THE PHILOSOPHICAL BASIS FOR MEDICAL ETHICAL THEORIES

I: Philosophy of teaching

A. Scientist: Public Servant
   a. Scientist = Doctor
   b. Artist = Physician

B. In the first line of Aristotle’s *Metaphysics* he says “All men by nature desire to know”

C. Learning, knowledge and wisdom.
   a. Myth
      A myth is a way of realizing a truth that is beyond the realm of normal consciousness. This sounds a lot like faith.
      1. King Minos of Crete, Theseus, Ariadne, the terrible Minotaur, and the golden cord.
      2. In medical school, you gain learning and knowledge, but this is only a means to an end. The ultimate end is the Holy Grail of wisdom in your life’s work.
   i. You enter the great labyrinth of theological education, negotiate the labyrinth, and when you graduate, you have killed the Minotaur.
   ii. Some will not be able to find their way out of the labyrinth and will not be able to find wisdom.
   iii. As you gain learning and knowledge, remember that you must also find the golden cord that will lead you out of the labyrinth into the sunlight of true wisdom. With wisdom, you will develop a Cartesian foundational plan for your life and a true passion for your life’s work as an artist.

Ethical Theories

I: All medical ethical theories are comprise variations and differing emphatic designs of three basic medical ethical theories

II: Natural Law or God’s law

A. Natural law is an unwritten, but universal, objective and intelligible moral code that is higher than any law posited by humans or human institutions. It is a law that we did not create, cannot control or alter, but is within our power to discover using reason reflecting systematically on human nature through Socratic critical inquiry. There are certain moral truths that are undeniable, that is, truths that cannot be denied or not known without becoming arbitrary and unreasonable. Natural law gives us an innate teleology that directs our natural moral excellence.

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2 Ibid p. 8-9
3 Koterski, Father Joseph. 2002, vol. 1, P. 69
4 Ibid, 32
5 Simon 1992, p. 41-54
a. Examples of natural law thinking

1. Sophocles’ (496-406 BC) play *Antigony.*
   The arts commonly transcend time and space. Natural truths are frequently manifested in the arts long before they are known, codified, and institutionalized where society can recognizes their implications and consequences.
   i. “Creon (to Antigone): You, tell me not at length but in a word. You knew the order not to do this thing. Antigone: I knew, The word was plain. Creon: and still you dared to overstep these laws. Antigone: for me it was not Zeus who made that order. Nor did that Justice who lives with the gods below mark out such laws to hold among mankind. Nor did I think your orders were so strong that you a mortal man could over-run the gods’ unwritten and unfailing laws. Not now, nor yesterday’s, they always live, and no one knows their origin in time”.

2. Charles Langston versus the United States 1859
   “I will do all I can, for any man thus seized and held, though the inevitable penalty.... hang over me. We all have a common humanity and you all would do that; your manhood would require it; and no matter what the laws might be, you would honor yourself for doing it, while your friends and your children to all generation would honor you for doing it, and every good and honest man would say you have done right.”

3. Martin Luther King Jr., from the Birmingham jail evoked Thomas Aquinas to make a natural law argument against the immoral cultural practice of racial prejudice that existed under the law and in the heart. “An unjust law is a human law that is not rooted in eternal law and natural law”.

4. Judicial legislation

5. Nuremberg Trials

III: Deontological Ethics. Immanuel Kant (1724-1804) (Obligation or Duty based theory that allows maximum autonomy for the individual without regard for the consequences)

