

*Ethical Issues in Prioritization of Health Resources*  
The Fourth Annual International Conference  
Harvard University Program in Ethics & Health  
April 24, 2009  
Larry S. Temkin, Handout  
Rutgers, The State University of New Jersey

Fairness and Priority-Setting in Health Care

Wish List for Talk: A Rough Outline

Greetings

Part I. Introduction

Part II. Distinguishing Different Fairness Concerns

- A. Treating likes alike
- B. Impartiality
- C. Rights and exploitation
- D. Contracts, agreements, lies, and reasonable expectations
- E. Rules, regulations, and conventions
- F. Political conceptions
- G. Absolute fairness
- H. Comparative fairness

Part III. Fairness of Prospects versus Fairness of Outcomes

- A. Fairness in the domain of life as a whole
- B. Fair opportunity
- C. Ex ante and ex post fairness
- D. Procedural and substantive fairness
- E. Different criteria for ex ante or procedural fairness
- F. On the importance of ex post or substantive fairness
- G. On the importance of ex ante or procedural fairness
- H. On the connections between ex ante or procedural fairness and ex post or substantive fairness

Part IV. Fairness, Luck, and Responsibility

- A. If free will is an illusion
- B. If free will isn't an illusion
- C. On the connection between comparative fairness and responsibility
- D. On the connection between comparative fairness and luck
- E. Rejecting the brute luck/option luck distinction
- F. Possible implications for public policies
  - i. Comparative fairness doesn't always support aiding the worse off
  - ii. Many reasons besides fairness for aiding the worse off
  - iii. Sometimes comparative fairness might determine who should get aid
  - iv. The importance of appropriate comparison classes
  - v. Responsibility for choices versus responsibility for predicaments, and the importance of considerations of expected utility

Concluding Remark

- A. A note of caution