

A CASE STUDY METHOD FOR TEACHING BIOETHICS

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## A CASE STUDY METHOD FOR TEACHING BIOETHICS

This paper examines a case study method for teaching bioethics, and provides a defense of the inclusion of bioethics case studies in the classroom, based on the special moral dimension of teaching. The case study method challenges students to engage the issues being discussed and to participate actively in the deliberative process. Case study activities require participants to exercise and develop their problem solving and critical thinking skills in ways that other teaching methods may not. A good case study will generate excitement, provoke conflict and controversy, and encourage students that their viewpoints are important.

Case studies are an appropriate way to address issues of morality. These activities provide an opportunity for teachers to introduce morally controversial topics into the classroom. I argue that teachers have a special moral obligation to foster a unique type of deliberative respect in the classroom. This obligation requires respect for students' moral and intellectual autonomy and the involvement of marginalized voices and viewpoints.

A deliberative, respectful classroom environment will mirror a democracy. Just as in a democracy, moral disagreement is an important feature of a classroom. There are a variety of factors that give rise to moral disagreement, all of which provide an opportunity for students to examine and strengthen their beliefs. Ethics cases are one way to foster this type of deliberation.

Specifically, bioethics case studies are some of the most important types of ethics cases to include in a curriculum. Bioethics cases often

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involve complex moral and legal issues on topics that directly relate to the lives of the students and other humans and living things. Moral and legal issues are sometimes confused and case studies on bioethics help students to understand the difference between the two. Additionally, these types of cases often involve important scientific discoveries and technological advances that must be discussed in the public forum.

#### **I.i WHAT IS THE CASE STUDY METHOD?**

The case study method is a way to introduce students to real-life situations in a way that requires them to think about the issues presented from a variety of different viewpoints, and ultimately to challenge their own views. This often involves role-playing activities in which students are asked to adopt and defend a view other than the one they personally hold. As the case is carried out in the classroom setting, students must adapt their position in light of critiques and counter arguments given by other members of the class. A case study activity often ends with an opportunity for students to discuss their own personal views on the issue presented, and how these views may have changed over the course of the activity.

The case study method is a useful alternative to the lecture method. Whereas the lecture method concentrates primarily on conveying information in a one-way format, case studies give students an opportunity actively to take part in the learning process. (Hessler, 2006) Lecture usually involves a passive audience whose participation only extends as far as listening and taking notes. This is useful when the objective is to summarize or present a general overview of a concept, but

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it falls short in that it does not help students to develop their own critical thinking skills.

Lecture has long been the standard method of communicating information in the university setting. While it has been strongly criticized for its lack of significant student participation and its tendency to lose the audience's interest, many teachers continue to employ this method simply because they have not found any satisfactory alternative. This is not to say that lecture is without significant merits. Under some circumstances it may be the most appropriate method to convey information in an academic setting. However, it is often highly desirable to supplement lectures with alternative active learning techniques. The case study method is an especially effective way to accomplish this.

Active learning techniques allow students to participate in ways that lectures do not, by requiring them to engage their critical thinking, problem solving, and content evaluation skills as well as to develop their writing and public speaking abilities. Put simply, active learning is carried out through "instructional activities involving students in doing things and thinking about what they are doing." (Bonwell & Eison, 1991) Whereas a class solely conducted through lectures will simply ask students to regurgitate information, or at best, personally to reflect on what has been presented, active learning involves the entire class in challenging, arguing for, defending, and shaping ideas. It is now well known that different students have quite different learning styles: some students learn best by reading, others by listening, and still others by role-playing. Active learning techniques are particularly important since they

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have the potential to engage many more learning styles than just lecture alone. (Pallapu, 2007)

It is also important to note how case study activities differ from formal debate. While the two involve some similar elements, they are actually quite different both in practice and in their objectives. Formal debate is adversarial; the point is to attack the opponent's claim in such a way that the audience is convinced of your point. In the context of debate, students may assume that there is a single correct viewpoint, and that any opposing views should simply be rejected. The adversarial process may encourage participants to adopt a combative rather than a deliberative attitude toward the subject matter. (Plato, 1997) In other words, the object is simply to win. This goal replaces or takes precedence over thoughtful deliberation and respectful consideration of the views of others. (Herreid, Structured Controversy, 1996)

On the other hand a case study—a “structured controversy”—aims to help students to understand controversial issues in their full complexity with appreciation for a variety of different points of view and the reasons supporting them. In the case study method, participants use their differing viewpoints constructively. Johnson and Johnson (1988) argue that structured controversy in the classroom “results in greater student mastery and retention of the material and a greater ability to generalize the principles learned.” (Johnson & Johnson, 1988) They explain that this requires and exercises four major skills:

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- 1) The ability to research; specifically to collect and analyze data in order to provide evidence in support of a position.
- 2) The ability to evaluate and criticize opposing viewpoints, and to respond to similar criticisms of one's own view.
- 3) The ability fairly to consider an issue from both sides.
- 4) The ability to synthesize information from both views in order to arrive at a compromise consistent with both positions. (Holubec, Johnson, & Johnson, 1992)

While it may be a relatively minor point, it is important to note that the word “both”—indicating an assumption that there are two and only two sides to an issue—is highly misleading. In most complex controversies there are usually many different views and positions that need to be understood and appreciated. This is especially important when classes address complex issues involving moral *and* legal concerns. Because of this, in many cases it may be impossible to fulfill Johnson and Johnson's fourth requirement. With a two-sided issue it is obvious that a collaborative effort to arrive at a conclusion involving some elements of both parties' interests is desirable. But some of the best cases will involve complicated and even ambiguous factors. They will not be as ‘black and white’ as Johnson and Johnson suggest.

