

Welcome to your ethics and law pages

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(updated September 2015)

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Why ethics and law are important to medicine

Issues in medical ethics hit the headlines with increasing frequency. Some arise because of new technology: cloning; modern reproductive techniques; genetics. Some issues challenge current law: how to treat conjoined twins, one of whom must die if they are separated, but neither of whom can survive for long if they are not. The headlines are often about the esoteric, but ethical issues arise in every day clinical practice.

A general practitioner is looking after a patient in her 90's. She has suffered from Alzheimer's disease for almost two years and now has pneumonia. "Keep her comfortable and allow her to die peacefully at home" says the daughter. "Do everything to cure her and keep her alive, or I'll sue" says the son.

Medical practice raises many general ethical issues:

Is killing always wrong?

What limits should there be on the genetic testing of children?

When should an individual's decisions be overridden for the sake of that individual or in the interests of other people?

The apprenticeship model of medical education is vital, but has one weakness: it is essentially conservative. The apprentice learns how things are done. This model must be supplemented with other forms of education and in particular with the opportunity to reflect on and criticise current practice. Medical ethics and law seeks to foster such critical reflection by identifying and dissecting the values and principles upon which different areas of medical practice are, and should be, based. These disciplines are founded on the idea that there are specific professional values and rules that guide and regulate how doctors and other health professionals ought to act (or how they are permitted to act) in any given situation. Doctors, therefore, are expected to make judgements that accord with these values and rules, and should not act simply on the basis of tradition, their intuitions, or their own personal values.

Evidence-based medicine emphasises the importance of critical assessment. The reason for preferring one treatment to another must be based on the evidence for the efficacy of that treatment, not on an uncritical acceptance of current practice. The rational foundations of an analytic approach in medical ethics are the twin of evidence-based medicine. The belief that it is ethically right to act in one way rather than another should be based on good reasons. It is not enough simply to follow what doctors have always done, nor what experienced doctors now do. Experienced doctors may normally have good reasons for the ways they practice and it is important to find out what these are. But the final judgement as to what is right must be made on the quality of the reasons. The law, as well as professional bodies, demand such reasons.

Clinical decisions involve the assessment of facts and values. It is important that all doctors are able to give reasons for the decisions that they make and the actions that they take.

Aims of the course

1. To enhance students' awareness of the ethical issues that arise within different areas of clinical practice and medical decision-making.
2. To encourage students to recognise, and reflect on, the ethical values and legal principles that underpin patient care.
3. To develop students' skills in legal and ethical analysis relevant to their future practice as doctors.

Specific Learning Objectives

By the end of the course, students will be able to:

- Understand and apply facts about the key professional guidelines and legal frameworks that underpin and regulate practice in different areas of medicine.
- Reflect critically on the relationship between the law, personal values and professional ethical values within medical practice by working together and individually to identify, describe and characterise ethical issues in medicine.
- Apply skills in reasoning (including methods of ethical argumentation, conceptual and logical analysis, and case comparison) in order to analyse ethical issues in medicine, and to make sound ethical judgements within different practical decision-making contexts.

Structure of the course and teaching methods

This thread course is delivered as a **series of seminars in years 4 and 5**. The topic and timetabling for each seminar is presented below. The course is run by Dr Michael Dunn, Prof Michael Parker and Prof Maureen Kelley with the help of tutors who are mainly, but not exclusively, local doctors with a strong interest in ethics.

Materials will be provided to you for each seminar. These will include '**Key Knowledge**' slides, presenting, in a brief format, core knowledge about the law and professional guidelines that has been covered in the seminar. Handouts entitled '**Background Reading**' will also be provided. This document provides information that goes beyond the scope of the materials covered in the session, giving you a fuller background to the ethical and legal landscape of the issues under discussion. This document will also include references to books and articles relevant to the topic. Case materials to be used in the session will also be presented in this document. Typically, these will be clinical cases, but may sometimes take the form of philosophical 'thought experiments'. All materials are available at the following link: <http://www.ndph.ox.ac.uk/research/ethox-centre/ethox-dphil-research-projects/teaching-for-medical-students>

Medical Ethics and Law Core Curriculum

Most **Year 4 seminars** are between 2.5 and 3 hours and involve, at any one seminar, one quarter of the students in the year. Most of the time is spent in smaller groups (two or three groups per seminar) to allow facilitated discussion of key topics. The more factual aspects of each topic (such as the law and key guidelines) are covered fairly quickly. The focus of the seminars is discussion around the ethical issues and the application of ethical principles, law and guidelines to clinical situations.

Year 5 seminars fit into the general delivery of teaching for the year 5 specialties. These range from 1.5 hours to 2.5 hours, depending on the speciality. Since year 5 involves the student group being split into six groups the seminars in this year involve one sixth of the student group.

