Ethics and Morals: of the origin and meaning of the words

• gr. *ethos* has had different meanings with different authors, including the nature, character or customs of things and people
• ld. *mores* has, in its turn, meant manners, nature, character, temperament, behaviour
• In the common usage of the words and in the opinion of certain authors, ethics and morals are synonyms.
Common notions

- Many people think that morals are related to certain norms and morality, while ethics with the study and justification of morals. Morals tend to change and develop along with the society, ethics is cumulative and explanatory.
- The etiquette is a set of precisely determined rules for conduct in certain situations.
- Metaethics is a field concerned with the peculiarities of the language and creation techniques of the theories in ethics.

Ethics as a part of philosophy

- Sometimes they say that morals rather belong to anthropology and ethics to philosophy.
- Ethics is a major component of philosophy along with ontology, gnoseology and aesthetics.
- Contemporary branches of special and applied ethics, e.g. bioethics, business ethics, etc. are interdisciplinary fields.
What makes Ethics autonomous?

• Traditions since ancient times. At this point, the belief in the uniqueness of the human being in the world is very important. Many of us think that morality is the core of both the human nature and the philosophical treatment of it.

• Interpretation of conduct and life according to special qualitative categories: good-bad, fair-unfair, honest-dishonest, dignified-undignified, faithful-unfaithful, etc.

• Morals cannot be reduced to any of the three pillars – biology, psychology or sociology, one can easily find common elements and contacts between all of them.

The Object of Morals

• The main objects of Ethics are act (case) and life as a whole. Both of these can be assessed proceeding from the concepts and theories of Ethics.

• An act or a case behaves as if it were eternal, i.e. it can be given a meaning both anticipatively, prior to the actual performance, and retrospectively, post performance as we can already see the result.

• Discussions on ethical issues are often held in conditional mood, which, in itself, provides for the existence of certain ideals and standards.
The Object of Morals 2

• However, ethical assessment on a certain act may change in time or differ by person, i.e. these are often relative.

• An act may very often be ethically controversial, i.e. contain both positive and negative aspects, and giving an act an integrated evaluation is complicated and presumes weighing these aspects.

• The terms `ethics´ and `ethical´ characterize good or correct behaviour (whether actual or planned). Hence the unethical nature of certain acts and views and a need for the justification of certain behaviour.

• Earlier, ethics focused on the behaviour of a person in relation to other persons or him- or herself. Nowadays, ethics is also viewed in the context of the whole world and the field as a whole can be considered as environmental ethics. For example, the necessity to protect both animate and inanimate environment from ourselves.
Most popular ethics theories

- **Duty-ethics** – an approach, according to which the morality of an act is related to following certain morality norms and a moral act has a certain internal value by itself.
- **Consequence-ethics** – an approach, according to which the morality of an act proceeds from the consequences of it. One of the popular forms of this approach is *utilitarianism* that sees the morality of an act as proceeding from the benefit the act brings along.

Behaviour as the output of organism

- Any action of a person in relation with the environment is behaviour. Some people think behaviour also includes mental processes related to planning, performing and analysing such actions.
- An action or an event is a unit of behaviour. Human life can be seen as a series of actions and/or events or, on the basis of the belief in causal connection, one can talk about the chain of events.
Inevitability of social existence

- The world seems to be arranged in a way that no-one can exist entirely alone (as to both animate and inanimate environment) or we are inevitably placed in one environment, on which our life and welfare depends considerably.
- Such world order has, at one point, created human beings; the possibility of interaction between a human being and the environment is a precondition for any development.

Free will and behaviour

- According to a popular understanding, a human being has his or her free will that enables choices and actions according to the made choices (See for example, Libertaarimperativ by Undo Uus, Academy, 1997, 10, 2087-2113)
- If there was no free will, there would not be any sense in talking about moral behaviour. Free will is an important part of human autonomy.
- Free will relates to consciousness and its cognitive capability. Capability of consciousness is limited, for which reason a person perceives only a part of possible choices in a situation.
- Free will is not absolute, reason is aware of and can control a certain part of behaviour, a part of human behaviour cannot be perceived or controlled by reason and the specification of some behaviour is unclear.
Understanding and Analysing Behaviour 1

• Analysing human behaviour may proceed from very different criteria: goal, adaptation, efficiency, value, legitimacy, effect on others, etc.

