

STS 222
Bioethics and Human Reproduction

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Overview

This course examines technologies relating to human reproduction and issues of bioethics and social ethics that arise from the uses of these technologies. We explore these issues through critical analysis of a variety of materials drawn from the sciences, humanities, social sciences and law. Students will develop the research ability and the critical thinking skills necessary to evaluate scientific, ethical, and policy issues concerning reproductive technologies.

We will use Moodle for this course. The syllabus is available there, as is a link to Reserve readings. I will, when possible, post study questions prior to class meeting, and ask that you check Moodle the night before each class meeting.

Your work will be evaluated by a variety of exercises, as well as class participation. There will be a number of short exercises, and two longer assignments (one a group project due a mid-term, the other a final project due at the end of the semester). The short exercises together will count for about half of your grade, with other half made up of the longer assignments. Your effort to be a responsible and contributing member of the classroom community will constitute about 10% of your grade. I weigh the latter part of the semester more heavily than the first when performance improves or declines. I am not setting out the grading with detailed percentages; that is intentional in order to enable me to take account of overall contribution to the class over the course of the semester. Departmental Interns are available to discuss course materials and to offer help with written assignments, as are interns at the Learning, Teaching and Research Center.

Keep in mind that academic accommodations are available for students with documented disabilities. Do see me early in the semester to discuss any accommodation that you may need. All accommodations must be approved through the Office of Disability and Support Service (ext. 7584) as indicated in an accommodation letter. Do not hesitate to take advantage of the services they offer.

All readings are to be completed prior to the class for which they are assigned. You are responsible for knowing the assignment for each class, when papers are due, etc. Since assignments may change, if you miss a class, you must check with another member of the class or Moodle (NOT the professors) to get the assignment.

Required texts:

S. F. Gilbert, A. L. Tyler, and E. J. Zackin, *Bioethics and the New Embryology*
P. Orenstein, *Waiting for Daisy*

Daily assignments

Sept. 4 - Introductory Class

When does human life begin? How does one mark the value of human life? Why do people procreate? What are some of the most salient ethical issues concerning assisted human reproduction?

Sept. 6 – What is Human Life?

Peggy Orenstein, *Waiting for Daisy*, chs. 1-5 and 10 (pp. 1-88 & 165-98)

Due at the start of class: Write a page introducing yourself to us, telling us what questions brought you to this course and what, if anything, in your experience has raised or contributed to these questions.

Study guide to readings: Make two lists as you read Orenstein. On one, list the medical/biological issues raised by her quest for successful pregnancy; on the second, list the ethical issues raised by her quest for a child

Sept. 11 – The Biology of Human Development

Gilbert, Tyler and Zakin (GTZ), Ch. 1, “An Outline of Human Development”, Ch. 2, “Philosophical, Theological, and Scientific Arguments”

Study guide: Make a list of contraceptives and ways of preventing birth, and note which ones (if any) you prefer and why; if you do not favor preventing conception or birth, show the relationship of your view to the scientific material.

Sept. 13

Gilbert, Tyler and Zakin (GTZ), pp. 58-59

K. Gemzell-Danielsson and L. Marions, “Mechanisms of action of mifepristone and levonorgestrel when used for emergency contraception,” *Human Reproduction Update* 10, no. 4 (2004)

Nancy McVicar, “‘Morning-after’ pill becomes flashpoint in abortion debate,” *Florida Sun-Sentinel*, 28 Dec. 2005.

Exercise 1 due at the start of class

Sept. 18 - Getting or not getting pregnant: conception and contraception

Roe v. Wade (US Supreme Court 1973), excerpts

Judith Jarvis Thomson, “A Defense of Abortion,” *Philosophy and Public Affairs* (1971)

Planned Parenthood of SE Pennsylvania v. Casey (1992) excerpt

Study guide:

- (1) What are the assumptions about the relevance of scientific knowledge to a decision concerning the legality of abortion do you find in the Roe v. Wade decision? Do you agree with these assumptions?
 - (2) Who does the Court see as the relevant decision-makers in an abortion decision? Why? Do you agree these are the (only) relevant persons?
 - (3) What are the grounds for the dissenting opinions? (Why do the dissenters think the majority has decided the case incorrectly?) Do you agree (yes, no, partially)?
 - (4) What theoretical perspectives do Thomson and the majority Justices share? On what points to Thomson and the majority and minority justices agree? Differ?
 - (5) Compare Planned Parenthood v Casey and Roe v. Wade – what are the similarities and differences? What do you think about the restrictions that the Court let stand? Do you agree with the Court that only husband notification constitutes an "undue burden" on the woman's abortion decision? Would the nature of the burden be different for different women? What do you think, and why?
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Sept. 20 - Gametes, Embryos, Fetuses and Assisted Reproduction

GTZ, ch. 3, "Fertilization and Assisted Reproduction," and ch. 4, "Assisted Reproductive Technologies: Safety and Ethical Issues"

Exercise 2 due at the start of class.

