

Concepts and Dilemmas in Bioethics

METHODOLOGY OF ETHICAL INTERVENTION

HOW TO ANALYZE AND SOLVE ETHICAL PROBLEMS

Decision-making in medicine

just a matter of

GOOD SCIENCE and **COMMON SENSE**



Guided by a few
BASIC PRINCIPLES

ETHICS



Meanings :

1) Principles of conduct that distinguish between **RIGHT** and **WRONG** actions

2) Scholarly study of **RIGHT** and **WRONG**, which has been traditionally addressed by humanistic disciplines such as :

Philosophy

Religious studies

Law

Social science

MEDICAL ETHICS

In dealing with a Medical Problem :

Can we?

Medical question

Should we?

Ethical question

MEDICAL ETHICS

Types :

BIO-
ETHICS

the identification, analysis and resolution of moral problems that arise in the context of the advancement of science and technology



CLINICAL
ETHICS

the identification, analysis and resolution of moral problems that arise in the care of a particular patient

BIO - ETHICS

WHY ?

- Advances in biosciences **ethically controversial**
- Easier to find **technical solutions** than answers to **ethical questions**
- Freedom of science } *vs.* { social control of the use of the results
- Need of information about both the **science** & the **ethics**
- Need for discussion both on a **general level** and on **application level**

BIO - ETHICS

Easier to find technical solutions than answers to ethical questions !

The Technological Imperative !

The impulse
to do everything you are trained to do
regardless of
the **cost / benefit** } ratio
or the **burden / benefit** }

Victor Fuchs (1974)

BIO - ETHICS

REMEMBER !

The ability to act
does not **justify** the action

CLINICAL ETHICS

A practical discipline that provides a
Structured Approach
to assist physicians in

identifying
analyzing
resolving

Moral problems (*ethical issues*)
that arise in the care
of a particular patient

CLINICAL ETHICS

WHY

are ethical dilemmas

more frequent and more difficult ?



increased technology

changing doctor-patient relationship

cost containment

CLINICAL ETHICS

Clinicians in most disciplines regularly deal with a common set of ethical issues such as:

Truth telling

Informed consent

Substitute decision-making

Confidentiality

Conflict of interest

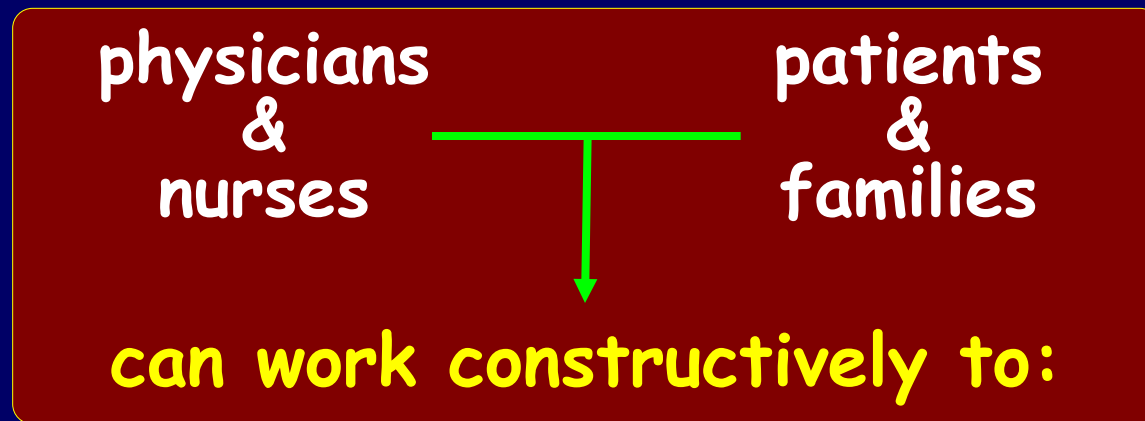
End-of-life issues

Resource allocation

Research ethics

CLINICAL ETHICS

Relies upon the conviction that, even when perplexity is great and emotions run high

