

Ethical Analysis

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Overview

- What is ethics?
- What are the methods of ethical analysis and reflection?
- How to reach an ethical conclusion?

Medical confidentiality as an example

What is ethics?

Ethics is: *Considerations concerning how to act rightly in the real world*

Ethics is not law

No one to one correspondence between ethics and law

What is legal might not be ethical and *vice versa*

What is unethical might not be illegal and *vice versa*

Ethics is not etiquette

Ethics is not mere opinion

The 'ethical rules' of professional organisations almost always reflect other interests in addition to an interest in ethically right action (e.g. an interest in the public standing of the profession)

What are the methods of ethics 1?

1. Theory or framework driven reflection
2. Analogy driven reflection
3. Thought experiments

These are often mixed or used sequentially

What are the methods of ethics 2?

Consistency as a necessary condition of all valid argument and judgment, including ethical argument and judgment

If I have a different normative judgment about situation A and B then I have to be able to point to a normatively relevant difference between A and B

Framework driven reflection

Principle or rule based

Framework often given by the professional context

Moving forwards

1. I was given in a context of medical confidentiality
2. Therefore I cannot be divulged to agents outside the medical sphere, unless recognised exceptions a, b, c obtain

Moving backwards (e.g. in order to establish new exception or problematise existing exceptions)

- Scope of confidentiality
- Reasons for confidentiality
- Consequences of following current confidentiality 'rules'

Analogy driven reflection

1. The situation X that I am currently in is like situation Y, but in Y we act differently than we usually act in X
2. Is there a relevant difference between X and Y?
3. Am I most certain about my judgment about X or Y?

Iterative process involving situation W, Z

Very similar to classical casuistry but casuistry works by analogy/comparison with secure paradigm cases

Thought experiments

Aimed at testing our ethical judgments by reflection on an artificial case that isolates one factor of the problem (and often simplifies other factors)

e.g.

Let us imagine that there is an easily identifiable pathognomonic sign A of early Alzheimer's disease

X is the President of the USA, during a routine examination of X as part of an investigation of potential health effects of a mould outbreak in the White House you have noticed that A is present

Should you report this finding to the appropriate authorities (i.e. the Speaker of the House)?

What if you meet the Vice-President in the corridor and he asks you how the President was?

How to reach an ethical conclusion

Conclusion in relation to:

- Individual action
 1. Established principles/ rules / rules of thumb
 2. Framework driven reflection
 3. If still in doubt discuss with 'wise' colleague

- Policy formulation
 1. Framework driven reflection
 2. Analogy driven reflection