

Ethical Theory For Health Care Professionals

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Ethical Theory for Health Care Professionals Continued

- Are there correct answers to ethical questions, or is that judged as ethical or unethical merely subjective and hence a mere matter of personal preference?
- I am an ethical realist, and view ethical claims as other claims. They are either true or false.
- Not being able to determine the truth of a claim does not imply it to be neither true nor false or merely an expression of opinion.

Differentiating the Legal, Religious, Ethical

- When one is concerned about what one ought to do, one could be concerned with the legal, religious, or ethical consequences of one's actions. Although each is often reflective of the other, legal, religious, and ethical issues are logically distinct. Each can be criticized from the perspective of the other, and each plays a unique role in influencing behavior within civil and political societies. Each is distinct in the sense that there are actions that are permitted by each that may not be permitted by the other.

Differentiating Continued

- Abram's relationship with Yahweh permitted Abram to initiate the sacrifice of his first born although the sacrifice would have violated the ethical and legal norms of society.
- Treating one's wife as property was legal and consistent with some interpretation of the *Old Testament*, but such treatments were oppressive and undeserved, and in that respect unethical.
- Helping African Americans escape slavery was illegal and punishable by death.

Differentiating Continued

- Keeping one's place as a woman or a black was appropriate moral behavior prior to legislation that said otherwise.
- Keeping a woman or a black in their place was appropriate moral behavior prior to legislation that said otherwise.
- Still, in each case, the forcing of such actions was unethical.

Differentiating Continued

- Ethics, like morals, is concerned with human actions and their consequences for the well-being of those affected by human actions. The focus of moral judgments is upon whether actions, and to some extent behaviors, are consistent with the mores of society or with personal norms.
- Ethics is focused upon whether an action is right or wrong regardless of legal, religious, societal, or personal norms.

History

- Hippocrates, the ancient Greek physician who has been characterized as the father of medicine and author of the Hippocratic Oath, was born at a time when the Greeks were beginning to question the validity of their perspectives on the role that magic and the supernatural played in their daily lives. His birth was between 460 and 486 BC.

History Continued

- Although Hippocrates was neither the originator of modern medicine, nor the author of the Hippocratic Oath, the depth of his contributions to medicine has rivaled his

History Continued

- Concerning the former, medicine predates the birth of Hippocrates. History has not been kind to African culture, and there are compelling reasons to believe that medical practitioners with perspectives of the type taught by Hippocrates were found in Egyptian cultures prior Hippocrates' birth.

History Continued

- Concerning the latter, Hippocrates wrote little of the literature that is associated with his name. Most notably, the *Corpus Hippocraticum* and the Hippocratic Oath emerged after Hippocrates' death.

History Continued

- Still, with a few notable exceptions, the moral perspectives that emerged from his era fashion current norms for what is viewed as ethical and what is viewed as morally obligatory, morally right, and morally wrong in the health care professions and in most other arenas of human endeavors as well.

History Continued

- Prior to Hippocrates, health maladies within Greek culture were largely attributed to magic or the spirit world of supernatural realms.

History Continued

– Within Greek culture, Hippocrates' perspectives on healing were revolutionary and empowering for both physician and patient.⁴⁴

History Continued

– Hippocrates successfully introduced the notion that health maladies have a physical origin and are not to be attributed to magic or the supernatural.

History Continued

- He taught also that in the case of most illnesses and diseases, the body has the capacity to heal itself when given proper rest and nutrition and when placed in a suitable environment for healing.

History Continued

- In cases where medicines were thought to be useful, Hippocrates taught that they were only to be given with reluctance and extreme caution.
- He taught that the primary role of the physician was to assist the body to heal itself.
- Consequently, the status of the physician changed in Greek culture.

History Continued

- Physicians, by profession, were no longer viewed as magicians or persons who attempted to interfere with the will of the supernatural.
- Hippocrates' perspectives freed those who were diseased and ill to appeal to physicians for help. They also freed those with the knowledge and skill to heal to practice medicine without fear of recourse from the supernatural.

History Continued

- Associated with this newfound empowerment was a newfound responsibility for both physician and patient. It became the responsibility of the patient to reveal to the physician that both she and the physician believed could have consequences for the physician's efforts to assist in the healing process.

History Continued

- Moreover, it became the responsibility of the physician to not act in any manner that would hinder the patient's ability to self heal and to ensure that any action by physician or patient would render the patient worse off than she would have been had the physician not intervened.

