

PHIL 228/228W, SUST 228  
**Public Health Ethics**

Fall 2020  
 Morey 321, TR 9:40-10:55

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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.

As much as possible, this class will be conducted in person. Of course, some students will not be able to attend in person for one reason or another, and physical distancing limits compels us to limit the number of students who can attend on any given day. The class will be available by video, and at least some of the important discussions in the class will take place online.

The format of the course will change as we learn what works and does not work for the class as a whole and as the situation on campus, in Rochester, and in the country evolve. The situation in which we find ourselves is a serious public health emergency, but we can also learn from it as an ongoing case study in public health ethics.

**Required Texts:**

John Stuart Mill, *On Liberty* (Hackett)  
 Madison Powers and Ruth Faden, *Social Justice* (Oxford)  
 Readings on Blackboard

**Course Requirements:**

*Class participation* is worth a significant portion of your grade. Most of the learning in the course will be the result of discussions, not the result of listening to lectures. Some of those discussions will happen in class, both from students who are present in the classroom and from students who are synchronously online. But some of the discussion will occur in the discussion boards. You are expected to participate substantively in one or the other or both every week. But contributing to the discussion meaningfully will count more than merely posting something.

*Group projects and presentations* will be two group activities at two designated times in 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.

In addition to these formal presentations, there will be a number of more informal group projects throughout the class. For all these group projects, students will be expected to work in their groups outside of class. Students are also encouraged to form their own study groups to explore together the issues raised in the class, and both instructors are willing to attend such meetings occasionally to discuss the issues and to answer questions.

*Reflections.* For the reflections, you will be in groups of three, and a set of those groups are designated A, B, and C. Once during the term, you will be expected to write a brief one-page *reflection paper* on the week's reading. Do not summarize the readings or respond to all of them, but critically evaluate one of the arguments in one of the readings. (You can criticize it or support it, but you must give reasons for your view.) The student will then send their reflection to the other members of his or her group by 9 pm on the first date listed in the syllabus (copying in Jacob and me). The other two members of the group will then comment substantively on it. (You can pass it around by email or use a googledoc, whatever works best.) Then the last person will submit it for grading (either send it by email or email the googledocs link) by 9 pm on the second date listed.. The reflection and all the comments must be submitted by the due date. The reflection is worth 10 points and each of the comments is worth 5.

*Papers* will constitute two of the three major assignments in the course. About 10-14 days before the paper is due, I will give you a several sets of questions, each of which will ask you to consider particular texts or 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.

*Final exam.* The last assignment will be a final examination on December 16, 4:00-7:00. Before the exam, I will post six questions. At the time of the exam, I will post three of them and you must answer two and submit them to me within three hours. My expectation is that you will prepare your answers ahead of time.

The course grade is divided into 540 points, apportioned as shown:

First paper	Oct 6	120 points
Second paper	Nov 24	120 points
Final exam	Dec 16	120 points
Reflections		20 points (one reflection at 10 pts, two comments at 5 pts each)
Presentations		60 points (two at 30 pts each)
Participation		100 points

Students who get 505 points will get an A in the class (not A-, but A). A B requires 451 points; a C, 397 points.

**Writing students:** Students taking the course for upper-level writing credit will do all of the assignment with the rest of the class. So, they will be graded on class participation as above, and they will write the two papers and the final examination with the rest of the class and worth the same number of points. But writing students will also be required to complete more reflections papers and to do rewrites of the two papers. To accommodate the second rewrite, however, the second paper will be due earlier than for the rest of the class.

*Reflection papers.* See above. Writing students will be in groups of two and those groups will be divided into X groups and Y groups. Three times during the term, you will write a reflection paper and three times, you will write a comment on your groups partner's reflection. Each reflection is worth 10 points and each comment is worth 5.

*Rewrites.* In addition, each student must rewrite each of two major papers for the class, *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). The rewrite should substantially rethink the paper, both in light of your further reflections about it and in light of the comments you receive from me. Each rewrite will be worth 100 points. It will be due two weeks after I return the original paper, so the dates listed below are approximate.

The total number of points for the writing students will be 765 points, and an A will require 715 points, apportioned as follows:

First paper	Oct 6	120 points
First rewrite	~Oct 26	100 points
Second paper	Nov 20	120 points
Second rewrite	Dec 9	100 points
Final exam	Dec 16	120 points
Presentations		60 points (two at 30 pts each)
Reflection papers		45 points (three reflections at 10 pts each and three comments at 5 pts each)
Participation		100 points

Academic honesty: The Honor Pledge will be required on the papers and on the final for the course. I expect the work on these assignments to be your own; all quotations and *ideas from others* that are used in your work must be properly cited. The reflections papers are more informal, so I do not expect rigorous citations or the Pledge, but I do expect the work to be your own. This is an ethics course, and I take a particularly dim view of violations of academic honesty. Please consult the College's policy at [www.rochester.edu/College/honesty/](http://www.rochester.edu/College/honesty/). If you have any questions, please do not hesitate to contact one of the instructors of this class.

