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Single-Principle Versus Multi-Principles Approaches in Bioethics

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Abstract: *The so-called Principlism of Beauchamp and Childress is one of the most prominent approaches in bioethics. It has, nevertheless, given rise to an ongoing debate on methodology in bioethics. At the bottom of this debate lies the question whether a multi-principles approach or a single-principle approach is more convincing in bioethics. In this paper I shall propose a 'third way' of bioethical reasoning that is committed neither to a multi-principles nor to a single principle approach. In contrast, I will take up the Kantian differentiation of formal and material principles. This differentiation permits combining the strengths of multi-principles as well as of single-principle approaches.*

1.

The so-called *Principlism* of Tom L. Beauchamp and James F. Childress is one of the most prominent approaches in bioethics. It has, nevertheless, provoked much criticism and given rise to an ongoing debate on methodology in bioethics.¹ One of the allegations that is frequently brought up against the four-principles approach is that Beauchamp and Childress do not provide any convincing solution for the problem of conflicting principles. Yet, such conflicts are quite common in the context of complex bioethical problems. In view of this, various solutions have been

proposed: One suggestion is to employ a set of meta-rules, combined with a method of balancing in order to resolve conflicts;² others promote (following Rawls) a lexical ranking among the principles or nominating one of the principles — usually autonomy — as the first among equals to facilitate settlements in case of conflict;³ a third position advocates a mixed strategy of ranking and balancing;⁴ a fourth opinion, finally, suggests replacing the four principles by only one principle so that no conflict of principles can come about.⁵

There are many other competing ethical approaches, some of which consider the concept of principles in general as exceedingly unsuitable for bioethical reasoning. Early in the debate, Stephen Toulmin coined the phrase of a ‘tyranny of principles’ and argued vehemently against principle-based approaches in bioethics: ‘abstract generalizations of theoretical ethics are [...] no substitute for a sound tradition in practical ethics’,⁶ but rather a form of ‘oversimplification’ in moral thinking to which moral philosophers are, apparently, not immune. It would, therefore, be completely mistaken to maintain that bioethics is essentially principlist or even to identify bioethics with *Principlism*. In the present paper, I will, however, limit myself solely to principle-based approaches as one very influential type of theories in bioethics and focus on a methodological debate associated with them.

At the bottom of this methodological debate lies the question whether a multiprinciples approach or a single-principle approach is more convincing in bioethics.⁷ Proponents of the former position argue that one single principle is necessarily not rich enough in order to capture the diversity and complexity of moral life. In particular, any attempt to reduce morality to the avoidance of harm i.e. to nonmaleficence as the unique principle or to liberty protection — i.e. to autonomy as the unique principle is defective. Proponents of the latter position, however, reply that there is no convincing solution for the problem of conflicting principles. Therefore, they conclude, only a single-principle approach is methodologically sound.

In the following I shall propose a ‘third way’ of bioethical reasoning that is committed neither to a multi-principles approach nor to a single-principle approach. In contrast, I will take up the Kantian differentiation of *formal* and *material principles*. This differentiation, I shall argue, permits combining the strengths of multi-principles as well as of single-principle approaches: Beauchamp and Childress’ four principles — understood as a *multitude of material principles* — allow for the complexity of moral life; human dignity - taken as *one formal principle* - functions both as a final justification of normativity and - more importantly in the present context - as an ethical framework for resolving conflicts among material principles.

2.

Beauchamp and Childress’ *Principlism* is well known and it seems hardly necessary to outline it in detail. However, some aspects of their theory are noteworthy in view of the following argumentation: The authors of *Principles of Biomedical Ethics* take ‘common morality’ as a starting point for their approach.⁸ A further justification in ethics is, in their view, neither necessary nor possible: ‘The general norms and schemes of justification found in philosophical ethical theories are invariably more contestable than the norms in the common morality. [. . .] Morality is the anchor of theory; theory is not the anchor of morality’.⁹ They assume that common morality comprises a plurality of principles, of which four are considered especially important in the context of biomedical ethics: autonomy, beneficence, nonmaleficence and justice.¹⁰ Although it is sometimes argued that the principle of autonomy does (or should) play a key role and is — at least — the first among equals,¹¹ Beauchamp and Childress explicitly reject this view. In their perspective all principles are on a par.¹² Moreover, their approach can be seen as an attempt to ‘eliminate what is unacceptable in each type of theory and to appropriate what is relevant and acceptable’.¹³ In particular, they are sceptical against classical theories such as Utilitarianism and Kantianism, as they see ‘defects

and excesses in all general theories'.¹⁴ The four principles, therefore, have links to such classical theories, but try to avoid (actual or supposed) characteristic one-sidedness.

Regardless of the irreducible plurality of principles, it is not self-evident that the problem of conflicting principles is particularly troublesome for *Principlism*. Beauchamp and Childress refer to Ross' notion of *prima facie* principles and, just as he did, explicitly reject the idea of absolute principles.¹⁵ In any given situation it has to be discerned which of the many *prima facie* duties is the actual duty. Therefore, arguably, a real conflict of principles does not exist at all in concrete cases. Certainly, this raises the problem of which criterion grounds the decision about the actual duty, so the problem of a conflict of principles reappears. Nevertheless, Ross does not consider this problem to be extremely disturbing,¹⁶ because he sees the judgment as to the rightness of a particular act in analogy to the judgment of the beauty of a particular natural object or work of art.¹⁷ On his view, to demand a criterion for discerning which of the many *prima facie* duties is the actual duty misconceives the nature of moral judgment. It is rather a matter of 'perceiving' the actual duty in a given situation than of logically concluding it by means of a fixed criterion or rule from a set of *prima facie* principles.¹⁸ Without doubt, in some parts of their book Beauchamp and Childress clearly subscribe to this account of moral judgment formation.¹⁹ Consequently, they could argue that the problem of conflicting principles either does not exist within their ethical framework or is, at least, not troublesome. In other parts, however, they take the problem of conflicting principles more serious. In fact, Beauchamp and Childress as well as other scholars spent much work on this particular problem during the past years.²⁰ This is a strong argument in favour of the view that for *Principlism* the problem of conflicting principles is a serious methodological challenge. Beauchamp and Childress themselves suggest the concept of 'balancing' in order to deal with it. As 'a response to criticism that the method of balancing is too intuitive and open-ended' and 'lacking in a commitment to

firm principles'²¹ they devise a set of six rules that function as conditions restricting balancing.²² These conditions 'must be met to justify infringing one *prima facie* norm in order to adhere to another'.²³ This indicates that Beauchamp and Childress, too, see the need for an element of justification in the process of discerning which of the many *prima facie* duties is the actual duty rather than leaving it to intuition or, as Ross calls it, to a kind of 'moral perception'.

The set of conditions that Beauchamp and Childress offer highlights the fundamental and irresolvable problem of conflicting principles in a multi-principles approach like *Principlism*: The rules either refer to a factual condition, i.e. the realistic prospect of achievement (Rule 2), which is of course important, but does not help to resolve genuine conflicts of ethical principles. Or they presuppose what the method of balancing was originally intended to show, i.e. which principle should be dominant in a given situation: Rule 1 demands 'better reasons' for an overriding rule; Rule 3 requires that no 'morally preferable alternative' is at hand; Rule 4 insists that any infringement must be 'least possible'; Rule 5 commands to 'minimize negative effects'; Rule 6, finally, calls for not being influenced by 'morally irrelevant information'. All these rules only make sense under the condition that some guiding moral principle, defining what 'a better reason', 'morally preferable', 'negative effects' or 'morally irrelevant' is, is already accepted. But exactly such a principle is not envisaged in *Principlism*. To put it differently: The rules provided by Beauchamp and Childress are all relational in nature, but they lack a reference point for the stated relation. Only on the basis of one supreme ethical principle, e.g. autonomy or nonmaleficence, would it be clear what 'morally preferable' means, i.e. less autonomy-corrupting or less harm-causing. However, by introducing a supreme principle the original character of *Principlism* as a multi-principles approach would vanish; instead, a single-principle approach would be enacted. This, in turn, would be at odds with the claim that any form of single-principle approach is unable to match the complexity of moral life.

