Ethical Theory for Disasters COST IS1201 Training School

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Disaster Bioethics

cost
EUROPEAN COOPERATION
IN SCIENCE AND TECHNOLOGY

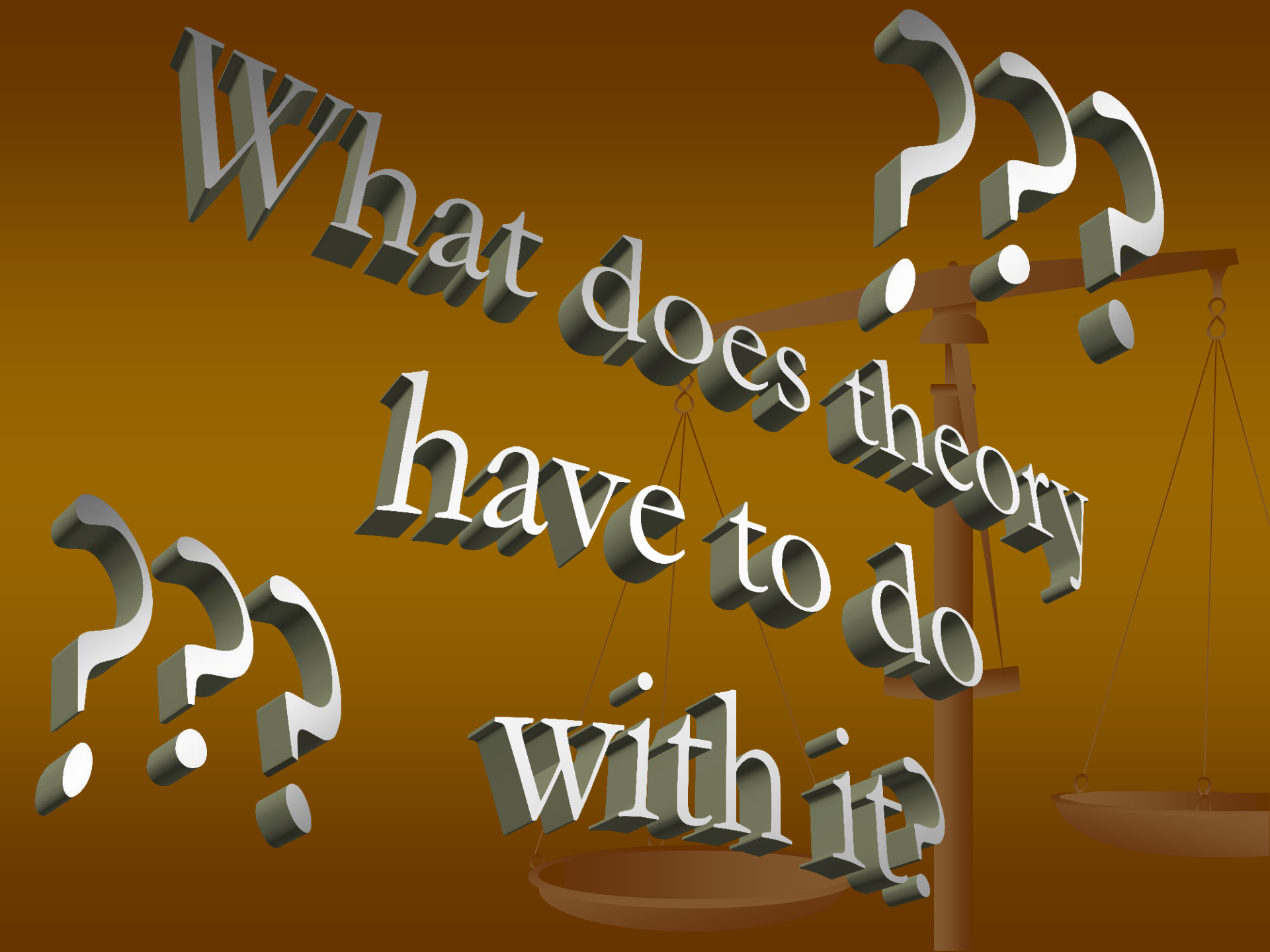
DCU

Lecture Aims

- Overview of COST IS1201: Disaster Bioethics
- Introduction to disaster bioethics
- Ethical theory
- Training School format

Definition

- A disaster is ‘an unforeseen and often sudden event that causes great damage, destruction and human suffering’ and ‘which overwhelms local capacity, necessitating a request to national or international level for external assistance.’ (www.emdat.be)


What does theory have to do with it?
???
???

Does the cause matter? Natural or human

- Natural disasters (e.g. floods, earthquakes, tsunamis)
- Technological disasters (e.g. industrial accidents, transport accidents)
- Conflict situations
- Complex emergencies

Our origins

The Cochrane Collaboration
Working together to provide the best evidence for health care

Evidence Aid Project

evidence aid

- O'Mathúna DP. Conducting research in the aftermath of disasters: ethical considerations, *Journal of Evidence-Based Medicine* 3.2 (2010): 65-75.

Brocher Foundation Symposium

- Geneva, April 3-4, 2011
- Funded by:

FONDATION BROCHER

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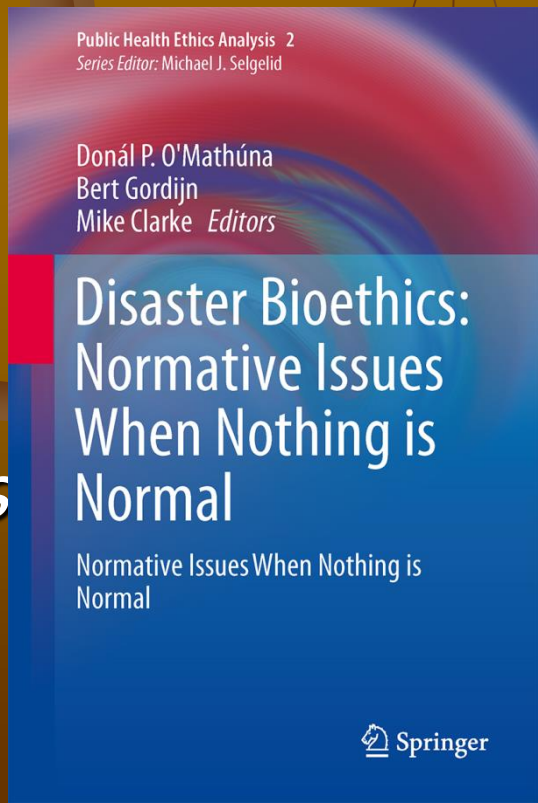
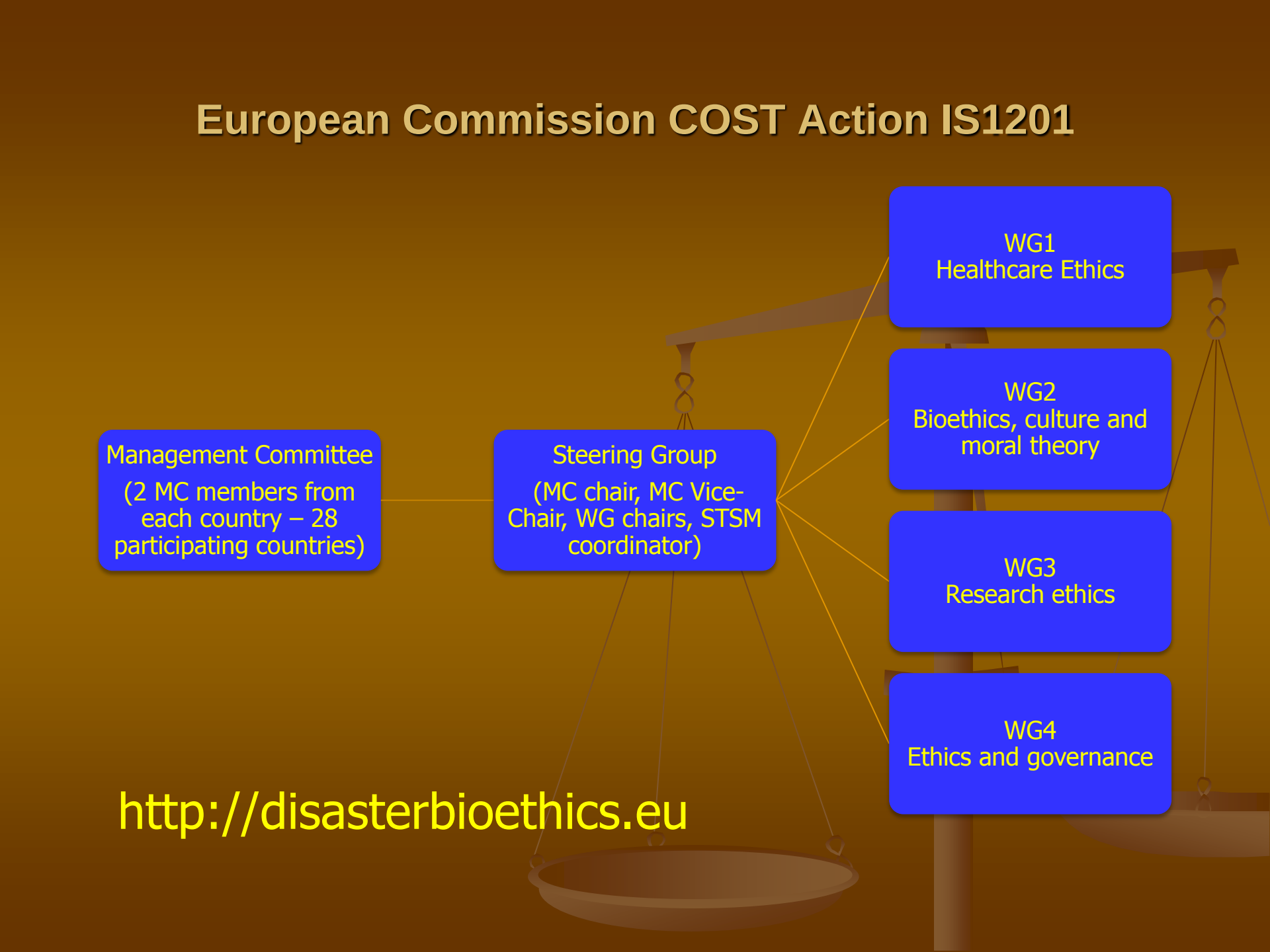
THE COCHRANE COLLABORATION®

PORTICUS UK

- O'Mathúna, Gordijn, & Clarke, *Disaster Bioethics: Normative Issues when Nothing is Normal* (Springer, 2014). See "My Copy" instructions.



