Methodology & Critical Reflection in Bioethics:
Buttressing *Principles of Biomedical Ethics* (7th ed.) with the Thought of Bernard Lonergan

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Abstract

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Daniel Tesolin, B.A.

Principles of Biomedical Ethics has for the past forty years been an attractive and popular approach to bioethical issues in the clinical, research, public policy and the academic settings. Despite its widespread acceptance, accessibility and lucrative endeavor, it has been an object of critical study and criticism for its aversion to foundational meta-ethical issues. Bernard Lonergan, a Canadian-Jesuit philosopher, and theologian spent the majority of his career devoted to the structure of human knowing, and its relation to the human good. The thesis seeks to provide an account that Lonergan's thought can be a complementary asset for principlism. The first half of the thesis focuses on the text *Principles of Biomedical Ethics*. The second half introduces Lonergan's role of the dynamic structure of conscious intentionality in coming to know proportionate being, its practical possibilities and concludes with presenting tools of ethical analysis.

Ultimately, man should not ask what the meaning of his life is, but rather he must recognize that it is *he* who is asked. In a word, each man is questioned by life; and he can only answer to life by answering for his own life; to life he can only respond by being responsible.

-Viktor E. Frankl, *Man's Search for Meaning*

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Introduction

The overall presumption of this thesis is that Lonergan's structure of conscious intentionality can contribute to and converge with *Principles of Biomedical Ethics'*[1] framework. Lonergan's cognitional structure can operate as a theoretical foundation for principles-based ethics. Such an approach can transform the theory-averse reductionist approach found in principlism into a more robust and holistic approach to ethics. This is not to say that Lonergan's approach can completely replace *Principles of Biomedical Ethics* approach, as it has great value at the policy and governance level, but at the level of ethical deliberation and concrete moral issues, a more subject-orientated, foundationally robust and analytical approach would be more fruitful.

This thesis aims to address this limitation in *Principles of Biomedical Ethics* by providing an account of how Lonergan's cognitional structure can converge with and strengthen *Principles of Biomedical Ethics*. It is the *authentic subject*[2] who interprets the principles within a critical framework. It is through this element of critical reflection where one can know what is true, that which is considered 'the good'.

Lonergan's focus on the subject as a knower and as a creator of value, in conjunction with a normative cognitive theory provides a foundation that *Principles of Biomedical Ethics* requires. By turning our attention to the foundational questions that pertain to the structure of thinking, we offer a reply to MacIntyre's thesis in *After Virtue*[3], i.e. that ethical theories are ultimately incommensurable and the only alternative is to remain within a particular ethical school of thought/tradition.

Scholars have been debating the role of foundations in principlism since principlism's early years.[4] Beauchamp and Childress eventually listened to these critiques and began to ground their four principles

[1] Unless otherwise noted, I refer to the 7th (2013) edition of *Principles of Biomedical Ethics*.
[2] See Appendix A.
[3] Alasdair MacIntyre, *After Virtue* (Indiana: University of Notre Dame Press, 1981).
[4] *Principles of Biomedical Ethics* was first published in 1979. Ronald M Green, "Method in Bioethics: A Troubled Assessment." *The Journal of Medicine and Philosophy*, 15, no. 2 (1990). and K. Danner Clouser and Bernard Gert, "A Critique of Principlism." *The Journal of Medicine and Philosophy*, 15, no. 2 (1990).

of autonomy, beneficence, non-maleficence and justice using common morality theory in the later editions of *Principles of Biomedical Ethics*. Beauchamp and Childress claim that they derived the four principles from the common morality. I argue that Beauchamp & Childress' notion of common morality is a descriptive (as per Lonergan's definition) claim, which simply states that a certain moral norm is a shared moral norm, and comes into problems when normative statements are drawn from common morality.[5] Despite the scant empirical evidence to validate the common morality's existence[6], Beauchamp and Childress nonetheless use it as the foundation for their theory. Common morality presents certain problems, one being that it is difficult to disagree with the principles themselves. Who doesn't value justice, beneficence, non-maleficence or autonomy? More importantly, what does one *mean* when one invokes the principles of justice, beneficence, non-maleficence or autonomy? Setting aside the problematic justification of a common morality, a principles-based approach begs the question of *how* the principles are interpreted and what specific values are *intended* when one weighs, balances, and specifies the four principles. Charles T. Rubin defines autonomy in liberal democracies as ". . . to do to themselves pretty much whatever they want so long as it does not in some way infringe on the ability of others to do pretty much whatever they want."[7] This definition of autonomy been alluded to in biomedical ethics journals and in public debates on issues such as assisted dying. [8]

One of the major characteristic differences between *Principles of Biomedical Ethics* and Lonergan's method is the respective approaches to moral objectivity and epistemology. *Principles of Biomedical Ethics* seeks objectivity through an appeal to the common morality. Lonergan's approach seeks

[5] In *Insight*, Lonergan draws a distinction between a descriptive account and an explanatory account of knowledge. A descriptive account of knowledge is a mediated account in which a phenomenon is understood in relation to the knower (this is considered common sense knowing). On the other hand, an explanatory account is immediate, in which a phenomenon is explained in relation to itself (theoretical knowing).
[6] Leigh Turner, "Zones of consensus and zones of conflict: Questioning the "common morality" presumption in Bioethics," *Kennedy Institute of Ethics Journal* 13, no. 3 (2003): 205-206.
[7] Rubin, Charles T. "Postmodernism, Autonomy and Bioethical Boundaries." The Good Society 19, no. 1 (2010), 29.
[8] The assisted suicide/dying debate has been argued in Canada and in the USA with rights theory as 'the right to die'. Miri Navasky and Karen O'Connor, *The Suicide Plan*, directed by Miri Navasky and Karen O'Connor (2012; Frontline, Public Broadcasting System.), http://www.pbs.org/wgbh/frontline/film/suicide-plan/.

moral objectivity through authentic subjectivity realized through self-transcendence made explicit by a cognitional theory. Taking into consideration common-morality theory, and *Principles of Biomedical Ethics*' lack of a structural framework, Louise A. Mitchell insists it would be highly unlikely that a moral decision will ever be in conflict with the established social views on an issue.[9]

In developing their principles-based approach to biomedical ethics, Beauchamp and Childress were aware of the phenomena of descriptive and normative relativism.[10] They ground the moral objectivity of the principles in the shared universal morality (what they call common morality). In seeking to resolve the problem of relativism, Beauchamp and Childress focus on consensus in the pre-theoretical moral life of the common morality[11], that has primacy over all other moralities. [12] Unsurprisingly, this approach is quite averse to ethical foundationalism and their common morality approach sidesteps the deep moral epistemological questions. Lonergan focuses on the normative and universal cognitional structure of experiencing, understanding, judging and deciding that is operative in every human person. By following this four-fold structure we come to know what is true and real, and by extension what is good.

Under Lonergan's conception we come to know that in a sense, all factual knowledge is relative, meaning that knowledge is objective in so far as the subject is attentive, intelligent and reasonable. The

[9] See Louise A. Mitchell, "Major Changes in Principles of Biomedical Ethics," *The National Catholic Bioethics Quarterly* 14 (2014): 466. The author explains the reversal of Beauchamp-Childress' stance on euthanasia as something now acceptable because society's view and laws changed on the subject. Among other questions, this begs the question of the relationship between ethics and the law. Does ethics precede the law or does the law determine what is ethical?

[10] Descriptive relativism refers to the empirical claim that multiple moral systems exist and the norms in these moral systems vary between societies and cultures. Normative relativism is a prescriptive claim that argues, one can only judge a society or culture by the norms of that particular society or culture. Normative ethical relativism is generally skeptical of claims of trans-cultural moral norms. Descriptive relativism is an anthropological and sociological claim, while normative relativism is a value judgement claim.

[11] The "pre-theoretical moral life" is a technical term employed by Beauchamp and Childress in *Principles of Biomedical Ethics*. It refers to their claim that there is a morality shared by all persons that exists prior to an ethical theory.

[12] Beauchamp, Tom L, and Childress, James F. *Principles of Biomedical Ethics.* Oxford: Oxford University Press, 2013, 4.

judgement of fact confirms or denies whether something is true or not, and is contingent on what is empirically available to the person at the particular time. A parallel can be drawn when it comes to ethics and values. A true judgement of value proceeds from an authentic subject who has been attentive, intelligent, reasonable and responsible to the available data and values, which was present at that time in making a judgment of value.

In his seminal text, *After Virtue*, Alasdair MacIntyre describes the state of moral philosophy as one of disarray and fragmentation. According to MacIntyre, we have lost the context and coherence of the conceptual scheme that supports an ethical theory. "What we possess . . . are the fragments of a conceptual scheme . . . which now lack those contexts from which their significance derived."[13] To make his point clear, he provides an allegory of a world where most of the knowledge of the natural sciences was lost and what remained were only fragments of theories, experiments, etc. In this fictional world, the people used these fragments to reconstruct the science method. Yet, those who tried to reconstruct science don't know they are not doing science in the proper sense (prior to the fragmentation). MacIntyre's lesson is, because of the loss and fragmentation of scientific knowledge, the inhabitants were unable to reconstruct science in its original form. They in fact were misinterpreting the little information they had and developed an ill-conceived science as a result. We are doing ethics, argues MacIntyre, using Plato, Aristotle, Kant and Mill's theories, but we have lost the historical and cultural context of those periods, which leads to an abstraction of the philosophers from their particular culture and history. MacIntyre goes on to say, "Kant ceases to be part of the history of Prussia, Hume is no longer a Scotsman. From the standpoint of moral philosophy as *we* conceive it these characteristics have become irrelevances." [14] MacIntyre notes that this unhistorical treatment of moral theory envisions these authors

[13] Alasdair MacIntyre, *After Virtue* (Indiana: University of Notre Dame Press, 1981), 2.
[14] Ibid., 11.

as participating in a single debate. MacIntyre's view of moral philosophy and applied ethics is quite dejected. His central thesis is that contemporary moral debates are 'unsettlable' and 'interminable'.

Because of the lack of a shared rationality, "no argument can be arrived through to a victorious conclusion, argument characteristically gives way to the mere and increasingly shrill battle of assertion with counter assertion."[15] At the core of ethical disagreement is assertion and counter assertion of irreconcilable moral premises. Take for instance MacIntyre's examination of the debate around just war theory. There are three representative moral arguments concerning just war theory.[16] Each one of these arguments is logically valid as long as their conclusions follow their respective premises. That being said, according to MacIntyre there is no rational way in which we can critically evaluate one premise over another. What purely rational, neutral argument is there to favour a survivalist approach over pacifism? They each employ different values that are in direct contradiction with the other, pacifism will never be able to reconcile itself with a survivalist approach or vice-versa. John Arras echoes MacIntyre's thesis quite well, ". . . the heroic phase of "applied ethics" was short lived; indeed, it was practically stillborn."[17]

Principlism, also known as the "Georgetown approach" was developed in the 1970's as a response to this interminable nature of academic moral philosophy. The new and emerging field of research ethics at the time required a radically different approach to ethics. This principle-based approach emerged with the creation of the *National Commission of the Protection of Human Subjects of Biomedical and Behavioral Research*. Its mandate was to identify ". . . basic ethical principles that should underlie the conduct of research involving human subjects, and the development of guidelines to assure that such principles are

[15] Alasdair MacIntyre, "Why Is the Search for the Foundations of Ethics So Frustrating?" *The Hastings Center Report*, 9, no. 4 (1979): 17.
[16] See Alasdair MacIntyre, *After Virtue* (Indiana: University of Notre Dame Press, 1981), 6-7. for a full description of the arguments.
[17] John Arras, "Theory and Bioethics," in *The Stanford Encyclopedia of Philosophy* (Summer 2013 Edition), ed. Edward N. Zalta, http://plato.stanford.edu/archives/sum2013/entries/theory-bioethics/.

followed."[18] The products of this commission were the *Belmont Report* and eventually the canonical text *Principles of Biomedical Ethics.* John H. Evans attributes principlism's emergence and growing influence to its commensurability, calculability, predictability and avoidance of deep epistemological justification. Evans argues that by focusing on seeking consensus on mid-level principles and being at the right place at the right time, principlism became and continues to be, the most influential decision-making framework for research ethics and the broader field of bioethics in Western societies. [19]

While *Principles of Biomedical Ethics* has been accepted as the dominate text for bioethicists, academic and professional bioethics programs, and for framing public debate on bioethics issues, it is not without debate in the academic circles.[20] The *Journal of Theoretical Medicine* dedicated an entire issue regarding methodology in bioethics.[21] What emerged from the issue was a general understanding that there is still a lot of scholarship needed on refining method in bioethics. While critics usually agree that *Principles of Biomedical Ethics* is sufficient at the level of public policy and governance and as a general guide to bioethical issues, at the level of clinical, practical and concrete moral issues it runs into serious methodological problems.

Speaking of their method in *Principles of Biomedical Ethics*, Beauchamp and Childress state, "Moral theory offers methods such as specification, balancing, and ways of adjusting norms to achieve consistency, but theories will not eliminate all untidiness, complexity, and conflict."[22] Beauchamp and Childress address the fundamental problem with theories, in that they are abstract and they are not the 'end all' of the ethical life. One reason why *Principles of Biomedical Ethics* was able to gain so much

[18] "Ethical Principles and Guidelines for the Protection of Human Subjects of Research," *The Belmont Report,* U.S. Department of Health & Human Services, 18 Apr. 1979. See the letter to Honorable Joseph A. Califano, Jr.
[19] John E. Evans, "A Sociological Account of the Growth of Principlism," *Hastings Center Report* 30 no. 5 (2000): 32-33.
[20] Danner Clouser, K. and Bernard Gert, "A Critique of Principlism," *The Journal of Medicine and Philosophy*, 15 no. 2 (1990): 219-236.
[21] See *Journal of Theoretical* Medicine 12 no. 4 (1991).
[22] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 396.

popularity in the academic, professional and political spheres, is its reliance on 'mid-level' principles. Mid-level principles are concerned with agreement on the principles themselves, not so much on their justification nor how they are used in particular concrete cases. This mid-level approach was able to soothe relativistic or subjectivist arguments against ethics.

What is it that brings a particular theory into existence? What prompted or influenced Aristotle to write *Nicomachean Ethics*, or Kant to write his *Foundations of the Metaphysics of Morals*? MacIntyre would argue, theories emerge within a cultural and historical context and discussion can only be understood within that particular cultural and historical context. He most of all addresses the impossibility of a God's eye view and the unavoidable historical, cultural 'situated-ness' of theory. MacIntyre demonstrated that the ahistorical treatment of ethical theories into abstract concepts led to a multitude of ethical theories that are in direct conflict with one another, all of which have been removed from their cultural and historical contexts and so resulted in perpetual debate. As a reaction to MacIntyre, consensus-seeking principle-based ethics emerged and seemed to remedy applied ethics by focusing on commonly accepted principles as a means to secure consensus. [23] Although this project is admirable, consensus is at best superficial.

Where does this leave the future of ethics? My argument is not that the content of the principles is ill-founded or misguided. Rather my concern revolves around the foundation of those principles. The foundation of bioethics has been understood in *Principles of Biomedical Ethics* at the level of common sense and theory, as opposed to the existentialist features found in Lonergan's third level of meaning, interiority. I am convinced there is an alternative approach to ethics. This foundation is at the core of theory, and lies behind it, namely Lonergan's cognitional structure. What follows is an exposition of:

[23] *Principles of Biomedical Ethics* arose at a time when scholars, researchers and governments began to realize the atrocities committed in the name of scientific curiosity and progress (Tuskegee, Milgram's Prison Experiment, and United States of America v. Karl Brandt, et al). *Principles of Biomedical Ethics* was beneficial in that it acted as the philosophical basis for future government regulation and is still used and is often cited by professional bodies such as *Public Responsibility in Medicine and Research* (PRIM&R).

Lonergan's cognitional process as the grounding to coming to know proportionate being, the extension of the cognitional process involved in proportionate being to matters of ethics and the introduction of a distinct existentialist notion of value. The thesis will conclude with tools of analysis, such as Lonergan's notion of progress/decline, different biases operating within the individual and society and situating of principlism within Lonergan's cognitional structure.

Chapter 1: Common Morality: The Overarching Methodology

In this chapter, I will examine the emergence, the role and thought of Beauchamp & Childress' principles-based approach. I will be paying particular attention to common morality theory as justification for moral norms, the processes of specification, weighing and balancing, and the role of reflective equilibrium as a model of justification for specific moral judgements. Principle-based ethics began during the time of the United States National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.[24] Principles-based ethics was developed as a consensus-seeking approach, focused on "mid-level" principles, on which individuals and groups from various ethical theories could agree. Focusing on mid-level principles allows for greater scope than rules, which are often insufficient to cover complex situations, at times come into conflict with one another, and are difficult to interpret.[25]

Louise Mitchell states that over the years, the principles of autonomy, justice, beneficence and non-maleficence have been grounded in something known as "the common morality". In the pre-common morality editions, *Principles of Biomedical Ethics* focused on the two dominant ethical theories, deontology and utilitarianism. As of the fourth edition, six more ethical theories were added to *Principles of Biomedical Ethics*: character ethics, liberal individualism, communitarianism, ethics of care, casuistry and the common-morality theory.[26] While Beauchamp-Childress recognize the plurality of ethical theories and their respective non-convergence, they argue that agreement is not needed on philosophical and foundational levels, but on the specific actions.[27]

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[24] "Ethical Principles and Guidelines for the Protection of Human Subjects of Research," *The Belmont Report,* U.S. Department of Health & Human Services, 18 Apr. 1979.
[25] J.A. Marcum, " Principlism and the Future of Bioethics," in *Humanizing Modern Medicine*, ed. H. Tristram Engelhardt (Dordrecht: Springer, 2008), 230.
[26] Louise A. Mitchell "Major Changes in Principles of Biomedical Ethics," *The National Catholic Bioethics Quarterly* 14, no. 3 (2014): 460.
[27] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 384.

Beauchamp-Childress's avoidance and reluctance to engage in the deep foundational meta-ethical questions is best articulated in their criteria for assessing moral theories. They list eight criteria for an "effective" moral theory; 1) clarity, 2) coherence, 3) comprehensiveness, 4) simplicity, 5) explanatory power, 6) justificatory power, 7) output power, and 8) practicability.[28] The criterion of clarity is understood to be clarity in theory and language. According to Beauchamp-Childress, an ethical theory must contain a certain level of precision in its language. The criterion of coherence is understood to mean that an ethical theory should not contain any conceptual inconsistencies or contradictions. Should inconsistencies or contradictions be found in an ethical theory, the theory must be brought in line with its normative elements that are found in the pre-theoretical moral life (these elements include; principles, rights, virtues, and considered judgements). Coherence plays a major role in *Principles of Biomedical Ethics*' approach, and has influenced the authors to incorporate in their method, a modified version of Rawl's reflective equilibrium.

The third criterion is comprehensiveness, which means that an ethical theory should account for all justifiable norms and judgements. Comprehensiveness is achieved though the process of specification. According to the authors, when one is specifying the principles the normative content emerges.

Beauchamp and Childress' fourth criterion is simplicity. It states that a theory should contain as few basic norms as possible. Simplicity in Beauchamp-Childress' usage means theoretical parsimony (no more norms than necessary) and practical simplicity (no more norms then people can use without confusion).

The fifth criterion is explanatory power. Beauchamp-Childress distinguish normative theories vs meta-ethical theories that contain explanatory powers. According to Beauchamp-Childress's ideal, a normative theory should shed light on the meta-ethical questions, while still giving guidance on moral questions. However, they recognize that there is a spectrum between focusing on the meta-ethical issues

[28] Ibid., 352-354.

and providing concrete moral guidance. In my view, Beauchamp-Childress suggest either a theory is stronger on the meta-ethical issues, and relatively weaker on providing concrete moral guidance, or vice versa. However for Beauchamp and Childress, both (a theory that has strong meta-ethical grounding, and provides strong concrete moral guidance) cannot be practically achieved.

The sixth criterion is justificatory power. Justificatory power provides the rationale as to why certain acts are permissible or not. According to Beauchamp-Childress, a theory must be able to account for moral distinctions, such as; actively ending a life (active euthanasia) vs. letting die (withdrawal or withholding of treatment). A theory should also have the ability to identify and critique defective beliefs, regardless of a society's acceptance of such defective beliefs.

The seventh criterion is output power. While the term is needlessly technical, it refers to the notion that a theory would have to "produce judgments that were not in the original database of considered judgments".[29] It simply means that a theory would have to be progressive in the sense that it allows for moral discoveries.

