

## The question of moral responsibility and physician's practice in Nigeria

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### Abstract

Man is composed of many complex units or organs with diverse functions. Health challenges are bound to arise as a result of his daily interaction with his/her environment. These necessitate the study of different discipline to help overcome most of these challenges. This paper is concern with those trained in the field of medicine with the aim of providing solution or treatment to man's health maladies or challenges. It has been discovered that physician who swore to an oath of maleficence beneficence, to respect the authority of their clients and adhere to the principle of confidentiality, are equally expected to operate side by side the societal moral demands. It is the position of this paper that inspite of man created as a rational and free moral agent, upon which the physician should be free to make his choice as regards the course of medical treatment to be meted to who in view of the scarce medical resources, saddled him with difficulties in reaching decision. Hence, appeals to Utilitarian principles, Kant's ethical principles, the Ross ethical principles, Rawls ethical principles etc, to buttress the argument of the challenge of moral responsibility standing against the physician in his practice of medicine. It is the position of this paper that before subjecting physicians actions to the scrutiny of moral praiseworthiness or blame worthiness, certain questions such as: is the physician really free to act out of his volition, does he have alternative choice to make, is he under any influence, what is his state of mind, is he mentally alert and so on? Must be taken into cognizance to guide our attempts at resolving it. The expository, analytic and critical methods are used to draw the paper to a close.

**Keywords:** Medical Practice, Moral Responsibility, Utilitarian principles.

### 1. Introduction

Well understood, the food we eat, the work we do, and the environment wherein we live do contribute to determining how in good health or otherwise we are as humans. It follows that diseases or sicknesses are likely experiences we have as mankind. Hence, the practice of medicine as attempts at curing man's health maladies becomes very pertinent. Those who study the art of medicine and graduate are known as medical doctors otherwise "physicians". Giving the sacred and all-importance nature of man, whose studies and practices concern with man (the highest creature), it requires that certain stringent measures be put in place to ensure that much care is taken by healthcare givers. Consequently, it becomes a prerequisite for would be physicians to swear to an oath. Commonly sworn to is the Hippocratic Oath, the modern version of which is as follows;

"I solemnly pledge myself to consecrate my life to the service of humanity"

- I will give to my teachers the respect and gratitude which is their due;
- I will practice my profession with conscience and dignity, the health of my patient will be my first consideration.
- I will respect the secrets which are confided in me, even after the patient has died;
- I will maintain by all means in my power; the honour and the noble traditions of the medical profession;
- I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, party politics, race,, sexual orientation, or social standing to intervene between my duty and my patient;
- I will maintain the utmost respect for human life from its beginning even under threat and I will not use my practical knowledge contrary to the laws of humanity;

- I make those promises solemnly, freely and upon my honour.[1]

It is incontrovertible to say that the claim of rationality-ascribed man necessarily implies morality. It follows that only the rational can be expected to choose the right course of action from alternative courses of actions. Rational quality with morals should guide man to choose well and avoid evil.

## 2. Moral responsibility

Action is moral if said to be intrinsically good and praise worthy [2]. A man is said to be living a moral life if he is living a good life [3]. Lacey defines the term moral as that which revolves around habits, customs and indeed an acceptable ways of living within a given society or state. It has to do with assessing a particular action of behaviour as good or bad, right or wrong [12]. We assess individuals and gatherings as capable or not, contingent upon how legitimately they take up their responsibilities. Regularly we do this casually, through good judgment. Some of the time we do this formally, for example in legal judgment. The first philosophical use of "responsibility" was political. At the point when John Stuart Mill composes about responsibility his worry isn't with free will, however with the doctrine of representative government. Toward the finish of the nineteenth century, one most striking scholar to talk about responsibility is Max Weber, who propounds an *ethics of responsibility* (Verantwortungsethik) for the government officials. For Weber, the job of politics requests a strong attention for the realities of the circumstance and consequences of actions— and not to abstract or grandiose principles.