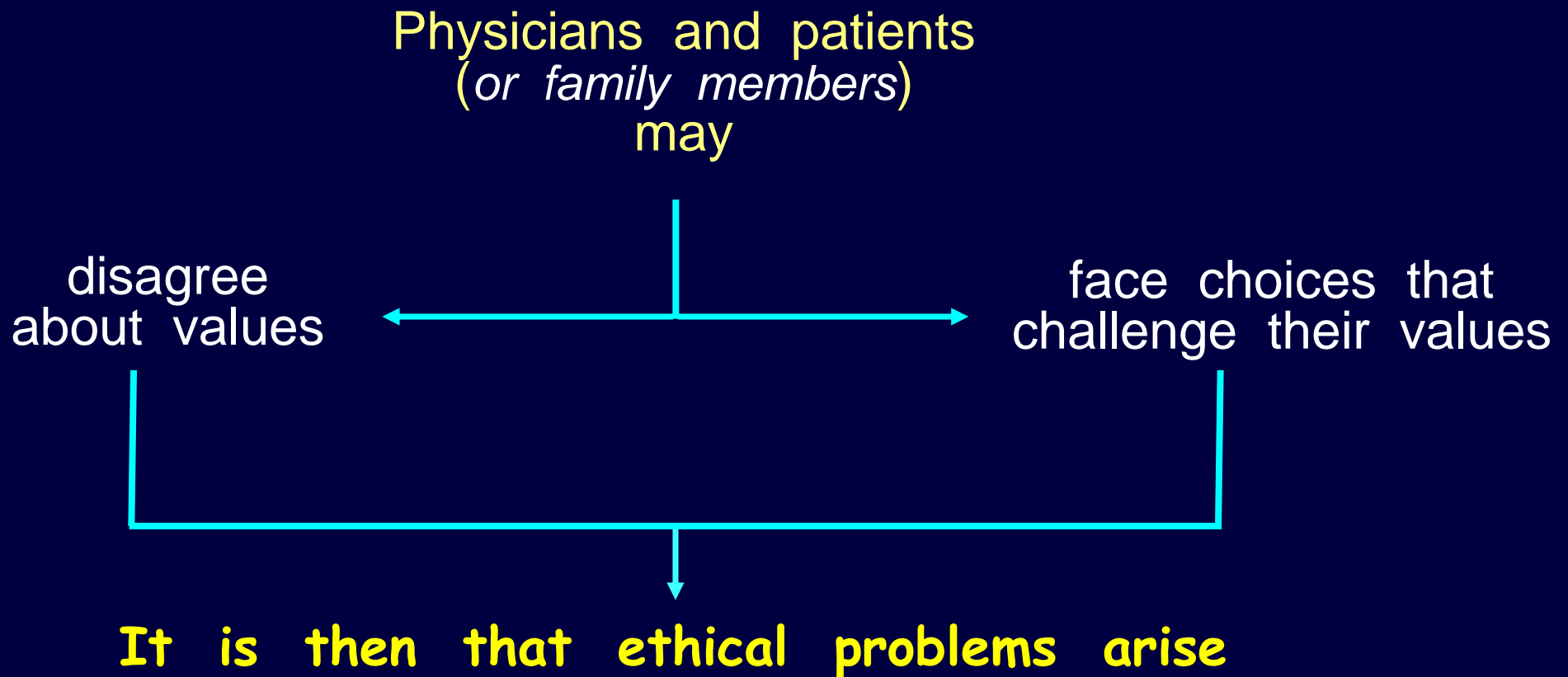


identify
analyze
resolve

many of the ethical problems that arise in
clinical medicine

CLINICAL ETHICS

Occasionally,



CLINICAL ETHICS

Standard Moral Principles

around which are organized health care ethics

Fundamental Principles of Ethics

Autonomy

*The duty to **respect** the patient's wishes*

Beneficence

*The duty of performing actions that **benefit** the patient*

Non-maleficence

*The principle of **not inflicting** evil or harm to others*

Justice (Fairness)

*The principle of **distributing** benefits, risks and costs fairly*

AUTONOMY

This important moral principle was the cornerstone of **Immanuel Kant**'s statement of the *Aristotelian* and *Judo-Christian* saying:

“Treat others as you would want them to treat you”

Human beings should never be treated as only a means to **another end**

They are ends in themselves and have inherent value or worth

AUTONOMY

This principle is also the basis of numerous other moral precepts such as :

Confidentiality

Freedom of choice

Accountability

Avoidance of conflict of interest

Informed consent

Embedded in these precepts is the ability of individuals to be **AUTONOMOUS** in making their decisions

BENEFACTENCE

This principle is intertwined with that of **non-maleficence** and at times the two are lumped together

This principle emphasizes "enhancing":

Kindness
Charity
Welfare } of others

This utilitarian principle elevates our **acts of charity** to a **moral obligation** without committing harm to others in the process

NON - MALEFICENCE

“ Do no Harm ”

Is the primary admonition of the Hippocratic oath:

“ Physician ought not to inflict :

Pain

Suffering

Distress (physical or psychological)

Loss of freedom

Disability & death ”

An individual should not deprive others from pleasure and happiness by restricting “autonomy”

NON - MALEFICENCE

Frankena (1963)

Prioritizes “beneficence” as follows:

1st not to inflict harm

2nd prevent harm

3rd to remove harm

4th to promote good

Therefore, a physician's obligation to his patients,
to “promote their good”
is less important than to prevent their harm

JUSTICE

“Justice” and “Fairness”
are terms used to connote
equality of treatment
of each person before an obligation or an authority

This principle is thought to come from Aristotle :

“Equals ought to be treated equally and unequals unequally”

JUSTICE

Utilitarianism mixes “justice” with “beneficence”
when invoking the concept of:

“the greatest good to the largest number of people”

However, in western culture

(influenced by the Judeo-Christian code of ethics)

protecting orphans, the disabled, and the weak
is required !

the philosopher Bertrand Russell went so far as to say:

*“Civilizations are measured by how they treat the most
unfortunate among them”*

Ethical Decision Making

Points to keep in mind:

- 1) Moral duties become easier to identify if we keep in mind the four commonly cited ethical principles
- 2) We make moral choices daily without necessarily referring to any given set of ethical principles
- 3) Many different sources influence our moral values and decisions as we mature:
 - a) parents
 - b) relatives
 - c) friends
 - d) religion
 - e) education
 - f) the media
 - g) social leadership

Ethical Decision Making

4) We also learn about moral values and decisions through our personal experience of:

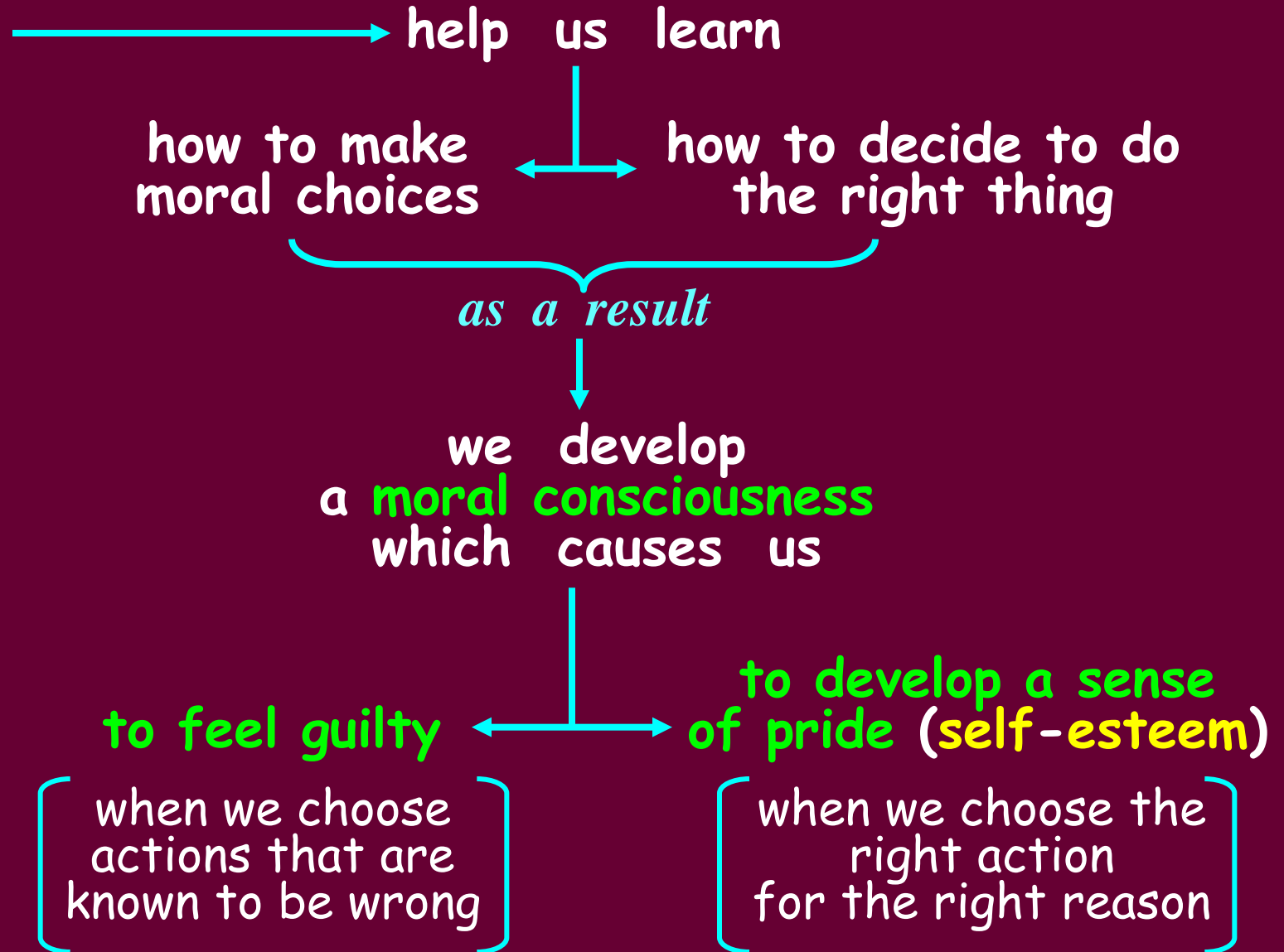
- a) **benefit** & **harm**
- b) **respect** & **lack of respect**
- c) **confidentiality** & **breech of confidentiality**
- d) **honesty** & **dishonesty**
- e) **fairness** & **unfairness**

