

The Cambridge Textbook of

Bioethics

Edited by
Peter A. Singer and
A. M. Viens

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The Cambridge Textbook of Bioethics

Medicine and healthcare generate many bioethical problems and dilemmas that are of great academic, professional and public interest. This comprehensive resource is designed as a succinct yet authoritative text and reference for clinicians, researchers, bioethicists, and students seeking a better understanding of the ethical problems in the healthcare setting. Each chapter illustrates an ethical problem that might be encountered in everyday practice; defines the concepts at issue; examines their implications from the perspectives of ethics, law, and policy; and then provides a practical resolution. There are 10 key sections presenting the most vital topics and clinically relevant areas of modern bioethics. International, interdisciplinary authorship and cross-cultural orientation ensure suitability for a worldwide audience. This book will assist all clinicians in making well-reasoned and defensible decisions by developing their awareness of ethical considerations and teaching the analytical skills to deal with them effectively.

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The Cambridge Textbook of Bioethics

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Contents

List of contributors page ix
Acknowledgements xvi

1 Introduction 1
A. M. Viens and Peter A. Singer

Section I Information problems

Introduction 9
Anne Slowther

2 Consent 11
John R. Williams

3 Capacity 17
Julie Chalmers

4 Disclosure 24
Lori d'Agincourt-Canning and Carolyn Johnston

5 Voluntariness 31
Mary Jane Dykeman and Kate Dewhirst

6 Truth telling 36
Philip C. Hébert, Barry Hoffmaster,
and Kathleen C. Glass

7 Confidentiality 43
Anne Slowther and Irwin Kleinman

Section II End of life care

Introduction 51
James A. Tulsky

8	Quality end of life care Peter A. Singer, Neil MacDonald, and James A. Tulsky	53	18	Non-therapeutic pediatric interventions David Benatar	127
9	Substitute decision making Robert A. Pearlman	58	19	Child abuse and neglect Benjamin H. Levi	132
10	Advance care planning James A. Tulsky, Linda L. Emanuel, Douglas K. Martin and Peter A. Singer	65	Section IV Genetics and biotechnology		
11	Euthanasia and assisted suicide Bernard M. Dickens, Joseph M. Boyle Jr., and Linda Ganzini	72		Introduction Abdallah S. Daar	143
12	Conflict in the healthcare setting at the end of life Susan Dorr Goold, Brent C. Williams, and Robert Arnold	78	20	Organ transplantation Linda Wright, Kelley Ross, and Abdallah S. Daar	145
13	Brain death Sam D. Shemie, Neil Lazar, and Bernard M. Dickens	85	21	Regenerative medicine Heather L. Greenwood and Abdallah S. Daar	153
Section III Pregnant women and children			22	Genetic testing and screening Ruth Chadwick	160
	Introduction John Lantos	95	23	Bio-banking Bartha Maria Knoppers and Madelaine Saginur	166
14	Ethical dilemmas in the care of pregnant women: rethinking “maternal–fetal conflicts” Françoise Baylis, Sanda Rodgers, and David Young	97	24	Behavioral genetics Jason Scott Robert	174
15	Prenatal testing and newborn screening Lainie Friedman Ross	104	Section V Research ethics		
16	Assisted reproduction Roxanne Mykitiuk and Jeff Nisker	112		Introduction Richard E. Ashcroft	185
17	Respectful involvement of children in medical decision making Nuala Kenny, Jocelyn Downie, and Christine Harrison	121	25	Research ethics Eric M. Meslin and Bernard M. Dickens	187
			26	Innovation in medical care: examples from surgery Randi Zlotnik Shaul, Jacob C. Langer, and Martin F. McKneally	194
			27	Clinical trials Richard E. Ashcroft and A. M. Viens	201
			28	Epidemiological research Richard E. Ashcroft	207

29	Clinical research and the physician–patient relationship: the dual roles of physician and researcher	214
	Nancy M. P. King and Larry R. Churchill	
30	Financial conflict of interest in medical research	222
	Trudo Lemmens and Lori Luther	
31	Embryo and fetal research	231
	Ronald M. Green	

