Reviewer's report

Title: Shall parent / patient wishes be fulfilled in any case? - A series of 32 ethics consultations: from reproductive medicine to neonatology

Version: 0 Date: 17 Aug 2018

Reviewer: Niklas Juth

Reviewer's report:

This study certainly has merits. It brings new interesting findings into the discussion about ethical consultations (EC) and has a clear area of focus, thereby filling a knowledge gap. However, due to several unclear passages and methodological considerations, it has to be substantially revised before publication. Here are my main concerns.

In the beginning of the article, it is said that the article aspires to "give insight into ethical reasoning in a particular area of medicine [i.e. reproductive medicine, obstetrics and neonatology] with unique ethical questions and challenges." This is done (partly) by investigating ethical consultation (EC) records. But if this is done, and especially if it is done by using qualitative method, one wonders why the "focus and research question of the study concerns whether or not the respective wishes of the parents (to-be) were supported". Surely, there must be all sorts of ethical considerations in the EC records. The authors need to explain why they choose the narrow focus they did. By doing so, they also made the choice of in practice to make this into quantitative research (see below).

Method:

Row 94: "retrospective qualitative analysis of a series of cases was carried out…" It is unclear what qualitative method of analysis is used more specifically (there are several to choose from), why the method used is used (i.e. the rationale of choice of method) and what makes it qualitative. The main results (rows 133-139) are all quantitative by definition (since they are about counting the occurrence of something, e.g. support for patient's wishes).

Row 99-100: "… relying on a systematic change of perspective thus avoiding subjective bias." Please clarify what is meant by "a systematic change of perspective" (recurs in row 106) and why it avoids "subjective bias" (by the way, is there objective bias? This phrase should be changed or explained as well.)

Row 107-108: "Further central elements are the comparative analysis and evaluation of different diagnostic and therapeutic options under ethical aspects." This sentence needs clarification in several respects. First, central elements of what? Second, please clarify what "the comparative
analysis and evaluation of different diagnostic and therapeutic options under ethical aspects" means. What comparative analysis? What evaluation? What ethical aspects? The mentioned four principles or something else (the word "Further…" in the beginning of the sentence suggest something else)?

Discussion:

The discussion in rows 205-221 about "medicine as a wish-fulfilling institution" is puzzling. In order to take a few examples: "Although, as illustrated before, each of the main subgroups has its unique characteristics, there is a red thread: the appeal to medicine as a wish-fulfilling institution." Who makes this appeal: the patients, the authors or someone else? The fact that the patients have wishes could not be sufficient in order to make the subgroups into "medicine as a wish-fulfilling institution". After all, it is the choice of the author to focus on the wishes of the patients. Second, "medicine as a wish-fulfilling institution" is defined as "any sort of medical treatment carried out without direct medical need". But surely there are proper medical needs to address within reproductive medicine, obstetrics and neonatology, or? Do they conceive of all the cases as cases lacking medical needs? Then one would like to see a definition of medical needs (as opposed to wishes), which, as the authors notice, difficult to produce.

Third, it is said that "In wish-fulfilling medicine the process of shared-decision-making and the application of a patient's autonomy is different from the onset." Is it? Why? How? The authors continue: "The patient may opt for a treatment and may skip important steps in the decision process such as sharing information and counselling about options. They execute "... autonomy far more directly and with a greater impact than in usual clinical situations". [34]" Really? May they? Do they? Why? How?

Fourth, it is then said that "When applied to ethical questions concerning unborn or newborn children respectively, this way of executing one's autonomy receives a new dimension." What new dimension? Why? How?

Fifth, it is said "Throughout the analysed cases EC was only requested in extremely conflicting decisions." What characterizes "extremely conflicting decisions"?

Sixth, it is said that "In these situations EC can certainly be beneficial to distinguish between options and the most appropriate ethical justification." What is this distinction about? Is it simply noting that what one could do in a certain situation (one's options) will also include options that are not ethically justified? It is hard to see why anyone could fail to make this "distinction". If the authors mean something else, it has to be clarified.

This is only a few examples of writings that needs to be clarified.
Conclusion:

In the beginning of the conclusion, one can read: "We illustrated that ethically challenging parent/patients' wishes should not be fulfilled automatically without ethical deliberation. A connecting link between all the cases appeared to be the principle of respect for autonomy." There are at least two problems here. First, what the authors really have illustrated is some of the EC expressed that "patients' wishes should not be fulfilled automatically without ethical deliberation". But perhaps patients' wishes SHOULD be automatically fulfilled without ethical deliberation. This is a normative position requiring normative argument. The article does not present any such argument - it is an empirical and not a normative study that the articles build on. What is expressed in the first sentence in the quote is a classic example of a violation of Hume's law. It needs to be rephrased. The other problem is that the connecting link is a result of the focus of the authors, namely to focus on "whether or not the respective wishes of the parents (-to-be) were supported" (see above). Then, by definition, the principle of autonomy becomes relevant. But this is not a conclusion, but part and parcel of the design of the study.

**Are the methods appropriate and well described?**
If not, please specify what is required in your comments to the authors.

No

**Does the work include the necessary controls?**
If not, please specify which controls are required in your comments to the authors.

Yes

**Are the conclusions drawn adequately supported by the data shown?**
If not, please explain in your comments to the authors.

No

**Are you able to assess any statistics in the manuscript or would you recommend an additional statistical review?**
If an additional statistical review is recommended, please specify what aspects require further assessment in your comments to the editors.

I am able to assess the statistics

**Quality of written English**
Please indicate the quality of language in the manuscript:

Needs some language corrections before being published
Declaration of competing interests
Please complete a declaration of competing interests, considering the following questions:

1. Have you in the past five years received reimbursements, fees, funding, or salary from an organisation that may in any way gain or lose financially from the publication of this manuscript, either now or in the future?

2. Do you hold any stocks or shares in an organisation that may in any way gain or lose financially from the publication of this manuscript, either now or in the future?

3. Do you hold or are you currently applying for any patents relating to the content of the manuscript?

4. Have you received reimbursements, fees, funding, or salary from an organization that holds or has applied for patents relating to the content of the manuscript?

5. Do you have any other financial competing interests?

6. Do you have any non-financial competing interests in relation to this paper?

If you can answer no to all of the above, write 'I declare that I have no competing interests' below. If your reply is yes to any, please give details below.

I declare that I have no competing interests.

I agree to the open peer review policy of the journal. I understand that my name will be included on my report to the authors and, if the manuscript is accepted for publication, my named report including any attachments I upload will be posted on the website along with the authors' responses. I agree for my report to be made available under an Open Access Creative Commons CC-BY license (http://creativecommons.org/licenses/by/4.0/). I understand that any comments which I do not wish to be included in my named report can be included as confidential comments to the editors, which will not be published.

I agree to the open peer review policy of the journal