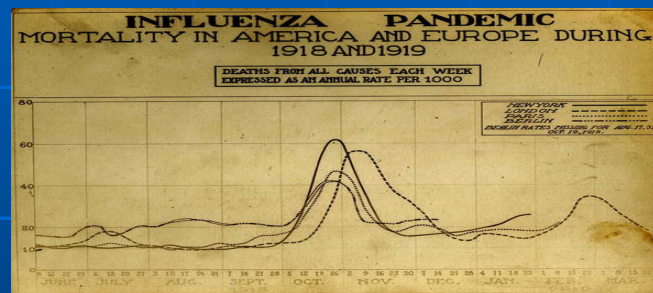


Communicable Diseases and the Ethics of Confinement



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Case

- Consider the implications of the global spread of XDRTB
- In the 50 years since the first RCT showing the benefits of streptomycin for the cure of TB we have moved from MDR to XDR
- What must we do to stop CDR?



Prayer of Separation

- I forbid you to ever enter a church, a monastery, a fair, a mill, a market or an assembly of people. I forbid you to leave your house unless dressed in you recognizable garb and also shod. I forbid you to wash your hands or to launder anything or to drink at any stream or fountain, unless using your own barrel or dipper. I forbid you to touch anything you buy or barter for, until it becomes your own. I forbid you to enter any tavern; and if you wish for wine, whether you buy it or it is given to you, have it funneled into your keg. I forbid you to share house with any woman but your wife. I command you, if accosted by anyone while travelling on a road, to set yourself down-wind of them before you answer. I forbid you to enter any narrow passage, lest a passerby bump into you. I forbid you, wherever you go, to touch the rim or the rope of a well without donning your gloves. I forbid you to touch any child or give them anything. I forbid you to drink or eat from any vessel but your own.



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Ellis Island Quarantine Station



Key definitions

- Ethics: concerned with reasons for distinguishing between good and evil in the world, between right and wrong human actions, and between virtuous and non-virtuous characteristics of people.
- Ethics concerned with reasoning and deliberation
- Ethics and law not the same

Key definitions

- Values: Principles, standards, or qualities considered worthwhile or desirable
- Must distinguish instrumental (e.g. money) from intrinsic (e.g. life?)

Use of Restrictive Measures: Ethical Values

- Individual liberty
- Protection of public from harm
- Proportionality
 - protect from needless coercion
 - restrictions: legal, legitimate, necessary
 - least restrictive, applied fairly
 - applied by those with legitimate authority
- Reciprocity: adequate care
- Transparency

Nancy Kass An ethics framework for public health. American Journal of Public Health 2001;91:1776-82

- What are the public health goals of the program?
- How effective is the program in achieving its stated goals?
- What are the known or potential burdens of the program?
- Can the burdens be minimized? Are there alternative approaches?
- Is the program implemented fairly?
- How can the benefits and burdens of a program be fairly balanced?

James Childress, Ruth Faden et al. Public health ethics: mapping the terrain. *The Journal of Law Medicine and Ethics*. 2002; 30(2):170-8

- Proportionality
- Necessity
- Least Infringement
- Public Justification
- Effectiveness

Ross Upshur. Principles for the justification of a public health intervention.
Canadian Journal of Public Health 2002; 93:101-103

- **Harm Principle**
- **Principle of least restrictive means**
- **Reciprocity principle**
- **Transparency Principle**

The Harm Principle : J.S.Mill

- That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinion of others, to do so would be wise, or even right...The only part of the conduct of anyone, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute.

Least Restrictive Means

- Use interventions that protect autonomy most
- Favours Voluntary over Mandated measures
- Thus education, facilitation etc before interdiction

Duty not to harm others by communicating diseases.

Harris and Holm BMJ 1995

- The moral duty to behave responsibly and not knowingly put other people at risk is not a duty that is confined to HIV infection or to other life threatening diseases.
- It is a duty **which all people with communicable diseases have**. It is, however, also a duty which we can expect people to discharge **only if they live in a community that does not leave them with all the burdens involved in discharging this duty**.

Reciprocity

- Infection is not a crime
- Requiring individuals to forgo taken for granted liberties imposes responsibilities on those proposing restriction
- The key task is to determine what that entails

Transparency: Discourse Ethics

1. All who are potential participants of discourse, must have equal rights and fair representation
2. All power differentials are negated
3. All who participate to discourse, must have equal chances to present interpretations, to make assertions, recommendations, explanations and corrections
4. All decisions are subject to appeal

