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PHIL 303-01. Medical Ethics, Fall 2007

Item Type	Syllabus
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Publisher	Memphis, Tenn. : Rhodes College
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Link to Item	http://hdl.handle.net/10267/3531

FALL 2007

PHIL 303: MEDICAL ETHICS

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I. COURSE DESCRIPTION AND GOALS:

Some people consider medical ethics (also sometimes called “bioethics”) a branch of “applied ethics” since its focus is not on the development or justification of moral concepts (norms, principles, theories) but rather on the “application” of these concepts to the specific practices of medicine. This characterization has merit, since it offers a way of distinguishing “medical ethics” from “theoretical ethics” (and also business or environmental ethics), but it is not without its shortcomings. It suggests the rather odd view that ethics can or should somehow be considered apart from its application to our lives, i.e., it suggests a dubious theory/practice split. A different perspective is that medical ethics is the consideration of ethical issues that arise in the distinctive contexts of medicine. One thing unique to medical ethics is its concern with the *technologies* we have developed to enhance and affect our *bodies*. While we can determine whether we should be kind or honest without giving special attention to either our bodies or our technologies, it's very difficult to determine whether we should allow experimentation on human embryos, clone ourselves, or allow physician assisted suicide without considering the different tools – whether machines, vitamins, or therapies – that affect our embodied existence.

While many of our texts will explicitly acknowledge the role technology plays, few will explicitly comment on or analyze our embodied existence. This poses a challenge for you the student to ask why this is so. Is it because our authors assume we all know we are biological organisms, or because they think this fact only discloses part of what it means to be a human being? Are we more than bodies? And what's a body anyway? These questions will bubble beneath the surface of the course, but I encourage you to consider them.

We will address more explicitly questions about how medicine can and should affect the different stages of our lives. For the purposes of this course, we will follow the life process whose main stages are birth, development & flourishing, and death. This is surely an oversimplification, but it provides a helpful arc for structuring a wide variety of diverse but also interconnected issues in medical ethics. We will begin not with issues concerning death but rather birth for two reasons. First, discussing death in November and December is depressing. Second, all of you have (or are beginning to have) some sophisticated thoughts about death, while fewer of you have probably considered birth (whether your own or that of your future children) in much detail. Hence, addressing death first seems plausible. Before we get into the life cycle, though, we will explore the concepts of dignity, autonomy, and personhood – three prominent (and related) ideas in contemporary discussions of medical ethics.

II. COURSE OUTLINE:

Intro. Getting Started: Ethics and Technology

Unit 1. Dignity, Autonomy, and Personhood

1. Kant's *Foundations of the Metaphysics of Morals*

Unit 2. Death

1. The Doctor's Perspective
2. Peter Singer's *Rethinking Life and Death*

Unit 3. Human Development and Flourishing:

1. Jay Katz and the doctor-patient relationship
2. Medicine and the ethics of care (probably nursing and caring)
3. Selected articles on medicine and social justice

Unit 4. Reproduction and Birth:

1. Selected articles on cloning and nontraditional modes of reproduction
2. Leon Kass' *Life, Liberty and the Defense of Dignity*

III. REQUIRED BOOKS:

- Leon Kass, *Life, Liberty and the Defense of Dignity*
- Immanuel Kant, *Foundations of the Metaphysics of Morals*, tr. Lewis White Beck.
- Jay Katz, *The Silent World of Doctor and Patient*
- Peter Singer, *Rethinking Life and Death*
- (likely text) Anne H. Bishop & John R. Scudder, *Nursing Ethics: holistic caring practice* (Jones & Bartlett Publishers)

IV. COURSE REQUIREMENTS:

2 Papers	= 40%
2 Exams	= 40%
Participation	= 20%

A. Papers (2 @ 20%): I propose two papers, since papers are ideal in giving you the opportunity to develop your ideas in a sustained and sophisticated manner. Papers tend to maximize your autonomy and personal development. More details will be provided later.