Seminar topics and timetabling (Note: The order in which students attend sessions 3, 4, 5 and 6 may vary. Sessions in year 5 are part of the specialty courses: different groups of students attend these in a different order.)

Year 4

<u>Session 1</u>	Introduction to Medical Ethics [Foundation course]	20 minutes
<u>Session 2</u>	Introduction to Medical Law and Confidentiality	3 hours
<u>Session 3</u>	Consent	3 hours
<u>Session 4</u>	Ethical and Legal Issues at the End of Life	3 hours
<u>Session 5</u>	Ethical aspects of clinical genetics and genomics	3 hours
<u>Session 6</u>	Medical Research with Human Participants	3 hours

Year 5

<u>Session 7</u>	Termination of Pregnancy and Assisted Reproduction [O&G]	2 hours
<u>Session 8</u>	Capacity and Compulsory Treatment in Mental Health [Psychiatry]	1.5 hours
<u>Session 9</u>	Resource Allocation in the NHS [Public Health] <i>Led by Dr Mark Sheehan</i>	2 hours

Year 6

<u>Session 10</u>	Student-led session on infectious diseases	1 hour
<u>Session 11</u>	Revision Lecture	45 minutes

Books

The course textbook

Hope T, Savulescu J, and Hendrick J - *Medical Ethics and Law : the Core Curriculum*. Edinburgh: Churchill Livingstone, Elsevier Science; 2nd edition 2007. ISBN-13: 9780443103377

This book is written to cover the UK agreed core curriculum in ethics and law for medical students. The first section covers ethical theory and argument and some of the core ethical and legal concepts. The second section is more clinically oriented covering the law and main ethical issues that arise in various areas of clinical practice. Students are expected to read the chapters relevant to each seminar so that the seminars themselves can focus on discussion of issues rather than covering the basic factual information.

Other useful general textbooks

Medical ethics

Hope T- *Medical Ethics : a Very Short Introduction*. Oxford University Press, 2004. ISBN: 0192802828.

This is intended as an introduction to the general area of medical ethics. It does not aim to be comprehensive but rather to take various issues in medical ethics and to argue, for each issue, for a specific position.

Beauchamp T L and Childress J F - *Principles of Biomedical Ethics (7th ed.)*. Oxford: Oxford University Press, [1979] 2013
ISBN: 978-0-19-992458-5

A well-established, detailed and well-written textbook of medical ethics organised around the four principle approach.

Steinbock B, London AJ Arras, J - *Ethical Issues in Modern Medicine (8th ed.)*. McGraw Hill 2012
ISBN 13 9780073535869/ ISBN 10 0073535869

A good collection of some key articles in medical ethics.

Glover J - *Causing Death and Saving Lives*. Harmondsworth: Penguin, 1990. ISBN: 0140134794

Although this is about end of life issues it is a good introduction to philosophical thinking applied to the medical setting.

Harris J - *The Value of Life*. London: Routledge and Kegan Paul, 1985, 1989. ISBN: 0710098952 / 071020437X (pbk.) / 0415040329 (pbk- Routledge, 1989).

Parker, M - *Ethical problems and genetics practice*. Cambridge: Cambridge University Press 2012 ISBN: 9781107697799

Singer P - *Practical Ethics (2nd ed.)*. Cambridge: Cambridge University Press, 1993. ISBN: 0521433630 / 052143971X (pbk.).

A racy and readable examination of some of the philosophical issues underpinning medical ethics.

General ethics

Singer P - *A Companion to Ethics*. (Blackwell Companions to Philosophy.) Oxford: Blackwell Reference, [1991] 1993. ISBN: 0631187855 (pbk) / 0631162119 (hbk).

A good collection of essays on a wide variety of ethical theories.

Singer P - *Applied Ethics*. (Oxford Readings in Philosophy.) Oxford: Oxford University Press, 1986. ISBN: 0198750676 / 0198750854 (cased).

A good collection of some classic essays in practical ethics including one on active and passive euthanasia and one on abortion.

Medical Law

Montgomery J - *Health Care Law (2nd ed.)*. Oxford: Oxford University Press, [1997] 2003. ISBN: 0198765746 (pbk).

A good clear account accessible to doctors. Less than 500 pages.

Mason JK, McCall Smith RA and Laurie GT - *Law and Medical Ethics (8th ed.)*. London: LexisNexis, [1983] 2010. ISBN 13: 978-0-19-922775-4 (pbk.).

A well-established book that focuses more on law than ethics. Almost 600 pages.

Stauch M, Wheat K, Tingle J - *Sourcebook on Medical Law (2nd ed.)*. London: Cavendish Publishing Limited, [1998] 2002. ISBN: 1859416950.

