

"The role of values in a professional ethics code"

SPECIAL SESSION 012 ON ICOH CODE OF ETHICS

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30th ICOH CONGRESS, 2012
March 18-23

WHAT ARE VALUES?

- At the personal/individual level, a value is a belief about the worth or importance of anything – material object, idea, behaviour, institution, system, etc.
- At the societal/communal level, values are what any identifiable community or group of human beings cherishes, supports, promotes, protects, etc., and invests in emotionally, sentimentally, etc.
- The values of the various human communities, societies and cultures of the world are in some ways similar but also different according to their worldview, their adaptation to the environment in which they live, their historical experiences, and the daily existential problems and pressures that impinge on them
- Human values are therefore partly universal and partly relative and particularistic

[Tangwa, GB (2004), Between Universalism and Relativism: A Conceptual Exploration of Problems in Formulating and Applying International Biomedical Ethical Guidelines", *Journal of Medical Ethics*, 30 (pp. 63-67), 2004.]

VALUES ARE INEVITABLE

- We all carry our values with us wherever we are (like the tortoise its shelter), sometimes without being aware that we are.
- Values therefore play an inevitable and important role when we attempt to formulate any principles or rules of conduct.
- Any code of ethics has to be guided by moral principles which are in turn thoroughly suffused by the values of the code writer(s)

WHAT ARE PRINCIPLES?

- A principle is a **general rule or formula which acts as a standard of reference**.
- It is fundamental if it is foundational and the basis on which many particular instances and cases are evaluated.
- It is ethical if it has to do with matters of right/wrong, good/bad in human actions, conduct or behaviour.
- Principles are necessarily **universal and abstract**.
- Ideally, ethical principles are **plastically firm rather than cast-iron rigid**.
- They are **universal in their applicability** but they are **not absolute and can permit violation under justifiable circumstances**

FUNDAMENTAL PRINCIPLES OF ETHICS

- Four fundamental principles of ethics have usually been recognized and widely discussed in Western moral literature
- These principles are: **autonomy, beneficence, non-maleficence and justice**
- In simple terms, these principles have to do with **respect for all other humans as moral equals**, making sure that our actions are well-intended/motivated and calculated to **achieve good ends or results, avoiding the infliction of harm, and treating others with fairness and equity**

SCOPE AND APPLICABILITY OF THE FOUR PRINCIPLES

- The four fundamental principles of ethics are **equally relevant** and important in medical ethics, clinical ethics, bioethics, in the research review process and morality generally, within all possible contexts and perspectives.
- They are **cross-culturally valid**, although the emphasis given to each and the way they are operationalized may differ slightly from culture to culture, from place to place, from context to context, and even from time to time within the same context
- The four principles, in the terms, language and idioms they are discussed in extant literature are, of course, very much a paradigm of the western industrialized world, where their relevance and urgent applicability have been made abundantly manifest by various activities that violated or that run the risk of violating them

Tom L. Beauchamp and James F. Childress, *Principles of Biomedical Ethics* (Fifth Edition), New York: Oxford University Press, 2001.

SCOPE AND APPLICABILITY OF THE FOUR PRINCIPLES

- They, nevertheless, remain equally important even where they seem to be lying dormant, for want of stakes requiring urgent discussion and application
- Some people may never have heard of these principles or thought about them in these terms, but if they reflect on the traditional moral ideas and practices of their own traditional society they may realize that they are recognized and taken into consideration in day to day living.
- The isolation and recognition of these principles is the fruit of careful, systematic critical thinking

..AUTONOMY

- Such respect demands treating them as “ends” in themselves and never merely as “means” to any other end, treating them with consideration, giving due regard to their point of view and respecting their well-considered choices
- **Personal autonomy and freedom are ethically limited by the autonomy and freedom of other persons**; that is why in every society/community discussion, compromise, legislation are indispensable.
- The principle of autonomy accords very well with an individualistic perspective of life and may be overemphasized in discourse within individualistic cultures like Western culture
- But it is **equally important in all cultures**, including communalistic cultures like African culture, in which individuality as distinguished from individualism is also highly respected
- In health care and health research ethics, the principle of autonomy issues directly to the requirement of informed consent/refusal, which is the necessary though not sufficient condition for ethical medical research/practice on humans.
- Informed consent, which was the main preoccupation of the *Nuremberg Code*, and which is equally central in other regulatory documents, such as the *Declaration of Helsinki*, *Belmont Report*, *CIOMS International Guidelines for Biomedical Research Involving Human Subjects*, is the “centre piece” of the ethics of medical research on human subjects

