

Health Law, Bioethics & Human Rights

LW 840

Fall 2017

Professor George J. Annas
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Wednesdays
8:00 to 10:45 a.m.
Talbot, 332 West
Boston University School of Public Health

Course Description:

Health law, bioethics, and human rights are converging in productive and challenging ways for public health, especially at the national level and international level. This seminar will explore the theoretical meaning of this convergence, and by using specific case studies, explore how this synthesis can enable public health advocates to be more effective in the realms of social justice and equity. Case studies will include realization of the international “right to health,” and global standards for medical research and informed consent, especially in the context of Ebola; torture in the “war on terror”; Obama’s “Precision Medicine” and “Cancer Moonshot” Initiatives; global governance challenges presented by CRISPR; and framing the end of life as a public health/human rights issue. This class is taught at BU School of Public Health. (4 credits)

Prerequisite: LW751 or JD867 or permission of the instructor.

Required Texts:

- Philip Alston & Ryan Goodman, **International Human Rights**, Oxford U. Press, New York, 2012 (Casebook)
- George Annas, **Worst Case Bioethics**, Oxford U. Press, NY, 2010. (WCB) [hand out]
- Senate Select Committee on Intelligence **Report on Torture** (2014)
- George Annas & Sherman Elias, **Genomic Messages**, HarperOne, San Francisco (2015) [handout]
- National Academy of Sciences, **Human Genome Editing**, NAS, Washington, DC (2017) [on blackboard]

Seminar Outline

(Subject to change)

1. (Sept 6) **Social Justice: Integrating Health Law, Bioethics & Human Rights**
2. (Sept. 13) **Foundations of Human Rights**
3. (Sept. 20) **Nuremberg and the Birth of American Bioethics**
4. (Sept. 27) **Post-9/11, “All Hazards” Preparedness, and ISIS**
5. (Oct. 4) **Torture and Force-Feeding**
6. (Oct. 11) **Torture and Force-Feeding (continued)**
7. (Oct. 18) **Lessons from the 2014 Ebola Epidemic and 2016 Zika Epidemic**
8. (Oct. 25) **Death and Dying as a Public Health/Human Rights Problem**
9. (Nov. 1) **“Precision Medicine”: Genetic Privacy, Biobanks, and Public Health**
10. (Nov. 8) **CRISPR, “Gene Editing” and Species Endangering Experiments**
11. (Nov. 15) **Global Governance of Public Health and Research**
12. (Nov. 29) **The Right to Health**
13. (Dec. 6) **Student presentations [tentative]**
14. (Dec. 13) **Biopolitics and Human Rights (final papers due)**

Reading Assignments

(Subject to change, consult Blackboard at least weekly)

1. **Overview:** Casebook, 1-57; UDHR.
2. **Foundations:** Casebook, 58-120; 140-54; 490-515; 708-12; *WCB* xi-xxiv.
3. **Nuremberg:** Casebook, 120-140; 157-66; 1092-95; 1122-28; 1312-14.
4. **Post-9/11:** Casebook, 383-444; 466-485; 922-30; 1151-73; and *Florence v. Board of Chosen Freeholders* (US, 2012).
- 5-6. **Torture:** Senate Torture Report (selected portions from the majority); Casebook, 238-76; 445-466; 720-28; 745-58; 1173-85; *WCB* chapters 3, 4 and 5.
7. **Ebola/Zika Readings:** TBA
8. **Death and Dying ;** *WCB* chapters 7, 8, 9, 10, 11 and 12; selections from Gawande, *Being Mortal*.
9. **Precision Medicine and Curing Cancer** President's Report; *WCB*, *Genomic Messages*, ch. 8 and 9.
10. **Gene Editing,** *Genomic Messages* ch. 10; Selections from *Human Gene Editing*.
11. **Global Governance of Public Health.** Casebook, 1047-62; 1186-99; 1460-97; 1516-46; *Genomic Messages*, ch. 5, 6, 7; *WCB* ch. 2.
12. **Right to Health:** Casebook, 277-382; Comment 14; *WCB* ch. 1
13. Student Presentations
14. Biopolitics, Social Justice, and Human Rights (final papers due)

Course Requirements

This is a research seminar designed to explore the social justice interrelationships among (health) law, (bio)ethics, and human rights. In addition to participation in weekly discussions, there is one major course requirement: the preparation of a research paper and presenting the results orally to the class. The paper will be in the form of a recommendation report, and you will be required to submit a draft on or before November 1.

The “**recommendation report**” should be 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. *You should make sure to use all relevant materials that we have read in preparing the argument for your recommendation.*

Recommendation topics (or other forms of written argument) must be approved in writing. **A description of the *problem* you have identified is due on or before October 4.** Problems identified will be discussed in class. **A draft of your paper is due on November 1.** We will spend the rest of the course making it better. Students will present their problems and solutions to the class orally. **Final papers are due in hard copy on Dec. 13.**

The maximum length of the paper is 5000 words, and the minimum is 2500 words, 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.