

# Another Ace

*Asking the Right Questions in Ethics*

*15 September 2014*



ST JOHN OF GOD  
Health Care

Rev Kevin McGovern Dip Ap Sc (Opt), STL  
Caroline Chisholm Centre for Health Ethics  
East Melbourne VIC

# Outline

1. Catching up
2. How to Avoid Missing the Target
3. Reality-Revealing Questions
4. Case Studies



# 1. Catching Up

- When did you attend *Ethics ACEs* or *Maintaining our Ethical Culture*?
- What important messages do you remember from the programme?
- Since then, how have you been going as an *Ethics ACE* or *Maintaining our Ethical Culture*?
- What more would you like to achieve?



## 2. Missing the Target

- In the Old Testament, the word for sin was *hattah* ('missing the target')
- It is very important that we don't miss the target in ethical decision-making!



# Culpable or Not Culpable?

- culpable = we have *some* responsibility
- not culpable = we have *no* responsibility
  - When things go wrong, our first instinct is often to deny responsibility (“It’s not my fault”)
  - As we mature, we become more able to acknowledge how we might have contributed
  - Recognising how we may have missed the target helps us to change and do better (‘continuous quality improvement’)



# Ways of Missing the Target

- Malice
  - “I know it’s wrong, but I’m doing it anyway!”
- Passion
  - not culpable: we can be overwhelmed by strong emotions
  - culpable: I could have managed my emotions, but I let myself be overwhelmed
- Ignorance
  - not culpable = there are some things no one can anticipate
  - culpable = I should have known, but I didn’t make enough effort to find out
    - self-deception = I worked very hard at not seeing!



# A Particular Concern

- The 'ripple effect'

= how ethical decisions can have deep effects on many people beyond the key players

e.g. other ward staff, pastoral carers, admin officers, members of extended family, etc.

- It is important that we ask:
  - Who else will be affected by this decision?
  - How will we look after these people as well?



- **What should we do (or not do) so we do not miss the target in our ethical decision-making?**
  - What advice do you give?
  - Please discuss in small groups...





# Two suggestions

1. We must be deliberate in significant decision-making
  - Fast is slow;
  - slow is steady;
  - steady is fast.
2. Use our ethical frameworks for significant decision-making

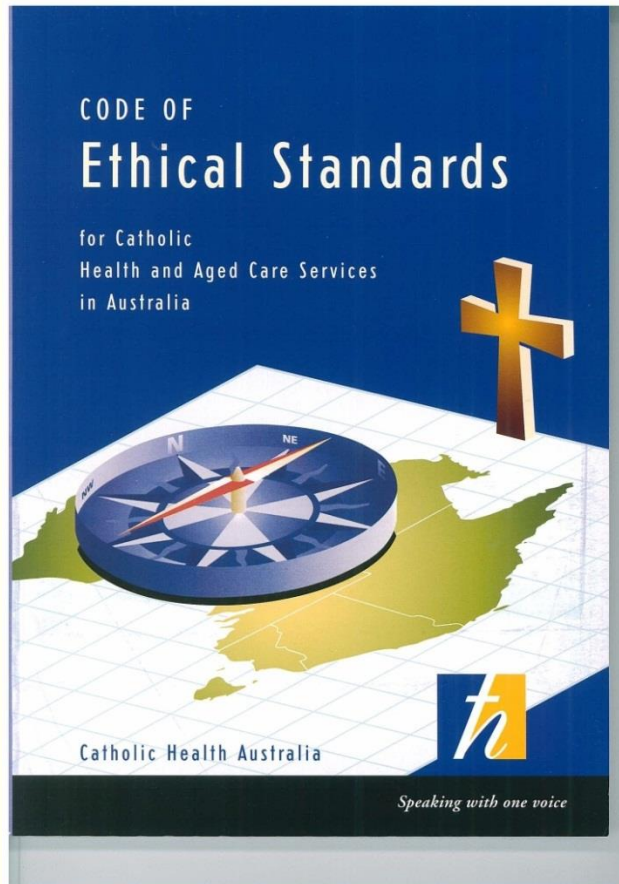


# Framework 1: The Grid

Problem		Ethical Principle	Legal Position
1	What problem do we see ?	What does CHA Code say about this ?	What does the law say ?



# Code of Ethical Standards



- 100 pages!
- Part I: Seven Values
- Part II: Guidelines in Eight Areas
- Index (pages 69-82)
- Download for free from the **Catholic Health Australia** website:  
<http://www.cha.org.au/publications.html>



# Framework 2: Values-based

- What are the **facts** of the case?
- What are the **values** at stake?
- Are there any **guiding ethical principles**?
- **Who** should be involved in deciding?
- Can the decision be **reviewed**?



# Framework 3: D.E.C.I.D.E.

**D**efine the problem

*what facts? ethical issues?*

**E**thical review

*values? principles? priorities?*

**C**onsider options

*what is reasonable to do?*

**I**nvestigate outcomes

*costs/benefits, outcomes*

**D**ecide on action

*agreed action plan*

**E**valuate results

*criteria for assessment?*



# Case Studies

- What are the facts of the case?
- What does the Code say?
- What does the Grid say?
- Is the Values-Based Framework useful?
- Is the D.E.C.I.D.E. Framework useful?
- What do you conclude? How certain are you?
- When should the decision be reviewed?



# 3. Reality-Revealing Questions

“I keep six honest serving-men  
(They taught me all I knew);  
Their names are **What** and **Why** and **When**  
And **How** and **Where** and **Who.**”

Rudyard Kipling (1902)



# Reality-Revealing Questions

- **What? & Why?**
- **How? & Who?**
- **Where? & When?**
- **Consequences & Alternatives**  
(or **What if? & What else?**)





# What?

- the moral “species”: what type of action is this? (e.g. self-defence or murder)
- Dare we name the action for what it is?
- Do we have enough information to determine ‘what’ type of action this is?
- Do we all agree on the meaning of this action, or are there competing views?
- We should not do this if it is something we should not do!



# Why?

- Reasons of the heart (motivation): *“I did it out of love”*
- Reasons of the head (intention): *“what did I intend to achieve?”*
- In ethics, the ‘reason of the head’ (intention) is critical
- Intention may be difficult to determine:
  - We listen to what a person says is their intention.
  - We also look to other information.
  - Sometimes, other information challenges the stated intention:
  - e.g. Someone says that they gave another person medication to relieve pain. But the dose is so much more than is needed to relieve pain. We suspect that really a lethal dose was given to end someone’s life.



# How? and Who?

- ‘How’ something is done can be critical
  - we can do the right thing the wrong way (e.g. insensitively)
- ‘Who’ may also be very relevant
  - e.g. what is appropriate to do for one person may be inappropriate to do for another



# Where? and When?

- Like 'how' and 'who', location and timing of actions can determine whether they are right or wrong
- e.g. it may be inappropriate to have this conversation in front of the patient (where); or it may be necessary to have it now and not later (when).



# Consequences (What if?)

- What are the consequences of this thing being done?
- Will a good thing or a bad thing happen? This may not determine the issue, but consequences can be very significant factors in choosing which course of action to follow, e.g.
  - Will this treatment produce more burdens than benefits?
  - Will this action close off other options?



# Alternatives (What else?)

- What alternative courses of action could we consider?
- For example, if there is a less harmful way to achieve some good outcome, maybe we should choose that - e.g. treat with medication rather than amputation



# Reality-Revealing Questions

- What? *What is going on ?*
- Why? *What am I intending to achieve ?*
- How? *Am I going about this the right way ?*
- Who? *Do I know enough about these people ?*
- Where? *Is this the right place ?*
- When? *Is this the right time ?*
- What if? *What will the various consequences be ?*
- What else? *What alternatives are there ?*



# 4. Case Studies

- Ask the Reality-Revealing Questions: what are the facts of the case?
- What does the Code say?
- What does the Grid say?
- Is the Values-Based Framework useful?
- Is the D.E.C.I.D.E. Framework useful?
- What do you conclude? How certain are you?
- When should the decision be reviewed?





“When does the day begin?”

