

Spring 2012

BIOETHICS, PERSONHOOD AND THE LAW

Law 343-A03

Maneesha Deckha, Associate Professor

UNIT VALUE: 1.5

CLASS TIMES: 10:30 to 11:50 a.m., Mondays and Wednesdays

LOCATION: Room Lib 265, Fraser (Law) Building

OFFICE HOURS: You are welcome to meet me after class or you may schedule an appointment with me in class to meet outside of class time.

CONTACT INFO: Tel.: 250.721.8175; Fax: 250.721.8146
Room 230; Email: mdeckha@uvic.ca
Assistant: Gail Rogers, Room 216, Tel.: 250.721.8160

1. SUMMARY:

This seminar will explore the legal and ethical issues raised by medical and scientific procedures and technologies for legal persons (humans) and nonpersons (human fetuses and embryos as well as nonhuman animals). In particular, we will look at how the active and absent regulation of medical interventions impact the configuration and enjoyment of rights and shape concepts of personhood, property and humanness. Issues of equality and difference will be central to this course. The seminar will consider how medical interventions affect social hierarchies based on constructs such as disability, gender, race, class, and species. The seminar will also consider if and how the law should regulate these interventions to foster equality among humans and between humans and nonhumans. Specific topics include abortion, embryonic stem cell research, prenatal testing, genetic determination, euthanasia, cloning, vivisection, xenotransplantation, nonconsensual and substitute treatment, organ donation, and commercial surrogacy.

2. OBJECTIVES: The objectives of this course are for you to:

1. Acquire a solid understanding of long-standing and emerging bioethics issues and the legal concepts of personhood, property, and rights that shape them;
2. Analyze, synthesize, evaluate and apply doctrine and related critical perspectives to offer cogent verbal and written analyses of bioethics issues.
3. Refine your legal and academic research and writing skills.
4. Actively participate in, and thus increase, your own learning.

3. EVALUATION:

<p>a) Research or Integrative Paper (between 5000 and 7000 words, exclusive of other footnotes, bibliography and other text. Papers that do not comply will be subject to penalty.)</p> <ul style="list-style-type: none"> You must submit a written introduction to me by the beginning of class on January 30, 2012. You may submit by email to groggers@uvic.ca with subject heading "BPL Introduction" or by hard copy. Imagine that you are writing the introduction of your paper. This introduction should include at the very least two types of paragraphs, namely: a) a <u>thesis paragraph</u> stating what you will argue in your paper; and b) a paragraph outlining how your argument will proceed, reading like a <u>"roadmap"</u> of the paper. This submission will not be graded, but is nonetheless required. Completion of the introduction will count toward an automatic 1% of the final grade. Failure to submit the written introduction will result in a loss of this 1%. You must submit a complete draft of your paper by the beginning of class on March 21, 2012 in hard copy. This submission will not be graded, but is nonetheless required. Submitting a draft will count toward an automatic 2% of the final grade. Failure to submit the draft by this date will result in a loss of this 2%. A "complete draft" means the body of the paper must contain at least 5000 words and that <u>all</u> parts of the body of the paper are written in draft form although citations may not yet be complete. The above submissions will be penalized by 1% of the overall grade per day or part thereof, including weekends, that they are late. You must present your paper as assigned during the peer exchange on March 28 and paper workshop on April 2 or 4, 2012. This is an opportunity to receive peer feedback about your research in a supportive environment. Completing the peer exchange and paper presentation workshop will count toward an automatic 1% each for a total of 2% of the final grade. Failure to complete your peer exchange or paper presentation on the assigned date will result in a loss of 1% for each requirement missed. Further information about these presentations as well as assigned dates for the paper presentation workshop will be discussed closer to the above dates. Due date for final paper: 4:00p.m, Thursday, April 12, 2012. Papers must be submitted in hard copy to the front law school reception and by e-mail to mdeckha@uvic.ca and have the word count on the cover page. <u>Papers submitted late will be penalized at the rate of 1% per day or part thereof, including weekends, that they are late.</u> The paper will count for 65 or 75% of your final grade.* You will be assessed on quality of content, analysis, organization, research, writing style, and citation completeness. Papers should conform to the most current version of the <i>McGill Guide for Legal Research and Writing</i> for citations and include a list of references/bibliography. You may write your Major Research Paper for this course if you obtain my written approval by January 23, 2012. The paper will qualify as a Major Research Paper if it is at least 7,500 words in length exclusive of other text such as footnotes, appendices and bibliography and receives a grade of C+ or better. <p style="text-align: center;">PLUS</p>	<p>1%</p> <p>2%</p> <p>2%</p> <p>65 or 75%*</p>
<p>b) Book/Visual/Community Advocacy Event or Campaign Review (between 1000 and 1500 words, exclusive of other text. Papers that do not comply will be subject to penalty.)</p> <ul style="list-style-type: none"> Drawing from the insights contained in the course readings, you must complete a review of a book (fiction or nonfiction), play, film or other visual (fiction or documentary), or a community advocacy event or campaign (in Victoria or online) that relates to bioethics and law. You are to critically analyse the representations made in the medium you have chosen (book/film/community event, etc.) in terms of how it understands bioethics, difference, human dignity, and legal personhood. Your paper <u>must</u> draw from at least 4 	<p>15 or 25%*</p>