Also, according to Encyclopedia of Philosophy, "a person is regarded as morally responsible for some acts or occurrence P if and only if he is believed:

- (a) To have done P or to have brought P about and
- (b) Done P or to have brought it about freely (1992:184).

Questions of what, when and how as it pertains to good life; when to know a person is living a good life and as well the criterion for making judgment about some basic facts of life as it relates to the performance of our duties, are key to our sense of moral rectitude.

There is no philosophically method for dividing or dissecting the different segments of responsibility, and a few parts are frequently disregarded by thinkers. To adopt a more complete strategy, this article separates the responsibility of people into four zones of enquiry. Modern analytic moral philosophy has had a tendency to ask two questions about responsibility:

"What is it to be accountable?" and  
 "What is an individual accountable for?"

The primary inquiry is generally taken as an inquiry regarding moral agency, the second as an inquiry concerning holding individuals responsible for past

activities. Idea of moral responsibility therefore concerns things we do within our power and for which we can be held accountable without being forced or coerced to do them. put otherwise, actions based or reached at as a result of the choices an individual makes. Some may have argued that there is no universal ethical code rather in favour of the fact that ethical or moral codes vary from one society to another. This paper is not to occupy itself on ethical discrepancy but upholds that in every society virtuous living like respect for the fundamental human rights; thou shall not kill; steal among others appear to be universally acceptable [6]. Moral responsibility can only be said in a situation to which the agent is at liberty to act without coercion. That is, the absence of all impediments to actions, having his or her intrinsic quality and freedom to perform a particular action or alternatively chooses not to perform a particular action. [3]

## 3. Factors that Determines the Limit of Moral Responsibility

Cardinally considered on issues of moral responsibility, is whether the action is voluntary or involuntary.

### 3.1 Voluntary Action

Under this, the agent is said to be very free to act; there must be alternatives of choice; there must be absence of compulsion; there must be knowledge of the subject matter, and there must be mental alertness or sound condition of mind.

### 3.2 Involuntary Action

This is the opposite of voluntary action. In this case, the agent acts under compulsion or in ignorance. That is when other people manipulate the agent to act in their power; where the agent recalls his action regrettably, in pain and wished he/she never acted so.[7] To lend credence to this, Pascal observes that "where the 'will' becomes a sort of mechanical reflex, activated by whichever delectation that happens to be the strongest... in such circumstances no moral responsibility can be imputed to it" [3]. It presupposes that for an agent to be morally responsible for his/her action, to include murders, theft and the likes he must have acted without external force or influence acting on him, and of course in good state of mind and that his actions was consciously prosecuted or executed. Also, on this subject, moral responsibility and medical practice may depend on the principles of freedom of the will and causality or determinism.[8]

## 4. Freedom of the Will/Determinism

Here, holds that human actions are products of their own volition, and as such he/she should be held morally responsible for his actions. While determinism argues that all human actions are products of certain forces transcendental or beyond the control of the human agent.

Viewing this work in the light of the above conflicting principles, complicate the challenge of moral responsibility.

To explore further, if we subscribe to the principle of determinism then no human being should be blamed or punished for his actions, neither should any be praised since they do not have control of their actions and therefore the entire human society will be chaotic, brutish, short, lawless as captured by Thomas Hobbes' state of nature. If the contrary is the case that determinism is false, then some events or actions are self willed otherwise the acting agent acted out of freewill. On the other way round, we find out that certain events occur by chance. If this is true, it becomes an imposition. Where then lies the freedom of the human agent? [9]

Arguing on this, some philosophers support moral responsibility, that a person is morally responsible for his actions, and if determinism is to be brought in, it is the self that may determine action and to which end, the person is to be held morally responsible for his/her actions. According to David Hume, it is only when an action that is determined is also in some sense constrained or compelled, is the actor morally responsible for the act. [3]

It becomes clear that both freewill and determinism have not been able to strike a compromise as to which actions are products of one's volition, and those that are determined. Except owed to some other moral schools of thought, we are yet to have a generally accepted criterion for judging human actions as praiseworthy or blameworthy. Consequently, many resort to conscience this however is not without contention [6].

