

Douglas MacKay

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Citizenship

Canadian

Areas of Specialization

Social and Political Philosophy, Bioethics

Areas of Competence

Ethics, Philosophy of Law, Environmental Ethics

Education

- 2003 – 2011* University of Toronto, Department of Philosophy, PhD
“Political Authority and Distributive Justice” (Supervisor
Arthur Ripstein)
- 1997 – 2003* University of Victoria, BA (with distinction) Honours
Philosophy, English Major

Employment

- 2011 – 2013* Post-Doctoral Fellow, Department of Bioethics, National
Institutes of Health
- 2010 – 2011* Lecturer in Ethics/Applied Ethics, University of Toronto

Awards and Honours

- 2010* Martha Lile Love Excellence in Teaching Award (awarded
annually to the top graduate student instructor)
- 2008-2009* Doctoral Fellow, Centre for Ethics, University of Toronto
- 2005-2007* Social Sciences and Humanities Research Council of
Canada

Peer-Reviewed Publications

“Talent and Incentive Inequalities: A Reply to Shiffrin” in *Philosophia: Philosophical Quarterly of Israel* (forthcoming – available online)

“Standard of Care, Professional Obligations, and Distributive Justice” in *Bioethics* (forthcoming – available online)

Papers under Review

“Political Authority and Distributive Justice” (revise and resubmit at *Social Theory and Practice*)

“Incentive Inequalities and Freedom of Occupational Choice”

“Standard of Care, Institutional Obligations, and Distributive Justice”

Papers Presented and Commentaries

<i>Fall 2012</i>	“Federalism and Resource Allocation,” (Poster) International Society on Priorities in Health Care, Vancouver
<i>Summer 2012</i>	“Standard of Care, Institutional Obligations, and Distributive Justice,” New Scholars in Bioethics, Prince Edward Island
<i>Summer 2012</i>	“Liberalism and the Value of Health States,” Priorities in Global Health 2020 Meeting, University of Bergen, Norway.
<i>Spring 2012</i>	“Political Authority and Distributive Justice,” New Research in Practical Philosophy Workshop, Glendon College, York University
<i>Summer 2010</i>	“The Incentives Argument for Inequality and Freedom of Occupational Choice,” G.A. Cohen Symposium, Concordia University
<i>Summer 2009</i>	“The Political Authority Theory of the Basic Structure,” Canadian Philosophical Association, Carleton University

<i>Winter 2009</i>	Commentary, James Orbinski, "Duties of Responsiveness in the Face of Catastrophe," <i>The Ethics of Catastrophe: an Interdisciplinary Investigation</i> , University of Toronto
<i>Summer 2008</i>	"Equality and the Site of Distributive Justice Debate," Canadian Philosophical Association, Symposium: "Institutions and Distributive Justice"
<i>Fall 2007</i>	"The Subject of Distributive Justice," Atlantic Regional Philosophers Association, St. Mary's University

Teaching Experience (Selective)

<i>Summer 2011</i>	Instructor, PHL 281 Bioethics, University of Toronto
<i>Winter 2011</i>	Instructor, PHL 495 Individual Study, University of Toronto
<i>Winter 2011</i>	Instructor, PHL 273 Environmental Ethics, University of Toronto
<i>Fall 2010- Winter 2011</i>	Instructor, PHL 489 Socrates Project Seminar, University of Toronto
<i>Fall 2010</i>	Instructor, PHL 440 Clinical Bioethics, University of Toronto
<i>Fall 2010</i>	Instructor, PHL 375 Ethics, University of Toronto
<i>Summer 2010</i>	Instructor, PHL B11 Philosophy of Law, University of Toronto
<i>Fall 2009</i>	Instructor, PHL 365 Political Philosophy: Distributive Justice, University of Toronto
<i>Summer 2009- Winter 2010</i>	Lead Writing Teaching Assistant, Department of Philosophy, Writing Instruction for TAs (WIT) Program
<i>Summer 2008</i>	Instructor, PHL 365 Political Philosophy: Political Authority and Distributive Justice, University of Toronto
<i>Winter 2008</i>	Instructor PHL 365 Political Philosophy: Rawls and his Interlocutors, University of Toronto
<i>Summer 2007</i>	Instructor PHL B11 Philosophy of Law, University of Toronto