The eighth criterion is practicality, which refers to the general usability or applicability of a theory. For Beauchamp-Childress, practicality is the *sine qua non* of determining a theory's satisfaction. If a theory meets all the other criteria, but is inaccessible except to a select few elite scholars, it is according to Beauchamp-Childress, deeply problematic.

In lieu of an ethical theory that can meet all these criteria, Beauchamp-Childress are optimistic that the common morality is *the* solution to the incommensurability of ethical theories,

> . . . there is good reason to believe that these types of theory all show insights into our common morality heritage and how it can be called upon to help us develop contemporary biomedical ethics. . . .This [common morality] approach to theories allows us to focus on their acceptable features without being forced to choose one theory to the exclusion of the others or to judge one theory as somehow primary at the foundations.[30]

[29] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 354.
[30] Ibid., 384-385.

DeGrazia notes as of 5th edition of *Principles of Biomedical Ethics* Beauchamp-Childress make it clear that the common morality is the ultimate source of the principles[31]. As Beauchamp-Childress start moving towards common morality as the source of the principles and overall method to bioethical decision making, the question regarding the ontology of common morality emerges. What is the common morality? More so, if the principles are found in and derive from the common morality, how does one discover and deduce them from the common morality? Beauchamp-Childress define common morality as ". . . norms about right and wrong conduct that are so widely shared that they form a stable social compact."[32] Beauchamp-Childress attribute common morality as a social institution, which includes various standards of conduct, such as moral principles, rules, ideals, rights and virtues. However, common morality is distinct of all other moralities (Beauchamp-Childress create a dichotomy in their moral theory, with common morality on one side and particular moralities on the other), in that it is not relative to a particular time and place, nor is it the product of a culture, religion or political ideology yet, they do seem to acknowledge the historical conditioning of the common morality.

> . . . the common morality is a product of human experience and history and is a universally shared product. The origin of the norms of the common morality is no different in principle from the origin of the norms of a particular morality . . . Both are learned and transmitted in communities . . . Explications of the common morality in books such as this one are historical products, and every theory of the common morality has a history of development by the author(s) of the theory.[33]

More so, Beauchamp and Childress define the common morality as "pre-conceptual", ". . . the common morality comprises moral beliefs (what all morally committed persons believe), not standards that exist prior to moral belief."[34] Thus, Beauchamp and Childress frame the common morality as the set of universal and prima-facie binding norms that are shared by all those who are committed to morality.

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[31] David DeGrazia, "Common Morality, Coherence, and the Principles of Biomedical Ethics." *Kennedy Institute of Ethics Journal* 13, no. 3 (2003): 220.
[32] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 3.
[33] Ibid., 4.
[34] Ibid., 4.

Beauchamp-Childress provide a non exhaustive list of norms that are included in the common morality, such as: "not to lie, not to steal other's property, to keep promises, to respect the rights of others, and not to kill or cause harm to others."[35] In addition to rule-based norms, *Principles of Biomedical Ethics*' common morality recognizes that moral virtues, such as non-maleficence, honesty, integrity, kindness etc. come into play in the common morality.

Beauchamp-Childress use the common morality as a descriptive account and a normative account. On one hand, the common morality is used to demonstrate that a set of supposed universally held norms and virtues empirically exist. On the other hand, Beauchamp-Childress attach a normative claim to the common morality by qualifying the moral beliefs that are contained in the common morality, are held by "morally committed persons".[36] Beauchamp-Childress completely avoid any justification for their descriptive and normative claims. As DeGrazia's skepticism suggests regarding the coherence of the widely held moral beliefs and the universalism of these claims[37], Beauchamp-Childress offer no compelling explanation for the universality of the common morality and its normative content.

According to Beauchamp-Childress, the common morality is also used as the source for considered judgements. In the common morality, there is a collection of principles and rules, that are claimed to be, universal (in terms of location and time), abstract and content-thin. When these principles, rules etc. are made more and more concrete through the processes of weighing and balancing and specification, particular moralities emerge. As Beauchamp-Childress state, these particular moralities are ". . . concrete, nonuniversal, and content-rich norms."[38]

[35] Ibid., 3.
[36] Ibid., 4.
[37] David DeGrazia, "Common Morality, Coherence, and the Principles of Biomedical Ethics." *Kennedy Institute of Ethics Journal* 13, no. 3 (2003): 222.
[38] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 5.

Unlike the common morality, particular moralities are not universally binding, and are only valid as long as they do not violate the norms of the common morality. Beauchamp-Childress present a framework for understanding the phenomena of morality. While trying to present an account for the fact that people do not always agree on moral matters, Beauchamp and Childress also try to avoid becoming relativists. They achieve this through the distinction between *the common morality* vs *particular moralities*. Thus providing an account of how principle-based ethics can claim to be a universalist ethics at the abstract level, while being attentive to the concrete reality of ethical and moral pluralism and disagreement. Beauchamp-Childress state that particular moralities such as the professional moralities, like the Hippocratic Oath derive their binding and normative content from the common morality. The particular moralities expose certain contextualized moral ideals that are praiseworthy, but only apply to certain groups, such as physicians. Thus, while the common morality is universal and binding to all persons, particular moralities are non-universal and binding to those in the respective culture, group, religion, etc. However, Beauchamp-Childress make it quite clear that although the norms of a particular morality are valid, the source of the norms, is the common morality and it holds a much higher normative authority[39] Thus, what "binds" all persons as a global community, is the common morality. Beauchamp-Childress provide an interesting example that requires some analysis.

In speaking about the common-particular morality distinction, they cite the distribution of vital organs via lottery as an example.

> Persons who accept a particular morality sometimes presume that they can use this morality to speak with an authoritative moral voice for all persons. . . .For example, persons who believe that scarce medical resources, such as transplantable organs, should be distributed by lottery rather than by medical need may have good moral reasons for their views, but they cannot claim that their views are supported by the common morality.[40]

[39] Ibid., 5-6.
[40] Ibid., 6.

I would have preferred that Beauchamp-Childress elaborate more on their reasoning, instead of assuming that their conclusion is self-evident. Their ambiguous conclusion raises some questions as to the nature of the relationship between the common morality and particular moralities. Are Beauchamp-Childress saying that the distribution of organs via lottery is a particular moral judgment that is not supported by the common morality? Or do they mean that those who support organ distribution via lottery have a legitimate particular moral judgement (within a particular morality), however cannot generalize their position onto others and justify the generalization by appealing to the common morality? More so, how can Beauchamp and Childress speak for what is and isn't in the common morality's set of norms? Any conclusion drawn from such a short quote would be unsubstantiated and mere speculation, since Beauchamp-Childress are virtually silent on the relationship between the common morality and particular moralities.

That being said, John-Stewart Gordon provides a sociological model that can help build an understanding regarding the relationship of the common morality to particular moralities. He argues that the two operate through a special dialectic composed of three steps. The first step is as Gordon describes, ". . . the starting point and the constraining framework of the dialectical relation."[41] This dialectic is expressed using an analogy of a comet.[42]

The analogy follows, particular moralities that adhere to the common morality are within the tail of the comet itself, which represents the common morality. The closer a particular morality is to the comet itself while remaining within the tail of the comet, the more universally applicable it becomes. The opposite is also true. The further away a particular morality is from the comet itself, while remaining within the tail of the comet, the less universally applicable it becomes. In keeping with the logic of the

[41] John Steward Gordon, "Global Ethics and Principlism," *Kennedy Institute of Ethics Journal* 21, no. 3 (2011): 256.
[42] Ibid., 257.

analogy, particular moralities that are outside the tail of the comet are considered deficient.[43] While this analogy is by no means an exhaustive representation of common morality theory, it is useful in visualising the structure of their argument, and provides some information as to how adherents to common morality theory, like Gordon, Beauchamp-Childress conceive of and apply common morality as a normative force. Gordon concludes that an example of a genuine yet deficient morality is the Pirates' Creed of Ethics. However,

> . . . if one takes the view that particular moralities must always be consistent with the common morality in order to be a morality and not merely a set of cultural conventions, then one gives up the important possibility of distinguishing, on the one hand, between immoral and moral conventions and, on the other hand, between justified and non-justified moralities.[44]

From this quote, it becomes quite clear that the common morality acts as a delimiter that determines whether or not a particular morality is "within the boundaries" of the common morality, and whether a morality is a true or authentic morality according to Beauchamp-Childress. There are a number of problems with such a conception, such as; what are the criteria for determining whether a particular morality is deficient or not? And, how do we ensure that such criteria are not simply a product of cultural, political or religious ideology, or convention?

In the first step in Gordon's dialectic model, the common morality is engaged dialectically with particular moralities in determining whether or not they are deficient. The second step is concerned with the effect of the particular moralities on the content of the four universal principles and rules of the common morality. Gordon's explanation regarding the second and third step is severely underdeveloped. According to his model, new empirical information (assuming he is referring to particular moralities, as the one providing new empirical information) is integrated into common morality's principles and rules. This would lead to subsequent "subtle modifications" of the common morality's norms, while also

[43] The canonical example in *Principles of Biomedical Ethics* and in bioethics literature of a deficient particular morality is the Pirates' Creed of Ethics.
[44] Ibid., 258.

modifying the particular morality. The third and final step is the application of the already specified and balanced universal principles and rules (from the second step) to the newly shaped particular morality. This process is represented by a spiral. The dialectical process will continue with the application of additional information, which will cause subtle modifications (through the process of specification and balancing) to the common morality, and said additional information will be included in the common morality, thus forming an ascending spiral. The process will repeat itself until an appropriate outcome is accomplished.[45]

There are a couple of inconsistencies in Gordon's model. In his model, the common morality experiences subtle changes yet they are changes nonetheless. In Beauchamp-Childress' conception of common morality, it is possible that the common morality can incur changes, however it is highly improbable[46], Gordon takes this aspect of the common morality for granted. In Gordon's model the common morality necessary has to change, since it seems to be a dialectical process. In my view, Gordon is in a catch-22 situation. Either he alters his model and does not allow and account for change in the common morality thus rendering the dialectical nature of his model moot, or he departs from Beauchamp-Childress's conception of the common morality all together. Gordon also claims that "the dialectical process leads to an approximation of the particular morality toward common morality by virtue of recurrent adjustments."[47] However, he seems to fail to realize that the closer a particular morality approaches the common morality, the more universal it becomes. This comes at the cost of being less concrete and content-rich. In Gordon's model, particular moralities desire some sort of ethical apotheosis, as they ". . . strive for perfection in order to come as close as possible to common morality".[48]

[45] Ibid., 258-259.
[46] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2009), 389-390.
[47] John Steward Gordon, "Global Ethics and Principlism," *Kennedy Institute of Ethics Journal* 21, no. 3 (2011): 259.
[48] Ibid.

1.1 Principles and Rules

In the latest edition of *Principles of Biomedical Ethics*, the source and justification for the four principles is the common morality. These four principles, while they are central to bioethics and research ethics, do not exhaust the common morality, and allow for the possibility that other principles can be discovered or derived from the common morality.[49] The four principles for biomedical ethics form an analytical framework that encompasses the entire *Principles of Biomedical Ethics* approach and provides the grounding for the formulation of specific rules. In the section on common morality, it was noted that the common morality is content-thin and abstract. Beauchamp-Childress claim that the four principles is ". . . a conclusion the authors of this work have reached by examining considered moral judgements and the way moral beliefs cohere. . ."[50] While the four principles are the most general and abstract form of norms derived from considered judgements, they in themselves provide little action guiding content. Thus, Beauchamp-Childress consider the rules derived from these principles provide a higher degree of action-guiding content. While principles such as respect for autonomy and justice are comprehensive and broad in scope, rules are much more restrictive in scope.

The authors briefly refer to three main categories of rules; substantive, authority and procedural. Substantive rules are a way to sharpen the initial principles and apply them to a certain context. It is a type of formulation that explains how the principles are translated into concrete moral guides. Take for example, the principle of autonomy. This principle, according to Beauchamp-Childress is translated into the rule "Follow an incompetent patient's advance directive whenever it is clear and relevant."[51] Substantive rules such as telling the truth, protecting confidentiality, privacy, withdrawing treatment, and

[49] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 13.
[50] Ibid., 13.
[51] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 14.

respecting informed consent, are all examples of how the principles can be interpreted into moral action guides. Substantive rules, are directly linked to the process of specification.

The second type of rules are authority rules. Beauchamp-Childress define authority rules as ". . . rules regarding who may and should make decisions and perform actions.".[52] Within authority rules, there are three sub-categories; 1) rules of surrogate authority, which determine who should act as the decision maker(s) for incompetent persons; followed by 2) rules of professional authority, that define who within a profession should make decisions to override or to accept a patient's decision and; 3) rules of distributional authority which determine who should make decisions about allocating scare medical resources. Within this framework Beauchamp-Childress explain that substantive rules take precedence over authority rules, meaning that judgments or decisions made by a surrogate decision maker are only justifiable if they adhere to established substantive rules, assuming that the established rules are in compliance with the principles. However, Beauchamp-Childress qualify this normative element stating that ". . . authority rules are justified, in part, by how well particular authorities can be expected to respect and comply with substantive rules and principles."[53] Beauchamp-Childress mean to say, if a substitute decision maker (SDM) makes decisions that are not in conformity with the patient's living will or advance directive, then the SDM's decision is null and void.

The last type of rule are procedural rules. These rules refer to the procedures set out for dealing with situations where there is no precedent in the substantive rules, the authority rules, or when substantive and authority rules are unable to provide any action guiding content. Beauchamp-Childress cite examples of: reporting grievances to a higher authority and the distribution of organs via queue or lottery.[54]

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[52] Ibid., 14.
[53] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 14.
[54] Ibid., 14-15.

1.2 Specification, Weighing & Balancing

In the previous section, we reviewed Beauchamp-Childress' treatment of the common morality as the foundation for principles-based ethics and we reviewed some of the finer points in the framework of the principles and rules. However, what happens when the principles conflict? For example, how does principlism address a situation when a norm derived from the principle of autonomy, conflicts with a norm derived from the principle of justice? *Principles of Biomedical Ethics* considers the principles and their respective rules to be prima facie, meaning that principles and rules can be overridden as long as a compelling justification is provided. In addition to being prima facie and these principles and rules require interpretation (through specification, weighing and balancing) if they are to provide any action guiding content. Beauchamp-Childress' state that their conception of prima facie is heavily influenced by W.D. Ross' work, *The Right and the Good*, in which the author postulates that one must find the "greatest balance" when there are competing rights or obligations. Beauchamp-Childress also critique Ross' work for being too simplistic when it comes to conflict between prima facie obligations.[55]

Beauchamp-Childress' critique of Ross centers around, the instability of certain classes of rights over others. To explain their critique, Beauchamp-Childress formulate a thought experiment where a psychiatrist is presented with several legitimate and competing prima facie obligations that place the psychiatrist in a catch-22 situation. Beauchamp-Childress diverge from Ross' initial thesis by arguing that there is a need for a structured moral system. ". . . some rights in a certain class of rights have a fixed priority over others in another class, and it is extremely difficult for morally compelling social objectives to outweigh basic rights."[56] Beauchamp-Childress cite limiting civil liberties in pandemics as a legitimate justification, ". . . in circumstances of a severe swine flu pandemic, the forced confinement of persons

[55] Ibid., 16.
[56] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 16.

through isolation and quarantine order might be justified. Here a justifiable infringement of liberty rights occurs."[57] Unfortunately, Beauchamp-Childress say little else on this topic.

Unfortunately, Beauchamp-Childress do not present a systematic account or theory as to the relationship between specification and weighing and balancing. Are specification, weighing and balancing complementary methods? Does specification happen first then if there is a conflict in two or more specifications, does weighing and balancing begin in order to resolve the conflict? In my reading of *Principles of Biomedical Ethics*, and given the underdeveloped systematic relationship of the two methods, I consider specification as the first step in the interpretation of the principles and rules, followed by weighing and balancing.[58]

The process of specification is employed at the policy level in order to reduce the abstractness and indeterminacy of the norms, in order to generate more specific substantive rules with action-guiding content that can be applicable to various contexts. Take for instance the principle of beneficence, while the unspecified principle is too broad and abstract to provide any use normative or action-guiding content, it can be specified to produce a substantive rule such as "do no harm". However, rules such as "do no harm" must be further specified if it is to provide any guidance on moral issues such as hastening death, versus letting die. [59]

Beauchamp-Childress state, ". . . without further specification, [the substantive rule] 'do no harm' is too bare a starting point . . ."[60] This raises the question of the framing of substantive rules and their corresponding principle. Why is "do no harm" a rule derived from the principle of beneficence as opposed to another principle? According to Beauchamp-Childress, the answer lies in the common morality.

[57] Ibid.
[58] Beauchamp and Childress have introduced the notions of specification, weighing and balancing as a reply to Clouser and Gert's indeterminacy critique of principlism. See Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 17, footnote 29.
[59] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 17.
[60] Ibid.

Specification is concerned with the procedural issues of producing norms, and it presupposes that the relevant norms (such as the principle of beneficence and its corresponding substantive rule "do no harm") are already located in the common morality. Taking this presumption into account, specification is concerned with two objectives: 1) narrowing the scope of the norms, ". . . by determining where, when, why, how, by what means, to whom, or by whom the action is to be done or avoided." and 2) adding further content to the principles and substantive rules in order to produce action guiding content in a particular bioethical situation. [61]

To explain the process of specification Beauchamp-Childress utilize the example of the principle of autonomy in the context of research on human subjects. The rule "respect the autonomy of persons", is directly linked to the principle of autonomy. However, Beauchamp-Childress admit that neither the rule nor the principle provide any guidance as to how the principle of autonomy and its corresponding rule relate to research on human subjects. How does one actually respect autonomy in the context of research on human subjects? One possible and justified specification is "allowing competent persons to exercise their liberty rights."[62] However Beauchamp-Childress note the dynamics of a concrete situation. While some specifications might work in certain contexts, in other contexts they might require further specification, and older specifications might need to be re-specified to handle new situations.[63]

Specification could continue indefinitely through the process of progressive specification. In order to avoid any specifications that might be questionable, Beauchamp-Childress regulate the process of progressive specification as ". . . to qualify all along the way as a specification some transparent connection must be maintained to the initial general norm that gives moral authority to the resulting string of specifications."[64] What Beauchamp-Childress mean is one cannot produce a string of specifications that

[61] Ibid.
[62] Ibid.
[63] Ibid., 19.
[64] Ibid., 17.

end with action-guiding content that is not in conformity with the norms of the common morality. One cannot begin from the principle of autonomy, and end with a rule that places too many constraints on someone's autonomy that it no longer has any resemblance to *Principles of Biomedical Ethics*' understanding of autonomy.

Beauchamp-Childress employ the method of weighing and balancing as the appropriate method to be used in clinical contexts. Beauchamp-Childress suggest that specification and balancing generally speaking are complementary but not parallel models. However, there may be situations are so exceptional where a generalization made through specification would be perilous.[65] Beauchamp-Childress argue that practicability is a convincing justification as to why specification needs to be supplemented by weighing and balancing. If one were to only use the model of specification to build a comprehensive normative system, it would reasonability follow that thousands of rules covering all areas of the moral life from the process of progressive specification would be so burdensome to navigate that it becomes ineffective. As Beauchamp-Childress state, "The greater the number of rules and the more complex each rule, the less likely it is that the moral system will be functional and useful for guiding decisions."[66] Beauchamp-Childress define balancing as a deliberative process ". . . of finding reasons to support beliefs about which norms should prevail."[67] Unlike specification, which is concerned with translating principles and substantive rules into more specific generalizable policies, the process of balancing is reserved for specific cases, where specification would not be a viable option.[68]

[65] Ibid., 22.
[66] Ibid.
[67] Ibid., 20.
[68] In my view, Beauchamp-Childress's model seems to suggest: one progresses from the abstractness of the common morality, then to the four principles, then to substantive rules based on the four principles, then depending on the situation the process splits off either to specification for policy and macro level related judgments and decisions, or to weighing and balancing for more clinical/practical and micro level judgment and decisions. An alternative model, where specification precedes weighing and balancing seems to be also valid.

