Graduate Seminar Syllabus: GS 5040 3.0 Health, Ethics and Law
Fall 2018

Course Director Information:
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Office Hour: I will be available from 1:00 – 2:00 before classes. Otherwise, by appointment.

Course Time: Mondays 2:30-5:30, North Ross 836A.

Start Date: Mon. Sept. 10, 2014.


Course Description:

The course examines the intersections between health, ethics and the law. These intersections are revealed in areas of individual and public policy decision-making. Others involve from the perspective of practitioners and their clients as well as the social/ political/ and economic institutions which support the health care system. Ethical theory and medical practice will be scrutinized with a focus on the following key areas: foundations of healthcare ethics and practice, concepts of illness and disease, medical decision-making, resource allocation, consent, autonomy, paternalism and justice. Equity-based, feminist, social constructionist and disability rights perspectives will inform the legal and ethical analyses.

Class Structure:

Lecture and class discussion format. Students are expected to attend classes regularly, to read the assigned materials beforehand and to participate actively in class discussions.

Text:

There is a Course Kit of articles and book chapters that is available at the University Bookstore. Most required readings are available online through the Yorku Library system. Some can be retrieved with a simple Google search. The syllabus lists supplementary readings for every seminar. These readings are optional. They expand
upon key ideas that emerge in the seminars and may assist you in compiling a bibliography for your major paper.

**Weighting of Course:**

**Seminar Presentation:** 20%. Presentation dates will be assigned in the second seminar.

**Major Paper Outline with Bibliography** *(8-10 pages max, double-spaced, not including bibliography):* 20%. It is due in class on Mon. Oct. 22.

**Major Paper** *(20-25 pages max, double-spaced, exclusive of bibliography):* 60%. It is due Mon. Dec. 10.

These essays must be argumentative. See the *Essay Writing Handbook for Philosophy Students* posted on the Course Website.

**Grading Scheme:**

Students will receive letter grades only. The regulations of the Faculty of Graduate Studies designate that course work be graded as follows:

**A+ Exceptional:** Excellence in writing, research and reading combined with originality.

**A Excellent:** Work that shows superior command of the subject, clearly written, competently researched.

**A- Very Good:** Work that shows superior command of the material but with flaws in research and/or presentation.

**B+ Highly Satisfactory:** Work that shows a sound command of research, writing and satisfactory reading skills but that may be flawed in some visible and correctable way.

**B Satisfactory:** Work that meets minimum expectations of a graduate student in research, writing and reading skills.

**C Conditional:** Unsatisfactory work; flawed in methodology or critical assumptions; incoherently organized, poorly written or superficially researched.

**F Failure.**
Seminar Schedule:

Mon Sept. 10 Seminar 1: Introduction to the Course. What is the philosophy of medicine?

Supplementary Reading:

This journal is electronically accessible through the Yorku library system.


Mon. Sept. 17 Seminar 2: Introduction to the Domains of Ethics and Law and Their Application to Healthcare

Required Readings:

A) Ethics


This book is electronically accessible through the Yorku library system.


Search Tip: Just Google: Ethical Theories and Bioethics Semantic Scholar.


Supplementary Readings:


**Mon. Sept. 24 Seminar 3: Introduction to the Domains of Ethics and Law and Their Application to Healthcare (contd.).**

**Required Readings:**

**B) Law**

**Electronically accessible through the York University library system.**


**C) Application to Healthcare**

**This book is electronically accessible through the York University library system.**


**Search Tip:** Just Google Feminist Bioethics Stanford.


**Supplementary Readings:**


**Mon. Oct. 1 Seminar 4: Health, Disease, and Illness**

**Required Readings:**

A) Health, Illness and Disease

**These journals are electronically accessible through the Yorku Library catalogue.**


**Search Tip: Just Google search the title of the article.**
Lennart Nordenfelt, “Understanding the Concept of Health.” Available at the following link
B) Narrative Medicine and Healing


**Supplementary Readings:**

Search Tip: Just Google Concepts of Health and Disease Stanford.


**Mon. Oct. 8 Seminar 5: Justice and the Allocation of Healthcare Resources**

**Required Readings:**


This book is electronically accessible through the York University Library catalogue.

This journal is electronically accessible through the Yorku Library catalogue.


Supplementary Readings:


Mon. Oct. 15 No Class Thanksgiving Holiday

Mon. Oct. 22 Seminar 6: Ageism and Justice in Health Care

Major Paper Outline Due in Class.

Required Readings:

These journals are electronically accessible through the York University Library catalogue.


**Supplementary Readings:**


**Mon. Oct. 29 Seminar 7: The Futility Debate**

**Required Readings:**

This journal is electronically accessible through the York University Library catalogue.


Cuthbertson v. Rasouli 2013 SCC 53

Supplementary Readings:


Mon. Nov. 5 Seminar 8: Lifestyle, Autonomy, and Moral Responsibility for One’s Health

Required Readings:

These journals are electronically accessible through the Yorku Library catalogue.


**Just Google Search Article Title – Science Direct.**


**Supplementary Readings:**


Mon. Nov. 12 Seminar 9: Physician Assisted Suicide and Euthanasia: The Debate Around Psychological Suffering

Required Readings:

The Federal Government has provided a detailed information document on Bill C-14 at www.justice.gc.ca › Home › Criminal Justice › Medical Assistance in Dying.


This open access journal is available on the web. Google search Journal of Ethics in Mental Health Vol. 9, 2014. Scroll down to XI Special Theme Issue: Legislation and Medical Assistance in Dying.


Supplementary Readings:

Carter v Canada (Attorney General), 2013 BCCA 435
http://www.courts.gov.bc.ca/jdb-txt/CA/13/04/2013BCCA0435.htm

Bill C-14 is available on the web. Google search House Government Bill – Bill C-14 – Royal Assent (42-1).

This book is electronically accessible through the Yorku Library catalogue.


**Mon. Nov. 19 Seminar 10: Ethics of Biomedical Research with Human Subjects**

**Required Readings:**

*These journals are electronically accessible through the York University Library catalogue.*


**Mon. Nov. 26 Seminar 11: Eugenics, Prenatal Genetic Testing and Disability**

**Required Readings:**
These journals are electronically accessible through the York University Library catalogue.


This article is available on the web. Google search Keeping the Backdoor to Eugenics Ajar.


**Supplementary Readings:**


**Mon. Dec. 3 Seminar 12: Substitute Decision-Making for the Mentally Incapable**

**Required Readings:**


*These journals are electronically accessible through the Yorku Library catalogue.*


*This book is electronically accessible through the Yorku Library catalogue.*


**Supplementary Readings:**


*Health Care Consent Act*, S.O. 1996, c. 2, Schedule A, ss. 4-6, 10, 20-21, 32-37. See also *Consent to Treatment: A Brief Overview of the Law in Ontario* A concise overview of the Health Care Consent Act by Michael Bay, J.D., Associate Professor of Psychiatry and former Chair of the Consent and Capacity Board of Ontario. At [http://www.psychdirect.com/forensic/PsychLaw/consent/overview.htm](http://www.psychdirect.com/forensic/PsychLaw/consent/overview.htm)

