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Review Article

Patient-Physician Relationship: In Defence of W. D. Ross's Prima Facie Duties

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Abstract: The patient-physician relationship is one of the most prevalent and topical issues in bioethics. Using various ethical theories and concepts, bioethicists and philosophers in general have offered similar and contrasting arguments on how a physician ought to treat and relate with his patient. The aim of this paper is to centre on William David Ross's notion of "Prima Facie Duties" and its implications for human actions, especially, in the discourse on patient-physician relationship. This paper attempts to resolve the problem of the patient-physician relationship in relation to truth-telling in medical professions using Ross's prima facie duties. Hence, this paper looks beyond the deficiencies of ideal utilitarianism and the stringency of Kant absolutism.

Keywords: Prima facie duties, truth-telling, patient, physician, ideal utilitarianism, absolutism

Introduction: Human actions are judged by various ethical theories as being right or wrong, good or bad, and so on. This, however, implies that human conducts are not free from ethical judgment and moral questioning. As a result, one of the fundamental branches of philosophy, ethics, investigated and studied the nature and scope of morality and variant usages of ethical terms such as good, bad, right, wrong, blameworthy, and praise-worthy, among others. Human conduct is said to be good or bad, right or wrong depending on various actions performed. Consequently, it follows that we must have an idea of what is good, bad, right and wrong before an action be judge as good or bad, right or wrong, blameworthy or praiseworthy, just or unjust, and so on. In ethics, different ethical theories have been postulated to evaluate human actions like egoism, altruism, divine command theory, utilitarianism, and situationism, among others.

However, in this paper, our focus is centred on William David Ross's notion of "Prima Facie Duties" as one of the ethical theories in ethics to evaluate human actions within the confines of various ethical terms[1]. This paper will examine the main thesis of W. D. Ross's ethical theory. Meanwhile, it is expedient to

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consider some ethical theories that are fundamental to and form the basis of Ross's ethical theory. The ethical theories are Kant's deontology ethical theory and ideal utilitarianism popularised by G. E. Moore. The two ethical theories are fundamental ethical theories that Ross attacked by proposing the concept of "prima facie duties." We shall further examine some ethical issues from the field of medicine using the Rossian ethical approach to resolving moral dilemmas. Following this, we shall critically evaluate and examine Ross's prima facie duties and their implications for the physician-patient relationship. This paper will be concerned with questions such as: what are prima facie duties? How do we distinguish between prima facie duties and actual duties? How do we apply the concept of prima facie duties to different professions, especially, the medical profession?

Methodology: This article is researched in philosophy, especially in applied ethics. The research adopted an expository method to give a detailed analysis of philosophical and ethical theories that influenced the ethical theory of W. D. Ross. This article also uses critical analysis and argumentative methods to subject all ethical ideas and arguments to critical questioning and thorough investigations so as to unravel inconsistencies. The major texts for this research are Ross' books, titled *The Right and the Good, 1930; Foundations of Ethics, 1939.*

Ross's Moral Theory: The Concept of Prima Facie Duties: William David Ross (1877 – 1971), a British philosopher, made important contributions to moral philosophy. According to A. C. Ewing, Ross's doctrine of prima facie duties is seen as one of the most important discoveries in moral philosophy in the twentieth century[2]. Ross's moral theory is in between Kant's deontology and teleological theories like Moore's ideal utilitarianism. Ross is dissatisfied with both ethical theories (Kant's deontology and Ideal utilitarianism); yet, he believes that both can be reconstructed. Thus, Ross's moral theory is an advancement of both Kant's deontology and Moore's ideal utilitarianism.

Ross's moral theory is diversified on many principles and doctrines, of which his doctrine of prima facie duties is our primary concern in this section. However, we cannot make sense of Ross's prima facie duties without discussing the foundational theories of prima facie duties. We shall first discuss Ross's arguments against Kantianism and consequentialism. Ross debunks the absoluteness and exceptionless principle of Kant's moral theory, which states that an action is morally right or wrong based on absolute duties that admit of no exception. For Ross, there are instances in which a duty to keep my promise may be overridden by some other morally significant duties (example is the duty to save a life). Even though, Ross agrees with Kant on the concept of duty, he however disagrees on the absolute nature of duty in moral situations.