The overall structure, in my view seems to proceed from specification to weighing and balancing, however Beauchamp-Childress give the impression that employing one method over the other seems to be dependent on the context. Beauchamp-Childress present an example of weighing and balancing using a case study of a HIV positive patient and Dr. Quill. Beauchamp-Childress conclude that the case study of Dr. Quill demonstrates how the process of weighing and balancing is a more appropriate method in certain cases, "Each encounter calls for a response not adequately captured by general rules and their specifications."[69] When engaging with the patient, Beauchamp-Childress state that a proper balance must be discerned, on the one hand between engaging with the distressed patient and, on the other hand a certain professional detachment from the patient. Their account of weighing and balancing in this case study, does not provide much guidance on what ought to be taken into account (in terms of a hierarchy or primacy of values) when one weighs and balances. The only guidance Beauchamp-Childress seem to provide to the reader is, "How physicians and nurses balance different moral considerations often involved sympathetic insight, humane responsiveness, and the practical wisdom of discerning a particular patient's circumstance and needs."[70]

Referencing their discussion on weighing and balancing, Beauchamp-Childress state, "We are proposing a model of moral judgment that focuses on how balancing and judgment occur through practical astuteness, discriminating intelligence, and sympathetic responsiveness that are not reducible to the specification of norms.".[71] Shortly after Beauchamp-Childress use virtue ethics language and concepts to link their model of weighing and balancing to moral character, "The capacity to balance many moral considerations is connected to what we discusses in Chapter 2 as capacities of moral character."[72] Taking these two contexts into account, Beauchamp-Childress seem to suggest that weighing and

[69] Ibid., 21.
[70] Ibid., 21-22.
[71] Ibid., 22.
[72] Ibid.

balancing's value lies in a situation-based approach, where the quality of a particular weighing and balancing is grounded on the intellectual, emotional and moral development of the moral agent.

In contrast, the model of specification is restricted to adding additional content to a principle, and this process of specification creates particular moralities, which may or may not come into conflict.[73]

What happens when there are competing specifications? Beauchamp-Childress try to reconcile the notion of common morality and particular moralities (that are created through specification), and competing interpretations of substantive rules, considered judgments, etc. is unique. When competing specifications emerge that cannot be resolved by ". . . reasonable and fair-minded parties, all of whom are committed to the common morality".[74], Beauchamp-Childress invoke their own version of Rawls' reflective equilibrium as a deliberative process that justifies certain specifications or over others and which can provide coherence in one's judgments.

In order to maintain a certain level of objectivity, rigour and commitment to the principles, Beauchamp-Childress propose six conditions when conjoined with reflective equilibrium, should regulate any instances of intuition, partiality and arbitrariness. As Beauchamp-Childress state, ". . . these conditions provide a strong measure of protection against purely intuitive, subjective, or partial balancing judgments."[75] The conditions are:

1) Good reasons can be offered to act on the overriding norm rather than on the infringed norm.
2) The moral objective justifying the infringement has a realistic prospect of achievement.
3) No morally preferable alternative actions are available.
4) The lowest level of infringement, commensurate with achieving the primary goal of action, has been selected.
5) All negative effects of the infringement have been minimized

[73] Beauchamp-Childress link their notion of weighing and balancing to their chapter on moral character. I assume that they give the impression that the judgments derived from weighing and balancing are grounded not so much in the common morality, as with specifications but in the moral constitution of the person. While this is an interesting theory that deserves due consideration, for reasons of length, it cannot be explored any further in this thesis. That being said, a pertinent question remains. Could it be possible and probable that a moral agent, who embodies all the considerations and qualities in the discussion on moral character (as per Chapter 2), could find themselves in a situation where the common morality conflicts with their assessment of the case and their judgment conflicts with the common morality? If so, how would that conflict be resolved?

[74] Ibid., 19.

[75] Ibid., 24.

6) All affected parties have been treated impartially.[76]

Beauchamp-Childress recognize the reality that in certain cases, some prima facie norms would need to be infringed in order to favor another prima facie norm. Beauchamp-Childress' six conditions focus on regulating possibilities of unjustifiable infringement and all six conditions must be met in order for the infringement to be justifiable. Beauchamp-Childress propose the example of mandatory HIV testing as an instance where the principle of autonomy is overruled by the principle of beneficence. "To justify overriding respect for autonomy, one must demonstrate that mandatory testing that invades the privacy of certain individuals is necessary to prevent harm to other and has a reasonable prospect of preventing such harm"[77]

1.3 Reflective Equilibrium

Assuming that specification and weighing and balancing are descriptive in the sense that all adherents of *Principles of Biomedical Ethics* do these activities, how are the derivatives from these models regulated? How does principlism ensure the derivatives from these models (weighing and balancing, and specification) do not produce deficient moralities? Thus, how does one ensure that particular moralities are within the common morality, and by extension how do we know whether or not a particular morality is justified? Beauchamp-Childress refer to Rawls' reflective equilibrium. Reflective equilibrium acts as the normative glue that keeps particular moralities in compliance with the common morality and considered judgments. In order to understand Beauchamp-Childress' use of reflective equilibrium as the normative guide, one must also understand Beauchamp-Childress' approach to ethical discourse, ". . . the objective is to establish one's case by presenting sufficient reasons for it."[78]

[76] Ibid., 23.
[77] Ibid. While not explicitly stated, Beauchamp-Childress seem to interpret beneficence in this scenario as what benefits society, while autonomy is interpreted as the ability of an individual to exercise their will. Why did the authors frame their case study as the principle of autonomy vs the principle of beneficence? Could the HIV testing example of been framed as autonomy vs non-maleficence or non-maleficence vs justice?
[78] Ibid., 390.

However Beauchamp-Childress are quite aware that reason alone is not sufficient. Therefore they distinguish, ". . . a reason's *relevance* to a moral judgment from its *sufficiency* to support that judgment, and we need to distinguish an *attempted* justification from a *successful* justification".[79] Beauchamp-Childress's approach to ethical justification is influenced by John Rawls' political philosophy.[80] Beauchamp-Childress superimpose interestingly enough, the model of justification that is predominately used in Western liberal political philosophy as the model of justification for ethics par excellence. "The proposition is that justification in ethics and political philosophy occurs through a reflective testing of moral beliefs, moral principles, judgments and theoretical postulates with the goal of making them coherent."[81]

Thus, how does one bring these supposed beliefs, principles, judgments and into coherence? Beauchamp-Childress, draw on Rawls' notion of considered judgments, ". . . a body of beliefs that are acceptable initially without argumentative support . . . that is, the moral convictions in which we have the highest confidence and believe to have the least bias . . . [and] are most likely to be displayed without distortion".[82] Thus, considered judgments act as a normative meta-principle with which one's judgments must cohere. Beauchamp-Childress list some examples, such as racial, religious and political discrimination, intolerance and repression as examples of considered judgments.

That being said, considered judgments like the four principles are not without conflict. Conflicts come about when a particular judgment or feature in a set of moral beliefs runs into a conflict with one or more considered judgments, and this is referred to as a contingent conflict. Beauchamp-Childress do not provide much normative guidance as to how one is to resolve conflicts at the level of considered judgments. In order to resolve a contingent conflict, either the person's or group's moral views must be

[79] Ibid.
[80] See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).
[81] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 404-405.
[82] Ibid., 405.

altered to achieve equilibrium with the established considered judgments or in the rare case, the considered judgments themselves are revised.[83] Beauchamp-Childress imply that considered judgments are ubiquitous, ". . . these considered judgments occur at all levels of moral thinking . . . from those about particular situations and institutions through broad standards and first principles to formal and abstract conditions on moral conceptions.".[84] In my view, Beauchamp-Childress rely too heavily on Rawls' theory as a foundation for resolving bioethical issues, thus seemingly reducing bioethics methodology and justification to a matter of social-political construction and consensus. While Beauchamp-Childress explain that achieving a state of perfect reflective equilibrium is virtually improbable, a cycle of revision occurs when particular moralities come into conflict with considered judgments.[85] Beauchamp-Childress present virtually no evaluative criteria that should be used to determine whether the particular morality or the considered judgment needs revising. It seems that Beauchamp-Childress place too much faith on western notions of political philosophy of reflective equilibrium and considered judgments to provide a self-correcting and progressive mechanism.[86]

1.4 Justification for the Common Morality

In order to develop a sophisticated and accurate understanding of Beauchamp-Childress, we would need to recognize some of its finer points. Beauchamp-Childress argue that the common morality acts as the source from which considered judgments and the four principles for bioethics are derived. Common morality is considered to be the source for an objective and shared morality, in the same way Hebrew and Christian scriptures, the life of Christ and church tradition are sources for Christian ethics.

In reply to some of their critics, Beauchamp-Childress in no way envision the bioethics principles of justice, respect for autonomy, non-maleficence and beneficence as the sole moral content of principle-

[83] Ibid.
[84] Ibid.
[85] Ibid., 406.
[86] Ibid., 406-408.

based ethics. Beauchamp-Childress state that the four principles are derived from the common morality and are therefore applicable. Nor do Beauchamp-Childress have any aspirations of developing a theory-based approach to bioethics. The whole rasion d'etre of principles-based ethics is to avoid any discussion on the first order questions on foundations. One can reasonably conclude that common morality theory in *Principles of Biomedical Ethics* does not receive a critical evaluation. The major premise of their work rests (according to my understanding) on two foundational presuppositions: 1) common morality exists and 2) common morality can be used as a moral epistemological compass. By appealing to a "pre-theoretical" notion of common morality, they claim to resolve the issues of ethical pluralism and relativism at the epistemological level and by doing so, the common morality provides some sort of guide.

In this section, I will unpack Beauchamp-Childress's three approaches used to justify common morality theory and Beauchamp-Childress's three claims about common morality theory. Beauchamp-Childress state that common morality relies on ordinary shared moral beliefs, and if an ethical theory cannot be make consistent with the pre-theoretical morality, the ethical theory will fall under suspicion. In addition, they state that all common moralities are internally pluralistic, meaning common morality theory(ies) have two or more prima facie principles that might eventually compete and come into conflict with each other.[87] The common morality acts as an evaluative and normative judge for particular moralities. Not only does common morality precede ethical theory, but according to Beauchamp-Childress "Any moral theory should attempt to capture the pretheoretical moral point of view, and in this regard the common morality is the anchor of theory."[88] More so, ethical theory seems to take a secondary role compared to the role of the common morality. Presumably, Beauchamp-Childress have a skepticism regarding the role of theory in bioethics.

> We would rightly have more confidence in our principles and considered judgments if only we could justify them on the basis of a comprehensive ethical theory. However, this outlook has the cart pulling to donkey: We should have more confidence in an ethical

[87] Ibid., 411.
[88] Ibid., 412.

> theory if it could be shown coherent in a comprehensive way with the considered judgments and norms comprising the common morality.[89]

Beauchamp-Childress justify their usage of the common morality using three different arguments. The first type of justification appeals to the empirical nature of the common morality. Beauchamp-Childress argue that the notion of a common and shared morality can be appealed to either as a descriptive, a normative claim or both. Beauchamp-Childress state,

> If the appeals are normative, the claim is that the common morality has normative force: It establishes moral standards for everyone, and violating these standards is unethical. If the references are nonnormative, the claim is that we can empirically study whether the common morality is present in all cultures. We accept both the normative force of the common morality and the objective of studying it empirically.[90]

Beauchamp-Childress are quite clear in asserting, that the common morality has universal normative force, and can be examined to be universal. "As best we can determine, no empirical studies throw into question whether some particular moralities accept, whereas others reject, the norms of the common morality."[91] However, for an empirical claim to be valid, it would seem to require empirical evidence, unfortunately none is provided. Rather, for Beauchamp-Childress any empirical study examining the existence of the common morality would only demonstrate

> . . . cultural differences in the *interpretation* and *specification* of the moral norms, but they do not show that cultures accept, ignore, abandon, or reject the standards of the common morality. For example, empirical studies do not test whether a cultural morality rejects rules against theft. . . .Rather, investigators study what particular societies consider to be theft…[92]

Should an empirical study be conducted to determine the existence of the common morality, Beauchamp-Childress argue that such a study would be flawed in design and would ultimately beg the question. Beauchamp-Childress view it as question begging in two ways. In the first scenario, the study would only survey those committed to common morality, thus biasing the results in favour of common

[89] Ibid., 411.
[90] Ibid., 4.
[91] Ibid., 416.
[92] Ibid.

morality theory. Alternatively, the study can be designed in such a way to include all persons and not those committed to the common morality, thus biasing the results against the hypothesis that a common morality exists.[93] Beauchamp-Childress end their discussion on the empirical justification of the common morality with an interesting and somewhat perplexing statement.

> Only if no moral norms were found in common across cultures would the general hypothesis that a common morality exists be rejected. It is clearly a possibility that the study, as we have outlined its design, might demonstrate that there is no common morality.[94]

This is probably one of the most baffling statements in *Principles of Biomedical Ethics*. It seems counter-intuitive for Beauchamp-Childress to make such a claim, since their enterprise of principle-based ethics is entirely grounded in the normative force of the trans-cultural and trans-historical nature of the common morality.

The second type of justification is normative justification. While empirical justification can (in theory) conclude that the norms in the common morality exist or not exist, the existence alone of the common morality's norms are not sufficient criteria for them to be attributed any normative force.[95] Beauchamp-Childress state that the ethical theories of deontology, utilitarianism, virtue ethics, etc. can be employed to justify the norms of common morality. In keeping with their approach (that common morality precedes ethical theories) normative justification seems to suggest that moral statements from ethical theories, provided they conform with the common morality will justify the norms in the common morality. "Our conclusion in this section is merely that such theories have been and can be constructed and, if they are successful, they would justify the norms in the common morality.[96] Interestingly enough, Beauchamp-Childress qualify ethical theories as "successful" only if they confirm or justify the norms in

[93] Ibid., 418.
[94] Ibid., 418.
[95] This is a very confusing statement. Since Beauchamp-Childress give the impression that the trans-historical and trans-cultural nature of the norms in the common morality are the reason for its justificatory power and practicibility.
[96] Ibid., 420.

the common morality. Therefore, if an ethical theory were developed that did not respect autonomy, then do Beauchamp-Childress mean to say that such a theory would not be successful? In my view, it would be odd for Beauchamp-Childress to make such a claim, since substantial ethical disagreement does not occur at the level of abstract norms, but at the level of the scope and applicability of those norms.

The third type of justification is conceptual justification. The notion of conceptual justification hinges on Beauchamp-Childress's framing of ethics as twofold, a normative account (in the sense that one can judge a particular morality according to its proximate conformity to the common morality or its divergence from the common morality) and as well as a descriptive account (the empirical realty that are a plurality of moralities). Their notion of conceptual justification revolves around the presumption that common morality theory can be justifiable as a viable approach because agreement can be reached at the (higher) normative level and substantive moral norms, while disagreeing on the (lower) foundational theories that underwrite the plurality of moralities. Thus, common morality is a viable option, because regardless of one's philosophical or theological theoretical justification for one's moral positions, agreement can be reached at the practical and normative level.

Chapter 2: Critiques of Principlism

2.1 The Earlier Critiques: The Neglect of Theory

Ronald Green conducted a review of the bioethics literature to discern the degree of a critical and reflective discussion on method in bioethics. What he discovered was not surprising,

> When I first set myself to exploring this matter I suspected there would be few self-conscious discussions of method in the journals, that textbooks in the field would not devote attention to the topic, and that the *Encyclopedia of Bioethics* would not even contain heads or sub-headings dealing with 'Methodology'. In these suspicions, I was proven correct.[97]

What he discovered among the published bioethics literature, was a predominant and implicit methodology. As Green notes this predominant method "…is one that in the end raises serious questions about the value and direction of work in this still developing field. Hence the somewhat troubled nature of this report."[98] Green's serious questions refer to the tendency of principle-based ethics to uncritically identify and apply moral principles that are common in the major ethical theories. It characteristically avoids the deep foundational inquiry and justification of its principles, which is required for a reputable ethical theory. Ethics as conceptualized under the paradigm of principlism, ethical analysis and ethical deliberation becomes an enterprise of applying principles to different cases, and understanding moral and ethics problems solely under the language of principles.

According to Green, the most concerning issue regarding principlism is its lack of any substantial engagement in theory, its ". . . almost deliberate avoidance of deep engagement with basic theoretical issues in ethical theory".[99] This avoidance of theoretical issues is still prominent in the latest edition of *Principles of Biomedical Ethics*. Yet one cannot help to question the rigour of an approach to bioethics that glosses over meta-ethics. Green provides three explanations for the neglect of theory in bioethics:

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[97] Ronald M Green, "Method in Bioethics: A Troubled Assessment." *The Journal of Medicine and Philosophy*, 15, no. 2 (1990): 179.
[98] Ibid.
[99] Ronald M Green, "Method in Bioethics: A Troubled Assessment." *The Journal of Medicine and Philosophy*, 15, no. 2 (1990): 188.

1) a number of scholars from philosophy, theology, law, social sciences became fatigued with fruitless meta-ethical debates,

2) the emerging interdisciplinary nature of bioethics and ethics had to tone-down the analytical character of meta-ethics, and

3) the need for agreement in public policy and decision-making.[100]

The hope was that by avoiding meta-ethical issues and endless debates an approach that focuses on the most agreeable norms and is action-based, such as principlism can be a source for progress and consensus. However the lack of a solid foundation in principle-based ethics still remains. If discussion on foundations and the theoretical unity of the principles is neglected, then it would follow that any ethical conclusion reached through principles would seem arbitrary and lacking rigour.

In noting conflict between principles Green reveals three possible solutions. One can resort to using health law, clinical experience and social science as a means to resolve the conflict of principles. One can also appeal to their own priorities and values if they were faced with a similar situation or one can debate justification and ranking of the principles. The third solution requires discussion, deliberation and most of all, it would require a critical and systematic reflection on the hierarchy of the principles, such as: autonomy vs justice, justice vs beneficence etc. However, the third solution would normally demand a careful examination and possible reconsideration of these received principles.

> How, for example, when principles are in conflict, is it possible to make progress in normative discussion unless one has at hand some procedure for establishing priorities among principles, and how is that procedure defended apart from a more basic understand of the moral reasoning process?[101]

Ironically, debating the foundations of principlism and engaging in theoretical discussion contradicts principlism's insistence that theory is of minor importance.[102]

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[100] Ronald M Green, "Method in Bioethics: A Troubled Assessment." *The Journal of Medicine and Philosophy*, 15, no. 2 (1990): 191-193.
[101] Ibid., 189.
[102] Ibid., 187.

Another source of criticism comes from the Clouser and Gert critique. Like Green, Clouser and Gert analyze the lack of theory present in principlism and argue that principlism misunderstands the nature of morality.[103] What is lacking, according to Clouser and Gert is a well-developed theory that unifies the principles and explains their relation to one another. "A unified moral theory reflects the unity and universality of morality. While it does not eliminate all moral disagreement, it does show what is responsible for that disagreement…"[104]

Their general claim is that principlism is unable to function as a replacement to moral theory, nor as preliminary guides for determining moral actions in bioethics.[105] More so, principlism misrepresents the foundation and nature of ethics. "Our general contention is that the so-called principles function neither as adequate surrogates for moral theories nor as directives or guide for determining the morally correct action."[106] Clouser-Gert argue that principlism is not authentic to its sources. *Principles of Biomedical Ethics* draws from various ethical theories, such as Kant's principles of universality and beneficence, Rawls' theory of justice, Mill's utilitarian calculus etc. While each theory developed their respective principles, these principles were authentic derivatives and were an accurate representation and summary of their own theories. However, when *Principles of Biomedical Ethics* recommends applying these principles in a particular case, it does not bear any similarity to the philosopher's intent of how those theories should be applied.[107] More so, Clouser-Gert critique the lack of systematic unity of the principles. Not only does this present practical problems, the absence of a cohesive, theoretical and systematic account of the principles, in their view undermines the justification for Beauchamp-Childress' principles and approach to bioethics.[108] Clouser-Gert suggest that a well-developed moral theory plays a significant

[103] K. Danner Clouser and Bernard Gert, "A Critique of Principlism." *The Journal of Medicine and Philosophy*, 15, no. 2 (1990): 220.
[104] Ibid., 223.
[105] Ibid., 221-223.
[106] Ibid. 221.
[107] Ibid. Alastair McIntyre presents a similar argument (the incommensurability argument) in his work, *After Virtue*.
[108] Ibid., 227-230.

role in moral reasoning, such as resolving conflict among principles. Citing the 1983 edition of *Principles of Biomedical Ethics*, they critique the apparent incoherent relationship between principles and rules to moral ideals,

> Their [Beauchamp and Childress] reason seems to be: "if there is a competing duty of confidentiality, beneficence may outweigh it". But that suggests what must surely be false, namely, that only a duty can outweigh another duty, and that a supererogatory act or moral ideal cannot outweigh a duty. Ergo, beneficence must be a duty, and not merely supererogatory. However, consider some heroic act in which one puts himself at considerable risk and which everyone regards as supererogatory. If the harm that one is preventing is a significant harm for many people, then one would be right to do it even if it involved causing some minor harm to others. In harming others one is violating a moral rule (or, as Beauchamp and Childress would say, the principle of nonmaleficence), yet, as in this example, that violation is outweighed by the moral ideal or supererogatory act.[109]

Clouser-Gert conclude that the lumping of acts of obligation, such as duties with moral ideals under the shared banner of principles causes confusion and misunderstanding at the practical level.[110]

2.2 The Later Critiques: The Problem of "the" Common Morality

Since the early editions of *Principles of Biomedical Ethics*, Beauchamp-Childress have engaged with their critics and have done considerable work in unpacking their approach and resolving inconsistencies and indeterminateness regarding the normative power of the four principles. However, I am convinced that the 7th edition still does not respond to Clouser-Gert's overall critique of *Principles of Biomedical Ethics*. As a response to Clouser-Gert's charge from the fourth edition onwards, Beauchamp-Childress have introduced the notion of "the common morality", specification, weighing and balancing, and reflective equilibrium to strengthen their conception of principlism.