For this reason, I suggest a less stringent version of point four that requires one's concluding opinion to be informed by a fair consideration of all sides and an understanding of each viewpoint. Sometimes an interest group represented in a case study may represent an *unethical*

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view that should be rejected altogether. At other times the seemingly “right” group will profess an illegal (or otherwise unenforceable) viewpoint thus negating many of its recommendations. While compromise may be a worthwhile objective in theory, in many real-life cases it is an unrealistic goal.

In this paper I will focus on case studies that involve role playing exercises in which students are assigned to represent interest groups that have competing interests and views about some controversial issue. The case studies included in this document are of this type.

#### **I.ii WHAT MAKES A GOOD CASE?**

Clyde Freeman Herreid, director of the National Center for Case Study Teaching in Science, says that a good case will read like a good story. First, a case must generate excitement. (Herreid, What Makes a Good Case?, 1998) This is important for a variety of different reasons. Excitement and controversy can increase student participation and enhance retention of the material. If a case has a sense of immediacy and touches on current events or issues that personally affect the lives of the students, it will entice them to participate. Appealing to their personal interest will also help students to reason from the particulars of the case to more general, overriding principles, as they discover how the issue under consideration relates to their previously held views on the subject. This is especially important in role-playing case studies; students must “forget” that they are completing a classroom activity and really become involved in the interest group they are representing. The more interest-arousing and exciting the case is, the greater the chance of this happening. Herreid

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urges that this will typically require that a case should be based on relatively recent events and up-to-date on laws and scientific discoveries.

However, a case must be more than just a fun distraction from lecture. A good case must also provoke conflict and controversy. One criterion cited by Herreid as a litmus test for a good case is whether reasonable people could disagree on the facts and the outcome of the case. (Herreid, *What Makes a Good Case?*, 1998) The best cases will require a great deal of effort to defend because the opposing positions will be supported by powerful reasons and central interests. In such a case, an appropriate conclusion will typically require incorporation of the good reasons that different interest groups bring to the table.

Finally, According to Herreid a good case will force the participants to make a decision. (Herreid, *What Makes a Good Case?*, 1998) Not every case can be resolved, and for some the outcome will already have been determined in litigation. But it is important that students should be able to arrive at a reasoned judgment after in-depth consideration. For example, a case about *in vitro* fertilization (IVF) will be less decision-forcing than one about genetic technologies that could allow parents effectively to “manufacture” their children by selecting their traits, such as physical appearance or athletic ability. Even though IVF is controversial, students who initially feel that it is morally problematic may decide that formulating an informed stance against it would not be worthwhile since it is both legal and commonly practiced. Case study participants may feel less urgency to make a decision about an issue if they know that it has already been popularly resolved, or if there is no reason to believe that continued criticism would have any impact. It

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seems likely that IVF will continue to be available in the foreseeable future for those who want to take advantage of it. Because of this, students may think that there is no reason to argue about it, and may get less out of a case study activity focused on an issue like IVF.

A case on other genetic technologies like the one listed above is likely to be more decision-forcing. This is because students are likely to feel that their viewpoints matter more, and that coming to a personal conclusion on the subject is more urgently crucial. They may be more likely to feel that critical examination of the practice may be influential either in the outcome of the case at hand or in other related cases. This distinction is worth mentioning because case studies involving issues that have already been legislated or otherwise resolved can still be decision-forcing. They often have important implications for related cases, or for interest groups that are affected by the judgment. Because of this, an issue may still make a good case study even if the controversial issues involved have been resolved in court or in the court of public opinion.

It is beneficial that case study participants challenge the views they bring in and the conclusions they arrive at through the course of the activity. However, I urge that it is most important that the participant completes the case study activity with a deeper understanding of the issues, even if it leaves them in a state of suspended judgment. It may be enough for a case study activity to goad students out of complacent dogmatism, even if it does not force them to arrive at a conclusion about the issue under consideration. For this reason I propose that a decision-forcing case must only encourage students to evaluate and analyze views

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different from their own, and different from the status quo, rather than force them to come to a literal decision on the issue.

### **1.iii OBJECTIONS AND RESPONSES**

One concern about the case study method is that it might encourage a dogmatic attitude of “lawyerly adversarialism” instead of truth-seeking. It must be kept in mind that the point of a case study is not for students to learn how to attack other students’ positions, or even to “win” an argument. At first students may feel that it is futile to discuss differing viewpoints if it is never ultimately decided which one is the best; they should be reminded that the goal of the case study is to learn how to engage meaningfully with others and to explore the multiple sides of complex issues. In some cases it will be apparent that certain views are definitely illegal or immoral, but students should be encouraged to consider well-reasoned ways to respond to these views, rather than simply to point out their flaws. It may seem as though one view presented in a case study is clearly superior to others, depending on the demographic and ideological backgrounds of the class, but it is important that students understand even the most righteous or obvious positions still need to be backed up by solid evidence.

