Introduction to Bioethics
Concepts and Theories

Ethics and Science (e.g., Medicine)

**Similarities**
- Claims assert something to be true.
- Search for objective truth
- No reliance on custom, authority, feelings.
- Uses reasoning to justify (back up, defend) claims.

Ethical Claims Different from Science

- Scientific
- Facts
- Empirical
- Descriptive
- What is
- Ethical
- Values
- Normative
- Prescriptive
- What ought to be should be obligation duty
### Practice: Factual or Normative?

- Many Americans lack access to health insurance.
- Too many Americans lack access to health insurance.
- Most people want to have access to preventive health care.
- Even a life of a few weeks that is full of pain and suffering is a life worth living.
- Preventive health care is offered by most health care plans.

### Practice: Factual or Normative?

- People who qualify for Medicare are legally entitled to health care.
- That is too large a catheter for this procedure.
- Poor people deserve the same health care as rich people.
- The AMA has not done enough to insure that hospitals respect confidentiality.

### Practice: Factual or Normative?

- Psychiatrists are justified in restricting people’s freedom if they need to do so to prevent suicide.
- A hospital patient should expect that, on the average, about 20 hospital employees will have permission to look at his or her medical chart.
- Fetuses are able to feel pain 5 minutes after conception.
- Active euthanasia will become legal in Michigan.
Medical Ethics

Practice: Factual or Normative?

- The AMA has never condemned hospitals for their violations of confidentiality.
- It is morally worse to treat a patient too aggressively than to treat a patient not aggressively enough.
- The most appropriate legal position to take on physician-assisted suicide is to allow it, but to include strong conditions that must be satisfied.
- Patients are more cooperative with their medical treatment if they are told the full truth about their condition.
- Patients have been prosecuted and jailed for disobeying a doctor's order.
- Very few patients who are rescued from a suicide attempt try to kill themselves within the next year.

Practice: Factual or Normative?

- Psychiatrists who warn third parties and break their oath of confidentiality toward their patients are doing so without reliable evidence about whether their patients will actually become violent.
- It is desirable to tell a person she has a life-threatening illness only if 8 or more physicians agree that the likelihood of the person's dying in the next year is greater than 60%.
- Lower-income patients die more often in hospitals than wealthier patients.
- American society has made moral progress in the area of offering genuine informed consent to patients undergoing medical experiments.
- If you could only do blood-pressure screenings in one area, we should do them among the population of people most likely to have untreated high blood pressure.

Practice: Factual or Normative?

- According to the Hippocratic oath, doctors are morally obligated to refrain from abortion.
- All the people Kevorkian helped to die were people who wanted to die.
- Kevorkian is guilty of a criminal act in Michigan.
- People who smoke forfeit their right to health care for heart and lung disease.
- Nothing can justify lying to a patient.
- All people can be kept free of pain while they are dying.
A Lesson in Logic—the Basics

Premises lead to conclusions
- Premise 1: All men are mortal
- Premise 2: Socrates is a man
- Conclusion: Therefore, Socrates is mortal

For Conclusion To Be True...

- Premises need to be true
- Conclusion needs to follow logically.
- These are 2 separate conditions. ...

Consider

- This is valid reasoning:
  - All men are immortal
  - Socrates is a man
  - Socrates is immortal
- The reasoning is valid. The conclusion does logically follow, but of course the first premise is false.
Medical Ethics

Does it *logically follow*?

- It is always immoral to kill a person.
- Therefore, abortion is always immoral.

Does not follow logically. There is a hidden premise (included at right).

- It is always immoral to kill a person.
- **Abortion is the killing of an innocent person.**
- Therefore, abortion is immoral.

Overview of Ethical Theory

Discussion

- What is an ethical theory?
- The two main ethical theories: consequentialism and nonconsequentialism
- Focus on consequentialism

Three Levels of Ethical Judgment

- Particular cases: e.g., Mary’s abortion was morally wrong.
- Principles: e.g.:
  - “Abortion is wrong except to save a human life” (applies to all cases of abortion)
  - “Killing another person is wrong except in self-defense.” (applies to all cases of killing)
- The **most general** principle would apply to all actions—this is a **theory**.
A Theory is an Ethical Standard for all Actions

- An answer to the question: what makes a morally right act right?
- What do all morally right acts have in common?