B. Exams (2 @ 20%): Exams challenge you to present (and hopefully further develop) your knowledge and thinking about a wider range of topics. Each will likely have a mixture of objective, short answer, and essay questions.

C. Participation (20%): Philosophical thinking requires active engagement in learning and testing key ideas and methodologies. The following are designed to promote this. Your overall participation grade will be the average of items 1 and 2, with serious consideration given to item 3.

[1] **Discussion Participation:** *Qualitative* participation is vital to your learning and is expected throughout the semester. You should carefully **prepare** for class; this means actively reading (see "Reading Philosophy") and reflect on the day's assignment (both by noting key definitions and arguments and by formulating questions) *prior* to class. This will prepare you to listen with understanding and to actively participate in class discussion.

Discussion participation involves (i) contributing your own views, questions, and reactions to the readings and class discussion, and (ii) carefully listening to, questioning, and responding to the views of others. It's especially valuable when your contribution responds to

that of others or when it elicits feedback from other students. Your goal shouldn't be to simply participate regularly (dominating class discussion is not good), but to be attentive to the comments raised in class (not just the professor's) and to aim to develop insightful and sophisticated questions or comments that help us delve more deeply into our topics.

When determining your discussion participation grade, I will look at the *quality* and *pattern* of your participation over the course of the semester. The *quality* of your work is gauged in terms of its (i) **clarity**, (ii) **insight**, and (iii) **sophistication**. In assessing the *pattern* of your work, I will look at (i) **consistency**, (ii) **effort**, and (iii) **improvement** and **progress** (or regress) you have made in critically discussing materials throughout the semester.

Minimal participation, low attendance, inattention, and disruptive or dominating classroom behavior will result in a *low* participation grade. If you are concerned about your participation performance, please don't hesitate to talk with me.

Attendance: You are expected to attend all classes. If you must miss a class, you are responsible for all material covered and assignments distributed or collected. Since I consider attendance a factor of participation, I don't distinguish between "excused" and "unexcused" absences. (If you're not present, you can't contribute.) You may miss 2 classes (which is the equivalent of a week) without penalty. After that, your prep/participation grade will drop 1/3 letter grade per additional missed day. *Also*, you are expected to contact me so we can discuss your attendance.

[2] Student Inquiry and Follow-up:

Each of you will work with a partner to generate one inquiry during the semester. Inquiries are focused *explorations* of a key argument or complicated idea. Inquiries have two parts: a clear **explication** of a key *argument* (or controversial *issue*, *position* or *idea*) and a thoughtful **response** to it. After presenting your inquiry, each partner should also provide his or her own *follow-up assessment* of it. The details are below:

(a) The Inquiry itself:

You should construct both parts (the explication and the response) of the inquiry in light of one another. How you construct the response will likely affect how you focus the argument/idea which you explicate. Hence, be sure the two parts fit together into a cohesive whole.

• **Part I: *Explication of a key argument or idea:*** The explication functions to draw the class discussion together by focusing on a specific part of the assigned reading. Hence, the key argument or idea serves as the touchstone from which the class can launch its discussion. Assume that everyone has done the reading but be sure the *context* of the *central argument/idea* of your inquiry is clear.

→ Identify the *purpose* and the *context* of your key argument or idea: Consider how this argument fits in the day's reading and also in our work in the relevant Unit. It is helpful to identify the key issue to which the argument is responding and to note key ideas that are used in the argument. If your issue and its relevant ideas are *new* to class discussion, if their meaning is *controversial*, or if they simply *warrant* special attention in light of the day's reading, be sure to define or explain them.

→ Select your *argument* or *idea*: An argument is a set of claims, some of which (the premises) are given as supporting reasons for believing another central claim (the conclusion). If you have difficulty finding the argument, the best place to start is by identifying what you think is the (or a) main claim the author is making in the reading. That will probably be the conclusion of your argument. Then, look for the supporting reasons. Sometimes an author will present the entire argument in a single ¶. More often than not, he or she will present it over a series of ¶s.

