



# Cambridge Quarterly of Healthcare Ethics

A Quarterly Journal Devoted to Engaging a World Community of Bioethicists

CAMBRIDGE UNIVERSITY PRESS





# Cambridge

Quarterly of

Healthcare

**Ethics** 

A Quarterly Journal Devoted to Engaging a World Community of Bioethicists

Thomasine Kushner, PhD, University of California, Berkeley Steve Heilig, MPH, San Francisco Medical Society

ASSOCIATE EDITORS

Matti Häyry, School of Law, University of Manchester, England

Tuija Takala, University of Helsinki, Finland

David C. Thomasma, PhD, Co-Editor, 1992-2002

Neuroethics Network/Cambridge Consortium for Bioethics Education/International Bioethics Retreat

http://www.icmbioethics.com/cambridge-home.html

EDITORIAL BOARD

Akira Akabayashi, Kyoto University, Japan

William Andereck, Medicine and Human Values, California Pacific Medical Center, San Francisco

Daniel Callahan, The Hastings Center, Garrison, New York

Arthur Caplan, Division of Medical Ethics, NYU Langone Medical Center, New York

Andrew Dobson, Keele University, England

Denise Dudzinki, Department of Bioethics and Humanities, University of Washington School of Medicine

Joseph J. Fins, Division of Medical Ethics, Weill Medical College of Cornell University, New York

Leonard M. Fleck, Center for Ethics and Humanities, Michigan State University

Paul J. Ford, Department of Bioethics, Cleveland Clinic James Giordano, Georgetown University Medical Center Amnon Goldworth, Stanford University School of Medicine

John Harris, University of Manchester, England

Gerrit K. Kimsma, Vrije Universiteit Amsterdam

Eric M. Meslin, Indiana University Center for Bioethics, Indianapolis Christine Mitchell, Center for Bioethics, Harvard Medical School

Jonathan D. Moreno, Center for Bioethics, University of Pennsylvania School of Medicine, Philadelphia Edmund D. Pellegrino, Georgetown Center for the Advanced Study of Ethics, Georgetown University

Rosamond Rhodes, Mount Sinai School of Medicine, New York

Pablo Rodriguez del Pozo, Weill Medical College of Cornell University in Qatar Doris Schroeder, Centre for Professional Ethics, University of Central Lancashire, England

Robyn Shapiro, Center for the Study of Bioethics, Medical College of Wisconsin Pavel Tichtchenko, Institute of Philosophy, Academy of Science, Moscow, Russia Griffin Trotter, Center for Health Care Ethics, Saint Louis University

Mark R. Wicclair, University of Pittsburgh & West Virginia University

### SECTION EDITORS

Bioethics and Literature

Antonio Casada Rocha, University of the Basque Country, Spain

Bioethics (Re)Considered

Raymond DeVries, University of Michigan Jill Fisher, University of North Carolina

Bioethics and Information Technology Kenneth W. Goodman, University of Miami

By Invitation

John Harris, University of Manchester, England

The Great Debates

D. Michah Hester, University of Arkansas

Alissa H. Swota, University of North Florida

CQ Review

Greg Loeben, A.T. Still University-School of Health Management

Ethics Committees and Consultants at Work

Ruchika Mishra, California Pacific Medical Center, San Francisco

The Caduceus in Court

Jennifer Chandler, University of Ottawa, Canada Ben A. Rich, University of California, Davis

Health and Human Rights

Doris Schroeder, University of Central Lancashire, England

Dissecting Politics

Matti Häyry, Aalto University, Helsinki, Finland Tuija Takala, University of Helsinki, Finland

Professionalism

David Barnard, Oregon Health and Science University

Mark R. Wicclair, University of Pittsburgh and West Virginia University

Pediatric Ethics

Kellie R. Lang, Medical College of Wisconsin Douglas J. Opel, Seattle Children's Hospital

### The Cambridge Bioethics Education Working Groups: Connecting Bioethics Educators Around the World

The purpose of the Cambridge Bioethics Education Working Groups is to encourage people and institutions to work together on developing bioethics education in their countries. These focus groups invite others to share their information and develop mutual projects to further how bioethics is taught in universities, hospitals, and for the general public. journals.cambridge.org/bioethics