European Commission COST Action IS1201



http://disasterbioethics.eu

Working Group 1: Healthcare ethics

Taking care of patients

Taking care of responders

- A doctor from Pakistan doing disaster relief in Pakistan:
  - *`He constantly was finding himself troubled by moral and ethical dilemmas… his mind and body had suffered enough and could not cope any more. His sleep was disturbed by nightmares, and he had outbursts of anger. His relations with colleagues deteriorated… He had lost all interest in life, and he was overwhelmed with the guilt of not having done enough.'*
    - Bilal MS, et al. *Prehospital and Disaster Medicine* 2007;22:458-461

Haiti 2010, Nathalie

- http://www.pri.org/stories/2010-02-23/doctors-face-ethical-decisions-haiti

Working Group 2: Bioethics, culture & moral theory

- Vulnerability
- Human dignity
- Religious influences

Vulnerable groups

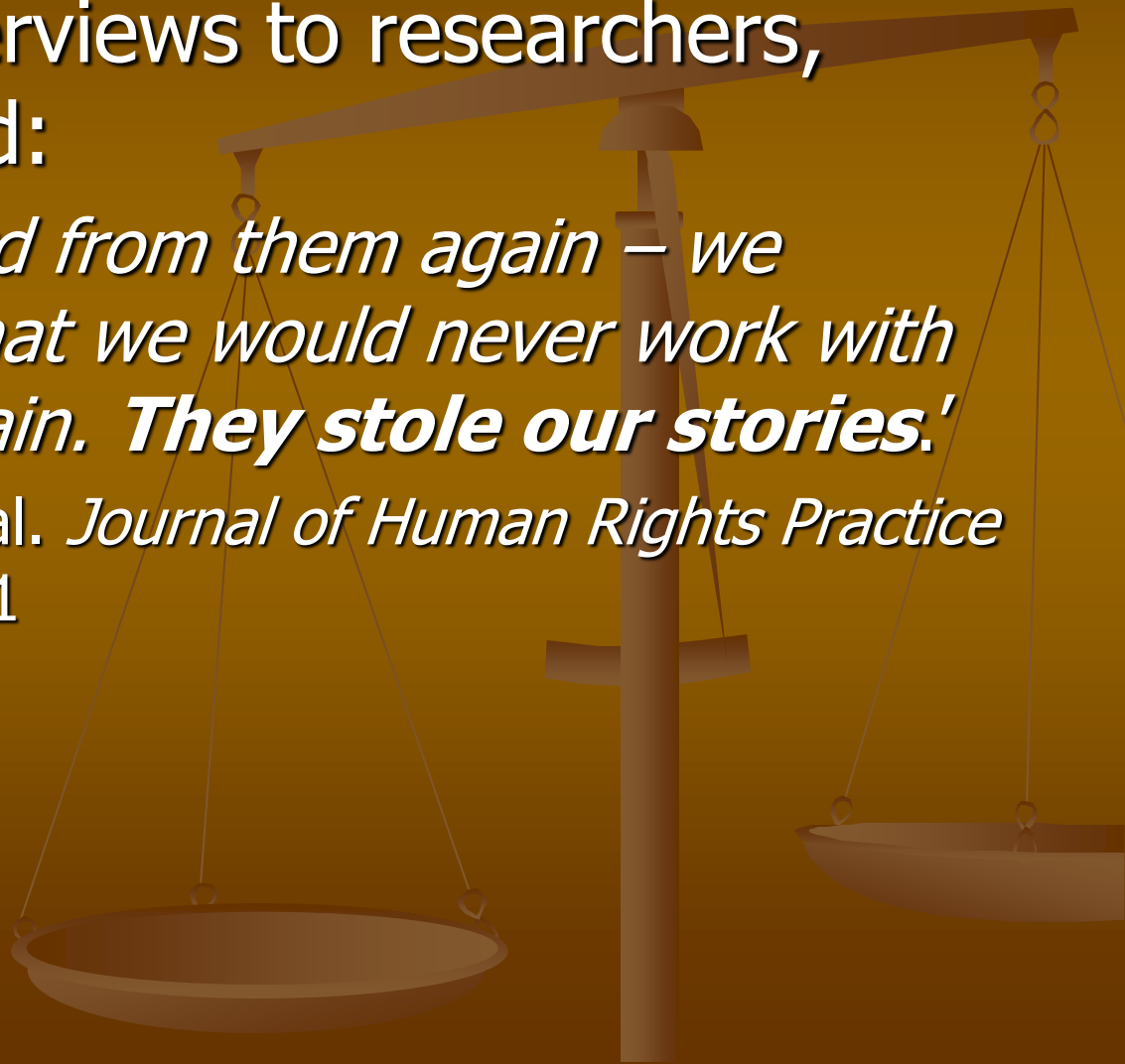
- Women suffer disproportionately more than men during disasters.
  - Women and children 14 times more likely to die than men in disasters
  - 2004 Tsunami: 3 times more women died v men
- Older people suffer more and include more women.
- Women are more likely than men to live in poverty.
- Cultural issues: permission to leave home

- Rape and gender-based violence
  - Sierra Leone: 95% report sexual harassment
  - "*no privacy for dressing or bathing*" (Save the Children Sweden, 2008)
- Gender-based violence in Mississippi:
  - 4.6 per 100,000/day before Hurricane Katrina
  - 16.3 per 100,000 /day 1 year after Katrina

Working Group 3: Research ethics

- '*… much of the existing operational research related to emergencies and disasters lacks consistency, is of poor reliability and validity and is of limited use for establishing baselines, defining standards, making comparisons or tracking trends.*'
  - UN International Strategy for Disaster Reduction, *Hyogo Framework for Action 2005-2015*, Mid-Term Review 2011.

- After giving interviews to researchers, women reported:
  - '*We never heard from them again – we decided then that we would never work with researchers again.* ***They stole our stories***.'
    - Pittaway E, et al. *Journal of Human Rights Practice* 2010;2:229-251



- ‘While regulations and ethical approval processes are valuable, they are not sufficient to ensure that intervention studies are carried out to the highest ethical standards. Ethical research requires ethical researchers, which points to the importance of character development in research training.’
  - O’Mathúna DP. “Ethical Considerations in Designing Intervention Studies,” in *Intervention Research.* Ed. BM Melnyk & D Morrison-Beedy, pp. 75-89. New York: Springer Publishing, 2012

Working Group 4: Ethics and governance

International Federation of Red Cross and Red Crescent Societies

Chief Medical Advisor

United Nations Educational, Scientific and Cultural Organization

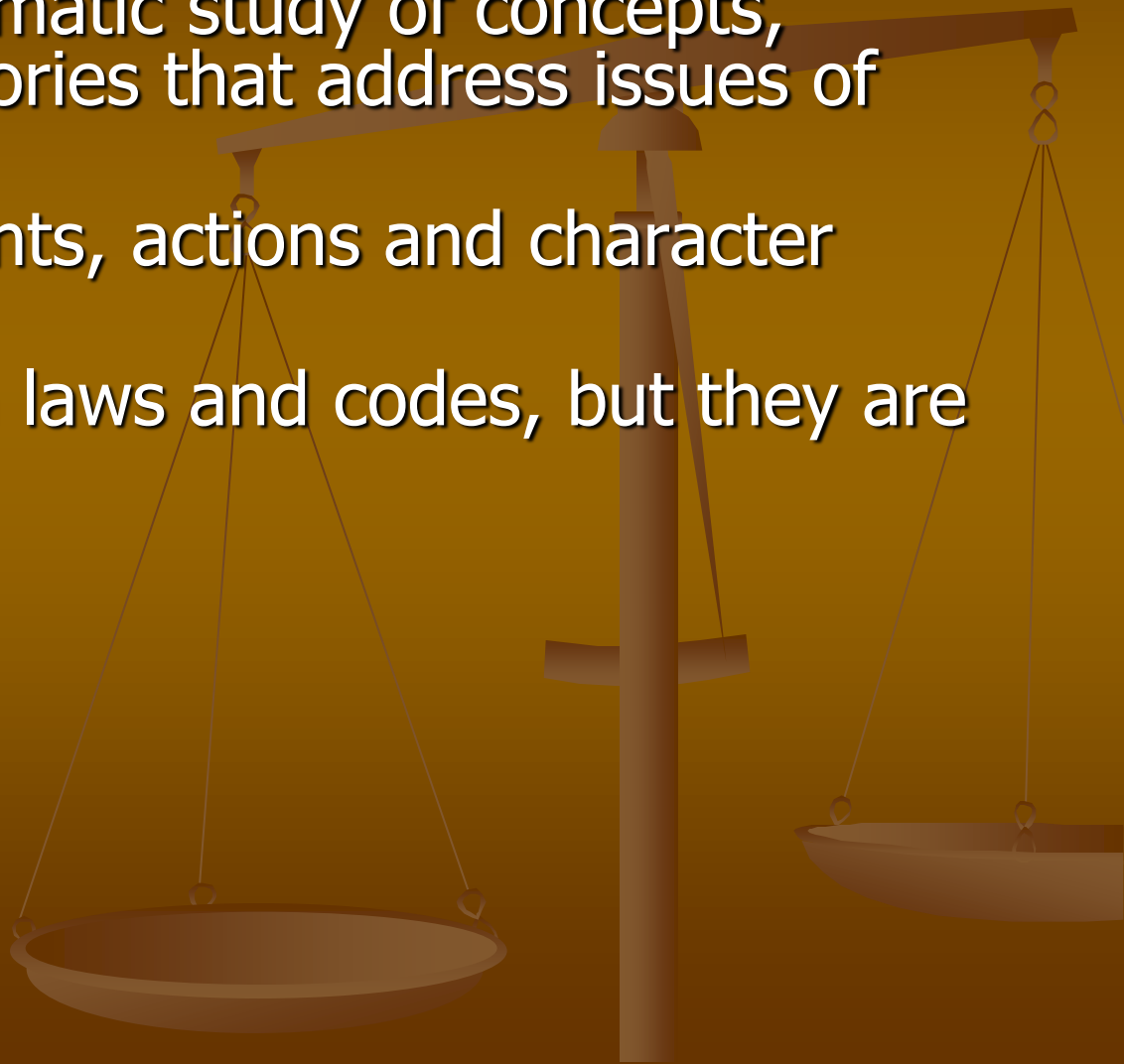
Chief of Bioethics Section

World Health Organization

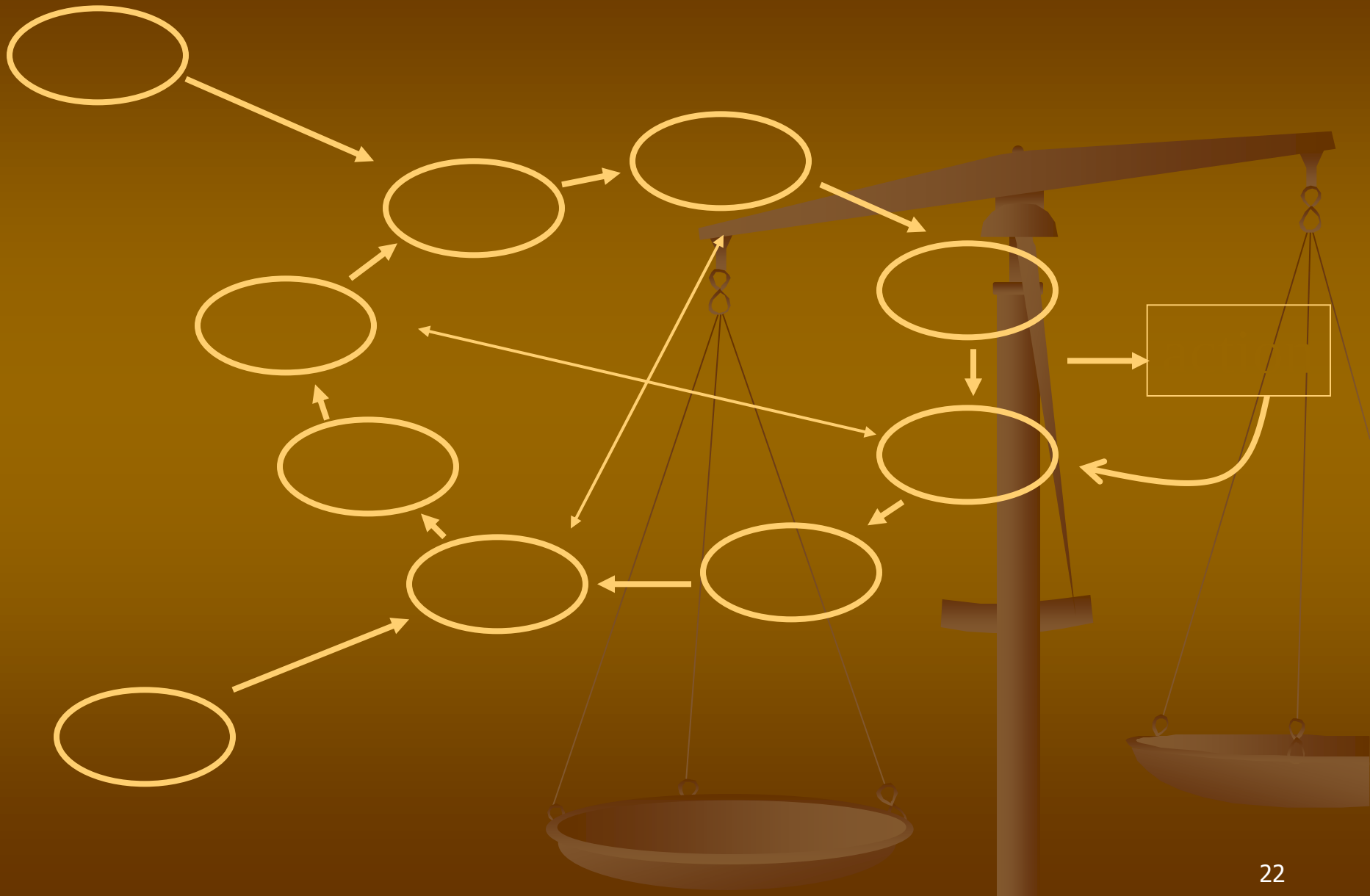
Department of Knowledge Ethics and Research