Even if this goal of the case study activity is explained to the students, there is still the possibility that they will interpret discussion as debate, or that they will personally feel compelled to argue and attack views in stark contrast to their own. At this point it becomes the teacher’s responsibility to make sure that this behavior is avoided. This can be done in a variety of ways. First, the facilitator of a case study activity

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should take note of whether certain side of an issue are being underrepresented, or are not being given legitimate consideration. This is one instance where the teacher's moral obligation to bring in marginalized voices comes to play. He or she should ask probing questions not only to direct the course of discussion and appropriately frame the issue, but also to make sure that problems with the strongest views are explored, and that minority views get due consideration.

Since many case studies will be on highly controversial moral topics, it is nearly inevitable that some students will become deeply engaged in very intense, even heated discussion. This should not be avoided since again, avoiding moral conflict only stifles rather than eliminates it. Instead, it is important that students learn appropriate ways to respond to those with whom they strongly disagree. It is the responsibility of the teacher to ensure that in cases like this the dialogue remains discursive rather than adversarial. Students' comments should directly respond to the evidence and arguments provided by the person or people with which they are engaged in discussion, rather than simply list reasons for why his or her view is superior.

Again, it is important for the teacher to stress that the object of a case study activity is to learn about the different sides of an issue, not to win one's case. This should be encouraged by allowing students a time after the activity is completed to share ideas and express their personal views on the subject. They should also be asked to respond to the actual outcome of the case, where relevant, and to consider implications that this case may have for other related cases. In most situations the facilitator should avoid legislating any sort of conclusion, even in cases where the

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role-play activity calls for students to represent interest groups petitioning some sort of governing body. This will help students to realize that all views deserve and require reasoned consideration, which is one of the most important goals of a case study activity.

However, this may suggest an additional criticism of the case study method. It may be thought that perhaps this type of teaching promotes a relativistic view of values and evaluative outcomes. Specifically, case study activities may be wrongly interpreted as only calling for students to articulate their viewpoints. While learning to better express one's views is part of a case study activity, it is not the end goal. Case studies do not merely call for a restatement of one's own values, or of the facts in the interest group readings. Instead, they should involve thoughtful consideration of the issues, and of one's own views in light of the information presented during the course of the activity.

Students may come to the activity with certain advocacy roles which they are not compelled to abandon. Therefore after such an activity, students' views may not have changed with regard to the values at stake. It is a real possibility that no compromise will be reached and that students will still hold competing views. This is not wrong, or even undesirable, and it does not necessarily imply the promotion of moral relativism. First, in complex ethical cases, true compromise is an unrealistic ideal. There will always be moral conflict in public discourse, so the important point is that students are trained to properly engage with and respond to competing ethical viewpoints. Even if each participant in a case study begins with differing views on the topic and these views are not changed throughout the course of the activity, progress has still been

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made as long as they have learned how their previously held views relate to other equally well-formulated views. They should also understand and be able to respond to common objections of their view. Furthermore, although it is true that everyone is entitled to their own opinion, this does not mean that every opinion is equally right, or that every opinion is equally able to stand up to criticism.

Second, viewed in the broader context of a course curriculum, a case study activity and the associated discussion of moral views is only one part of a greater objective. Case study activities are introduced as a supplement to a curriculum; they are not meant to replace traditional methods such as lecture and in-depth, theoretical readings. In a course with the substantive goal of delving deeply into philosophical issues and ethical theories, or in one aimed at how to best conduct scientific research, a case study provides an excellent opportunity to begin to explore the variety of competing moral values associated with certain issues. But a case study activity should be prefaced and followed by an examination of the broader theoretical context as well as the fundamental facts particular to such issues. With general objectives like these in place for the course as a whole, the case study method allows participants to delve into the more subjective aspects of the moral issues at hand.

#### **Liv CASE STUDIES AND MORALITY**

**Case Studies and Moral Controversy.** Centered on structured controversy, case studies are an invaluable way to challenge students' views and enrich the learning process. The best cases will involve the elements listed above. But further, I argue they will also involve moral

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controversy, not simple disagreement about facts. Recent cases involving issues of morality rarely include just that; they are entangled with political, legal, social, and religious issues as well. This provides an optimum opportunity for students to challenge their deeply held beliefs and participate in multi-faceted discussion.

However, some people will argue that issues of morality do not belong in the classroom. One reason for this view is the conviction that morality is a private matter that should be taught by parents, and that asking students to discuss moral convictions in public is an inappropriate invasion of their privacy, or of their intellectual or moral autonomy.<sup>i</sup> There is a germ of truth in this view: in some sense moral convictions *are* private and individual. The classroom should not become a venue for moral proselytizing by teachers and professors. But private moral convictions typically have an important social and cultural dimension. While this paradox has often kept ethical discussions out of classrooms, I argue that it is the very reason they should be included. It is incorrect to assume that morals do not come to play in public settings, and to deny this element of public discourse stifles and distorts rather than purifies public interaction. The attempt to eliminate values from the classroom can simply hide them from reasoned deliberation and scrutiny. The case study method helps to put values on the table for discussion instead of sweeping them aside as if they were a cause for embarrassment.

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<sup>i</sup> Before I continue I want to note that I take morality and ethics to have the same meaning, and will use the two words interchangeably. Some will define morals within the religious and intrapersonal realm and ethics as lists of codes or rules imposed by outside sources; I do not.

