

# Medical Ethics

Summer 2016

## UCLA PHILOSOPHY 155: MEDICAL ETHICS

Meetings: TR 1:00-3:05 pm, Dodd 167

Instructor: Jonathan Gingerich

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Cell: [see course website] (I'm unlikely to answer texts and calls after 7 PM)

Office Hours: At Lu Valle Commons, TR, 3:15-4:00 and by appointment

Website: <https://ccle.ucla.edu/course/view/161C-PHILOS155-1>

### **Course Description**

This course will provide an introduction to some central issues in bioethics. We will consider questions such as the following: What is health and what is the appropriate aim of medicine? How should healthcare professionals should treat their patients in a clinical context? What should they do when their patients want access to treatments that they may consider immoral, such as abortion and physician assisted suicide? How should clinicians approach psychiatric care and, particularly, the classification of mental illnesses? What obligations do medical researchers have to research subjects and to the medical community? What is the best way for clinicians to communicate with patients about illness and medical interventions?

We will explore these questions by reading contemporary philosophical texts on medical ethics and the philosophy of medicine, literature from medical anthropology on how medicine works in the contemporary world, and a small number of historical texts on the appropriate aims of medicine. By taking this class, students will learn to: carefully read and explain difficult philosophical texts; clearly articulate and defend philosophical views about medicine, both orally and in writing; independently assess philosophical arguments about medicine; refine and defend their beliefs about what medicine should aim to achieve and whether it in fact achieves those aims; and take pleasure in the challenges of careful and rigorous reading and thinking about both philosophy and health.

### **Texts**

All texts will be available on the course website.

Many of the texts we will be reading are dense, philosophical texts, and I strongly encourage you to read them at least twice.

## **Screen Free Classroom**

In order to avoid distractions and to promote lively participation, thoughtful note taking, and good cheer, I ask that you bring (1) a paper notepad, (2) a writing utensil, and (3) a paper copy of the reading to every class meeting, and **refrain from using your cell phones, tablets, and laptops in class**. Please notify me if special circumstances, such as an injury or a disability, require you to take notes electronically. Please also notify me if obtaining hard copies of the course materials poses a problem for you.

## **Graded Coursework**

Philosophy is a conversational activity. This course will be discussion-based: every session will center around in-class discussion, and most will involve group work so that everyone has a chance to participate. Group work will be conducted in small groups of 4 or 5. We will assign the groups on the first day of class. If you join the class after the first day, please contact me ASAP so that you can be placed in and introduced to your group.

In order for this collaborative endeavor to work, you must complete the assigned reading before class and arrive prepared to discuss it. You owe it not only to yourself, but to your fellow students, to come prepared, and to bring your energy and enthusiasm to share.

All of the following course requirements must be completed in order to receive a passing grade in the course. If you are at all concerned that you may not be able to satisfy one of the course requirements on time, please get in touch with me as soon as possible.

### **Class Participation**

Regular class attendance and active participation will be essential in this collaborative, discussion-based course. Consistently helpful contributions to class discussion may result in the raising of a student's final grade by up to a third of a full letter (e.g. from a B to a B+). Likewise, I may lower the final grade by up to one third of a full letter (e.g. from a B to a B-) in case of spotty attendance or failure to contribute productively to class discussion.

Note that philosophical conversation is more about listening and thinking than it is about speaking, especially when the conversation involves more than two people. I do not care about the quantity but rather about the thoughtfulness of your contributions to the discussion. A thoughtful contribution is one that arises from the careful attention you will pay to your face-to-face interlocutors and to the text.

### **Reading Responses**

Throughout the term, I will ask you to write **ten** brief (approximately 1 page, double-spaced) response papers to the reading assignment.

You may turn in a reading response paper through the course website **the morning of each lecture by 9:00 AM**. You should also submit a hard copy of your reading response paper in lecture.

The purpose of the reading response papers is to get you thinking about the readings before we meet and discuss them, let you practice and improve your philosophical writing, and provide you with a chance to try out ideas and arguments that you may wish to develop in your final paper.

