

PL277 MEDICAL ETHICS

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Office Hours: online & by appointment

Spring 2021
Monday, 3:45 - 7 pm
(First online via Zoom, with the hope to transition
back to in-person format as soon as circumstances allow)

Course Description

The decisions taken in medical treatment are often the subject of complex philosophical and moral debate, drawing on concepts and principles that long predate new technological developments. This course addresses the ethical basis of medical research and practice, including distinct ideas of autonomy, health, well-being, and disease. We cover some of the most prominent and fraught issues that have arisen in the legal regulation of medical care, such as euthanasia and assisted suicide, cultural and historical differences surrounding questions of reproduction, and issues of information-flow, privacy, and confidentiality, as well as justice and healthcare. Since this course will take place in the midst of the COVID-19 pandemic, we will also investigate the ethical dilemmas that arise during global pandemics.

Course Readings

Required book:

Lewis Vaughn (ed) (2020) *Bioethics: Principles, Issues, and Cases*,
New York/Oxford: Oxford University Press (ISBN: 9780190903268)

All readings, including the 4th edition of the textbook, will be available on Google Classroom.

Requirements

Academic Integrity

Bard College Berlin maintains the staunchest regard for academic integrity and expects good academic practice from students in their studies. Instances in which students fail to meet the expected standards of academic integrity will be dealt with under the Code of Student Conduct, Section 14.3 (Academic Misconduct) in the Student Handbook.

Attendance

Attendance at ALL classes is expected. More than two absences (that is absences from two sessions of 90 minutes) in a semester will significantly affect the participation grade for the course. For regulations governing periods of illness or leaves of absence, please consult the Student Handbook.

Required Texts

Generally, there will be some compulsory and some recommended readings for each session. These are mainly selected contributions by different authors, many of them from *Bioethics: Principles, Issues, and Cases*. All students are responsible for preparing all the required readings in advance of each week (with the exception of the first session). In addition to the textbook (see above), a digital reader will be

provided at the beginning of the semester on Google Classroom. However, all texts should be physically printed at best, and be available for reference during the course time. The recommended readings, also uploaded to the Google Classroom, are not mandatory, but highly encouraged.

SPECIAL CONSIDERATIONS FOR SPRING 2021: Some students might need to begin the semester remotely due to travel restrictions caused by the pandemic. In addition, all students and instructors must refrain from in-person attendance if they are feeling ill. Instructors should make efforts to offer alternatives to in-person attendance where needed, including remote participation or asynchronous options.

Assessment

Participation

Students should arrive to each class on time (also online!) and prepared. Being prepared means

- (1) having completed the assigned reading,
- (2) bringing to class a non-electronic copy of the assigned reading, and
- (3) being ready to initiate and to contribute to discussion.

Engagement in class discussion should be regular as well as productive; quantity alone will not favorably affect the participation grade.

Class Presentations

Students will present on one text as per a sign-up sheet online. Each presentation of about 15 minutes will examine key passages of your choice. Since your presentation will be conducted remotely, please use either PowerPoint or prepare a handout for the class that focuses your reading of the text. You are encouraged to write your midterm or final papers on the text that you present on. In this manner, your essay can expand on the insights and questions that arose from your class contribution and the discussion that follows your readings.

Writing Assignments

There will be two principal assignments over the course of the term: a midterm essay of 2000 words due at 23:59 on March 21 and a final essay of 3000 words due at 23:59 May 16 (for senior students) and May 23 for other students.

Policy on Late Submission of Papers

All written work must be submitted electronically and on time. As the Student Handbook states: *essays that are up to 24 hours late will be downgraded one full grade (from B+ to C+, for example). Instructors are not obliged to accept essays that are more than 24 hours late. Where an instructor agrees to accept a late essay, it must be submitted within four weeks of the deadline and cannot receive a grade of higher than C. Thereafter, the student will receive a failing grade for the assignment.*

Grade Breakdown

Class participation: 25%

Presentation: 20%

Midterm essay (2000 words): 25%

Final essay (3000 words): 30%

COURSE SCHEDULE

MEDICAL ETHICS

Session 1, Feb 1. INTRODUCTION

Recommended Reading

(1) Robert M. Veatch, "Medical Ethics: An Introduction," *Medical Ethics*, 2nd ed., ed. by Robert M. Veatch, Sudbury, Mass: Jones and Bartlett 1997, 1–28.