• Behaviour can be analysed and interpreted both by the subject and by others.

Understanding and analysing behaviour 2

• Due to the complex nature of behaviour, its holistic interpretation is very difficult or even impossible, and it may be that people try to understand only certain aspects of it.

• With human behaviour, biological or physiological, psychological and social aspects are analysed separately.

• At all times, certain aspects have been tried to reduce to others, e.g. social to biological.
Biological Aspect of Behaviour

• Ethological and biological anthropology have separate notions and theories that proceed from biology. For example, genetic aspects of behaviour, influencing behaviour by interfering with cerebration.
• Homeostatic behavioural motives, e.g. nutrition, thirst, thermoregulatory responses.
• Differentiation between self and non-self, e.g. programmed defensive or sexual behaviour (instincts, reflexes).

Psychological Aspect of Behaviour

• Explanation of behaviour through and by means of what takes place in the psyche of an individual.
• Consciousness versus unconsciousness
• Sharp contrast between self – non-self
• Urges, motives, learning and planning are important factors
Social Aspect of Behaviour

• A person is inevitably a member of different communities
• Non-self seems to be more important in social context
• Social communities perform different activities
• Sociological (public opinion and politics, group awareness, etc.), economic, legal ways to explain behaviour.

Moral Aspect of Behaviour

Person`s and society`s perspectives intermingle.
Personal assessors are
• Consciousness or a certain emotional attitude
• Rational reasoning

A conflict between consciousness and rational reasoning may occur quite easily.
On Human Nature

• To connect different aspects, “grand notions” are created. Human Nature is one of them. However, a precise identification of the concept of human nature may become a limiting aspect to the bigger idea of it.
• Human Nature is a confusing and differently interpretable, still a very popular notion. For example, Aristotle’s social animal (zoon politikon) or Plautus’ *homo homini lupus est*.
• Human nature has biological, psychological (spiritual) and social aspects about it. These aspects are connected with each other but are not replaceable by the other.
• Are human rights a part of human nature?

Normative aspect of morality

• Morals are realized through certain norms (formerly called commands) or sets of norms (formerly called commands), e.g. Decalogue in the Bible or Hippocratic oath.
• A more rational way to answer the question about the origin of norms is to relate them to certain moral values, but there may also be other explanations.
• Compliance with norms is observed by other people and by social institutions appointed to that end but also by the person him or herself.
Scale of goal of action and of its result and usefulness

• Intentions, actions and cases are understood in the context of their goals and consequences.
• The result can be important to both the subject and the society
• “Contribution to social utility” is the motto of Utilitarianism

Morals as a social regulation

According to Thomas Hobbes (1588-1679), system of morals is a gateway from the state of nature or “the war of all against all”. Such war is believed to ground on the basic biological nature of people. People can escape the war by means of a social contract, part of which are morality norms and according to which a person should give up a part of his or her sovereignty.
Morals as a social regulation

• Society is regulated by means of legal system and several morality networks.
• Justice and morals do not and must not overlap, however they still have common elements. There is a popular view which holds that a society`s legal system must reflect a minimum of its morality.
• Both of them have means for the realization of norms.

Morals and ideology

• Morals and ideology are interconnected. Ideology is a doctrine adopted in a society, its components include morals. In the USSR moral code of the Builder of Communism prevailed.
• At ideology level big and central ideas of philosophers are used for grounding. E.g. application of Nietzsche`s idea of the Overman or Superman in Nazi ideology.
• Post application, an ideology does not need or even avoids grounding, instead the dimension of eternity will be attached to it. The UN Universal Declaration of Human Rights is the source document for the modern global ideology.
Definition of Medical Ethics

Medical Ethics is an interdisciplinary teaching and research discipline, which critically, historically and analytically identifies and examines moral and ethical aspects of (decision concerning) health care and medical research.

G. Hermeren in Teaching Bioethics, Copenhagen 2002

Medical Ethics or bioethics?