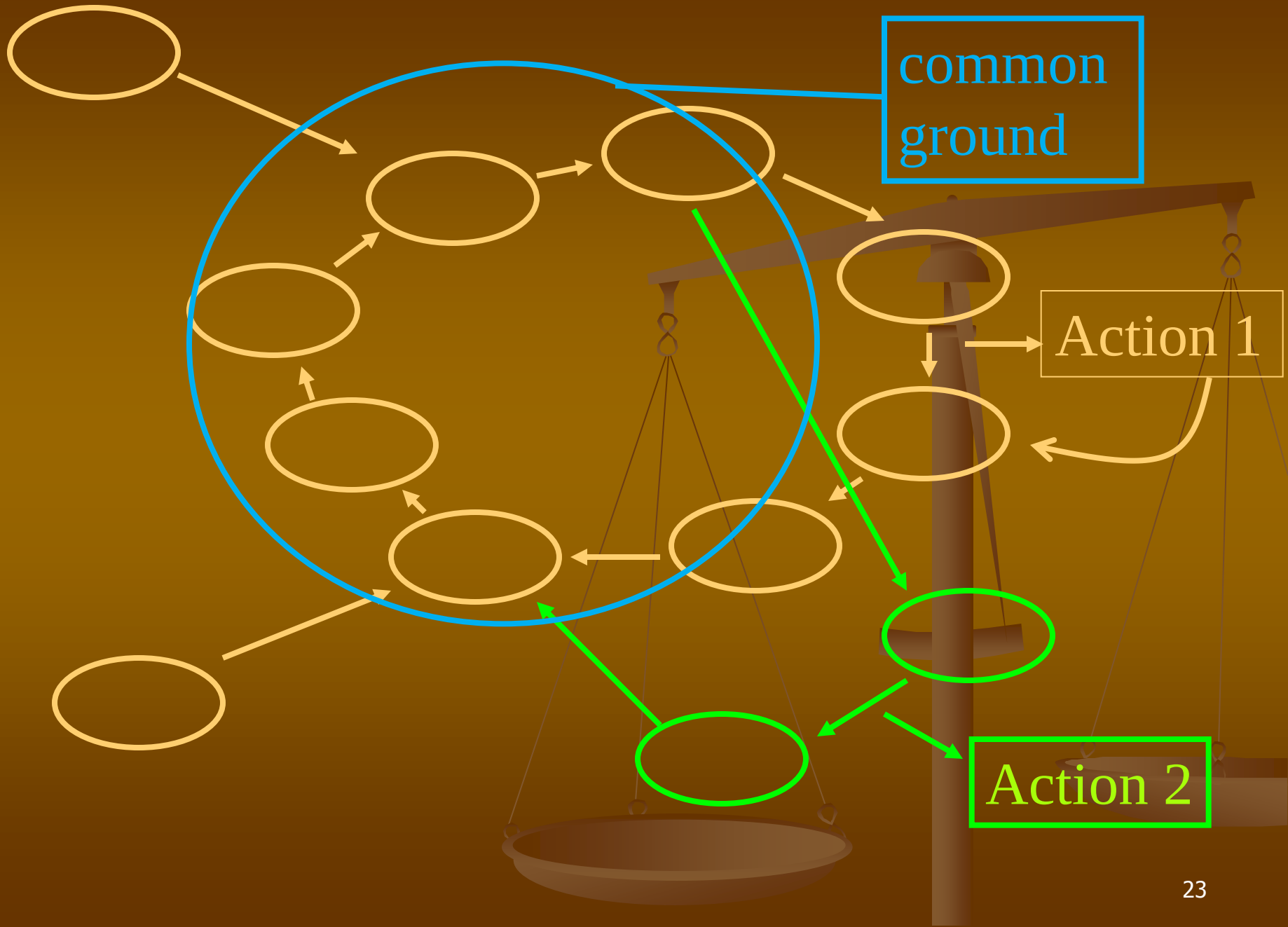
Introduction to ethical theory

- Ethics is the systematic study of concepts, principles and theories that address issues of right and wrong.
- Examines arguments, actions and character qualities (virtues).
- Ethics differs from laws and codes, but they are interrelated.



Disaster Ethics




common ground
Action 1
Action 2

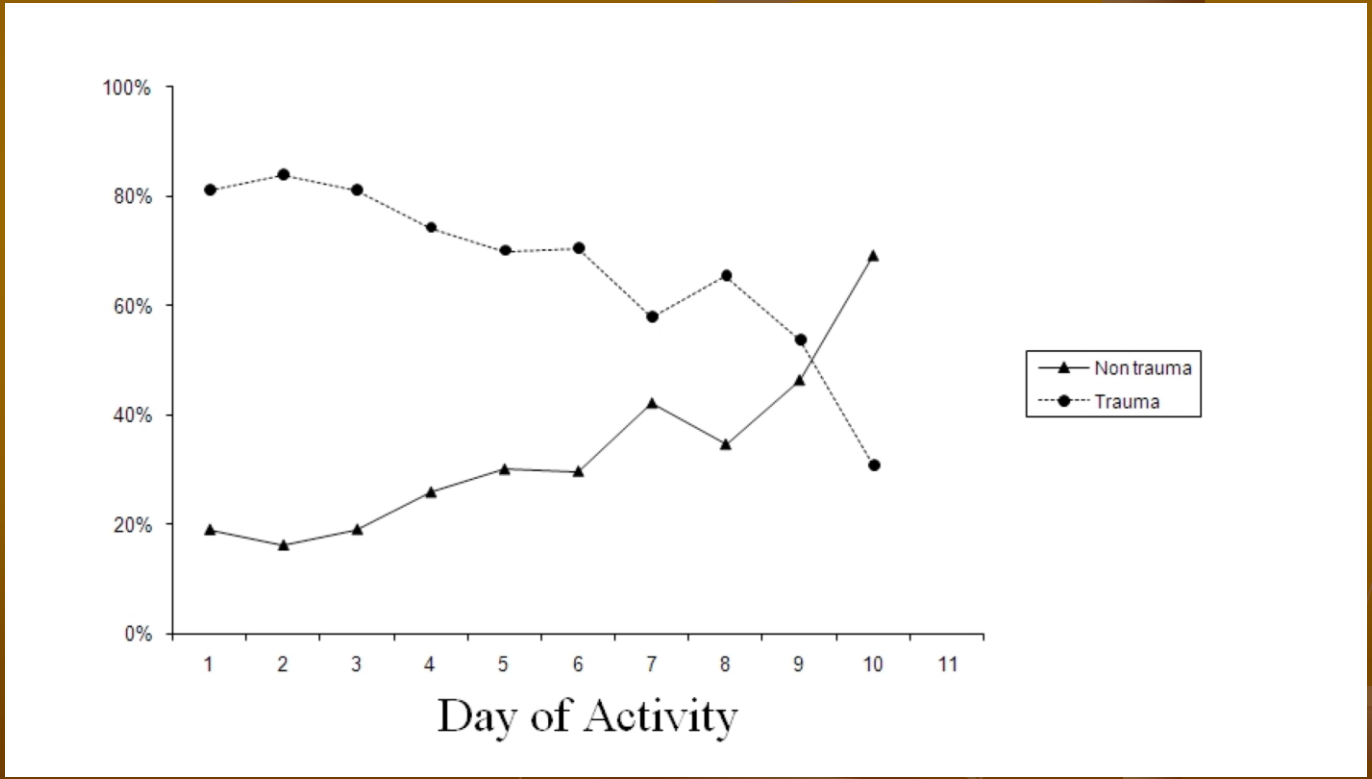
‘If you are faced with a dilemma on what is the right thing to do, moral philosophy [= ethics] will not find a decision for you. What it can do is remove some confusions and clarify some obscurities, so that the options stand out more plainly.’

DD Raphael, *Moral Philosophy*, p.10

- ‘Public health ethics involves a systematic process to clarify, prioritize and justify possible courses of public health action based on ethical principles, values and beliefs of stakeholders, and scientific and other information.’
  - Center for Disease Control & Prevention, CDC www.cdc.gov/od/science/integrity/phethics/

Disaster phases and ethics

- Changing needs: Haiti



Pre-disaster phase

- Disaster planning
- Political responsibilities
- Organisational and individual preparedness

