

*“Reproductive Ethical Dilemmas”
Can BioEthics be of help?*

Louise P King MD JD

Assistant Professor

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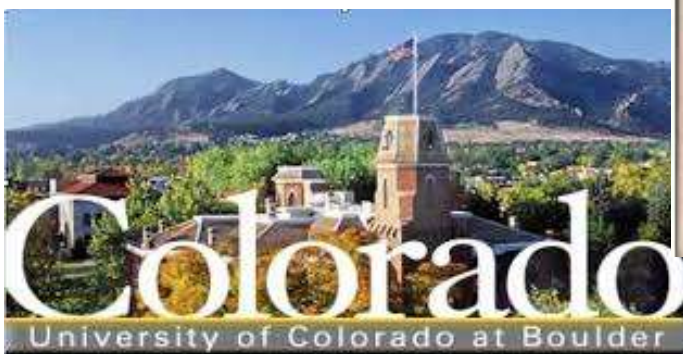
Department of Obstetrics and Gynecology

Division of Minimally Invasive Gynecologic Surgery

Disclosures

- OvaScience - Ethics Committee
 - Payments made to my department





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Case

- 31 yo
- Unexplained infertility
- First IVF
- PGS
- 3/6 euploid blastocysts
- Insists on transfer of all 3
 - She's broke.... Can only afford 1 transfer



Outline

- What is BioEthics?
 - History
 - Frameworks
 - Intuition
- Discussion of work in progress
 - Example proposed eSET





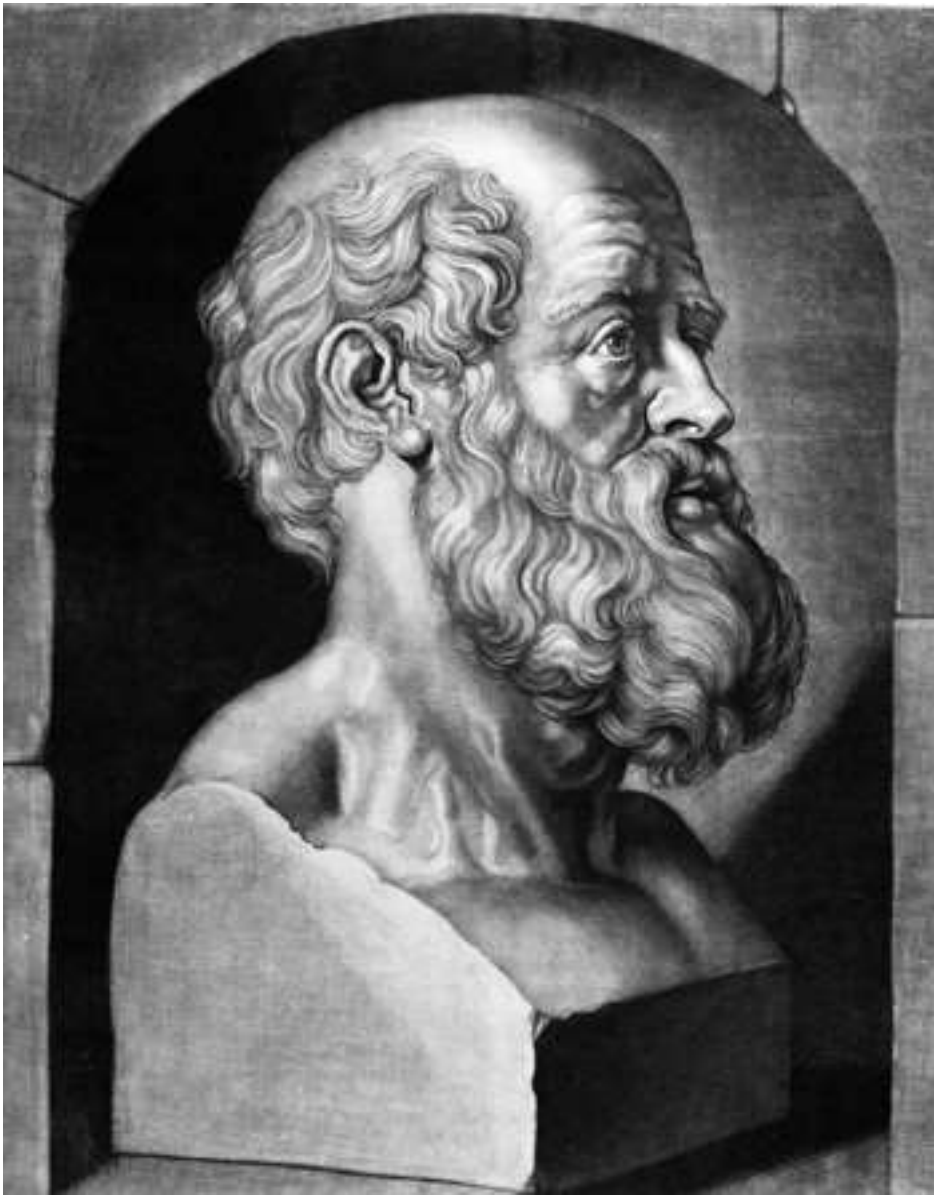
<http://www.thehastingscenter.org/briefingbook/bioethics-and-policy-a-history/>