Ross's moral theory suggests more than a benefactor-beneficiary relationship as expounded by Moore. Other morally relevant relations to determining what we should do in cases of moral situations, according to Ross, include "the relations of promisee to promiser; of creditor to debtor; of wife to husband; of child to parent; of friend to friend; of follow countryman to fellow countryman, and the likes"[2]. Ross maintains that these other relations are not derivatives. As such, they are morally significant in their own right. All of the above-mentioned relationships serve as the foundation for the doctrine of prima facie duties. Ross's second objection to consequentialism is that it ignores what he refers to as "the highly personal character of duty"[2]. By this, it means that "ideal utilitarian" is unconcerned about who benefits from the outcome of my good. As such, ideal utilitarianism is indifference to the concept of personal character of duty. For instance, if I make a promise to a friend to pay visitation, and on my way to visit my friend, I receive another call to come for the goods I ordered for. If, for instance, the latter will produce 1001 units of goods and the former 1000 units of goods, utilitarian will suggest that we should choose the act that will produce 1001 units of goods over the act that will produce 1000 units of goods. However, Ross will maintain that we ought to keep our promise rather than break it

for the tiniest of good outcomes. Consequently, while ideal utilitarianism sees no difference between keeping my promise and going for my ordered goods, Rossian's moral theory thinks that it makes a vast difference. However, Ross is not saying that we must necessarily keep our promises in every moral situation, but, if other moral duties must take precedence over our moral duty to keep our promises, it must result in a much better state of affairs. That is, in such a case, the overridden duty must be morally significant and stringent. From the above discussion, the point of divergence between Ross and the other two theories (Kant's Deontology and Moore ideal utilitarianism) is predicated on Ross's notion of prima facie duties. The question we shall address now is, what are prima facie duties?

Prima facie duty is the duty at "first glance" or "first face." This duty is self-evident and binding. By this, he means (roughly) that they stand with no need of justification, and we can see their truth directly, without reasoning from further premises[3]. Put differently, prima facie duties are self-evident in the sense that when we have reached sufficient mental maturity and have given sufficient attention to the proposition, it is evident without any need for proof or evidence beyond itself[4]. Hence, from the beginning of our lives, the principle of duty is not self-evident; rather, it becomes self-evident with the attainment of mental maturity, just as mathematical axioms are. Ross suggests "prima facie duty" or "conditional duty" as

> a brief way of referring to the characteristic (quite distinct from that of being a duty proper) which an act has, in virtue of being of a certain kind (e. g. the keeping of a promise), of being an act which would be a duty proper if it were not at the same time of another kind which is morally significant[1].

It could be inferred from the above quotation that there is a difference between prima facie duty and actual duty. The question is, how do we distinguish between prima facie duties from actual duties? Prima facie duties, on the one hand, are duties we are obligated to perform in every moral situation, and as such, they are binding. Actual duty, on the other hand, is the duty that is acted out after a long and deep deliberation in cases of moral dilemma. Needless to say, there can always be conflicts of prima facie duties, Ross's theory says that in any situation, our actual duty is the prima facie duty that is most stringent. Ross considers prima facie duties to be something other than a duty, but one that is tied to duty in a unique way. Ross attempts to distinguish his notion of duty from Kant's idea of duty, which is grounded in absolutism. Unlike Kant, Ross's idea of prima facie duties is based on an appearance of morality at first glance, which may turn out to be illusory[1].