Consequentialism

- The morally right act is the one with the best consequences.
- Consequentialism also called utilitarianism
- Totally future oriented: looks at results
- Certainly general enough. It can apply to all actions. But is it correct?

Are any actions good or bad in themselves?

Consequentialism:
- No: an action is right or wrong depending on whether its consequences are good or bad.
- Right is good

Nonconsequentialism
- Yes: Some actions are inherently good or bad.
- Rule-based theory
- Rights-based theory
Are any actions immoral in and of themselves?

Imagine you can save 10 children from dying of a painful disease by capturing one child from an orphanage and doing an experiment that will cause that one child a painful death.

No other way to save the 10 children.

Would it be morally okay?

Are any actions immoral in and of themselves?

Generally it’s wrong to lie to patients. But what if you judge that your patient’s life is in danger without immediate antibiotic treatment and that the only way you can get your patient to take the medications is to lie about the side effects.

Should you lie?

Wrong to break promise of confidentiality?

- Your promise your patient confidentiality (explicitly or implicitly).
- Your patient is HIV-positive and is planning to get married. He and his partner have not had sex.
- He has no intent to tell his partner about his HIV status.

Should you break the promise of confidentiality?
Nonconsequentialism: Moral Rules

- Certain moral rules define correct actions:
  - It is immoral to experiment on children or anyone without free and informed consent.
  - It is immoral to lie to patients.
  - It is immoral to breach confidentiality, a promise made between doctor and patient.
- Rights are other side of the coin of rules

Nonconsequentialism: Moral Rights

- People have a right not to be experimented on without free and informed consent
- Patients have a right of autonomy which implies a right to full information about their condition
- People have a right not to have promise of confidentiality broken.

Rules and Rights

- Moral rule applies to the person acting
- Moral right applies to the person acted upon.

| Rule: It is immoral to lie to patients | Right: patients have a right (of autonomy that implies a right) not to be lied to |
| Rule: do not breach confidentiality   | Right: patients have a right to confidentiality |
Factual/normative, lesson in logic, ethical theory

**Rules/Rights nonconsequentialist**

- If there are absolute moral rules or moral rights, then actions are inherently good or bad regardless of the consequences.
- Rules and rights can be non-absolute. Consequences may be one thing to consider but not the only thing.
  (See "prima facie rules and rights," p. 27 in "Introduction to Bioethics," and later slide)

**Consequentialist Response**

- Should not be "hung up" on rigid rules (or rights)
- Consequentialism not as crude as first appears.
- Would not condone experiments, lying, etc. in most cases
- Would not condone them if same good result possible with less harm.
- Must consider long-term and subtle consequences as well (e.g., precedent set)

**If right act is one with good consequences, what is “good”?**

- Happiness as only good
  - Bentham: quantity of pleasure
  - Mill quality as well as quantity of pleasure
- Satisfaction of preferences as the good (less paternalistic?)
  - "Preference utilitarianism"
### Main Positions

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<th><strong>Consequentialist</strong></th>
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<td>Morality of act depends entirely on results</td>
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<td>Also called “utilitarianism”</td>
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<td>Cost-benefit analysis and risk-benefit analysis are applied forms</td>
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<th><strong>Kantian</strong></th>
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<td>Opposite of consequentialism: results irrelevant</td>
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<td>Ethics based on absolute rules and rights</td>
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<td>Kant: treat people as ends, not mere means</td>
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<td>Influential in issues of informed consent</td>
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### Prima facie (non absolute) Rules and Rights

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<td>(Munson will refer to Ross’s theory of prima facie duties)</td>
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- Question: when do consequences outweigh rules and when do rules outweigh consequences?
- Ross: “use your best moral intuition”
- Big issue: what role for intuition: “principle-based ethics versus intuition.”
- Consequentialism and Kantianism are both forms of “principle-based ethics.”
- Ross’s theory of “prima facie duties” is also principle-based but adds an element of intuition.