



# *Ethics For The Working Stiff*

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## Preamble

In the field of radiation medicine we have traditionally associated the word “ethics” with Ethics Review Boards, clinical trials and, to a lesser extent, our interactions with patients. Slowly, however, we are beginning to acknowledge that ethical behaviour needs to permeate our practice – we can’t switch it on for one aspect of our work and then switch it off for other activities. The AAPM, through its Report of TG 159, is promoting the incorporation of Ethics in training programs for medical physicists. ESTRO identifies Ethics as a component of its Core Clinical Competencies. And on-line resources developed with the radiation medicine community in mind are starting to appear. However, particularly for those of us educated in the mathematical/physical sciences the field of Ethics remains largely an enigma. We’re used to unique solutions to problems. Imagine multiple choice exam papers where the answers to all the questions are “all of the above”. And that’s the first problem this author encountered in his venture into Ethics. Of all the ethical theories and approaches which is the right one? If there’s no answer to this question then how do we know how to behave ethically in any particular situation? From my readings it seems that there is more than one theory for every ethicist who ever lived. And presumably every ethicist believes his or her theory(ies) is “correct”. For this discussion I’ve selected four groups of theories and worked from there towards a stepwise practical approach to ethical decision making. If all that is too complicated I suggest that we can always fall back on a values based approach, which I’ll discuss later. It is minimalist but does provide a simple framework for arriving at a decision which is unlikely to be criticized for being unethical.

The interpretation of the literature on Ethics is personal and subjective. You should exercise due discretion as you read through what follows. Ethics is at once fascinating and frustrating. I hope I’ve added to the fascination and not the frustration.

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## Introduction

The dictionary will tell you that Ethics, a.k.a. moral philosophy, is the science of morals where morals relates to the distinction between good and bad or right and wrong. Unfortunately dictionary definitions of ethics and related terms tend to be circular and don't necessarily aid understanding. The popular definition of ethical behaviour as that which respects the dignity of (wo)man doesn't get us much further either. However, a working and practical definition that might be helpful is: Ethics is the enquiry into why (the *telos* or purpose/goal of our existence) we should behave in certain ways and what those behaviours are. This definition elicits two questions. Is Ethics only to do with behaviours, actions and conduct or could we have unethical thoughts, for example? We can side-step this question for practical purposes as the ethical situations we face in our daily lives involve interactions with other individuals, society in some form, or our environment. In a practical sense what matters is what we actually do, not what we dream about doing. The second question is: Why are so many ethicists still involved in this enquiry into why and how we should behave? Plato did try to approach this issue in the 4th century BC through his theory of the Forms of which the highest was the Form of the Good. However, in the hierarchical social structure existing in Greece in this period, knowledge of the Forms could only be acquired by the highest stratum – the philosopher kings. It was never considered that such notions could be grasped by, or were even relevant to, us working stiff.

The genesis of Western ethical thought is generally attributed to Socrates and his philosophical descendants, Plato and Aristotle in the fifth and fourth centuries BC. Two of the best known Eastern philosophers, Siddhartha Gautama (Buddha) and Confucius both died shortly before Socrates was born in 470 BC. Returning to Western ethics, Christianity provided guidance on behaviours, particularly what not to do, and a reason for those behaviours, viz. to enjoy the afterlife. Following the widespread adoption of Christianity there was little significant action in the field of moral philosophy in the West for over 1500 years. One notable exception to this generalization was the work of St. Thomas Aquinas who attempted to provide Christianity with a more philosophical basis. In the middle of the 17th century began a period known as The Enlightenment. Until this time the Church had been accepted as the arbiter of good and bad, right and wrong, with its influence encompassing not just the moral sphere but the arts and sciences as well. It was during and after The Enlightenment that moral philosophers, although not necessarily atheists or agnostics, began to ask themselves penetrating questions that in previous times would have been addressed to the Church and the Church's answers accepted without question. More recently, in the 20th century, some philosophers have asked and answered the more fundamental question of whether the question ethics sets itself, i.e. why should we behave in certain ways and what are those behaviours, is worth asking at all. In what follows we'll look at four streams of conventional ethical thought. The first is relatively recent and not hugely popular, the following two are mainstream approaches and the fourth is one of the oldest and is now receiving a resurgence of interest. I'll suggest how these might be applied in practical situations and then propose a simple approach to everyday ethical decision making.

