

PH 251A MEDICAL ETHICS

FALL 2021

Professor: Pablo de Lora (Pablo.delora@gmail.com)
PH 251A1: Location:
Office Hours: Location:
Teaching Fellows:

Course Description:

This course will survey ethical issues that arise in connection with medicine and emerging biotechnologies. It will examine topics such as the right to healthcare, research on human subjects, the allocation of scarce medical resource, organ transplantation, euthanasia, abortion, cloning, genetic selection, disabilities, cryopreservation and the biomedical enhancement of human capacities. Students can expect to gain not only training in the concepts and methods of moral philosophy and the logic of argumentation, but also the resources needed for assessing ethically difficult questions that healthcare professionals routinely face. Please come to lecture having completed all of the assigned readings, which will be announced the previous week, and be prepared participate.

Required Texts

- All readings will be posted on Blackboard

Grading

- Two Exams: 25% each
- 1 Oral Presentation: 25%
- Discussion Session: 25%

Academic Integrity

We have a zero-tolerance policy for plagiarism. Plagiarism on *any part* of *any* assignment will result in automatic failure of the course. Your rights and responsibilities as a member of Boston University's academic community can be found here: <http://www.bu.edu/academics/policies/academic-conduct-code/> Please visit the page. Knowing what constitutes plagiarism is your responsibility. The ignorance plea will not be accepted.

Absence Policy

You are permitted TWO unexcused absences from Discussion Section. Each additional unexcused absence lowers your Discussion Section grade by **two** points. Please note that attendance is defined as coming to class on time (no more than 10 minutes late and never habitually so), being alert and

attentive, and refraining from disruptive activities (e.g., looking at unrelated material on computers or smart phones, chatting with others, napping, etc.).

Absence due to religious beliefs: Consistent with Boston University policy, any student who is unable, because of his or her religious beliefs, to attend classes or to participate in any examination, study, or work requirement will be provided with an opportunity to make up the examination, study, or work requirement wherever possible. Students should make appropriate arrangements with me in advance of the absence, preferably at least two weeks before the religious observance.

Schedule of Readings (subject to change with advance notice)

PART I: MORAL THEORY PRIMER

Class 1: Background on Moral Philosophy and Methodology

- James Rachels, *Elements of Moral Philosophy*, Chapter 1
- Gilbert Harman, "Ethics and Observation," from G. Sher (ed.), *Essential Readings in Moral Theory*
- Leon R. Kass, "The Wisdom of Repugnance", *The New Republic*, June 2 1997, pp. 17-26

Class 2: Cultural Relativism

- Bernard Williams, *Morality: An Introduction to Ethics*
- Yael Tamir, "Hands Off Clitoridectomy: What our revulsion reveals about ourselves," and the reply by Martha Nussbaum, "Double Moral Standards?"
- Pablo de Lora, "The Value of Virginity and the Value of the Law: Accommodating Multiculturalism "

Class 3: Utilitarianism: Mill

- John Stuart Mill, "Utilitarianism," from G. Sher (ed.), *Essential Readings in Moral Theory*
- John Harris, "The Survival Lottery".
- Robert Nozick, "The Experience Machine" from G. Sher (ed.), *Essential Readings in Moral Theory*

Class 4: Deontology: Kant

- John Rawls, *Lectures on the History of Moral Philosophy*.

Class 5: Principles of Medical Ethics

- Tom Beauchamp, "The 'Four Principles' Approach to Health Care Ethics"

- Susan Reverby, “Ethical Failures and History Lessons” (on the Guatemala and Tuskegee cases).

Class 6: Justice in Healthcare (I)

- Normal Daniels, “Is There a Right to Health Care?”
- Jason T. Eberl et. al., “Foundation For A Natural Right To Health Care”, *Journal of Medicine and Philosophy*, 36: 537-557.

Class 7: Justice in Healthcare (II)

- Tristram Englehardt, “Rights to Health Care, Social Justice, and Fairness in Health Care Allocations”
- Allen Buchanan, “The Right to a Decent Minimum of Health Care”
- *D v. United Kingdom* (European Court of Human Rights)

Class 8: Mid-term exam

PART II: THE RIGHT TO LIFE AND THE RIGHT TO DIE

Class 9: Informed Consent and Research Ethics (I)

- Ruth Faden and Tom Beauchamp, “The Concept of Informed Consent”
- Daniel Sulmasy, “Are SARS-CoV-2 Human Challenge Trials Ethical?”, *JAMA Internal Medicine*, August 2021.
- Jessica Flanigan, “Three arguments against prescription requirements”, *Journal of Medical Ethics*, 2012; 38: 579-586.

Class 10: Informed Consent and Research Ethics (I)

- Hawkins, Jennifer S. y Emanuel, Ezekiel “Introduction: Why Exploitation?”, en *Exploitation and Developing Countries. The Ethics of Clinical Research*, Princeton University Press, Princeton y Oxford, 2008, pp. 1-20.
- Thomas Pogge, “Testing Our Drugs on the Poor Abroad”.

