

file: class-666

Fall 1999

PHI 666 / PHI 468: Consent and Ethical Theory

Professor: Dr. Kristin Shrader-Frechette

Class Time: Tuesday/Thursday 2:00-3:15

Classroom: 105A O'Shaughnessy

Website: <http://www.nd.edu/~kshrader/courses/666/>

Place of Office Hours: Decio 309 (sign-up sheet available on office door)

Professor's Office Hours: Tuesday, Thursday: 3:30-4:00; Wednesday: 3:00-4:00 p.m.
or any other day and time, by prior appointment

Course Goals: to understand the strengths and weaknesses of various ethical theories about consent and whether they legitimate ethical norms;
to evaluate the ethical assumptions underlying these theories;
to gain some philosophical and humanistic perspectives on how different ethical theories affect societal decisions about free informed consent.

Course Requirements: active analysis in each class; 6 short, analytic papers and one longer paper; attending 2 afternoon/evening lectures. Please bring copies of all papers to class so that all class members have copies.

Course Texts: FB = Faden and Beauchamp, A History and Theory of Informed Consent
L = Locke, Second Treatise
M = Mill, On Liberty
R = Rawls, Theory of Justice
V = Vallentyne, Contractarianism and Rational Choice

Basis for Determining Course Grade:

Professor will add each paper grade, the grade for classroom analysis, and the grades for any extra-credit projects and average them.

Final Grade: Students who wish to receive their grades immediately and/or to know how professor computed grades should turn in a stamped, self-addressed envelope at the last class.

Grading Procedures: (1) Dr. Shrader-Frechette may have a hard time answering e-mail because she is often overwhelmed by messages. Be sure to ask questions (on previous material) at beginning of each class and to come see her during office hours.

(2) On all assignments and tests of any kind, the professor presupposes correct grammar, correct spelling, and excellent logic.

(3) The professor will grade papers primarily on the basis of clarity, organization, and compelling arguments.

Late papers/tests: Because of the importance of treating everyone equally, there will be no acceptance of late papers unless the student notifies the professor, before the day and time of the deadline, regarding personal/family sickness or family death. If students must miss class because of an athletic competition, they should turn in assignments early.

Optional Format for One-Page Papers

1. Abstract, 5-10 lines, of the article or chapter. Be sure to include claims A, B, C, etc., that you address later in the paper.
2. One-sentence thesis of the form "A is plausible because B" or "A is questionable because B."
3. One-sentence objection to thesis in (2). Objection should be of the form: "Thesis (2) is arguably doubtful because C."
4. One-sentence response to objection in (3). Response should be of the form: "Objection (3) is arguably doubtful because D."
5. Repeat steps (2)-(4) with new thesis/objection/response.

Be sure to double space between items (1) and (2), (2) and (3), and so on. Be succinct, precise, and clear.

Course Overview

Note: There will be two special afternoon/evening lectures, outside class times.

DATE		CLASS CONTENT	ASSIGNMENT FOR THIS DATE
Tues.	8/24	1. Introduction and Overview: Two Accounts of Consent. Logical Fallacies, 5 Criteria.	1. Read FB, chs. 1, 2, 5; try to answer study questions
Weds.	8/25	2a. History of Consent in Normative Theory (discussion and movie)	2a. Read FB, ch. 7. 6-8:30 p.m., pizza and movie on "Downwinders" at home of Dr. Shrader-Frechette, 838 Park Avenue, South Bend
Thurs.	8/26	2b. The Philosophical Concept of Consent	2b. Read FB, ch. 8; try to answer study questions
Tues.	8/31	3. Normative Ethics, Threats to Life, and Consent	3. Read FB, chs. 9-10; try to answer study questions. Turn in one-page paper on "Do innocent people have the right not to be caused to get cancer when they have not given consent?"

Thurs.	9/2	No class because of 8/25/99 evening class.	4. Relax.
Tues.	9/7	5. Locke's Social Contract	5. Read L, first half; try to answer study questions.
Thurs.	9/9	6. Locke and the Original Community	6. Read L, second half; try to answer study questions.
Tues.	9/14	7. Locke and the <u>Proviso</u>	7. Turn in one-page paper on "Is Locke's Proviso an adequate bargaining constraint to keep people from taking advantage of one another?"
Thurs.	9/16	8. Mill, <u>On Liberty</u>	8. Read first half of M and consider whether Mill's position on liberty, paternalism, and consent is correct.
Tues.	9/21	9. Mill, <u>On Liberty</u>	9. Read second half of M; try to answer study questions
Thurs.	9/23	10. Rawls' Social Contract and Legitimizing Consent	10. Read R, especially pp. 1-90.
Tues.	9/28	11. Rawls' Social Contract and the Priority of Liberty	11. Read R, especially pp. 201-251.
Thurs.	9/30	12. Rawls' Social Contract and Paternalism	12. Read R, especially pp. 500ff.
Tues.	10/5	13. Does <u>Political Liberalism</u> improve on <u>Theory of Justice</u> ?	13. Finish reading R.
Thurs.	10/7	14. Overview of Gauthier's Contractarianism	14. Read V, chs. 1-2 and Gauthier, if possible.

Tues.	10/12	15. Pro and Con: Is Rawls' objectivist theory superior to that of Gauthier? <hr/> <hr/>	15. Read V, esp. chs. 1, 3.
Thurs.	10/14	16. No class because of 8-25-99 movie.	16. Relax.
Tues.	10/19	FALL BREAK	Relax.
Thurs.	10/21	FALL BREAK	Relax.
Tues.	10/26	17. Turn in one-page paper on topic of your choosing; Is Braybrook right about Gauthier?	17. Do paper; read V, ch. 4.
Thurs.	10/28	18. Pro and Con: If Gauthier is to generate rational principles of consent/agreement, must he drop the assumption of mutual unconcern? <hr/> <hr/>	18. Read V, ch. 5.
Tues.	11/2	19. Turn in at least 5-page draft from 10-26-99 paper: Rawls and maximin analysis.	19. Do paper; re-read R up to p. 90.
Thurs.	11/4	20. Rawls and maximin.	20. Re-read R up to p. 90. Read others' papers.
Tues.	11/9	21. Consent, Narveson, and Minimax Relative Concession. Discuss papers in class; be prepared to analyze others' work.	21. Read V, ch. 9. Read others' papers. Discuss papers in class.
Thurs.	11/11	No class because of evening lecture 1.	

Tues.	11/16	22. Despite the possibility of deception, does rationality require moral constraints?	22. Read V, ch. 12; Turn in revised 5 pp. paper or 5 pp. new paper to add to old paper.
Thurs.	11/18	23. Discuss papers in class.	23. Read others' papers. Discuss papers in class.
Tues.	11/23	No class because of evening lecture 2.	Relax.
Thurs.	11/25	Thanksgiving	Relax
Tues.	11/30	24. Is Copp correct that it is not possible for a contractarian to respond to skepticism?	24. Read V, ch. 13.
Thurs.	12/2	25. Is Gauthier right?	25. Read V, ch. 17. Turn in final 10-page paper.
Tues.	12/7	26. What would an adequate theory of consent and rational bargaining be like?	26. Critically evaluate and compare all course readings.