LOCATION: Guzman Hall, Room 002; MW, 6:45 – 9:55 pm
OFFICE HOURS: Monday, Wednesday and Friday 9:00 – 10:00 am; 2:30 – 3:30 pm; and by appointment – Room 105, Whittaker Hall
EMAIL AND TELEPHONE EXTENSION: hofbauer@msmc.edu; Telephone extension: 569-3339

Course Description: This course will focus on the nature of medical ethics and on the ethical implications of current problems in medical practice and research. It will explore diverse approaches to morality and the ways in which morality impacts medicine, as well as personal, social and political life. The course will consider issues such as the moral life of the human person; happiness and its pursuit; human acts. It will also consider the determinants of morality: subjective and objective norms; law; sanctions; the nature of value and obligation, right and duty, law and authority, moral agency, virtue and character formation, moral education, individual and collective responsibility. Texts will include Gregory Pence’s, Medical Ethics, as well as selections from Aquinas, Aristotle, Pieper and Kant.

Student Learning Objectives: If you do the work required for this course (reading, reflecting, understanding, participating in class discussions, and writing), you will be able to:
• identify some major ethical theories
• summarize the ethical views of philosophers as expressed in philosophical writings
• use the logical and critical thinking methods of philosophy to analyze and evaluate the ways in which philosophers attempt to craft ethical theories; and
• state and support your own views on issues related to ethics in class discussions, group presentations, and in a logical, coherent paper.

Required Texts:
• Medical Ethics: Accounts of the Cases that Shaped and Define Medical Ethics, by Gregory Pence
• The Four Cardinal Virtues and The Concept of Sin, by Josef Pieper
• Aristotle, The Nicomachean Ethics
• Selections from St. Thomas Aquinas (and various other handouts from the instructor)

Class Requirements: One critical/reflective paper (15% of final grade), one group presentation (15% of final grade), periodic quizzes (announced and unannounced – 30% of final grade), punctual attendance/class participation (15%), a midterm exam (10%) and a final exam (15%). In addition, each absence from class (or early departure) will decrease the student's final numerical course average by 3 points. "Make-up" examinations/quizzes will not be given under any circumstances. Please review the college’s rules concerning plagiarism, because plagiarized papers will cause you to fail the course.

Attendance Policy: Please show up to class on time and ready to go. It is your responsibility to be punctual and prepared. I will not stop and review the information for latecomers and absentees. Thus, the responsibility to find out what you miss falls on you. Absences and latenesses will be strictly noted. Students are allotted TWO absences and THREE latenesses before any penalty to the final course grade; THREE latenesses equal ONE absence. THREE absences, or three full weeks of absences, ensure a final course grade no higher than a “C.” FOUR absences, or four full weeks of absences, automatically guarantee a failure for the course.
• Documentation for medical, filial, or personal situations will excuse your absence thereby making it an excused absence. However, documentation will not make up for the lack of participation and class work.
• Leaving class early for any reason will be noted and may, at the discretion of the instructor, count as an
absence. If you know that you will be missing class, leaving class early, or arriving to class late, please let me know ahead of time.

**Grading Scale**

<table>
<thead>
<tr>
<th>POINTS</th>
<th>GRADE EQUIVALENT</th>
<th>QUALITY POINTS</th>
<th>MEANING</th>
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<tr>
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<td>A</td>
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<tr>
<td>94-90</td>
<td>A-</td>
<td>3.67</td>
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<td>B+</td>
<td>3.33</td>
<td>EXCELLENT</td>
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<td>82-80</td>
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<td>2.67</td>
<td>GOOD</td>
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<tr>
<td>79-77</td>
<td>C+</td>
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<td>ABOVE AVERAGE</td>
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<td>59-0</td>
<td>F</td>
<td>0.0</td>
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</tr>
</tbody>
</table>

**University Grading Standards**

I fully confirm to the University’s official statement regarding the assignment of grades and workload expectations.

A ... achievement that is outstanding relative to the level necessary to meet course requirements.

B ... achievement that is significantly above the level necessary to meet course requirements.

