

PHLT 300W/PHIL 311W
Seminar in Bioethics: Pandemic Ethics

Spring 2021
LeChase 104, F 12:30-3:00

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The Seminar in Bioethics is intended as a capstone experience for bioethics majors, but it is open to anyone who has taken PHL 225 or 228 with permission of the instructor. In a discussion-based seminar format, we will examine the foundations of bioethics and then we will focus on the myriad of ethical issues that arise in dealing with pandemics. The class satisfies the upper-level writing requirement.

For obvious reasons, the course will focus on issues that have arisen with the coronavirus pandemic, and we will trace the ethical issues that arise at every stage: from disease surveillance and contact tracing to resource allocation to quarantine and lockdowns to vaccine developments. We will also try to put these questions in context by looking not only at the appropriate response to the coronavirus, but also to other epidemics that have arisen.

Texts

Required

Tom Beauchamp and James Childress, *Principles of Biomedical Ethics*, 8th ed. (Oxford)
Albert Camus, *The Plague*, trans. Stuart Gilbert (Vintage)

Recommended

Frank Snowden, *Epidemics and Society: From the Black Death to the Present* (Yale)

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.

Reflections. Nearly every week, you are expected to write a brief (1-2 page) *reaction paper* to the week's reading, due at 7 p.m. the Thursday night before class. These papers should respond to some specific arguments or position in the readings by explaining why you agree or disagree with it. Please e-mail them to me. Each reflection is worth 10 points.

Papers. You will write three formal papers for the course. The first two will be done using a tutorial system. I will give you a series of questions about particular texts. You will choose one topic and write a 6-9 page analytical paper. Class will be cancelled the week tutorials are due; instead, you and another student then meet with me in my office to hand in and discuss and your papers. I will explain the tutorial method in more detail later.

For your final assignment, you will write a 9-12 page paper on a topic of your own choosing. Topics must be approved by me. Each student will write a first draft of the paper that will be graded, and you will review and comment upon one of those drafts from a peer. The final draft of the paper should then take into account both my comments and those from your classmate.

The course grade is divided into 720 points, apportioned as shown:

First tutorial	Mar 5	120 points
Second tutorial	Apr 2	120
Final assignment		
Draft	May 7	60
Peer review	May 7	20
Final version	May 14	160
Participation		140
Reflections		100

Academic honesty: The Honor Pledge will be required on the formal papers for the course, including the first draft of your final paper. 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 me.

Schedule of Readings:

Except for readings found in the required and recommended texts, all the readings can be found on Blackboard under Readings or in a link from the appropriate learning module. Many weeks have background readings, which are always optional

Feb 5	Introduction <i>Background</i> : Frank Snowden, <i>Epidemics and Society</i> , ch. 4 (“Plague as Disease,” 40-57) Albert Camus, <i>The Plague</i> Ton Beauchamp and James Childress, <i>Principles of Biomedical Ethics</i> , ch. 4 (“Autonomy,” 99-154)
Feb 12	Introduction 2 Beauchamp and Childress, <i>Principles of Biomedical Ethics</i> , chs. 5-6 (“Non-maleficence” and “Beneficence,” 155-266) <i>Reflection paper due, Feb 11, 7 pm</i>
Feb 19	Introduction 3 Beauchamp and Childress, <i>Principles of Biomedical Ethics</i> , ch. 7 (“Justice,” 267-326)

Disease surveillance

Background: Snowden, *Epidemics and Society*, ch.18 (“Polio and the Problem of Eradication,” 385-407)

Amy Fairchild, Ronald Bayer, and James Colgrove, “Privacy, Democracy, and the Politics of Disease Surveillance,” *Public Health Ethics* 1 (2008): 30-38

Lisa Lee, Charles Heilig, and Angela White, “Ethical Justifications for Conducting Public Health Surveillance without Patient Consent,” *American Journal of Public Health* 10.2 (2012): 38-44

Ruipeng Lei and Renzong Qiu, “A Strategy to Prevent and Control Zoonoses?,” *Hastings Center Report* 50.3 (2020): 73-74

Reflection paper due, Feb 18, 7 pm

Feb 26

Testing and contact tracing

Background: Snowden, *Epidemics and Society*, ch. 20 (HIV/AIDS: The Experience of the United States,” 429-47)

Donald Ainslie, “Questioning Bioethics: AIDS, Sexual Ethics, and the Duty to Warn,” *Hastings Center Report* 29.5 (1999): 26-35

Kate Mandeville, et al., “Using Social Networking Sites for Communicable Disease Control: Innovative Contact Tracing or Breach of Confidentiality,” *Public Health Ethics* 7 (2014): 47-50

Jasper Littman and Anthony Kessel, “Accounting for the Costs of Contact Tracing through Social Networks,” *Public Health Ethics* 7 (2014): 51-53