Sept. 25 - Philosophical Frameworks on Reproductive Freedom

John Robertson, Sections from "Embryos, Families and Procreative Liberty: The Legal Status of the New Reproduction," S. Cal. L. Rev. 59, 1986: Intro, Section I A and Section V [DO NOT PRINT ENTIRE ARTICLE; it is LONG and will waste paper].

Maura Ryan, "The Argument for Unlimited Procreative Liberty: A Feminist Critique," Hastings Center Report 20, no. 4 (1990).

Dorothy Roberts, "Social Justice, Procreative Liberty, and the Limits of Liberal Theory: Robertson's Children of Choice," Law and Social Inquiry 20 (1995)

Study questions for Robertson, Ryan, Roberts (this is a lot of reading—everyone is to read Robertson, and then you may choose between Ryan and Roberts):

1. What is Robertson's argument with respect to "procreative liberty"? How does he define procreative liberty? Where (how) does he ground this liberty; what does he see as its roots, origins, foundations (in philosophy/political theory, constitutional law, the place of parenthood in human existence)?
2. What are the strengths and the weaknesses of Robertson's understanding of procreative liberty? We suggest that you make two columns or lists, one listing the strengths/pros/good values it promotes and things it does well, and another listing the weaknesses/cons/bad values it promotes and things it fails to do.
3. Your reading of Roberts and/or Ryan will get you started in thinking about what YOU think "procreative liberty" entails.

During class: Form student groups for student presentations.

Sept. 27 - Embryo: Property or Person?

Davis v. Davis (842 S.W.2d 588 (Tenn. 1992))

Jennifer Nedelsky, Property in Potential Life? A Relational Approach to Choosing Legal Categories, Canadian Journal of Law and Jurisprudence 6 (1993)

George Annas, "Redefining Parenthood and Protecting Embryos: Why We Need New Laws," Hastings Center Report 14, no. 5 (1984).

"Embryo adoption" debate: http://www.bionews.org.uk/page_52150.asp

Due at the start of class: Hand in topics for student presentations (your group will have discussed this prior to class).

Oct. 2 - Considerations (economic, racial, gender) of Social Justice

Laurie Nsiah-Jefferson and Elaine J. Hall, "Reproductive Technology: Perspectives and Implications for Low-Income Women and Women of Color," from Kathryn Strother Ratcliffe, et al. (eds), Healing Technology: Feminist Perspectives (1989), 93-118.

Asian Communities for Reproductive Justice, "A New Vision for Advancing Our Movement for reproductive health, reproductive rights and reproductive justice"
<http://www.reproductivejustice.org/index.html>

Oct. 4 - Meanings of "Parenthood" in Assisted Reproduction

1. Surrogacy and "Motherhood"

Stephanie Saul, "Building a Baby, With Few Ground Rules," NYT Dec. 13, 2009, p. 1 (also available at http://www.nytimes.com/2009/12/13/us/13surrogacy.html?_r=1)

Room for debate (divergent views about Saul's article):

<http://roomfordebate.blogs.nytimes.com/2009/12/29/the-baby-market/>

2. Sperm Donation and "Fatherhood"

Ruth Padawer, "Losing Fatherhood: Cheap & Accurate DNA Tests. . . ." NYT Magazine, Nov. 22, 2009: 38ff.

3. Contesting Paternal Status in Lesbian Family

Kenyon Wallace, "Battle over birthright: Case raises questions about role of sperm donors in children's lives," National Post (Jan 9/10)

<http://www.nationalpost.com/story.html?id=2422252>

Exercise 3 due at the start of class.

Oct. 9 - Reproductive Freedom Revisited

No new reading; review materials and your response to Exercise 3 to prepare for an in-class debate on the following question: Is it ever legitimate for government to regulate people's access to reproductive technologies in their quest to become parents? If not, why not? If so, on what grounds?

[Examples of regulations: denial of access to people who already have a specified number of children (think about "octomom"); prohibition on embryo selection intended to create "savior

siblings” (donors for ill sibling); prohibition on use of egg donation for post-menopausal childbearing; prohibition on use of IVF and contract pregnancy by gays, lesbians, or single persons. Or, without prohibiting use of reproductive technologies, what about government refusal to enforce pregnancy contracts; a ban on the sale of human eggs, sperm, and embryos; a ban on differential pricing (an open market) on eggs, sperm, and embryos; a ban on anonymous donation/transfer of eggs, sperm, and embryos.]

