Defending Principlism Well Understood

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ABSTRACT

After presenting the current version of principlism, in the process repudiating a widespread deductivist misinterpretation, a fundamental metaethical disagreement is developed by outlining the deductivistic critique of principlism. Once the grounds for this critique have been understood, the dispute between casuistry, deductivism and principlism can be restructured, and the model of ''application'' proven to be the central difference. In the concluding section it is argued that principlism is the most attractive position, if the perceptual model of weak intuitionism is made more explicit.

Keywords: casuistry, deductivism, intuitionism, principlism

I. INTRODUCTION

Principlism is one of the predominant methods of biomedical ethics.[2] The critique of this conception has been partly addressed by Beauchamp and Childress in the fourth edition of their book *Principles of Biomedical Ethics*,[3] and has led to improvements, alterations, and clarifications of their original approach. In the course of the discussion, however, a fundamental critique has been formulated, one that cannot be integrated with principlism's most basic premises. This critique, above all vehemently propounded by Bernard Gert, is based on the method of deductivism, which is distinguished in some fundamental respects from the metaethical and methodological premises of principlism. While with respect to the material treatment of concrete problems in biomedical ethics there is a great deal of consensus between the represen-

tatives of different camps, on the level of general ethics, metaethics and methodology an irresolvable disagreement presents itself. This is manifested first in the different ways in which the relation of ethical theory and the treatment of particular cases is conceived, and secondly in the divergent standards which are taken into consideration for ethical justification.

In this article we would like to show that the conflict between principlism and deductivism should be understood as a quarrel about how the relationship of ethical theory and concrete situations can be best determined. For that purpose we will portray in the first section the conception of principlism as it appears in the 1994 fourth edition of *Principles of Biomedical Ethics* (Part 2). We would like thereby to prove that a widespread deductivistic understanding of this conception neither corresponds to the self-understanding of principlism, nor represents the best interpretation of this approach.[4] Next we will, on the basis of the deductivistic objections of Bernard Gert, Charles M. Culver, and K. Danner Clouser, develop the fundamental disagreement (Part 3). In the literature, and in the works of Beauchamp and Childress themselves, the state of the discussion is often so presented that principlism is exposed to critiques from two sides. On the one side stand the deductivists, who reproach principlism for its lack of an applicable and justifying universal ethical theory (Clouser & Gert, 1990; Gert, Culver & Clouser, 1997, chap. 4). On the other side, the casuistic side, the objection is raised (especially from Albert R. Jonsen and Stephen Toulmin) that principlism employs, with its four principles of respect for autonomy, justice, nonmaleficence, and beneficence, universal ethical principles which are schematically applied to concrete individual cases, and that thereby the particular specificity of the cases is not taken into account (Jonsen & Toulmin, 1988). Beauchamp and Childress present their own conception as a third way which avoids the one-sidedness and weaknesses of the other two models (see Beauchamp & Childress, 1994, pp. 14–28). But according to our view, the "fault line" between principlism and casuistry runs along one side, and that between principlism and deductivism along the other (Part 4).[5] The further development and explication which Beauchamp's and Childress's conception has undergone in the past years reveals, on the one hand, a convergence between properly understood casuistry and principlism. But on the other hand, these developments also have brought out clearly the disagreement and the irreconcilable difference between principlism and deductivism, as we will show in the third part. Finally, a fundamental choice is necessary between the theories and their implied concepts of ethical theory and "application". As we would like to show in the

concluding section of our article (Part 5), principlism (well understood) proves to be the most attractive position.

II. THE BASIC MODEL OF PRINCIPLISM

Ezekiel J. Emanuel saw in the fourth edition of *Principles* "the beginning of the end of principlism" (the title of his review). According to his view, the theory is in the process of a "transition, from advocating a deductive, singular approach to medical ethics to one that looks at common practice" (Emanuel, 1995, p. 37). As against Beauchamp and Childress themselves, who always emphasize the continuity of their basic model, and who see the changes between the different editions as improvements, explications and further developments, Emanuel takes the 1994 version of principlism to be a different type of theory.

The recourse to customary way of life and to the *common morality* embedded therein is, according to our view, not a rejection of an earlier held deductivism. The pragmatic move, which Beauchamp and Childress make in order to deny a deductivistic grounding of principles, cannot be equated with the rejection of ethical theory in general. This refusal should in fact be understood as the expression of a specific ethical conception, which admittedly only becomes clear in the fourth edition of *Principles*. Contra Emanuel, but in accord with the self-understanding of Beauchamp and Childress, principlism was always implicitly a theory of this kind, and its widespread interpretation and application as a deductive model was a misunderstanding. To be sure, there were and are elements in the presentation of principlism which foster this misunderstanding. Its particular appeal and strength owes, however, not to the hierarchical Four Level Model which operates on the surface, but rather to the concealed Perception Model, which is increasingly elaborated in the last editions of *Principles*. It becomes clear, at least on the second glance, that the Utility Principle of utilitarianism and Immanuel Kant's Categorical Imperative are very distinct from the concept of a principle which Beauchamp and Childress employ in their approach. Thus their theory is (a) not "monistic", but rather "pluralistic", and the principles are (b) not brought into a fixed order or an intra-theoretical relation of derivation. Above all, though, (c) these principles are not first justified through a specific ethical theory in order that they can then be – in a second step – brought to bear on moral experience, but rather they are formed out of experience and in fact reveal a part of that experience.[6]

The difference is, however, more extensive than the normal comparison of the four bioethical principles – autonomy, justice, nonmaleficence, and beneficence – with the prima facie duties of William David Ross would suggest (Beauchamp & Childress, 1994, p. 33 [pp. 14f. in 2001 edition. Future references to 5th ed. will appear in brackets]; Ross, 1930, pp. 29–41, 1939, pp. 168–179). To recognize the moral dimension of a situation and ascertain what should be done, and to justify actions (that is, decisions) before oneself and others, are two different activities (though not, perhaps, fully independent from one another). They can be distinguished by the mere fact that justification, according to principlism, only becomes necessary in the case of conflicting principles (Cf. Beauchamp & Childress, 1994, pp. 11–13 [2001, pp. 10–12]). Prima facie duties only need a justification when there is a recognizable difference between prima facie and actual duties: moral experience in general is a "credible and trustworthy" source of ethical knowledge (Beauchamp & Childress, 2001, p. 400). In the leading classical approaches to ethics, on the other hand, principles are conceived as norms, on the basis of which situations are recognized in their ethical dimension and actions are justified. Ethics is thereby grasped as an activity of theoretical reason – the subsuming of individual cases under already given universal rules.[7]

Drawing on Ross, principlism by contrast rests on the view, (a) that in a person's everyday experience and in the practice of, for example, a doctor or a nurse, on many occasions value-judgments and evaluative experiences arise[8] and (b) that out of this experience principles are "derived" (or at least can be).[9] The significance of principles springs therefore from practice, and their relevance can be understood only in the realm of moral experience; conflicts can only be identified and solved against this background. There are two concepts of "reflective equilibrium" to be distinguished: an implicit and an explicit one. Both use evaluative experience (or intuitions) as starting points. But they "process" them differently: the implicit one intuitively or perceptually, the explicit one discursively or inferentially. Thus, to see a situation with ethical aspects in a clear and stable way is itself an implicit reflective equilibrium, which could be spelled out and then communicated by discursive reflection and speech. But if a situation has several conflicting ethical aspects, which are not harmonized with one sight, then we have two options: we can process the conflict perceptually (looking through various perspectives and zooming) or inferentially (making premises and drawing conclusions). The result of both processes (if it comes to an end) is an equilibrium, but each is of a different type.

