

Health Law and Ethics

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MHA 633
Ethical Guidance and Theories

Lecture 4



In the previous Lecture: Duties and Responsibilities of Physician and Patient

- ✓ Duties and responsibilities of physician
- ✓ Patients Bill of Rights
- ✓ Patients Rights
- ✓ Patients Responsibilities
- ✓ Unethical Acts
- ✓ Punishment & Disciplinary Action

Ethical Guidance and Theories

Sources of Ethical Guidance

Ethical Decision-Making Frameworks

5 A's of Ethical Decision Making



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Ethical justification

Ethical theories and principles as lenses

Ethics in Islam

What is Islamic Bioethics?



Sources of Ethical Guidance



Professional Codes

Formal sets of ethical standards from medical boards or associations.



Guidelines

Recommendations from expert bodies to inform clinical best practices.



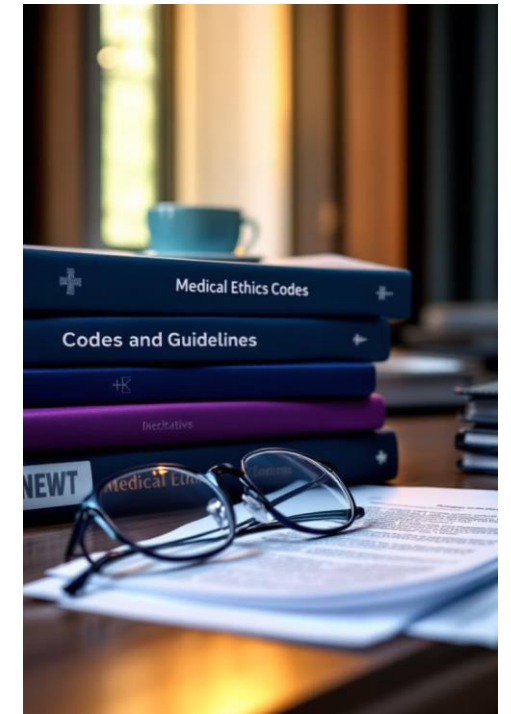
Legislation

Laws regulating patient rights and healthcare delivery.



Institutional Policies

Organizational ethics frameworks shaping day-to-day clinical behavior.



Ethical Decision-Making Frameworks

1

Identify Ethical Issues

Recognize conflicts or dilemmas affecting patient care.

2

Gather Information

Collect facts about the patient's condition and context.

3

Consider Principles

Apply beneficence, autonomy, justice, and non-maleficence.

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4

Explore Options

Evaluate possible actions and their ethical implications.

5

Make a Decision

Choose the best course respecting ethics and patient needs.

