principles to act as transcendental conditions for the possibility of moral action, opening them to the same critique that they make of the failure of the rules when it comes to both the law — as in the German law of 1931 — and codes of ethics — like the Nuremberg Code.

The transcendental field

There is an important clue for my thesis that the principles act as transcendental conditions for the possibility of a common morality and that clue is found in the origin of each thinker’s thought. Beauchamp is a committed utilitarian — even while he is a rule utilitarian — and wrote his dissertation on David Hume, having also edited an edition of Hume’s *An Enquiry concerning Human Understanding* (1999). Childress is a rule deontologist, which links him to the Kantian tradition of transcendental moral philosophy, even if he rejects Kant’s deontological theory of ethics. We know of the effect that Hume had on Kant, fundamentally transforming Kant’s scholarship, and ultimately the entire way of thinking of the West [26]. In fact, reading Hume troubled Kant because after Hume’s work, one could no longer speak of knowledge generally or moral knowledge specifically. Thus, the *Critique of Pure Reason* sets out to defend knowledge as a possibility philosophically speaking, and the *Critique of Practical Reason* and *The Metaphysics of Morals* [27–29] are attempts to defend moral knowledge and action.

But Kant and Hume have closed themselves off to thinking about the metaphysics of the good or metaphysics of

persons. We cannot know the *noumena* of the good or of persons. With Kant, we are left with the transcendental conditions immanent to being, setting out the field of morally sensible action. However, where Kant and Ross at least had theories about the relationship of value/goods to obligations and rights, Beauchamp and Childress do not. The problem is not that they eschew theories of the good, but that they avoid speaking of metaphysics, goods, and persons altogether. Thus, as with Kant and Hume on metaphysical knowledge so with Beauchamp and Childress: metaphysical knowledge of any kind is foreclosed-on. As with Kant, however, they want to be able to secure ethics in a common morality, but go about it in a slightly different way than does Kant, taking the route preferred by Ross.

I will point to two places where they avoid metaphysics of the good and metaphysics of personhood, preferring instead to speak of the principles of beneficence and nonmaleficence, and to the principles of respect for autonomy and justice. Beauchamp and Childress appeal to beneficence by which they mean “beneficent action in the broad sense, so that it includes all forms of action intended to benefit other persons” [5, p. 203]. There is no reference to any attempt to define what is good for persons, let alone to define the goods of persons. There is no reference to health, flourishing, or well-being in any material or psychological sense, which one would assume important for a bioethics. There are not even theoretical speculations on the nature of health, flourishing, or well-being of persons. When discussing beneficence, they turn almost immediately to obligations of beneficence and enumerate these obligations. In fact, Beauchamp and Childress do a better job — though still inadequate, only about a page long — elaborating on the concept of harm in the principle of nonmaleficence, than they do on the concept of beneficence. “A harm is a thwarting, defeating, or setting back of some party’s interests, but a harmful action is not always a wrong or unjustified” [5, p. 153]. They go on to say that harm can be further defined broadly or narrowly; yet they do not tell whether the broad or narrow definition of harm is preferable [5, p. 154]. After not settling their definition of harm they move immediately to the rules specifying the principle of nonmaleficence [5, p. 153–4]. Whatever beneficence is, there seems to be an intuitive obligation to bring it about in beneficent actions; and whatever nonmaleficence is, thwarting, defeating, or setting back someone’s interests should be avoided.

Just as Beauchamp and Childress avoid speaking of the metaphysics of goods or evils, they also avoid defining persons, even while constantly speaking of persons. The Kantian principle is usually articulated as respect for persons, as it is in the Belmont Report. However, Beauchamp and Childress refuse to define persons, stating that “the concept of ‘personhood’ is so inherently contestable that we avoid it in this book insofar as possible,” which is why they do not use the language of respect for persons for the principle of autonomy [5, p. 68]. By autonomy, they mean “self-rule that is free from both controlling interference by others and limitations that prevent meaningful choice. . . . The autonomous individual acts freely in accordance with a self-chosen plan, analogous to the way an independent government manages its territories and sets its policies” [5, p. 101]. It seems odd that Beauchamp and Childress would prefer to define autonomy in relation to governments rather than to define

persons. I suspect they define autonomy in relation to the state precisely because they are steeped in the modern social imaginary, which places rules in the procedures of the state. They will go on to write of theories of autonomy, all the while using the notion of a person to explicate their theories, but give no definition of persons. Likewise, with the principle of justice, they seem to need to refer to persons when defining it. “The terms *fairness*, *desert* (what is deserved), and *entitlement* have all been used by philosophers as a basis on which to explicate the term *justice*. These accounts interpret justice as fair, equitable, and appropriate treatment in light of what is due or owed to persons” [5, p. 250]. So, the principles of respect for autonomy and justice require notions of persons, but Beauchamp and Childress avoid definitions of these metaphysical concepts of person.

