Symposium Articles
Introduction: Evolution, Prevention, and Responses to Aggressive Behavior and Violence
Robert M. Sade

Evolutionary Ethics, Aggression, and Violence: Lessons from Primate Research
Frans B. M. de Waal

The research technique most widely used currently to study aggression in primates is the Relational Model, which, unlike the earlier Individual Model, places conflict and conflict resolution in social settings of groups and communities. Recent studies have suggested that conciliatory behavior after conflict is common in mammals, and is especially prominent in primates; such behaviors range along a spectrum from touching, hand-holding, grooming, and kissing to sexual intercourse. The Valuable Relationship Hypothesis—reconciliation after conflict is most intense between individuals who stand to lose a great deal if their relationship deteriorates—may have special relevance to human conflict.

Is There Value in Identifying Individual Genetic Predispositions to Violence?
David Wasserman

This article examines research that finds an association between childhood maltreatment, common genetic variations, and violence. It cautions against using such research to target violence-prone youth for early intervention and argues that its findings may have a more appropriate role to play in evaluating violent behavior than in preventing it.

Firearms, Violence, and the Potential Impact of Firearms Control
Franklin E. Zimring

This paper organizes the question of gun controls as violence policy under two quite different headings. The first issue to be discussed is the relationship between gun use and the death rate from violent crime. The second question is whether and how firearms control strategies might reduce the death rate from violence. Gun control is a potential life-saving tool but only if the use of guns in attack can be reduced, and achieving that in our city streets will neither be easy nor cheap.

The Production of Criminal Violence in America: Is Strict Gun Control the Solution?
Lance K. Stell

There are many arguments for pursuing a broad policy initiative that seeks to impose gun-scarcity on America’s general population. This article argues instead that an empirical analysis of America’s homicide rate over the last 100 years shows that there is no causal connection between the percentage of homicides committed with firearms and the overall homicide rate.

Controlling Communications That Teach or Demonstrate Violence: “The Movie Made Them Do It”
Lillian R. BeVier

This article describes and analyzes the theories of tort law (negligence, strict product liability, and aiding and abetting) that alleged victims of media-induced violent acts have invoked to impose liability on media defendants. It summarizes the tort and freedom of expression policies that support courts’ general reluctance to hold media defendants liable for crimes committed by audience members.

Preventive Confinement of Dangerous Offenders
Stephen J. Morse

The central theme of this paper is that it is difficult to protect the public and to treat potential predators fairly without compromising one of these goals, and that current legal practices undermine both. Nevertheless, I predict that such practice will continue and be considered constitutionally acceptable. I then provide the affirmative case for pure preventive confinement. The last section of the paper briefly addresses practical, criminal justice solutions to the problem of dangerous predation.
Interpersonal Violence and Public Policy: What about the Victims?
Dean G. Kilpatrick
Interpersonal violence is a prevalent problem in the U.S., and it is a major risk factor for a host of physical and mental health problems. This paper argues that public policy changes are needed to ensure that violent crime victims’ rights and services receive proper attention. The essay concluded with several public policy recommendations designed to improve victims’ rights and services.

Strengthening the Collaboration between Public Health and Criminal Justice to Prevent Violence
Deborah Prothrow-Stith
Over the last twenty years, understanding and preventing adolescent youth violence has come to the forefront as a domestic issue in America. Public health practitioners, policy makers and researchers have charted new territory utilizing public health strategies to resolve a problem normally considered a function of criminal justice. However, interfacing public health and criminal justice may be continually explored to ensure complimentary strategies and activities, with more effort placed in overcoming some of the inherent obstacles to create and fund joint research and action agendas.

Independent Articles

Why Not Retribution? The Particularized Imagination and Justice for Pregnant Addicts
Lisa Eckenwiler
The future of regulation of drug use during pregnancy is unclear given that retributive responses remain in place in many jurisdictions, and the current economic and political climate. I explain why retribution is morally indefensible for its failure to attend to particularity and its violation of the ideal that persons should never be treated instrumentally, as mere tools for others’ ends.

Ending Concerns About Undue Inducement
Ezekiel J. Emanuel
The charge of undue inducement is among the most serious ethical charges in clinical research. This is mistaken. Worries about undue inducement are really displacements of other ethical concerns. That undue inducements should not be an ethical concern related to human subjects research does not imply that there are no ethical concerns about payment for research, only that they are not related to high payments inducing poor judgment that lead to harm.

