

The Ethics of Terminal Care
Philosophy 547-01 (2001)

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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 13 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.

The primary texts for the course will be a series of articles plus two books:

Buchanan, Allen E., and Dan W. Brock. *Deciding for Others: The Ethics of Surrogate Decision Making*. New York: Cambridge University Press, 1989.

Tom L. Beauchamp and Robert M. Veatch, eds. *Ethical Issues in Death and Dying, second edition*. Upper Saddle River, NJ: Prentice-Hall, 1996

The articles will be available in several forms. You should choose the form that is most appropriate for you. Many of them appear in the second edition of *Ethical Issues in Death and Dying* [EIDD-II]. They are also available in the library from their original sources, but many of these readings have been edited in EIDD-II to reduce their length. The edited version will always be sufficient for the course. The articles contained in this volume will be marked with EIDD-II in brackets. All articles not contained in EIDD-II will be on reserve in the library. Many will be in the anthologies listed below. They are identified by the anthology editors' names in brackets. Those not contained in anthologies are marked with an (*).

Anthologies Containing Required or Additional Readings for This Course

- 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*, first edition. 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.
- Jonsen, Albert R., Robert M. Veatch, and LeRoy Walters. *Source Book in Bioethics: A Documentary History*. Washington, DC: Georgetown University Press, 1998.
- 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, eds. *Ethics in Medicine: Historical Perspectives and Contemporary Concerns*. Cambridge, MA.: 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, second edition 2000.

For reference you may want to consult:

- Ramsey, Paul. *Ethics at the Edges of Life*. New Haven, CT: Yale University Press, 1978.
- Cantor, Norman. *Legal Frontiers of Death and Dying*. Bloomington, IN: Ind. Univ. Pr., 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*. Wash., D.C.: U.S. Gov. Printing Office, 1983.

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- Jan 16 Introduction: Film "Who Shall Survive?"
- Jan 23 Definition of Death
- Jan 30 What to Tell the Dying Patient and Informed Consent
- Feb 6 Suicide and Physician-Assistance
- Feb 13 Videotape: "Please Let Me Die"
- The Ethics of Decisions for Competent Patients:
1. Active killing and letting die//Direct/indirect
 2. Ordinary and Extraordinary Means
 3. Withholding Food, Fluids, and Medications
- Feb 20
- Feb 27
- Mar 13 MID-TERM EXAM
- Formerly Competent Patients: Living Wills/Powers of Attorney/Natural Death Acts
- Mar 20 The Role of Surrogates (Quinlan, Saikewicz, Dinnerstein, Becker, Cruzan)
- Mar 27 The Role of Surrogates (continued)
- Apr 3 Hospital Ethics Committees
- Apr 10 Neonates and the Baby Doe Rule
- Apr 17 The Futile Care Debate
- Apr 24 The Social Ethics of Terminal Care
- May 3 The Social Ethics of Terminal Care/Review of Semester

Reading List

January 16-23: Definition of Death

Reading

- 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. 1-43, 159-66. [EIDD-II, pp. 65-22, 33-36; Jonsen, Veatch, and Walters]
- 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. [Beauchamp and Perlin] [EIDD-II, pp. 23-27]
- *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.[EIDD-II, pp. 3746-]
- *Green, Michael B., and Daniel Wikler. "Brain Death and Personal Identity." *Philosophy and Public Affairs* 9 (Winter 1980):105-133.
- Bleich, J. David. "The Obligation to Heal in the Judaic Tradition: A Comparative Analysis." *Jewish Bioethics*. Edited by Fred Rosner and J. David Bleich. New York: Sanhedrin Press, 1979, pp. 1-44.[EIDD-II, pp. 28-32]
- Olick, Robert S. "Brain Death, Religious Freedom, and Public Policy." *Kennedy Institute of Ethics Journal* 1 (Dec. 1991):275-288.[EIDD-II, pp. 52-60]
- Bernat, James L. "A Defense of the Whole-brain Concept of Death." *Hastings Center Report* 28 (2, 1998):14-23.
- In re T.A.C.P (Baby Theresa) 609 So. 2d 588 (Fla. 1992).[EIDD-II, 47-51]
- *American Academy of Pediatrics, Committee on Bioethics. "Infants with Anencephaly as Organ Sources: Ethical Considerations." *Pediatrics* 89 (June 1992):1116-19.