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**Case Studies and the Moral Dimension of Teaching.** In their book The Moral Dimensions of Teaching, Cary Buzzelli and Bill Johnston set out to prove that teaching is an inherently moral activity. Although these dimensions are usually hidden, they are present in any classroom. They cite Nel Noddings, philosopher of education, who explains that all human relations are moral. According to Noddings, this is because human interaction is the most basic feature of human morality, and all reciprocal human relationships are essentially moral. But teacher-student interactions have a special moral status and character. Teachers have special obligations to their students implicit in the mentoring role, and the case study method is ideally suited to answer to those obligations. As discussed above, the case study method can help students to engage the views of others, with whom they may vehemently disagree, with an attitude of deliberative respect. But the case study method also communicates and embodies the teachers' own respect for the views of students, which may be substantially different from her or his own views. By providing a classroom context in which different convictions can be evaluated and discussed, the case study method allows teachers to introduce controversial moral and political topics without proselytizing. So teaching is not just moral because it involves basic human interaction, but because of the unique type of deliberative respect fostered by this sort of intrapersonal relationship.

Teachers have a basic, special obligation to respect the intellectual and normative autonomy of their students. This obligation would be violated were teachers to require their students to adopt the teacher's own moral convictions, or simply to use classroom time as an opportunity to

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proselytize. It may be recognition of this obligation to respect the intellectual and moral autonomy of students that causes some teachers to avoid raising ethical issues in the classroom. This is misguided, however, as differing ethical views will be present in a classroom regardless of if they are ignored, and moral disagreement will still exist. Instead, teachers ought to create an environment in which views and ideas can be shared and exchanged in a respectful manner.

Respect for students' moral and intellectual autonomy is especially important in contexts where the subject is an issue of heated public controversy like abortion, for example. Again, teachers may think that avoiding issues like this is the appropriate way to respect students' differing opinions. But *because* the issue is so controversial, it is especially important that students learn that even such divisive topics as these can be the subject of reasoned and respectful dialogue and deliberation.

Buzzelli and Johnston describe the "dual nature of morality" which not only includes some fixed inner beliefs and social constructs, but also includes some beliefs that are absolute and others that are contingent. (Buzzelli & Johnston, 2002) Teaching is moral, then, for three reasons. First, it involves relationships between individuals, which are inherently moral. Second, it involves challenging students' established viewpoints so that they can better defend them, and in the process helping students to develop and refine their critical thinking and problem solving abilities. Finally, good teaching not only helps students to engage other students' convictions with appropriate respect and

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consideration, it provides teachers with an opportunity to model that respect.<sup>ii</sup>

Buzzelli and Johnston explain that teaching also involves a certain set of “moral sensibilities”. The first, moral perception, gives teachers a wider vision of their work and a greater ability to respond effectively to their students’ needs. (Buzzelli & Johnston, 2002) For this reason, a well-tuned sense of moral perception will help teachers to develop appropriately challenging coursework. Another sensibility required of teachers is moral imagination. Moral imagination is the faculty by which we come to understand the convictions of others by developing an articulate understanding of their norms and the concepts they use to interpret the world, and striving to understand their point of view by looking out at the world through the lens embodied by their conceptual scheme. (Wolf, 2008) The exercise of this faculty “requires a connection to the collected traditions of the past, while at the same time remaining cognizant of the realities of the present conditions.” (Buzzelli & Johnston, 2002) Incorporating ethics cases into the curriculum involves the use of moral imagination because examining current dilemmas in ethics is a way to consider ideas that are popularly and which may be taken-for-granted, and to judge them from alternative conceptual perspectives.

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<sup>ii</sup> Note that from this point forward when I talk about the goals of teaching and the interaction in a classroom setting I am speaking primarily of university undergraduates. Some of what I say might also be true for high school students, but it is not the group I am targeting at this point. The goals and methods for teaching primary school are in some ways very different than those for secondary education, and I want to explicitly avoid generalizing to all teachers at all levels.

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Since teaching is an inherently moral activity, the classroom is a moral environment. As Buzzelli and Johnston point out, what makes the classroom moral is “social negotiation among its participants.” They urge that “the moral is to be found in the very act of negotiation, and in the meanings that are negotiated.” (Buzzelli & Johnston, 2002) So, teaching is not only a moral activity when ethics topics are being discussed; it has an inherent moral aspect that is always present.<sup>iii</sup> Including moral cases in curriculum is therefore fully warranted.

One benefit of using cases involving morality is that often students who lack an expressly philosophical background will confuse the difference between morality and legality. They may assume that moral considerations end when there is a legal precedent or decision pertaining to the issue, or that all laws are in fact moral. An understanding of this difference is crucial for a student properly to develop their argumentation skills, and ethics cases are a good way to bring this about because, as mentioned above, they often involve legal issues even when legal considerations do not settle them. For example, in the Monsanto vs. Schmeiser case, included as the second case in this study, one of the interested parties in the case, Percy Schmeiser, breaks Canadian federal law. But according to some of the interest groups considered in the case, this does not automatically make his action immoral. In other words, simply breaking the law does not necessarily constitute the commission of a moral wrong. Students must consider whether the law itself might be

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<sup>iii</sup> Mentioning this point may seem contradictory to my argument (in that amoral education is in principle as “moral” as moral education), but it serves to further prove that morals *do* have a place in the public school system, and therefore it does not negate the importance of supplementing curriculum with moral discussions.

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morally problematical. Discussion of ethics cases will help clarify this distinction.

During a case study activity, students often must abandon advocacy roles and examine arguments from the side with which they do not agree. This provides an opportunity to engage in social negotiation with their classmates, to discuss and share ideas in a way that shapes the views they may previously have held. This is an excellent example of Noddings' reciprocal relationships, but the deliberative reciprocity involved in the completion of a case study activity is an especially rich kind of reciprocal relationship. In discussing controversial issues with this method, students must collaborate and deliberate together. Such an exercise requires the development of important faculties of public reason and respectful democratic deliberation.