Once you identify your argument, it's helpful to present it by listing the premises (and numbering them), followed by the conclusion. You will want to present the argument as clearly as you can, defining key ideas as you go.

If the focus of your inquiry is to explicate a complicated or controversial *idea*, your challenge will not be identifying an argument but looking for ways the author illuminates the meaning of this idea. Complicated ideas are those whose meaning is not readily transparent or easily summed up in a clear definition. They might also be ideas that function in a variety of ways in the author's work. Finally, they might be ideas that have controversial meanings.

• **Part II: Responses** are intended to be thoughtful explorations of the argument or idea (and not mere reactions). Your response shouldn't come out of thin air. It should grow out of topics we've discussed in class, and it can make use of examples or case studies. While the explication will tether class discussion to the reading everyone has done, the response will hopefully expand and deepen our understanding of the relevant topics through thoughtful class exploration.

Option 1. Conventional Responses: The conventional inquiry format with its two-part response has many virtues, and you are welcome to employ it. It is susceptible to variations, some of which are noted below.

(1) Responding by *commenting on the significance* of the argument or idea. Significance is relative to some issue, practice, or people, so consider such things as what implications the argument might have for other topics discussed in the class, what implications it might have for present or future medical technologies/practices, or who will be most affected by it.

The following are options you might use to develop the significance of your argument:

(a) **Consideration of the argument's relevance to current events.** Here you might explore the rhetoric being used in the media to present side of your issue; if philosophical ideas or distinctions are relevant (but absent from media presentations), it would be helpful to discuss this point. You might also consider policies (and/or social laws, or public opinion) relevant to your issue. This is also where you might explore case-studies to consider details and dynamics that "philosophical" arguments might ignore or overlook. (Since case studies are concrete, real-life examples, they often unearth thoughts, feelings, and personal testimonies that we don't often encounter in philosophical arguments. You will need to consider how representative these case-studies are; in other words, explain how much weight we should give to them [since a single case is only *one* case].)

(b) **Extended exploration and elaboration of background information** that (i) gives the class a fuller picture of the relevant facts [the conditions, technologies, practices, etc. that affect your issue], (ii) offers an historical perspective to help us appreciate how far we have (or have not) advanced in addressing "medical" issues, and/or (iii) shows the complexity of the issue by tracing its connection to related issues.

(2) Responding by *objecting to* or *raising a substantial question about* the argument or idea. This should be fairly straightforward, since most of you are quite seasoned in raising objections. Even so, to ensure that your response is sophisticated, I strongly encourage you to consider and address plausible *replies* we (or the author) might make to your objection or question.

(a) In this context, you might consider raising, developing, and defending or critiquing an **unpopular or neglected position** on the issue explicated. In this case, you might develop a relevant position that you have not seen presented sufficiently (in the media, in our texts, or in class discussion). The goal here isn't to be controversial but rather to thoughtfully consider genuine alternatives. If an alternative is unsavory but compelling, you might consider why you think we deem it "unsavory."

Option 2. Experimental Responses: The following could be thought of as versions of either *addressing significance* or *raising objections*. Still, they likely require greater experimentation and a more flexible format; hence, these options can replace the two-part conventional response. I strongly encourage you to consult me before pursuing one of these responses so that I can give you feedback.

1. **Interview:** Explain how someone with relevant expertise views (positively or critically) the argument you explicated. This option calls for interviewing an expert. In conducting your interview, you will want to (i) ascertain what qualifications the interviewee has [don't simply assume that someone with a job in a hospital is qualified to offer expert opinions on often complicated issues], and (ii) formulate specific questions for the interviewee that will help the class gain a better understanding of the arguments for or against your issue [practical problems or challenges might, for instance, be quite relevant].

