

Describe or explain four of the following in about 10-15 lines each.

List of Topics for Question 1:

1) What is meant by the term 'moral theory' (as it used in philosophy)

- Merely believing something is right/wrong does not mean that it actually is--a system is needed to categorize an act as right/wrong. This is what a moral theory tries to describe.
- Systemizing right and wrong behaviour
- It's something which should tell you whether moral obligation to perform certain acts
- Meant to resolve moral dilemma and disagreements
- Not only pertain to decisions revolving around healthcare, but all decisions
- Consequentialism and non consequentialism
- Moral theory tries to answer: What is it that determines an act is right (we have an obligation to do it) and what determines that an act is wrong (we have an obligation not to do it).
- It articulates and justifies principles that can be used while making moral decisions, and as standards for actions and policies.
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2) The principle of utility, and how utilitarians would justify it (i.e. their theory of value)

- An act is morally acceptable if it the act which would have produced the most amount of overall happiness
- Most prominent form of consequentialism -- Focuses primarily on the consequences.
- The rightness or wrongness is strictly based about its usefulness (creates most amount happiness with least cost - unhappiness.)
- Since morality is an innate term, how can we measure it?
- What we can measure is happiness
- Happiness is good because that's what everyone wants
- Since we all desire happiness, we can say that we want general happiness
- Happiness is relatively uncontroversial
- Happiness is the only thing that has INTRINSIC value (which means it's good for its own sake)
- Utility = happiness and each person's happiness has the SAME value--including your own happiness.
- Used as a basis for social reform for example; slavery doesn't maximize happiness because the unhappiness of the slaves outweighs the happiness of the owner etc. Theory was also used to defend women's rights
- According to utilitarianism, necessities mean more in terms of happiness and more imp than luxuries
- For utilitarianism to be successful, one must think of what would bring the greatest happiness to not just one self but to all those involved, the decision maker must be a "benevolent spectator"
- Things of value derive from happiness
 - Truth, justice, freedom
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3) Three major objections against act utilitarianism

- Theory is too impractical
- Violate some people's rights
- Can lead to unfairness
- Gives weight to acts that are immoral/bad
- Can't account for special relationships
- Too demanding

a) Act Utilitarianism believes people should choose specific actions that will have the best outcomes (greatest amount of happiness)

Objection: We are not sure what the results of our actions will always be. Sometimes we don't know results until it actually happens, therefore, it is impractical.

b) Act Utilitarianism believes people don't have to keep a promise/pledge if another act will produce more utility.

Objection: Promises/pledges should be taken more seriously, therefore, it gives weight to acts that are immoral/bad. Society will collapse if one cannot rely on someone to keep a promise.

c) Act utilitarianism states it's okay if not everyone follows the rules sometimes, if it provides instant utility (happiness).

Objection: This can cause unfairness if a few do not follow certain rules and gain from it.

4) The distinction between act and rule utilitarianism

- Act utilitarianism applies the principle of utility to individual acts
 - Doing whatever it takes to produce the most amount of happiness
 - The principle should be applied to particular acts in particular circumstances.
 - An act is only right if no other act could produce higher utility.
 - We can usually predict the probable consequences
- Rule utilitarianism applied the principle of utility to rules
 - Doing what would maximize happiness in a society
 - Determine which rules those are and then follow them
 - Step 1 → Figure out which SYSTEM of rule, if followed, will maximize happiness
 - Step 2 → Follow those rules
 - Without such rules, chaos will ensue
 - Having a set of rules that are always observed produces the greatest social utility, this yields greater utility in long run.
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5) How rule utilitarianism would help to avoid important objections against act utilitarianism

- Protect human rights
- Realistic rule for charity (not too demanding)

- Not say 'try to maximize happiness in your actions' since people would make mistakes

6)The respect-for-persons version of the categorical imperative

- Okay to treat people as a means, but not to treat them merely as a means
- Difference between the way we treat inanimate objects and the way we treat people
- Our nature as rational, autonomous agents who have free will is what merits respect

7)Kant's universalizability test for the rightness of an act

- Identify the maxim (rule) of your act
- Suppose everyone follows the same maxim
- Consider what the result of the two would be
- If the result is a contradiction – the act is wrong
- If no contradiction results – than the act is permissible