Alex Dubov and Steven Shoptawb, “The Value and Ethics of Using Technology to Contain the COVID-19 Epidemic,” *American Journal of Bioethics* 20.7 (2020): W7-11

Nicole Martinez-Martin, et al., “Digital Contact Tracing, Privacy, and Public Health,” *Hastings Center Report* 50.3 (2020): 43-49

Duty to treat

Norman Daniels, “Duty to Treat or Right to Refuse?,” *Hastings Center Report* 21.2 (1991): 36-46

Heidi Malm, et al., “Ethics, Pandemics, and the Duty to Treat,” *American Journal of Bioethics* 8.8 (2008): 4-19

Udo Schuklenk, “What Healthcare Professionals Owe Us: Why Their Duty to Treat During a Pandemic is Contingent on Personal Protective Equipment,” *Journal of Medical Ethics* 46 (2020): 432-35

Annie Janvier and John Lantos, “Medically Vulnerable Clinicians and Unnecessary Risk During the COVID-19 Pandemic,” *American Journal of Bioethics* 20.7 (2020): 13-14

Jeremy Garrett and Leslie Ann McNolty, “More than Warm Fuzzy Feelings: The Imperative of Institutional Morale in Hospital Pandemic Responses,” *American Journal of Bioethics* 20.7 (2020): 92-94

Reflection paper due, Feb 25, 7 pm

Mar 5

First tutorial (no regular class)

Mar 12

Treatments issues

Background: Snowden, Epidemics and Society, ch. 15 (“Tuberculosis in the Unromantic Era of Contagion,” 292-331)

Ronald Bayer and Laurence Dupuis, “Tuberculosis, Public Health, and Civil Liberties,” *Annual Review of Public Health* 16 (1995): 307-26

Ori Rozenberg and Dov Greenbaum, “Making It Count: Real World Data from Compassionate Use and Expanded Access Programs,” *American Journal of Bioethics* 20.7 (2020): 89-92

Bryan Sisk and James DeBois, “Research Ethics in a Pandemic: A Call for Normative and Empirical Analysis,” *American Journal of Bioethics* 20.7 (2020): 82-84

Julian Savulescu, “Is It Right to Cut Corners in the Search for a Coronavirus Cure?” *The Guardian*, 25 March 2020

Georgina Morley, et al., “Covid-19: Ethical Challenges for Nurses,” *Hastings Center Report* 50.3 (2020): 35-39

Marielle Gross, et al., “Rethinking ‘Elective’ Procedures for Women’s Reproduction during Covid-19,” *Hastings Center Report* 50.3 (2020): 40-43

Jordan Parsons and Harleen Kaur Johal, “Best Interests vs. Resource Allocation: Could COVID-19 Cloud Decision-Making for the Cognitively Impaired?” *Journal of Medical Ethics* 46 (2020): 447-50

Resource allocation: General principles

Robert Baker and Martin Strosberg, “Triage and Equality: An Historical Reassessment of Utilitarian Analyses of Triage,” *Kennedy Institute of Ethics Journal* 2 (1992): 103-23

John Harris, “The Value of Life,” in *The Value of Life* (London: Routledge, 1985), ch 5.1 (pp 87-102)

Laurence McCullough, “In Response to COVID-19 Pandemic Physicians Already Know What to Do,” *American Journal of Bioethics* 20.7 (2020): 9-12

Susan Dorr Goold, “The COVID-19 Pandemic: Critical Care Allocated in Extremis,” *American Journal of Bioethics* 20.7 (2020): 6-8

Rosamond Rhodes, “Justice and Guidance for the COVID-19 Pandemic,” *American Journal of Bioethics* 20.7 (2020): 163-66

George Annas, “Rationing Crisis: Bogus Standards of Care Unmasked by COVID-19,” *American Journal of Bioethics* 20.7 (2020): 167-69

Reflection paper due, Mar 11, 7 pm

Mar 19

Resource allocation: Ventilators

Ezekiel Emanuel, et al., “Fair Allocation of Scarce Medical Resources in the Time of Covid-19,” *New England Journal of Medicine* 382 (2020): 2049-52

Amy Maguire, et al., “Ethical Challenges Arising from the COVID-19 Pandemic: An Overview from the Association of Bioethics Program Directors Task Force,” *American Journal of Bioethics* 20.7 (2020): 15-27

Nancy Jecker, Aaron Wightman, and Douglas Diekema, "Prioritizing Front Line Workers during the COVID-19 Pandemic," *American Journal of Bioethics* 20.7 (2020): 128-32

Mark Wicclair, "Allocating Ventilators in COVID-19 Pandemic and Conscientious Objection," *American Journal of Bioethics* 20.7 (2020): 204-07

Franklin Miller, "Why I Support Age-Related Rationing of Ventilators for Covid-19 Patients," *Hastings Center Bioethics Forum*, 9 April 2020

Shai Held, "The Staggering Heartless Cruelty toward the Elderly: A Global Pandemic Doesn't Give Us Cause to Treat the Aged Callously," *The Atlantic.com*, 20 March 2020.

