TAKING SIDES: Clashing Views on Bioethical Issues, Fifteenth Edition

Unit 1 Medical Decision Making

Issue 1. Is Autonomy 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. May Surrogate Decision-makers Terminate Care for a Person in a Persistent Vegetative State?


Jay Wolfson, a lawyer and the special guardian ad litem appointed for Theresa Marie Schiavo, explains the clinical and legal considerations that justified removal of Ms. Schiavo’s feeding tube, causing her to die. Tom Koch, an independent writer and researcher, holds that helping a person die cannot be said to benefit a person, and that questions of personhood and sanctity of life gave reason to help her live.

Issue 3. Should Adolescents Be Allowed to Make Their Own Life-and-Death Decisions?


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 make their child’s health care decisions. Children need to
enhance their long-term autonomy by developing virtues such as self-
control.

Unit 2 End-of-Life Dilemmas

Issue 4. Have Advance Directives Failed?

YES: YES: Angela Fagerlin and Carl E. Schneider, from “Enough:
The Failure of the Living Will,” Hastings Center Report (March–April
2004)

NO: Susan E. Hickman, Bernard J. Hammes, Alvin H. Moss, and
Susan W. Tolle, from “Hope for the Future: Achieving the Original Intent
of Advance Directives,” Hastings Center Report (November–December
2005)

Psychologist Angela Fagerlin and law professor Carl E. Schneider
believe not only that living wills have failed to live up to their advocates’
expectations but also that these expectations were unrealistic from the
start. Susan E. Hickman, Bernard J. Hammes, Alvin H. Moss, and Susan
W. Tolle, multidisciplinary specialists in end-of-life care, recognize the
limitations of traditional advance directives but argue that newer
processes of introducing advance directives can achieve their original
aims.

Issue 5. Is “Palliative Sedation” Ethically Different from Active Euthanasia?

YES: American Medical Association, from “Sedation to
Unconsciousness in End-of-Life Care,” Report of the Council on Ethical
and Judicial Affairs (June 2008)

NO: Margaret P. Battin, from “Terminal Sedation: Pulling the Sheet
Over Our Eyes,” Hastings Center Report (September–October 2008)

The American Medical Association affirms that in cases of extreme
suffering, the physician’s duty to relieve pain and suffering includes
palliative sedation—using drugs that result in unconsciousness and may
hasten death. Philosopher Margaret P. Battin believes that palliative or
terminal sedation is an unsatisfying compromise that offers no greater
protection against abuse than do institutional safeguards established for
direct physician aid in dying.

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

YES: Marcia Angell, from “The Supreme Court and Physician-Assisted
Suicide—The Ultimate Right,” The New England Journal of Medicine
(January 2, 1997)

NO: Kathleen M. Foley, from “Competent Care for the Dying Instead of
Physician-Assisted Suicide,” The New England Journal of Medicine
(January 2, 1997)

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.

Unit 3 Choices in Reproduction

Issue 7. Is Abortion Immoral?

YES: Patrick Lee and Robert P. George, from “The Wrong of
Abortion,” in Andrew Cohen and Christopher Heath Wellman, eds.,
Contemporary Debates in Applied Ethics (Blackwell, 2005)

NO: Margaret Olivia Little, from “The Morality of Abortion,” in Bonnie
Steinbock, John D. Arras, and Alex John London, eds., Ethical Issues in
Issue 8. Should Fertility Doctors Be Allowed to Transfer Multiple Embryos into a Woman Who Wants to Be Pregnant?

YES: David Orentlicher, from “Multiple Embryo Transfers: Time for Policy,” Hastings Center Report (May-June 2010)


Professor of medicine David Orentlicher argues that the practice of transferring multiple embryos to a woman’s uterus, which came to public attention with the case of Nadya Suleman in 2009, is dangerous for both children and mothers and should be discouraged by federal policy. Lawyer John Robertson holds that enacting laws against multiple transfers would violate parents’ rights.

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

YES: Liles Burke, from Hope Elisabeth Ankrom v. State of Alabama (May 26, 2011)


Liles Burke sets out the majority opinion in a case involving a pregnant woman who was found to have used cocaine while pregnant. Burke argues that Alabama law that forbids adults from exposing children to controlled substances applies in cases involving pregnant women and their fetuses. 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 Professional Integrity

Issue 10. Should Physicians Be Allowed to Participate in Executions?

