

# BEN SARBEY

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## EDUCATION

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- May 2024 (expected)     **Ph.D., Philosophy, Duke University**  
Certificate in College Teaching  
*Dissertation: Dying Well and the Role of Palliative Care*  
Committee: Gopal Sreenivasan (chair), Jennifer Hawkins, Wayne Norman, David Wong, Owen Flanagan
- May 2024 (expected)     **M.A., Bioethics and Science Policy, Duke University**
- 2017     **J.D., Duke University School of Law**  
**M.A., Philosophy, Duke University**  
Article Editor, Duke Environmental Law and Policy Forum (2015-2017)
- 2012     **B.A., Philosophy, Political Science, University of Florida**  
President, Undergraduate Philosophy Society (2010-2011)

**Areas of Specialization:** Medical Ethics; Moral Psychology; Health Law

**Areas of Competence:** Medical Humanities; Ethical Theory; Philosophy of Law

## PUBLICATIONS

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8. (Accepted) “**The Advantages of the Higher Brain Criterion for Determining Death**”  
*American Journal of Bioethics*
7. (Accepted) “**Assisted Dying Programs Are Not Discriminatory Against the Dying**”  
*Journal of Medical Ethics*
6. (Forthcoming) “**Rethinking Data Collection in Medical Assistance in Dying: Quality Improvement as the North Star**” (with Sean Riley) *Journal of Aid-in-Dying Medicine*
5. (2023) “**U.S. State Laws on the Determination of Death by Neurologic Criteria**” (with Nita Farahany and Samuel Thumma; first author) in *Death Determination by Neurologic Criteria: Areas of Controversy and Consensus*, 275-286. Springer, eds. Ariane Lewis and James L. Bernat.
4. (2022) “**The Unexamined Benefits of the Expansive Legalization of Medical Assistance-in-Dying**” (with Sean Riley) *Journal of Bioethical Inquiry*, 19(4): 655-665.  
<https://doi.org/10.1007/s11673-022-10211-w>

3. (2022) "Why Standard Drug Treatments for the 'Death Rattle' Should Be Discontinued" *Journal of Palliative Medicine*, 25(2): 180.
2. (2021) "The Family as a Unit of Care in End-of-Life Conversations" *AJOB Neuroscience*, 12(4): 283-285.
1. (2016) "Definitions of Death: Brain Death and What Matters in a Person" *Journal of Law and the Biosciences* 3: 743-752.

#### *Book Reviews*

2. (2022) "Review: The Lost Art of Dying: Reviving Forgotten Wisdom" *Journal of Palliative Medicine*, 25(2): 337.
1. (2022) "Review: Almost Over: Aging, Dying, Dead" *Bioethics* 36(1): 109-110.

#### *Articles for the General Public*

2. (2022) "The Death of Advance Care Planning is Greatly Exaggerated" *Hastings Bioethics Forum*. <https://www.thehastingscenter.org/the-death-of-advance-care-planning-is-greatly-exaggerated/>
1. (2021) "To Live Well, Read About Dying" *Medium*. <https://medium.com/dukeuniversity/to-live-well-read-about-dying-761f787fb6c1>

#### *Interviews*

(2022) "When Does Life Begin? As State Laws Define It, Science, Politics and Religion Clash" *NPR/Kaiser Health News*. <https://www.npr.org/sections/health-shots/2022/08/27/1119684376/when-does-life-begin-as-state-laws-define-it-science-politics-and-religion-clash>

(2022) "Redefining Death" *Vox Unexplainable* (podcast). <https://open.spotify.com/episode/7so8nytANwMaFgWr7PvEtC>

## **TEACHING**

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*As Instructor at Duke University:*

**Medical Ethics**: Summer 2023, Fall 2022

**Philosophy and Literature**: Spring 2023 (with Benjamin Eva)

**Philosophy of Death and Dying**: Summer 2022

**Introduction to Philosophy**: Summer 2023, Spring 2022; Fall 2021

Ethics of Artificial Intelligence: Summer 2019 (Duke TIP Program)

*As Teaching Assistant at Duke University:*

Prisoner's Dilemma and Distributive Justice (Alex Rosenberg, Michael Munger), Spring 2021

History of Modern Philosophy (Katherine Brading), Fall 2020

Neuroethics (Walter Sinnott-Armstrong, Scott Huetell), Spring 2020

Medical Ethics (Jennifer Hawkins), Spring 2020

Introduction to Philosophy (Alex Rosenberg), Fall 2019

## **PRESENTATIONS**

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- 10/2023      **“MAiD in Canada: Assisted Dying and Vulnerable Populations”**  
*American Society for Bioethics and Humanities, Baltimore, MD*
- 10/2023      **“Consoling the Grieving: Palliative Bereavement Care and the Ethics of Support Conversations”**  
*American Society for Bioethics and Humanities, Baltimore, MD*
- 04/2023      **“Consoling the Grieving: Palliative Bereavement Care and the Ethics of Support Conversations”**  
*East Carolina University Brody School of Medicine, Dept of Bioethics and Interdisciplinary Studies, Greenville, NC*
- 03/2023      **“Should Palliative Medicine Assist in Hastening or Postponing Death?”**  
*North Carolina Philosophical Society, Durham, NC*
- 01/2023      **“Consoling the Grieving: Palliative Bereavement Care and the Ethics of Support Conversations”**  
*Cleveland Clinic, Center for Bioethics, Cleveland, OH*
- 12/2022      **“Consoling the Grieving: Palliative Bereavement Care and the Ethics of Support Conversations”**  
*Ohio University, Heritage College of Osteopathic Medicine, Athens, OH*
- 10/2022      **“Should Palliative Medicine Assist in Hastening or Postponing Death?”**  
*American Society for Bioethics and Humanities, Portland, OR*
- 10/2022      **“What the History of Palliative Medicine Can Tell Us About its Proper Function”** *American Society for Bioethics and Humanities, Portland, OR*
- 07/2022      **“The Death Rattle and the Role of Palliative Care”** *World Congress of Bioethics, Basel, Switzerland*
- 12/2021      **“Dying Well and the Role of Palliative Medicine”** *Kenan Institute for Ethics, Duke University*
- 11/2021      **“Philosophy of Grief”** *Duke Hospital, Palliative Care Grand Rounds*