C ... achievement that meets the course requirements in every respect.

D ... achievement that is worthy of credit even though it fails to meet fully the course requirements.

F ... represents failure (or no credit) and signifies that the work was either (1) completed but at a level of achievement that is not worthy of credit or (2) was not completed and there was no agreement between the instructor and the student that the student would be awarded an I.

I (Incomplete) ... Assigned at the discretion of the instructor when, due to extraordinary circumstances, e.g., hospitalization, a student is prevented from completing the work of the course on time. This stipulation requires a written agreement between instructor and student.

**Schedule of Topics and Readings:**

I. **Introductory Classes:** ( Weeks 1 and 2 – August 11, 13, and 18, and 20, 2008):

*Introduction to St. Thomas Aquinas’ natural law theory of ethics:*

Topics may include the following: ethics as a “means” to an “end” rather than an “end” in itself; the question of the “good life” and “happiness;” the problem of freedom vs. necessity; Aquinas’ ideal of “limited freedom”; truth as a “property of being”; the “source of intelligibility” in things; knowledge as “transcendence”; the distinction between theoretical and practical reason; “becoming our essence”; the relationship between the natural law and the eternal law; the movement from “is” to “ought”, an analysis of the 10 stages of a “moral act”, distinctions between persons and non-persons, the “ideal form” of the human person, moral action -- subjective criteria and objective criteria; the cause of moral evil; the concept of sin (the trivialization of moral evil, guilt and moral evil, moral evil as violation of a “transhuman norm,” moral evil as “contrary to order” and “contrary to nature/reason,” moral evil as a “turning away,” the attitude of pride as the “root” of all disorder; moral evil as the deliberate denial of the “ground of existence,” guilt and “liability to punishment,” the necessity of atonement, hell as “self-imprisonment,” pre-requisites for forgiveness, and the necessity for a “divine act” of forgiveness); the capital sins; the “desire” necessary for real prudence; 4 modes of “imprudence” -- the “root” cause of imprudence; 3 characteristics of prudence; 2 real requirements for justice; whether virtue is found in difficulty, effort, and sacrifice; the courage of the “mystic”; the “aim” of temperance; the effects of intertemporalism.

Readings: The Four Cardinal Virtues and The Concept of Sin.
• Classic Cases About Death and Dying

The Case of Larry McAfee and Elizabeth Bouvia; Christianity and Voluntary Death; Assisted Suicide; Rationality and Competence; Autonomy; Rule of Rescue; Karen Quinlan and Terri Schiavo; Standards of Brain Death; Religious Issues; Medical Futility; Extraordinary vs. Ordinary Treatment; Physician Assisted Dying; Hippocratic Oath; Nazis and Euthanasia; The Hemlock Society; Is Murder Always Wrong?; The Slippery Slope; Mistakes and Abuses

• Classic Cases About the Beginning of Human Life -- Abortion and Contraception:

The Trial of Kenneth Edelin; The Language of Abortion; Humanae Vitae; Roe vs. Wade; Personhood; Personhood as a Gradient; Viability; Arguments from Marginal Cases; Feminist Views; Conservative Religious Views; Abortions resulting in live births; Fetal Tissue Research; Emergency Contraception; Maternal vs. Fetal Rights; Paternal Rights; Parental Notification; Partial Birth Abortions;