Modern Ethics

Modern ethics has evolved from centuries of debates over what counts as morally right conduct and over why ought one to do what is morally right. One can speculate that the initial concept of moral behavior emerged from relations of reciprocity, which were essential for the survival for early humans. Those who could be counted on for sharing, for giving assistance in face of danger, for returning kindness, for not taking more than one's due, and for keeping one's word had a much higher chance for survival than those who did otherwise. Those who were undeservedly selfish were typically shunned and left to their own devices.

Ethics and Morals

- Moral behavior can be characterized as behavior that has material consequences for the well-being of those for whom there is a believed shared perspective on how each will treat the other. The guidelines for moral behavior are typically framed by the mores of the society in which one lives. At root we are looking at interpersonal relations that are held together by shared perspectives about mutual and about societal benefits. Morally right behavior can be characterized as that behavior which is consistent with what the society holds one ought to do given tenets about how one should treat the other (beliefs about how the other wants or expects to be treated). Morally wrong behavior is behavior that is inconsistent with those tenets. For example, if I believe that I ought to attend to you when you are ill and I fail to do so, I have acted badly, even if you had no expectations about my attending to you. Had I expected you to attend to me and you did so, your attending to me would have reinforced the bond between us. Your not doing so would have weakened that bond. It is important to note that morally right behavior can be unethical and morally wrong behavior can be ethical. Just what this means will soon become apparent.

Theory

Meta-Ethics and how Ethics, Morality, Religion, and Law Differ.

Theory Continued

- Types of Normative Theories:
 - Subjectivism**
 - Relativism
 - Emotivism
 - Implicit Agreement
 - Objectivism**
 - Utilitarianism
 - Categorical Imperative

Subjectivism

- **Subjectivism:** The thesis that ethical and moral judgments reflect mere opinions and beliefs and that there is no objective criterion for determining right from wrong because right and wrong are a matter of personal or cultural perspective. This thesis has two notable forms: emotivism and relativism.

Emotivism

Emotivism: The thesis that ethical and moral claims are nothing over and above an expression of an individual's attitudes or feelings about a particular action. Here, saying of an action that it is ethical or moral is tantamount to saying "hurray!": I approve of this action and I encourage you to do likewise. To say that an action is unethical or immoral is tantamount to saying "pooh-pooh": I disapprove of this action and I encourage you to do likewise.

Relativism

Relativism: The thesis that the truth of ethical and moral claims is dependent upon cultural norms or individual attitudes and that there is nothing in itself to say about their truth or falsity.

Relativism Continued

- What may be considered a human rights violation in one culture may be viewed as otherwise in another.

Relativism Continued

- Polygamy is immoral, sinful, and illegal in some cultures while in others it is neither.

Relativism Continued

- Within American culture, a patient has the right to decide whether life-sustaining procedures will continue, while a Chinese family may view such a policy as irresponsible on the grounds that only the family has the moral authority to decide what is best for the individual family member.

Relativism Continued

- Within the same culture, one woman may believe that abortion is never ethically justified, while another may believe that a woman has a natural right to choose whether she will give birth.

Subjectivism Summary

Such discrepancies support the perspective that ethics is inherently subjective and perhaps even merely emotional in content. If true, there is no obvious objective criteria for determining what is ethical and what is not. Moreover, it suggests that there is no objective right and wrong, and that ethical judgments are merely a reflection of individual attitudes about what should and should not be done.

Objectivism

Objectivism is the thesis that ethical claims are either true or false and that there are objective criteria for discerning the truth of ethical claims. There are two dominate theories that purport to provide an objective means for discerning what is ethical and what is not. One is Teleological and the other is Deontological.

Deontological Theory

Kant's Non-Consequentialist Theory: Right from Wrong can be Discerned by Reason Alone.

This theory has three central components:

- An person can never be treated merely as a means;
- An action is right only if it can be universalized;
- Duties;
- --Promise keeping and lying.

Teleological Theory

Utilitarianism: The theory that an action is right just in case it, more so than any other available action, produces the greatest utility for the greatest number of people. Utilitarianism is to be understood as a desirable consequence. Among framers and advocates of utilitarianism, the consequence has been pleasure, good, and happiness. The theory itself has two forms: Act Utilitarianism and Rule Utilitarianism.

Utilitarianism Continued

Rule utilitarianism claims that an action is right iff it is consistent with a rule whose implementation brings about the greatest utility for the greatest number of people.

Act utilitarianism claims that an action is right among the alternatives iff it brings about the greatest utility for the greatest number of people.

