Creating Moral Space

The Proactive Role of Ethics Committees

Kansas Health Ethics
Developing Ethics Committees
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Ethical Resource Saturation

- We are saturated with resources designed to educate the conscience
- We have more ethical resources than we know what to do with
  - Ethics Committees (13,100,000 hits)
  - Ethics Education (58,800,000 hits)
  - Ethics Institutes (27,300,000 hits)
  - Health Care Ethics (49,200,000 hits)
Resources are ubiquitous

- Ethics Teachers, Advisers, Consultants
- Ethics Institutes & Committees
- Ethics Books, Journals & Web Sites
- Ethics Is A Stated Priority Of:
  - Schools
  - Universities
  - Professional Associations
  - Businesses
  - Governments
Birth of Ethics Committees

January 1992 JCAHO requires health care organization establish organizational mechanisms for formulating ethics policy and addressing ethical conflicts within the institutional setting.
— SO —

???Why Aren’t We More Ethical???
Ethical Failure

Wealth Of Resources $\neq$ Ethical Success

More Likely:

Ironic Symptom Of Ethical Failure
– SO –
So Why Are We Failing?
Resources Are *Poorly Designed*

- **Quantity** Of Resources *Not* The Problem
  - student honor codes
  - industry standards
  - professional assoc codes
  - ethics laws
  - ethics committees

**Quality Is The Problem**
“When health care providers seek advice, the ethics committee convenes and discusses the cases ...” (p. xvii)

- Q: “What then is a hospital ethics committee?”
- A: “… a group … who meet regularly to address ethical problems that emerge … (p. 2)”
We are failing because we take a **REACTIVE APPROACH**

Oh - OK
A Modest Proposal
(with apologies to J. Swift)

Ethics Committees should proactively create a Moral Environment

i.e., Quality Improvement (CQI)
Creating Moral Space

- Moral reasoning is:
  - basically a communal and a collaborative affair
  - An external scaffolding
    - allowing human social cognition and the development of ‘moral space’

- Discursive Construction Of Moral Space
Moral Discourse
As Process

- Moral ground comes into view as an object of human cognition
- Moral discourse both creates & navigates moral space
- Dialogue creates new domains
- e.g., Cruzan Case
Cruzan vs Missouri

- The right to refuse medical treatment
  - even when necessary to prolong life
- Dialogue created whole new moral domain
  - the right to die claim
- Reframed moral landscape from:
  - Physician-assisted suicide as moral issue
    - TO –
  - *Rights based* argument re: physician-assisted suicide

- Re-shaped moral space
- Made it accessible to reason
Discursive Construction of Moral Space

Public moral discussion creates moral sensitivity

Analogy (Andy Clark)

- 50 yrs ago, financial landscape very different
- New financial institutions creates the space for individuals to trade in stocks, futures, etc.
- General public much more sensitive to financial landscape
Reactive Ethics

- Rules, maximums & guidelines that characterize reactive ethics never display the full, rich content of an ethical culture.
- At best they play a facilitating role / provide reference points to allow:
  - collaborative moral reasoning & discussion
  - deeper & more penetrating moral thought
Bioethics: A Committee Approach
Brendan Minogue (1995)

- “... such committees have an educational function.”
  - ... policies that are not taught are frequently not used
  - (if not used) ethics policies can never be evaluated and rewritten
- This educational function is necessary

BUT NOT SUFFICIENT
Proactive Ethics

Job of Ethics Committees Is To Proactively Create Moral Space

Do This By

Creating An Environment Where Moral Discourse Occurs