Methods of Moral Justification in Healthcare Ethics: A Systematic Introduction

Dr. Peter A. DePergola, II, University of Massachusetts Medical School

Available at: https://works.bepress.com/peter-depergola/9/
METHODS OF MORAL JUSTIFICATION IN HEALTHCARE ETHICS: A SYSTEMATIC INTRODUCTION

INTRODUCTION

More important than any particular moral judgment is the justification on which it must necessarily rest if it is to be considered reasonable and, hence, of practical use. The question of whether there exists a single preferable or eminently efficient method of moral justification in bioethics is moot at best: methods are as diverse as the people who employ them and, not unlike mathematics, there are often multiple routes, each methodologically valid, to a correct answer. Still, much can be gleaned from a systematic exploration of the primary methods of justification that compose the contemporary debate. Both “macro” and “micro” methods, as it were, help germinate standard moral reasoning into the fully blossomed moral justification it requires to survive critique, expansion, and application.

The objective of justification in bioethics is to present one’s argumentative stance in a manner that is thoroughly supported by adequate reasons. Simply listing reasons is, as Beauchamp and Childress note, far from meeting the mark of adequacy: not all reasons can be considered good, nor can a litany of poor reasons, no matter how long, be considered sufficient for appropriate support. Disambiguation of terminology, along with the dual tasks of distinguishing the relevance of particular reasons to their supportive sufficiency and ensuring successful, as opposed to merely attempted, moral justification, is essential to any productive moral-philosophical endeavor. The product of justification in bioethics is our best attempt to respond the ever-elusive epistemological task: to be confident in our knowledge of something based on the reasons we assign it.

Moral norms, principles, and theories are three respective tools for exercising and understanding justification in bioethics. The aim of this brief essay is to explore these three unique features that requitaly comprise a complete moral system in order to exemplify how each uniquely, and all collaboratively, make up the foundation of any plausible and successful effort to justify the moral positions human persons employ. Stated succinctly, moral norms are prima facie obligatory guide-markers for our general behavior in response to the question of how we ought to conduct ourselves and why; they are deductive maxims derived from the sense of morality we share in common. As such, they provide the fundamental groundwork for the establishment of cogent moral principles and the framework necessary for all reasonable moral theory.

Moral principles are the most general and comprehensive manifestation of moral norms; they are concrete yet broad instructive guidelines for moral reflection. As such, they provide for the establishment of more explicitly specified moral rules that, in turn, comprise robust moral theory. Moral theory is the final product and ultimate end of the

---

2. Beauchamp and Childress, *Principles of Biomedical Ethics,* 368.
scrupulous examination and systematic ordering of moral norms and principles, including the specification of particular rules and the weighing and balancing of all morally relevant considerations;\(^4\) it is an attempt to establish a rigorous conceptual account of, and practical action guide for, how to reflect on and proceed in concrete circumstances. As such, it aims to provide an expansive and exhaustive justification for what is proposes.

**MORAL NORMS: GENERAL GUIDANCE**

As mentioned above, the primary task of moral norms is to act as prima facie guide-makers for general behavior in response to the question of how human beings should conduct themselves and why. Ethics is not ultimately about one’s opinion that \(x\) is good and \(y\) is bad. Ethics begins, rather, when one appeals to reasons why \(x\) is good and \(y\) is bad, and an appeal to those reasons is an appeal to something normative. Beauchamp and Childress note that morality most commonly refers to the notions of right and wrong that are so widely shared by the human community that they develop into shared social positions.\(^5\) Children are taught growing up, for example, that it is unjust to lie, cheat, and steal; they learn the importance of keeping promises, of respecting others, and of not causing illicit harm. These are “unspoken” moral norms to be taken for granted, and they are the foundational notions that ground the nature of the morality human persons share in common.

The common morality can best be described as the set of norms all persons committed to acting morally share with one another.\(^6\) Unlike particular moralities that are applicable to individual groups that share idiosyncratic moral beliefs (think, for example, of members of a particular religious community, political party, and the like), the common morality applies to all persons in all places; it is the means by which we evaluate all human behavior.\(^7\) As such, the common morality establishes certain criteria, described as action standards by Beauchamp and Childress\(^8\) and as rules of prohibition by Bernard Gert and others,\(^9\) of obligatory conduct that bind us to act in morally responsible ways.

