

NORMAN L. CANTOR

Making Medical Decisions for the Profoundly Mentally Disabled



Making Medical Decisions For The Profoundly Mentally Disabled

Philip M. Rosoff



Making Medical Decisions For The Profoundly Mentally Disabled:

Making Medical Decisions for the Profoundly Mentally Disabled Norman L. Cantor, 2009-08-21 A legal and moral analysis of medical decision making on behalf of those with such severe cognitive impairments that they cannot exercise self determination In this book Norman Cantor analyzes the legal and moral status of people with profound mental disabilities those with extreme cognitive impairments that prevent their exercise of medical self determination He proposes a legal and moral framework for surrogate medical decision making on their behalf The issues Cantor explores will be of interest to professionals in law medicine psychology philosophy and ethics as well as to parents guardians and health care providers who face perplexing issues in the context of surrogate medical decision making The profoundly mentally disabled are thought by some moral philosophers to lack the minimum cognitive ability for personhood Countering this position Cantor advances both theoretical and practical arguments for according them full legal and moral status He also argues that the concept of intrinsic human dignity should have an integral role in shaping the bounds of surrogate decision making Thus he claims while profoundly mentally disabled persons are not entitled to make their own medical decisions respect for intrinsic human dignity dictates their right to have a conscientious surrogate make medical decisions on their behalf Cantor discusses the criteria that bind such surrogates He asserts contrary to popular wisdom that the best interests of the disabled person are not always the determinative standard the interests of family or others can sometimes be considered Surrogates may even consistent with the intrinsic human dignity standard sometimes authorize tissue donation or participation in nontherapeutic medical research by profoundly disabled persons Intrinsic human dignity limits the occasions for such decisions and dictates close attention to the preferences and feelings of the profoundly disabled persons themselves Cantor also analyzes the underlying philosophical rationale that makes these decision making criteria consistent with law and morals

Practical Decision Making in Health Care Ethics Raymond J. Devettere, 2009-12-04 For nearly fifteen years *Practical Decision Making in Health Care Ethics* has offered scholars and students a highly accessible and teachable alternative to the dominant principle based theories in the field Devettere's approach is not based on an ethics of abstract obligations and duties but following Aristotle on how to live a fulfilled and happy life in short an ethics of personal well being grounded in prudence the virtue of ethical decision making This third edition is revised and updated and includes discussions of several landmark cases including the tragic stories of Terri Schiavo and Jesse Gelsinger the first death caused by genetic research Devettere addresses new topics such as partial birth abortion law embryonic stem cell research infant euthanasia in The Netherlands recent Vatican statements on feeding tubes organ donation after cardiac death new developments in artificial hearts clinical trials developed by pharmaceutical companies to market new drugs ghostwritten scientific articles published in major medical journals and controversial HIV AIDS research in Africa This edition also includes a new chapter on the latest social and political issues in American health care Devettere's engaging text relies on commonsense moral concepts and avoids

academic jargon It includes a glossary of legal medical and ethical terms an index of cases and thoroughly updated bibliographic essays at the end of each chapter that offer resources for further reading It is a true classic brilliantly conceived and executed and is now even more valuable to undergraduates and graduate students medical students health care professionals hospital ethics committees and institutional review boards and general readers interested in philosophy medicine and the rapidly changing field of health care ethics Good Ethics and Bad Choices Jennifer S.

Blumenthal-Barby,2021-08-03 An analysis of how findings in behavioral economics challenge fundamental assumptions of medical ethics integrating the latest research in both fields Bioethicists have long argued for rational persuasion to help patients with medical decisions But the findings of behavioral economics popularized in Thaler and Sunstein s *Nudge* and other books show that arguments depending on rational thinking are unlikely to be successful and even that the idea of purely rational persuasion may be a fiction In *Good Ethics and Bad Choices* Jennifer Blumenthal Barby examines how behavioral economics challenges some of the most fundamental tenets of medical ethics She not only integrates the latest research from both fields but also provides examples of how physicians apply concepts of behavioral economics in practice Blumenthal Barby analyzes ethical issues raised by nudging patient decision making and argues that the practice can improve patient decisions prevent harm and perhaps enhance autonomy She then offers a more detailed ethical analysis of further questions that arise including whether nudging amounts to manipulation to what extent and at what point these techniques should be used when and how their use would be wrong and whether transparency about their use is required She provides a snapshot of nudging in the weeds reporting on practices she observed in clinical settings including psychiatry pediatric critical care and oncology Warning that there is no single simple account of the ethics of nudging Blumenthal Barby offers a qualified defense arguing that a nudge can be justified in part by the extent to which it makes patients better off