8)W.D. Ross's "pluralist" approach to ethics

- Rejects the idea of a single moral theory
 - A single theory can't explain all right and wrong because all acts and situations are different
- Instead, doing the right thing involves following a set of principles which act as a guide (not absolute); prima facie
 - These rules should be followed unless there is a good reason not to
 - If the rules conflict, we need to make the decision for which rule may override the other

9)Virtue ethics

- Skeptical of moral rules and principles. Morality is embedded in social and cultural practices and institutions
- Goal of ethics should be to become virtuous person, to acquire the virtues, such as honesty, generosity, courage, compassion
- Being virtuous will lead one to do what is right. Morality is like a skill – requires education, training
- , and practice
- Important to try to emulate models of virtue in the past – Socrates, Buddha, Gandhi, mlk

10)Feminist criticisms of traditional Western ethics

- Not concerned enough about women's rights and issues
- Instead, they're focused on abstract, intellectual issues, and neglected oppression, political domination
- Overlooks problems in private as opposed to the public domain
- Undervalues community, peace, concepts, at the expense of emotion and feeling in ethics
- Overvalues theory, rules, and concepts at the expense of emotion and feeling in ethics

11)The difference between moral theories and moral principles

- Moral theories are complete descriptions and explanations of right and wrong
 - Meant to hold always and can never be overridden
- Moral principles are less comprehensive and relevant considerations in broad range situations
 - Can be overridden by another principle or value

12) How the utilitarian and Kantian ethical theories would justify autonomy

- Autonomy: the extent to which a person has control over their life; independence
- Instrumental value (utilitarian POV): each person is able to better know and control their own happiness
 - People get satisfaction from controlling their own lives
 - Individuality leads to new ideas, knowledge and other things which benefit humanity
- Intrinsic value Kantian POV): the ability to act autonomously is good in itself
 - Autonomy is what makes us human
 - Character traits (virtues) presuppose autonomy

13) Why the negative concept of freedom is inadequate

- Negative concept of freedom: the absence from external constraints (something that interferes with our beliefs/ desires and actions)
- Inadequate because it overlooks our decision making faculty (will)
 - External constraints not only affect a person's freedom of will but also what we freely decide to do

14) The double-decker (or hierarchical) theory of autonomy

- Autonomy is having the capacity to obtain many desires (second order)
- Critically reviewing your general desires in the world (first order)
- Autonomy is the ability to clearly identify both orders and able to change them in order to pursue a higher order.
- This allows us to understand our nature and give meaning to our life by taking responsibility of who we are

15) Three reasons for thinking that harming someone is worse than failing to help someone

- Because that is how society thinks (priority of society)
 - There is a greater moral stigma attached to harming someone
- Not harming others is easier than helping someone
 - You are putting yourself in greater risk
- Wrong to harm others for the benefit of others
 - Often times illegal
- Rules of non-maleficent (avoiding doing wrongful acts) are easier to enforce than rules of beneficence (doing the correct thing)
 - Laws are put in place to make sure wrong isn't happening (easy enough)

- In order to make sure that everyone is doing the right thing requires monitoring people

16) Three different types of justification for confidentiality in health care

- Patient is often times required to give out sensitive information in order to get the most right treatment
 - Protect the privacy of the patient
 - Protect the social status of the patient
 - Protect the economic interests of the patient
 - Promote doctor-patient communication
 - Encourage people to seek medical help
 - Promote trust between physician and patient
 - Protect the autonomy of the patient

17) The morally best course of action for Mr. I in the case study "I'm Doing the Best I Can"

- Mr. I needs to explain that she needs to get testing done and that all her information will be entirely confidential
 - We are not entirely sure if Mrs M was really raped
 - It is crucial that she gets her testing done to make sure that she is clean (of stds) and not pregnant
 - Prevent any diseases from being passed on to Mr M
- Morally, the best course of action Mr. I could take is persuading her into giving consent to do testing
 - It is important to get this testing done before accusing the pastor (person who Mrs M said raped her)
- Mrs M's does seem to have some sort of competence, as she is burdened by the event, despite the fact that her actions are not rational
- Mr I should stop attempting to treat her since it is not trained to do so, and it isn't helping him or her
- If it is deemed later on that Mrs. M is incompetent of making decision, they should follow through with the treatment she requires to achieve the right state of mind
- If Mrs M continues to refuse to do the testing, Mr I needs to take steps to determine if she is competent to make her own decisions

18) How should Mr. K respond to the administrator's request in the case study "Mommy Dearest"?