“The word “ethics” makes many people nervous. It can connote religious or ideological dogmatism, hard-nosed rules about right and wrong. Or it can mean an **endless quest** to determine just what is right or wrong, a quest burdened by 2,500 years of disagreement. Yet whatever one perceives ethics to be, it is impossible to escape dealing with it. We have to ask how best to direct our personal lives, how best to live with other people, and how best to organize and manage our society.”

Daniel Callahan
Hastings Center





I swear by Apollo the Healer, by Asclepius by Hygieia by Panacea and by all the gods and goddesses, making them my witnesses, that I will carry out, according to my ability and judgment, this oath and this indenture.

To hold my teacher in this art equal to my own parents; to make him partner in my livelihood; when he is in need of money to share mine with him; **to consider his family as my own brothers, and to teach them this art, if they want to learn it, without fee or indenture;** to impart precept, oral instruction, and all other instruction to my own sons, the sons of my teacher, and to indentured pupils who have taken the physician's oath, **but to nobody else.**

I will use treatment to help the sick according to my ability and judgment, but never with a view to injury and wrong-doing. Neither will I administer a poison to anybody when asked to do so, nor will I suggest such a course.

Similarly I will not give to a woman a pessary to cause abortion. But I will keep pure and holy both my life and my art. **I will not use the knife, not even, verily, on sufferers from stone, but I will give place to such as are craftsmen therein.**

Into whatsoever houses I enter, I will enter to help the sick, and **I will abstain from all intentional wrong-doing** and harm, especially from abusing the bodies of man or woman, bond or free. And whatsoever I shall see or hear in the course of my profession, as well as outside my profession in my intercourse with men, if it be what should not be published abroad, **I will never divulge, holding such things to be holy secrets.**

Now if I carry out this oath, and break it not, may I gain for ever reputation among all men for my life and for my art; but if I transgress it and forswear myself, may the opposite befall me.





“By the 1960s, however, a wide range of new ethical problems came rushing into view, all of them driven by spectacular advances in medicine and biology. ...new genetic knowledge, **reliable contraception and safe abortion, organ transplantation, a new and needed definition of death**, sophisticated ways to keep people alive (often too long), the first signs of anxiety about health care costs, and a more educated public that was less willing to accept “doctor knows best,” **physician paternalism**. The issues were moving well beyond the boundaries of medical ethics, and the word **bioethics** was coined to capture that rich complexity.”

Daniel Callahan
Hastings Center



The Belmont Report

- *Ethical Principles and Guidelines for the Protection of Human Subjects of Research*
- Response to Tuskegee and other abuses



The New York Times

Syphilis Victims in U.S. Study Went Untreated for 40 Years

By JEAN HELLER
The Associated Press

WASHINGTON, July 25—For 40 years the United States Public Health Service has conducted a study in which human beings with syphilis, who were induced to serve as guinea pigs, have gone without medical treatment for the disease and a few have died of its late effects, even though an effective therapy was eventually discovered.

The study was conducted to determine from autopsies what the disease does to the human body.

Officials of the health service who initiated the experiment have long since retired. Current officials, who say they

have serious doubts about the morality of the study, also say that it is too late to treat the syphilis in any surviving participants.

Doctors in the service say they are now rendering whatever other medical services they can give to the survivors while the study of the disease's effects continues.

Dr. Merlin K. DuVal, Assistant Secretary of Health, Education and Welfare for Health and Scientific Affairs, expressed shock on learning of the study. He said that he was making an immediate investigation.

