SECTION I

LANGUAGE OF ETHICS

What is Ethics?
The Oxford Dictionary ¹ defines Ethics as:

• moral principles that govern a person or group’s behavior;
• the branch of knowledge that deals with moral principles.

Ethics is a branch of philosophy and deals with moral rules and values relating to human conduct. The term ethics is derived from the Greek and Latin terms for customs. In short, ethics deals with decisions and judgments involving right and wrong. Our personal ethics develop throughout our lifetime. As children, we learn right and wrong from their parents and teachers. We also learn ethics behavior by being involved in community – social, religious, sports, etc. Additionally, our life experiences teach us ethics. Often in daily practice, this line between right and wrong gets blurred as our application to situations becomes more complex.

Why is this important?
Recently a U.S Congressman sent text messages of questionable innuendo along with personal pictures in minimal clothing via social media to "special" friends. Rather than admitting a mistake, the congressman repeatedly denied everything culminating in an ethics investigation and subsequent resignation².

What drives someone to think whether or not this is acceptable moral behavior?

We can say ethics is about making sound judgments, good decisions, and right choices. In health care, it is sometimes difficult to determine what the right decision is exactly. Therefore, we can also say that ethics involves making better decisions, or the best choice among multiple choices.

A student notices that although calculators are usually not allowed in their classes on tests, one teacher usually allows them. One of her classmates suggests that cheat-sheet notes can be inserted into the calculator case for use during testing. She knows other classmates have done this before, and she has read that most colleges have many students where using cheat sheets are commonplace. She wonders if this would be a wise decision.

Morals vs. Ethics
In everyday language, the words morals and ethics are often used interchangeably. This may acceptable in casual conversation, but there are distinct differences. Let’s examine the similarities and differences between the two terms.

¹ http://oxforddictionaries.com/us/definition/american_english/ethics
² http://www.nbcnews.com/id/43299964/ns/politics-capitol_hill/t/new-york-congressman-picture-was-me-i-sent-it/#.UdDVmPmThEl
The Oxford Dictionary defines Morals as:

- concerned with the principles of right and wrong behavior and the goodness or badness of human character;
- holding or manifesting high principles for proper conduct

**Morals** are ideas about what is right and wrong. For example, in a society, killing is usually wrong, whereas helping the poor is right. As RCP’s, we might specify this to suggest giving therapy that helps is right while causing pain or injury is wrong.

Morals often involve societal ideals. These may include customs, beliefs, values, or upbringing. Origins for morality in a society have been based on principles founded in religion, laws, and standards. Morality cannot be proved or measured but is more a way of thinking that is considered acceptable. It is an internal perspective about behavior that is considered right or wrong, good or bad. Morals involve personal beliefs or truths. It forms the basis for our ethical behavior.

*The nation’s organ transplant network is considering giving younger, healthier people preference over older, sicker patients for the best kidneys. Some complain that the new system might unfairly penalize middle-aged and elderly patients at a time when the overall population is getting older.*

**Ethics** are principles that guide behavior and judgment, the rules of conduct, the carrying out of what is considered right or wrong. Personal ethics describes our judgment, our decisions, our actions based on our cultural beliefs. Often our ethical perspective is guided by standards, a code of ethics, or external guidelines for behavior that are deemed acceptable. Ethical behavior is easier to measure since it often is associated with situations and circumstances, personal actions, and attributes of character, honesty, or integrity. Notice that these traits can usually be observed as they are outward, external expressions or actions that illustrate an individual’s ethical outlook.

*A passerby in a large city notices a homeless young adult who appears to have been injured, bleeding and is not communicating. The passerby calls 911. As the ambulance arrives, the paramedics call nine different hospitals but were unable to find a facility that would accept him. Finding a distant facility, the patient dies in route, in part due to the delay in receiving emergency medical care. Can and should hospitals deny access to patients regardless of their apparent socio-economic status?*

**Ethics Terminology**

Ethical principles and theories provide the foundation for ethically correct behavior, and are the basis for ethical decision-making. The guiding principles of ethical decision-making include many different concepts and terms. These principles apply to all involved in making ethical decisions. All principles must be balanced with the law, to achieve the best possible outcome for each situation. The following provides a review of these definitions:

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3 http://oxforddictionaries.com/us/definition/american_english/morals
4 *The Washington Post, February 24, 2011*
1. **Beneficence** – Moral principle that one should help others further their important and legitimate interests, either as those persons understand them or as we conceive them. Under this principle, failure to increase the good of others when one is knowingly in a position to do so is morally wrong. In short, beneficence implies striving to act to do right.

2. **Virtue ethics** – Generally, a stance that gives priority to cultivation of character traits such as benevolence, honesty, compassion, faithfulness and courage. Character ethics takes the stance that specification of obligatory actions (i.e., what one should or should not do) is less important than the cultivation of these character traits.

3. **Conflict of Interest** – A person has a conflict of interest when the person is in a position of trust which requires someone to exercise judgment on behalf of others (people, institutions, etc.) and also has interests or obligations of the sort that might interfere with the exercise of her judgment, and which the person is morally required to either avoid or openly acknowledge.

