

OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY

**LAW AND SOCIAL CHANGE: BIOETHICS
LW 2750C.03**

COURSE OUTLINE

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I. COURSE DESCRIPTION AND OBJECTIVES

As an interdisciplinary field of inquiry, Bioethics is informed by the theories and methods of a number of individual disciplines including: medicine, philosophy, law, theology and more recently, economics, women's studies, public policy studies and anthropology. There is no single, satisfactory definition of Bioethics. However, there is probably consensus for the view that Bioethics is a response to the political and social implications of developments in science, technology, and medicine. More specifically, Bioethics is a way of thinking about issues related to the ever-increasing control of contemporary science, technology and medicine over the bodies, minds and quality of life of human subjects. One aim of Bioethics is to elaborate and articulate, ethical, legal and public policy guidelines and reasons relating to the uses of medical technology.

In this course we will investigate briefly, the history of Bioethics and the major theoretical and methodological frameworks which inform the study and practice of Bioethics. We will also pay particular attention to analyzing the role of law in Bioethics and the limits to the role of law. Following a general introduction to the frameworks of Bioethics, we will turn our attention to a focussed examination of two current areas of bioethical reflection in Canada: (1) Reproductive Technologies and Assisted Conception and (2) The New Genetics

The objectives of this course are:

1. To provide students with an introduction to the history, methodologies, theories and subject matter of the discipline of Bioethics.
2. To explore the role of law and the limits to the role of law in defining and

resolving bioethical issues and controversies.

3. To provide students with a more detailed understanding of two central issues in Bioethics: Reproductive Technologies and The New Genetics.
4. To provide an overview of the existing and proposed law relating to reproductive and genetic technologies in Canada.
5. To provide an understanding of the issues relating to the legal regulation of reproductive and genetic technologies in the social and political context in which both the law and the technology have developed.
6. To develop critical responses to existing or proposed legal and bioethical frameworks for the regulation of reproductive and genetic technologies.

II. METHOD OF TEACHING

This course will be organized and taught using a combination of lecture and seminar methods. Much of the learning is intended to arise from reading, discussion and class participation.

During the first two weeks, classes will begin with a lecture on key points in the materials delivered by the instructor. This will be supplemented by class discussion focussing on issues raised by the materials, students and the instructor. **Students are expected to read all required reading materials and form views on the issues raised by these materials prior to class.**

Beginning with the third topic of study, the class format will be modified. Each class will begin with a brief introductory lecture by the instructor pertaining to the weekly topic. Following a short break, one, or possibly two, students will be required to do a short presentation based on the recommended course readings assigned for that week. Because the readings in this course are sometimes lengthy, this format will reduce the volume of material for which individual students are responsible, while at the same time exposing students to the depth and range of materials relating to each topic. Following the student presentation(s) a general seminar discussion will take place. Discussion questions may be distributed to students in advance and additional questions will be raised by student presenters.

III. LEARNING RESOURCES

1. Required Course Material.

Roxanne Mykitiuk, *Law and Social Change: Bioethics* (Winter 2004) available at M.D.C.

These materials contain the readings for each class and form the basis of class presentations and discussions.

Discussion questions and problems handed out in class.

2. Optional Sources

Students are encouraged to monitor the media and other sources of popular culture for recent developments in bioethics and reproductive and genetic technology and to bring these to the attention of the class.

3. Classes

Classes will meet on Tuesdays from 12:40 - 2:30 and Thursdays from 1:40-2:30.

4. Office Hours

Generally, I will be available to meet with students at the following times. If these hours are not good for you please let me know and we can schedule an appointment for a time and place that is mutually convenient.

Tuesdays and Thursdays - 2:30 - 5:00

5. E-mail Policy

I have a strong preference for communicating with students in person, especially when I am answering questions about course materials and explaining the substantive content of the course. Therefore, I will not answer questions of this kind by email. You may however, contact me by email for administrative matters: arranging appointments, informing me of absences etc.

IV. METHOD OF EVALUATION

a. Student Presentation - (25% of final grade)

Each student is required to do a class presentation relating to a selected area in the course outline and to assist in facilitating class discussion. Topics will be assigned during the first week of class. Depending on the enrollment in the class, it may be necessary to have more than one student presentation per class.

Tips for student presentations:

Individual presentations should be no longer than 25 minutes. The presentation should not attempt to summarise all the issues raised by a particular article or articles but rather should be a thoughtful presentation of **some** of the key issues as well as a critical analysis of the way in which those issues are presented or argued. A good presentation will make connections and draw out differences between the articles under discussion and across the topic. **Students may use this forum as an opportunity to canvass ideas they want to develop further in a research essay.**

Try to refrain from simply reading a prepared text.