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6 Rommen 1998, p. 178-90
7 Lovin 2000, p. 47-9
8 Grene 1959, p. 173-4
9 Finkelman 1988, p. 17-8
10 King 1964, p76, 82
A. Kant subsumed the radical rationalism and empiricism of the Enlightenment’s turn to
the subject.
   a. Kant and the Copernican revolution. “I know X”
      1. *a-priori* categories of the mind
         Sense perception is nothing but a plethora of buzzing, bubbling caldrons of sense
         impulses until the mind sorts, organizes, synthesizes and categorizes these
         impulses into perceptive cognitive thoughts and images
         11 12 13 14
      2. Categorical Imperative
         Imperative means an urgency of action and categorical means that, “certain kind
         of action is objectively necessary, without regard to any end”
         15. At the time of creation, God hard wired into our genes an inherent teleological ordering that
directs us toward our native potency of moral excellence. In other works, we by
our very nature, know right from wrong. We must do the right thing for the right
reason or the act is not moral.
         i. The major weakness of deontological ethics is when there are competing
            and incompatible moral claims that are all moral and just.
         ii. The second weakness is that deontological ethics eliminates the moral
             character of the decision maker (virtue ethics)
             16 17
         iii. The great strength of deontological ethics is that it does not lend itself to
             immoral abuses.

IV: Utilitarian Ethics (Jeremy Bentham (1748-1832) and John Stuart Mill (1806-1873). This is a
consequence based theory that is built around the principle of utility. “We ought always to
produce the maximal balance of positive value over disvalue.” It favors what is good for
the majority with little regard for minority consequences. What gives the greatest amount
of benefit for the greatest number of people is moral.

A. Strengths of utilitarian ethical theory
   Much more versatile. Can more easily handle competing, but incompatible, just moral
   claims.

B. Weaknesses of Utilitarian ethical theory
   a. Prone to immoral abuses
      1. The Tuskegee experiment 20
      2. The Pinto experiment 21

11 Robinson 2004. 2nd ed. vol. 3. p 70-82
13 Loewy 1996. p. 23-8
14 Meiklejohn 1990, P. 1-15
15 Russell 1972, p. 710
16 Beauchamp 2001, p. 354-5, 373
17 Munson 1992, p. 15-6
18 Beauchamp 2001, p. 341
19 Steinbock 2003, p. 9-14
20 Beauchamp 2001, p. 96
21 http://wwwfordpinto.com/blowup.htm
IV: I started with the statement the arts can transcend both time and space. In Fyodor Dostoevsky (1821-81) book *Crime and Punishment*, Raskolnikov, as he goes through his life from a young man to death, portrays splendid examples of first Utilitarian ethical thinking, then Deontological thinking and finally Natural Law thinking\(^{22}\).

V: Other theories.

A. What about the character of the participant (virtue ethics), rights (liberal individualism) or the role of tradition and custom (Communitarianism, Ethic of Care, Casuistry, and the coherence reflective equilibrium theory)?

a. “What is important is not primarily the position taken or implied. What is crucial is that we appreciate the need for serious moral discourse around the points”\(^{23}\). W.D. Ross (1877-1971) felt “The moral convictions of thoughtful persons are the data of ethics just as sense perceptions are the data of natural science”

b. I hope we further your life long epistemic passion so we will be vigilant against the grave concerns of Albert Einstein (1879-1955), “Our technology has outgrown our humanity”.

VI: We have now learned a little about medical ethical theories that should, with a little practice, allow us to resolve most medical dilemmas. Is this an end in itself or merely a means to an end?

A: I am going to argue that it is only a means to an end. The ultimate end is to live a moral and ethical life in our practice as well as our personal life.

B: If we do this, we can make a significant contribution to society (We can leave this earth a little better place than we found it).

C: To develop this thesis, I have taken a portion of the lecture that I commonly give immediately after the medical ethical theory lecture.

VII: *DEATH, DYING AND THE CONTRIBUTORY ETHOS*

A. What ought I do before I die?

a. When we kneel at the altar of our own mortality, if we judge that we have taken far more from society than we have given back, it may be extremely depressing and we may feel tremendous remorse. These people are characterized by David Thoreau (1817-62) as “the mass of men that lead lives of quiet desperation”.

b. I am going to argue that the elusive Holy Grail that represents the meaning of life may be a lifetime dedicated to a contributory ethos.

