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The Ethics of Death and Dying
179-548-01 (1994)

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The ethical problems of the care of the terminally ill have been among the most controversial issues in medical ethics over the past decade. This course will explore those issues combining lecture, discussion, and film. The course will not emphasize the sociological and psychological aspects of death and dying, concentrating instead on philosophical, ethical, and public policy issues.

There will be a mid-term March 15 during the first hour of class and a final exam. The final exam will be a take-home final distributed the last day of class and due on the scheduled examination date.

Primary texts for the course will be:

- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986.
Buchanan, Allen E., and Dan W. Brock. Deciding for Others: The Ethics of Surrogate Decision Making. New York: Cambridge University Press, 1989.

For reference you may want to consult:

- Ramsey, Paul. Ethics at the Edges of Life. New Haven, Connecticut: Yale University Press, 1978.
Cantor, Norman. Legal Frontiers of Death and Dying. Bloomington, Indiana: Indiana University Press, 1987.
Veatch, Robert M. Death, Dying, and the Biological Revolution, Revised Edition. New Haven, Connecticut: Yale University Press, 1989.
The Hastings Center. Guidelines on the Termination of Life-Sustaining Treatment and the Care of the Dying. Briarcliff Manor, New York: The Hastings Center, 1987.
President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Defining Death: Medical, Legal and Ethical Issues in the Definition of Death. Washington, D.C.: U.S. Government Printing Office, 1981.
President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983.

Some of the readings for this course will be available in a reading packet in the Kennedy Institute Library. Those are marked with an (*). Other readings can be found in the following anthologies. In the reading list they are identified by the editors' names in brackets.

- Arras, John, and Nancy Rhoden. Ethical Issues in Modern Medicine, third edition. Mountain View, California: Mayfield Publishing Company, 1989.
- Beauchamp, Tom L. Philosophical Ethics: An Introduction to Moral Philosophy. New York: McGraw-Hill Book Company, 1982.
- Beauchamp, Tom L., and LeRoy Walters, editors. Contemporary Issues in Bioethics, third edition. Belmont, California: Wadsworth, 1989 [second edition, 1982].
- Beauchamp, Tom, and Seymour Perlin. Ethical Issues in Death and Dying. Englewood Cliffs, New Jersey: Prentice Hall, 1978.
- Gorowitz, Samuel, Ruth Macklin, Andrew L. Jameton, et al., editors. Moral Problems in Medicine, second edition. Englewood Cliffs, N.J.: Prentice Hall, 1983.
- Horan, Dennis J., and David Mall, editors. Death, Dying, and Euthanasia. Washington, D.C.: University Publications of America, 1977.
- Mappes, Thomas., and Jane S. Zembaty, editors. Biomedical Ethics. New York: McGraw-Hill, 1981 [second edition, 1986; third edition, 1991].
- O'Rourke, Kevin D., and Philip Boyle. Medical Ethics: Sources of Catholic Teachings. St. Louis, Mo.: Catholic Health Association, 1989.
- Reiser, Stanley Joel, Arthur J. Dyck, and William J. Curran, editors. Ethics in Medicine: Historical Perspectives and Contemporary Concerns. Cambridge, Mass.: MIT Press, 1977.
- Shannon, Thomas A., and Jo Ann Manfra, editors. Law and Bioethics: Texts with Commentary on Major U.S. Court Decisions. New York: Paulist Press, 1982.
- Weir, Robert F., editor. Ethical Issues in Death and Dying, first edition. New York: Columbia, 1977 [second edition, 1986].
- Veatch, Robert M., editor. Cross Cultural Perspectives in Medical Ethics: Readings. Boston: Jones and Bartlett, 1989.

