

Course Syllabus

PHILOSOPHY 433 (July/August 2017)

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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? Should doctors provide alternative, unproven therapies to their patients who request them? When, if ever, is two-tier health care just? What are the morally justified rules of triage? More generally, what makes an act morally right or wrong, a policy just or unjust, and a person virtuous or vicious?

In Philosophy 433, we will explore answers to these questions from a variety of perspectives. We will, in short, critically examine some important and difficult ethical issues in health care, and some leading normative ethical theories.

Course Objectives:

- Gaining a critical understanding of some important moral problems in health care;
- Acquiring a critical grasp of leading normative ethical theories;
- Developing students' 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 students to develop their own views on selected moral problems in health care, to consider their reasons for their views, to examine their views and reasons critically, and to rethink their views and arguments in the light of criticism.

In sum, the aim of this course is not to tell students what to think, but to enhance students' abilities to think for themselves, while improving their philosophical literacy. As a result of successfully completing this course, students 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 their views on these

issues, and an enhanced ability to identify, articulate, develop, and critically analyze arguments.

Success in this course requires thoughtful, consistent engagement with the course materials; clear and careful writing; being fair but critical of others' arguments; being critical of one's own arguments; and keeping an open mind.

Required Readings:

- *Debating Health Care Ethics*, Doran Smolkin, Warren Bourgeois and Patrick Findler. McGraw-Hill Ryerson, 2010.

- *Selected Articles*, a selection of influential and important philosophical articles in health care ethics. Copies of these articles will either be available for download on the web, or through UBC library's electronic database, JSTOR. Note that some articles are on a website that accompanies the text (see the back cover of the textbook for the URL. The login and password to see the articles is 'objection')

Explanation of the Textbook:

Debating Health Care Ethics 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 present his favored 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. The drama 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 students 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 or chapters from books -- which are intended to supplement the debates in the textbook, and to provide students with good examples of professional, philosophical writing.

Course Schedule:**WEEK 1**

July 4

Course Intro, Philosophical Ethics, Nature of Arguments

Text: Chapter 1, pp. 1-14

July 6 Ethical Theory

Ethical Relativism Text: pp. 17-24

Utilitarianism Text: pp. 24-35

WEEK 2

July 11 Ethical Theory

Kantian Ethics Text: pp. 35-45

Pluralistic Deontology Text: pp. 45-49

July 13 Ethical Theory

Contractarianism Text: 45-56

Virtue Ethics Text: 57-64

WEEK 3

July 18 Euthanasia

Text: pp. 90-112

James Rachels, The End of Life, Chapter 2<http://www.jamesrachels.org/EoL.htm>

July 20 Euthanasia

Text: pp. 112-119

James Rachels, The End of Life, Chapter 7

<http://www.jamesrachels.org/EoL.htm>

Philippa Foot, "Euthanasia"

JSTOR available online through the library

Legalization of Euthanasia

[http://highered.mcgraw-](http://highered.mcgraw-hill.com/sites/0070835403/student_view0/debates.html)

[hill.com/sites/0070835403/student_view0/debates.html](http://highered.mcgraw-hill.com/sites/0070835403/student_view0/debates.html)

(see log-in information in the syllabus under "readings")

Supreme Court of Canada, "Carter Decision"***

<http://www.lexisnexis.ca/documents/2015scc005.pdf>

Week 4

July 25 Abortion

Text: pp. 164-182

Noonan, "Almost Absolute Value in History"

<http://spot.colorado.edu/~heathwoo/Phil160,Fall02/noonan.htm>

Marquis, "Why Abortion is Immoral"

<http://faculty.polytechnic.org/gfeldmeth/45.marquis.pdf>

July 27 Abortion

Text: pp. 201-215

Warren, "On the Moral and Legal Status of Abortion"

http://instruct.westvalley.edu/lafave/warren_article.html

Sumner, "A Third Way"

http://canmedia.mcgrawhill.ca/college/olcsupport/smolkin/1ce/AdditionalReadings/LWSumner_AThirdWay.pdf (login: 'objection'; password: 'objection')

Thomson, "In Defense of Abortion"

<http://spot.colorado.edu/~heathwoo/Phil160,Fall02/thomson.htm>

Week 5

August 1 Autonomy
Text: Ch. 5

Freedman, A Moral Theory of Informed Consent**

http://canmedia.mcgrawhill.ca/college/olcsupport/smolkin/1ce/AdditionalReadings/Freedman_AMoralTheoryOfInformedConsent.pdf

login: 'objection'; password: 'objection'

August 3 C-Section by Choice
Text: Ch. 7

Alternative Meds
Text: Ch. 10

Week 6

August 8 Two-Tier Health Care
Text, Ch. 8

Norman Daniels, "Health Care Needs and Distributive Justice"*** JSTOR
(available through the library)

August 10 Triage
Text, Ch. 9

FINAL EXAM DATE TBA (DURING UNIVERSITY EXAM PERIOD)

Grades: Grades will be based on the following components:

Completion of 2 Essays **60% (30% each)**

Final Exam **40%**

Explanation of Graded Components of the Course:

Essay Questions: The essay questions focus on the moral problems raised in the textbook's Drama and addressed in the textbook's Debates. Essays are designed to move us toward realizing the course objectives. To that end, each essay requires you to identify your view on a particular ethical issue 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.

Essay questions will be given on three topics: euthanasia; abortion; and two-tier health care. **Students are required to complete 2 essays. (Students do not have the option of submitting more than 2 essays for grades.)** Specific essay questions will be given below.

Policy on Late Essays:

Up to 3 days after the due date, late papers are accepted without penalty; however, no written comments are given on these papers. After 3 days, papers are not accepted, unless there is a documented medical reason.