Covid restrictions: Students are required to follow the University's guidelines to minimize the spread of the coronavirus. Students in class are required to wear masks covering the nose and mouth at all times, and they should observe physical distancing recommendations. Failure to do will result in a report that could lead to disciplinary action. Students who do not wish to wear masks are always free to take the class online.

## Schedule of Readings

This schedule is tentative (especially for topics later in the course and particularly for the epidemics unit). 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.

### I. Introduction

- Aug 27      Introduction  
Zinzi Bailey, et al., “Structural Racism and Health Inequities in the USA: Evidence and Interventions,” *The Lancet* 389 (2017): 1453-63
- Sep 1-3      *A1 and X1 reflections due Aug 30 and 31, 9 pm*  
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  
James Childress, et al., “Public Health Ethics: Mapping the Terrain,” *Journal of Law, Ethics, and Medicine* 30 (2002): 170-78  
Case study 1: Gun violence  
David Hemenway, “The Public Health Approach to Motor Vehicles, Tobacco, and Alcohol, with Applications to Firearm Policy,” *Journal of Public Health Policy* 22 (2001): 381-402  
E Michael Leweicki and Sara Miller, “Suicide, Guns, and Public Policy,” *American Journal of Public Health* 103 (2013): 27-31  
Samuel C Wheeler III, “Self-Defense: Rights and Coerced Risk-Acceptance,” *Public Affairs Quarterly* 11 (1997): 431-43  
Hugh LaFollette, “Gun Control,” *Ethics* 110 (2000): 263-81

### II. Public goods and collective goods

- Sep 8-10      *B1 and Y1 reflections due Sep 6 and 7, 9 pm*  
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  
(Optional) Richard Dees, “Public Health and Normative Public Goods,” *Public Health Ethics* 11 (2018): 20-26  
(Optional) L. Chad Horne, “Public Health, Public Goods, and Market Failure,” *Public Health Ethics* 12 (2019): 287-92
- Sep 15-17      *C1 and X2 reflections due Sep 13 and 14, 9 pm*  
Case study 2: Vaccinations  
CDC Vaccine information (for reference only)

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

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

Mark Christopher Navin and Mark Aaron Largent, "Improving Nonmedical Exemption Policies: Three Case Studies," *Public Health Ethics* 10 (2017): 225-34

James Wilson, "The Ethics of Disease Eradication," *Vaccine* 32 (2014): 7179-83

(Optional) Alberto Giubilini and Julian Savulescu, "Vaccinations, Risks, and Freedom: The Seat Belt Analogy," *Public Health Ethics* 12 (2019): 237-49

Sep 21 • *Presentations on vaccines due, 5:00 p.m. Sep 21*  
 Sep 22 *No class to allow for review of presentations*

### III. Public health and individualism

Sep 24-29 *A2 and Y2 reflections due Sep 22 and 23, 9 pm*  
 John Stuart Mill, *On Liberty*, chs. 1, 3-5 (pp. 1-14, 53-113)

Oct 1 *B2 and X1 reflections due Sep 29 and 30, 9 pm*  
 Gerald Dworkin, "Paternalism," *Stanford Encyclopedia of Philosophy*  
 Richard Thaler and Cass Sunstein, "Libertarian Paternalism," *American Economic Review* 93 (2003): 175-79.  
 Thomas Nys, "Paternalism in Public Health Care," *Public Health Ethics* 1 (2008): 64-72  
 Sarah Conly, "Coercive Paternalism in Health Care: Against Freedom of Choice," *Public Health Ethics* 6 (2013): 241-45  
 Frederick J. Zimmerman, "Public Health and Autonomy: A Critical Reappraisal," *Hastings Center Report* 47.6 (2017): 38-45

Oct 6 • *First papers due, 11:00 a.m. (No class)*

Oct 9-13-15 *C2 and Y1 reflections due, due Oct 7 and 8, 9 pm*  
 Continued discussion of readings from Oct 1  
 Case study 3: Obesity  
 CDC on obesity in children  
 Daniel Callahan, "Obesity: Changing an Elusive Epidemic," *Hastings Center Report* 43.1 (2013): 34-40

- Carissa Véliz, et al., "Sugar, Taxes, and Choice," *Hastings Center Report* 49.6 (2019): 22-31.
- Anne Barnhill, Katherine King, Nancy Kass, and Ruth Faden, "The Value of Unhealthy Eating and the Ethics of Healthy Eating Policies," *Kennedy Institute of Ethics Journal* 24 (2014): 187-217
- Desiree Abu-Odeh, "Fat Stigma and Public Health: A Theoretical Framework and Ethical Analysis," *Kennedy Institute of Ethics Journal* 24 (2014): 247-65.