Robert Veatch has tried to avoid this apparent dilemma by proposing a 'mixed strategy' that combines

elements of balancing and lexical ranking.²⁴ He differentiates between ‘consequence-maximizing principles’²⁵ (especially beneficence and nonmaleficence) and ‘nonconsequentialist principles’²⁶ (especially autonomy and justice). The nonconsequentialist or deontological principles — as one may also call them — are, in Veatch’s approach, prior to or higher-ranking than the consequence-maximizing principles, i.e. they must be observed before the consequence-maximizing principles come into play. Within the two groups, however, the method of balancing shall rule. Veatch argues that his approach is rich enough to adequately reflect the complexity of moral life and is more flexible than a simple form of lexical ranking, but at the same time it is not as lax as pure balancing, which is under suspicion of allowing almost any outcome in case of conflicting principles.

On closer inspection it becomes evident that Veatch’s proposal must fail. Instead of combining the strength of different approaches, he only gets the flaws. First of all, Veatch’s approach is essentially a multi-principles approach with no real solution for conflicting principles. It does not help that there are only two principles in each of the two groups: autonomy and justice as well as nonmaleficence and beneficence can undoubtedly come into conflict.²⁷ Veatch’s own claim that balancing is an all too lax method for resolving such conflicts strikes not only at *Principlism* but also his own ‘mixed strategy’. At the same time his suggestion to always prioritize the deontological principles leads to some rather questionable results; e.g. infringements of liberty rights in order to stop self-destructive behaviour cannot be regarded as an ethical option in this view. Again, Veatch’s own claim that lexical ranking is too inflexible and brings about implausible outcomes affects his own approach.

Granting that this analysis is correct, it seems inevitable to turn to a single-principle approach in bioethics. The most prominent options are either to set autonomy or nonmaleficence as the ultimate ethical principle. The first option would amount to pure libertarianism; the second would equal what Veatch calls ‘Hippocratism’.²⁸ Obviously, both accounts avoid the problem of

conflicting principles. However, as noted before, both seem ‘to leave out too much of the moral life’.²⁹ For example, in a Hippocratic perspective infringements of liberty are only problematic insofar as they constitute harm. Yet, Paul Ramsey, for example, correctly observed in the context of research on humans that ‘a subject can be wronged without being harmed’.³⁰ On the other side, there are strong reasons to think that a strict libertarian approach that promotes the right of self-determination as the one and only ethical principle is deficient in bioethics.³¹ To sum up: Either one supports *only one* supreme ethical principle or a *plurality* of principles — *tertium non datur!* It appears, however, that neither any form of multi-principles approach nor any form of single-principle is convincing. Consequently, ethical methodology is facing a real dilemma.

3.

A way out of the dilemma between single-principle and multi-principles approaches might arise from a fundamental distinction Kant introduces in his ethical writings. There he differentiates between *material* and *formal practical principles*. According to Kant, formal principles are those that ‘abstract from all subjective ends’ whereas material principles are exactly those that are based on subjective ends (cf. Kant AA IV, p. 427; AA V, pp. 21–22).³² In the first, formal part of his ethical system (elaborated in the *Groundwork of the Metaphysics of Morals* and in the *Critique of Practical Reason*) Kant argues that *laws or commands of morality* that shall — in contrast to mere *rules of skills* or *counsels of prudence* — be authoritative in an *unconditional* manner (‘universally valid *necessity*’, AA IV, p. 416) cannot be grounded on material ends ‘for only their [i.e. material ends] mere relation to a specially constituted faculty of desire gives them their worth’ (AA IV, p. 428). Hence, they can never constitute objective ends that are binding for all humans or, more generally speaking, for all rational beings. But this is exactly what Kant demands of a practical law — universal validity and necessity for ‘all rational beings and every volition’ (AA IV, p. 428).

It is often argued that Kant does not take the diversity of human desires and preferences into account. What he, in fact, highlights is simply that this diversity implies that ethics cannot be *built upon* material principles — unless the claim of general validity is relinquished. As a consequence, Kant's supreme ethical principle is *not material but formal* in nature — the well-known categorical imperative. In its second version it says: 'So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means' (AA IV, p. 429). Combined with Kant's notion that 'in the kingdom of ends everything has either a price or dignity' (AA IV, p. 434) one can briefly say that the categorical imperative demands respecting the dignity of persons. Or, to put it differently: Kant supports one supreme (formal) principle, which can be called the *principle of dignity*.

