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"Law & Ethics in Bio-Medical Engineering" An Introduction
presented by
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**Prezentacja multimedialna współfinansowana przez
Unię Europejską w ramach
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**„Innowacyjna dydaktyka bez ograniczeń - zintegrowany rozwój
Politechniki Łódzkiej - zarządzanie Uczelnią,
nowoczesna oferta edukacyjna i wzmacniania zdolności
do zatrudniania osób niepełnosprawnych"**

Welcome to Law & Ethics in Bio-Medical Engineering!

"It's the question that drives us Neo."
Is a line from a very popular Sci-Fi movie 'The Matrix'.

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Introduction

❑ What is Bioethics?

❑ In order to answer the above question we must ask a few more. Mainly what is 'Ethics'?

❑ It can be said that 'Ethics' is the Philosophy of 'Morality' and/or 'Values'.

❑ We may just have answered a question but have left the door opened and uncovered many more.

❑ Who make moral decisions or values? We do! As a society and culture. This had profound implications. Why? Because in time morals for a society and culture can change.

Learning Objectives

What is ethics

Students should be able to recognize and distinguish an ethical issue from other issues.

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Ethics

✓ **Ethics does not create morality or moral behavior.**

✓ **The goal of ethics is much more modest: to explore the nature of moral experience, its universality and its diversity.**

✓ **Ethics and morality are generally taken as synonyms, because they originally had the same meaning: The study of the disposition, character, or attitude of a specific person, group of people or culture, and ways of promoting or perfecting it.**

Description

✓ This course provides an introduction to those problems of philosophy that are problems of *moral* philosophy, or ethics.

✓ We will begin by examining certain problems that arise when we try to make moral judgments i.e., "Should parents be allowed to choose the physical attributes of their unborn child (i.e., sex, height, eye color, resistance genetic diseases, etc.)?

✓ PLEASE NOTE: You were not just asked, for example, what would be (or would have been) legally correct in those situations (which would be a purely legal question).

✓ You were not just asked what most people might do in that situation (a purely sociological question).

✓ You were not just asked what might feel more pleasant or unpleasant in those situations (a purely psychological question).

✓ You were instead asked what course of action you thought would be the best (or worst) one to take in those situations.

That's the kind of question that ethics deals with.

Methodology

❑ **In its development through history, the discipline called Ethics has known different approaches. None of them have obtained, to this moment, a general agreement.**

✓ **How does one think about ethical questions?**

✓ **Do you just go on your gut feeling and follow whatever your feelings tell you?**

✓ **Do you just go on what people in authority have told you in the past?**

✓ **Do you just go with what the law and courts have to say?**

✓ **How does one go about deciding what course of action would be the best, or most right, course of action in a given situation?**

✓ **Or rather, how should one even start to think about questions like that?**

✓ **What methods of analyzing these questions would be most helpful and would be most likely to lead to the best answers?**

Teleological & Deontological methods

In the history of thinking about ethical questions in the West, several methods for analyzing these questions have emerged.

Many of those methods can be classified under two main headings:

Teleological methods and Deontological methods.

In our previous example "Should parents be allowed to choose
the physical attributes of their unborn child?" As well as some others we'll be discussing in the coming weeks – you'll want to be able to identify which kind of thinking is being used to come to the conclusions people come to.

Are they using a primarily teleological approach (TEE LEE uh LAWJ ih kul)?

Are they using primarily a deontological approach (DEE AWN tuh LAWJ ih kul)?

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Teleological

❑ Teleological methods - sometimes called consequentialist methods, are based on estimating what the likely outcomes of a given course of action will be, and then choosing the method that has the most positive consequences and the fewest negative consequences.

❑ According to these methods, those actions should be chosen which lead to more positive and fewer negative consequences, and those actions should be rejected which lead to more negative consequences and fewer positive consequences.

Utilitarianism

- John Stuart Mill's Utilitarianism is usually seen as the classical expression of consequentialist ethical thinking, and so is Joseph Fletcher's Situation Ethics.

- Future lectures in the course will focus on Mill's utilitarian method as the primary example of teleological ethical thinking. Mill's most famous book outlining this method is titled Utilitarianism.

- Fletcher's book on the subject, taking a somewhat different approach, is titled Situation Ethics.

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Deontological

- Deontological, or duty-based, ethical systems, on the other hand, are those that simply claim, directly and simply, what the fundamental ethical duties are.

- The Ten Commandments (from Exodus and Deuteronomy in the Hebrew Torah) would be examples of deontological ethical thinking.

- According to the Ten Commandments, these actions – honor your father and mother, do not steal, do not commit adultery, keep holy the Sabbath, etc. -- are stated as simply right things to do or wrong things to do.

- They are said to be our clear moral duty. The Ten Commandments do not merely suggest, for example, that you look at the consequences of actions and then weigh the possible outcomes to determine if an action is right or wrong.
- Instead they say that some actions are just plain right and others are just plain wrong.

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Deontological (con)

❑ This is what characterizes deontological ethical methods: they simply state that some things are right or wrong.

❑ Some things are your duty to do (Greek *deon*: duty) and other things are your duty to avoid. **Human Rights documents**, for example, are instances of deontological thinking.

❑ When *The Universal Declaration of Human Rights* (*UDHR*, 1948) says, for example,
  that "No one shall be held in slavery or servitude" (article 4),
  or that "No one shall be subjected to torture" (article 5),
  it is saying these things are just plain wrong.