- Van Rensselaer Potter (1971): ‘bioethics’ refers to the moral, social and political problems that arise from biology and the life sciences generally and that involve, directly or indirectly, human well-being.

Van Rensselaer Potter (1911-2001)
Different interpretations of the notion of bioethics

- Moral concerns of modern biotechnology and of related fields
- Synonym to medical ethics
- Van Rensselaer Potter’s definition uses a broad interpretation, which includes, apart from the above, issues of environmental ethics and animal care ethics

Roots of Modern Medical Ethics

- Ethics as a traditional philosophical discipline
- Medicine and biology as the sources for the rules of the guild
- Religion as an important component of world-view and instructions for life
- Cultural context of the society
- Social, behavioural and legal sciences in the service of comprehending and affecting social functioning

NB! Quite often, walls between the fields are unexpectedly high
Development of medical ethics I

- Classical period from Antiquity to the middle of 20th century: the Hippocratic Oath; paternalism in the doctor-patient relationship.
- The concept “Salus aegroti suprema lex” dominates.
- Conservative attitude of society towards medical issues
- Dominating of one way of ethical thinking (deontological ethics, utilitarianism, etc.)
- Parallel development of philosophical ethics and guild ethics

Birth of Modern Bioethics

Social aspects
- World War II and the collapse of the notion of state as the totality of means of political pressure. The time of a multiplicity of ideologies and the predominance of the slogan of 50 years of peaceful coexistence.
- Globalisation and integration of humanity into a whole. An increasing availability of information in Western societies.
- UN Declaration of Human Rights and many conventions on bioethics (manifestos).
- Dominating of market economy and the formation of money into the oxygen of society. Non-profit activity is not particularly promoted in the society: Act as much as much you have the oxygen. A person, as an element of economic system, can proceed from the area “poor in oxygen” to the area “rich in oxygen”. A person’s autonomous freedom has considerably decreased while the opportunities for the society have increased continuously.
Birth of contemporary bioethics

Revolution in medicine and biology

• Development of artificial kidney, lung, circulation and other machines replacing organs or parts of body as well as transplantation of tissues and organs have improved life prospects in certain critical situations considerably. Medical activity becomes more and more specialized, powerful and expensive. At the same time, fragmentation of man, in both medical and social sense, is continuous. Intertwining of natural and artificial, and the existence of cyborgs are the reality.

• 50 years ago the structure of DNA double helix was identified and the era of genetic issues and cell biology began. Fragmentation of man’s body is the inevitable result of this. Big confusions regarding the beginning and the end of life as well as determining the identity of organism accompany fragmentation.

• There is an intensive development in psychopharmacology and nerve science since 1960s that keeps on trying to fragment the mind and the soul.

Basic postulates of modern bioethics

• Autonomy of man is a leading value and, hence, the obtaining of informed consent has become the starting position for medical activity. The principle “Voluntas aegroti suprema lex” dominates.

• The process of institutionalisation of morals is continuous and ethical committees decide on the acceptability or unacceptability of certain activities. Morality norms and principles are written into into codes and declarations (soft laws) to which legislation (hard laws) have to conform.
Basic postulates of modern bioethics

• Principles of bioethics are realized in both medical practice and research on humans.
• Social justice and fair sharing of limited resources have become an important problem.
• Help is becoming or has become a service or a good.

Institutionalisation of bioethics

• Social interest in most aspects of human activity is a growing trend
• Foundation and development of academic centres for and publications on medical ethics and bioethics
• Foundation of ethics committees since 1960s that also denotes a development of a collective moral decision-making mechanism.
• Creation, spreading and acceptance of national and international ethics documents (declarations, conventions, resolutions).
The most important document on bioethics in Europe:

Council of Europe «CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND DIGNITY OF THE HUMAN BEING WITH REGARD TO THE APPLICATION OF BIOLOGY AND MEDICINE: CONVENTION ON HUMAN RIGHTS AND BIOMEDICINE» (Oviedo, 1997)

https://www.riigiteataja.ee/erl/act.jsp?id=27546

GENERAL PROVISIONS

Article 1. Object and Purpose
Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, without discrimination, respect for their integrity and other rights and fundamental freedoms with regard to the application of biology and medicine.