Ross dismisses consequentialist and Kantian ethics that reduced moral theory to a monistic, intrinsically moral reason. In contrast to this, Ross propounds a *pluralistic fundamental moral principle*. As such, Ross lists seven fundamental prima facie duties, that is, seven intrinsically moral reasons. Ross suggests the following seven prima facie duties without claiming completeness or finality for them. The prima facie duties, as stated by Ross, are:

> Some duties rest on previous acts of my own. These duties seem to include two kinds, (a) those resting on a promise or what may fairly be called an implicit promise, such as the implicit undertaking not to tell lies which seems to be implied in the act of entering into conversation (at any rate by civilized men), or of writing books that purport to be history and not fiction. These may be called the duties of *fidelity*, (b) those resting on a previous wrongful act. These may be called the duties of *reparation*. (2) Some rest on previous acts of other men, i.e., services done by them to me. These may be loosely described as the duties of *gratitude*. (3) Some rest on the fact or possibility of a distribution of pleasure or happiness (or of the means there to) which is not in accordance with the merit of the persons concerned; in such cases there arises a duty to upset or prevent such a distribution. These are the duties of *justice.* (4) Some rest on the mere fact that there are other beings in the world whose condition we can

> make better in respect of virtue, or of intelligence, or of pleasure. These are the duties of *beneficence.* (5) Some rest on the fact that we can improve our own condition in respect of virtue or of intelligence. These are the duties of *self-improvement*. (6) I think that we should distinguish from (4) the duties that may be summed up under the title of 'not injuring others'. No doubt to injure others is incidentally to fail to do them good; but it seems to me clear that *non-maleficence* is apprehended as a duty distinct from that of beneficence, and as a duty of a more stringent character[1].

The prima facie duties mentioned above are applied when confronted with a situation of moral dilemma. However, in his book on *The Foundations of Ethics*[5], he classified the prima facie duties into five basic rules. Nevertheless, we shall concern ourselves with his seven basic prima facie duties outlined above. Ross's prima facie duties are envisioned as a guide for deciding between two morally contradictory actions. That is, in the case of a moral dilemma. This implies further that when deciding what to do, we need to consider all the prima facie duties that are relevant. In other words, to determine whether an action is right or wrong, we need to consider all of the ways in which it is prima facie right or prima facie wrong[11]. Ross claims that "of all conceivable actions for the agent in the circumstances, it is that whose prima facie rightness in the regard in which it is prima facie right most outweighs its prima facie wrongness in any respect in which it is prima facie wrong"[1].

The question that comes to mind is how do we resolve moral issues when prima facie duties conflict? The duty of non-maleficence may conflict with the duty of fidelity (promise keeping). Suppose I promised a friend that I would give him money to settle a debt, and I am on my way to give him the money. Assume I saw a group of people involved in an accident that requires immediate attention and will result in their death if ignored. If I must save them as well, I must first carry them to the hospital and deposit a certain amount of money if they are to be treated. The amount to be deposited for the treatment is ₦50, 000, and the amount I promised my friend is also ₦50, 000. As a moral agent, which of one should I attend to first? Should I give the money to my friend to save him from shame and embarrassment, or should I deposit the money at the hospital to save the lives of the people involved in an accident? How do we resolve this moral dilemma?

Ross improved on both Kant's theory and ideal utilitarianism. For Ross, while it is important to consider the consequences of an action, nevertheless, the best action must outweigh, in a significant sense, other prima facie duties. According to Ross, fidelity is the willingness to keep explicit and implicit promises that we have made[1]. This suffices to say that it will be prima facie wrong to make a promise and then fail to fulfil the promise. As such, if we are to go by the principle of fidelity, I must keep my promise to my friend. On the one hand, beneficence is the duty to do good and treat others with kindness. Ross believes that there are other people in the world whose lives we may improve in terms of virtue, intelligence, or pleasure[1]. This implies that we ought to be kind and show mercy to our fellow human beings. This, however, aligns with the principle of non-maleficence, which is the duty not to inflict harm on others. That is, we ought to prevent harm to others. Thus, according to Ross, he will say that the prima facie duties of beneficence and non-maleficence are morally significant and stringent in this particular case of the duty of fidelity. Hence, the moral agent should pay the hospital bills and save the lives of the people involved in an accident. Ross will further say that the moral agent should therefore apologize to his friend and find a means to pay him back, which conform to the duty of "reparation" (previous wrongful act). Unlike Kant (an absolutist), Ross believes that lying or breaking a promise can be justified if it is required to achieve a great benefit or avoid great harm or evil[6]. Ross expresses this in his words that:

> If it is sometimes right to break a promise, there must be a difference between prima facie right and actual duty. When we think ourselves justified in breaking a promise to relieve someone's distress, we

> continue to recognize a prima facie duty to keep our promise, and this leads us to feel, not shame or repentance, but compunction, for behaving as we do; we recognize, further that it is our duty to make it up somehow to the promise for the breaking of the promise. Any act contains various elements in virtue of which it falls under various categories. In virtue of being the breaking of a promise, for instance, it tends to be wrong; in virtue of being an instance of relieving distress it tends to be right. Being one's duty belongs to an act in virtue of its whole nature[4].