The experiment, called the Tuskegee Study, began in 1932 with about 600 black men,



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Belmont Report

- Respect for persons: protecting the **autonomy** of all people and treating them with courtesy and respect and allowing for **informed consent. Researchers must be truthful and conduct no deception**;
- Beneficence: The philosophy of "**Do no harm**" while maximizing benefits for the research project and minimizing risks to the research subjects; and
- Justice: ensuring **reasonable, non-exploitative, and well-considered procedures** are administered fairly — the fair distribution of costs and benefits to *potential* research participants — and equally.



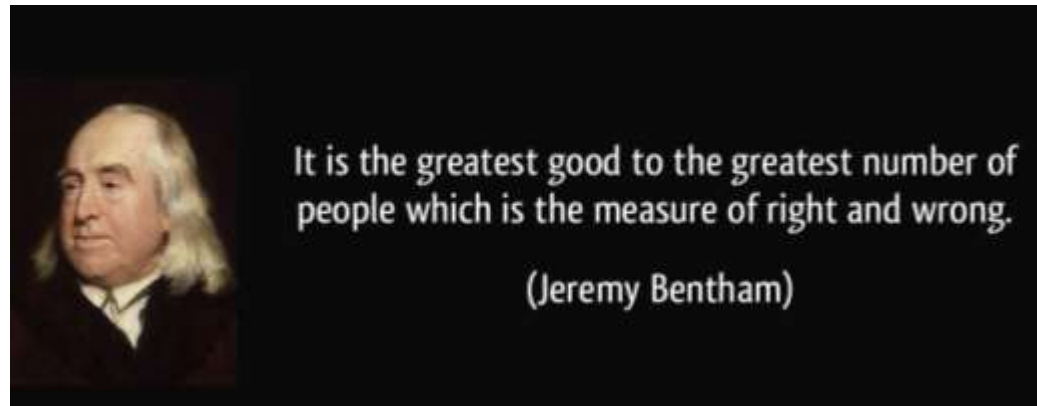
Principle Based Ethics

- respect for autonomy
- beneficence
- nonmaleficence
- justice



Consequentialism

- The ends justify the means
 - Utilitarianism
 - Greatest good for the greatest number



Consequentialism

- Example:
 - Torturing suspected terrorists is justified if it will save many innocent lives.
 - In medicine: triage
 - Use limited resources where they are most likely to do the most good



Deontology

- Duty-based ethics
- The Means justifies the Ends
 - Some actions are never justified
 - Some actions are always required

*Always recognize that
human individuals are ends
and do not use them
as means to your end*

Immanuel Kant



Deontology



- Example
 - Never lie.
 - In Medicine: keep confidences



Virtue Ethics

- Behave as a good physician would behave
- Characteristics of the actor key
 - Not the actions; not the results
- Trustworthiness, prudence, fairness, fortitude, temperance, integrity, self-effacement, compassion



Care-based ethics/ethic of care

- Type of Normative ethics (how should people act)
 - Consequentialist and deontological theories emphasize universal standards and impartiality (what is the just rule?)
- Emphasizes the importance of response
 - Shift from “what is just?” to “how to respond?”



Care-based ethics/ethic of care

- All individuals are interdependent for achieving their interests
- Vulnerable individuals deserve extra consideration
- Necessary to attend to contextual details of situation to safeguard and promote actual specific interests of those involved

Carol Gilligan, Feminist Philosophy Reader



Feminist Ethics

- Conceptions of sex often distort people's view of the world
 - Gendered conceptions constrain and restrict women
 - Example - exclusion of women from medical research, from combat
- Gendered thinking distorts tools used to examine ethical issues
 - Man – reason; woman – emotion
- Help identify and challenge dominance and oppression of all groups

