

In Defense of Four Principles Approach in Medical Ethics

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Abstract

Principlism, in general and Four Principles Approach in particular is largely discussed in current medical ethics. According to principlism, the ethical relationship between physician and patient has to be categorized based on some principles, the principles which are general, action-guiding and could help both the patient and the physician to arrange their ethical behavior. Four Principles Approach which is a principlistic view, has formulated the principles which have to be considered in medical ethics in the light of Rossian ethical framework as follows: respect for autonomy, nonmaleficence, beneficence and justice. Ethical Particularism, on the other hand, strongly criticizes principlism and repudiates the very idea of generalizability in the realm of ethics. According to particularists, the way in which a morally relevant feature like fidelity and justice behave in different ethical occasions is fully context-dependent so that they cannot be patternable in advance. It follows from this that fidelity, for instance, is not a good-making feature, generally speaking. In this paper, firstly, the Rossian ethics is discussed in order to make Four Principles Approach intelligible. Secondly, the main particularists' argument against principlism is formulated. Finally, Particularists' argument is evaluated and its plausibility is discussed.

Keywords: *Particularism, Principlism, morally relevant feature, Four Principles Approach*

Introduction

As we know, Four Principles Approach is largely discussed in medical ethics (1). According to the ones who subscribe to this ethical standpoint, the relationship between patient and physician has to be categorized based on some ethical principles. According to them, these principles which are: autonomy, beneficence, non-maleficence and justice are gleaned from the Rossian ethics which is a principlistic and pluralistic one. One way of criticizing and showing the inadequacy of this approach is undermining the whole idea of generality in moral reasoning and the way in which a morally relevant feature behaves in different ethical contexts. Particularists do their best to do this job. According to them, the way in which a non-moral feature contributes to the moral evaluation of different contexts can vary from case to case. In other words, the reason-giving behaviour of a morally relevant feature in different contexts is not patternable. It follows from this that in order to give a plausible

account of Four Principles Approach, one has to criticize the particularist's claim with regard to the way in which different non-moral features are combined together in several contexts in the first place. In what follows, firstly, the Rossian ethics is presented in order to substantiate the Four Principles Approach. Secondly, the main particularistic argument is explained. Thirdly, the particularist's argument is evaluated. I am inclined to conclude that the particularist's position regarding the way in which different morally relevant features are combined together is implausible.

1. The Rossian Ethical Framework The idea of "an ethic of prima facie duties," which is presented by W. D. Ross (1930 & 1949) (2, 3) to clarify the problem of moral conflict can be regarded as a generalistic account with regard to the metaphysics of reasons (4- 12). According to Ross, the problem of moral conflict is best understood in terms of conflict between competing moral considerations. Moral conflict arises

when the situation we are dealing with possesses more than one morally relevant non-moral property which pull in opposite directions. This gives us conflicting prima facie duties. In order to decide what our actual duty is, we have to find out which relevant non-moral property is more important from the moral point of view. But, says Ross, we do not have a basic general principle to say in advance which prima facie duty is overriding because the weight or importance or magnitude of the relevant non-moral features of the situation may vary from case to case, though its valence; i.e. the way in which it contributes to the moral evaluation of different cases is invariant (13, 14)¹. On Ross's

¹ The idea of 'prima facie duty' and 'actual duty' is controversial in the literature. For instance, Hooker, following Kagan, thinks that utilising the term 'pro tanto' is more justified in comparison with 'prima facie'. He says: 'I agree with Kagan... that the term "pro tanto" is less misleading than "prima facie". For the idea is that a duty or consideration is overridable, not that it can be seen at first glance but on closer inspection may prove to be an illusion. So I shall generally follow Kagan's terminology' (1996, p. 534, fn.6).