<p>of the course articles covered thus far to develop your analysis. External research is not required nor recommended. If you wish to analyze another type of cultural medium not listed here, please consult me for approval. A list will be circulated in class on January 23 22, 2012 where you must inform me of the title of what you will be reviewing.</p> <ul style="list-style-type: none"> • Due date for review: Beginning of class on Wednesday, February 22, 2012. Reviews must be submitted in hard copy and by e-mail attachment by this date to mdeckha@uvic.ca and have the word count on the cover page. <u>Reviews submitted late will be penalized at the rate of 1% per day or part thereof, including weekends, that they are late.</u> The review will count for 15 or 25% of your final grade.* Reviews will be assessed on the cogency of the critique as well as how effectively the review engages with the course materials. This is your opportunity to demonstrate your grasp of the materials studied thus far. Quality of content in this regard as well as analysis, organization, and writing style will all count. Papers should conform to the most current version of the <i>McGill Guide for Legal Research and Writing</i> for citations. A bibliography is not required for this assignment. • You may work individually, in pairs or in groups of three. If you elect to work in a pair or group, the review will thus be co-authored but read seamlessly and must still conform to the 1000-1500 word count. <u>You will each receive the same grade.</u> • The topic chosen must be different than your Research or Integrated Paper topic. <p>*If your grade for your review is higher than the grade for your paper it will be worth 25%; if it is even or lower it will be worth 15%.</p>	
<p>PLUS</p>	
<p>c) Learning Facilitation</p> <p>You must sign up for one class between February 29 and March 21, 2012 inclusive when you will be responsible for leading and facilitating discussion of course materials. Your goal is to stimulate critical discussion of the day's readings. You may wish to do this by presenting a critical analysis of the readings by identifying the arguments you found weak or convincing, the proposals that resonated, the connections to other readings and issues, etc. You may also wish to stimulate discussion by posing discussion questions to your peers in class, showing a video/visuals, structuring a simulation/role-play, or a combination of the above. You may assume that everyone has done the readings. There is thus no need to provide a description of the readings. Completion of the learning facilitation will count for an automatic 2.5% of the final grade. Failure to complete the facilitation will result in a loss of this 2.5%. A list of eligible dates will be circulated in the third week of the term where you must indicate your first and second choices for dates. If another class member(s) has interest in the same date you may be placed in pairs or groups of three where you will be expected to work together. The topic chosen must be different than the Research or Integrated Paper and Book/Visual/Community Event or Campaign Review.</p>	<p>2.5%</p>
<p>PLUS</p>	
<p>d) Lifestyle Journals</p> <p>You are invited to reflect upon how the readings and discussion in the course have caused you to change (or not) your values and/or lifestyle. Here you have an opportunity to write about how the course has changed or confirmed your views on issues and how the course may or may not be having a larger effect on your own lifestyle practices than other courses you have taken in law school. The journal entry must be a minimum of 350 words and the entry will count for an automatic 2.5% of your grade. You may submit your entry by hard or soft copy anytime <i>after February 1, 2012</i>, but no later than the beginning of class on April 4, 2012. Failure to submit the journal by April 4, 2012 will result in the loss of the 2.5% allotted to the assignment. The journal entry will not be graded, although the quality, if high, may be considered to your benefit to raise your overall grade if you are on the borderline between grade point values.</p>	<p>2.5%</p>

PLUS	
<p>e) Seminar Participation For each class you must come to class prepared to participate in discussing the day’s assigned readings. Your participation will not be graded, although the quality over the term of your contributions, if high, may be considered to your benefit to raise your overall grade if you are on the borderline between grade point values.</p>	n/a

Based on these components, you will be assigned a final letter grade for the seminar. The meanings and numerical equivalencies are:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	
A-	7	80-84%	
B+	6	75-79%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	
B-	4	65-69%	
C+	3	60-64%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	
D	1	50-54%	Marginal performance. A student receiving this grade demonstrates a superficial grasp of subject matter.
F	0	49 or below	Unsatisfactory performance.