Unsurprisingly, the introduction of common morality theory has not been without critique. While it was Beauchamp-Childress' intention to introduce the common morality as the source of the principles,

[109] Ibid., 229.
[110] Ibid.

and to provide a somewhat more systematic account, ironically it seems to have brought up more questions than it answers.[111]

In this section, I turn to some of the critiques that focus on the later editions of *Principles of Biomedical Ethics* and the notion of common morality itself. My intention is not to provide a comprehensive account of the later *Principles of Biomedical Ethics* critiques, rather I seek to demonstrate that scholars are still wrestling with the fundamental issues of principlism's common morality approach.

One such critique is the Karlsen-Solbakk critique. The authors argue that *Principles of Biomedical Ethics* uses a circular and self-justifying logic. They argue, since the introduction of the common morality theory in the fourth edition, Beauchamp-Childress have been progressively grounding their principles in common morality, while simultaneously treating common morality as their source for the principles. [112]

Another is Tom Walker, who argues that *Principles of Biomedical Ethics*' four principles are insufficient as a descriptive claim of shared principles, and at the fundamental level, principlism lacks a normative force due to its limited range.[113]

Apart from the canonical Clouser-Gert critique, and the relevantly recent Karlsen-Solbakk and Tom Walker critiques, in my view the most developed critical reading of *Principles of Biomedical Ethics* is Leigh Turner's 2003 critique in the *Kennedy Institute of Ethics Journal*. Turner's argument strikes at the most fundamental presupposition of the Western bioethics; i.e. that there is a common, trans-historical and trans-cultural morality that is in wide reflective equilibrium.[114] Turner argues that bioethics fails to recognize the self-evident legitimate pluralism of moral traditions, moral languages, concepts and values

[111] See the articles in the September 2003 issue of the *Kennedy Institute of Ethics Journal*. The featured articles are dedicated to the critique of the common morality presumption in principlism.
[112] Jan Reinert Karlsen and Jan Helge Solbakk, "A waste of time: the problem of common morality in "Principles of Biomedical Ethics"," *Journal of Medical Ethics* 37, no. 10 (2011): 588-591.
[113] Tom Walker, "What Principlism Misses," *Journal of Medical Ethics* 35, no. 4 (2009): 229-231.
[114] Wide reflective equilibrium states that there is a common agreement on the abstract norms, like do not steal, respect a person's wishes, do not kill, etc. The normative force of common morality theory, rests on the idea that "everyone" agrees on these norms.

that exist in Western societies, which simply cannot be reduced to an intuitive common morality. More-over, Turner charges Beauchamp-Childress with failure to learn from Max Weber and Alastair MacIntyre's theses, that the current ethical climate is characterized by the foundational incommensurability of ethical theories.[115] Turner's underlying critique is that ". . . Beauchamp and Childress simply do not provide the comparative and historical research that might begin to support the argument for the existence of common morality norms found in all societies throughout history."[116] Unlike Beauchamp-Childress, Turner places a greater emphasis on the plurality and distinctiveness of particular moralities. Turner is also reluctant to reduce them to derivatives of the common morality as Beauchamp and Childress commonly would. More so, he rightfully argues that the burden of proof rests on Beauchamp-Childress to justify their claim that a transcultural and trans historical common morality exits.[117]

In the seventh edition of *Principles of Biomedical Ethics,* Beauchamp-Childress reply to Turner's critique (among others) in passing, and explain them away. Beauchamp-Childress argue that Turner's critique does not understand the nuances involved in design of an empirical study that would test the common morality.

> Some critics of our common-morality thesis claim that anthropological and historical evidence already speaks against the empirical hypothesis that is assumed in the claim that a universal morality exists . . . these critics seem not to appreciate the nuances that surround the design of empirical research that would test specific hypotheses about common morality…[118]

It is quite evident that Beauchamp-Childress do not understand the locus of Turner's argument. The strength of Turner's critique lies in his persuasive argument and supporting evidence that undermines the legitimacy of grounding *Principles of Biomedical Ethics* in the common morality. The strength of

[115] Leigh Turner, "Zones of consensus and zones of conflict: Questioning the "common morality" presumption in Bioethics," *Kennedy Institute of Ethics Journal* 13, no. 3 (2003): 205.
[116] Ibid., 196.
[117] Ibid., 201.
[118] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 416.

Turner's article lies not only in his arguments but in his audacity to challenge the most fundamental presuppositions operating within the paradigm of Western bioethics, that have been unexamined for the past forty years. To summarize, Turner recognizes the relative incommensurability and uniqueness of particular moralities, while Beauchamp-Childress frames particular moralities as subordinate to the common morality which binds all "morality committed persons"[119]

Such blind faith in the supposed common morality's ability to identify universally applicable moral norms and be invoked as a normative force is evident in Beauchamp-Childress' argument from the Pirates' Creed of Ethics. In the 7th edition, Beauchamp-Childress consider the Pirates' Creed of Ethics as an example par excellence as to how the common morality and considered judgments can be used as normative and evaluative guides.

Taking Beauchamp-Childress' example of the Pirates' Creed of Ethics as a case study, we can come to understand how an appeal to common morality, reflective equilibrium and considered judgments can be seriously lacking. Beauchamp-Childress correctly acknowledge that reflective equilibrium in a moral theory is necessary condition, but it alone is insufficient in order to justify one particular morality over another. That being said, how do Beauchamp-Childress justify their own moral judgments? By which I mean, what normative meta-principle is there to prevent principlism from producing another Pirates' Creed of Ethics? They claim,

> Certain normative views are unacceptable not merely because of incoherence. They are wrong because there is no way, when starting from considered judgments in the common morality, that, through reflective equilibrium, we could wind up with anything approximating the provisions in the Pirates' Creed[120]

Such reasoning demonstrates that Beauchamp-Childress embed principlism with a deep Western ethnocentric bias, which Beauchamp-Childress have yet to acknowledge. In their example of the Pirates'

[119] "Morally committed persons" is a technical term used by Beauchamp-Childress , to mean persons who are committed to the norms of the common morality. See *Principles of Biomedical Ethics* (2013), pg. 3

[120] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 407.

Creed of Ethics, Beauchamp-Childress invoke considered judgments from the common morality as a source that determines why Western society can never find itself with rules similar to those in the Pirates' Creed. That being said, the invocation of considered judgments derived from a 21st century Western conception of common morality is naïve and ethnocentric.

What is there to say that the Pirate's Creed did not develop from the *pirates' considered judgments* that were derived from *their own* common morality that was operating in 17th century Caribbean and Central America? What is there to say that considered judgments derived from the common morality from North American, 21st century, white, university professors are better than the Pirates' Creed of Ethics or any other group's considered judgments? The only apparent method Beauchamp-Childress can use to respond to this charge is by universalizing 21st century North American values, then labeling these values as *the* common morality, and subsequently evaluating all other moralities (contemporary and historical) against *the* common morality. This is what they do and it is in my view a form of bias and *ethical imperialism*.

Rebecca Kukla presents a strong critique regarding Beauchamp-Childress's lack of reflective understanding concerning their common morality theory. The author understands Beauchamp-Childress's attachment to the universality of the common morality as an attempt to ward off ethical relativism. However, as ill fated as this attempt is, it also leads to a couple of issues. Kukla critiques the normative value that Beauchamp-Childress place on the universal acceptance and applicability clause, and rightly so.[121] Just because something is universally accepted does not make it morally valuable. Kukla also critiques Beauchamp-Childress's notion that there are certain intrinsic non-negotiable norms. Beauchamp-Childress claim that such non-negotiable norms are grounded in humanity's history.[122] Kukla argues that the Pirates' Creed example, does not present the problem that Beauchamp-Childress think it

[121] Rebecca Kukla, "Living with Pirates," *Cambridge Quarterly of Healthcare Ethics* 23, no. 1 (2014): 76-77.
[122] Ibid., 77.

does. She argues that the principles themselves are vague and indeterminate, nor do they have a meta principle other than reflective equilibrium and socially constructed considered judgments. Therefore, as Kukla claims, in a sense it is unclear whether the Pirates' Creed of Ethics actually violates the principles themselves.[123] In my view, what is clear is that the Pirates' Creed violates the sensibilities of Western 21st century considered judgments, rather than some absolute, ethnocentric trans-historical, trans-cultural set of norms, labelled as "the" common morality.

Turner echoes' Kukla's concerns regarding principlism's marriage to common morality theory as, "To what extent is the common morality they describe an Anglo-American liberal democratic morality that has little relationship to values in other settings around the world?"[124] More so, Beauchamp-Childress' unconscious association of common morality with Western 20th century values (considered judgments) seems to present a whitewashing (pun intended) of the reality of moral pluralism. If this Western bias is true, as Turner believes it to be, what effect does this have on the normative power of *Principles of Biomedical Ethics*? Turner believes that Beauchamp-Childress do not adequately acknowledge the substantive commitments of multi-cultural, multi-religious societies, and focus too much on an unsubstantiated belief that there is a shared common morality that is in wide reflective equilibrium. One advantage of Turner's argument is that he distinguishes political agreement from moral agreement, something he believes Beauchamp-Childress overlook and have subsequently seemed to treat as a single concept. Turner concludes his critique of common morality and *Principles of Biomedical Ethics* with a challenge,

> "Platitudes about common moral intuitions merely obscure the variable visions of moral life to be found in contemporary North America. Perhaps one day more practically oriented scholars will better address both shared and conflicting normal norms found within U.S. civic culture by writing *Politics of Biomedical Ethics*. Such a work will be less confident of the existence of an a priori, transhistorical, universal common morality, and

[123] Ibid., 78-80.
[124] Leigh Turner, "Zones of consensus and zones of conflict: Questioning the "common morality" presumption in Bioethics," *Kennedy Institute of Ethics Journal* 13, no. 3 (2003): 202.

> more cognizant of how local, temporal, normative civic cultures are built through much struggle over the passage of time.[125]

As my exposition of the critiques have shown, principlism has some methodological shortcomings. Assuming that Turner's critique regarding the unexamined bias in Beauchamp-Childress's notion of the common morality is sound and justified, how do we approach bioethics as a critical examination and analysis of the intersection of life issues and the good? How do we define and understand ethics as a field of inquiry that is informed by a given socio-political context, while not being limited to one's socio-political context? Can such an approach even be implemented? Is Turner mistaken in his analysis, and bioethics is simply a euphemism for 21st century, Western bio-politics?[126] Turner argued and demonstrated that principlism does not properly acknowledge the authentic distinctiveness of various moral theories. Taking Turner's critique into account, Beauchamp-Childress do provide some guidance. Establishing bare coherence through reflective equilibrium with considered judgments is an inadequate criterion. Beauchamp-Childress recognize that considered judgments can be parochial, suffer from bias, short-sightedness and self-interest. They propose a list of epistemic virtues which they believe mitigate bias, conflicts of interest in the evaluation of considered judgments. ". . . [1] the evaluator exhibits attitudes of sympathy and passion for the welfare of others; [2] the evaluator possesses pertinent information about the relevant matters; [3] the evaluator is able to display these attitudes in a consistent and sustained way."[127] These epistemic virtues act as the conditions from which one can confidently claim whether a judgment can be properly elevated to a 'considered judgment'.[128]

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[125] Ibid., 216.
[126] See also, Jeffrey P. Bishop and Fabrice Jotterand, "Bioethics as Biopolitics," *Journal of Medicine and Philosophy* 31, no. 3 (2006): 205-206.
[127] Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 409.
[128] Ibid.

The upcoming chapters will explore how Lonergan's cognitional structure, the isomorphism in the structures of knowing and doing, the transcendental notion of value as well as the transcendental precepts can provide a solid foundation to buttress principlism's approach and its epistemic virtues.

Chapter 3: What Lonergan Contributes to Principlism

In the previous section, I discussed the methodology and tools of ethical analysis that are used in *Principles of Biomedical Ethics* along with some of the critiques regarding Beauchamp and Childress' approach. If Turner is correct in stating that Beauchamp-Childress' approach to bioethics resembles a mirroring of Western 21st century socio-political attitudes and values super-imposed on bioethical issues, it begs the question, "where is the critical and reflective element in bioethics?" Has bioethics been reduced merely to a matter of social convention and political opinion?

The strength and efficacy of Lonergan's emphasis on the meta-ethical questions lies in the method by which he approaches such questions. As unexpected as it might seem, for Lonergan the purpose of ethics is not so much to produce moral statements, but to be attentive to the questions that emerge from the cognitional structure. Melchin describes two modes of analysing ethical decision-making. The first involves focusing on the issue at hand, that is the ethical issue being discussed. In this approach, emphasis is placed on the moral content, the people and groups involved, the values at play, etc. The second approach focuses on the person who is *doing* the deciding, i.e. the practicing ethicist.[129] In his article *Moral Decision Making and the Role of the Moral Question,* Melchin quotes Edward Albee, "Sometimes a person has to go a very long distance out of his way to come back a short distance correctly."[130] Melchin's usage of Albee's concept could not be more accurate in describing Lonergan's approach to ethics.

3.1 Theology as Mediator

Discussion on value or intersection of public bioethics and theology generally focus on the value that Christian ethics and theological language brings to bioethics, such as the beatitudes, concern for the

[129]Ibid., 216-217.
[130]Kenneth R. Melchin, "Moral Decision-Making and the Role of the Moral Question," *Method: Journal of Lonergan Studies* 11, no. 2 (1993): 215.

poor and vulnerable, human dignity and the person being made in the image and likeness of God, etc.[131] In my view, there is one theological strategy that has remained largely unexplored in the dialogue between theology and public bioethics, namely Lonergan's definitions of theology and methodology. Theology functions as mediating between a cultural matrix and the significance and role of a religion in that matrix.[132] Such a view is quite unique compared to the traditional definition of theology as *fides quaerens intellectum*. Lonergan's view of theology is more attuned to Peter Abelard's understanding of theology as, "doubt leads to enquiry, and enquiry to truth".[133] Coupled with Lonergan's notion of a theology as an empirical and ongoing process theology[134] and his definition of method as "a normative pattern of recurrent and related operations yielding cumulative and progressive results."[135] This reorients the discussion on the contributions that theology can bring to bioethics, i.e. an empirically based, reflective and critical process that can bring us closer to knowing reality and the good.

What are the implications for understanding bioethics using Lonergan's definitions of theology and method? If we take into account Lonergan's philosophical and theological contributions and developments, then one can reasonably assume that he has contributed quite a bit, especially in cognitional theory and the relationship between the cognitional process involved in knowing and its extension into the realm of human action.

Lonergan describes the purpose of the first eight chapters of *Insight* as a,

> . . . series of five finger exercise inviting the reader to discover in himself and for himself just what happens when he understands. My aim is to help people experience themselves understanding, advert to the experience, distinguish it from other experiences, name and identify it, and recognize it when it recurs.[136]

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[131]Lisa Sowle Cahill, *Theological Bioethics: Participation, Justice, and Change* (Washington: Georgetown University Press, 2005).
[132] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), xi.
[133] Ralph Norman, "Abelard's Legacy: Why Theology is not Faith Seeking Understanding," *Australian eJournal of Theology* 10, no. 3 (2007): 2, assessed April 22, 2016, http://aejt.com.au/__data/assets/pdf_file/0011/378074/AEJT_10.3_Norman_Abelard.pdf.
[134] Ibid.
[135] Ibid., 5.
[136] Bernard J.F. Lonergan, S.J., "Insight Revisited," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 269.

Although at first glance, it seems unexpected that a theologian's contribution to ethics is a cognitional theory, along with a theory of the good that is grounded in a cognitional theory. That being said, given Beauchamp-Childress' understanding of the moral life, to begin ethics from a cognitional point of view instead of a common morality point of view is quite revolutionary and paradigm shifting. Referring to the shared cognitional activities in knowing and doing, Joseph Cassidy states, ". . . a critically developed Lonerganian approach suggests that knowing and evaluating are normative processes linked at every level, but leading to different types of judgments; judgments of facts and judgements of values."[137]

Principles of Biomedical Ethics does not treat ethics in the same manner as Lonergan. Unlike principlism, Lonergan grounds ethical judgments within a cognitional structure. According to Lonergan's approach, it is at the third cognitional level of judgment where the ethicist would take a *step back* and critically evaluate their understanding of a situation and come to judgment of fact. This would then lead to the fourth cognitional level of deliberation where the judgment of fact is incorporated and possible courses of action to take are evaluated, terminating in a judgment of value.

Lonergan's thought is quite paradigm shifting. He alludes to the notion that, if the cognitional structure contains in itself a self-correcting mechanism, from which we come to affirm what is *actually* so, and not just what we *think* is so, and if this reflective and critical level can be employed when it comes to ethics and values, then it is reasonably possible that one can reach objectivity in ethics just as much as one can achieve objectivity in regards to factual knowledge.[138]

3.2 The Value of Interiority

The overall objective of this thesis is to present a critical examination of the conventional wisdom of principlism, that theory is of little value for bioethics. I believe that such a presumption requires a critical

[137] Joseph P. Cassidy, "Extending Bernard Lonergan's Ethics: Parallels Between the Structures of Cognition and Evaluation" (PhD diss., St. Paul University, 1996), 371.
[138] The explanation of how judgment of facts and judgment of values are linked will be unpacked later on.

re-examination. The motivation for this thesis is that methodology is the *sin qua non* for producing well grounded moral statements. Beauchamp and Childress state that principlism's common morality approach takes into account the pre-theoretical moral life. While I agree with Beauchamp and Childress that there is a pre-theoretical moral life (in that one not need to be an expert in ethical theory to know what is good or bad, and that we grow up learning the values of a particular group and society), I am skeptical of their uncritical reliance on the normative force that they attribute to "the common morality". What I hoped to demonstrate up to this point is the importance of a coherent and systematic theoretical explanation of human knowing and its relationship to the existential dimensions of responsibility. Brian Cronin argues that the strength of Lonergan's value ethics can be within the third stage of meaning, interiority. It is at this final level of meaning where the focus is redirected from the content of propositions to the activities of conscious intentionality operating in the subject.[139] I wish to provide a brief account of Cronin's interpretation of Lonergan's levels of meaning, in an attempt to loosely situate *Principles of Biomedical Ethics* within the first (and possibly second) stage of meaning. This would then lead to Lonergan's approach, that of interiority, the third level of meaning, where one begins to operate from and is attentive to the invariant set of activities in conscious intentionality.

The first stage of meaning is common sense. As Cronin states, each society, and culture have their own conception of right and wrong, what is socially acceptable and what is not. These values[140] are implicit in the society, rather than explicit. There are laws, rules of conduct, etc., which operate at descriptive, in the sense that they are understood relative to one's own society and culture, rather than explanatory level. Consciousness operates in an undifferentiated manner. The moral, social, cultural and religious elements are not differentiated from one another, more so the legal and the moral are undifferentiated.[141]

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[139] Brian Cronin, *Value Ethics: A Lonergan Perspective* (Nariobi: Consolata Institute Press, 2005), accessed June 14, 2015, http://www.lonergan.org/wp-content/uploads/2010/12/Total-Book.pdf,77.
[140] Value is meant in this instance in the vernacular sense. It should not be confused with Lonergan's technical meaning of the term)
[141] Ibid., 77-78.