Moral norms embedded in the common morality, then, are expressions of the most minimal commitments to living the moral life. They can be expressed positively, such as “help persons in need,” “keep your promises,” and “respect and obey the law,”\(^10\) or negatively, such as “do not kill,” “do not lie,” and “do not undermine freedom.”\(^11\) Collectively, they form the concrete foundation necessary for the development of more particular moral principles, rules, and obligations that are the indispensable ingredients of any moral theory that is able to be reasonably employed and, hence, justified.

---

\(^4\) Beauchamp and Childress, *Principles of Biomedical Ethics*, 16-22.
\(^5\) Beauchamp and Childress, *Principles of Biomedical Ethics*, 2.
\(^6\) Beauchamp and Childress, *Principles of Biomedical Ethics*, 3.
\(^7\) Beauchamp and Childress, *Principles of Biomedical Ethics*, 3.
\(^8\) Beauchamp and Childress, *Principles of Biomedical Ethics*, 3.
\(^10\) Beauchamp and Childress, *Principles of Biomedical Ethics*, 3.
MORAL PRINCIPLES: COMPREHENSIVE GUIDANCE

As mentioned above, principles are the most general and comprehensive manifestation of moral norms. Beauchamp and Childress describe moral principles as an analytical structure expressive of general moral norms held in the common morality that make for a good starting point for bioethical reflection. They properly function as moral barometers, as it were, which aim to assist in the process of developing specific rules of conduct. In their benchmark text *Principles of Biomedical Ethics*, Beauchamp and Childress identify four primary principles (autonomy, nonmaleficence, beneficence, and justice) that provide a framework for, and springboard from which, moral reflection in medicine might begin to manifest itself into particular rules that, in turn, must endure specification and weighing and balancing before they are able to develop into concrete action guides.

Moral rules can be described as further specified prima facie obligatory norms, often expressed as duties, embedded in principles. While rules are more limited in scope than principles, the primary difference lies in their instructive formulas. Whereas principles are intentionally broad so as to leave room for idiosyncratic circumstantial specification, rules take the development of moral theory one step further: they concretize the abstract notions embedded in principles to formulate particular instructions for practical application. In brief, principles serve as the impetus of and framework for moral reflection; rules serve as the specification of normative moral reflection that eventually materializes into explicit instruction and aims, ultimately, to guide practical action.

Moral rules are not merely specifications of principles; they, too, require specification, and the rationale that underlies them must be weighed and balanced if it is to be considered reasonable, practical, and ultimately justifiable. If one attempts to honor nonmaleficence in the case of patient a, for example, she may find such a principle ambiguous in the face of a particular end-of-life decision. Respecting specified rules such as “refrain from killing” may also leave a moral agent in the dark as to how exactly that should manifest itself in similarly murky circumstances. Specification in ethics aims to address the who, what, where, when, why, and how of a particular situation; it takes the strange and makes it familiar, allowing the relevant facts to determine which principles and rules best allow one to respond to this case, with this patient, in these circumstances.

Moral principles and rules need to be weighed and balanced according to the providence of reasons used to support their imperative invocation. In brief, balancing can be described as the effort to assign foundational reasons to specifications on which to base moral conclusions so as to achieve successful moral equilibrium grounded in normative strength; thereby one is able, as it were, to attribute moral “weight.” Balancing is, in essence, an exercise to determine which moral norms should prevail when not all can be respected, that is, successfully executed and realized in their fullest sense. Take,

---

for example, the promise of a surgeon to his daughter to take her to the local park once he arrives home from his final case of the day. Unexpectedly, the surgery has several complications, runs late, and subsequently presents the surgeon with (at least) two decisions: abandon the life-saving surgery of his patient so as to fulfill the promise to his daughter to take her to the park before dusk, or to break the promise to his daughter and remain in the operating room to finish the life-saving surgery he had previously promised (inasmuch as he consented) to perform. This may seem a simple case to resolve morally, but it nonetheless involves weighing and balancing relevant promises, circumstances, and consequences, and arriving at a reasonable judgment through the examination of how broad moral principles and more specific moral rules apply in distinct moral climates.