Major Paper Eligibility: You may write your Major Research Paper in this course.

4. TEACHING METHODOLOGIES

This is a seminar that adopts an ACTIVE LEARNING model of pedagogy. One advantage of a seminar with limited enrolment is the increased opportunity to interact and engage with each other’s ideas and insights and enjoy the learning benefits that come from this interaction. Accordingly, class time will consist of discussion, small group work and other interactive and reflective exercises, with limited lectures. You are expected to complete your readings and any other preparatory assignments before the start of class and to actively participate in class, including being open to interactive learning.

This seminar also promotes a learner-centered environment. This is an environment in which the instructor facilitates peer and self-learning as much as possible, encouraging students to take responsibility for their own learning and move away from the view that the instructor is the main source of knowledge. I view my role as a learning facilitator, helping to navigate the readings to stimulate as many self and peer-directed learning opportunities as possible. For this reason, too, the traditional lecture-style method of instruction is very limited.

Importance of Seminar Attendance

The success of a seminar such as this for everyone depends on everyone's participation and attendance in class and the classroom community this generates amongst us. If you miss more than two classes in the term, you will be responsible for submitting a critical response (at least 500 words in total) on the readings for every additional missed class by the beginning of the last day of class. Email these critical responses to me at mdeckha@uvic.ca. Failure to submit this critical reflection for the class missed by this time will result in a penalty of -1% of the final grade. You should consult the Associate Dean of Academic and Student Affairs (Prof. Heather Raven at (250) 721-8152) to discuss possible accommodation for any personal reasons that prevent you from completing this or any other course requirement in a timely fashion.

Accommodation

Students requiring accommodation for classroom instruction or evaluation due to illness, disability, family circumstances, religious observance or other accommodation reasons should contact Heather Raven, Associate Dean Academic and Student Relations at lawassoc@uvic.ca or (250) 721-8152 as soon as possible. Further details about accommodation are available from the Associate Dean's page at <http://law.uvic.ca/current/associatedean.php>. Please also note that both the Associate Dean's Office and the University's Resource Centre for Students with a Disability are available to assist students with a disability with services and supports including requests for accommodation. Further information about supportive services on campus is available from the UVic law website at <http://law.uvic.ca/current/equity.php>.

5. ACADEMIC POLICIES AND REGULATIONS:**A Statement about Academic Integrity**

The work you submit for evaluation must be your own. Please consult the university regulations to confirm what constitutes plagiarism and academic dishonesty. All student work must comply with the University's Policy on Academic Integrity, which is available at: <http://web.uvic.ca/calendar2011/FACS/UnIn/UARe/PoAcI.html>. In particular, please note that:

"A student commits plagiarism when he or she:

- submits the work of another person as original work
- gives inadequate attribution to an author or creator whose work is incorporated into the student's work, including failing to indicate clearly (through accepted practices within the discipline, such as footnotes, internal references and the crediting of all verbatim passages through indentations of longer passages or the use of quotation marks) the inclusion of another individual's work
- paraphrases material from a source without sufficient acknowledgement as described above

Students who are in doubt as to what constitutes plagiarism in a particular instance should consult their course instructor.

The University reserves the right to use plagiarism detection software programs to detect plagiarism in essays, term papers and other assignments.”

Plagiarism detection software may be used to ensure academic integrity of written work.

A Statement about Electronic, Cellular and Digital Devices in the Classroom

You are expected to limit laptop use to academic content related to the class and silence sounds emitted by technology wherever possible. In particular, please note:

- The classroom is a cell phone-free zone. If you need to keep connected for caregiving or accommodation reasons, keep your phone on vibrate mode; otherwise, turn off your cell phone when in class.
- Any type of electronic/digital recording of the class is not permitted. Students who will be absent from class for reasons that require accommodation may speak with the Associate Dean’s Office for permission to have the instructor tape the missed class.