Each Party shall take in its internal law the necessary measures to give effect to the Provisions of this Convention.

Article 2. Primacy of the human being
The interests and welfare of the human being shall prevail over the sole interest of society or science.

Article 3. Equitable access to health care
Parties, taking into account health needs and available resources, shall take appropriate measures with a view to providing, within their jurisdiction, equitable access to health care of appropriate quality.

Article 4. Professional standards
Any intervention in the health field, including research, must be carried out in accordance with relevant professional obligations and standards.
Article 7. Protection of persons who have mental disorder
Subject to protective conditions prescribed by law, including supervisory, control and appeal procedures, a person who has a mental disorder of a serious nature may be subjected, without his or her consent, to an intervention aimed at treating his or her mental disorder only where, without such treatment, serious harm is likely to result to his or her health.

Article 8. Emergency situation
When because of an emergency situation the appropriate consent cannot be obtained, any medically necessary intervention may be carried out immediately for the benefit of the health of the individual concerned.

Article 9. Previously expressed wishes
The previously expressed wishes relating to a medical intervention by a patient who is not, at the time of the intervention, in a state to express his or her wishes shall be taken into account.

Chapter III

PRIVATE LIFE AND RIGHT TO INFORMATION

Article 10. Private life and right to information

1. Everyone has the right to respect for private life in relation to information about his or her health.

2. Everyone is entitled to know any information collected about his or her health. However, the wishes of individuals not to be so informed shall be observed.

3. In exceptional cases, restrictions may be placed by law on the exercise of the rights contained in paragraph 2 in the interests of the patient.
Main principles of bioethics

“Georgetown mantra” Beauchamp and Childress (1977)

1. Autonomy
2. Non-maleficence
3. Beneficence
4. Justice

European values in bioethics

• In the European context human dignity is the highest value in bioethics
• Difference in values has brought about misunderstandings within the European-North-American axis but naturally also with other religions in the world.
Human rights

- A set of norms that positions a man into a society and determines how the society should treat the man regarding certain aspects.
- There is an old argument about whether human rights are independent of people and societies or not. A free person seems to determine his or her rights by him- or herself.
- Nowadays, human rights are rather a legal doctrine that are tried to be realized in international and national law.

Connection between human rights and ethics

- Human rights are an essential field that establishes connections between ethics and law;
- Human rights are a very important source for argumentation in modern (bio)ethics; human rights are sacred;
- Human rights are a very important determiner of autonomy and human dignity. Everybody has the right to realize his or her human rights and the society has to determine circumstances under which human rights can be restricted.
Development of human rights

- Historically, the development of human rights is associated with people striving for a more just world.
- At the same time, the idea of human rights is connected with the conditions that ensure people`s existence and free development.
- However, the development and recognition of human rights is associated with altruism and with the view that others deserve existence as much as I do.

Development of human rights

- Religious movements associate human rights and their scope with the activities of the Omnipotent;
- Similarity and universalizability of human beings supported by different sciences has been widely discussed in philosophy;
- Since Rousseau and the French Revolution, political movements have increasingly recognized men`s equal right to existence.
UN Universal Declaration of Human Rights (1948)

Preamble
Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;

Every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Universal Declaration of Human Rights

Article 1.
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood

Article 2.
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3.
Everyone has the right to life, liberty and security of person.
Universal Declaration of Human Rights

Article 25.
Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Human rights and HIV

- Many documents have been drawn up to emphasize the importance of human rights in the context of HIV.
- Commission of the European Communities statement "on HIV/AIDS prevention in the European Union and neighbouring countries 2006-2009" -- HIV/AIDS strategies are tightly connected with strengthening of general European values in the field of people security, including sexual and reproductive rights, rights of minorities and the basic rights of migrants, refugees and displaced persons.