It is worth mentioning here that so-called “principlism,”\textsuperscript{16} or the widely employed and above explored account of prima facie moral principles as a fundamental framework for decision-making in bioethics, proposed most markedly by Beauchamp and Childress, has its critics. Foremost among them are Bernard Gert, Charles Culver, and H. Danner Closer. In their text \textit{Bioethics: A Systematic Approach}, the authors accuse principlism of being de facto impractical. Moral principles, they argue, (i) function solely as broad checklists that guide in the recollection of general moral themes, but which ultimately lack the substance necessary to guide action; (ii) are relative to individual interpretations of broad moral themes, specification, and assignment of balance and weight, and are thus theoretically permissive and unregulated; and (iii) often conflict with other principles and fail to provide an explicit method of adjudication by which to regulate clashes of value.\textsuperscript{17,18}

Gert and colleagues propose as an alternative to principlism what Beauchamp and Childress have labeled the “impartial-rule theory,” a label that Gert and others reject.\textsuperscript{19} In essence, they ground their moral system in the common morality upon which they develop a tenfold list of moral rules to be impartially, communally, and transparently observed.\textsuperscript{20} Unfortunately, there are glaring flaws in the Gertonian theory, most notably the failure to realize that their general rules (e.g., “do not kill,” “do not deceive,” etc.) are simply one step less abstract than principlism’s moral principles in that moral rules, in the Beauchampian tradition, are simply specified principles; in a word, even Gertonian general rules must be specified, weighed, and balanced.\textsuperscript{21} In sum, the impartial-rule theory cannot ultimately survive its own critique; specified principles are identical in effect to Gertonian rules.\textsuperscript{22}

**MORAL THEORY: JUSTIFICATORY GUIDANCE**

As mentioned above, moral theory is the final product and ultimate end of the scrupulous examination and systematic ordering of moral norms and principles that aims

\textsuperscript{16} A term first coined by Gert, Clouser, and Culver in the 1980s.
\textsuperscript{17} Gert et al., \textit{Bioethics: A Systematic Approach}, 99-126.
\textsuperscript{18} Beauchamp and Childress, \textit{Principles of Biomedical Ethics}, 372.
\textsuperscript{19} Gert et al., \textit{Bioethics: A Systematic Approach}, 101.
\textsuperscript{20} Gert et al., \textit{Bioethics: A Systematic Approach}, 36-39.
\textsuperscript{21} Beauchamp and Childress, \textit{Principles of Biomedical Ethics}, 373.
\textsuperscript{22} Beauchamp and Childress, \textit{Principles of Biomedical Ethics}, 373.
to establish a rigorous conceptual account of, and practical action guide for, how to reflect on and respond to particular cases of moral conflict. If general norms grounded in the common morality attempt to address the question of how human persons ought to conduct themselves and why, and principles are the broad yet comprehensive instructive structures by which those norms are specified, weighed, and balanced, thus becoming more particular rules, moral theory attempts to provide concrete and exhaustive justification for those general and specific norms.²³ In brief, the justification of any particular norm or principle will ultimately rest on the theory that supports it. It is ultimately moral theory, then, which is finally responsible for the providence of justification in bioethics.

Beauchamp and Childress identify eight criteria by which an exemplary moral theory can be identified. They include: (i) clarity, (ii) coherence, (iii) comprehensiveness, (iv) simplicity, (v) explanatory power, (vi) justificatory power, (vii) output power, and (viii) practicability.²⁴ Four are particularly worthy of review here. The first is coherence. An exemplary moral theory must be coherent; that is, it must be consistent with the concepts in which it is grounded and from which it is developed.²⁵ This means that principles, rules, obligations, and the like are not inconsistent with each other (e.g., “justice at times requires treating others unjustly”). This does not mean, of course, that such principles, rules, and obligations will not at some point conflict; to be sure, they will. It is simply to say that coherence ensures a united “mission,” as it were, that the theory aims to actualize—for example, a commitment to respecting self-rule, to not harming, to doing good, and to acting justly, such as that proposed by the aforementioned authors.