Ebola's Message Nicholas G. Evans,Tara C. Smith,Maimuna S. Majumder,2024-11-26 Interdisciplinary perspectives on the science politics and ethics of the 2013 2015 Ebola virus disease outbreak The 2013 2015 outbreak of the Ebola virus disease EVD was a public health disaster 28 575 infections and 11 313 deaths as of October 2015 devastating the countries of Guinea Liberia and Sierra Leone a slow and mismanaged international response and sensationalistic media coverage seized upon by politicians to justify wrongheaded policy And yet there were also promising developments that may improve future responses to infectious disease epidemics the UN Security Council s first involvement in a public health event a series of promising clinical treatments and vaccines for EVD and recognition of the need for a global public health system to deal with epidemics that cross national borders This volume offers a range of perspectives on these and other lessons learned with essays on the science politics and ethics of the Ebola outbreak The contributors discuss topics including the virology and management of EVD in both rich and poor nations the spread of the disease with an essay by a leader of M decins Sans Fronti res racist perceptions of West Africa mainstream and social media responses to Ebola and the ethical issue of whether

to run clinical trials of experimental treatments during an outbreak Contributors Christian L Althaus Daniel G Bausch Adia Benton Michael J Connor Jr Kim Yi Dionne Nicholas G Evans Morenike Oluwatoyin Folayan Stephen Goldstein Bridget Haire Patricia C Henwood Kelly Hills Cyril Ibe Marjorie Kruvand Lisa M Lee Maimuna S Majumder Alexandra L Phelan Annette Rid Cristine Russell Lara Schwarz Laura Seay Michael Selgelid Tara C Smith Armand Sprecher *Implementing the Right to Decide under the Convention on the Rights of Persons with Disabilities* Janos Fiala-Butora, 2025-10-02 This book addresses one of the most controversial questions in contemporary human rights law how can persons with severe cognitive disabilities make their own decisions Historically vulnerable persons have been considered incapable and guardians were appointed to represent their interests which has led to serious abuses The Convention on the Rights of Persons with Disabilities CRPD adopted in 2006 requires that they receive support to make their own decisions However governments claim it is impossible to fully implement this international requirement This book tackles the issue of decision making from both a legal and theoretical perspective It explores how supported decision making could incorporate safeguards to protect the vital interests of vulnerable persons in order to present a viable legal alternative to guardianship It accepts that some persons abilities are very limited but contends that guardianship is not the appropriate response even in such cases Instead the book presents a unique Modified Support Framework which can incorporate all persons with disabilities fulfilling the goals of the CRPD

Rationing Is Not a Four-Letter Word Philip M. Rosoff, 2014-07-18 A provocative argument that the best way to deliver high quality healthcare to Americans is to institute a comprehensive and fair system of rationing Most people would agree that the healthcare system in the United States is a mess Healthcare accounts for a larger percentage of gross domestic product in the United States than in any other industrialized nation but health outcomes do not reflect this enormous investment In this book Philip Rosoff offers a provocative proposal for providing quality healthcare to all Americans and controlling the out of control costs that threaten the economy He argues that rationing often associated in the public s mind with such negatives as unplugging ventilators death panels and socialized medicine is not a dirty word A comprehensive centralized and fair system of rationing is the best way to distribute the benefits of modern medicine equitably while achieving significant cost savings Rosoff points out that certain forms of rationing already exist when resources are scarce and demand high the organ transplant system for example and the distribution of drugs during a shortage He argues that if we incorporate certain key features from these systems healthcare rationing would be fair and acceptable politically Rosoff considers such topics as fairness decisions about which benefits should be subject to rationing and whether to compensate those who are denied scarce resources Finally he offers a detailed discussion of what an effective and equitable healthcare rationing system would look like Vaccination Ethics and Policy Jason L. Schwartz, Arthur L. Caplan, 2021-08-24 A comprehensive overview of important and contested issues in vaccination ethics and policy by experts from history science policy law and ethics Vaccination has long been a familiar highly effective form of medicine and a triumph of public health