A detailed (over 700 pages) but readily accessible book on English health care law that gives extensive quotations from legal judgements and other relevant materials.

Kennedy I, Grubb A - *Medical Law (3rd ed.)*. London: Butterworths, 2000. ISBN: 0406903255 (pbk.).

The most detailed sourcebook of English health care law providing extensive extracts from judgements. For reference only. Over 2000 pages, much in small type.

Online Resources

Gateways to resources

[These resources were prepared with the help of Merle Spriggs and Ainsley Newson.]

The Journal of Medical Ethics: www.jmedethics.com

Provides a useful list of classified websites, as well as a good selection of articles from the journal and abstracts for most articles published since 1990. This is also the website for the **Journal of Medical Humanities**.

Canadian Bioethics Society: www.bioethics.ca

Useful web links as well as educational material in medical ethics.

National Reference Center for Bioethics Literature:

<http://bioethics.georgetown.edu/>

The website for the largest library in medical ethics with useful bibliographies, search tools, educational material, and web links.

Social science information gateway: <http://www.ariadne.ac.uk/issue2/sosig>

A comprehensive and classified gateway to web resources in social sciences including ethics and law.

The Bailii database: www.bailii.org

An excellent database of recent legal cases available free on-line.

LexisNexis legal database: <http://www.lexisnexis.com/uk/legal>

Another comprehensive database of English law cases. Full texts of legal judgements are available. Access available through Oxford University's institutional network.

Office of Public Sector Information: <http://www.opsi.gov.uk/legislation/uk.htm>

UK Statutes from 1988.

Scottish Legislation: <http://www.opsi.gov.uk/legislation/scotland/about.htm>

Medical Ethics and Law Journals and Reports

The Journal of Medical Ethics: see above. Shorter articles on medical ethics and law also appear intermittently in the BMJ: <http://www.bmj.com/>

Bioethics: <http://eu.wiley.com/WileyCDA/WileyTitle/productCd-BIOE.html>

A practical ethics journal with articles on medical ethics, research ethics, and the ethical issues that arise in the application of the biosciences and novel technologies.

The American Journal of Bioethics: <http://www.bioethics.net/>

A US-based bioethics journal and resource. Includes articles with peer commentaries.

Clinical Ethics: <http://ce.rsmjournals.com/>

A journal that publishes papers on the key ethical issues that arise in clinical practice, medical research and health policy.

The Medical Law Review: <http://medlaw.oxfordjournals.org/>

A journal with articles on all areas of health care and the law. Includes academic papers and case commentaries on major medical law cases in England.

The Nuffield Council on Bioethics Reports: www.nuffieldbioethics.org

An independent UK think tank that examines and produces reports on a range of ethical issues in biology and medicine. Full text of the reports are available online.

Publications by Professional Bodies

The General Medical Council: www.gmc-uk.org

Contains GMC guidelines covering many areas of medical practice, and includes draft guidelines for comment and feedback.

The British Medical Association: www.bma.org.uk

Some of the BMA's reports and codes of practice (such as those about advance directives) are available on-line.

American Medical Association: www.ama-assn.org

Some medical ethics learning resources including case histories available.

Royal College of Obstetricians and Gynaecologist: www.rcog.org.uk

Online guidelines available on issues relating to reproductive medicine.

UK Department of Health Government Reports:

www.dh.gov.uk/PublicationsAndStatistics/fs/en

Occasional reports on health policy are available, as well as some government sponsored educational documents such as that on consent.

The Law Commission: <http://lawcommission.justice.gov.uk/publications.htm>

Conducts research, consultations and produces recommendations for changes to UK law. Relevant reports and consultations include the topics of the regulation of health care professionals, the reform of adult social care law, and law on mental capacity.

National Research Ethics Service (formerly UK Central Office for Research

Ethics Committees: <http://www.nres.nhs.uk/>

Useful links to sites about the ethics of medical research. Includes guidance about applying for research ethics review prior to conducting research studies.

The Declaration of Helsinki (World Medical Association):

<http://www.wma.net/en/30publications/10policies/b3/>

Information about the international ethical principles that regulate medical research.

Philosophy Encyclopaedias

Stanford encyclopedia of philosophy: <http://plato.stanford.edu/>

An excellent and very detailed on-line encyclopaedia of philosophy.

The internet encyclopedia of philosophy: <http://www.iep.utm.edu/>

Assessment

Ethics and Law in Year 6 Exams

As you know, there will be general medical and surgical exams in the January of your final year (year 6). Questions in ethics and law may be included in this exam. Any such questions would focus on assessing your knowledge of guidelines and legal structure as taught in your year 4 and 5 ethics and law sessions.