At this level, we can consider morality to be more of a socially agreed upon convention or construct. Cronin defines morality at this stage as, "At the stage of description, there are no definitions of virtue and vice, no concepts of natural law, no definitions of freedom and responsibility, and no distinction between moral obligation and legal obligations. The moral imperative is operating, but it has not been identified, made explicit, name, formulated, defined and implemented."[142]

The second level of meaning is theory. At this level, things and events are understood in relation to one another. This stage of meaning emerges due to the deficiencies of the first level of meaning. Rather than understanding things or events in relation to oneself, theory sets up terminology and relationships of terms. Cronin describes the move to the stage of theory as, "We want to escape the relativity of private perspective, the vagueness of descriptive terms, the ambiguity of undifferentiated consciousness."[143] Taking the setting sun as an example, from a common sense perspective, from perspective of the observer on the ground the Sun appears to be setting behind or under the horizon. At the second stage of meaning, theory would explain that the Sun is not actually setting behind or under the horizon, rather it is simply moving out of view due the Earth's rotation. Aristotle is an example of a philosopher who developed an explanatory system of ethics, composed of terms and relations between those terms, such as courage, temperance, anger, greed, lust, justice, etc. [144] Aristotle was also able to define and interpret these terms using his Doctrine of the Mean. He explained the virtues as the mean between excess and deficiency and defined vice as erring on either the side of excess or of deficiency.

The final stage of meaning is interiority. It involves a shift from the level of theory and the data of experience to the data of consciousness. At the level of interiority, we begin to examine the activities of our own minds, we become aware of our questioning, our thinking, the process involved in knowing truth

[142] Ibid., 78.
[143] Ibid., 79.
[144] Ibid.

and in knowing values.[145] Cronin argues that ethical theories are either incomplete or biased because they focus on the content and not to the data of consciousness, such as how the decisions or deliberations are made. This critique represents a key aspect at the stage of interiority, it is characterized by a shift from the content of theory to the activities that bring it about. Cronin states,

> Codes of conduct constitute a multitude. But the [cognitional] activities, which produced all these codes, seem to be basically questioning, thinking, formulating, feeling, criticizing, knowing facts and knowing values. There are an infinity of things about which you can question; but only one activity of questioning. There are an infinity of things that can be thought about; but only one thinking. There are an infinity of concepts; but one act of conceptualizing . . .[146]

Cronin emphasizes Lonergan's notion that at the level of interiority, by recognizing the cognitional activities that are operative in oneself when one is deliberating or deciding on what to do, one is able to have control over meaning. Cronin goes on to mention that, "We do not have to know all the codes, rules, principles, applications of every culture and every time. We are looking for the invariant set of activities that produce this infinity of instantiations."[147] Cronin's statement is quite applicable to principlism. It is one thing to incorporate considered judgments derived from the common morality when specifying, weighing and balancing the four principlism and substantive rules, however it is an entirely different endeavour when the bioethicist or scholar enters the level of interiority and *recognizes themselve*s using these methods.

In the upcoming chapter, I will unpack Lonergan's cognitional structure. I begin the discussion of ethics and values with cognitional theory, because for Lonergan ethical deliberation occurs within a cognitional process that is structured, normative and heuristic. The cognitional structure underwrites the activities involved in a judgement of fact and also underwrites the judgement of value.[148] This notion is

[145] Ibid., 81.
[146] Ibid., 82.
[147] Ibid., 83.
[148] See chapters 2 and 3 in Joseph P. Cassidy, "Extending Bernard Lonergan's Ethics: Parallels Between the Structures of Cognition and Evaluation" (PhD diss., St. Paul University, 1996) for an explanation and elaboration on the isomorphism of the cognitional structure involved in knowing and valuing.

expressed in *Insight*'s Chapter XVIII, in which Lonergan states that there is an innate goodness in being that is brought to the foreground through the cognitional activities,. . . while the intelligibility and unity of being follow spontaneously from the fact that being is whatever is to be grasped intelligently and affirmed reasonably, the goodness of being comes to light only by considering the extension of intellectual activity . . .[149]

[149] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 619.

Chapter 4: Lonergan's Cognitional Structure as a Foundation

4.1 Dynamic Cognitional Structure as a Meta-Method

In September 1964, Lonergan gave a lecture at the Thomas Moore Institute in Montreal entitled, "Philosophical Positions with Regard to Knowing" In this lecture, Lonergan elaborated on his theory of *knowing as an activity*. For Lonergan *knowing* is not just one activity, it is a set of distinct and irreducible activities which include: the five senses (seeing, hearing smelling, touching, tasting) and cognitional activities (inquiring, imagining, understanding, conceiving, reflecting, weighing the evidence and judging). None of these activities alone, constitute knowing.[150] More so, this set of irreducible activities are ordered in a systematic way, in that one precedes the other. Lonergan categorizes these activities into the three cognitional operations; experiencing, understanding, and judging. The activities are interconnected in the sense that the ordering depends on each activity to form the whole. Meaning, before one can judge, one must understand, and before one understands one must experience and to come to an understanding of that experience. It is through this structure, its activities, operations and the relationship of these activities that give human knowing its progressive and cumulative content. Lonergan is not focused on the actual content involved in knowing but in its structure and process. Lonergan's cognitional theory is a method per se, but a meta-method that underwrites the entire human knowing process.[151]

To justify his epistemological theory as a set of distinct and irreducible activities, Lonergan presents an argument based in the logical and conceptual necessity of each activity. To explain why experience is the first operation, Lonergan distinguishes gaping from understanding. For Lonergan, seeing alone is not knowing, seeing is simply an experiential act. What is meant by experiencing, is simply that, to have an

[150] Bernard Lonergan, "Philosophical Positions with Regard to Knowing," in *Collected Works of Bernard Lonergan: Volume 6*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 215. And Bernard Lonergan, "Cognitional Structure," in *Collected Works of Bernard Lonergan: Volume 4*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 206.

[151] Peter Monette, "Pluralism and the Structure of Ethical Discourse: Insights from Lonergan, MacIntyre, and Conflict Resolution" (PhD diss., St. Paul University, 1999), 59.

immediate experience, be it sensitive (the five senses) or otherwise. For Lonergan, to have an experience is simply a matter of receiving data, and it alone does not constitute human knowing.

The second activity is understanding. After one has an experience, Lonergan states that one tries to make sense of it by formulating and understanding the information into a coherent explanation for that experience. Lonergan then makes two distinctions regarding the second cognitional level of understanding. The first is that understanding alone is not knowing and understanding without reference to an experience is definitely not knowing. It is crucial that for knowing to be progressive and cumulative, one's understanding must be attached to an immediate experience. In speaking of mythic thought, Lonergan argues that, mythic thought "…involves a great deal of understanding but it is not understanding experience; it is understanding what one imagines."[152] Thus, Lonergan associates proper understanding, as the understanding of an experience.

Finally, Lonergan differentiates between what he considers judgment from its deficient forms: arrogance and ignorance. Judging is an operation in which there is a critical reflection of the understanding of an experience. Arrogance is defined as the passing judgment without a reference to an understanding, while ignorance is passing judgment while overlooking experience.[153]

The succession of cognitional activities forms the set of activities. Lonergan then argues that the structure of knowing is not only a set of activities, but a set of activities that form a structure. Lonergan uses the terms *set* and *structure* in a technical manner. In popular usage, these terms seem interchangeable, however for Lonergan they have a nuanced meaning. When Lonergan states that knowledge is a set of activities, he is stating that knowing is not just one activity (either experience as for the naïve realist or a mere concept as for the idealist). Knowing, is rather the product of multiple distinct activities in a logical and successive order, namely: experiencing, inquiring, imagining, understanding,

[152] Bernard Lonergan, "Philosophical Positions with Regard to Knowing," in *Collected Works of Bernard Lonergan: Volume 6*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 215.
[153] Ibid., 215-216.

conceiving, reflecting, weighing the evidence and judging. By stating that knowing is a structure and not just a set of activities, Lonergan is articulating that his cognitional theory is not an arbitrary hodgepodge of various cognitional activities subject to cognitive relativism's critique. Lonergan argues his point by clarifying what he means by structure compared to an unstructured whole made up of unrelated parts.

> A whole may be simply a conventional or an arbitrary unit, such as a gallon of milk. Its parts are equally conventional or arbitrary parts. You can have any size. You can take the conventional parts – the quarts, the pints, and the cups – or you can take arbitrary parts, any fraction you happen to think of. You can draw up a large number of interesting arithmetical and geometrical relations between the parts. But that type of whole is not a structure.[154]

As Lonergan has stated, this type of whole is not a structure because its parts are either a matter of convention or are merely arbitrary. Even if one attempted to demonstrate a mathematical or geometrical relationship between a cup and a gallon, the ratio (16 cups to 1 US gallon) demonstrates a relative relationship, it does not demonstrate a functional or what I consider an absolute relationship between the two. Meaning, a gallon does not depend on a cup for its existence, and vice versa. This provides the background to understanding Lonergan's meaning of the term structure. A structure, is defined as a highly organized set in which every part is related to the other parts, "Every part is just what is it because of its functional relations to other parts."[155]

A structure may be static or dynamic and material or formal. A static structure differs from a dynamic structure in that the former is made up of material things, while a dynamic structure is made up of operations. Lonergan alludes to the analogy of an automobile.[156] An automobile is a static structure because a car is made up of various parts such as: an engine, four wheels, a gear-shift, etc. According to Lonergan, adding a fifth wheel or removing a wheel, would be ludicrous, as it would impede the function of the automobile. According to Lonergan, knowing is a materially and formally dynamic structure. It is

[154] Ibid., 216.
[155] Ibid.
[156] Ibid.

materially dynamic because what is being put together are activities (seeing, hearing, tasting, formulating, inquiring, verifying…), and these distinct but interrelated activities are assembled in a coherent and successive ordering (called a structure) in which each operation is proceeded by and is incorporated into the next operation (understanding incorporates experience, judgment incorporates understanding, which incorporates experience).

The cognitional structure is formally dynamic because,

> ". . . (1) you cannot avoid the experiences, you cannot be sound asleep, sleeping like a log, all the time; (2)experiences lead to wonder, to inquiries, and from these you get insights [direct, reflective] and thoughts; and (3)thoughts may be merely thoughts, they are not yet knowing, and so you have to reflect, weigh the evidence and judge.[157]

What does Lonergan mean when human knowing is formally dynamic and that it is self-assembling?[158] What he means is that the cognitional structure assembles itself, in that it begins from an experience, and progresses until terminating in judgment. In a sense the structure itself animates the subject to understand the world around them. While brief in his explanation, Lonergan is quite clear that he likens knowing to the biological process of karyokinesis. Lonergan explains this self-assembling process by starting with the necessity of experience (notwithstanding comas or unconsciousness), we cannot not experience. From the immediate level of experience, we move to the second level of asking questions brought on by our intellectual curiosity.[159] It is at the second level of understanding, where people begin to ask questions about their experience, and try to build intelligent explanations (direct insights) for said experience. However, the process does not end there as these direct insights (concepts, theories, hypothesises) invoke the third level composed of verification and reflection, known as the reflective

[157] Ibid., 217.
[158] For another interpretation on the dynamic and self-assembling structure of human knowing , see Melchin's beach example in Kenneth R. Melchin, *Living with Other People: An Introduction to Christian Ethics based on Bernard Lonergan* (Toronto: Novalis Publishing, 1998), 17-18.
[159] Some interpreters of Lonergan, use wonder instead of curiosity, such as William Sullivan.

insight. It is at the third level where one seeks to verify their understanding, to consider other possibilities and finally judge whether what they have come to experience and understand, is so or not so.

> It puts itself together, one part summoning forth the next, till the whole is reached. And this occurs, not with the blindness of natural process, but consciously, intelligently, rationally. Experience stimulates inquiry, and inquiry is intelligence bringing itself to act; it leads from experience through imagination to insight, and from insight to concepts that combine in single objects both what has been grasped by insight and what in experience or imagination is relevant to insight. In turn, concepts stimulate reflection, and reflection is the conscious exigence of rationality; it marshals the evidence and weighs it either to judge or else to doubt and so renew inquiry."[160]

Lonergan's cognitional structure provides a universal account of how the subject comes to know what is true. The judgement of fact is achieved through a process that begins at the first level with an experience, and proceeds to a series of operations that are driven by the sense of wonder and inquiry to come to know what is true. From this drive and desire to know, the subject seeks to understand what they have come to experience, through a series of questions of that experience which produces a direct insight. The drive of wonder motivates the subject to the third level, that of judgment where the direct insight is critically reviewed and tested, to yield a reflective insight.[161]

4.2 Lonergan's Notions of Objectivity

Just as knowing is not one single activity but a structure of interrelated activities, similarly objectivity is not a singular notion. This section will unpack the theoretical components that contribute to Lonergan's notion of objectivity and objective.

For Lonergan, the cognitional structure along with the active principle of intentionality, which he calls "intentio intendens", is the originating drive of human knowing.[162] It is the notion of intentionality

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[160] Bernard Lonergan, "Cognitional Structure," in *Collected Works of Bernard Lonergan: Volume 4*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 207.
[161] William F. Sullivan, *Eye of the Human Heart: Knowing the Human Good in the Euthanasia Debate* (Toronto: University of Toronto Press, 2005), 308.
[162] For the background of the active principle of intentionality, see the headings *Consciousness and Self-Knowledge* in "Cognitional Structure" and *Knowing Knowing* in "Philosophical Positions with Regard to Knowing". In these works, Lonergan explains how we progress from mere consciousness to a self-appropriation of that structure which brings about self-awareness. It is important to note that Lonergan distinguishes the mere universality of the

that drives the subject to ask questions, to intend what is true, which ultimately brings about objectivity, i.e. judgments about reality. "By inquiry it moves us from sensing to understanding only to combine the sensed and understood into an object of thought. By reflection it moves us from objects of thought through rationally compelling evidence to judgments about reality."[163] Thus, we come to understand that Lonergan's notion of objectivity is not simply a vague concept about the nature of reality. Rather objectivity first and foremost requires a desire for it, and an internal conviction to know what is so, and not what is just apparent. More so, the cognitional structure has a direct function in achieving objectivity, by properly performing each cognitional level, one reaches its associated level of epistemic objectivity.[164]

Lonergan describes objectivity in three different senses, as a "triple cord". Each sense of objectivity is associated with its proper cognitional operation.[165]

The first component of objectivity is experiential objectivity which is associated with the first cognitional operation, experience. This sense of objectivity is associated with the mere 'giveness' of an experience[166], the experience itself is immediate, requires no interpretation, and is prior to any of the cognitional activities or operations. Examples of the giveness of the data are touch, taste, smell, hallucinations, etc. What Lonergan means by the giveness of the data is that the phenomena are simply impressed upon the conscious subject. One does not need to be self-aware that one can see, hear, feel, taste, etc. in order for them to hear a sound, feel a breeze on their skin, taste food, etc. Lonergan describes

cognitional structure; meaning that we all share this universal structure and it operate in us regardless if one is attentive to it or not, to the awareness of this structure operating in us where we come to know that I am experiencing my experience…etc. This is referred to as a reduplication of the cognitional structure. For Lonergan, the reduplication of the cognitional structure (knowing that I am experiencing, understanding…) is vital in the development from mere consciousness to self-awareness.

[163] Bernard Lonergan, "Cognitional Structure," in *Collected Works of Bernard Lonergan: Volume 4*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 212.

[164] See Table 5.1 in William F. Sullivan, *Eye of the Human Heart: Knowing the Human Good in the Euthanasia Debate* (Toronto: University of Toronto Press, 2005), 122.

[165] Ibid., 213.

[166] Bernard Lonergan, "Philosophical Positions with Regard to Knowing," in *Collected Works of Bernard Lonergan: Volume 6*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 228.

the data or the given as apart from (a priori to) questioning.[167] What Lonergan means that an experience is apart from questions is that the second and third level cognitional activities are not at play; there are no direct insights, no inquires are made, no questions about the validity of one's understanding, no questions of doubt and no judgments are made regarding the data. As Lonergan states, ". . .the given is not the answer to any question; it is prior to questions and independent of any answer."[168] To properly understand what Lonergan means by the given, the term should be interpreted in the broadest sense. While Lonergan includes external impressions and the senses as examples of the given, he also includes interior events as possible examples of the given such as; images, dreams, illusions, hallucinations, subject bias, etc. Lonergan describes the given and his notion of experiential objectivity as extrinsic that it exists and operates outside of the subject, unlike the insights derived from inquiry and reflection. "It [the given] simply notes that reflection and judgment presuppose understanding, that inquiry and understanding presuppose material for inquiry and something to be understood."[169] Thus, the given as extrinsic data is in the fullest sense, the starting point for notion of objectivity, the *sine qua non* of his cognitional theory, upon which the cognitional operations depend. William Sullivan describes the given as 'preconceptual' and 'unstructured content'.[170]

However, Lonergan's notion raises the question, what role does the given play in achieving experiential objectivity? The given is understood as the materials used at the level of judgment, to determine if the virtually unconditioned has been met. Thus, the data is what is appealed to in order to judge whether something is true or false when the subject is at the third cognitional operation (judgment).

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[167] To clarify, Lonergan does not mean that one can not question their experience, but that one does not need to question one's experience to have an experience. If that were true then only the self-aware will have knowledge, while those who are just conscious will be unable to progress through the cognitional structure. Experiences happen or not whether we want to have them or not.

[168] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 406.

[169] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 407.

[170] William F. Sullivan, *Eye of the Human Heart: Knowing the Human Good in the Euthanasia Debate* (Toronto: University of Toronto Press, 2005), 123.

The given is the foundational basis upon which experiential objectivity can rest. "Experiential objectivity has to rest upon the same basis, and so the given is defined, not by appeals to sensitive process, but by the pure desire regarding the follow of empirical consciousness as the material for its operation."[171]

I liken the role of the given to the role gasoline plays to an engine (the engine being the cognitional structure). Without the given (the fuel), the cognitional structure has nothing to experience, question, inquire about, conceptualize, validate and judge. Thus, experiential objectivity (first level objectivity) comes about through experiencing attentively.[172] As one experiences, the data is then introduced into the later activities and operations of the cognitional structure. In order to maintain this process of achieving experiential objectivity, one must experience attentively, and remain open to new data.

The second component of objectivity is normative objectivity. While experiential objectivity is grounded on being attentive and being open to the given, normative objectivity is rooted in the intelligibility of the data. Normative objectivity seeks an intelligible explanation, a theory and seeks to remove any contradictions in one's understanding.[173] Such intelligibility performs a regulatory role as it distinguishes questions for intelligence that can be answered versus those that cannot be answered, it differentiates wishful thinking from sound reasoning and excessive risk adverseness and rash judgments. The subject begins to build an informed understanding of what they have come to experience, and nurture the pure desire to know through questions for intelligence, that give rise to questions for reflection. [174] It is at this level where normative objectivity comes about. From understanding the given intelligently, one formulates a concept that is based upon the relevant data. [175]

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[171] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 407.
[172] William F. Sullivan, *Eye of the Human Heart: Knowing the Human Good in the Euthanasia Debate* (Toronto: University of Toronto Press, 2005), 122.
[173] Bernard Lonergan, "Philosophical Positions with Regard to Knowing," in *Collected Works of Bernard Lonergan: Volume 6*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 1988), 228.
[174] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 403-404.
[175] William F. Sullivan, *Eye of the Human Heart: Knowing the Human Good in the Euthanasia Debate* (Toronto: University of Toronto Press, 2005), 124.

The final component of objectivity is absolute objectivity. The basis for absolute objectivity is found in the notion of the virtually unconditioned[176], which is grasped by reflective understanding that occurs on the third cognitional level and is terminated in a judgment of fact (is it so, or is it not so?). Once the virtually unconditioned has been achieved, it is reasonable to assume that objectivity has been reached. Sullivan defines absolute objectivity as, ". . . that property of judgments whereby I move into the absolute realm of being through a true judgment about reality."[177] It is through the component of absolute objectivity where one progresses from the second level activities such as; thoughts, concepts, theories, to the verification of such products of thought, through reflective understanding. It is at this level where one must judge reasonably. It is at the level of absolute objectivity, where the previous notions of experiential objectivity and normative objectivity converge.

To conclude, Lonergan's notion of objectivity is not a singular. Absolute objectivity sublates the previous components into a coherent structure. It is composed of three distinct, but related components, when combined form the triple cord of objectivity. One can be said to achieve objectivity once they have: experienced the given attentively (experiential objectivity); intelligently understood the data that was attentively experienced (normative objectivity); and judged the data they have understood and experienced, reasonability (absolute objectivity). Lonergan's notion of objectivity sets up the conditions upon which one can reasonably assume that one has come to know what *is* and not what is just apparent.[178]

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[176] See "The General Form of Reflective Insight," in *Insight,* 305-306 in how the virtually conditioned plays it role in determining whether all prior relevant questions have been met.