II. Aristotle (Weeks 3 and 4 – August 25, 27, September 1 and 3, 2008):

Readings in The Nicomachean Ethics

Aristotle's reaction to Plato's metaphysics, epistemology, and ethics; Aristotle's understanding of Plato's Aristotle's decision to incorporate Plato's objective Forms into "individual substances"; Aristotle's idea "substance" as one "thing" with two metaphysical "principles," a principle of "permanence" (form) and a principle of change (matter); Aristotle's philosophy of human nature: at least in sensation, the body is a "co-cause," therefore the soul "alone" is not the person -- the person is a composite of form and matter; Aristotle's epistemology: the "active intellect" abstracts the form from matter, therefore there are no "innate ideas"; Aristotle's belief that the intellect alone is the cause of intellectual knowledge, although the body is considered as a "necessary condition"; Aristotle's ethics, Book I: the "good" as the aim of all things; happiness as the "highest good"; why happiness is "final, self-sufficient, and free"; the happy life; Book II: virtue as "arete"; virtue as "hexis" ("entitative perfection"); virtue as a "mean" between two extremes, the "excess" and the "deficiency"; whether all actions have a "mean"; the "mean" as an "extreme," a "difficult good"; Book III: responsibility for "wish" and desire; the virtuous person as the "measure" of what is true and what is good (contrast with Protagoras); the "gift of vision"; Book V: Justice; the basic principle of justice; the rank of justice; the judge as the "embodiment" of justice; Book VI: the relationship between sophrosyne and phronesis; Book VII: Book VIII/Book IX: Friendship; the three kinds of friendship; qualities of "good" friends; characteristics of "vicious" persons; "self-love" as the root of friendship; Book X: whether pleasure is the highest human activity; whether amusement is the highest human activity; whether intellectual contemplation is the highest human activity; contrast with Thomistic ethics;

• Assisted Reproduction:

In Vitro Fertilization; Egg Transfer; Sperm Transfer; IVF as a Religious Issue; The Vatican and St. Augustine; Paradoxes about Harm and Reproduction; Designer Babies; Egg Donors; Exploitation; Evangelium Vitae; Donum Vitae

• Human Embryos and Stem Cells

The Rios Case; The Davis Case; Adult Stem Cells; Should Embryos Be Used in Medical Research?; Do Embryos Have Dignity?; Is Respect Compatible with Research on Embryos?; Semantics of the Embryo; Reproductive Cloning; Is there a Right to a Unique Genetic Identity; Links Between Embryonic and Reproductive Cloning

• Ethics of Treating Impaired Babies

Preceding Cases and Controversies; The John Hopkins Cases; The Mueller Case; Conjoined Twins; The Infant Doe Case; Baby Jane Doe Case; Selfishness; Abortion vs. Infanticide; Killing versus Letting Die; Personhood of Impaired Neonates; Sanctity of Life vs. Quality of Life;

MIDTERM EXAM
• **Classic Cases About Research**

Medical Research on Animals; Animal Rights; Evaluating Scientific Merit; Research on Human Subjects; Nazi Medical Research; Josef Mengele; The Nuremberg Code; The Tuskegee Study; Informed Consent and Deception; Racism; Withholding Treatment; Kant and Motives of Researchers; Secret Government Medical Experiments

• **Surgeon’s Desire for Fame**

The First Heart Transplant; Barney’s Clark’s Artificial Heart; The Desire to be First and Famous; Criteria of Death; Quality of Life; Hand and Face Transplants; Allocation of Artificial and Transplantable Organs: The God Committee; Hemodialysis; End-Stage Renal Disease Act; Social Worth; Kant and Rescher; Distribution Systems and Waiting Lists; Self-Inflicted Injuries; The Rule of Rescue; Living Donors; Using One Baby for Another; Animal Donors and Animal Rights; Babies as Subjects of Research; Baby Theresa

III. **Other Ethical Theories** (Weeks 4 and 5 – September 8, 10, 15, 17, 2008)

Readings: Immanuel Kant, Foundations of the Metaphysics of Morals;

Introduction To The Foundations Of Contemporary Ethical Theory; Nietzsche’s Characterization Of The Negative Effects Of Kant’s Philosophy; Psychological And Ethical Egoism; Utilitarianism And Consequentialism; Kantian Ethics; Contemporary Challenges To The Dominant Theories (Virtue Ethics, Feminist Theories And The Ethics Of Care, Common Morality Theories); Strengths And Weaknesses Of These Theories; Personal Life, Morality, Public Policy, And Legality

IV. **Summaries and Conclusions; Paper due; FINAL EXAM**

Reflective Questions to be Considered Throughout This Course:

“Who is a Moral Person?”; “What are My Moral Values?”; “Making Moral Decisions”

Ethical Subjectivism – Rousseau; “How Ethically Subjective Are My Ethics?”