(2) Carol Levine. "Analyzing Pandora's Box: The History of Bioethics," *The Ethics of Bioethics*, ed. by Lisa Eckenwiler and Felicia Cohn, Baltimore: Johns Hopkins University Press 2007, 3-23.

Session 2, Feb 8. MORAL REASONING & MORAL THEORIES

Required Reading

(1) Chapter 1 "Moral Reasoning in Bioethics," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 3-33.

(2) Chapter 2 "Bioethics and Moral Theories," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 34-63.

Recommended Reading

(1) R. Macklin, "Ethical Relativism in a Multicultural Society," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 212-222.

Session 3, Feb 15. ABORTION

Required Reading

(1) Judith Jarvis Thomson, "A Defense of Abortion," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 357-367.

(2) Don Marquis, "Why Abortion is Immoral," *Bioethics: Principles, Issues, and Cases*,

ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 367-379.

(3) John T. Noonan, "An Almost Absolute Value in History," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 379-383.

(4) Mary Anne Warren, "On the Moral and Legal Status of Abortion," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 383-394.

Recommended Reading

(1) Chapter 7 "Abortion," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 339-356.

(2) Marianne Le Nabat, "Is Abortion Candy?" ([online](#))

(3) Pope John Paul II, "The Unspeakable Crime of Abortion" §§58-63 ([online](#))

Session 4, Feb 22. AUTONOMY & PATERNALISM

Required Reading

(1) Ch. 3 "Paternalism and Patient Autonomy," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 97-110.

(2) Gerald Dworkin, "Paternalism," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 111-120.

Recommended Reading

(1) John Stuart Mill, *On Liberty* (PDF)

(2) Richard Smith, "The Discomfort of Patient Power" ([online](#))

Session 5, Mar 1. TRUTH-TELLING & CONFIDENTIALITY

Required Reading

(1) David C. Thomsma, "Telling the Truth to Patients," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 187-191.

(2) Mack Lipkin, "On Telling Patients the Truth," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 191-193.

(3) Shelly K. Schwartz, "Is It Ever OK to Lie to Patients?," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 193-196.

(4) Susan Cullen & Margaret Klein, "Respect for Patients, Physicians, and the Truth," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 196-203.

Recommended Reading

(1) Ch. 4 "Truth-Telling and Confidentiality," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 176-186.

(2) James Rachels, "Why Privacy is Important," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 204-209.

(3) Mark Siegler, "Confidentiality in Medicine," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 209-212.

Session 6, Mar 15. PATIENT AUTONOMY & INFORMED CONSENT

* Susan Sontag, *Illness as Metaphor* (PDF)

Required Reading

(1) Chapter 5: "Informed Consent," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 228-240.

(2) Ruth R. Faden & Tom L. Beauchamp, "The Concept of Informed Consent," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 240-245.

(3) Robert M. Veatch, "Abandoning Informed Consent" & "Why Physicians Get It Wrong and the Alternatives to Consent: Patient Choice and Deep Value Pairing," *Patient, Heal Thyself. How the New Medicine Puts the Patient in Charge*, Oxford: Oxford University Press 2009, 91-109.

Recommended Reading

(1) Howard Brody, "Transparency: Informed Consent in Primary Care," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 255-261.

(2) Robert J. Levine, "Informed Consent: Some Challenges to the Universal Validity of the Western Model," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 261-267.

