

## Ethics & Medical Research

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### Distinguishing the Moral Obligations of Researchers from Those of Physicians

As you read the material for the next class, keep the questions below in mind. To answer these questions you will have to reflect critically on what you have read and possibly re-read important passages. Keep in mind that there are two basic kinds of information that you need to look for in the readings:

1. What are the main points or conclusions that an author accepts with respect to a particular issue?
2. What are the reasons, important considerations, and evidence that lead the author to accept that conclusion?

For our purposes, *it is information of the second sort that will be our primary concern* since our most basic task is to *evaluate the reasons and evidence* that are offered to support accepting one possible conclusion about an issue, rather than another.

Although I strongly suggest that you write out brief answers to these questions, you do not have to turn in written responses. You do, however, need to be prepared to speak intelligently to these issues in the next class meeting.

#### Readings

- E. Haavi Morreim, "Litigation in Clinical Research: Malpractice Doctrines Versus Research Realities" (PDF on webpage).

#### Questions

1. According to Morreim, how have courts tended to recognize litigation related to research abuses? Why does Morreim believe this is wrong? For this and her other arguments, try to categorize Morreim's reasons as either moral or as legal.
2. According to Morreim, why is negligence (both generally and with respect to informed consent) in clinical research different from negligence in medical practice?
3. Morreim rejects the idea that the researcher-subject relationship is a fiduciary one. What is her argument for this conclusion? Since she disagrees with Miller and Weijer on this, both positions cannot be correct. So where do they disagree exactly? Who has the better argument supporting their respective position?
4. What does Morreim mean by "battery" and "undisclosed research", and how does she justify that undisclosed research is a form of battery?