This teaching methodology also has interesting implications for the power relationships involved in the classroom. The power structure in the university is often caricatured as an ivory tower ideal. On this view, researchers pursue knowledge for its own sake, disconnected from other aspects of everyday life. Such a model of research and learning excludes those who cannot devote significant portions of their life to knowledge for its own sake, perhaps because they have other responsibilities. It may also exclude or disparage practical academic pursuit of knowledge for the sake of some social good. Historically this ideal has been exclusive, and has meant that women and children could rarely participate fully in knowledge. This ideal has been physically manifest in the academic hierarchy in primary schools, where administrators have typically been

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men and teachers women. This arrangement reinforces from an early age the view that men rule women and women rule children.

In the article “How is Epistemology Political?” Linda Martín Alcoff addresses these unequal power relations. She argues that this oppressive hierarchy is formed and reinforced in part by people’s failure to realize that epistemology is political. Knowledge is not just a compilation of texts and facts; what is known and how it is known arises from social interaction. Since knowledge is tied to social relationships, social hierarchies that reveal themselves in other realms of life are mirrored and reproduced when they are reflected in the structure of educational institutions. According to Alcoff, any human relationships involving hierarchies of power and privilege between persons should be regarded as essentially political. (Alcoff, 2007) These unequal power structures create a false meritocracy of sorts, where dominant views and epistemological frameworks rise to the fore, and can exclude and marginalize the voices and views of others who are less advantaged. In responding to this situation, teachers should look for ways to empower marginalized voices, and to ensure that all relevant interests and points of view can receive an appropriate and respectful hearing.

Political philosopher Amy Gutmann offers a practical solution to this problem. She suggests that a learning community should be “democratically self-governing”. (Gutmann, *Democratic Education*, 1987) Noddings elaborates on a similar argument; she urges that the “democratic invitation to individuals” requires that students are educated in ways that suit their particular learning styles and abilities. She says that this is the only meaningful conception of equality of opportunity, and

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that “a good society is not one that ignores individual differences but one that deals with them wisely and humanely”. (Noddings, 1996) So, a democratic classroom will be one in which all students’ voices are given due weight and consideration. This is entirely consistent with a moral classroom.

In a democracy controversy should not be avoided, because public engagement on controversial topics improves people’s capacity for public deliberation. The same is true of the classroom. When a teacher avoids controversy in a misguided effort to focus on objective facts and principles, the facts may be memorized but the students’ learning ability is not enriched and the facts will not be as effectively retained. Just as controversy is a sign of political progress in a democracy, it is a sign of educational progress in a classroom. Furthermore, the purpose of higher education is not to instill values into students, but rather to help students to cultivate, challenge, discuss, and reflectively revise their own values. Whether in a classroom or a democratic form, the best way to accomplish this is through structured public deliberation about controversial issues. (Gutmann, *Democratic Education*, 1987)

Gutmann and Thompson (1996) list three features of democracy. Democracy is:

- 1) Procedural. It protects the process of majority rule and insists upon equality of opportunity
- 2) Constitutional. It protects rights that protect “just outcomes”.
- 3) Deliberative. It necessitates moral argument as an everyday part of social interaction, as a part of:

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- a. reciprocity – citizens respect each other as moral agents, and
- b. publicity – these moral disagreements take part in public forums, and
- c. accountability – those who act on behalf of society must be accountable to all citizens (Gutmann & Thompson, *Democracy and Disagreement*, 1996)

It is this third feature of democracy that particularly relates to the moral classroom. The classroom is inherently moral because of the social negotiations that occur in it. Students reciprocally engage both with the teacher and other students in a way that allows for respectful critique and exchange of ideas. There is no top-down, hierarchical interchange as one student attacks another, or as may often be implied by a lecture format. An appropriately designed case study will create a kind of democratic public deliberation in the classroom: all students will have equal access to the information being discussed, each person's views will be given appropriate respectful consideration, and each student will have an equal opportunity to contribute to discussion. The authors also recognize the importance of this third feature as they conclude that "extending the domain of deliberation may be the only democratic way to deal with moral conflict without suppressing it." (Gutmann & Thompson, *Democracy and Disagreement*, 1996)

It is important to understand both the sources and importance of moral disagreement to further understand the type of deliberation being discussed. One source of disagreement is that a democratic, deliberative forum will bring in voices that have previously been excluded from discussion. With the inclusion of these voices come previously

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suppressed viewpoints that often differ significantly from the status quo. So as equality increases, so will moral disagreement, simply because the incorporation of a broader plurality of viewpoints means that more potentially conflicting interests and convictions are likely to be expressed.