Beauchamp and Childress admittedly do *not* refer to Ross's conception of "intuitive induction" in order to explicate the origin of principles (Beauchamp & Childress, 1994, pp. 36, 103–105). Yet the epistemology of principlism remains until now largely underdetermined. Using a distinction of Robert Audi's, one can establish, for the concept of intuition relevant for Beauchamp and Childress, that value-judgments, which as self-evident knowledge form the starting point of ethical reflection, (a) involve direct knowledge[10] that is not brought about through the discursive activity of reason, but that (b) nevertheless is not without an inner reflexive structure.[11]

Therefore, what had been called intuitive (or implicit or perceptive) reflective equilibrium is one aspect of a "qualified intuitionism". An "unqualified intuitionism", by contrast, is the position that an intuition has neither cognitive nor reflective aspects. This is the common image of intuition as a basic epistemic feature of ethics. In an unqualified way intuitions are "purely intuitive or subjective judgments" (Beauchamp & Childress, 2001, p. 21).[12] Intuitions which *only* exhibit a personal opinion surely have no justifying validity. But Beauchamp's and Childress's talk of "considered judgments" refers to *qualified intuitions*: "[C]onsidered judgments typically have a history rich in moral experience that undergirds our confidence that they are credible and trustworthy. Considered judgments therefore cannot be mere matters of individual intuition. Any moral certitude associated with these norms should derive from beliefs that are acquired, tested, and modified over time" (Beauchamp & Childress, 2001, p. 400). It is misleading to trace these "considered judgments" back to Rawls (Beauchamp & Childress, 2001, p. 398). They should instead be attributed to Ross.

Our point is this: The reference of Beauchamp and Childress to "prima facie duties" comes from Ross. They nevertheless reject something like Rossian intuitionism. We interpret this move as repudiating an unqualified intuitionism and taking up a qualified intuitionist position. The reason for this is that they combine their talk of "prima facie duties", which seem to be perceived[13] or to be simply there in mind (i.e., "intuited" as "starting points"; Beauchamp & Childress, 2001, p. 398), with mental actions like "balancing" and "specifying". With these keywords they refer to the justifying function of prima facie duties (i.e., they are useful in reasoning about and communicating criteria for right action and ethical problem solving), but they deny that the direct apprehension of normative aspects of situations is something like an unqualified intuition.

In addition, ''balancing'' and ''specifying'' – as actions which are characteristic of establishing something like a ''reflective equilibrium''[14] – seem at first glance borrowed from Rawls, especially when Beauchamp and Childress describe their method as ''an integrated model'' and ''coherence theory'' of justifying moral demands (Beauchamp & Childress, 2001, pp. 397–401). But in fact they come from the foundational role of ''common morality'', which refers to a *perceptual model* of ethical epistemology. There is, then, a Rossian intuitionist and a Rawlsian inferentialist version of balancing and specifying – both must be held separate. This is the reason why we distinguished implicit and explicit reflective equilibrium. So whatever the function of discursive reasoning in ethics may be, it is intuitive apprehension and intuitive reflection which is the reasonable basis of principlism's epistemology.

The following additional points speak for viewing principlism as a qualified intuitionism: (a) rules and principles of different levels of generalization, which are produced through the explication of value-judgments, must satisfy certain definite criteria (Beauchamp & Childress, 1994, pp. 23–26, see footnote 28). The most important criterion is that of similarity: ''In selecting data and constructing a theory, the final product should resemble the principles and concepts that it explicates'' (Beauchamp & Childress, 1994, p. 25).[15] Such a similarity, through which a value-judgment, a rule or a principle is explained on a higher level, assumes that there are points of contact for a comparison on the lower level. For unqualified varieties of intuitionism, on the other hand, generalizations on the basis of direct knowledge must remain unavailable, because the starting point (according to such forms of intuitionism) is so underdetermined that the generalizations cannot be explicated; (b) Beauchamp and Childress also describe the four principles of principlism as ''clusters of basic principles'' (Beauchamp & Childress, 1994, pp. 32, 105) that have a specific area of validity.[16] Prima facie duties, as forms of direct knowledge, must contain their scope in themselves. This must be the case not only so that one can give the principles' relevance-conditions, but above all so that one is able to name the coherence-criteria for a relationship between them;[17] (c) conflicting prima facie duties must be subject to a process of ''appraisal'', which includes a further activity – ''specification''.[18] With this term a special technique of reflection[19] is to be understood, through which principles are ''enriched in content'' (i.e., specified), in that one infuses them with ethically relevant information (Richardson, 1990, pp. 296f.). The demand of a patient that a doctor help him die leads, for example, to a conflict of the beneficence-cluster and the nonmaleficence-cluster, a conflict which at first appears incapable of resolution.

Such a conflict between principles is an indication of underdetermination (cf. Beauchamp & Childress, 1994, p. 28 [p. 399]), which can be removed through the concretization of the conflicting principles. Thus assisting in a patient's suicide is not merely an act that damages the well-being of the patient; rather, since it occurs at the request of a patient, whose sickness fulfills certain conditions, such assistance is an act of beneficence. Downplaying the question of whether such specification is convincing in particular cases, Beauchamp characterizes the goal of this adjustment-strategy in the following way: "This strategy has the advantage of allowing us to spell out our evaluative commitments and to expand them in order to achieve a more workable and a more coherent body of practical moral guidelines" (Beauchamp, 1999, p. 397). Assessment and specification are therefore not only techniques of reconciling conflicting principles with each other, but rather they enrich the reflexive structure of the conflicting principles: they leave behind traces in attitudes and actions (Beauchamp & Childress, 1994, p. 105 [p. 405]). These characteristics speak in favor of interpreting principlism as a qualified intuitionism because they show that a person of considerable experience has a responsiveness to situations (cf. Beauchamp & Childress, 2001, chap. 2 (esp. pp. 26–29), p. 408) which is theoretically structured as a whole.

Experience as a whole supplies persons with principles and justification. The ambivalent character of terms like "reflective equilibrium", which functions, on the one hand, as a psychic feature and, on the other hand, as a property of the propositional content of experience, is a fundamental threat to principlism. As shown above, Beauchamp and Childress combine concepts of divergent origin in their account. This has occasioned severe misunderstandings, some of which were sometimes intrinsic to principlism itself.

The very concept of a principle was subject to such error. One could say that the four principles of principlism are clusters of experience, which are named "autonomy", "nonmaleficence", "beneficence", and "justice". Principles in this sense are a psychic feature: areas of experience and a responsiveness to situations. But when Beauchamp and Childress fall back on Rawlsian terminology they drift into a completely different understanding of the concept of principles.[20] In the fourth edition they wrote: "Our goal is to specify and balance (...) principles by the methods of ethical theory. (...) Both the set of principles and the content ascribed to the principles are based on our attempts to put the common morality as a whole into a coherent package" (Beauchamp & Childress, 1994, p. 37).[21] This is a highly confusing passage, to which the authors, since the fifth edition, would no longer fully

subscribe (Beauchamp & Childress, 2001, pp. 401–408, esp. pp. 406f.). What exactly is confusing here?

They begin within the intuitionist or perceptive paradigm of specifying and balancing principles – "principles" in their sense as prima facie duties. But they add "by the methods of ethical theory." As a consequence, they then speak of "sets of principles" which one has to conceive of not as the body of common morality but as the body of common morality brought into a "coherent package". But neither talking of sets of principles nor of coherent packages is compatible with the original intuitionist paradigm. The reason is that "ethical theory" is not the internal theoretical structure of learned experience (Beauchamp & Childress, 2001, chap. 2), but an external one which "helps" common morality to get into a nice "set" or "coherent package". But this external structure is the inferentialist model of indirect or discursive ethical knowledge.[22] Principles on this view are not clusters of experience but *abstract* or *general classes* of normatively relevant factors (Beauchamp & Childress, 1994, p. 22).[23] These abstract principles have to be applied to situations.