- Mr. K should not make the decision for his mother because she is capable of making decisions for herself

19) The three conditions of valid consent (explain each condition briefly)

1. **The subject must be competent** → to consent to x, one must understand that one is consenting to x - so only those capable of such understanding can give their consent. In

health care, **competence** is the ability to give genuine, informed consent to proposed treatments.

2. Consent must be informed → the patient must be informed of :

- 1- The nature of the treatment being recommended.
- 2- The expected benefits of the treatment.
- 3- The risks of the treatment.
- 4- The side effects of the treatment.
- 5- Alternative treatments or courses of action, and lastly.
- 6- The likely consequences of not having the treatment.

3. Consent must be voluntary → the patient must not be threatened, manipulated, or deceived! These are *not* compatible with genuine consent.

20) How can consent really be informed consent in health care?

- Some people have questioned the very possibility of **informed** consent in Health care.
- Informed consent does NOT require doctors to provide patients with **all the information** about their illness or possible treatments - that would be **impossible**. *Note: even a doctor does not possess ALL the information= it is not possible.
- Health care providers only need to provide patients with information that is **reasonable or appropriate** in the situation in question.

Some standards for being adequately informed are the reasonable physician standard, reasonable patient standard, and the subjective standard.

- **Reasonable Physician Standard** – patients are informed when they have been provided with the information that a typical or reasonable physician would provide in this situation.
- **Reasonable patient standard** – The information required is what a “reasonable patient” would want to have in that situation
- **Subjective Standard** – Patients count as informed only if they have been provided with information they want in this situation

21) Dr. Gawande’s arguments concerning consent-based health care in **Reading 8** (You must summarize here)

- It is important to inform the patient of their options but what if those options are not the best for the patient (as they could lead to a worsened situation)
- Is it necessary to reveal all options available or should only the most beneficial ones be revealed? Is this really informed consent then?
- Patients don’t want autonomy per se, they want competence and kindness

Present a detailed analysis of the following case study (3-5 pages)

a)(2 points) Summarize the main facts of the case

b)(2 points) Identify the important ethical issues raised by the case

c)(5 points) Explain clearly, but concisely, how utilitarianism and Kantian ethics would apply to the case. (In other word, describe how they would provide guidance in deciding what

would be the right thing to do. If you think one or both of them would not provide much guidance then explain why.)

d)(5 points) Present your own view of what the morally best course of action would be for the health care providers involved in the case to do, and support your view by argument

List of Case Studies for Question II. (Remember that the instructor (not the student) will choose one of these for you to analyze):

Reading 4: "Who Makes Decisions in Family-Centered Health Care?"

- a) (2 points) Summarize the main facts of the case
 - Mrs. N had herpes simplex virus before she met Mr. J
 - HSV is dangerous for the baby and so a C section is recommended
 - Mrs. N doesn't want Mr. J to know of her history and tells Ms. R to not tell him about it
 - Ms. R tells Mr. J about the C-section and reassures him that the baby is fine
 - He demands to know why they are performing a c-section then; he claims they are not telling him because he's not white
- b) (2 points) Identify the important ethical issues raised by the case
 - Patient confidentiality
- c) (5 points) Explain clearly, but concisely, how utilitarianism and Kantian ethics would apply to the case.
 - Utilitarian:
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 - Kantian:

Reading 5: "You're Just His Doctor, I'm His Boss"

- a) (2 points) Summarize the main facts of the case
 - Mr. F works in a lumbar and overlooks all the other employees
 - Was involved in an accident at and rushed to the ER
 - In the ER, it was overheard by an employee that Mr. F might have been intoxicated
 - Employee reported this to Mr. G (the boss)
 - Mr. G demands that Mr. F tells him the results but he wants to keep it confidential
 - So Mr G demands that Dr W tells him the results since it is work related reasons
 - Dr W tells Mr G about his results after being persuaded by him
- b) (2 points) Identify the important ethical issues raised by the case
 - When is it okay to break patient confidentiality
- c) (5 points) Explain clearly, but concisely, how utilitarianism and Kantian ethics would apply to the case.
 - Utilitarian:
 - Kantian:

Reading 13: "The Brain Dead as Teaching Materials"

- a) (2 points) Summarize the main facts of the case
- b) (2 points) Identify the important ethical issues raised by the case
 - Autonomy - patient before deceased gave them the right to use her body for medical research and by not doing this you go against her autonomy to control her own life.

c) (5 points) Explain clearly, but concisely, how utilitarianism and Kantian ethics would apply to the case.