Second, this deliberative forum calls on people to abandon advocacy roles and to assume a broader perspective than they normally would. When closely examining other views, conflict will arise both between one's view and the view being examined as well as in one's own view internally. In other words, the closer one examines one's own viewpoint, especially by comparing it to that of another, the more one will come to knowledge of the views contrary to one's own. This will ultimately lead to moral disagreement both with others and with oneself. This method challenges the traditional classroom power structures, and creates an environment in which students may be much more willing to consider the viewpoints of others. It is easier for students respectfully to consider the views of those with whom they disagree if they know that they are in a forum where moral arguments are given legitimate weight, and can expect that their own opinion will be given fair consideration by others. (Gutmann & Thompson, *Democracy and Disagreement*, 1996)

The third source of moral disagreement is perhaps the most obvious: incompatible moral values. As Gutmann and Thompson explain,

It through this kind of deliberative process citizens can begin to isolate those conflicts that embody genuinely moral and incompatible values on both sides. Those that do not may then turn out to be more easily resolvable: citizens might discover that

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a conflict is the result of a misunderstanding or lack of information, or they might come to see ways to settle a conflict by bargaining, negotiation, and compromise. (Gutmann & Thompson, *Democracy and Disagreement*, 1996)

So, although incompatible moral values give rise to disagreement, in the appropriate context this disagreement itself can be constructive.

A final and related source of moral disagreement is that people often have an incomplete understanding of the views of others. Disagreement is often based on mistaken assumptions about others' beliefs and convictions. However, it is only through engagement that citizens of a democracy and students of a classroom can come to appreciate and understand the mistaken assumptions and ideas they may have about others' views. Also, this type of public disagreement is the only way to develop new, justifiable views in response to critique and counterclaims. Just as in a democracy, in a classroom "when majorities are obligated to offer reasons to dissenting minorities, they expose their position to criticism and give minorities their most effective and fairest chance of persuading majorities of the justice of their position." (Gutmann & Thompson, *Democracy and Disagreement*, 1996)

In a democratic nation where individual citizens have competing desires, opinions, backgrounds, and beliefs, true compromise is often impossible. In such circumstances it is unlikely that a group will arrive at consensus, and the goal of collective democratic deliberation must be more modest. The same is true of a classroom, especially where a diversity of interests is present. For this reason, teachers should not seek to achieve total agreement on any particular moral idea or view, but rather

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should seek to find the best way to reconcile existing disagreements. Structured democratic deliberation is the best and perhaps the only way to accomplish this goal. As Gutmann and Thompson point out:

We do not begin with a common morality, a substantial set of principles or values that we assume we share, and then apply it to decisions and policies. Nor, for that matter, do we end with such a morality. Rather, the principles and values with which we live are provisional, formed, and continually revised in the process of making and responding to moral claims in public life. (Gutmann & Thompson, *Democracy and Disagreement*, 1996)

Classroom exercises that strengthen students' abilities critically to examine their moral beliefs are the most constructive way to address moral disagreement in an educational setting. Ethics case studies are one invaluable way to do this in the university setting.

#### **I.v BIOETHICS CASE STUDIES**

The case has been made for the inclusion of moral values and moral controversies in education through the use of ethics case studies. But what about case studies specifically on issues of *bioethics*? I argue that these are some of the most important types of ethics cases to include in curriculum, if not *the* most important, for a variety of reasons.

Earlier, I argued for the use of ethics cases by explaining that they are very complex, often involving elements of and implications for politics, laws, religion, and society in addition to morality. Bioethics cases are unique for two reasons. First, by their very definition they include an additional factor: *life*. Decisions that have direct impact on the

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lives of the students, other human beings, and other living things, are especially attention-grabbing and decision-forcing. Bioethics controversies typically involve current “hot button” political or social issues that should generate lively interest and enthusiastic participation. In cases where life is at stake it is difficult for students to remain agnostic.

Second, bioethics cases are unique in that they not only involve moral and legal values, but they also involve important scientific and technological advances. Scientific discoveries and technological advances often have significant moral implications, and scientists themselves have no special training to enable them to address these implications. Further, since the scientists and technicians involved often have no professional opportunities to consider the ethical implications of their work, it is crucial that there should be some educational venue to help them to do this. Bioethics case studies provide just such an opportunity. They require that students exercise their moral imagination, since participants are required to place themselves in new situations and think about a wide variety of different interests at play. Because public understanding and deliberation about scientific discoveries is crucial, this makes bioethics cases especially important for students in the sciences.

Bioethics cases also help shed light on the difference between morality and legality, two concepts that are often mistakenly tied together. Students may wrongly believe that moral issues and controversies simply disappear when they are publicly ‘resolved’ by legislation or court action. The opposite view is also common: this is the mistaken view that if something is “moral” in the sense that a group of people support it as part of their religious or ethical worldview, then it

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should be legal. For example, the first mistake is committed when one assumes that because science has made cloning of animals possible, and that the researchers are legally permitted to do so, that it must be moral. The second mistake is exemplified by the view that kosher slaughter is a religious requirement for Jews and that it must therefore be morally unproblematic, or by the view that fox hunting is a traditional cultural practice and that it must therefore be morally permissible. This view is mistaken since it may be entirely appropriate to insure that kosher meat processing facilities satisfy the requirements of humane slaughter laws, or to regulate or ban fox hunting on grounds of animal cruelty. Case study activities can help students to question the morality of laws, and to examine their own cultural or religious practices.

Bioethics cases are useful not only in philosophy and ethics classes but also as a supplement to life science classes. They encourage integration of the bare facts of science with critical thinking and problem solving skills. Just as epistemology is not value free, neither is science. It too is shaped and influenced by the social context from which it arises. Students' personal beliefs and ideas will influence the way they conduct their research, so it is important that their beliefs are justifiable and stand up to criticism. Just as students need to learn the difference between morals and laws, they also need to learn the difference between opinions, values, and facts.<sup>iv</sup>

The following cases each address complex bioethical issues in different ways.

