Document generated on 03/29/2024 2:49 a.m.

Canadian Journal of Bioethics
Revue canadienne de bioéthique

Frameworks and Practices in Bioethics

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Volume 6, Number 1, 2023

URI: https://id.erudit.org/iderudit/1098562ar
DOI: https://doi.org/10.7202/1098562ar

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Publisher(s)

Programmes de bioéthique, École de santé publique de l'Université de Montréal

ISSN

2561-4665 (digital)

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Cite this document

Dwyer, J. (2023). Frameworks and Practices in Bioethics. *Canadian Journal of Bioethics / Revue canadienne de bioéthique*, *6*(1), 84–94. https://doi.org/10.7202/1098562ar

Article abstract

I begin this essay with an autobiographical introduction to explain why I studied philosophy and how I came to work in bioethics. I then consider three ethical frameworks and practices that I adopted in my work in bioethics. I begin with the framework that John Rawls makes explicit, where the purpose of ethical theory is to set out aims and objectives to guide our responses to the world. Since this approach did not provide the guidance that I was looking for, I took up writing haiku as an ethical practice. I present here many examples of haiku that I wrote to pay attention to situations in life and bioethics. The hope was that paying attention would lead me to respond in better ways. Since this practice helped me more with attending than responding, I turned to a third framework. Here I explore John Dewey's ethical framework. After characterizing this framework, I consider features that an associated practice needs to have. In a brief conclusion, I note some affinities between the second and third ethical approaches, and note that the last ethical framework adopted may just be the latest stage in trying out frameworks and practices.

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Canadian Journal of Bioethics
Revue Canadienne de Bioéthique

J. Dwyer. *Can J Bioeth / Rev Can Bioeth.* 2023;6(1):84-94

ART, CULTURE ET OEUVRE DE CRÉATION / ART, CULTURE & CREATIVE WORKS

Frameworks and Practices in Bioethics

James Dwyer[a]

Résumé
Je commence cet essai par une introduction autobiographique pour expliquer pourquoi j'ai étudié la philosophie et comment j'en suis venue à travailler en bioéthique. Je considère ensuite trois cadres et pratiques éthiques que j'ai adoptés dans mon travail en bioéthique. Je commence par le cadre explicité par John Rawls, où le but de la théorie éthique est de définir des buts et des objectifs pour guider nos réponses au monde. Comme cette approche ne fournissait pas l'orientation que je recherchais, j'ai adopté l'écriture de haïkus comme pratique éthique. Je présente ici de nombreux exemples de haïkus que j'ai écrits pour prêter attention à des situations de la vie et de la bioéthique. L'espoir était que le fait de prêter attention m'amènerait à réagir de meilleures façons. Comme cette pratique m'a davantage aidée à faire attention qu'à répondre, je me suis tournée vers un troisième cadre. Ici, j'explore le cadre éthique de John Dewey. Après avoir caractérisé ce cadre, je considère les caractéristiques qu'une pratique associée doit avoir. Dans une brève conclusion, je relève certaines affinités entre la deuxième et la troisième approche éthique, et je note que le dernier cadre éthique adopté n'est peut-être que la dernière étape de l'essai de cadres et de pratiques.

Mots-clés
philosophie, bioéthique, cadres éthiques, pratiques éthiques, Rawls, haïku, Dewey

Abstract
I begin this essay with an autobiographical introduction to explain why I studied philosophy and how I came to work in bioethics. I then consider three ethical frameworks and practices that I adopted in my work in bioethics. I begin with the framework that John Rawls makes explicit, where the purpose of ethical theory is to set out aims and objectives to guide our responses to the world. Since this approach did not provide the guidance that I was looking for, I took up writing haiku as an ethical practice. I present here many examples of haiku that I wrote to pay attention to situations in life and bioethics. The hope was that paying attention would lead me to respond in better ways. Since this practice helped me more with attending than responding, I turned to a third framework. Here I explore John Dewey's ethical framework. After characterizing this framework, I consider features that an associated practice needs to have. In a brief conclusion, I note some affinities between the second and third ethical approaches, and note that the last ethical framework adopted may just be the latest stage in trying out frameworks and practices.

Keywords
philosophy, bioethics, ethical frameworks, ethical practices, Rawls, haiku, Dewey

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INTRODUCTION

When I was in high school, I was interested in things that interest boys of that age: sports, girls, and school life. But I was also interested in religion and mathematics. I often read about religion and talked to people about religious issues, and my favorite subject in school was mathematics. I did well in math classes and often found creative ways to solve math problems. To my surprise, I won the mathematics award at graduation. Given my interest in religion and my mathematical mind, it was natural that I ended up studying philosophy in college.