Ethical Decision-Making Frameworks

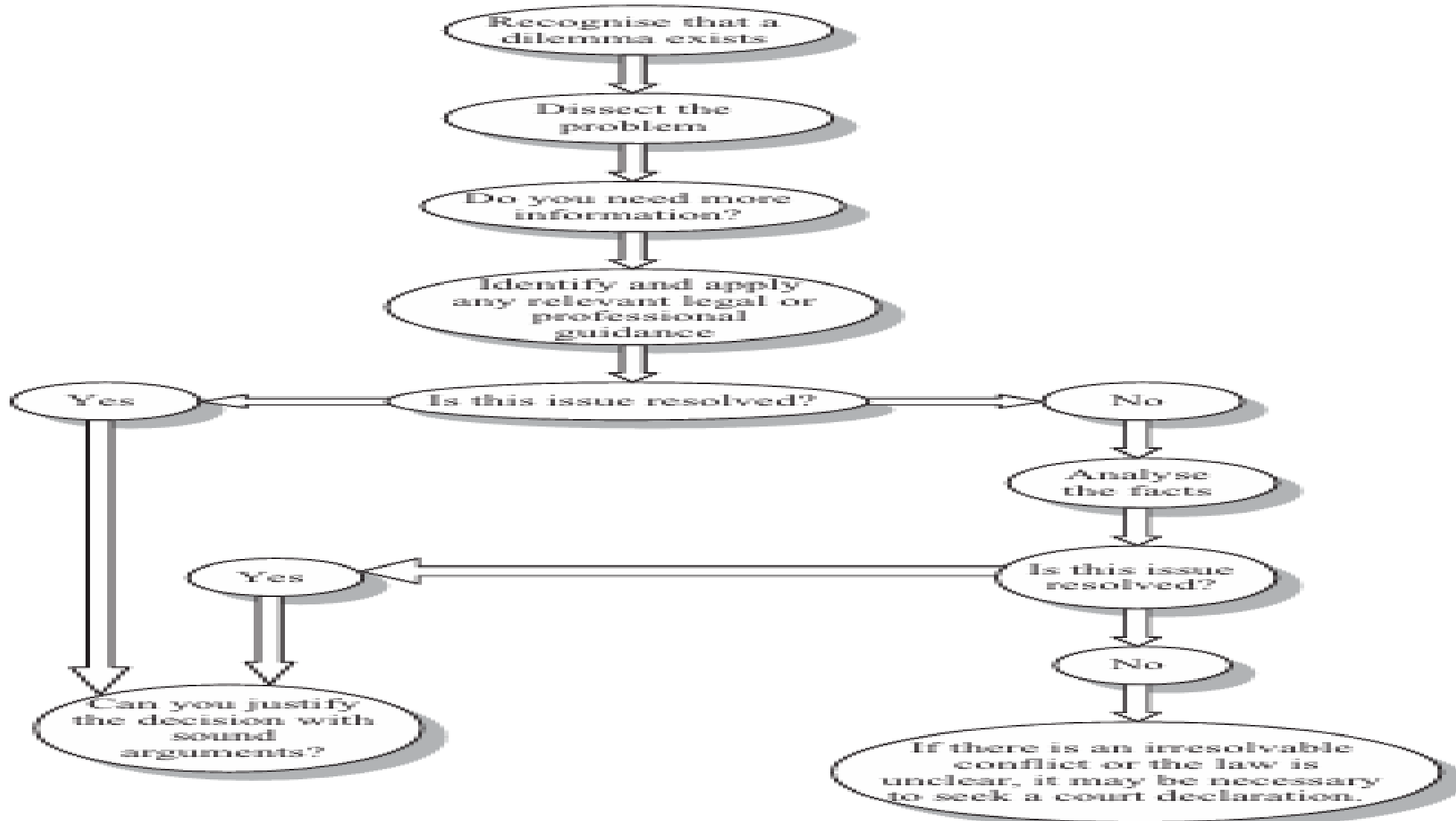