#### IV. Health care justice

- Oct 20      *A3, X2, and Y2 reflections due, due Oct 18 and 19, 9 pm*  
 H. Tristram Engelhardt, "Rights to Health Care, Social Justice, and Fairness in Health Care Allocations," in *The Foundations of Bioethics*, 2nd ed. (New York: Oxford University Press, 1996), 375-410  
 Norman Daniels, "Justice, Health, and Healthcare," *American Journal of Bioethics* 1.2 (2001): 2-16
- Oct 22-27    *B3 and X1 reflections due Oct 20 and 21 due, 9 pm*  
 Madison Powers and Ruth Faden, *Social Justice*, chs. 2-5.2 (pp 15-117)
- Oct 29      *C3 and Y1 reflections due Oct 27 and 28, 9 pm*  
 Case Study 5: Universal health care  
 Peter Singer, "Why We Must Ration Health Care," *New York Times Magazine*, 15 July 2009  
 Atul Gawande, "Overkill," *New Yorker*, 11 May 2015  
 Benedict Rumbold, Albert Weale, Annette Rid, James Wilson, and Peter Littlejohns, "Public Reasoning and Health-Care Priority Setting: The Case of NICE," *Kennedy Institute of Ethics Journal* 27 (2017): 107-34  
 Paul Menzel, "The Cultural Moral Right to a Basic Minimum of Accessible Health Care," *Kennedy Institute of Ethics Journal* 21 (2011): 79-96 (only)  
 Ezekiel Emanuel, *Which Country Has the World's Best Health Care?* (2020)  
 [for reference]
- Nov 3      *No class, Election Day*
- Nov 5      *Continue discussion of health care systems (no new reading)*
- Nov 9      • *Group presentations on universal health care due, 8 am*  
 Nov 10     *No class to allow for review of presentations*

## V. Global health justice

- Nov 12-17 *X2 reflections due Nov 11 and 12, 9 pm*  
 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  
 Declaration of Alma Ata (1978)  
 Paul Farmer and Nicole Gastineau, "Rethinking Health and Human Rights," *Journal of Law, Medicine, and Ethics* 30 (2002): 655-66  
 Lisa Fuller, "International NGO Health Programs in a Non-ideal World: Imperialism, Respect, and Procedural Justice," in *Global Justice and Bioethics*, ed. Joseph Millum and Ezekiel Emanuel (Oxford: Oxford University Press, 2012), 213-40.  
 • *Second papers for writing students due Nov 20, 5:00 p.m*
- Nov 19 *Y2 reflections due Nov 29 and 30, 9 pm*  
 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)  
 Matthew Wynia, "Ethics and Public Health Emergencies: Restrictions on Liberty," *American Journal of Bioethics* 7.2 (2007): 1-5  
 Wendy Parmet, "JS Mill and the American Law of Quarantine," *Public Health Ethics* 1 (2008): 210-22  
 Lawrence Gostin, Ronald Bayer, and Amy Fairchild, "Ethical and Legal Challenges Posed by Severe Acute Respiratory Syndrome," *JAMA* 290 (2003): 3229-37
- Nov 24  
 • *Second papers for non-writing students due Nov 24, 11:00 a.m. (No class)*  
*Thanksgiving break (No class, Nov 26)*  
*After Thanksgiving, all classes will be online.*
- Dec 1-3-8 *Y2 reflections due Nov 29 and 30, 9 pm*  
 Case study 5 (continued): Responding to epidemics  
 Ronald Bayer and Amy Fairchild, "Surveillance and Privacy," *Science* 290 (2000): 1898-99  
 Atul Gawande, "Amid the Coronavirus Crisis: A Regimen for Reentry," *The New Yorker*, 13 May 2020 [for background]  
 Jennifer Prah Ruger, "Positive Public Health Ethics: Toward Flourishing and Resilient Communities and Individuals," *American Journal of Bioethics* 20.7 (2020): 44-54  
 Stephen John, "The Ethics of Lockdown: Communication, Consequences, and the Separateness of Persons," *Kennedy Institute of Ethics Journal* 30 (2020)

- Amy Fairchild, Lawrence Gostin, and Ronald Bayer, "Vexing, Veiled, and Inequitable: Social Distance and the 'Rights' Divide in the Age of Covid-19," *American Journal of Bioethics* 20.7 (2020): 55-61
- Hon-Lam Li, Nancy Jecker, and Roger Yat-Nork Chung, "Reopening Economics during the Covid-19 Pandemic: Reasoning about Value Tradeoffs," *American Journal of Bioethics* 20.7 (2020): 136-38
- Harald Schmidt, "Vaccine Rationing and the Urgency of Social Justice in the Covid-19 Response," *Hastings Center Report* 50.3 (2020): 46-49

Dec 16

- *Final examination, 4:00-6:30*