Section VI Health systems and institutions

	Introduction	241
	Ross Upshur	
32	Organizational ethics	243
	Jennifer L. Gibson, Robert Sibbald, Eoin Connolly, and Peter A. Singer	
33	Priority setting	251
	Douglas K. Martin, Jennifer L. Gibson, and Peter A. Singer	
34	Disclosure of medical error	257
	Philip C. Hébert, Alex V. Levin, and Gerald Robertson	
35	Conflict of interest in education and patient care	266
	Ann Sommerville	
36	Public health ethics	274
	Halley S. Faust and Ross Upshur	
37	Emergency and disaster scenarios	281
	Harvey Kayman, Howard Radest, and Sally Webb	
38	Rural healthcare ethics	289
	William A. Nelson and Jared M. Schmieck	
39	Community healthcare ethics	299
	Kyle W. Anstey and Frank Wagner	

Section VII Using clinical ethics to make an impact in healthcare

	Introduction	309
	Susan K. MacRae	
40	Clinical ethics and systems thinking	313
	Susan K. MacRae, Ellen Fox, and Anne Slowther	
41	Innovative strategies to improve effectiveness in clinical ethics	322
	Jennifer L. Gibson, M. Dianne Godkin, C. Shawn Tracy, and Susan K. MacRae	
42	Teaching bioethics to medical students and postgraduate trainees in the clinical setting	329
	Martin F. McKneally and Peter A. Singer	

Section VIII Global health ethics

	Introduction	339
	Solomon R. Benatar	
43	Global health ethics and cross-cultural considerations in bioethics	341
	Solomon R. Benatar	
44	Physician participation in torture	350
	Jerome Amir Singh	
45	Access to medicines and the role of corporate social responsibility: the need to craft a global pharmaceutical system with integrity	359
	Jillian Clare Cohen-Kohler and Patricia Illingworth	
46	Global health and non-ideal justice	369
	Gopal Sreenivasan	

**Section IX Religious and cultural perspectives
in bioethics**

	Introduction	379
	Joseph M. Boyle, Jr. and David Novak	
47	Aboriginal bioethics	383
	Jonathan H. Ellerby	
48	Buddhist bioethics	391
	Damien Keown	
49	Chinese bioethics	397
	Kerry W. Bowman and Edwin C. Hui	
50	Hindu and Sikh bioethics	403
	Harold Coward and Tejinder Sidhu	
51	Islamic bioethics	408
	Abdallah S. Daar, Tarif Bakdash, and Ahmed B. Khitamy	
52	Jehovah's Witness bioethics	416
	Osamu Muramoto	
53	Jewish bioethics	424
	Gary Goldsand, Zahava R.S. Rosenberg-Yunger, and Michael Gordon	
54	Protestant bioethics	430
	Merril Pauls and Roger C. Hutchinson	
55	Roman Catholic bioethics	436
	Hazel J. Markwell and Barry F. Brown	

Section X Specialty bioethics

	Introduction	445
	A. M. Viens	
56	Surgical ethics	447
	James Andrews and Larry Zaroff	
57	Anesthesiology ethics	454
	Gail A. Van Norman	
58	Critical and intensive care ethics	462
	Phillip D. Levin and Charles L. Sprung	
59	Emergency and trauma medicine ethics	469
	Arthur B. Sanders	
60	Primary care ethics	475
	Margaret Moon, Mark Hughes, and Jeremy Sugarman	
61	Infectious diseases ethics	481
	Jay A. Jacobson	
62	Psychiatric ethics	487
	Sidney Bloch and Stephen A. Green	
63	Neuroethics	495
	Eric Racine and Judy Illes	
64	Pharmacy ethics	505
	Margaret L. Eaton	
65	Alternative and complementary care ethics	513
	Michael H. Cohen	
	<i>Index</i>	521

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Introduction

A. M. Viens and Peter A. Singer

You probably faced a clinical issue today with an ethical component. Did you recognize it? Did you know how to address it? Did you have an organized framework? Did you know what to say to the patient and their family? Did you know what to do? Did you feel comfortable and confident in this aspect of your clinical practice? This book seeks to address how greater recognition of ethical issues and their resolution can improve patient care, research practices, and institutional arrangements.

What is bioethics?

Bioethics, while a modern term, is as old as medicine itself. The Code of Hammurabi and the Hippocratic Oath, for instance, include provisions concerning the importance of ethical considerations to clinical practice. In addition to its initial focus on ethical issues relevant to clinical care, bioethics concerns the moral, legal, political, and social issues raised by medicine, biomedical research, and life sciences technologies.