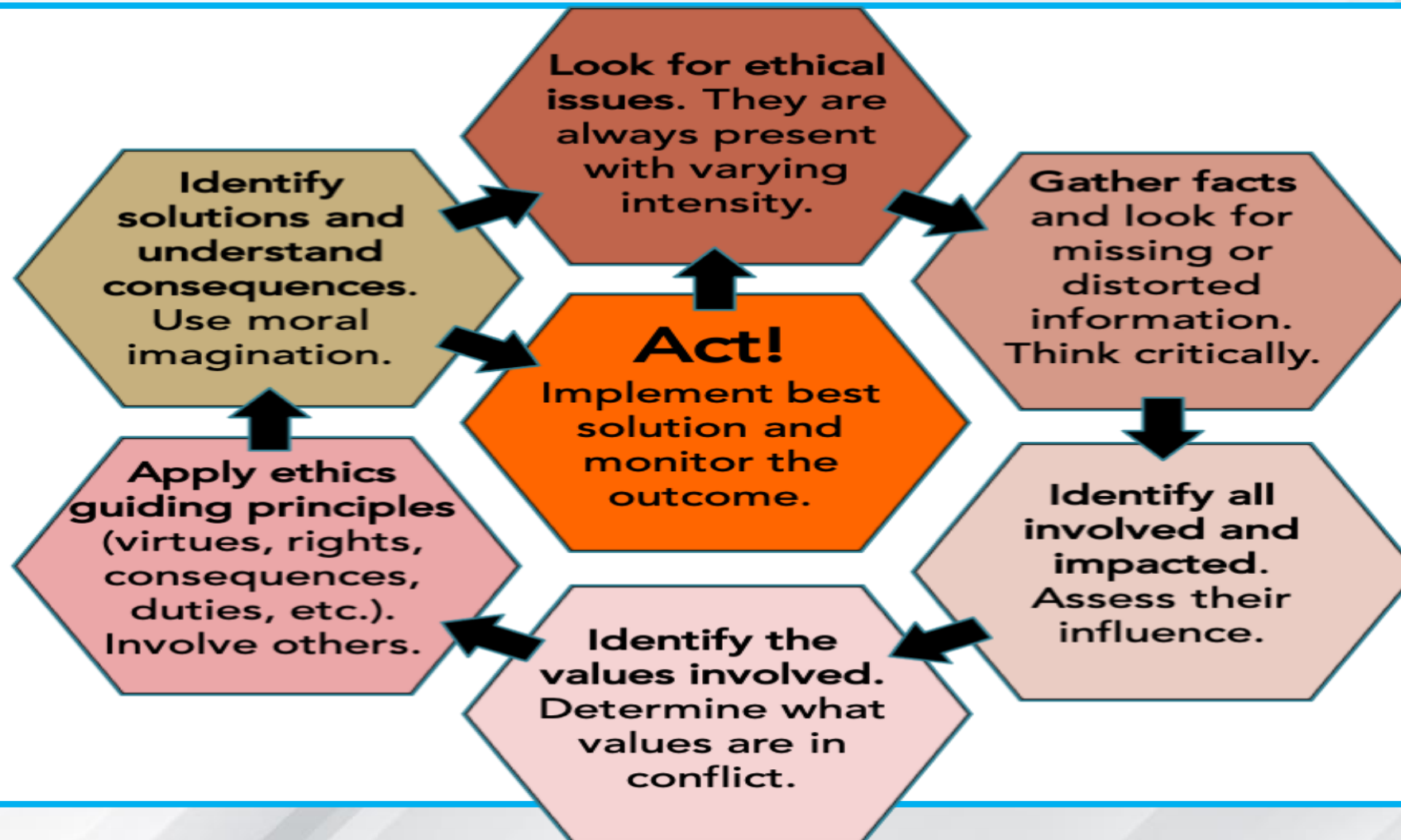
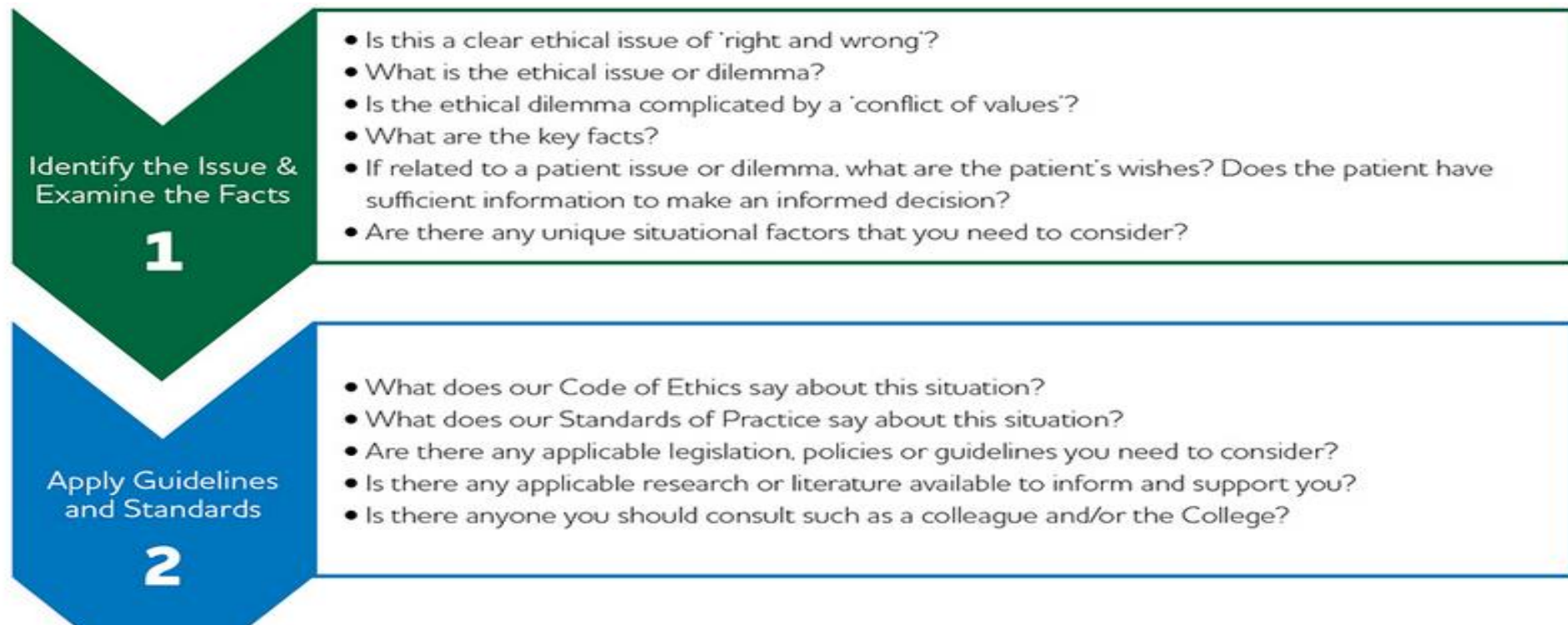