5) We learn, as we grow up :

- a) how **our actions** affect **other people**
- b) how the **actions of others** affect **us**

Ethical Decision Making

The
moral dilemmas
we face in life



Ethical Decision Making

HOWEVER:

- 6) We may be confronted with choices in which there is no clear or obvious difference between **Right & Wrong**
- In these situations (**moral** or **ethical dilemmas**) there may be several opinions that appear to be equally "**good**" or "**bad**" from a moral point of view
 - We must then decide :

HOW TO SOLVE THESE DILEMMAS

Ethical Decision Making

Dealing effectively with an ethical problem depends on :

- **Recognizing the ethical issue**
- **Applying relevant knowledge**
- **Analyzing the problem**
- **Deciding on a course of action**
- **Implementing the necessary steps to improve the situation**

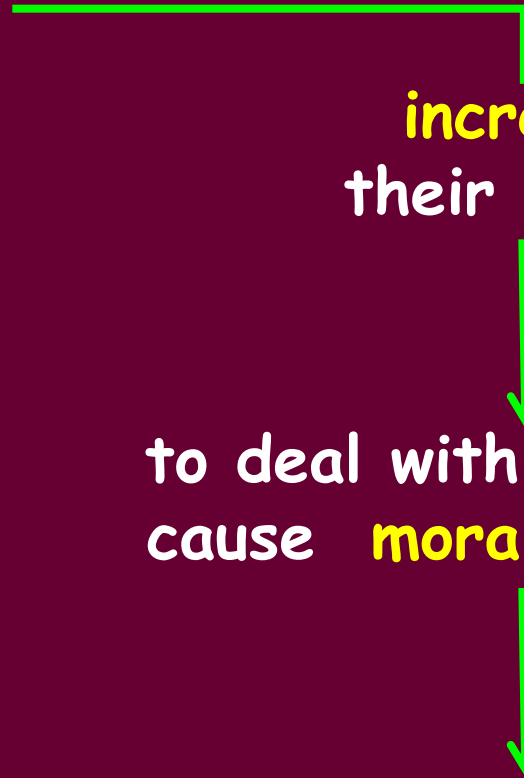
Ethical Decision Making

Enhancing clinician's
knowledge and **skills**
in resolving ethical
problems

increase
their **ability**

to deal with issues that
cause **moral distress**

enable
better team performance
in caring for patients



Alternate “**Methods**” of Decision Making

“Good judgment comes from **experience**,
and
experience comes from bad judgment”

Anonymous

Alternate “Methods” of Decision Making

“When making a choice between two evils,
I always try to choose the one
I haven't tried before”



Mae West

Born August 17, 1893, in working-class Brooklyn, N Y, the first child of a boxer and a corset model.

Gained national recognition in 1928 for writing and staging her play "**Sex** in New York", which led to her widely publicized trial on obscenity charges, culminating in one week of incarceration and a lifetime of fame.



GOOD ETHICS

begins with

GOOD FACTS

Methods of Ethical Decision Making

MEDICAL INDICATIONS

PATIENT PREFERENCES

QUALITY OF LIFE

CONTEXTUAL FEATURES

Methods of Ethical Decision Making

MEDICAL INDICATIONS

- ◆ diagnosis
- ◆ nature of disease
- ◆ condition of patient
- ◆ prognosis
- ◆ treatment options

PATIENT PREFERENCES

QUALITY OF LIFE

CONTEXTUAL FEATURES

Methods of Ethical Decision Making

MEDICAL INDICATIONS

- ◆ diagnosis
- ◆ nature of disease
- ◆ condition of patient
- ◆ prognosis
- ◆ treatment options

PATIENT PREFERENCES

- with Decision Making capacity
 - ◆ values, goals, informed, coerced
- without DM capacity
 - ◆ advanced directives