Winter 2007 Instructor PHL B11 Philosophy of Law, University of Toronto

Services to the Profession

2009 – 2011 Referee, Canadian Philosophical Association

Winter 2010 Referee, *Politics, Philosophy, & Economics*

Summer 2008 Co-organizer, Symposium: “Institutions and Distributive Justice,” Canadian Philosophical Association

Services to the National Institutes of Health

Fall 2012 – Present Fellow on Call, Ethics Consultation Service, National Institutes of Health

Services to the University of Toronto

Fall 2010 Proposal: “The Agora Project,” Faculty of Arts and Science Curriculum Renewal and Initiatives Fund, 2011-2012

2005 – 2006 Department of Philosophy, Graduate Student Conference, Committee Member

2004 - 2006 Department of Philosophy, Graduate Executive Council, Elected Student Member

2004 – 2006 Graduate Philosophy Student Union Executive, Treasurer

2004 – 2006 Department of Philosophy, Graduate Forum

2003 – 2006 Department of Philosophy, Graduate Student Conference, Referee

2003 – 2004 Graduate Executive Council, Student Alternate

References

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Joseph Heath (Research)
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Donald Ainslie (Teaching and Service)
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Dissertation Abstract: Political Authority and Distributive Justice

In *A Theory of Justice*, John Rawls claims that the basic structure of a domestic society, its major legal and political institutions, is the primary subject of distributive justice. Rawls contends that the domestic basic structure is the *site* or point of application of principles of distributive justice; and that it defines the *scope* of distributive justice, that is, the range of persons who possess distributive obligations to each other. The domestic basic structure is primary in this way, Rawls claims, because it has pervasive effects on the capacity of persons to set and pursue a conception of the good life, due to its coercive nature.

I defend the claim that the domestic basic structure is the primary subject of distributive justice; however, I do so on the basis of an alternative account of its normative significance. Critics of Rawls's account have argued that it is not only the basic structure of a domestic society that has pervasive effects on the life prospects of persons. In *Rescuing Justice and Equality*, G.A. Cohen argues that the private choices of individuals, for example their choice of occupation or their demand for an above-average salary, also have such pervasive effects. Similarly, global justice theorists argue that the global order of trade is sufficiently analogous to the domestic basic structure, both in its makeup and effects, and so should also be subject to distributive principles.

I argue that the domestic basic structure is the primary subject of distributive justice because of the way in which the state exercises political authority over its citizens and not because of its pervasive effects. To exercise its political authority in a way that is justifiable to its citizens considered as free and equal persons, the state must secure distributive justice. Because the state legislatively enacts and coercively enforces a system of economic cooperation, thus defining the ways in which people can cooperate with each other, the state must ensure that this system works to the advantage of all citizens.

Having provided an account of the distinctive normative significance of the domestic basic structure for distributive justice, I then argue that the site and scope of distributive justice do not extend beyond the state's relation to its citizens. I argue first that principles of distributive justice do not apply to the private choices of citizens. Justice demands that citizens be free to decide what to do with their lives on the basis of their own conception of the good and so cannot require persons to make decisions regarding their choice of occupation or salary on the basis of some conception of the social good. I argue second that because international organizations do not exercise political authority in the same way that states do, equality is not a demand of global justice. Consequently, although states no doubt possess a duty to aid burdened societies, they only possess distributive obligations to their own citizens.

