

*No Jacket
Required*

CHIACCHIERATA INFORMALE
SULLA PEDIATRIA (E DINTORNI)

Deontological and utilitarian approaches in medicine: mandatory/coercive treatment and beyond

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BRINDISI, 20-21 GENNAIO 2023



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Acknowledgements

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- Prof. Ehud Qimron (Tel-Aviv University)
- Prof. Retsef Levi (MIT)

Outlook

Methodology

- Ethical analysis – narrative review

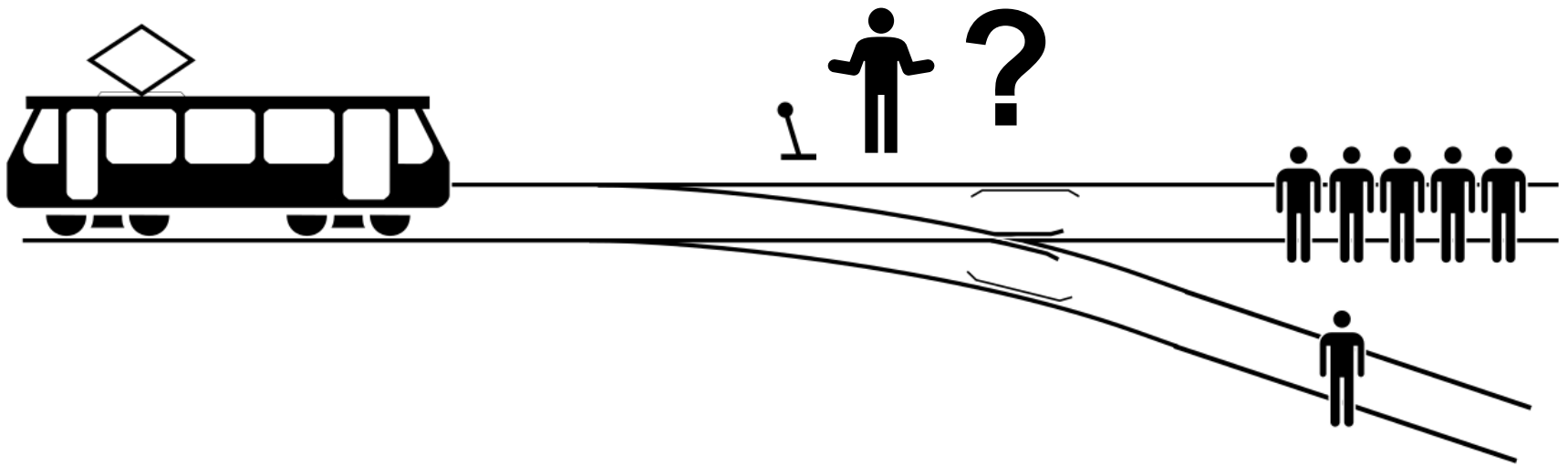
Final conclusion

- Both deontology and long-term utilitarianism reject coercion in public health

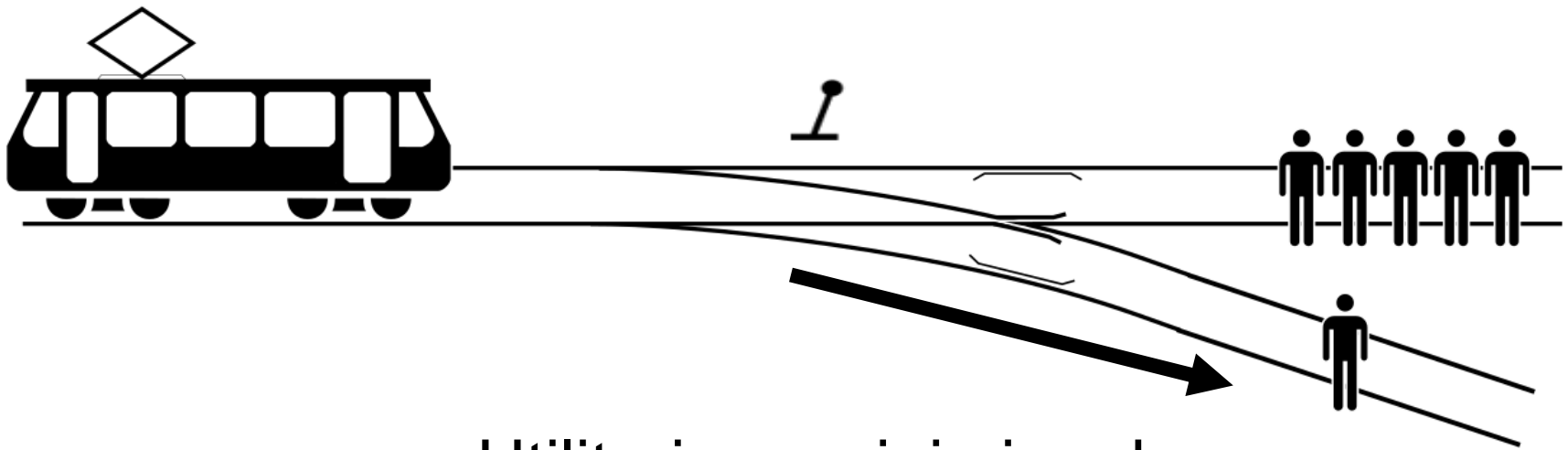
Contents

- The trolley problem
- Deontology
- Utilitarianism
- *Hic-et-nunc* utilitarianism
- Cargo Cult Science
- Case study: COVID-19 management
- Conclusions

Trolley problem

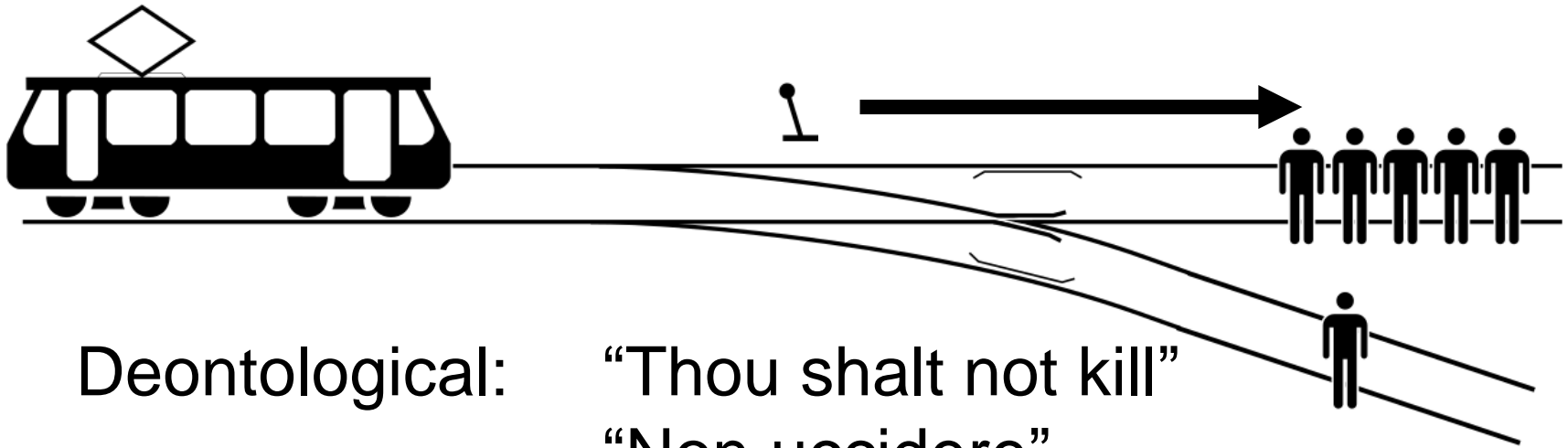


Trolley problem



Utilitarian: minimize damage
(maximize utility)