Contrary to a widely accepted interpretation of Kant's ethical theory, his position was not that material principles have no place in ethics at all. Quite the opposite is true. He strongly stresses that the formal part of ethics must be complemented with a material part that takes into account specific human conditions and that, thereby, is ready for 'the special determination of duties as human duties' (AA V, p. 8). And fulfilling this task is 'possible only after the subject of this determination (the human being) is cognized as he is really constituted' (AA V, p. 8). This is not in conflict with the thesis that ethics must be based on *a priori* principles: 'This is to say, in effect, that a metaphysics of morals cannot be based upon anthropology but can still be applied to it' (AA VI, p. 216).

4.

The four principles that Beauchamp and Childress present in their approach can be understood as a (first) result of the process which Kant demands. On a rather abstract level it is reasonable to think of human beings as end-setting, psycho-physical, needy and social beings. In combination with the principle of dignity these four 'basic anthropological features' result in the principles of autonomy,

nonmaleficence, beneficence and justice. Seen as material principles in a Kantian way, these principles are nothing less than ‘the determination of duties as human duties’: Because humans are end-setting beings, infringements of liberty can violate their dignity (principle of autonomy/selfdetermination³³); furthermore, because humans are psycho-physical and needy beings violating their integrity and not fulfilling some fundamental needs can violate their dignity (principles of nonmaleficence and beneficence); finally, because humans are social beings, some ways of distributing benefits and burdens in societies can violate their dignity (principle of justice). The material principles emerge once certain aspects of the human condition are looked upon from an ethical perspective, or, as Kant stated, if the ‘metaphysics of morals is applied to anthropology’. This application cannot — as critics sometimes impute — be conceived of as a mechanical task. It is rather a constructive process in which interpretations of the human condition play an important role, especially when more specific material principles are under consideration. The fact that humans are end-setting, psycho-physical, needy and social beings is, probably, uncontroversial. As a consequence, the importance of the four material principles mentioned is widely acknowledged. However, even the ‘basic anthropological features’ must not be understood as mere empirical ‘facts’. For example, the neediness of humans can be explicated in various ways. Depending on which understanding of human neediness one considers to be most adequate, the ‘application’ of the principle of dignity will lead to different concepts of the principle of beneficence. And depending on this concept as well as on the more particular contexts of actions considered (e.g. medical practice) more specific material principles can be derived (e.g. a therapeutic obligation).

In this perspective it becomes clear that all the material principles must be regarded against the background of the principle of dignity. This means: not all infringements of liberty are morally problematic, not all violations of the psycho-physical integrity are morally dubious, not all individual needs must be met and not any form of committing persons in a societal context are morally

questionable. To put it in more abstract terms: not any *factual* infringement of one of the material principles is at the same time a *moral* infringement. This conforms well to our moral intuitions: Infringing the physical integrity of a person with a scalpel in the course of a medically indicated and consensual operation is not morally dubious at all. And infringing the liberty of a mentally confused person may at times even be imperative, e.g. if self-endangering behaviour must be expected. From a Kantian perspective it is easy to explain why these factual infringements are morally legitimate: this is the case because by acting in the described way the dignity of persons is fully respected (they are not treated as a means only).

How does the Kantian approach help in view of conflicts of principles? First of all, it is important to note that Kant himself denies that conflicts of principles in a strict sense can emerge. In the *Metaphysics of Morals* Kant argues: ‘A *conflict of duties (collision officiorum s. obligationum)* would be a relation between them in which one of them would cancel the other (wholly or in part). But since duty and obligations are concepts that express the objective practical *necessity* of certain actions and two rules opposed to each other cannot be necessary at the same time, if it is a duty to act in accordance with one rule, to act in accordance with the opposite rule is not a duty but even contrary to duty; so a *collision of duties and obligations* is inconceivable (*obligationes non colliduntur*)’ (AA VI, p. 224). This passage is sometimes interpreted in a way that Kant denies the possibility of genuine moral dilemmas. The subsequent lines, however, make it clear that this is not what Kant intends to say: ‘However, a subject may have in a rule which he prescribes to himself, two *grounds* of obligation (*rationes obligandi*) one or other of which is not sufficient to put him under obligations (*rationes obligandi non obligantes*), so that one of them is not a duty. When two such grounds of obligations conflict with each other, practical philosophy says not that the stronger takes precedence (*fortior obligatio vincit*) but that the stronger ground of obligation prevails (*fortior obligandi ratio vincit*)’ (AA VI, p. 224). Following Onora O’Neill I suggest that Kant denies only the possibility of ‘any intrinsic