Cultural Relativism; “Cultural Relativism and My Perspective”

“Religion and My Ethics”

“Natural Law and My Beliefs”

“Do I have a virtuous character?”

Existentialist Ethics – Living an Authentic Life; Soren Kierkegaard

Freedom and Determinism (Sartre, D’Holbach, James, Camus, Russell, Nietzsche, Tolstoy)

“My Theory of Human Behavior”

“My Assumptions of Freedom”

“What are the limitations to my freedom?”

Determinism and Indeterminism – William James

Sartre – “We are condemned to be free”

“Freedom, Choice and Responsibility”

Limitations to Freedom: Increasing Freedom by Eliminating Constraints

“What are the limitations to my freedom?”

**Medical Ethics: Final Paper Assignment**

**Objective:** A clearly written, critical reflection paper, 6-7 pages in length, that justifies a philosophical/ethical position on a medical case scenario.

**Topics:** Choose an ethical theory (natural law/Kantian ethics/utilitarianism, etc.) that is best suited to tackle a classic medical case scenario and justify your choice of that theory. Below is a list of some of the medical scenarios covered in this course:

- **Classic Cases About Death and Dying**

  The Case of Larry McAfee and Elizabeth Bouvia; Christianity and Voluntary Death; Assisted Suicide; Rationality and Competence; Autonomy; Rule of Rescue; Karen Quinlan and Terri Schiavo; Standards of Brain Death; Religious Issues; Medical Futility; Extravagana vs. Ordinary Treatment; Physician Assisted Dying; Hippocratic Oath; Nazis and Euthanasia; The Hemlock Society; Is Murder Always Wrong?; The Slippery Slope; Mistakes and Abuses
• Classic Cases About the Beginning of Human Life -- Abortion and Contraception:

The Trial of Kenneth Edelin; The Language of Abortion; Humanae Vitae; Roe vs. Wade; Personhood; Personhood as a Gradient; Viability; Arguments from Marginal Cases; Feminist Views; Conservative Religious Views; Abortions resulting in live births; Fetal Tissue Research; Emergency Contraception; Maternal vs. Fetal Rights; Paternal Rights; Parental Notification; Partial Birth Abortion

• Assisted Reproduction:

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- Paper should be typed, double-spaced, and follow standard paragraph formatting (MLA or APA)
- Block quotes more than two lines should be indented and single-spaced
- All direct quotations and ideas which are not your own should be clearly and accurately cited
- The first page should include a strong thesis statement and an informal outline that logically justifies the position taken in the thesis statement
- The body of the paper should follow the plan proposed in the informal outline
- The conclusion should summarize the points made in the body of the paper, and then make some final remarks
- Consult the college handbook concerning plagiarism because plagiarized papers will receive an automatic zero(0)

Rubric for Medical Ethics Papers

In this course, you will be writing a paper on issues in medical ethics. Your paper will need to explain the general problem and present the position you think is the best response. This will require a summary of the general issue and an explanation of the argument that supports the response you will be presenting. Your paper must then present a criticism of the position you take and give a response to that criticism. Finally, you will need to present an implication of the position you take. This will require you to explain what the result of holding the position is that you advocate.
To complete this paper you will need to address the following points:

1. The general issue
   a. State the issue you will be writing about
   b. Present the problem being addressed in this issue
   c. State the main responses to the problem

2. Response to problem
   a. State the response you believe that is the best position
   b. Explain the argument that can be offered to support the position you are holding

3. Criticism/Response
   a. State and explain the criticism of the response that you are presenting
   b. State and explain the response you would make to the criticism

4. Implication
   a. State and explain the implication of the response

The rubric for evaluating these assignments is provided below. If you have any questions, please ask.

