

The fate of the frog:

doctors as instruments of the state

TRUSTING THE LAW

Recent press reports suggested that some UK victims of gang-related knife crime don't seek medical help as they will be reported to the police and targeted as informers.^{1,2} UK doctors are legally required to report criminal knife injuries to the state,³ which conflicts with our duty of confidentiality but aims for the greater good. I have never questioned it, possibly because I have never treated a stab wound, but also because I have spent my career inside a legal and professional box within whose boundaries I feel ethically secure. If those boundaries have been openly debated I have not participated. This is my failing: as doctors we should constantly examine the ethical milieu we exist in, and review our comfort with absolutes placed upon us by law.

This may sound pointless or even seditious if you trust the box you are in. UK law has evolved through the best efforts of decent human beings, and the state functions through open debate by elected individuals. Surely we can trust both to be essentially just? Yet the law is not perfect, police cannot protect all informers, and politics can darken in steps. We must constantly check that we're not, like the frog in the saucepan, boiling gradually.⁴

JUSTICE IS A CULTURAL CONCEPT

Justice and autonomy push against one another in every society, but the concept of justice varies with where society perceives its significant challenges and threats.

In 2012, the Syrian government made the provision of medical care in areas held by the opposition illegal.⁵ In Guantanamo, two psychologists helped design an enhanced interrogation programme they thought necessary to protect the state from terrorism.⁶ In China, the organs of executed prisoners are harvested for transplant.⁷

In the UAE, doctors report pregnancies resulting from unmarried couples to the police.⁸ In this journal, James Sherifi described another country's ethical milieu around end-of-life care, moulded

"In China, the organs of executed prisoners are harvested for transplant. In the UAE, doctors report pregnancies resulting from unmarried couples to the police."

by law, and deeply at odds with his own professional values.⁹ Saudi Arabia's legal system involves doctors in judicial corporal punishment.¹⁰

In 2015, Australia threatened doctors working in immigration detention with prosecution if they made 'unauthorised disclosures' about poor conditions and abuses faced by asylum detainees.¹¹

It is difficult for different societies to influence each other's ethical positions, and accusations of lack of understanding abound, but it may in any case be from *inside* the box that the most effective challenges come.

In Syria, heroic doctors ignore Assad's law and work on. In Saudi Arabia, active ethical debate seeks to change things that make doctors (and other people) uncomfortable.¹⁰ Australian doctors made a stand against being forcibly silenced and their government amended the act, excluding health professionals from the gagging clause.¹²

WE SHOULD DEBATE AND QUESTION

We should debate and question too. I don't mean to suggest our mandatory reporting requirements are wrong, just that we should reflect regularly on what state intervention in doctors' ethical decision making means, and check that we are comfortable with it. This may seem unnecessary when things look perfectly reasonable from the inside, but is essential if we are to avoid the fate of the frog.

"... it may in any case be from inside the box that the most effective challenges come. In Syria, heroic doctors ignore Assad's law and work on."

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REFERENCES

1. Ball J. Stab victims 'paying vets to stitch up their wounds'. *BBC News* 2017; **3 Mar**: <http://www.bbc.co.uk/news/uk-england-nottinghamshire-39127090> [accessed 5 Apr 2017].
2. Walter S. Gangland stabbing victims 'pay vets to stitch up wounds to avoid police over snitch fears'. *Telegraph* 2017; **4 Mar**: <http://www.telegraph.co.uk/news/2017/03/04/gangland-stabbing-victims-pay-vets-stitch-wounds-avoid-police/> [accessed 5 Apr 2017].
3. General Medical Council. Confidentiality: reporting gunshot and knife wounds: guidance. http://www.gmc-uk.org/guidance/ethical_guidance/30126.asp [accessed 5 Apr 2017].
4. Wikipedia. Parable of the frog in boiling water. https://en.wikipedia.org/wiki/Boiling_frog [accessed 5 Apr 2017].
5. Whittall J. Treating terrorists. 2015. <http://msf-analysis.org/new-treating-terrorists/> [accessed 5 Apr 2017].
6. Senate Select Committee on Intelligence. *Committee study of the CIA's detention and interrogation programme*. Declassification revisions, 2014. <https://www.documentcloud.org/documents/1376717-cia-report.html> [accessed 5 Apr 2017].
7. Kirchgassner S. China may still be using executed prisoners' organs, official admits. *Guardian* 2017; **7 Feb**: <https://www.theguardian.com/world/2017/feb/07/china-still-using-executed-prisoners-organs-transplants-vatican> [accessed 5 Apr 2017].
8. Couple 'detained in UAE for sex outside marriage'. *BBC News* 2017; **8 Mar**: <http://www.bbc.co.uk/news/world-africa-39208946> [accessed 5 Apr 2017].
9. Sherifi J. Clinical and cultural conflicts. *Br J Gen Pract* 2017; DOI: <https://doi.org/10.3399/bjgp17X689653>.
10. Muaygil R. The role of physicians in state-sponsored corporal punishment. *Cambridge Q Healthc Ethics* 2016; **25(3)**: 479-492.
11. Doherty B. Immigration detention doctors challenge Border Force Act's secrecy clause in court. *Guardian* 2016; **26 Jul**: <https://www.theguardian.com/australia-news/2016/jul/27/immigration-detention-doctors-challenge-border-force-acts-secrecy-clause-in-court> [accessed 5 Apr 2017].
12. Smith P. Australia backs down over jail terms for doctors who speak out about abuse of asylum seekers *BMJ* 2016; **355**: i5681.