A Statement about Classroom Climate and Community

The Faculty of Law is committed to promoting equity and diversity by, among other initiatives, the creation of classroom environments that help foster equality and work against the systemic impact of discriminatory social norms and practices. **This effort requires everyone’s commitment.** The collective goal of our class will be to facilitate a learning community where all members feel comfortable to participate and interact with one another in inclusive and respectful ways in all aspects of the class. If concerns arise during the term about the climate of the class, please feel free to discuss them with me. A copy of the Faculty of Law’s Consolidated Equity Policy is available at <http://law.uvic.ca/current/equity.php>.

Other Faculty Regulations and Policies

Students must be familiar with all other regulations and policies pertaining to their status as students. Links to the academic regulations and policies of the Faculty of Law and University can be found on the Faculty of Law website at <http://law.uvic.ca/current/associatedean.php>. Questions about these regulations and policies should be directed to Heather Raven, Associate Dean Academic and Student Relations: lawassoc@uvic.ca or (250) 721-8152. Regulations of the University can also be found in the University of Victoria Calendar, 2011-2012, available online at <http://web.uvic.ca/calendar2011/index.html>. Faculty of Law academic regulations are also set out in the University Calendar at the following address: <http://web.uvic.ca/calendar2011/FACS/FoLa/FARe.html>.

6. REQUIRED TEXTS: The coursepack (available at the CDC) and the Moodle website.

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Please note that:

- Our class is cancelled on February 8 and 20, 2012. A double make-up class has been scheduled for Friday, January 13, 2012 in room 157 from 12 to 2:50pm.

READING LIST

1. INTRODUCTION

January 4

a. Course Orientation

January 9

b. Defining Bioethics – Embedded/Embodied Exclusions

Timothy F Murphy & Gladys B White, “Dead Sperm Donors or World Hunger: Are Bioethicists Studying the Right Stuff?” (2005) 35:2 Hastings Center Report 49.

<http://www.jstor.org.ezproxy.library.uvic.ca/stable/3527763>

Pages: 1

Michael Yesley, “What’s in a Name? Bioethics – and Human Rights – at UNESCO” (2005) 35:2 Hastings Center Report 8.

<http://www.jstor.org.ezproxy.library.uvic.ca/stable/3527753>

Pages: 1

Laura Anderko, “Achieving Health Equity on a Global Scale through a Community-Based, Public Health Framework for Action” (2010) 38:3 Journal of Law, Medicine & Ethics 486, at 486-489.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=486&handle=hein.journals%2Fmedeth38&collection=journals>

Pages: 4

Lawrence O Gostin & Emily A Mok, “Innovative Solutions to Closing the Health Gap Between Rich and Poor: A Special Symposium on Global Health Governance” (2010) 38:3 Journal of Law, Medicine & Ethics 451, at 451-456.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=451&handle=hein.journals%2Fmedeth38&collection=journals>

Pages: 6

Heather Widdows, “Localized Past, Globalized Future: Towards An Effective Bioethical Framework Using Examples from Population Genetics and Medical Tourism” (2011) 25:2 Bioethics 83, at 83-91.

<http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8519.2010.01868.x/abstract>

Pages: 9

Debora Diniz, "Bioethics and Culture" (2010) 10:3 *Developing World Bioethics* ii, at ii-iii.

<http://onlinelibrary.wiley.com.ezproxy.library.uvic.ca/doi/10.1111/j.1471-8847.2010.00291.x/abstract>

Pages: 2

Susan M Wolf, "Erasing Difference: Race, Ethnicity, and Gender in Bioethics" in Anne Donchin & Laura M Purdy, eds, *Embodying Bioethics: Recent Feminist Advances* (Lanham, MD: Rowman & Littlefield Publishers, 1999) 65, at 67-75.

Pages: 9

Margrit Eichler & Mary A Burke, "The Bias Free Framework: A New Analytical Tool for Global Health Research" (2006) Jan-Feb *Canadian Journal of Public Health* 63, at 63-64.

<http://ezproxy.library.uvic.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=mnh&AN=16512332&site=ehost-live&scope=site>

Pages: 2

Page Totals: 34

January 11

c. Biopower and the Bioethical Subject

Joanna Zylinksa, "Of Swans and Ugly Ducklings: Bioethics Between Humans, Animals and Machines" (2007) 15:2 *Configurations* 125, at 128-129, 138-140.