We will have twenty-seven lectures with assigned reading over the course of the term. You are free to choose which ten times you submit reading response papers, but because you only need to submit reading response papers before ten lectures of your choice, late submissions of reading response papers will not be accepted except in extraordinary circumstances. I strongly recommend that you not wait until the middle of the course to begin submitting papers so they don't pile up.

A few pointers for writing reading response papers:

- You don't need to do any additional reading or research to write these papers; you simply need to read the assigned texts and think about questions that emerge from them.
- You should avoid merely summarizing the reading. Instead, you should look for thoughts in the readings that excite, confuse, intrigue, or infuriate you and write about them. If you do this, you are likely to write about important interpretative (what does the author mean?) or critical (is the author right?) issues. Comparative points (what is the relationship between one author and another?) may also arise over the course of the term.
- You don't have to write on everything in the reading for a particular day. Indeed, it would be best to select a narrower topic, because if you try to write about everything, you're likely to end up merely summarizing.
- You don't need to try to be original in your reading response papers. The aim is just for you to think critically and clearly about the text and try to understand it.
- Reading responses may serve as a good starting point for our discussion in class. If there is something you'd like to talk about in class, consider writing about it in a reading response paper.
- Reading response papers may also serve as a good starting point for a term paper: if our reading addresses a topic that you think you might want to write your term paper about, consider writing about it in a reading response.

### Exams

There will be a closed book in-class midterm in class **at the beginning of week 8**. The exam will consist of one or more short essay questions, and will cover the material from the first seven weeks of class. Further details about the midterm will be provided at the end of week 7.

There will be a closed book final exam **during the examination period (date and time TBA)**. This exam will consist of one or more short essay questions, and will cover the material from weeks 8 to 15. Further details about the midterm will be provided at the end of week 14.

## Short Essay

A short essay, 2 to 3 pages, double spaced, will be assigned on at the end of week 4 and **due through the course website by 5:00 PM on Friday of week 6.**

## Term Paper

A longer term paper is required, of 7 to 8 pages, double-spaced, on a topic of your choosing that grows out of one of our meetings or readings. A proposed paper topic is **due Friday of week 10**, a rough draft is **due Friday of week 12**, comments on another student's paper are **due on Friday of week 13**, and the final paper is **due Friday of week 15**. Details about each component of the assignment follow.

*Paper Topic:* A copy of a proposed topic is **due through the course website by 5:00 PM on Friday of week 10**. The proposed topic should be a one-paragraph abstract or statement of a question that you plan to discuss in your term paper. This topic is not a commitment, and you may change your mind about your paper topic, but you will receive feedback on your proposed topic to help you improve your final paper.

*Rough Draft:* Another way in which you will develop your paper ideas is by helping one another with feedback on a rough draft of the paper. Giving feedback on your peers' writing also helps you to take up the perspective of the reader in thinking through what makes for a good philosophy paper. To be ready for the collaborative editing process, you will submit a rough, partial draft of your final paper (around 5 to 6 pages long), **due on the course website by 10:00 pm on Friday of week 12**. Please **also bring two hard copies to class for the first lecture of week 13**. This draft will not be letter-graded: everyone who turns in a satisfactory draft by the deadline will get full credit, whereas those not turning in a draft will receive a zero for this portion of the grade. It is crucial that you complete your draft on time so that you can participate in the peer editing exercise.

*Peer Editing Exercise:* We will have a collaborative editing exercise in class on at the beginning of week 13, shortly after the rough drafts are due. In addition to the in-class exercise, you will **submit written comments on another student's paper by 5:00 pm on Friday of week 13**. You will **email your comments to your partner as well as submitting them through the course website**. Because your partner will rely on your comments in revising their paper, extensions will be granted only in extraordinary circumstances.

*Final Draft:* The **final paper is due on the course website by 5:00 PM on Friday of week 15**. This paper will be graded on the standard letter scale using the rubric at the end of this syllabus. Aside from last minute emergencies, extensions must be arranged at least 24 hours in advance.

