TAKING SIDES: Clashing Views on Bioethical Issues, Thirteenth Edition

Unit 1 Medical Decision Making

Issue 1. Is Informed Consent Still Central to Medical Ethics?


Physician Robert M. Arnold and professor of psychiatry and sociology Charles W. Lidz assert that informed consent in clinical care is an essential process that promotes good communication and patient autonomy despite the obstacles of implementation. Philosopher Onora O’Neill argues that the most evident change in medical practice in recent decades may be a loss of trust in physicians rather than any growth of patient autonomy. Informed consent in practice, she says, often amounts simply to a right to choose or refuse treatments, not a deeper and more meaningful expression of self-mastery.

Issue 2. Should Truth-Telling Depend on the Patient’s Culture?

YES: Leslie J. Blackhall, Gelya Frank, Sheila Murphy, and Vicki Michel, from “Bioethics in a Different Tongue: The Case of Truth-Telling,” Journal of Urban Health (March 2001)


Leslie J. Blackhall, Gelya Frank, and Sheila Murphy, from the University of Southern California, and Vicki Michel, from the Loyola Law School, advise clinical and bioethics professionals facing truth-telling dilemmas to make room for the diverse ethical views of the populations they serve. Philosopher Mark Kuczewski and bioethicist Patrick J. McCruden argue that by insisting on informed consent or an appropriate waiver process, the health care system respects cultural differences rather than stereotyping them.

Issue 3. Does Direct-to-Consumer Drug Advertising Enhance Patient Choice?

YES: Paul Antony, from “Testimony before the Senate Special Committee on Aging, United States Senate” (September 29, 2005)


Paul Antony, Chief Medical Officer of Pharmaceutical Research and Manufacturers of America (PhRMA), asserts that direct-to-consumer advertising can be a powerful tool in educating millions of people and improving their health through better communication with physicians,
better adherence to medication regimens, and more active involvement in their own health care. Physicians David A. Kessler and Douglas A. Levy contend that as a result of direct-to-consumer advertising, consumers ultimately take medicines they may not need, spend money on brand medicines that may be no better than alternatives, or avoid healthy behaviors.

Unit 2 End-of-Life Dilemmas

Issue 4. Have Advanced Directives Failed?


Physician Henry S. Perkins believes that advance directives promise patients a say in their future care but actually have had little effect because they are based on an unrealistic assumption of more control in unforeseeable crises. Physician and attorney Elmer D. Abbo and physician Angelo E. Volandes acknowledge the criticisms of advance directives as they have been used but argue that the solution lies in requiring them, not abandoning them.

Issue 5. Do Standard Medical Ethics Apply in Disaster Conditions?


NO: Mary Faith Marshall, from “Oh, the Water . . . It Stoned Me to My Soul,” *University of Minnesota Bioethics Examiner* (Summer 2006)

Physician Robert W. Donnell believes that the medical profession must apply moral absolutes in matters of life and death, no matter what the conditions, and one of those absolutes is never to administer fatal doses of medication. Philosopher Mary Faith Marshall argues for compassion, not absolutism, when tragic choices have to be made.

Issue 6. Should Physicians Be Allowed to Assist in Patient Suicide?


Physician Marcia Angell asserts that a physician’s main duties are to respect patient autonomy and to relieve suffering, even if that sometimes means assisting in a patient’s death. Physician Kathleen M. Foley counters that if physician-assisted suicide becomes legal, it will begin to substitute for interventions that otherwise might enhance the quality of life for dying patients.

Issue 7. Should Doctors Be Able to Refuse Demands for “Futile” Treatment?


NO: Felicia Ackerman, from “The Significance of a Wish,” *Hastings Center Report* (July–August 1991)

Physician Steven H. Miles maintains that physicians’ duty to follow patients’ wishes ends when the requests are inconsistent with what medical care can reasonably be expected to achieve, when they violate community standards of care, and when they consume an unfair share of collective resources. Philosopher Felicia Ackerman contends that it is ethically inappropriate for physicians to decide what kind of life is worth prolonging and that decisions involving personal values should be made
by the patient or family.

**Unit 3 Choices in Reproduction**

**Issue 8. Is Abortion Immoral?**


Philosopher Patrick Lee and professor of jurisprudence Robert P. George assert that human embryos and fetuses are complete (though immature) human beings and that intentional abortion is unjust and objectively immoral. Philosopher Margaret Olivia Little believes that the moral status of the fetus is only one aspect of the morality of abortion. She points to gestation as an intimacy, motherhood as a relationship, and creation as a process to advance a more nuanced approach.