4. **Compassion** – the symbolic expression of a combination of emotions, thoughts, and or spiritual beliefs of the participants that has special meaning for the participants.

5. **Confidentiality** – The principle that one should keep one’s promises about information (re)disclosure. A subset of duties of fidelity.

6. **Duty** – Action, or an act, that is due by moral or legal obligation. Rights, grounded in core ethical principles such as autonomy, beneficence/nonmaleficence and justice, create duties -- either of non-interference (for negative rights) or for provision of social goods (positive rights).

7. **Empathy** – Caring about the consequences of one's choices as they affect others. Being concerned with the effect one's decisions have on those who have no say in the decision itself.

8. **Ethical Dilemmas** – Situations that require ethical judgment calls. Often, there is more than one right answer and no win-win solution in which we get everything we want.

9. **Euthanasia** – Euthanasia is intentionally causing the death of a person, the motive being to benefit that person, honor his/her wishes, or protect him/her from further suffering. If the motive is other than the interests of the patient, then it does not qualify as euthanasia (i.e. cost-cutting, triage, etc.).

10. **Fairness** – The ability to make judgements free from discrimination, dishonesty, or one’s own bias. It is the ability to be objective without prejudice or bias.

11. **Fidelity** – The principle that one should keep one’s promises and follow through with what he/she committed to.

12. **Facts and values** – Bifurcation of the world into statements about what are (e.g., facts) and what ought to be (e.g., values). One of the central controversies of moral philosophy is whether value judgments (including moral judgments) can ultimately be proved, verified or justified in terms of facts or rational reasoning.
13. **Governance** – The act, process or power of exercising authority or control in an organizational setting.

14. **Informed Consent/Refusal** – This is an ongoing process which helps the patient understand what he/she needs to know in order to make a treatment decision and the health care professional understand the patient's needs and concerns which might influence such a decision. Ideally, the patient makes a voluntary, informed decision regarding care.

15. **Integrity** – Making choices that are consistent with each other and with the stated and operative values one espouses; striving for ethical congruence in one’s decisions.

16. **Justice** – Commonly described as fairness. Common to all definitions of justice is the minimal principle that relevantly similar cases (persons) be treated alike.

17. **License** – a formal permission to do something; authorization by law to do something specified (to marry, hunt, practice medicine).

18. **Malpractice/Malfeasance** – Improper or negligent treatment of a patient resulting in injury damage or loss (e.g., performing a hysterectomy and leaving an instrument inside the patient).

19. **Negligence** – In law, failure to exercise the degree of care expected of a person

20. **Nonmaleficence** – Moral principle that one should refrain from harming others ("first, do no harm"). This is often ascribed to the Hippocratic Oath, but is actually not found in the oath and is most likely a summarized interpretation for clarity and simplicity.

21. **Ombudsman** – A designated neutral or impartial dispute resolution practitioner whose major function is to provide confidential and informal assistance to managers and employees and/or clients of the employer: patients, students, suppliers or customers.

22. **Rights** – That which is due to individuals, based on core ethical principles. Rights create parallel duties on the part of others, or on society as a whole. So-called negative rights are rights of non-interference (e.g., with one’s speech, conscience, associations), typically grounded in the principle of autonomy. Positive rights, by contrast, are rights of “recipience” (e.g., to education, health care), typically grounded in the principle of justice.

23. **Rules-centered Code of Conduct** – Frequently takes the form of a list of behavioral requirements, the violation of which could result in disciplinary action.

24. **Values** – The core beliefs we hold regarding what is right and fair in terms of our actions and our interactions with others. Another way to characterize values is that they are what an individual believes to be of worth and importance to their life (valuable).

25. **Veracity** – An obligation to be truthful and/or accurate. Non-deceptive.
26. **Virtues** – Positive ethical/character traits, such as benevolence, confidentiality, fairness, faithfulness, gratefulness, non-deceptiveness (truthfulness), nonmalevolence. Virtues correspond to principles or duties: beneficence, confidentiality, justice, fidelity, gratitude, non-deception (veracity), and nonmaleficence, etc.

27. **Whistleblowing** – Whistleblowing involves speaking out against wrongdoing (ethical or legal). This requires a combination of courage and good judgment on the part of the whistle-blower. The whistleblower must be able to identify the situation, the potential for harm, and the means for reporting which best protects all involved from harm. Most institutions have standards for handling different types of misconduct or potentially harmful situations in ways which protect the rights of the accused as well as the whistleblower.

**Health Care Ethics**

Health care ethics incorporate doing the right thing for the patient such as providing care and treatment that deliver medical benefits, reflect what's important to the patient's well-being, and respect what the patient wants. But it's not always easy to determine what "the right thing" is. Sometimes doctors, patients and family members are uncertain about what to do or disagree about what's best. Ethics give us a framework to help work through those uncertainties and develop a plan of action that is focused on the patient's well-being and wishes, and is respectful of the concerns of the patient's family and the patient's professional caregivers.⁸

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⁸ Health Care Ethics - Emanuel Medical Center, Turlock, CA, http://www.emanuelmedicalcenter.org/body.cfm?id=91