



# Ethics

# What is ethics?

**Ethics** is the discipline concerned with what is morally good and bad and morally right and wrong. The term is also applied to any system or theory of moral values or principles.

- Ethics is concerned with what is good for individuals and society and is also described as moral philosophy.
- The term is derived from the Greek word *ethos* which can mean custom, habit, character or disposition.
- Ethics covers the following dilemmas:
  - how to live a good life
  - our rights and responsibilities
  - the language of right and wrong
  - moral decisions - what is good and bad?
- Our concepts of ethics have been derived from religions, philosophies and cultures. They infuse debates on topics like abortion, human rights and professional conduct.


## 6 PRINCIPLES OF ETHICS

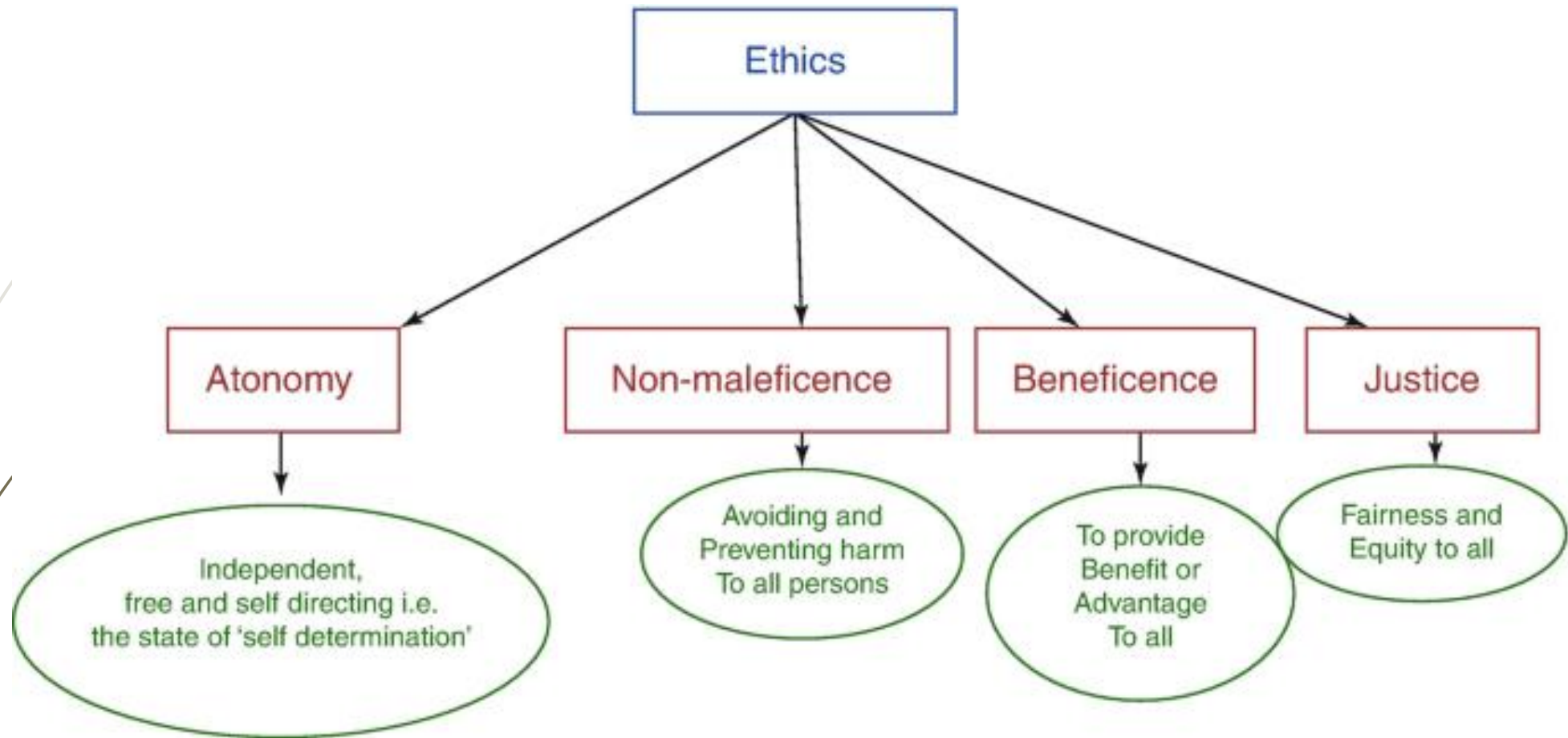




# Clinical ethics

**The four principles (or principles) of medical ethics are defined as:**

- **Autonomy** – respect for the patient's right to self-determination
  - **Beneficence** – the duty to 'do good'
  - **Non-Maleficence** – the duty to 'not do bad'
  - **Justice** – to treat all people equally and equitably.
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# Autonomy

