

Health Economics, Policy and Law

Editors:

Adam Oliver, *London School of Economics and Political Science, UK*

Elias Mossialos, *London School of Economics and Political Science, UK*



International trends highlight the confluence of economics, politics and legal considerations in the health policy process. **Health Economics, Policy and Law** serves as a forum for scholarship on health policy issues from these perspectives, and is of use to academics, policy makers and health care managers and professionals. **Health Economics, Policy and Law** is international in scope, publishes both theoretical and applied work, and contains articles on all aspects of health policy. Considerable emphasis

is placed on rigorous conceptual development and analysis, and on the presentation of empirical evidence that is relevant to the policy process.

Recommend **Health Economics, Policy and Law** directly from its homepage - **FREE** online access for you when your library subscribes.

FREE email alerts.

Keep up-to-date with new material.

Sign up at:

journals.cambridge.org/hep-alerts



CAMBRIDGE
UNIVERSITY PRESS



Cambridge Core

The new home of
Cambridge Journals
cambridge.org/core

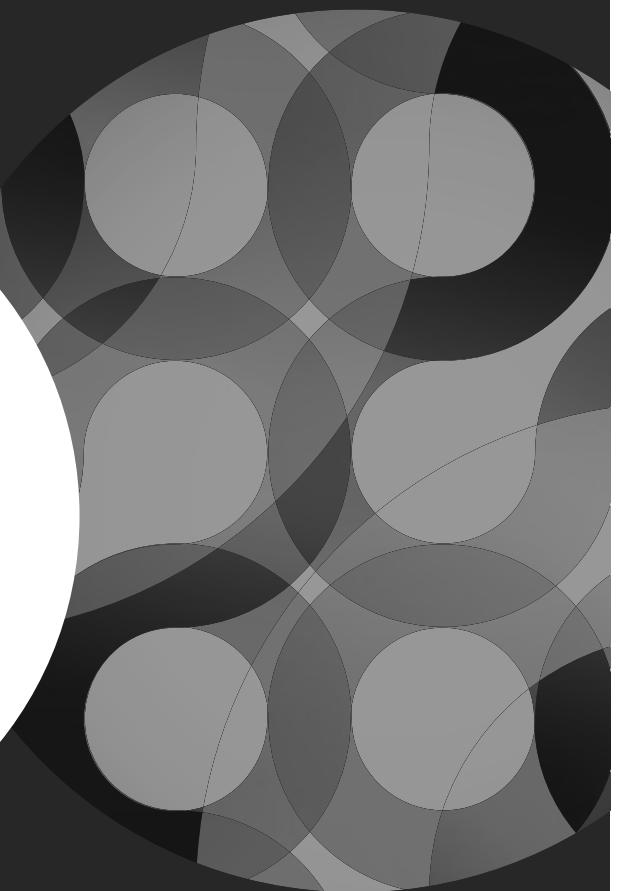
Cambridge Core



CAMBRIDGE
UNIVERSITY PRESS

Cambridge Core

Access
leading
journals in
your subject



Explore today at cambridge.org/core

Cambridge **Core**



CAMBRIDGE
UNIVERSITY PRESS

GUIDELINES FOR CONTRIBUTORS

SCOPE OF THE JOURNAL. *Cambridge Quarterly of Healthcare Ethics* is designed to serve as an international forum for addressing the increasingly complex challenges of biology, medicine, and healthcare. As a journal committed to expanding the community of bioethicists worldwide, CQ welcomes well-argued papers from a variety of methodological and normative viewpoints.

PREPARATION OF MANUSCRIPTS. Papers submitted to CQ should be sent as electronic copy, preferably in MS Word, and should contain in the following order: title page, text, references. Manuscripts typically should not exceed 3,500 words, including endnotes. On a separate page, supply a brief entry listing academic degrees, institutional affiliation, and current projects for a "Contributors" section that appears in each issue of CQ. More detailed guidelines follow.

Title Page: Title of the article, name of each author with institutional affiliation and complete mailing address for correspondence, plus phone and fax numbers and e-mail address. Include a short title of 45 characters or fewer to be used as a runninghead. Acknowledgments, if any, are to be provided with the submission as an unnumbered footnote. They are not to be added later with proof corrections.

References: Responsibility for accuracy and thoroughness of citations rests with the author(s). References are to be placed as endnotes following the article (not as footnotes on each page) and are to be numbered in the order of the callouts. *For multiple callouts of the same reference, each callout is to be given its own superscript arabic number; then in the Notes section a crossreference should be used, styled as in item 4 below.* The names of the first six authors of each reference item should be provided, followed by ", et al." if there are more than six authors.