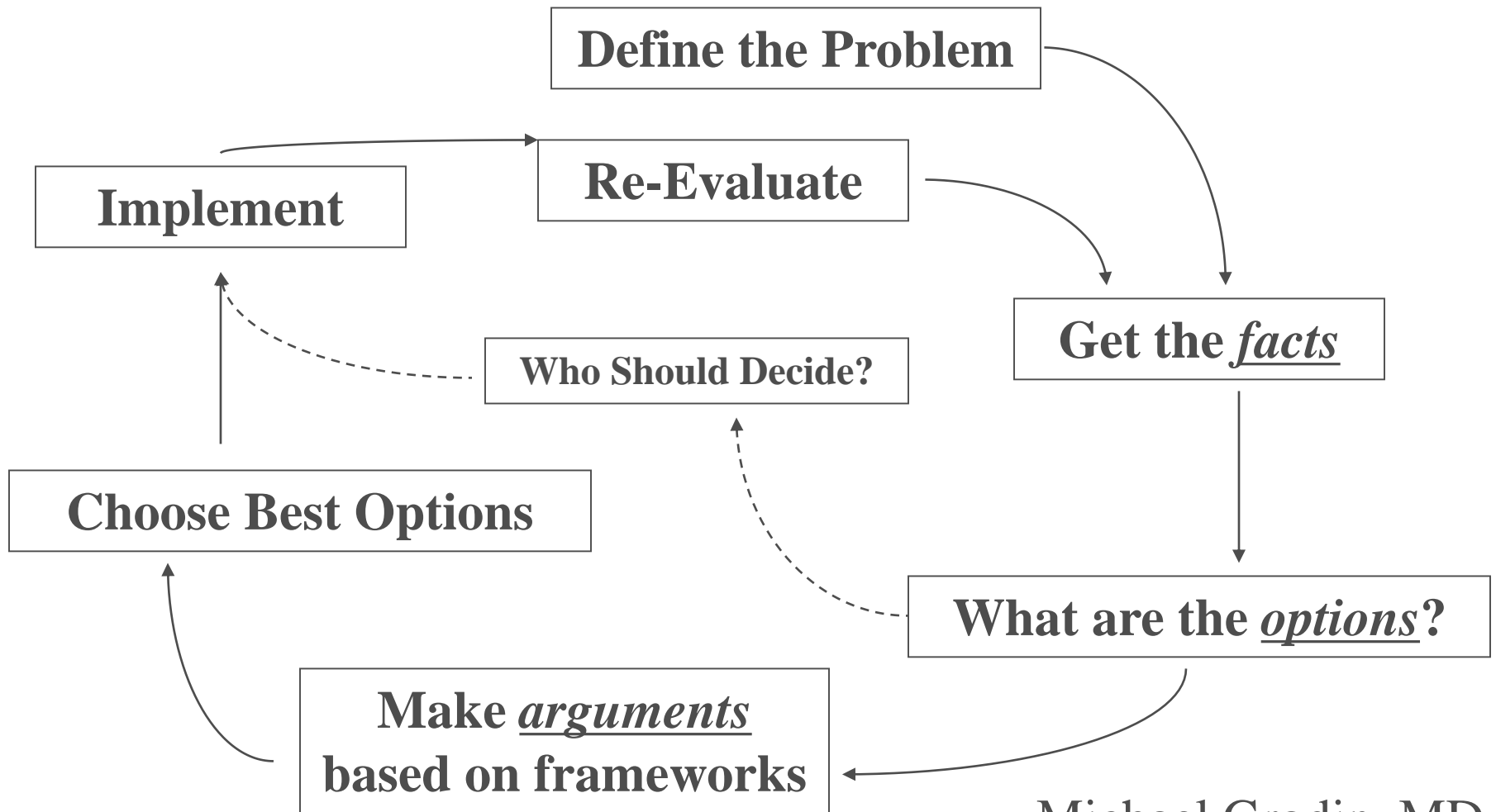


Case based Reasoning

- Analysis of current cases in light of relevant similar cases
 - Analogous to jurisprudence
- Priority of practice over both ethical theory and moral principles
 - Although principles and other theories play an important role



Solving Ethical Problems



-- Michael Grodin, MD



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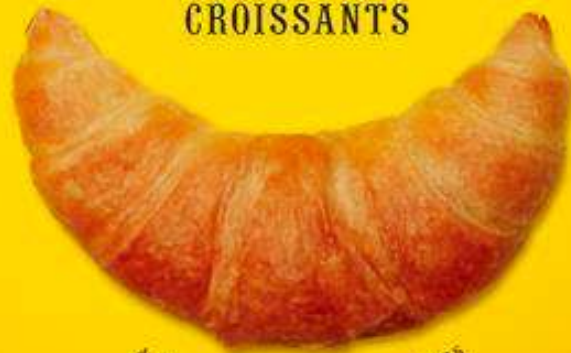
The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment

Jonathan Haidt
University of Virginia

Research on moral judgment has been dominated by rationalist models, in which moral judgment is thought to be caused by moral reasoning. The author gives 4 reasons for considering the hypothesis that moral reasoning does not cause moral judgment; rather, moral reasoning is usually a post hoc construction, generated after a judgment has been reached. The social intuitionist model is presented as an alternative to rationalist models. The model is a social model in that it deemphasizes the private reasoning done by individuals and emphasizes instead the importance of social and cultural influences. The model is an intuitionist model in that it states that moral judgment is generally the result of quick, automatic evaluations (intuitions). The model is more consistent than rationalist models with recent findings in social, cultural, evolutionary, and biological psychology, as well as in anthropology and primatology.