<http://dx.doi.org.ezproxy.library.uvic.ca/10.1353/con.0.0028>

Pages: 5

Denise Réaume, "Indignities: Making a Place for Dignity in Modern Legal Thought" (2002) 28:1 *Queen's Law Journal* 61, at 62-63.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=61&handle=hein.journals%2Fqueen28&collection=journals>

Pages: 2

Ngairé M Naffine, *Law's Meaning of Life: Philosophy, Religion, Darwin and the Legal Person* (Oxford: Hart Publishing, 2009) at 99-102, 105.

Pages: 5

Neomi Rao, "Three Concepts of Dignity in Constitutional Law" (2011) 86:1 *Notre Dame Law Review* 183, at 232-234.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=183&handle=hein.journals%2Fnd186&collection=journals>

Pages: 3

Christopher D Stone, "Should Trees Have Standing?' Revisited: How Far Will Law and Morals Reach? A Pluralist Perspective" (1985-86) 59 S Cal L Rev 1, at 1-12.
<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=1&handle=hein.journals%2Fscal59&collection=journals>

Pages: 12

Assisted Human Reproduction Act, R.S.C. 2004 c. 2.

Pages: 4

Page Totals: 35

2. EMBRYOS AND FETUSES

*January 13 (make-up class * 2), 12-2:50pm, Rm. 157*

a) Abortion

Marlene G Fried ed., "Abortion and Sterilization in the Third World" in *From Abortion to Reproductive Freedom: Transforming a Movement* (Boston: South End Press, 1990) 63, at 63-64.

Pages: 2

Judith Jarvis Thomson, "A Defense of Abortion" in Joel Feinberg ed., *The Problem of Abortion*, 2nd ed (Belmont, CA: Wadsworth, 1983) 173, at 173-187.

<http://www.jstor.org.ezproxy.library.uvic.ca/stable/2265091>

Pages: 15

Bernard Dickens & Rebecca J Cook, "Conscientious Commitment to Women's Health" (2011) 113:2 *International Journal of Gynecology and Obstetrics* 163, at 163-166.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1832549

Pages: 4

Recommended Reading:

Winnipeg Child And Family Services (Northwest Area) v. G. (D.F.), [1997] S.C.J. No. 96; and *R. v. Morgentaler*, [1988] 1 S.C.R. 30.

Total Pages: 21

Marion Doull & Christina Sethna, "Far from Home? A Pilot Study Tracking Women's Journeys to a Canadian Abortion Clinic" (2007) 29:8 *J Obstet Gynaecol Can* 640, at 640-646.

http://www.jogc.com/abstracts/full/200708_WomensHealth_1.pdf

Pages: 7

Jocelyn Downie & Chris Kaposy, "Judicial Reasoning about Pregnancy and Choice" (2008) 16 Health LJ 281, at 281-282, 289-303.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=281&handle=hein.journals%2Fhthlj16&collection=journals>

Pages: 17

Shelley Gavigan, "Better Late than Never, But Why? The Contradictory Relationship Between Law and Abortion" in *Of What Difference? The 20th Anniversary of R v. Morgantaler: Reflections on the Judgment and Abortion in Canada Today* (2008) Toronto National Abortion Federation 29, at 29-34.

http://www.prochoice.org/pubs_research/publications/downloads/canada/ofwhatdifference.pdf

Pages: 6

Judith Timson, "Why should women believe what Stephen Harper says about abortion?" *The Globe and Mail* (29 April 2011).

<http://proquest.umi.com.ezproxy.library.uvic.ca/pgdweb?did=2332635571&sid=7&Fmt=3&clientId=3916&RQT=309&VName=PQD>

Pages: 3

Total Pages: 33

January 16

b) Embryonic Stem Cell Research

Janet L Dolgin, "Embryonic Discourse: Abortion, Stem Cells and Cloning" (2004) 19 Issues L. & Med. 203, at 203-216, 240-246, 253-261.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=203&handle=hein.journals%2Fimed19&collection=journals>

Pages: 30

January 18

John A Robertson, "Embryo Stem Cell Research: Ten Years of Controversy" (2010) 38:2 JL Med & Ethics 191, at 191-200.

<http://dx.doi.org.ezproxy.library.uvic.ca/10.1111/j.1748-720X.2010.00479.x>

Pages: 10

Timothy Caulfield & Amy Zarzeczny, "Emerging Ethical, Legal and Social Issues Associated with Stem Cell Research & and the Current Role of the Moral Status of the Embryo" (2009) 5:2 Stem Cell Rev and Rep 96, at 96-101.