QUALITY OF LIFE

CONTEXTUAL FEATURES

Methods of Ethical Decision Making

MEDICAL INDICATIONS

- ◆ diagnosis
- ◆ nature of disease
- ◆ condition of patient
- ◆ prognosis
- ◆ treatment options

PATIENT PREFERENCES

- with DM capacity
 - ◆ values, goals, informed, coerced
- without DM capacity
 - ◆ advanced directives

QUALITY OF LIFE

- ◆ personal
- ◆ subjective
- ◆ multidimensional

CONTEXTUAL FEATURES

Methods of Ethical Decision Making

MEDICAL INDICATIONS

- ◆ diagnosis
- ◆ nature of disease
- ◆ condition of patient
- ◆ prognosis
- ◆ treatment options

PATIENT PREFERENCES

- with DM capacity
 - ◆ values, goals, informed, coerced
- without DM capacity
 - ◆ advanced directives

QUALITY OF LIFE

- ◆ personal
- ◆ subjective
- ◆ multidimensional

CONTEXTUAL FEATURES

- ◆ social
- ◆ cultural
- ◆ religious
- ◆ legal
- ◆ financial

Hierarchy of Decision Makers

- competent patient
- “substituted judgment”
 - ◆ written,
 - ◆ verbal
 - ◆ presumed
- “best interests”
 - ◆ what would most choose?
 - ◆ benefits vs burdens
 - ◆ quality of life

Ethical Decision Making

SO:

HOW DO WE SOLVE THESE ETHICAL DILEMMAS

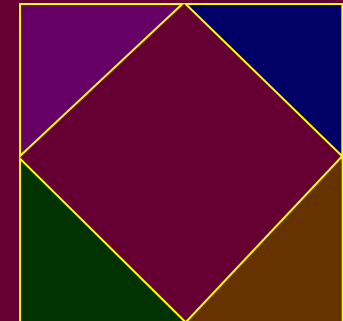
Many methods have been devised but all are variations of 4 basic components:

Understand the problem

Identify the “parties” involved

Identify the “ethical” principles involved

Clarify all the possible solutions



Ethical Decision Making

Gather Information

Understand
the
problem

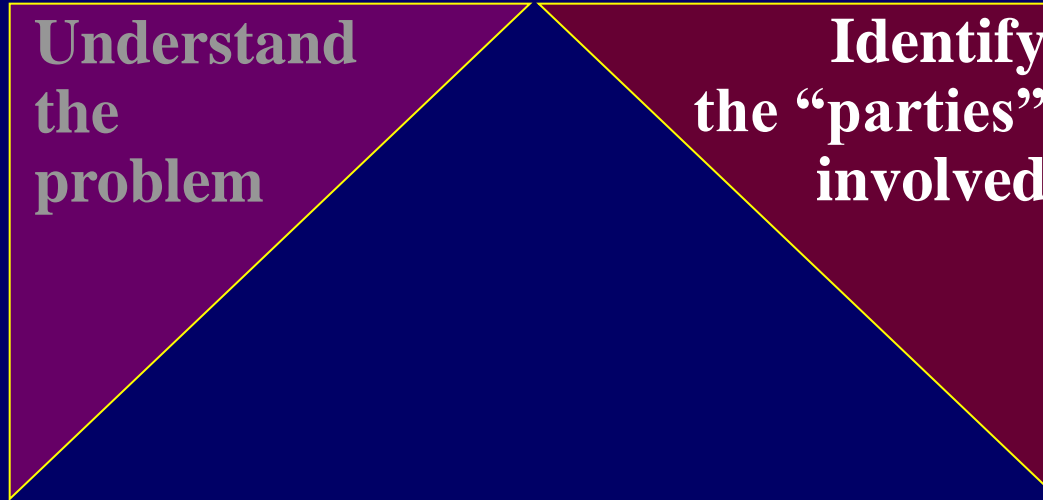
Understand the Problem

Collect Information & Consider the different Options

- In order to understand an issue one must collect the relevant (essential) information
 - Scientific
 - Cultural
 - Sociological
 - Psychological
- Review the “problem” and proposed course of action.
- What are the different courses of action one may take ?
(*One cannot make a decision without knowing the options*)
- What is the issue/issues ?
- Where is the conflict ?
- Who must make the decision ?

Ethical Decision Making

Gather Information



The "Stakeholders"

The “Stakeholders”

Identify and Prioritize the “Parties” involved

- Who is involved in the “situation”

Patient(s)

Family

Community

Health personnel

- What values do each of the stakeholders have ?

- What immediate priorities do each of the stakeholder have ?