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<sup>iv</sup> "Bioethics in the Classroom", Access Excellence at the National Health Museum, <http://www.accessexcellence.org/LC/TE/BE/>.

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### I.vi INTRODUCTION TO THE CASE STUDIES

The case study exercises included in this document were developed for two reasons. First, they were written to provide examples of appropriate ethics teaching. The second goal was to create accessible resources for teachers interested in supplementing their curriculum with bioethics case studies. The cases allow participants to explore a variety of issues in both domestic and international settings. Although they differ on topic, these cases present the issues in a similar manner, one that is easy to follow and that should engage full participation. What follows are descriptions of each case study in this set, as well as a discussion of the difficulties with and benefits of each.

**Agriprocessors.** The first case study in this set is in Postville, Iowa. It is a role-playing activity where the participants act as interested parties speaking before the Postville City Council, which has convened to discuss the appropriate response to undercover footage taken by People for the Ethical Treatment of Animals (PETA). This video shows what appear to be violations of humane slaughter laws at Agriprocessors, Inc., a kosher meat packing facility. In addition to animal welfare issues, this case also raises concerns about environmental damage, labor and other economic issues, and the right of religious groups to carry out traditional practices.

Participants in this case study may not be vegetarians, and may not be Jewish (some may not even know what the word *kosher* means). One benefit of this case, then, is that it will call for students critically to examine arguments concerning animal welfare and kosher slaughter

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practices, when they might otherwise dismiss them. More other cases in the set included here, the Agriprocessors case may require most students to adopt a viewpoint quite different from their own. This is beneficial because they will need critically to evaluate the argument and to analyze their own views.

One major difficulty arose during the creation of this case study. Initially it seemed to be a general problem associated with having plural authors for a case study (This case was co-authored with four other students). When we originally framed this case, my own ideas were different from those of most of my co-authors, and I had different plans for the interest groups that were represented. Ideally, a case will have equal representation of interests on “pro” and “con” sides of the issue under consideration. Cases are not always this clearly dichotomized, but there is good reason to have a diversity of interests represented so that one group does not represent the lone, rogue interest. This could give such a group less credibility and it might therefore receive less thoughtful consideration from other participants. My original thought was that Temple Grandin and PETA would oppose Agriprocessors, and that Kosher Slaughter Advocates and the People of Postville would support it. I thought that Kosher Slaughter Advocates would promote kosher slaughter regardless of humanity based on the right to practice a religious tradition, and that the People of Postville would support Agriprocessors because of their dependency on it as a source of income and economic stabilization (since it is the biggest employer of Postville’s people).

However, when the entire case was put together, these groups had more complex interests than I had anticipated. Instead of upholding

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kosher slaughter regardless of its legality or effect on animal welfare, several prominent rabbis are cited as *condemning* Agriprocessors for not following true kosher practices, which as they argue, are necessarily humane. As for the People of Postville, it turned out that there were viewpoints both in favor of and against Agriprocessors. Some recognized the benefits of having Agriprocessors in the community, while others cited pollution and unfair working conditions as detriments. Although I was initially uncomfortable having a single interest group represent such a broad diversity of issues, I decided that it worked because each participant was to represent an individual person present at the City Council meeting. Rather than change it, I simply added an explanation of this fact to the activity description.

The major problem, as it turned out, was not so much that the case study had multiple authors with differing ideas about how to do things, but rather that my own underlying expectations about the people and situations involved in this case turned out to have been mistaken. In trying to create a case study that fairly and equally examined all sides, I made huge assumptions about how the rabbis and factory workers would respond to blatant animal welfare violations. By assuming that they would stubbornly hold their positions, deliberately refusing to respond to problematic implications of their view, I might have reinforced negative stereotypes about these groups. The necessity for moral imagination and critical examination of others' viewpoints is shown in my experience; I had to pause and take the time thoroughly to consider a view of which I was ignorant rather than simply relying on stereotypes and uninformed assumptions.

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**Monsanto vs. Schmeiser.** This case study is based on the trial in which Monsanto Canada, Inc., maker and distributor of herbicides and genetically modified seeds, sued Percy Schmeiser, a canola farmer from Saskatchewan. The case was heard in Canadian Federal Court, and was later appealed in the Canadian Supreme Court. Schmeiser was charged with patent infringement, because he grew canola plants that were genetically modified to be resistant to the herbicide Roundup. Monsanto owned the rights to this gene and Schmeiser did not pay a licensing fee.

There are several different issues at play in this case. The first of these is intellectual property (IP). This case raised several questions regarding the patenting of living things. Is it ethical for governments to grant patents on living things? Should the patent cover the entire organism, or just the genetically modified part? Where the latter is the case (as it is in Canada), does possession of an organism containing this gene constitute *use* of this genetic “invention”? Aside from the IP issues, this case has general implications for agricultural biotechnology. Genetically modified organisms (GMOs) have the potential to make farming more efficient and less costly, but as this case shows, it also brings its own set of problems.

An increase in genetically modified crops and the herbicides that accompany them have a variety of implications for traditional as well as alternative farming practices. Farmers who practice seed-saving, selecting over decades and even generations for desired traits in their crops, must abandon this practice and purchase a new set of seeds each year from an agricultural giant like Monsanto if they wish to stay competitive. Further, if contamination through cross-pollination and

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accidental spillage occur to the degree that Schmeiser argues, then even farmers who actively choose not to use genetically modified seeds may have no choice. This directly effects organic farmers who must keep their fields completely free of GMOs and pesticides in order to be certified.