While bioethical considerations will remain a central aspect of medicine, it can do so at different levels. One can distinguish between three broad spheres of bioethics. The first is academic bioethics, a sphere primarily focused on how theoretical and practical aspects of medicine affect considerations such as special obligations or responsibilities of clinicians, what is valuable, good, right, etc. in the biomedical context and how one might go about

providing systematic accounts of such considerations. The second is public policy and law bioethics, where concerns lies in how legal and extra-legal institutions can and should be involved in the regulation of clinical and research practices. The final sphere is clinical ethics, and its focus is directly related to how the incorporation of bioethics into clinical practice can help to improve patient care. Indeed, as a multidisciplinary field, these spheres are often interconnected, and scholars and clinicians can work across multiple spheres. This book seeks to incorporate the best of all three spheres, with primary attention paid to clinical ethics.

Audience of the book

This book has been written with practicing clinicians (e.g., physicians, surgeons, nurses, dentists, physical/occupational/respiratory therapists, etc.) and allied health professionals (e.g., social workers, bioethicists, healthcare managers/executives, etc.) in mind, but it can also be invaluable to educators teaching bioethics in medical schools, residency programs, and continuing medical education programs. Additionally, this book will also be relevant for researchers and students in non-clinical disciplines interested in bioethics (e.g., philosophy, law, religious studies, health policy, public health, health administration/management, etc.) as illustrative of how the recognition and management of ethical issues at the clinical interface relates to theoretical considerations and organizational

structures. As such, we also expect that the book will serve as a textbook for courses in bioethics. Finally, since bioethics has moved very much to the public arena, we also anticipate that the book will be of interest to patients and the public. Its case-based approach makes it particularly accessible.

Aims of the book

Firstly, the book is meant to be *practical*. In particular, the practical aims of the book are *pedagogical* and *clinical*. The goal is to support performance (i.e., what clinicians actually do) by helping to develop awareness and skills in the analysis of normative considerations that affect clinical and research practices. All of the chapters provide guidance on applying bioethical concepts in daily practice and serve to show how the integration of such bioethical knowledge into clinical practice facilitates the ability to make well-reasoned and defensible decisions. Almost 30 years ago, Mark Siegler (1978; cf. Siegler *et al.*, 1990) emphasized that the goal of teaching bioethics is to improve the quality of patient care by identifying, analyzing, and attempting to resolve the ethical problems that arise in the practice of clinical medicine. Today, virtually all medical schools incorporate bioethics into their curricula and most regulatory authorities require the teaching of bioethics as a condition of accrediting residency programs. Clinicians desire and actively seek help with how to deal with ethical issues in clinical practice. For instance, the British Medical Association (BMA) receives several thousand enquiries about ethical issues from clinicians – indeed, in just one week, the BMA’s online ethics guidance was accessed by more than 1400 visitors (BBC, 2003).

Secondly, the book is meant to be *versatile*. Each chapter provides a focused and detailed examination of bioethical issues, which can be read sequentially, used as a reference when particular problems arise, and used as a set text in group teaching or open learning environments. While some readers will want to read all of the chapters, the book is structured in thematic sections that

provide an easy and accessible way of concentrating on how ethical issues surrounding a particular topic are connected. Professional performance with respect to bioethical matters depends on many factors, including the clinician’s values, beliefs, knowledge of ethical and legal constructs, ability to recognize and analyze ethical problems, and interpersonal and communications skills. Although this book cannot address every aspect of bioethics in medical practice, the contributors hope that it will provide a helpful starting point for clinicians, and its versatility will also serve to complement educational and training initiatives. In many cases, the relevant chapter will be all a busy clinician needs to read for help in dealing with an ethical issue faced in patient care.

Thirdly, the book is meant to be *comprehensive*. The book is comprehensive in terms of the *breadth and substance* of the over 60 chapters that are organized under 10 key sections presenting the most vital topics and clinically relevant areas in bioethics: (I) Information problems, (II) End of life-care, (III) Pregnant women and children, (IV) Genetics and biotechnology, (V) Research ethics, (VI) Health systems and institutions, (VII) Using clinical ethics to make an impact on healthcare, (VIII) Global health bioethics, (IX) Religious and cultural perspectives in bioethics, and (X) Specialty bioethics. The book is also comprehensive in terms of its *interdisciplinarity*. Chapter contributors have trained and practiced in a wide spectrum of clinical specialties and academic disciplines (e.g., medicine, surgery, pharmacy, physical medicine, law, philosophy, theology). This interdisciplinary approach will help to ensure that concepts are described faithfully with respect to their empirical context in medicine and with an understanding of their theoretic roots in ethics and law. Finally, it is comprehensive in terms of its *internationalism*; in virtue of both having expert contributors from a number of different countries (e.g., Australia, Canada, China, Israel, Oman, South Africa, Syria, UK, and USA) and ensuring that the material is internationally applicable. Clinicians become involved in healthcare choices as facilitators of the patient’s decision-making process. As such,

they need an awareness of the cultural and religious background that may influence their view of the patient's situation, as well as familiarity with religious and culturally based values different from their own. Although understanding and accommodating the unique cultural and religious views of patients – especially in relation to the ethical aspects of practice – is a critical determinant of quality of care, guidance for clinicians on how to do so is not easy to locate in the medical literature.