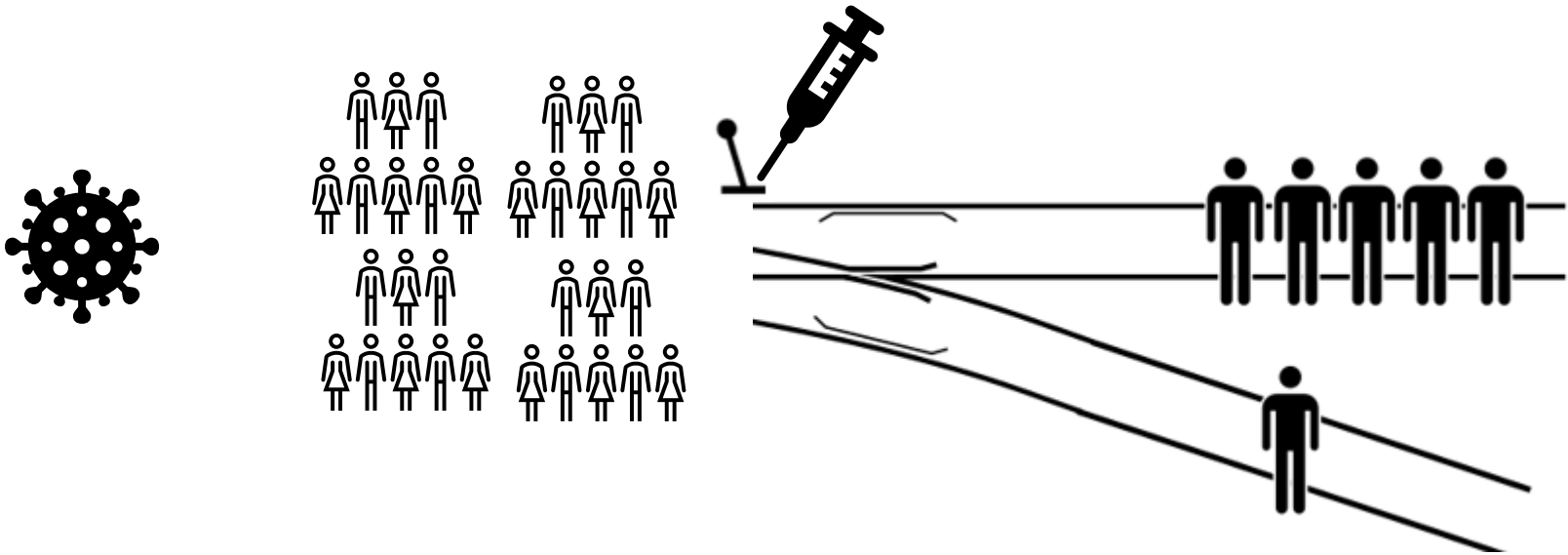
Trolley problem



Deontological: “Thou shalt not kill”
“Non uccidere”
לא תרצח

Forbidden to kill innocent
even to save many others

Mandatory vaccination: probabilistic trolley problem



Contents

- The trolley problem
- **Deontology**
- Utilitarianism
- *Hic-et-nunc* utilitarianism
- Cargo Cult Science
- Case study: COVID-19 management
- Conclusions

Deontological approach

- Based on absolute values



Immanuel Kant
1724 – 1804

Deontological decision making

- Deontological statement
 - *... all men are created equal, [and] they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness*
United States Declaration of Independence
- Medical decisions are made by the patient
 - after consultation with **his** caregiver
 - in **his** best interests as **he** perceives them

Deontological decision making

- In case of uncertainty:
DO NOT INTERFERE
- “Do your duty, while the Holy One, blessed be He, will do His” Genesis Rabbah 23:4
עשו אתם שלכם והקדוש ברוך הוא עושה את שלו

Deontology of public health

Dichotomy of coercion

- All men are endowed by their Creator with Liberty
- A man who carries an infectious disease – endangers others
 - Freedom of a person who stabs passers-by – should be restricted
 - Including coercive treatment if relevant

What is the difference?

Deontology of public health

- Stabbing – is an act
- Grabbing a grenade without safety latch – is an act
- Breathing, speaking, walking like all the people all the time – is **NOT**

A man is liable for his **acts** only

- “If there is no act, there is no punishment”
Babylonian Talmud, tractate ‘Oaths’ p. 21A

Deontology of public health

- A man is liable for his **acts** only
- Inaction is not punishable
 - even if undoubtedly caused harm
 - except for cases of explicitly accepted obligations
- ***Infection should be considered as inaction***
 - Breathing, speaking, walking is not an 'act'
- **=> No coercion** in public health

Intermediate summary

- Deontological approach rejects coercion in public health

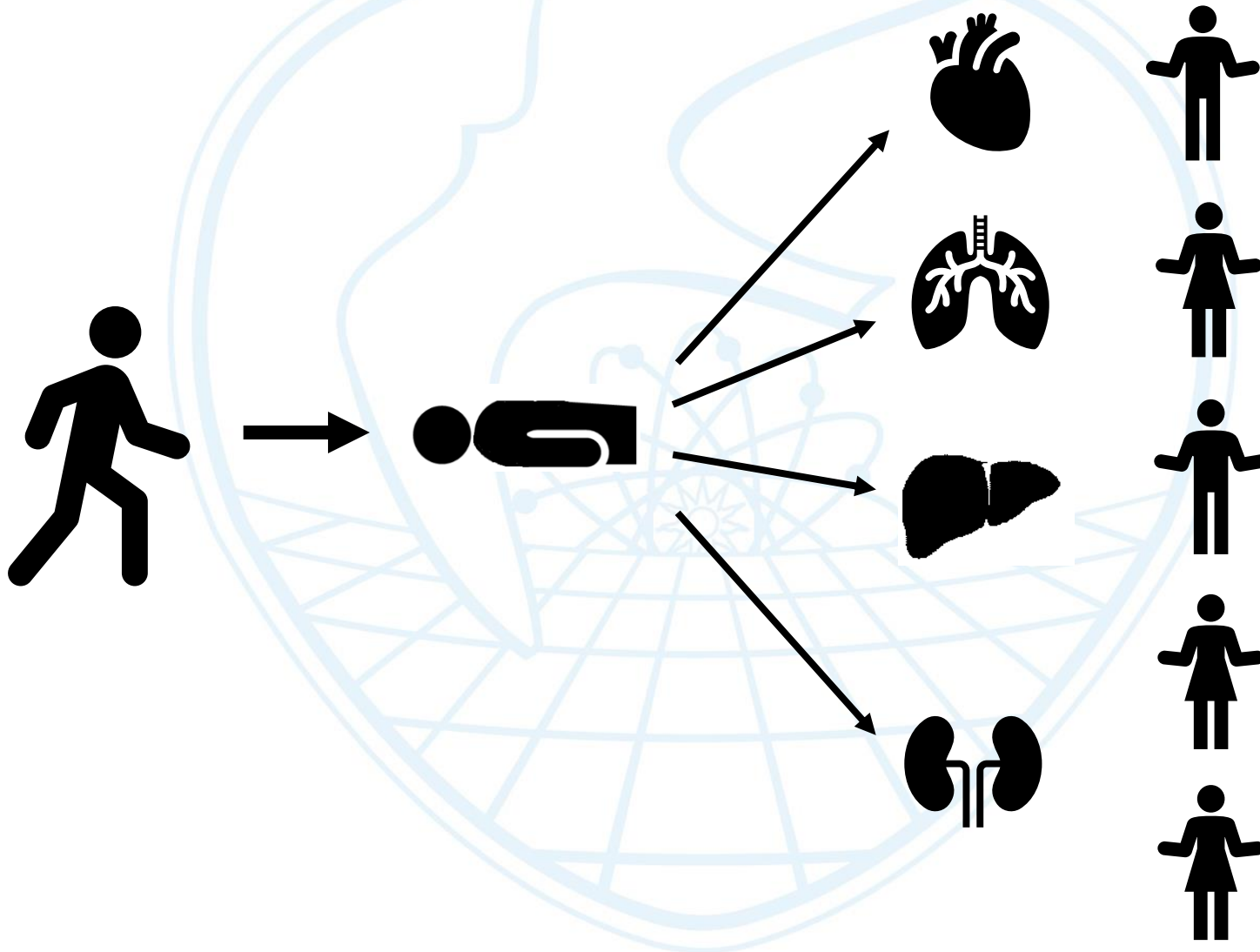
Utilitarian decision making

- Utilitarianism assumes absolute authority of *enlightened government* over ordinary *people*
- Caregiver is actually subordinated to the *enlightened government* in the best interests of the entire society

Utilitarian approach

- Is not self-consistent
 - needs deontology to define utility function
 - Multi-casualty incident: maximizing # of people saved
 - Public health: maximizing QALY (quality-adjusted life years)
- Sometimes yields unacceptable answers

Transplantation problem



Trolley vs. Transplantation

	Trolley problem	Transplantation problem
Order	First save Then kill	First kill Then save
Desirability of the negative outcome	Undesired	Crucial

Utility: the same!

Utilitarianism: uncertainty is crucial



- Rarely applicable for new diseases
- Rarely applicable in emergency

Utilitarianism: complexity is crucial

Utility function calculation is complicated

**Complicated systems are
prone to failures**

- “We have produced designs so complicated that we cannot possibly anticipate all the possible interactions of the inevitable failures;
- we add safety devices that are deceived or avoided or defeated by hidden paths in the systems.”