This turnabout is probably motivated by a restricted concept of what it means to justify something ethically. The reason for abandoning intuitionism is that Beauchamp and Childress want ethics to justify actions (Beauchamp, 1995, p. 183; Beauchamp & Childress, 1994, p. 24 [pp. 403f.]; Childress, 1998, p. 67).[24] We totally agree with this, but intuitions do this too, because they are not mere subjective reactions, but cognitive and reflexive mental states. Justification on the basis of "theory" and "coherence" follows a model of reasoning which is quite incompatible with the "common-morality" ethics of principlism. Beauchamp and Childress acknowledge this in principle in their fifth edition: "Clouser and Gert expect a strong measure of unity and systematic connection among rules, a clear pattern of justification, and a practical decision procedure that flows from a theory, whereas other philosophers are skeptical of one or more of these conditions, and even of the language of 'theory'. The latter perspective is more congenial to the views we have taken throughout this book. A common-morality theory will certainly not satisfy the full set of criteria we delineated" (Beauchamp & Childress, 2001, p. 408; see also p. 406f.).[25] In the following section we observe some reasons for this quite ambivalent or aporetic ending of the fifth edition of *Principles of Biomedical Ethics*. In the fourth section we discuss casuistry. Our aim is to illuminate the aporetic situation of principlism by consistently developing the perceptive aspects of principlism.

III. PRINCIPLISM – MERELY A ''MANTRA OF PRINCIPLES''?

Together with his fellow critics, Bernard Gert has raised extensive objections against principlism (A) based on the deductivistic notion of the application of a theory (B), through which a fundamental disagreement can be made clear. This disagreement – as the reactions of Beauchamp and Childress also show – is such that it cannot in principle be resolved (C).[26]

A. The Cardinal Objections of Deductivism
Three main objections (each of which contains several specific objections) emerge from the deductivistic critique: (1) the objection of *insufficient systematicity*, (2) the objection of *veiling the need for a comprehensive ethical theory*, and (3) the objection of *the self-deception of the one who applies the principles*.

A.1. Insufficient Systematicity
The four principles of principlism stand, so this objection can be seen to say, in no systematic connection to one another. There are neither universal rules of priority, nor a fixed criterion of their areas of application (Clouser & Gert, 1990, pp. 221, 227; Gert et al., 1997, pp. 75, 86). The reason for this is that these principles are not derived from a superordinate theory that justifies their content and also fixes their relation to one another (Gert et al., 1997, pp. 75, 86). Rather, these principles either arise out of different theories, or they contain – when one can derive them from several theories different contents relative to the different basic theories. Therefore principlism is in a double sense relativistic. On the one hand, each of the principles develops against the others a life of its own, a difference which manifests itself in possible conflicts between the principles, the moral problem changes relative to the principle under which it is being viewed. On the other hand, relativism has as its result that different ethical theories, which lead to different material interpretations of the individual principles, are recognized as equally justified (Clouser & Gert, 1990, p. 231). This insufficient systematicity is a consequence of the missing basic theory, and leads to the result that principlism only depicts a ''Checklist'' (Clouser & Gert, 1990, p. 222). Therefore, it allows for no determining or justifying of concrete recommendations for action in individual cases: ''Principlism lacks systematic unity, and thus creates both practical and theoretical problems. Since there is no moral theory that ties the 'principles' together, there is no unified guide to action which generates clear,

coherent, comprehensive, and specific rules for action nor any justification of those rules'' (Clouser & Gert, 1990, p. 227).

A.2. *Veiling the Need for a Comprehensive Ethical Theory*
Because in the *Principles of Biomedical Ethics* each of the four principles is separately discussed, and resolved into a multiplicity of individual rules and points of view, the theory of Beauchamp and Childress gives the impression – so runs the interpretation at issue here – that one does not need a comprehensive basis theory that could systematize the individual points of view: ''The need for such a theory is completely obscured'' (Clouser & Gert, 1990, p. 228). But thereby – so runs the critique – the true nature of ethical deliberation and justification is covered up, and the basic characteristics of practical reason are ''misrepresented'' (Gert et al., 1997, p. 75). The consequence of this veiling is that the deliberation that relies on such a foundation must be carried out without sufficient theoretical assurance. Principlism is for that reason simply a clever technique of *ad hoc* maneuvering around the problems (Gert et al., 1997, p. 87), one that is eclectic and misleading: ''Principlism, in failing to operate within an overall unified moral theory, defaults to eclectic, *ad hoc* 'theories' which ultimately obfuscate moral foundations and moral reasoning'' (Clouser & Gert, 1990, p. 228).

A.3. *Self-Deception of the Applying Agent*
The result of (1) and (2) is that the agent employing principlism falls into a self-deception which is revealed on three levels. First, the person takes the four principles as ''firmly established and justified'' (Clouser & Gert, 1990, p. 222) which they are not, owing to the twofold relativism. Second, the person believes that the principles enable him to ascertain or justify concrete courses of action. But since the principles not only fall into conflict with each other, but also can lead to different judgements, this is not the case (Gert et al., 1997, p. 74). Finally, if on such an indeterminate basis actions are ascertained or justifications delivered, this leads through the self-deception caused by principlism to the result that the actual reasons of the ethical reflection remain concealed from the agent: ''An agent will not be aware of the real grounds for his moral decision. If the principle is not a clear, direct imperative at all, but simply a collection of suggestions and observations, occasionally conflicting, then he will not know what is really guiding his action nor what facts to regard as relevant nor how to justify his action'' (Clouser & Gert, 1990, p. 222f.).

B. The Foundations of the Deductivistic Critique

It is clear that at the root of this critique of principlism lies a certain conception of how an ethical theory is supposed to look. Clouser and Gert also explicitly give (1) the criteria according to which an ethical theory must be conceptually developed, (2) how the principles in this theory must be constituted, and (3) what this theory must be able to achieve (See also Gert et al., 1997, chaps. 2 and 3).

B.1. The Essence of Ethical Theory

A suitable ethical theory is no ''historical relic'', but rather the ongoing attempt ''to explain and justify our everyday moral intuitions'' (Clouser & Gert, 1990, p. 233). Such a standardized theory reflects – according to Clouser and Gert – the unity and universality of morality (Clouser & Gert, 1990, p. 223) and can, on account of its systematic character, deliver unambiguous recommendations for action – that is, justifications (Clouser & Gert, 1990, pp. 221, 228). Such a theory is directly applicable to concrete situations and contains a well-grounded list of the features relevant for individual cases (Clouser & Gert, 1990, p. 230). In other words, this kind of theory is a universally valid systematization and justification of our everyday moral ideas, which can be applied to concrete situations in so far as it gives the morally relevant aspects and their relative weighting to each other. In this way concrete recommendations for action and specific justifications are derivable. If such an ethical theory does not succeed in reaching this goal, it can be revised in the same way as scientific theories (Clouser & Gert, 1990, p. 233).

B.2. The Essence of Principles

Principles must therefore be systematized in a deductivistic theory. This necessitates either a principle monism or a clear delineation of the areas of application of the individual principles and the dominance relationships between them (Clouser & Gert, 1990, p. 222). An irreducible conflict between the different principles must be excluded because of the structure of the theory. Thereby the principles, otherwise than in principlism, are not seen as the basic building blocks of the theory, but rather they are simply abbreviations: in a standardized theory principles are, as is said with reference to Rawls and Mill, ''effective summaries of their theories; they are shorthand for the theories that generated them'' (Clouser & Gert, 1990, p. 221).[27]

B.3. Conditions of Adequacy

Gert and his comrades in arms offer in addition adequacy conditions (Clouser & Gert, 1990, p. 232ff.) which a comprehensive ethical theory has to satisfy. It

must be able to explain our actual moral agreements and disagreements, to organize our moral thinking and to show us what is relevant for that thinking. It must systematize different points of view and demonstrate how and why they belong in the one and only ethical theory. It must also be able to ground its own boundaries and its extent of justification; that is, show how irreconcilable moral disagreements can come about (Clouser & Gert, 1990, p. 234).[28] Such a theory must, finally, be able to deliver a singular, clear, coherent and universal procedure of decision-making (Clouser & Gert, 1990, p. 233).