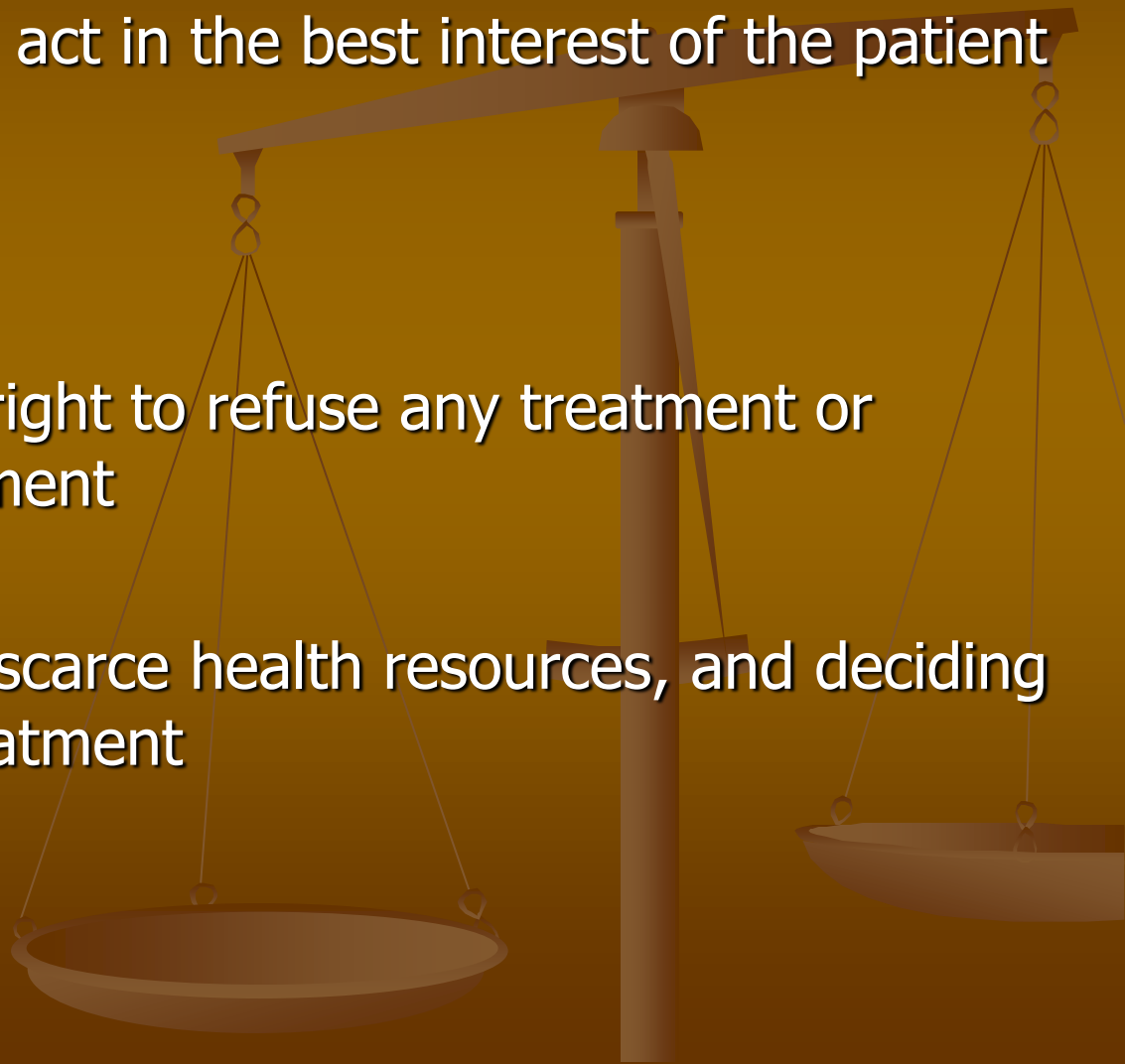
Early response (acute) phase

Post-disaster phase

- Overlap with development
- When to pull out?
- How to pull out?
- What do we leave behind?

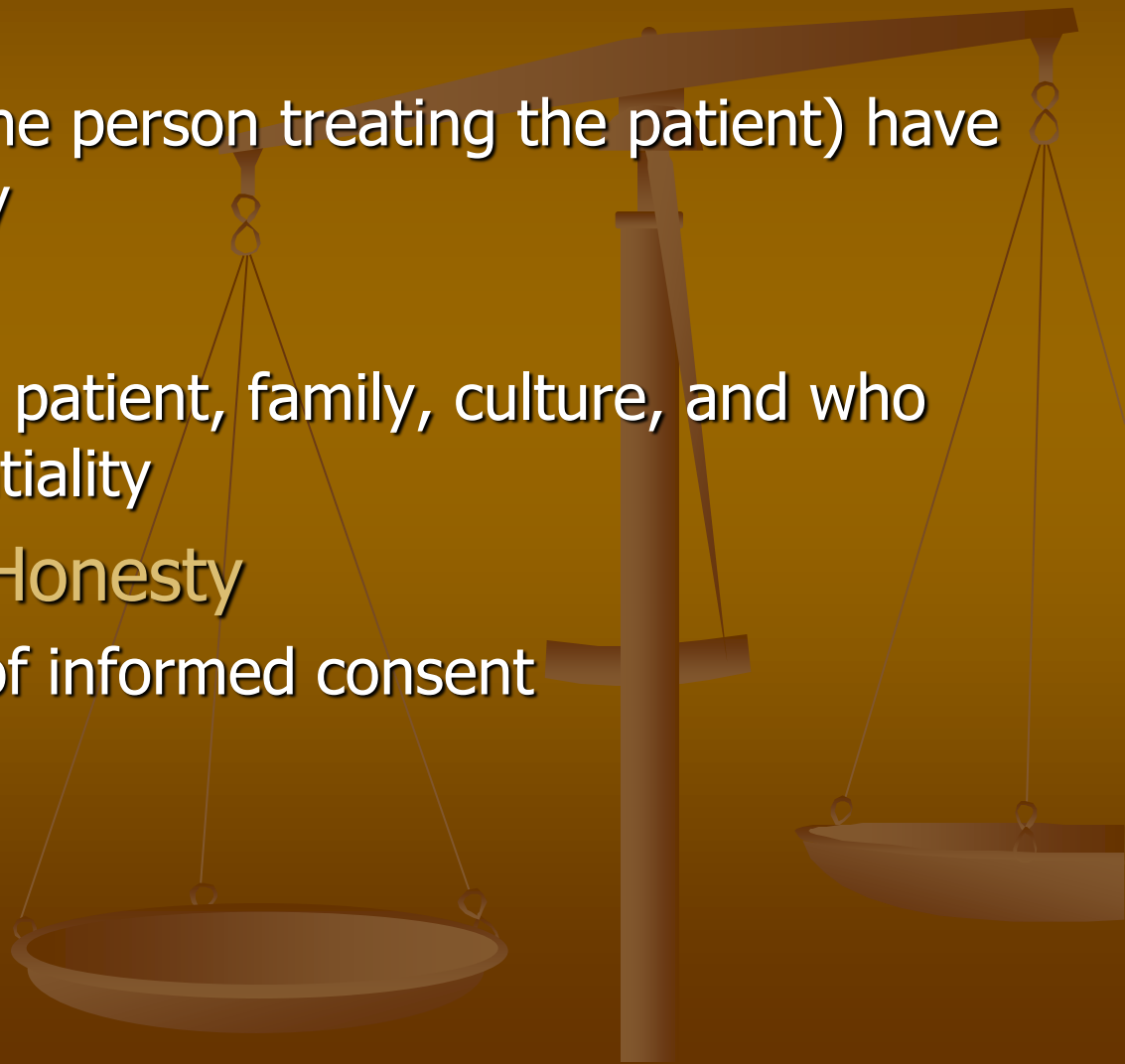
Clinical Ethics: Principlism

- Beneficence
  - practitioner should act in the best interest of the patient
- Non-malfeasance
  - "first, do no harm"
- Autonomy
  - patients have the right to refuse any treatment or choose their treatment
- Justice
  - fair distribution of scarce health resources, and deciding who gets what treatment



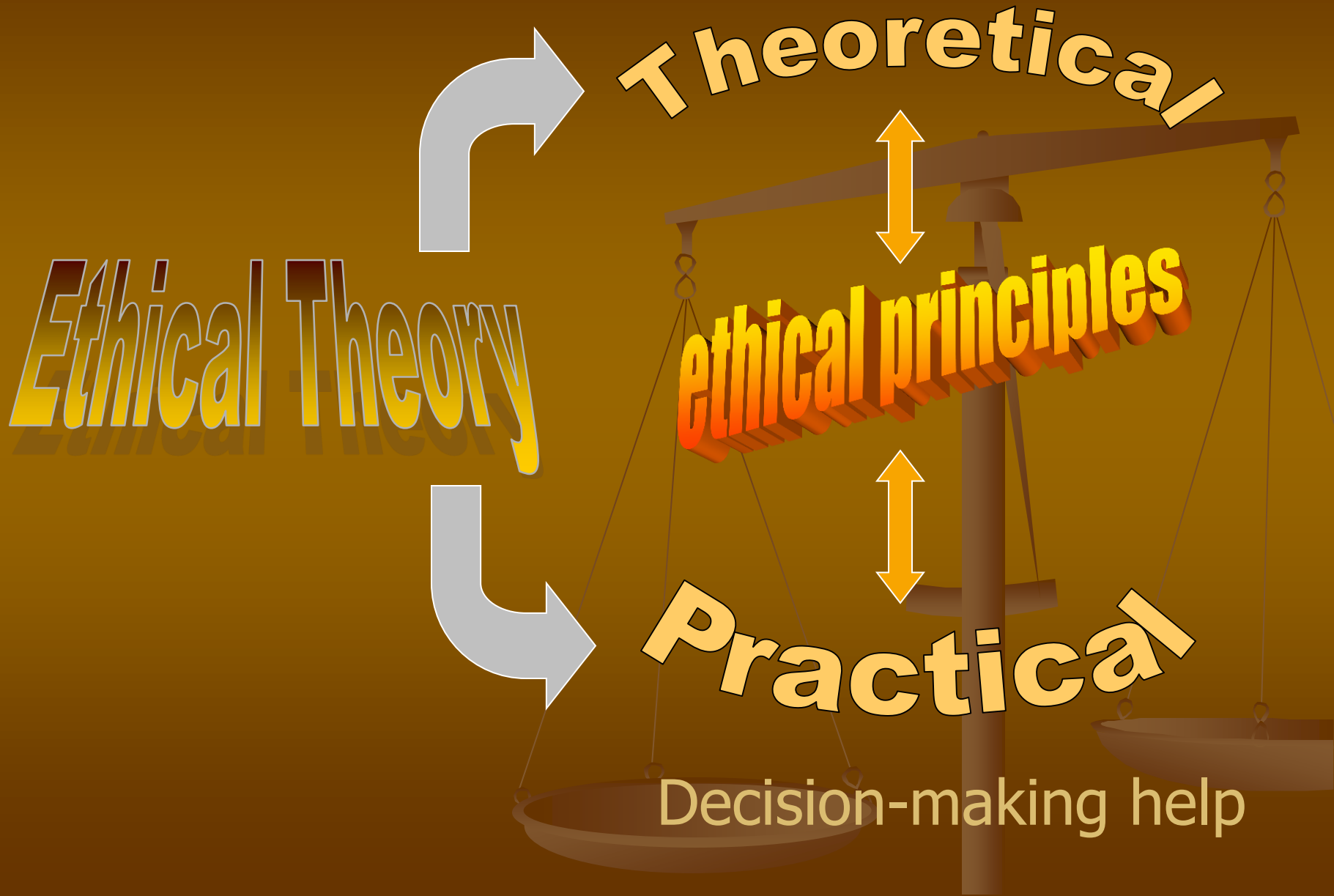
Other principles

- Dignity
  - the patient (and the person treating the patient) have the right to dignity
- Fidelity
  - faithfulness to the patient, family, culture, and who they are: confidentiality
- Truthfulness and Honesty
  - includes concept of informed consent



- ‘Because public health actions are often undertaken by governments and are directed at the population level, the principles and values which guide public health can differ from those which guide actions in biology and clinical medicine (bioethics and medical ethics) which are more patient or individual-centered.’
  - CDC www.cdc.gov/od/science/integrity/phethics/

What makes it ethical?



Decision-making help

Basic Insights of Utilitarianism

- The purpose of morality is to make the world a better place.
- Morality is about producing good consequences, not having good intentions.
- We should do whatever will bring the most benefit (i.e., intrinsic value) to all of humanity.
- Do the greatest good for the greatest number.

What makes it ethical?