While studying philosophy, I came to understand what interested me about religion. It wasn't ultimate questions about the existence of God, the problem of evil, or the possibility of an afterlife. I was more interested in practical questions about how we should live in this world and how we should organize society. So, I focused my studies on ethics and political philosophy.

Although I never found in philosophy the definitive answers that I was seeking, I was not disappointed with philosophy. However, I was a bit disappointed with the philosophers that I met. I was surprised to find that they were not better people. It's not that these philosophers were bad people; it's just that they were not really any better (or worse) than the biologists and sociologists that I met. I guess I associated philosophy with a quest to live in a better way. That association may seem naïve and quaint, but others have made similar associations. In the first chapter of *Walden*, Henry David Thoreau (1817-1862) writes:

> There are nowadays professors of philosophy, but not philosophers. Yet it is admirable to profess because it was once admirable to live. To be a philosopher is not merely to have subtle thoughts, nor even to found a school, but so to love wisdom as to live according to its dictates, a life of simplicity, independence, magnanimity, and trust. It is to solve some of the problems of life, not only theoretically, but practically. (1, p.12)

In this short passage, Thoreau contrasts professing and living, returns to the etymological origin of philosophy, and singles out four virtues: simplicity, independence, magnanimity, and trust. He also emphasizes the need to address problems of life in a practical way.

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ISSN 2561-4665

With stops, starts, and ambivalence, I continued with my academic studies in philosophy. I loved philosophy, but I realized in graduate school that academic philosophers spend most of their time talking to, arguing with, and writing about other academic philosophers. That was not what attracted me to philosophy. I wanted to try to be a better person, and I wanted to engage with people who were doing practical work to improve lives and change the world.

Around the time I was in graduate school, biomedical ethics was beginning to develop as an academic field. I read articles in this emerging field, talked to relevant people, and taught a class. The first class that I taught was for nurses who were going back to school to get a bachelor's degree. These nurses had a wealth of clinical experience but very few conceptual tools to deal with ethical issues. I had a lot of conceptual tools but no clinical experience. It was a good match. We learned a lot from each other.

I was hooked. That's what I wanted to do: to work and teach in the field of bioethics. And that's what I've done. For many years, I have worked as a philosopher at medical schools – at New York University, the University of Pittsburgh, and Upstate Medical University. I have taught medical students, residents, attending physicians, and other health care professionals. I have served on ethics committees and ethics consultation services at hospitals. I have developed courses, designed curricula, and helped to shape a master's program. And I've trained others – in the United States, China, Taiwan, and Pakistan – to work and teach in the field of bioethics. But I still think about my initial question: Why aren't philosophers better people?

Slowly, I came to realize that background understandings are more important in ethical life than professed beliefs and stated arguments. I came to realize the importance of social habits – habits that are shared, public, and practical. But I am getting ahead of the story. In this essay, I want to consider three different ethical frameworks and associated practices, but in a short essay I can't describe six things in detail. So, I'll try to be brief. In sections 1 and 3, I describe frameworks that I adopted and then briefly consider associated practices, while in section 2, I describe the practice that I adopted and then briefly consider an associated framework. The frameworks are paradigms, approaches, or pictures (in Wittgenstein's sense). In bioethics, these frameworks are often implicit in the contexts, the topics, the language, and the arguments. The practices are ways of living.

1. RAWLS'S ETHICAL FRAMEWORK

To begin, consider one view of ethics. John Rawls (1921-2002) spent most of his life developing a theory of justice for a society (2,3), but toward the end of his life, he wrote an account of international justice (4). In the introduction to this work, he makes explicit his motivation:

> Two main ideas motivate the Law of Peoples. One is that the great evils of human history – unjust war and oppression, religious persecution and the denial of liberty of conscience, starvation and poverty, not to mention genocide and mass murder – follow from political injustice ... The other main idea, obviously connected with the first, is that, once the gravest forms of political injustice are eliminated by following just (or at least decent) social policies and establishing just (or at least decent) basic institutions, these great evils will eventually disappear. (p.6-7)

To the list of evils that destroy lives and impact life-prospects, we now need to add anthropogenic climate change. It too involves political injustice: people who have contributed little to the problem – future generations, low-income countries, indigenous peoples, and racial groups – are at higher risk than people who contributed much more (5).