## Final Grades

Your course grade will be computed as follows:

35% Weekly Reading Responses (approximately 2 pages each)

- 10% Short paper (2-3 pages)
- 10% Midterm Exam
- 25% Term paper (7-8 pages)  
Breakdown of Term Paper Grade:
  - 5% Rough Draft (pass/fail)
  - 10% Peer Editing Comments
  - 85% Final Draft
- 20% Final Exam

As noted above, final grades may be adjusted upward or downward by up to a third of a letter grade on the basis of class participation.

### **Academic Integrity**

You are expected to abide by UCLA's policies on academic misconduct. I recommend that you read through the flyer on academic misconduct that has been prepared by the Dean of Students at <https://www.deanofstudents.ucla.edu/portals/16/documents/studentguide.pdf>.

A few important reminders about academic integrity are relevant to the writing assignments for this course:

- Write your own papers and properly attribute other people's ideas and words that you include in your writing.
- If you copy someone else's words into your assignment word for word, indicate that these words are a quotation by enclosing them in quotation marks.
- Provide a citation if you paraphrase someone else's idea in your own writing.
- Whenever you cite something, provide a citation that includes enough information that your reader could locate the material that you're citing. (For our course materials, you can just give the author's last name and a page number.)
- If you have any questions about whether what constitutes academic misconduct, please ask.

### **Accessibility**

Students needing academic accommodations based on a disability should contact the Center for Accessible Education (CAE) at (310) 825-1501 or in person at Murphy Hall A255. When possible, students should contact the CAE within the first two weeks of the term as reasonable notice is needed to coordinate accommodations. For more information visit [www.cae.ucla.edu](http://www.cae.ucla.edu).

### **Schedule of Readings**

#### I. UNIT 1: Introduction

- A. WEEK 1: What is health? What is medicine? What does and should medicine seek?
  - 1. Lecture 1
    - a) Course introduction: Please read the syllabus before our first meeting
  - 2. Lecture 2
    - a) Hippocrates, *The Oath*
    - b) Hippocrates, *Airs, Waters, Places*

- c) Galen, *The Best Doctor is Also a Philosopher*
  - B. WEEK 2: Medicine, the State, and Politics
    - 1. Lecture 3
      - a) Michel Foucault, “The Politics of Health in the Eighteenth Century”
    - 2. Lecture 4
      - a) Michel Foucault, *The Birth of the Clinic*, Preface
      - b) Margaret Lock, “Medicalization: Cultural Concerns”
- II. UNIT 2: Ethics of Clinical Care
  - A. WEEK 3: Case Study—Abortion
    - 1. Lecture 5
      - a) Judith Jarvis Thomson, “A Defense of Abortion”
    - 2. Lecture 6
      - a) Carolyn McLeod, “Referral in the Wake of Conscientious Objection to Abortion”
  - B. WEEK 4: Case Study—Euthanasia
    - 1. Lecture 7
      - a) James Rachels, “Active and Passive Euthanasia”
    - 2. Lecture 8
      - a) Ronald Dworkin, Thomas Nagel, Robert Nozick, John Rawls, and Judith Jarvis Thomson, et al., “Assisted Suicide: The Philosopher’s Brief”
- 3. **SHORT ESSAY ASSIGNED**
- III. UNIT 3: Ethics of Institutions of Healthcare
  - A. WEEK 5: Health Insurance and Justice
    - 1. Lecture 9
      - a) Allen E. Buchanan, “The Right to A Decent Minimum of Healthcare”
    - 2. Lecture 10
      - a) Robert C. Hughes, “Strict Egalitarianism about Medical Treatment”
  - B. WEEK 6: Global Justice and Drug Development
    - 1. Lecture 11
      - a) William W. Fisher & Talha Syed, “Global Justice in Healthcare: Developing Drugs for the Developing World,” pp. 583-647 (skip the footnotes)
    - 2. Lecture 12
      - a) William W. Fisher & Talha Syed, “Global Justice in Healthcare: Developing Drugs for the Developing World,” pp. 647-678 (skip the footnotes)
  - 3. **SHORT ESSAY DUE THROUGH THE COURSE WEBSITE BY 5:00 PM ON FRIDAY**
  - C. WEEK 7: Gene Patenting
    - 1. Lecture 13
      - a) *Association for Molecular Pathology v. Myriad Genetics*, 133 S. Ct. 2107
    - 2. Lecture 14
      - a) Tania Simoncelli & Sandra S. Park, “Making the Case Against Gene Patents”
  - D. WEEK 8: Midterm Exam
    - 1. Lecture 15
      - a) **CLOSED BOOK MIDTERM EXAM IN CLASS (COVERS UNITS 1, 2 & 3)**
- IV. UNIT 4: Ethics of Psychiatric Care and Classification
  - A. WEEK 8, CONTINUED: Psychiatric Kinds
    - 1. Lecture 16