Class 11: The Right to Die (I)

- “Philosophers’ Brief” in the Right to Die Cases
- Dan Brock, “Voluntary Active Euthanasia”

Class 12: The Right to Die (II)

- *Pretty v. UK* (European Court of Human Rights)

- Bernardette J. Richards and Michaela E. Okninski, “The Best Interests of a Child: A Tragedy in Three Parts”.
- *Case of Lambert and Others v. France* (European Court of Human Rights)

Class 13: Abortion (I)

- Don Marquis, “Why Abortion is Immoral”
- Judith Jarvis Thompson, “A Defense of Abortion”
- Jeff McMahan, “Infanticide and Moral Consistency”

Class 14: Abortion (II)

- *Roe v. Wade*; *Planned Parenthood v. Casey*
- *A., B. and C. v. Ireland* (European Court of Human Rights, 2010)

Class 15: The Ethics of Organ Transplantation (I)

- Franklin G. Miller, Robert D. Truog and Dan W. Brock, “The Dead Donor Rule: Can It Withstand Ethical Scrutiny”
- David Rodríguez-Arias et.al, “Success factors and Ethical Challenges of the Spanish Model of Organ Donation”.

Class 16: The Ethics of Organ Transplantation (II)

- Debra Satz, “Ethical Issues in the Supply and Demand of Human Kidneys”
- Janet Radcliffe-Richards, “The Case for Allowing Kidney Sales”

PART III: ETHICS OF THE NEW BIOSCIENCES

Class 17: Eugenics Old and New

- Allen Buchanan et al., “In the Shadow of Eugenics,” from *Chance to Choice*, Chapter 2
- Julian Savulescu, “Procreative Beneficence”

Class 18: Reproductive Technologies (I)

- Glenn Cohen, “Prohibiting Anonymous Sperm Donation”
- *Cramblett v. Midwest Sperm Bank*

Class 19: Reproductive Technologies (II)

- Kimberley Strong et. al, “Savior Siblings, Parenting and the Moral Valorization of Children”.

- Ester Farnós, “Surrogacy in Spain”

Class 20: Genetic Screening for Disability

- Dan Brock, “The Non-Identity Problem and Genetic Harms: The Case of Wrongful Handicaps”
- Jeff McMahan, “The Morality of Screening for Disability” and “Causing Disabled People to Exist and Causing People to Be Disabled”
- Elizabeth Barnes, “Valuing Disability, Causing Disability”

Class 21: Biomedical Enhancement of Human Capacities: Genetic Selection

- Michael Sandel, “The Case Against Perfection”
- Allen Buchanan, *Beyond Humanity? The Ethics of Biomedical Enhancement*, Chapter 3
- Julian Savulescu et. al., “Why We Should Allow Performance Drugs in Sport”

Class 22: Transhumanism and the Ethics of Immortality

- Aubrey de Grey, “Reasons and Methods for promoting our duty to extend healthy life indefinitely”.
- Case of R Js (Disposal of Body)
- Ole Martin Moen, “The Case for Cryonics”
- Nicholas Agar, “Why Is It Possible to Enhance Moral Status and Why Doing So Is Wrong”.

Class 23: Oral Presentations

Class 24: Oral Presentations

Class 25: Class-Wide Review for Exam

Class 26: Final Exam

Hub Areas:

This course meets the “2+1” General Education criterion, including:

- (1) Philosophical, Aesthetic, and Historical Interpretation
- (2) Diversity, Civic Engagement, and Global Citizenship/Ethical Reasoning
- (3) Intellectual Toolkit: Critical Thinking

Learning Outcomes:

1. **Students will demonstrate knowledge of notable works in philosophical thought, make meaningful connections among them, and be able to relate those works to their own lives and those of others.** Students will learn to interpret, formally reconstruct, and rigorously evaluate the arguments contained in seminal works in contemporary moral philosophy, bioethics, and philosophy of science. Many units of this course are structured as debates between heavy-weight philosophical researchers over the ethics of biomedical enhancement. Students will learn how to relate these arguments to one another by critiquing critiques of biomedical enhancement and responses to those critiques, by comparing, contrasting, and interrogating the empirical and normative premises on which proffered positions rest, and by evaluating the logical forms of arguments and counterarguments. Students will determine which objections actually make contact with their target theory and which are addressed to strawmen or uncharitable characterizations of opposing views. Students will learn to distinguish premises in competing philosophical positions that are decisive from those that are orthogonal or less important. Students will consider whether the flaws of arguments can be repaired and the arguments salvaged, and whether opposing views can in some respects be reconciled; they will learn to take into account legitimate points of concern in different philosophical positions and use all of the information at their disposal in rendering an all-things-considered judgment on a given practical ethical issue. Students will consider the extent to which contemporary philosophical positions build on, but also go well beyond, classic works in moral philosophy, such as the Kantian and Utilitarian frameworks developed by Kant and Bentham/Mill respectively, as well as seminal philosophical theories of justice, agency, personhood, and moral standing. Students will explore the ways in which ethical problems arising out of emerging biotechnologies—problems they will increasingly be confronted with in the 21st Century—are challenging these canonical systems of philosophical thought.
2. **Students will demonstrate the reasoning skills and possess the vocabulary to reflect upon significant philosophical questions and topics such as what constitutes a good life, right action, meaningful activity, knowledge, truth, or a just society.** This course will explore various topics in medical ethics, and thus it will teach students to engage directly and substantively with fundamental philosophical questions about human wellbeing, value, justice, autonomy, agency, humanity, identity, authenticity, free will, health, and disease. It will equip students with philosophical concepts and methods by which to analyze ethical and policy problems in relation to emerging biomedical sciences and technologies. Students will come to appreciate how these philosophical concepts relate to one another, and they will be trained to identify and reconcile conflicts between principles that arise in these analyses.
3. **Students will be able to identify, grapple with, and make a judgment about the ethical questions at stake in at least one major contemporary public debate, and engage in a civil discussion about it with those who hold views different from their own.** This course will systematically examine moral philosophical debates surrounding numerous issues in medical ethics, from euthanasia and abortion to the biomedical enhancement of the physical, cognitive, and psychological capacities of human beings. Although the enhancement enterprise aims to create a world with higher levels of human wellbeing, it also raises a host of ethical concerns, such as worries that biomedical enhancement will exacerbate inequality, undermine authenticity, devalue diversity, or even pose an existential threat to the human species. This course will survey the social and ethical implications of human biomedical enhancements carried out through the administration of

drugs, sophisticated prosthetics, genetic engineering, and human-machine interfaces. It will equip students with moral philosophical concepts and methods by which to analyze the ethical and policy dimensions of emerging biomedical enhancement technologies. Students will learn how to construct and evaluate moral philosophical arguments. They will learn to not rest content with their initial (pre-reflective) moral intuitions, but rather to develop well-reasoned and clearly articulated views that are grounded in defensible moral principles and state of the art empirical understandings of the world. By examining specific cases of enhancement technology, both actual and fanciful, students will learn how to wrestle with conflicts between their reflective moral intuitions, on the one hand, and the prescriptions of moral principles, on the other. Students will also learn how to identify and reconcile conflicts that arise between moral values/principles themselves. For example, in connection with the private use of genetic and cognitive enhancement technologies, students will learn to wrestle with the conflict that arises between autonomy (in the form of restricting reproductive liberty) and justice (as it relates to the exacerbation of inequality).

4. **Students will demonstrate the skills and vocabulary needed to reflect on the ethical responsibilities that face individuals (or organizations, or societies or governments) as they grapple with issues affecting both the communities to which they belong and those identified as “other.” They should consider their responsibilities to future generations of humankind, and to stewardship of the Earth.** In this course, students will learn to appreciate that applied ethics is not merely an arena for applying high-minded principles developed in theoretical ethics to cases in the real world; rather, applied ethics is an indispensable means by which to develop, test, and revise our moral theories themselves—including accounts of fundamental ethical concepts like moral standing, flourishing, responsibility, and justice. Students will wrestle with the question of whether biomedical enhancement is likely to be a crucial tool for coping with the rapidly shifting social and ecological landscapes of the new millennium, or whether biomedical enhancement technologies themselves pose a grave threat to human wellbeing, identity, and value. Students will learn to explore, in an analytically rigorous way, whether we have an obligation to ourselves or to future generations to keep human beings ‘human,’ and what this might plausibly mean in a world in which robust biotechnology is giving us unprecedented control over who we are and what we will become.
5. **Students will be able to identify key elements of critical thinking, such as habits of distinguishing deductive from inductive modes of inference, recognizing common logical fallacies and cognitive biases, translating ordinary language into formal argument and visual maps of argument structure, distinguishing empirical claims about matters of fact from normative or evaluative judgments, and recognizing the ways in which emotional responses can affect reasoning processes.** This course will explicitly train students in reasoning, logic, and argumentation. Students will learn how to (i) assess the validity and soundness of arguments, (ii) translate common language into visual maps of formal arguments, (iii) use terms with high levels of definitional clarity and precision, (iv) distinguish inductive and deductive modes of reasoning, (v) recognize common logical fallacies, and (vi) separate empirical from normative claims with an appreciation of how these two types of propositions work together in bioethical arguments. By visually mapping the formal structure of common language, students will come to see how various propositions hang together in arguments; they will learn how to identify and make explicit unstated assumptions on which arguments rest; and they will learn how to

strengthen weaker arguments and then subject the stronger version to scrutiny. All of this will take place in the context of learning how to construct and evaluate ethical arguments regarding the biomedical enhancement of human capacities.

6. **Drawing on skills developed in class, students will be able to evaluate the validity and soundness of arguments, including their own.** This course will explicitly train students to assess the validity and soundness of arguments and, crucially, to distinguish between these two properties of argument. Students will learn how to construct visual maps of their own positions, allowing them to see weak logical links in their own arguments and, accordingly, to devise ways of strengthening them.