## Intuitionism

Intuitionism, and its close relative emotivism, are based on the notion that somehow our actions are on average both good and right. If we accept this we have to go no further in our enquiry. One argument that might appear to support this stance is that people like us have been around for ~200,000 years – a long time before Socrates – and the human race has survived. In fact, we are members of the most successful species ever to inhabit this planet. We are also, of course, distinguished from other animals by our possession of the faculty of reason which presumably gives us an advantage over other animals. As a matter of experience our intuition does guide us in many activities in our everyday lives. We rarely take the time to consciously dissect the characteristics of a particular situation in which our response is required. Intuition seems to be developed, at least partly, through our rational analysis of previous experiences and, if this is the case, a lower animal's intuition, if they possess intuition, would be different from ours. Emotivism shares with intuitionism the fact that

they are both individualistic approaches to moral behavior. Our actions start with us. There is no distinct process of inferring from previous facts, values or beliefs rules or guidance on how to behave in a particular situation, or in general. One can see why this stream of ethical thought might be of little interest to academic moral philosophers. If we accept that we know intuitively or emotionally what is good and right then there's only limited scope for further investigation. Amongst the limited options for study is the question whether, through some means, we can educate and train our intuition and emotions to enable us to function at a higher level of good and right. The fact that the human race has survived and largely thrived through the exercise of reason, intuition and emotions doesn't mean that we couldn't do even better. Perhaps we can move beyond just "getting by" to "flourishing". This is a theme to which we will return.

Intuitionism is regarded as a meta-ethical theory. One of the questions being addressed is: what is the basis of the distinction between good and bad or right and wrong? Intuitionists would say we have innate knowledge of the distinction. Normative ethics is more interested in rules or algorithms for guiding our actions in particular situations. The remaining three streams of ethical thought fall within the category of normative ethics.

## Duty Ethics

Duty ethics, or deontology, is the first mainstream ethical theory we will briefly discuss here. The basic notion is that, whether through a process of rational thought or dissemination of rules by an authority we accept, rules exist which we should follow irrespective of the predicted consequences. Organized religions are based largely, but not exclusively, on sets of rules. We, presumably, freely accept the authority of a supreme being as articulated through a religious organization and attempt to follow the rules laid down. Kant, one of the best known European philosophers, was an innovative proponent of duty ethics. He suggested that, using rational thought processes, it was possible to construct categorical imperatives. A categorical imperative is an obligation, duty or moral maxim on the individual that can be generalized to society as a whole. For example, let's consider what would happen if there were no duty "not to steal". The moral maxim could then be "we are free to steal whatever we want". If we were free to steal anything we wanted and that freedom were extended to society as a whole then essentially no-one would own anything. If no-one owns anything then stealing has no meaning and neither has our moral maxim. A similar argument can be made for other commonly accepted duties and obligations such as not telling lies. There are several problems with blind adherence to the deontological viewpoint. Ethical purists would say that you could take, say, the admonition "you should not steal" and narrow it down sufficiently that it could be generalized to society without significantly conflicting with the concept of ownership and hence the action of stealing. For example "you should not steal blue socks on Tuesdays". Such ethical purists might hold the view that, in the limit, the key feature of Kant's categorical imperative, that of generalizability to society as a whole, is not actually universal. A second, and less pedantic, concern is that however long the list of duties we deduce through the means of the categorical imperative or accept from an authority it will never cover all the nuances of the situations we are likely to encounter. We will have to invoke one or more other criteria in the course of our moral evaluation.