❑ When the *UDHR* says that "Everyone has the right to leave any country,
  including his own, and to return to his country" (article 13), or that
  " Everyone has the right to freedom of peaceful assembly and association" (article 20),
  or that "Everyone, without any discrimination, has the right to equal pay for equal work"
  (article 23), it is saying that these things are simply right and good.

Cultural Relativism vs. Subjectivism

❑ Cultural Relativism "What's right for us is not necessarily right for them."

❑ Subjectivism "What's right for me is not necessarily right for you."

❑ The role of religion in morality "What's right is just what God says is right."

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Duty

❑ We all consider that some things ought to be done and others avoided.

❑ We have a duty to act in certain ways rather than others.

❑

❑ The experience of duty is one of the most universal characteristics of human life.

❑ There is no human language without the so-called 'duty-verbs',

✓ such as 'must', 'ought', 'shall', or without imperative moods, in order to express commands, like: 'do no harm!', 'fulfil your promises!', 'do not steal!', 'do not lie!'.

✓ Similarly, there is no human society without some rules of conduct, either 'prohibitions' or 'obligations'.

The World of Ethics

There are ethical systems ordered around the ideas of law, duty, obligation, virtue, happiness, principles, consequences, etc.

In an effort to capture the valuable insights of each of these approaches it will be useful to begin by analyzing the universal moral experience of human beings.

Proceeding this way, two concepts emerge as basic: one is 'value' and the other is 'duty'.

Values can be identified amongst all peoples and societies and they often provide unique identifiers of those cultures. Values therefore predate the discipline called ethics, being promoted by religions, cultural traditions, history, etc.

Values are the background of many other moral concepts derived from them, like principles, norms, laws, virtues, etc.

One of the most important goals of ethics is the intellectual analysis of values and value conflicts, in order to define our duties.

And duties always involve the values at stake in each specific situation, promoting them as much as possible.

Remember Moral experience is universal

Some moral perceptions and judgments vary

❑ For instance, morality has been changing all over human history.

❑ Moral values are different depending on the place in which one is living, language one speaks, the culture, the religions practiced.

EVERYONE: PLEASE an provide example.

Universality and variability of human morality

❑ It follows from the previous statements that there are some universal and unchangeable elements in human morality, but others are historically conditioned and particular.

❑ Structurally, morality is always the same, but the contents are, at least to some extent, variable.

✓ In fact, moral values are constantly evolving.

✓ But at the same time, some moral duties remain unchanged, reflecting the logical limits of what counts as part of moral discourse.

✓ For instance, do not harm others, or tell the truth.

Moral statements

❑ Human beings express, communicate, and exchange human experiences through language.

❑ Statements are judgments, propositions or assertions that attribute some predicates to subjects.

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The nature of moral judgments

Three types of sentences

i Łódź is 293.25 km2 (113.2 sq mi).

ii Łódź is nice.

iii Łódź is old.

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Surface grammar and depth grammar

- The words surface grammar refers to the construction of the sentences in terms of
  subject, verb and complement.

- The sentences are identical in this respect.

- As the first sentence ascribes a property to a subject
  we might expect the others to do the same.

- However when we look at the way we handle the sentences
  in the case of apparent disagreements
  about their truth we see that they behave very differently.

- This shows that the depth grammar or the logical character of the sentences varies.

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Argument i

- How do we resolve a disagreement about the first sentence?
  It is a matter of measurement.

- Though we might not be in a position to make the measurement
  we certainly know what it would be like to make it.

- Our understanding the sentence depends on such knowledge.
  If two people disagree about the claim made by the sentence one
  of them must be wrong.

- It is a question of objective fact, an empirical claim.

Argument ii

- How do we resolve an apparent disagreement
  about the truth of this sentence?

- I may be able to give a reason for my statement.
  But I do not have to do so and I can simply say that I just like Łódź .
- There is no logical limit to what people may like or dislike.

- The lesson is that the sentence is not in fact about Łódź
  at all but about me who is simply expressing a feeling I about Łódź .

- This is not therefore a statement at all but an expression of feeling.

* I my be trying to deceive you but I cannot be mistaken.

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Argument iii

- How do we resolve a disagreement about the truth of the final sentence?
- No-one can say that they have no reason for the claim as it is not a matter of whim. Furthermore, there are limits to the kind of consideration which can count as a proper reason.
- It has to be a moral reason. Thus the fact that Łódź is an old city, granted city rights to the village of Łódź in 1432 by King Władysław Jagiełło would be a justification of the claim.
- But another observer might consider that opting for because Łódź is old it is a sign of weakness which hinders modernization.
- This would be a reason for disagreeing with the claim.
- Thus the same consideration can count either for or against the judgment.
- It follows that relevant criteria are called for but they might not guarantee agreement.

Moral criteria and moral judgments

- It has also been pointed out that no rule of behavior can count as a moral principle except it is related to a family of concepts like respect, truthfulness, pride, ostentation, harm, benefit and so on.
- These logical limits make moral statements appear to be akin to sentence i.
- But to over emphasize this similarity suggests that all moral disagreements can be resolved by appeal to these principles and criteria.
- But if it were not for moral values there would be no moral problems for these are created by tensions between those values in specific situations.
- Nevertheless reason has its role to play in moral deliberation for the logical limits we have referred to have to be respected.
- In many cases reasonable reflection will facilitate agreement but it simply cannot be guaranteed to do so.

Conclusion

TO BE CONTINUED....

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