

PHILOSOPHY 333 (002)

Bio-Medical Ethics

July 6, 2020 - August 13, 2020

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Welcome

This course was originally intended to be given in person, but because of the coronavirus pandemic, it has been moved to an online format. Consequently, the presentation of the course material will be different than a typical course. The original plan was to meet for three hours, twice a week, to review assigned readings and to explore ethical issues. The new plan is that you will work your way through a detailed online course that I have put together on Canvas.

This online course is broken down into six “Modules”. Each module is made up of “Lessons”. Each lesson lists “Tasks” for you to follow. Tasks include completing an assigned reading, reviewing my written summary of the key ideas from the assigned reading, and checking your understanding of the material by answering some discussion questions. There is a detailed “Course Schedule” below that will tell you what lessons to complete each week.

Throughout the term, I will be available to answer your questions, so you can deepen your understanding of the course content. I will stay in contact with you by posting weekly voice recordings on Canvas, where I answer some common questions about the assigned material. I will also have online office hours, by appointment, via Zoom, where I can meet with you to discuss course material, review rough drafts of your assignments, etc. Also, feel free to email me at any point in the course. My email is, **Doran.Smolkin@ubc.ca**

Although the format for this course is different than in previous years, I am convinced that with hard work, you will learn a lot about ethical theories and ethical issues in health care, and that you will improve your abilities to think critically, write clearly, and develop your own views on some important moral problems in health care. I am committed to giving you an excellent learning opportunity.

Course Description

Is euthanasia morally permissible? What is the relationship between patient autonomy, competence, and informed consent? When, if ever, is paternalism morally justified? Under what circumstances, if any, is abortion morally wrong? Is it morally permissible for women to obtain and for doctors to provide medically unnecessary Caesarean sections? Under what conditions should patients be allowed to refuse life-saving care? Should doctors provide alternative, unproven therapies to their patients who request them? When, if ever, is two-tier health care just? What, *in general*, makes an act morally right or wrong, a person virtuous or vicious, a policy just or unjust?

In Philosophy 333, we will explore answers to these questions from a variety of perspectives. We will, in short, critically examine some leading philosophical theories, and some important, and difficult, ethical issues in health care.

Objectives

Objectives for this course include:

- Acquiring a critical grasp of leading normative ethical theories;
- Gaining a critical understanding of some important philosophical literature on some moral problems in health care;
- Developing your critical reasoning skills when it comes to identifying arguments in a text, stating those arguments in a precise and clear manner, and raising targeted objections to those arguments;
- Encouraging you to consider your own views on selected moral problems in health care, to consider your reasons for your views, to examine your views and reasons critically, and to rethink your views and arguments in the light of criticism.

More generally, the aim of this course is not to tell you what to think, but to give you the skills to think for yourself, while enhancing your philosophical literacy. By successfully completing this course, you will gain a better understanding of moral theory generally; a greater familiarity with specific arguments on specific ethical issues in health care; a deeper understanding of your own views on these issues, and an enhanced ability to identify, articulate, develop, and critically analyze arguments.

Required Readings/Textbook

- *Debating Health Care Ethics: Canadian Contexts, 2nd edition*, Patrick Findler, Doran Smolkin, Warren Bourgeois. Canadian Scholars, 2019.

The textbook is available at the UBC Bookstore, and (in electronic and print format) through the publisher's website, <https://www.canadianscholars.ca/books/debating-health-care-ethics>

Note, *the 2nd edition* of the text is necessary to complete the course successfully.

- *Selected Articles*, a selection of influential and important philosophical articles in health care ethics. Unless otherwise indicated, these articles are available through the “*Library Online Course Reserves*” tab on Canvas.