Thus, metaphysical concepts of persons and goods seem to dance in the background of the definitions of the principles of respect for autonomy and justice and the principles of beneficence and nonmaleficence, respectively. They operate not as metaphysical or ontological concepts, but instead seem to enable transcendental conditions for moral sensibility and action. Beauchamp and Childress then give us the transcendental field bounded by two principles that stand in for the notion of person — respect for autonomy and justice. Within these boundary conditions — these boundary principles of respect for autonomy and justice — we can then use the two utilitarian principles of beneficence and nonmaleficence to adjudicate right action. Thus, the principles of biomedical ethics are at the same disadvantage as the rules, codes, and policies that they hope to inform, as well as the bad research that they hope to regulate. However, since Beauchamp and Childress are unwilling to deal with the metaphysics of the good and the metaphysics of personhood it is doubtful that the principles will be insufficient to do the work that they hope they can do.

The right and the good

As noted above, the Prussian Directive of 1900 and the German Law of 1931, both of which required the consent of research subjects, failed to protect human subjects from the research of Nazi doctors. As an attempt to remedy this failure, another code of ethics, the Nuremberg Code, was articulated. Yet, it too failed to halt the Tuskegee Syphilis experiments. The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was constituted to give a fuller more robust set of principles that might inform the codes, rules, and policies that would govern all research. However, just as the rules did not prevent evil, it is doubtful that the four principles of Beauchamp and Childress will either prevent evil or enable goods, because they fail to deal philosophically with goods and persons: the goods for persons, and the goods of persons.

Alasdair MacIntyre [30], in his landmark book *After Virtue*, makes it clear that since we have failed in modernity to deal philosophically with goods of persons, modern ethics, whether the utilitarianism of Hume, Bentham, and Mill, or the deontology of Kant and Ross, has become emotivist, giving us the illusion that we are giving reasons for moral action when in reality we are just saying that ethics

is primarily about preferences; and the rules and principles simply guard those preferences. Rules and principles may stave off evil actions for a time, but because the rules and principles seem to have ill-defined relationships to goods and persons, they are insufficient.

MacIntyre also notes the importance of a robust — non-utilitarian — telos of a human life. This telos assumes some sort of belief about the current state of affairs for any particular human life. Let’s call this state of affairs, human-life-as-it-is. And all lives are aimed at some conception of human-life-as-it-ought-to-be [30, p. 53 & 204–25]. MacIntyre notes that in the tradition of the virtues, rules and principles emerge as general rules of thumb to move a life from the way that it is to the way that it ought to be. Thus, the principles and rules are practical guides aimed at some purpose or good for or of humans. Principles are instrumental but related to goods.

For Beauchamp and Childress this is not the case. They do not deal with concepts of persons or concepts of the good, or concepts of the goods for person or good of persons. Yet it seems obvious that for the enterprise of medicine, its ethics must be tied to notions of the human good. Medicine has a sense of human-life-as-it-is, prone to bodily failure, beset by disease, open to infection and trauma. Medicine has to have a sense of human-life-as-it-ought-to-be, such as health, flourishing, and well-being. But even these goods are placed into a context of the meaning and purpose of life, for while health, flourishing, and well-being are goods in themselves, they are also instrumental to other human purposes.

Thus, the principles and rules related to medicine and bioethics have to be in relation to the goods toward which they are aiming, with a clear view of the way things are. That the goods are difficult to speak of only means that the work of philosophy must turn from thinking of norms, to thinking of norms as grounded in the good of persons in the most robust sense. While I fully understand that discussions of the metaphysical moral order are enormously difficult to conduct, it seems that medicine cannot avoid the question the good of health, flourishing, and well-being, and their relations to the goods of particular persons. These concepts are related intimately to the concepts of the goods for persons, and even the goods of persons. Thus, it is only here in speaking of goods and persons that we can truly get to the heart of medicine and medical research, and bioethics. And it is only in the discussions of the goods of health, flourishing, and well-being that we will ever really be able to prevent the atrocities of evil research.

Conclusions

While the shared social and moral imaginary of the late modern West appealed to a philosophy of right action governed by principles, rules, and norms, we have throughout the 20th Century and even into the 21st Century seen its failings. The problem with the research done by Nazis and the US Public Health Service Tuskegee Experiments was not that they did not get the consent of their subjects. It was a failure of understanding the metaphysics of persons. The problem was a problem of metaphysics. To the Nazi mind, Jewish life was *Lebensunwertes Leben* — life unworthy of life. To the Nazi

mind, Jews were not thought to be human persons. For the CDC scientists, the poor black men enrolled in the Tuskegee experiments were not thought to be a form of life worthy of autonomous decisions. The problem was not lack of respect for autonomy, but a lack of respect for the personhood of black men in racist America.

The problem was not a problem of the right rules. Rules were in place. The problem was not that the researchers had not derived the right norm or obligation intuitively following Ross, nor categorically following Kant. The problem was not that they had not weighed the obligation of beneficence to the obligation of nonmaleficence. The problem was not a problem of rule deontology and rule utilitarianism. Rather, the problem was a problem of metaphysics, of ontology, of teleology in the most robust sense. It was a failure to think of goods and evils, a failure to think of persons. It was a failure to think of the goods for persons, a failure to think of the goods of persons, and of personhood itself. Until the philosophical and even theological questions of the metaphysics of health, flourishing, and well-being become topics of conversation in medicine and healthcare, until the questions of the metaphysics of the good and the metaphysics of personhood become topics of conversation in bioethics, rules will be a thin barrier for evil. It is here that we find the real locus of failure of medicine, medical science, and bioethics. Lack of attention to the good creates the conditions for the possibility of evil.

Disclosure of interest

The author declares that he has no competing interest.

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