C. The Irreconcilable Disagreement

While Beauchamp and Childress carry out a kind of movement of convergence in the case of the casuistic critique (cf. Part 4), they follow a course of confrontation with the three main objections of deductivism. In *Principles*, they mention different aspects of the criticism of insufficient systematicity and of the objection that they have not developed a unified and comprehensive ethical theory. With respect to the possibility of such a theory they are generally skeptical (Beauchamp & Childress, 1994, p. 106; see chap. 1 [chap. 9]). They thus find the criticism simply irrelevant, because they neither want to give nor believe in such a theory, and thus they do not think that one can require them to provide such a theory (Beauchamp & Childress, 1994, p. 106). It is actually a weakness of the deductivistic conception of theory to believe that one could directly derive from universal rules or principles the relevant features for concrete situations or deduce from principles recommendations for action (Beauchamp & Childress, 1994, p. 107). At other places (see Childress, 1997, p. 31) Childress directly reverses the criticism that principlism veils the essence of moral thinking, and asserts that the application model of deductivism misconceives or even ''destroys'' the essence of morality (Childress, 1997, p. 30; see also Beauchamp, 1995, pp. 186f.). Principles are discovered in practice and also modified in the application (Childress, 1997, p. 39) and no set of principles could completely cover all morally relevant aspects. Contrary to the assumption of deductivism, no single comprehensive ethical theory can be developed and prove itself against all competitors to be the sole correct one. In the end all attempts at systematization cannot do justice to the disparity and complexity of ethical reality (Childress, 1997, p. 32).

   In *Principles*, Beauchamp and Childress meet the criticism of insufficient systematicity with the thesis that there could be no complete system of guides

for action that altogether avoids dilemmas and conflicts (Beauchamp & Childress, 1994, p. 106 [pp. 11f., 407f.]). Childress speaks of the unavoid-ability of moral conflicts (Childress, 1997, pp. 38f.) and points without further qualifications as support for accepting this unavoidability to ''extensive theological and philosophical convictions.''

While the criticism of self-deception of the applying agent is not discussed in *Principles*, there are replies to it in other places. Besides indicating[29] that one must avoid the misunderstanding that holds principlism to be a deductive theory and the resulting incorrect application (Childress, 1997, pp. 34ff.) the writings of Beauchamp can be best read as an answer to the criticism of self-deception (Beauchamp, 1995). He tries to show that principlism and deductivism have more in common than they do separating them. What on the surface looks like a bringing together can also be read, though, as the criticism that deductivism deceives itself about the nature of morality and its own procedure. That is, Beauchamp (Beauchamp, 1995, pp. 189f.) shows that Gert et al. themselves proceed differently than they are allowed to on their own self-understanding. For instance, they do not trace everything back to the nonmaleficence principle, but rather also implicitly bring the principle of beneficence into play. Since this use of a further principle cannot be demons-trated, however, the actual reasons for courses of action and justification cannot be given.

What is more, to make Beauchamp's critique even stronger, the model of Gert and his comrades in arms itself contains two further fundamental weaknesses. For one, the role of judgment, which plays a central role in concrete situation assessment, and which Beauchamp and Childress bring under the heading specification, is underdetermined within the deductivistic model. Thus, the deductivists concede that there are often ambiguities and differing interpretations with regard to the question of how a principle must be applied to a concrete situation (Clouser & Gert, 1990, p. 222). In the end, they neither give nor develop a procedure to clear up these application problems (the third chapter of Gert et al., 1997, on the concept of application is not helpful in this regard). Therefore the decisive step remains unexplicated. In other words, Gert and his comrades in arms cannot in the end say how they actually arrive at their concrete recommendations for action. Secondly, the basic framework is not only ambiguous and relativistic, but also even irrationally conceived. For the basic notions of value and basic value judgments cannot by justified by intra-ethical reasons in the last instance within their basic framework (Clouser & Gert, 1990, p. 234). Thereby these

morally relevant areas are either blended out of the theory or conceived in a decisionistic manner. In any case, with regard to this dimension of ethical thought, deductivists who claim to be comprehensive and non-relativistic find themselves in error about their own activities.

IV. FURTHER DEVELOPMENTS, CONVERGENCES, AND FUNDAMENTAL DIFFERENCES

While deductivism as a theory type has a clearly defined profile in the discussion, its direct competitors, principlism and casuistry, have a certain range of critique against each other and against their common opponents. Casuistry takes in certain circumstances an overstated opposition against deductivism, while principlism depicts a more mediated conception. With respect to metaethics, the discussion turns on the question of the relation of norms and situations: While deductivism views morally relevant aspects of situations as instantiations of norms, the two opponents agree that morally relevant aspects can belong to situations independent of norms. Ontologically this type of theory is a kind of ethical realism.[30] Epistemologically this type of theory is a kind of intuitionism. Beauchamp and Childress discuss casuistry as a ''bottom-up model'' of ethical reflection and as an inductive generalization of cases (Beauchamp & Childress, 2001, pp. 391–397). This is misleading in that casuistry, having its origin in ancient virtue ethics, follows closely the perceptual model of ethics.

A. The Main Objections of Casuistry against Deductivism and Principlism

In this and the following sections (IV A and IV B), casuistry will be sketched. For a conceptually precise depiction of a weak form of casuistry, we turn here to a discussion of the specificationism of Richardson (IV C.1). Casuistry is usually laid out without much precision, mainly through the use of metaphors. These metaphors serve to depict a certain skillfulness, which has its conceptual origins in the tradition of ancient rhetoric, but which found application not only in legal debates, but also in medicine and – especially in the middle ages – in ethics. In sections IV C.2 and IV C.3 then, we discuss deductivism's and principlism's employment of casuistry. One difficulty in discussing casuistry is that proponents and opponents make wide use of metaphors to describe this type of theory.

A.1. Casuistry as Theory

All casuist approaches use spatial (e.g., "palace of memory") (see Beauchamp, 1995, p. 241) or quasi-spatial (e.g., biological taxonomy) analogies. Central to casuistry is the thesis that there are "places of argument".[31] Casuists generate systems of paradigm cases in which ethical aspects become particularly plain when they are arranged in the right way. In classical antiquity casuistic systems of rhetoric were built on knowledge about the general emotional structure of the human soul. This knowledge is intrinsic not only to the ordering of paradigm cases but also to the construction of such exemplary cases. The orator, then, uses paradigm cases to evoke the desired emotions in his audience, which intuitively transfers what is clear in the paradigm case to the case at hand. The orator prepares the actual perceptive faculty by "telling a narrative" or "painting an eloquent picture" which occupies the souls of his audience creating the "right" judgment. So the listener "sees" the case at hand in the light of the paradigmatic system of cases (see Jonsen, 1995). The aim of oratory is not to influence rationally via drawing logically stringent conclusions, but to influence emotionally. An audience with a cool rational habit – which is the addressee of philosophers like Rawls and all rationalists whether they are deductivists or inductivists – is the archenemy of orators. Casuistry inherits from this basic antirationalist attitude of oratory its intuitionist epistemology. Jonsen and Toulmin make wide use of metaphors to explicate casuistry.

