

Biomedical Ethics

Fall 2020

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Office hours

I will be available every Wednesday from 10am-11am, but I can also be available other times that suit you. Just email me to make an appointment.

Secretary

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Course Description

We will examine in depth major ethical issues in contemporary medicine and health care.

- In the first half of the course, we will examine ethical issues of how to allocate limited health care resources. We will address the pressing problem of how to ration scarce ventilators, ICU beds, and other emergency care during pandemics such as Covid-19. We will also address the general problem of how to decide what diseases and which patients to give priority to, with special focus on questions about disability and old age (and corresponding worries about ‘ableism’ and ‘ageism’).
- In the second half of the course, we will examine ethical issues of physician-assisted death and other end-of-life decisions. We will address the questions of when it is morally acceptable to withdraw life-sustaining treatment, and whether it is ever morally acceptable for physicians to assist patients in hastening death.

Course aims

- Developing philosophical skills pertaining to moral argument about issues in contemporary practical ethics
- Analyzing ethical positions as advanced in a variety of writings—philosophical essays as well as court cases and articles in medical journals
- Understanding some of the most important ethical positions on health care rationing and allocation
- Understanding some of the most important ethical positions on physician-assisted death and end-of-life decisions

Assessment

There are three parts to your grade: two writing assignments and participation.

- The first writing assignment is due 26 October. It will be 1,500 words and is worth 40% of your grade.
- The second writing assignment is due on 17 December. It will be 2,500 words, and is worth 55% of your grade.
- Participation is worth 5% of your grade. This will be based on your weekly posts and activity in Friday discussion sections.

Course format

Every week you will:

- Do the readings. The required reading for each week will consist of two or three articles or court cases. I will also list additional readings on the week’s topic.
- Watch the lectures and power presentations on the readings.

- Post a 200- to 400-word comment *by noon on the day before* your tutorial. In the lectures, I will pose questions about the readings, and you are welcome to make your comment a response to one of the questions I pose. But you also may develop your own objection or novel argument about an aspect of the reading you find particularly interesting.
- Read the comments of the other students in your group.
- Participate in the tutorial. You should come to tutorial ready to discuss the readings, the questions posed in lectures, your own comment, and the comments of the other students in your group.

Information about the timing and venue of tutorials will be posted on the course LEARN page.

Course Schedule

21-25 September

Required reading

- Emanuel, E., et al., “Fair allocation of scarce medical resources in the time of Covid-19,” *New England Journal of Medicine* 2020: 1-7.
- Cubbon, J., “The principle of QALY maximization as the basis for allocating health care resources,” *Journal of Medical Ethics* 1991: 181-184.

Additional reading

- Herreros, B. et al. “Triage during the Covid-19 epidemic in Spain,” *Journal of Medical Ethics* 2020.
- World Health Organization, “Ethics and Covid-19: resource allocation and priority-setting;” <https://www.who.int/ethics/publications/ethics-covid-19-resource-allocation.pdf?ua=1>
- Solomon et al., “Scarcity in Covid Pandemic,” *Hastings Center Report* March-April 2020.

28 September–2 October

Required reading

- Singer, P., et al., “Double jeopardy and the use of QALYs in health care allocation,” *Journal of Medical Ethics* 1995: 144-150.
- Bognar, G., “Does cost effectiveness analysis unfairly discriminate against people with disabilities?”

Additional reading

- Davis, B., “Bursting bubbles? QALYS and discrimination,” *Utilitas* 2019: 191-202.
- Persad, G., “Considering quality of life while repudiating disability injustice,” *Journal of Law, Medicine, and Ethics* 2019: 294-303.
- John et al., “How to allocate scarce health resources without discriminating against people with disabilities,” *Economics and Philosophy* 2017: 161-186.

5-9 October

Required reading

- Harris, J., “It’s not NICE to discriminate,” *Journal of Medical Ethics* 2005: 373-375.
- Claxton, K. & Culyer, A.J., “Wickedness or folly? The ethics of NICE’s decisions,” *Journal of Medical Ethics* 2006: 373-377.
- Claxton, K. & Culyer, A.J., “Rights, responsibilities and NICE: a rejoinder to Harris,” *Journal of Medical Ethics* 2007: 462-464.

Additional reading

- Quigley, M., “A NICE fallacy,” *Journal of Medical Ethics* 2007: 465-466.
- Harris, J., “NICE rejoinder,” *Journal of Medical Ethics* 2007: 467

12-16 October

Required reading

- Callahan, D., "Aging and the Ends of Medicine," *Annals of New York Academy of Sciences* 1986: 125-132.
- Nelson, R.H. & Francis, L.P., "Intellectual Disability and Justice in a Pandemic," *Kennedy Institute of Ethics Journal* 2020: <https://kiej.georgetown.edu/intellectual-disability-pandemic-special-issue/>

Additional reading

- Callahan, D., "Must we ration health care for the elderly?" *Journal of Law, Medicine, and Ethics* 2012: 10-17.
- Morreim, H. and Antiel, R. et al., "Should age be basis for rationing health care?" *American Medical Association Journal of Ethics* 2014: 339-347.

19-23 October

Required reading

- "NICE amends Covid-19 critical care guidelines after judicial review challenge," Hodge, Jones & Allen 2020: <https://www.hja.net/press-releases/nice-amends-covid-19-critical-care-guideline-after-judicial-review-challenge/>
- Liddell, K., et al., "Who gets the ventilator? Important legal rights in a pandemic," *Journal of Medical Ethics* 2020: 1-6.