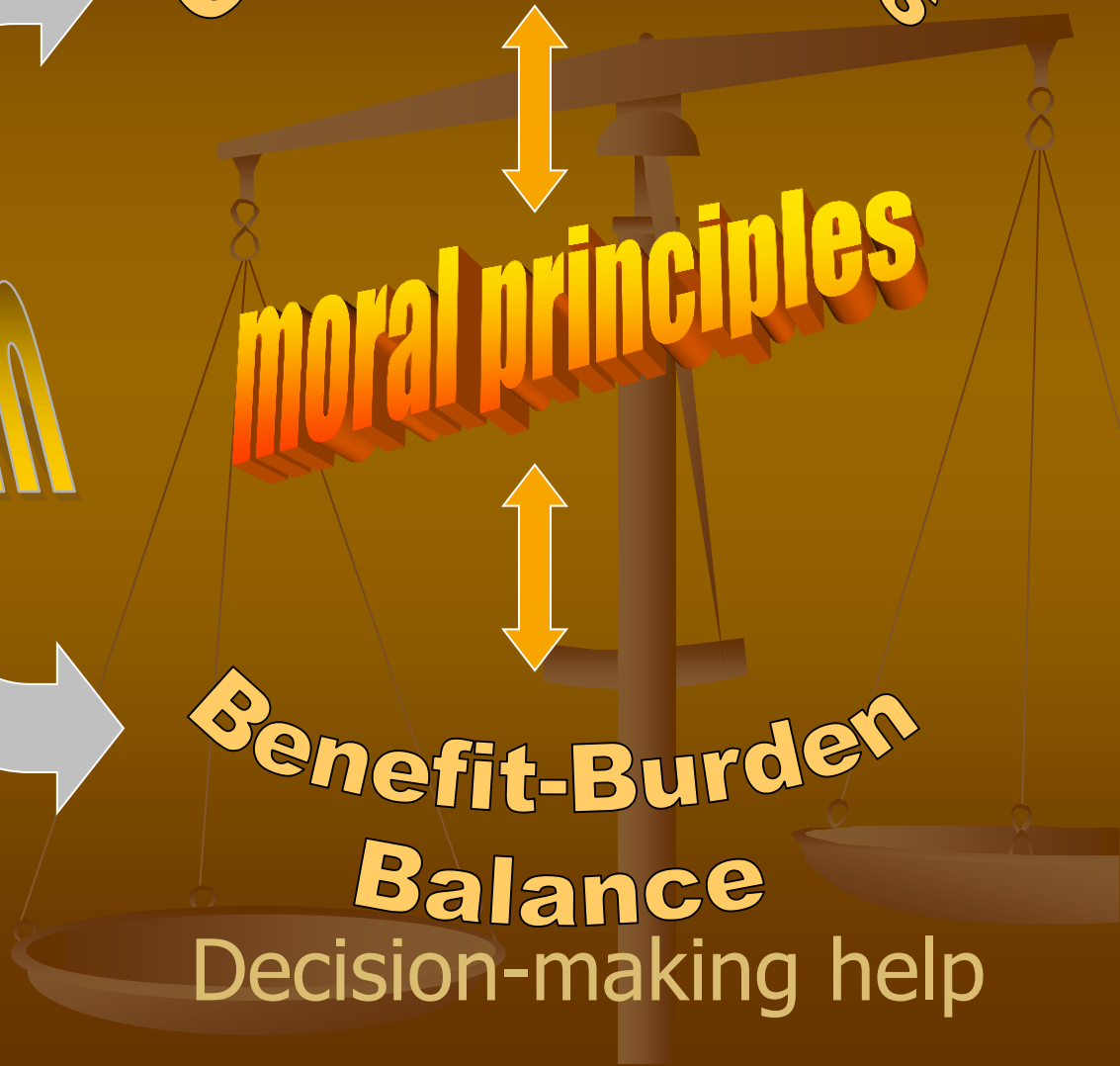
Utilitarianism

Consequences

moral principles

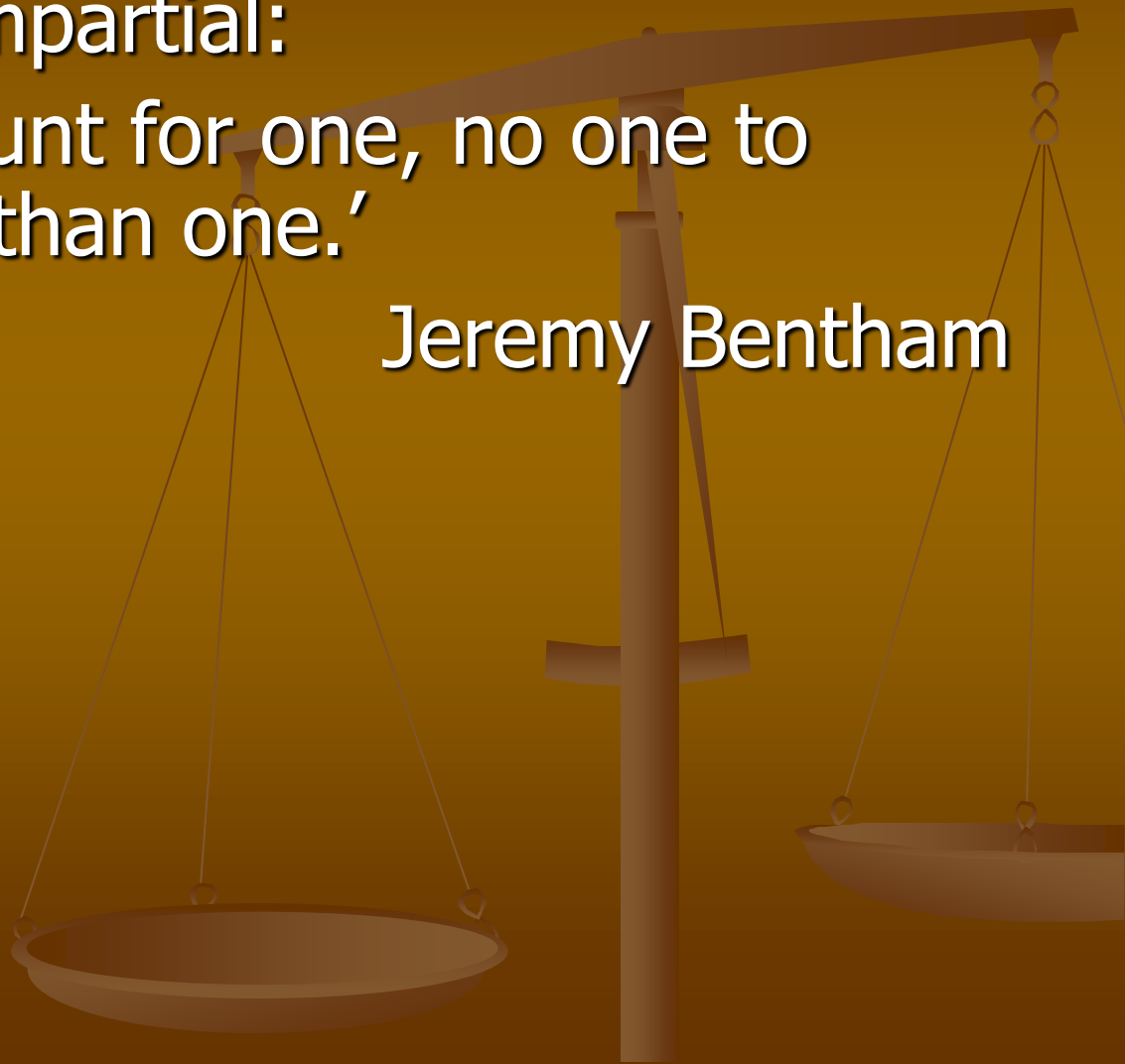
Benefit-Burden Balance

Decision-making help

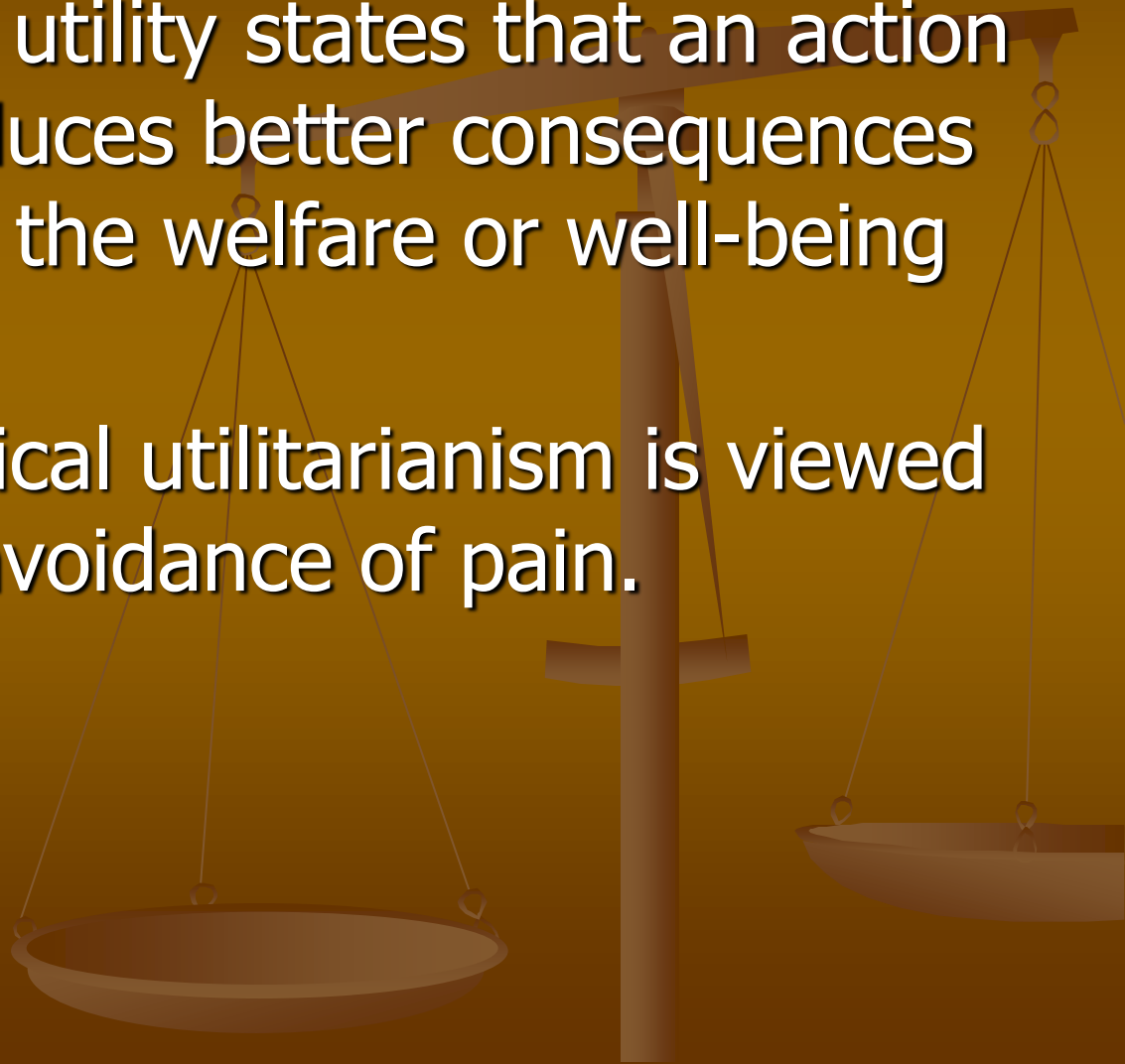


- Universal and impartial:
- ‘Everyone to count for one, no one to count for more than one.’

Jeremy Bentham



- The principle of utility states that an action is right if it produces better consequences as they bear on the welfare or well-being of individuals.
- Welfare in classical utilitarianism is viewed as pleasure or avoidance of pain.