Utilitarianism Continued

- The strength of utilitarianism is that it promotes the well-being of the majority most affected by the action. This becomes significant when having to decide how an action will affect a group as a whole, be it a family, community, nation, or the whole world at large. Environmental legislation can be said to be ethical on such grounds. Each individual pays more for a service for which she may receive no benefit in her life time, but the species as a whole becomes more likely to survive.

Utilitarianism Continued

- The greatest utility is not equivalent to what is voted upon by the majority. To view the theory in this way would be to ignore the ethical mandate the theory is intended to capture.

Utilitarianism Continued

- The greatest utility is that which promotes the greatest good or happiness, and that may be something that in the short term promotes the least pleasure or sense of well-being.

Utilitarianism Continued

- The weakness or defect of utilitarianism is that it permits inessential and undeserved harm. Hurting innocent people to benefit a majority:

Utilitarianism Continued

- Slavery benefited the white majority, but it was an unethical practice.

Utilitarianism Continued

- The medical experiments upon Jews in Nazi Germany have benefited humankind, but they were unethical.

ETHICS as a CONTRACT: Implicit Agreement

According to this theory, making ethical judgments is not appropriate outside of either explicit or implicit agreements among individuals about how to treat each other. G. Harman. Unless you have made at least an implicit agreement about how to treat me, your actions toward me cannot be the subject of ethical judgment. If, for example, you have not promised or led me to believe that you have promised to be faithful to me and you fail to be faithful, your behavior, on this theory, cannot be immoral or unethical.

- *Still, you may justifiably judge me a dog!*
- But your not liking what I do does not imply that my action was unethical or immoral. Something more is required.

The implication here is that:

- the atrocities of Auschwitz;

- the Native American Trail of Tears -the herding of Native Americans to reservations during a bitter winter;

- the religious bombings in Northern Ireland;

- the bombing of the U.S. World Trade Center and Pentagon;

- the American enslavement of Africans;
- and the less than legal unions between slave owners and enslaved women were not, according to this theory, unethical.

- This is because the oppressor did not view those oppressed as persons who deserved better. The oppressor made neither an explicit nor implicit agreement with the oppressed about treating them humanely.

- On the other hand, we can say that even though the oppressors may not have satisfied the offered theory's portrayal of being unethical, their actions were nonetheless unethical. They brought about egregious and underserved harms.

Examples of Failing to be Faithful and Being Unethical

- Within a committed relationship, withholding information that would have consequences for how your partner would choose to interact with you.
- Overcharging me for the cost of a prescription or for materials for my dental bridge.
- Not allowing me to have all the needed medical treatments my health insurance allows.
- Not telling the appropriate superior that a co-worker's negligence puts patients in jeopardy.

DECIDING WHAT IS RIGHT

- Legal and Ethical Rights are not the same.
 - The woman who carries her child to term even though she believes in her heart that the fetus would choose otherwise if it could.
 - The wife who chose to carry her fetus to term even though she knew that doing so would end her own life.

- Let's suppose that Ginny is a healthy successful orthopedic surgeon who was unsuccessful at finding a suitable life partner and chose to make use of artificial insemination to bring about the child she always wanted. During the fourth month she discovers that the sperm donor was Dr. ??? She opted for an abortion because she thought her child might turn out to be weird.

- Let's now imagine that Cheryl is a picture of health and is also a successful orthopedic surgeon who was unsuccessful at finding a suitable life partner, and like Ginny, chose to make use of artificial insemination to bring about the child she always wanted. Like Ginny, she discovered late that the sperm donor was Dr. ??? and also discovered that Dr. ??? was her long lost twin brother separated at birth and raised by different foster parents. She also discovered her family has a history of psychotic illnesses.

- Now let's look at Elizabeth who also wants an abortion. Unlike Ginny and Cheryl, Elizabeth, as well as her partner are both Cell carriers, Cystic Fibrosis carriers, HIV Positive, crack/cocaine users, congenitally psychotic, and have a history of torturing children. Elizabeth, in a moment of enlightened clarity of mind, had her tubes tied, but it was a botched operation and she subsequently became pregnant.

CONFLICTING OBLIGATIONS

- Suppose that there is only one available respirator and you have two critical patients. You work at a Christian hospital and one patient is Christian and the other atheist. The Christian is a (bad person), but generously supports the church that supports the hospital. The atheist is a congressman and is against government support of religious based organizations. Who gets the machine and how do you decide?

ETHICAL DILEMMA

- As a Christian, you cannot provide preferential treatment. On the other hand, only one can live. Doing nothing means they both die, and doing nothing is an action so you are responsible for the death of both. You must decide!