Phil. 179-548-01 The Ethics of Terminal Care

- Jan 18 Introduction: Film "Who Shall Survive?" (Lauinger Library, Room 156)
- Jan 25 Definition of Death
- Feb 1 What to Tell the Dying Patient and Informed Consent
- Feb ~~18~~¹⁵ Suicide
- Feb 15²² Videotape: "Please Let Me Die" (Lauinger Library, Room 156)
- The Ethics of Decisions for Competent Patients:
Videotape "Please Let Me Die."
1. Active killing and letting die//Direct/indirect
- Feb 22²⁵ 2. Ordinary and Extraordinary Means
- Mar 1 3. Withholding Food, Fluids, and Medications
- Mar 15 MID-TERM EXAM
- Formerly Competent Patients: Living Wills/Powers of Attorney/Natural Death Acts
- Mar 22 The Role of Guardians (Quinlan, Saikewicz, Dinnerstein, Becker, Cruzan)
- Mar 29 The Role of Guardians (continued)
- Apr 5 Hospital Ethics Committees
- Apr 12 Neonates and the Baby Doe Rule
- Apr 19 The Futile Care Debate
- Apr 26 The Social Ethics of Terminal Care: Resource Allocation
- May 3 The Social Ethics of Terminal Care: The Role of Age

Reading List

Jan 18-25: Definition of Death

Reading

Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 53-111.

Harvard Medical School. "A Definition of Irreversible Coma. Report of the Ad Hoc Committee of the Harvard Medical School to Examine the Definition of Brain Death." Journal of the American Medical Association 205 (1968):337-340. [Beauchamp and Perlin]

Jonas, Hans. "Against the Stream." In Beauchamp, Tom, and Seymour Perlin. Ethical Issues in Death and Dying. Englewood Cliffs, New Jersey: Prentice Hall, 1978, pp. 51-59.

*Halevy, Amir, and Baruch Brody. "Brain Death: Reconciling Definitions, Criteria, and Tests." Annals of Internal Medicine 119 (No. 6, 1993):519-525.

*Veatch, Robert M. "The Impending Collapse of the Whole-Brain Definition of Death." Hastings Center Report 23 (July-August 1993, No. 4):18-24.

*Green, Michael B., and Daniel Wikler. "Brain Death and Personal Identity." Philosophy and Public Affairs 9 (Winter 1980):105-133.

Additional Reading

Brierley, J.B., J.A.H. Adam, D.I. Graham, and J.A. Simpson. "Neocortical Death after Cardiac Arrest." Lancet, September 11, 1971, pp. 560-565.

Byrne, Paul A., Sean O'Reilly, and Paul M. Quay. "Brain Death-- An Opposing Viewpoint." Journal of the American Medical Association 242 (1979):1985-1990.

Charron, William C. "Death: A Philosophical Perspective on the Legal Definitions." Washington University Law Quarterly 4 (1975):979-1008.

Cranford, Ronald B., and Harmon L. Smith. "Some Critical Distinctions Between Brain Death and the Persistent Vegetative State." Ethics in Science and Medicine 6 (Winter 1979):199-209.

Gervais, Karen Grandstand. Redefining Death, New Haven: Yale University Press, 1986.

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Defining Death: Medical, Legal and Ethical Issues in the Definition of Death. Washington, D.C.: U.S. Government Printing Office, 1981, pp. 1-166.

Ramsey, Paul. The Patient as Person. New Haven, Connecticut: Yale University Press, 1970, chapter 2.

Shewmon, D. Alan, et al. "The Use of Anencephalic Infants as Organ Sources--A Critique." Journal of the American Medical Association 261 (No.12, March 24/31, 1989):1773-1781.

Shewmon, D. Alan. "Caution in the Definition and Diagnosis of Infant Brain Death." Medical Ethics: A Guide for Health Professionals. Edited by John F. Monagle and David C. Thomasma. Rockville, MD: Aspen Publishers, Inc., 1988, pp. 38-57.

Task Force for the Determination of Brain Death in Children. "Guidelines for the Determination of Brain Death in Children." Neurology 37 (1987):1077-78.

S/ Veatch, Robert M. "The Whole-Brain-Oriented Concept of Death: An Outmoded Philosophical Formulation." Journal of Thanatology 3 (1978):13-30.

Walker, A. Earl, et al. "An Appraisal of the Criteria of Cerebral Death--A Summary Statement." Journal of the American Medical Association 237 (1977):982-986.

Youngner, Stuart J., et al. "'Brain Death' and Organ Retrieval." Journal of the American Medical Association 261 (No. 15, April 21, 1989):2205-2210.