We want you to reflect on our readings and discussions thus far, doing some quick research on topics that particularly interest you.

Oct. 11 - Student group presentations

October Break

Oct. 23 – The Biology of Sex Selection

GTZ, ch. 5, “The Genetics of Sex Determination”
GTZ, ch. 6, “Arguments for and against Sex Selection”

Oct. 25 - Sex Selection: Ethical Considerations

Debate between John Robertson and Barbara Katz Rothman on Sex Selection, *Legal Affairs*, 3/27/06

Maneesha Deckha, University of Victoria (Canada), "Canada and Pre-Implantation Sex Selection," paper presented at Feminism and Legal Theory Workshop, Atlanta, Ga., January 27-28, 20 [published as “(Not) Reproducing the Cultural, Racial and Embodied Other: A Feminist Response to Canada's Partial Ban on Sex Selection” (2007) 16 *UCLA Women's Law Journal* 1]

Oct. 30 - Trait Selection

GTZ, ch. 11, “Gene Therapy,” pp. 179-191
GTZ, ch. 14, “Genetic Essentialism”
E.C. Hayden (2012) “Fetal tests spur legal battle”. *Nature* 486: 27 June 2012
S. Begley (2012) “From a vial of mom's blood, a fetus's entire genome”. *Reuters* 4 Jul 2012

Nov. 1 - The Disability Rights Debate over Prenatal Testing

Faye Ginsburg and Rayna Rapp, “Fetal Reflections: Two Feminist Anthropologists as Mutual Informants,” from Morgan and Michaels, *Fetal Subjects*
Deborah Kent, “Somewhere a Mockingbird” from Asch and Parens
Steven J. Ralston, “Reflections from the Trenches: One Doctor's Encounter with Disability Rights Arguments” from Asch and Parens
Optional: Cynthia Powell, “The Current State of Prenatal Genetic Testing in the United States” from Asch and Parens

Nov. 6

Bonnie Steinbach, "Disability, Prenatal Testing, and Selective Abortion," from Asch and Parens
Adrienne Asch, "Why I Haven't Changed My Mind about Prenatal Diagnosis," Asch and Parens
Optional: Mary Ann Baily, "Why I Had Amniocentesis" from Asch and Parens

Nov. 8 – *Normalcy and Perfectionism*

GTZ, Ch. 13

Michael Sandel, "The Case Against Perfection," *Atlantic Monthly* v. 293 no. 3 (April 2004)
Erik Parens and Laurie Knowles, "Reprogenetics and Public Policy," *Hastings Center Report* 33,
no. 4 (2003): S1-S24

Exercise 3 due at the start of class

Nov. 13 – *Birthing Practices*

View film, "The Business of Being Born" prior to class

Korneson, "Essences and Imperatives: an investigation of technology in childbirth," *Social
Science & Medicine* (2005) (hospital vs. home delivery)
Discussion of the film, *The Business of Being Born*

Nov. 15 – *Bioethics of Birthing Technology*

Marguerite Drieseen, "Why Disobeying a Doctor Should not be a Crime," *Mich. St. J. Med &
Law* (2006) (skim to get the story and identify the issues involved when a patient refuses of
medical advice—do not belabor the legal arguments)

Claire Wendland, "The Vanishing Mother: Ceasarian Section and 'Evidence-Based Obstetrics,'" *Medical Anthropology Quarterly* (2007)

Optional: Bassett, Iyer, Kazanjian, "Defensive medicine during hospital obstetrical care: a by-
product of the technological age," *Social Science & Medicine* (2000)

Nov. 20 - *The Theory and Practice of Government Regulation*

Alison Harvison Young, "New Reproductive Technologies in Canada and the United States:
Same Problems, Different Discourses," *Temple International and Comp Law Journal* 12
(Spring 1998)

Testimony of Lori Knowles before the President's Commission on Bioethics, June 20, 2002,
Session 1

Nov. 27 - International Approaches to Regulation

View film, "Made in India" prior to class

Arlie Hochschild, "Childbirth at the Global Crossroads", *The American Prospect* (2009)
Amrita Pande, "'At Least I Am Not Sleeping with Anyone': Resisting the Stigma of Commercial Surrogacy in India", *Feminist Studies* (2010).

Nov. 29

Case study: Oocyte donation and associated readings
Readings TBA
Role assignments

Dec. 4

Mock symposium on oocyte donation – role play & stakeholder engagement

Dec. 6

Debriefing on symposium

Dec. 11

Last day of class – wrap up
Position paper on the regulation of oocyte donation due in class.