

**SYLLABUS: PHILOSOPHY 336
BIOETHICS AND BIOTECHNOLOGY
IOWA STATE UNIVERSITY, FALL SEMESTER 2013
Morrill Hall Rm. 1030, T-TH 8:00-9:30**

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Office Hours: T-TH 2:00-3:40 or by appointment

Class Website and Online Syllabus: The syllabus will be on line at the following URL:
<http://www.public.iastate.edu/~jwcwolf/ClassSyllabi/336F13SYLL.pdf>

Note: You should make sure that you can access the online version of the syllabus, since many class readings will be available only as links from the syllabus.

Note: ALWAYS REFER TO THE ON-LINE SYLLABUS FOR INFORMATION ON READING AND OTHER ASSIGNMENTS. THE SCHEDULE WILL MOST LIKELY CHANGE OVER THE COURSE OF THE SEMESTER AS NEW ISSUES ARISE AND NEW MATERIALS BECOME AVAILABLE.

Texts and Materials: Most class materials will be available over the web, linked from the class syllabus or from the class Web-CT site.

Objectives: Twenty-First century biotechnology has given us cloned sheep, genetically modified agricultural crops, genetically engineered animals, new options for human reproduction, and alternatives to change our lives and made decisions to shape the lives of our children and descendants. These new technologies present us with policy choices and personal dilemmas. They often force us to reexamine the moral principles and social policies that govern interpersonal behavior and public policy. This course will provide an opportunity to consider moral principles and policies relevant to the evaluation of new technologies and the options they present.

The issues and problems under discussion in this class are, many of them, pressing moral dilemmas. This means that there are multiple different ways in which they may be resolved and different moral principles we might use to resolve them. However, not all resolutions are equally good or equally justified. Since this is a philosophy course, we will focus our attention on the evaluation of *reasons and arguments* that might be used to support different claims and positions. While I will hold you responsible for knowing and being able to evaluate arguments on different sides of the issues considered, and will require that you provide well structured arguments for whatever positions you defend, I will not hold you responsible for holding any specific moral position on a controversial question. You are not (of course) required to accept or reject any particular view. Students should expect to gain familiarity with some of the important ethical issues that arise as a result of advances in biotechnology and changes in biotech policy, and should be able to discuss and write about these issues reasonably and articulately.

Class Procedure: This class will be run *in part* using the same Socratic Method that is used in most law school classes. I will sometimes begin class by choosing a student to present main points in the assigned reading. For the most part I will choose students at random, but I will make an effort to insure that all students have an opportunity to speak, and I will keep track.

Where material requires, I will sometimes spend substantial portions of the class presenting information and framing the arguments and issues under consideration. But a substantial portion of this class should be structured discussion rather than lecture.

Assignments and Grading: There will be two brief in-class exams, worth 30 points each, and a paper assignment worth a total of 20% of your final grade. 10% of your grade will be determined by short weekly writing assignment, explained below. The remaining 10% will be determined by attendance and class participation. Attendance will be taken with a sign in sheet.

Short Writing Assignments: Each Monday, you should submit, by email, a short writing assignment. To be marked on time, these should be in my email box as an attachment by 12:00 on the Monday due date. Be sure to put your name and the due date on each assignment you submit. In the SUBJECT line you should include first the number of the course, second your last name, and third the date of submission. For example:

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Warning: If you do this correctly, all your assignments will line up in my email box very neatly when I “sort by subject.” If you don’t, yours may get lost!

These assignments need not be long—one page, or a thoughtful paragraph (12 point type, normal margins, single spaced) is quite sufficient. I will typically give these assignments out on Thursdays, when they will be posted on the web version of the syllabus. You will not get these back until the end of the term, but I will be glad to discuss them with you outside of class. I will notify you if your submissions are inadequate.

Case Studies: Students will work in groups to develop a case study exercise to be presented in class. Topics and group assignments will be given out later in the term.

Students with Disabilities: If you have a disability and anticipate needing accommodations in this course, please make arrangements to meet with me during the first two weeks of class. I will gladly make any reasonable accommodations. Please contact a staff member from Disability Resources for help filing a SAAR form specifying the accommodation you will need.