Figure 1.1 Approaching an ethical dilemma

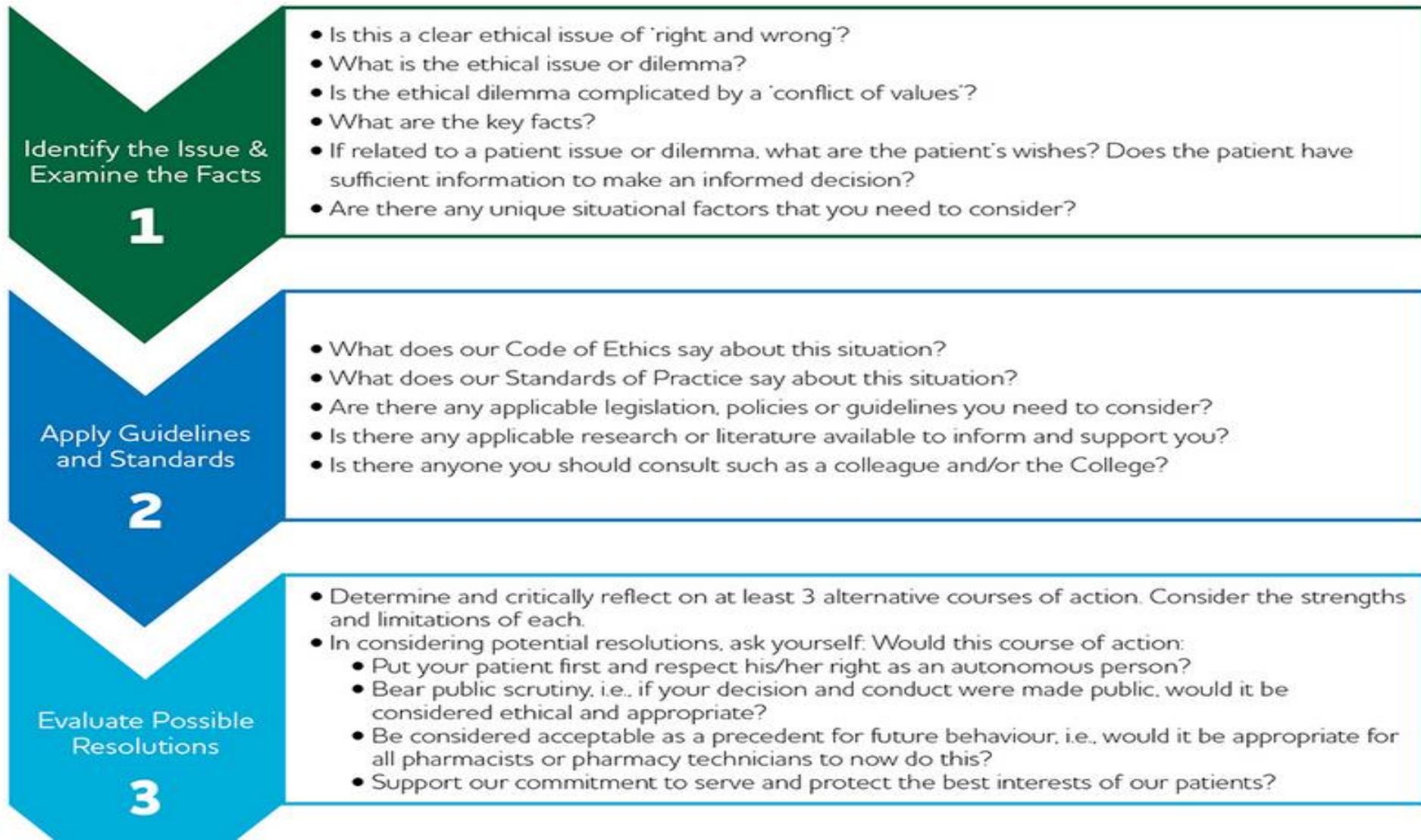
A Framework for Ethical Decision-Making



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A Framework for Ethical Decision-Making

Implement &
Document Your
Decision-Making

4

- Choose the most appropriate course of action and implement your decision.
- Document the rationale for your decision, including an explanation of how it supports the best possible health outcome for the patient.

