

PHIL 228/228W, SUST 228
Public Health Ethics

Fall 2022
 Goergen 108, 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.

Required Texts:

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

Course Requirements:

Regular section

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. For the more shy, I will offer the opportunity to discuss some of the key issues on the discussion board. However, 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 via VoiceThread. 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.

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 assignment. The last assignment will be two 3-4 page essays due on December 13 at 11:00 a.m. After Thanksgiving, I will post five questions on which you can prepare essays. On the evening of December 12, I will choose four of those questions, and then you will send us essays on two of those four questions by the deadline. (We fully expect that you will prepare the essays ahead of time and then simply send in your essays when they are due.)

The course grade is divided into 520 points, apportioned as shown:

First paper	Oct 6	120 points
Second paper	Nov 8	120 points
Final assignment	Dec 13	120 points
Presentations	Sep 26 & Nov 16	60 points (two at 30 pts each)
Participation		100 points

Students who get 487 points will get an A in the class (not A-, but A). A grade of a B requires 435 points; a C, 383 points.

Writing section

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. Four times during the term, you will be expected to write a brief one-page *reflection paper* to the week's reading, due the day before the first date listed for the assignment at 8:00 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 reflection papers, the writing students are divided into three groups, to which I will assign you in an email after the first day of class. 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.

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 750 points, and an A will require 725 points, apportioned as follows:

First paper	Oct 6	120 points
First rewrite	~Oct 25	100 points
Second paper	Nov 8	120 points
Second rewrite	~Nov 28	100 points
Final assignment	Dec 13	120 points
Presentations	Sep 26 & Nov 16	60 points (two at 30 pts each)
Reflection papers		30 points (three reflections at 10 pts each)
Participation		100 points

Academic honesty: The Honor Pledge will be required on the papers and on the final assignment 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/. If you have any questions, please do not hesitate to contact one of the instructors of this class.

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.

I. Introduction

Sep 1 Introduction
 Linda Villarosa, “Something about Being Black is Bad for Your Body and Your Baby,” in *Under the Skin* (New York; Doubleday, 2022), 67-89
 Zinzi Bailey, et al., “Structural Racism and Health Inequities in the USA: Evidence and Interventions,” *The Lancet* 389 (2017): 1453-63

- Sep 6-8 *Group B reflections due Sep 5, 8 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 Lewicki 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 13-15 *Group C reflections due Sep 12, 8 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 20-22 *Group A reflections due Sep 19, 8 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

(Optional) Justin Bernstein, "Anti-Vaxxers, Anti-Anti-Vaxxers, Fairness, and Anger," *Kennedy Institute of Ethics Journal* 31 (2021): 17-52

Sep 26 • *Presentations on vaccines due, 8:00 p.m.*
 Sep 27 *No class to allow for review of presentations*

III. Public health and individualism

Sep 29- *Group B reflections due Sep 28, 8 pm*
 Oct 4 John Stuart Mill, *On Liberty*, chs. 1, 3-5 (pp. 1-14, 53-113)

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

Oct 11 *Fall break (No class)*

Oct 13-18 *Group C reflections due Oct 12, 8 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 20 *Group A reflections due Oct 19, 8 pm*
 Case study 3: Obesity
 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.
 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 25-27 *Group B reflections due Oct 24, 8 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
- Nov 1-3 *Group C reflections due Oct 31, 8 pm*
 Madison Powers and Ruth Faden, *Social Justice*, chs. 2-5.2 (pp 15-117)
- Nov 8 • *Second papers due Nov 8, 11:00 a.m. (No class)*
- Nov 10-15 *Group A reflections due Nov 9, 8 pm*
 Case Study 4: 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 16 • *Group presentations on universal health care due, 8 am*
 Nov 17 *No class to allow for review of presentations*

V. Global health justice

- Nov 22 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)
- Nov 24 *Thanksgiving break (No class)*
- Nov 29 *Group B reflections due Nov 28, 8 pm*
 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 , in *Global Justice and Bioethics*, ed. Joseph Millum and Ezekiel Emanuel (Oxford: Oxford University Press, 2012), 213-40.

VI. Epidemics

- Dec 1 *Group C reflections due Nov 30, 8 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
 Ronald Bayer and Amy Fairchild, "Surveillance and Privacy," *Science* 290 (2000): 1898-99
- Dec 6-8 *Group A reflections due Dec 5, 8 pm*
 Case study 6: Responding to coronavirus
 Kieran Oberman, "Freedom and Viruses," *Ethics* 132 (2022): 817-50
 Harald Schmidt, "Vaccine Rationing and the Urgency of Social Justice in the Covid-19 Response," *Hastings Center Report* 50.3 (2020): 46-49
 Zeynep Tufekci, "5 Pandemic Mistakes We Keep Repeating," *The Atlantic*, 26 February 2021
 Sue Halpern, "The Peril of Not Vaccinating the World," *The New Yorker*, 3 June 2021
- Dec 13 • *Final assignment due, 11 a.m. (No class)*