Notwithstanding the academic debate about the validity and applicability of the duty ethics approach, it has been clearly established in the years since the Second World War that we, in health care, have duties to patients that cannot be trumped by the ethical inclinations we might exercise in other situations. Specifically, patients must give informed consent prior to any medical procedure, the procedure must be directed towards the good of the patient and the well being of the individual patient takes precedence over societal benefit (compare with consequentialism below). Institutional Ethics Review Boards are established to ensure, as far as possible, that these ethical duties are discharged. These directives have also given rise to the notion of equipoise in clinical trials. A trial is only ethical in the absence of a reasonable expectation that a patient in one arm of the trial will do better than a patient in another arm. Clearly, if this were not the case, the patient randomized or assigned to the inferior arm would be (inadvertently presumably) sacrificing their well-being for the benefit of others in direct contravention to the ethical standards enunciated since the War and still in force.

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## Consequentialism

Utilitarianism is probably the major and best known approach within the normative ethical theory of consequentialism. Consequentialism expresses the view that our actions should be governed by the expected consequences of those actions. Within consequentialism, utilitarianism holds that the basis for the ethical decision is “the greatest good for the greatest number”. Jeremy Bentham, the father of utilitarianism, regarded good as the difference between the sum total of all the pleasure consequent upon an action minus the sum total of all the pain caused. There are clearly some issues with the uncritical adoption of this simple approach as the sole basis for ethical decision making. Among those are that the bare bones definition of utilitarianism given above ignores any notion of social justice. It’s not hard to imagine situations in which an action could lead to many experiencing pleasure while one or a few experience extreme pain, physically or emotionally. Utilitarianism, as presented above, is a simple optimization problem of the type we are familiar with in modern treatment planning. The cost function is the difference between our objectives (the sum total of the pleasure resulting from an action) and our constraints (the sum total of the pain generated). We wish to maximize the cost function. A second problem with utilitarianism is exactly analogous to the problem we face in inverse planning. What’s the best (or right) way to specify and define our objectives and constraints? In treatment planning we use points on Dose Volume Histograms not because they are ideal in some way but because we understand what they are and they are relatively straightforward to use. The relationship between DVHs and clinical outcome is tenuous at best. Apart from convenience, the choice of DVHs as the basis for optimization in radiation treatment planning seems to take us back to the notion of intuition – it just seems right! Of course, there are no agreed upon metrics for pleasure and pain, which are the inputs to the utilitarian optimization problem. A third issue with the utilitarian approach to ethical decision making is that we can never be sure of the consequences of possible actions as they lie in the future. A partial counter to this argument is that prior experience (if we possess and display Aristotle’s practical wisdom mentioned below) should be predictive to some extent of what is likely to happen. As a matter of observation it would seem that many, if not most, of our decisions are based on some sort of informal analysis or intuitive feeling about the outcome.

The classic example of the distinction between duty ethics and consequentialist ethics is the following. You capture a terrorist who has planted a bomb that, when it goes off, will kill one hundred people. Do you torture the terrorist to find out where the bomb was planted? Of course would say the subscriber to extreme consequentialism. A hundred lives saved more than outweighs the pain of one individual. Of course not would say the subscriber to extreme duty ethics. Torture is wrong in all circumstances.

## Virtue Ethics

If we now go back 2,500 years we rediscover the fourth stream of ethical thought that we will discuss here. The purpose of life for the well known Greek thinkers, Socrates, Plato and Aristotle, and particularly the latter two whom we know rather better, was not just to do what comes naturally, mindlessly follow the rules or maximize benefit. Rather, it was to flourish – to reach our full potential as rational beings. And this, they believed, we could do by living a virtuous life. It largely, but not completely, fell into abeyance in the period between the early Greeks and the middle of the last century but is now experiencing somewhat of a renaissance. So, what are virtues? Virtues are moral excellences or, more plainly said, character traits or dispositions which lead us to live and behave in particular ways. We see an immediate extension beyond the normative ethical theories we’ve discussed so far. Virtue ethics is not restricted to how we behave in a particular situation; it extends into how we should live and what dispositions we should experience. For practical purposes we can view a virtue as a quality we admire. The core virtues that Aristotle identified were courage, justice, temperance and practical wisdom. He believed these virtues could and should be taught and exercised. To repeat the key point of the virtue ethics approach: We should live and feel the virtues and not just activate them in particular situations. Current proponents of virtue ethics support the idea that while there may be core virtues that we should all possess, our professional and

personal roles entail additional virtues which we need to identify and foster. Although the words “virtue ethics” probably don’t ring a bell for most of us, the concept has actually been, and continues to be, with us. At our mother’s knee we were admonished to be brave on our first day of school (courage), not to take our sister’s toys (justice) and so on. Later in life we talk about role models. Perhaps a role model is someone who possesses one or more virtues relevant to their professional role?