## Case study:

- In 1914, Benjamin Cardozo, a judge in the New York Court of Appeals and later an Associate Justice of the Supreme Court, handed down a decision that formulated the principles underpinning the consent model for undertaking medical procedures.
- The case was this – following an examination, Mrs Mary Schloendorff was thought to have uterine masses. She agreed to have an examination under anaesthesia to assess whether her uterine masses were fibroids or something more sinister.
- She specifically withheld consent for any other procedure. However, upon further examination her gynaecologist found a malignant tumour and went ahead and performed a hysterectomy.
- When Mrs Schloendorff awoke, she sued the gynaecologist who had performed the surgery. Justice Cardozo then found that the gynaecologist's actions constituted medical battery. A phrase from his judgment states:
- “Every human being of adult years and sound mind has a right to determine what shall be done with his own body...”
- Justice Cardozo's two caveats are – “adult years” and “sound mind”. The patient must be ‘competent’, that is above the legal age of consent, or below that age and judged to be intellectually and emotionally competent to make their own decision. The latter is known as ‘Gillick’ competence, after the case in which that principle was stated.
- Autonomy includes a right to privacy, and hence a doctor's duty to maintain confidentiality. Hippocrates wrote: “Whatever in connection with my professional practice or not in connection with it I may see or hear in the lives of my patients which ought not be spoken abroad, I will not divulge, reckoning that all such should be kept secret.”
- But note the weasel clause, “which ought not be spoken abroad”. In Hippocrates' time, as is the case now, there are times when a doctor's duty to the community, and a general duty to prevent foreseeable harm, over rides their duty of confidentiality to an individual patient.

# Beneficence/Non-Maleficence

- **Beneficence:** Acting in the best interest of the individual; providing benefit. **Non-maleficence:** Avoiding and doing no harm to the individual.

## Case Study continued...

- In the consent case described above, Justice Cardozo added in his judgment: "A surgeon who performs an operation without his patient's consent commits an assault for which he is liable in damages. This is true except in cases of emergency where the patient is unconscious and where it is necessary to operate before consent can be obtained."
- The last sentence states the principle of 'Emergency Privilege'. Your first duty is to act in the best interests of your patients. If a patient is unconscious and there is no time to seek consent from an 'alternative decision maker', you have the right – and duty – to do whatever is necessary to protect the patient from harm. This is one aspect of Beneficence.
- It goes much further than that. The Hippocratic Oath outlined beneficence and non-maleficence two millennia before Justice Cardozo. He said: "I will follow that method of treatment which according to my ability and judgment, I consider for the benefit of my patient and abstain from whatever is harmful or mischievous."
- In earlier times, legal actions brought against doctors who had harmed patients were either criminal cases or civil cases brought in contract rather than negligence. However, after an English non-medical judgment in 1932, the modern law of negligence was defined, and medical negligence claims started to materialise



# Justice

There are three elements to Medical Justice:


- Distributive justice – fair distribution of limited healthcare resources
- Rights-based justice – respect for people's rights, such as prohibition of discrimination
- Legal justice – respect for the law.
- On an individual patient level, there are some obvious elements to 'Justice' – for example, not discriminating against patients on the basis of their colour, race, religion, etc; but can we refuse to perform cardiac surgery on a patient because they smoke? Is that discrimination – punishing the patient for not stopping – or a fair medical judgment based on their increased risk of complications at and after surgery?
- More broadly, we do our best to maintain a focus on the patient in front of us, but we are aware of the need to balance that patient's rights and needs against the need for an equitable allocation of healthcare funds and resources. Who decides what is 'equitable'? The ethical principle of Justice imposes a moral obligation to decide fairly between competing claims.





# Research Ethics

**Research ethics** provides guidelines for the responsible conduct of research. In addition, it educates and monitors scientists conducting research to ensure a high ethical standard. The following is a general summary of some ethical principles:

- **Honesty:**
    - Honestly report data, results, methods and procedures, and publication status. Do not fabricate, falsify, or misrepresent data.
  - **Objectivity:**
    - Strive to avoid bias in experimental design, data analysis, data interpretation, peer review, personnel decisions, grant writing, expert testimony, and other aspects of research.
  - **Integrity:**
    - Keep your promises and agreements; act with sincerity; strive for consistency of thought and action.
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## Continued.....