With the motivation he mentions, Rawls tries to specify a conception of justice that will address the great evils that he lists. My purpose here is not to defend or criticize his conception, but to note the framework and practice that he tends to assume. Both when Rawls narrows his focus to one society and when he expands his focus to relationships between societies, he divides his reflections on justice into two parts: ideal theory and nonideal theory.

Ideal theory assumes that people and societies will comply with principles of justice, and it assumes that the historical, social, and economic conditions will be reasonably favorable. After assuming these two points, ideal theory then tries to formulate principles of justice that specify a just scheme (2,4). Nonideal theory takes up questions about how to respond when people or nations do not comply with just principles, or when conditions are unfavorable. To address transitions from unjust situations to just situations, nonideal theory "looks for policies and courses of action that are morally permissible and politically possible as well as likely to be effective" (4, p.89).

Rawls says that the problems of nonideal theory "are the pressing and urgent matters" (2, p.9). Then why does he devote so much of his attention and work to principles of ideal theory? He believes "nonideal theory presupposes that ideal theory is already on hand. For until the ideal is identified, at least in outline – and that is all we should expect – nonideal theory lacks an objective, an aim, by reference to which its queries can be answered" (4, p.89-90). So, the principles of ideal theory are to guide our inquiry and responses in a world marked by grave political injustices.

For many years, I assumed something like the framework of ethics that Rawls articulates. In my work in bioethics, I tried to argue for objectives and aims that should guide our responses to various bioethical problems. But over time, and for different reasons, I came to feel that this approach didn't work very well. When I tried to change the world, or myself, I was still at a loss.

2. MY PRACTICE OF HAIKU

I remember when I took a different approach. I had meetings to attend, classes to teach, an article to write, ethics consults to carry out, administrative work to do, and people to care for and about. Too often I was not mindfully engaged in the present activity; I was thinking ahead to the next task on my list. Since I wanted to be more mindful and present, I resolved to write one haiku every day. I thought it might help. Since it did help, I want to describe how this practice works, with examples from my own efforts.

Classical Japanese haiku are poems of 17 syllables, with a word to divide the poem and a word to indicate the season. I did not try to imitate the classical Japanese pattern because the 17-syllable norm does not make sense in a language like English, and because the season did not always seem relevant. But I did use this form of poetry to cultivate some Zen values: attending to the present moment, moderating intellectual abstractions, viewing the self in connections, and recognizing the impermanence of life. Although I admired many Zen values, I kept thinking about how Zen failed to criticize and dampen the rise of militarism in Japan in the 1930s and 1940s (6). Anyway, I began with attention.

Modern life is full of mobile phones, text messages, emails, passwords, advertising, an emphasis on individual achievement, and much more. Such a life works to keep us distracted and distractible. Many spiritual practices aim to counter distraction and cultivate attention. This is especially true of Buddhist traditions (7), in which the point of meditation is to pay attention and to quiet the "monkey mind" – the tendency for thoughts to jump around, like monkeys jumping from branch to branch. Paying attention sounded simple but proved difficult.

I began with my predawn walk to work. Instead of thinking ahead to what I had to do that day, I paid attention:

first footprints
in the snow
except the squirrel's

With surprise, joy, and a touch of vanity, I saw that I was the first to walk through the new snow. Then I saw the squirrel's footprints tracking across the snow to the base of a tree. I realized that I was the second creature to walk here, just a part of a larger web of life.

Although haiku-moments occurred at different times in different contexts, I tended to group the haiku afterwards under several headings: nature and human nature, young and old, modern life, modern relationships, political life, academic life, pandemic life, medical world, ethics consults, spiritual practice, and death. I'll give a few examples in each category.

During the first few months of the haiku-practice, I attended more than I had before to the natural world and my attitude to it:

seems too early for
geese heading north –
evolution decides

I also attended to the weather, people's attitude toward it, and the way we talk about it:

confidence:
"the last snowstorm
of the year"

we need rain
but not on
my day off

What concerned me, and left me thinking about changing the world, was the arrogant and domineering attitude that we humans tend to assume:

a spider
in my space –
his space

a gaggle of geese
a zeal of zebras
a plunder of people

In fact, I was unhappy with both the anthropocentric bias and my misanthropic reaction.

Next, I attended to people, and the differences between young and old people, at least in my culture. I noticed what children say and do:

the child's question
launches her father's
prepared discourse

spring roll:
a grassy slope
with dandelions

And I turned my attention to older people and my own aging:

"a few years ago"
turns out to be
twelve

I used to admire
the oldest man in the gym
before he was me

At least, I still could and did go to the gym.