conflict between fundamental principles of duty'.³⁴ In fact, none of the above mentioned material principles do conflict on principal grounds. This does, of course, not mean that no contingent conflicts in a particular case can arise. In such a case, Kant says, the *stronger ground of obligation* must prevail. Following the differentiation between formal and material principles we may translate this into the following rule: If two or more material principles come into conflict (on contingent factual grounds) the principle that is most relevant from the perspective of the principle of dignity must prevail. Since the material principles derive their moral force from the principle of dignity, the anthropological feature (or the associated material principle) that is most intimately connected with a person's dignity has the most moral force and is, therefore, the 'stronger ground of obligation'. It is the objective of ethical analyses of particular cases or more abstract scenarios to elucidate these connections. These analyses must take into account contextual features, but also interpretations of the human condition (some of which may differ depending on the cultural background etc.). Yet, the fundamental question to be answered in case of conflicting principles is: How can the dignity of a person be respected best?

One may object that the described combination of a *plurality of material principles* with *one single formal principle* does not really constitute a 'third way' but that it is rather another type of single-principle approach. This objection does, however, not take into account that, taken as a formal principle, the principle of dignity is located on a different theoretical level than the material principles. In particular, it is not a master principle among other principles of the same kind. The crucial point of the Kantian differentiation between formal and material principles is that it avoids the simple dichotomy 'one or many': On this account there is neither only one principle (since the plurality of material principles is an integral part of the approach) nor simply a plurality of principles (since the formal principle of dignity is an integral part of the approach, too).

5.

Robert Veatch has provided 'An Extended Example' in order to illustrate the practical implications of different methodological approaches in bioethics.³⁵ In the following I take up his example to highlight some specific features of the 'third way' I am proposing.³⁶

Veatch considers 'the question of whether it is ethical to conduct an important research project on a human subject when that subject actively refuses to participate'.³⁷ At first, he argues that from a Hippocratic point of view research on human subjects is always immoral. In a Utilitarian perspective research on an unwilling human being is justified as long as the overall good exceeds the overall harm (notably, subtle forms of harm like psychological stress and bad publicity for research must be taken into account). Balancing theories, according to Veatch, make it more difficult to legitimate research on unwilling subjects. It is, however, in principle possible that benefits (to future patients) outweigh the infringement of liberty (of actual research subjects). Subsequently, Veatch contrasts these three positions with his own 'Mixed Theory': According to his approach, social utility can never justify the violation of a deontological principle such as the principle of autonomy. Only nonconsequentialist principles could be used to overrule autonomy. And indeed, Veatch argues that violating autonomy might in exceptional cases be justified by claims of justice according to his mixed strategy: 'This type of mixed approach to the problem of conflict among principles makes it extremely difficult, but not impossible, to justify conscription of unwilling research subjects. It makes it more difficult than it is within utilitarianism and more difficult than it is even using balancing and conflicting appeals approaches, but not as it is within the Hippocratic approach or a pure libertarianism'.³⁸

What Veatch fails to provide is a criterion that determines under which conditions 'claims of justice' legitimately can outweigh 'respect for autonomy'. Moreover, he fails to show why his approach is not a kind of 'Balancing Theory' that is simply limited to deontological principles. In his

approach it is, of course, 'more difficult' to justify research on unwilling research subjects than it is in a balancing theory that includes deontological and consequentialist principles. However, the basic structure of his approach is strikingly similar to balancing theories.

What about the approach that combines the four principles with the notion of human dignity as formal principle? How would research on unwilling research subjects be evaluated from the perspective of this approach? The answer is obvious: It would not be possible to justify such forms of research. Overruling an autonomous decision can only be justified if it serves the superior demand of respecting people's dignity. But including people in a research project (as a means for the end of medical progress) does not accord with this superior demand.³⁹ However, the principle of dignity is by far not as restrictive as the Hippocratic approach that Veatch analyses. If people agree to participate in a research project and if it does not include unreasonable dangers research is unproblematic under this account. An approach that uses human dignity as a (formal) normative reference point is not just more restrictive than the one Veatch proposes or more liberal than Hippocratism. The distinctive feature of this systematic approach is that it provides a normative criterion for evaluating conflicting principles.

6.