Because vaccination is both an individual medical intervention and a central component of public health efforts it raises a distinct set of legal and ethical issues from debates over their risks and benefits to the use of government vaccination requirements and makes vaccine policymaking uniquely challenging This volume examines the full range of ethical and policy issues related to the development and use of vaccines in the United States and around the world Forty essays articles and reports by experts in the field look at all aspects of the vaccine life cycle After an overview of vaccine history they consider research and development regulation and safety vaccination promotion and requirements pandemics and bioterrorism and the frontier of vaccination The texts cover such topics as vaccine safety controversies the ethics of vaccine trials vaccine injury compensation vaccine refusal and the risks of vaccine preventable diseases equitable access to vaccines in emergencies lessons from the eradication of smallpox and possible future vaccines against cancer malaria and Ebola The volume intentionally includes texts that take opposing viewpoints offering readers a range of arguments The book will be an essential reference for professionals scholars and students Contributors Jeffrey P Baker Seth Berkley Luciana Borio Arthur L Caplan R Alta Charo Dave A Chokshi James Colgrove Katherine M Cook Louis Z Cooper Edward Cox Douglas S Diekema Ezekiel J Emanuel Claudia I Emerson Geoffrey Evans Ruth R Faden Chris Feudtner David P Fidler Fiona Godlee D A Henderson Alan R Hinman Peter Hotez Robert M Jacobson Aaron S Kesselheim Heidi J Larson Robert J Levine Donald W Light Adel Mahmoud Edgar K Marcuse Howard Markel Michelle M Mello Paul A Offit Saad B Omer Walter A Orenstein Gregory A Poland Lance E Rodewald Daniel A Salmon Anne Schuchat Jason L Schwartz Peter A Singer Michael Specter Alexandra Minna Stern Jeremy Sugarman Thomas R Talbot Robert Temple Stephen P Teret Alan Wertheimer Tadataka Yamada

Ethics in Everyday Places Tom Koch, 2022-11-01 An exploration of moral stress distress and injuries inherent in modern society through the maps that pervade academic and public communications worlds In *Ethics in Everyday Places* ethicist and geographer Tom Koch considers what happens when as he puts it you do everything right but know you've done something wrong The resulting moral stress and injury he argues are pervasive in modern Western society Koch makes his argument from the ground up from the perspective of average persons and through a revealing series of maps in which issues of ethics and morality are embedded The book begins with a general grounding in both moral stress and mapping as a means of investigation The author then examines the ethical dilemmas of mapmakers and others in the popular media and the sciences including graphic artists journalists researchers and social scientists Koch expands from the particular to the general from mapmaker and journalist to the readers of maps and news He explores the moral stress and injury in educational funding poverty and income inequality Why aren't we angry that one in eight fellow citizens lives in federally certified poverty transportation modeling seen in the iconic map of the London transit system and the hidden realities of exclusion and U S graft organ transplantation This uniquely interdisciplinary work rewrites our understanding of the nature of moral stress distress and injury and ethics in modern life Written accessibly and engagingly it transforms how we think of

ethics personal and professional amid the often conflicting moral injunctions across modern society Copublished with Esri Press **Absolutely Essential** Jonathan D. Moreno, 2025-09-16 What the end of the post World War II global political system means for bioethics and beyond In *Absolutely Essential* Jonathan Moreno explores the field of bioethics as both a creature and a key element of the post World War II rules based order According to this order international relations are to be organized according to principles of open markets liberal democracy and multilateral organizations Drawing on the author's four decades of experience in the field the book raises key questions about the future of bioethics in a changed world order while also theorizing new ways to think about bioethics after the COVID 19 pandemic and the reordering of global alliances For bioethicists this book will contextualize the field in an entirely new light while readers unfamiliar with bioethics will appreciate that this seemingly esoteric field is in fact a paradigmatic creation of the global system now undergoing sweeping change