A second criterion is comprehensiveness. An exemplary moral theory must be comprehensive; that is, it must make every effort to be as exhaustive as possible in its justification of the norms for which it accounts.²⁶ Its breadth and depth need not necessarily be vastly expansive, but it must minimally provide thoroughgoing support for what it proposes as normative; hence, it must include a set of systematic and sophisticated criteria for particular evaluation. Even if a theory is incomplete (e.g., using “do not kill” as the sole criteria for a normative bioethical system), it still requires specification so as to provide practical action guidance in particular moral atmospheres.

A third criterion, most important for the purposes of this essay, is justificatory power. An exemplary moral theory must possess justificatory power; that is, it must be grounded in rationale concrete enough to provide convincing evidence, in the form of adequate reasons, necessary to justify belief, not merely in the repetitious activity of reformulating previously employed moral positions.²⁷ Exemplary moral theories include not only the distinction of rivaling moral concepts (e.g., ordinary and extraordinary means), but also, and much more crucially, the justification of such distinctions. Effective

²³ Beauchamp and Childress, *Principles of Biomedical Ethics*, 1.
²⁴ Beauchamp and Childress, *Principles of Biomedical Ethics*, 334-36.
²⁵ Beauchamp and Childress, *Principles of Biomedical Ethics*, 334.
²⁶ Beauchamp and Childress, *Principles of Biomedical Ethics*, 335.
²⁷ Beauchamp and Childress, *Principles of Biomedical Ethics*, 336.
moral theories, then, comprehensively identify, explain, and justify what they propose as morally true; they thereby become worthy of belief and, hence, are able to be practically implemented in good conscience.

A forth criterion is practicability. An exemplary moral theory must be practical; that is, it must be able to meet the aforementioned conditions and so be practically applied in concrete moral circumstances. In ethics, moral ideals are important, as authors Gert and others note, but if they are so lofty as to be utterly insatiable then the moral theory that grounds them will ultimately prove inept. If, for example, a moral theory proposed a notion of nonmaleficence so demanding that no person could, at any time, fully respect it (e.g., refraining even from activities that inflict exceptionally minor and fleeting pain so as to achieve a greater good, such as injecting a vaccination to guard against H1N1 influenza upon a patient’s request and consent), it would prove effectually useless.

Both deductive (top-down) and inductive (bottom-up) moral theories possess respective strength. Deductive models base justification on achievable normative axioms structured, designed, and specified to address particular moral judgments. Moral conclusions are thus logically derived from a set of reasonable premises. Deductive models are best applied to cases of relative simplicity whose details fall securely under the umbrella of a particular principle or rule. Inductive models base justification on past prudential judgments made in circumstances similar to that presently faced. Moral reasoning, then, moves from particular judgments to more broadly employed moral positions. Approaching normative judgments casuistically, the inductivist makes decisions similar to those that proved experientially successful in the past. Hence, whereas deductivists value the logical, comprehensive process of principled reasoning, inductivists prize experience, narrative, and moral evolution above all else.

CONCLUSION

In ethics, answers are important, but the moral norms, principles, and theories in and by which they are grounded, developed, and sustained are more important. Only when these tasks are fulfilled is one able to make any practical progress. Successful justification in bioethics, then, lies in the evolution of sufficient, systematic reasons on which to base moral conclusions grounded in common norms, developed by comprehensive principles, specified by rules that are weighed and balanced, and sustained by expansive and exhaustive moral theory that is consistent, coherent, comprehensive, unbiased, supported by rigorous argument, and has achieved equilibrium by honoring the best of both deductive and inductive models of analysis.

The aim of this brief essay was to explore three unique features that requisitely comprise a complete moral system in order to display how each individually, and all collectively, make up the foundation of any reasonable and effective effort to justify the moral positions human persons employ. Without a systematic inclusion of each uniquely featured branch of moral theory, including theory itself, morality would lack the essential ingredients necessary for justification. In the absence of justification, ethics is reduced to a matter of mere opinion between interlocutors. Finally, although some authors critique a principlist approach to morality, rejecting it on account of its supposed de facto impracticality,\(^\text{36}\) it is the position of this essay that principlism’s comprehensive approach is among the best methods by which to approach morality in biomedicine.

**REFERENCES**