References should follow the format of the International Committee of Medical Journal Editors, *with the CQ modification that titles of journals and books are to be spelled out in full (except JAMA) and italicized.* Sample references in the style of the ICMJE Uniform Requirements for Manuscripts Submitted to Biomedical Journals can be obtained at http://www.nlm.nih.gov/bsd/uniform_requirements.html. Lawyers may use their own standard style ("The Bluebook") but avoid abbreviations.

Examples of the correct CQ format follow.

1. Parker SG, Kassirer JP. Decision analysis. *New England Journal of Medicine* 1987;316:250–8. or: ... 1987;316(2):250–8.
2. Beauchamp TL, Walters L, eds. *Contemporary Issues in Bioethics*, 4th ed. Belmont, CA: Wadsworth; 1994.
3. Weinstein L, Swartz MN. Pathogenic properties of invading microorganisms. In: Sodeman WA Jr, Sodeman WA, eds. *Pathologic Physiology: Mechanisms of Disease*. Philadelphia: WB Saunders; 1974:457–72.
4. See note 2, Beauchamp, Walters 1994:431–512.
5. Mathewes-Green F. Dignity, always dignity. *World Magazine* 1995 Feb 18; available at <http://www.theologymatters.com/TMIssues/MayJun97.pdf> (last accessed 15 Jul 2007).

"Unpublished observations" and "personal communications" should not appear in the references, but should be inserted in parentheses in the text.

Quotations: Extensive quotations should be set off in a separate paragraph with double indentation. Short quotations remain in the running text, enclosed in double quotation marks. When quoting another author, always indicate the specific source page number in the corresponding endnote.

Abbreviations: Avoid abbreviations in the title. The full term for which an abbreviation stands should precede its first use in the text.

MANUSCRIPT SUBMISSION. Manuscript submissions should be sent to Thomasine Kushner, Ph.D. To facilitate review, manuscripts are to be submitted as electronic copy, preferably in MS Word, and addressed to: kushnertk@gmail.com. Before manuscripts can be considered for review, they must meet the standard requirements of written academic English. Author(s) should state, in a covering letter, that the material has not been previously published elsewhere nor submitted for publication elsewhere. Authors should also disclose financial or other relationships that might lead to a conflict of interest.

COPYRIGHT. Authors of accepted articles will be asked to sign a Transfer of Copyright form, transferring copyright of the article to the publisher.

**UNITED STATES
POSTAL SERVICE® Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)**

1. Publication Title CQ: Cambridge Quarterly of Healthcare Ethics	2. Publication Number 007 - 726	3. Filing Date 10/1/2016
4. Issue Frequency Every 3 months Jan, Apr, Jul, Oct	5. Number of Issues Published Annually 4	6. Annual Subscription Price \$420.00
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4) Cambridge University Press 1 Liberty Plaza New York, NY 10006-1404		
Contact Person Nina Iannamatto Telephone (Include area code) 2123375000		
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Cambridge University Press Edinburgh Building, Cambridge CB2 2RU, England		
9. Full Name and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank) Publisher (Name and complete mailing address) Cambridge University Press 1 Liberty Plaza New York, NY 10006-1404 Editor (Name and complete mailing address) Thomassine Kushner, University of California, Berkeley, USA Steve Hellig, San Francisco Medical Center, USA Managing Editor (Name and complete mailing address) Simon Ross, Cambridge University Press, 1 Liberty Plaza, New York, NY 10006-1404		
10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.) Full Name Cambridge University Press Complete Mailing Address Edinburgh Building Shaftesbury Road Cambridge CB2 2RU England		
11. Known Bondholders, Mortgagors, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box ► DE None Full Name Complete Mailing Address		
12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one) The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes: <input type="checkbox"/> Has Not Changed During Preceding 12 Months <input checked="" type="checkbox"/> Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)		

PS Form 3526, July 2014 (Page 1 of 4 (see instructions page 4)) PSN: 7530-01-000-8931 PRIVACY NOTICE: See our privacy policy on www.usps.com.