The Theory of Deliberative Wisdom Eric Racine, 2025-05-13 From a leading ethicist a workable and inspiring model of ethics showing not only why ethics matters but also how it can be used to improve human welfare Humanity faces a multitude of profound challenges at present technological advances environmental changes rising inequality and deep social and political pluralism These transformations raise moral questions questions about how we view ourselves and how we ought to engage with the world in the pursuit of human flourishing In *The Theory of Deliberative Wisdom* Eric Racine puts forward an original interdisciplinary ethics theory that offers both an explanation of the workings of human morality and a model for deliberation based imaginative processes to tackle moral problems Drawing from a wide array of disciplines such as philosophy psychology sociology political science neuroscience and economics this book offers an engaging account of situated moral agency and of ethical life as the pursuit of human flourishing Moral experience Racine explains is accounted for in the form of situational units morally problematic situations These units are in turn theorized as actionable and participatory building blocks of moral existence mapping to mechanisms of episodic memory and to the construction of personal identity Such explanations pave the way for an understanding of the social and psychological mechanisms of the awareness and neglect of morally problematic situations as well as of the imaginative ethical deliberation needed to respond to these situations Deliberative wisdom is explained as an engaged and ongoing learning process about human flourishing

Sex and the Planet Margaret Pabst Battin, 2024-05-28 What if human reproduction was always elective A prominent bioethicist speculates about the possibilities and the likely consequences What would the world be like if all pregnancy was intended not unintended as it is nearly half the time now Considerably better Margaret Pabst Battin suggests in *Sex and the Planet* a provocative thought experiment with far reaching real world implications Many of the world's most vexing and seemingly intractable issues begin with sex when sperm meets egg as Battin puts it abortion adolescent pregnancy high risk pregnancy sexual violence population growth and decline Rethinking reproductive rights and exposing our many mistaken assumptions about sex *Sex and the Planet* offers an optimistic picture of how we might solve these problems by drastically

curtailing unintended pregnancies using currently available methods How we see this picture as recommendation prediction utopian fantasy totalitarian plot hypothetical conjecture or realistic solution depends to a great degree on which of thirteen problematic assumptions we maintain assumptions Battin works to identify and challenge Taking on sensitive topics like abortion and rape and religious issues around contraception she shows how a fully informed nonideological approach could defuse much of the friction such issues tend to generate Also in her attention to male contraception and the asymmetry of female and male reproductive control she pulls in the 50 percent of the human race those with Y chromosomes largely left out of discussions of reproductive health Sex and the Planet finally takes a global view inviting us to consider a possible even plausible reproductive future *Synthetic Biology and Morality* Gregory E. Kaebnick, 2013-07-26 A range of views on the morality of synthetic biology and its place in public policy and political discourse *Specimen Science* Holly Fernandez Lynch, Barbara E. Bierer, I. Glenn Cohen, Suzanne Marie Rivera, 2017-10-06 Advances in medicine often depend on the effective collection storage research use and sharing of human biological specimens and associated data But what about the sources of such specimens When a blood specimen is drawn from a vein in your arm is that specimen still you Is it your property intellectual or otherwise Should you be allowed not only to consent to its use in research but also to specify under what circumstances it may be used These and other questions are at the center of a vigorous debate over the use of human biospecimens in research In this book experts offer legal regulatory and ethical perspectives on balancing social benefit and human autonomy in biospecimen research After discussing the background to current debates as well as several influential cases including that of Henrietta Lacks the contributors consider the rights obligations risks and privacy of the specimen source different types of informed consent under consideration broad blanket and specific implications for special patient and researcher communities and the governance of biospecimen repositories and the responsibilities of investigators