[177] William F. Sullivan, *Eye of the Human Heart: Knowing the Human Good in the Euthanasia Debate* (Toronto: University of Toronto Press, 2005), 125.

[178] In Lonergan's later work of *Method in Theology*, he names calls the notions of, attentive experiencing, intelligent understanding, reasonable judging as the transcendental precepts. These precepts guide the subject into authentic subjectivity. See Appendix A.

Chapter 5: Lonergan's Systematic Approach to Ethics in *Insight*

The goal of the preceding section was to provide the theoretical groundwork of Lonergan's dynamic cognitional structure and notions of objectivity. In this chapter I will be explaining the extension of the dynamic structure of human knowing onto matters of ethics. I will be discussing key elements in Lonergan's account of ethics in *Insight,* such as the notion of the practical insight and practical reflection. These notions provide the necessary component of critical reflection that would buttress principlism.

The purpose of this section is to provide an account as to how the Lonergan of *Insight* extends the cognitional structure that is active in coming to know facts and proportionate being into the realm of human action. I wish to emphasise the role of the practical reflection as the third level activity involved in Lonergan's cognitional structure as it pertains to ethics. Lonergan's practical reflection can provide the much-needed critical assessment of the common morality theory and considered judgments.

This third level activity as it extends to ethics, corresponds to the third level of the cognitional structure of judgment. For Lonergan, the same cognitional structure that grounds knowing facts, also grounds ethics.

> There follows a conclusion of fundamental importance, namely, the parallel and interpenetration of metaphysis and ethics. For just as the dynamic structure of our knowing grounds a metaphysics, so the prolongation of that structure into human doing grounds an ethics. Just as the universe of proportionate being is a compound of potency, form and act, because it is to be known through experience, understanding, and judgment, so the universe of man's proportionate good is a compound of objects of desire, intelligible orders, and value . . .[179]

This notion of a critical ethics is more relevant than ever in bioethics. As was discussed in the chapter on *Principles of Biomedical Ethics*, common morality, reflective equilibrium, considered judgments, specification, weighing and balancing, while they are key components of the established method of practicing bioethics, they in themselves are unable to provide a critical assessment that can

[179] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 626.

evaluate social moral norms (considered judgments). It is at the level of practical reflection where a Lonergan influenced bioethicist would take the *Principles of Biomedical Ethics'* methods of reflective equilibrium, considered judgments, common morality, specification, weighing and balancing, into account, while taking a "step back" and evaluating their respective and collective conclusions within the larger framework that includes the critical element of practical reflection.

In this chapter, I will unpack and explain the theory behind Lonergan's work on ethics in *Insight*. This will also serve as the grounding from which I will transition to Lonergan's more recent and further developed work on value ethics in *Method in Theology*.

In Insight, Chapter XVIII, Lonergan seeks to relate how the dynamic structure of knowing, (experiencing, understanding and judging) could terminate in something which itself is not knowledge.[180] Lonergan's treatment of ethics in *Insight* is primarily an extension of the intellectual activity that is involved in knowing, that aims to seek consistency with one's knowing to one's doing. "Man is not only a knower but also a doer; the same intelligent and rational consciousness grounds the doing as well as the knowing; and from that identity of consciousness there springs inevitably an exigence for self-consistent in knowing and doing."[181] Move over the exigence for self-consistency is grounded in Lonergan's discussion of the will, "Further willing is rational and so moral. The detached, disinterested, unrestricted desire to know grasps intelligently and affirms reasonable not only the facts of the universe of being but also its practical possibilities."[182]

Lonergan's goal in Chapter XVIII is not to develop a moral code per se, or to produce moral normative content, rather his goal is meta-ethical in nature. He seeks to determine and grasp the "relevant prior questions" that must be considered when developing a moral theory.[183] While Beauchamp-Childress

[180] Kenneth R. Melchin, "Ethics in Insight," *Lonergan Workshop* 8 (1990): 139.
[181] Bernard Lonergan, Insight: A Study of Human Understanding, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 622.
[182] Ibid.
[183] Ibid., 618.

are skeptical of the promises of ethical theory, meta-ethical questions and their respective applicability with the moral life,[184] Lonergan emphasises the importance of the meta ethical questions in setting out the groundwork for further ethical insights and codes.

5.1 The Levels of the Good in *Insight* & The Cognitional Structure

Lonergan presents his preliminary notion of the good[185] as desire, order and value. Lonergan frames his discussion of the good as something that is intelligible and rational that emerges out of being, "As being is intelligible and one, so also it is good."[186] Just as being is intelligible, the good is also something entirely intelligible, which flows from the cognitional structure. Thus, the good is what is intelligent and reasonable.[187] While *Insight* presents the good as something to be grasped by second level activity (intelligence) and third level (reason), Lonergan associates each level of the good with its corresponding level on the cognitional structure.

The first level of the good is the object of desire. Lonergan associates this level of the good with the empirical level. At this level, the good is defined as the attainment of one's desires and once attained one experiences satisfaction, pleasure, enjoyment. While Lonergan does not go into great detail about the good as the object of desire, he does mention ". . . on this elementary, empirical level, the good is coupled with its opposite, the bad."[188] Thus, given that the good at the level of experience is concerned with attaining the object of whatever one desires, the bad is therefore seen as anything that might impede or frustrate the attainment of that object. However as elementary as this base desire is, Lonergan notes that there is one unique desire that stands out among all, the detached disinterested desire to know. It is

[184] Ibid., 396.
[185] I state preliminary because over the next 25 years until the publication of *Method in Theology*, Lonergan continues to work out his notion of the good(s) and especially his notion of value.
[186] Bernard Lonergan, Insight: A Study of Human Understanding, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 619.
[187] Ibid. See also Bernard J.F. Lonergan, S.J., "Insight Revisited," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 277.
[188] Bernard Lonergan, Insight: A Study of Human Understanding, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 619.

through this desire where one can come to understand Lonergan's framing of ethics in *Insight*. Ethics, as per *Insight* is a matter of extending the desire to know to the practical possibilities of such knowledge.

From this desire to know, flows the second level of the good, the good as order. This level of the good seeks to create schemes of recurrence, ". . . through the fertility of intelligent control, secures an otherwise unattainable abundance of satisfaction."[189] The good of order, such as government, the economy, and other social institutions is not simply a static, unqualified system that brings order and continual satisfaction to desires, the good of order,

> . . . possess its own normative line of development, in as much as elements of the idea of order are grasped by insight into concrete situations, are formulated into proposals, are accepted by explicit or tacit agreements, and are put into execution only to change the situation and give rise to still further insights.[190]

Just as the level of understanding tries to make sense of an experience, by formulating possible explanations, hypothesis and theories, the good of order brings an "understanding", an ordering to the "experience" of desires.[191] By regulating and systemizing these desires, the good of order is able to provide a system of recurrence in which desires are not fulfilled by individuals themselves, but are fulfilled for the group, not just for one but for many.

This leads to the third level of the good, the good of value. Just as the good of order sublates the good of desire by bringing possible systems of order to that desire, the good as value introduces a critical assessment of these possible systems. "Individualism and socialism are neither food nor drink, neither clothes nor shelter, neither health nor wealth. They are . . . possible systems for ordering the satisfaction of human desires . . . men can embrace one system and reject others."[192]

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[189] Ibid., 620.
[190] Ibid.
[191] Note the correlation between the first level of the good with the first level of the cognitional structure, and the second level of the good with the second level of the cognitional structure. This is not a coincidence in Lonergan's thought, it is explicit. The same sublation that occurs at in the cognitional structure, also occurs in the structure of the good.
[192] Ibid., 621.

The good as value is associated with the third level of the cognitional structure; judgment. Similar to the cognitional level of judgment, where one would critically evaluate what is apparently so in order to reach a judgment of what really is so, the good as value fulfills the same end by providing a critical assessment of current systems of recurrence and possible ones. "So far from being content to determine the unities and correlations in this as they are, it [value] is constantly on the watch to discern the possibilities that reveal things as they might be."[193]

Chapter XVIII provides a brief account of the good(s) and its associated parallel cognitional levels.[194] However, how does Lonergan explain the cognitional elements involved in the extension of the cognitional activities involved in knowing to doing? In matters related to knowing facts and proportionate being, the cognitional structure produces a second level direct insight, which is then critically assessed by a reflective insight. How do we go from a cognitional structure that is concerned with matters of fact and being to an activity that is concerned with human action? Insight explains the extension from knowing to doing in terms of the will. The will according to Lonergan's philosophy is central to Insight's approach on ethics. The will, is not only an intellectual appetite, but also rational (a third level activity) and by virtue of it being rational it extends itself into the realm of ethics.[195]

Thus, rationality and morality are inextricably linked in Lonergan's conception of ethics in *Insight*. It becomes quite evident through Lonergan's account of the parallel structure between knowing and doing, and the consistency between one's knowing and doing that *Insight*'s treatment of ethics involves little more than coherent and rational thinking. The will as the object of intellect, is operationalized by the demand for a consistency between one's knowing and in one's actions. Melchin analyses *Insight*'s treatment of the will as it relates to ethics as, ". . . the will as orientation towards the object of intellect becomes the orientation of a normatively structured intelligence towards unfolding dynamically in parallel

[193] Ibid.
[194] For a more elaborate discussion on the cognitional and the evaluative structure, see Cassidy's dissertation.
[195] Ibid., 622.

with its object, namely, the normative finality of proportionate being.[196] Melchin is further highlighting the parallel structure in *Insight's* treatment of ethics. Just as the will is the source of the detached, disinterested, unrestricted desire to know, this understanding of the will is superimposed on ethics, resulting in a rather intellectual and rationalist view of ethics. Melchin continues,

> In Insight, the criterion of moral normativity is the normative dynamism positively operative as a creative flexibility permitting and promoting sustained emergence of being; and negatively operative as the dialectical critique which grasps and reverses blocks to this sustained emergence.[197]

Melchin is describing the ultimate end of Lonergan's treatment of ethics. The goal of ethics can be framed in the positive or in the negative. Positively speaking, a system that permits and promotes schemes of recurrence, while allowing for revision and flexibility in these schemes of recurrence is considered a good of order. On the other hand, a system of recurrence that is able to enter into a dialectical critique with a scheme of recurrence that contains blocks to a sustained emergence of further developments, and remove those blockages is also according to Lonergan, a possible instance of the good of order.

What is paramount and what provides the normative element in Lonergan's treatment of the good in *Insight* is that a system of order is maintained. Such a system would need to provide a recurrence that is sustainable and flexible, and said system would need to dialectically engage with others systems of order that have blockages in their systems of recurrence and reverses those blockages.

For Lonergan, there is a mediated and critical relationship between what is so and what ought to be.[198] This notion is also manifested in Lonergan's association of the good of order as a value. "Just as the objects of desire fall under schemes of recurrence to give rise to the good of order grasped by the

[196] Kenneth R. Melchin, "Ethics in Insight," *Lonergan Workshop* 8 (1990): 143.
[197] Ibid.
[198] Joseph P. Cassidy, "Extending Bernard Lonergan's Ethics: Parallels Between the Structures of Cognition and Evaluation" (PhD diss., St. Paul University, 1996), 369-275.

intelligence, so also the good of order with its concrete contents is a possible object of rational choice and so a value."[199]

For Lonergan, the cognitional activities that guide the process of knowledge extends into the realm of human action. The will provides the necessary groundwork, for this extension. "The detached, disinterested, unrestricted desire to know grasps intelligently and affirms reasonably not only the facts of the universe of being but also its practical possibilities."[200] By dissecting Lonergan's understanding of the will, we can come to know that the will performs two functions. The will is not only intelligent (2nd cognitional operation) but also rational (3rd cognitional operation), meaning Lonergan's notion of the will seeks to know what is true, not just what is apparently so. More over, Lonergan correlates rational to the moral. This association allows the empirically, intelligently, rationally conscious subject to extend oneself to the morally self-conscious subject that is concerned with value, that is to say the establishment of a system of recurrence.

In order for one to reach the third level of the good, one must become a morally self-conscious subject, ". . . it is in rational, moral self-consciousness that the good as value comes to light, for value is the good as the possible object of rational choice."[201] The morally self-conscious subject is one who: appropriates the cognitional activities involved in knowing, extends them into the field of human action and who is able to respond to the exigence for self-consistency in knowing and doing. This exigence for self-consistency is expressed as: 1) one who knows oneself through self-consciousness, to be self-aware of one's words, deeds, motives and to hold oneself up to accept responsibility for their actions; 2) one who maintains a consistency between one's knowledge of a situation and the responsibility to

[199] Bernard Lonergan, Insight: A Study of Human Understanding, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 624.
[200] Ibid., 622.
[201] Ibid., 624.

acknowledge the facts of the situation; 3) one who has the hope and courage to act with consistency from one's knowing to one's doing.[202]

5.2 The Practical Insight & Practical Reflection

In his discussion on freedom in Chapter XVIII, Lonergan introduces two new concepts, the practical insight and practical reflection. The former grasps possible courses of action[203], while the latter critically evaluates the practical insight(s). Taking into account Lonergan's parallel structure to ethics as a matter of extending the cognitional structure from matters of fact to human action, Lonergan associates the practical insight as an extension of its fact-related twin, the direct insight and does the same for practical reflection, as an extension of reflective understanding.

> As any direct insight, it [the practical insight] results from inquiry and it emerges upon the sensitive flow, in which it grasps some intelligible unity or correlation. Again, as in any direct insight, the mere fact of grasping the unity or correlation does not imply that the unity exists . . .[204]

Lonergan seems to associate the practical insight as another possible form of a direct insight, and having the same sensitive origins that seeks an intelligent understanding of the experience. However, unlike a direct insight that emerges from an experience, and then onto a reflective understanding to come to know what is so (i.e. being), practical insights are concerned with the making of being. The goal of the practical insight is to seek the unities and relations of possible human action, or in less technical terms, to seek an understanding(s) of possible courses of intelligent and rational actions brought on by a situation.

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[202] Bernard Lonergan, Insight: A Study of Human Understanding, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 622-623. Lonergan frames the criteria for the exigence for self-consistency in terms of "three escapes of the exigence": 1) avoidance of self-consciousness, 2) rationalization, and 3) moral renunciation. I rather frame the discussion in a more positive light through the hermeneutic of responsibility (that is used in his later work, *Method in Theology*).

[203] It is uncertain in Lonergan's discussion of the practical insight, whether the concept applies only to a morally self-conscious subject or if practical insights are to be interpreted in a broader sense. Given that the discussion on freedom proceeds from the discussion on value

[204] Ibid., 632-633.

However, just as the practical insight is grounded in the same cognitional structure that gives rise to the direct insight, and just as a direct insight does not constitute knowing reality, having a practical insight alone does not constitute rationally moral self-conscious action. Taking the parallel structure into account, the practical insight must be critiqued and evaluated by a third level cognitional activity. This gives rise to reflective understanding's act-related equivalent, the practical reflection. Lonergan states, "For the grasp of a possible course of action [practical insight] need not result automatically and blindly in its execution."[205] It is at the level of practical reflection, where one begins to critically evaluate practical insights; their respective foreseeable consequences, the risks associated with each action or the risks involved in inaction. Lonergan lists six corollaries that flow from the practical reflection. These six corollaries, would guide the subject in critiquing and evaluating practical insights.[206]

In his interpretation of Chapter XVIII, Terry Tekippe notes that as broad and comprehensive as Lonergan's account of ethics is in *Insight*, he claims that there is something missing in his account.[207] Tekippe is referring to the notion of a value judgment, where one would take a stand on a particular value and affirm it to be a value. While practical insights consider possible courses of action, the role of the practical reflection is to scrutinize the possible courses and investigate their motives, which can go on indefinitely (paralysis by analysis). Practical insights are concerned not with what is so, as a direct insight is, but with what ought to be done. Since the practical insight is concerned with the making of being, unlike reflective insight that grasps the virtually unconditioned, practical reflection has no internal

[205] Ibid., 633.
[206] See Ibid., 633-635 for a host of questions Lonergan considers to be operative at the level of the practical reflection.
[207] Terry J. Tekippe, *Bernard Lonergan's Insight: A Comprehensive Commentary* (Lanham: University Press of America, 2003), 328. Tekippe is in a sense incorrect with his assessment. It is outside the scope of this thesis, but in my reading there is an embryonic version of the judgment of value in Lonergan's discussion '2.5 The Decision' chapter XVIII. I give Tekippe the benefit of the doubt, in that Chapter XVIII's discussion of decision is not like that of *Method in Theology'*s, but the origins of the level of decision and the judgment of value are. In reading that section, one can almost see the inevitable conceptual framework that will bring about the discussion on method and the human good in *Method in Theology*.

terminus.[208] Thus, Chapter XVIII's account of the extension of the cognitive structure concerned with knowing onto ethics, would seemingly require an external and separate cognitive level that ends the practical reflection, eventually leading to a judgment of value. While a prototype of the fourth level is present in *Insight*, in my view the fourth level as per *Method in Theology's* formulation, only begins to be worked out in Lonergan's essay titled, "The Subject".

[208] Ibid.

Chapter 6: The Fourth Level of Conscious Intentionality

Lonergan's project in *Insight* was to articulate the importance of the reflective insight in the process of coming to what is real, and the three-fold cognitional structure as the normative and heuristic unrevisable foundation that is operative in the process of coming to know. In Chapter XVIII of *Insight*, Lonergan investigated how such a structure that is concerned with the question of proportionate being can extend into knowledge about possible courses of action. In this chapter, I will introduce Lonergan's fourth cognitional level as presented in *The Subject* in order to provide an adequate explanation for the shift between the Lonergan of *Insight* and the post-*Insight* Lonergan (of *The Subject* and *Method in Theology*).

Pat Bryne notes that Lonergan's ontological treatment of the good in *Insight* is inadequate. The first difficulty with *Insight's* treatment is rooted in how Lonergan treats *knowing* as concerned with facts alone and how this definition of knowing ultimately framed *Insight*'s definition of value as the realization of the universal order and the sustenance of that order. As Bryne states, "Knowledge of value had not been mentioned, let alone analysed prior to Lonergan's argument for the goodness of proportionate being – and it receives very little attention in the remainder of the book."[209] While Insight does provide an account of value within the metaphysics of proportionate being, it is an insufficient basis for Bryne, as an argument for the goodness of proportionate being. An ethical choice at the level of value as per *Insight* is a choice primarily concerned in maintaining consistency between knowing and doing and aiming for the preservation of the social order.[210] In his later work of *Method in Theology*, Lonergan further develops his

[209] Patrick H. Byrne, *The Ethics of Discernment* (Toronto: University of Toronto Press, 2016), 369.
[210] For further reading see, Peter Monette's PhD dissertation, pages 71-75. Monette provides an interpretation of what Lonergan meant by knowing in Insight. Monette provides a persuasive argument detailing three types of knowing in *Insight*; knowledge of fact, knowledge of value and knowledge of action.

initial conception of value in *Insight* into a transcendental notion of value, that operates not on the third level of the cognitional structure but on its own fourth level of conscious intentionality, decision.[211]

In his post *Insight* works Lonergan begins to distinguish between the fact-related cognitional activities from the cognitional activities that are related to human action, choice, and value. No longer is ethics understood within the framework of the tri-partite scholastic faculty psychology. Melchin notes, "The distinction in terms of scholastic faculty psychology between intellect and will is dropped."[212] The will in Lonergan's later writings of *The Subject* and *Method in Theology*, includes an existential aspect, not previously conceptualized in *Insight*. The new existential aspect of the will, places the activity of decision on its proper cognitional level. This reformulation of the will is significantly different from *Insight's* formulation. The will in *The Subject*, is explicitly understood as an extension of the act-related cognitional activity, on a higher level then that of the cognitional level of reflection and is not ordered to fact related questions (or questions of proportionate being) but to its own intentional object, value operative at the fourth level of conscious intentionality. [213]

Lonergan's 1968 work, *The Subject* is representative of this fundamental shift in his thinking. In this lecture, Lonergan introduces the notion of the existential subject as one who is concerned with the moral quality of their choices and actions. Lonergan begins to demonstrate the evolution of his thinking, from the intellectualism of *Insight*, to placing a greater emphasis on the existentialism involved in making moral choices.

> So far, our reflections on the subject have been concerned with him as a knower, as one that experiences, understands and judges. We have now to think of him as a doer, as one that *deliberates, evaluates, chooses, acts.* [my emphasis] Such doing, at first sight, affects, modifies, changes the world of objects. But even more it affects the subject himself. For

[211] There is a definite and explicit shift in Lonergan's terminology regarding the cognitional levels. In *Insight*, they are called cognitional levels, while in *Method in Theology*, they are called levels of conscious intentionality. Lonergan's thought developed between his *Insight* years and the publication of *Method in Theology* from that of a cognitional point of view primarily concerned with knowledge to that of existentialism primarily concerned with intentionality.
[212] Kenneth R. Melchin, "Ethics in Insight," *Lonergan Workshop* 8 (1990): 140.
[213] Ibid.