- a) David Healy, “Shaping the Intimate: Influences on the Experience of Everyday Nerves”
  - B. WEEK 9: Psychiatric Kinds, Continued
    - 1. Lecture 17
      - a) Ian Hacking, “Kinds of People: Moving Targets”
    - 2. Lecture 18
      - a) Rachel Cooper, “Why Hacking is Wrong about Human Kinds”
      - b) T. M. Luhrmann, R. Padmavati, H. Tharoor, and A. Osei, “Differences in Voice-Hearing Experiences of People with Psychosis in the USA, India and Ghana”
  - C. WEEK 10: The DSM
    - 1. Lecture 19
      - a) Gary Greenberg, “Inside the Battle to Define Mental Illness”
      - b) Ian Hacking, “Lost in the Forest”
      - c) Arthur Caplan, “Stop Critiquing the DSM 5”
- V. UNIT 5: Ethics of Medical Research
  - A. WEEK 10, CONTINUED: Ethics of Medical Research
    - 1. Lecture 20
      - a) The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, *The Belmont Report*
    - 2. **PROPOSED TERM PAPER TOPIC DUE THROUGH THE COURSE WEBSITE BY 5:00 PM ON FRIDAY**
  - B. WEEK 11: Research, Medical Care, and the Distribution of Risk
    - 1. Lecture 21
      - a) *The Immortal Life of Henrietta Lacks* (film) (a screening will be arranged late in week 10 and the film will be available on reserve in the library)
      - b) Clarence Spigner, “Henrietta Lacks and the Debate Over the Ethics of Bio-Medical Research”
    - 2. Lecture 22
      - a) S. Lochlann Jain, “Inconceivable: Where IVF Goes Bad”
  - C. WEEK 12: Epistemological Concerns in Medical Research
    - 1. Lecture 23
      - a) Marcia Angell, “The Epidemic of Mental Illness: Why?” & “The Illusions of Psychiatry”
      - b) Ben Goldacre, “The Drugs Don’t Work: A Modern Medical Scandal”
    - 2. Lecture 24
      - a) Jacob Stegenga, *Medical Nihilism*, ch. 1 and ch. 11
    - 3. **ROUGH DRAFTS OF TERM PAPER DUE THROUGH THE COURSE WEBSITE BY 5:00 PM ON FRIDAY**
- VI. UNIT 6: Ethics of Communication About Health and Illness
  - A. WEEK 13: Nudges
    - 1. Lecture 25
      - a) **PEER REVIEW WRITING WORKSHOP IN CLASS—BRING TWO HARD COPIES OF YOUR ROUGH DRAFT TO CLASS**
    - 2. Lecture 26
      - a) Yashar Saghai, “Salvaging the Concept of Nudge”