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.
- Ramsey, Paul. *The Patient as Person*. New Haven, CT: 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.
- Veatch, Robert M. "The Whole-Brain-Oriented Concept of Death: An Outmoded Philosophical Formulation." *Journal of Thanatology* 3 (1975):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.
- Truog, Robert D. "Is it Time to Abandon Brain Death." *Hastings Center Report* 27 (1)(1997 Jan-Feb):29-37.
- Lamb, David. *Death, Brain Death and Ethics*. Brookfield, VT: Avebury, 1996.
- Payne, Kirk; Taylor, Robert M.; Stocking, Carol; Sachs, Greg A.. "Physicians' Attitudes about the Care of Patients in the Persistent Vegetative State: a National Survey." *Annals of Internal Medicine* 125 (2)(1996 Jul 15):104-110.
- Veatch, Robert M.. "The Definition of Death: Problems for Public Policy." <In:> Wass, Hannelore; Neimeyer, Robert A., eds. *Dying: Facing the Facts*. Third Edition. Washington, DC: Taylor and Francis, 1995, pp. 405-432.
- Emanuel, Linda L.. "Reexamining Death: the Asymptotic Model and a Bounded Zone Definition." *Hastings Center Report* 25 (4)(1995 Jul-Aug):27-35.
- Truog, Robert D. "Is it Time to Abandon Brain Death?" *Hastings Center Report* 27 (1, 1997):29-37.

**January 30: What to Tell the Dying Patient
and Informed Consent**

Reading

- Novack, Dennis H., Robin Plumer, Raymond L. Smith, Herbert Ochitill, Gary R. Morrow, and John M. Bennett. "Changes in Physicians' Attitudes Toward Telling the Cancer Patient." *Journal of the American Medical Association* 241 (March 2, 1979):897-900.[Weir, second edition] [EIDD-II, pp. 64-75]
- 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; Weir, both editions] [EIDD-II, pp. 76-78]
- Sidgwick, Henry. *The Methods of Ethics*. New York: Dover Publications, Inc., 1966 [1874], pp. 312-319. [Beauchamp and Walters, 1989; Veatch, 1989] [EIDD-II, pp. 79-81]
- Cabot, Richard C. "The Use of Truth and Falsehood in Medicine: An Experimental Study." *American Medicine* 5 (1903):344-49. [EIDD-II, pp. 82-84]
- 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.][EIDD-II, pp. 85-86]
- Ross, W.D. *The Right and the Good*. Oxford: Oxford University Press, 1939, chapter 2. [Beauchamp; Reiser; Veatch, 1989][EIDD-II, p. 87]

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.
- Higgs, Roger. "Truth-telling, Lying and the Doctor-patient Relationship." <In:> Gillon, Raanan, ed. *Principles of Health Care Ethics*. New York: Wiley, 1994, pp. 499-509.