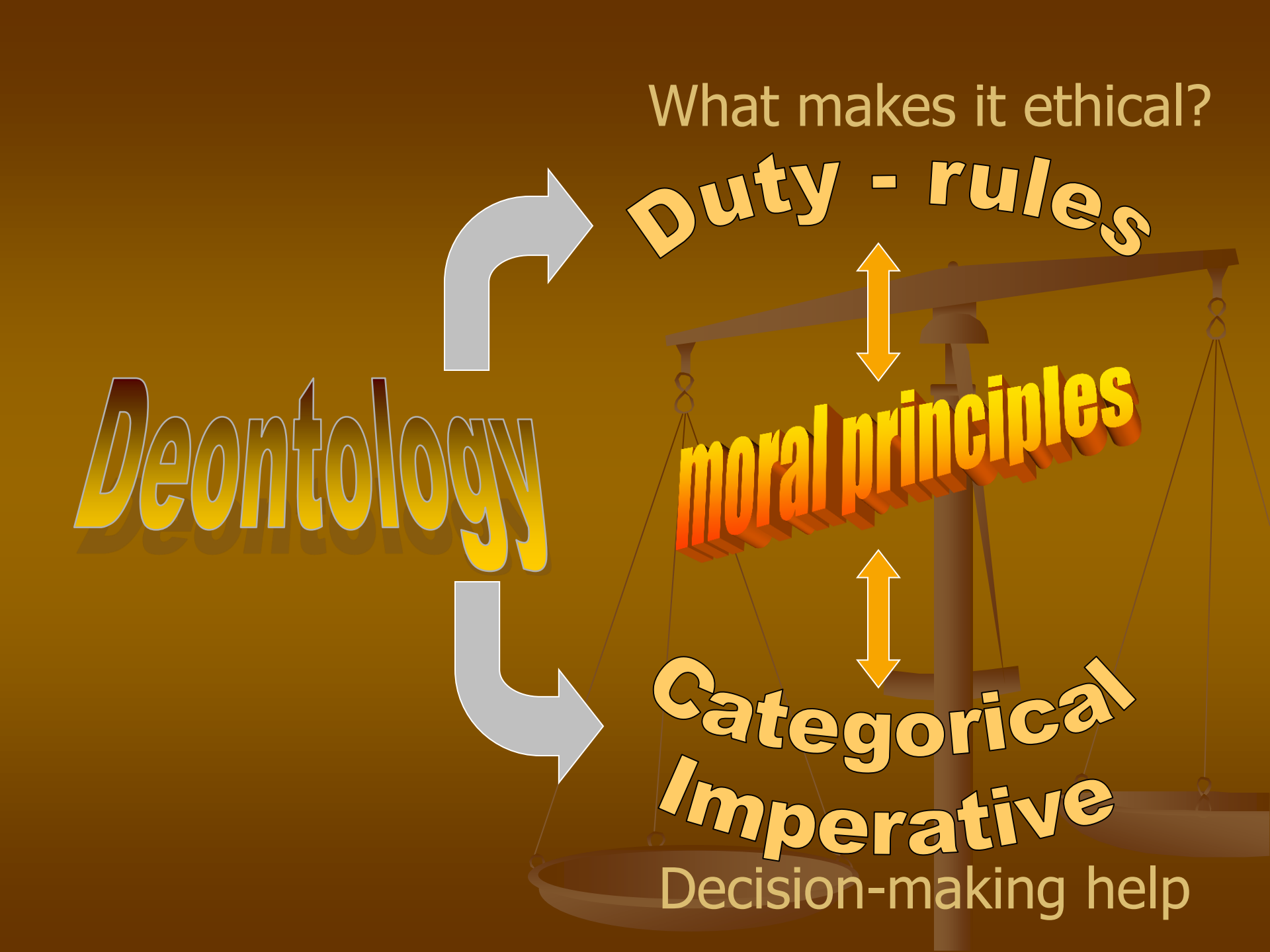
Difficulties

- 1. How to calculate all aspects of utility?
- 2. How to rank different consequences?
- 3. How to deal with unintended consequences?
- 4. What counts as human “welfare”?
- 5. Issue of justice for the minority.

- The Tuskegee Study of Untreated Syphilis in the Negro Male
- 1932-1972
- Around 400 African American men infected with syphilis were observed (untreated), even after penicillin was available.
- Done for the good of medical research.

Basic insights of deontology

- Deontological ethics = not grounded in consequences but on human motivation – universal moral law and our duty to others.
- The end does not justify the means
- Reason allows us to discover our duty.
- Morality should be universal.


What makes it ethical?
Deontology
Duty - rules
moral principles
Categorical Imperative
Decision-making help

Kant on Duty

- What makes an act moral is that it is done because it is one's duty (*deon*), not because of the consequences or our inclinations.
- We learn about our duties through reasoned reflection on various commands (imperatives).
- Leads to 'moral maxims'.

Categorical Imperative

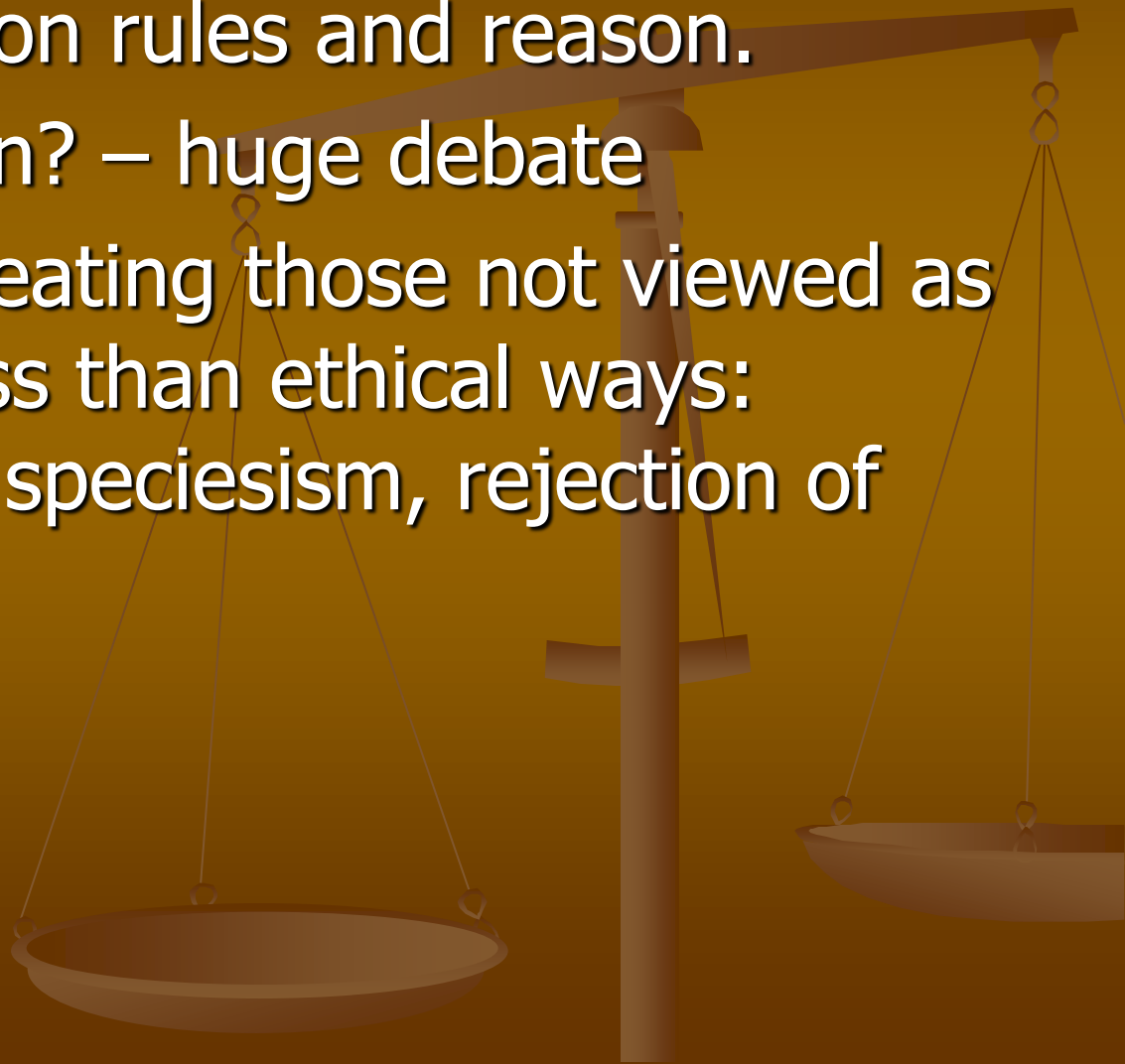
- Foundational precept of categorical imperative = *Act according to that maxim whereby you can at the same time will that it should be a universal law*
- Moral law – "do not murder" – can be determined by practical reason.
- Should be universally applied – everyone can act accordingly. What would the world be like if everyone obeyed this versus the opposite rule.

Respect for Persons

- "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end."
- What does it mean to treat someone with respect?
- Kant calls on us never to treat them *merely* as means to ends.

Difficulties

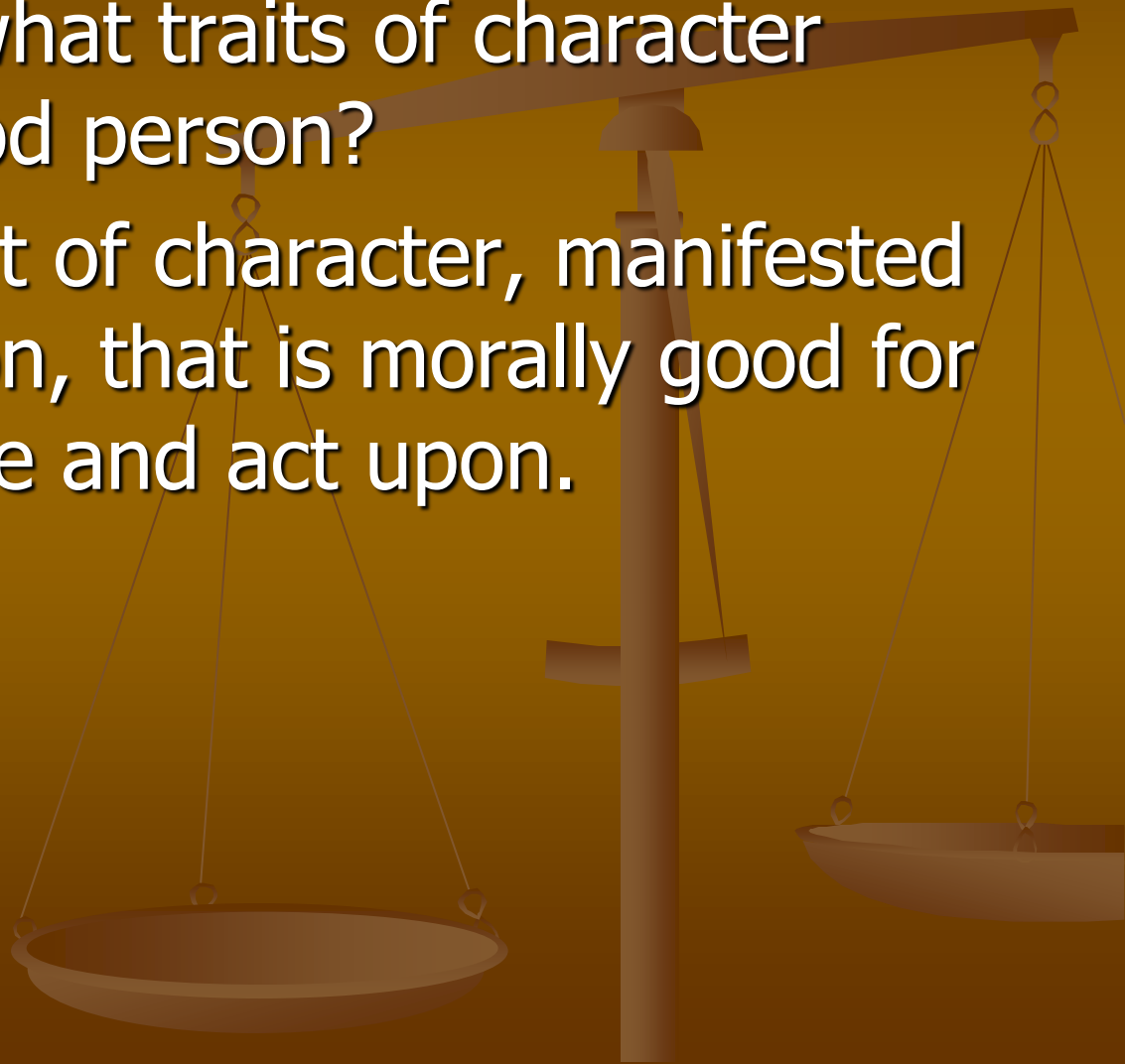
- Over-emphasis on rules and reason.
- What is a person? – huge debate
- Concern over treating those not viewed as 'one of us' in less than ethical ways: racism, sexism, speciesism, rejection of foetus.



