

Commentary: A New Chapter for Forensic Ethics

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In response to a new ethics framework for forensic publishing, this commentary invites speculation on how the framework will develop to incorporate the theories of its authors. Although medical ethics may now be an established cornerstone for forensic practice, it is in the more novel theories of cultural narrative, compassion, and robust professionalism that this new ethic will find its full expression. The commentary argues that it is only through approaches that integrate such multiple perspectives that publishing will join professionalism in protecting the ethics values that remain vulnerable in forensic practice.

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This provocative and original work by Kapoor *et al.*¹ underscores the importance of anchoring groundbreaking writing in established theory. Connecting forensic publishing to medical ethics is not the stretch the profession may have imagined some years ago. Diamond,² Ciccone and Clements,³ Weinstock *et al.*,⁴ and Candilis *et al.*⁵ have all written on the professional roots that forensic practitioners can find in clinical practice. The question for some has been whether forensic practice is different enough to warrant a special ethics framework.⁶

The particular energy of this framework emanates from the anticipation of how the authors will evolve their work. Griffith⁷ and Norko,⁸ for example, are pioneers in broadening our view of how forensics should be practiced. Taking into account the evaluatee's cultural narrative, the professional's narrative, and the virtue of compassion is an anticipated next step that will go far beyond this first building block toward a new foundation for ethics in forensic publishing.

Publishers and editors grounded in such approaches might, after Griffith, explore the culture of publishing as a whole; its often tenuous balance between financial survival and integrity, its record of editorializing (or not) on important social movements, and its efforts to develop uniform standards.

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These are foundational narratives that can be found in the discussions of whether to accept advertising, whether to give voice to controversial individuals and organizations, or whether to set specific rules for such professional debates. This cultural narrative then joins with the story of a journal's own evolution, its growing pains, successes, and failures, to develop an ethic of practice that informs the principled approach theorists such as Kapoor *et al.* most often begin with.

Norko⁸ reminds us in an earlier work that professionalism, as fulfilling obligations to justice and thoroughness, is properly the purview of compassion, through connecting with the evaluatee. We might anticipate how this approach may be applied to forensic publishing as authors, editors, and staff work toward making publications connect with the experience of individuals intersecting with the judicial system. How might the work of a compassionate professional find its expression in constructing a publishable project on jail diversion, surveying treatment in prisons, or editorializing on psychological tools used in police interrogation. And the decisions to publish and edit these loaded topics: are they not easily construed as having compassion at their core?

Some commentators may take issue with the tight connection that the authors draw to patient ethics. After all, forensic writing is for other professionals; it is a public statement and standard for the community that privileges them. It is not even in a language that can be understood by laypersons. Moreover, journal publishing can be a legitimate means of ag-

grandizing a profession or an organization. It is a challenge to draw a tight connection to patients or forensic evaluatees.

Indeed, the writings of Pellegrino are of little help here. His body of work is about covenants, patients rather than evaluatees, and an almost religious reverence for Aristotelian virtues. His powerful writings on Christian sources of medical ethics and the weaknesses of humanism may not be the right wellspring for a secular, justice-based profession. His is a priestly view of medicine, not the multidirectional sensitivity of professional obligations born of cultural narrative. Nonetheless, discerning readers will not miss Kapoor's critical application of virtue ethics to forensic work [here].

In our writing, we have called virtues the habits and skills of the ethical practitioner.⁵ As difficult as the virtues may be to assess and teach, they are a welcome newcomer to forensic ethics. The authors join with Radden and Sadler¹⁰ and others,¹¹ in identifying those characteristics of virtuous physicians that make them better professionals—from self-reflection and education, to consultation and practicing within the bounds of one's expertise. Whether these are called fidelity, effacement of self-interest, compassion, or honesty, they can be found in the day-to-day activities of both forensic practice and publishing. Moreover, certain commentators have identified case examples that typify and embody the virtues, whether in cases of a family in distress at their child's involvement in the forensic encounter or in the cultural nuance of a first-generation American's refusal of nutrition and hydration.⁵ Expanding on the casuistry of forensic and publishing dilemmas is a critical next step in developing the new frame. We are confident that these virtues and cases are all part of what we have called a robust professionalism, a professionalism that draws, as the authors do, on personal, professional, and community standards together.

In this integrated schema, the new ethics framework resonates strongly. Moreover, we believe that the authors join those who think that professionalism is about the protection of vulnerable persons and values, whether the persons are patients or not.¹² Prioritizing this mission means that it is not enough to practice, write, or publish according to stagnant rules developed for patients in the healer's anteroom. Publishing and its ethics are dynamic and evolving. They require openness and transparency to grow.

Discussion of the standards of a profession is the lifeblood of the societal trust that supports continued practice. Indeed, where else should such public ethics standards be found than in the publishers' office? Where else but in a public announcement of the theory that underlies their practice?

If this open and integrated approach holds true, publishers will consider the moral relationship of the profession to the community of readers and its constituents, expanding the frameworks available for analyzing publishing dilemmas and communicating controversial choices. Rather than defining professional activities or principles as the primary foci of publishing, this kind of professionalism takes into account the historical link to medical ethics, service to the profession, connections to individuals and values. It invites consideration of cultural narrative and compassion. In this respect, Pellegrino's view of the social servant may indeed be appropriate (Ref. 9, p 9). It is where publishing joins professionalism in becoming the safeguard of vulnerable persons and values.

Although the authors make clear that this effort at grounding forensic publishing in medical ethics is a beginning, some may see it as a continuation. Whether principle-based, narrative-driven, compassionate, or robust, the framework builds on, expands, and advances our tools for analyzing the ethics of our profession. As Ciccone and Clements³ wrote of the search for a unifying ethics framework, "The voyage continues."

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