(3) Nicola Twilley, “Can Hypothermia Save Gunshot Victims?,” *The New Yorker* (November 28, 2016) (PDF)

(4) M. Kuczewski / P.J. McCrudden, “Informed Consent: Does It Take a Village? The Problem of Culture and Truth Telling,” *Cambridge Quarterly of Healthcare Ethics* 10(1), 2001, 34-46 (PDF)

(5) Robert Burt / Dax Cowart, “Confronting Death: Who Chooses, Who Controls?,” *Hastings Center Report* 28(1), 1998, 14-24 ([online](#))

Session 7, Mar 22. PANDEMIC ETHICS: COVID-19

Required Reading

(1) Jeffrey Kirby, “Enhancing the Fairness of Pandemic Critical Care Triage” (PDF)

(2) Austin Frakt, “Who Should be Saved First? Experts Offer Ethical Guidance,” *The New York Times* (March 24, 2020) (PDF)

(3) Michael J. Sandel, “Are We All in This Together?,” *The New York Times* (April 13, 2020) (PDF)

(4) Richard Smith: “Are all Lives and Deaths Equal?,” *the bmj opinion* (October 14, 2020) ([online](#))

Recommended Reading

(1) Andrew Liu, “‘Chinese Virus’, World Market,” *n+1* (March 20, 2020) ([online](#))

(2) Thomas Friedman, “Finding the ‘Common Good’ in a Pandemic,” *The New York Times* (March 24, 2020) (PDF)

(3) Louise Aronson, “Ageism is Making the Pandemic Worse,” *The Atlantic* (March 28, 2020) (PDF)

(4) Joseph Goldstein et al., “Patient Has Virus and Serious Cancer. Should Doctors Withhold Ventilator?,” *The New York Times* (April 1, 2020) (PDF)

(5) James Tabery, “How to Prepare for the Worst-Case Scenario,” *The Salt Lake Tribune* (April 7, 2020) (PDF)

— **March 21: Midterm Papers Due** —

Session 8, Apr 12. HUMAN RESEARCH

Required Reading

(1) Allan M. Brandt, "Racism and Research: The Case of the Tuskegee Syphilis Study," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 314-326.

(2) Marcia Angell, "The Ethics of Clinical Research in the Third World," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 328-332.

(3) Baruch Brody, "Ethical Issues in Clinical Trials in Developing Countries," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 332-336.

Recommended Reading

(1) "The Nuremberg Code," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 291-292.

(2) "Declaration of Helsinki," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 292-295.

(3) "The Belmont Report," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 295-298.

Session 9, Apr 19. GENETIC ENHANCEMENT

Required Reading

(1) Ch. 9 "Genetic Choices," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 562-582.

(2) Julian Savulescu, "Genetic Interventions and the Ethics of Enhancement of Human Beings," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 627-636.

(3) Nathaniel Hawthorne, "The Birth Mark" (PDF)

(4) John Harris, "Enhancement Is a Moral Duty," *Enhancing Evolution: The Ethical Case for Making Better People*, Princeton, NJ: Princeton University Press 2020, 19-35 (PDF)

Recommended Reading

(1) Nick Bostrom / Rebecca Roache, "Ethical Issues in Human Enhancement" (PDF)

(2) Frances M. Kamm: “Is There a Problem With Enhancement?” ([online](#))

(3) Thomas H Murray, “Making Sense of Fairness in Sports,” *Hastings Center Report* 40(2), March-April, 2010, 13-24 (PDF)

(4) Anita Silvers, “A Fatal Attraction to Normalizing” (PDF)

Session 10, Apr 26. REPRODUCTIVE TECHNOLOGY

Required Reading

(1) Peter Singer, “IVF: The Simple Case,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 460-463.

(2) Congregation for the Doctrine of the Faith, “Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 487-496

(3) Elizabeth S. Anderson, “Is Women’s Labor a Commodity?,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 514-526.

(4) Leon R. Kass, “The Wisdom of Repugnance,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 535-550.