Explanation of the Textbook

Debating Health Care Ethics: Canadian Contexts begins with a brief discussion of philosophical arguments and methodology (Chapter 1), and then turns to a fairly thorough examination of leading ethical theories (Chapter 2). In Chapter 3, the three authors of the text each presents his favoured ethical theory. The remaining chapters of the book focus on moral problems in health care and are written in **debate** format. More specifically, each chapter begins with a **drama** – a fictional case designed to introduce a particular moral issue – or a **case study**. The drama (or case study) is then followed by a **debate** between the three authors of the text. In the debate, you will witness (hopefully) a lively exchange of ideas, as different perspectives are considered, attacked, occasionally abandoned, sometimes refined, and at other times defended. You will see philosophers sometimes coming to agreement, and sometimes agreeing to disagree. You can then decide for yourself whether you agree with any of the authors, why you reject some of the arguments presented, and you can develop your own thoughts on the issues raised in the drama and debate. The format is designed to show you how to develop an argument for a particular position, how to criticize an argument, and how to defend or revise an argument in light of criticism.

Explanation of the Articles

The articles used in this course include some of the leading contributions to the field of medical ethics, on issues like abortion, autonomy, euthanasia, and access to health care. The articles are primary sources – typically, journal articles, though sometimes book chapters -- which are intended to supplement the debates in the textbook, and to provide students with good examples of professional, philosophical writing.

Grades (Course Requirements)

Grades will be based on the following components:

Participation in online Discussions	10%
Completion of 2 Essays	60% (30% each)
Final Exam	30%

Explanation of Graded Components of the Course

Online Discussions (weekly):

It is expected that students complete 1 or 2 discussion questions per week. Discussion questions are provided at the end of each lesson and throughout the textbook. You can go to the Discussion Board through Canvas and answer one of these questions; also, you can use the discussions to ask your own questions and make your own comments on the readings; or, you can comment on your classmates' postings. Discussions should work in a manner similar to classroom discussions. That is, **no one should answer all the questions asked**, discussions should be made in a timely manner, and you should not merely repeat answers to questions that were already given. Also, to keep discussions timely, Discussion Boards will lock on the Friday of the week the material was assigned. For instance, the discussion boards for the material for Week 1 will lock on Friday, July 10th, at 6 pm. At that point, you won't be able to post new discussions (*threads*) on that week's topics.

I will read these discussion threads and record a brief audio lecture each week. In this lecture, I will respond to some of the major questions/themes raised in the discussion posts.

Participation in discussion boards is my way of keeping you up to date in the course, and of assessing your understanding. It is a very easy way to boost your course average. Just do 1 or maximum 2 thoughtful posts per week, and you can be assured an "A" on this component of the course.

Essays (2):

Students will complete 2 papers in the course.

Essay questions will be given on two topics: the moral permissibility of voluntary and nonvoluntary active euthanasia; and the morality of abortion. These essays designed to move us toward realizing the course objectives. To that end, each essay requires you to state your view on a particular moral problem in health care; to present your reasons for your view; to consider objections to your argument; to defend your argument against these objections; to consider rival arguments; and to explain their weaknesses. Your work is to be informed by the readings in the course.

You are welcome to contact me with drafts or outlines of your paper. The best way to do this is by email, or by scheduling a telephone or Zoom appointment.

Final Exam: (3 hours, closed book)

Students will be required to write a Final Exam based on the material covered in:

- Textbook, Chapter 1: Arguments and Philosophical Methodology
- Textbook, Chapter 2: Ethical Theory
- Textbook, Chapter 4: Autonomy and the Right to Refuse Care
- Textbook, Chapter 7: Caesarean-section by Choice
- Textbook, Chapter 8: Two-Tier MRI
- The Primary Source Readings (i.e., the philosophical articles on various problems in health care)

The Final Exam will be a combination of definition questions, short-answer questions, and long-answer/essay questions. A comprehensive study guide is included as part of this syllabus.

Students are expected to write the final exam online using “Proctorio”, a remote proctoring software program. (<https://students.ubc.ca/enrolment/exams/off-campus-exams>)

Online Office Hours

By appointment. I am happy to meet with students to discuss drafts of their work, or to answer questions about the course material. The most convenient way to do this is to email me at Doran.Smolkin@ubc.ca, and I will arrange a phone call or a Zoom meeting with you. Please do not hesitate to contact me.