Ross's moral theory makes it clear that the idea of duty directs our action in cases of moral conflict; albeit, consequences are also considered in determining the stringency of moral actions. Consequently, Ross combines both Kant and the utilitarian theory in formulating his own moral theory, which is predicated on the notion of *prima facie duties.* It can be inferred that Ross does not offer any general principles for deciding what to do in cases of conflicts of duty. According to Ross, each case must be judged on its own merits. Any attempt to formulate general rules or guidelines for resolving conflicts of duties would oversimplify things. In sum, Ross sets two guidelines that will help in making a morally right decision. First, always choose the act that conforms to the stronger prima facie duty; second, always choose that act that promote a greater degree of prima facie rightness than prima facie wrongness[1].

Ross adds that the data of ethics is tested with the moral convictions of thoughtful and reflective people. Put otherwise, thoughtful and well-educated people constitute the parameters upon which moral actions are tested. However, appealing to critical reasoning, moral convictions are rejected for another stronger moral conviction. Ross says:

> We have no more direct way of access to the facts about rightness and goodness…….; the moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of a natural science .Just as some of the latter have to be rejected as illusory, so have some of the former; but as the latter are rejected only when they are in conflict with other more accurate sense-perceptions, the former are rejected only when they are in conflict with other convictions which stand better the test of reflection[1].

Hitherto, one of the benefits of Ross's moral theory is that it has been used in various professions like medicine and business, among others, to resolve conflicting moral issues. Hence, we shall restrict our discussions to moral issues in medical ethics and examine how Ross's moral theory will help resolve these moral issues. This will be our concern in the next section of this paper.

Patient-Physician Relationship: A Moral Case for Truth Telling: Medical ethics is primarily concerned with the evaluation of actions and conduct performed by medical practitioners and other health workers. Medical ethics revolves around a number of concepts, such as beneficence, non-maleficence, confidentiality, autonomy, and justice. Our concern in this section is to critically interrogate the issue of patient-physician relationships and the problem of truth telling in the medical professions. We ask, how can we resolve the problem of truth telling in the medical professions using Ross's moral theory?

First, it is imperative to state that medical practitioners are guided by the Hippocratic Oath. The Oath states in part that:

> I will prescribe regimens for the good of my patients according to my ability and my judgment and never do harm to anyone. I will not give a lethal drug or to anyone if I am asked, nor will I advise such a plan; and similarly I will not give a woman a pessary to cause an abortion[7].

It is deduced from the Hippocratic Oath partly quoted above that the concept of non-maleficence, that is, the principle not to do harm, is crucial as a principle and ethic guiding the conduct of medical practitioners. Similarly, Tom Beauchamp and James Childress, in the book, *Principles of Biomedical Ethics,* identified four principles of medical ethics, which are:

autonomy (respect for the decision of the autonomous patient), non-maleficence (restrain from doing harm), beneficence (a balance of benefit, risks, and burden in medicine), and justice (fair distribution of health benefits)[8]. After the Second World War, there was a change in medical practice that emphasised the autonomy and respect for patients' decisions[9]. Hitherto, how do we relate to paternalism (professionalism) and truth telling (autonomy) without conflict?

The importance of the patient-physician relationship cannot be over emphasised. This is grounded on the fact that there is a need for a cordial, mutual, and harmonised relationship between the physician and his/her patient. Consequently, a degenerate relationship between the physician and the patient could be detrimental to both the physician and the patient. Connected to the issue of truth telling is the idea of autonomy. The concept of autonomy emphasises the right of the patient to know the truth as regards his health status. Suffices to say, truth telling entails weighing paternalistic concerns against the autonomy interests of the patients. The moral questions are: is it morally right for a physician to lie to their patient? Is it morally right to give full information to a terminally ill patient? We shall consider a scenario for further illustration.