### **Competing Schools of Thought on Issue of Moral Responsibility**

We may have to consider the utilitarian and deontological schools.

## **5. Utilitarianism**

Utilitarians argue that praise or blame should be apportioned accordingly to an active agent in relation to his action. According to Bentham, an agent's action should be directed to maximize good and diminish or minimize evil. It should be the satisfaction of greater minority and dissatisfaction of majority, or negligible few.

Utilitarianism is a Teleological theory. That is an act is judged right or wrong based on its result or consequence. An act is right depending on the volume of happiness or pleasure it produces, and wrong based on the pain produced rather than avoided. Very key to utilitarianism is the principle of utility. Given this, the moral end that should be sought in all our actions, should insist on the pursuit of the greatest possible good over evil.

This principle cautions that medical practitioners should keenly pursue the attainment of the highest good which is the security of lives by their painstaking attention to patients to save lives above every other promptings [2].

## **Utilitarianism divides into Act and Rule**

### **5.1 Utilitarianism**

Whereas Act utilitarian principle advances the good and result of actions as the criterion for judging rightness, Rule Utilitarianism encourages the adoption and observation of only those moral rules that would produce happiness for greater majority. He cautions therefore that it is morally responsible for health workers and authorities to see to it as their responsibility to provide medical facilities and services in good number as to promote good health for many.

The enhancement of patient's pleasure should be seen as the key duties of the physicians, who are also supposed to be altruistic as against being egoistic going by the medical code of ethics. However, the challenge of moral responsibility as regards utilitarianism can be discerned when a physician is in a fix as to who of the two or more patients billed for organ transplant should receive the only organ available taking also into cognizance the social and economic status of the said two patients, one the governor, and a peasant fisherman. The physician must follow the utilitarian principle; choose the governor at the expense of the peasant farmer.

### **5.2 Kant's Ethical Theory**

To Kant, goodwill is the only good thing that cannot be abused. Being the will to act for the sake of duty. Kant's therefore enjoins moral agent in this case, medical practitioners to act freely from his or her volition independent of any eternal force, pressure or influence. He endears the principle of universalization as a yardstick for determining whether an action is good or bad. He adds any action that would not be universally approved is therefore bad. That any person in a similar situation will be willing to allow same action apply to he/she.

Kant holds the view that every human being is a rational worth. Therefore, to treat the peasant specially while relegating or denying the peasant farmer is morally wrong especially when the peasant-farmer happens to get to the notice of the doctor first before the president. Medical doctors should have goodwill and by implications morally responsible. Hence, their actions should be out of reverence for moral law in a universally valid and acceptable way [4]. He holds the view of equality hence; nobody should be treated partially or in preference of the other. The implication following Kant's ethical theory is that in as much as the peasant (poor) farmer came before the Governor (rich) man the principles of first come first serve should be followed. So medical doctor is morally responsible to do the right thing to gain the praises of the society or do the wrong thing and be blamed [5].

### **5.3 William David Ross Ethics**

According to William Ross, virtue, knowledge, pleasure and the allocation of pleasure and pain according to desert are the four good things. Again, he classified

duties into three kinds such as: reparation, gratitude and keeping faith. And moral responsibility obligated medical doctor or physician no matter what to insist in doing or carrying right action which is the tendency to promote the general good of his/her client (patient). We should now and always do *prima facie* duties as against less important duties. He concludes by saying medical doctors are morally bound to be faithful to their clients in accordance with the oath they swore to. The obligation to their employer should be less than their obligation to render service according to desert in such a virtuous way as would project them as gratuitous [10].

#### 5.4 Rawls' Ethical Theory

Alternating classical utilitarianism. John Rawls' hypothesis of equity, which is considered as a contemporary reflection of egalitarian ethical theories, addresses the issue of reasonable circulation of social products. He enjoins that individuals and associations should advance their rational ends without infringing on the rights of others. To this, it is the moral responsibility of government to arrange medical institutions to achieve the greatest net balance of satisfaction for her citizenry. It is also required that medical doctors adopt the principle of rational choice, be empathetic and as well, impartial in their dealings with the sick ones before them.

