In her study concerning pharmacists’ refusal to dispense emergency contraception, Becky Cox White provides a good overview of the ethical principles underpinning the complex debate between a pharmacist’s right to dispense only drugs that he chooses and a patient’s right to purchase any legal drug their physician has prescribed. Her own paper does not argue for the predominance of one right over the other, but rather discusses the various ways in which the principles behind each position hold important moral weight. She ends her paper with the challenge “From a moral point of view, should pharmacists be allowed to opt out of filling prescriptions for emergency contraception?” In my paper, I do not directly answer White’s challenge. Instead, I use her discussion as a jumping off point for some pedagogical reflections about the goals of teaching ethics and the course of study which best achieves this. I will argue that this course of study begins with the same focus White uses, asking students to step inside the moral point of view and weigh the ethical principles underpinning the debate between the pharmacist and customer. However, I believe this course of study should be extended, stepping outside of theoretical ethics to locating the protagonists of this conflict within their broader social context. This broadened focus not only helps one develop practical plans of action that can support a certain position. But, importantly for the concerns of this journal, the activity of setting the moral dilemma in its wider social context helps engender the creative, morally engaged and active students we hope to educate.

A foremost goal of teaching ethical theory is to cultivate proficiency in ethical analysis. The ability to recognize the ethically salient elements, to state them explicitly, and provide assessments of them informed by the historical canons of ethical theory are all essential skills to becoming proficient in ethical thinking. When studying the issue of pharmacists’
refusal to dispense emergency contraception, the best way to help students achieve these ethical skills is to begin with outlining the basic clash of ethical principles which underlies the dispute between the pharmacist and the customer. Indeed, the conflict of moral interests is clear and crisp. White condenses the matter to a fundamental conflict of rights between the autonomy and personal integrity of the pharmacist and the autonomy and personal integrity of the customer. This type of well-defined contrast can often stimulate a student’s interest. The ability to conscientiously object is an important freedom that safeguards a citizen’s ability to maintain moral integrity. It is not a principle easily swept aside. Similarly, safeguarding one’s ability to obtain appropriately prescribed legal medication that could have major repercussions on one’s quality and direction of life is also important. The inability for such seemingly important and beneficial ends to coexist sparks a natural curiosity and need to investigate. This initial period of investigation provides a great opportunity for using philosophical analysis of the merits and deficiencies of various moral claims. Is conscientious objection an important moral right that safeguards individual integrity or is it an inherent betrayer of our duties? Can my right to decide about what I believe to be a life be thwarted by the decision of another? Should we insist that individuals adhere to their duties or should we say that the end can justify the means? Attempts to answer these questions can be informed by concepts and theoretical structures developed in ethical theory. Their discussion requires students to formulate explicit positions and subject these to rigorous analysis. Through this process, the student has the opportunity to become proficient in rigorous moral reasoning.

Yet, as proponents of teaching ethics, we have a broader hope for our students — not simply to be skilled in abstract “paper morality”, but rather to be comprehensive, engaged, creative moral agents in society. In order to enhance these skills, the assignment must go further to help the student see that the pharmacist and the customer are not simply abstract agents but instead individuals embedded within a complex web of social relations. For instance, the customer is not an isolated individual, but rather is an American citizen, with certain rights and responsibilities, subject to both limitations and protections from an array of laws and governmental institutions. In America, healthcare is not a right in the same
way that access to legal representation when accused of a crime is a right. Legal systems have been put in place securing everyone’s ability to have access to a lawyer. However, in America there is no such equal right to medical care. Thus, the fact that a citizen is unable to obtain access to legal prescription is not, as is currently interpreted, a breach of a protected right. The government, however, does have demonstrated interest in providing, improving and monitoring health care. Numerous public agencies from Medicare, the Center for Disease Control, State Departments of Public Health, and other agencies under the umbrellas of the Food and Drug Administration and the Department of Health and Human Services, work to reach these ends. Similarly, this individual is part of a society where private, non-profit groups are interested in monitoring and advocating for access to healthcare. One such non-profit which has been particularly active in this issue is Planned Parenthood. The customer is also in a relationship with a physician, who might have a great interest in whether or not his patients are able to acquire medications they rightfully prescribe. This individual physician, as well as organized groups of physicians, seem to have a stake and interest in this issue.