Choosing Down Syndrome Chris Kaposy, 2022-08-09 An argument that more people should have children with Down syndrome written from a pro choice disability positive perspective The rate at which parents choose to terminate a pregnancy when prenatal tests indicate that the fetus has Down syndrome is between 60 and 90 percent In *Choosing Down Syndrome* Chris Kaposy offers a carefully reasoned ethical argument in favor of choosing to have such a child Arguing from a pro choice disability positive perspective Kaposy makes the case that there is a common social bias against cognitive disability that influences decisions about prenatal testing and terminating pregnancies and that more people should resist this bias by having children with Down syndrome Drawing on accounts by parents of children with Down syndrome and arguing for their objectivity Kaposy finds that these parents see themselves and their families as having benefitted from having a child with Down syndrome To counter those who might characterize these accounts as based on self deception or expressing adaptive preference Kaposy cites supporting evidence including divorce rates and observational studies showing that families including children with Down syndrome typically function well Himself the father of a child with Down

syndrome Kaposy argues that cognitive disability associated with Down syndrome does not lead to diminished well being He argues further that parental expectations are influenced by neoliberal ideologies that unduly focus on the supposed diminished economic potential of a person with Down syndrome Kaposy does not advocate restricting access to abortion or prenatal testing for Down syndrome and he does not argue that it is ethically mandatory in all cases to give birth to a child with Down syndrome People should be free to make important decisions based on their values Kaposy s argument shows that it may be consistent with their values to welcome a child with Down syndrome into the family

Inducing Immunity? Roland Pierik, Marcel Verweij, 2024-03-26 Why immunization must be made mandatory in times of vaccine hesitancy and how we can design and implement immunization policies in a practical trustworthy and democratic way We live in perilous times when a significant number of citizens are either defiantly antivaccination or hesitant to accept vaccinations for themselves or for their children In *Inducing Immunity* legal philosopher Roland Pierik and bioethicist Marcel Verweij explore ways to regulate collective immunization in as democratic a manner as possible Approaching the problem as a matter of a conflict between the responsibility of government to protect public health and the basic right to freedom of citizens Pierik and Verweij argue that John Stuart Mill s harm principle the idea that individuals should be free to act so long as their actions do not harm others offers a strong basis for coercive immunization policies Covering childhood immunization policies as well as vaccination programs aimed at adult citizens the authors argue that a coercive immunization policy in any liberal democracy must first satisfy the principle of proportionality This leads them to an in depth exploration of the role of exemptions the nature of coercion and the contents of vaccination programs In the final part of the book the authors also discuss the importance and scope of freedom of speech given how the current spread of misinformation has undermined confidence in vaccines Offering an in depth analysis in bioethics and legal philosophy *Inducing Immunity* is a sensible and applicable guide for health professionals policymakers and academics alike on how we can and must do better with our immunization policies

Bioethics and Armed Conflict Michael Gross, 2006-06-16 Is medical ethics in times of armed conflict identical to medical ethics in times of peace as the World Medical Association declares In *Bioethics and Armed Conflict* the first comprehensive study of medical ethics in conventional unconventional and low intensity war Michael Gross examines the dilemmas that arise when bioethical principles clash with military necessity when physicians try to save lives during an endeavor dedicated to taking them and describes both the conflicts and congruencies of military and medical ethics Gross describes how the principles of contemporary just war unlike those of medical ethics often go beyond the welfare of the individual to consider the collective interests of combatants and noncombatants and the general interests of the state Military necessity plays havoc with such patients rights as the right to life the right to medical care informed consent confidentiality and the right to die The principles of triage in battle conditions dictate not need based treatment but the distribution of resources that will return the greatest number of soldiers to active duty And unconventional warfare including