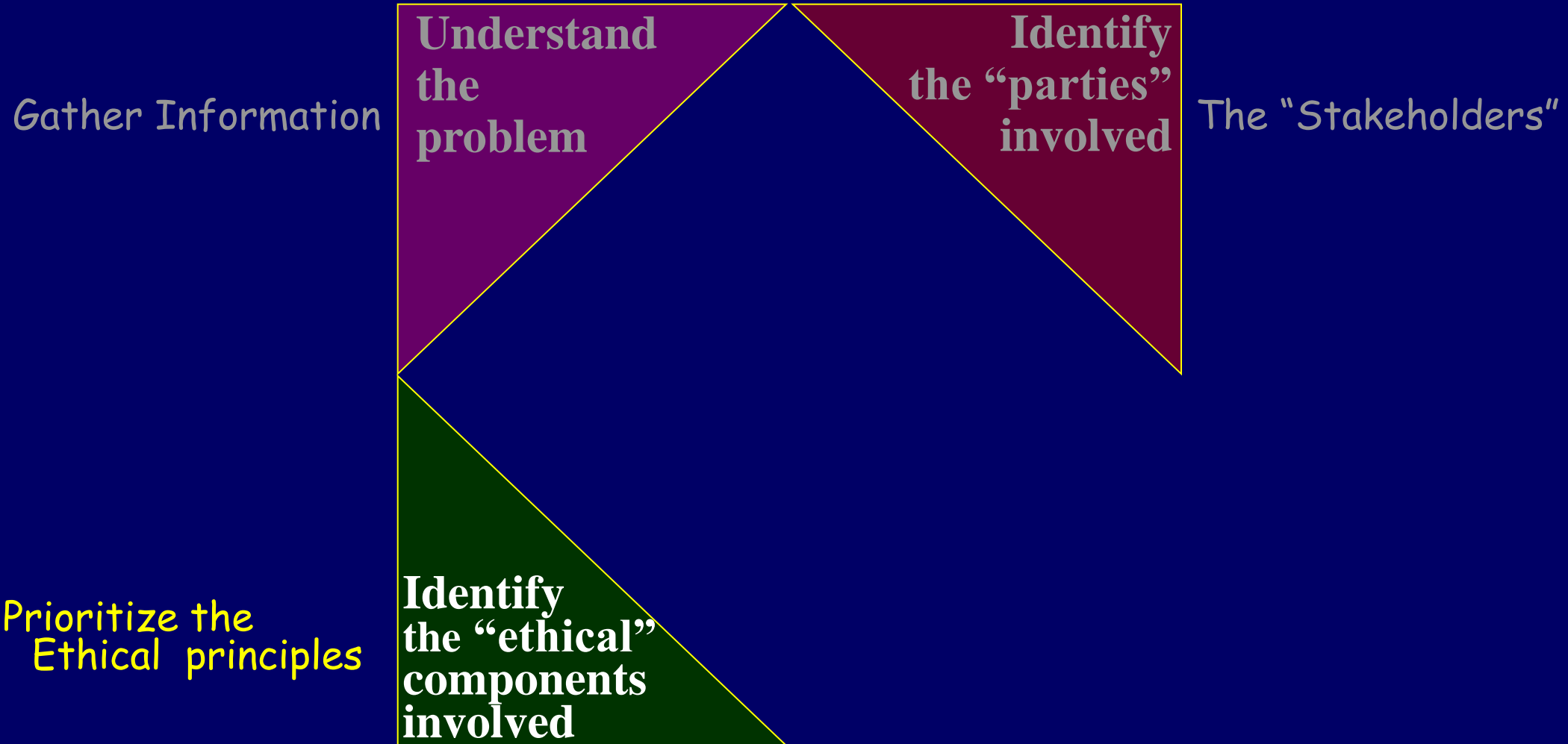
Religion

Customs

Norms of the society

National / local Laws

Ethical Decision Making



Ethical Problem(s)

Identify the Ethical Components Involved

- Categorize the “problems”, “questions” and “issues” within the four ethical principles

*This will help to separate **major ethical issues** from **auxiliary ones***

Examples:

Are we violating respect for persons ?

Is it fair to all prospective subjects ?

Is there any harm or potential harm to anyone ?

Is there weak or strong justification for harm or potential harm ?

Is there a need to be altruistic ?

Is there a need to consider the Quality-of-life issue ?

Is **respect for persons** the most important consideration ?

Ethical Problem(s)

Identify the Ethical Components Involved

- Prioritize the Ethical principles ?