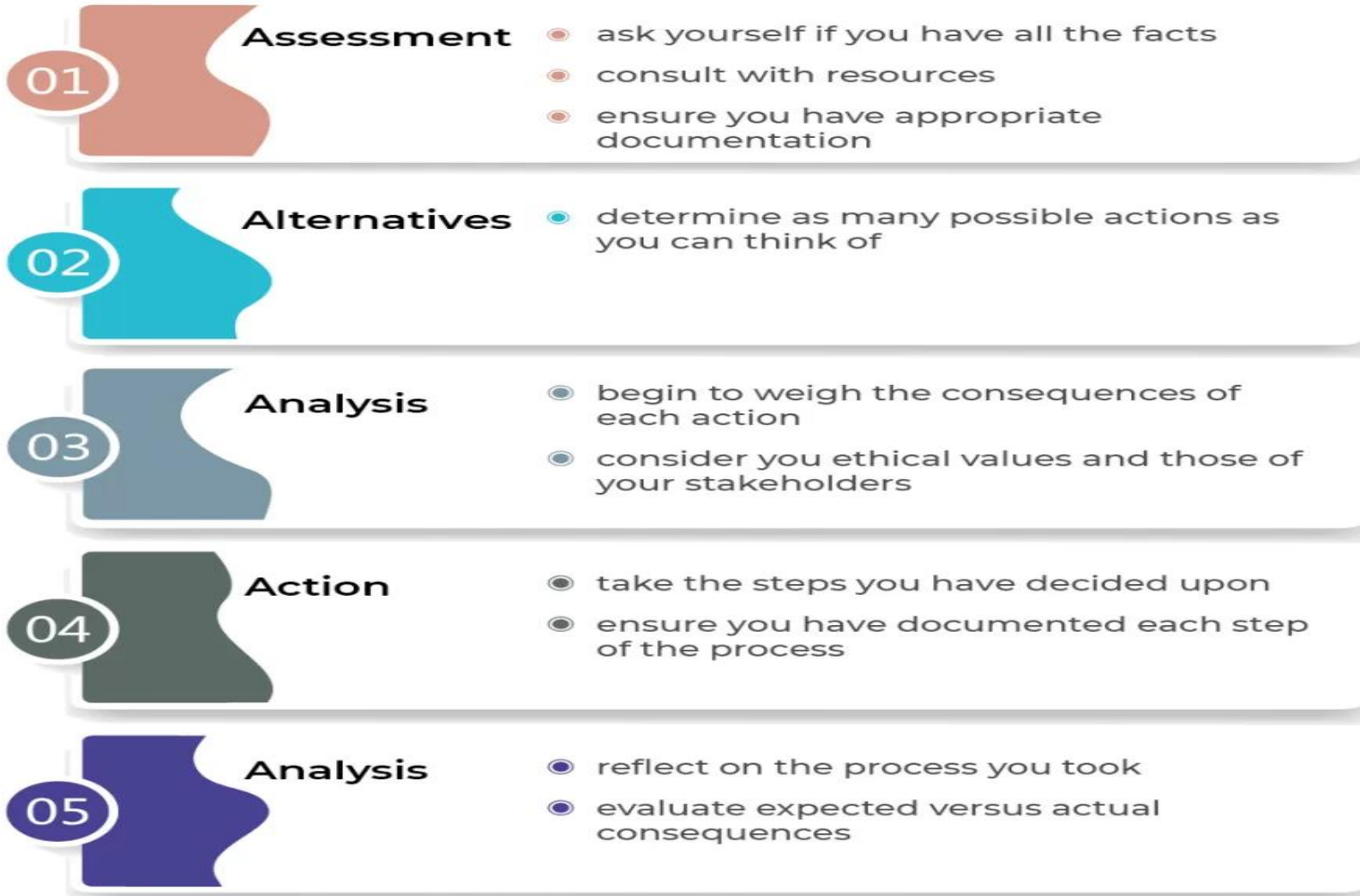
Review and Reflect

5

- Review and reflect on the outcome of your decision:
 - What did I learn from it?
 - What might I have done differently to produce a better outcome for my patient?
- Share learning with colleagues and other healthcare professionals if applicable.

5 A's of Ethical Decision Making

If you find yourself dealing with an ethical situation and needing guidance, try this adaptable but effective model that can be applied to any potential ethical problem.



Ethical justification

In ethics, the support/reasons ultimately come from moral values, principles and theories:

- “I think we should do X because A and B are really important values”
- “Y wouldn’t be appropriate because it violates principles A and B”

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- “Y wouldn’t be appropriate because it violates principles A and B”
- “X would be the right thing to do because of our obligation to do A”

Jonathan Breslin, 2006

Ethical theories and principles as lenses

“Doing bioethics well requires appeal to the insights provided by multiple theories...

the metaphor of lenses provides a more accurate and a more productive understanding of the role of theories in bioethics...”

(Sherwin, *The Politics of Women's Health*, 205).

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lenses: readily switched for a different view, can be layered; some provide clearer perceptions of problems than others, but can gain different understandings by trying different options;

challenge = seeking out best lenses for problem at hand

General characteristics of western philosophies

- **Secularism:** people are free to practice their religion but no particular religious guidance to right & wrong
- **Individualism:** *It's all about I, me and myself!*
 - The individual and nuclear family structure are the societal building block.
 - The individual's interest is what should come first (vs. more collective extended family ethics in our region)



Schools of thought in moral reasoning

- **Utilitarianism:**

the value of an action is determined by its utility; all actions should be directed toward achieving the greatest happiness for the greatest number of people.

Utilitarianism Consequences

Schools of thought in moral reasoning

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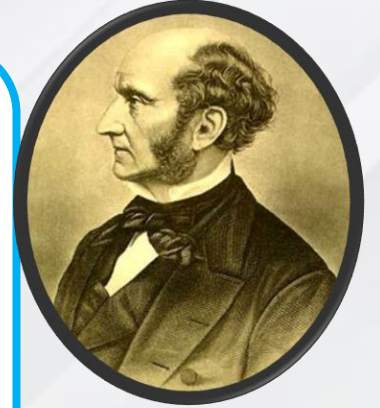
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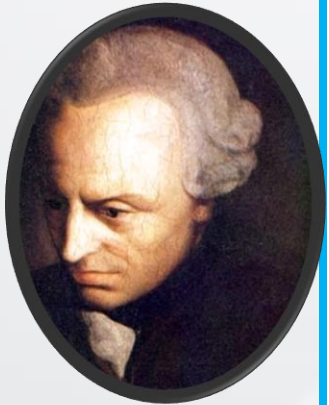
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- **Deontology Non Consequences**



Schools of thought in moral reasoning (cont.)

