BIOETHICS, PERSONHOOD AND THE LAW

Maneesha Deckha, Assistant Professor

UNIT VALUE: 1.5

CLASS TIMES: 3:00 to 6:00 p.m., Wednesdays

LOCATION: Room 142, Fraser (Law) Building

OFFICE HOURS: You are welcome to drop by my office to see me at anytime. If you prefer, you may schedule an appointment.

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Room 230; Email: mdeckha@uvic.ca
Assistant: Rosemary Garton, Room 225, Tel.: 250.721.8177

SUMMARY:

This seminar will explore the legal and ethical issues raised by medical and scientific procedures and technologies for persons (humans) and nonpersons (fetuses, embryos and nonhuman animals). In particular, we will look at how the active and absent regulation of reproductive and genetic technologies and state regulation of medical treatment impact the configuration and enjoyment of rights and shape concepts of personhood, property and humanness. Issues of equality and difference will be central to this course. The seminar will consider how medical and scientific procedures and technologies affect social hierarchies based on social constructs such as gender, race, class, and disability. The seminar will also consider if and how the law should regulate these technologies to foster equality among humans and between humans and nonhumans. Specific topics include abortion, assisted suicide and euthanasia, cloning, embryonic stem cell research, vivisection, xenotransplantation, and organ donation.

OBJECTIVES:

The objectives of this course are for you to:

1. Acquire a solid understanding of long-standing and emerging bioethics issues and the legal concepts of personhood, property, and rights that shape them;
2. Analyze, synthesize, evaluate and apply doctrine and related critical perspectives to offer cogent verbal and written analyses of bioethics issues.
3. Refine your legal and other research and writing skills.
4. Actively participate in, and thus increase, your own learning.
EVALUATION:

a) Research or Integrative paper (min. of 5000 words, exclusive of other text)
   - You must submit a thesis paragraph to me by the beginning of class on Wednesday, October 5, 2005. This submission will not be graded, but is nonetheless required. Failure to submit the written introduction and thesis paragraph will adversely affect your grade on your paper.
   - Due date for final paper: Monday, December 12, 2005 at 10:00 a.m. Papers must be submitted in hard copy and by e-mail attachment by this date and have the word count on the cover page. Unless I have authorized an extension, papers submitted after this time will be penalized at the rate of one grade point per day, including weekends.
   - You may write your Major Research Paper for this course if you obtain written approval from me by September 23, 2005. The paper will qualify as a Major Research Paper if it is at least 7,500 words in length exclusive of other text such as footnotes, appendices and bibliography and receives a grade of C+ or better.

PLUS

b) Presentation
   - You must sign up for one class in the term when you will be responsible for presenting your critical responses to that day’s readings to the class and thus leading the discussion. The presentation is an opportunity for you to present a critical analysis of the readings - the arguments you found weak or convincing, the proposals that resonated, and/or other thoughts – rather than description. It should include a set of written discussion questions to propose to the class and interactive exercise. You may assume that everyone has completed the readings. Your presentation, including time for group interaction and discussion, should last between 60 and 75 minutes.
   - You will be assessed on the quality of your clarity, analysis, engagement with the materials, discussion questions and interactive exercise, creativity and overall style and organization.

*If your grade for your presentation is higher than the grade for your paper it will be worth 25%; if it is even or lower it will be worth 15%.

PLUS

c) Journal Entries/Critical Responses
   - For any four weeks for which you are not signed up to do a presentation (you choose which weeks) you must hand in a minimum 300-word reflection related to that week’s readings. These are due at the beginning of class for that week. The reflection may take the form of a diary or journal entry or a more traditional academic critical response. The requirement in either case is that you express your response to the week’s readings and any related personal experience you wish to draw from and incorporate. The responses will not be graded, although the quality of the entries/responses, if high, may be considered to your benefit to raise your overall grade if you are on the border line between grade point values. Completion of all responses will count for 10% of the final grade. Failure to complete all journal entries/critical responses will result in a lower grade at the rate of -2.5% of the final grade for each one missed.
Based on these components, you will be assigned a final letter grade for the seminar. The equivalencies are:

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<th>Numerical %</th>
<th>Letter Grade</th>
<th>Grade Point Value</th>
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<td>90+</td>
<td>A+</td>
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<tr>
<td>85 – 89</td>
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<td>70 – 74</td>
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<td>65 – 69</td>
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<td>F (Failing Grade)</td>
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Absences:

As our seminar meets only once per week and is also highly interactive attendance is critical for successful participation in the class. Except in the case of illness or personal emergency, if more than one class is missed, you are expected to circulate an additional entry or critical response described above for the week’s readings for each class missed. The additional entry/response is due to me by the end of the day on which class was missed. I will then circulate all or part of it to the class. Failure to provide this written entry/response will result in a lower grade at the rate of -2% of the final grade for each class missed.

REQUIRED MATERIALS:

The seminar materials are available at the Course Distribution Centre. I may also distribute handouts and refer you to other sources to access statutes or other materials.

TEACHING METHODOLOGY:

This is a seminar. One of the main advantages of a seminar with limited enrolment is the increased opportunity to interact and engage with each other’s ideas and insights. Accordingly, class time will consist of discussion, small group work and other interactive and reflective exercises, with limited lectures. You are expected to complete your readings and any other preparatory assignments before the start of class and to actively participate in class.
SYLLABUS:

September 7

1. INTRODUCTION


Recommended Reading:


September 14

2. EMBRYOS AND FETUSES

a) Abortion


September 21


Alan Freeman “Stakes high as Bush moves to reshape top court” Globe and Mail (20 July 2005) (WL).

Recommended Reading:


September 28

b) Embryonic Stem Cell Research


Recommended Reading:


E. Cary “‘Bad ethics’ or only hope?; Controversy over breeding babies to save siblings” *Toronto Star* (17 May 2004) (WL).


“MPs Have the Wrong Focus,” *Globe and Mail*, May 2, 2002.


### October 5

#### 3. (NONHUMAN) ANIMALS

**a) Introduction to Animal Rights**


**b) Introduction to Animals and the Law**


### October 12

*Criminal Code*, ss. 446 and 447.


**Recommended Reading:**


c) **Vivisection and Medical Research**


**Recommended Reading:**


d) **Patenting**


**Recommended Reading:**

e) Animal Cloning, Transgenics and Xenotransplantation


Recommended Reading:


T. Caulfield “Too heavy a hand on science” Globe and Mail (3 June 2005) (WL).


4. HUMANS

a) Introduction


b) Eugenics - Old and New?


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*November 2*


Recommended Reading:


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1 The organization of this volume of the materials, particularly the Eugenics and Non-Voluntary Sterilization, Human Cloning and Commodification sections, draw to some extent in structure and content from the materials used by Prof. Harold Edgar in his Genetics and the Law seminar taught in Fall 2001 at Columbia Law School.
c) Assisted Suicide and Euthanasia


November 16

d) Human Reproductive Cloning


e) Organ Donation


Recommended Reading:
