

SUNY Potsdam
Department of Politics

Politics 361: Bioethics—Classic Legal Cases

Spring 2020
TuTh 9:10-11:50
Morey Hall 253

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Office Hours: M 11:00-12:30; W 12:15-1:45

Course Description. This course examines classic cases in U.S. law wherein bioethics (i.e., moral principles applied in the context of biological/medical decision-making) play a central role. Cases cover substantive topics such as reproduction, the doctor-patient relationship, end-of-life decisions, genetics, and organ transplantation.

Course Learning Objectives. Students successfully navigating the course will have met the following objectives. First, they will acquire an improved understanding of the antecedents, substance, and consequences of common, statutory, and constitutional law across relevant subject areas, including reproduction, the doctor-patient relationship, end-of-life decisions, genetics, and organ transplantation. Students will be able to trace the development of relevant law, identifying the impetuses for change, weighing the moral principles at stake, and evaluating the impact that legal change caused. Further, students will be able to make reasoned predictions about the future relationship of law and bioethics: what *will* the law look like? Finally, students will be able to speak to what the law *should* look like, by critically considering contemporary perspectives on bioethics and the law.

Service Learning. This semester, POLS 361 is a designated “service learning” course. Our community service will be mentoring middle school students from Malone Middle School, and teaching them about civic engagement. This will involve three out-of-class activities: we will attend a training session to prepare us for mentoring, and the middle school students will visit our Potsdam twice, where we will lead them in activities. The dates/times are Thursday 2/6, 10:00-12:00, Thursday 4/9, 9:30-11:00, and Thursday 4/30, 9:30-11:00. Locations TBA. These dates are also noted on the syllabus schedule, below.

Course Structure. The course will be structured as a discussion-based seminar. To start the class, I will answer questions from the class about the readings for the current session and/or give a short lecture about topics of interest or potential confusion. Most of the class time will be spent discussing the sections we have read for a given session.

Grading. Course grades will be based on the following components:

Attendance and in-class verbal participation, 25 %

Twice-weekly response papers, 30 %

Service Learning Reflection Paper, 5%

Midterm test, 10%

Cumulative in-class final examination, 30%

Extra Credit. There may be opportunity for extra credit, worth 2% of your final grade. I will give details in class, and post information on Moodle.

Attendance and Participation. Class attendance is required, and is part of the participation grade. Coming to class on time and prepared—having read and thought about the readings—is crucial for the ability to understand class discussion and contribute intelligently. During class discussion, remain respectful of opposing viewpoints, and refrain from personal attacks. Do not browse the internet or use your phone in class. Laptop use is discouraged.

Response Papers. A large part of your grade will be based on response papers to each session's readings. I expect that these one to two page papers will form the foundation, in part, for our class discussions. Specific criteria for these papers will be explained in class. All papers will be collected, and a sample of the papers collected will be graded.

Late Paper Policy. I will collect response papers at the end of each class session in which they are due. Students with excused absences should upload their response papers to Moodle before class time. Submissions up to 24 hours late will be penalized by 50% of the total grade, and submissions more than 24 hours late will not be awarded credit.

Final Exam and Mid-term Policy. Failure to take the final exam or mid-term at the scheduled time will result in a 30% reduction of the test grade.

Assistance. I want to give you any help with the course that you need. My office hours are listed at the beginning of the syllabus; you can always stop by at these times. (Very rarely, I will have to cancel office hours due to other meetings.) Feel free to send me an e-mail when you have a question or concern; my e-mail address is listed also. I will often be in my office, even outside of office hours; you can stop by, although I cannot guarantee that I will always be free. If you'd like to meet outside of office hours, it is safest to email, or call, to set up an appointment. If you notice that you are struggling with any aspect of the course, it may be a good idea to meet with me as soon as possible, so that we can discuss ways of overcoming the struggles before there is a serious impact on your grade.

Academic Honesty. Please review the Honor Code:

<http://www.potsdam.edu/studentlife/studentconduct/honorcode/index.cfm>

I expect all of the work you do in this course to be your own. I will tolerate absolutely no cheating or plagiarism (using someone else's words or ideas without proper citation). To be clear, this means that "working together" on submitted work is not allowed, unless explicitly authorized in writing. Any case of cheating, plagiarism, or other academic dishonesty will be referred to the campus judicial system, where it will be handled according to College policy. The default penalty for plagiarism is the 0 on the plagiarized assignment or 1.0 grade reduction in the course for a first offense (whichever reduction is greater), and a 0 in the class for any subsequent offense. Students are not allowed to leave the room before turning in exams.

Accommodations/Disability. I rely on Accommodative Services for assistance in verifying the need for accommodations and developing accommodation strategies. If you are a student with a disability who will require accommodations in this course, please meet with Accommodative Services in Sisson Hall Room 111 for assistance in developing a plan for accommodations. If you are already working with Accommodative Services, please set up a time to meet with me, or come by during office hours, to discuss accommodations. For more information, visit the Accommodative Services website at <http://potsdam.edu/support/oas>.