The way in which Kantianism is 'used' in the present proposal may provoke criticism. Some may claim that Kant did not formulate material principles like the four provided by Beauchamp and Childress. Moreover, one may argue that Kantian ethics itself has serious shortcomings and can, therefore, not count as an adequate ethical framework for bioethics.

With respect to the first objection I admit that Kant himself conceptualized the material part of his ethical system in a fairly different manner. However, determining 'duties as human duties' as it is proposed in the present paper is in line with the overall architecture of the Kantian system.

Furthermore, it seems to be possible to match the four principles with some parts of the *Metaphysic of Morals* (e.g. the respect for selfdetermination with Kant's claim that liberty is an inherent right of every human being in the *Doctrine of Right*, AA VI, pp. 237–238, the principle of beneficence with the 'duty of benevolence' in the *Doctrine of Virtue*, AA VI, pp. 452–454). This is not to say that the presently proposed approach is identical with Kant's ethical system. But the foundation that Kant provides in the formal part of his ethical system, together with his claim that a material part determining 'duties as human duties' must follow, is certainly compatible with a material part that is — contrary to Kant's own approach — conceptualized as a system of material principles.

The second objection mentioned above is brought up by Beauchamp and Childress themselves. Following a critique formulated already by Hegel, they consider Kantianism as far too abstract: 'Kant's relatively empty formalisms have little power to identify or assign specific obligations in almost any context of everyday morality, thereby raising questions about the theory's practicability'.⁴⁰ However, this criticism rests on the false assumption that Kant's ethical system is identical with its formal part laid down in the *Critique of Practical Reason* and in the *Groundwork of the Metaphysics of Morals*. As noted above, Kant stressed repeatedly that the formal part in ethics must be complemented with a material part that takes into account specific human conditions. Only in this part of the ethical architecture is it possible (and necessary) to 'identify or assign specific obligations'. Therefore, Beauchamp and Childress' perception that Kant and Kantianism must be considered as an interesting but insufficient ethical theory can be rejected.

7.

Without doubt, in the case of conflicting principles the Kantian approach leaves room for different interpretations. For example, in view of the question whether participation in high-risk medical research is ethically justified, one can argue that the principle of self-determination demands truly

informed consent. If, however, a research subject voluntarily decides to participate prohibiting such experiments will be at odds with respecting the dignity of the research subjects. Others may, in turn, argue that the principle of nonmaleficence demands to protect the physical integrity of persons and that respecting the dignity of persons may sometimes imply overruling personal decisions. As a consequence, one could argue that the proposed solution for the problem of conflicting principles—namely to consider the principle of dignity as a formal principle that serves as a normative reference point for settling such conflicts—just raises a new, equally troubling problem, i.e. a conflict of different interpretations of the concept of dignity and its relations to the material principles. The concept of dignity itself, of course, needs to be filled out in order to function in the described way. It is characterized by a certain openness to interpretation. Yet, this openness to interpretation must not be confused with complete indeterminacy. The already cited second formula of the categorical imperative ('the formula of humanity as an end in itself', AA IV, p. 429) clearly suggests how to interpret the principle of dignity in view of concrete cases. In particular, the principle of dignity precludes all those options for action that fail to respect humans as moral subjects. In case of conflicting (material) principles it, at least, significantly limits the number of justifiable options for action in comparison with the method of balancing. Consequently, the conflict of different interpretations of dignity is considerably less problematic than the conflict of different principles (without the principle of dignity as a normative reference point).

What Kant provides with his formal principle is a common ethical ground on which disputes over conflicting principles can be carried out. That does, of course, not mean that simple solutions for all complex problems are at hand. Such an expectation would, however, be mistaken anyway. In this respect, Beauchamp and Childress are correct when they state: 'Neither morality nor ethical theory has the resources to provide a single solution to every moral problem'.⁴¹ Yet it does mean that there is one integrating ethical framework with a genuine reference point that can help to settle controversies.

Insofar, the proposed approach is, in particular, significantly different from the multi-principles approach suggested by Beauchamp and Childress. While their meta-rules lack a genuine normative reference point and, consequently, cannot help to solve conflicts of principles, the principle of dignity is exactly such a reference point. Again, the openness for interpretation of the concept of dignity must not be confused with the moral indeterminacy which Beauchamp and Childress' meta-rules suffer from. In their approach, it remains unclear what 'a better reason' is whereas in the present approach 'a better reason' is one that respects the dignity of persons better. There will, of course, be cases in which disagreement cannot be resolved on whether a certain act A or B is 'morally preferable' in this sense. However, this is a form of ultimate moral disagreement which a moral theory can only make as explicit as possible.

