

Philosophy 431/500 (Seminar in Biomedical Ethics)
(Spring 2024)

Instructor: E-H. W. Kluge

Office: CLE B313

Phone: (250)721-7519

e-mail: ekluge@uvic.ca

Office hours: Mondays and Thursdays from 8:30 – 9:30 and by appointment

Course Material:

Text: (on reserve) Veatch, Haddad and English, eds. *Case Studies in Biomedical Ethics* (Oxford, 2010)

- material on Brightspace

Formal Course Requirements

1. Preparation and in-class presentation of a case-study, to be arranged by the student in consultation with the instructor. (20%)
2. Preparation of one paper worth 50% of the course grade. The papers may be a version of the class presentation. The paper is due by 9 pm on the last day of classes. The paper may be handed in electronically; MS-Word format, single space, 12 pt.; with appropriate references.
3. A final examination worth 30%, the time and place to be scheduled by the University.

Late assignments unaccompanied by a legitimate excuse will be penalized at the rate of 5% per day or portion thereof, to a maximum of 30%.

Grading:

Grades will be assigned on a percentile basis with letter grade equivalents as follows: F=0-49; D=50-59; C=60-64; C+=65-69; B-=70-72; B=73-76; B+=77-79; A-=80-84; A=85-89; A+=90-100. The criteria for assigning grades may be found in the University Calendar. Students are encouraged to discuss their examinations with the instructor.

Inappropriate behaviour and contraventions of academic integrity

Inappropriate behaviour and violations of standards of academic integrity as defined in the University Calendar will be dealt with in accordance with University Regulations.

Academic Integrity and Professional Conduct

Chat GPT is not permitted for this course. Plagiarism and other forms of cheating will not be tolerated. It is each student's responsibility to know the University's regulations in this regard. The Policy on Academic Integrity is published in the [University Calendar](#). You can also consult the Libraries' [plagiarism guide](#) or the [Tri-Faculty Standards for Professional Behavior for Students](#), which draws together a number of existing UVic policies in one place for ease of reference. Professionalism is expected from all students enrolled in courses in the Faculty of

Humanities. As part of professionalism, students, faculty and staff are expected to be familiar with University policies, including the Tri-Faculty Standards.

Tentative Outline of Topics

It is impossible to give dates for the various topics as the time frame depends on the in-class discussion.

1. Introduction

- Framework of the seminar
- Approach taken
- Illustrative topics:
 - Healthcare Professionals and the Pharmaceutical Industry

2. Informed Consent for special populations

Relevant Readings: Text cases 6-1, 2, 5; 7-1, 7-2, 7-3, 7-6, 7-8; 14-7; 16-8; 17-2, 17-4

- *AC v. Winnipeg Child and Family Services* [2009] S.C.R.; available at <http://scc.lexum.org/en/2009/2009scc30/2009scc30.html>
- Non-European cultural embedding
- *Re A. (in utero)*[1997] 3 S.C.R. ,*Winnipeg Child and Family Services (Northwest Area) v. G. (D.F.)*; available at <http://csc.lexum.org/en/1997/1997scr3-925/1997scr3-925.html>

3. Allocation of Resources

Relevant readings: Text cases 4-5, 5-2, 5-5, 5-6, 14-8, 14-9, 18-8

- Notes provided by the instructor on Brightspace.
- Denier Y. “On Personal Responsibility and the Human Right to Healthcare” *Cambridge Quarterly of Healthcare Ethics* 14:2 (2005) 224-234.; available at <http://journals.cambridge.org.ezproxy.library.uvic.ca/action/displayAbstract?fromPage=online&aid=290036&fulltextType=RA&fileId=S0963180105050309>
- Kluge E-H, “Resource Allocation in Healthcare: Implications of Models of Medicine as a Profession;” available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1925021/?tool=pubmed>
- Scheunemann LP, White DB. “The ethics and reality of rationing in medicine.” *Chest*. 2011 Dec;140(6):1625-32, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3415127/> .

4. Deliberate Death/Euthanasia/Assisted Suicide

Relevant readings: Text cases 9-2, 9-5, 9-6,18-9

- Government of Canada: “Canada’s medical assistance in dying (MAID) law”, available at <https://www.justice.gc.ca/eng/cj-jp/ad-am/bk-di.html>
- Browne, Gillett and Tweedale, “The Ethics of Elective (Non-Therapeutic) Ventilation” *Bioethics*, Vol. 14, pp. 42-57, January 2000 , available at <http://web.ebscohost.com.ezproxy.library.uvic.ca/ehost/detail?vid=3&hid=11&sid=557ca8d9-bf09-4eb6-bdbb-f94f794392f6%40sessionmgr12&bdata=JnNpdGU9ZWWhvc3QtbGl2ZSZzY29wZT1zaXRl#db=a9h&AN=3157339>
- *Rodriguez v. British Columbia (Attorney General)* [1993] 3 S.C.R. 519; available at

<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1054/index.do>

- Edward W. Keyserlingk, "Non-Treatment in the Best Interests of the Child?" 32 *McGill L. J.* 413 (1986-1987); available at

<http://heinonline.org.ezproxy.library.uvic.ca/HOL/Page?handle=hein.journals/mcgil32&id=435&collection=journals&index>

- E-H Kluge, "Hope in the Neonatal Intensive Care Nursery: Value, Ethics and the Injury of Continued Existence. *Medscape General Medicine* 2006;8(3):74-79, available at

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1781272/>

5. Artificial Intelligence in Healthcare

Relevant Readings:

- material provided by the instructor on Brightspace

[E-H Kluge, *Artificial Intelligence in Healthcare: Ethical Consideration* (Springer, forthcoming 2024)] chaps. II and VI.