Special cases

Marlyse Haward, et al., "Should Extremely Premature Babies Get Ventilators During the COVID-19 Crises," *American Journal of Bioethics* 20.7 (2020): 37-43

Joona Räsänen, "Saving the Babies or the Elderly in a Time of Crisis?," *American Journal of Bioethics* 20.7 (2020): 180-82

Laura Guidry-Grimes, et al., "Disability Rights as Necessary Framework for Crisis Standards of Care and the Future of Health Care." *Hastings Center Report* 50.3 (2020): 28-32

Lavina Kalwani, et al., "Reconceptualizing Triage to Incorporate Principles of Risk and Uncertainty: An Example from Deep Brain Stimulation with Treatment-Resistant Disorders," *American Journal of Bioethics* 20.7 (2020): 207-09

Ventilator allocation protocols (Read summaries and skim rest)

Centers for Disease Control

New York State

Johns Hopkins University

University of Pittsburgh

Reflection paper due, Mar 18, 7 pm

Mar 26

Quarantine and isolation

Background: Snowden, *Epidemics and Society*, ch. 5 ("Responses to Plague," 58-82)

T.M. Wilkinson, "Contagious Disease and Self Defence," *Res Publica* 13 (2007): 339-59

Evan Michelson, "Individual Freedom or Collective Welfare?: An Analysis of Quarantine as a Response to Global Infectious Disease," in *Ethics and Infectious Disease*, ed. Michael Selgelid, Margaret Battin, and Charles Smith (Malden, MA: Blackwell, 2006), 53-69

Alberto Giubilini, et al., "Quarantine, Isolation, and the Duty of Easy Rescue in Public Health," *Developing World Bioethics* 18 (2018): 182-89

Kelly Hills, "Rejecting Quarantine: A Frozen-in-Time Reaction to Disease," in *Ebola's Message: Public Health and Medicine in the Twenty-First Century*, ed. Nicholas Evans, Tara Smith, and Maimuna Majumder (Cambridge: MIT Press, 2016), 217-31

Mark Russ, Dominic Sisti, and Philip Wilner, "When Patients Refuse COVID-19 Testing, Quarantine, and Social Distancing in Inpatient Psychiatry: Clinical and Ethical Challenges," *Journal of Medical Ethics* 46 (2020): 579-80

Julian Suvaescu and James Cameron, "Why Lockdown of the Elderly is Not Ageist and Why Levelling Down Equality is Wrong," *Journal of Medical Ethics* 46 (2020): 717-21

Reflection paper due, Mar 25, 7 pm

Apr 2 *Second tutorial (no regular class)*

Apr 9 Social justice in a pandemic: US issues

Background: Snowden, *Epidemics and Society*, ch. 13 ("Cholera," 233-68)

Shawn Ossei-Owusu, "Coronavirus and the Politics of Disposability," *Boston Review*, 8 April 2020

Sean Valles, "The Predictable Inequities of COVID-19 in the US: Fundamental Causes and Broken Institutions," *Kennedy Institute of Ethics Journal* 30 (2020): 191-214

Ryan Nelson and Leslie Francis, "Justice and Intellectual Disability in a Pandemic," *Kennedy Institute of Ethics Journal* 30 (2020): 319-38

Alan Elbaum, "Black Lives in a Pandemic: Implications of Systematic Injustice for End-of-Life Care," *Hastings Center Report* 50.3 (2020): 58-60

Jordan Pascoe and Mitch Stripling, "Surging Solidarity: Reorienting Ethics for Pandemics," *Kennedy Institute of Ethics Journal* 30 (2020): 419-44

Daniel Goldberg, "Structural Stigma, Legal Epidemiology, and COVID-19: The Ethical Imperative to Act Upstream," *Kennedy Institute of Ethics Journal* 30 (2020): 339-59

Reflection paper due, Apr 8, 7 pm

Apr 16 Social distancing, lockdowns, and masks

Marcel Verweij, "Obligatory Precautions Against Infection," *Bioethics* 19 (2005): 323-35

Conor Friedersdorf, "Take the Shutdown Skeptics Seriously," *Atlantic.com*. 10 May 2020

Daniel Weinstock, "A Harm Reduction Approach to Physical Distancing," *Public Health Ethics* 13 (2020): 166-75