Note on Plagiarism and Academic Honesty: Plagiarism is the wrongful representation of someone else’s work as your own. Plagiarism occurs when someone wrongfully takes words or ideas from another writer or thinker and includes them without citation or reference. It is a form of academic misconduct. Students should avoid this problem by scrupulously citing all resources used in the preparation of class work. All work turned in must be *your own*.

CLASS SCHEDULE: This schedule is subject to change over the course of the term, to accommodate new readings that may become available, and to insure that we are able to spend an appropriate amount of time on all assigned readings. Be sure to check the electronic version of the syllabus for updates.

WEEK 1: Introduction to the Class.

Aug 27 Introduction: Ethics, Politics, and Technology

Aug 29 Ethical Theory

Reading: *Ethics*. From the Internet Encyclopedia of Philosophy
Available at <http://iep.utm.edu/e/ethics.htm>

WEEK 2: Liberty, Ethics, and the Regulation of Technology: "Ashley Treatment."

Sept 3 Practical Ethics Case Study: The Ashley Treatment

Reading: Peter Singer, "A Convenient Truth"
http://www.nytimes.com/2007/01/26/opinion/26singer.html?_r=1&th&emc=th&oref=slogin

Two responses to Singer:
<http://www.nytimes.com/2007/01/31/opinion/31singer.html?scp=3&sq=Ashley%20Treatment&st=cse>

Do some web research on "The Ashley Treatment." What is the treatment? Why did Ashley's parents choose to have this done? Why has this treatment generated so much discussion, support, and outrage? Find critic of "The Ashley Treatment" and be prepared to articulate an argument critical of this treatment.

Monday Writing Assignment: Come to class on Tuesday with a brief one-page discussion of The Ashley Treatment. In your paragraph you should use one or more of the ethical theories discussed in the reading from the Encyclopedia of Philosophy. Your paragraph should apply that theory to evaluate "The Ashley Treatment."

Sept 5 Ethics, Liberty, and Legislation

Reading: John Stuart Mill, On Liberty. Chapter I.
<http://www.utilitarianism.com/ol/one.html>

WEEK 3: Privacy and the Regulation of Reproductive Technologies

Sept 10: Liberty and Legislation, Continued

Reading: Griswold v. CT. SCOTUS (*Supreme Court of the US*) 1965.
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0381_0479_ZS.html
Please read the Opinion of the Court (Douglas) as well as all concurring and dissenting opinions. (SEE WRITING ASSIGNMENT ON NEXT PAGE!)

Monday Writing Assignment: After reading the case *Griswold v. CT*, explain the relationship between the court's Opinion in this case and Mill's *Harm Principle*. You should explain whether or not you agree with the court's opinion both as a matter of law, and as a matter of policy. (Note: I know you're not lawyers, but I'd like you to evaluate the court's reasoning anyway!) What liberty or liberties are relevant, in this case, to people's right to use contraceptives in the privacy of their own home? Does the reasoning of the court support the extension of this right to non-married people as well as to married couples? How extensive is this right against interference in our private sexual and reproductive decisions?

Sept 12 Sunstein, C. 1998. "[The Constitution and the Clone.](#)" In M. Nussbaum & C. Sunstein, Eds. *Clones and Clones*. NY: Norton. 207-220.

WEEK 4: Reproductive Liberties: Cloning and Surrogacy

Sept 17 Procreative Liberty and Surrogate Motherhood Contracts

Radin, M. 1987. "Market Inalienability." *Harv. Law Rev.* 100(8):1849-1937.

<http://www.public.iastate.edu/~jwcwolf/Papers/Radin.pdf>

Monday Writing Assignment: In a few brief paragraphs, make the strongest case you can either for the view that the right to clone oneself *is* protected by the constitutional right to reproductive liberty/privacy, or that this right *is not* protected by the constitutional right to reproductive liberty/privacy.

Sept 19 Anderson, E. 1990. "Is Women's Labor a Commodity?" *Phil. Pub.Affairs.* 19(1):71-92.

This article is accessible from ISU University Computers at the following URL:

<http://www.jstor.org/stable/2265363>

Because this is a restricted access site, you may not be able to access this link from your home computer. Please let me know (jwcwolf@iastate.edu) if you have trouble accessing this assignment.