- **Carefulness:**

- Avoid careless errors and negligence; carefully and critically examine your own work and the work of your peers. Keep good records of research activities.

- **Openness:**

- Share data, results, ideas, tools, resources. Be open to criticism and new ideas.

- **Respect for Intellectual Property:**

- Honor patents, copyrights, and other forms of intellectual property. Do not use unpublished data, methods, or results without permission. Give credit where credit is due. Never plagiarize.

- **Confidentiality:**

- Protect confidential communications, such as papers or grants submitted for publication, personnel records, trade or military secrets, and patient records.



## Continued.....

### ➤ **Responsible Publication:**

- Publish in order to advance research and scholarship, not to advance just your own career. Avoid wasteful and duplicative publication.

### ➤ **Responsible Mentoring:**

- Help to educate, mentor, and advise students. Promote their welfare and allow them to make their own decisions.

### ➤ **Respect for Colleagues:**

- Respect your colleagues and treat them fairly.

### ➤ **Social Responsibility:**

- Strive to promote social good and prevent or mitigate social harms through research, public education, and advocacy.



## Continued.....

- **Non-Discrimination:**
- Avoid discrimination against colleagues or students on the basis of sex, race, ethnicity, or other factors that are not related to their scientific competence and integrity.
- **Competence:**
- Maintain and improve your own professional competence and expertise through lifelong education and learning; take steps to promote competence in science as a whole.
- **Legality:**
- Know and obey relevant laws and institutional and governmental policies.
- **Animal Care:**
- Show proper respect and care for animals when using them in research. Do not conduct unnecessary or poorly designed animal experiments.
- **Human Subjects Protection:**
- When conducting research on human subjects, minimize harms and risks and maximize benefits; respect human dignity, privacy, and autonomy.

# What are research misconducts?



- (a) **Fabrication** - making up data or results and recording or reporting them.
- (b) **Falsification** - manipulating research materials, or changing or omitting data or results such that the research is not accurately represented in the research record.
- (c) **Plagiarism** - the appropriation of another person's ideas, processes, results, or words without giving appropriate credit.
- (d) Research misconduct does not include honest error or differences of opinion.

# Animal ethics

- Animal ethics examines both human-animal relationships, and how humans should treat animals.
- Each context in which animals are used raises contentious ethical issues and difficult questions. For instance with respect to **companion animals** – is it right to keep animals as pets, and what obligations do owners have to their animals? In the case of **production animals** we can ask – how should we house animals that we will eat, and is it even appropriate to eat animals? For **animals in the wild** – what lengths should we go to to save animals that are injured, and is it okay to hunt wild animals? With respect to **animals used in research and for teaching** – is it right to kill animals for teaching, and is it appropriate to use our fellow primates in biomedical research? For **animals used for work, sport, recreation or display** – is it okay to kill animals which are unsuitable for the sports they are bred to participate in, and is it permissible to confine animals in zoos? In the case of **aquatic animals** – is it appropriate to keep large aquatic mammals in captivity, and given our growing knowledge of fish sentience, should we routinely kill and eat these creatures? These are just a sample of the many questions raised by our use of nonhuman animals.

# Ethics in Health Policy

Ethical public health practice is based on a multi-faceted balance of public and private health benefits. Whether you are practicing in the area of policy development, management of public health institutions or clinical research, the primary concerns that must be balanced are similar and include the following:

- Equitable healthcare access
  - Allocation of scarce resources
  - Informed consent and decision-making
  - Privacy and confidentiality in health data
  - Balancing civil liberties and public health
- Ethical questions related to health, health care, and public health cover topics as diverse as moral issues around reproduction, state obligations in the provision of health care services, and appropriate measures to control infectious disease. Scholars and health care professionals have debated ethical questions related to health and health care since the earliest days of medicine. Recent formal efforts to articulate international standards of ethics applicable to health and health care can be traced to the Nuremberg trials of 1947, during which the horrors of Nazi medical experiments came to light.
- The principles that emerged from those trials, known as the Nuremberg Code, are broadly applicable to many types of health-related research involving human participants, including clinical trials

# References

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