## 6. Moral responsibility and physician's practice in Nigeria

Today, medical professional faces an unpopular decision between two conflicting moral orders, one situated in the power of our ethical obligations to the sick, the other in the supremacy of self-interest and the marketplace. These two orders are not essentially reconcilable and, similar, and the professional will be compelled to pick between them. In that decision ethical theories learnt and ethical code and conducts can play a focal and essential part. Giving health services is a critical moral measure since its significant point is to ensure the welfare of the general population who require treatment and care [1]. Ethics not just priorities and the dispersion of healthcare services, but in addition are apprehensive with moral decision making at an interpersonal level [2]. Moral sensitivity is the capacity to distinguish the existing moral issue and comprehend the moral results of the choices made on the patient's part [3]. Doctors are constantly presented to moral distress because of a few conditions, for example, making a move in spite of one's conscience, not giving full treatment because of the financial limitation of a patient, insufficient treatment, absence of time, and patients on a long waiting list etc. Acting against professional values and interests destructs one's moral integrity and achieves job dissatisfaction, leaving their occupation, and in particular, not giving high quality and safe health care to patients [8]. On the off chance that moral decision making is countered with

situation that cause moral distress, a therapist won't have the capacity to perceive situations and moral issues, and make sound judgment. Perceiving distressing and morally problematic circumstances is exceedingly imperative in decision making processes. Satisfying this exceptionally imperative undertaking requires moral knowledge, understanding the ethical theories above, as well as requires moral sensitivity [9, 10]. People who have moral sensitivity are fit for solving moral clashes. Besides, they are fit for forming a sensory and scholarly perception of individuals' vulnerable circumstances, and are aware about moral outcomes that are critical in settling on critical decisions for others [11]. It is trusted that in clinical settings, reacting to morally distressing circumstances is identified with criteria, for example, moral sensitivity [12]. In healthcare, morality is an inter-related and dynamic process that is recommended by moral sensitivity [13].

Over the span of obligation and relationship with patients the doctor must hold fast to specific standards of medical ethics (equity, nonmaleficence, equity and beneficence), rules (confidentiality, fidelity, veracity and privacy) as well as virtues (empathy, respects, kindness, and so on). A doctor might be sanctioned when he breaks the rules and principles of medical ethics; however he may not necessarily be liable or compelled to maintain the virtues involved in his line of duty and practice. It is, in any case, morally upright (yet not compulsory) for a good doctor to be caring, kind and to show regard for his/her patients. Regard for patients and the desires of patients are two distinct issues that must not be confused.

## 7. Conclusion

The idea of free moral agency and rationality ascribed to humanity suggests that man is morally responsible for his actions. It follows as has been observed earlier on in the work that, for man to be held morally responsible there must be alternative of choice, absence of compulsion, knowledge of the subject matter and healthy state of mind or mental alertness. With specific reference to medical practice, the physician has his professional (oath) moral responsibility; and the societal moral responsibility constitute a serious moral challenge to him. It has been rightly observed that sometimes the societal moral responsibility may conflict with his professional moral responsibility. At this point is he expected to act professionally or complies with societal demands for example where the societal demands will compel the physician to divulge information gotten from his client in confidence. Should physician oblige them and violate the principle of confidentiality? Again, his professional responsibility and societal moral responsibility which one is superior, and which is less important? Will he be worth the profession by violating his professional responsibility partially or otherwise? Agreed, there may be some

exceptions no matter how slightly that maybe to the rules but the work maintains that more attention should be given by the physician working more in conformity with professional moral responsibility of being accountable to his patient, ensures the patient is well treated, and his/her well being is promoted at all times for which reasons the patient came to him; and should there be conflict arising from societal demands, the society should carve any other way to resolving the conflict arising from the patient's action and not through the physician into violating his obligation.

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