Recommended Reading

(1) Ch. 8 “Reproductive Technology,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 440-459.

(2) John Harris, “Is Gene Therapy a Form of Eugenics?” (PDF)

Session 11, May 3. EUTHANASIA & PHYSICIAN-ASSISTED SUICIDE

* **Movie:** *How To Die in Oregon* (2011)

Required Reading

(1) Ch. 10 “Euthanasia and Physician-Assisted Suicide,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 648-665.

(2) Daniel Callahan, “When Self-Determination Runs Amok,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 682-686.

(3) John D. Arras, "Physician-Assisted Suicide: A Tragic View," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 687-702.

(4) Ronald Dworkin et al., "The Philosophers' Brief," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 717-725.

Recommended Reading

(1) James Rachels, "Active and Passive Euthanasia," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 702-705.

(2) Tom Beauchamp, "Justifying Physician-Assisted Deaths," *Ethics in Practice: An Anthology*, 3rd edition, ed. by Hugh LaFollette, Malden, MA: Blackwell Publishing 2007, 72-80.

(3) Ronald Dworkin, Ch. 7 "Dying and Living," *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom*, New York: Vintage 1994, 179-217 (PDF)

(4) J. David Velleman, "Against the Right to Die" (PDF)

(5) Paula Span, "Physician Aid in Dying Gains Acceptance in the U.S.," *The New York Times* (January 16, 2017) (PDF)

Session 12, May 10. JUSTICE & HEALTH CARE

Required Reading

(1) Norman Daniels, "Is There a Right to Healthcare and, if So, What Does It Encompass?," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 763-769.

(2) Allen E. Buchanan, "The Right to a Decent Minimum of Health Care," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 770-775.

(3) H. Tristram Engelhardt, "Rights to Healthcare, Social Justice, and Fairness in Health Care Allocations," *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 776-784.

(4) John Harris, "The Survival Lottery" (PDF)

(5) Garrett Hardin, "Lifeboat Ethics" (PDF)

Recommended Reading

- (1) Norman Daniels, “Justice and Access to Healthcare,” *Stanford Encyclopedia of Philosophy* ([online](#))
- (2) Claus Wendt et al., “How Do Europeans Perceive Their Healthcare System? Patterns of Satisfaction and Preference for State Involvement in the Field of Healthcare” (PDF)

— May 16: Final Papers Due for Senior Students —

Session 13, May 17. RACE & MEDICINE / FINAL DISCUSSION

* **Podcasts:** *Radiolab*, “Playing God” (9 Dec 2020) & *This American Life*, “God Committee” (“Making the Cut,” 8 Jan 2021)

Required Reading

- (1) John Hoberman, “The Nature of Medical Racism: The Origins and Consequences of Medical Racism,” *Black & Blue: The Origins and Consequences of Medical Racism*, Berkeley: University of California Press 2012, 14-17.
- (2) John Hoberman, “Why Bioethics Has a Race Problem,” *Hastings Center Report*, March-April 2016 (PDF)
- (3) J. Nwando Olayiwola, “Racism in Medicine: Shifting the Power,” *The Annals of Family Medicine* 14(3), May/June 2016, 267-269 (PDF)
- (4) Angus Chen, “Is It Time to Stop Using Race in Medical Research?,” *Bioethics: Principles, Issues, and Cases*, ed. by Lewis Vaughn, New York/Oxford: Oxford University Press 2020, 326-328.

Recommended Reading

- (1) Jessica Nutik Zitter, “The Never-Ending Mistreatment of Black Patients,” *New York Times* (June 29, 2019) (PDF)
- (2) Roxane Gay, “Remember, No One Is Coming to Save Us,” *New York Times* (May 30, 2020) (PDF)

— May 23: Final Papers Due —

Essay Deadlines:

Midterm paper (2000 words) on **March 21, 2021**

Final paper (3000 words) for senior students on **May 16** & for others on **May 23, 2021**