There will also be an assessment in ethics and law **at the end of Yr 4**. This will take the form of an Objective Structured Clinical Examination (OSCE), and will be one of the 12 stations that form part of your Yr 4 examinations. Further details of this assessment will be given during the course of the Yr 4 course.

Contacts for the Course:

If you have any questions about the Medical Ethics Course please contact:

Susan Barrington, Secretary

Ethox Centre, Nuffield Department of Population Health, University of Oxford, Old Road Campus, Headington, Oxford, OX3 7LF

Tel: 01865 287887

Email: susan.barrington@ethox.ox.ac.uk Website: www.ethox.org.uk

Teaching faculty

The course is run by Dr Michael Dunn, Prof Michael Parker and Prof Maureen Kelley with the help of tutors who are mainly, but not exclusively, local doctors with a strong interest in ethics. If you have any questions about the course, or if any specific issues arise, please send an email to Michael Dunn (michael.dunn@ethox.ox.ac.uk)

Michael Parker is Professor of Bioethics and Director of the Ethox Centre at the University of Oxford. His main research interest is in the ethics of collaborative global health research. Together with partners at the Wellcome Trust Major Overseas Programmes (MOPs) in Viet Nam, Malawi, Thailand-Laos, Kenya, and South Africa he co-ordinates the [Global Health Bioethics Network](#) - which is a programme to carry out ethics research and build ethics capacity across the MOPs. The Global Health Bioethics Network is funded through a Wellcome Trust Strategic Award. Michael also leads the ethics programme of the Malaria Genomic Epidemiology Network (MalariaGEN) - www.malariagen.net - which carries out genomic research into severe malaria in childhood at more than 30 sites in 21 countries. Michael's other main research interest is in the ethical aspects of the clinical use of genetics. Since 2001, he has - with Anneke Lucassen, Tara Clancy and Angus Clarke - co-ordinated the [Genethics Club](#) - a national ethics forum for health professionals and genetics laboratory staff in the United Kingdom to discuss the ethical issues arising in their day-to-day practice and to share good practice. This work has been published as *Ethical Problems and Genetics Practice* (Cambridge University Press, 2012).

Michael can be contacted on: 01865 287885; e-mail: michael.parker@ethox.ox.ac.uk

Michael Dunn is a Lecturer in Health and Social Care Ethics within the Ethox Centre. He is leading and developing a new programme of research into the ethical issues that arise in the care, support and treatment of 'vulnerable adults', including those with dementia, learning disabilities and mental health problems. Connected to this work, he regularly provides ethics support and education to health and social care practitioners across the UK and internationally. Michael is the author of over 20 academic papers exploring varied issues in health and social care ethics, law and policy, a member of two international bioethics consortia, and a visiting researcher at the National University of Singapore. He is also a member of the national Social Care Research Ethics Committee, and Oxford Health's Clinical Ethics Advisory Group.

Michael can be contacted on 01865 287889; e-mail: michael.dunn@ethox.ox.ac.uk

Maureen Kelley is Associate Professor of Bioethics at The Ethox Centre in the Nuffield Department of Population Health at the University of Oxford, specializing in Ethics and Maternal, Neonatal and Child Health. Maureen's research focuses on two vulnerable populations: orphans and other children living outside a stable family situation, and pregnant women and children living in low resource settings. Through qualitative research and normative analysis her work addresses ethical problems that pose a barrier to improving health for women and children who are highly susceptible to harm due to social, political, or economic circumstances.

Maureen has also been engaged in training and capacity building in clinical and research ethics, working with international colleagues to develop ethics training programs in Siberia, Zambia, Namibia and Uganda, and now with the Wellcome Trust Major Overseas Programmes (MOPs) in Vietnam, Malawi, Thailand-Laos, Kenya, and South Africa.

Maureen can be contacted on: 01865 287887; e-mail: maureen.kelley@ethox.ox.ac.uk

The Ethox Centre

The Ethox Centre is a multidisciplinary bioethics research centre founded in 1998 within the Nuffield Department of Population Health, part of the University of Oxford's Medical Sciences Division. Work at Ethox aims to improve ethical standards in healthcare practice and in medical research. It does this through education, research, and the provision of ethics support to health professionals and medical researchers. The Centre aims in all its activities to be close to practice and seeks to engage with ethical issues faced by real world actors in real world settings. One implication of this is that the Centre places particular value on approaches bringing together empirical research with rigorous ethical analysis.

The Centre's research activities focus on four areas:

- **global health ethics**
- **clinical ethics**
- **population health ethics**
- **research ethics**

The Ethox Centre has a rich research culture including visiting researchers, research seminars and on-going collaborative writing groups on a wide range of topics.