Feb 1: What to Tell the Dying Patient
and Informed Consent

Reading

- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 1-14, 25-51.
- Meyer, Bernard. "Truth and the Physician." Ethical Issues in Medicine. Edited by E. Fuller Torrey. Boston: Little Brown, 1968, pp. 159-77. [Beauchamp and Perlin]
- Sidgwick, Henry. The Methods of Ethics. New York: Dover Publications, Inc., 1966 [1874], pp. 312-319. [Beauchamp and Walters, 1989; Veatch, 1989]
- Kant, Immanuel. "On the Supposed Right to Tell Lies from Benevolent Motives." Translated by Thomas Kingsmill Abbott and reprinted in Kant's Critique of Practical Reason and Other Works on the Theory of Ethics. London: Longmans, 1909 [1797], pp. 361-365. [Mappes, 1981; Veatch, 1989.]
- Ross, W.D. The Right and the Good. Oxford: Oxford University Press, 1939, chapter 2. [Beauchamp; Reiser; Veatch, 1989]

Additional Reading

- Veatch, Robert M. Death, Dying, and the Biological Revolution. New Haven, Connecticut: Yale University Press, 1989, chapter 7.
- Veatch, Robert M., and Ernest Tai. "Talking About Death: Patterns of Lay and Professional Change." Annals of the American Academy of Political and Social Science 447 (January 1980):29-45.
- Siegler, Mark. "Pascal's Wager and the Hanging of Crepe." New England Journal of Medicine 293 (October 23, 1975):853-857.
- Bok, Sissela. Lying: Moral Choice in Public and Private Life. New York: Pantheon Books, 1978, pp. 224-240. [Beauchamp and Walters, 1982; Mappes and Zembaty, 1986]
- President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp.43-60.

Feb 11: Suicide and Physician Assistance

Reading

- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 317-84.
- Hume, David. On Suicide. Edinburgh, Scotland, 1777. [Beauchamp and Perlin]
- Beauchamp, Tom L. "An Analysis of Hume and Aquinas on Suicide." in Beauchamp, Tom, and Seymour Perlin. Ethical Issues in Death and Dying. Englewood Cliffs, New Jersey: Prentice Hall, 1978, pp. 111-21.
- *Belkin, Lisa. "There's No Such Thing as A Simple Suicide." The New York Times Magazine, Nov. 14, 1993, pp. 48-56, 74-75.
- *Quill, Timothy E.; Christine K. Cassel, and Diane E. Meier. "Care of the Hopelessly Ill: Proposed Clinical Criteria for Physician-Assisted Suicide." New England Journal of Medicine 327 (Nov. 5, 1992):1380-84.
- *Gaylin, Willard, Leon Kass, Edmund Pellegrino, and Mark Siegler. "Doctors Must Not Kill." Journal of the American Medical Association 259 (April 8, 1988):2139-2140.

Additional Reading

- Perlin, Seymour. A Handbook for the Study of Suicide. New York: Oxford University Press, 1975.
- Durkheim, Emile. Suicide: A Study in Sociology. Translated by John A. Spaulding and George Simpson. New York: Free Press, 1966.
- Seneca. "On Suicide." Epistles. Translated by E. Barker. Oxford: Clarendon Press, 1932.
- Smith, David, and Seymour Perlin. "Suicide." Encyclopedia of Bioethics. Edited by Warren T. Reich. New York: Macmillan, 1978, pp. 1618-1627.
- Holley, David M. "Voluntary Death, Property Rights, and the Gift of Life." Journal of Religious Ethics 17 (No. 1, Spring 1989):103-121.
- Battin, M. Pabst, and David J. Mayo, eds. Suicide: The Philosophical Issues. New York: St. Martin's Press, 1980.
- Kamisar, Yale. "Are Laws against Assisted Suicide Unconstitutional?" Hastings Center Report 23 (May-June 1993):32-41.

