

Ethical Analysis Framework¹

1. Analyze the Ethical Issues in the Situation
 - What are the public health *risks and harms of concern*?
 - What are the public health *goals*?
 - Who are the *stakeholders*? What are their *moral claims*?
 - Is the source or scope of *legal authority* in question?
 - Are *precedent cases* or the historical context relevant?
 - Do professional codes of ethics provide guidance?
2. Evaluate the Ethical Dimensions of the Alternate Courses of Public Health Action
 - *Utility*: Does a particular public health action produce a balance of benefits over harms?
 - *Justice*: Are the benefits and burdens distributed fairly (distributive justice)? Do legitimate representatives of affected groups have the opportunity to participate in making decisions (procedural justice)?
 - *Respect for individual interests and social value*: Does the public health action respect individual choices and interests (autonomy, liberty, privacy)?
 - *Respect for legitimate public institutions*: Does the public health action respect professional and civic roles and values, such as transparency, honesty, trustworthiness, consensus-building, promise-keeping, protection of confidentiality, and protection of vulnerable individuals and communities from undue stigmatization?
3. Provide Justification for a Particular Public Health Action
 - *Effectiveness*: Is the public health goal likely to be accomplished?
 - *Proportionality*: Will the probable benefits of the action outweigh the infringed moral considerations?
 - *Necessity*: Is overriding the conflicting ethical claims necessary to achieve the public health goal?
 - *Least infringement*: Is the action the least restrictive and least intrusive?
 - *Public Justification*: Can public health agents offer public justification for the action or policy, on the basis of principles in the Code of Ethics or general public health principles, that citizens—in particular, those most affected—could find acceptable in principle?

¹ Gaare-Bernheim R, Neiburg P, Bonnie R. Ethics and the practice of public health. In Goodman R, et al (eds). **Law in Public Health Practice**. Oxford University Press, 2002, 2007