On the other hand, Stratton-Lake believes that Hooker and Kagan's account of the very idea of prima facie duty is not compatible with the way Ross defines them in *The Right and the Good* and *Foundations of Ethics*. He says: 'According to Ross (1930, p.20; 1939, pp.84-5), prima facie duties are neither prima facie nor duties. The distinction Ross makes between duties proper and prima facie duties is not one between real and apparent duties. Prima facie duties are real moral considerations, not ones which only appears to be real at first sight... For Ross, prima facie duties do not describe general, but overridable duties, but the general features of actions in virtue of which they are right or wrong: that is, they describe the sort of general considerations which are salient to determining what one's duty is' (1997, pp. 752-753).

Some commentators categorise the above-mentioned issue by drawing a distinction between a weaker conception of prima facie duty and a stronger conception of prima facie duty in Rossian ethics. According to them, Rossian ethics suffers from an ambiguity which can be shown in both *The Right And The Good & Foundations Of Ethics*. According to the weaker account of prima facie duty, different prima facie duties are *potentially* and *conditionally* duties. They appear to be duties. Because of that, if they override in a situation, there is no such thing as moral residue which remains. However, the stronger

view, there are several basic non-moral properties that are morally relevant, and these cannot be reduced to one or more basic property, hence these properties are not just 'at first sight' epistemically, but real general types of duty. Morally relevant non-moral properties are not contextual: their deontic valence and the way in which they contribute to the moral evaluation of different cases are constant, but their effect and power may vary from case to case. We can call the former moral value, and the latter moral weight. To clarify this point, let us consider an analogy with the distinction between mass and weight in physics. According to this distinction, the mass of a metal ball is an intrinsic and essential property, in the sense that it is totally dependent on the ball's internal structure and the way in which its atoms and molecules are combined together. But the same is not true concerning the weight of the ball. The weight depends on the amount of gravitational pull, and varies from context to context. Now, consider the following physics equation: " $W = M \cdot G$ " in which W stands for weight, M for mass, and G refers to the gravitational pull. According to this equation, the weight

account of prima facie duty holds that different prima facie duties are genuinely duties. They make a real contribution to moral evaluation wherever they appear. Consequently, if they are overruled by a prima facie duty, their moral residue remains at hand.

For more detail about the distinction between the weaker and stronger accounts of prima facie duty, see Brummer, J. (2002) 'Ross And The Ambiguity of *Prima Facie* Duty', *History of Philosophy Quarterly*, 19(4), pp. 401-422. It is worth noting that fns 13 & 16 refer to some commentators who subscribe to the weaker and stronger accounts of prima facie duty.

I put forward the idea of 'prima facie duty' and 'actual duty' in such a way that prima facie duties pick out real types of act which need to be considered. What is crucial for me is that prima facie duties contribute to the moral evaluation of different cases in the same way. In contrast, actual duties do not have invariant deontic valences, and their metaphysical status entirely depends on the way in which several prima facie duties are combined together in different ethical contexts. Meanwhile, my account of 'prima facie duty' is closer to Stratton-Lake who affirmed that prima facie duties are real moral considerations.

of the ball will vary, according to variations in gravitational pull. But, in all cases, the amount of mass is invariant. Similarly, the Rossian says that the moral valence of a morally relevant feature and the way in which it contributes to the moral evaluation of different cases is invariant, but moral weight may vary from case to case. For instance, promise keeping is invariably a right-making feature with an intrinsic deontic valence, that is, it always works to make actions right. Its weight, however, may vary from context to context, depending on other morally relevant non-moral properties which exert their constant deontic valences in the case at hand. So, according to the Rossian, although the value of promise keeping remains unchanged, its overall weight may vary from case to case. Consider the following quote by Ross:

I suggest 'prima facie duty' or 'conditional duty' as a brief way of referring to the characteristic (quite distinct from that of being a duty proper) which an act has, in virtue of being of a certain kind (e.g. the keeping of promise), of being an act which would be a duty proper if it were not at the same time of another kind which is morally significant. Whether an act is a duty proper or actual duty depends on all the morally significant kinds it is an instance of... There is nothing arbitrary about these prima facie duties. Each rests on a definite circumstance which cannot seriously be held to be without moral significance... But no act is ever, in virtue of falling under some general description, necessarily actually right; its rightness depends on its whole nature and not on any element in it (1930, pp. 19, 20 and 33).