February 6: Suicide and Physician Assistance

Reading

- Velasquez, Manuel G. "Defining Suicide." *Issues in Law & Medicine* 3 (1987):37-51. [EIDD-II, pp. 101-112]
- Beauchamp, Tom L. "The Problem of Defining Suicide." In *Ethical Issues in Death and Dying*, second edition. Englewood Cliffs, New Jersey: Prentice-Hall, 1995, pp. 113-18. [EIDD-II, pp. 113-18]
- Aquinas, Thomas. "Whether It Is Lawful to Kill Oneself." *Summa Theologica*, II-II, Q. 64, Art. 5. [Beauchamp and Perlin] [EIDD-II, pp. 119-21]
- Hume, David. *On Suicide*. Edinburgh, Scotland, 1777. [Beauchamp and Perlin][EIDD-II, pp. 122-26]
- 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.[Beauchamp and Perlin]
- Brandt, Richard B. "The Morality and Rationality of Suicide." in *A Handbook for the Study of Suicide*. New York: Oxford University Press, 1976, pp. 61-75. {Beauchamp and Perlin, Weir, second edition]
- Lebacqz, Karen, and Engelhardt, H. Tristram. "Suicide." in Horan, Dennis J., and David Mall, editors. *Death, Dying, and Euthanasia*. Washington, D.C.: University Publications of America, 1977, pp. 688-96. [Horan; Weir, 2nd edition]
- *Belkin, Lisa. "There's No Such Thing as A Simple Suicide." *The New York Times Magazine*, Nov. 14, 1993, pp. 48-56, 74-75.
- Honorable David F. Breck, Circuit Judge. *People of the State of Michigan v. Jack Kevorkian*. In *Ethical Issues in Death and Dying*, second edition. Englewood Cliffs, New Jersey: Prentice-Hall, 1995, pp. 113-18. [EIDD-II, pp. 151--55; 194-98]
- Oregon Death With Dignity Act. In *Ethical Issues in Death and Dying*, second edition. Englewood Cliffs, New Jersey: Prentice-Hall, 1995, pp. 199-206. [EIDD-II]
- 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.[EIDD-II, pp. 166-74]
- Pellegrino, Edmund D. "Distortion of the Healing Relationship" in *Ethical Issues in Death and Dying*, second edition. Englewood Cliffs, New Jersey, 1995, pp. 161- [EIDD-II, pp. 161-65]
- *Washington et al. v. Glucksberg et al. Supreme Court of the United States No. 96-110, June 27, 1997.
- *Vacco v. Quill, Supreme Court of the United States, No. 95-1858., June 26, 1997.

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.
- 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.
- Quill, et al. v. Vacco et al. Docket No. 95-7028, United States Court of Appeals for the Second Circuit.
- Compassion in Dying v. Washington No. 94-35534 D.C. No. CV-94-119-BJR, United States Court of Appeals for the Ninth Circuit.
- Weir, Robert F., ed. *Physician-Assisted Suicide*. Bloomington, IN: Indiana University Press, 1997.
- Meier, Diane E., Carol-Ann Emmons, Sylvan Wallenstein, Timothy Quill, R. Sean Morrison, and Christine K. Cassel. "A National Survey of Physician-assisted Suicide and Euthanasia in The United States." *New England Journal of Medicine* 338 (17, 1998):1193-201.
- Beauchamp, Tom L. "The Medical Ethics of Physician-Assisted Suicide." *Journal of Medical Ethics* 25 (1999):437-39.

**February 13: Ethics of Decisions for Competent Patients
CHECK IN CLASS FOR POSSIBLE CHANGE IN DATE**

1. Active Killing and Letting Die
2. Direct/Indirect Killing
3. Withholding and Withdrawing

Videotape: "Please Let Me Die"

Reading

- Cowart, Dax, and Robert Burt. "Confronting Death: Who Chooses, Who Controls? A Dialogue Between Dax Cowart and Robert Burt." *Hastings Center Report* 28 (1, 1998):14-24.
- Supreme Court of Canada. "Sue Rodriguez v. Attorney General of Canada and Attorney General of British Columbia" In *Ethical Issues in Death and Dying*, second edition. Prentice-Hall: Englewood Cliffs, N.J., 1995, pp. 186-93. [EIDD-II]
- *"It's Over Debbie." *Journal of the American Medical Association* 259 (No. 2, January 8, 1988):272.
- Rachels, James. "Active and Passive Euthanasia." *The New England Journal of Medicine* 292

- (January 9, 1975):78-80.[EIDD-II, pp. 216-21]
- Beauchamp, Tom L., and James F. Childress. "Rachels on Active and Passive Euthanasia." In *Ethical Issues in Death and Dying.*, second edition. Prentice-Hall: Englewood Cliffs, N.J., 1995, pp. 222-26. [EIDD-II]
- 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. 63-73. [EIDD-II, pp. 230-36]
- Brock, Dan W. "Cause of Death." *By No Extraordinary Means* Edited by Joanne Lynn. Bloomington, Ind.: Indiana University Press, 1986. [EIDD-II, pp. 237-39]
- Pellegrino, Edmund D. "Intending to Kill and the Principle of Double Effect." In *Ethical Issues in Death and Dying.*, second edition. Prentice-Hall: Englewood Cliffs, N.J., 1995, pp. 240-42. [EIDD-II, pp. 240-42]
- *Jonsen, Albert R. "Beyond the Physicians' Reference: The Ethics of Active Euthanasia." *Western Journal of Medicine* 149 (1988):195-98.
- The Rummelink Report: Medical Practice with Regard to Euthanasia and Related Medical Decisions in the Netherlands. In *Ethical Issues in Death and Dying.*, second edition. Prentice-Hall: Englewood Cliffs, N.J., 1995, pp. 181-85. [EIDD-II]
- Fenigsen, Richard. "Euthanasia in the Netherlands." *Issues in Law and Medicine* 6 (1990):229-45.[EIDD-II, pp. 175-80]
- *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.
- Hopkins, Patrick D. "Why Does Removing Machines Count as "Passive" Euthanasia?" *Hastings Center Report* 27 (3, 1997):29-37.