- 10/2021 “**What a Theory of Dying Well Must Have**” *Hastings Center* (virtual)
- 10/2020 “**Unexamined Benefits of Expansive Legalization of Medical Assistance-In-Dying**” (with Sean Riley) *American Society for Bioethics and Humanities* (virtual)

## **AWARDS**

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- 2023-2024 Evan Frankel Fellowship (\$28,950)
- Summer 2022 Duke Competitive Summer Research Fellowship (\$8,250)
- 2021-2022 Kenan Institute for Ethics Graduate Fellowship (\$5,000)
- Summer 2021 Duke Graduate Student Training Enhancement Grant (\$7,600)
- 2014-2017 Duke Law School Class of 2008 Scholarship Award (\$72,500)

## **EXPERIENCE**

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### **Hastings Center, Garrison, NY**

*Visiting Scholar, May-Aug. 2021*

Assisted on the Hastings grant project “Dementia and the Ethics of Choosing When to Die.” Provided research and writing support for a special issue of the *Hastings Center Report* which will publish the results of the project.

### **Duke Health Justice Clinic, Durham, NC**

*Student Attorney, August 2016-December 2016*

Provided legal defense for low-income HIV and cancer patients, including drafting advance directives, and social security/disability applications.

### **Consilio Inc., Durham, NC**

*Legal Consultant, November 2017-July 2018*

Provided legal analysis for pharmaceutical, housing, and health privacy litigation in civil and administrative courts. Assisted in preparation of discovery documents in advance of trials.

### **City of Chicago, Division of Legal Information, Investigations and Prosecutions, Chicago IL**

*Legal Intern, July - August 2015*

Researched recent additions to the Freedom of Information Act and the impact on city department obligations. Assisted with representation of city employees in depositions. Attended depositions, court hearings, and pretrial conferences.

### **Hillel Community Day School, North Miami Beach, Florida**

*Teacher, August 2012 - June 2014*

Taught 11<sup>th</sup> grade math, reading, and college preparatory courses; created lesson plans, and worked with administration to develop school-wide college readiness curriculum.

## **REFERENCES**

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Gopal Sreenivasan  
Lester Crown University Distinguished Professor in Ethics  
Duke University  
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Wayne Norman  
Mike and Ruth Mackowski Distinguished Professor of Ethics  
Duke University  
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David B. Wong  
Susan Fox Beischer and George D. Beischer Distinguished Professor of Philosophy  
Duke University  
[d.wong@duke.edu](mailto:d.wong@duke.edu)

Jennifer Hawkins  
Associate Research Professor of Philosophy  
Duke University  
[jen.hawkins@duke.edu](mailto:jen.hawkins@duke.edu)

Kevin Hoover (teaching reference)  
Professor of Economics and Philosophy  
Duke University  
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## **DISSERTATION ABSTRACT**

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### ***“Dying Well and the Role of Palliative Care”***

In this project I explore what it means to ‘die well’, and the role of palliative medicine in helping dying patients achieve this goal. I provide a general account of what it means to die well, one which is action-guiding for patients and their loved ones as well as for health care providers. I also examine the role of grief in the dying process and how we can best communicate with grieving loved ones. The dissertation is organized along the lines of four papers, each of which examines a feature or question about dying well, especially in the context of contemporary palliative medicine.

#### *Précis of Dissertation Papers*

1) “What a Theory of Dying Well Must Have.” I lay out general features of dying well that must be addressed by any adequate theory of dying well. I argue for a pluralist approach which still maintains certain universal criteria. These criteria include 1) recognition of the need for adequate medical care (and ideally palliative care); 2) providing useful guidance in comparing different ways

the dying process can go for an individual person; 3) specification of who has relevant interests in the dying process; and 4) incorporation of the distinctiveness of the dying process.

2) “What is the Function of Palliative Medicine? What Should it Be?” Palliative medicine is unique among the medical branches in its focus on improving the dying process as opposed to cure-directed treatment. When a patient is reasonably believed to be dying, the function of palliative care is precisely to enable them to die well. This has the consequence that palliative medicine should give up its opposition to 1) hastening or prolong the dying process, and 2) medical aid in dying. I argue for an expansive conception of the function of palliative medicine, one which is compatible with palliative participation in medical aid in dying.

3) “Consolations for Death and Dying.” Consolations direct a dying or grieving person to think of death, dying, or the lost loved one in particular ways which may reduce suffering. The relevance of a death consolation to a dying patient depends in large part on which particular fear of death or dying is most salient for the individual patient. Consolations can in this way help accomplish the function of palliative medicine of supporting patient to die well. In this paper I provide a classification system for consolations according to the type of belief they target and examine how consolations could fit within the function of palliative medicine.

4) “Medicalizing Grief: Not Too Much and Not Too Little.” Grief as a human emotion has been increasingly medicalized recently and is now the target for medical interventions which treat “Prolonged Grief Disorder” or “Major Depressive Disorder.” These diagnoses can allow access to treatments that may be sorely needed by suffering patients. However, there is a risk of overdiagnosis as well as treating a normal human emotion as a medical problem. I aim in this paper to strike a balance between over- and under-medicalization and will argue that grief disorder diagnoses should be thought of as tools for treatment of complex symptoms rather than as indications of mental illness.