Assignment Due Dates

Participation in Discussions: 1 or 2 posts per week (posts are per week, not per lesson -- aim for approx. 6-12 posts for the entire term, evenly spread out)

Complete both papers:

Essay 1, Euthanasia: Week 4, Thursday, before 6 pm

Essay 2, Abortion: Week 6, Thursday before 6 pm

Final Exam: Scheduled by UBC Enrolment Services during the university's exam period. that residents of the Vancouver area write the final exam in person on campus; residents outside

Policy on Late Assignments

Papers will be accepted for up to 72 hours after the due date, however, absent a documented medical excuse, the penalty for late papers will be 5% per day. Also, late papers will receive minimal written comments, though you can always ask for me to go over your paper with you.

Essay Questions

Essay 1 – On Euthanasia

Due: Week 4, before 6 Pacific Time

Approximate Word Length: 2,000 words

Submit as a WORD doc.

Write an essay of the following topics.

Under what conditions, if any, are voluntary active euthanasia and nonvoluntary active euthanasia morally permissible?

In writing this essay, be sure to define key terms; clearly state your thesis; consider (in detail) the most compelling argument for the opposing thesis; explain precisely why that opposing argument fails; develop and explain a clear argument for your thesis; consider a powerful objection (counterexample) to your argument; respond thoughtfully to that objection.

Essays should be clearly referenced (in text, authors last name, and page number), and should draw at least in part on some of the arguments presented in some of the course readings. No works cited page is needed unless you are using sources not assigned as part of the course readings.

It may be helpful to assume that you are writing for an intelligent, open-minded audience, and you are trying to argue why your view of the matter is correct or most rationally justified. Indeed, it might help to assume that your audience is slightly leaning to the opposing side, and so you will need to work hard to explain why the opposing arguments fail and why your side has the better reasons behind it. Remember to be self-critical; think of possible weak spots in your argument; raise challenges to your argument, and explain how your argument can be defended against those challenges.

You are welcome to contact me with drafts or outlines of your paper. The best way to do this is by email (Doran.Smolkin@ubc.ca), and/or by scheduling an appointment with me via phone call or Zoom.

Essay 2 – On Abortion

Due: Week 6, before 6 pm Pacific Time

Approximate Word Length: 2,000 words

Submit as a WORD doc.

Write an essay on the following:

Do you think it was morally permissible for Marissa to obtain an abortion?

In writing this essay, be sure to define key terms; clearly state your thesis; consider (in detail) the most compelling argument(s) for the opposing thesis; explain precisely why that opposing argument(s) fails; develop and explain a clear argument for your thesis; consider powerful objections to your argument(s); respond thoughtfully to those objections.

Essays should be clearly referenced (in text, authors last name, and page number), and should draw at least in part on some of the arguments presented in some of the course readings.

It may be helpful to assume that you are writing for an intelligent, open-minded audience, and you are trying to argue why your view of the matter is correct or most rationally justified. Indeed, it might help to assume that your audience is slightly leaning to the opposing side, and so you will need to work hard to explain why the opposing arguments fail and why your side has the better reasons behind it. Remember to be self-critical; think of possible weak spots in your argument; raise challenges to your argument, and explain how your argument can be defended against those challenges.

You are welcome to contact me with drafts or outlines of your paper. The best way to do this is by email (Doran.Smolkin@ubc.ca), and/or by scheduling an appointment with me via phone call or Zoom.

Course Schedule

Our weeks correspond to UBC Vancouver's schedule. Our course begins and ends the same time as face-to-face courses. Our online course will take the same official breaks as University courses.

Note: each online lesson includes various **tasks**. Tasks include reading the online lesson, reading the textbook and/or reading supplemental articles, and participating in discussion questions.

Week	Activities	Discussions and Assignments
Week 1 – Module 1: Ethical Theory	Lesson 1: Philosophical Ethics Lesson 2: Arguments and Methodology Lesson 3: Cultural Relativism Lesson 4: Utilitarianism	Discussions
Week 2 – Module 1: Ethical Theory	Lesson 5: Kant's Ethics Lesson 6: Pluralistic Deontology Lesson 7: Social Contract Theory Lesson 8: Virtue Theory Lesson 9: The Ethics of Care	Discussions