Feb 15: Ethics of Decisions for Competent Patients
 1. Active Killing and Letting Die
 Direct/Indirect Killing

Videotape: "Please Let Me Die"

Reading

- *"It's Over Debbie." Journal of the American Medical Association 259 (No. 2, January 8, 1988):272.
- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 313-16, 243-74.
- *Thomson, Judith Jarvis. "Killing, Letting Die and the Trolley Problem." The Monist 59 (April 1976):204-217.
- *Jonsen, Albert R. "Beyond the Physicians' Reference: The Ethics of Active Euthanasia." Western Journal of Medicine 149 (1988):195-98.
- *Van Der Maas, Paul J.; van Delden, Johannes J. M.; Pijnenborg, Loes; Looman, Casper W. N. "Euthanasia and Other Medical Decisions Concerning the End of Life." The Lancet 338 (Sept. 14, 1991):669-74.
- *Pijnenborg, Loes, Paul J. Van der Maas, Johannes J. M. van Delden, and Casper W. N. Loomaan. "Life-Terminating Acts Without Explicit Request of Patient." The Lancet 341 (May 8, 1993):1196-99.

Additional Reading

- President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp. 60-82.
- McCormick, Richard A., and Paul Ramsey, editors. Doing Evil to Achieve Good: Moral Choice in Conflict Situations. Chicago: Loyola University Press, 1978, pp. 7-53.
- Veatch, Robert M. A Theory of Medical Ethics. New York: Basic Books, 1981, pp. 227-249.
- Dinello, Daniel. "On Killing and Letting Die." Analysis 31(January 1971):83-86.
- Bennett, Jonathan. "Whatever the Consequences." Analysis 26 (1966): 83-102.
- Fletcher, George P. "Prolonging Life." Washington Law Review 42 (1967):999-1016. [Weir]
- Menzel, Paul J. "Are Killing and Letting Die Morally Different in Medical Contexts?" Journal of Medicine and Philosophy 4 (September 1979):269-293.

- Malm, H.M. "Killing, Letting Die, and Simple Conflicts."
Philosophy and Public Affairs 18 (No. 3, Summer 1989):238-258.
- Graber, Glenn C. "Some Questions about Double Effect." Ethics in Science and Medicine 6 (No. 1, 1979):65-84.
- Marquis, Donald B. "Four Versions of Double Effect." Journal of Medicine and Philosophy 16 (1991):515-44.

- Feb 22: The Ethics of Decisions for Competent Patients
 2. Benefits and Burdens (Ordinary and Extraordinary Means)

Reading

- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 175-93, 234-36. [WANZER; SATZ v. PERLMUTTER]
- Buchanan, Allen E., and Dan W. Brock. Deciding for Others: The Ethics of Surrogate Decision Making. Cambridge: Cambridge University Press, pp. 1-93.
- Pope Pius XII. "The Prolongation of Life: An Address of Pope Pius XII to an International Congress of Anesthesiologists." The Pope Speaks 4 (1958):393-398. [Reiser, Horan]
- *Congregation for The Doctrine of The Faith. Declaration On Euthanasia. Rome: The Sacred Congregation for the Doctrine of the Faith, May 5, 1980.

Additional Reading

- President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp. 82-90, 494-545.
- McCartney, James J. "The Development of the Doctrine of Ordinary and Extraordinary Means of Preserving Life in Catholic Moral Theology Before the Karen Quinlan Case." Linacre Quarterly 47 (1980):215-224.
- Kuhse, Helga, and Gerard Hughes. "Extraordinary Means and the Sanctity of Life: Debate." Journal of Medical Ethics 7 (June 1981):74-82.
- Veatch, Robert M. Death, Dying, and the Biological Revolution. New Haven, Connecticut: Yale University Press, 1989, pp. 78-85.
- Levine, Robert J. "Do Not Resuscitate Decisions and Their Implementation." Dilemmas of Dying: Policies and Procedures for Decisions Not to Treat. Edited by Cynthia B. Wong and Judith P. Swazey. Boston: G.K. Hall Medical Publishers, 1981, pp. 23-41.

Mar 1: Withholding Food, Fluids, CPR, and Medications

Reading

- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 237-42, 215-33. [CONROY; LYNN+CHILDRIS; CALLAHAN]
- *May, William E., et al. "Feeding and Hydrating the Permanently Unconscious and Other Vulnerable Persons." Issues in Law and Medicine 3 (No. 3, 1987):203-217.

