

Philosophy 228/228W
Public Health Ethics

Fall 2013
 Gavett 301, TR 9:40-11:05

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Most health care ethics focuses on the individual decisions about treatments, but many ethical questions have implications for society at large. The demands that individual health decisions make on the system may create collective problems, and conversely, the needs of society may limit the freedoms that individuals think they should have. Public health ethics then, lie at the intersection of medicine, political philosophy, and public policy. This course will examine the values of health, social needs, and freedom through a systematic examination of situations in which these conflicts arise. We will examine the issues by looking at it through three levels: through theoretical readings in philosophy, through readings in the broad issues of public health, and by considering case studies.

Required Texts:

Norman Daniels, *Just Health* (Cambridge)
 John Stuart Mill, *On Liberty* (Hackett)
 John Rawls, *A Theory of Justice* (Harvard)
 Readings on Blackboard

Course Requirements:

Class participation is worth a significant portion of your grade. The class is based on student discussions, not on lectures. You are expected to come to class, and you are expected to come to class prepared to discuss the readings – if only to ask relevant questions about them. Most of your class participation grade is based on regular, substantive participation in class discussions.

Reflection papers. Three times during the term, you will be expected to write a brief one-page *reaction paper* to the week's reading, due the day before the first date listed for the assignment at 9:00 p.m. These papers should respond to some specific arguments or position in the readings by explaining why you agree or disagree with it. For these reaction papers, the class is divided into four groups, determined by the first letter of your last name:

Group 1	A to C
Group 2	D to H
Group 3	I to O
Group 4	P to Z.

Reflection papers will be submitted using the journal tool on Blackboard: Just click the “Reflections” button, and create a journal entry under your group’s number and the date.

Presentations will be group activities scattered through the course. Each group will be given a problem to address and then to assemble a brief presentation to the class. Each group will collectively present the facts, discuss the ethical alternatives, and argue for a particular solution

Papers will constitute the major assignments in the course. Twice during the term, I will give you a series of questions about particular texts or about a particular case or both. You will choose one set of questions and write a 6-8 page argumentative paper answering those questions. You will take a position on the issues, construct an argument supporting your position, and then consider and answer objections to it.

For your final assignment, you will write an 8-10 page paper. This paper can be on a topic I give you, or on a subject of your own choosing. The latter option gives you the opportunity to explore an issue of particular interest to you. Before beginning such a paper, however, you must talk to me, so that I can make sure that the topic is suitable and so that I can help you with resources.

The course grade is divided into 610 points, apportioned as shown:

First paper	Oct 7	120 points
Second paper	Nov 7	120 points
Final assignment	Dec 12	150 points
Presentations		30 points each
Reaction papers		30 points
Participation		100 points

Students who get more than 560 points will get an A in the class (not A-, but A). A B requires 509 points; a C, 448 points.

Writing students: Besides the assignments listed above, students taking the course for upper-level writing credit will rewrite the first two papers assignments, *due two weeks after the original paper is returned*. The rewrite will be graded as a rewrite (so if you turn in the same paper, the grade is a 0). Each rewrite will be worth 100 points. In addition, students will turn in *six* reactions paper, so the reaction papers will be worth a total of 60 points. The writing students will be divided into two groups for the reaction papers, based on their last names, and they will do reaction papers with the regular students as indicated:

Group A	A-M	with Groups 1 and 3
Group B	N-Z	with Groups 2 and 4

Thus, the total number of points for the writing students will be 840 points, and an A will require 770 points.

Schedule of Readings:

This schedule is tentative (especially for topics later in the course). However, any changes will be announced on Blackboard, and an up-to-date copy of the syllabus can always be found on Blackboard. All readings, except those in the required books for the class, are on Blackboard.

Below the date for each week, you will find a number for the group of students is responsible for sending in a reaction paper.

I. Introduction

- Sep 3 Introduction
- Sep 5 Case study 1: Smoking
 CDC Smoking Facts
 Robert Goodin, "No Smoking: The Ethical Issues," in *Public Health Ethics*, ed. Ronald Bayer, et al. (Oxford: Oxford University Press, 2007), 117-26
 Jacob Sullum, "For Your Own Good: The Anti-Smoking Crusade and the Tyranny of Public Health," in Bayer, et al. 2007, 127-33
 Kristin Voigt, "Smoking and Social Justice," *Public Health Ethics* 3 (2010): 91-106
 Sarah Lieber and Joseph Millum, "Preventing Sin: The Ethics of Vaccines against Smoking," *Hastings Center Report* 43.3 (2013): 23-33.
 James Childress, et al., "Public Health Ethics: Mapping the Terrain," *Journal of Law, Ethics, and Medicine* 30 (2002): 170-78
 Marcel Verweij and Angus Dawson, "The Meaning of 'Public' in 'Public Health,'" in *Ethics, Prevention, and Public Health*, ed. Angus Dawson and Marcel Verweij (Oxford: Oxford University Press, 2007), 13-29