Virtue Theory

- The approach to ethics in the ancient world:
- Socrates
- Plato
- Aristotle

- Virtue theory: what traits of character make one a good person?
- A virtue is a trait of character, manifested in habitual action, that is morally good for a person to have and act upon.
- Examples?

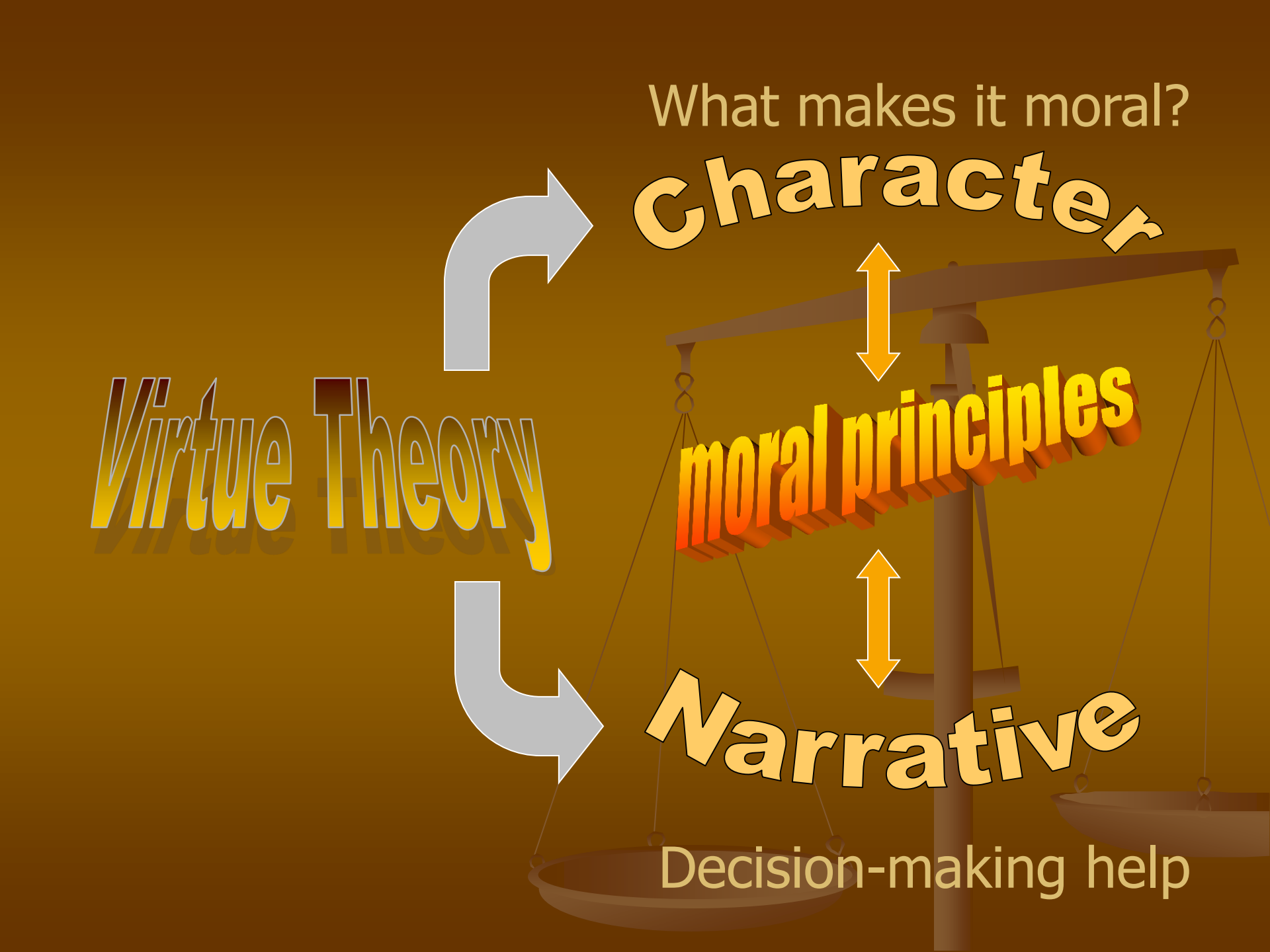


Greek Cardinal Virtues

- Wisdom
- Courage
- Temperance
- Justice

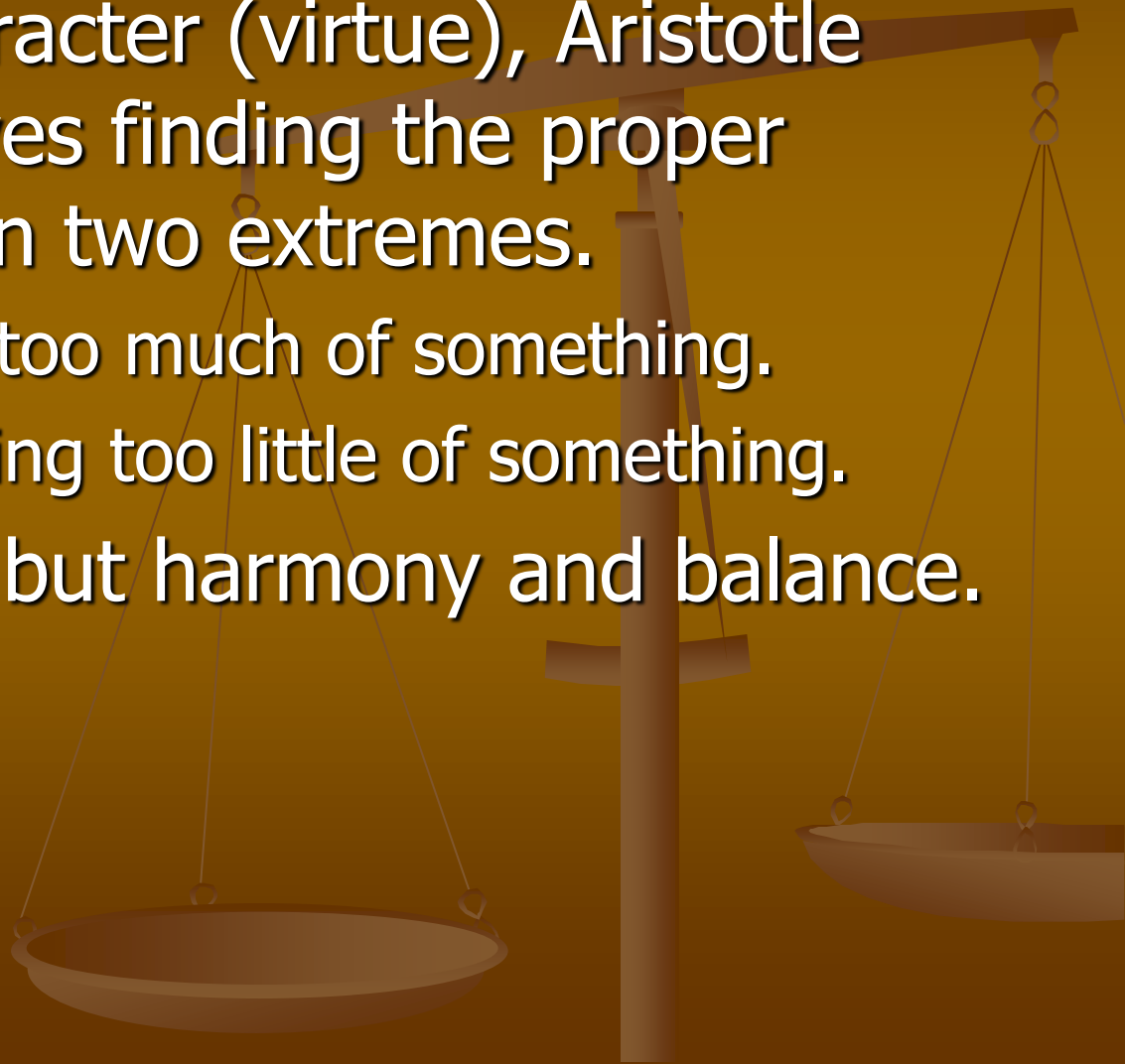
Thomas Aquinas

- Prudence
- Fortitude
- Temperance
- Justice
- Faith
- Hope
- Love


What makes it moral?
Character
Virtue Theory
moral principles
Narrative
Decision-making help

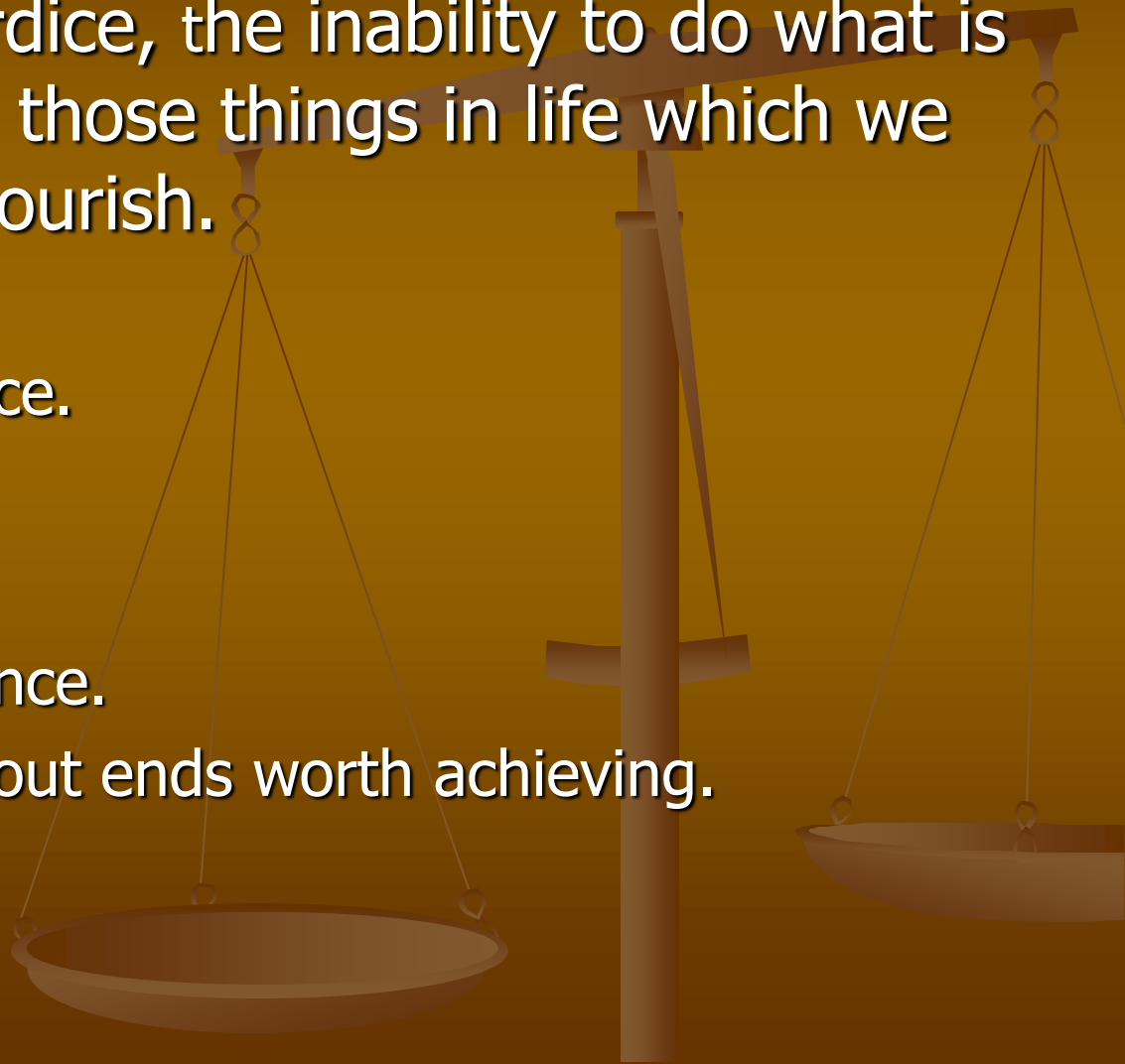
Virtue As the Golden Mean

- Strength of character (virtue), Aristotle suggests, involves finding the proper balance between two extremes.
  - Excess: having too much of something.
  - Deficiency: having too little of something.
- Not mediocrity, but harmony and balance.



