Principlism and Its Critics

Jim Childress
University Professor
John Allen Hollingsworth Professor of Ethics
University of Virginia
Dan Wasserman’s View

ETHICS ARE HOT - BUY ETHICS!
Preliminary points

- Perspective of lecture
- “Principlism” and challenges
- “Principlism” as a critical label
- Main target of critical label: “pluralistic principlism”—several ethical principles, unranked
Both are “general action guides specifying that some type of action is prohibited, required, or permitted in certain circumstances.” (David Solomon, “Rules & Principles,” Encyclopedia of Bioethics)

- **Principles**: more general and sometimes foundational
- **Rules**: more specific and concrete
Major considerations in moral deliberation & justification

- **“Moral” Beliefs**
  - Theories
  - *Principles*
  - *Rules*
  - Judgments about acts

- **“Factual” Beliefs**
  - Theological, metaphysical beliefs
  - Anthropological beliefs
  - Interpretation of situation
We often make decisions without direct appeals to principles/rules (see next slide)
Principles/rules are often implicit rather than explicit
Principle/rule: nonmaleficence

HAGAR THE HORRIBLE  DIK BROWNE

YOU SHOULD TRUST DOCTORS MORE... OUR FIRST RULE IS: "DO NO HARM"

IT WORRIES ME THAT THEY'D NEED A RULE TO FIGURE THAT OUT

12-29  CHRIS BROWNE
Appeals to principles/rules

- We appeal to principles mainly when
  - We are uncertain about what to do
  - We face conflicts (internal/external) about what to do
  - We need to offer a justification for our actions, recommendations, etc.
PBE’s Moral Principles & Rules I

- Nonmaleficence
- Beneficence
  - Produce benefits for others (positive beneficence)
  - Balance good & bad effects” (utility)
- Justice: distribute benefits & burdens, etc., fairly & equitably
PBE’s Moral Principles & Rules II

- Respect for persons’ autonomous choices and actions
- Selected rules or derivative principles
  - Truthfulness
  - Privacy & confidentiality
  - Fidelity or faithfulness, promise keeping, etc.
PBE’s principles

- Combine consequentialist & nonconsequentialist considerations
  - Consequentialist considerations: nonmaleficence & beneficence (positive beneficence & utility)
  - Nonconsequentialist considerations (justice & respect for personal autonomy)
**PBE’s principles**

- Unranked—however, a surprising but common criticism is that *PBE* assigns priority to respect for autonomy.

- Important to distinguish:
  - Order of presentation (e.g. in a book)
  - Order of priority (all *PBE’s* principles are *prima facie*; hence no priority)
  - Order of consideration (in practice)
Major requirements for principle-based bioethics

- Need **bridges** from abstract to concrete, from general to specific
- Need **ways to resolve conflicts** among principles
Three models for connecting principles to particular cases (Henry Richardson)

1. Deductive application
2. Balancing—intuitive weighing
3. Specification—“qualitatively tailoring our norms to cases”

The first is rare; B&C emphasize 2 & 3.
Two dimensions of principles

- **Range or scope**
  - Possibilities
    - How broad or narrow?
    - E.g. rules against killing and lying
  - One task: specify principles (see next slide)

- **Weight or strength**
  - Possibilities
    - Absolute
    - Lexical ordering [see Veatch’s work]
    - Prima facie
    - Relative, maxims
  - If prima facie, then how balance principles
NON SEQUITUR By Wiley

IT MIGHT LEAVE A LITTLE TOO MUCH ROOM FOR RATIONALIZATION. MAYBE YOU SHOULD TRY BREAKING IT DOWN TO A FEW SPECIFICS...

DONT DO BAD THINGS

MOSES AND THE FIRST DRAFT
Two dimensions of principles

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Constrained balancing—justificatory conditions

- Justificatory conditions for overriding *prima facie* principles/rules/obligations

- Example: Patient’s request not to disclose HIV status to sexual partner
  - Competing principle or rule is *stronger* in situation
  - Infringement of one will *probably protect the other(s)*
Constrained balancing—justificatory conditions II

- Infringement is **necessary** to protect the other principle(s)—no morally preferable alternative action available
- Infringement is the **least possible** in the circumstances to protect the other principle(s)
- Agent must seek to **minimize** the negative effects of infringement
- Agent must **act impartially** with respect to all affected parties
Other examples of principlism: *Belmont Report* (for research)

- Respect for persons
  - Respect autonomy
  - Protect those with diminished autonomy
- Beneficence
  - Do not harm
  - Maximize possible benefits & minimize possible harms
- Justice
Other examples of principlism: Presidential Commission

- Report of the Presidential Commission for the Study of Bioethical Issues
- October 2012
Presidential Commission for the Study of Bioethical Issues: Principles

1. Respect for Persons
2. Public Beneficence
3. Responsible Stewardship
4. Intellectual Freedom and Responsibility
5. Democratic Deliberation
6. Justice and Fairness
Privacy

- Restricted access (informational privacy)
- Autonomy—lack of interference (decisional privacy)
Justification of privacy

- “a robust set of ethical principles” (respect for persons, responsible stewardship, justice & fairness) supports norms of privacy
  - To reduce privacy risks to individuals
  - To enable “research and clinical care for public benefit to continue”
Critics—strong theory & rules, no principles (Gert, Clouser, Culver)
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Key themes in critique of principlism

- Rejection of all principles in favor of 10 moral rules: “[t]here is neither room nor need for principles between the theory and the rules or ideals which are applied to particular cases”
  - Problems this creates
  - Convoluted analysis of some cases
Key themes in critique of principlism