> human doing is free and responsible. Within it is contained the reality of morals, of building up or destroying character, of achieving personality or failing in that task.[214]

Here Lonergan debuts the subject not only as intellectual but as existential. The existential subject is someone who is not only concerned with knowing proportionate being, but how this fact-related knowledge has an effect on their moral character and their acting in the world. One is existentially compelled to act on their knowing, and such acting must be informed, lest one be subject to cognitional aberrations such as; rash judgments, arrogance, ignorance, oversight, etc. Lonergan introduces the activities that are involved in this "new" cognitional level, as deliberating, evaluating, choosing and acting.[215] According to Lonergan, the notion of the free, responsible moral agent and the qualitative distinction between the rational and the responsible has been overlooked in *Insight*, in favour for a schematic that frames the subject in terms of faculty psychology, and the various "products" of the intellect such as; the direct, speculative and practical insights.[216] Moreover, *Insight*'s concern regarding matters of action was only secondary to the overall intended project of *Insight*. Chapter XVIII, was concerned with, ". . . the kind of knowledge intelligence attains when it turns from matters of fact to matters of action."[217]

Although Lonergan's discussion of the new cognitional activities of deliberating, evaluating, choosing and acting is unique to the existential subject, it becomes quite clear that there is an explicit distinction and shift between how ethics was framed in *Insight* compared to how ethics is framed in *The Subject* and how ethics will be finally understood in *Method in Theology*. Ethics in *Insight*, especially value was framed within the three-fold cognitional structure, a structure that was primarily concerned with

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[214] Bernard J.F. Lonergan, S.J., "The Subject," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 79.
[215] See also, Chapter 1 in *Method in Theology*
[216] Bernard J.F. Lonergan, S.J., "The Subject," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 79.
[217] Kenneth R. Melchin, "Ethics in Insight," *Lonergan Workshop* 8 (1990): 140. Note the emphasis on *kind* of knowledge, *intelligence* attains.

knowing facts, reality, being and which depended heavily on the notion of a virtually unconditioned to bring such inquiry to an end, thus allowing the subject to relatively determine something as "true", with a certain degree of confidence. While in *The Subject*, Lonergan redirects the questions that were concerned with matters of action that were formulated under the rubric of intelligence and rationality, to a distinct fourth level of responsibility.

Melchin analyses the "shift" or development of Lonergan's thought on ethics between these two opuses, ". . . this development of Lonergan's thought was not so much a better answer to the old question regarding the relation between knowing the good and doing it as it was the result of a turn to a new question."[218] Ethics as of *The Subject,* is not primarily concerned with maintaining consistency between one's knowing and one's doing, as *Insight's* formulation of ethics was, but with something more. Ethics as per *The Subject*, is concerned with the existential dimension and consequences of acting in the world.

In his earlier works, Lonergan presented an argument for the logical succession of each of the cognitional levels.[219] The argument briefly summarized is as follows, one can not judge what one doesn't understand, and one can not understand if one doesn't experience. In *The Subject*, Lonergan provides a new scheme for the succession of the various cognitional levels through the sublation of various modes of consciousness. Lonergan also mentions that this new level of responsibility requires a new scheme of distinct but related levels of consciousness, in which the existential subject is the highest level of consciousness. Lonergan begins with the lowest level of consciousness and progresses upwards to the existential subject. At the lowest level one is sleeping or in a coma, in this state we are merely potentially subjects. The second level is a minimal degree of consciousness, in which we are aware but helpless subjects. Lonergan continues,

[218] Ibid.

[219] Also see Stephen Wentworth Arndt, "The Justification of Lonergan's Cognitional and Volitional Process," *American Catholic Philosophical Quarterly* 65, no. 1 (1991): 51-55. For his exposition and analysis on Lonergan's arguments for justifying his cognitional structure in *Insight.*

> Thirdly, we become experiential subjects when we awake, when we become the subjects of lucid perception, imaginative projects, emotional and conative impulses, and bodily action. Fourthly, the intelligent subject sublates the experiential, i.e., it retains, preserves, goes beyond, completes it, when we inquire about our experience, investigate, grow in understanding, express our inventions and discoveries. Fifthly, the rational subject sublates the intelligent and experiential subject, when we question our own understanding, check our formulations and expressions, ask whether we have got things right, marshal the evidence pro and con, judge this to be so and that not to be so. Sixthly, finally, rational consciousness is sublated by rational self-consciousness when we deliberate, evaluate, decide, act. Then there emerges human consciousness at its fullest. Then the existential subject exists and his character, his personal essence, is at stake.[220]

However, such sublation is not without its intended object. For Lonergan these various levels of consciousness are ". . . united by the unfolding of a single transcendental intending of plural, interchangeable objectives."[221] What promotes the subject from the experiential consciousness to intellectual consciousness is the desire to understand which intends intelligibility. What promotes the subject from intellectual to rational consciousness is the desire to understand correctly. What promotes the subject from rational consciousness, the level of consciousness concerned with the intelligible and real, ". . . becomes also the intention of the good, the question of value, of what is worthwhile, when the already acting subject confronts his world and adverts to his own acting in it."[222] What is this transcendental notion referring to? Lonergan makes it clear that what is operative is the intention of the good as value, known in its own distinct level of conscious intentionality, responsibility.

6.1 Transcendental Notion of Value

Lonergan's treatment of value in *Method in Theology* is significantly different from his earlier work in *Insight*. Lonergan had not yet worked out the *transcendental* notion of value that operates on its own level of consciousness, that appears in "The Subject" and *Method in Theology*.[223] As was previously discussed, Chapter XVIII of *Insight* defined value as the object of rational choice.

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[220] Bernard J.F. Lonergan, S.J., "The Subject," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 80.
[221] Ibid., 81.
[222] Ibid.
[223] Walter E. Conn, "Bernard Lonergan on Value," *Thomist* 40, no. 2 (1976): 247.

> Now it is in rational, moral self-consciousness that the good as value comes to light, for the value is the good as the possible object of rational choice. Just as objects of desire fall under schemes of recurrence to give rise to the good of order grasped by intelligence, so also the good of order within its concrete contents is a possible object of rational choice and so a value.[224]

In *The Subject*, Lonergan defines value as ". . . a transcendental notion like the notion of being. Just as the notion of being intends but, of itself, does not know being, so too the notion of value intends but, of itself, does not know value."[225] Moreover in *Method in Theology*, Lonergan further develops his transcendental notion of value by associating it with the fourth level of conscious intentionality, "Value is a transcendental notion. It is what is intended in questions for deliberation, just as the intelligible is what is intended in questions for intelligence, and just as truth and being are what are intended in questions for reflection."[226]

Thus, Lonergan's notion of value in *The Subject* and *Method in Theology* has shifted its focus from the rationalism of *Insight* to something transcendental. This new understanding of value is not found within the good of order itself, with its possible object of rational choice. While "The Subject" presented the good as value, as a distinct and transcendental notion, *Method in Theology* further develops this notion by redirecting the fact oriented cognitional operation involved in value not at the level of reflection and judgment, but at the fourth level, with its own distinct activity of deliberation which produces a judgment of value.

Lonergan's treatment of value as transcendental raises another set of questions. If there is a radical departure from *Insight's* to *Method in Theology*'s treatment[227], what exactly is involved in this new notion of value? Value is not only a transcendental notion, but is now associated with questions for

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[224] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 624.
[225] Bernard J.F. Lonergan, S.J., "The Subject," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 82.
[226] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 34.
[227] Walter E. Conn, "Bernard Lonergan on Value," *Thomist* 40, no. 2 (1976): 249.

deliberation. *Insight* presented ethics as a second and third level insight and part of the cognitional structure that is involved in knowing, with its associated reflective level; a practical insight, and practical reflection. *Method in Theology* approaches ethics from the language of intentionality and judgment of value and from a distinct forth level. Moreover, it is crucial to understand that although there is a significant difference between the two, judgements of value have the same cognitional structure as a judgment of fact.[228]

6.2 Deliberation & The Value Judgment

Lonergan mentions that value is what is intended when one deliberates. The product of this deliberation is considered to be a judgment of value. Unfortunately, Lonergan does not provide many details as to what deliberation consists of, other than deliberation involves asking ". . . whether this is truly and not merely apparently good, whether that is or is not worth while . . ."[229] This does not seem to provide much guidance surrounding the nature of deliberation and how one should deliberate. While Lonergan is quite brief on deliberation in Method in Theology, he does make numerous references in regarding the importance of authentic subjectivity as the source for true objectivity.

Cronin notes the incompleteness of Lonergan's treatment of deliberation in *Method in Theology*, ". . .Lonergan says very little on the content of this process of deliberation, and what he does say is not clear. It is still not clear how the process unfolds, what it is aiming at, and how it is brought to completion."[230] While Lonergan is brief regarding a systematic presentation of the nuances of deliberation and how the activities play a role in the fourth level of conscious intentionality, we do know that the subject asks reflective questions regarding the truly good versus the apparently good and the worthwhileness of a course of action. We also know that this judgment seems to terminate in a judgment of value.

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[228] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 37.
[229] Ibid., 34.
[230] Brian Cronin, "Deliberative Insights: A Sketch," Method: Journal of Lonergan Studies 22, no. 1 (2004): 40.

Brian Cronin's interpretation of Lonergan on this matter can shed some light. Cronin considers the proper activity in deliberation as the deliberative insight. Drawing on the isomorphism of the cognitional structure in judgments of fact and judgments of value, Cronin likens the deliberative insight to that of a direct and reflective insight.

> But a deliberative insight will also be modeled on reflective insight because it is preparing to issue a judgment. If the structure of judgment of fact is the same as the structure of the judgment of value, then surely the form of deliberative insight will be similar to the form of reflective insight.[231]

However, a deliberative insight is different from insights that are concerned with matters of fact because a deliberative insight seeks to discern and know value and its object is a judgment of value, of what is truly good and worthwhile. As Cronin describes, deliberation as an insight type of activity presumes the questions of value; *is it truly or apparently good, is it worthwhile?* Neither Lonergan nor Cronin presume that there is a "ready made" code of ethics. This deliberative insight involves discernment and search for value, in short a heuristic activity that seeks to know value. It involves,

> . . . active focusing, researching, questioning, thinking, writing…Deliberative insight ushers us into the world mediated by meaning, and value . . . [It] will grasp a unity, a connection, a whole, a value, a relation, a form immanent in a multiplicity of images, situations, experiences and events.[232]

Thus, a deliberative insight, is an answer to the question at the fourth level of conscious intentionality, *what ought I/we to do?*

Lonergan defines deliberation as a *value-intending* activity.[233] This activity is presumed to terminate in a judgment of value. However, what is a judgment of value other than the terminus of deliberation? Luckily, Lonergan is relatively more forthcoming on the details of judgments of value than deliberation. Judgments of value are twofold; they are simple or comparative. Simple judgments of value

[231] Ibid., 42.
[232] Ibid., 41-42.
[233] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 34.

affirm or deny that this or that is truly or only apparently good. Comparative judgments of value compare simple judgments of value to affirm or deny that one is better, more important, or more urgent.[234]

6.3 Convergence of the Judgment of Value & Principles-based Ethics

How does Lonergan's notion of judgments of value relate to *Principles of Biomedical Ethics*? The principles of autonomy, beneficence, justice, and non-maleficence, along with their respective substantive rules, are in Lonergan's terms simple judgments of value. By elevating these ideals as principles of bioethics, Beauchamp and Childress are directly affirming that these principles and their substantive rules are values; i.e. what is considered to be truly good and worthwhile, that one must take into consideration when practicing bioethics or in writing bioethics policy. In research ethics, the principle investigator of a research study, must obtain informed consent from the prospective participant before research can begin. More so, consent can be withdrawn by the participant, at any time during the research. These research ethics directives are examples of what Lonergan means by a simple judgment of value. These moral imperatives consider that one ought to respect one's autonomy and secure their informed consent prior to engaging in research activities.

Up to this point in the thesis I spoke of values as what is intended during the fourth level activity of deliberation. This level is terminated in a simple or comparative judgment of value. In order to truly appreciate Lonergan's contribution to a systematic presentation of ethics, a major question in Lonergan's *Method in Theology* needs to be explored. The introduction of a distinct fourth level of conscious intentionality, raises the question as to how this new level "fits" or relates to the previous three. Taking the fourfold cognitional levels of conscientious intentionality (empirical, intellectual, reasonable, responsible) into account, how does one explain the gap between the fact related levels (empirical,

[234] Ibid., 36.

intellectual, reasonable) and the act related level (responsible)? How does the subject proceed (structurally speaking) from the third level activity to the fourth?

Method in Theology describes fourth level operations as "deliberating, evaluating, deciding, speaking, writing."[235] Lonergan goes on to discuss that the four levels are distinguished from one another by different levels of consciousness and intentionality. On the empirical level, we "sense, perceive, imagine, feel, speak, move . . ."[236] On the intellectual level, we begin to ". . . inquire, come to understand, express what we have understood, work out the presuppositions and implication of our expression."[237]. On the rational level, we ". . . reflect, marshal the evidence, pass judgment on the truth or falsity, certainty or probability of a statement."[238] Lonergan's account in *Method in Theology* is not that different from his earlier accounts in "Philosophical Positions in Regard to Knowing" and "Cognitional Structure". At the fourth level, a qualitative change occurs compared to the other three levels. On the level of responsibility, the conscious intentionality transcends the concern for truth, to existential concerns and the consequences of our acting on our knowing.

In *Method in Theology*, this existential fourth level sublates the prior three levels. As Lonergan explains, the fourth level comes to the foreground when we take into account what we learnt from the fact related questions and begin to shift our focus to act-related questions of value and the good, and deliberate on what we *ought* to *do*. As one develops a concern for responsibility one is able to truly *make* themselves as free and authentic subjects. In speaking of the levels that are concerned with value Lonergan mentions,

> There is still a further dimension to being human, and where we emerge as persons, meet one another in a common concern for values, seek to abolish the organization of human living on the basis of competing egoisms and to replace it by an organization on the basis

[235] Ibid., 6.
[236] Ibid., 9.
[237] Ibid.
[238] Ibid.

> of man's perceptiveness and intelligence, his reasonableness and his responsible exercise of freedom.[239]

The concern for authentic and collective values, rather than egotistic concerns are rooted in the cognitional structure, and actualized through the transcendental precepts of being attentive, being intelligent, being reasonable and most of all, being responsible.[240,241]

Lonergan's cognitional theory is often presented as a series of distinct but inter-related operations that are hierarchically ordered to one another through a process of sublation, in which the fact related operations of the empirical, intellectual and rational terminate in a judgment of fact. From this judgment of fact, the process of deliberation emerges, which gives rise to questions of the good and value, ultimately terminating in a judgment of value. Such is a literal understanding of Lonergan's cognitional progress, where the operations for each level of conscious intentionality are fixed to their corresponding level. [242]

"Literal" (Simple Four Step Image) Interpretation of Lonergan's Structure of Conscious Intentionality[243]			
Type of Question	Cognitional Level	Activities	Terminating Activity for the Type of Question
Fact Related	1st Level (Empirical)	Sensing, perceiving, imaging	Judgment of Fact
	2nd Level (Intellectual)	Inquiring, conceiving, defining	

[239] Ibid., 10.
[240] Peter Monette, "Pluralism and the Structure of Ethical Discourse: Insights from Lonergan, MacIntyre, and Conflict Resolution" (PhD diss., St. Paul University, 1999), 77.
[241] There is a debate within Lonergan scholarship regarding a "fifth level" of the conscious and intentional operations. This fifth level is identified as "being in love" and is associated with religious consciousness. See Michael Vertin, "Lonergan on Consciousness: Is There a Fifth Level?," *Method: Journal of Lonergan Studies* 12, no. 1 (1994): 1-36., Robert Doran, "Consciousness and Grace," *Method: Journal of Lonergan Studies* 11, no. 1 (1993) 51-75. An analysis on this debate was published by Tad Dunne. See Tad Dunne, "Being in Love," *Method: Journal of Lonergan Studies* 13, no. 2 (1995): 161-176.
[242] Ibid., 80.
[243] This is a slightly modified version of Monette's presentation of the *simple four-step image* on page 80 of his PhD dissertation. I included in the first column, Melchin's distinction between fact-related questions and act-related questions, as presented in his book *Living With Other People*. I also include in the fourth column, the *terminating* activities involved in the first three levels and the fourth level as presented by Lonergan in *Method in Theology*. The grayed bar between the fact-related and act-related questions helps visually articulate the structural gap between the two types of questions.

	3rd Level (Rational)	Reflecting, grasping, judging	
Act Related	4th Level (Decision)	Deliberating, evaluating, deciding	Judgment of Value (simple or comparative)

According to the literal reading of Lonergan when one is experiencing, they are only operating on the first cognitional level of fact related questions, and when one is judging a theory or explanation of a phenomenon, they are only acting on the third level of fact related questions. However, Monette is skeptical if this is an adequate representation of human knowing. This model begs the question, given the shift in intentionally from fact (truth, being) related questions to act (value) related questions, how does the literal reading of Lonergan's cognitional structure, account for the shift from fact questions to act questions? In simpler terms, how does one reconcile the process that leads from a judgment of fact to the beginning of the process that leads to a judgment of value? Monette argues for an alternative reading of Lonergan's image of conscious intentionality. Monette presents his own image of conscious intentionality, in which the fact related questions are reduplicated on the fourth level of decision.[244]

In my view, Monette's interpretation is supported in *Method in Theology*, in two ways. The first justification is found in the isomorphism of a judgment of fact and a judgment of value. Take for instance, the structure that is involved in a judgment of fact. One has a phenomenological experience, and would then seek to understand that experience by formulating hypothesises, building concepts to help explain that experience, etc. However, because of the self-assembling dynamism of the cognitional structure, one wants to know what is true, not just apparently true. Thus, the desire to understand, leads to the level of judgment where one critically evaluates theories, hypothesises or explanations and tests them to determine if they are true or not. However, given Lonergan's clear statement that when it comes to a judgment of value, the structure does not change, i.e.; the experience of the given, the understanding of

[244] Ibid., 86-88.

the experience and the critical evaluation of one's understanding. What changes is the content. Rather than asking is this or that so, one asks is this or that apparently good and worthwhile or truly good and worthwhile? Moreover, given that the pattern of experience, understanding, and judging is fundamental in all activities related to human knowing, if one were to theoretically argue for a new or revised cognitional structure, they would in fact utilize the cognitive pattern of experience, understanding, judging in the development of the new pattern or revision of Lonergan's pattern. According to Lonergan, the pattern is so foundational that any attempt to revise it would use the pattern itself.[245] Thus it seems reasonable that if any activities were to be duplicated on the fourth level, it would be the first, second and third level activities. Therefore, it seems highly probable that a duplication of the first, second and third level activities onto the fourth level are more in line with Lonergan's meaning behind his quote. Thus, given my reading of Monette's reduplication theory, the chart is revised according to the reduplication theory as follows.[246]

<table>
<tr><th colspan="4">Interpretation of Lonergan's Structure of Conscious Intentionality According to Monette's Reduplication Theory</th></tr>
<tr><td>Type of Question</td><td>Cognitional Level</td><td>Activities</td><td>Terminating Activity for the Type of Question</td></tr>
<tr><td rowspan="3">Fact Related</td><td>1st Level (Empirical)</td><td>Sensing, perceiving, imaging</td><td rowspan="3">Judgment of Fact</td></tr>
<tr><td>2nd Level (Intellectual)</td><td>Inquiring, conceiving, defining</td></tr>
<tr><td>3rd Level (Rational)</td><td>Reflecting, grasping, judging</td></tr>
<tr><td rowspan="5">Act Related</td><td colspan="3">4th Level (Responsible)</td></tr>
<tr><td>1st Level (Empirical)</td><td>Intentionally Responding to Value</td><td rowspan="4">Judgment of Value (simple or comparative)</td></tr>
<tr><td>2nd Level (Intellectual)</td><td>Deliberating on Value</td></tr>
<tr><td>3rd Level (Rational)</td><td>Objectively Knowing Value</td></tr>
<tr><td>4th Level (Decision)</td><td>Implementing Value</td></tr>
</table>

[245] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 19. Also see Terry J. Tekippe and Louis Roy, "Lonergan and the Fourth Level of Intentionality," *American Catholic Philosophical Quarterly* 70, no. 2 (1996): 231.