## A Practical Approach

So, I’ve presented my take on four streams of ethical thought: intuitionism combined (questionably) with emotivism (meta-ethics), and deontology, consequentialism and virtue ethics (all normative ethics). Which one is right, if any? Let’s avoid this possibly meaningless question and go on to consider how we might use the intellectual exertions of our forebears to guide us in dealing with ethical situations that we face today.

If the situation we are considering involves patients we must adopt a **duty ethics** stance in the first instance. Our actions or behaviours must conform to obligations, such as Codes of Ethics and of Conduct, stipulated by Ethics Review Boards, professional organisations or our employers. This seems straightforward and unambiguous except that, as we saw in our discussion of duty ethics, it’s not possible to draft a rule or code for every possible eventuality. That being the case we have to temper the statement of our ethical duty to read that “our actions and behaviours do not conflict with stated obligations”. In non-patient activities, and in patient related activities where we are not in **conflict** with stated obligations but we are still not sure what to do, a more general approach encompassing the four ethical streams is an approach worth considering.

Aristotle, and more recent subscribers to the principles of **virtue ethics**, might suggest that if we exercise the relevant virtues we will do the right thing in any particular situation. Considering just Aristotle’s core moral virtues we would be courageous, for example whistle blowing; we would be just, for example apportioning our personal resources equitably and we would exhibit temperance, as in avoiding excess of any sort. Interpreting Aristotle’s fourth core moral virtue, frequently translated as practical wisdom, is more difficult than the other three. One reasonable interpretation is that it embodies the notions of common sense and emotional intelligence and builds on the experience we have acquired over the years. If reason has enabled us to figure out and develop the virtues appropriate to our role and intuition improves with experience then perhaps intuition, the less fashionable stream of ethical thought, plays a role in guiding the actions of the exponent of virtue ethics towards what is right.

If virtue ethics doesn’t do it for us and we are still faced with the ethical dilemma what do we do? The next place to turn to for guidance is **duty ethics** expressed through the appropriate Code of Ethics or Conduct. To re-emphasize the comment made above, in patient related issues we must not be in conflict with stated obligations irrespective of how virtuous we think we are. However, it’s an open question whether or not in general we really need to follow all the rules. I count among my values financial and job security so I would never go on record as advising anyone not to follow administrative policies and procedures no matter how ridiculous they are!

If duty ethics doesn’t do it for us either perhaps because no stated obligation applies to the specific situation we are dealing with or we choose not to closely adhere to a particular rule for whatever reason, then what do we do? The next source of guidance is the **consequentialist** stream of ethical thought. We can compare our various options for action on the basis of their broad expected outcomes prioritising them so as to maximize overall benefit. Clearly, overconfidence in our ability to predict the future could lead us down an inappropriate path so it’s best to make consequentialist based judgments acknowledging that there may be a significant margin of error.

A binary choice between duty and consequentialist ethics is not necessary. A hybrid approach is also possible. We may choose to select our course of action based jointly, with some appropriate relative weighting, on maximizing conformance with stated obligations and maximizing benefit.