Just as the customer is not an isolated person, so also the pharmacist exists within a complex set of social, legal and professional relationships that bear upon this issue. The pharmacist must be a licensed member of a state pharmacy board. Each State Board of Pharmacy determines ethical standards governing the conduct of pharmacists. This code of conduct is in large part shaped by the legislatures of each state who pass various legislative acts that direct how a pharmacist must go about his job. In addition, the pharmacist is a player in the American economy. He or she is either a small business owner or an employee of a business that might be as small as a small town pharmacy or as large as a pharmacy division of a giant superstore. As an employee, the pharmacist is subject to the rules of employment. Several large pharmacy chains have set policy to direct their employees on the matter of conscientious objection. In addition, the business owner of the pharmacy has a large role in this ethical debate as it is he or she that may decide whether or not various drugs will even be stocked within the pharmacy. As an owner of an American business, one both enjoys certain freedoms and is bound by certain restrictions. One conventional freedom is that the business owner is free to choose which products they will sell and which products they will not sell. The owner of the store is, however, subject to certain rules and regulations that govern business practices. Indeed, pharmaceutical sales is a highly regulated business. The drugs themselves go through a rigorous approval period by
the Federal Drug Administration. Storage, care and dispensing of these drugs are dictated not only by the FDA but also by State Pharmacy Boards and subject to legislation by state lawmakers.

Thus, far from an abstracted debate about principles, this issue emerges from and is shaped by the interaction of a multitude of social groups and organizations. The ability to locate the individual pharmacist and customer within this complex social construct helps the student gain a more nuanced understanding of the dilemma and hones that broad, “big-picture” perspective we associate with wisdom. In addition, this broadened perspective provides the backdrop for other important skills and attitudes teachers of ethics hope to impart to their students.

The first of these is the ability to provide creative solutions. By locating the two protagonists in this debate within a larger context, the student is made aware of groups and institutions that are impacted by the results of this debate and groups and institutions that can impact the outcome of this debate. Armed with this information, students can begin to theoretically arrange the resources, interests and limitations of these different groups in ways that answer the moral imperatives in more harmonious and less conflicting ways.

Indeed, as this debate is a current issue in American life, many of these groups have carved out policies to support the moral positions they value. Some state legislatures have responded to the pharmacists claims for freedom of conscience by enacting legislation that protects a pharmacist’s right to deny filling a prescription that they believe violates their ethical values. Other states have come down on the side of customers, enacting legislation that requires pharmacists to fill these prescriptions regardless of personal beliefs. Many national pharmacy chains have developed policies governing the conduct of their pharmacist employees. These policies vary from ones requiring pharmacists to fill prescriptions, some allowing the pharmacist full discretion, and others allowing some freedom of conscience but requiring the pharmacist to refer the customer to another pharmacist who will dispense the drug. One of the most creative plans has been advocated by the non-profit group Planned Parenthood. In concert with their efforts to promote access to birth control, they lobbied the FDA to make emergency contraception available without prescription. They were successful in their advocacy and on August 24, 2006, the FDA made emergency contraception available over-the-counter to people 18 years and older. This action has improved access of emergency contraception, but has not ended the issue as pharmacies may decide not to stock the drug altogether.
All of these efforts stand as examples of creative solutions that can be assessed by students. These can then be incorporated or rejected in a student’s own attempt to articulate practical plans of action that best provide a harmonious support of moral principles. This ability to craft creative solutions is not only an important skill for even the most mundane tasks of life, it is especially valuable for addressing personal and social ethical dilemmas.

A final attitude that teachers of ethics hope to cultivate in their students is an interested sense of civic responsibility. It is a shared belief of most ethics teachers that an individual has great opportunities to enhance his or her life and the life of others if he or she is attuned to and engaged in improving both the practical and moral conditions around her. The ability to locate what can seem to be an abstract conflict between ethical principles into a complex and diverse social construct can encourage the likelihood of students becoming engaged and interested. For some students, the interest in things ethical is generated from the crisp, well-defined conflicts between ethical principles. Many others, however, need to see more concrete ways that a specific ethical problem may impact them. By setting the ethical problem in a larger social context, the student becomes aware of the large number of individuals and groups this ethical dilemma can touch. And, very likely, some of these groups may have a direct interest to the student. Perhaps one student wants to be a physician and is startled by the fact that the moral values of a pharmacist could stand between the treatment she designs for a patient. Another student might have a friend with AIDS and be concerned that failure to provide Plan B may set a precedent that could hinder his friend from acquiring his prescriptions. Yet, another student might have a parent who is a small business owner. This student might feel very passionate that a business owner should have the freedom to stock and sell only those products he or she wishes. Thus, expanding the dilemma from its abstract ethical core to how it impacts society provides an avenue for engaging students and generating their interest in becoming active participants in society.

In conclusion, the debate between a pharmacist’s refusal to dispense emergency contraception and a customer’s right to purchase it provides an excellent case study for students. By guiding a student through the process of rigorous, theoretical debate in support of ethical principles to locating the debate within actual social structures, to developing creative ways to promote moral ideals, the ethics teacher has the best chance of engendering students to become morally discerning, creative and active citizens.