HUMAN
KINDNESS
AND
THE SMELL
OF
WARM
CROISSANTS



AN INTRODUCTION TO ETHICS

Ruwen Ogien



Social Intuitionist Framework

- Moral truths do exist
- When people grasp these truths they do so not by a process of ratiocination and reflection but rather by a process more akin to perception
 - one "just sees without argument that they are and must be true"



We hold these truths to be self evident



A close-up of the signature "Th: Jefferson" written in cursive on aged, yellowed paper. The signature is written in dark ink and is the most prominent feature of the image.

Social Intuitionist Framework

- Moral truths do exist
- When people grasp these truths they do so not by a process of ratiocination and reflection but rather by a process more akin to perception
 - one "just sees without argument that they are and must be true"
- In contrast
 - Rationalist approaches in philosophy stress "the power of a priori reason to grasp substantial truths about the world"



Social Intuitionist Framework

- Psychology
 - Moral intuitions (including moral emotions) come first and directly cause moral judgments
 - Moral intuition is a kind of cognition, but it is not a kind of reasoning.
- Social
 - Moral reasoning is usually an ex post facto process used to influence the intuitions (and hence judgments) of other people.



Social Intuitionist Framework

- Multiple processes shape and influence moral intuitions
 - emotion/affect
 - evaluation of cultural norms
 - societal expectations
 - *a priori* moral theories
 - implicit biases.



Defense Motivation

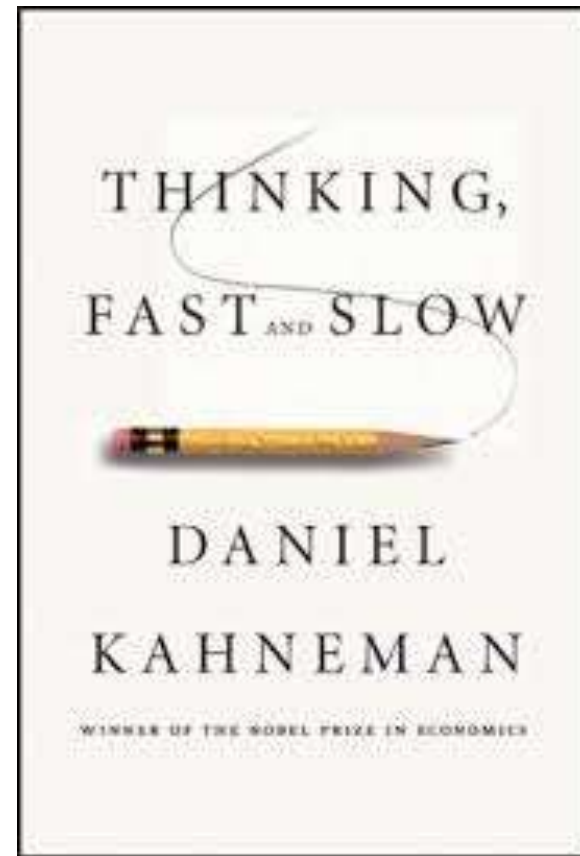
- Phenomenon defined by Chaiken, Giner-Sorolla, and Chen
 - **“The desire to hold attitudes and beliefs that are congruent with existing self-definitional attitudes and beliefs”**
 - Can triggers moral intuition
 - Encourages people to preserve their deeply held ideals.
 - Your political ideology, religious affiliation, deeply seated convictions, and internal moral compass strongly influence the construction of moral intuition.

Chaiken S, Giner-Sorolla R, Chen S.
P.M. Gollwitzer and J.A. Bargh (Eds.),
*The psychology of action:
Linking cognition and motivation to behavior* (pp. 553-578).
New York: Guilford Press, 1996



Social Intuitionist Framework

- Whereas moral intuitions occur with little or no effort/sense of voluntary control, moral reasoning is a conscious mental activity that incorporates rational thought, data collection, and weighing and balancing of relevant considerations.



“I realize you are relying on your moral intuition in this discussion. I’d like us to dig deeper and engage together in moral reasoning on this topic.....”