## A Short Cut

Of course, we always have the option of saying that all these fancy ethical theories might be of interest to some but not to us. We just want to make a quick decision that no reasonable person could regard as unethical and then get on with something else. Is there another criterion we can apply to guide our actions? It could be argued that a behaviour or action that society will not regard as unethical is one that does not conflict with society's fundamental values. This is a very pragmatic and democratic approach to the identification of what is good or right. Before pursuing this line of thought we need to agree on what we mean by values and by society. For our purposes we can regard values as features of our individual or communal existence which are important to us. These might include, for example, freedom, personal security, friendship and honesty but not all necessarily equally weighted. The choice of appropriate reference societies against the values of which could be evaluated a proposed course of action could follow a progressive approach. For example, a medical physicist might first look for values within the national community of medical physicists, then the national community of professionals, the radiation oncology community and finally broader society. This values based approach falls into the category of practical ethics. It does not come close to probing the fundamental concepts of good or right; it does not use the sort of rational deduction employed by Kant to determine what we should do. The way I've presented this approach as avoiding conflict with society's values makes it a minimalist approach. We can use it day to day to ensure that our actions reach the level of acceptability that our reference society expects. If we practise values based ethics we are unlikely to evoke criticism from our colleagues.

## A Few Scenarios

**1. Your institution has an error reporting system and a policy that says you must report errors. However, you've reported errors before and nothing has ever changed. Furthermore, there has never been any feedback. Do you continue to report errors?**

*Consequentialist Connie:* While I'm reporting to a system that is obviously dysfunctional I could be spending more time with patients, which is far more beneficial. I'm not going to bother reporting any more errors – it's a complete waste of time.

*Dutiful Derek:* The rules say I have to report so I'm going to.

*Virtuous Valerie:* Reporting errors is the right thing to do. The system may not have worked in the past but, maybe, if we keep trying to support the initiative it will eventually become effective. I'll carry on reporting errors.

*Values Victor:* Nobody round here seems to bother so I won't either. If I get dinged for it I'm just going to say "Why pick on me: no-one else is reporting"

*What is your view?*

**Note:** If patients are involved duty always comes first.

**2. You are writing a paper. A relevant reference for your paper is to the work of a competitor who you think should have cited some of your work in one of her papers. However, there's a good chance the reviewers won't notice whether you include the reference or not. Do you include the reference?**



*Consequentialist Connie:* This paper contains some really valuable information. It could be that it goes to my competitor for review and she holds it up or rejects it because I've ignored her work. For the greater good I'm going to include the reference.

*Dutiful Derek:* There's no rule anywhere that says I have to include any particular reference so I'm not going to include it.

*Virtuous Valerie:* Just because I believe this competitor has done me down in the past is not a good enough reason to omit a relevant reference. For all I know the other authors which I'm citing could have even worse personality defects. The right thing to do is to include all relevant references irrespective of my personal feelings.

*Values Victor:* It's a dog eat dog out world out there and I'm wearing milk-bone underwear. She doesn't refer to my work in her publications and never seems to be criticized for it. Her papers still get published. That reference is out.

What is your view?

### **3. You've been offered an interview for a job that you almost certainly won't accept. Do you go for the interview with the expectation that you will be wasting their time?**

*Consequentialist Connie:* I would be wasting my time too. Anyway, they'll get something out of the process by seeing what sort of candidates are out there and I'll get more interview experience. Everyone's a winner. I'm going.

*Dutiful Derek:* I've never seen it written anywhere that you couldn't or shouldn't interview at a place that you're not interested in. I'm going.

*Virtuous Valerie:* I admire people who are straightforward. I'm going to call them, tell them exactly what the situation is and let them decide if they want to go ahead with the interview.

*Values Victor:* I asked around a few people. No-one thought it was a big deal so I'm going.

What is your view?

## Summary

To summarize, we've looked at **virtue ethics** as arguably promoting the highest level of conduct, at least one that will be admired by others. Perhaps the virtuous individual is guided by an **intuition** premised on his or her exercise of the moral excellences and does not need to analyze deeply an ethical situation and options for action. If an evaluation is required both **duty ethics** and **consequentialist ethics** are useful approaches although the relative weight applied to each may be a function of the individual and the situation. Finally, a quick practical approach is to evaluate our proposed course of action against the **values** of our reference society. Like the other approaches there is a significant element of subjectivity but if we perform a thoughtful evaluation our actions will be above criticism.

## Postscript

There you have it. Ethics is both fascinating and frustrating. This is one non-specialist's interpretation of a confusing literature. Take what you find useful and relevant and reject the rest.

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