Textbooks.

Required

1. Author: Menikoff, Jerry
Title: Law and Bioethics: An Introduction (2001)
Publisher: Georgetown University Press
ISBN: 978-0-87840-893-9

Schedule of Readings and Topics. Readings are to be read before the session for which they are listed. The schedule of topics follows the presentation in Menikoff.

Introduction.

Session 1. 1/27. Organizational session.

Federalism and Bioethics

Session 2. 1/29. Introduction and basic concepts; overview of American legal system.

Menikoff (M), p. 9-16.

The Right to Privacy

Session 3. 2/3. Privacy and Due Process

M, p. 17-24 (incl. *Griswold v CT*).

Session 4. 2/5. Privacy and Equal Protection.

M, p. 25-38 (incl. *Eisenstadt v Baird*).

Mentoring Training Session 2/6, 10-12, Meritt Hall Room TBA

The Past and Present of Sterilization.

Session 5. 2/10. Sterilization.

M, 39-52 (incl. *Buck v Bell*, *Skinner v OK* and *Conservatorship of Valerie N.*).

The Right to Abortion

Session 6. 2/12. Abortion I.

M, 53-76 (incl. *Roe v Wade* and *Planned Parenthood of PA v Casey*).

No class 2/17.

Session 7. 2/19. Abortion II.

M, 76-83 (incl. *Stenberg v Carhart*).

The “Brave New World” of Reproduction.

Session 8. 2/24. Gestational Surrogacy

M, 84-109 (incl. *In re Baby M.* and *Johnson v Calvert*).

Session 9. 2/26. Parenthood, Cloning.

M, 109-127 (incl. *Michael H. v Gerald D.*).

The Interests of Women and Fetuses.

Session 10. 3/2. Beyond Abortion.

M, 128-150 (incl. *In re A.C.* and *Whitner v State*).

The Doctor-Patient Relationship.

Session 11. 3/4. The Law of Torts: From Battery to Informed Consent.

M, 151-175 (incl. *Hurley v Eddingfeld*, *Canterbury v Spence* and *Helling v Carey*).

Session 12. 3/16. Confidentiality.

M, 175-184 (incl. *Tarasoff v Regents, UC*).

The Outer Limits of Informed Consent.

Session 13. 3/18. Outer Limits.

M, 185-208 (incl. *Johnson v Kokemoor* and *Hedrich v Pegram*).

Beyond Standard Care

Session 14. 3/23. Alternative Medicine and Experimental Research I.

M, 209-227 (incl. *In re Guess* and *Stewart v Cleveland Clinic*).

Session 15. 3/25. Experimental Research II.

M, 227-240 (incl. *Adams v BC/BS of MD.*).

Session 16. 3/30. In-class Midterm Test.

No readings.

The Right to Refuse Care

Session 17. 4/1. Basics.

M, 241-268 (incl. *In re Quinlan* and *Bouvia v Superior Ct.*).

Session 18. 4/6. Incompetent Patients.

M, 268-303 (incl. *Lane v Candura* and *In re Conroy*).

The Constitution and the Right to Die

Session 19. 4/8. Basics.

M, 304-327 (incl. *Cruzan v MO Dept. Health*).

Mentoring I: 4/9, 9:30-11:00 Location TBA.

Session 20. 4/15. Physician-Assisted Suicide.

M, 327-355 (incl. *Washington v Glucksberg* and *Vacco v Quill*).

“Futile” Medical Care

Session 21. 4/20. When is Medical Care Futile?

M, 356-376 (incl. *In re Wanglie*, *Causey v St Francis Medical Center*, *In re Baby K.*).

The “Uniqueness” of Genetics

Session 22. 4/22. Genetics I.

M, 377-388 (incl. *Katskee v BC/BS of NE* and *Safer v Pack*).

Optional, if you are interested in government policy on GMOs: M, 388-403

The Ownership of Life

Session 23. 4/27. Property and Biological Material.

M, 404-442 (incl. *Moore v Regents, UC*, *Davis v Davis*, and *Hecht v Superior Ct.*).

The Definition of Death

Session 24. 4/29. Basics.

M, 443-462 (incl. *In re Bowman* and *In re T.A.C.P.*).

Mentoring 2: 4/30, 9:30-11:00 Location TBA.

Session 25. 5/4. On the Heart-Lung Criteria for Death

M, 462-468.

Organ Transplantation

Session 26. 5/6. Transplantation I.

M, 468-476 (incl. *McFall v Shimp* and *Strunk v Strunk*).

Session 27. 5/11. Transplantation II.

M, 476-494 (incl. *State v Powell* and *Wilson v Adkins*).

Review

Session 28. 5/13.

In-class Review Session.

In-class final examination (bring pencils).

Final Exam	Tuesday, May
Date and Time	19, 2:45 -
	4:45 pm

Good luck on final exam!

(Note: schedule, readings subject to change).