Additional Reading

- Lynn, Joanne. The Choice to Forgo Life-Sustaining Food and Water: Medical, Ethical, and Legal Considerations. Bloomington, Indiana: Indiana University Press, 1986.
- Paris, John J., and Frank E. Reardon. "Court Responses to Withholding or Withdrawing Artificial Nutrition and Fluids." Journal of the American Medical Association 253 (No. 15, April 19, 1985):2243-2245.
- Dresser, Rebecca S., and Eugene V. Boisaubin, Jr. "Ethics, Law, and Nutritional Support." Archives of Internal Medicine 145(January 1985):122-124.
- Horan, Dennis J., and Edward R. Grant. "The Legal Aspects of Withdrawing Nourishment." The Journal of Legal Medicine 5(No. 4, 1984):595-632.
- Barber v. Super. Ct. of State of Cal., 147 Cal. App.3d 1006, 195 Cal. Rptr. 484 (1983).
- Siegler, Mark, and Alan J. Weisbard. "Against the Emerging Stream: Should Fluids and Nutritional Support Be Discontinued?" Archives of Internal Medicine 145 (January 1985):129-131.
- Brophy v. New England Sinai Hospital, Inc. 398 Mass. 417, 497 N.E.2d 626 (1986).
- The New York State Task Force on Life and the Law. Do Not Resuscitate Orders: The Proposed Legislation and Report of the New York State Task Force on Life and the Law. NY: The New York State Task Force on Life and the Law, 1986.
- The Hastings Center. Guidelines on the Termination of Life-Sustaining Treatment and the Care of the Dying. Briarcliff Manor, New York: The Hastings Center, 1987.
- Youngner, Stuart J. "Do-Not-Resuscitate Orders: No Longer Secret, But Still a Problem." Hastings Center Report 17 (No. 1, February 1987):24-33.
- Wachter, Robert M., et al. "Decisions about Resuscitation: Inequities among Patients with Different Diseases but Similar Prognoses." Annals of Internal Medicine 111 (No. 6, September 15, 1989):525-532.

Meilaender, Gilbert. "On Removing Food and Water: Against the Stream." The Hastings Center Report 14 (No. 6, 1984):11-13.

Bouvia v. Super. Ct. of Los Angeles, 179 Cal.App.3d 1127, 225 Cal.Rptr. 297 (1986).

Cruzan, by Cruzan v. Harmon 76 S.W.2d 408 (Mo. banc 1988).

Cruzan v. Director, Missouri Dept. of Health, 110 S.Ct. 2841 (1990).

Mar 15: Formerly Competent Patients: Living Wills,
Powers of Attorney, and Natural Death Acts

Reading

- *Eichner v. Dillon, 52 N.Y. 2d 363, 438 N.Y.S. 2d 266.420 N.E. 2d 64 (1981).
- *Concern for Dying. "A Living Will." No date. [Beauchamp and Walters, 1982]
- *The Catholic Hospital Association. "Christian Affirmation of Life." St. Louis: The Catholic Hospital Association, 1974.
- California "Natural Death" Act. Ca. Stat. Chapter 1439, Code, Health and Safety, sections 7185-95. [Beauchamp and Perlin; Reiser]
- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 194-204. [MODEL RIGHT TO REFUSE TREATMENT ACT]
- *"Health-Care Decisions Act." District of Columbia Code, 1981 edition, volume 5, 1989 replacement. Charlottesville, Va.: The Michie Company, 1989, pp. 477-85.
- In re Quinlan, 137 N.J. super 227 (1975). [Beauchamp and Perlin]
- In re Quinlan. 70 N.J. 10, 355 A. 2d 647 (1976) [Beauchamp and Perlin; Shannon; Arras and Rhoden].
- Buchanan, Allen E., and Dan W. Brock. Deciding for Others: The Ethics of Surrogate Decision Making. Cambridge: Cambridge University Press, pp. 93-122.