I began to notice just how strange modern life is:

the snowplow
clears streets
blocks sidewalks

Of course, my own life was marked by interactions with machines:

laundry day
a sock gone AWOL
again

I saw that the machines that dominate my life are computers, and I noted my frustrations with them:

I fail
two-factor authentication
twice as often

real cost
of a modest donation:
daily emails

Although I use and value computers, I was aware of what we've lost:

lost to progress
handwritten
Thank You cards

And I wondered why the so-called conservative parties are not more concerned about conserving good practices like handwritten thank-you notes.

Modern life includes modern relationships, touched by computers and the Internet:

friendship:
I check the weather
where he lives

I saw clearly how much we need relationships, but how problematic they can be:

big fight about
a bedframe –
a bedframe?

topics we avoid:
the afterlife
the present life

I also saw the existential tenderness these relationships involve:

our last time
Eastern Redbud
in bloom

After attending to modern relationships, my attention moved on.

I didn't really know whether political life was an appropriate subject for haiku, but I think political aspects are unavoidable, and that social institutions permeate all that we say, think, and do. So, I paid attention:

beautiful but …
earliest cherry blossoms
in a thousand years

August day
requiem for
a glacier

carbon offset:
Martin Luther
would not approve

I saw political aspects in many places:

Fox News on the
clinic's television
sick twice

And when I saw an image in the newspaper, I thought:

Ukrainian queue
for AK-47s
I'd be too …

Although I saw political dimensions of daily life, I wasn't getting any better at responding.

Closer to home was my involvement in academic life. It started with email:

continental divide
those who generate email
those who must respond

retirement fantasy
an inbox with email
from people I like

Computers and the Internet change how we work together, and exacerbate differences between us:

not my type:
she actually likes
Track Changes

Other people don't notice, or just accept, what I found so disheartening:

journal club
talk about everything
but the article

During the pandemic, meetings and classes shifted online:

"end meeting?"
I longed to click yes –
a year ago

Zoom class went well –
except for the student left
in the waiting room

And Zoom classes became the norm.

The hope of my haiku-practice was that paying attention would bring me closer to skillful and needed responses. I wasn't there yet, but I did notice a lot about pandemic life, including my own attitude toward the vaccines that were becoming available, at least in my country.

picnic tables
covered with snow
vaccine waitlist

I want the vaccine
that helps me live
with purpose

I had no trouble with masks, just concerns about the casual way people discarded them:

receding snow
white litter with
blue face masks

I had bigger concerns about the ideologies that opposed masks.

they cherish
their liberty to
infect others

missing the sense
that we're all
in this together

With no end in sight:

long pandemic
Greek letters
running out

Since I work at an academic medical center, I turned my attention to the medical world that I saw both as a worker and a patient.

I began, as I often did, with my walk to work:

still dark
footprints in the snow
approach the hospital

And then an unexpected experience as a patient:

layers of
medical providers
same questions

“pink or red
or merlot?”
urologist asks

“bladder cancer”
I say it aloud
on the way home

they ask
for the copay now
just in case

Somehow that experience helped me to pay attention to other people’s experience:

doctor’s office
he brought his daughter
who looks sixty

nursing home’s
small green space
strewn with litter

Alzheimer’s
outline of an oak leaf
blown away

I allow that my attention was mixed with thoughts and fears about my own future.

Part of my work was the work of ethics consults. Since this work seemed added on top of the other work I had, the first thing I noticed was my own attitude:

attitude test:
pager beeps
Friday at four

I was always clear about the medical-ethical problems, but now I noticed more about the people who are the patients. I was struck by the variety:

emergency nurse
struck in the eye –
by a patient

hasn’t seen a doctor
in thirty-five years –
wants everything now

wants to leave
Against Medical Advice –
to check on her dog

patient with
a rare disease
dysfunctional family

But I’m not sure I responded with any more insight, skill, or compassion than before I began my practice.

So, I turned my attention directly to spiritual practice.

home improvement:
building better
habits

Here I had to make fun of myself:

a notebook
to record my
lack of progress

birthday celebration:
a little more yogurt
on my steel cut oats

What struck me about spiritual practice was the narrow way that we think about ethical life and narrow range of what we consider ethical practice. So, I tried to enlarge the scope of practice:

“All of our agents
are busy serving …”
Buddhist practice

new temptation:
fleeting thought prompts
Internet search

And I saw my complicated and problematic relationship to lists:

although it’s done
I write it on the list
to cross it off

to-do list –
a guide becomes
a tyrant

Somehow looking at spiritual practice helped to bring me back to a focus on other people and their quiet efforts:

neighborhood
Korean church
bike tracks in snow

I didn’t have a metaphysical position that enabled me to view this life as a transition to a better life, but I was deeply aware that life ends.