Research Statement

I am currently working on three research projects. The first involves developing and extending the lines of argument I present in my dissertation. My paper “Political Authority and Distributive Justice” (revise and resubmit at *Social Theory and Practice*) develops the *positive* argument of my dissertation, namely, that the state possesses distinctive distributive obligations to its citizens because of the way in which it exercises political authority over them. My paper “Incentive Inequalities and Freedom of Occupational Choice” (under review) develops a central *negative* argument of my dissertation, defending Rawls’s position on the site of the difference principle and the justifiability of incentive inequalities against the critical project of G.A. Cohen. My paper “Talent and Incentive Inequalities: A Reply to Shiffrin” (forthcoming in *Philosophia: Philosophical Quarterly of Israel*) continues this theme, defending Rawls’s position on incentive inequalities against a recent critique by Seana Valentine Shiffrin. I plan to continue this line of research into the nature of domestic and global justice by addressing a question my dissertation leaves unanswered: what do well-ordered liberal states owe to burdened and unjust societies? I aim to develop an anti-cosmopolitan solution to this question, that is, one that recognizes the normative significance of the state’s relation to its citizens. I will argue that well-ordered states must aid unjust and burdened societies if the state system is to be legitimate. Well-ordered states may only exclude citizens of unjust and burdened societies from their territory if they provide aid to these countries with the goal of making them well-ordered.

I have developed my second two research projects during my time at the NIH. The first concerns the standard of care debate in research ethics – the question of the level of care investigators must secure for their research subjects. The core of this debate concerns the justifiability of s. 32 of the WMA’s Declaration of Helsinki, which holds that investigators must provide subjects with the “best current proven intervention.” This requirement prohibits clinical trials in lower income countries that provide subjects with less than the best current proven intervention even in cases where (1) these subjects would not otherwise receive the best current proven intervention, and (2) the trial is necessary to develop an urgently needed, affordable treatment. Most commentators appeal to the *professional obligations* or *natural duties* of investigators to develop an account of standard of care. My research involves (1) showing that such approaches fail to recognize the institutional and political dimension of this problem; and (2) contributing to the development of an alternative, distributive justice-based account. My paper, “Standard of Care, Professional Obligations, and Distributive Justice” (forthcoming in *Bioethics*), considers arguments that appeal to the *professional obligations* of researchers that are typically used to justify s.32. I argue that these arguments cannot justify a solution to the problem of standard of care that is *reasonable* and *determinate* without also (1) determining the level of care or types of treatment that individuals are entitled to as a matter of distributive justice, and (2) identifying which agents possess the duties that correspond to these entitlements. I conclude that such arguments can justify s. 32 only if two controversial claims are true, namely, that (1) equality is a demand of global justice, and (2) *investigators* have a duty to provide their subjects with the care they are entitled to. My paper, “Standard of Care, Institutional Obligations, and Distributive Justice” (under review) considers distributive justice-based accounts of standard of care, according to which investigators ought to provide subjects with the treatment they are entitled to as a matter of distributive justice. I introduce an account of institutional

obligations – obligations persons have because they occupy a particular institutional role – to address two problems with such accounts of standard of care, (1) that they do not adequately show why *investigators* – rather than institutions – must provide subjects with the care they are entitled to; and (2) that they do not provide adequate guidance to investigators in non-ideal circumstances. I plan to write a third paper that addresses arguments that appeal to investigators’ *duty to rescue* to support s.32. I will argue that such arguments fail to address the question of the extent to which investigators may employ the resources of their sponsoring institutions to discharge their natural duties.

The second project that I have developed at the NIH concerns priority setting and the allocation of medical resources. My overall project is to develop an alternative to cost effectiveness analysis, which holds that (1) medical resources should be allocated amongst competing health service programs so as to maximize wellbeing; and (2) the value of different health states should be determined by appeal to a welfarist account of wellbeing. I am currently working on a paper – “Liberalism and the Value of Health States” – which criticizes (2) and introduces a liberal alternative. According to my position, the value of health states ought to be determined by the extent to which such states affect the range of opportunities available to citizens to pursue plans of life. My paper “Federalism and Resource Allocation” (Marion Danis second author) begins to develop an alternative to (1). It considers how responsibility for health care should be distributed amongst different levels of government in a federation. We argue that states/provinces should have responsibility for designing health care systems and setting priorities so as to better realize the values of self-governance and political pluralism, but that federal governments have a duty to ensure that states/provinces have the resources necessary to provide their citizens with a comparatively equitable level of care. My next paper – or set of papers – in this project aims to develop an alternative, non-consequentialist principle of allocation.