<http://www.springerlink.com.ezproxy.library.uvic.ca/content/k42585n218185217/>

Pages: 6

Arthur L Caplan & Pasquale Patrizio, "The Beginning of the End of the Embryo Wars" (2009) 373 *The Lancet* 1074, at 1074-1075.

[http://dx.doi.org.ezproxy.library.uvic.ca/10.1016/S0140-6736\(09\)60638-3](http://dx.doi.org.ezproxy.library.uvic.ca/10.1016/S0140-6736(09)60638-3)

Pages: 2

Françoise Baylis & Matthew Herder, "Policy Design for Human Embryo Research in Canada: A History (Part 1 of 2)" (2009) 6 *Bioethical Inquiry* 109, at 109-111, 116-118.

<http://www.springerlink.com.ezproxy.library.uvic.ca/content/3085g304563365q7/>

Pages: 6

Diana Backhouse & Maneesha Deckha, "Shifting Rationales: The Waning Influence of Feminism on Canada's Embryo Research Restrictions" (2009) 21:2 *CJWL* 229, at 230-231, 252-255, 257-258, 261-264.

http://muse.jhu.edu.ezproxy.library.uvic.ca/journals/canadian_journal_of_women_and_the_law/v021/21.2.backhouse.html

Pages: 12

Total Pages: 36

3. ANIMALS

January 23

a. Introduction to Speciesism and Posthumanism in the Laboratory

John Sorenson, "Animals and Social Justice" in *Animal Rights* (Black Point, NS: Fernwood Publishing, 2010), at 9-21.

Pages: 13

Lynda Birke et al., "Animal Performances: An Exploration of Intersections between Feminist Science Studies and Studies of Human/Animal Relationships" (2004) 5 *Feminist Theory* 167, at 167-168, 171-176

<http://fty.sagepub.com.ezproxy.library.uvic.ca/content/5/2/167>

Pages: 8

Total Pages: 21

January 25

b. Vivisection and Medical Research

Carlos Jose Saldanha Machado et al, "Current Brazilian Law on Animal Experimentation" (26 June 2009) 324:5935 *Science* 1643, at 1643-1644.

<http://www.sciencemag.org.ezproxy.library.uvic.ca/content/324/5935/1643.short>

Pages: 2

Fraser Darling, "New European Directive Protecting Research Animals" (Dec 2010) 57:4 *Biologist* 178 at 178-179.

<http://ezproxy.library.uvic.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=byh&AN=59207795&site=ehost-live&scope=site>

Pages: 2

Vicky Robinson, "Alternatives to animals" (2009) 201:2698 *New Scientist* 22.

<http://ezproxy.library.uvic.ca/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=36889336&site=ehost-live&scope=site>

Pages: 1

Gary L Francione, "The Use of Nonhuman Animals in Biomedical Research: Necessity and Justification" (2007) 35:2 *Journal of Law, Medicine & Ethics* 241, at 241-248.

<http://www.heinonline.org.ezproxy.library.uvic.ca/HOL/Page?page=241&handle=hein.journals%2Fmedeth35&collection=journals>

Pages: 8

Roger Collier, "Switching swine for simulators: At what cost?" *CMAJ* (7 October 2008) 759, at 759-760.

<http://dx.doi.org.ezproxy.library.uvic.ca/10.1503/cmaj.081400>

Pages: 2

Danielle Pope, "Cruel intentions: Animals research methods have universities and federal organizations stepping into hot water" *Canadian University Press* (22 October 2010).

<http://newswire.cup.ca/articles/35947>

Pages: 5

Jane Dawson, "Letter: Financial well-being of universities supported by long tradition of animal testing" *Kelowna Capital News* (25 March 2011)

<http://go.galegroup.com.ezproxy.library.uvic.ca/ps/i.do?&id=GALE%7CA252395888&v=2.1&u=uvictoria&it=r&p=CPI&sw=w>

Pages: 2

Total Pages: 22

January 30

c. Humanimals

Françoise Baylis, "Animal Eggs for Stem Cell Research: A Path Not Worth Taking" (2008) 8:12 *American Journal of Bioethics* 18, at 18-20, 23-26.

<http://www.tandfonline.com.ezproxy.library.uvic.ca/doi/abs/10.1080/15265160802559161>

Pages: 7

Marie Fox, "Reconfiguring the Animal/Human Boundary: The Impact of Xenotechnologies" (2005) 26:2 Liverpool L Rev 149, at 151-154, 158-161.