13. Publication Title CQ: Cambridge Quarterly of Healthcare Ethics	14. Issue Date for Circulation Data Below JULY 2016		
15. Extent and Nature of Circulation	Average No. Copies Each Issue During Preceding 12 Months		
a. Total Number of Copies (Net press run)	320	No. Copies of Single Issue Published Nearest to Filing Date	307
b. Paid Distribution (By Mail and Outside the Mail)			
(1) Mailed Outside County Paid Subscriptions Stated on PS Form 3541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	135	142	
(2) Mailed In County Paid Subscriptions Stated on PS Form 2541 (Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	0	0	
(3) Paid Distribution Outside the Mail Including Sales Through Dealers and Contractors, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	107	97	
(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail)	0	0	
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))	242	239	
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)			
(1) Free or Nominal Rate Outside-County Copies Included on PS Form 3541	0	0	
(2) Free or Nominal Rate In-County Copies Included on PS Form 3541	0	0	
(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)	0	0	
(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	8	8	
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))	8	8	
f. Total Distribution (Sum of 15c and 15e)	250	247	
g. Copies not Distributed (See Instructions to Publishers #4 (page #3))	70	60	
h. Total (Sum of 15d and g)	320	307	
i. Percent Paid (15c divided by 15f times 100)	97%	97%	

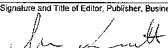
* If you are claiming electronic copies, go to line 16 on page 3. If you are not claiming electronic copies, skip to line 17 on page 3.

PS Form 3526, July 2014 (Page 2 of 4)

**UNITED STATES
POSTAL SERVICE® Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)**

16. Electronic Copy Circulation	Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Paid Electronic Copies	► 0	0
b. Total Paid Print Copies (Line 15c) + Paid Electronic Copies (Line 15a)	► 242	239
c. Total Print Distribution (Line 15f) + Paid Electronic Copies (Line 16a)	► 250	247
d. Percent Paid (Both Print & Electronic Copies) (15b divided by 15c × 100)	► 97%	97%

I certify that 97% of all my distributed copies (electronic and print) are paid above a nominal price.

17. Publication of Statement of Ownership	
<input checked="" type="checkbox"/> If the publication is a general publication, publication of this statement is required. Will be printed	<input type="checkbox"/> Publication not required.
In the <u>January</u> issue of this publication.	
18. Signature and Title of Editor, Publisher, Business Manager, or Owner	Date
	10/1/2016

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

Contents continued from back cover

Departments and Columns

Responses and Dialogue

- When the Milk of Human Kindness Becomes a Luxury (and Untested) Good: A Reply to Harris's Unconditional Embrace of Mitochondrial Replacement Techniques

INMACULADA DE MELO-MARTIN 159

- A Response to "Germline Modification and the Burden of Human Existence," by John Harris (CQ 25(1))

- How to Welcome New Technologies: Some Comments on the Article by Inmaculada de Melo-Martin

JOHN HARRIS 166

Perspectives

- Principles of Ethical Leadership Illustrated by Institutional Management of Prion Contamination of Neurosurgical Instruments

TIM LAHEY, JOSEPH PEPE, AND WILLIAM NELSON 173

Corrigendum

- The Effects of Closed-Loop Medical Devices on the Autonomy and Accountability of Persons and Systems—CORRIGENDUM

PHILIPP KELLMEYER, THOMAS COCHRANE, OLIVER MÜLLER,
CHRISTINE MITCHELL, TONIO BALL, JOSEPH J. FINS,
AND NIKOLA BILLER-ANDORNO 180

Best Practices Guidelines for Publishing in the Bioethics Literature

CONTENTS

Contributors

1

*Special Section: Conscientious Objection in Healthcare:
Problems and Perspectives*Guest Editorial: Conscientious Objection in Healthcare:
Problems and Perspectives

ALBERTO GIUBILINI AND JULIAN SAVULESCU

3

Conscientious Objection in Healthcare and Moral Integrity

MARK WICCLAIR

7

Tolerance, Professional Judgment, and the Discretionary
Space of the Physician

DANIEL P. SULMASY

18

Conscientious Objection and "Effective Referral"

ROGER TRIGG

32

My Conscience May Be My Guide, but You May Not
Need to Honor It

HUGH LAFOLLETTE

44

The Legal Ethical Backbone of Conscientious Refusal
CHRISTIAN MUNTHE AND MORTEN EBBE JUUL NIELSEN

59

The Cost of Conscience: Kant on Conscience and
Conscientious Objection

JEANETTE KENNEDY

69

The Inevitability of Assessing Reasons in Debates about
Conscientious Objection in Medicine

ROBERT F. CARD

82

Two Concepts of Conscience and their Implications
for Conscience-Based Refusal in Healthcare

STEVE CLARKE

97

Conscientious Objection, Complicity in Wrongdoing, and
a Not-So-Moderate Approach

FRANCESCA MINERVA

109

How to Allow Conscientious Objection in Medicine
While Protecting Patient Rights

AARON ANCILL AND WALTER SINNOTT-ARMSTRONG

120

Conscientious Non-objection in Intensive Care
DOMINIC WILKINSON

132

Refusing to Treat Sexual Dysfunction in Sex Offenders
THOMAS DOUGLAS

143

Contents continued