Consequentialists also use deontological approaches too. They may hold on to a principle such as sanctity of life and claim that even if it appears that there would be no good than harm from killing an individual, the impact on society as a whole, of not respecting the sanctity of life will be to society’s detriment.

A case where consequentialism and deontological theories particularly collided was in *Re A (Children) (Conjoined Twins: Surgical Separation)*. The case raised several legal, ethical and religious dilemmas including whether it would be permissible to kill one of the children to save the other and whether it was permissible to act against the wishes of the twin’s parents. Doug Morrison has complained that in the context of medical ethics neither consequentialism nor deontology appears appropriate: consequentialism places too little weight on the right of autonomy, and deontology ignores the importance medical practice inevitably places on the consequences of alternative forms of medical treatment. The theories can provide very different approaches and taking both perspectives into account will do nothing to assist the medical professional in the most complex cases where clear guidance is needed.

The BMA has suggested that conscience and intuition can be useful components of ethical guidance. However, some recent scandals, for example the retention of body parts of children, involved medical professionals acting in a way, which doctors felt was entirely proper, but was regarded as unacceptable by the general public. Seeking to impose an ethical code is unlikely to be acceptable or practically used though. Medical law lies in its attempt to preserve the possibility of morality, not to enforce a particular version of the ‘good’.

Much of legal thinking in medical law is now put in terms of rights, which focuses on the interests of the individual and is designed to protect the individual from improper claims that harming them is justified in interests of society or the interests of others, contrary to consequentialism. There are absolute rights, which cannot be infringed, whatever the circumstances, such as Article 3; conditional rights; link between rights and obligations; and positive and negative rights. The right to autonomy plays a huge role in medical law thinking and court judgments. The right to life for many people is key, but there is a debate over the meaning of life and respect the right to life, particularly in issues concerning euthanasia and abortion. The right to dignity is also an essential principle in bioethics. Not everyone is convinced that dignity is a useful concept though: what to one person might be undignified is life affirming to others.

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27 *Re A (Children) (Conjoined Twins: Surgical Separation)* [2001] 2 WLR 480.
29 Herring, Medical law and Ethics (n 3) 16.
30 Herring, Medical law and Ethics (n 3) 17.
31 Ibid.
32 Herring, Medical law and Ethics (n 3) 19.
33 Herring, Medical law and Ethics (n 3) 20.
34 European Convention on Human Rights.
35 Herring, Medical law and Ethics (n 3) 22.
36 Herring, Medical law and Ethics (n 3) 21.