With the concepts morphology, taxonomy (see Jonsen, 1992, pp. 298ff., 301ff.), and kinetics,[32] Jonsen borrows from biology (Jonsen, 1992) a realm of metaphors to give a more detailed formulation of casuistry. These concepts are used as methods of reflection, in order to (i) describe individual life-forms according to certain criteria and (ii) to assign them on the basis of this normalized description a certain place in a system; (iii) for dubious or unknown individuals, probable places can be determined or new places installed in the system by morphology and taxonomy. On the basis of the norms of description of a morphology, one asks certain questions to an individual situation and produces a descriptive and standardized reconstruction, or a "case". Such a "case" can then be fit into the order of paradigmatic cases, because its inner structure has several analogies to other cases. Analogies disclose to trained taxonomists where a questionable case belongs. Jonsen describes this form of reflection as analogizing. Specific, unclear cases are admittedly not categorized on the basis of morphology and taxonomy, but are through the "kinetics" of judgment brought into the vicinity of specific taxonomic places.

In ethics kinetics has an important function, because many situations do not permit of conclusive categorization – one cannot find for them an absolutely appropriate analogue in the system of paradigmatic cases. Nevertheless, morphology and taxonomy have a central function here in so far as they can in difficult cases support the judgment and make possible an understanding of whether one has correctly or falsely analogized or how one could make it better. One has to recognize that the mental activities corresponding to morphology, taxonomy, and kinetics are essentially non-discursive. So *prima facie duties* perceived in situations are ''seats of arguments'' because one is a trained taxonomist, morphologist, kineticist, or analogizer.

A.2. *The Central Objection of Casuistry against Deductivism and Principlism*

Albert Jonsen and Stephen Toulmin (Jonsen & Toulmin, 1988) have sharpened casuistry's critique of competing ethical approaches to a single point: biological taxonomies are found in nature – they are there waiting to be empirically discovered. As in oratory, the structuring knowledge of systems of paradigm cases rests on observation and not on inferential conclusion. In this sense casuistry rests on the thesis that the moral aspects of a situation should not be viewed as instantiations of abstract principles that contradict each other in dubious situations (Jonsen & Toulmin, 1988, pp. 5–11). The casuist sees two methodological mistakes here: (i) a more or less complex theoretical space is required to distinguish moral principles from others (amoral, immoral); (ii) someone who does not share a moral theory is ethically ''blind'', since he is not in a position to identify the ethical dimension of a situation (Jonsen & Toulmin, 1988, p. 6). The metaphor described above is therefore not vague outlines of arguments. The biologist presides over an ordering system that is just as complex and variable as the realm of objects which they arrange. One always departs from the casuistic approach in ethical theory when the application of principles in situations is required, even if this is not conceived in a strong deductivistic sense, but rather dialectically. It is a central point of this kind of theory that the casuist cannot use his morphology, taxonomy, and kinetics as a *recipe* to interpret new situations. Rather, one should say that casuistry builds on a kind of hermeneutical reasoning. We hold, as does principlism, that Jonsen and Toulmin get this point right. As shown at the end of section 1 Beauchamp and Childress are, in their fifth edition of *Principles of Biomedical Ethics*, explicitly in accord with this criticism.

B. Presuppositions of Casuistry

A biologist knows when he discovers a new species at least in which branch of taxonomy he must arrange it in. Like objects, situations in which actors are involved have a characteristic morphology, a morphology which one can perceive when one is versed in moral perception. In deductivism and in certain variants of principlism there is too much focus on perceiving situations through the application and identification of principles which only correspond to certain central aspects of a situation (Jonsen & Toulmin, 1988, pp. 6 f.). When one views ''moral'' situations as instantiations of abstract moral principles, possible morally relevant aspects of questionable situations are blended out of the picture.

In the perception of a case, certain aspects stand out as relevant and so call attention to themselves. The casuist describes them as ''leading propositions'', presupposed here is a ''fine sensibility'', which consists in the ability to identify a web of specific aspects of a situation (morphology) and then to fit them to a place in a taxonomy (kinetics). The foundation of the feel for situations is therefore in the truest sense of the word a ''palace of memory'' in that it is a certain stable responsiveness of a person. The main difference between casuistry and deductivism is that the casuist holds a central feature of ethical reasoning to be that in perceiving changes in his system of interpretation are constantly being brought about.

There are, accordingly, two possible varieties of casuistry: (a) the extreme variety conceives the sensibility of the casuist as *intuition* in the strong (unqualified) sense, which Audi rejects. Here the taxonomy is conceived, at least in the very act of perception of situations, as invariant.[33] The casuist thereby gives up the justifying function of ethics, in so far as for a revision of the taxonomy something other than this sensibility is required (perhaps rational argument). The casuist does not reveal this ''other'' and admits thereby a strong intuitionistic element into ethics. The observer seeing at a situation does not pass into ''looking'', but into rational inferences.[34] (b) The alternative is weak casuistry, which conceives of the sensibility as hermeneutical skill. The observer is creating a view of a situation by generating a ''reflective equilibrium'' via processing his perception non-inferentially. In the attention that is devoted to a situation, both the activity of arranging situations and an alteration of perceiving take place. In the normal case, however, the ''alteration'' is nothing more than a confirmation (see Royce, 1882, p. 356).[35] A weak casuist, therefore, introduces into ethics a *decisionistic* element, one which cannot be further elaborated theoretically,

when he recognizes in the proper ''sensing'' of situations the possibility of revision of his ''kinetics'', but leaves unexplained the relationship between these possibilities – of an alteration on the one hand and a mere assigning a perceived situation to a place in the normative system on the other. It is not a part of casuistry as a theory to justify when the one and when the other possibility is appropriate.

C. The Conceptual Relationship Between Casuistry and Principlism

At the end of this section, the approach of Beauchamp and Childress will be contrasted with both weak and extreme casuistry (3). We begin with a portrayal of Richardson's specificationism, which in the discussion is most often viewed as a form of deductivism. According to our view, however, it should be assessed as a weak casuistry (1). The critique of Gert et al. and the way in which they refer to Richardson strengthens our proposed interpretation of the approach of Beauchamp and Childress (2).

C.1. The Specificationism of Henry Richardson

Richardson does not view his conception as an attempt to join the deductivist approach of Gert et al. (''model of application'') or the inductive approach of Beauchamp and Childress (''model of balancing''). Both of these latter positions have a *hybrid* character because they attempt, in reaction to each other, to integrate aspects of the other approach. Richardson sees in specif-icationism a genuine alternative, but he presents it only as a model for certain aspects of ethical reflection, not as a complete model for the solution of ethical problems. He therefore concentrates on the question of how in the process of deliberation abstract norms and concrete cases are reconciled with one another (Richardson, 1990, pp. 280f.).

According to his basic premise, principles and rules are universal but not absolute (Richardson, 1990, pp. 292). If they were ''absolute'', one could derive from principles norms relevant to action, without the process of re-flection altering the principles (Richardson, 1990, pp. 292). ''First principles'' should for that reason be understood in fact as ''absolute counterparts'' to specific norms relevant to actions (Richardson, 1990, pp. 295). They are brought into relation with one another through specifying reflections in so far as their content is enriched with ethically relevant information. In order for a norm P to be valid as the specification of another norm Q, four conditions must be met (Richardson, 1990, pp. 295f.): (i) both must belong to the same class of norms – that is, they must both have their origin of validity in the same

"absolute counterpart" (for example, "do not kill!"); (ii) each action, which satisfies P, also fits Q; (iii) P enriches Q with ethically relevant information; (iv) information which is relevant for P is also relevant for Q.