Natural Settings Trials — Improving the Introduction of Clinical Genetic Tests
Carol L. Freund, Ellen W. Clayton, and Benjamin S. Wilfond
Clinical application of genetic tests is expanding from tests for single gene diseases of high penetrance to tests for single-gene disorders with low penetrance and genetic markers of susceptibility for common diseases. Testing is also moving from the research and subspecialty context to primary care settings. We propose that natural setting trials (NST), collecting rigorous research data while maintaining the natural practice environment, be conducted to learn more about the translation of genetic tests from the research phase to actual clinical practice. Data from such studies could then be used to inform the development of realistic strategies for clinical use of genetic tests.

Research Ethics and Misguided Moral Intuition
Franklin G. Miller
Ethical evaluation of clinical research often appeals to moral judgments about the appropriate conduct of physicians in providing medical care. This article argues that this common ethical approach derives from misguided moral intuitions that confuse the ethics of clinical research with the ethics of medical care. Examples of this erroneous ethical approach are examined critically and objections to this critique are considered.

Legal Enforcement of Xenotransplantation Public Health Safeguards
Patrik S. Florencio and Erik D. Ramanathan
This article argues that we currently lack the legal authority to enforce compliance with the most important of the xenotransplantation public safeguards — the collection of tissue and body fluid specimens from xenotransplant recipients — and suggests a new legal framework to accomplish this goal.

Evaluation of the Condom Distribution Program in New South Wales Prisons, Australia
Kate Dolan, David Lowe, and James Shearer
This paper reports on condom provision in 23 male prisons in New South Wales (NSW) between 1997 and 1998. Condom distribution programs, as part of HIV and other sexually transmissible infections prevention strategies, are feasible and warranted in correctional centers. It was recommended that the condom program continue to be implemented in NSW prisons.

Benign Neglect Or Neglected Abuse: Drug And Alcohol Withdrawal In U.S. Jails
Kevin Fiscella, Naomi Pless, Sean Meldrum, and Paul Fiscella
Untreated drug and alcohol withdrawal can result in significant pain, trauma, morbidity, and even death. Despite national guidelines for detoxification, including those developed specifically for jails and prisons, most U.S. jails don’t detoxify arrestees. Forcing detained persons, presumed innocent under law, to undergo acute drug or alcohol withdrawal without adequate treatment may constitute a human rights abuse and a violation of constitutional protections. Greater public awareness of the inhumane treatment afforded drug and alcohol dependent arrestees is a prerequisite to correctional health care reform, particularly mandatory accreditation of health care services in jails.
Legal Barriers to Implementing Recommendations for Universal, Routine Prenatal HIV Testing
Leslie E. Wolf, Bernard Lo, and Lawrence O. Gostin

A 1999 Institute of Medicine (IOM) panel recommended that universal HIV testing become a routine component of prenatal care to reduce mother-to-child HIV transmission by enabling HIV-infected women to take advantage of antiretroviral prophylaxis. In this paper, we first evaluate the IOM’s recommendations and the reasons behind them. We make specific recommendations regarding information that must be disclosed prior to prenatal HIV testing and legal protections that should be adopted. Our recommendations will help to ensure that wider prenatal HIV testing can be carried out without leaving women too vulnerable to psychosocial harms.

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Confounding Extremeties: Elective Amputation and the Medico-ethical Limits of Surgical Self-Modification
Annemarie Bridy

This article discusses the debate over apotemnophilia and its diagnosis and treatment, focusing on the bioethical, legal, and cultural implications of elective amputation as a possible therapy. The author argues that the sensationalism surrounding apotemnophilia should not be allowed to deter the thoughtful interdisciplinary inquiry that is appropriate to this debate, which raises important questions about the definition of bodily integrity, the process of medical standard-setting, and the limits of physician and patient autonomy when it comes to surgical modification of the body.

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Political Authority in a Bioterror Emergency
Thomas May

The Model State Emergency Health Powers Act, developed in light of a perceived need to prepare for potential bioterror emergencies, has been both praised and criticized for the powers it grants to governmental authorities. This paper evaluates the Act in the context of a broader justification for political authority, finding the Act justified but in need of revision.

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A Human Germline Modification Scale
Harry Adams

What fundamental ethical and regulatory principles should govern technologies that (could) modify the human germline? To answer this question, the author proposes a set of conceptual guidelines that, he argues, specify the types of germline modifications (GLMs) that should (and should not) count as ethically acceptable and legally permissible, and also that specify the ways these GLMs might be fairly distributed.

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