II. Public goods and collective goods

- Sep 10 *Groups 2 and B reflection due Sep 9*
 Russell Hardin, "The Free Rider Problem," *Stanford Encyclopedia of Philosophy*
 Derek Parfit, "Practical Dilemmas," *Reasons and Persons* (Oxford: Oxford University Press, 1984), 53-66
 Jonny Anomaly, "Public Health and Public Goods," *Public Health Ethics* 4 (2011): 251-59
 Geoffrey Rose, "Sick Individuals and Sick Populations," *International Journal of Epidemiology* 14 (1985): 32-38
- Sep 12-17-19 *Groups 3 and A reflection due Sep 11*
 Case study 2: Immunizations
 Angus Dawson, "Herd Protection as a Public Good: Vaccination and Our Obligations to Others," in *Ethics, Prevention, and Public Health*, ed. Angus Dawson and Marcel Verweij (Oxford: Oxford University Press, 2007), 160-78
 Douglas Diekema and Edgar Marcuse, "Ethical Issues in the Vaccination of Children," in *Primum Non Nocere Today*, ed. G.R. Burgio and J.D. Lantos (Amsterdam: Elsevier, 1998), pp. 37-47
 Barbara Loe Fisher, "In the Wake of Vaccines"
 Robert Field and Arthur Caplan, "A Proposed Ethical Framework for Vaccine Mandates: Competing Values and the Case of HPV," *Kennedy Institute of Ethics Journal* 18 (2008): 111-24

Gail Javitt, Deena Berkowitz, and Lawrence Gostin, "Assessing Mandatory HPV Vaccination: Who Should Call the Shots?," *Journal of Law, Medicine, and Ethics* 36 (2008): 384-95

Arthur Caplan, David Hoke, Nicholas Diamond, and Viktoriya Karshenboyem, "Free to Choose but Liable for the Consequences: Should Non-Vaccinators Be Penalized for the Harm They Do?," *Journal of Law, Medicine, and Ethics* 40 (2012): 606-11

Optional: "Shots in the Dark" from radio show, *This American Life*, 19 December 2008

Sep 24

Presentations on vaccines

Optional readings: Case study 3: Prevention vs. treatment

Annie Lowrey, "Oregon Study Shows Benefits and Price of Newly Insured," *New York Times*, 22 July 2012

Halley Faust, "Our Alleviation Bias: Why Do We Value Alleviating Harm More than Preventing Harm?," in *Prevention vs. Treatment: What's the Right Balance?*, ed. Halley Faust and Paul Menzel (Oxford: Oxford University Press, 2012), 139-75

H.M. Malm, "Medical Screening and the Value of Early Detection," *Hastings Center Report* 29.1 (1999): 26-37

III. Public health and individualism

Sep 26

Groups 4 and B reflection due Sep 25

John Stuart Mill, *On Liberty*, chs. 1, 3-5 (pp. 1-14, 53-113)

Oct 1-3-

Mill, chs. 4-5

Oct 8

• *First paper due, Oct 7, 7:00 a.m. (No class, Oct 3)*

Fall break (No class, Oct 8)

Oct 10

Groups 1 and A reflection due Oct 9

Gerald Dworkin, "Paternalism," *Stanford Encyclopedia of Philosophy*

Bruce Jennings, "Public Health and Liberty: The Millian Paradigm," *Public Health Ethics* 2 (2009): 121-34

Thomas Nys, "Paternalism in Public Health Care," *Public Health Ethics* 1 (2008): 64-72

Oct 15-17

Groups 2 and B reflection due Oct 14

Case study 4: Obesity

CDC on obesity in children

Kelly Brownell and Thomas Frieden, "Ounces of Prevention: The Public Case for Taxes on Sugared Beverages," *New England Journal of Medicine* 360 (2009): 1805-08