### Clinical Neuroethics ADVISORY BOARD

**EDITOR** 

Thomasine Kushner

University of California, Berkeley kushnertk@gmail.com

ASSOCIATE EDITOR James Giordano

Georgetown University Medical Center

EDITORIAL BOARD

Yves Agid

Institut du Cerveau et de la Moelle Épinière, France

Jennifer Chandler

University of Ottawa, Canada

Markus Christen

University of Zurich, Switzerland

Department of Bioethics, Cleveland Clinic

Paul J. Ford

Weill Medical College of Cornell University, New York

University of Otago Medical School, New Zealand

John Harris

Grant Gillett

University of Manchester, England

Judy Illes

The University of British Columbia, Canada

Philipp Kellmeyer

University of Freiburg Medical Center, Germany

Catherine Madison

California Medical Center, San Francisco

Christine Mitchell Harvard Medical School

**Erik Parens** 

The Hastings Center, Garrison, New York

University at Buffalo

John R. Shook Alan Yee

California Pacific Medical Center

# Cambridge Quarterly of Healthcare Ethics

Volume 25, Number 3, July 2016

# CONTENTS

Contributors	339
From the Editors: Last Rights: Hippocratic Hypocrisy Meets Reality—a Personal Reflection STEVE HEILIG	343
Breaking Bioethics	
The Ethics of Allocating Uterine Transplants Michelle J. Bayefsky and Benjamin E. Berkman	350
Choosing Wisely: Is Parsimonious Care Just Rationing? Leonard M. Fleck	366
Special Section: Bioethics Beyond Borders	
Physician-Assisted Death in Canada Alister Browne and J. S. Russell	377
Euthanasia for Detainees in Belgium: The Case of Frank Van Den Bleeken Katrien Devolder	384
Communicating Concerns: Reviewing the Review Procedure in Dutch Euthanasia Law Martin Buijsen	395
The Concept of Dignity and Its Use in End-of-Life Debates in England and France RUTH HORN AND ANGELIKI KERASIDOU	404
Healthcare in Australia: Gene Patenting and the Dr. Death Issue SALLY DALTON-BROWN	47.4
Bioethics in Iceland: Recent Developments VILHJÁLMUR ÁRNASON	414 421
An Empirically Informed Analysis of the Ethical Issues Surrounding Split Liver Transplantation in the United Kingdom Greg Moorlock, James Neuberger, Simon Bramhall,	
AND HEATHER DRAPER  Social Responsibility and Healthcare in Finland: The Luck Egalitarian Challenge to Scandinavian Welfare Ideals JOHANNA AHOLA-LAUNONEN	435 448
,	440

# Contents continued

The Social Framework Surrounding the Development of Regenerative Medicine in Japan EISUKE NAKAZAWA, YOSHIYUKI TAKIMOTO, AND AKIRA AKABAYASHI	466
The Measles and Free Riders: California's Mandatory Vaccination Law KATHARINE BROWNE	472
The Role of Physicians in State-Sponsored Corporal Punishment: A View from Saudi Arabia Ruaim Muaygil	479
An Ethical Analysis of Performance-Based Supplementary Payment in Turkey's Healthcare System Funda Gulay Kadioglu	493
An Ethical Analysis of Assisted Reproduction Providers' Websites in Pakistan Ayesha Irshad and Gabriele Werner-Felmayer	497
Departments and Columns	127
Departments and Cotamins	
Responses and Dialogue Increasing the Sum Total of General Intelligence, As Measured by Individual IQ Scores: What, How, and Why? MATTI HÄYRY	505
WATTIAIKI	505
A Response to "Bright New World" by Ole Martin Moen (CQ 25(2))	
Smarter Babies OLE MARTIN MOEN	515
A response to "Increasing the Sum Total of General Intelligence, As Measured by Individual IQ Scores: What, How, and Why?" by Matti Häyry (CQ 25(3))	
Neuroethics Now Public Engagement and Nanotechnology in Australia SALLY DALTON-BROWN	518
Professionalism  Conflicts about Conflict of Interest: A Comparison of Performance-Based and Trustworthiness Models in the Context of Detailing and Gifts to Physicians  Terrence Kelly	526
20 P. /	_
CQ Review Shaping Our Selves: On Technology, Flourishing, and a Habit of Thinking, by Erik Parens Reviewed by Joseph A. Stramondo	536
Pediatric Ethics Calling Out Implicit Racial Bias as a Harm in Pediatric Care Kellie R. Lang, Claretta Y. Dupree, Alexander A. Kon, and Denise M. Dudzinski	540
	- ,

## Contents continued

Ethics Committees and Consultants at Work	
The Case: Caregiving in Long-Term Facilities	
Ruchika Mishra	553
Commentary: The Broader Context of Long-Term Care Ethics	
Jason Lesandrini and Carol O'Connell	554
Commentary: Clarifying Medical Decisionmaking—Who, How, and Why?	
Tyler S. Gibb and Michael J. Redinger	556
Commentary: Surrogate Decisionmaking and Communication	
Debjani Mukherjee	560
What Actually Happened	564

Best Practices Guidelines for Publishing in the Bioethics Literature

EDITORIAL OFFICE: Editorial correspondence, including manuscript submission, should be addressed to Thomasine Kushner, PhD. To facilitate review, please submit manuscripts as electronic copy, preferably in MS Word, to kushnertk@gmail.com. Books for review should be sent to Greg Loeben, Midwestern University, Glendale Campus, Bioethics Program, 19555 N. 59th Ave., Glendale, AZ 85308.

SUBSCRIPTION INFORMATION: Cambridge Quarterly of Healthcare Ethics (ISSN 0963-1801) is published quarterly, in January, April, July, and October by Cambridge University Press, One Liberty Plaza, Floor 20, New York, NY 10006/ Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK. Annual subscription rates for volume 25 (2016) USA, Canada, and Mexico/Elsewhere: Institutional rates, print and online: \$578/£360; online only: \$458/£266; print only: \$573/£358. Individual rates, print only: \$119/£72. Single part: \$165/£103. Students and retirees: \$98/£61. American Society for Bioethics and Humanities members: \$82/£49. Prices include postage. Subscription offices: One Liberty Plaza, Floor 20, New York, NY 10006, USA; outside the USA, Canada, and Mexico: Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK. Claims for missing issues should be made immediately after receipt of the next issue. Cambridge Quarterly of Healthcare Ethics and other Cambridge journals can be found at http://journals.cambridge.org.

Cambridge Quarterly of Healthcare Ethics is a partner journal of the American Society for Bioethics and Humanities.

Periodicals postage paid at New York, NY and additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to Cambridge Quarterly of Healthcare Ethics, Cambridge University Press, One Liberty Plaza, Floor 20, New York, NY 10006, USA. Send address changes elsewhere to Cambridge Quarterly of Healthcare Ethics, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK.

© Cambridge University Press 2016. All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: http://www.cambridge.org/rights/permissions/permission.htm

Cambridge Quarterly of Healthcare Ethics is indexed in Index Medicus and in the ASSIA, ISI, MEDLINE, Philosopher's

Index, and Proquest databases.

Permission to copy (for users in the USA) is available from Copyright Clearance Center, http://www.copyright.com, email: info@copyright.com.