According to Ross, different prima facie duties pick out types of act. Because prima facie duties apply to types of act, he subscribes to generalism with respect to prima facie duties. Moreover, he claims that there is no general ranking or lexical order for different types of prima facie duties. There is just a formless list of duties, none of which has priority or greater importance than the others. These morally relevant features are combined together and contribute to the moral

evaluation of different cases in different ways. According to Dancy:

There is no general ranking of the different types of prima facie duty... There is just a shapeless list of them, which is no more than a list of the things that make a moral difference, a difference to what we should do (10).

In addition, in Ross's view, the list of prima facie duties is not complete; it is an open-ended list because there is no guarantee that we have discovered all prima facie duties (i.e., all morally relevant non-moral properties). It could be the case that a new prima facie duty is discovered, following confrontation with a new moral requirement which cannot be subsumed under the prima facie duties with which we are familiar. The distinction between prima facie duties and actual duties enables us to defend generalism about the former and particularism about the latter. Prima facie duties are general, because the metaphysical status of lying, for example, in new cases is clear in advance, if we suppose that other things are equal. For instance, suppose I have promised my wife I will take her to a concert tonight. Suppose further that my mother has given me a call just half an hour ago, has told me that she is very sick, and she could not find anybody else to stay with her. So, she asks me to go to her house tonight. This is an example of a conflicting moral situation in which we have two or more morally relevant non-moral properties that come into conflict with each other. On the one hand, I have a prima facie duty of fidelity to keep my promise to my wife, and on the other hand, I have a duty of gratitude to my mother, which I owe her for the many favours she has done for me in the past.

According to the Rossian, if I am confronted with just one of these considerations, I have to fulfil that prima facie duty. But, in the above case, I have two prima facie duties which come into conflict with each other in such a way that my actual duty is not clear in advance. If there were only one prima facie duty or one non-ultimate reason at stake, that is, if I were confronted with just one morally relevant non-moral property,

then my actual duty would be obvious in advance. But this is not the case, and in order to find out my actual duty I need to determine which prima facie duty is more important, and this is exactly what I cannot do by appealing to a general principle or principles. This notion is supported by two claims. First, the list of prima facie duties is not complete and we are confronted with an open-ended list of duties. Second, there is no such thing as lexical order or a hierarchy for prima facie duties. So, according to Ross, I have to consult my intuition, my perception or my conviction in every case, and I cannot generalise the result. By 'intuition' and 'intuitive moral judgment', Ross means something which we can arrive at infallibly and directly, like endorsing the validity of a form of inference which is grasped non-inferentially after acquiring adequate mental development. He says: That an act, qua fulfilling a promise, or qua effecting a just distribution of good...is prima facie right, is self-evident; not in the sense that it is evident from the beginning of our lives, or as soon as we attend to the proposition for the first time, but in the sense that when we have reached sufficient mental maturity and have given sufficient attention to the proposition it is evident without any need of proof, or of evidence beyond itself. It is self-evident just as a mathematical axiom, or the validity of a form of inference, is evident (1930, p.29).

Therefore, the Rossian position consists of two components: generalism about prima facie duties and particularism about actual duties. The first component is the denial of normative particularism, and the second is the denial of a monistic approach. According to the first part, the way in which a morally relevant feature like promise keeping contributes to the moral evaluation of different contexts can be articulated in a pattern. The second part emphasises that the way in which we arrive at a justified moral judgment in a moral context cannot be capturable by resorting to just one moral rule. Moreover, the first component is a metaphysical claim while the second component is an epistemological one.