Additional Reading

- Cantor, Norman. Legal Frontiers of Death and Dying. Bloomington, Indiana: Indiana University Press, 1987.
- Choice in Dying. Right-to-Die Law Digest. NY: Choice in Dying, 1993.
- Darzins, Peteris, D. William Molloy, and Christine Harrison. "Treatment for Life-Threatening Illness." New England Journal of Medicine 329 (September 2, 1993):736.
- Fox, Ellen, and Carol Stocking. "Ethics Consultants' Recommendations for Life-Prolonging Treatment of Patients in a Persistent Vegetative State." Journal of the American Medical Association 270 (Dec. 1, 1993):2578-82.
- Jayes, Robert L., Jack E. Zimmerman, Douglas P. Wagner, Elizabeth A. Draper, and William A. Knaus. "Do-Not-Resuscitate Orders in Intensive Care Units." Journal of the American Medical Association 270 (Nov. 10, 1993):2213-17.
- President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp. 136-153; 310-317; 390-

- 392; 423-437; pp. 318-87; 393-427.
- Schneiderman, Lawrence, et al. "Do Physicians' Own Preference for Life-Sustaining Treatment Influence Their Perceptions of Patients' Preferences?" The Journal of Clinical Ethics 4 (No. 1, 1993):28-33.
- Seckler, Allison B.; Diane E. Meier; Mulvihill, Michael; and Paris, Barbara E. Cammer. "Substituted Judgment: How Accurate Are Proxy Predictions?" Annals of Internal Medicine 115 (July 15, 1991):92-98.
- Society for the Right to Die. Refusal of Treatment Legislation: A State by State Compilation of Enacted and Model Statutes. New York: Society for the Right to Die, 1992.
- Veatch, Robert M. Death, Dying, and the Biological Revolution, revised edition. New Haven, Connecticut: Yale University Press, 1989, pp. 89-106, 137-65.

Mar 22 and 29: The Role of Guardians

Reading

Superintendent of Belchertown State School v. Saikewicz. 370 NE d 417, 1977. [Beauchamp and Walters, 1982; Shannon; Arras and Rhoden]

*Cruzan, by Cruzan v. Harmon 760 S.W.2d 408 (Mo. banc 1988).

*Cruzan v. Director, Missouri Dept. of Health, 110 S.Ct. 2841 (1990).

*Areen, Judith. "The Legal Status of Consent Obtained from Families of Adult Patients to Withhold or Withdraw Treatment." Journal of the American Medical Association 258 (No. 2, July 10, 1987):229-235.

Buchanan, Allen E., and Dan W. Brock. Deciding for Others: The Ethics of Surrogate Decision Making. Cambridge: Cambridge University Press, pp. 122-189.

Additional Reading

Baron, Charles H. "Assuring 'Detached but Passionate Investigation and Decision': The Role of Guardians Ad Litem in Saikewicz-type Cases." American Journal of Law and Medicine 4 (1978):111-130.

Veatch, Robert M. "Limits of Guardian Treatment Refusal: A Reasonableness Standard." American Journal of Law and Medicine 9(4, Winter 1984):427-468.

In the Matter of Shirley Dinnerstein. Mass. App. Ct. 380 NE 2d 134, 1978.

Veatch, Robert M. Death, Dying, and the Biological Revolution, revised edition. New Haven, Connecticut: Yale University Press, 1989, pp. 107-36.

In re Phillip B. California Court of Appeal, First District, 1979. 92 Cal. App. 3d 796, 156 Ca. Rptr. 48.

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp. 121-136. (Also review statutes of Arkansas, North Carolina, New Mexico, and Virginia.)

MS Couch + Veatch

Apr 5: Hospital Ethics Committees

Reading

- *President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp. 153-170; 439-449.
- Veatch, Robert M. "The Ethics of Institutional Ethics Committees." In Institutional Ethics Committees and Health Care Decision Making, pp. 35-50. Edited by Ronald E. Cranford, M.D., and A. Edward Doudera, J.D. Ann Arbor, MI: American Society of Law & Medicine, 1984. [Beauchamp and Walters, 1989]
- *Wolf, Susan M. "Ethics Committees and Due Process: Nesting Rights in A Community of Caring." Maryland Law Review 50(1991):798-858.