So, following a long history of spiritual traditions, I focused on death:

dented fence
where the spruce
fell to its death

The death of the spruce tree recalled my brother’s death:

three years ago
this October day
my brother …

And that brought to mind my own death. Like haiku poets of old, I composed some death poems before the moment of my dying:

next project is my last –
or was my last project
my last

When it came to my own life, I didn’t think of death in terms of regrets, relationships, or prospects of the world. I tended to think in mathematical terms:

my death
poem
ø

Again, but in different words and symbols:

my
death
{ }

With my haiku-practice, the way I perceived and inhabited the world changed. Although I did become more attentive, I'm not sure I became more responsive. In fact, I began to have doubts about the ethical value of this practice.

I came to feel disappointed with a suggestion I saw in haiku and Zen (8). The suggestion is that if you pay attention to the concrete situation, without abstract and distorting concepts, you will see and do what needs to be done. All you need is attention, or perhaps compassionate attention. However, I came to see the need to use concepts and to reconstruct concepts because of their social, political, and historical aspects. Indeed, my thinking went further. I came to think that we need to overcome the dualisms that permeate ethical life: world and concepts, reality and knower, and theory and practice.

Perhaps my haiku-practice was flawed in ways I didn't realize, but this practice left me feeling more like a spectator than a participant, more like a disinterested observer than an active citizen. Since John Dewey (1860-1952) never tired of criticizing the spectator view of knowledge, and since he tried to overcome every dualism he encountered, I returned to his philosophy.

3. DEWEY'S APPROACH

Although I was unhappy with the ethical framework that my haiku practice assumed, there was no going back to Rawls' framework. I'll try to explain. Rawls frames ethics as a theoretical enterprise with principles to provide the aims and objectives that are to guide our work in a world marked by political injustice. According to Rawls, that's the guide we need and the way we judge progress. John Dewey, the American philosopher and social activist, rejects that idea. He says, "Instruction in what to do next can never come from an infinite goal, which for us is bound to be empty. It can be derived only from the study of the deficiencies, irregularities and possibilities of the actual situation" (9, p.199). Here he hints at a problem with abstract goals and aims, and he shifts the focus onto concrete situations that need amelioration.

Dewey develops the contrast between abstract goals and concrete situations in his discussion of progress:

> There are plenty of negative elements, due to conflict, entanglement and obscurity, in most of the situations of life, and we do not require a revelation of some supreme perfection to inform us whether or not we are making headway in present rectification. We move on from the worse and into, not just towards, the better, which is authenticated not by comparison with the foreign but in what is indigenous. Unless progress is a present reconstructing, it is nothing; if it cannot be told by qualities belonging to the movement of transition it can never be judged. (10, p.195)

Passages like this one suggest that problematic situations can work to guide and evaluate our inquiries and responses, but Dewey's framework is different from the picture I assumed in my haiku-practice.

Although Dewey's approach is situational and contextual, abstract thinking has an important role and value. Without some abstraction, thinking would not be possible. Concepts like chair, game, promise, trust, care, and justice involve some abstraction. Even the concept of compassionate attention involves some abstraction. The question isn't whether to use concepts that are somewhat abstract and general. The alternative to using abstract thinking is to rely on impulse, entrenched habits, social customs, or authorities. The questions that concern me are which concepts to use, how to use them, and when to revise them. Dewey just reminds us to:

- See thinking as an intermediate phase between more direct forms of interacting with physical and social environments.
- Recall that abstract thinking extracts meanings from prior interactions to use in new interactions.
- Be aware that new situations may demand new ways of thinking.

I need these reminders because I often forget.