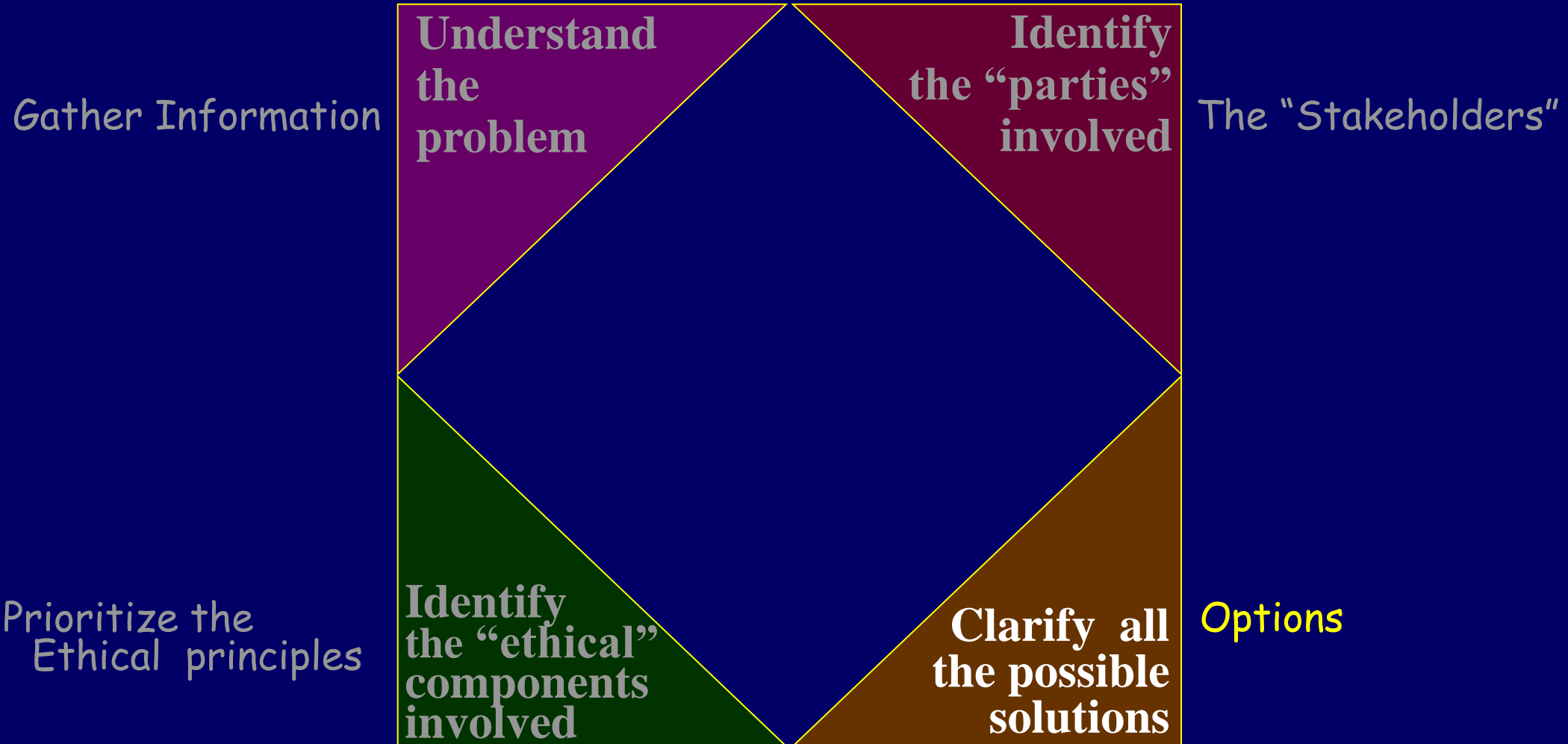
It is important to decide which principle should have highest priority in a particular case

The ethical principle one considers in making a decision can be viewed as “**prima facie**” rules or obligations in that they have a broad justification and intuitive appeal

HOWEVER,

since it is often **NOT** possible to follow all of these principles at the same time, one must decide which one takes precedence and **WHY**.