**Issue 9. Should a Pregnant Woman Be Punished for Exposing Her Fetus to Risk?**

**YES:** Jean Toal, from Majority Opinion, *Cornelia Whitner, Respondent, v. State of South Carolina, Petitioner* (July 15, 1997)

**NO:** Lynn M. Paltrow, from “Punishment and Prejudice: Judging Drug-Using Pregnant Women,” in Julia E. Hanigsberg and Sara Ruddick, eds., *Mother Troubles: Rethinking Contemporary Maternal Dilemmas* (Beacon Press, 1999)

Jean Toal states the Majority Opinion in a case involving a pregnant woman’s use of crack cocaine, the Supreme Court of South Carolina ruled that a state legislature may impose additional criminal penalties on pregnant drug-using women without violating their constitutional right of privacy. Attorney Lynn M. Paltrow argues that treating drug-using pregnant women as criminals targets poor, African American women while ignoring other drug usage and fails to provide the resources to assist them in recovery.

**Unit 4 Children, Adolescents, and Bioethics**

**Issue 10. Should Adolescents Be Allowed to Make Their Own Life-and-Death Decisions?**


**NO:** Lainie Friedman Ross, from “Health Care Decisionmaking by Children: Is It in Their Best Interest?” *Hastings Center Report* (November–December 1997)

Ethicist Robert F. Weir and pediatrician Charles Peters assert that adolescents with normal cognitive and developmental skills have the capacity to make decisions about their own health care. Advance directives, if used appropriately, can give older pediatric patients a voice in their care. Pediatrician Lainie Friedman Ross counters that parents should be responsible for making their child’s health care decisions. Children need to develop virtues, such as self-control, that will enhance their long-term, not just immediate, autonomy.

**Issue 11. Is It Ethical to Use Steroids and Surgery to Stunt Disabled Children’s Growth?**

**YES:** Sarah E. Shannon, from “In Support of the Ashley Treatment,” *Pediatric Nursing* (March/April 2007)

**NO:** Teresa A. Savage, from “In Opposition of the Ashley Treatment,” *Pediatric Nursing* (March/April 2007)
Nurse Sarah E. Shannon believes that ethically and legally parents have the right and duty to make decisions and to care for their family members who are unable to do so themselves and that we should not abandon parents of severely developmentally disabled children to the harsh social and economic realities that are barriers to good care. Nurse Teresa A. Savage believes that children like Ashley should have independent advocates, preferably persons with disabilities, to weigh the risks and benefits of proposed interventions.

**Issue 12. Should Vaccination for HPV Be Mandated for Teenage Girls?**


**NO:** Gail Javitt, Deena Berkowitz, and Lawrence O. Gostin, from “Assessing Mandatory HPV Vaccination: Who Should Call the Shots?” *Journal of Law, Medicine and Ethics* (Summer 2008)

Law professor R. Alta Charo believes that objections to requiring that 11- to 23-year old girls be vaccinated with an FDA-approved vaccine for human papillomavirus focus not on public health but on concerns that recognizing the reality of teenage sexual activity implicitly endorses it. Law professors Gail Javitt and Lawrence O. Gostin and physician Deena Berkowitz believe that, given the limited data and experience, and the fact that HPV does not pose imminent and significant risk to others, mandating HPV vaccine is premature.

**Unit 5 Genetics**

**Issue 13. Is Genetic Enhancement an Unacceptable Use of Technology?**


**NO:** Howard Trachtman, from “A Man Is a Man Is a Man,” *The American Journal of Bioethics* (May/June 2005)

Political philosopher Michael J. Sandel believes that using genetic technology to enhance performance, design children, and perfect human nature is a flawed attempt at human mastery, and banishes appreciation of life as a gift. Physician Howard Trachtman says that the medical community should embrace enhancement as a never-ending quest for health that recognizes that perfection can never be achieved.

**Issue 14. Are Experiments That Combine Animal and Human Genes Ethical?**


A five-person working group at Stanford University, led by Henry T. Greely, a law professor, believe that in some situations and with safeguards it is ethical to proceed with experiments that implant human brain cells in mice. Physician William P. Cheshire, Jr., argues that good intentions can lead to mixed consequences, and that on balance the creation of mice with human brain cells might alter society’s assumptions about human cognition and the special status of human nature.

