

VOLUME 25

NUMBER 4

OCTOBER 2016

SPECIAL  
ISSUE

# CQ

---

*Cambridge*

---

*Quarterly of*

---

*Healthcare*

---

*Ethics*

---

*A Quarterly Journal Devoted to  
Engaging a World Community of  
Bioethicists*

**CAMBRIDGE**  
UNIVERSITY PRESS



*Clinical Neuroethics*

# CQ

## Cambridge Quarterly of Healthcare Ethics

A Quarterly  
Journal Devoted  
to Engaging a  
World Community  
of Bioethicists

### EDITORS

Thomasine Kushner, PhD, *University of California, Berkeley*  
Steve Heilig, MPH, *San Francisco Medical Society*

### ASSOCIATE EDITORS

Matti Häyry, *School of Law, University of Manchester, England*  
Tuija Takala, *University of Helsinki, Finland*

David C. Thomasma, PhD, Co-Editor, 1992–2002

Neuroethics Network/Cambridge Consortium for Bioethics Education/International Bioethics Retreat

<http://www.icmbioethics.com/cambridge-home.html>

### EDITORIAL BOARD

Akira Akabayashi, *Kyoto University, Japan*  
William Andereck, *Medicine and Human Values, California Pacific Medical Center, San Francisco*  
Daniel Callahan, *The Hastings Center, Garrison, New York*  
Arthur Caplan, *Division of Medical Ethics, NYU Langone Medical Center, New York*  
Andrew Dobson, *Keele University, England*  
Denise Dudzinski, *Department of Bioethics and Humanities, University of Washington School of Medicine*  
Joseph J. Fins, *Division of Medical Ethics, Weill Medical College of Cornell University, New York*  
Leonard M. Fleck, *Center for Ethics and Humanities, Michigan State University*  
Paul J. Ford, *Department of Bioethics, Cleveland Clinic*  
James Giordano, *Georgetown University Medical Center*  
Amnon Goldworth, *Stanford University School of Medicine*  
John Harris, *University of Manchester, England*  
Gerrit K. Kimsma, *Vrije Universiteit Amsterdam*  
Eric M. Meslin, *Indiana University Center for Bioethics, Indianapolis*  
Christine Mitchell, *Center for Bioethics, Harvard Medical School*  
Jonathan D. Moreno, *Center for Bioethics, University of Pennsylvania School of Medicine, Philadelphia*  
Rosamond Rhodes, *Mount Sinai School of Medicine, New York*  
Pablo Rodriguez del Pozo, *Weill Medical College of Cornell University in Qatar*  
Doris Schroeder, *Centre for Professional Ethics, University of Central Lancashire, England*  
Robyn Shapiro, *Center for the Study of Bioethics, Medical College of Wisconsin*  
Pavel Tichtchenko, *Institute of Philosophy, Academy of Science, Moscow, Russia*  
Griffin Trotter, *Center for Health Care Ethics, Saint Louis University*  
Mark R. Wicclair, *University of Pittsburgh & West Virginia University*

### SECTION EDITORS

Bioethics and Literature  
Antonio Casada Rocha, *University of the Basque Country, Spain*

Bioethics (Re)Considered  
Raymond DeVries, *University of Michigan*  
Jill Fisher, *University of North Carolina*

Bioethics and Information Technology  
Kenneth W. Goodman, *University of Miami*

By Invitation  
John Harris, *University of Manchester, England*

The Great Debates  
D. Michah Hester, *University of Arkansas*  
Alissa H. Swota, *University of North Florida*

CQ Review  
Greg Loeben, A.T. *Still University-School of Health Management*

Ethics Committees and Consultants at Work  
Ruchika Mishra, *California Pacific Medical Center, San Francisco*

The Caduceus in Court  
Jennifer Chandler, *University of Ottawa, Canada*  
Ben A. Rich, *University of California, Davis*

Health and Human Rights  
Doris Schroeder, *University of Central Lancashire, England*

Dissecting Politics  
Matti Häyry, *Aalto University, Helsinki, Finland*  
Tuija Takala, *University of Helsinki, Finland*

Professionalism  
David Barnard, *Oregon Health and Science University*  
Mark R. Wicclair, *University of Pittsburgh and West Virginia University*

Pediatric Ethics  
Kellie R. Lang, *Medical College of Wisconsin*  
Douglas J. Opel, *Seattle Children's Hospital*