Contrary to many other models that have been proposed in order to solve conflicts of principles, Kant's approach is prepared to catch the diversity of moral life adequately and is, at the same time, flexible enough to meet the complexities of bioethical problems. However, it does not delegate the problem of balancing principles to mere intuition. With the principle of dignity it provides a theoretical basis for resolving conflicting principles.

NOTES

1 Cf. e.g. the papers included in R. M. Veatch & C. M. Spicer (eds), *Theories and Methods in Bioethics: Principlism and Its Critics* (Special Issue). *Kennedy Institute of Ethics Journal* 5 (1995): 181–286; A. S. Iltis (ed.), *Specification, Specified Principlism and Casuistry* (Issue Title). *Journal of Medicine and Philosophy* 25 (2000): 271–360; J. Savulescu (ed.), *Festschrift edition of the Journal of Medical Ethics in honour of Raanan Gillon*. *Journal of Medical Ethics* 29 (2003): 265–312.

2 Cf. T. L. Beauchamp & J. F. Childress, *Principles of Biomedical Ethics*, 5th edn. (Oxford:

Oxford University Press, 2001). Beauchamp and Childress develop the set of meta-rules in reaction to criticism on earlier editions of their work.

3 Cf. R. Gillon, 'Ethics needs principles: Four can encompass the rest — and respect for autonomy should be "first among equals"', *Journal of Medical Ethics* 29 (2003): 307–312.

4 Cf. R. M. Veatch, 'Resolving conflict among principles: Ranking, balancing, and specifying', *Kennedy Institute of Ethics Journal* 5 (1995): 199–218.

5 Cf. B. Gert, C.M. Culver & K.D. Clouser, *Bioethics: A Return to Fundamentals* (New York: Oxford University Press, 1997). The authors effectively promote nonmaleficence as the ultimate ethical principle.

6 S. Toulmin, 'The tyranny of principles', *Hastings Center Report* 11,6 (1981): 31–39, p. 31.

7 Cf. Veatch 1995, op. cit., pp. 206–211. This question comes up, of course, not only in the limited field of bioethics, but also in ethics in general. However, the issue of single-principle versus multi-principles approaches has been intensively discussed in bioethics over the past years. The present paper is intended primarily as a contribution to this debate. The solution proposed may, *pars pro toto*, also be valid for ethics in general and be applied in other normative contexts than the life sciences.

8 Beauchamp & Childress op. cit., pp. 2–5, 401–409.

9 Ibid., pp. 404–405.

10 Ibid., p. 12.

11 Cf. Gillon op. cit.

12 Beauchamp & Childress op. cit., p. 57.

13 Ibid., p. 337.

14 Ibid., p. 337.

- 15 Ibid., pp. 405–406.
- 16 W.D. Ross, *The Right and the Good*, ed. P. Stratton-Lake (Oxford: Clarendon Press, 2002), pp. 23–47.
- 17 Ibid., p. 31.
- 18 Ibid., p. 42.
- 19 Beauchamp & Childress op. cit., pp. 405–406.
- 20 Cf. e.g. D. DeGrazia, ‘Moving forward in bioethical theory: Theories, cases, and specified principlism’, *Journal of Medicine and Philosophy* 17 (1992): 511–539; H. S. Richardson, ‘Specifying norms as a way to resolve concrete ethical problems’, *Philosophy and Public Affairs* 19 (1990): 279–310; H. S. Richardson, ‘Specifying, balancing, and interpreting bioethical principles’, *Journal of Medicine and Philosophy* 25 (2000): 285–307.
- 21 Beauchamp & Childress op. cit., p. 19.
- 22 Ibid., pp. 19–20.
- 23 Ibid., p. 19.
- 24 Veatch 1995, op. cit., pp. 211–213.
- 25 Ibid., pp. 200–202.
- 26 Ibid., pp. 202–206.
- 27 Cf. Veatch’s own example in R. M. Veatch, ‘Contract and the critique of principlism: Hypothetical contract as epistemological theory and as method of conflict resolution’ in L. M. Kopelman (ed.) *Building Bioethics. Conversations with Clouser and Friends on Medical Ethics* (Dordrecht: Kluwer, 1999), pp. 140–141.
- 28 I use the term ‘Hippocratism’ as a technical term in the sense in which Robert Veatch uses it in the cited paper (cf. Veatch 1995, op. cit., pp. 206–208), i.e. to denominate a position that sets nonmaleficence as the ultimate ethical principle. In particular, I do not claim that in the Hippocratic

writings only harm avoidance is being advocated as morally relevant aspect.