current wars on terrorism challenges the traditional concept of medical neutrality as physicians who have sworn to do no harm are called upon to lend their expertise to interrogational torture or to the development of biological or chemical weapons. Difficult dilemmas inevitably arise during armed conflict and medicine Gross concludes is not above the fray. Medical ethics in time of war cannot be identical to medical ethics in peacetime. Truly Human Enhancement Nicholas Agar, 2023-09-19 A nuanced discussion of human enhancement that argues for enhancement that does not significantly exceed what is currently possible for human beings. The transformative potential of genetic and cybernetic technologies to enhance human capabilities is most often either rejected on moral and prudential grounds or hailed as the future salvation of humanity. In this book Nicholas Agar offers a more nuanced view making a case for moderate human enhancement improvements to attributes and abilities that do not significantly exceed what is currently possible for human beings. He argues against radical human enhancement or improvements that greatly exceed current human capabilities. Agar explores notions of transformative change and motives for human enhancement distinguishes between the instrumental and intrinsic value of enhancements argues that too much enhancement undermines human identity considers the possibility of cognitively enhanced scientists and argues against radical life extension. Making the case for moderate enhancement Agar argues that many objections to enhancement are better understood as directed at the degree of enhancement rather than enhancement itself. Moderate human enhancement meets the requirement of truly human enhancement. By radically enhancing human cognitive capabilities by contrast we may inadvertently create beings post persons with moral status higher than that of persons. If we create beings more entitled to benefits and protections against harms than persons Agar writes this will be bad news for the unenhanced. Moderate human enhancement offers a more appealing vision of the future and of our relationship to technology. *New Methuselahs* John K. Davis, 2024-03-19 An examination of the ethical issues raised by the possibility of human life extension including its desirability unequal access and the threat of overpopulation. Life extension slowing or halting human aging is now being taken seriously by many scientists. Although no techniques to slow human aging yet exist researchers have successfully slowed aging in yeast mice and fruit flies and have determined that humans share aging related genes with these species. In *New Methuselahs* John Davis offers a philosophical discussion of the ethical issues raised by the possibility of human life extension. Why consider these issues now before human life extension is a reality Davis points out that even today we are making policy and funding decisions about human life extension research that have ethical implications. With *New Methuselahs* he provides a comprehensive guide to these issues offering policy recommendations and a qualified defense of life extension. After an overview of the ethics and science of life extension Davis considers such issues as the desirability of extended life whether refusing extended life is a form of suicide the Malthusian threat of overpopulation equal access to life extension and life extension and the right against harm. In the end Davis sides neither with those who argue that there are no moral objections to life enhancement nor with those who argue that the moral objections are so

strong that we should never develop it Davis argues that life extension is on balance a good thing and that we should fund life extension research aggressively and he proposes a feasible and just policy for preventing an overpopulation crisis

The Censor's Hand Carl E. Schneider, 2015-04-10 An argument that the system of boards that license human subject research is so fundamentally misconceived that it inevitably does more harm than good Medical and social progress depend on research with human subjects When that research is done in institutions getting federal money it is regulated often minutely by federally required and supervised bureaucracies called institutional review boards IRBs Do can these IRBs do more harm than good In *The Censor's Hand* Schneider addresses this crucial but long unasked question Schneider answers the question by consulting a critical but ignored experience the law's learning about regulation and by amassing empirical evidence that is scattered around many literatures He concludes that IRBs were fundamentally misconceived Their usefulness to human subjects is doubtful but they clearly delay distort and deter research that can save people's lives soothe their suffering and enhance their welfare IRBs demonstrably make decisions poorly They cannot be expected to make decisions well for they lack the expertise ethical principles legal rules effective procedures and accountability essential to good regulation And IRBs are censors in the place censorship is most damaging universities In sum Schneider argues that IRBs are bad regulation that inescapably do more harm than good They were an irreparable mistake that should be abandoned so that research can be conducted properly and regulated sensibly

Intervention in the Brain Robert H. Blank, 2013 The political and policy implications of recent developments in neuroscience including new techniques in imaging and neurogenetics New findings in neuroscience have given us unprecedented knowledge about the workings of the brain Innovative research much of it based on neuroimaging results suggests not only treatments for neural disorders but also the possibility of increasingly precise and effective ways to predict modify and control behavior In this book Robert Blank examines the complex ethical and policy issues raised by our new capabilities of intervention in the brain After surveying current knowledge about the brain and describing a wide range of experimental and clinical interventions from behavior modifying drugs to neural implants to virtual reality Blank discusses the political and philosophical implications of these scientific advances If human individuality is simply a product of a network of manipulable nerve cell connections and if aggressive behavior is a treatable biochemical condition what happens to our conceptions of individual responsibility autonomy and free will In light of new neuroscientific possibilities Blank considers such topics as informed consent addiction criminal justice racism commercial and military applications of neuroscience research new ways to define death and political ideology and partisanship Our political and social institutions have not kept pace with the rapid advances in neuroscience This book shows why the political issues surrounding the application of this new research should be debated before interventions in the brain become routine

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