- Principlism’s principles
  - are not usable or meaningful guides
  - are not coherently related in a “unified guide”

- Principlism lacks a “single clear, coherent, and comprehensive decision procedure for arriving at answers”
Response to theory-rule critique

- Principles are clusters of moral considerations—hence, need for specification
- Ways to address conflicts (through specification and constrained balancing) but not as air-tight as Gert et al seek
Case-based reasoning (casuistry) (Jonsen & Toulmin et al.)
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Case-based reasoning (casuistry)

- Modern casuistry: Jonsen & Toulmin
  - “Casuistry is unavoidable”
  - “Moral knowledge is essentially particular”
- Moral reasoning proceeds by
  - appeal to paradigm cases—i.e., settled precedents
  - reasoning by analogy (similarities & differences among cases)
- Example: case of A.C.
Case-based reasoning (casuistry) II

- Complex relations between general principles/rules & particular judgments
  - Casuists: “bottom up”
  - Cases as “mini-narratives” that need what John Arras calls “moral diagnosis”
  - Often via general moral considerations, as well as precedent cases
Case-based reasoning (casuistry)

- Some of J&T’s claims clouded by view of “tyranny of principles”
  - Their conception of principles: absolute, invariant principles that lead to deadlock, not prima facie principles
  - Maxims close to prima facie principles
  - Function in a similar way

- Need to recognize more dialectical relation—reflective equilibrium
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  - Rules
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B&C:
  - Each can modify the other
  - Need to reach reflective equilibrium among these
Is principlism too individualistic?

- Critiques of *Belmont Report* & B&C
  - Charges of absence of “community”
- Pressure for greater attention to community:
  - Impact of research (esp. genetics research) on communities
  - Community/ies in public health
Possible responses to challenges re community

1. Add a new principle of community

2. Reinterpret all principles through the lens of community
(1) New principle of community

A principle of respect for community generates “an obligation to respect the values and interests of the community in research and, wherever possible, to protect the community from harm.” (Ezekiel Emanuel & Charles Weijer)

Implications: community consultation, participation, etc.
(2) Reinterpretation of principles through lens of community

- Take Belmont principles
  - Beneficence
    - Already societal benefits balanced against risks to research subjects
    - Extension: Include risks to particular communities, such as native American or Amish communities
Reinterpretation through lens of community

- **Respect for Persons**
  - Respect for persons as embedded in their communities & their beliefs, values & practices
  - Cautionary note: persons are not reducible to their communities

- **Justice**
  - Already attention to vulnerable populations & impact of group classifications
  - Extension: participation of communities in design & conduct of research
Is principlism excessively individualistic?

- Feminist critique of respect for autonomy in principlism:
  - Principlism gives too much weight to autonomy
  - Principlism has a mistaken conception of autonomy: autonomous individual as self-made, atomistic, isolated, totally independent, disembodied, rationalistic, etc.
Relational autonomy

- Proposal of *relational autonomy* to overcome these distortions
  - Relations: both positive & negative
  - Some relations are oppressive
- Susan Sherwin: “Relational autonomy redefines autonomy as the social project it is, but it does not deny that autonomy ultimately resides in individuals.”
Other Criticisms:
(1) Virtue ethics (Pellegrino, Thomasma, Hursthouse et al.)
Virtue ethics critiques of principlism

- Principlism: focuses on quandaries, dilemmas
  - In light of principles/rules for everyone
  - Without (sufficient) attention to the moral agent and his/her character and virtues/ vices
Selected principlist responses re virtues

- **Value of critique:**
  - reminder of need for cultivation of virtues for principlist & casuistical approaches to work
  - Virtues are indispensable but we need not build ethical framework from virtues
- William Frankena’s too simple rejoinder
  - Principles without virtues are impotent
  - Virtues without principles are blind
Selected principlist responses re virtues

- Virtues, principles, & action guidance
  - some virtues correlative to principles (e.g., benevolence)
  - some virtues important for morality as a whole (e.g., courage)
  - but some more independent & we can start with them even for action guidance—e.g., “what would a good person (professional, society) do?”
Other criticisms:
(2) Ethics of care

- Emphasis on care in context and in relationships vs. abstract principles
  - Some overlap with virtue ethics (care as a virtue)
  - Some overlap with case-based reasoning (importance of context)—but more attention to emotional qualities & character traits than most casuists or principlists
Other criticisms:

(2) Ethics of care II

- Alisa Carse: “‘care’ reasoning is concrete and contextual rather than abstract”
  - “sometimes principle-guided” rather than “always principle-driven”
  - “involves sympathy and compassion rather than dispassion”

Other criticisms:

(3) Kinds of interactions

- What kind of interactions, relationships, does principlism presuppose?
  - Principles & rules for interactions among (moral) strangers, not (moral) friends or intimates
    - Importance and value of trust, etc., in certain settings
    - How to characterize contemporary health care?
Other criticisms:

1. (4) Regulatory bioethics

- Some critics: principlism reduces bioethics to regulation thru public policy
  - But Ps can have a critical function & can support prophetic challenges (human subjects research, use of animals in research, inequalities in HC, etc.)
  - In addition, principles are not all of ethics or bioethics—e.g., ideals, virtues
Criticism:
(5) P as ritualistic, mechanical

- Charge: ritualistic invocation of a “mantra” & mechanical application of principles

- Response:
  - Yes, these do occur
  - Need comparative evaluation of best of each approach or method
  - Question: Are problems the result of framework or of inept use of framework?
Conclusions