Additional reading

- Cohen, I.G. et al., "Potential legal liability for withdrawing or withholding ventilators during Covid-19," *Journal of American Medical Association* 2020: E1-E2.
- Luthi, S., "Trump administration steps in as advocacy groups warn of Covid 'death panels,'" *Politico* 10 August 2020: <https://www.politico.com/news/2020/08/10/coronavirus-treatment-death-panels-392463>
- There are a number of articles you might find interesting in the special issue of *Kennedy Institute of Ethics Journal* (17 June 2020) on ethics, pandemics, and Covid-19: <https://kiej.georgetown.edu/special-issue-covid-19/>

October 22 (noon): mid-term essay due

26-30 October

Required reading

- *In Re Quinlan*: <https://law.justia.com/cases/new-jersey/supreme-court/1976/70-n-j-10-0.html>
- *Bouvia v Superior Court*: <https://www.courtlistener.com/opinion/2125712/bouvia-v-superior-court/>

Additional reading

- Liang, B.A. & Lin, L., "Bouvia v. Superior Court: quality of life matters," *AMA Journal of Ethics* 2000: 177-182.
- Quill, T.E., "Death and dignity—a case of individualized decision making," *New England Journal of Medicine* 1991: 691-694.
- Anonymous, "It's over, Debbie," *Journal of American Medical Association* 1988: 272.

2-6 November

Required reading

- *Cruzan v. Director, Missouri Department of Health*: <https://www.law.cornell.edu/supct/html/88-1503.ZO.html>
- *Concurring opinion of O'Connor*: <https://www.law.cornell.edu/supct/html/88-1503.ZC1.html>
- *Vacco v. Quill*: <https://www.courtlistener.com/opinion/118145/vacco-v-quill/>

- *Washington v. Glucksberg* (only the majority decision, not concurring opinion of Souter): <https://www.law.cornell.edu/supremecourt/text/521/702>

Additional reading

- *Dissenting opinion of Brennan*: <https://www.law.cornell.edu/supct/html/88-1503.ZD1.html>
- *Concurring opinion of Scalia*: <https://www.law.cornell.edu/supct/html/88-1503.ZC2.html>
- *Dissenting opinion of Stevens*: <https://www.law.cornell.edu/supct/html/88-1503.ZD2.html>

9-13 November

Required reading

- Rachels, J., “Active and passive euthanasia,” *New England Journal of Medicine* 1975: 78-86.
- Callahan, D., “When self-determination runs amok,” *Hastings Center Report* 1992: 52-55.

Additional reading

- Gill, M.B., “A moral defense of Oregon’s assisted-suicide law,” *Mortality* 2005: 53-67.
- Woollard, F. & Howard-Snyder, F., “Doing vs. allowing harm,” *Stanford Encyclopedia of Philosophy*: <https://plato.stanford.edu/entries/doing-allowing/>

16-20 November

Required reading

- Steinbock, B., “The case for physician assisted suicide: not (yet) proven,” *Journal of Medical Ethics* 2005: 235-241.
- Velleman, J.D., “Against the right to die,” *Journal of Medicine and Philosophy* 1992: 665-681.

Additional reading

- Gill, M.B., “Is a commitment to good end-of-life care compatible with physician-assisted suicide?” *Journal of Applied Philosophy* 2009: 27-45.
- Symons, X. and Chua, R., “Alive by default: an exploration of Velleman’s unfair burdens argument against state-sanctioned euthanasia,” *Bioethics* 2019: 288-294.

23-27 November

Required reading

- Riisfeldt, T.D., “Weakening the ethical distinction between euthanasia, palliative opioid use and palliative sedation,” *Journal of Medical Ethics* 2019 : 125-130.
- McIntyre, A., “Doctrine of Double Effect,” *Stanford Encyclopedia of Philosophy*: <https://plato.stanford.edu/entries/double-effect/>

Additional reading

- Schofield, G. et al, “Palliative opioid use, palliative sedation and euthanasia: reaffirming the distinction,” *Journal of Medical Ethics* 2020: 48-49.
- Giebel, H., “Ethical end-of-life palliative care: response to Riisfeldt,” *Journal of Medical Ethics* 2020: 51-52.
- Materstvedt, L.J., “Distinction between euthanasia and palliative sedation is clear-cut,” *Journal of Medical Ethics* 2020: 55-56.
- Riisfeldt, T.D., “A response to critics,” *Journal of Medical Ethics* 2020: 59-62.

30 November–4 December

Read:

- Scoccia, D., “Physician-Assisted Suicide, Disability, and Paternalism,” *Social Theory and Practice* 2010 (3): 479-498.

- Scully, J.L., “Disablism in a time of pandemic: some things don’t change,” *International Journal of Feminist Approaches to Bioethics* 1 April 2020: <https://www.ijfab.org/blog/2020/04/disablism-in-a-time-of-pandemic-some-things-dont-change/>

Additional reading

- Schuklenk, U., “Health Care Professionals Are Under No Ethical Obligation to Treat COVID-19 Patients,” *Blog of Journal of Medical Ethics*: <https://blogs.bmj.com/medical-ethics/2020/04/01/health-care-professionals-are-under-no-ethical-obligation-to-treat-covid-19-patients/>
- Copp, D. and Dworkin, G., “Ought we compel people to be vaccinated?,” *3 Quarks Daily* 10 August 2020: <https://www.3quarksdaily.com/3quarksdaily/2020/08/ought-we-compel-people-to-be-vaccinated.html>

10 December (noon): final essay due