OPTIONAL EXTRA READINGS:

NYTimes, 12 December 2009. "[Building a Baby, with Few Groundrules.](#)"

2) [Sample Surrogacy contracts from surromomsonlin.com](#)

WEEK 5: Surrogate Motherhood and the Regulation of Reproduction

Monday Writing Assignment: In a few brief paragraphs, make the strongest case you can make *against* Anderson's account of surrogacy contracts. In particular, consider whether Anderson's view is inappropriately paternalistic, and whether her view is "anti-feminist" since she appears to think that women are not in a position to make these decisions for themselves. Then evaluate the case you have made: Do you find it convincing? Unconvincing? Either way, explain why.

Sept 24 Catherine London, 2012. "[Advancing a Surrogate-Focused Model of Gestational Surrogacy Contracts.](#)" *Cardozo Journal of Law and Gender.* 18(2):391-422

Sept 26 Rosecky v. Schissel Wisconsin Supreme Court 11 July 2013

<http://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=99308>

Optional: Joanna Grossman: “A Matter of Contract.”

<http://verdict.justia.com/2013/08/06/a-matter-of-contract-the-wisconsin-supreme-court-rules-traditional-surrogacy-agreements-are-enforceable>

WEEK 6: Transplant Organ Markets and Created Donors

Monday Assignment: Evaluate the parenthood agreement and court decision in Rosecky v. Schissel in light of Catherine London’s recommendations for a “surrogate focused” model of surrogacy contracts. To what extent does the contract or court decision satisfy London’s suggestions? Where they diverge from London’s suggestions, is this improvement or is it a problem?

Oct 1 Wolf, C. 2009. [“Immigration, Exploitation, and the Market for Transplant Organs.”](#) In S. Shapshay Ed. *Bioethics at the Movies*. Baltimore: Johns Hopkins. 170-185.

Oct 3 Kahn, J. and A. Mastroianni. 2004. [“Creating a Stem Cell Donor: A Case Study in Reproductive Genetics.”](#) *Kennedy Inst. of Ethics Journal*. 14(1):81-96

WEEK 7: Human Enhancement and the Pursuit of Perfection

Monday Assignment: Make the best case you can against the proposal to introduce a regulated market for the sale of transplant kidneys by live donor/sellers. Then evaluate the case you have made.

Oct 8 Sandel, M. 2004. [“Against Perfection.”](#) *The Atlantic Monthly*. 293(3).

Oct 10 Review for Exam.

WEEK 8: FIRST EXAM and the Argument of Repugnance

Oct 15 FIRST IN-CLASS EXAM.

Oct 17 Kass, L. 1997. [“The Wisdom of Repugnance.”](#) *New Republic*. 216(22).

Writing Assignment Distributed

WEEK 9: Human Enhancement, Moral Standing, and Equality

No Monday Assignment this week. Enjoy your weekend. ☺

Oct 22 Buchanan, A. 2009. [“Moral Status and Human Enhancement.”](#) *Phil. Pub Af.* 37(4):346-381.

Oct 24 Nick Bostrom and Rebecca Roache, [“Ethical Issues in Human Enhancement.”](#) In Ryberg, Peterson, and Wolf, eds. *New Waves in Applied Ethics*. Palgrave MacMillan 2008. Pp. 120-152.

WEEK 10: Human Enhancement: Fairness and Moral Status

Monday Assignment: In many circumstances, people make a distinction between ‘treatments,’ which are medical interventions designed to address disease or disability, and ‘enhancements,’ which are interventions that aim to provide advantages that are not associated with disease or disability.

Bostrom and Roache argue that there is no non-arbitrary way to articulate a distinction between “treatment” and “enhancement.” But others have argued that the distinction is meaningful and valuable. Here is a standard way (after Norman Daniels) that the distinction might be drawn:

“Treatments are to *mitigate disadvantageous departures from normal human functioning*, while enhancements are an effort to *acquire characteristics that constitute advantageous departures from normal human functioning*.”

How would Bostrom and Roache respond to this way of defining the distinction? Are you convinced? Is there a meaningful difference between enhancements and treatments, or should we abandon the distinction?

Oct 29 Nick Bostrom and Rebecca Roache, [“Smart Policy: Cognitive Enhancement and the Public Interest.”](#)

Optional but recommended:

Nick Bostrom, [“The Reversal Test: Eliminating Status Quo Bias in Applied Ethics.”](#)

Oct 31 [Majority Opinion, AMP v. USPTO, Appeals Court Decision, July 2011.](#)

Note—you only need to read pp. 35-54 of this case.