Additional Reading

- Massachusetts General Hospital Clinical Care Committee. "Optimum Care for Hopelessly Ill Patients." The New England Journal of Medicine 295 (August 12, 1976):362-364.
- Freedman, Benjamin. "One Philosopher's Experience on an Ethics Committee." Hastings Center Report 11 (April 1981):20-22.
- Cranford, Ronald E., F. Allen Hester, and Barbara Ziegler Ashley. "Institutional Ethics Committees: Issues of Confidentiality and Immunity." Law, Medicine & Health Care 13(No. 2, April 1985):52-60.
- Cranford, Ronald E., and A. Edward Doudera, editors. Institutional Ethics Committees and Health Care Decision Making. Ann Arbor, MI: American Society of Law & Medicine, 1984.
- Weinstein, Bruce, D., editor. Ethics in the Hospital Setting: Proceedings of the West Virginia Conference on Hospital Ethics Committees. Morgantown, WV: The West Virginia University Press, [1986].
- Teel, Karen. "The Physician's Dilemma: A Doctor's View: What the Law Should Be." Baylor Law Review 27 (1975):6-9.
- New Jersey Guidelines for Prognosis Committees. "Guidelines for Health Care Facilities to Implement Procedures Concerning the Care of Comatose Non-Cognitive Patients." No date.

Apr 12: Neonates and the Baby Doe Rule

Reading

- Weir, Robert F., ed. Ethical Issues in Death and Dying, second edition. New York: Columbia University Press, 1986, pp. 113-51, 171-74.
- U.S. Department of Health and Human Services. "Child Abuse and Neglect Prevention and Treatment Program: Final Rule: 45 CFR 1340." Federal Register: Rules and Regulations 50 (No. 72, April 15, 1985):14887-14892(omit pp. 14878-86). [Beauchamp and Walters, 1989]
- Buchanan, Allen E., and Dan W. Brock. Deciding for Others: The Ethics of Surrogate Decision Making. Cambridge: Cambridge University Press, 1989, pp. 215-66.

Additional Reading

- President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Deciding to Forego Life-Sustaining Treatment: Ethical, Medical, and Legal Issues in Treatment Decisions. Washington, D.C.: U.S. Government Printing Office, 1983, pp. 197-229.
- "Nondiscrimination on the Basis of Handicap, Procedures and Guidelines Relating to Health Care for Handicapped Infants, Final Rule." 49 Federal Register No. 8, 1622, January 12, 1984 (Part 84).
- Todres, I. David, Diane Krane, Mary C. Howell, and Daniel C. Shannon. "Pediatricians' Attitudes Affecting Decision-Making in Defective Newborns." Obstetrical and Gynecological Survey 33 (April 1978):254-256.
- Shaw, Anthony. "Dilemmas of 'Informed Consent' in Children." The New England Journal of Medicine 289 (October 25, 1973):885-894. [Horan]
- Annas, George J. "Disconnecting the Baby Doe Hotline." Hastings Center Report 13 (June 1983):14-16.
- Fost, Norman. "Putting Hospitals on Notice: Baby Doe and Federal Funding." Hastings Center Report 12 (August 1982):5-8.
- Gustafson, James M. "Mongolism, Parental Desires, and the Right to Life." Perspectives in Biology and Medicine 16 (Spring 1973):529-557.
- Weir, Robert. Selective Nontreatment of Handicapped Newborns. New York: Oxford University Press, 1983.
- Caplan, Arthur, and Cynthia B. Cohen, eds. "Imperiled Newborns." Hastings Center Report 17 (December 1987):5-32.
- Todres, I. David, et al. "Life-Saving Therapy for Newborns: Questionnaire Survey in the State of Massachusetts." Pediatrics 81 (No. 5, May 1988):643-649.

April 19: The Futile Care Debate

Reading

- *In the Matter of Baby K, 1993 WL 343557 (E.D. Va.).
- *Jecker, N., and Lawrence Schneiderman. "Futility in Practice." Archives of Internal Medicine 153 (1993):437-441.
- *Youngner, Stuart J. "Futility in Context." Journal of the American Medical Association 264 (No. 10, 1990):1295-1296.
- *Veatch, Robert M., and Spicer, Carol Mason. "Medically Futile Care: The Role of the Physician in Setting Limits." American Journal of Law & Medicine 18 (Nos. 1&2, 1992):15-36.

Additional Reading

- Alpers, Ann, and Bernard Lo. "Futility: Not Just a Medical Issue." Law, Medicine and Health Care 20 (No. 4, 1992):327-329.
- Brennan, Troyen A. "Physicians and Futile Care: Using Ethics Committees to Slow the Momentum." Law, Medicine and Health Care 20 (No. 4, 1992):336-339.
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