\(^{22}\) Heffernan 2004, p. 135-48

\(^{23}\) Lammers 1987, p. 45
a. The following trajectory, to develop a contributory ethos, worked for me. It may not work for you, but what is important is that you have a plan and pursue it with enthusiasm and passion.

VII: I ended my crucible of conflict by studying the following trajectory of the following right-wing Hegelian existential theologians and philosophers.

A. Soren Kierkegaard (1813-55)
The trajectory starts with this Danish theologian and philosopher who was the first to give us the very essence of the existential self. He felt that to be human meant that we all have a unique and very private inner existence that we must live out in our own wonderfully complicated and precarious way. He was the first to understand that this existential personality transcends our mundane pragmatic daily life.

B. Martin Heidegger (1889-1976)
German existential philosopher that not only recognized the human condition as a source of the dilemma faced by many of those preparing to die, he understood how coming face to face with the stark reality of one’s own mortality forces us to recognize our own authentic wondrous existential potentialities.

C. Martin Buber (1878-1965)
A Jewish existential theologian and philosopher who taught us the relationship of the world of I, Thou (other) and It. The I is our existential Being, the it’s, are the people who we come into contact with daily but have no existential relationship. A Heideggerian authentic existence can only take place in a relationship in which our existential relationship with the thou (other) takes pride of place over the “I” and the “It”.

D. Immanuel Levinas (1906-91)
Jewish existential theologian and philosopher taught us the relationship between the Buberian “Other” and the Hiedeggarian “authentic existence”. “Hence ethics (concern for the good) takes priority over ontology (concern with Being) and my right to exist shrinks to nothing before my responsibility to the other”.

a. A secular Russian Author Fyodor Dostoevsky (1821-81) said it a little different way, “we are responsible for everyone, and I am more responsible than anybody else”.

I: A combination of the East and the West

A. When I teach ethics and death and dying to medical students, I have to teach the Western tradition, but I remind them that there are some beautiful ethics and theology in the Eastern tradition, especially the Bhagavad Gita. I am going end with a pericope

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24 Allen 1973, p. 243-48
27 Friedman 1960, p. 57-85
29 Heffernan 2004, vol. 6, p. 123
from the Eastern tradition, and a quote from Fredrick Wilhelm Nietzsche (1844-1900), who is in the tradition of Karl Mark (1818-83), Albert Camus (1913-60) and Jean-Paul Sartre (1905-80). All of these are left wing Hegelian, atheist. Since I am a Christian, right wing Hegelian, existentialist of the tradition just described, this may sound strange. But, even those with whom we disagree can powerfully influence our lives.

Conclusion

I: Shiva is a many armed Hindu Deity.

A. You may have seen the famous dance of Shiva that both creates and destroys. This Deity creates one epoch, then destroys it and creates another epoch in an eternal cyclic series of ontological recurrence.

I: Nietzsche had two principles that are pertinent to this discussion.

A. Other people’s rejection of the potentialities of the world. Most people do not live their lives fully, do not explore all their possibilities, and do not transcend the bounds of their mundane life to explore their wondrous existential possibilities.

B. His affirmation of the world of eternal recurrences of this life (his existential imperative). Life is affirmed by sadness, sorrow, heartbreak, defeat, and failure interspaced with moments of happiness, success and fulfillment. If we can passionately say yes to an eternal recurrence of this life, just like we have lived it, we will indeed have done the best we possibly could have done, and truly found the meaning of life.

Nietzsche said, “Those that were seen to be dancing were thought mad by those who refused to hear the music”.

Let us live our life so that we are not among those that lead quiet desperation. Let us listen for the music of a contributory ethos and live our lives so we may powerfully and enthusiastically affirm the Nietzschean paradigm of eternal recurrences of this life while doing the dance of Shiva. A dance that ends one epoch of happiness and fulfillment in this life, because we have made a difference, and starts the dance of the ultimate eternal epoch (death).

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31 Kaufmann 1976, p. 101-2
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