MONDAY ASSIGNMENT: For the CASE STUDY we will be doing next week, you have been assigned to an interest group. In the case study, there are readings associated with the group to which you have been assigned.

START by reading the introductory material in the first four pages of the case study. THEN read the material associated with your assigned group.

FOR YOUR WRITING ASSIGNMENT, write up an argument or a set of arguments in favor of the position of your assigned group. For example, if your group is Myriad Genetics, you will argue that gene patents are appropriate and that the BRCA patent should be upheld.

Identify and include as many separate arguments as you can. When you get together to discuss the case, you should divide the arguments among different group members who will make the case in class. All group members should be involved in the class presentation.

Questions? Ask in class on Thursday.

Nov 5 **GROUP CASE STUDY PROJECT: Patenting Human Genes**

Read your portion of the Case Study, meet in class to prepare your group presentations.

CASE STUDY GROUP ASSIGNMENTS:

GROUP 1: HUMAN GENOME ORGANIZATION (HUGO)

**Geir Anderson,
Eddie Hernandez,
John Mahoney,
Patricia Ojo,
Gene Flynn,
Abdul Omer,**

GROUP 2: MYRIAD GENETICS

**Alex Beckwith,
Kinsey Cornick,
Roy Holmes,
Sara Mechtel,
Brayden vanRossum,
Austin Trudeau,
Ryan Larson**

GROUP 3: AMERICAN MEDICAL ASSOCIATION

**Cale Brakke,
Luke Forseberg,
Morgan Mackert,
Greg Molnar,
Natalie White,
Patrick Stall,**

GROUP 4: CENTER FOR GENETICS AND SOCIETY

**Samantha Carter,
Zach Farrell,
Jeff Happe,
Manoj Kamalumpundi,
James Nesbit,
Hevedar Yousif**

Nov 7 **GROUP CASE STUDY PROJECT: Patenting Human Genes**

Case Study Arguments to be done in class.

<p>Monday Assignment: Explain and evaluate <i>one argument</i> made in the Women's Health network Brief you have been assigned to read for Tuesday's class.</p>
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Nov 12 [Association for Molecular Pathology: Brief from the Women's Health network](#)

Nov 14 [Association for Molecular Pathology v. Myriad Genetics, SCOTUS opinion](#)

No Monday Assignment this week: Work on your paper draft!

Nov 19 Magnus, D. 2002. "[Intellectual Property and Agricultural Biotechnology: Bioprospecting or Biopiracy?](#)" in Magnus, D. et al, eds. *Who Owns Life?* Amhers NY: Prometheus Books. 265-276.
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Nov 21 [Resnik, D. "Discoveries, Inventions, and Gene Patents." WOL pp. 135-159.](#)

Nov 25-20 Thanksgiving Break

Dec 3 Catch up: Magnus and Resnik

Dec 5 Schmeiser Case Study Group Preparation

GROUP CASE STUDY PROJECT: Monsanto v. Schmeiser

Read your portion of the Case Study, meet in class to prepare your group presentations.

CASE STUDY GROUP ASSIGNMENTS:

GROUP 1: Percy Schmeiser and Schmeiser Enterprises Ltd.

Geir Anderson, Eddie Hernandez, John Mahoney, Patricia Ojo,
Gene Flynn, Abdul Omer,

GROUP 2: Monsanto Canada

Alex Beckwith, Kinsey Cornick, Roy Holmes, Sara Mechtel
Brayden vanRossum, Patrick Stall, Ryan Larson

GROUP 3: Canadian Organic Farmers

Cale Brakke, Luke Forseberg, Morgan Mackert, Greg Molnar
Natalie White, Austin Trudeau

GROUP 4: Mendel Biotechnology Corp.

Samantha Carter, Zach Farrell, Jeff Happe, Manoj Kamalumpundi,
James Nesbit, Hevedar Yousif

Dec 10 GROUP CASE STUDY PROJECT: Monsanto v. Schmeiser

Case Study Arguments to be done in class.

Monday Assignment: In a brief paragraph, make a case for one of the four groups in the Monsanto v. Schmeiser dispute.

Dec 12 Exam Review

EXAM DATE: Mon 16 Dec 7:30-9:30