### The Cambridge Bioethics Education Working Groups: Connecting Bioethics Educators Around the World

The purpose of the Cambridge Bioethics Education Working Groups is to encourage people and institutions to work together on developing bioethics education in their countries. These focus groups invite others to share their information and develop mutual projects to further how bioethics is taught in universities, hospitals, and for the general public.  
[journals.cambridge.org/bioethics](http://journals.cambridge.org/bioethics)

### Clinical Neuroethics ADVISORY BOARD

EDITOR  
Thomasine Kushner  
*University of California, Berkeley*  
[kushnertk@gmail.com](mailto:kushnertk@gmail.com)

ASSOCIATE EDITOR  
James Giordano  
*Georgetown University Medical Center*

EDITORIAL BOARD  
Yves Agid  
*Institut du Cerveau et de la Moelle Épineière, France*

Jennifer Chandler  
*University of Ottawa, Canada*

Markus Christen  
*University of Zurich, Switzerland*

Joseph J. Fins  
*Weill Medical College of Cornell University, New York*

Paul J. Ford  
*Department of Bioethics, Cleveland Clinic*

Grant Gillett  
*University of Otago Medical School, New Zealand*

John Harris  
*University of Manchester, England*

Judy Illes  
*The University of British Columbia, Canada*

Philipp Kellmeyer  
*University of Freiburg Medical Center, Germany*

Catherine Madison  
*California Medical Center, San Francisco*

Christine Mitchell  
*Harvard Medical School*

Erik Parens  
*The Hastings Center, Garrison, New York*

John R. Shook  
*University at Buffalo*

Alan Yee  
*California Pacific Medical Center*

# Cambridge Quarterly of Healthcare Ethics

Volume 25, Number 4, October 2016

## CONTENTS

Contributors 565

From the Editors: Clinical Neuroethics: From Bench to  
Bedside . . . and Beyond  
THOMASINE KUSHNER AND JAMES GIORDANO 570

### *The Road Less Traveled*

The Accidental Professor  
JOHN HARRIS 574

### *Articles*

Giving Voice to Consciousness: Neuroethics, Human Rights,  
and the Indispensability of Neuroscience  
JOSEPH J. FINS 583

The Value and Disvalue of Consciousness  
WALTER GLANNON 600

Ethical and Clinical Considerations at the Intersection of  
Functional Neuroimaging and Disorders of Consciousness:  
The Experts Weigh In  
ADRIAN C. BYRAM, GRACE LEE, ADRIAN M. OWEN,  
URS RIBARY, A. JON STOESSL, ANDREA TOWNSON,  
AND JUDY ILLES 613

The Effects of Closed-Loop Medical Devices on the  
Autonomy and Accountability of Persons and Systems  
PHILIPP KELLMEYER, THOMAS COCHRANE, OLIVER MÜLLER,  
CHRISTINE MITCHELL, TONIO BALL, JOSEPH J. FINS,  
AND NIKOLA BILLER-ANDORNO 623

Culture, the Crack'd Mirror, and the Neuroethics of Disease  
GRANT GILLET 634

Deep Brain Stimulation, Continuity over Time, and  
the True Self  
SVEN NYHOLM AND ELIZABETH O'NEILL 647

Teens and Research: Should We Enroll Adolescents in Trials  
of Deep Brain Stimulation for Anorexia Nervosa?  
CAROLYN PLUNKETT NEUHAUS 659

Dementia, Advance Directives, and Discontinuity of  
Personality  
JOSEPH P. DEMARCO AND SAMUEL H. LIPUMA 674

Patient Requests for Off-Label Bioprediction of Dementia  
MATTHEW L. BAUM 686

*Contents continued*

*Contents continued*

Assessing Decision-Making Capacity in Patients with  
Communication Impairments: A Case Study  
MOLLY CAIRNCROSS, ANDREW PETERSON, ANDREA LAZOSKY,  
TENEILLE GOFTON, AND CHARLES WEIJER 691

Naturalizing Responsibility: The Role of Neuroscience in  
Addressing the Question of Moral Responsibility in Law  
and Clinical Practice  
SILVIA ZULLO 700