Structure of the book

Each chapter begins with one or more clinical cases highlighting the issue under discussion and ends with suggested approaches to these cases. The cases reflect the authors' experience and are not intended to refer to any particular patient. We have included clinical cases as a way of presenting ethical dilemmas within a specific, plausible context and providing a means of contextualizing the relevant ethical issues in terms of how they related to clinical practice (also cf. Kimball, 1995; Davis, 1999). These cases illustrate that bioethics is not an esoteric pursuit removed from the exigencies of everyday practice; rather, bioethics is in the background of every encounter between clinicians, researchers, administrators, patients, and their families. All clinicians understand why the chapters begin and end with cases – cases are how we learn medicine. As the great Canadian physician Sir William Osler (1906) said: "... the student begins with the patient, continues with the patient, and ends his studies with the patient, using books and lectures as tools, as means to an end."

Each chapter aims to answer three basic questions about the bioethical issue at hand. Firstly, *what is it?* – i.e., how the concept/issue so defined is to be understood in the context to be discussed and why it has relevance to clinical practice. Secondly, *why is it important?* – i.e., how the concept/issue has clinical relevance from the perspectives of ethics, law, policy, and empirical studies. Thirdly, *how should it be approached in practice?* – i.e., how

the concept/issue under consideration is applied and/or can be used in clinical practice to improve patient care. The chapter concludes by discussing the resolution of the case(s) introduced at the beginning of the chapter.

The book is based on the very popular 28-part series, *Bioethics for Clinicians*, published in the *Canadian Medical Association Journal* between 1996 and 2002 and edited by Peter A. Singer. These frequently downloaded articles have been used by clinicians throughout the world and have been translated into several languages. This collection, however, provides a far more comprehensive and up-to-date resource, but with the same spirit of improving clinical practice. Therefore, our goal in writing this book is to provide clinicians with the knowledge and tools they need to provide better care to patients and research subjects.

Bioethical methodologies and our approach

There are a number of different bioethical methodologies that have been advanced for the incorporation of bioethics into clinical practice. Broadly speaking, there are four such approaches (Agich, 2005).

The first is practical or applied ethics, or even an applied philosophy of medicine. This approach addresses ethical issues that arise in practice through the application of aspects of particular ethical theories, or specific notions/concepts (e.g., double effect, treatment versus enhancement distinction, etc.), to concrete clinical or research cases. The focus is not on providing a decision procedure for how to solve ethical issues but to provide theoretical framework concerning, for instance, what considerations would make an action good or a policy right. For more on this approach, see Caplan (1983), Beauchamp (1984), and Young (1986).

The second is principlism. This approach seeks to provide ethical guidance in clinical practice through a specified number of moral principles. By applying general principles to ethical problems, it

is argued that such principles do a better job of obtaining the right answer concerning what one morally ought to do compared to trying to reason through what to do in each instance. The most famous versions of bioethical principlism are articulated by Beauchamp and Childress (2001), with the principles of autonomy, beneficence, non-maleficence, and justice, or, for instance, some catholic healthcare institutions, which adopt a theologically based form of principlism. While principlism has been notably criticized for being too blunt an instrument in trying to apply a few ethical principles to all problems in all circumstances, and thus being too insensitive to the complexities and tensions inherent in morality, some forms of this approach are more multifaceted and responsive to the intricacies of moral considerations related to medicine. For more on this approach, see Clouser and Gert (1990), Daniels (1996), Richardson (2000), and Beauchamp and Childress (2001).