The Rossian argues that moral considerations are general and their deontic valences are invariant. The idea behind this claim can be dubbed atomism with regard to reasons for actions, according to which a morally relevant feature contributes to the moral evaluation of different cases in a similar way, and this is exactly what the normative particularist who subscribes to holism with regard to reasons for action denies.

According to the atomistic approach, the final result is not clear in advance and may vary from context to context, but it does not follow from this that reasons have no invariant value. In other words, the way in which a morally relevant feature contributes to the moral evaluation of different cases is invariant, although the ultimate outcome can vary depending on other morally relevant features which contribute to the moral evaluation of cases. It is this idea that enables the Rossian to distinguish between prima facie duties and actual duties and defend generalism about the former and particularism about the latter. The idea can be expressed in terms of the difference between the "other things being equal" and "all things considered" qualifications. As a thought experiment, we can single out one morally relevant feature and talk about its metaphysical status in different cases. In other words, we hold other things constant to see the behavior of a morally relevant feature in different cases. According to the Rossian, if other things are held constant, each morally relevant feature contributes to the moral evaluation of different cases in the same way. This is exactly what Ross says about prima facie duties and their generality. On the other hand, if all morally relevant features are combined together in a case, we cannot see what would be the ultimate outcome in advance. The way in which we arrive at the ultimate outcome is context-dependent in the sense that it depends on how these morally relevant features are combined together in a case. It depends on how we view the situation, all things considered. This is precisely what Ross claims with regard to actual duties and their particularity.

Having seen different components of the Rossian ethical framework, it should be added that each moral principle in Four Principles Approach has to be categorized as a prima facie duty in the Rossian sense. It follows from this that they could combine together in different contexts in different ways.

2. Particularist's Main Argument: Holism

Accounts of the metaphysics of reasons and the way in which morally relevant features contribute to the moral evaluation of different cases can be classified into one of two broad types: particularist and generalist. According to the particularist, the reason-giving behaviour of a morally relevant feature is not answerable to general patterns. This means that there is no generality to the reason-giving impact of a morally relevant feature; the feature's impact is not on types of situations. Given this core metaphysical claim, it follows that we cannot generalise what we find as a wrong-making feature of action, such as killing, in a particular case into a moral principle about killing in general. The main argument for this draws on the idea of holism with regard to the moral power of morally relevant non-moral properties. The idea is that the contribution of each morally relevant non-moral property to the moral evaluation of different cases is contextual, and its contributory behaviour may change from case to case. In different cases it is compounded with other morally relevant non-moral properties so that what makes an action wrong in one case may make it right in another case. Therefore, we are not entitled to say anything, metaphysically speaking, with regard to the deontic valence of each morally relevant non-moral property outside different contexts.

According to particularists such as Dancy and McNaughton it is not the case that different morally relevant non-moral properties are combined together atomistically in the sense that the occurrence of a property has an invariant deontic valence which can be retained outside the context. Rather, such properties have no invariant deontic valences independent of different con-

texts. They have no stable invariant contribution to the moral evaluation of different contexts and their contribution can vary from case to case.

At this stage, I am going to argue that the particularist's position with regarding the nature of the moral power of a morally relevant non-moral property is inconsistent and counter-intuitive.

3. The Holist's Dilemma

Here, in outline, is the argument I wish to propose. Consider the very idea of holism which constitutes the main argument in support of normative particularism. According to holism, the moral powers of different non-moral properties are combined together holistically. These non-moral properties have no invariant contribution to the moral evaluation of different cases. For instance, causing pain can be regarded both as a right-making and wrong-making feature in different contexts. Its deontic valence and contribution can vary from case to case. A particularist denies the atomistic approach with regard to the nature and the combination of the moral power of different morally relevant non-moral properties. What I wish to argue is that the holism which the particularist is offering leads, when thought through, to atomism. The structure of the argument is a dilemma. According to the dilemma, the particularist has to commit to atomism or give a mysterious and unclear account of the way in which several morally relevant features are combined together in different ethical situations.

