

The University of Western Ontario
Department of Philosophy
2007-8

Philosophy 631B CONSCIENCE AND CONSCIENTIOUS REFUSALS

Instructor: Carolyn McLeod

Class Days, Hours, Location: Wed. 8:30am-11:30am, TC 310

Phone: 519-661-2111 ext. 85877

Office Hours and Location: Tuesday 1:30-2:30, Wednesday 2:30-3:30, or by appointment; TC 410

Email: cmcleod2@uwo.ca

Course Description:

This is a course in contemporary moral/political philosophy and in bioethics. The course deals with the practical problem of how seriously we ought to take conscientious refusals in various domains of public life (e.g., in health care by health care professionals). Refusals by religious minorities will be a central concern. We will look at philosophical responses to the problem of conscientious refusals, and use the test cases of refusals by health care professionals to support women's access to abortions or to emergency contraception. But we will also spend considerable time trying to understand the concepts of conscience and conscientious refusal.

Here are some of the philosophical questions that are relevant to the course:

- What does it mean to have a conscience or to make an appeal to conscience?
- Why are psychopaths paradigmatically without conscience?
- How does conscience differ from integrity?
- How does conscientious refusal differ from civil disobedience?
- What is the value of conscience? What is its value in different moral and political theories, such as in liberal democratic theory and in feminist theory?
- How much should we value people's conscience, especially when it comes in conflict with other values or with other people's conscience?
- Does a conscience that is religious warrant special moral concern?
- What is at stake for women when they are denied access to abortions or to emergency contraception because of conscientious refusals to endorse such access?
- How much should we value the conscience of professionals (e.g., health care professionals)?

Clearly, the course focuses on conscience and conscientious refusals. But it also covers some general topics in moral/political theory and in bioethics, such as how to approach moral conflicts, how to do conceptual analysis in moral theory, and how to understand "applied ethics."

Required readings: a selection of readings made available to you in the journal library or available online. Authors will include Thomas Hill Jr., Amy Gutmann, John Rawls, Cheshire Calhoun, Martha Nussbaum, Sandra Lee Bartky, and Ronald Dworkin.

Requirements:

- 1) Two conference-length papers (12-14 pages), the first due on **March 5th**, the second due on **April 21st**.

Or one journal-length paper (20-25 pages), worth 70% in total, due on **April 21st**.

- 2) Discussion questions for class and participation, worth 30%.

Discussion questions: each student will sign up to provide a hand-out of discussion questions for at least one class.

READING SCHEDULE

*Readings are available either online or in a folder in the department’s journal library

*Below is a bibliography of readings

DATE	TOPIC	READING	ASSIGNMENTS
Jan. 9	Introduction to Course		
	I. THE MEANING AND AUTHORITY OF CONSCIENCE		
Jan. 16	Dominant View of Conscience in Bioethics	Childress, “Appeals to Conscience”; *Benjamin, “Conscience”; *Blustein, “Doing What the Patient Orders”; *Wicclair, “Conscientious Objection in Medicine” (*Focusing on how they define conscience)	
Jan. 23	Conscience as Personal Sanction	Ryle, “Conscience and Moral Convictions”; Langston, “Freud and Ryle on Conscience”; Langston, “More Traditional Views of Conscience” (including the Catholic view)	
Jan. 30	Authority of Conscience	Hill, “Four Conceptions of Conscience”;	

		Nowell-Smith, "The Value of Conscientiousness"; Campbell Garnett, "Conscience and Conscientiousness"	
Feb. 6	Conscience and Psychopaths	Kiss, "Conscience and Moral Psychology"; Blair, "A Cognitive Developmental Approach to Morality: Investigating the Psychopath"; Maibom, "Moral Unreason: The Case of Psychopathy"	
Feb. 13	Conscience, Integrity, and Inner Unity	McFall, "Integrity"; Calhoun, "Standing for Something"	
Feb. 20	Shame, Gender, and Self-Respect	Bartky, "Shame and Gender"; Manion, "Girls Blush, Sometimes: Gender, Moral Agency, and the Problem of Shame"; Taylor, "Shame, Integrity, and Self-Respect" (recommended)	
Feb. 27	Conference Week		

	II. LIBERTY OF CONSCIENCE AND CONSCIENTIOUS REFUSALS		
March 5	Conscientious Refusal and Civil Disobedience	Rawls, <i>A Theory of Justice</i> (selections); Lyons, "Moral Judgment, Historical Reality, and Civil Disobedience"	First short paper due
March 12	Freedom of Conscience and Religion	Gutmann, "Is Religious Identity Special?" Swaine, "A Liberalism of Conscience"	
March 19	Liberty of Conscience and Abortion Funding	Sher, "Subsidized Abortion: Moral Rights and Moral Compromise"; May, "Principled Compromise and the Abortion Controversy"	
March 26	(Some) Ethics of Abortion	Dwyer, "Understanding the Problem of Abortion" (recommended); Dworkin, "The Morality of Abortion";	

		Little, "Abortion, Intimacy, and the Duty to Gestate"	
April 2	Liberty of Conscience for Professionals: the Case of Pharmacists	Wicclair, "Pharmacies, Pharmacists, and Conscientious Objection" Fenton & Lomasky, "Dispensing with Liberty: Conscientious Refusal and the 'Morning-After Pill'"	
April 9	A Duty to Treat	Arras, "The Fragile Web of Responsibility: AIDS and the Duty to Treat" Daniels, "Duty to Treat or Right to Refuse?"	
April 21			Final papers due

BIBLIOGRAPHY OF READINGS

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Bartky, Sandra Lee. "Shame and Gender." In her *Femininity and Domination: Studies in the Phenomenology of Oppression*. New York: Routledge, 1990.