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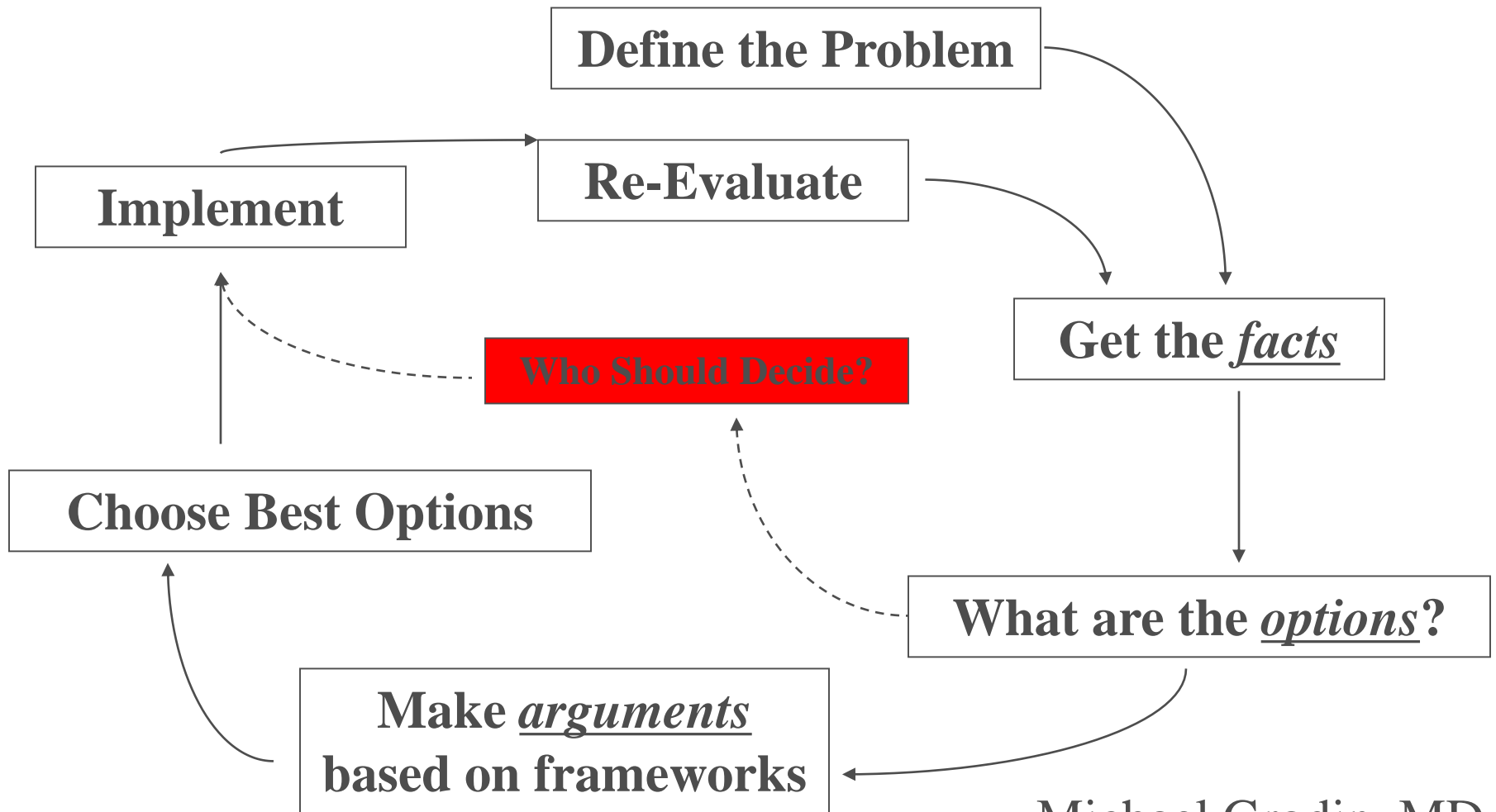


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Solving Ethical Problems



-- Michael Grodin, MD



Autonomy

- Respect for persons: protecting the **autonomy** of all people and treating them with courtesy and respect and allowing for **informed consent**.
- Freedom from external control or influence
 - Does NOT imply independence to make any and all choices or irrational choices that affect others



“Physician Autonomy”

- Professionalism
 - skillful balance between expertise and professional authority and patients’ right to self-determination.
- “***Reluctance to recommend*** denies patients and families the benefits of physician expertise and physician judgment.”



Truth Morals
Utilitarianism
Nonmalificence
Religion Right Narrative
Feminism
Duty Deontology Wrong
Lawyers Philosophers
Autonomy God
Beneficence Kant
Justice Ethics