• International Guidelines on HIV/AIDS and Human Rights of the Office of the High Commissioner for Human Rights (OHCHR) & UNAIDS
• Chapter III “International human rights obligations and HIV” provides a good basis for the issue of human rights

Introduction

• Experience shows that promotion of human rights protection contributes to the decrease in HIV incidence and in the acuteness of HIV/AIDS problem;
• Health and human rights are mutually supportive and reinforcing in all contexts;
• Governments, communities and persons shall respect human rights and act in the spirit of tolerance, compassion and solidarity.

- All human rights are universal, undivided, interrelated and interdependent;
- Sometimes, restrictions may be imposed on certain human rights in narrowly defined circumstances. Some rights are non-derogable and cannot be restricted, these include: the right to life, right to freedom from torture, right to freedom from enslavement, protection from imprisonment for debt, freedom from retroactive penal laws, the right to recognition as a person before the law and the right to freedom of thought, conscience and religion.


Public health is often presented as an argument to restrict human rights in the context of HIV. This may bring about discrimination in the spheres of education, employment, medical care, travelling, social security and accommodation. Mandatory testing and disclosure of HIV status violate the rights to privacy. Restriction of personal liberty occurs if HIV is presented as the reason for deprivation of liberty or for segregation. ... Such coercive measures make people avoid prevention and support programmes.
Stigmas and discrimination

• Id. discriminare – distinction, differentiation, “differentiate between”
In social context, discrimination means unfair unfavourable treatment of a person or a social group on the basis of a certain category (illness, race, behavioural peculiarities).
• gr. stigma – a small spot, scar, token
A social token that denotes a category, on which basis a person or a social group can be discriminated.

Discrimination and justice

• The wrongfulness of discrimination is grounded on several aspects, e.g. on human rights and different values (e.g. justice).
• According to a traditional approach, what people deserve and to what they are legally entitled is fair.
• In the modern pluralistic world there are different understandings of justice that develop on their own.
Main approaches to justice (Sterba, 2005)

- Libertarian justice – the maximum liberty creates justice;
- Socialist justice – equality creates justice;
- Welfare liberal justice – contractual fairness and maximum utility create justice;
- Communitarian justice – common good creates justice;
- Feminist justice – a gender-free society creates justice.

HIV, drug addiction and discrimination

- Discrimination is very common in the context of HIV and drug addiction;
- Discrimination proceeds from quite different circumstances but prejudices are the major source;
- Increase in awareness and cultivation of certain attitudes (human dignity, justice, human rights) prevent discrimination.
NAADAC code of Ethics

NAADAC – Association for Addiction Professionals (the United States of America)
• Principle 1 – non-discrimination
• Principle 2 – client welfare
• Principle 3 – client relationship based on autonomy
• Principle 4 – trustworthiness;

• Principle 5 – compliance with law;
• Principle 6 – compliance with rights and duties;
• Principle 7 – dual relationships;
• Principle 8 – preventing harm;
• Principle 9 – duty of care.
Case analysis technique: analysis of the problem through certain questions

• What are the main facts and problems of the case that are important in the context of ethics? Are there enough of such facts or should more be obtained?
• What are the interest groups with regard to this case? Is there someone whose interests are preferred or especially protected?
• What are the obligations of the people involved in the case in this situation?
• Which ethical principles are relevant in the present case?
• Is it possible to rephrase the source problems?
• What are the recommendations for solving the case?

Case No 1

*Drug users infected with HIV refuse treatment*

(3) The Estonian newspaper Eesti Päevaleht (EPL), 08.04.2006


JÕHVI, 8 April (EPLOnline) – the local newspaper Põhjarannik writes, “Only 250 people out of the 5063 infected with HI-virus receive necessary treatment; in Narva 46 people, which makes 1 percent of the people who are prescribed antiviral treatment for being diagnosed HIV positive or AIDS, actually receive the treatment”.
# Case No 2

**The newspaper Postimees (PM) Online commentators disapprove the frank confession of drug use by Tanel Padar**


The drug confession by the rock musician and youth idol Tanel Padar in the television programme “Pealtnägija” (“The Witness”) on ETV (Estonian National Channel) upset most of the commentators on PM Online. Several readers are convinced that the confession ruined his reputation considerably.

## References

References