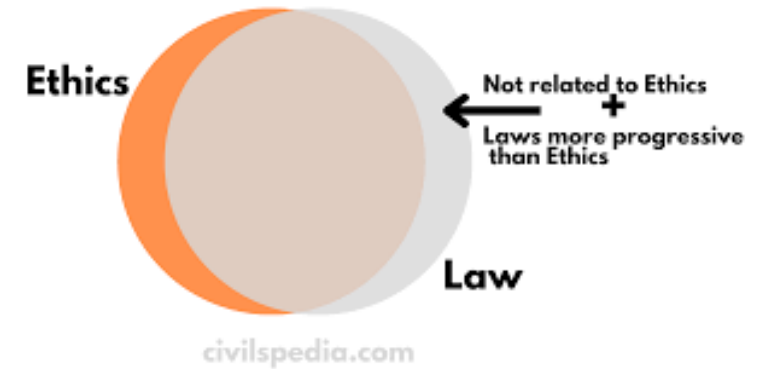
- **Feminist ethics** (Ethics of Care) commitment to correcting male biases (e.g. women's subordination is morally wrong) and that the moral experience of women is as worthy of respect as that of men.

Schools of thought in moral reasoning (cont.)

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- **Casualty**: The greatest confidence in our moral judgments resides not at the level of theory, where we endlessly disagree, but rather at the level of the case, where our intuitions often converge without the benefit of theory.

Schools of thought in moral reasoning (cont.)

- ◎ **Virtue ethics:** It emphasizes the virtues, or moral character

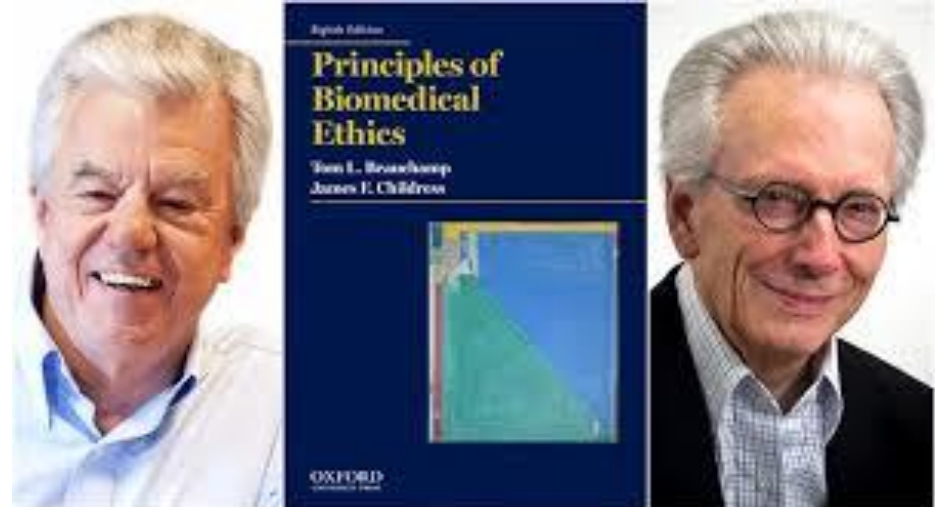


- ◎ A patient should not comply with a “don’t smoke” advice from a smoking doctor!

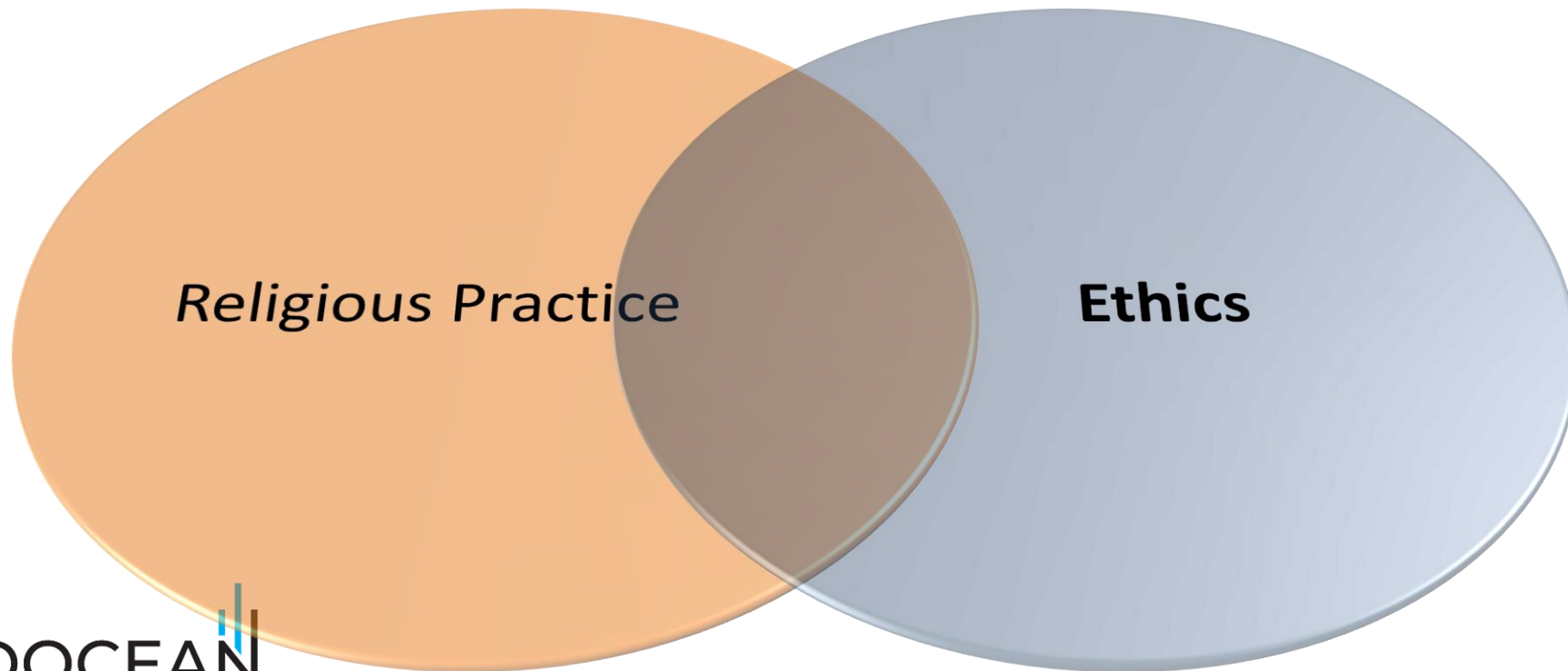
Schools of thought in moral reasoning (cont.)