...JUSTICE

- According to John Rawls, ‘Justice is the first virtue of social institutions, as truth is of systems of thought’
- ‘A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust’
- Society is a cooperative venture which calls for distributive justice – fair distribution of the burdens, goods, benefits, advantages, etc. of cooperative ventures/projects
- In biomedical research, the main collaborators include: scientists/investigators, sponsors/funders, subjects/participants
- Morality/Ethics, however, goes beyond strict justice to embrace philanthropic, altruistic and supererogatory acts/actions

[John Rawls, *A Theory of Justice* (Revised Edition), Cambridge, Massachusetts: Harvard University Press, 1971/1999

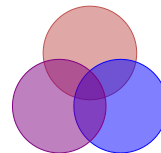
AUTONOMY

- The word *autonomy* comes from two Greek words: *nomos* (“rule”) and *autos* (“self”), giving it the literal meaning of “self-rule” or “self-governance”
- **Autonomy implies an individual who is master of himself/herself and can act, make free choices and take decisions without the constraint of another.**
- The necessary **pre-conditions of autonomy are competence** (the capacity to be a moral agent) and **liberty or freedom**.
- Individual autonomy may be diminished or completely absent, as in the case of minor children, mentally handicapped or incapacitated persons, prisoners, etc.
- The principle of autonomy is the **first, though not necessarily most important**, among the fundamental principles of ethics
- It is based on the moral imperative of respect for other **human persons as moral equals**

JUSTICE

- **Justice is fairness or desert or entitlement**; it implies **giving to each his/her due**.
- Justice requires that **“equals be treated equally and un-equals unequally”**.
- What this means is that **human beings as moral equals should be treated equally unless there is a reasonable justification for treating equals unequally or un-equals equally**.
- The general moral idea or intuition underlying the principle of justice is that which states: **“Do unto others as you would have them do unto you if you were in their place and they in yours”**

Distributive Justice?



BENEFICENCE AND NON-MALEFICENCE

- The principles of beneficence and non-maleficence are best considered together, as they are **like two sides of one and the same coin**.
- In simple terms, **beneficence means doing good** and **non-maleficence means avoiding evil/harm**.
- They are complimentary ethical principles, the one imposing affirmative duties and the other negative ones.
- In medical research ethics, the principles of beneficence and non-maleficence translate into the duties to maximize benefits while minimizing harms, especially for the research subjects.
- Both principles have been recognized in medical ethics from time immemorial

IMPORTANCE OF THE FOUR FUNDAMENTAL PRINCIPLES

- These principles are the bedrock, foundation, anchor, support and referral points of the ethics of our actions and behaviour.
- In healthcare, health research, the review process, in our daily life and actions.
- Even where they are lying dormant for want of stakes or gross violations.
- Whether we are consciously and articulately aware of them or not.
- The importance of discussing them is that we become more and more aware of them in an articulate manner as we apply them in real life situations.

Can you think of another principle you feel should be ranked with these four? Or do you think there is some prior condition which needs to be fulfilled before these principles can be applied?

..BENEFICENCE AND NON-MALEFICENCE

- That medicine aims at achieving good/benefits (beneficence) goes without saying but non-maleficence has been further emphasized and enshrined in the medical slogan "*primum non nocere*" (above all/first do no harm!)
- Generally, research, like other human activities, to be ethical, must, at least aim at achieving good while avoiding harm
- However, not all achievable good is ethically mandatory; some good is *supererogatory* (that is to say, desirable or commendable but not obligatory); but harm ought always to be avoided
- Hence, some people consider non-maleficence to be the most basic of all the cardinal principles of ethics; it lays down the least minimum condition for ethical correctness, as if to say: "even if you would not do good, at least do no harm."
- However, it is not enough that we have done no harm; **sometimes even without doing any harm we do wrong** (like the man who climbed the colanut tree).

THANK YOU MERCİ

