

GROUCHO PRINCIPLES AND ETHICS COMMITTEES

'Those are my principles, and if you don't like them... well, I have others' is a well-known quote attributed to Groucho Marx. Those who know and laugh at Marx Brothers films recognize the lack of principles that the quote reveals in the kind of character Groucho always played. Anyone who is prepared to offer alternative principles to someone who objects to those first stated does not live by any principles. Principles are not and never should be a convenient justification of whatever is pleasing to oneself or others,

Yet the quote also elegantly displays the problematic status of principles. It is not just that one must act according to the principles one professes but one should also be able to justify those that one does professes and live by. Otherwise, why not simply have any set that one could choose. If anyone objects to this I can always offer you another one.

So, an ethics committee that states its guiding principles does something wrong in adding that another ethics committee that does not like these can choose others. Yet one rarely if ever sees in the guidance documents of ethics committees, both local and national, anything other than a list of principles. Now of course the principles (or values - there is a difference but it can be ignored here) listed in various guidance documents contain many that are shared by all. We can all easily list them: liberty; beneficence and non-maleficence; equity. But then we notice the differences. Some principles may not be shared: dignity; solidarity; reciprocity; equality.

Why does this matter? First, and at the most basic level, it matters why some principles are chosen and others are not. It does so because the judgments of what one should do need to be justified to those to whom they apply. Second, people will disagree about what should be done. One way to explain those differences is precisely by appeal to different principles. And

one way to explore the disagreement is by looking at the reasons for preferring some principles over others. Third, principles can conflict. And the conflict can be between the principles listed by one ethics committee and not just across different committees. Knowing why a principle is favoured helps in the process of adjudicating between principles. Fourth, principles may not conflict, but they may have different weights or importance. Knowing this, and understanding why, is critical if one is to explain why some course of action is so strongly favoured and another less so. Fifth, principles need to be applied to particular circumstances. Understanding why one makes judgments using this or that principle helps one make better judgments. So, being clear about *why* one should act fairly is invaluable in being clear about what acting fairly amounts to in some particular context.

Let me give a concrete example to illustrate some of these points. Consider ethics guidance on the question of who should be prioritized for vaccination and in which order. In the UK the guidance adopted by the Government was that formulated by the [Joint Committee on Vaccination and Inoculation](#). It very straightforwardly listed the order of priority by age (from oldest to youngest), including health care workers in one of the highest priority groups. The JCVI stated that its overarching priority was to minimise the loss of life, and thus to protect those who are most vulnerable to serious illness and death from contracting COVID. Health care workers are at high risk not because of their age but on account of their work.

Compare then this advice with that of the [German Ethics Council](#) who listed a number of values besides that of minimising harm. One was justice; another was solidarity. Now it is interesting to think about what justice requires in this context. For instance, you might judge that health care workers should be given priority in vaccination not – or not just –

because they are vulnerable to COVID and its harms, but because that it is only fair given the sacrifices they have made and the risks they have run on our behalf. And if one thinks that solidarity – the idea that we are all in it together – demands that we do not make unreasonable demands of some for the good of all, then we have a further reason to prioritise front workers.

Moreover, we may have reason to prioritise other groups of workers if we are properly to acknowledge justice and solidarity: those, for instance, in those key jobs that ensure we all get through the pandemic safely and well (shop workers; delivery drivers; police). Equally, we may as a matter of justice and not merely to minimise harms owe priority to those social groups who are otherwise already disadvantaged in their access to healthcare provision and in their vulnerability to ill-health, such as BAME groups.

Now the suggestion is certainly not that every ethics committee should list its guiding principles with appendices of philosophical justification for its choice. That would be unduly demanding and it is not clear that everyone on a committee could fully justify the principles they are prepared to sign up to. Rather the critical point is that ethics committees should think seriously and conscientiously about the principles they do adopt; that they should acknowledge differences between sets of principles where they exist; and that they ought to be sensitive to the implications of those using those different principles. Otherwise, they are not much better than committees offering Groucho principles who are all too ready to abandon them in favour of others that might be liked.