<p>Week 3 – Module 2: Euthanasia</p>	<p>Lesson 10: Euthanasia, Defined Lesson 11: Arguments against the Moral Permissibility of Active Euthanasia Lesson 12: Active Euthanasia vs Passive Euthanasia Lesson 13: An Argument for the Moral Permissibility of Voluntary Active Euthanasia (VAE) Lesson 14: An Argument for the Moral Permissibility of Non-Voluntary Active Euthanasia (NAE) Lesson 15: Legalizing Active Euthanasia (optional)</p>	<p>Discussions</p>
<p>Week 4 – Module 3: Abortion</p>	<p>Lesson 16: The Fundamental Question and Noonan’s Conservative Arguments Lesson 17: Potentiality Lesson 18: Mary Anne Warren’s Liberal Defense of Abortion Lesson 19: Sumner’s Argument for a Moderate View</p>	<p>Discussions</p> <p>Essay 1 on Euthanasia due Thursday of this week, before 6pm</p>
<p>Week 5 – Module 3: Abortion, continued</p> <p>Module 4: C-Section by Choice</p>	<p>Lesson 20: Thomson’s Defense of Abortion Lesson 21: Marquis’ Argument against Abortion Lesson 22: Discrimination, Virtue Theory, and Abortion Lesson 23: C-Section by Choice</p>	<p>Discussions</p>
<p>Week 6 – Module 5: Autonomy and the Right to Refuse Care</p> <p>Module 6: Two-Tier MRI</p>	<p>Lesson 24: Autonomy and the Right to Refuse Care Lesson 25: Two-Tier MRI</p>	<p>Discussions</p> <p>Essay 2 on Abortion due Thursday of this week, before 6pm - submit on Canvas</p>

Final Exam Study Guide

Scheduled by UBC Enrollment Services during the university's exam period. Students are expected to write the exam on a computer using “Proctorio”, a remote proctoring software program. (<https://students.ubc.ca/enrolment/exams/off-campus-exams>)

The final exam aims to test your knowledge of the **ethical theories** and **philosophical terminology** studied in the first part of the course; your critical grasp of the **articles** on euthanasia and abortion; and your ability to reason about the ethical issues explored in **chapters 4** (Autonomy and the Right to Refuse Medical Care), **7** (Caesarean-Section by Choice) and **8** (Two-Tier MRI) in the textbook.

The exam itself will have 4 sections:

1. **definitions** from chapters 1 and 2 of the textbook (10 definitions, to be answered in a sentence or two, and worth 1 mark each);
2. **medium-length questions** on ethical theories (3 questions, each to be answered in 3 paragraphs, and worth 10 marks each);
3. **a long-answer question** based on the articles assigned in the course (one question, 8-10 paragraphs long, and worth 35 marks – *see below for the questions to prepare*);
4. **a long-answer question** based on the debate chapters in the textbook (one question approximately 5 paragraphs long, worth 25 marks – see below for the questions to prepare).

The exam will run for 3 hours, and will be closed note and closed book.

Here is a list of key concepts to study. You should be able to define key terms precisely, explain theories clearly and fully, apply theories to hypothetical situations, raise objections to these theories.

Argument and Philosophical Methodology

Argument

Valid Argument

Invalid Argument

Sound Argument

Unsound Argument

Moral Argument

Thought Experiment

Counter Example

Reflective Equilibrium

Normative Ethics

Descriptive Ethics

Ethical (Cultural) Relativism

Definition of Ethical Relativism

Explain two objections to Ethical Relativism

Explain two arguments for Ethical Relativism

Discuss difficulties for these two arguments

Utilitarianism

Definition of Utilitarianism

Definition of Consequentialism

Definition of Hedonism

Definition of Equal Consideration

Situational Ethic

Examples of how utilitarianism challenges traditional moral values

Objections to Hedonism (experience machine, and how not all pleasures are good)

Objections to Consequentialism (justice objection, promises objection)

Objections to Equal Consideration (too demanding objection)

Utilitarian replies to the justice and too demanding objections

Rule Utilitarianism

Objections to Rule Utilitarianism

Kantian Ethics

Deontology

Kant's conception of a Good will

Categorical imperative

Hypothetical imperative

Universal Law Version of the Categorical Imperative Test

Contradiction in thought (conception)

Contradiction in willing

Perfect Duty

Imperfect Duty

Humanity Version of the Categorical Imperative

Kant's Distinction between Rational Beings and Things

Difficulties with the Universal Law Test

Difficulties with the Humanity Test

Pluralistic Deontology

Why Ross thinks that utilitarianism and Kantianism are too simple

Prima facie duties

Duties, all things considered

Two difficulties with Ross' theory

Social Contract Theory (Hobbes)