2. **Debates:** Structure a class debate on a specific issue in the reading. To do this, present your explication and then identify two opposing positions on that issue. (One of them may be presented in the explication itself. In that case, the challenge for the side that defends it will be to (a) consider additional reasons for that position, and/or (b) meet the objections of the opposition position.) Offer the class 2 or 3 different reasons in support of each position. Then, the task for the class will be to flesh out and critique these reasons. We might divide the class into opposing parties, giving each responsibility for making the best case for each side.

Regardless of whether you choose option 1 or 2 for your response, consider the following to **Strengthen the Quality of your Inquiry:**

→ Be sure to proofread your inquiry. It should be *well written*.

→ Draw relevant *distinctions* that clarify your issue or idea. Also, provide *examples* (from the readings, your experience, or your imagination) where appropriate to develop or illuminate your points.

→ Maximize *insight* and *sophistication* by exploring *possible alternatives*. If you are working with an idea whose meaning isn't altogether clear, consider alternative definitions or interpretations. If you raise a question or objection, consider and assess different *possible answers*, noting which you find most compelling and why.

***NOTE: Sometimes students assume that if they respond to their own question, the inquiry won't generate much discussion. That can occur and is why it helps to sketch possible *alternative* responses. Doing so lays out the conceptual landscape of the issue and, when done well, elicits intriguing class responses.

• **Problems to Avoid:** Inquiries should grow out of your reading and preparation for class, and they should be integral parts of our class work. They are not tangential or accidental, so please do not approach them in this way (either when you are giving your own inquiry, or when you are listening to someone else's).

Weak inquiries typically fall into one of two types. Some inquiries are weak because the student simply quotes from the reading and expects the passages to do all of the work. To avoid this, be deliberate in explicating the argument or idea in terms that render it clear to the class. Consider which points or premises need further explanation; key ideas may need to be defined or illustrated. Of central importance is making clear to the class why we should believe the conclusion (or position or idea).

Another type of weak inquiry is one in which the student states how he or she feels about an issue rather than explores it with insight and sophistication. To avoid this, refer to the previous section on “Strengthening the Quality of your Inquiry.”

(b) Follow-up Assessment of your Inquiry: (Note: Each partner should write his or her own assessment of the inquiry.) Presenting and discussing your inquiry will hopefully deepen your understanding of the issue as well as your interests and philosophical skills. Hence, after inquiring, write an assessment of your inquiry in which you

- (i) Summarize class discussion of your inquiry, noting the main comments and questions made in response to it. Indicate clearly how you did (or would now) respond to these.
- (ii) Explore how your view has changed (or deepened) as a result of discussion and further study. (By “further study” I mean to include the following readings we do in your unit. This gives you the opportunity to consider your inquiry in a larger context.) For instance, if you discussed the **significance** of the argument, have you changed your mind about this, especially in light of class discussion? If you provided an **objection**, explain whether you still believe it, considering whether it needs revision or amplification. You might also indicate whether this is a topic you believe you could or would want to pursue more fully, e.g., in a paper (your assessment does not commit you to writing a paper related to the inquiry, though this is a possibility).

Your assessment is *due no later than* (you can hand it in sooner) *the 1st class meeting* after we complete the relevant Unit (1 through 4 – see Course Outline above).

(c) Additional stipulations: The goal of this exercise is to give you an opportunity to test your reading and thinking skills. Asking questions is an art, as is developing answers, interpretations, and objections. You are welcome to talk with me or your classmates about your contribution, but the work you do must ultimately be your own. It must be formulated in your own words, reflect your own thinking, and demonstrate your own skills. Your inquiry and assessment will be graded on (i) its **clarity** and **accuracy**, (ii) its **significance** and level of **insight/sophistication**, and (iii) its representation of **effort** and **intellectual growth**.

Inquiries need to be carefully written, typed and no more than 2 pages (single spaced, no more than 1000 words) long. Email me your inquiry **no later than 5 p.m. on the day before your inquiry**; I will then make copies for the class. Our goal as a class will be to respond to the day's contributions; they will thus provide the focus for our discussion.