Janet, a mother of three, was 35 years old with a tumour. Her last visit to her family doctor was to be diagnosed with a metastatic inoperable tumour. After her visit to the hospital, her condition worsened due to malignancy, and she became a victim of nausea, vomiting, intestinal obstruction, and slothfulness. At a point in time, Janet was further diagnosed with a terminal illness, which was made known to her family but hidden to her on the request of her family. This was done so that Janet could not deny being treated. She died suddenly not long after. The ethical dilemma is, is it right for the physician to hide the truth about the state of Janet's health from her? Is Janet not entitled to full information about her health status?

The principle of autonomy, which entails respect for the patient's wish, will reject the action of the physician and, as such, consider it morally wrong. The principle of autonomy is to make a choice for oneself without the control of others, and a patient can a make meaningful decision with an adequate level of understanding[10]. In this case, Janet has the autonomy to know the truth about her health status. According to the beneficence principle, a physician should promote good and avert harm[11]. In Janet's case, beneficence is not considered by the physician by concealing her poor prognosis of malignant inoperable tumour from Janet. One of the benefits of knowing the truth about her health is that it will allow her to complete her unfinished business and tasks like writing her will and spending more time with her three children and her husband. The principle of non-maleficence, which means, do no harm, may say that telling Janet the truth about her health may worsen her psychological state of mind. Thus, in this case, withholding the truth from Janet may promote more good and prevent more harm to the patient. However, according to the medical code of conduct, emphasis is placed on the right of the patient to have full access to his health record in any circumstances.

Variants ethical theories will respond to the case of Janet in different ways. Kant, for instance, will argue that withholding the truth from the patient is morally wrong because it is the same as lying, which is absolutely wrong. Hence, Kant will argue that, in any situation, the physician should not withhold information from his/her patients. Unlike Kantianism, utilitarianism is concerned not only with the consequences of an action, but consequences that produce greater good. If telling the patient the status of his health will bring about more harm than good, then, the information should be withheld. If otherwise, the physician should not withhold information from the patient. Ross will answer that, first, the physician has a prima facie duty not to lie. Consequently, the physician should not hide anything from the patient. At the same time, the physician also has a duty to prevent harm and promote more good (non-maleficence and beneficence). In this case, if telling the patient the status of her health will bring about more harm than good, then the physician ought to prevent such harm. As such, in the case of truth telling, if telling the truth to a terminal patient is more harmful,

then we have to sacrifice our duty not to lie to a more stringent and significant duty of beneficence and non-maleficence. Hence, the physician must reflect and do in-depth situational analysis before reaching a decision. That is. The physician must consider the consequences of telling the truth if it will bring about more harm than good, or otherwise. Bolatito Lanre-Abass also argued in a similar way that truth telling cannot wholly be espoused if it may bring about a strong presumption of harm to the patient's health or state of mind[12].

In Defence of Ross's Prima Facie Duties: Ross's prima facie duties have been attacked by critics on many grounds. One of the arguments against Ross's notion of prima facie duties is "the epistemological problem." Now, how do we know which duties apply in each case and which one is stronger? In response, Ross maintains that we know our duties by intuition. That is, prima facie duties are known independent of sense experience. Nevertheless, intuition, as the basis of Ross moral theory (prima facie duties) is not sufficient to give us adequate knowledge of morality to resolve moral dilemma. While we agree that intuition is not a sufficient source of knowledge to resolve moral theory; yet, the claim is not enough to reject Ross's idea of prima facie duties. The attempt to monopolise the source of knowledge is itself problematic. That is, no source of knowledge, either sense experience, reason, or intuition can lay claim to the totality of human knowledge. Ross's idea of intuition is preferable to sense experience in resolving moral dilemmas. The reason is that, while experience awaits the contact between our sensory apparatus and the external world to receive information or acquire knowledge, thereafter, it registers it on the mind (tabula rasa). The stored knowledge in the mind, therefore, becomes a reference point for deciding between two contrasting moral actions. In a case in which an action requires a quick decision and such an occurrence has not been registered in the mind because it has not been experience, what we make reference to when confronted with conflicting moral issues becomes another problem. At this point, the sense experience will obviously fail because the experience has not been registered since it has not happened before. But intuition needs no experience before deciding on what to do in the case of a moral dilemma. Rather than experience, intuition appeals to moral rightness at first glance and deep reason as a guide to action which will promote good and avert harm.