Charles Perrow. *Normal accidents*

Intermediate summary

- Deontological approach rejects coercion in public health
- Utilitarian approach
 - has built-in moral problems
 - is hardly applicable in situations with uncertainty

***Hic-et-Nunc* Utilitarianism** **(Here and Now)**

- Tends to fail in acute scenario
 - new disease, emergency
- Usually punishes for responsible behavior
 - long-term damage
- Slippery slope: utility function deterioration
 - long-term damage

Hic-et-Nunc Utilitarianism & acute scenario

Utility calculation is substituted by

Precautionary principle

...enables decision-makers to adopt precautionary measures when scientific evidence about [a] hazard is uncertain and the stakes are high.

[https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA\(2015\)573876](https://www.europarl.europa.eu/thinktank/en/document/EPRS_IDA(2015)573876)

- High-profile threat => no rigor science

Precautionary principle

No rigor science

Q: Was the Pfizer covid vaccine tested on stopping the transmission of the virus before it entered the market?

Pfizer: No, you know, we had to, really, move at the speed of science.



October 11, 2022

European Parliament

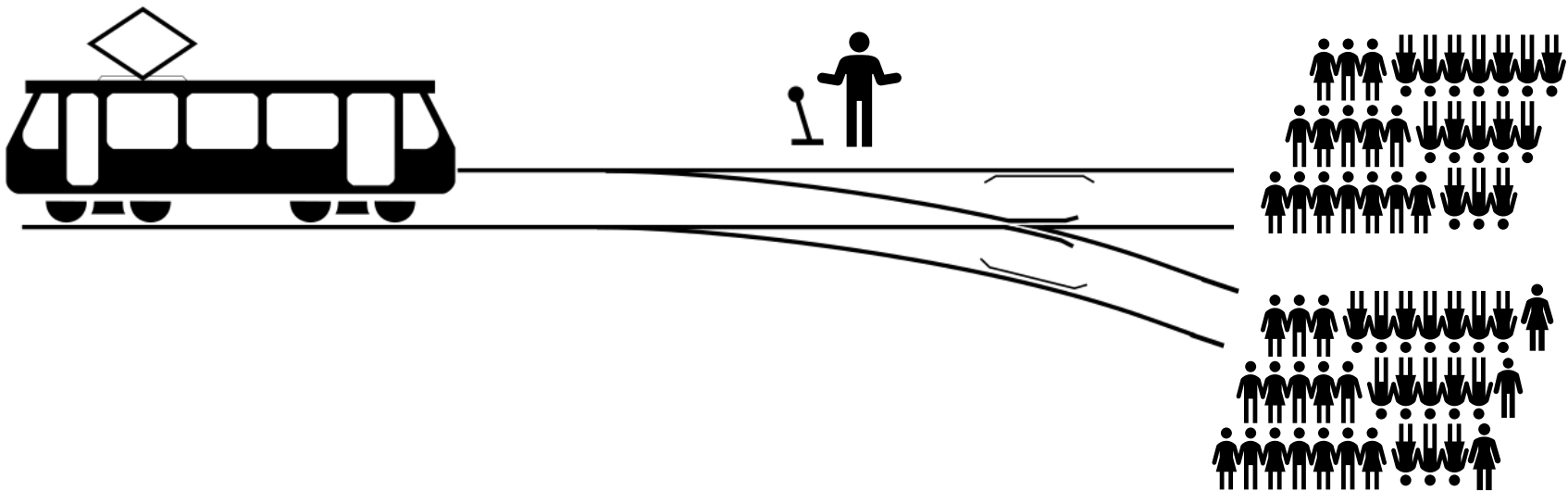
<https://youtu.be/noJO5DBe7x0>

Hic-et-Nunc Utilitarianism & Precautionary principle

- High-profile threat => no rigor science
- Trends
 - overestimating threat
 - underestimating total cost (monetary and human) of counter-measures

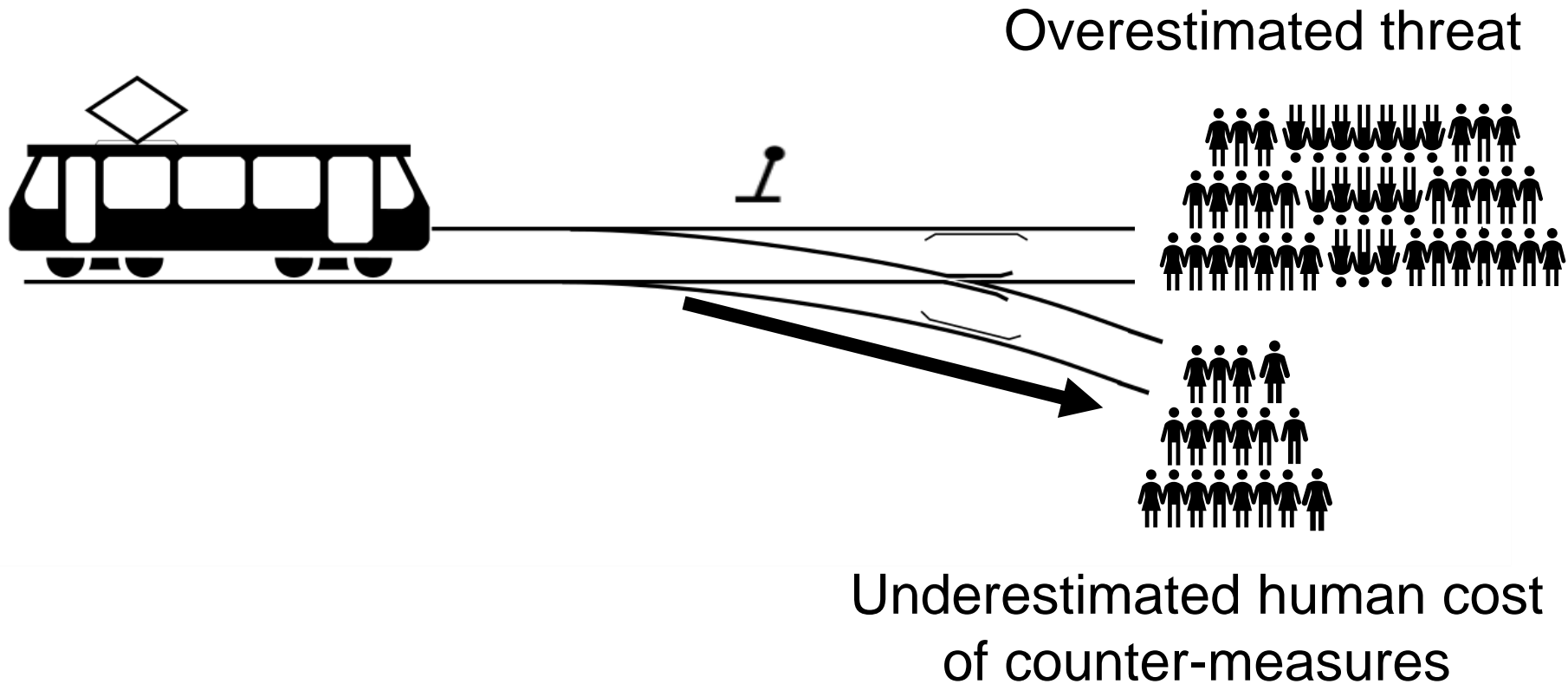
Precautionary principle

- overestimating threat
- underestimating total cost (monetary and human) of counter-measures