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

Takunda Matose and Elizabeth Lanphier, "Rights Don't Stand Alone: Responsibility for Rights in a Pandemic," *American Journal of Bioethics* 20.7 (2020): 169-72

Stephen John, "The Ethics of Lockdown: Communication, Consequences, and the Separateness of Persons," *Kennedy Institute of Ethics Journal* 30 (2020): 265-90

- Franklin Miller, "The Ethics of Everyday Life in the Midst of a Pandemic," *Hastings Center Report* 50.3 (2020): 6-7
- Matthew Bennett, "Should I Do as I'm Told?: Trust, Experts and COVID-19," *Kennedy Institute of Ethics Journal* 30 (2020): 243-63
- Eric Winsberg, "How Governmental Leaders Violated Their Epistemic Duties During the SARS-CoV-2 Crisis," *Kennedy Institute of Ethics Journal* 30 (2020): 215-42
- Rael Straus and Tami Karni, "Ethics of Sharing Knowledge with the Community: Is the Physician Responsible for Medical Outreach During a Pandemic," *Journal of Medical Ethics* 46 (2020): 732-35

Final paper topic must be approved

Reflection paper due, Apr 15, 7 pm

Apr 23

Reopening

- Atul Gawande, "Amid the Coronavirus Crisis: A Regimen for Reentry," *The New Yorker*, 13 May 2020
- Rebecca Brown, et al., "Passport to Freedom?: Immunity Passports for COVID-19," *Journal of Medical Ethics* 46 (2020): 652-59
- 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

Vaccine development

- Background:* Snowden, *Epidemics and Society*, ch. 7 ("The Historic Impact of Smallpox, 97-110)
- Ben Bambery, et al., "Ethical Criteria for Human Challenge Studies in Infectious Diseases," *Public Health Ethics* 9 (2016): 92-103
- Carl Elliott, "An Ethical Path to a Covid Vaccine," *New York Review of Books*, 2 July 2020
- Søren Holm, "Controlled Human Infections with SARS-CoV-2 to Study COVID-19 Vaccines and Treatments: Bioethics in Utopia," *Journal of Medical Ethics* 46 (2020): 569-73
- Robert Steel, Lara Buchak, and Nir Eyal, "Why Continuing Uncertainties are No Reason to Postpone Challenge Trials for Coronavirus Vaccines," *Journal of Medical Ethics* 46 (2020): 808-12
- Joshua Teperowski Monrad, "Ethical Considerations for Epidemic Vaccine Trials," *Journal of Medical Ethics* 46 (2020): 465-69

Vaccine distribution

- Background:* Gina Kolata, *Flu*, ch 6 ("A Litigation Nightmare," 151-85)
- Thomas May, "Public Communication, Risk Perception, and the Viability of Preventative Vaccination Against Communicable Disease," *Bioethics* 19 (2005): 407-21
- Harald Schmidt, "Vaccine Rationing and the Urgency of Social Justice in the Covid-19 Response," *Hastings Center Report* 50.3 (2020): 46-49
- Anthony Skelton and Lisa Forsberg, "Mandating Vaccination," *Ethics of Pandemics*, ed. Meredith Celene Schwartz (Peterborough, Ontario: Broadview Press, 2020), 131-34

Yangzi Liu, Sanjana Salwi, and Brian Drolet, "Multivalued Ethical Framework for Fair Global Allocation of a COVID-19 Vaccine," *Journal of Medical Ethics* 46 (2020): 499-501

Vaccine distribution protocols (Read summaries and skim the rest)

CDC pandemic flu vaccine plan

Johns Hopkins covid vaccine plan

National Academy of Medicine covid vaccine framework

CDC covid vaccine guidelines

Reflection paper due, Apr 22, 7 pm

Apr 30

Social justice in a pandemic: Global issues

Paul Farmer and Nicole Gastineau Campos, "Rethinking Medical Ethics: A View from Below," *Developing World Bioethics* 4 (2004): 17-41

Abbey Lowe, et al., "How Should Clinicians Respond to International Public Health Emergencies," *AMA Journal of Ethics* 22.1 (2020): 6-21

Jennifer Prah Ruger, "Positive Public Health Ethics: Toward Flourishing and Resilient Communities and Individuals," *American Journal of Bioethics* 20.7 (2020): 44-54

Thana de Campos, "Guiding Principles of Global Health Governance in Times of Pandemics: Solidarity, Subsidiarity, and Stewardship in COVID-19," *American Journal of Bioethics* 20.7 (2020): 212-14

Anita Ho and Iulia Dascalu, "Global Disparity and Solidarity in a Pandemic," *Hastings Center Report* 50.3 (2020): 65-67

Reflection paper due, Apr 29, 7 pm

May 7

Conclusions

First drafts of final papers due, peer reviews of drafts

May 14

Final papers due