Richardson elaborates on these conditions individually (Richardson, 1990, pp. 295f.). A basic assumption of specificationism is that there is a form of reflection which transmits the validity claims, clearly recognizable from the "absolute counterparts", to concrete, content-rich norms.[36] This process makes clearly recognizable what abstract norms lack – relevance to action (Richardson, 1990, pp. 295). Specificationism appears therefore to rely on deductivism in its fundamental understanding of ethics.

Richardson, however, wavers between an internal and an external form of specification:[37]

 (i) First, the absolute counterparts explicate themselves when the enriching kind of reflection derivative therefrom meets the four given conditions (i–iv);
(ii) second, the process of reflection is regulated by external reasons (e.g., rational coherence of the absolute counterparts) (see Richardson, 1990, pp. 299f.).

Specification leads therefore in two different directions (see Richardson, 1990, p. 292): Either a norm is internally enriched, or correcting norms are brought in to support it: "By making clear what remains constant despite modifications that are occurring, the model of specification allows one to distinguish the progressive *refinement* of a theory that remains the same in essentials from the mere *shifting* from one holistic equilibrium to another" (Richardson, 1990, p. 298; italics added). A norm is then adequately specified when one sees through introspection what is right and what is wrong (Richardson, 1990, p. 294).

The aspect of specificationism that involves reflection itself deciding between a mode of *internal* explication of norms and an *external* mode oriented by systematization, reveals that Richardson's approach is in trouble with respect to the ethical request for justification. Specification has a similar problem as casuistry: the internal specification rests on a perceptual epistemology, the external on an inferentialist. The central question of legitimation is however obscured through the unexplainable switch in mode between both: can a problem be solved by internal specification or by external? Richardson introduces here a decisionistic element into reflection which hinders the justifying power of his approach.

C.2. Deductivism's Employment of Richardson's Conception

Gert et al. criticize the *extreme* variant of casuistry, but appropriate its emphasis on the importance of concrete situations in ethics. While the extreme casuist only implicitly uses an ordering system, Gert et al. emphasize the need to justify this "moral system" (Gert et al., 1997, pp. 218f.). They reduce Richardson's approach, however, to the "internal mode" and criticize accordingly the mistake of the lacking "external". A reflection which specifies principles has – on their view – to do its job on the basis of a theoretical foundation of specification – i.e., a theory which justifies the "ethically relevant factors" as such, independent from a given faculty to perceive situations in their moral relevance (Gert et al., 1997, pp. 88f.). Gert et al., therefore, describe a procedure for the justification of exceptions to universal norms that is similar to that which Richardson has developed (Gert et al., 1997, chap. 3, esp. pp. 62f.). While Richardson introduces a reflection with two modes, between which the same reflection decisionistically sways here and there, Gert et al. distinguish two forms of reflection: a theoretical, which justifies norms, and a practical, which internally interprets and specifies norms. The theoretical is the foundation of the practical; the practical must apply the theoretical because it has no other genuine justifying power at its disposal.[38]

In section 2 we mentioned that principlism, and we now argue the same for specificationism, should use concepts of mental activities like "balancing" and "specifying" in a non-inferentialist manner. So Richardson's drift into the external mode of specification must not be interpreted as a change to the paradigm of deductivist thinking. Specification aims at an intuitive reflective equilibrium. Therefore Gert et al. reduce specificationism not only to one of its modes but also to the epistemologically less relevant one.

C.3. Principlism's Employment of Richardson's Conception

The suitable use by principlism of Richardson's conception can be expressed in the following formula: Beauchamp and Childress see the two modes of reflection as aspects of the dialectic of a *single* reflection that justifies itself (Beauchamp & Childress, 1994, pp. 28–32 [pp. 399f.]). We interpret the rejection of Rossian intuitionism[39] as an indication that the authors oppose the extreme variant of casuistry. We also understand the characterization of ethical reflection as "dialectical" (Beauchamp & Childress, 1994, p. 23) to mean that principlism opposes those decisionistic aspects of the weak version of casuistry (Beauchamp, 1994a, pp. 10f.; Childress, 1997, pp. 37ff.): "[S]pecification

holds out the possibility of a continually expanding normative viewpoint that is faithful to initial beliefs (which are not renounced) and that tightens rather than weakens coherence among the full range of accepted norms'' (see Beauchamp & Childress, 1994, p. 31).[40] In the confrontation with casuistic approaches, therefore, Beauchamp and Childress on the one hand strengthen the ''irreconcilable disagreement'' with deductivism, but on the other hand also show that principlism does not for that reason have to renounce completely claims to justification in ethics.

D. The Dialectical Situation

Before we come to our overall conclusion the status of the discussion should be summarized once more. Next to deductivism and principlism, it is necessary to distinguish, as further participants in the debate, between a strong and a weak casuistry. While the first form of casuistry renounces the justifying function of ethics in favor of mere perception of situations, the second lets both functions exist next to each other. If one distinguishes these four parties in the discussion, then the following strands of discussion can be distinguished.

Both deductivism and principlism criticize strong casuistry for forfeiting the justifying function of ethics. Here though deductivism and strong casuistry agree on one point: justification can only function in ethics according to the deductivistic model – i.e., via generating a reflective equilibrium in an inferentialist manner. While the deductivist reacts by holding onto the justifying function of ethics and for that reason sets forth a deductivism, the strong casuist draws the conclusion that one must renounce the justifying function of ethics, because ethics cannot function according to the deductivistic theory type.

Principlism does *not* share the problematic premise that justification in ethics can only function deductivistically – i.e., via generating a reflective equilibrium in an intuitionist manner. Principlism can therefore retain the justifying function of ethics inside of a dialectical or coherentist framework.[41] Against this background the *prima facie* confusing commonality between deductivism and principlism arises. This appearance of commonality in fact consists only in maintaining the justifying function of ethics against strong casuistry. This parallel often leads to the misunderstanding that principlism is itself a variety of deductivism.

Determining the correct relationship is further complicated in that Beauchamp and Childress formulate two additional objections against casuistry. First, they criticize forms of weak casuistry, such as Richardson's specification-

ism, because there the relationship between perception and justification is not in the end methodologically justified. On this point principlism has more to offer in its version of the dialectical and coherentist model. Second, Beauchamp and Childress reject any recourse to intuitions, because they interpret these only according to the standard interpretation of Ross; that is, they deny intuitions a cognitive and reflective structure. But this is in two senses inappropriate:

(a) It is possible to develop a moderate intuitionism in which intuitions are granted a cognitive and reflexive structure. The claim to justification in ethics can be accounted for within the conceptual space of an intuitionism thus understood (see Audi, 1998).
(b) A general renunciation of the foundational role of intuitions in ethics necessitates either the isolated indifference of perception and justification which Beauchamp and Childress criticize in Richardson, or it compels the acceptance of the deductivistic conception of ethics that Beauchamp and Childress reject.

The two central presuppositions are thereby given for the development of principlism, which is thus at the same time a version of weak casuistry. *First*, the thesis must be contested that justification in ethics can only be conceived according to the deductivistic model. *Second*, a moderate intuitionism must be integrated, one which would allow perception and justification to be connected in a dialectic-coherentist manner.

V. CONCLUSION

Principlism had to defend itself against three main threats. Firstly, it has been "applied" in a vulgar deductivist manner by many bioethicists who didn't take into account the inner complexity of principlism as a rich ethical theory. Beauchamp and Childress always have tried to dissociate themselves from these mediocre applications of their theory. Secondly, they had to defend themselves against deductivist objections claiming that principlism is simply a "Mantra of principles" and no theory at all. In reply to this, Beauchamp and Childress tried to make clear that this "anti-theory"-reading of principlism is unwarranted. In doing so they emphasized some "deductivist" features of their theory by dissociating themselves from casuistry. Thirdly, supporters of casuistry could find two sources of charging principlism with being a deductivist theory. On the one hand they often had in mind some of the

mediocre applications of principlism. On the other hand they could refer to arguments and formulations within principlism which seem to suggest that Beauchamp and Childress themselves understand their own theory in a deductivist manner.