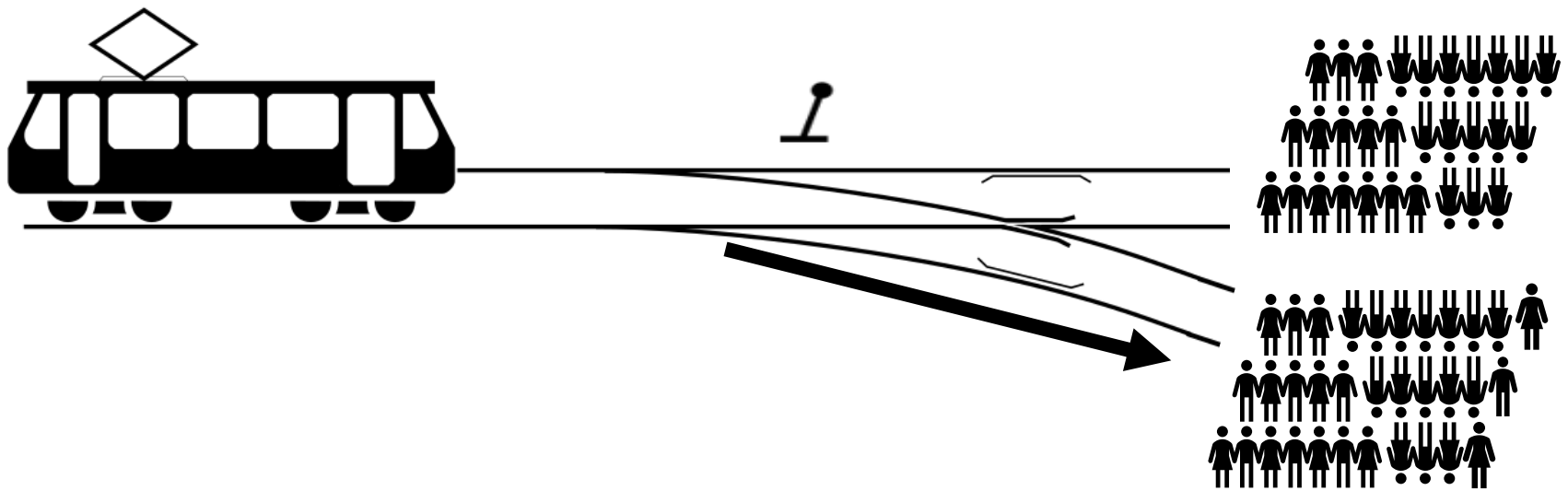
Precautionary principle

Perceived outcomes



Precautionary principle

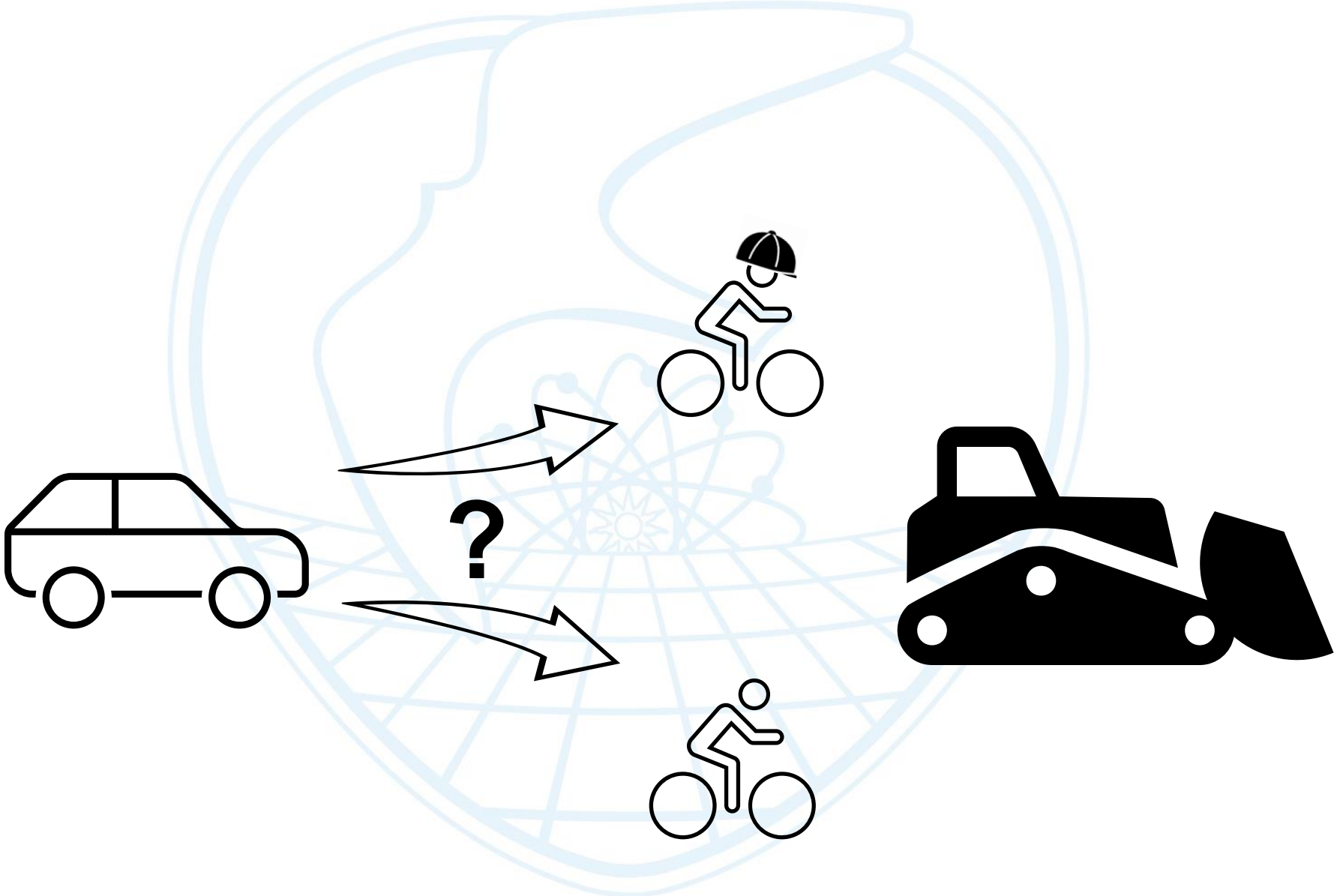
Actual outcome



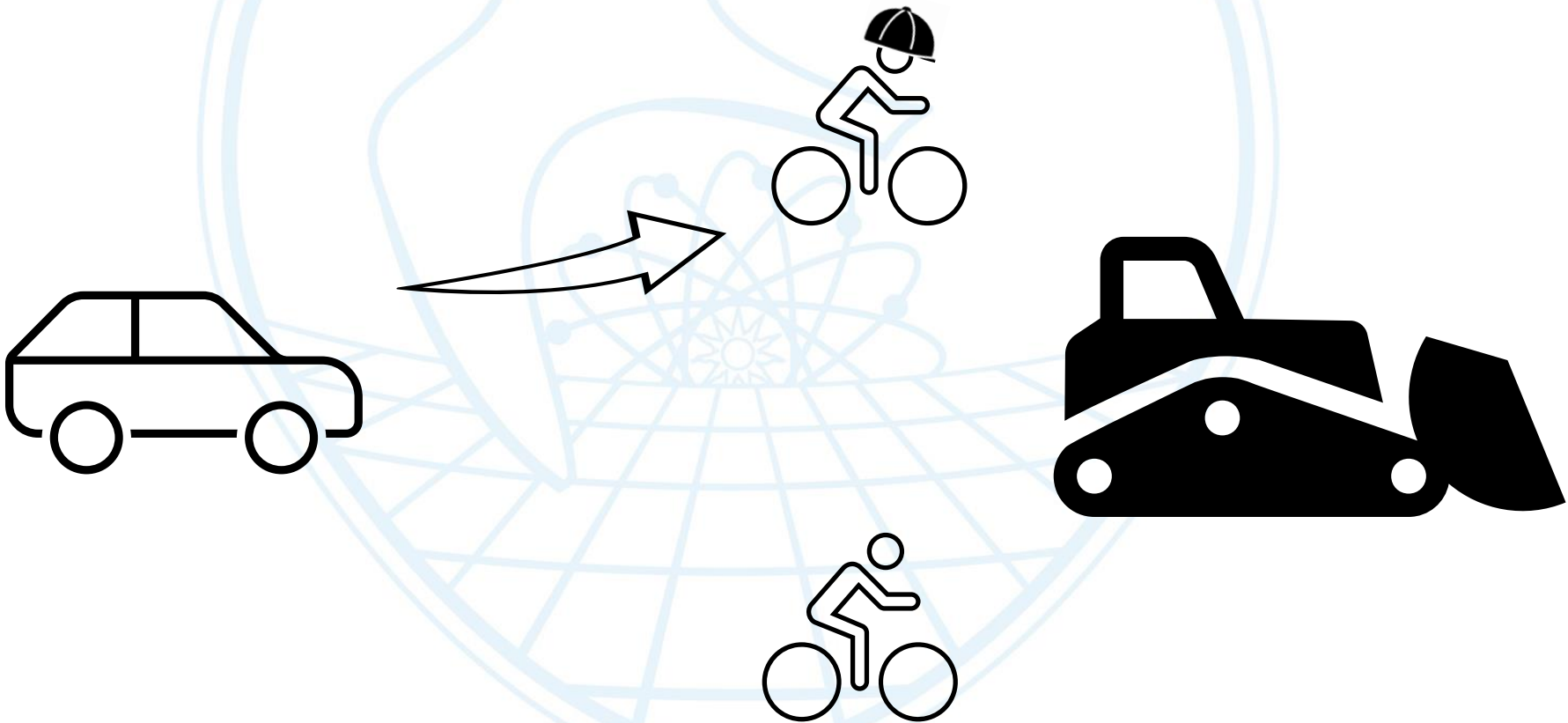
***Hic-et-Nunc* Utilitarianism**

(Here and Now)

