2014

329-01-02 Bioethics

Robert Hurd

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BIOETHICS
Philosophy 329 01/02

3 Credit Hours: Monday and Wednesday afternoons

Sec. 1: CRN 11224  MW 4:30 pm-5:45 pm in Schmidt Memorial Fieldhouse 3
Sec. 2: CRN 11225  MW 6:00 pm-7:15 pm in Schmidt Memorial Fieldhouse 3

Instructor: Robert Hurd, S.J., M.D., S.T.D.
E-mail: hurd@xavier.edu
Office hours: Call ahead for time and location [513-745-3441]

Course Description:

Bioethics is most commonly looked upon as a problem-solving discipline. The problems may be personal, i.e., what kind of health care do I want, or professionally oriented, i.e., what should I do as a health professional in this situation, or public-policy oriented, namely, what should be allowed in this hospital, this state, or country? Since bioethics involves more than one person, and frequently a circle of professionals, the patient, and the patient’s family, it is often very complex.

This course will encourage informed discussion of a number of “hot topics” in bioethics today. Beginning with a review of the basics of philosophical ethics, students will acquire tools which will help them both to formulate ethical perspectives in line with their own personal values and beliefs and to be able to defend and promote these values in the wider society in which we live.
The Xavier University Philosophy Department mission statement reads in part:

[Our mission is] to educate [Xavier] students in the great ideas and movements of the history of Western Philosophy in order that they might become creative, critical and active participants in the world in which they live. The mission recognizes that introducing undergraduates to the discipline of philosophy in three core courses requires that Philosophy professors’ teaching ... engage their students in the study of the fundamental questions which encompass the whole of human life and knowledge, of nature and God.

Course Objectives:

- Students will be able to identify key elements in a case situation which ought to provoke ethical reflection.

- Students will demonstrate their acquaintance with a variety of ethical frameworks and principles by using them to analyze cases.

- Students will be able to articulate and defend their own considered positions on several current hot topics in bioethics.

- Students will role play to prepare themselves to face situations that are likely to be problematic for them in their chosen professions.

- As an E/R S course, students will explore the meanings of justice, tolerance and intercultural diversity and their value in fostering an ethic of solidarity.
Ethics / Religion and Society Program

Philosophy 329 fulfills the 4th course elective in the Ethics/Religion and Society focus of the Xavier Core Curriculum.

From the website of the Ethics / Religion and Society Program:

The Ethics/Religion and Society (E/RS) Program endeavors to realize Xavier University's mission and philosophy of education by providing substantive opportunities for the ethical and/or religious analysis of socially significant issues. In keeping with its Catholic and Jesuit tradition, Xavier promotes critical attention to the underlying philosophical and theological implications of issues as well as encourages a worldview that is engaged with issues of peace and justice and oriented to responsible action. Xavier believes it is important for its students to learn to analyze societal issues critically in terms of human values and to develop a sense of compassionate solidarity and service.

The theme of this year’s Ethics/Religion and Society program is Justice, Tolerance and Diversity. This semester there will be several presentations which all are encouraged to participate in. The purpose of the lecture series is to explore the meanings of justice, tolerance and diversity as well as their relationship to each other. How do different approaches to justice affect the understandings of tolerance and diversity? Likewise, how does one’s understanding of diversity affect one’s view of justice? What differences are most significant and which must be tolerated?
These are some of the presentations offered by the E/R S program this semester (I will let you know if I hear of any others):

- **Robert George. Thursday, January 23, 2014 at 7:00 PM. Conaton Board Room (second floor of Schmidt Hall)**

  Prof. George teaches law at Princeton University. He founded and directs the James Madison program at Princeton University. He writes on law, politics and ethics. He has been a member of the United States Commission on Civil Rights, the President’s Council on Bioethics, the Council on Foreign Relations, and a Judicial Fellow at the Supreme Court. He has received the Presidential Citizens Medal and a Bradley Award for Civic and Intellectual Achievement. His many publications include: Making Men Moral (Clarendon, 1995); Great Cases in Constitutional Law (Princeton University Press, 2000); In Defense of Natural Law (Oxford University Press, 2001); Clash of Orthodoxies: Law, Religion and Morality in Crisis (ISI, 2002); The Meaning of Marriage: Family, State, Market, and Morals (Spence, 2006); Body-Self Dualism (Cambridge University Press, 2007); Embryo: A Defense of Human Life (Doubleday, 2008).

