

## **BIOETHICS AND BIOTECHNOLOGY S08 STUDY SHEET FOR THE MIDTERM EXAM:**

All questions for the midterm will come from this sheet, but may be slightly revised from the versions you find here.

### **“Ethics.” from the Internet Encyclopedia of Philosophy**

- 1) Explain what utilitarianism is, and very briefly explain what would be relevant to a utilitarian who wanted to evaluate the institution of patents.
- 2) Clearly state the “universality formulation” (I might ask for the ‘Humanity formulation’ instead) of Kant’s categorical imperative, and explain how one might apply it.
- 3) What are ‘*prima facie*’ duties? Explain how one might deliberate about moral questions using a system of *prima facie* duties like the one Ross recommends.

### **Mill On Liberty:**

- 1) What is Mill’s “one principle” that explains the rightful boundary of government coercion of individuals? Briefly explain why laws prohibiting prostitution or drug use might violate Mill’s principle.
- 2) What is paternalism? Give an example of a paternalistic law, and explain why Mill would object to such a law.
- 3) What is ‘moralism’? Give an example of a moralistic law, and explain why Mill would object to such a law.

### **Rawls Theory of Justice**

- 1) What is the ‘original position,’ and why does Rawls regard it as an appropriate perspective from which to choose principles of justice?
- 2) What is the “*Equal Liberty Principle*?” Why might one think that this principle *implies* Mill’s harm principle?
- 3) Explain the *Difference Principle*. Why does Rawls regard inequalities as justified when the difference principle is satisfied?

### **Locke and the Chakrabarty Case:**

- 1) Explain Locke’s account of the origins of private property. Can Locke’s theory account for a right to intellectual property rights like patent rights? Explain!
- 2) Explain the main legal materials relevant to the court’s decision in *Diamond v. Chakrabarty*. What legal texts should properly inform the court’s decision, and what do they imply? (Your answer might be different from the court’s answer, but if so you should be sure to explain it clearly.)
- 3) Explain why the justices in the minority opinion in *Diamond v. Chakrabarty* regarded the Plant Patent Act and the Plant Variety Protection Act as reasons to think that living organisms are not patentable subject matter. Briefly evaluate the minority argument on this question.

### **Monsanto v. Schmeiser**

- 1) Briefly explain and evaluate Percy Schmeiser's side of the case in Monsanto v. Schmeiser.
- 2) Briefly explain and evaluate Monsanto's side of the case in Monsanto v. Schmeiser.

### **Radin on Commodification, Resnick on Discovery v. Creation:**

- 1) Explain the concept of "market inalienability." On Radin's view, what should guide us as we decide which items should be regarded as alienable in market terms?
- 2) How, according to Radin, is the notion of market inalienability linked to underlying conceptions of (i) personhood, and (ii) individual liberty?
- 3) Explain and critically evaluate Radin's view of surrogate motherhood.
- 4) Explain and critically evaluate Radin's account of "baby selling," and discuss whether the arguments she offers apply to the sale of human ova.
- 5) Explain Resnick's account of the difference between discovery and creation, and how he thinks that a proper understanding of this distinction should inform our understanding of patents.

### **Hanson, Merz, Resnick, Andrews & Nelkin, Ossario**

- 1) Explain the John Moore case and evaluate Moore's claim to own the cell line that was developed from his spleen.
- 2) Explain Merz objections to the Canavan patent and the way this patent was developed and used.
- 3) Hanson describes several different arguments against the commodification of genes. Explain and evaluate two of these arguments.
- 4) According to Ossario, we ought to change our institutions to give people more extensive rights over their bodies. Explain what changes she recommends, and her reasons for making these recommendations.

### **Shiva**

- 1) Shiva argues that the Chakrabarty case was wrongly decided. Critically discuss her case for this claim, considering (a) whether the concerns she discusses raise serious moral concern about patents like Chakrabarty's patent, and (b) whether the concerns she discusses are accessible as legal reasons, relevant to the court decision in Diamond v. Chakrabarty.
- 2) Shiva argues that patents deny or fail to account for some forms of human creativity. Explain her argument and its relevance to the institution of patent protection.
- 3) According to Shiva, what is 'biopiracy'? What kinds of moral claims do indigenous peoples have on the knowledge created by their communities, and how might these claims be protected legally?

### **Magnus**

- 1) Explain 'resource' and 'knowledge' biopiracy, and the difference between them. Is one of these worse than the other? Critically explain your answer.
- 2) Do Grace's patents on Neem constitute cases of biopiracy? Explain why or why not by arguing that Grace was either justified, or unjustified in seeking patent protection for its claims on Neem. (You need not refer to any source other than Magnus in your answer.)
- 3) What is the "common heritage argument" concerning genetic information, and how might it influence our understanding of gene patents? What might Locke say about this consideration as an argument *against* gene patents?
- 4) Explain the 'enola' patent, and evaluate it as a putative example of 'biopiracy.'

### **Golden Rice Case Study**

- 1) Briefly explain and critically evaluate the view of either Friends of the Earth or MASIPAG concerning golden rice.
- 2) Briefly explain and critically evaluate the view of either the Humanitarian Board or the International Rice Research Institute concerning golden rice.

### **Robertson**

- 1) Explain Robertson's view of the scope of reproductive liberty, and his argument concerning whether this right includes protection for non-coital reproduction.
- 2) What considerations, according to Robertson, would give us reasons to limit the right to non-coital reproduction?

### **Sunstein**

- 1) Briefly explain the argument for the claim that the right to reproductive liberty includes a right to reproduce by cloning.
- 2) Briefly explain the argument for the claim that the right to reproductive liberty does not include a right to reproduce by cloning.

### **Feinberg on Abortion**

- 1) Explain the significance of Feinberg's distinction between "conflict of claims" arguments for abortion, and arguments for abortion that are based on claims about the status of the fetus.
- 2) Feinberg argues that "potentiality" is not an appropriate ground for present moral standing. Explain and critically evaluate his argument.
- 3) What is the "actual possession criterion?" Explain this criterion for personhood, and evaluate it by considering some objections and potential counterexamples.