Don't Ask a Neuroscientist about Phases of the Moon:  
Applying Appropriate Evidence Law to the Use of  
Neuroscience in the Courtroom  
KATHERINE SHATS, TIMOTHY BRINDLEY, AND JAMES GIORDANO 712

Ethical Challenges in Contemporary FASD Research and  
Practice: A Global Health Perspective  
NINA DI PIETRO, JANTINA DE VRIES, ANGELINA PAOLOZZA,  
DOROTHY REID, JAMES N. REYNOLDS, AMY SALMON,  
MARSHA WILSON, DAN J. STEIN, AND JUDY ILLES 726

***Departments and Columns***

*CN Review*  
*How to Be Good: The Possibility of Moral Enhancement*,  
by John Harris  
REVIEWED BY JOHN COGGON 733

*Rights Come to Mind: Brain Injury, Ethics, and the Struggle  
for Consciousness*, by Joseph J. Fins  
REVIEWED BY PHILIPP KELLMAYER 738

*Biological Determinism, Free Will and Moral Responsibility:  
Insights from Genetics and Neuroscience*, by Chris Willmott  
REVIEWED BY GERARD MAGILL 741

*Pathographies: Voices of Illness*  
The Upside of Madness  
MARY T. SHANNON 744

*What Do I Do Now?*  
The Case: "It's Like It's Not Her Anymore"  
749

Commentary: Dealing with the Aftermath  
YVES AGID 750

Commentary: Old Self vs. New Self  
KARA D. BEASLEY 751

Commentary: Unexpected Benefits that Challenge  
the Orthodoxy of DBS Outcomes  
PAUL FORD 753

*Contents continued*

Commentary: The Value of Patient Benefit: Consideration  
of Framing Contingencies to Guide the Ethical Use  
of DBS—a Case Analysis

JAMES GIORDANO

755

*Responses and Dialogue*

The Medicalization of Love: Response to Critics

BRIAN D. EARP, ANDERS SANDBERG, AND JULIAN SAVULESCU

759

*Best Practices Guidelines for Publishing in the Bioethics Literature*

EDITORIAL OFFICE: Editorial correspondence, including manuscript submission, should be addressed to Thomasine Kushner, PhD. To facilitate review, please submit manuscripts as electronic copy, preferably in MS Word, to [kushnertk@gmail.com](mailto:kushnertk@gmail.com). Books for review should be sent to Greg Loeben, 2532 N. 4th Street, #442 Flagstaff, AZ 86004. Books for review on neuroethics should be sent to Thomasine Kushner, 1001 Bridgeway #A1, Sausalito, CA 94965.

SUBSCRIPTION INFORMATION: *Cambridge Quarterly of Healthcare Ethics* (ISSN 0963-1801) is published quarterly, in January, April, July, and October by Cambridge University Press, One Liberty Plaza, Floor 20, New York, NY 10006/Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK. Annual subscription rates for volume 26 (2017) USA, Canada, and Mexico/Elsewhere: Institutional rates, print and online: \$607/£378; online only: \$481/£300; print only: \$602/£376. Individual rates, print only: \$125/£76. Single part: \$173/£108. Students and retirees: \$103/£64. American Society for Bioethics and Humanities members: \$82/£49. Prices include postage. Subscription offices: One Liberty Plaza, Floor 20, New York, NY 10006, USA; outside the USA, Canada, and Mexico: Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK. Claims for missing issues should be made immediately after receipt of the next issue. *Cambridge Quarterly of Healthcare Ethics* and other Cambridge journals can be found at <http://journals.cambridge.org>.

*Cambridge Quarterly of Healthcare Ethics* is a partner journal of the American Society for Bioethics and Humanities.

Periodicals postage paid at New York, NY and additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to *Cambridge Quarterly of Healthcare Ethics*, Cambridge University Press, One Liberty Plaza, Floor 20, New York, NY 10006, USA. Send address changes elsewhere to *Cambridge Quarterly of Healthcare Ethics*, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, UK.

© Cambridge University Press 2016. All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: <http://www.cambridge.org/rights/permissions/permission.htm>

*Cambridge Quarterly of Healthcare Ethics* is indexed in Index Medicus and in the ASSIA, ISI, MEDLINE, Philosopher's Index, and Proquest databases.

Permission to copy (for users in the USA) is available from Copyright Clearance Center, <http://www.copyright.com>, email: [info@copyright.com](mailto:info@copyright.com).