- **Fr. Virgilio Elizondo. Wednesday, January 29, 2014 at 7:00 PM. Conaton Board Room (second floor of Schmidt Hall)**

  Prof. Elizondo teaches pastoral and Hispanic theology at University of Notre Dame. A leading authority on Latino religion in the United States, Fr. Elizondo is a recipient of the Quasten Medal, the Laetare Medal and the Pro Ecclesa et Pontifice Medal; he was named in 2000 by Time magazine as one of the leading spiritual innovators of the new century. He has produced many television programs, and his publications include the following: The Treasure of Guadalupe (Rowman & Littlefield, 2006); Latino Religions and Civic Activism in the United States (Oxford University Press, 2001); A God of Incredible Surprises, Jesus of Galilee (Rowman & Littlefield, 2003); San Fernando Cathedral: Soul of the City (Orbis, 1999); Mestizo Worship (Collegeville, 1998); Guadalupe: Mother of the New Creation (Orbis, 1997).

- **Stephen Long. Monday, February 24, 2014 at 7:00 PM. Conaton Board Room (second floor of Schmidt Hall)**

  Dr. Long is a professor of systematic theology at Marquette University. His doctorate is from Duke University. He is an ordained United Methodist and served in Honduras and North Carolina. He has published eight books: Living the Discipline: United Methodist Theological Reflections on War, Civilization, and

- Thomas Hibbs. Monday, March 17, 2014 7:00 PM. Conaton Board Room (second floor of Schmidt Hall)

Prof. Hibbs taught at Boston College for 13 years and is currently Distinguished Professor of Ethics & Culture and Dean of the Honors College at Baylor University, where he also directs the Great Texts Program and the Baylor Interdisciplinary Core. His writings include: Dialectic and Narrative in Aquinas: An Interpretation of the Summa Contra Gentiles (University of Notre Dame Press, 1995); Shows About Nothing: Nihilism in Popular Culture from The Exorcist to Seinfeld (Spence Publications, 2000) Virtue’s Splendor: Wisdom, Prudence, and the Human Good (Fordham University Press, 2001); Aquinas, Ethics, and Philosophy of Religion: Metaphysics and Practice (Indiana University Press, 2007); Arts of Darkness: American Noir and the Quest for Redemption (Spence, 2008); and, in addition to scholarly articles, numerous popular book and film reviews.

- Fr. Thomas Guarino, Date to be determined

Prof. Guarino teaches at Seton Hall and writes on theology and postmodernism. He is a Fellow of the Center of Theological Inquiry at Princeton and on the Board of The Center for Catholic and Evangelical Dialogue. Among his writings are: Vattimo and Theology (T & T Clark International, 2009); Foundations of Systematic Theology (T & T Clark International, 2005); Revelation and Truth: Unity and Plurality in Contemporary Theology (University of Scranton).
Required Text:
Robert M. Veatch: The Basics of Bioethics, Third Edition [A copy is available at the reserve desk in the Conaton Learning Center]

Methodology and Course Requirements:

1) Attendance is encouraged at all sessions. Students who miss more than four classes may be asked to withdraw. You do not need to notify the professor if you will not be in class, but do try to get the notes from one of your fellow students. Sometimes you can attend a session in another section of the course to participate in the same material.

2) The course **Blackboard and/or Canvas sites** are our main sources of information on announcements, assignments, extra credit opportunities, etc. Most of the articles for you to read will be found on **Electronic Reserves** on the Library webpage.

3) Please make every effort to acquaint yourself with the material in this syllabus, as this will make it easier for you to fulfill the assignments.

4) Each student should read the assigned readings before class. Classes may begin with quizzes covering the assignments.

5) Active participation is expected of all students, particularly in the second half of the semester when we are discussing the student presentations.

6) No eating, texting, or reviewing materials from other classes will be allowed during the classes or during examinations. No credit will be given for any exams in which texting occur.