If you *miss* your scheduled inquiry, you may make it up so long as (1) there is an opening on the schedule, *and* (2) you discuss the matter with me at least *the day before* class. If you know you won't be able to present because of serious illness and have a friend who is willing to swap spots with you, you may *so long as you notify me before the fact*.

[3] Periodic Homework, Quizzes, In-class Writing, or Group Work: To gauge your **preparation** and understanding of material, I will occasionally give *homework* and *quizzes*, most of which will be designed to (i) test your understanding of the reading, or (ii) help you crystallize your thinking on a relevant class issue. In addition, there may be some *in-class writing* or *group work*. The chief criteria used in evaluating this work will be **clarity** and **accuracy**. I will comment on this work but typically *not* assign a numerical grade; instead I will assign a + (excellent work), √ (good work), − (problematic work), or 0 (no work) to indicate the quality of your work. These exercises are an important part of your ongoing work. Use them to gauge your understanding, and recognize them as a valuable source of feedback from me. At the end of the semester, I will consider the profile of your work in this area. If your final course grade is borderline, and if you did good work on these exercises, your efforts here can earn you a higher grade (e.g., move your grade from an 89% to a 90%).

Missed work in this category can be made up *only* when you have discussed the matter with me *prior* to the beginning of the class you miss. Each student is allowed *one* make-up, but make-up material must be completed *by the beginning of the next class meeting*.

If you are concerned about your performance in any of these areas, please don't hesitate to talk with me.

V. MISCELLANEOUS:

• **Successful Classroom:** In working through examples, we will cover a number of controversial issues. I hope you will take these seriously and have the courage to subject all views (including your own) to critical scrutiny. If you feel uncomfortable doing so, please come talk with me. I strongly encourage you to contribute your insights, criticisms, and bafflements, since we typically learn better when we are actively involved with the material. In our class everyone has a right to express a genuine opinion, curiosity or criticism, but no one has a right to put one down.

Respect towards all members of the class and to course content is the key. I work hard to generate a setting in which we can be honest and critical, but my efforts are minimal without your individual contributions. *Impediments* to a successful classroom include tardiness, cell phones, disruptive talking, lethargy, excessive absences, and leaving the classroom before the end of the hour. We are biological creatures, but since we also have a relative mastery over our bodies, please take care of your biological needs before class.

• **Grading Criteria:** See “Grading Criteria for Written Work” handout for specifics. My scheme is the following:

		B+	87-89
A	94 and up	B	84-86
A-	90-93	B-	80-83 etc.

• **Computer Component:** You are responsible for any notes, assignments, etc. that I send out via e-mail. In addition, you are expected to check documents left in our folder on the Academic Server (at \\Fileserv1\acad_dept_pgm\Philosophy\Shade_Patrick\Public\PHIL_303). Included are: (1) readings that are handed out, (2) study questions (for some readings), and (3) any miscellaneous materials we need. Please consult this folder, and let me know if you have problems accessing it or finding materials. I will announce new documents that need to be read; if you are absent, you are responsible for reading these. If you're unfamiliar with computer use, please check with the computer staff. They'll be happy to help you.

• **Honor Code:** The Honor Code stipulates that the work you submit is your own. You are encouraged to discuss topics and assignments with your colleagues, but the work you hand in must be your own, i.e., it must be formulated and written in your own words and style reflecting your own thoughtful treatment. Inquiries are an exception to this stipulation in that they are products of your group’s work (and not simply that of you as an individual). Even so, if you incorporate materials that are *not* your own (as an individual or a group) in inquiries or papers, these must be properly cited. If you have questions, ask.

• I’ll be glad to help in any way I can, so don’t hesitate to darken my doorway.

This syllabus is subject to revision (but don’t worry; I’ll discuss any changes with the class before I make them).