You may wish to consider distributing a handout which summarizes the article or case you are presenting and raises discussion questions and critiques of the article. These are often very useful for class members.

Feel free to experiment with creative forms of presentation. In the past students have produced videos, used role play, invited guests to assist them, created games, held mock trials etc.

b. Class Participation - (10% of final grade)

This component of your final grade will be based upon your attendance and contribution to class discussions and activities. I hope that your contributions will demonstrate attentiveness to the main ideas of each session. Probing questions and comments are encouraged. I am more concerned about the quality of your contribution than the quantity.

c. Term Paper - (65% of final grade)

All students are expected to write a term paper on a topic of your choice,

provided that it is related to the areas studied in this course. The aim of the research essay is to allow you to develop your own critical theoretical position by researching an area in-depth. Students are strongly encouraged to meet with the instructor after you have selected a specific paper topic. Students must submit a paper outline and bibliography to me for approval. **These dates will be confirmed in class.** Your outline must contain the thesis you wish to investigate and should be no longer than two pages (exclusive of bibliography).

A final draft of the essay must be submitted to student services on the due date set by Osgoode Hall for term papers. Late papers will be penalized two marks per day (out of 65) including weekends.

The main body of the research paper is to be a minimum of 25 typed (double spaced) pages or 6,250 words and a maximum of 35 typed pages or 8,750 words. These limitations **do not** include footnotes, appendices, charts, lists of figures or table of contents. Papers must be in a medium sized clear typeface of 10 or 12 pitch (average size). **Restrictions will be rigorously enforced. Therefore, if students have any questions regarding length or format they should consult with the instructor.**

Students are expected to state and develop a thesis in their papers and those which are purely descriptive will be penalized. Papers which are poorly written and organized and loosely argued will receive an inferior grade. The specific criteria I will use in grading your papers will include the following:

- i. Comprehensiveness of research - This dimension involves the discovery, selection, and effective use of all relevant and up to date primary and secondary materials on the topic. Where appropriate, materials ought to include nonlegal sources.
- ii. Writing and organization - Superior grades will be awarded only for papers in which the subject matter has been logically and coherently presented and in which the writing is excellent. "Writing" includes style, diction, citation, punctuation, spelling and grammar.
- iii. Insight - Students are required to achieve an understanding of the complexities of the subject matter that goes beyond the mere recitation of the arguments or conclusions presented by leading authorities; to regurgitate the ratio of a case or to present uninterpreted statistics.
- iv. Originality - To achieve a high grade on this criterion, students must demonstrate an ability not only to identify the leading authorities and arguments, but also to deploy critical arguments in relation to the standard positions. This

must then lead to the presentation and defence of an original position in relation to the topic. "Original" here does not mean one that is totally unprecedented in any of the literature. In this context it can mean looking at a traditional or emerging issue in a fresh way, often by applying a novel source or argument (ie. one that is not ordinarily associated with the legal literature in this area).

V. TOPICS:

The following is a list of possible topics we will examine in the course:

Frameworks for the Study of Bioethics; Technology, Science, Law and Culture; Introduction to the New Reproductive Technologies; Anonymity of Donors; Access to Assisted Reproductive Services; Posthumous Reproduction; Regulating Reproductive Technology; Stem-Cell Regulation; Cloning; Introduction to the New Genetics; Lessons from the Past: Eugenic Laws, Policies and Practices in Canada; Medical Uses of Genetic Information; Confronting Genetic Difference: The Social Meanings of Genetic Information; Sex Selection; The Human Genome Diversity Project; Therapy, Enhancement and Inheritable Genetic Modification; The New Genetics and Commercialization

VI. UNIVERSITY POLICIES

Religious Observance:

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates relating to examinations or assignments for this course pose such a conflict for you, please let me know within the first three weeks of class. Please note that to arrange an alternative date or time for an examination scheduled in the formal examination periods, students must complete an Examination Accommodation Form, which can be obtained from the Office of Student Services at Osgoode Hall Law School.

Students with Disabilities:

York University has a range of resources to assist students with physical, mental, psychiatric and learning disabilities in achieving their educational objectives. Students with disabilities requiring accommodation in the classroom or in the examination or evaluation process are encouraged to identify themselves to the Osgoode Office of Student Services as soon as possible. All requests for accommodation will be kept confidential. Request for examination accommodation must be approved by the Assistant Dean (Student Services), Gina Alexandris.

Roxanne Mykitiuk
Associate Professor of Law
January, 2004