- Mark Votruba, "Trans Fats, the Rational Consumer, and the Role of Government," *Virtual Mentor* 12 (2010): 804-11
- Lindsay Murtagh and David Ludwig, "State Intervention in Life-Threatening Childhood Obesity," *JAMA* 306 (2011): 206-07
- Jonny Anomaly, "Is Obesity a Public Health Problem?," *Public Health Ethics* 5 (2012): 216-21
- Catherine Womack, "Public Health and Obesity: When a Pound of Prevention is Really Worth an Ounce of Cure," *Public Health Ethics* 5 (2012): 222-28
- Mark Bittman, "Is Junk Food Really Cheaper?" *New York Times*, 24 September 2011 (optional)
- Richard Thaler and Cass Sunstein, "Libertarian Paternalism," *American Economic Review* 93 (2003): 175-79.
- Dan Beauchamp, "Community: The Neglected Tradition in Public Health," *Hastings Center Report* 15.6 (1985): 28-36
- Daniel Wikler, "Who Should be Blamed for Being Sick," *Health Education Quarterly* 14 (1987): 11-25

- Oct 22-24 *Groups 3 and A reflection due Oct 21*
 Case study 5: Responding to epidemics
 World Health Organization, *Ethical Considerations in Developing a Public Health Response to Pandemic Influenza* (2007), chs. 3-4 (pp. 5-11)
 Sheri Fink, "Worst Case: Choosing Who Survives in a Flu Epidemic," *New York Times*, October 24, 2009
 Wendy Parmet, "JS Mill and the American Law of Quarantine," *Public Health Ethics* 1 (2008): 210-22
 Nola Ries, "The 2003 SARS Outbreak in Canada: Legal and Ethical Lessons about the Use of Quarantine," in *Ethics and Epidemics* (Amsterdam: Elsevier, 2006), 43-67
 Lawrence Gostin, Ronald Bayer, and Amy Fairchild, "Ethical and Legal Challenges Posed by Severe Acute Respiratory Syndrome," *JAMA* 290 (2003): 3229-37

Oct 29 Presentations on epidemics

IV. Health Care Justice

- Oct 31 *Groups 4 and B reflection due Oct 30*
 John Rawls, *A Theory of Justice*, sections 1-4, 11-14, 17, 22-26 (pp. 3-19, 47-73, 86-93, 109-39)
- Nov 5-7 *Groups 1 and A reflection on Nozick and Groups 2 and B reflection on Nussbaum due Nov 4*
 Robert Nozick, "Distributive Justice," *Philosophy and Public Affairs* 3 (1973): 45-61, 63-70, 83-100, 123-26. Groups 1, 3, and A only.

Martha Nussbaum, "Human Functioning and Social Justice," *Political Theory* 20 (1992): 202-46. Groups 2, 4 and B only.

• *Second papers due Nov 7 (No class, Nov 7)*

Nov 12-14 *Groups 3 and A reflection due Nov 11*
Norman Daniels, *Just Health*, chs. 1-3

Nov 19 Daniels, chs. 4-5

Nov 21-26- *Group 4 and B reflection due Nov 20*

Nov 28 Case study 6: Universal health care

Peter Singer, "Why We Must Ration Health Care," *New York Times Magazine*, 15 July 2009

Atul Gawande, "The Cost Conundrum," *New Yorker*, 1 June 2009

Ezra Klein, "The Health of Nations," *American Prospect*, 8 May 2007

Victor Fuchs and Emmanuel Ezekiel, "Health Care Reform: Why? What? When?" *Health Affairs* 24 (2005): 1399-1414

David DeGrazia, "Single Payer Meets Managed Competition," *Hastings Center Report* 38 no. 1 (2008): 23-33, with commentaries (optional) by Paul Menzel (34-36), Len Nichols (36-38), and Ezekiel Emanuel (38-41)

Robert Sade, "Foundational Ethics of the Health Care System: The Moral and Practical Superiority of Free-Market Reforms," *Journal of Medicine and Philosophy* 33 (2008): 461-97

Basics of the Affordable Care Act of 2010

Ryan plan for Medicare

National Federation of Businesses v. Sibelius

Thanksgiving break (No class, Nov 28)

Dec 3 Presentations on universal health care

Dec 5-10 *Groups 1 and A reflection due Dec 4*

Case study 7: Global health justice

Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33 (2005): 113-47

Joseph Millum, "Global Bioethics and Political Theory," in *Global Justice and Bioethics*, ed. Joseph Millum and Ezekiel Emanuel (Oxford: Oxford University Press, 2012), 17-42

Lisa Fuller, "International NGO Health Programs in a Non-ideal World: Imperialism, Respect, and Procedural Justice," in Millum and Emanuel, 213-40

Dec 12 • *Final assignment, due Dec 12 (No class, Dec 12)*