◎ Principlism:

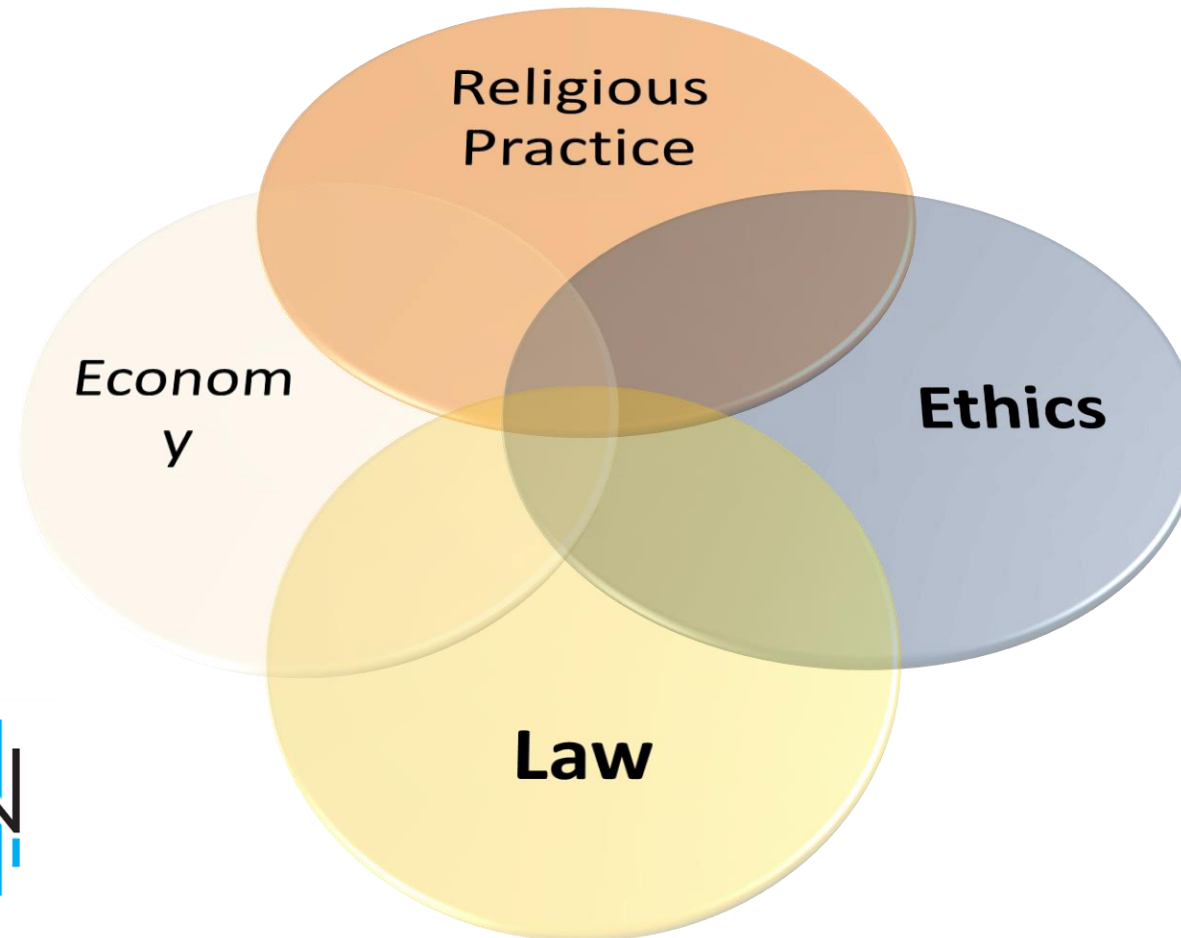
- ◎ Autonomy: respect humans' ability to choose,
- ◎ Beneficence: Do Good for others,
- ◎ Nonmaleficence (Do No Harm), &
- ◎ Justice



Ethics in Islam... not a separate entity!