**Unit 6 Human Experimentation**

**Issue 15. Should Prisoners Be Allowed to Participate in Research?**

**YES:** Institute of Medicine Committee on Ethical Considerations for Revisions to DHHS Regulations for Protection of Prisoners Involved in Research, from *Ethical Considerations for Research Involving Prisoners* (June 2006)

**NO:** Silja J.A. Talvi, from “End Medical Experimentation on Prisoners...
The Institute of Medicine Committee believes that the current protections for prisoners rely too much on their vulnerability as a category and should be revised to consider the potential risks and benefits of each study, thus allowing prisoners to participate in some kinds of research. Silja J. A. Talvi, an investigative journalist, believes that all prison research should end because prison medical care is so poor and there is such a high potential for abuse.

Issue 16. Should New Drugs Be Given to Patients Outside Clinical Trials?

YES: Editorial Board, USA Today, from “Our View on Experimental Medicines: If All Else Fails, Let the Dying Try Unapproved Drugs,” USA Today (August 21, 2007)


The Editorial Board of USA Today believes that dying people should have the right to take drugs that are still in the approval process if conventional medicines have failed to help them. Law professor George J. Annas argues that there is no Constitutional right to demand experimental interventions, and that fully open access would undermine the FDA’s ability to protect the public from unsafe drugs.

Unit 7 Bioethics and Public Policy

Issue 17. Does Military Necessity Override Medical Ethics?


NO: M. Gregg Bloche and Jonathan H. Marks, from “When Doctors Go to War,” The New England Journal of Medicine (January 6, 2005)

Political scientist Michael L. Gross argues that war brings military and medical values into conflict, and that military necessity often overwhelms a physician’s other moral obligations, such as relieving suffering. M. Gregg Bloche, a physician and lawyer, and Jonathan H. Marks, a British barrister, stress that physicians remain physicians even in the military and that there is an urgent moral challenge in managing the conflict, not denying it.

Issue 18. Should Performance-Enhancing Drugs Be Banned from Sports?


NO: Julian Savulescu, Bennett Foddy, and Megan Clayton, from “Why We Should Allow Performance Enhancing Drugs in Sport,” British Journal of Sports Medicine (December 2004)

Social psychologist Thomas H. Murray contends that performance-enhancing drugs affect the individual athlete’s integrity because using banned substances is a dishonest behavior and corrupts a victory. Philosopher Julian Savulescu and research colleagues Bennett Foddy and Megan Clayton argue that legalizing drugs in sport may be fairer and safer than banning them.

Issue 19. Is It Ethical to Remove Patients’ Hearts for Transplantation Immediately after Cardiac Death?


Physician Robert D. Truog and ethicist Franklin G. Miller argue that the "dead donor rule"—the principle that donors must be declared dead by neurological standards—should be replaced by a practice that allows organ removal from dying patients whose hearts have stopped but who are not yet brain-dead. Philosopher Robert D. Veatch believes that there are practical difficulties in declaring a person's cardiac function "irreversible" and suggests instead amending the definition of death to refer to the loss of higher-brain functions that are responsible for consciousness.

Issue 20. Should Pharmacists Be Allowed to Deny Prescriptions on Grounds of Conscience?


Law student Donald W. Herbe asserts that pharmacists' moral beliefs concerning abortion and emergency contraception are genuinely fundamental and deserve respect. He proposes that professional pharmaceutical organizations lead the way to recognizing a true right of conscience, which would eventually result in universal legislation protecting against all potential ramifications of choosing conscience. Julie Cantor, a lawyer, and Ken Baum, a physician and lawyer, reject an absolute right to object, as well as no right to object, to these prescriptions but assert that pharmacists who cannot or will not dispense a drug have a professional obligation to meet the needs of their customers by referring them elsewhere.

Issue 21. Should Public Health Override Powers over Individual Liberty in Combatting Bioterrorism?


Law and public health professor Lawrence O. Gostin states that the threat of bioterrorism makes it imperative to reframe the balance between individual interests and society's need to protect itself so that the common good prevails. Law professor George J. Annas contends that taking human rights seriously is our best defense against terrorism and fosters public health on both a federal and global scale.