3-1. The First Horn of the Dilemma: 'The Contribution Problem'

I start with the first horn of the dilemma, according to which holism leads to atomism. When a particularist talks about the contribution of a morally relevant non-moral feature like causing pain to moral evaluation in different contexts, the central question is: what is it to have an invariant or variant contribution? How can we talk about the contribution of a morally relevant non-moral property like causing pain in different ethical contexts? What is its contribution to moral evaluation? It seems that when we are talking about the contribution of a morally relevant feature to the moral evaluation of different cases,

we regard it as it is, that is to say, as it is in itself, and that seems to be to consider it independently of context. The very idea of 'its contribution' seems to require the idea of what its intrinsic valence is independently of context. This suggests the idea of the invariant characteristics of the morally relevant feature which is at stake in this metaphysical account. Now, if the morally relevant feature and its contribution is crucial and has to be taken into account in order to arrive at the ultimate outcome of the moral evaluation of the case, why cannot we subscribe to atomism? If it and its contribution matters, it seems that subscribing to holism would be untenable and indefensible. The very notion of 'it and its contribution' seems to suggest the atomist's conception of a context-independent character that the feature then contributes to different cases.

Indeed, when a particularist talks about a morally relevant feature and its different contributions in different contexts, he individuates the morally relevant feature and its contribution to the moral evaluation of the case.

Now, here is the question. If the particularist tries to individuate each morally relevant feature in order to arrive at a tenable explanation of the way in which different morally relevant features are combined together in different ethical situations, why has he not committed to atomism? An atomist individuates each morally relevant feature in order to give an account of how different morally relevant features are combined together in different cases. If this is the case and the whole idea of individuation has an indispensable role in giving the metaphysical account of how several morally relevant features are combined together in different contexts, what is the difference between the particularist and the atomist? Why does holism not lead to atomism?²

² Dancy puts forward the idea of holism and the way in which a morally relevant feature contributes to the moral evaluation of different cases as a metaphysical point. Whether or not we know the behaviour of a morally relevant feature in each concrete ethical situation is an epistemological issue. Now, if the particularist wants to say

According to the opponent, if it is the case that morally relevant features are combined together holistically and none of them has separate characteristics outside the context, how can we talk about the contribution of a morally relevant non-moral property to the moral evaluation of different cases and its alteration? In fact, when we are talking about a morally relevant feature like causing pain and its invariant or variant deontic valence, we consider the morally relevant feature on its own regardless of the context. However, the particularist who subscribes to holism cannot apply such a method to evaluate the metaphysics of the situation. The particularist cannot apply such a method because he endorses the view that in each concrete ethical situation we are confronted with a condition in which several morally relevant features are combined together concurrently and there is no account available of how that combination has the resulting characteristics.³ In such a situation, how can we detect and individuate a specific morally relevant feature and talk about its contribution to moral evaluation which might be changed in another ethical context? Consider the following quote by Dancy:

Although we are able to observe, in a given case, the importance that a property can have in suitable circumstances, the particularist can still insist that no notion is available of a sort of cir-

that we cannot know what the behaviour is of each individual morally relevant feature in concrete ethical situations beforehand, the modest-generalist can subscribe to his point. But the point which is offered by the particularist at this stage is epistemological rather than metaphysical. In other words, if the particularist is going to regard the notion of individuating morally relevant features as an epistemological point, the modest-generalist can endorse his point. However, it does not follow from this that the critique of individuating morally relevant features can be regarded as a metaphysical claim.

³ Again, if the particularist means an epistemological point by mentioning that there is no account available of how morally relevant features are combined together, the modest-generalist has no problem with it. But, as we know, the main discussion at this stage is a metaphysical issue rather than an epistemological one.

cumstance in which it must have that importance (1993, p. 70).