Ethical Decision Making



Reaching a Solution

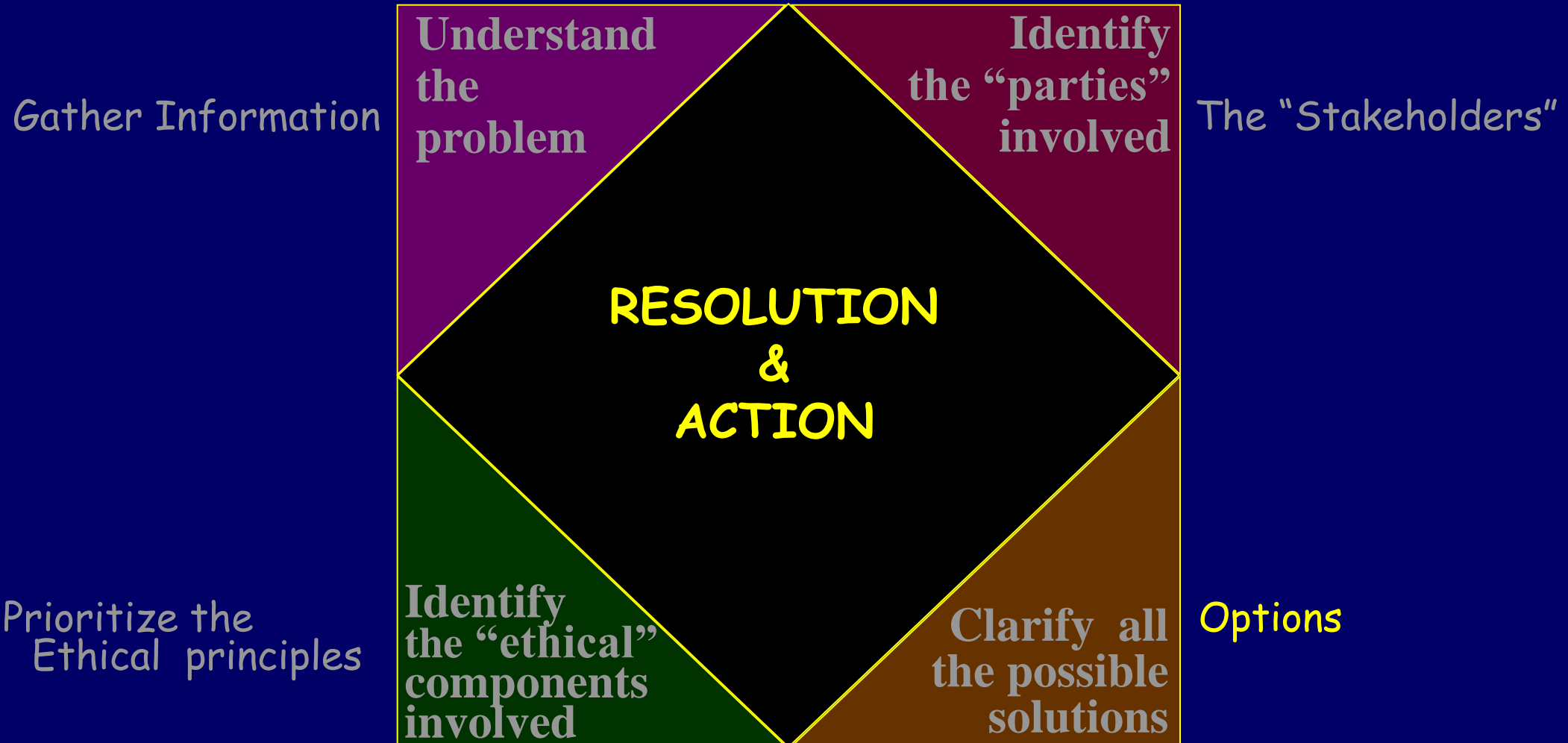
List and Clarify all possible solutions

- Consider alternative rankings and alternative solutions

Poor decision making often occurs as a result of { *bias*
and
ignorance

It is important to be "open minded" and consider different points of view

Ethical Decision Making



Reaching a Solution

□ Propose a Solution and Defend it !

Whenever one deals with public health/research issues, one often needs to be able to articulate and communicate decisions to all people involved.

Carrying out a process of reasoning helps one to express and justify ethical decisions and actions.

MOREOVER,

one needs to articulate and communicate the decision to those affected by it

*(which must also be **defendable** in public, if necessary)*

AVOIDING / RESOLVING “CONFLICT”

- **good communication**
- **don't rush**
- **time-limited goals**
- **medical consultation**
- **ethics consultation**
- **legal consultation**
- **go to court**

LAWSUITS ARE INEVITABLE !

- practice good **MEDICINE**
 - ◆ and DOCUMENT IT

- practice good **ETHICS**
 - ◆ and DOCUMENT IT

Isn't decision-making in medicine
just a matter of

GOOD SCIENCE and **COMMON SENSE**



"RATIONALITY" vs "EMOTIONS"

When a person prevents his
emotions from overtaking his
rationality, → **REASON**

When a person prevents his
rationality from overtaking
his emotions, → **COMPASSION**

When a person can do both, → **WISDOM**

ancient Chinese proverb

A close-up photograph of two hands against a black background. The larger hand is at the bottom, and the smaller hand is resting on top of it. The text "Thank you for Your" is written in a yellow, italicized serif font across the middle of the hands.

Thank you for Your

Attention