29 Veatch 1995, op. cit., p. 208,

30 P. Ramsey, *The Patient as Person. Exploration in Medical Ethics*. 2nd edn. (New Haven, CT: Yale University Press, 2002), p. 39.

31 Veatch 1995, op. cit., p. 207.

32 References to the writings of Immanuel Kant are given directly in the text; they are cited by volume and page number of the *Akademie Ausgabe* (*Kant's Gesammelte Schriften*. Herausgegeben von der Königlich-Preussischen Akademie der Wissenschaften, Bd. 1–22, von der Deutschen Akademie der Wissenschaften zu Berlin, Bd. 23, von der Akademie der Wissenschaften zu Göttingen, Bd. 24 (Berlin: Georg Reimer and subsequently Berlin: de Gruyter), 1900 ff.). Quotes are taken from the following English translations: I. Kant, *Metaphysics of Morals*, ed. M. Gregor (Cambridge: Cambridge University Press, 1996); I. Kant, *Critique of Practical Reason*, ed. M. Gregor (Cambridge: Cambridge University Press, 1997); I. Kant, *Groundwork of the Metaphysics of Morals*, ed. M. Gregor (Cambridge: Cambridge University Press, 1998).

33 The notion of autonomy is misleading here since in Kantian terms 'dignity' and 'autonomy' are closely connected. In particular, in Kant's ethical theory autonomy means 'self-legislation', i.e. the capacity of committing oneself to the moral law. Onora O'Neill has correctly observed that there is a tendency to use the notion of autonomy differently: 'Contemporary accounts of autonomy have lost touch with their Kantian origins, in which the links between autonomy and respect for persons are well argued; most reduce autonomy to some form of individual independence, and show little about its ethical importance.' (O. O'Neill, 'Some limits of informed consent', *Journal of Medical Ethics* 29 (2003): 4–7, p. 5). Beauchamp and Childress use the term 'autonomy' merely to denote the ability to act freely. The latter is more accurately denominated with the term 'self-determination' not 'self-legislation'. Self-determination, however, is not directly

connected with dignity. On the contrary, only because humans are end-setting beings can infringements of liberty violate their dignity (but need not necessarily). Since the term ‘autonomy’ is commonly used in the bioethical debate I will keep it in order to avoid confusions.

34 O. O’Neill, ‘Instituting principles: Between duty and action’ in M. Timmons (ed.) *Kant’s Metaphysics of Morals* (Oxford: Oxford University Press, 2004), p. 342.

35 Veatch 1995, op. cit. pp. 213–215.

36 I want to stress that the following is not intended as a ‘test’ that shall demonstrate that the suggested approach is true. In ethics there is, of course, no way of ‘testing’ or even ‘verifying’ theories by applying them to practice. It is just meant as a practical example that illustrates some significant differences compared to other approaches. I take up this example in particular because Robert Veatch uses it in order to explicate his ‘mixed strategy’ approach.

37 Veatch 1995, op. cit., p. 213.

38 Ibid., pp. 214–215.

39 One could, of course, argue that by not undertaking a particular research project the dignity of those patients who suffer from a disease that the research projects intends to investigate is being compromised. In this scenario, I think, most would agree that from the perspective of the principle of dignity the conscription of unwilling research subjects is more problematic than the fact that medical research is not being promoted. Other scenarios are conceivable in which the failure to render assistance might be more relevant from the perspective of the principle of dignity than the protection of liberty. As noted above, only ethical analyses that take into account all relevant aspects can resolve such issues. However, for such analyses the proposed approach provides an integrating ethical framework in which the principle of dignity serves as normative reference point.

40 Beauchamp & Childress op. cit. p. 355.

41 Ibid., p. 21.