- **NEGATIVE ACTIONS:** Suppose you have a justified near hatred for Hagar. You hear her slip in the tub and a few minutes later you see water running from the bathroom. You go into the bathroom and see blood, the water and bubbles coming from her nose. You immediately leave and go shopping. Your deciding not to help her is tantamount to your killing her, even though her falling and drowning was an accident.
- So deciding to not take action is to take action.

Ethical Dilemma continued

- Deontology:
- You do not take either as means to an end.
- On non-consequentialistic grounds:
 - Saving either can be universalized.
 - Saving either and not the other brings to obvious deontological conflict.

Ethical Dilemma continued

- Perhaps Utilitarianism can help.
- We can ask, which of the two is most likely to be provided to the community the greatest good. In this case, the answer may not be obvious?
- We can ask, which of the two is most likely to provide to the community the greatest harm.
- That too may not be obvious.

Ethical Dilemma continued

- Is one, on other grounds, more deserving of the machine than the other?
- Sex, gender, race, sexual orientation, religious orientation, IQ, social status, economic status cannot in and of themselves be a factor. For example, if S is the only fertile woman left on the planet, then she gets the machine. Otherwise, maybe not. Keep in mind that her rarity does not make her more deserving. Saving her most addresses societal needs.

Ethical Dilemma continued

- Criteria for most deserving: In this case, the person supporting the hospital is prima facie more deserving of the use of the facilities than a person who does not support the hospital.

- The point is not to resolve this case but to show ways of approaching it that will most likely provide the correct ethical action. We should perform the action that will bring about the most deserved good and the undeserved harm? When all things considered are equal, and both patients arrived at the same time, then flip a coin, or keep the one alive who is not an organ donor match or something of the sort. Just remember that your decision cannot be undeservedly prejudicial.

- If one arrived prior to the other, then take the first, unless the first is an organ donor match or something of the sort. You did not create this situation and you must not create one that precipitates harm. You must make a decision based upon the information provided, and you must do no harm!

Group Decision

- Having multiple inputs provide a richer perspective and increases the likelihood that all relevant consequences will be considered.
- At times the far reaching consequences must be attended as seriously as the immediate and local consequences.
- You must discern what will be harmful and avoid it, unless a greater good for the patient will otherwise be realized.

- --pulling a tooth instead of saving it with a root canal can make a world of difference if the patient may eventually need a bridge.

- --it is far cheaper to grant a patient all mental health visits than to have the patient beat engage in road rage, beat his wife, or go postal.

- --it is far cheaper to hire a PA to make humane contact with you patients if you have poor people skills.

- The savings in each case is in human suffering. Typically, it is more humane and better medicine to do the right thing than the most expedient thing.

Ethical Dilemma

- Deontology:
- Person's must never be treated merely as means: persons must be treated as ends.
- Produce no undeserved harm.
- When there is no obvious choice, use utilitarianism.
- When there is still major conflict or no obvious choice, use implicit agreement.
- Sometimes reversing the last two is appropriate.

CONCLUDING REMARKS

- Whether an action or judgment is ethical turns on whether an undeserved harm was intended or actually occurred.

- If I intended to harm you but failed and you benefited from my action, my action was still unethical.
- If I intended to help you but failed, you suffered, my action was not unethical but it could be irresponsible, negligent, or unprofessional. It also could be just bad luck with no appropriate blameworthiness.

- If I intended to help you and succeeded, but you subsequently suffered much later, unless I knew or should have known the long-term consequence without alerting you to those consequences, then I have behaved badly, unless your life would have been shortened by my not intervening as I did, or unless the quality of your life would have been less than now had I not intervened -

- Still, one can justifiably argue that my not alerting you to the long-term consequences took away your ability to decide what was best for you, and that sort of intervention is always unethical.

- There will be times when healing a patient will require putting the patient in a dangerous condition.
- There will be times when enhancing the quality of a patient's life will seriously diminish the patient's longevity.
- How best to decide what is optimal for the patient will be your life burden. Were I you, I would want to be as skilled at making such decisions as I would be at the skills required to be the best at my specific profession.

To know what is best for a patient, to know what will genuinely enhance the quality of life for the patient, you must empathize with the patient or have sufficient experience with conditions of the type experienced by the patient that steps taken subsume the patient as if you had identified with the patient.

- What ever you do, don't hurt people. If you are to be ethical and morally responsible, you must find out what counts as hurting the person for whom your actions will have consequences.