These misleading statements come from the effort of Beauchamp and Childress to refute deductivist objections. As we have shown, this move goes back to a misunderstanding: since they do not distinguish between weak and strong intuitionism, Beauchamp and Childress always reply to the deductivist's reading of principlism as a version of strong intuitionism by strengthening the deductivist aspects of their theory. Principlism well understood, so we claim, is a version of weak intuitionism. Taken this way there is no further reason to understand it as a variant of deductivism.

Another source of these misleading statements is the thread of relativism. Although a certain relativism is included in Beauchamp's move against a strict universalism in ethics, as he finds, for example in an ethics of the Kantian variety,[42] it is also Beauchamp who emphasizes that a kind of convergence between different cultures is beginning to emerge with regard to just the principles appealed to by principlism (see Beauchamp, 1999, p. 393). This factual convergence and the employment of anthropological presuppositions which give our ideas about ethics a material space, thus guarantee for him that the universal morality ''binds all persons everywhere'' (Beauchamp, 1999, p. 394). Beauchamp thus apparently relies on factual universality, and simply renounces a philosophical justification of explanation of this fact. It is no accident then that Beauchamp always puts forth such a strong assertion of universal validity and universal acceptance when he is defending principlism from the criticism of relativism. He considers relativistic conceptions unsatisfying when they undermine ethical validity claims, and he wants to say that principlism is not a relativistic conception, even although he refrains from giving an ultimate philosophical justification.

This confrontation with relativism is, at least in our minds, the second source for deductivist tendencies in the presentation of principlism (the missing distinction between weak and strong intuitionism being the first). This confrontation suffers from the advocates of principlism submitting their view to false alternatives, being led thereby to formulations which are not compatible with the nature of principlism (well understood). It is clear that a factual consensus, if it existed, would provide no philosophical justification. The recourse to extensively shared and acknowledged social standards remains in a certain sense relative, even if supported by additional anthro-

pological premises. It remains relative to human nature, which certainly is to some extend malleable, and – as Hegel knew – also relative to the historical experiences which provide humans with their ethical values.

Instead of trying to answer the objection of relativism, we would like to suggest that principlism accepts a moderate relativism. Someone for whom the stability offered by principlism is insufficient can only be satisfied with a deductive moral theory or an intuitionistic fundamentalism. Since principlism is incompatible with both these options it is therefore well advised to reject as inappropriate such demands for justification. The best reply to the objection of relativism is to analyze the implicit demand for strong justification as a misleading philosophical need. If we do not accept this implicit standard of strong justification in ethics we can distinguish between overblown and appropriate relativistic positions in ethics.[43] On this basis it is then completely legitimate and plausible when Beauchamp defends principlism against relativistic criticism or overblown relativistic interpretations. And there will then no longer be a need to present or understand principlism as a version of deductivism in ethics.[44]

NOTES

1. Earlier versions of some sections of this article appeared in German under the title "Angewandte Ethik oder Ethik in Anwendung?" in the *Jahrbuch für Wissenschaft und Ethik*, *5*, 2000, pp. 5–34.
2. Although the label of "principlism" was first introduced by critics as a pejorative term, Beauchamp and Childress have in the meantime accepted it. We follow for reasons of simplicity this terminological use, and designate with principlism the position which corresponds (according to our view) with the self-understanding of Beauchamp and Childress. The same holds for the label of Gert's position as "deductivism". Our aim in this paper is to portray the main positions in the discussion of medical ethics (a) as options in ethical theory and (b) as three fundamental ethical attitudes of persons. Thus our main aim is not to present the self-understanding of these theories, but to suggest a framework for further analysis and for structuring the ongoing debates.
3. In this paper we predominantly use the fourth edition of this book. Meantime a fifth edition appeared, which is revised and shortened. We think that for the problems discussed in this paper the differences are rather marginal. We have tried to complement our thematic references to *Principles of Biomedical Ethics* with page numbers in brackets. We do not want to suggest that these are in every case direct and exact parallels.
4. Beauchamp opposed this deductivistic misinterpretation early on, criticizing the model of application it contained (Beauchamp, 1984, pp. 518f.). As the title of his article suggests, he defends the thesis that one must eliminate the two-level distinction between universal and applied ethical theories (Beauchamp, pp. 514f.).

5. In the second chapter of *Principles*, Beauchamp and Childress discuss, in addition to the deductivism of Gert et al. and casuistry, further conceptions of philosophical ethics, which, however, in view of their implied models of ethical theory and application, can also be assigned to one of these two camps. Thus utilitarianism, and also the neo-Kantian approach not further mentioned in *Principles*, are deductivistic conceptions, while the virtue and care ethics can be counted among the non-deductivist models. With regard to the relation between theory and individual cases which interests us here, these ethical conceptions (which we do not discuss further) produce no additional difficulties (for a discussion running parallel to our own, compare, for example Helga Kuhse's (1997, chap. 4) deductivistic (more specifically, utilitarian) critique of care ethics).

6. See Beauchamp and Childress (1994, pp. 100, 104 [pp. 399–401, 403f.]): "Conceptual clarification and methods to introduce coherence are needed to give shape and substance to our moral commitments, much as grammarians [...] investigate the nature of our commitments in using words."

7. With regard to Kant, qualifications must be made for the role of judgment.

8. Cf. Beauchamp and Childress, 1994, p. 37 [pp. 400–408]: "common morality"; *ibid.*, p. 24 [p. 400]: "We start in ethics, as elsewhere, with a particular set of beliefs the set of considered judgments [...] that are acceptable initially without argumentative support."

9. "For example, the principle of beneficence derives, in part, from long-standing, profession role obligations in medicine to provide medical benefits to patients" (Beauchamp & Childress, p. 37 [pp. 5–7, 12f.]).

10. This holds for the at the time actual situation in which such judgments are made. This is compatible with the one to whom the judgment falls undergoing a process of learning in which rules also play a role. In the end, though, these rules must again have their origin in the perception of situations.

11. Audi (1998) describes this variant as "qualified" intuitionism. Since he finds in Ross a "moderate intuitionism," Beauchamp and Childress should not distance themselves from Ross's intuitionism and from his conception of intuitive induction.

12. Cf. "pretheoretic moral point of view" in Beauchamp and Childress (2001, p. 403).

13. Beauchamp, Childress and Ross speak of *prima facie duties* in an objectivist manner: they are "an objectivist fact involved in the nature of the situation" (Ross, 1930, p. 20). Cf. Beauchamp and Childress (2001, pp. 14f., 387, 402f.): "Ross says we must (...) form a 'considered opinion (...)' that one obligation *is weightier in the circumstances* than another" (italics added). *Prima facie duties* are, as Ross points out, not mere appearances (perhaps illusory). In this sense *prima facie duties* are not "intuitions" as a subjective form of judgment, but rather the nature of situations of which they are an objectivist fact must be perceived. So we have, as Ross stresses, knowledge of situations which can not be proved because it is direct (Ross, 1930, p. 20f., footnote). This directness is "perceptual knowledge" of ethical facts, which is just the kind of "qualified intuition" we introduced as the basis of *principlism* (Beauchamp & Childress, 2001, p. 406).

14. "The goal of reflective equilibrium is to match, prune, and adjust considered judgments (...) We start with paradigm judgments of moral rightness and wrongness, and then construct a more specific account that is consistent with these paradigm judgments, rendering them as coherent as possible. (...) The pruning (i.e., something like balancing, Q.V.) and adjusting (i.e., something like specifying, Q.V.) occur continually in view of the perpetual goal of reflective equilibrium" (Beauchamp & Childress, 2001, p. 398).