<http://www.springerlink.com.ezproxy.library.uvic.ca/content/u2v21506223253u3/>

Pages: 8

Sylvie Bordet, Sabrina Feldman & Bartha Maria Knoppers, "Legal Aspects of Animal-Human Combinations in Canada" (2007) McGill Health Law Publication 83, at 86-89, 94-99.

http://heinonline.org.ezproxy.library.uvic.ca/HOL/Page?handle=hein.journals/mcgh_ealp1&div=10&collection=journals&set as cursor=0&men tab=srchresults

Pages: 10

Total Pages: 25

4. HUMAN PERSONS

February 1

a. Enhancements – A New Form of Eugenics?

Buck v. Bell, (1927) 274 U.S. 200 (S.C).

Pages: 2

Angela Davis, "Racism, Birth Control and Reproductive Rights" in Reina Lewis & Sara Mills, eds, *Feminist Postcolonial Theory: A Reader* (New York, Routledge, 2003) 353, at 358-365.

Pages: 8

Tom Koch, "Enhancing Who? Enhancing What? Ethics, Bioethics, and Transhumanism" (2010) 35:6 Journal of Medicine & Philosophy 685, at 685-697.

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February 6**b. Prenatal Testing – A New Form of Eugenics?**

Amanda D Park & Maria Mathews, "Why do Women Choose or Decline Maternal Serum Screening?" (2009) 31:2 J Obstet Gynaecol Can 149, at 149-155.

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Victoria Seavilleklein, "Challenging the Rhetoric of Choice in Prenatal Screening" (2009) 23:1 Bioethics 68, at 68-77.

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February 22**c. Preimplantation Genetic Diagnosis and Choosing "Disability"**

Silvia Camporesi, "Choosing Deafness with Preimplantation Genetic Diagnosis: An Ethical Way to Carry on a Cultural Bloodline?" (2010) 19:1 Cambridge Quarterly of Healthcare Ethics 86, at 86-95.

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d. Human Reproductive Cloning

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Joyce C Havstad, "Human Reproductive Cloning: A Conflict of Liberties" (2010) 24:2 Bioethics 71, at 71-77.
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Jane Maienschein, "Cloning and Stem Cell Debates in the Context of Genetic Determinism" (2009) 9 Yale Journal of Health Policy, Law, and Ethics 565, at 568-576, 581-584.
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e. Psychiatric Encounters with Mental Diversity

Starson v. Swayze, 2003 SCC 32, [2003] 1 S.C.R. 722.

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Cyndy Baskin, "Part I: Conceptualizing, Framing and Politicizing Aboriginal Ethics in Mental Health" (2007) 2:2 JEMH at 1-4.
http://www.jemh.ca/issues/v2n2/documents/JEMH_V2N2_Article_Part1_AboriginalEthicsMentalHealth.pdf

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Judith I McKenzie, "The Delicate Dance in Canadian Mental Health Policy" (2008) 3:2 JEMH at 1-5.

http://www.jemh.ca/issues/v3n2/documents/JEMH_v3n02_article_The_Delicate_Dance_in_Canadian_Mental_Health_Policy.pdf

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Jacquelyn Shaw, "One Step Forward, Two Steps Back: a Charter Analysis of s. 39 of Nova Scotia's *Involuntary Psychiatric Treatment Act*" (2009) 4:2 JEMH at 1-5.

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f. Medical Gaze and Creating Ab/Normal Bodies

Anne Tamar-Mattis, "The Medical Gaze and Children with DSD" (2009) 7:8 *Endocrine Today* 3, at 3-4.

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Emi Koyama, "Letter to the New York Review of Books", March 10, 2003.

<http://www.intersexinitiative.org/media/letters/20030310-nyrevbooks.html>

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Jaime Johnson, "Recognition of the Nonhuman: The Psychological Minefield of Transgender Inequality in the Law" (2010) *Law & Psychology Review* 153, at 153-159

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g. Substitute Decision-making*Representation Agreement Act**Health Care (Consent) and Care Facility (Admission) Act**Adult Guardianship Act**Patients Property Act***Pages: 12**

S Dodds, "Gender, Ageing and Injustice: Social and Political Contexts of Bioethics" (2005) 31:5 *Journal of Medical Ethics* 295, at 295-298.

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Chris Gastmans & Yvonne Denier, "What if Patients with Dementia Use Decision Aids to Make an Advance Euthanasia Request?" (2010) 10:4 *American Journal of Bioethics* 25, at 25-26.