Benjamin, Martin. "Conscience." In the *Encyclopedia of Bioethics*. Ed. Warren T. Reich. 2nd ed. Macmillan. Vol. I, 1995. 469-72.

Blair, R. J. R. "A Cognitive Developmental Approach to Morality: Investigating the Psychopath," *Cognition* 57, 1995: 1-29. ONLINE

Blustein, Jeffrey. "Doing What the Patient Orders: Maintaining Integrity in the Doctor-Patient Relationship," *Bioethics* 7, 1993: 289-314. ONLINE

Calhoun, Cheshire. "Standing for Something," *Journal of Philosophy* 92 (5), 1995: 235-260. ONLINE

Campbell Garnett, A. "Conscience and Conscientiousness." In *Conscience*. Ed. John Donnelly & Leonard Lyons. Staten Island, NY: Alba House, 1973.

Childress, James. "Appeals to Conscience," *Ethics* 89(4), 1979: 315-335. ONLINE

Daniels, Norman. 1991. "Duty to Treat or Right to Refuse?" *Hastings Center Report* 21 (2): 36-46.

Dworkin, Ronald. "The Morality of Abortion." In his *Life's Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom*. New York: Vintage Books, 1993.

Dwyer, Susan. "Understanding the Problem of Abortion." In *The Problem of Abortion*. Ed. Susan Dwyer and Joel Feinberg. 3rd ed. Belmont, CA: Wadsworth, 1997.

Fenton, Elizabeth & Loren Lomasky. 2005. "Dispensing with Liberty: Conscientious Refusal and the 'Morning-After Pill,'" *Journal of Medicine and Philosophy* 30: 579-592.

Gutmann, Amy. "Is Religious Identity Special?" In her *Identity in Democracy*, Princeton UP, 2003.

Hill Jr., Thomas E. "Four Conceptions of Conscience." In *Integrity and Conscience: Nomos XL* (339p). Ed. Ian Shapiro and Robert Adams. New York: New York University Press, 1998. 13-52.

Kiss, Elizabeth. "Conscience and Moral Psychology: Reflections on Thomas Hill's 'Four Conceptions of Conscience'." In *Integrity and Conscience* (see Hill): 69-76.

Langston, Douglas C. "Freud and Ryle on Conscience" and "More Traditional Views of Conscience." Both in his *Conscience and Other Virtues: from Bonaventure to MacIntyre*. University Park, PA: Pennsylvania State University Press, 2001.

Little, Margaret Olivia. "Abortion, Intimacy, and the Duty to Gestate," *Ethical Theory and Moral Practice* 2, 1999: 295-312. ONLINE

Lyons, David. "Moral Judgment, Historical Reality, and Civil Disobedience," *Philosophy & Public Affairs* 27(1), 1998: 31-49.

Maibom, Heidi. "Moral Unreason: The Case of Psychopathy," *Mind & Language* 20(2), 2005: 237-257. ONLINE

Manion, Jennifer C. "Girls Blush, Sometimes: Gender, Moral Agency, and the Problem of Shame," *Hypatia* 18 (3), 2003: 21-41. ONLINE

May, Simon Cabulea. "Principled Compromise and the Abortion Controversy," *Philosophy & Public Affairs* 33 (4), 2005: 317-348. ONLINE

McFall, Lynne. "Integrity," *Ethics* 98, 1987: 5-20. ONLINE

Nowell-Smith, P. H. "The Value of Conscientiousness." In *Conscience* (see Campbell Garnett).

Rawls, John. *A Theory of Justice*. Revised ed. Cambridge, Mass: Belknap Press of Harvard University Press, 1999. 319-343.

Ryle, Gilbert. "Conscience and Moral Convictions," *Analysis* 7, 1940: 31-39. ONLINE

Sher, George. "Subsidized Abortion: Moral Rights and Moral Compromise," *Philosophy & Public Affairs* 10 (4), 1981: 361-372. ONLINE

Swaine, Lucas. "A Liberalism of Conscience," *The Journal of Political Philosophy* 11(4), 2003: 369-391. ONLINE

Taylor, Gabrielle. "Shame, Integrity, and Self-Respect." In *Dignity, Character, and Self-Respect*. Ed. Robin Dillon. New York: Routledge, 1995.

Wicclair, Mark. "Conscientious Objection in Medicine," *Bioethics* 14, 2000: 205-227. ONLINE

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