

Law 905 -- History of Medicine 905 Bioethics and the Law

- Fall 1999; MW 3:30 - 4:50 ; Room 3253 Law Building
- Professor R. Alta Charo (Law/History of Medicine)
7111 Law Building; (608) 262-5015; racharo@facstaff.wisc.edu
- Professor Robert Streiffer (Philosophy/History of Medicine)
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Readings:

John Arras & Bonnie Steinbock, **Ethical Issues in Modern Medicine** (5th edition 1998)
cited in this syllabus as *A&S*

.Various cases, statutes, regulations, and government reports, as noted below, available through Lexis, Westlaw, the world wide web, or distributed in class.

Assignments:

Two papers. The first paper will be 6-8 pages, the second will be 10-12 pages. Paper assignments to be distributed. Paper deadlines are firm. Extensions will be granted only upon special petition prior to the distribution of the assignment or in response to medical or similar emergency. Late papers will be accepted, but the grade on the paper will be lowered by 2 points for the first day past deadline, and 1 additional point for each day thereafter.

Grading:

Grades will be based upon the two papers, the first paper counting for 35% of the grade and the second paper counting for 65% of the grade. Class participation will not be graded, but excellence in participation can be used to add up to 2 points to the final grade. Excellence in participation is not measured by quantity of speech, but rather by consistent preparation, thoughtful interventions, and a willingness to consider the ideas of others.

Office Hours: No formal office hours are kept, but anyone wishing to come by is welcome to drop by at any time or to make an appointment.

Schedule

Note: This is the first time this text is being used for this course. Thus, it is possible that we will spend more time than is indicated on some of these topics. The course will cover the A&S materials on rationing, but the scheduling for those classes has been left out of this syllabus in order to ascertain whether the dates and readings need to be revised as the semester progresses.

- 1. Wednesday September 8 (Alta, Rob faculty meeting)** (Introduction; class exercise)
- 2. Monday September 13**
A&S 1-40 (moral reasoning in the medical context);
A&S 40-76 (paternalism & autonomy)
- 3. Wednesday September 15**
 1. A&S 77-126 (informed consent)
 2. Schloendorff v. The Society of the New York Hospital

3. Canterbury V. Spence
4. Thor v. Superior Court

5. Wednesday September 22

1. A&S 131-142, 170-206 (the right to refuse treatment & the use of advanced directives)
2. Superintendent of Belchertown State School v. Saikewicz
3. In re Storar

6. Monday September 27

1. A&S 207-249 (surrogate decisionmaking)
2. In re Quinlan,
3. Cruzan v. Director, MDH

7, 8. Wednesday September 29 , Monday October 4

1. A&S 250-302 (euthanasia and physician-assisted suicide)
2. Vacco, Attorney General of New York, et al. v. Quill et al
3. WASHINGTON et al. v. GLUCKSBERG et al.

9. Wednesday October 6

1. A&S 143-169 (the definition of death)
2. In the Matter of Baby "K"

10. Monday October 11

1. National Bioethics Advisory Commission report on embryo and stem cell research

11, 12. Wednesday October 13, Monday October 18

1. A&S 307-315, 330-374 (abortion)
2. Roe V. Wade
3. Planned Parenthood of Southeastern Pa. V. Casey

13. Wednesday October 20

1. A&S 316-329, 375-401 (procreative autonomy and responsibility)
2. Skinner V. State of Oklahoma
3. Eisenstadt V. Baird

14. Monday October 25

1. A&S 407-414, 510-530 (genetic screening and testing)
2. Turpin V. Sortini
3. Procanik V. Cillo

15. Wednesday October 27

1. A&S 415-480 (contract pregnancy)
2. Loving V. Virginia
3. In the Matter of Baby M
4. Johnson v. Calvert

16. Monday November 1

1. In vitro fertilization
2. Kass v. Kass
3. Davis v. Davis

17. Wednesday November 3

1. A&S 484-509
2. White House Memorandum on Cloning
3. National Bioethics Advisory Commission, Cloning Human Beings (1997)

18. Monday November 8

1. A&S 537-580 (experimentation on human subjects; general)
2. 45 Code of Federal Regulations Part 46

19. Wednesday November 10

1. A&S 601-613 (experimentation on vulnerable populations)
2. National Bioethics Advisory Commission, Research Involving Persons with Mental Disorders That May Affect Decisionmaking Capacity

20. Extra

1. A&S 581-588, 740-751 (access to experimental therapy)
2. Charo, "Protecting Us to Death: Women, Pregnancy, and Clinical Research Trials,"