Bioethicists are centrally concerned with matters of public controversy and political debate. What difficulties and responsibilities does this fact entail for the practice of bioethics? In this seminar we will examine several controversial bioethical issues. Our focus will not be on the arguments themselves, but on what we should make of the fact that they are controversial. Should bioethical inquiry take account of intractable moral disagreement? What are the distinctive roles of religious and secular perspectives in public debate? Can bioethicists legitimately claim authoritative expertise in a democracy? We will address the questions by reading work from philosophy and political theory, and also through case study of historical and contemporary issues including: the removal of homosexuality from the DSM, the ‘Philosophers’ Brief’ on assisted suicide, and the regulation of new gene-editing technology.

1. Case Study I: The Infanticide Papers, 1972-2013
27 January

*Why did a type of argument that was 40 years old suddenly lead to global media outrage in 2012? What is the relationship between academic ethical theory and public debate?*

2. Moral disagreement

3 February

If you discover that a peer disagrees with one of your moral beliefs, should you reduce confidence in your belief? How (if at all) does moral disagreement differ from other types of disagreement?


3. Other Moral Interactions: Testimony, Deference, Persuasion

10 February

Does the moral domain have distinctive features with respect to how we share and receive evidence?


17 February

In 1973 the American Psychiatric Association ceased classifying homosexuality per se as a mental illness, instead replacing it with a compromise diagnosis of ‘ego dystonic’ (unwanted) homosexuality. After further debate, this category was also removed in 1987. Was this a debate about science, values, or both? What role did non-experts have to play in the debate? Consider the following (from Bayer and Spitzer 1982): “There was a moment when some participants entertained the thought of broadening the dispute to the general APA membership and even the gay community. … [T]he major proponents of this strategy sought to intimidate Robert Spitzer with such threats. Careful consideration of the potential impact of so politicizing the dispute resulted, however, in an explicit decision to confine the conflict to a narrow band of professionals.” Was that a reasonable decision?


5. Public reason: ethical debate in a democracy
24 February

In democratic debate, are there limits on whether citizens may appeal to ethical considerations that are not widely shared?? How do we determine the line between ‘private’ and ‘public’ reason?


6. Case Study III: Assisted Suicide and the Philosophers’ Brief, 1997
2 March

In 1997 a group of six extremely influential moral philosophers filed an amicus brief attempting to persuade the Supreme Court to find an individual right to assistance in dying. The Court ruled against this view, unanimously. Is there evidence in the Court’s written opinion that the philosophers’ intervention made any difference? Should bioethicists try to influence constitutional court proceedings?

• United States Supreme Court, Washington v. Glucksberg. 1997. 521 U.S. 702. [Read the Court’s decision (pp. 705-736), Justice O’Connor’s concurring opinion (736-738) and through part A of Justice Souter’s concurring opinion (752-782).]
7. Religion and tradition in bioethics
9 March

Must explicitly religious perspectives be excluded from the public reason of democratic debate? Do religious ideals have a distinctive role to play in bioethics?


(no class Wed 16 March – NYU spring break)

23 March

In 2001 the Bush administration banned the use of federal funds to support research that involved the destruction of fertilized human embryos, including the promising field of stem cell research. (The decision was later reversed by the Obama administration.) What role did the religious convictions of President Bush and his advisors play in this policy? What was the role of the President’s Council on Bioethics? What responsibilities do professional bioethicists have amid such deep public moral disagreement?

9. Is there such a thing as ethical expertise?
30 March

Is it possible for someone to be an expert on ethical matters? Is this compatible with moral equality? Does training in academic moral philosophy or bioethics reliably lead one to ethical expertise? If there are ethical experts, how do we identify them?


10. The role of (ethical) experts in a democracy
6 April

Democratic government requires that citizens recognize one another as equals. Is this compatible with unequal distribution of competence? Are scientists experts on any or all public policy questions related to their scientific work? Can an average democratic citizen reasonably defer to scientific experts without breaching her democratic responsibilities? Can we trust experts to avoid biasing information so as to favor their own privileges?


11. Case Study V: ‘Death Panels’ and ‘if you like your insurance you can keep it’, 2009-2010
13 April

The Affordable Care Act was an extraordinarily complicated piece of legislation. It also addressed crucial ethical issues of distributive justice. There is evidence that politicians of all stripes made false claims about the law’s impact (deliberately or not). Given the law’s complexity and the additional problem of misleading politicians, was it reasonable to think that ordinary citizens could make informed choices about the law? Did ethicists have any relevant expertise to offer?


12. The professional responsibilities of a bioethicist

Is there such a thing as bioethics as a profession? If so, what are its professional duties and privileges? Should it be understood as a public office, with particular responsibilities to the voting public? Could the controversial nature of bioethical topics justify deviation from standard academic practice — such as anonymous publication?


13. Case Study VI: CRISPR and the international gene editing summit, 2015

In December 2015, researchers from around the world gathered to discuss important recent developments in gene-editing technology, including ethical implications and regulatory oversight. Before and during the summit, there was debate on whether bioethicists had anything to contribute to these issues, or should ‘get out of the way’ of scientific progress. What should we make of that debate? Is there evidence that the scientist participants at the International Summit made reasonable ethical distinctions
on their own? Ultimately, who should decide the use of gene-editing technology: governments, scientists, or someone else?


4 May

In 2015, an anti-abortion group released a set of heavily edited videos seemingly showing Planned Parenthood executives discussing the ‘sale’ of fetal tissue samples obtained during abortion. Despite subsequent evidence that the videos were dishonestly produced, they have led to immense public controversy, including legal proceedings, congressional hearings, and legislative threats to shut down the federal government rather than continue any funding for Planned Parenthood.

- Readings for this week will be chosen by students.
- By April 20 (two weeks before this class) you must post at least 2 relevant things to our NYU Classes forum. They can be newspaper articles, court documents, congressional hearing transcripts, speeches by politicians, policy documents from Planned Parenthood, etc. Try to make sure no one else has already posted your items. Also, in the body of your post, include a few open discussion questions – see the italicized entries for every previous week on this syllabus for examples.
- To prepare for this class session, choose and read at least 6 items posted by other students.
Assessment

Students enrolled for credit will be graded on four items:

(a) participation, including weekly questions posted on our NYU Classes site 10%
(b) contributing to readings for week 14 10%
(c) a factual research paper in which you choose and analyze a new case study (3,000 words) 40%
(d) an argumentative paper regarding any philosophical topic from the course (3,000 words) 40%

Deadlines

Apr 20 – post readings for week 14 to NYU Classes

Apr 27 (or earlier) – send me an email with your topic selection for each of the two papers. You should do this at least a week before you will submit each paper.

May 4 – absolute last day to submit either paper. I strongly encourage you not to wait until the end to do both. You may turn in either paper any time before this date. Papers turned in after May 4 will be penalized a one-third-letter-grade per calendar day.