Ethical professional-personal model of making decisions in forensic medicine

Carmen Corina Radu¹, Cristina Podilă², Andreea Cămărășan¹, Diana Bulgaru-Iliescu³*, Dan Perju-Dumbravă⁴

Abstract: In this paper, the authors want to introduce the concept of responsibility of an alive person to the values and rights of the deceased person through the ethical professional-personal model introduced, which will help us to make a decision when it comes to issues of morality and ethics in the forensic practice.

Key Words: forensic medicine, principles of bioethics, ethical professional-personal model.

INTRODUCTION

Forensic autopsy, also called forensic necropsy represents a complex activity consisting in examining the external and internal appearance of the body, subsequently yielding biological products for histopathology and toxicology. After these procedures, the forensic doctor can determine the cause of death. This procedure, although it is performed only at the request of the investigators [1], as in case of violent deaths, sudden deaths or suspicious, requires a forensic doctor relationship with the deceased and the family.

Personal ethics refers to individual conscious about what is ethically correct and morally about family, friends and community, while professional ethics is usually perceived as a commitment to professional ethic on colleagues suppliers and forensic institution as a whole. Both operating under the same ethical principle: “basically the practical act through every person may become an excellent human being in the world” [2].

A definition taken from the International Code of Medical Ethics of the World Medical Association says that: “a doctor, regardless of the medical practice, must provide competent medical service with full professional and moral independence, with compassion and respect for human dignity”[3]. So, even if we are talking about a deceased person, these services must be provided, and the deceased will be treated with respect and human dignity.

MATERIAL AND METHODS

In Romania there are no protocols or professional ethical standards for working in the domain of forensic medicine. Forensic doctor is forced to find a model that will help him make a decision related to certain ethical and moral activity. Therefore, I will try to present an ethical professional and personal model that will help us to make a decision when it comes to issues of morality and ethics in forensic practice.

Professional and personal ethical reasoning is based on three elements:

- Rights and universal ethical values and ethical conditional values;
- Bioethical principles applied in forensic medicine;
- Moral sensibility.
RESULTS AND DISCUSSION

Rights and universal ethical values and ethical conditional values

We start by specifying that values give us rights or, rather said having values mean having rights. To identify universal human rights, first we must identify the values that are common to all the people. Universal Declaration of Human Rights that concerns alive persons, says that there are two specific values common to all the persons; dignity and moral agent. It stipulates that "all people are born free and equal in dignity and rights". Thus, if we accept that death is a function or a process of life, the values listed above are valid for deceased.

Human dignity is something we possess and we can not lose it, so it is hereditary or inherited. Having human dignity means to have rights and claims and it refers to the way other people treat us. Human dignity should be clearly distinguished from the term "respect", which is a conditional and cultural act. So, if a deceased person is not respected, this does not mean that it has no dignity.

Respect describe a person's behaviour, while human dignity expresses the value that a person has. Extrapolating, if we accept that the deceased person has human dignity, it also has human rights such as the right to not be treated cruel, inhuman or with humiliation [4].

In society, our rights are classified in legal rights, social and political. These are integrated into national and international laws. So, when we talk about a person, besides the universal rights that are common to all, several layers are combined that define that person such as: society to which he belongs, religious affiliation, financial situation and family influences. These rights are evidenced, analysed and updated via the accepted values of society, make them being conditional rights.

The principles of bioethics are: autonomy, non-maleficence, beneficence and justice.

Do you appreciate that a deceased person has autonomy?

Autonomy refers to the fact that a person can take decisions about his life or decide that he is the master of its own, including medical decisions. In case of deceased persons, especially about those persons who are the subjects for a forensic autopsy we can say that autonomy of these persons can hardly be respected because even though they would not have wish to be subjects for autopsy, this decision does not longer belongs to them. Imagine that there is an advance directive of a deceased person in violent circumstances.

When we speak about non-maleficence, aim not to harm the patient, even if we speak about a dead person, human body must be respected and treated as a living human being. For this reason during the autopsy doctor will be focused on the body, without being disturbed by other factors. The lifeless body should have the right to a moral status for protecting him from violations and disrespect as a result of errors, negligence or intentional acts.

Can we speak of beneficence when we proceed at doing a forensic autopsy?

Beneficence, respectively, doing right to the patient, in medico legal work, can be interpreted as respect for the body, as well as compassion and understanding while contact with deceased relatives. Another example of beneficence is respecting and taking in consideration

Figure 1. Ethical professional-personal model of making decisions in forensic medicine (Figure made by the authors).
the religious beliefs without violating the purpose of forensic autopsy.

The principle of justice requires medical staff to treat every person equally, regardless of religion, economic situation, race or sex, which can be applied to the deceased persons [5, 6]. Forensic doctor must take into account the confidentiality even after the person’s death, this is an obligation of every medical professional [7, 8]. If at the forensic autopsy is observed the existence of suspicious lesion, it must be notified the investigation organ, but the autopsy report will only respond to the questions addressed, fulfilling this way the confidentiality of medical underlying data, unrelated to the investigation [9].

Moral sensibility represent a reflection process based on the consequences of each person action to other persons. It is, also, an intuitive approach to what is good for others. The truth is the greatest virtue of our personal judgment, it should reflect an objective picture of reality. Truth must match deeds and moral convictions of forensic doctor [10, 11].

Finally, moral beliefs and reasoning of the practitioner should present a logical consistency in its system of moral beliefs, as well as a cluster of values, values which must be universal and conditional. So, all these values are filtered through our character and personality, resulting in our final moral decision. Moral sensibility will be added at our personal-professional ethical reasoning and to intuition in making decisions (Fig. 1).

**CONCLUSIONS**

Talking about the forensic autopsy and the current activity,

What are the medical needs?

The physician should have a suitable environment to practice autopsy, equipped with appliances and tools that he needed, so that he accomplish his duty to the highest standards [12]. However, not all this things depend on the doctor itself, for example the institution in which doctors work, the forensic doctor’s responsibility must be impartial and not being influenced by other factors. The doctor must respect the confidentiality of the case, for keeping his integrity and if he is wrong he needs to recognize his mistakes [13].

Forensic doctor should have besides a high level of morality, a strong character and a high level of medical knowledge and some specialized knowledge in the legal field, and finally to have the ability to express themselves in a more clear and explained way, so that everyone understand [14]. Consciousness, self-knowledge and auto criticism are crucial elements in each doctor.

The bound between life and death is a very sensitive domain and is for the doctor is very important to provide compassion, empathy, kindness for the family of deceased knowing that these families are passing through a difficult moment. Also, the doctor must respect the rights of the deceased and these things must be done without violating his own moral values.

Professional and personal ethical model that we presented is meant to be “a guide” in decision-making when it comes about issues of morality and ethics in the forensic practice.

**Conflict of interest.** The authors declare that there is no conflict of interest.

---

**References**

3. The international Medical Ethics Code of the OMS [online]. Available at: URL: https://www.cmb.ro/legislatie/col
7. The medical deontology code of the Romanian Doctors College. [online] Available at: URL: https://www.ucmb.ro/legislatie/col