- Tends to fail in acute scenario
 - new disease, emergency
- Usually punishes for responsible behavior
 - long-term damage
- Slippery slope: utility function deterioration
 - long-term damage



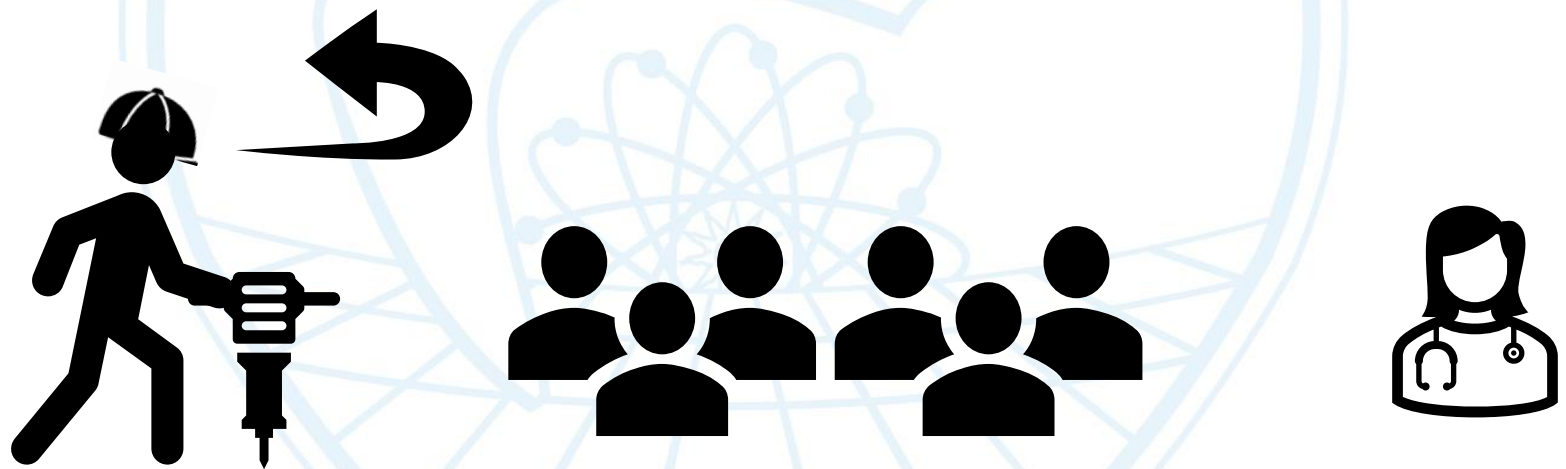
Hic-et-Nunc Utilitarianism punishes for responsible behavior



Single-payer healthcare



Single-payer healthcare



Hic-et-Nunc Utilitarianism (Here and Now)

- Tends to fail in acute scenario
 - new disease, emergency
- Usually punishes for responsible behavior
 - long-term damage
- Slippery slope: utility function deterioration
 - long-term damage

Decisions are being made by humans

- “*Errare humanum est*” (to err is human)
- Sincere desire to benefit the humankind
 - => trend to **coercion**
- Desire to expand authority (*Jasay model*)
 - => trend to **coercion**
- Desire to expand funds (*Niskanen model*)
 - => trend to **coercion**

Decisions are being made by humans

- “*Errare humanum est*” (to err is human)

Decisions for other people

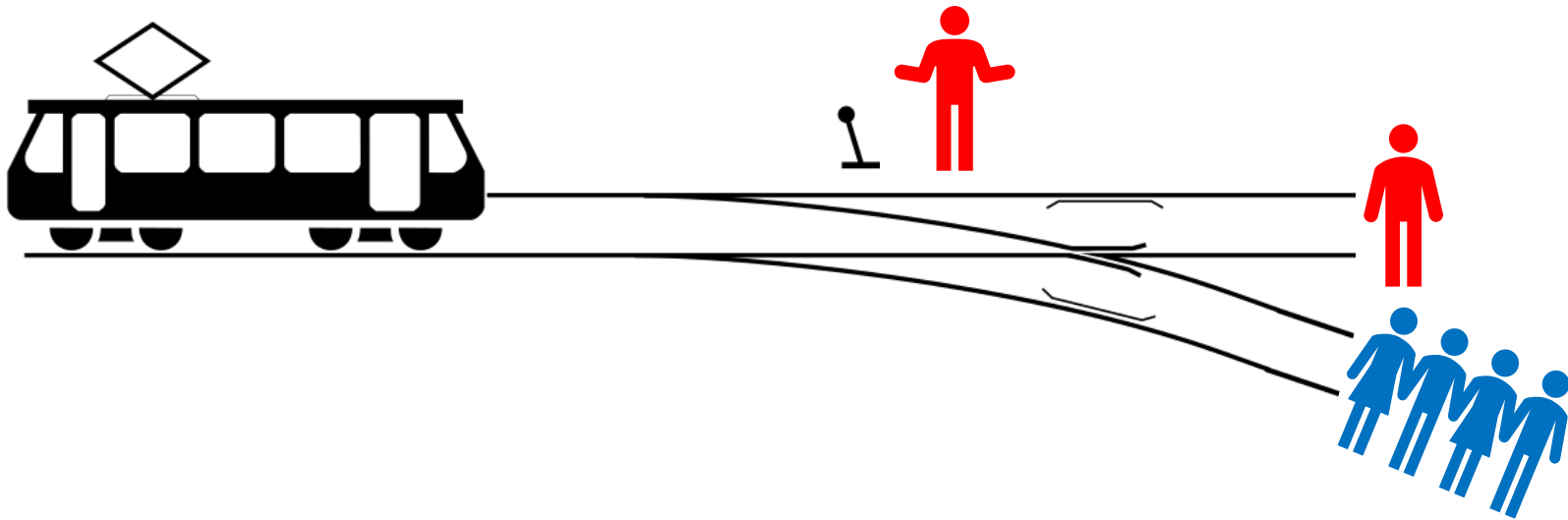
=> **Implicit conflict of interest**

“A bribe blinds the eyes of the wise, and perverts the words of the righteous.”

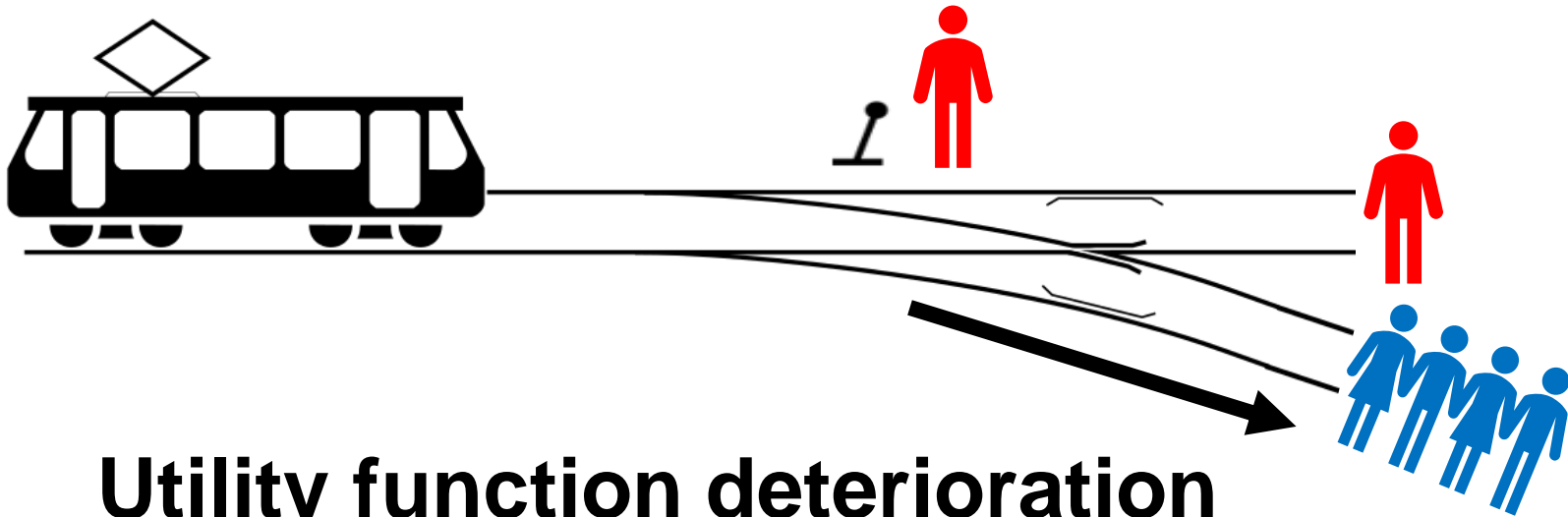
Deuteronomy 16:18

Hic-et-Nunc Utilitarianism: Utility function deterioration

“Errare humanum est”



Hic-et-Nunc Utilitarianism: Slippery slope



Utility function deterioration

- Benefit of the decision makers,
- not of the society

Intermediate summary

- Deontological approach rejects coercion in public health
- Utilitarian approach
 - is hardly applicable in situations with uncertainty
 - has built-in moral problems
 - **leads to a slippery slope**
 - if *hic-et-nunc* utility is calculated

Follow the Science!