15. In their 2001 edition Beauchamp and Childress deny that there is such ''final product'' of theory construction. In contrast they describe a ''never ending'' hermeneutic procedure. In consequence there are no criteria for theory-construction (2001, p. 399).

16. Cf. ''scope'' in Childress and Beauchamp (1994, pp. 32, 105).

17. ''[A] prima facie principle is a normative guideline stating conditions of the permissibility, obligatoriness, rightness, or wrongness of actions that fall within the scope of the principle'' (Childress, 1994, p. 105).

18. Cf. Beauchamp and Childress: *specification* (1994, pp. 34–37). For the concept of specification, Beauchamp and Childress refer to Richardson (1990).

19. ''[O]nce the operation of specification has been adequately understood, it may then be admitted that it should be supplemented by application and balancing in a more complex hybrid model'' (Beauchamp & Childress, 1994, p. 31; quote from Richardson, 1990, p. 280).

20. Cf. Beauchamp & Childress, 1994, p. 37 [p. 12f., p. 398f.], and also Beauchamp, 1994b, p. 956. Childress (1997) discusses a critique of principlism from Gert et al., 1997, p. 219, that moves in this direction (cf. Childress, 1997, p. 30).

21. See also Beauchamp and Childress (1994. p. 32 [p. 19, also p. 5]): ''Throughout this book we view the norms to be balanced [. . .] as *prima facie* [. . .], and not as absolute, as rules of thumb, or as hierarchically (lexically or serially) ordered.'' Immediately following, however, they relativize this methodological foundation: ''However, some specified norms are virtually absolute, and therefore usually escape the need to balance.''

22. In section 2 we explain on the basis of the criticism of deductivism offered by Beauchamp and Childress what is wrong with ''inferentialist'' models of ethical reasoning.

23. In their 2001 edition Beauchamp and Childress seem to have revised their standpoint, cf. pp. 397–401 and 407f. Also Beauchamp (1995, pp. 184 and 186ff.), and Childress (1997, pp. 30–34). Cf. also the critique formulated by Gert et al. (1997) which we sketch in Part 2. This impression is also reinforced through the fact that Beauchamp holds onto certain universalistic strands in ethics (cf. Beauchamp, 1999, pp. 394f.). Whether such a universalism can be grounded in a moderate intuitionism will occupy us in the following (cf. Part 4).

24. On the misunderstood relationship between principlism and intuitionism cf. also Lustig, 1992, and 1995.

25. Beauchamp & Childress, 2001, p. 408, cf. also pp. 406f.

26. This does not of course hold equally for all the objections which have been raised by Culver, Clouser, and Gert. Some of these objections have led to modifications in the concrete formulation of principlism. The objections to which we will limit ourselves in what follows, refer to the basic model of the relationship of ethical theory and application, and are objections of principle. This becomes also clear in that Gert et al. often emphasize that they want their critique to apply to the theory type of principlism in general, not only to the special variety which Beauchamp and Childress have presented, although they do in fact occupy themselves only with *Principles* (cf. Clouser & Gert, 1990, p. 220 and Gert et al., 1997, p. 72). Our meditations in this article refer explicitly only to the conception of Beauchamp and Childress (for another variety of principlism, cf. Veatch, 1995).

27. In this section we summarize the self-understanding of Gert and his co-authors only and do not want to claim that their theory actually fulfills this methodological ideal.

28. Thus will the theory on the one hand trace back the possibility of disagreement to the different orderings of values, and on the other justify why it is not possible to give a clear

answer to the question of the scope of morality, as the abortion debate or the question of the moral status of animals shows.

29. Since Beauchamp and Childress turn the criticism around and demonstrate that deductivism leads necessarily to a self-deception about the essence of moral thought and its own action, for someone who applies principlism in a deductive manner there a self-deception does arise, though it is one that rests on a misunderstanding and not on principlism itself.

30. Cf. above p. 627 (esp. footnote 13).

31. Following Cicero's expression *sedes argumenti*. In the tradition of greek rhetoric this is called a *topos*.

32. This concept Jonsen borrows additionally from physics (1991, pp. 303ff.).

33. Invariant in the sense that in perceiving features of situations standing out the kind of responsiveness necessary for this perceiving is fixed. The alternative position may be that perceiving itself is an interpretive metal act – the responsiveness of the person, then, is altered in the very act of receiving features of situations. The interpretive model of perception has an intrinsic place for justification because the awareness of circumstances outside is itself reflexive.

34. Cf. above pp. 626 .

35. "Any act of attention tends, first, to strengthen the particular set of impressions to which it is at the moment adapted; and secondly to modify those impressions in such a way as shall make the total impression derived from them all as simple an impression as possible. These two statements could be reduced to one, thus: Attention constantly tends to make our consciousness more definite and less complex; that is, less confused, and more united."

36. Content-rich norms are here *authorities* of absolute counterparts (Richardson, 1990, pp. 295f.). In this metaphor one can see the deep reason that specificationism is often seen to be closely related to deductivism.

37. "[E]ither the more specific norm that results from deliberation replaces the initial norm it specifies or else it stands alongside it. If it stands alongside, it would mark an expansion of the set of norms. If it replaces, that would be a true revision of the set of norms" (Richardson, 1990, p. 292; cf. also p. 299: "must be addressed on a case-by-case basis"). This interpretation of specificationism only seems to contradict the section "Rational Specification" (Richardson, 1990, pp. 300–302), since the author does not give any systematic theory of coherence. Cf. the following section on the adaptation of specificationism by deductivism. The same critique that Clouser and Gert formulate against principlism also applies to Richardson (see Richardson, 1990, pp. 227, cf. 630 above).

38. Beauchamp and Childress sometimes come into the vicinity of this line or argumentation, and thereby come also unintentionally into the vicinity of the deductivistic model of ethics that they reject: "[S]pecification is one arm of a larger method of coherence – a view that reinforces our earlier arguments that the central condition of justification is coherence and that interpretation, construction, and reconstruction are essential in both ethical theory and practical ethics. [. . .] One goal of a moral theory, and central to its account of justification, is to move from general levels of theory to particular rules, judgements, and policies that are in close proximity to everyday decisions in the moral life" (Beauchamp & Childress, 1994, p. 31); cf. also Beauchamp, 1999, pp. 396f. Childress expresses himself more carefully (1997, p. 37f.).

39. See Beauchamp and Childress: "The lingering concern about the role of intuition [. . .] does not disqualify the model. A plurality of values and judgments does not by itself stifle sound

deliberation, balancing, justification, and decision-making'' (Beauchamp & Childress, 1994, p. 36). See also pp. 103–105.

40. ''An adequate specification requires that one justify the claim that the proposed specification is coherent with other relevant moral norms. Specification is a way of resolving problems through deliberation, but no proposed specification is justified without a showing of coherence.'' Cf. the characterization of weak casuistry (Beauchamp & Childress, 1994, p. 16).

41. In this respect there is an important difference between the fourth and fifth edition of *Principles of Biomedical Ethics*. The aporetic end of the fifth edition undermines principlism's reference to ''coherence''. When Beauchamp and Childress counter top- and bottom-models of reflection with their coherentist alternative they – as we interpret this move – do not really rely on Rawls but on Ross (Beauchamp & Childress 2001, pp. 397–401). Our argument gets support from the end of the book (Cf. the end of section 1).

42. With frequent reference to Hegel, Beauchamp emphasizes that the principles, relevant for ethical reflection are always bound to context and come from our everyday ethical life; see Beauchamp (1994b, p. 957).

43. For arguments that renouncing ultimate justification of ethics does not lead to an unacceptable relativism, see Blackburn (1998) and Wiggins (1990/91) and (1998), chaps. 2, 3, 5.

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