7) Each class member will write an ethical analysis of one “case.” The case will be chosen by the students themselves from the popular press, websites, or from examples provided by the professor (not from the textbook, as these are usually already densely analyzed by the author.) Ideally the source will simply describe an ethically problematic situation, and not include extended ethical commentary. Also, the topic of the case should not be the same as your group presentation topic. **The ENTIRE source must be copied and turned in with your analysis (including any commentary.)**

Your ethical analysis should demonstrate your familiarity with the ethical approaches discussed in the early part of the semester, including “Principlism” as well as and your own value-intense ethical approach. No
analysis may be less than five or more than seven, typed, and double-spaced pages.

After a thorough discussion of the case, the students are encouraged to expand upon one or more key aspects of the case using at least two other well chosen references.

Your cases will be graded according to their degree of organization, grammar and spelling, depth of understanding of the situation, and punctuality.

If the case writeup is due the day your group is making its presentation, you are welcome to turn in the paper the following class.

8) Each student will also be part of a group of two or three which will make a presentation on a “hot topic” in ethics. This will necessitate some exposition of the context of the issue, the situation of a “case” patient, and an ethical analysis of the issue and the conclusions reached. Always use Principlism, explain other pertinent ethical theories involved, include diverse cultural perspectives, and express your personal solutions. See the recommendations at the end of the syllabus for other suggestions on how to prepare your class presentation.

9) Submit by the last day of class the certificate from the Protecting Human Research Participants course prepared by the National Institutes of Health which is available at http://phrp.nihtraining.com/users/login.php.

10) Students are encouraged to attend events on campus related to the field of bioethics. Many of these will be presentations sponsored by Xavier’s Ethics/Religion and Society and Peace and Justice programs. You can receive participation points (usually two points/session) for attending these sessions by preparing a two-page reflection on what you heard at the presentation and how it relates to our course material or your major. Each student may earn up to 6 points in this way, which can count to make up points missed on exams, quizzes, papers, etc. Please do your best to attend at least one of the presentations of the Ethics/Religion and Society program.

11) If this class is taken as part of a philosophy major or minor or honors program, please notify the professor within the first two weeks of the semester, so the course can be adapted to the specific requirements and expectations of your program.
Evaluation:

- Class participation, NIH certificate, quizzes 10%
- First semester exam 20%
- Class presentation 20%
- Paper 25%
- Final exam 25%

Grading Scale:

- A 93 - 100
- A- 90 - 92
- B+ 88 - 89
- B 80 - 87
- C+ 78 - 79
- C 70 - 77
- D 60 - 69
- F Below 60

Recall these three definitions prepared by the Philosophy Department in regard to grading:

A = work that not merely fully and accurately reproduces class discussion, the main thread in an argument or the main philosophical significance of a text under discussion, but which, having considered arguments and counter-arguments, goes beyond these and indicates a contribution of the student himself or herself, giving evidence of an individual and hence deeper understanding of the material in question.

B = work that shows a more or less complete and exact understanding of the issues, texts, and/or arguments as explained in class, clearly and logically formulated without going beyond such explanations.

C = work that shows basic understanding of the material but with errors, omissions and confusions of either a formal or material nature.
## Course Schedule—subject to adjustment