- Murphy, K., Di Ruggiero, E., Upshur, R. et al. Artificial intelligence for good health: a scoping review of the ethics literature. *BMC Med Ethics* 22, 14 (2021).

<https://doi.org/10.1186/s12910-021-00577-8>.

- Michael J. Rigby, Ethical Dimensions of Using Artificial Intelligence in Health Care, *AMA J Ethics*. 2019;21(2):E121-124, <https://journalofethics.ama-assn.org/article/ethical-dimensions-using-artificial-intelligence-health-care/2019-02>.

6. Abortion

Relevant readings: Text cases 3-5, 10-2, 10-3, 10-4

— Marquis D. "Why Abortion is Immoral." *Journal of Philosophy* 86 (1989): 183-202, available at <http://www.jstor.org.ezproxy.library.uvic.ca/stable/2026961>

— Thomson JJ. "A Defense of Abortion," *Philosophy and Public Affairs*, 1:1 (1971) 47–66; available at <http://www.jstor.org.ezproxy.library.uvic.ca/stable/2265091>

7. Compulsive Drug Abuse (Addiction): Ethical consideration

- E-H Kluge, "An Alternative to the Toxic Drug Supply: An Ethical Analysis"; available at https://www2.gov.bc.ca/assets/gov/health/about-bc-s-health-care-system/office-of-the-provincial-health-officer/ethical_analysis_of_pharmaceutical_alternatives_to_the_toxic_drug_supply_2020-12-04.pdf.

8. Patenting of genes and life-forms - *Res nullius, res communis and res propria*

- Kluge EH. Patenting human genes: when economic interests trump logic and ethics. *Health Care Anal.* 2003 Jun;11(2):119-30; available at

<https://link.springer.com/article/10.1023/A:1025648928691>

- Directive 98/44EC of the European Parliament, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31998L0044>

- *Monsanto v. Schmeiser*; available at <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2147/index.do>

- *Harvard College v. Canada (Commissioner of Patents)* available at <http://csc.lexum.org/en/2002/2002scc76/2002scc76.html>

- *Diamond v. Chakrabarty* Available at <http://digital-law->

online.info/cases/206PQ193.htm

- *Moore v. Regents of the University of California* available at

<https://content.csbs.utah.edu/~dlevin/Intro-Law-Politics/Moore-v-Regents-abridged.pdf>

9. Dead humans as organ banks

- W. Gaylin, "Harvesting the Dead" available at https://instruct.uwo.ca/philosophy/152-001/Gaylin_HtD.pdf

- Fabre J. Presumed consent for organ donation: a clinically unnecessary and corrupting influence in medicine and politics, *Clin Med (Lond)* . 2014 Dec;14(6):567-7; available at <https://www.rcpjournals.org/content/clinmedicine/14/6/567>

- Pucetti "Does Anyone Survive Neocortical Death?" available at

https://link.springer.com/chapter/10.1007/978-94-009-2707-0_3

- Canadian Paediatric Society, "Use of anencephalic newborns as organ donors."

Paediatr Child Health. 2005 Jul-Aug; 10(6): 335–337, available at

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2722973/#:~:text=Official%20statement s%20from%20the%20Canadian,of%20pronouncement%20of%20death%20\(8%2C](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2722973/#:~:text=Official%20statement s%20from%20the%20Canadian,of%20pronouncement%20of%20death%20(8%2C)

SOME POSSIBLE PAPER TOPICS

1. Informed consent for special populations (e.g., infants, impaired adult persons, prisoners or other special groups, etc.).
2. The right to live at risk (elderly population with or without mental impairment/deficit).
3. Drug testing, the use of drugs in sports, and related issues.
4. The ethical acceptability of health-status requirements for immigrants.
5. The ethics of safe injection sites.
6. Ethical issues surrounding substance abuse.
7. Public values and the *Canada Health Act*: How should what is an insured health services be determined?
8. Should access to health care have an upper limit? (Age, frequency of use, etc.)
9. Reproductive technologies:
 - a. cloning,
 - b. embryo research,
 - c. assisted reproduction,
 - d. surrogate motherhood,
 - e. genetic screening,
 - f. genetic engineering,
 - g. etc.

10. Cultural autonomy and medical practice in a multicultural society, with special attention to S. 15 of the Charter.
11. Ethical issues in research and experimentation.
12. Ethical issues in health care informatics.
13. Deliberate death: Suicide, assisted suicide, terminal sedation, selective treatment for newborn children, etc.
14. Publicly v. privately funded health care.
15. The use of animals in medical experimentation.
16. The human genome: access, ownership and dispositionary rights.
17. The ethics of porcine heart valves, Jews and Muslims: When dietary injunctions conflict with medical practice.