- Follow the science!

Dr. Anthony Fauci

Chief Medical Advisor to the US President



Cargo cult

- World War II: US troops built airstrips on small Pacific Islands.
- The planes brought all kinds of magnificent **cargo**: clothing, food, medicine, tents, ...
- [After the War, local people] have arranged to make things like runways, to put fires along the sides of the runways, to make a wooden hut for a man to sit in, with two wooden pieces on his head like headphones and bars of bamboo sticking out like antennas—he's the controller—and they wait for the airplanes to land.
- And the cult leader would promise that the planes would show up and bring **more cargo**.

<https://medium.com/@tgof137/cargo-cult-investing-ce232cf34c46>
<https://calteches.library.caltech.edu/51/2/CargoCult.htm>

Cargo cult



Cargo cult

follows progress



Cargo Cult Science



Richard Feynman (1918-1988)
Nobel Prize in Physics (1965)

- They're doing everything right. The form is perfect. It looks exactly the way it looked before.
- But it doesn't work. No airplanes land.
- So I call these things Cargo Cult Science, because **they follow all the apparent precepts and forms of scientific investigation, but they're missing something essential, because the planes don't land.**

Some remarks on science, pseudoscience, and learning how to not fool yourself. Caltech's 1974 commencement address.



**Utilitarianism of
COVID-19 crisis management**

Preparedness plans

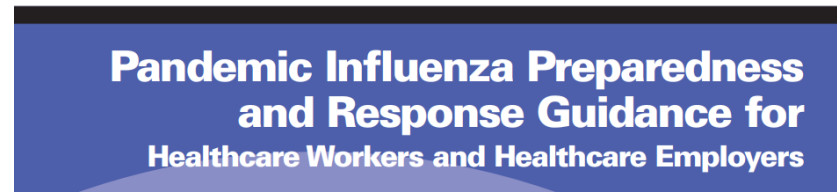
www.salute.gov.it/imgs/C_17_pubblicazioni_501_allegato.pdf

**PIANO NAZIONALE DI PREPARAZIONE E RISPOSTA AD UNA
PANDEMIA INFLUENZALE**

2006



**UK Influenza Pandemic
Preparedness Strategy 2011**



2009



2019

Preparedness plans



Non-pharmaceutical
public health measures
for mitigating the risk and
impact of **epidemic** and
pandemic influenza

- social distancing measures “can be highly disruptive” and should be carefully weighted
- travel-related measures are “unlikely to be successful”
- “border closures may be considered only by small island nations in severe pandemics”
- contact tracing and quarantine of exposed individuals are not recommended in any circumstances.

Crisis management presumptions

- COVID consequences grave until proven otherwise
- ‘Misinformation’ should be silenced ***at any cost***
- Government-imposed measures – *lockdowns, face masks, vaccines* – safe and effective until proven otherwise
- Other measures – *HQC, Ivermectin* etc. – deadly until proven otherwise

Example

<https://www.bbc.com/news/uk-scotland-63097142> :

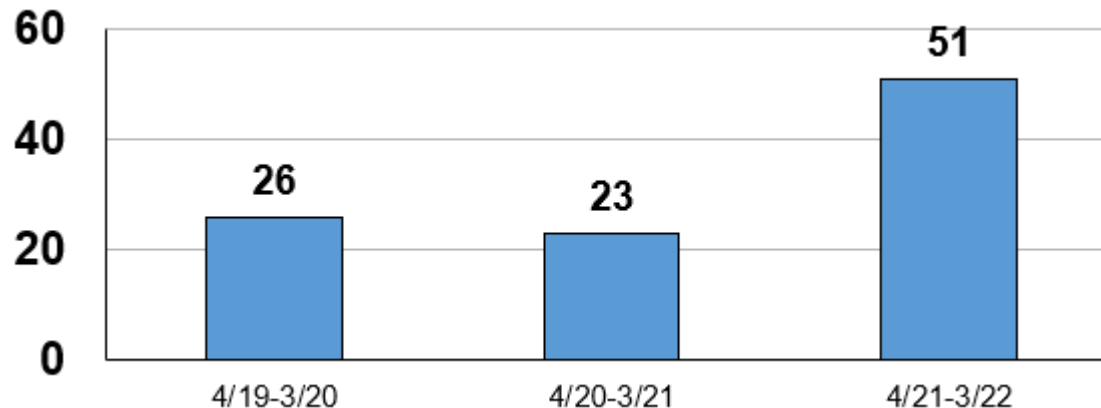
- Average mortality rate among newborns: 2.0 per 1,000 births.
- 2020: 3.1 per 1,000 births
- 2021: 3.9 per 1,000

SCOTLAND

ISRAEL

Neonatal deaths, 0-27 days

Maccabi Healthcare Services
2.4M members



Thanks to Mr. David Shuldman

www.facebook.com/photo/?fbid=539951418047536&set=pcb.539951601380851

Example: Scotland 2021

<https://www.bbc.com/news/uk-scotland-63097142> :

- Average mortality rate among newborns: 2.0 per 1,000 births.
- 2020: 3.1 per 1,000 births
- 2021: 3.9 per 1,000

<https://www.heraldsotland.com/news/23028843.covid-scotland-vaccines-ruled-cause-neonatal-deaths-spike/?ref=rss>

- Public Health Scotland Nov 2021: “We do not have any plans to examine maternal vaccination status, as there is no public health reason to do so”.

“identifying the vaccination status of the mothers, even at aggregate level, would result in harm ... through actual or perceived judgement of the effects of ... vaccination decision”

Primum non nocere?

Evidence-based medicine?

Thanks to Dr. John Campbell

<https://www.youtube.com/watch?v=wj4rE0LrpR0>

Example 2. White House: “We're Flagging Problematic Posts for Facebook”

White House Works to Increase Vaccinations and Silence 'Misinformation'



<https://www1.cbn.com/cbnnews/politics/2021/july/were-flagging-problematic-posts-for-facebook-as-covid-cases-rise-white-house-works-to-increase-vaccinations-and-silence-misinformation>

Censorship



- Facebook
- Twitter
- YouTube
- Peer-review journals
- **Medical Boards**

White House:

“We're Flagging Problematic Posts for Facebook”

White House Works to Increase Vaccinations and Silence 'Misinformation'



**Silencing misinformation
or
scientific discussion?**




Follow all the apparent precepts and forms of scientific investigation, but missing something essential?

Adverse events following COVID-19 vaccination

- Changes of ECG parameters after BNT162b2 vaccine in the senior high school students | **Eur J Pediatr** (2023). <https://doi.org/10.1007/s00431-022-04786-0>
- Surveillance of COVID-19 vaccine safety among elderly persons aged 65 years and older | **Vaccine** 2023;41(2) 532-539
- Serious adverse events of special interest following mRNA COVID-19 vaccination in randomized trials in adults | **Vaccine**. 2022 Sep 22;40(40):5798-5805
- Cardiovascular Manifestation of the BNT162b2 mRNA COVID-19 Vaccine in Adolescents - **Trop Med Infect Dis**. 2022 Aug 19;7(8):196
- Risk of myopericarditis following COVID-19 mRNA vaccination in a large integrated health system: A comparison of completeness and timeliness of two methods - **Pharmacoepidemiol Drug Saf**. 2022 Aug;31(8):921-925
- Autopsy-based histopathological characterization of myocarditis after anti-SARS-CoV-2-vaccination | SpringerLink
- Pre-exposure to mRNA-LNP inhibits adaptive immune responses and alters innate immune fitness in an inheritable fashion | **PLOS Pathogens**
- SARS-CoV-2 vaccine and increased myocarditis mortality risk: A population based comparative study in Japan | medRxiv
- Adverse effects of COVID-19 mRNA vaccines: the spike hypothesis: Trends in Molecular Medicine
- **Vaccines** | Free Full-Text | A Case Report: Multifocal Necrotizing Encephalitis and Myocarditis after BNT162b2 mRNA Vaccination against COVID-19
- Adverse events following COVID-19 vaccination: A systematic review and meta-analysis | **Int Immunopharmacol**. 2022 Aug; 109: 108906

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infoCitation
ToolsExtended essay <http://dx.doi.org/10.1136/jme-2022-108449>

