

Book review

Conflicts of Care: Hospital Ethics Committees in the USA and Germany

By Helen Kohlen, Campus Verlag, Frankfurt/New York, 2009, 32.90 Euro, \$49.00 USD, 251 pages. ISBN 978-3-593-38814-4 (paperback).

In this rich and detailed book, Helen Kohlen has presented us with an account of the emergence of hospital ethics committees (HECs) in the USA and Germany, along with accounts of how they operate and the conflicts that can arise through different discourses and perspectives. This is a new and insightful contribution to the philosophy of nursing, and health care in more general terms. Although the book is not a philosophical thesis as such, it highlights philosophical issues around participation in ethics committees and decisions made regarding patient care. Kohlen has undertaken a wide and comprehensive review of the literature from the USA and Germany, and has combined this with field studies in three hospitals in Germany. These field studies involved individual interviews with key members of HECs along with the participant observation of 25 ethics committee sessions. There were also interviews undertaken in the USA.

Before proceeding further onto Kohlen's findings and arguments, it is important to make the distinction between HECs on the one hand, and research ethics committees on the other. The latter ones deal with ethical issues surrounding research proposals, which may or may not have implications for patient care as part of the research process. Their *raison d'être* is to ensure that the research will not harm or overly inconvenience the patient, and that the protocol remains within the bounds of the law, including the Data Protection Act and matters of confidentiality. HECs however, are directly concerned with matters of patient treatment, care, and well-being, often in

significant ways involving life and death, autonomy, and life changes. Such is the focus of this book.

It is not my intention here to review the book in an incremental fashion. This is because Kohlen takes us through her own research process which, while contributing to the worth of the book for other researchers, is not ultimately the book's main concern. The first thing to note is that HECs in the USA and Germany emerged in a highly ad hoc and reactive manner, this often due to a report in the media of some unfortunate incident or scandal, even if the idea of HECs referred back to the Nuremberg Trials of the late 1940s. We learn in Kohlen's review of the literature that HECs had antecedents such as 'Treatment Committees', or indeed 'Selection Committees' to determine who would be selected for dialysis and who not, along with other interventions. Here demand outstripped resource, a scenario that continues today. But what is drawn out well across a range of different examples is that the deliberations of these early committees and subsequently HECs are very much grounded in the discourse of bioethics. Kohlen's argument here is that bioethics with its largely medical and legal terminology has tended to dominate the ethical landscape to the exclusion of wider moral concerns, not least the social and political. The bioethics focus is held to be too narrow, although that may be inevitable when the consideration is on individual cases. However, what the author draws out well with field study examples and examples from the literature is that there are occasions when no one in particular knows what is really going on. Thus we have a patient bleeding to death; we have a patient diagnosed with dementia who is perfectly capable of walking home. Patients are often favoured because of social class rather than need. All is confusion and conflict when we learn that HECs had no regulated competencies, although that may be changing now. I found these sections of the book well covered, sometimes by

description only but also by philosophical reflection upon their significance. This takes us onto other aspects of Kohlen's account as it enters the realm of nursing *per se*.

As the book continues, Kohlen takes us through recent literature on 'The care ethics debate and nursing since 1980'. This is followed by a chapter on 'Feminist care ethics since the 1990s'. These two chapters lay a ground on which the difference between nursing and medical concerns is brought to the fore. I say difference in the broadest of terms because it is clear that the two are inextricably related in a manner that cannot be reduced to mutual exclusion. However, an important development in these two chapters is that the discourse of what we may broadly describe as nursing and care ethics begins to be re-shaped in a manner that unmoors itself from the narrow (if still important) parameters of bioethics. Bioethics, by virtue of its historical origins, still tends to revolve around moral dilemmas grounded in individual cases, even if the cases occur universally. These cases occur not only because of imbalances between demand and resource, but also because of the perplexity of judgement and risk involved, in which the best thing to do is not known in advance. Thus bioethics retains a close relationship with matters of legislation: indeed complex cases are often referred to law. Although not completely divorced from this, care ethics, which would include much of nursing ethics these days, sees care itself as an ethical act governed by principles. Thus the ethical dimension of care is omnipresent in its minutiae rather than (as in bioethics) being a feature that arises only when a moral dilemma occurs, even if it occurs more than occasionally. Kohlen gives examples of where nurses experience moral distress due to a lack of time, staff, or other resource. But this distress is not reducible to bioethics as such. Rather it is the ongoing constraints on the minutiae of care, its quality in the day-to-day. This difference is made starker in a following chapter in which the participation of nurses in HECs is given prominence. Again, it is the difference in perspective that comes to the fore with nurses taking the broader view. It should be added that, as Kohlen explains, many nurses do not even know that such committees exist even if they can access them (if sometimes not without difficulty). The

chapters then conclude with a fuller account of the field studies with wonderful if often disturbing examples of some of the points made above.

To conclude, this is a well-rounded and readable book about which I have nothing philosophically negative to say. 'It does what says on the tin' (the title). If I was forced to make a criticism it would be this. Because this is a very rich and detailed book where the research process is combined with the findings, interpretations, and subsequent arguments, it would have benefited greatly from an Index at the end, so that readers could return to or pick out certain areas of interest. Or put differently, the book deserved an Index even if the Contents page at the beginning was also a good guide. My penultimate comment is not a criticism as such, more of a note to the potential reader. As stated above, this book in places combines the findings and arguments of a research undertaking with the research process itself. Thus we are not only informed of what the author found, but also how she went about it, and this latter often in some detail. Fellow researchers may find this welcoming whereas others may find it less so. But it is that kind of book where both parties may be equally served in their way.

My final cluster of comments are about the value of the book; not its price that is rather steep for a 250-page paperback (at least in the UK), but rather its contribution to nursing and healthcare ethics. We nurses and others tend to write much on ethics if often in a rather prescriptive or reflective manner. But in this book we are seeing what is purportedly 'ethics-in-action'; the veil is lifted and we are borne into the centre of what the author sensitively reveals as benign confusion, lack of criteria, or boundaries that are too narrow. Add to which we have dispute, domination, paternalism, and politics. But against this, if not negating it completely, we also have an excellent account of how HECs have developed over the years into their current form in both the countries in question. It is true that the book focuses largely on the USA and Germany, but this should not put the reader off. This is because it deals with issues that are universal. Indeed, this is one of the strong features of the book. All readers of this journal, irrespective of country, will recognize the issues that Kohlen raises.

As noted above, the book does not present a singular or 'one-horse' philosophical argument. Rather, it takes us on a journey where, bit by bit, we are given an 'insider's view' of how HECs came to be and how they operate, and continue to operate. In this respect, Helen Kohlen has provided us with a valuable account of her own research on an important topic. It

deserves to be read by healthcare ethicists everywhere regardless of discipline, and by others involved in health care in all its dimensions.

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