CALENDAR FALL 2007

S: Supplemental Readings

Tuesday	Thursday
	R 8/23 INTRODUCTION • Kass, Chapter 2 <i>The Problem of Technology & Liberal Democracy</i> , read pp. 29-49 • Opening question: What kinds of rules, guidelines, and/or ideals should help us decide how to apply the practice and technology of medicine to people? [This is intended as a broad question designed to help you reflect on what presently dominates your moral thinking about issues such as those we will explore.]
T 8/28 UNIT 1: DIGNITY, AUTONOMY, & PERSONHOOD • Kant, Section I of the <i>Foundations of the Metaphysics of Morals</i>	R 8/30 • Kant, Section II of the <i>Foundations of the Metaphysics of Morals</i> . Also read “The Conception of Freedom is the Key ...” and “Freedom Must be Presupposed ...” in Section III
T 9/4 • Kant, Section II of the <i>Foundations of the Metaphysics of Morals</i> . Also read “The Conception of Freedom is the Key ...” and “Freedom Must be Presupposed ...” in Section III	R 9/6 UNIT 2: Medicine & Death Death from a physician’s Perspective • Hippocratic Oath (S) • Timothy Quill, <i>Death & Dignity</i> , Preface (S) • Dr. Barfield’s perspective (S)
T 9/11 • Ethical criteria relevant to medicine and death	R 9/13 • Singer (Chapters 1-3, pp. 1-56): Death Redefined
T 9/18 • Singer (Chapters 4&7, pp. 57-80, 132-58): Asking for Death	R 9/20 • Singer (Chapters 5-6, pp. 83-133): Quality of Life
T 9/25 • Singer (Chapters 8-9 pp. 159-222): A New Life Ethic	R 9/27 From “ Medicine and death ” to UNIT 3: “Medicine and healing”
T 10/2 Katz Forward (pp. ix-xxxiv), Intro (pp. xl-xlvi) and chapter 4 (pp. 85-103) ← Paper 1 Due Mon. 10/1 10:00 A.M.	R 10/4 Katz Chapters 5 and 6 (pp. 104-164)
T 10/9 Katz Chapter 7 (pp. 165-206)	R 10/11 Katz Chapter 8 and the two appendices (pp. 207-238)
T 10/16 FALL BREAK	R 10/18 MIDTERM
T 10/23 <i>Nursing and Care 1</i>	R 10/25 <i>Nursing and Care 2</i>
T 10/30 <i>Nursing and Care 3</i>	R 11/1 <i>Nursing and Care 4</i>

<p>T 11/6</p> <ul style="list-style-type: none"> • Buchanan “Is There a Right to a Decent Minimum of Health Care?” (S) • Dirnfeld “The Benefits of Privatization” (S) 	<p>R 11/8</p> <ul style="list-style-type: none"> • Sherwin “Gender, Race, and Class in the Delivery of Health Care” (S) • Annas “The Prostitute, the Playboy, and the Poet: Rationalizing Schemes for Organ Transplantation” (S)
<p>T 11/13 UNIT 4. Medicine and birth (& creation)</p> <ul style="list-style-type: none"> • Purdy “Genetics & Reproductive Risk” (S) • Hanscombe “The Right to Lesbian Parenthood” (S) 	<p>R 11/15</p> <ul style="list-style-type: none"> • Kass (Chapter 3, pp. 81-117; Chapter 4 pp. 119-139): Life in the Lab
<p>T 11/20</p> <ul style="list-style-type: none"> • Wilson “Regulated Cloning for Biomedical Research” (S) • Kass (Chapters 5, pp. 141-176): Post-Human People? 	<p>R 11/22</p> <p>THANKSGIVING BREAK</p>
<p>T 11/27</p> <ul style="list-style-type: none"> • Kass (Chapter 6, pp. 177-200): Do you own your body? 	<p>R 11/29</p> <ul style="list-style-type: none"> • Kass (Chapter 7&8, pp. 201-256): Death → Paper 2 Due Fri. 11/30 5:00 P.M.
<p>T 12/4</p> <ul style="list-style-type: none"> • Kass (Chapter 9, pp. 257-276): Biological Immortality? 	