I have successfully used this case in several undergraduate philosophy classes, in graduate courses in sustainable agriculture and life sciences, and in a continuing education course for Iowa high school teachers. Each time I have used it I have been surprised by the different perspectives from which the students approach the issues. This case involves complex legal as well as moral issues, and most students present their group's interest as a combination of these factors. Participants often discuss whether ignorance to the law counts as an excuse for breaking it, and sometimes Schmeiser is presented as a hero pitted against Monsanto like David to Goliath.

Some students may have parents that farm, especially in an agricultural setting like rural Iowa. Because of this, they may have a very strong personal opinion regarding the plight of Percy Schmeiser. Students in environmental ethics or sustainability classes may strongly oppose multinational corporations like Monsanto. Those with a scientific background may be inclined to back the biotechnology companies involved in this case. Nevertheless, it is important for students to abandon their advocacy roles and thoroughly examine the opposing sides of the issue. For this reason, the activity schedule requests that each student write a one page brief arguing for the position of the interest group to which he or she has been assigned. Because of this, students who disagree with the position they are assigned to represent cannot get

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through the entire activity by letting more vocal members of their group speak for them.

Although I want students to be able to learn about viewpoints other than their own, I do not expect that this activity will completely change their minds on the subject. However, I do hope that through the course of this activity the participants will gain a deeper and more articulate understanding of their own view, and will learn how to argue more effectively for that view in response to criticism of it. It is especially important to devote some time after the case study activity when students can step out of their interest group roles and discuss their own thoughts on the topic. It is particularly interesting to see how their views may have changed or been strengthened in response to the information presented.

The Court's official position (which seems to be supported by the facts of the case, and which students generally pick up on) is that Schmeiser "knew or ought to have known" that the seeds he was using contained Monsanto's patented gene. It is pretty obvious that he broke the law; what he did was *illegal*. Some will argue that Schmeiser must have lied about the way in which the seeds got onto his property and about his reasons for deciding to use those particular seeds the following year. In other words, they may argue what he did was also *immoral*.

But suppose that Schmeiser was telling the truth, that the genetically modified seeds appeared on his field by accident, and that he unknowingly chose them as the progenitors of the next year's crop. Then suppose that Monsanto filed suit in the same way, based on existing patent laws. Is a law that has the capacity to infringe in such a way on so

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many people's livelihoods (the seed savers, organic farmers, etc.) morally justifiable? It is not difficult to imagine a scenario in which a legitimately ignorant farmer might be sued for truly accidental progeneration of this crop. Court documents state that where this has happened, Monsanto has removed the plants in question "free of charge". But this solution does not seem to suffice for organic farmers whose entire crop is at risk if it is contaminated by GM plants. Is Monsanto acting immorally when it transport seeds in a way that will likely cause spillage and accidental planting by consequence? These are important questions raised by this case that do not have easy answers, and respectful deliberation of these issues can be quite intense.

An additional benefit of this case is the optional second part which provides students with an abbreviated version of the Federal Court's Reasons for Judgment. This section allows students to respond to what actually happened, and to formulate ideas about implications for future related cases. Students are also challenged to evaluate the Justice's findings and arguments. Since they will already have completed the first part of this case study, they should be well equipped to analyze the information presented in the Reasons.

**The Lake Bogoria Extremophile.** This is the shortest case study I have written and the one I have the least experience teaching. It is an excellent topic for a case study because it involves intellectual property, research ethics, rights of indigenous peoples, and concerns about the behavior of multinational corporations. Not many people know the particulars of this case, but it has important implications for IP "discoveries" involving organisms unique to or developed in Third World

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areas. However, very little is written on the topic. I had little success getting in contact with the people involved in this case, and because of this there was not much to include as support for each side.

The case opens with an essay by Christine Gichure that describes the background and details of the case. Because this case is complex and potentially confusing, I thought it was important to include this essay because it nicely outlines the relevant issues involved. Ideally the articles included with each interest group would lay out this background information so an independent essay would not be necessary, but since so little is written on the topic I found this to be an appropriate addition.

Another complexity of this case was choosing the interest groups to represent. I felt it was necessary to include a justification for each group I chose to include and some of those I did not include. This explanation is in the body of the case so I will not elaborate on it here, but I generally used one factor to determine what groups should be excluded and another to determine which should be included. I excluded groups (particularly the student whose stolen work is the center of this case) whose primary argument was not about the *moral* issues at stake. While her boss probably broke some “code of ethics”, this is more of an issue of legality than it is of morality. I included groups (or more specifically, divided one interest into two) when the primary interest of a group did not seem to be met by lumping it in with another one. In particular, rather than calling the entire nation of Kenya one single interest group, I separated the government from the people since it can reasonably be assumed that they do not have the exact same interests, at least in practice.

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Although this case could be strengthened by a greater number of resources and better access to primary sources, it is still a valuable addition to a classroom, particularly one where research ethics, issues of intellectual property, or rights of indigenous peoples are being considered. The Kenyan Wildlife Service attempted to bring an international law suit against the biotechnology company involved in this case, but it never came to fruition. The Lake Bogoria Extremophile case is unique in that unlike many bioethics cases, it has not been legislated and no compromise or decision was ever reached. This makes the case study particularly valuable because it gives students the impression that their opinion really matters, without the underlying thought that since it differs from the official decision, it must not be as good or as deserving of consideration.

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