[246] This chart is slightly different from the one published in Monette's doctoral dissertation.

Chapter 7: Tools for Ethical Analysis

Up to this point in the thesis, I have focused on the methodology of Lonergan's cognitional structure. This discussion has not directly addressed the more practical issues operative in bioethics, such as: when is autonomy a higher value then beneficence, when is justice a higher value than autonomy? However, if we begin to take this understanding and critically evaluate it, and ask ourselves whether autonomy or justice an overriding principle in a certain scenario? Why is that the case? Can another principle be of greater value? If so, why would another principle be of greater value? When we begin to ask these types of critical questions, we begin to critically evaluate the status quo and ask the questions that Lonergan invites us to ask at the fourth level of conscious intentionality.

In my view even if we get an affirmative answer that autonomy, or justice, or beneficence is the dominant principle in a particular case, or ought to be the dominant principle, how do we *really* know if our decision would yield positive results for society? In Lonergan's epistemology the virtually unconditioned provides the criterion to determine whether or not there is sufficient evidence to make a reasonable judgment that something is so. However, in matters of ethics and in matters of creating our own world, of making choices that affect society and people, there is no virtually unconditioned we can turn to. When we begin to introduce Lonergan's overall message that one must be attentive, be intelligent, be reasonable and be responsible, a relatively clearer picture as to what would yield positive results emerges. How does this play out in bioethics? If we follow Monette's version of the reduplication theory, we notice that ethics begins with knowing the context and facts on an issue. Once we have the facts of an issue or situation, it would lead into an informed discussion on the operative values. As was expressed in Lonergan's notion of the will in *Insight* and *The Subject* there is an association between what is real and what is good, that while they might be distinct they are not divorced from one another.

Therefore, when we begin to experience value, understand the different values at play in a situation, critically assess the values, and ultimately decide on the values we want to proceed with, how

do we gauge the theoretical consequences of our simple or comparative value judgments? In my view, Lonergan's notion of the structure of the human good and the notion of progress and decline in *Method in Theology* can help provide some analytical tools.

7.1 The Structure of the Human Good

In *Method in Theology*, Lonergan frames the good as what is always concrete[247] and is at once individual and social. [248] Lonergan is reserved in defining or emphasising one principle, rule or virtue as "the good". He is quite frank in stating that in defining the good, one risks misleading their reader. Rather, Lonergan presents a theory of the good as a heuristic activity, in which various components such as values, structure of the good, progress and decline, bias come into play that contribute in coming to know the good in a situation. This is a notable shift to understanding the good compared to *Principles of Biomedical Ethics*, where the good was located in notions such as common morality, considered judgments, and substantive rules. What is required of the ethicist, is to specify and/or weigh and balance these notions and ensure that specifications and balancing are coherent with the overall set of beliefs (reflective equilibrium). Lonergan's understanding of the good as concrete seems at a superficial level to be quite vague and cryptic. However, if we take into account the structure and levels of conscious intentionality, Lonergan's notion of the good begins with being attentive to one's situation. The good is concerned not with achieving an unreachable ideal, but is discernable and achievable within a situation which requires a careful discernment of the dialectic between the individual and the wider community.

At the level of the good as value, the individual is said to transcend the good of particulars and the good of order. Values are transcendental and intended. "…when I ask whether this is truly and not merely apparently good…I do not yet know value but I am intending value."[249] The intending itself does not answer what is valuable or what isn't, it is the driving force in which we come to know what is good.

[247] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 27.
[248] Ibid., 47.
[249] Ibid., 34.

When we satisfy or appeal to some goods (either individual or social) and reject others (either individual or social), one makes a choice at the level of value. It is what allows the authentic subject to critically evaluate their choices and their socio-cultural milieu. It is important to note that the good as value does not automatically imply that social goods trump individual goods. The good as value recognizes our most basic needs and desires as fundamental to our human condition. It also recognizes the legitimacy of social orders and our duties towards them.[250] It is able to hold both of these understandings of the good in balance, and it is able to critique them and rank them accordingly. Is consent of participants required in research in emergency conditions? In writing my living will, do I include a DNR order or do I ask the health care professionals to use aggressive treatments?

Each level or meaning of the good implies a different approach toward the society and social structures. At the level of desire, one might be aware of the social structures but only as instruments to fulfill one's desires. What changes at the level of social order is an appreciation of the social structure in its own right, and the value the social structure brings to fulfilling desires for the many, possibly bringing about a better society. One is aware of the possible tension between one's desires and the social obligation to the group. At this level, social obligation would take precedence. There is recognition of collegiality, loyalty and the value of collaboration that moves us from our self-interestedness of desires into the world shaped by a particular community and the interdependence required to sustain it. At the third level of the good, social institutions, and social order become the object of critical reflection and rational scrutiny. Desires and social structures are weighed not in their own right, but as mediators of social progress or social decline, of flourishing and development. [251]

Although the levels are presented in a hierarchical manner, it does not mean that the good as social order will always trump particular goods or the good of value will always trump social order.

[250] James Sauer, *A Commentary on Lonergan's Method in Theology* (Ottawa: The Lonergan Website, 2001), 78.
[251] Kenneth R. Melchin, *Living with Other People* (Toronto: Novalis Publishing, 1998), 46.

Lonergan's structure of the good presents a nuanced and mature understanding of the human condition. The structure of the human good invites us to think of ethical issues on all three levels of the good.[252] This notion of a tri-partite good, while as simple as it might sound and self-evident is one of Lonergan's greatest contributions.

7.2 Progress, Decline and Bias

Lonergan's notion of progress is closely related with the structure of conscious intentionality, and the transcendental precepts. Progress is defined as a continuous flow of individual and social improvements that ". . . proceeds from originating value, from subjects being their true selves by observing the transcendental precepts."[253] Progress involves a change in a situation, however change itself can be an instance of progress or decline. Lonergan's notion of progress is not an unqualified notion of change. For Lonergan progress is what betters the human situation, because it promotes human flourishing. What guidance do the transcendental precepts provide in achieving progress?

> Being attentive includes attention to human affairs. Being intelligent includes a grasp of hitherto unnoticed or unrealized possibilities. Being reasonable includes the rejection of what probably would not work but also the acknowledgment of what probably would. Being responsible includes basing one's decisions and choices on an unbiased evaluation of short-term and long-term costs and benefits to oneself, to one's group, to other groups."[254]

Although this notion of progress requires further research, it does provide a preliminary normative guide. It prompts questions such as: are the decisions being made, coming about from a person who is attentive to the human condition and situation? Is this person being intelligent by trying to formulate an informed understanding of the condition or situation? Are they critically evaluating their understanding to ensure that it is correct and are they formulating possible scenarios unto which one can proceed? Have all reasonable and viable options been evaluated? Are the persons involved

[252] Ibid., 47.
[253] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 53.
[254] Ibid.

unbiased in their evaluation of possible courses of action? Have short term and long term cost benefit analyses been performed? Have they considered the consequences of the cost benefit analyses on the lives and situations to their own group and the society at large?

However, Lonergan knows quite well that while an adherence to the transcendental precepts allow for recurrent schemes that bring about positive change, thus bringing about an instance of progress, the dismissal of the same precepts can bring about decline. Lonergan's notion of decline is articulated through various biases; egotism, the bias of self-interest; group bias, the bias of favouring one's own group; and common sense bias, the bias of favouring the short-term benefits over long-term benefits and costs.[255]

The first category is individual bias or egotism. Lonergan differentiates egotism from the commonly understood definition. To be an egoist is not to be a reason-less, spontaneous appetite-seeking social animal. Rather, Lonergan's definition is ". . . an interference of spontaneity with the development of intelligence"[256] The egotist is one who is able to calculate, reason, rationalize but uses these skills for their own advantage. The transcendental precept to be intelligent, and ask all relevant questions is dismissed and ignored. They are not concerned with asking questions that might cause them to rethink their position or decision. The egotist in Lonergian terms fails to be intelligent and by extension, is not an authentic subject. They ultimately fail to ask questions that are outside their own self-interest. It is a calculative, deep-seated self-interest.

Because of our social nature, we seek to form societies, cultures, political parties, religions, group of friends, etc. As a result, we become prone to group bias. Brian Cronin identifies group bias as the "…very human phenomenon of the in-group and the out-group."[257] Lonergan describes this bias as the ". . .

[255] James Sauer, *A Commentary on Lonergan's Method in Theology* (Ottawa: The Lonergan Website, 2001), 81.
[256] Bernard Lonergan, *Insight: A Study of Human Understanding* (Toronto: University of Toronto Press, 1992), 245.
[257] Brian Cronin, *Value Ethics: A Lonergan Perspective* (Nairobi: Consolata Institute of Philosophy Press, 2005) 246.

intelligences that are coupled with the ethos and interests of the group."[258] Moreover, group bias is not so different from egotism in its disregard for asking questions that are not in the best interest of the group. This failure of being intelligent leads to a feeling of suspicion and to a struggle between the in-group and the out-group.[259]

7.3 The Truncated Subject

In this section I will elaborate on the different nuances of subject from his work in *The Subject*.[260] In this work, Lonergan provides a critical review of the different ways the subject and subjectivity were improperly understood from ancient philosophy to modernity. Lonergan's treatment of the subject is two-fold, the subject as a knower (cognitively & epistemologically) and the subject as a doer (existentially).

The truncated subject is one who ". . . not only does not know himself but also is unaware of his ignorance and so, in one way or another, concludes that what he does not know does not exist"[261] Simply put, the truncated subject doesn't know that they don't know, they operate in the realm of the unknown unknown. A defect of this ignorance of ignorance results in an anti-historical immobilism. Theories, concepts are detached from their particular time and place, and enter into a realm of static conceptualism. This lack of historical consciousness becomes unable to account for changes in concepts or their emergence in history; this results in a second deficiency, an excessive abstractness. The notion of the truncated subject is echoed in MacIntyre's central thesis. Because of this excessive abstractness, the relation of the universal to the particular becomes blurred. We begin to treat, compare and contrast ethical theories as independent systems of thought, detached from their historical and cultural context.

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[258] Bernard Lonergan, *Insight: A Study of Human Understanding* (Toronto: University of Toronto Press, 1992), 248.
[259] Brian Cronin, *Value Ethics: A Lonergan Perspective* (Nairobi: Consolata Institute of Philosophy Press, 2005) 246.
[260] Although it is outside the scope of this thesis, in Insight Lonergan presents an account of an aberration in the cognitional process. The process of coming to know (experience, understanding, judging) can be hindered by what Lonergan coins, "dramatic bias". Lonergan likens this bias to a scotosis, a rejection of wisdom. See Bernard Lonergan, *Insight: A Study of Human Understanding* (Toronto: University of Toronto Press, 1992), 214-231.
[261] Bernard J.F. Lonergan, S.J., "The Subject," in *A Second Collection*, ed. William F.J. Ryan, S.J. and Bernard J. Tyrrell, S.J. (London: Darton, Longman & Todd, 1974), 73

Apart from the truncated subject's forgetfulness of the particular to the universal there is a much greater malady. It is the relation of the intelligible to the sensible. "The universal abstracts from the particular, but the intelligibility, grasped by insight, is immanent in the sensible and when the sensible datum, image, symbol, is removed, the insight vanishes."[262] This is especially evident in Beauchamp and Childress' notion of a common morality as a trans-cultural and trans-historical moral code that is applicable to all people at all times.

[262] Ibid., 74-75.

Conclusion

The definition of ethics operative in this thesis was inspired by Bernard Lonergan's philosophy. Ethics according to Lonergan is an activity of inquiry that concerns itself with the various levels of the good: particular goods, social order and terminal value. These levels of the good correspond to their respective level in the cognitional structure. Implicit in this thesis, has been the assumption that the dynamism of the cognitional structure aids in progressing towards rational self-consciousness/authentic subjectivity. This dynamism is operationalized through the transcendental precepts. Ultimately, these transcendental precepts allow us to have confidence knowing what is true and what is truly valuable. Together they provide the necessary explanatory framework that can buttress the moral conclusions that arise from various specifications, weighing and balancing and considered judgements.

Lonergan's methodology is not just another methodology but one that is ultimately grounded in a cognitional structure. In the technical jargon and complexity of *Insight*, and by separating fact related questions from act related questions, Lonergan demonstrates that the cognitional process and the meta-ethical questions involved in ethical deliberation must be taken seriously. This is where Lonergan's value to bioethics comes to the foreground. His ethics is grounded in the four-fold cognitional structure, beginning with an experience and terminating in responsible action. By continuing through this process, it allows for knowing what is true (epistemic objectivity) and knowing what is good (ethical/moral objectivity).

Under *Principles of Biomedical Ethics*' paradigm, ethical theory is understood as a socially constructed, common morality. While *Principles of Biomedical Ethics* might include some critical and reflective elements in the evaluation of considered judgements[263], such elements are explicit in Lonergan's thought of *Insight's* third level cognitional activity of critical reflection and its associated

[263] See the discussion of epistemic virtues in Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Oxford: Oxford University Press, 2013), 409.

activities of practical reflection. To reiterate, a key component in Lonergan's theory of the good, is the notion of reflection. Reflection consists in the ability to step back and critically reflect on the ongoing cognitional process that one goes through when engaging in ethical deliberation and decision making. The critiques of Green, Clouser and Gert, Tom Walker, Rebecca Kukla and Leigh Turner have demonstrated that these scholars were operating at Lonergan's third level because they asked themselves questions that pertain to the level of the practical reflection, ". . . then one asks oneself just what the proposed course of action is, what are its successive steps, . . . what consequences it will have . . . just how probable or certain are its various features . . ."[264] They recognized that Beauchamp-Childress' bioethical corpus depends too much upon an uncritical reception of common morality theory and considered judgments.

Ethics according to Lonergan is not an idealist notion, meaning that the good is not *out there*, in a nebulous notion of a common morality. Rather, the good is something concrete, its object (value) is discovered within a situation, by an authentic subject following a heuristic and critical process grounded in the cognitional structure of the dynamism of the human consciousness.[265] The dynamism of human consciousness recognizes the reality that belief and common values are not immune to instances of biases, and short-sightedness. Lonergan brings these critical and reflective questions to the foreground and presents them in cognitional theory which allows one to be sensitive to the biases that would hinder development to authentic subjectivity.[266] "Through communication and belief there are generated common sense, common knowledge, common science, common values, a common climate of opinion. No doubt, this public fund may suffer from blindspots, oversights, errors, bias."[267] Just as we cannot reject belief entirely any more then we can reject Beauchamp-Childress' considered judgements entirely, what

[264] Bernard Lonergan, *Insight: A Study of Human Understanding*, ed. Frederick E. Crowe and Robert M. Doran (Toronto: University of Toronto Press, 2008), 633.
[265] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 20. Also see, Appendix A.
[266] Lonergan's notion of authentic subjectivity in this instance refers to the conscious and willed self-appropriation of the transcendental method (experiencing, understanding, judging and deciding).
[267] Ibid., 44.

is required is the introduction of a critical and reflective approach to considered judgements, as a means to identify, critique and reserve errors in belief that would lead to possible instances of decline. As Lonergan states ". . . the remedy for its [belief's] short-comings is not the rejection of belief. . . but the critical and selfless stance that, in this as in other matters, promotes progress and offsets decline."[268]. Lonergan's cognitional theory provides the necessary conceptual groundwork to allow for a critical and selfless stance.

[268] Ibid.

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Appendices

Appendix A: The Self-Appropriation of the Transcendental Method & Authentic Subjectivity

Method in Theology begins by examining two common understandings of method. There is the master-apprentice model which is used in the arts, it emphases the student imitating the master. The second is the model that is used in the sciences, particularly the natural sciences. Within the latter model, there is a hierarchy of disciplines. Certain disciplines such as social sciences are considered more or less "scientific" in as much as they conform to the procedures of the scientific method.[269] The purpose of Chapter 1 of *Method in Theology*, is to find some "3rd way", a method that focuses on the subject who is acting.[270] As Giovanni Sala claims, ". . . just because the cognitive activities involved in science are the most articulated, and thus best suited for analysis . . . [we] can examine them and conclude that there is a basic invariant and normative structure that operates in all human knowledge of reality."[271] Though Lonergan has not stated it yet, he is referring to the transcendental method.

The transcendental method or the "3rd way" is achieved by;

1) Appealing to the successful science of the time for a preliminary notion of method, by understanding what the scientist does when they do science,
2) Transcend the procedures of the particular scientific method to something more fundamental, such as the operations of the human mind,
3) Discern from the functions of the mind the pattern that drives the operations of the human mind,

[269] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 3.
[270] James Sauer, *A Commentary on Lonergan's Method in Theology* (Ottawa: The Lonergan Website, 2001), 4.
[271] Giovanni B. Sala, "Philosophical Aspects of Bernard Lonergan's 'Method in Theology'", trans. Donald Buzelli, http://www.lonergan.org/dialogue_partners/Sala/theological_aspects_of_bernard_l.htm

4) Apply this pattern to other specialties [272]

Lonergan's appeal to the "successful science of the time" is unlike the appeal that the social sciences make. He is not trying to carbon-copy empirical method onto theology, and claim that theology is scientific because it follows the scientific method. Rather, he recognizes that the scientific method has been successful in building a body of knowledge that is cumulative and progressive. Lonergan begins with the sciences because ". . . the natural sciences have been taken as the model for successfully solving problems and generating new reliable knowledge."[273] He seeks to go behind the scientific method to examine the way in which the mind works, and from there develop a transcendental method that can be applied to theology and its specialties, and in this case ethics. It is important to note what Lonergan means by method. It is not a dry and repetitive process, method is ". . . a normative pattern of recurrent and related operations yielding cumulative and progressive results"[274] Thus, method can be defined as a group of operations that are distinct, though these operations are also related to one another, their relation forms a pattern, and the pattern can be repeated, and through the repetition the results are cumulative and progressive. From this 'going behind', Lonergan concludes that the scientific method is so successful because it demands accurate observations and descriptions, demands the formulation of observations and descriptions in hypotheses and demands experimentation and verification of hypotheses. These operations are inter-related and form a pattern that defined the correct mode for discovery of new knowledge and verification of the new knowledge. It is through this process where a body of knowledge that is cumulative and progressive develops. As Lonergan says, "The wheel of method not only turns, but also rolls along"[275]

[272] James Sauer, *A Commentary on Lonergan's Method in Theology* (Ottawa: The Lonergan Website, 2001), 5.
[273] Ibid., 4.
[274] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 4.
[275] Ibid., 5.

Method is normative in the sense that it provides a correct way of doing, its operations are recurrent and related in the sense that inquiry, observations, discovery, hypothesis are all related to one another and as a whole they form a pattern, and this pattern yields progressive and cumulative results because there is a succession of discoveries, and a synthesis of previous results with new results or a substitution of old results with new results.[276]

Lonergan's transcendental method is a meta-method, which seeks to objectify the recurring operations that are present in each person. It is an a priori and transcendental method in that Lonergan presumes that the operations are universal in all human beings and these operations are the foundation to human knowing and doing, they can be applied to any inquiry. Lonergan states, ". . . in a sense everyone knows and observes transcendental method . . . in the measure that his is attentive, intelligent, reasonable and responsible."[277] The transcendental method calls each person to recognize these four operations in their own minds operating when they seek to know "what is so". This objectification and self-awareness is paramount in ethics. For it allows the ethicist to become aware of the process they are going through, objectify the process and be critical of the results, in an effort to develop a theory that has been attentive, intelligent, reasonable and responsible.

In order to achieve this end, the ethicist must apply the transcendental precepts; being attentive, being intelligent, being reasonable and being responsible to their own experience. In order for the transcendental precepts to be operationalized one must recognize themselves as:

1) Experiencing their experiencing, understanding, judging and deciding
2) Understanding the unity and relation of one's experienced experiencing, understanding, judging and deciding

[276] James Sauer, *A Commentary on Lonergan's Method in Theology* (Ottawa: The Lonergan Website, 2001), 6.
[277] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 14.

3) Affirming the reality of one's experienced and understood experiencing, understanding, judging and deciding
4) Deciding to operate in agreement with 1, 2, and 3.[278]

This is the definition of authentic subjectivity, it is the successive and progressive development of the subject through the four stages. The objectification and self-appropriation of these occurring and related operations allow a subject to understand themselves as self-aware/conscious and value intending. This four-fold manner would then provide a starting point to adopt a critical and reflective approach to bioethics.

[278] Bernard Lonergan, *Method in Theology* (Toronto: University of Toronto Press, 1971), 14-15