Essay Questions:

Essay 1 – On Euthanasia (Approximate Word Length: 1,500-2,000 words)

Write an essay on one of the following topics.

1. Is voluntary active euthanasia morally permissible and should it be legal?
2. Is nonvoluntary active euthanasia morally permissible and should it be legal?

In writing this essay, be sure to define key terms; clearly state your thesis; develop and explain a clear argument for your thesis; consider and respond to an objection to your argument, consider an argument for the opposing thesis; and explain why that opposing argument fails.

Essays should be clearly referenced (any widely accepted system of referencing is fine), 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.

Essay 2 – On Abortion (Approximate Word Length: 1,500-2,000 words)

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

In writing this essay, be sure to define key terms; clearly state your thesis; develop and explain a clear argument for your thesis; consider and respond to an objection to your argument, consider an argument for the opposing thesis; and explain why that opposing argument fails. Essays should be clearly referenced (any widely accepted system of referencing is fine), 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.

Essay 3 – On Two-Tier Medicine (Approximate Word Length: 1,500- 2,000 words)

In Canada, is two-tier MRI just? Was it morally permissible for Sanders to purchase a private MRI?

In answering this question, be sure to define key terms, briefly explain the case of Sanders, and clearly state your theses. In addition to giving your arguments for your views, be sure to consider a spectrum of opposing views, and explain why the arguments for those views fail. For example, if you are arguing that 2-tier is sometimes permissible, be sure also to consider arguments from the libertarian and egalitarian perspectives, and explain why they fail. Also, be sure to consider objections to your arguments, and explain why they fail.

Essays should be clearly referenced (any widely accepted system of referencing is fine), 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.

Final Exam:

The Final Exam will be based on:

- Textbook, Chapter 1: Arguments and Philosophical Methodology
- Textbook, Chapter 2: Ethical Theory
- Textbook, Chapter 5: Autonomy and the Right to Refuse Care
- Textbook, Chapter 7: Caesarean-section by Choice
- Textbook, Chapter 9: Microallocation of Scarce Resources
- Textbook, Chapter 10: Alternative Medications
- The Primary Source Readings (i.e., the philosophical articles on various problems in health care)

The final exam aims to test your knowledge of *ethical theory* and *philosophical terminology*; your critical grasp of the *articles* on issues in medical ethics; and your ability to reason about the ethical issues explored in *chapters 5* (Autonomy and the Right to Refuse Medical Care), *7* (Caesarean-Section by Choice), *9* (Micro-allocation of Scarce Medical Resources) and *10* (Alternative Medications) of the textbook.

The exam itself will have a section on definitions (1-2 sentence answers); short answer questions (1-2 paragraph answers); longer answer questions based on the articles assigned in the course (5 or more paragraph answers); and essay questions, similar to your essay questions completed earlier in the course. The exam will run for 3 hours, and will be closed note and closed book.

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

Final Exam Study Guide

Argument and Philosophical Methodology:

Argument

Valid Argument

Invalid Argument

Sound Argument

Unsound Argument

Moral Argument

Thought Experiment

Counter Example

Reflective Equilibrium

Circular Argument

Straw Man Fallacy

False Dilemma

Normative Ethics

Metaethics

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

Kant's 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 on the Final Exam:

Two of the following five questions will be on the final exam, and you will pick **one** to answer.

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. Thoroughly and carefully explain Don Marquis' argument against abortion? Explain the contraception and equivocation objections to his argument. How might Marquis best reply to these two objections? Explain whether those replies to the objections are successful. (Defend your answer.)
3. Explain the sanctity of innocent human life argument against active euthanasia. Thoroughly evaluate this argument by drawing on objections from the debate on euthanasia, from chapter 2 of Rachels' book, *The End of Life*, and your own thoughts on this issue.
4. According to James Rachels, there is no moral difference, in itself, between killing and letting die. Carefully explain Rachels' argument for this claim. Consider an objection to Rachels' argument (no straw man objections). Explain whether that objection can be successfully rebutted. What is the supposed relevance of this argument to the morality of active and passive euthanasia?

5. What is Philippa Foot's definition of "euthanasia"? According to Foot, when is life no longer a benefit for the person who leads it? Why does she reject the idea that life is no longer a benefit for the person who leads it when it will have more pain than pleasure in it? Why does she reject the idea that life is no longer a benefit for the person who leads it when that person no longer desires it? Discuss an objection to her view of when life is no longer a benefit for the person who leads it. Explain Foot's argument concerning the moral permissibility of active euthanasia when the person being euthanized consents. Explain her argument concerning the moral permissibility of active euthanasia when the one who is being euthanized cannot consent. Discuss an objection to her argument concerning the morality (or immorality) of active euthanasia on those who cannot consent.

Question on Debate Chapters on the Final Exam:

Two of the following four questions will be on your final. You will pick **one** to answer:

1. Questions on the CSBC Debate

Do you think it was morally permissible for Wendy to obtain a CSBC? Why or why not? Develop an objection to your reasoning? Explain thoroughly why that objection fails.

2. Question on the Autonomy Debate

Do you think it was a moral error for the hospital to discharge Mrs. Edwards from the hospital when they did? Explain your reasoning for your view. Develop an objection to your argument. Explain why that objection fails.

3. Question on the Alternative Medications Debate

Do you think that Anderweg acted morally permissibly in administering *H* to Nolle? Explain your argument for your view. Develop an objection to your argument. Explain why that objection fails.

4. Question on the Microallocation Debate

Was Alice's decision to treat Lena ahead of Terrence justified? In answering this question, explain what sort of clinical and non-clinical considerations should play a role in triage decisions. Argue for your view, either by appeal to one of the ethical theories studied or by an appeal to cases. Consider an objection to your

view as it relates to Alice's decision to treat Lena before Terrence. Explain why that objection fails.