

Medical Ethics Behind Bars

Professors Logan McBride and Elizabeth Reis

Macaulay Honors College, CUNY – DRAFT Syllabus

Course Description

America's four-decade experimentation with mass incarceration is generally viewed as a failure, by those on both sides of the political spectrum. Not only has it failed to deliver on the promise of safety, but it has devastated families and entire communities.

Epidemiologists and public health experts argue that mass incarceration constitutes a public health crisis, one that is shouldered disproportionately by Black and Indigenous communities and communities of color. In this class, we will explore the relationship of mass incarceration and public health as a necessary context for considering the medical ethics issues that present under carceral conditions, from both contemporary and historical perspectives.

The Supreme Court has stated that all people have a right to health care, even in jails and prisons. But what does that mean exactly? Incarcerated people suffer disproportionately from physical and mental illnesses as well as physical, cognitive, and learning disabilities. As patients, how are they able to make their own health care decisions? Do incarcerated people enjoy the same doctor-patient relationships that others have come to expect? Can patients refuse treatment in prison? And for their part, physicians and nurses have a loyalty to their patients, but they also serve the institution, which could compromise patient care. How, for example, can physicians promise confidentiality in a prison environment? The Eight Amendment of the Constitution guarantees a certain measure of ethical behavior by barring "cruel and unusual punishment." But that vague proscription leaves many questions unanswered.

Autonomy is one of the primary principles of medical ethics, and yet that is an attribute that people who are incarcerated lack in most arenas. Everything about their lives is scheduled, mandated, and restricted. But their lack of physical freedom should not preclude access to health care or the ability to preserve their dignity even while incarcerated.

Each week we will explore a different ethical issue regarding medical care that those living behind bars have faced. We will examine, for instance, the historical and unethical medical experimentation routinely done on vulnerable prison populations. Have incarcerated people been able to make informed choices about participating in such research when they are constrained in various ways? The ethics surrounding the death penalty raises similar ethical concerns about physician involvement; to what extent should execution be medicalized? Does the death penalty itself violate the 8th

Amendment? Or might it make sense for physicians to participate in order to relieve the suffering of those put to death? By the end of the semester, students will understand the public health crisis caused by mass incarceration, as well as the foundations of medical ethics more broadly as well as their specific application in prison health care.

Required Books

Zero Textbook Cost – all readings and materials will be made available online

Assignments

Weekly Journal (response to weekly readings): 40%

Class participation: 30%

Final Un-Essay and Presentation: 30%

Weekly Topics

1. Introduction - What is mass incarceration? What are medical ethics?
2. Medical experimentation on prisoners
3. Mass Incarceration and Public Health
4. The Role of the Physician
5. Mental Illness and Solitary Confinement
6. Drug War / Opioid Crisis
7. Food: Nourishment and Hunger Strikes
8. Forced Medication? Forced Feeding?
9. COVID
10. Pregnancy/Reproductive Justice
11. Disability, Aging, and Dying
12. Death Penalty: Role of Physicians and Organ Donation
13. Transgender Issues

Class Trips

[Return to Sender: Prison as Censorship](#)

Elizabeth Arts Foundation Project Space

Curated by Mariame Kaba

Co-organized by PEN America

September 14 - October 28, 2023

[Who Lives, Who Dies, Who Decides?](#)

Heyman Center, Columbia University
Artwork by Kenneth Reams and Isabelle Reams
October 28, 2023 - ?

[Marking Time: Art in the Age of Mass Incarceration](#)

Schomburg Center, New York Public Library
Curated by Nicole Feleetwood
May 1-December 4, 2023