YES: David Waisel, from “Physician Participation in Capital Punishment,” Mayo Clinic Proceedings (September 2007)


David Waisel, a professor of medicine, argues that if the state is to administer capital punishment, then physicians may honorably seek to help the condemned die as painlessly as possible. Physician and journalist Atul Gawande supports capital punishment but believes physicians, as healers, should play no role in it.

Issue 11. 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, assert that pharmacists have only a limited right to object to these prescriptions, and 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.

Unit 5 The Development and Use of Biotechnology

Issue 12. Is the Use of Medical Tools to Enhance Human Beings Morally Troubling?


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

The President's Council on Bioethics, a presidential body formed by President Bush, argues that biotechnological interventions for making people better than normal raise profound concerns about the relationship between humans and nature, human identity, and human happiness. 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 13. 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 the ban on performance-enhancing drugs should continue because it furthers the true meaning of sports—which is to compare athletes on their natural talent and abilities. 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 14. May Doctors Offer Medical Drugs and Surgery to Stop a Disabled Child from Maturing?

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 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 15. Should Scientists Create Artificial Organisms?

YES: Mark A. Bedau, from "The Intrinsic Scientific Value of Reprogramming Life," Hastings Center Report (July-August 2011)

NO: Christopher J. Preston, from "Synthetic Biology: Drawing a Line in Darwin's Sand," Environmental Values (February 2008)
Philosopher Mark A. Bedau argues that the effort to “create life”—the goal of the field known as synthetic biology—would be both socially useful and a huge step forward in the quest to understand what life is. Christopher J. Preston, an environmental ethicist, warns that synthetic biology is a threat to the concept of “natural” that has guided moral thinking about the environment in North America.

Unit 6 Access to Health Care

Issue 16. Is an Individual Mandate to Purchase Health Insurance Fair?


Karen Davenport, a health policy analyst, argues that an individual mandate to purchase health insurance emphasizes conservative ideals of personal responsibility and is necessary to ensure that health care is available and affordable for all citizens. Michael F. Cannon, also a health policy analyst, argues that it will promote irresponsibility, restrict personal freedom, increase the cost of health care, and lead ultimately to government rationing.

Issue 17. Is There an Ethical Duty to Provide Health Care for All Immigrants to the U.S.?


Rajeev Raghavan and Ricardo Nuila, physicians who work with end-stage renal disease patients, argue that standardized coverage for dialysis treatments would alleviate the burden on taxpayers where the most undocumented residents live and would improve these patients’ health, allowing them to return to work. James Dwyer, a philosopher and bioethicist, looks at another response to treatments for immigrants—deporting them. While he opposes deportation, he asserts that placing the financial responsibility on individual hospitals or regions is unfair.

Issue 18. Should New Drugs Be Given to Patients Outside Clinical Trials?

**YES: Emil J. Freireich**, from “Should Terminally Ill Patients Have the Right to Take Drugs that Pass Phase I Testing?” British Medical Journal (September 8, 2007)


Physician Emil J. Freireich believes that patients with advanced cancer and limited life expectancy should have the same privilege as all individuals in a free society. 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.

Issue 19. Should Vaccination for HPV Be Mandated for Teenage Girls?


Law professor Alta Charo argues that vaccination against the human papillomavirus, which causes most cases of cervical cancer, should be mandatory except in cases of medical, religious, or philosophical objection. Gail Javitt and Lawrence O. Gostin, also both professors of law, 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 the HPV vaccine is premature.

Issue 20. Should There Be a Market in Human Organs?


**NO: The Institute of Medicine Committee on Increasing Rates of Organ Donation**, from Organ Donation: Opportunities for Action (2006)

Psychiatrist Sally Satel contends that a regulated and legal system of rewarding organ donors will not only save lives but also stop the illegal trafficking that offers no protections for poor people around the world. The Institute of Medicine Committee argues that a free market in organs is problematic because in live organ donation, both buyers and sellers may not have complete or accurate information, and selling organs of dead people raises concerns about the commodification of human bodies.