The third is casuistry. This case-based approach addresses ethical problems by guiding clinicians through specific issues via paradigm cases that have come up in clinical education or practice – something analogous to the use of case-based reasoning in the process of differential diagnosis. As opposed to theory-laden or top-down approaches, which apply general frameworks or concepts to particular issues when they arise, casuistry provides a bottom-up approach where clinicians use case-based reasoning to identify the morally relevant features of a situation and relate it to the specific circumstances of a previous case and its resolution. Given the prominent use of cases in clinical practice (e.g., case reports in journals, case conferences and rounds, etc.), clinicians may find this approach an appealing way to deal with ethical problems (for some of the reasons we have highlighted in the previous section). However, as a standalone bioethical methodology, the approach has been criticized for not providing a clear method for working through ethical issues. For more on this approach, see Jonsen (1991), Kopelman (1994), and Jonsen and Toulmin (1998).

The fourth is combination of techniques for identifying and resolving ethical conflicts, disagreements, and related problems. This approach treats the ethical issues that arise in clinical practice as those similar to inter-personal issues alleviated through techniques such as conflict resolution, mediation, negotiation, and arbitration. This approach has been criticized by some on the basis that, in treating ethical issues as just another set of considerations that can cause disagreement, it fails to adequately address the source of moral conflict or why we have good reasons to act one way as opposed to another in favor of securing consensus amongst participants. Admittedly, compromise plays an important role in clinical practice; however, achieving agreement for its own sake fails to appreciate sufficiently what is distinctive about moral considerations and how greater attention to resolving ethical issues can improve clinical practice. For more on this approach, see West and Gibson (1992), Dubler and Marcus (1994), and Reynolds (1994).

We believe none of these methodologies gets everything right. Since the aim of the book is not to argue for which methodology, or combinations of methodologies, is correct, we recommend that clinicians will most benefit from borrowing the best of each methodology in an effort to better recognize and resolve ethical issues in practice. Each chapter in this book contains elements of all these approaches. The chapters start and end with clinical cases, and this most resembles casuistry. In the section on why a particular topic is important, the ethics subsection will often emphasize principles and often expands this into a practical ethics approach. However, we recognize that the sources of knowledge and frameworks required by clinicians are not limited to ethics, so the chapters also review and apply relevant legal and policy frameworks to the topic. Moreover, empirical research also helps to illuminate how clinicians can effectively approach a clinical ethics problem, so we include a section on empirical studies too. The section on how a clinician should approach a particular problem in practice emphasizes the

techniques and tools a clinician can use to resolve the particular ethical challenge. Therefore, the methodology in this book can be described as a “mixed methodology” that is focused on the goal of optimally supporting clinicians in identifying and attempting to resolve ethical problems they face in actual clinical practice.

Coda: a personal reflection

One of us (PAS) has been working in the field of bioethics for almost 30 years, a pathway initiated in the following way. I finally decided to make a career of bioethics when many years ago as an intern I was caring for a young woman with disseminated cancer. She also happened to have a low phosphorus level in her blood. I realized that I could rattle off 20 causes of low phosphorus, but when it came to whether or not we were going to resuscitate this young woman when her heart stopped, we wrote that order in pencil on the nurses’ notes and rubbed it out afterwards. I thought at the time that, even if the scientific problem of low phosphorus and the bioethical issue of end of life care were equally important, the rigor with which we approached the bioethical issue was disproportionately low. In caring for many patients, I also realized that there is no “one size fits all” framework for approaching clinical problems. Clinicians have a heuristic for approaching abdominal pain and another for approaching chest pain. That is why we do not offer a single set of principles, or a decision-making rubric, to address all clinical problems. Context matters in medicine. These clinical insights and experiences have shaped a framework to approaching bioethics problems that over the years has evolved into this book.

The approach herein has also been shaped by working with my colleagues Mark Siegler and Edmund Pellegrino on a review of bioethics every 10 years. The writings of Mark and Ed are the best of class and have stood the test of time in relation to emphasizing a clinically based approach to bioethics, and how bioethics is at the moral center

of the clinician’s work. As Mark used to emphasize, the bull looks different from the stands than it does from the bullring. Another close colleague and mentor, the late Alvan R. Feinstein, emphasized this very same theme in another field – clinical epidemiology – although he was also deeply interested in the “softer” side of medicine and humanistic care. For Mark, and Ed, and Alvan, the clinical experience is everything, and they are right. This insight is infused throughout this book.

In closing, every clinician knows why bioethics is important. What is often missing is how best to approach bioethics problems in a practical way. Although a textbook can only take us so far, and dialogue, role modeling, experience, attitude, and character take us the rest of the way, we have tried herein to provide an effective textbook platform for improvements in patient care related to bioethics. If, in the course of caring for patients, you consult one of these chapters, and your care and the patient’s experience is improved as a result, we have reached our true objective in writing this book.

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SECTION I

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