The issue of the stringency of prima facie duties is another problem. By this, we mean how do we proceed when the stringency of duties is viewed by people differently? That is, if people disagree on which prima facie duty is more stringent in a given case, how do we resolve this? Ross does not give an explicit analysis of how this could be resolved. Of course, there is no single set of moral beliefs that is accepted by all. If this assertion is true, then Ross failed to provide a solution in the case of conflicting actual duties. The answer to this problem is embedded in Ross's principles of prima facie duties. He posits that an "actual duty" is the duty with more stringent moral rightness that promotes greater good and averts harm. Thus, different people holding different moral beliefs and believing in different moral actions that bring about greater good do not contradict Ross's list of prima facie duties.

McNaughton contends that Ross's notion of prima facie duties is unsystematic[13]. Ross could respond that his idea of prima facie duties makes no claim to be ultimate. As such, he does not claim completeness or finality for his list (prima facie duties). Another objection to Ross is premised on his idea that the data of ethics is tested with the moral convictions of thoughtful and well educated people. However, not all thoughtful and well educated people agree on the nature of morality. In fact, not all thoughtful and well educated people agreed with Ross's prima facie duties. Needless to say, the moral convictions of thoughtful and well-educated people can be contradictory.

Ross argues that prima facie duties are self-evident and need no further justification. Hence, it is required of and binding upon the moral agent. However, Robert Audi points out that someone can know a self-evident truth without knowing that it is self-evident[14].

Moreover, from the fact that a claim needs no justification, it does not follow that it has none[14]. Also, Ross opines that prima duties are self-evident as mathematical axioms are. However, this claim is extravagant. Are mathematical axioms or data the same as moral data?

Also, is every category of duty mentioned by Ross really necessary? For instance, does the duty to self-improvement actually entail a moral duty? Self-improvement, according to Ross, is the condition of improving our own virtues or intelligence. However, his use of virtue or intelligence is itself problematic. Scholars do not agree on the meaning of virtue and what it entails. While Aristotle points out that virtue aims towards some end. End here refers to the good that every act, inquiry, action, and choice aspires to; Alasdair Macintyre construes virtue as the promotion of intellectual and character virtue; Elizabeth Ascombe sees virtue (feminine approach) as care, love, and kindness, among others. On the improvement of intelligence, is it my duty to improve the intelligence of others? In what sense should I improve my intelligence? These are some of the questions that create serious problems for Ross.

Conclusion: In what has preceded, we have espoused Ross's idea of morality, which is predicated on his notion of *prima facie duty.* Prima facie duty, as we have considered in this paper, gives us a genuine reason to take certain actions and not otherwise. Moreover, we also attempted to distinguish between prima facie duty and actual duty. Ross's moral theory has been conceived as an improvement on utilitarianism and Kantianism. As such, Ross's moral theory has both utilitarian and Kantian principles. Put otherwise, his theory resolved the problem faced by ideal utilitarianism and avoided the deficiencies of Kant's absolutism. His moral theory (prima facie duty) has been used in many professions (medicine, business, the legal system, and economics, among others) to resolve moral dilemmas. Ross's moral theory has influenced many scholars in the field of ethics, and his contributions are immensely enormous. He has provided a significant solution to moral dilemma, which deserves applause. This is evident in C. D. Broad's comment on Ross's book, *The Right and the Good*, as the most important contribution to ethical theory made in England in a generation[15]. Similarly, A. C. Ewing describes Ross's doctrine of prima facie duties as one of the most important discoveries in moral philosophy in the twentieth century[2]. However, his theory does not provide a satisfactory solution in some cases, but it does not negate the fact that Ross's theory is one of the most plausible forms of deontology.

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