<table>
<thead>
<tr>
<th>Week of</th>
<th>Topic</th>
<th>Required Readings</th>
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<tbody>
<tr>
<td>Jan 13 M &amp; W</td>
<td>Introduction to the Course</td>
<td><strong>E-reserves:</strong> Veatch: “Let Parents Decide if Teen Is Dead” [Death &amp; Dying folder]</td>
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<tr>
<td>Jan 20</td>
<td>Monday: No class [Martin Luther King, Jr., Day] Wednesday: PowerPoint presentation on The Bioethical Terrain</td>
<td>Ch. 1 A Map of the Terrain of Ethics</td>
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<td>Jan 27</td>
<td><em>Nazi Medicine</em> Video and discussion PowerPoint presentation and discussion on The Hippocratic Tradition Today</td>
<td><strong>E-reserves:</strong> Nuremberg Code [Introductory Materials folder] Ch. 2 and p 188 The Hippocratic Oath and Its Challengers <strong>E-Reserves:</strong> Pellegrino: A Philosophical Basis for the Patient-Physician Interaction [Hippocratic Tradition Folder, under Guinan. Hippocrates Is Not Dead]</td>
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<td>Feb 10</td>
<td>PowerPoint presentation and discussion on Utilitarianism, Kantianism and Virtue Ethics</td>
<td>Ch. 11 The Virtues in Bioethics <strong>E-reserves:</strong> White: “A Return to Virtues” [Ethical Theories folder]</td>
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<td>Feb 17</td>
<td>Monday: Review for midsemester exam</td>
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<td><strong>Wednesday [February 19]: MIDSEMESTER EXAM</strong> on Chapters 1,2,3 &amp; 11 and PowerPoint presentations on The Bioethical Terrain, The Hippocratic Tradition, Life, Death, and Moral Standing, Utilitarianism, Kantianism, and Virtue Ethics and associated readings</td>
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<td>Feb 24</td>
<td>Presentation on Ethical Frameworks [continued]</td>
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<td>Ashley: What Is the Natural Law? [Ethical Theories folder]</td>
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<td>Mar 3</td>
<td>Spring Break [all week!]</td>
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<td>Mar 10</td>
<td>PowerPoint presentation and discussion of Principlism</td>
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<td>Ch. 4 Problems in Benefiting and Avoiding Harm to the Patient</td>
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<td>Ch. 5 The Ethics of Respect for Persons</td>
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| Mar 17 | Monday: PowerPoint presentation and discussion of Principlism [continued] | Ch 6. The principle of Avoiding Killing  
Ch. 7: Death and Dying: The Incompetent Patient  
Cleveland Clinic Bioethics. “CCF Implementation of the New Ohio ‘DNR Comfort Care’ Rules and Regulations” [Death and Dying folder]  
Cleveland Clinic Bioethics. “Advance Directives: Frequently Asked Questions”  
Bibler: “Why I No Longer Say ‘Withdrawal of Care’ or ‘Life Sustaining Technology”  
Welie. “Lessons to be Learned from the Schiavo Case” [Death and Dying folder] |
| Mar 24 | Monday: Presentations and discussion by Fr. Ben Urmston, SJ of his “Vision of Hope” and Ms. Donna Park of “A Vision of Peace for Planet Earth”  
Wednesday: Critical Thinking in Nursing: Lessons from Tuskegee Video and discussion | Fr. Urmston's handout  
Ms. Park’s handout  
**E-reserves:** King. “The Dangers of Difference” [Introductory Materials folder] |
| Mar 31 | Monday: Student presentation and discussion  
Ethics in Occupational Therapy  
**Student Presentation and Discussion**  
Healthcare Inequalities | Haddad: “Teaching Ethical Analysis in Occupational Therapy [In Introductory Materials folder]  
Ch. 8. Social Ethics of Medicine  
**E-Reserves:** Murray: “American Values and Health Care Reform [In Health Insurance Folder] |
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<tr>
<th>Date</th>
<th>Monday</th>
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<tr>
<td>Apr 7</td>
<td><em>Anne Lovel, CNP of Cincinnati Children’s Hospital Medical center on Embryo Ethics</em></td>
<td><em>Student Presentation/discussion on Genetics or Ethics of Human Experimentation</em></td>
<td><em>Lyrly: “Fertility Patients’s Views about Frozen Embryo Disposition” [In enetics folder]</em></td>
<td><em>Wilson: Babble Bloggers”</em></td>
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<td><strong>Paper Due on Wednesday</strong></td>
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<td>Apr 14</td>
<td><em>Student Presentation and Discussion</em></td>
<td><em>Student Presentation and discussion HIV/AIDS</em></td>
<td><em>El-Sadr: AIDS in America—forgotten but not gone</em></td>
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<td>Ethical Issues in Psychology/Mental Health Ethics</td>
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<td>Apr 21</td>
<td><em>Monday: No class [Easter break]</em></td>
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<td><em>Gostin: “Ethical and Legal Challenges Posed by Severe Acute Respiratory Syndrome</em></td>
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<td><em>Student Presentation and discussion</em></td>
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<td>Emergency Response Ethics</td>
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<td>Apr 28</td>
<td><em>Student Presentation and Discussion</em></td>
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<td><em>Trewinnard: “Every Drop Counts” [Miscellanous folder]</em></td>
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<td>Environmental Ethics</td>
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<td><em>Student Presentation and Discussion on topic(s) to be announced</em></td>
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<td>NIH web course certificate due</td>
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<td>Review for Final Exam</td>
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**Bioethics Folders on Electronic Reserves** [This can serve as a list of possible presentation topics as well.]:

1. Abortion
2. AIDS
3. Assisted Reproduction Technologies
4. Bioengineered Seeds
5. Catholic Ethics
6. Clinical Research Ethics
7. Cloning and Stem Cell Research
8. Death and Dying
9. Emergency Response Ethics
10. Ethical Theories
11. Genetics
12. Global Climate Change
13. Health Insurance and Just Allocation of Health Resources
14. Hippocratic Tradition
15. Impaired Newborns
16. Introductory Materials
17. Islamic Ethics
18. Jewish Ethics
19. Miscellaneous
20. Organ Transplantation
21. Peace and War
22. Principlism
23. Surrogate Parenthood

**A Five-Step Model for Ethical Problem Solving**
[from Veatch, Haddad, and English's *Case Studies in Biomedical Ethics*]

1. Respond to the “sense” or feeling that something is wrong
2. Gather information/assessment
3. Identify the moral problem/moral diagnosis
4. Seek a resolution
5. Work with others to determine a course of action
Hints for Preparation of Case Analysis

1. Assessment
   - What is the patient’s condition? What are the indications for treatment?
   - Is the patient capable of making decisions?
   - What are the patient’s preferences?
   - What are the preferences of the family/surrogate decision-makers?
   - What are the needs of the patient as a person?
   - What are the interests of the medical staff, including the social worker and chaplain or anyone else connected with the care of the patient?
   - Are there institutional or legal factors that complicate possible decisions?
   - Are there possible social repercussions based on the decisions made and implemented in this case?

2. Ethical Considerations
   - What principles are involved in this case? How do they rank?
   - What ethical theory is being espoused by the major players in this case?
   - Are there similar cases in the literature?
   - Are there relevant guidelines set by the institution or be professional societies or interdisciplinary groups, e.g., the Ohio DNR Laws?
   - Are there other ethical theories or perspectives that might shed light on this situation? Any church guidelines for their believers?

3. Discussion and Implementation
   - What are the ethically acceptable options?
   - What justification can be given for the preferred resolution of the case?
   - How is the resolution to be accomplished?
   - Is a wider ethical consultation necessary or desirable? Legal consultation or judicial review?

4. Evaluation
   - Is the plan working?
   - How might the problem have been prevented?

5. Institutional Ethics
   - Could there be a policy or guidelines for similar cases?

6. Societal Ethics
   - Cost for one denies others care
   - Society should resist monetary considerations in most individual patient care decisions.

Adapted from Introduction to Clinical Ethics, Edly, Fletcher, et al., 1995
Hints for Preparing Your Bioethics Presentations

Once you have chosen your topic, the next step is to meet with your co-workers, divide up the responsibilities and exchange contact information.

Try to meet several times as a group so that the presentation will flow well and not be merely a series of several separate presentations.

The instructor will usually give you some material to start you thinking about the topic. Focus on just one or at most two cases so that your presentation does not become too broad. The electronic reserves have additional material on your topic.

Prepare a background presentation that gives an introduction to the issue. Next, discuss the case from the point of view of several ethical theories, the four principles, intercultural perspectives, including diversity, and tolerance. Finally, give your own synthesis.

Discuss recent legislative or legal decisions, as well as scientific developments. Be sure your discussion is up-to-date. Avoid being partisan or too one-sided. Perhaps one presenter could act as a “devil’s advocate,” expressing opposing views even if all the speakers are in agreement on the issue.

Do not forget to prepare a title slide, including your names and the date of the presentation. Also prepare a concluding slide with references. Be sure you identify the content of a website citation so students will have an idea what it is about.

Do not put too much information on each slide.

If more than three students have signed up for a particular topic, one student should prepare a discussion of at least two of the assigned readings.

Your presentation should last between 45 to 60 minutes.

BE CREATIVE!!! Try to encourage group participation and lively discussion.

Take your presentation seriously, perhaps even dressing professionally for the occasion.

In the end, please e-mail me a copy of your PowerPoint presentation so that I can add it to our course documents on Blackboard. If you have prepared a Prezi, please prepare also a PowerPoint version which can be submitted to the professor and placed on Blackboard/Canvas.

REMEMBER, your presentations are what make each semester of Bioethics different and exciting!