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Susan M Behuniak, "The Living Dead? The Construction of People with Alzheimer's Disease as Zombies" (2011) 31 *Ageing and Society* 70, at 77-78, 85-88.

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Sarah Burningham, "Developments in Canadian Adult Guardianship and Co-Decision-Making Law" (2009) 18 *Dalhousie J Legal Stud* 119, at 136-138, 142-144.

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Shawn HE Harmon, "Consent and Conflict in Medico-Legal Decision-Making at the End of Life: A Critical Issue in the Canadian Context" (2010) 60 *University of New Brunswick Law Journal* 208, at 220, 222-225.

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Marcia Sokolowski, "Advance Directives and the Problem of Informed Consent" (2010) 5:1 JEMH 1, at 2-5.

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Recommended Reading:

Jay Wolfson *et al.*, "Essays: The Schiavo Case" (2005) 35:3 Hastings Center Report 16.

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h. Assisted Suicide and Euthanasia

Mary J Shariff, "Immortal Beloved and Beleaguered: Towards the Integration of the Law on Assisted Death and the Scientific Pursuit of Life Extension" (2010) 31 Health L Can 1, at 1-9, 11-13, 19-21.

http://works.bepress.com/mary_shariff/22/

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Parliament of Canada, Legal and Legislative Affairs Division, *Euthanasia and Assisted Suicide in Canada* (December 2010), at 1-15, 17-18.

<http://www.parl.gc.ca/Content/LOP/ResearchPublications/2010-68-e.htm>

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Recommended Reading:

Rodriguez v. British Columbia (Attorney General), [1993] 3 S.C.R. 519.

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Danny Scoccia, "Physician-Assisted Suicide, Disability, and Paternalism" (2010) 36:3 Social Theory & Practice 479, at 479-487, 489-494.

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Recommended Reading:

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March 19

i. Organ Donation –Domestic issues

The Canadian Press, “Manitoba Sets up Online Organ Donation Registry” *CBCNews* (29 April 2011).

<http://www.cbc.ca/news/canada/manitoba/story/2011/04/19/mb-organ-donation-registry-manitoba.html>

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Mark Amman, “Would Presuming Consent to Organ Donation Gain us Anything but Trouble?” (2010) 18:2 *Health Law Review* 15, at 15-21.

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Jocelyn Downie et al, “Eligibility for Organ Donation: A Medico-Legal Perspective on Defining and Determining Death” (2009) 56:11 *Canadian Journal of Anesthesia* 851, at 851-862.

<http://dx.doi.org.ezproxy.library.uvic.ca/10.1007/s12630-009-9130-x>

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Colby Cosh, “Paying for Spare Body Parts: For \$5,500 in Expense Money, Will More Living Donors Give Up a Kidney?” (2010) 123:28 *Maclean’s* 20.

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Michele Goodwin, “Bio Law: A Few Thoughts on Altruism and Markets” (2009) 18 *Kan JL & Pub Pol’y* 208, at 208-214.

<http://heinonline.org.ezproxy.library.uvic.ca/HOL/Page?handle=hein.journals/kjpp18&div=17&collection=journals&set as cursor=114&men tab=srchresults&terms=%28%28organ%20AND%20altruistic%29%29&type=matchall#216>

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March 21

j. Commercial Surrogacy – International Issues

**See Moodle website for readings*

Alison Bailey, "Reconceiving Surrogacy: Toward a Reproductive Justice Account of Indian Surrogacy" (2011) 26:4 Hypatia 716-736.

<http://dx.doi.org/10.1111/j.1527-2001.2011.01168.x>

Tawia B Ansah and Sharona Hoffman, "Surrogacy for the Single, Gay Man" (2012) 22:1 Health Matrix: Journal of Law-Medicine 1-8.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1952860

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5. PAPER POLISHING

March 26

a. Draft polishing workshop: tips and exercises for polishing paper drafts will be covered.

March 28

b. Peer exchange: in your pre-assigned pairs, you will go over your edits with the author and share feedback. This is an opportunity for you to receive feedback from a peer who has read your work closely and to refine your writing and editing skills.

Reading Assignment: Draft of one of your peers will be assigned to you on March 26 to read and edit for today's class.

April 2 and 4

c. Paper presentation workshop: you will orally present your paper to your peers in a twenty-minute period. You may choose to present your argument in the first 10 minutes and then receive feedback and answer questions in the remaining 10 minutes. Dates (either April 2 or 4) will be assigned during the term.