Since new situations have many dimensions or aspects, I often don't know which dimensions to focus on and emphasize. Dewey believes that what we should emphasize depends on the context or situation. He writes:

> We have indicated that since general aims are but prospective points of view from which to survey existing conditions and estimate their possibilities, we might have any number of them, all consistent with one another. As a matter of fact, a large number have been stated at different times, all having great local value. For the *statement* of aim is a matter of emphasis at a given time. And we do not emphasize things that do not require emphasis – that is, such things as are taking care of themselves fairly well. We tend rather to frame our statement on the basis of the defects and needs of the contemporary situation; we take for granted, without explicit statement which would be of no use, whatever is right or approximately so. We frame our explicit aims in terms of some alteration to be brought about. (10, p.118, italics in original)

The temptation is to think that our statements of emphasis presuppose some theoretical account of what is right, and that we should try to formulate and follow that account. In contrast, Dewey thinks that we should look carefully at the defects, needs, and potentials of our current situation, and then judge and emphasize what needs to change. He argues against making statements of what needs to change into universal theories, ahistorical ideas, and metaphysical entities. When the

circumstances and conditions change again, those universal theories, ahistorical ideas, and metaphysical entities will block the changes that the new situation calls for.

Dewey sees a somewhat similar role for those forms of abstract thinking that we call ethical theories. He gives an account of the historical and social origins of theories about ends and the good, about duties and the right, and about approbation and virtues (11). But he rejects the idea that we need to adopt one of these three theories as the comprehensive guide and standard of our conduct. Rather, as Matthew Festenstein summarizes Dewey's view (12, p.8), these theories

> provide standpoints from which agents can identify and analyze problems, sift important from unimportant considerations, and appraise our raw preferences and alternative plans of action. Conflict among these approaches cannot be resolved in theory, only in practice, if at all, where the agent must make "the best adjustment he can among forces which are genuinely disparate".

The quotation within the quotation is from Dewey's essay on "Three Independent Factors in Morals" (13, p.288). Of course, some people want more than independent factors, standpoints, and practical judgments. They want a single theory in which all elements of moral life are commensurable, or ranked principles that set out clear priorities, or accounts that detail a decision procedure. I've come to be satisfied with useful standpoints and perspectives.

Although I am taken by Dewey's contextual and deflationary approach to ethics, I still have to work out an ethical practice that fits this approach. Developing an associated ethical practice is a topic for another essay, but it will have to be contextual, address the problem of social change, and focus on habits: those ways of perceiving, acting, feeling, and thinking that we acquire in and through social intercourse. In *Human Nature and Conduct*, Dewey analyzes conduct in terms of impulses, habits, and reflection (9). Although biological impulses might seem to be the most basic aspect of conduct, he begins his analysis with social habits. The focus on habits is insightful, but some features of habits complicate the problem of social change. I suspect that social change requires political engagement, in the best and deepest sense of that term, at a time when democratic social institutions are very weak.

MY CONCLUSION FOR NOW

In writing this essay, I tended to emphasize the breaks and ruptures between three different ethical frameworks, three different stages. However, in ways that I didn't appreciate at the time, prior stages prepared me for and led me to succeeding stages. For example, the haiku practice led me to a new and better appreciation of Dewey's philosophy. Both my haiku practice and Dewey's philosophy focus attention on the present, emphasize the role of experience, and use abstractions heedfully.

In his work on education, Dewey criticizes the view of education as a preparation for adult life (10). Instead of preparing children for work in a very flawed industrial life, he wants to help children develop and extract meaning from the present – recognizing that the present has historical dimensions. Indeed, he wants to create social settings in which children can engage in activities that encourage them to extract meaning from their present experience. In other words, he wants to help them learn from experience. The idea of learning from experience is central to his view of ethics. Indeed, it is central to his whole philosophy. When he writes about "The Need for a Recovery of Philosophy," he tries to develop a view of experience that would facilitate this kind of learning, this kind of living (14). Here and elsewhere, he talks about the important role that abstraction could and should have in lived experience.

In my work in bioethics, I have adopted and adapted three different ethical frameworks and practices. I think the most recent framework that I've adopted is the best – what's most needed in the current circumstances – but maybe that's a self-centered bias. With more time, maybe the present framework will prepare me for and lead me to another framework and practice.

Reçu/Received: 30/07/2022

Publié/Published: 06/04/2023

Remerciements
Je tiens à remercier Jean Maria Arrigo pour avoir encouragé et commenté ma pratique du haïku pendant de nombreuses années. Je voudrais également remercier Dale Stout pour ses commentaires perspicaces sur une version antérieure de cet essai. Ses commentaires ont montré une meilleure compréhension de cette version que la mienne.

Acknowledgements
I would like to thank Jean Maria Arrigo for encouraging and commenting on my haiku practice for many years. I would also like to thank Dale Stout for his insightful comments on an earlier draft of this essay. His comments showed a better understanding of that draft than I had.

Conflits d'intérêts
Aucun à déclarer

Conflicts of Interest
None to declare

Édition/Editors: Dale Stout & Jacques Quintin

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