

Health Law, Bioethics & Human Rights
JD 954 & LW 840
Spring 2006

Boston University School of Law
Room 1470A
Thursdays, 8:30-10:30 am

Professor George J. Annas
annasgj@bu.edu

Course Description: Health law, bioethics, and human rights are converging in challenging ways, especially at the national level (in both legislation and constitutional adjudication), and the international law level. This seminar will explore the convergence and its meaning for the law and society through specific case studies including post-9/11 proposals for mass quarantine; torture justifications in the GWOT; genetic engineering and the new reproductive technologies; the relationship between abortion and the death penalty; and the meaning of the “right to health.”

Prerequisite: Health law or permission of the instructor.

Course requirements: (see p. 4)

Required Texts:

King, PA, Areen, J & Gostin L, eds. *Law, Medicine & Ethics*, Foundation Press, NY, 2006 [LME]

Gruskin S, Grodin MA, Annas GJ, Marks SP, eds. *Perspectives on Health and Human Rights*, Routledge, NY, 2005 [PHHR]

Supplementary Texts: (suggested but not required; other readings also suggested in assignments)

Annas, GJ. *American Bioethics: Crossing Human Rights and Health Law Boundaries*, Oxford U. Press, NY, 2005. [AB]

Faunce, TA, *Pilgrims in Medicine: Conscience, Legalism and Human Rights*, Martinus Nijhoff, Leiden, 2005. [PM]

Seminar Outline

1. (Jan. 12): **Overview:** Confronting Torture, Hunger Strikes, Katrina and the Bird Flu
2. (Jan. 19): **Medicine and Public Health** (& Bioethics and Human Rights)
3. (Jan. 26): **Human Rights, Equality, and Human Dignity** (and the **UDHR**)
4. (Feb. 2): **The Doctors Trial and the Nuremberg Code**
5. (Feb. 9): **The Right to Health** (Governments and Corporations)
6. (Feb. 16): **Global Public Health:** Confronting Malaria, TB, and HIV/AIDS
7. (Feb. 23): **Women's Rights** (including Reproductive Health Rights) (**CEDAW**)
8. (March 2): **Ethical Arbitrage:** Embryonic Stem Cell Research and Cloning
9. (March 9): *No Class (Spring Recess)*
10. (March 16): **Genetic Dreams** (and Nightmares): Screening (and “enhancing”) embryos and fetuses, and the Posthuman
11. (March 23): **Dead Bodies,** DNA, Privacy, and Property
12. (March 30): Autonomy, Dignity (and Social Justice) at the **End of Life**
13. (March 31): *Schiavo: One Year Later* (Conference at Sherman Union)
14. (April 6): **Politics,** Bioethics, and Human Rights (**UNESCO Declaration** on Human Rights and Bioethics)
15. (April 13): Planning for Bioterrorism and **Post-9/11 Epidemics**
16. (April 20): Final Assignment due before noon.

Reading Assignments

1. **Overview** (1/12): PHHR, 1-57; 607-609; [AB xiii-xvi].
2. **Medicine & Public Health** (1/19): PHHR, 519-548; LME 112-130
3. **Human Rights** (1/26): PHHR, 459-116; 295-332; 367-377; 383-411; UDHR [AB 1-19; 69-77] *See also* Glendon, *A World Made New*
4. **Nuremberg Code** (2/2): Handouts and LME 259-340 [AB, 27-42] *See also*, Annas & Grodin, eds. *The Nazi Doctors and the Nuremberg Code*
5. **Right to Health** (2/9): PHHR, 342-369, 469-516; all cases involving *Abdullahi v. Pfizer* litigation (2005 US Dist LEXIS 16126) *See also* Sen, *Development as Freedom*
6. **Global Public Health** (2/16): Handouts and PHHR, 179-245; 413-426. *See also* World Bank, *World Development Report*, 1993
7. **Women's Rights** (2/23): PHHR, 247-291; 333-353; 427-467; 527-536; CEDAW; LME, 521-558. *See also* Atwood, *The Handmaid's Tale*
8. **Ethical Arbitrage** (3/2): PHHR, 135-178; LME, 559-616.
9. *Spring Recess* (3/9) [pick a "see also" to read]
10. **Gene Dreams** (3/16): LME 1-76; 98-111; 616-654. *See also* Kurzweil, *The Singularity is Near*, and Huxley, *Brave New World*
11. **Dead Bodies** (3/23): LME 56-97; 208-258; 370-389; [AB 149-158] *See also* Shelley, *Frankenstein*
12. **Dignity at End of Life** (3/30) LME 395-475. *See also* Tolstoy, *Death of Ivan Illych*
13. *Schiavo* Conference (3/31)
14. **Bioethics Politics** (4/6): LME 476-508; [AB 81-94]; UNESCO Declaration
15. **Bioterrorism and Post 9/11 Epidemics** (4/13): Handouts [last class]. *See also* Orwell, *1984*.
16. *Final Assignment Due* (4/20; Th =s M)

Course Requirements

This is a research seminar designed to help you understand the interrelationships among (health) law, (bio)ethics, and human rights. In addition to participation in weekly discussions, there are two course requirements, one oral and one written. The first involves a brief oral report on a specific aspect of the topic under discussion that week. Beginning on February 2, 2 or 3 students a week will be assigned topics to present or argue the following week. More details on format will be discussed in class.

The written assignment is to prepare a paper in the form of a “**recommendation report**” on a specific legal change you propose that is aimed at resolving or helping to resolve a problem that has overlapping or interrelated legal, ethical and human rights dimensions. Specific aspects of topics addressed in class are perfectly appropriate. The paper must recommend a specific legal change (regulatory, legislative, or judicial) designed to enhance the public’s health or enhance the public’s protection, together with a complete justification for this proposal, an explanation as to how it can be implemented in the real world, an evaluation process, and the major arguments for and against it. The relevant population could be city, state, national or international. With prior permission, the paper can be formatted as a brief to the U.S. Supreme Court on a hypothetical case, or even as a Supreme Court or International Criminal Court opinion regarding a hypothetical case.

Recommendation topics must be approved. A description of the *problem* you have identified is due on **February 16, 2006**. Problems identified will be discussed in class. A *tentative solution* to your problem is due on **March 16**. You are encouraged, but not required to submit a draft of your paper. The deadline to submit a draft is **March 30**. Final papers are due by noon on **April 20**, and can be hand delivered or mailed to my office (Department of Health Law, Bioethics & Human Rights, 715 Albany St., Boston, MA 02118). E-mailed papers are not acceptable.

The maximum length of the paper is 20 double-spaced 12 point type pages, not including references, footnotes or appendices. References must be either in *Blue Book* form or *New England Journal of Medicine* form. Late reports will not be accepted without prior written permission. Your final grade will be based 75 percent on the written recommendation report itself, and 25 percent on class participation, including your oral presentation.

Note: Students wishing to write a cert paper for this course must obtain permission to do this on or before January 26 and will be subject to a different timetable and length requirement.

Class attendance is required.