Conception of moral rules, according to Social Contract Theory

State of nature

4 conditions of the state of nature that make it a state of war, according to Hobbes

Advantages of Social Contract Theory

Two objections to Social Contract Theory (incomplete; morality is prior to the contract)

Social Contract Theory (Rawls)

Original position

Veil of ignorance

Reasoning toward the principles of justice from the original position (maximin)

The Principles of Justice (Maximal Equal Basic Liberty; Fair Equality of Opportunity; the Difference Principle)

Objections to Rawls' theory

Virtue Theory

Virtue, Defined

Eudaimonia

Doctrine of the Mean

Difficulties for Virtue Theory

Longer Answer Questions:

One of the following questions will be on the exam, and you will be required to answer that question. (Each question is worth 35 marks) Recommended length 8-10 paragraphs.

1. Explain Judith Thomson's views on the moral rights of the fetus. What is the conservative argument that she is questioning? What is the violinist analogy, and what exactly is the point of this analogy? Discuss two objections to her analogy (no straw man objections). Consider how she might best reply to those objections. Explain whether you think those replies to the objections are successful. (Defend your answer.)
2. A common argument against active euthanasia is that it is morally wrong because it involves killing, and killing is morally worse than letting die. Explain Jeff McMahan's response to this argument. Explain James Rachels' responses to the argument that active euthanasia is morally worse than passive euthanasia because one involves killing and the other involves merely letting die. What is Philippa Foot's view on the moral difference between active and passive euthanasia? Explain and evaluate her arguments on the morality of voluntary and non-voluntary active euthanasia.

Longer Essay Questions based on the Text:

Two of the following three questions will be on your final. You will pick **one** to answer. (25 marks) Recommended length: approximately 5 paragraphs.

1. Questions on the CSBC Debate

Do you think it was morally permissible for Wendy to obtain a CSBC? Why or why not? Consider two objections to your reasoning? Explain why those objections fail.

2. Question on the Autonomy Debate

Do you think it was a moral error for the hospital to discharge Mr. Edwards from the hospital when they did? Explain your reasoning for your view. Explain two objections to your argument. Explain why the objections fail.

3. Question on Two-Tier MRI

Under what conditions if any, is two-tier MRI justified? Explain your argument for your view. Consider two objections to your argument. Explain why those objections fail.

University Policies

Support: UBC provides resources to support student learning and to maintain healthy lifestyles but recognizes that sometimes crises arise and so there are additional resources to access including those for survivors of sexual violence. UBC values respect for the person and ideas of all members of the academic community. Harassment and discrimination are not tolerated nor is suppression of academic freedom. UBC provides appropriate accommodation for students with disabilities and for religious observances. UBC values academic honesty and students are expected to acknowledge the ideas generated by others and to uphold the highest academic standards in all of their actions.

Details of the policies and how to access support are available on [the UBC Senate website](#).

Plagiarism, which is intellectual theft, occurs where an individual submits or presents the oral or written work of another person as his or her own. Scholarship quite properly rests upon examining and referring to the thoughts and writings of others. However, when another person's words (i.e. phrases, sentences, or paragraphs), ideas, or entire works are used, the author must be acknowledged in the text, in footnotes, in endnotes, or in another accepted form of academic citation. Where direct quotations are made, they must be clearly delineated (for example, within quotation marks or separately indented). Failure to provide proper attribution is plagiarism because it represents someone else's work as one's own. Plagiarism should not occur in submitted drafts or final works. A student who seeks assistance from a tutor or other scholastic aids must ensure that the work submitted is the student's own. Students are responsible for ensuring that any work submitted does not constitute plagiarism. Students who are in any doubt as to what constitutes plagiarism should consult their instructor before handing in any assignments. A link about Academic misconduct is below

<http://www.calendar.ubc.ca/Vancouver/index.cfm?tree=3,54,111,959>

Other Course Policies: Learning Analytics

In this course, I plan to use analytics data to:

- Track participation in discussion forums
- Assess your participation in the course

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