<table>
<thead>
<tr>
<th>The Issue (20)</th>
<th>State the issue (0-5)</th>
<th>Present the problem (0-10)</th>
<th>Possible Responses to the Problem (0-5)</th>
<th>Position (40)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>No statement is presented (0)</td>
<td>The problem is not identified (0-3)</td>
<td>Two or more responses are left out (0-2)</td>
<td>No statement of the position (0-3)</td>
</tr>
<tr>
<td></td>
<td>A statement is presented, but it is not clearly stated (1-4)</td>
<td>The problem is stated, but it is not clearly stated or elements of the problem are left out (4-7)</td>
<td>One response is left out (3-4)</td>
<td>The position is stated but unclearly stated (4-7)</td>
</tr>
<tr>
<td></td>
<td>A statement is clearly presented (5)</td>
<td>The problem is clearly presented and stated (8-10)</td>
<td>All responses are clearly stated (5)</td>
<td>The position is clearly stated (8-10)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Criticism/Response (20)</th>
<th>Criticism (0-10)</th>
<th>Response (0-10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3</td>
<td>No criticism is presented (0-3)</td>
<td>No response is presented (0-3)</td>
</tr>
<tr>
<td></td>
<td>A criticism is presented but it is not clearly stated (4-7)</td>
<td>A response is presented but it is not clearly stated (4-7)</td>
</tr>
<tr>
<td></td>
<td>A clearly stated criticism is presented (8-10)</td>
<td>A clearly stated response is presented (8-10)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Implication (10)</th>
<th>State and explain the implication (0-10)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-3</td>
<td>No implication is stated (0-3)</td>
</tr>
<tr>
<td></td>
<td>An implication is presented, but it is not clear how it arises from the position (4-7)</td>
</tr>
<tr>
<td></td>
<td>An implication is clearly stated and explained (8-10)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Overall (0-10)</th>
<th>The paper has two or more areas that are unacceptable (0-3)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>The paper has one unacceptable areas or two or more that are incomplete (4-7)</td>
</tr>
<tr>
<td></td>
<td>The paper has no unacceptable areas and one or zero incomplete areas (8-10)</td>
</tr>
</tbody>
</table>
Grading Criteria for Group Presentations: 100 POINTS TOTAL

Grading will be based on both technical and content issues. Technical issues, in short, are how well we (the audience) understand the words and/or slides that your group is using (Are you making sense, and speaking clearly, and are you acting as a group, or just 4-5 individuals?). Content issues, in short, are based on the quality of research, how interesting the topic is or isn’t, and if the presentation showed a clear structure (introduction of topic, understanding of subtopics, conclusion/wrap-up).

PREPARATION

Outline(s) turned in: 5 points

SUBTOTAL: 5

TECHNICAL ISSUES

Slides 10

"Are slides legible? Are they easy to read (i.e., font size; not too much information per slide, or too little per slide)? Are graphs labeled? Do any demos (clips, sounds) work?"

Individual Speakers 10

"Is each speaker clear? Do we understand his/her subtopic? Do speakers seem rehearsed, or are there many paused, ums, uhs, etc.? Is the speed of the presentation appropriate (i.e., not too fast or slow)?"

Transitions between speakers 10

"Is the transition between speakers ordered/are new speakers/topics introduced?"

Coherence 10

"Ultimately, is this a “group” presentation (group is working towards a goal), or is it simply 4-5 individual presentations that simply appear to be on the same topic?"

SUBTOTAL: 40

CONTENT
Introduction of topic 10

“Is there a clear introduction of the topic to be discussed, and subtopics? Does the opening slide give the name of the talk and the presenters?”

Organization of topic 15

“Is the overall topic of the appropriate scope (i.e., not too large, so the subtopics are merely brushed over, and not too small, so the subtopics are repetitive)? Is the larger topic broken down into well-sized, logically related subtopics?”

Conclusion 15

Does the conclusion clearly follow from the premises and subconclusions given in the presentation? Does the conclusion “sum up” the goal that the presentation was focusing on, or did it just kind of stop? Is it “prospective” (that is, does it provide alternative answers to the problem presented and does it deal effectively with those alternatives?) Does the conclusion provide future directions for untackled issues or unanswered questions — or does it just end?

Quality 15

Did the presentation show an understanding of the issues addressed? Was it interesting, or just a list of facts?

SUBTOTAL: 55

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1 This rubric is based, in large part, on a rubric used by the Cognitive Neuroscience Laboratory at the University of California, San Diego.