What does Dancy mean by the importance of a morally relevant feature in different circumstances? If we can pick out a morally relevant feature and talk about its metaphysical status and the way in which its importance must or can be manifested in other cases, why cannot we subscribe to atomism with regard to moral reasons, according to which the metaphysical status of a morally relevant feature and the way in which it contributes to the moral evaluation of different cases is evaluated on its own?

In order to reject the first horn of the dilemma, one might make a distinction between individuating a feature like F and individuating its contribution to the moral evaluation of different cases. In other words, although feature F remains unchanged in different ethical contexts, its contribution can vary from case to case.

Now, I have to say that this sounds plausible as an account of Dancy. One can read Dancy and other particularists who subscribe to holism in such a way. In response, I have to say that, firstly there is no textual evidence for such a distinction in the literature.

Secondly, if the distinction between the feature and its contribution to moral evaluation is upheld, the position is counter-intuitive, e.g. it removes any scope for saying causing pain is a bad thing in itself, or is *prima facie* bad. In other words, if the feature and its behaviour can be distinguished and what is crucial is the behaviour of a feature rather than the feature, why does this feature have to be regarded as a feature which is related to the case which we are talking about? If that is his position, how can we say that causing pain is a morally 'relevant' feature at all? What can be said with regard to its moral relevance? Perhaps Dancy would accept such a metaphysical distinction. It makes sense of his metaphysics, but at a high price.

3-2. The Second Horn of the Dilemma: The Holist's Metaphysical Account Is Vague and Unclear
If a particularist like Dancy accepts the first argument which holds that individuating the contri-

bution of a morally relevant feature to the moral evaluation of different cases leads to atomism that he denies in the first place, then the particularist is confronted with the second horn of the dilemma.

I now turn to the second horn of the dilemma, according to which the particularist puts forward a vague and unclear account of the way in which several morally relevant features are combined together in different concrete ethical situations.

The particularist subscribes to the holistic approach with regard to the nature of the combination of different morally relevant features. Consider the case in which several morally relevant features such as fidelity, gratitude and giving pleasure are combined together. If one asks the particularist about the metaphysics of combination in a concrete ethical situation in which giving pleasure, fidelity etc. are joined together, the particularist would say that they are combined together in such a way that the ultimate outcome would be such-and-such. He cannot say that fidelity, for instance, is a right-making feature in this case, or is combined with giving pleasure in that way. So, what can the particularist say instead? He can only say that the metaphysical status of the case overall is either this or that. However, this cannot be regarded as a lucid metaphysical account. If we ask the particularist about the behaviour of a morally relevant feature F in a concrete case, he cannot tell us clearly what is going on there. All he can say is that F is joined with other morally relevant features and the result is such-and-such. Moreover, as the particularist rejects any account of generality in the realm of morality, looking at similar cases to assess the overall metaphysical status cannot help us. All we have is this concrete ethical situation. We have to keep looking at this case to arrive at a holistic metaphysical point, according to which morally relevant features, in this context, are combined together in such a way. We are not offered any more detail. It seems that the metaphysical account which is offered here is imprecise and mysterious. In other words, we are not offered an ac-

count according to which the metaphysical status of each case can be explained. All we can do is to look at the case over time to arrive at the ultimate outcome of the combination of several morally relevant features of the case. So, it follows from the second horn of the dilemma that the particularist's account with regard to the way in which several morally relevant features are combined together in different cases is untenable, or, at least, vague and mysterious.

4. Conclusion

Having seen the dilemma with which a particularist like Dancy is confronted, we are allowed to say that the particularist's argument with regard to the extent of the patternability of the reason-giving behaviour of a morally relevant feature in different contexts is untenable. It follows from this that one can subscribe to the existence of some moral general patterns, to which the reason-giving behaviour of a non-moral feature in different contexts is answerable. If this is the case, Four Principles Approach which is a generalistic and principlistic approach can still be utilized in order to give an account of how different morally relevant features are combined together in different contexts.

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