Courage

- *Deficiency:* cowardice, the inability to do what is necessary to have those things in life which we need in order to flourish.
  - Too much fear.
  - Too little confidence.
- *Excess:*
  - Too little fear.
  - Too much confidence.
  - Poor judgment about ends worth achieving.



Limitations of Virtue Ethics

- A radical view of virtue theory says no other types of theories are needed.
- How does that help us decide which action is more or less virtuous?
- What does honesty mean if it is not following the rule, "Do not lie"?
- How does justice fit with virtues?

Ideal and Non-ideal theory

- Ideal theory (e.g. Rawls on justice): in an ideal situation, the most ethical approach is determined by ethical principles/values
- Focus on abstract general principles and clear definitions.
- Provides a clear way to evaluate actions, policies, character traits
- Assumption: when people see the truth, they will act upon it.

For example, Justice

- A general assumption exists that ‘justice’ is a crucial ethical issue in disaster planning, relief and research.
- But what does it mean and how is it put into practice? We are concerned that ‘justice’ is uncritically and imprecisely invoked, leading to its use often being ambiguous and unhelpful.

- ‘Accordingly, post-disaster urban shelter actors need to step back from construction-based and product delivery approaches to find ways of integrating into their analytical, planning, implementation and monitoring tools questions about power, inequality, access and justice …’
  - Fan, *Disasters* 2012;36(S1):S64–S86

- ‘We have concluded that a classic utilitarian approach to defining priorities, “the greatest good for the greatest number,” is not a morally adequate platform for pandemic influenza planning.’
- Ethics advisory committee to CDC recommends a procedural approach based on ethical principles that should lead to fair outcomes.
  - Kinlaw et al., *Disaster Med Public Health Prep*. 2009;3(suppl 2):S185-S192

Allocation Strategies

Situation	Strategy
Distributing ICU beds routinely	First-come, first-served
Treating wounded on battlefield	Regardless of rank, treat wounds soldiers first who will most likely survive
Distributing limited IV fluids during cholera outbreak in refugee camps	Give fluids first to those who will survive with small amounts of fluid rather than those severely dehydrated
Allocation of lungs for transplant	Balance medical needs: likelihood of dying without transplant with benefit of receiving transplant
Allocation of livers for transplant	Prioritise those most likely to die without transplant

Whyte et al. *Ann Intern Med.* 2009;150:132-138

Principle	Specification		Point	System	
		1	2	3	4
Save the most lives	Prognosis for short-term survival	SOFA score <6 (4 = 90%)	SOFA score 6-9	SOFA score 10-12 (10 = 50%)	SOFA score >12 (<30%)
Save the most life-years	Prognosis for long-term survival	No comorbidity limiting long-term survival	Minor comorbid cond. – small impact	Major comorbid – substantial impact	Severe comorbid – death likely within year
Life-cycle principle	Prioritize those who have had least change to live life	12-40 y	41-60 y	61-74 y	> 75 y

Critique of Ideal Theory

- Ideal theory assumes 'an idealized (untrue) version of reality: in the actual (nonideal) world, people do not always comply with what is required of them.'
  - Stemplowska, 2008, p. 320
- Does not pay enough attention to the facts, constraints, past injustices, costs

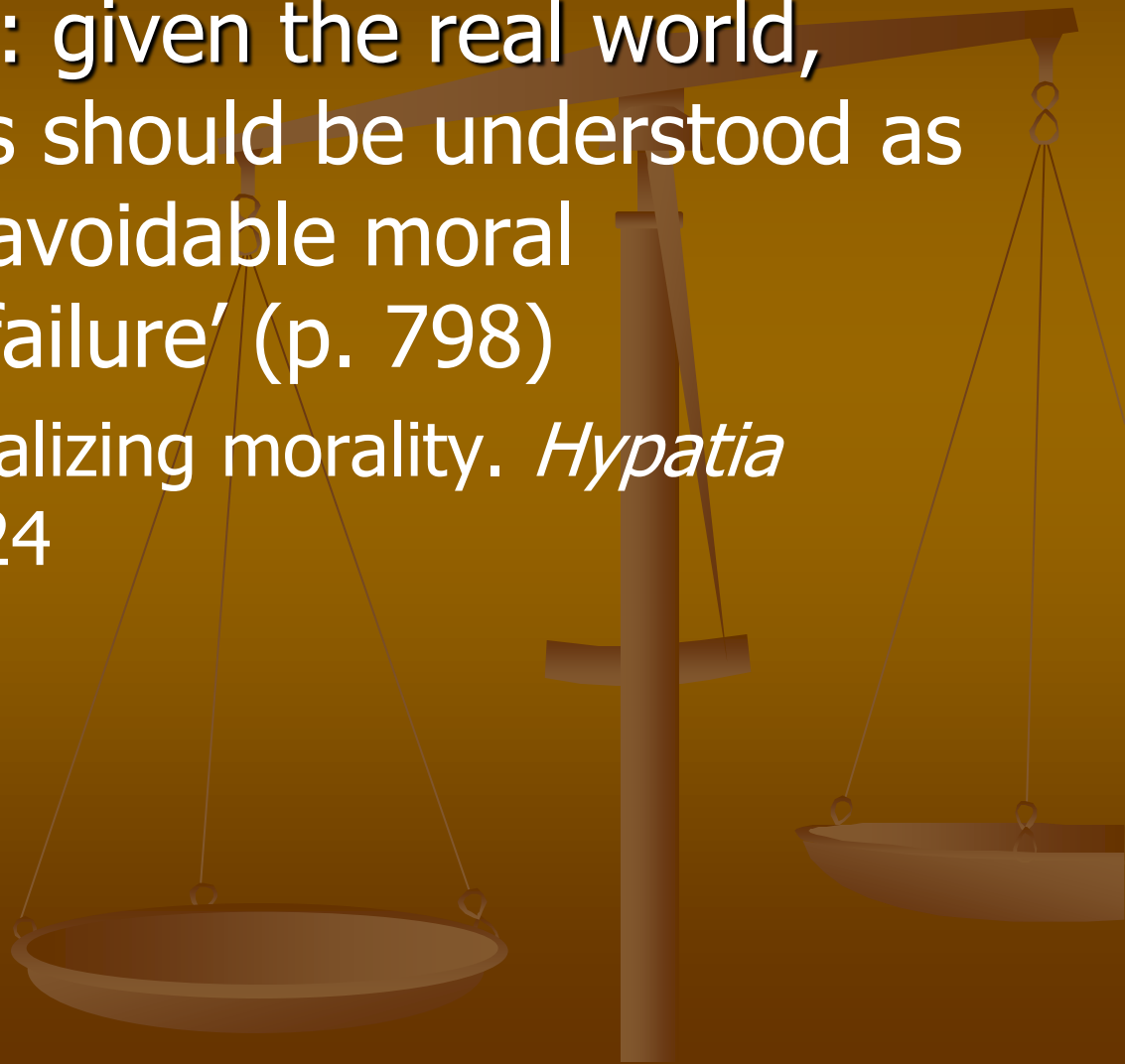
What Ideal theory misses

- Taking account of the 'real' world
- Fair approaches to addressing those who fail to or are unwilling to behave ethically.
- Duties towards those who are unable to act ethically because of past injustices.
- Coping with less than ideal solutions.
  - Chung, *Academic Foresights*, 2013

- ‘Thus, an effective systemic response would seek to address complex problems of poverty, human rights violations, poor governance, or lack of employment as deeper causes of forced migration.’
  - Orobator AE. Justice for the Displaced, 2012, p. 47

Ideal and Non-ideal theory

- Nonideal theory: given the real world, ‘moral dilemmas should be understood as situations of unavoidable moral wrongdoing or failure’ (p. 798)
  - Tessman L. Idealizing morality. *Hypatia* 2010;25:797-824

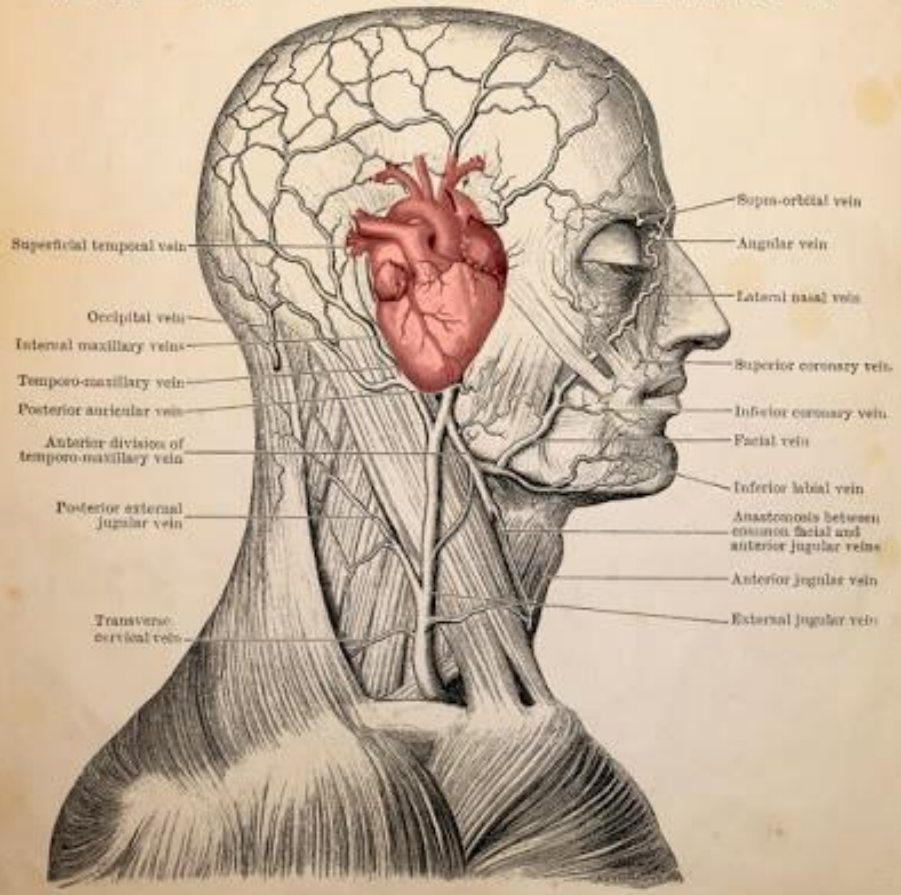


- ‘Not all wrongs can be rectified, not all losses can be compensated, not everything can be repaired or replaced, and—especially given the limits of psychological resilience—not everyone can recover’ (p. 801)
- Goal: finding the least worst option
- Implications: failure; grief; guilt; anger
- Reconciliation, understanding, forgiveness

Implications

- Addressing moral feelings
- Moral distress
- Addressing psychological factors
- Burnout
- Resilience

THINK
WITH YOUR HEART



Thank you

Comments or Questions?