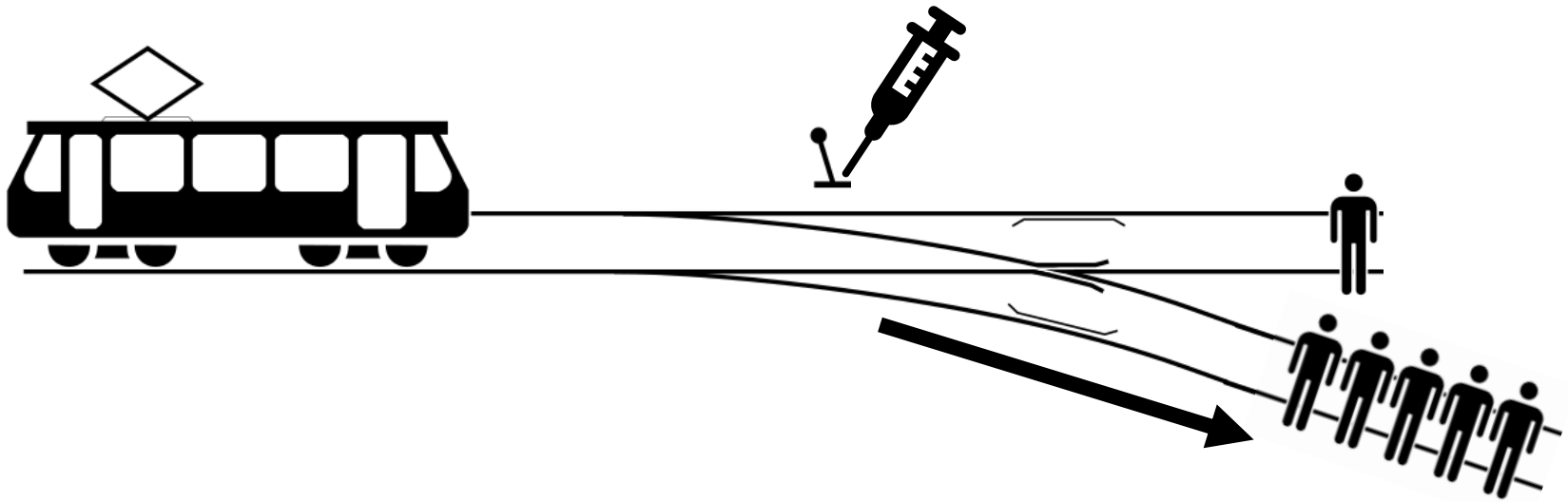
COVID-19 vaccine boosters for young adults: a risk benefit assessment and ethical analysis of mandate policies at universities

Kevin Bardosh^{1, 2},  Allison Krug³, Euzebiusz Jamrozik⁴, Trudo Lemmens⁵, Salmaan Keshavjee⁶, Vinay Prasad⁷, Marty A Makary⁸,  Stefan Baral⁹,  Tracy Beth Høeg^{10, 11}

Correspondence to Dr Euzebiusz Jamrozik, University of Oxford Wellcome Centre for Ethics and Humanities, Oxford, OX3 7LF, UK; euzebiusz.jamrozik@ethox.ox.ac.uk

... per **[one] COVID-19 hospitalisation prevented**, we anticipate at least **18.5 serious adverse events from mRNA vaccines**, including 1.5–4.6 booster-associated myopericarditis cases in males (typically requiring hospitalisation)

Is it really what happened?



We do not know for sure.

But...

White House Works to Increase Vaccinations and Silence 'Misinformation'



**Legitimate scientific
discussion was
silenced**

Utilitarianism of COVID-19 crisis management

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- 'Misinformation' should be silenced **at any cost**
- Government-imposed measures – *lockdowns, face masks, vaccines* – safe and effective until proven otherwise
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Primum non nocere?

Evidence-based medicine?

Science – or Cargo Cult Science?

Conclusions

- Deontology rejects coercion in public health
- *Hic-et-nunc* (here and now) utilitarianism
 - is hardly applicable in situations with uncertainty
 - has built-in moral problems
 - **leads to a slippery slope**
- *Deontology* and ***long-term utilitarianism***: both **reject coercion** in public health

Further reading

- Socol Y, Y.Y. Shaki and M Yanovskiy. Interests, Bias, and Consensus in Science and Regulation. *Dose-Response* 17/2 (2019) 1559325819853669
- Socol Y and Y.Y. Shaki. Vaccinations: Mandatory or Voluntary? Risk–Benefit Analysis. *Dose-Response* 18 (2), 1559325820920116 (2020)
- Yanovskiy M, Levi ON, Shaki YY, Zigdon A, and Socol Y. Cost-Effectiveness Threshold for Healthcare: Justification and Quantification. *INQUIRY: The Journal of Health Care Organization, Provision, and Financing*. 59 (2022), 1-8. DOI: 10.1177/00469580221081438
- Yanovskiy M and Socol Y. Are Lockdowns Effective in Managing Pandemics? *International Journal of Environmental Research and Public Health* 19 (2022), 9295. <https://doi.org/10.3390/ijerph19159295>
- Socol Y, M Yanovskiy and Y.Y. Shaki. Judeo-Christian Analysis of the COVID-19 Crisis and Its Management. *Journal of the Sociology and Theory of Religion* (2023)

Conclusions

- Deontology rejects coercion in public health
- *Hic-et-nunc* (here and now) utilitarianism
 - is hardly applicable in situations with uncertainty
 - has built-in moral problems
 - **leads to a slippery slope**
- *Deontology* and ***long-term utilitarianism***: both **reject coercion** in public health

Thank you!



Appendices

Whoever denigrates...

English Edition ▾

Medscape Thursday, January 5, 2023

NEWS & PERSPECTIVE

DRUGS & DISEASES

CME & EDUCATION

ACADEMY

VIDEO

Perspective > Medscape Business of Medicine > Ethics: Today's Hot Topics

COMMENTARY

Florida Heads Down a Dangerous COVID Road: Ideology First, Science Second

Arthur L. Caplan, PhD

[DISCLOSURES](#) | December 28, 2022

- Whoever denigrates others, denigrates them with a blemish that he himself possesses (*Maimonides*)
- https://www.chabad.org/library/article_cdo/aid/960667/jewish/Issurei-Biah-Chapter-Nineteen.htm

Facebook censors *The BMJ*

thebmj

covid-19 Research ▾ Education ▾ News & Views ▾ Campaigns ▾ Jobs ▾

Facebook versus the BMJ: when fact checking goes wrong

BMJ 2022 ; 376 doi: <https://doi.org/10.1136/bmj.o95> (Published 19 January 2022)

Cite this as: *BMJ* 2022;376:o95

Article

Related content

Metrics

Responses

Rebecca Coombes, head of journalism, Madlen Davies, investigations editor

Author affiliations ▾

Correspondence to R Coombes rcoombes@bmj.com

The BMJ has locked horns with Facebook and the gatekeepers of international fact checking after one of its investigations was wrongly labelled with “missing context” and censored on the world’s largest social network. **Rebecca Coombes** and **Madlen Davies** report

<https://www.bmj.com/content/376/bmj.o95>

Twitter censors *Martin Kulldorff*



Tweet

<https://twitter.com/MartinKulldorff/status/1371638485686358018>




Martin Kulldorff

@MartinKulldorff



No. Thinking that everyone must be vaccinated is as scientifically flawed as thinking that nobody should. COVID vaccines are important for older high-risk people, and their care-takers. Those with prior natural infection do not need it. Nor children.

 **Misleading**

Learn why health officials recommend a vaccine for most people. [Find out more](#)

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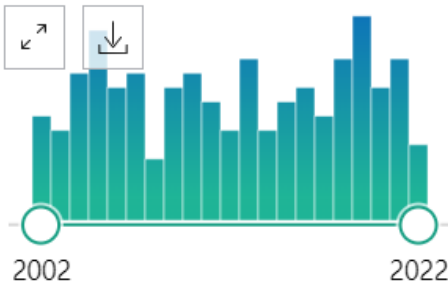
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168 results

Page 1 of 4

RESULTS BY YEAR



TEXT AVAILABILITY

Abstract

Understanding the exceptional pre-vaccination Era East Asian COVID-19 outcomes.

1

Cite Bhattacharya J, Magness P, **Kulldorff M**.

Adv Biol Regul. 2022 Dec;86:100916. doi: 10.1016/j.jbior.2022.100916. Epub 2022 Oct 17.

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PMID: 36328937 [Free PMC article.](#)

Sequential Data-Mining for Adverse Events after Recombinant Herpes Zoster Vaccination Using the Tree-Based Scan Statistic.

2

Cite Yih WK, **Kulldorff M**, Dashevsky I, Maro JC.

Am J Epidemiol. 2022 Oct 13;kwac176. doi: 10.1093/aje/kwac176. Online ahead of print.

Share

PMID: 36227263

YouTube censors Florida governor

<https://www.youtube.com/watch?v=-V7ZqnoKdUQ>



ROUND TABLE DISCUSSION WITH GOV RON DeSANTIS
MARCH 18, 2021

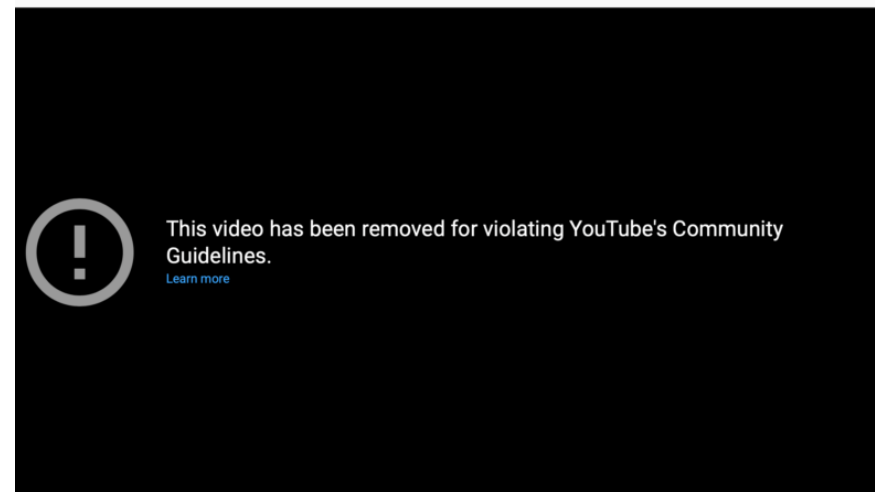


The governor was joined by former White House Coronavirus Advisor **Dr Scott Atlas** and the Great Barrington Authors, **Prof Sunetra Gupta** of the University of Oxford, **Dr Jay Bhattacharya** of Stanford University and **Dr Martin Kulldorff** of Harvard University

CENSORED

	PubMed publications
Sunetra Gupta	88
Jay Bhattacharya	126
Martin Kulldorff	168

Available: <https://did.li/abirballan>



Review

> Curr Probl Cardiol. 2021 Sep 30;101011. doi: 10.1016/j.cpcardiol.2021.101011.

Online ahead of print.

WITHDRAWN: A Report on Myocarditis Adverse Events in the U.S. Vaccine Adverse Events Reporting System (VAERS) in Association with COVID-19 Injectable Biological Products

Jessica Rose ¹, Peter A McCullough ²

Affiliations + expand

PMID: 34601006 PMCID: PMC8483988 DOI: 10.1016/j.cpcardiol.2021.101011

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<https://pubmed.ncbi.nlm.nih.gov/34601006>

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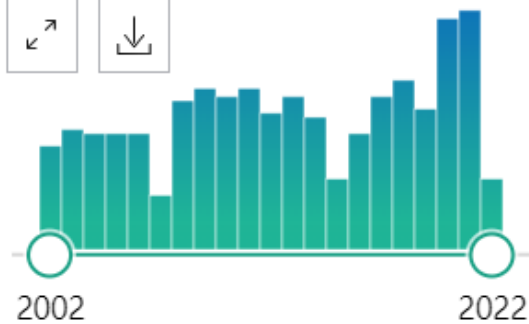
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625 results

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RESULTS BY YEAR



TEXT AVAILABILITY

Abstract

1 [Mitogen Activated Protein Kinase \(MAPK\) Activation, p53, and Inhibition Characterize the Severe Acute Respiratory Syndrome \(SARS-CoV-2\) Spike Protein Induced Neurotoxicity.](#)

Cite
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Kyriakopoulos AM, Nigh G, **McCullough PA**, Seneff S.
Cureus. 2022 Dec 9;14(12):e32361. doi: 10.7759/cureus.32361. eCollection 2022
PMID: 36514706 [Free PMC article.](#) [Review.](#)

2 [Letter in reply: more power to ivermectin multidrug therapy.](#)

Hazan S, Dave S, Borody TJ, **McCullough PA**.
Future Microbiol. 2022 Nov;17:1283-1285. doi: 10.2217/fmb-2022-0184. Epub 20
PMID: 36134721 [No abstract available.](#)

...follow all the apparent precepts and forms of scientific investigation, but missing something essential – **it does not work**

Covid, Gemmato: "Senza vaccini sarebbe andata peggio? Non c'è prova"

15 novembre 2022 | 10.13

LETTURA: 2 minuti



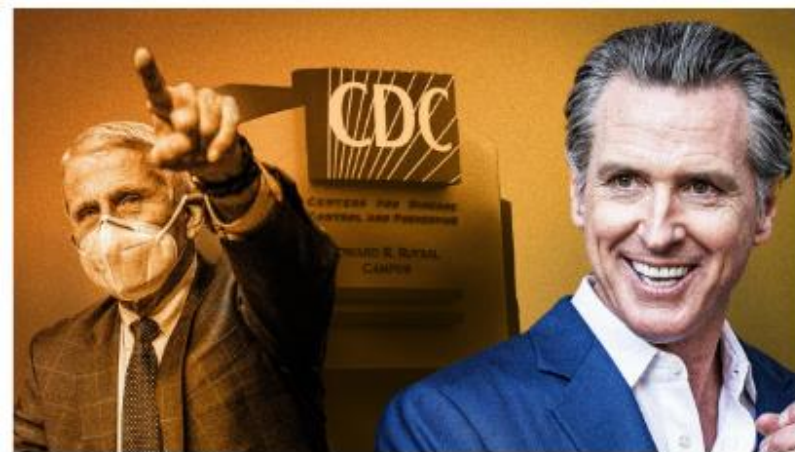
Il sottosegretario alla Salute: "Italia è prima per mortalità, quindi questi grandi risultati non li vedo raggiunti". La replica di Bassetti: "Un bel tacer non fu mai scritto"

https://www.adnkronos.com/covid-gemmato-senza-vaccini-sarebbe-andata-peggio-non-ce-prova_1nZoU1RoeR3eY8r2KFmbZK

California Law Strips Licenses from 'Misinformation'-Spreading Doctors

"You have this looming power over you that essentially can end your career," says Stanford's Jay Bhattacharya.

ZACH WEISSMUELLER | 12.6.2022 12:45 PM



A new California law gives the state unprecedented control over what doctors can say to their patients about COVID-19.

"We've got to stop the disinformation pipeline," an emergency physician supporting California's AB 2098 told the California Assembly in April.

Stanford economist and medical school professor Jay Bhattacharya, a leading critic of the law, says that it "puts the [Center for Disease Control] in the same room with the doctor and the patient," violating a basic trust.

<https://reason.com/video/2022/12/06/california-law-strips-licenses-from-misinformation-spreading-doctors/>

Nov. 17, 2021, 2:29 PM IST / Updated Nov. 17, 2021, 8:42 PM IST

By Marlene Lenthang

[Dr. Mary Bowden](#), the Texas doctor who had her privileges suspended last week by Houston Methodist for spreading "dangerous misinformation" about Covid-19 on social media, has resigned from the hospital.

She called vaccine mandates "wrong" and touted the controversial drug ivermectin as a treatment for Covid-19 multiple times on her Twitter account, despite public health officials warning against it.

<https://www.nbcnews.com/news/us-news/suspended-texas-doctor-promoted-ivermectin-covid-treatment-resigns-hos-rcna5833>

MIT-educated anti-vaxxer doctor who treated COVID patients with Ivermectin and hydroxychloroquine has her license suspended and must undergo psychiatric evaluation 'for spreading misinformation'

- **Dr Meryl Ness, 70, had her medical license suspended in Maine over COVID misinformation**
- **Maine's Board of Licensure in Medicine voted to have Ness, who has been practicing medicine for four decades, undergo psychiatric evaluation**
- **Ness is accused of prescribing COVID patients anti-parasite drug Ivermectin and malaria drug Hydroxychloroquine**
- **Some patients ended up in the hospital, one of them having to be intubated**
- **She also prescribed Hydroxychloroquine to a pregnant COVID patient**
- **Ness admitted to the board that she lied to a pharmacist that her patient had Lyme disease to obtain Hydroxychloroquine to treat COVID**
- **MIT-educated internist is affiliated with anti-vaxx group and has called CDC a 'criminal agency'**

<https://www.dailymail.co.uk/news/article-10411699/Doctor-treated-COVID-patients-Ivermectin-license-suspended.html>