Bioethics and the Law
Preliminary Syllabus - Spring 2010
Judge Neil Gorsuch

Required Texts

Beauchamp, Contemporary Issues in Bioethics (Seventh Edition)
Gorsuch, The Future of Assisted Suicide and Euthanasia
Course Supplement Materials ("CS")

The materials will be available on reserve in the Law School library.

Schedule and How to Reach Me

We will meet on Mondays from 4 to 6 p.m., subject to the need to reschedule class sessions. I am happy to meet with you before class, after class, or by appointment. To schedule an appointment, please call my assistant, Holly Cody, at (303) 335-2800.

Grades, Class Attendance, and Class Participation

For this class to work well, it is important that everyone completes the reading assignments prior to class, attends class (see Law School Rule 3-3-1), and participates consistently in discussions. Toward those ends, no laptops, please.

Each student is required to sign up to serve as a discussion leader for two classes. Each discussion leader will post a short paper (no more than 250 words) on TWEN by Sunday at noon, before our Monday class. All class members are expected to read those papers in addition to the assigned class readings detailed below. Discussion leaders are responsible for presenting their short papers during class, and helping to lead the discussion of that week’s other assigned materials. Discussion papers should not repeat the readings, but seek to offer new insights or questions based on them. (Your short papers may also prove a useful starting point for thinking about your final paper.)

A final paper is required of each student related to an issue involving bioethics and the law. The paper should be approximately 5,000 words in length (no more than 5,250). It should present a thesis (argument), an outline of your argument, an organized exposition of that argument, and a conclusion (think of the organization of a law review article or essay). Your paper should be double-
spaced and include a bibliography and word count.

Two-thirds of your grade will be based on your final paper; one-third of your grade will be based on class participation, including your short discussion papers and oral presentations.

**Preliminary Schedule (subject to revision during the course of the semester)**

In the first week, we will examine various leading schools of thought in, or approaches to, bioethics. In the following five weeks, we will use one particular legal problem (the question whether to “legalize” assisted suicide and euthanasia) to examine these various schools of thought, and their applicability to legal analysis, in greater depth. Finally, we will spend the balance of the semester examining a number of other areas where bioethical theories and the law intersect.

**January 11 - Introduction to Ethical Theory**

Beauchamp ch. 1

CS - Beauchamp’s Principles of Bioethics and the Law ch. 8

**January 25 - The Law of Assisted Suicide and Euthanasia**

Beauchamp pp. 397-424
Gorsuch pp. 1-33, 219-220

**February 1 - Arguments from Consequentialism**

CS - Posner and Old Age pp. 235-61
Beauchamp pp. 437-453
Gorsuch, chs. 7, 8, pp. 222-226

**February 8 - Arguments from Autonomy**

CS - Dworkin, Life’s Dominion pp. 179-257
CS- Richards, Sex, Drugs, Death, and the Law pp. 247-254
Gorsuch ch. 6
February 15 - Arguments from Fairness

Beauchamp pp. 425-437, 457-465
Gorsuch ch. 4

February 22 - Arguments from Categorical Imperatives

Beauchamp pp. 428-429 (review), 466-472
Gorsuch pp. 53-62 (review), 155-172, 176-180

March 1 - How to Treat the Incompetent Patient?

Beauchamp pp. 205-20
CS - Tooley, In Defense of Infanticide
CS - Hentoff, A Newborn Is Not a Person

March 8 - Genetics

Beauchamp 199-204, 221-294
Gorsuch pp. 33-43 (review)

March 15 - Research on Humans and Animals

Beauchamp ch. 2
CS - Singer, Rethinking Life and Death pp. 172-183
CS - Hans Jonas, Experimenting with Human Subjects

March 29 - Organ Transplantation

Beauchamp ch. 7

April 5 - Biotechnology and Bioscience

Beauchamp ch. 10

April 12 - Justice and Health: Allocation of Resources

Beauchamp ch. 8
CS - Hentoff - Duty to Die?
CS- Singer, Why We Must Ration Health Care
April 19 - Challenges in Public Health

Beauchamp ch. 9