- 3. PEER EDITING COMMENTS DUE TO YOUR PARTNER AND THROUGH THE COURSE WEBSITE BY 5:00 PM ON FRIDAY**
- B. WEEK 14: Nudges, Continued
  1. Lecture 27
    - a) Nir Eyal, “Nudging and Benign Manipulation for Health”
    - b) Jonathan Gingerich, “The Political Morality of Nudges in Healthcare”
  2. Lecture 28
    - a) Jennifer Blumenthal-Barby, Zainab Shipchandler & Julika Kaplan, “An Ethical Framework for Public Health Nudges: A Case Study of Incentives as Nudges for Vaccination in Rural India”
    - b) Maya Dusenbery, “Is Medicine’s Gender Bias Killing Young Women?”
    - c) Anne Fausto-Sterling, “I Can’t Breathe”
- C. WEEK 15: Metaphor
  1. Lecture 29
    - a) Susan Sontag, *Illness as Metaphor*, ch 1-5
  2. Lecture 30
    - a) Susan Sontag, *Illness as Metaphor*, ch 6-9
- 3. TERM PAPER DUE THROUGH THE COURSE WEBSITE BY 5:00 PM ON FRIDAY**
- D. EXAM PERIOD
  - 1. CLOSED BOOK FINAL EXAM (COVERS UNITS 4, 5 & 6) (DATE/TIME TBA)**

## Grading Rubric for Term Papers

A, A-	Excellent essay	<ul style="list-style-type: none"> <li>• Writing is straightforward and easy to read.</li> <li>• Essay is clearly organized so that paragraphs clearly flow from one another and the reader is never lost.</li> <li>• Essay topic clearly sets out a significant philosophical problem or question and makes the reader care about it.</li> <li>• Exposition shows mastery of the philosophical materials used and conveys complete comprehension to the reader. Exposition provides a new point of access to the material discussed.</li> <li>• Essay advances an insightful, creative, or very thoughtful philosophical argument that is well supported. Demonstrates awareness of significant objections to the position it advances and responds effectively to them.</li> </ul>
B+, B, B-	Good essay	<ul style="list-style-type: none"> <li>• Writing is readable, although some sentences may be difficult.</li> <li>• Essay is coherently organized, but the reader is sometimes lost.</li> <li>• Essay topic sets out a significant philosophical problem or question, although the essay may fail to show the reader why they should care about the topic.</li> <li>• Exposition of philosophical materials contains no major mistakes and effectively conveys the central arguments and themes to the reader.</li> <li>• Essay advances a philosophical argument and provides support for it although the argument might contain minor errors or need more development in places. Demonstrates independent thought about the topic and awareness of significant objections to the position it advances.</li> </ul>
C+, C, C-	Adequate essay	<ul style="list-style-type: none"> <li>• Writing is very difficult but not impossible to read. Many sentences are convoluted or ungrammatical.</li> <li>• Essay is poorly organized and the reader is often lost.</li> <li>• Essay topic provides an opportunity to exposit and argue about course materials but is not otherwise philosophically significant.</li> <li>• Exposition shows a grasp of the central arguments and themes of the philosophical texts discussed but does not effectively convey it to the reader.</li> <li>• Essay advances a philosophical argument. There may be serious problems with the argument, but the argument has promise of amounting to more than mere counter-assertion. Essay rehashes reading or lecture material rather than demonstrating independent thought about the topic.</li> </ul>
D+ or lower	Inadequate essay	<ul style="list-style-type: none"> <li>• Writing is very difficult but not impossible to read. Most sentences are convoluted or ungrammatical and it is very difficult for the reader to understand the author's meaning.</li> <li>• Essay is unorganized and it is unclear to the reader why one paragraph follows another.</li> <li>• Essay topic poses a coherent question but is unrelated to the philosophical or literary themes of the course.</li> <li>• Exposition fails to show a grasp of the central arguments and themes of the philosophical texts discussed.</li> <li>• Essay makes large argumentative errors or amounts to mere counter-assertion and fails to demonstrate original thought about the material.</li> </ul>
F	Failing essay	Essay does not make a good faith effort to meet the requirements of the assignment.