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How should Muslims decide their acts?

- ▶ And I (Allâh) created not the jinn and mankind except that they should worship Me (Alone). وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ (الذاريات 56)
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- ▶ Worship in Islam includes:
 - ▶ To follow the orders of Allah and His Prophet Mohamed (PBUH)
 - ▶ “And whosoever does not judge by what Allâh has revealed, such are the *Kâfirûn* (i.e. disbelievers - of a lesser degree as they do not act on Allâh’s Laws” (5: 44); “And whosoever does not judge by that which Allâh has revealed, such are the *Zâlimûn* (polytheists and wrong-doers - of a lesser degree)” (5: 45); “And whosoever does not judge by what Allâh has revealed (then) such (people) are the *Fâsiqûn* [the rebellious i.e. disobedient (of a lesser degree)” (5: 47)

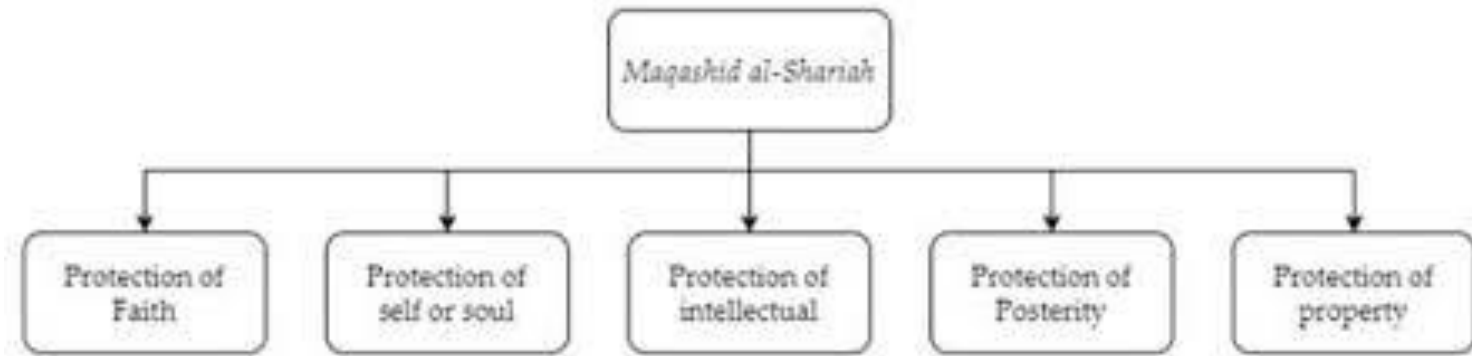
Goals of Islamic Regulations

- ◎ The **five purposes of Sharia** are to preserve persons:
 1. Religion;
 2. Soul;
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All Islamic legislations came to achieve these goals.

What is Islamic Bioethics?

- It is the methodology of
 - defining, analysing and resolving the ethical issues that arise in healthcare practice, or research;
 - based on the Islamic moral and legislative sources (Koran, Sunna & Ijtihad); and
 - aims at achieving the goals of Islamic morality (i.e. preservation of human's religion, soul, mind, wealth & progeny)



1. **The principle of Intention (Qasd):** Each action is judged by the intention behind it
2. **The principle of Certainty (Yaqeen):** Certainty cannot be removed by doubt
3. **The principle of Injury/Harm (Dharar):**

1. **The principle of Intention (Qasd):** Each action is judged by the intention behind it
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3. **The principle of Injury/Harm (Dharar):**
 - Injury should be relieved; An individual should not harm others or be harmed by others
 - - An injury is not relieved by inflicting or causing a harm of the same degree
 - - Prevention of harm has priority over pursuit of a benefit of equal worth
 - - the lesser harm is committed

Islamic Principles & Maxims ...cont.

4. The principle of **Hardship** (Mashaqqat): Difficulty calls forth ease, Necessity (Dharuraat) legalizes the prohibited
5. The principle of - **Custom** or precedent (Urf):

Islamic Principles & Maxims ...cont.

4. The principle of **Hardship** (Mashaqqat): Difficulty calls forth ease, Necessity (Dharuraat) legalizes the prohibited
5. The principle of - **Custom** or precedent (Urf):
 - Custom is recognized as a source of law on which legal rulings are based unless contradicted specifically by text from the main legislative sources, i.e. Koran and Sunna.



Conclusion

There is no fully adequate moral theory which can singly explain all ethical or moral dilemmas and none of them also can singly explain all ethical or moral dilemmas.

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None of them taken singly has the attributes of a good ethical theory: clear, coherent, complete, comprehensive, simple, practicable, and able to explain and justify. In practice more than one theory may have to be combined to solve a specific ethical issue.

Kasule, O.H. (2005) Medical Ethics from Maqasid Al Shari'at. Journal of ISHIM, 4, 1-12.
https://www.ishim.net/ishimj/jishim4_7_8/Vol4No7/kasule.doc

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Thank You