Additional Reading

- Dworkin, Gerald, R. G. Frey, and Sissela Bok. *Euthanasia and Physician-Assisted Suicide* Cambridge, England: Cambridge University Press, 1998.
- 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.
- Thomson, Judith Jarvis. "Killing, Letting Die and the Trolley Problem." *The Monist* 59 (April 1976):204-217.
- Beauchamp, Tom L.; ed.. *Intending Death: The Ethics of Assisted Suicide and Euthanasia*. Upper Saddle River, NJ: Prentice Hall, 1996.

February 20: The Ethics of Decisions for Competent Patients

4. Benefits and Burdens (Ordinary and Extraordinary Means)

Reading

- 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.

February 27: Withholding Food, Fluids, CPR, and Medications

Reading

- Bouvia v. Super. Ct. of Los Angeles, 179 Cal.App.3d 1127, 225 Cal.Rptr. 297 (1986). [EIDD-II, pp. 257-62]
- Cruzan v. Director, Missouri Dept. of Health, 110 S.Ct. 2841 (1990). [EIDD-II, pp. 286-94, 227-29]
- Gostin, Larry. "Life and Death Choices After Cruzan." *Law, Medicine & Health Care* 19 (Nos. 1-2, 1991):9-12. [EIDD-II, pp. 295-98]
- Bernat, James L., Gert, Bernard, and Mogielnicki, R. Peter. "Patient Refusal of Hydration and Nutrition." *Archives of Internal Medicine* 153 (December 1993):2723-28. [EIDD-II, pp. 243-47]
- Lynn, Joanne, and James F. Childress. "Must Patients Always be Given Food and Water?" *The Hastings Center Report* 13 (October 1983):17-21. [Weir, second edition]
- Callahan, Daniel. "On Feeding the Dying." *The Hastings Center Report* 13 (No. 5, 1983):22. [Weir, second edition]
- *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.
- Quill, Timothy E., Bernard Lo, and Dan W. Brock. "Palliative Options of Last Resort: A Comparison of Voluntarily Stopping Eating and Drinking, Terminal Sedation, Physician-assisted Suicide, and Voluntary Active Euthanasia." *JAMA* 278 (23, 1997):2099-104.

Additional Reading

- Lynn, Joanne. *By No Extraordinary Means: The Choice to Forgo Life-Sustaining Food and Water: Medical, Ethical, and Legal Considerations*. Bloomington, Indiana: Indiana University Press, 1986.
- Dresser, Rebecca S., and Eugene V. Boisauhin, 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.
- Cruzan, by *Cruzan v. Harmon* 76 S.W.2d 408 (Mo. banc 1988).

**March 13: Formerly Competent Patients: Living Wills,
Powers of Attorney, and Natural Death Acts**

MID-TERM EXAM—IN CLASS

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]
- Legal Advisors Committee of Concern for Dying. "Right to Refuse Treatment: A Model Act." In Weir, Robert F., ed. *Ethical Issues in Death and Dying*, second edition. New York: Columbia University Press, 1986, pp. 194-204. [Weir, second edition]
- *"Health-Care Decisions Act." *District of Columbia Code*, 1981 edition, volume 5, 1989 replacement. Charlottesville, Va.: The Michie Company, 1989, pp. 477-85.
- Emanuel, L. L., and Emanuel, E. J. "The Medical Directive." in Cate and Gill, *The Patient Self-Determination Act: Implementation Issues and Opportunities*. 1991, pp. 58-64. [EIDD-II, pp. 273-82]
- In re Quinlan, 137 N.J. super 227 (1975). [Beauchamp and Perlin]
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