

HISTORY W4906

**Nuremberg and Beyond
Human Rights and Medicine in Historical Perspective**

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The goal of this course is to examine the relationship between the medical profession and state authority, with a particular attention to the protection and advancement of human rights. The readings and discussion will focus on the events that defined the central issues in the field and trace their long-term impact. The opening weeks will explore medicine in Nazi Germany, the Nuremberg trial, and the later responses to Nuremberg. From this base, subsequent weeks will explore the critical issues in human rights and medicine, including bodily integrity (torture, organ transplantation, the female body), the debates over the right to health care, the responses to plague (with a focus on AIDS), and human experimentation in the third world.

Students will be responsible for researching and writing a paper that explores in depth one salient issue in human rights and medicine.

Copies of all the readings will be available in the Brebner Reading Room in Fayerweather Hall and in the Butler Library.

I. The Privileges and Obligations of Physicians

Frits Kaishoven, "International Humanitarian Law and the Violation of Medical Neutrality," in G. L. Wackers and C.T.M. Wennekes, eds., Violation of Medical Neutrality (Amsterdam, 1992) pp. 21-47.

Roelf Padt, "The Meaning of Neutrality and its Consequences," in Wackers and Wennekes, pp. 48-54

The Hippocratic Oath

The Physician's Oath of the Soviet Union

II. The German Medical Profession and Nazi Medicine

Michael Kater, Doctors Under Hitler (U. of North Carolina Press, 1989), pp.12-62, 84-88, 177-206, 222-240.

Robert Proctor, The Nazi War on Cancer (Princeton, 1999), pp. 35-72, 120-278.

"Victims of the Past," A 1936 film made by the German Racial and Political office and the Reich Propaganda Ministry.

III. Nazi Experimentation

Robert J. Lifton, The Nazi Doctors: Medical Killing and the Psychology of Genocide (New York, 1986), chs. 7-10, 15, 17.

George Annas and Michael Grodin, The Nazi Doctors and the Nuremberg Code (New York, 1992), chs. 5-8, 10-11, 13.

Robert L. Berger, "Nazi Science – The Dachau Hypothermia Experiments," New England Journal of Medicine, 1990, Vol. 322: 20, pp. 1435-1440.

IV. The Response to Nuremberg

A. Human Experimentation

World Medical Association Declaration of Helsinki, Adopted 1964, Revised 2000.

Susan E. Lederer, "Research without Borders: The Origins of the Declaration of Helsinki," (Publication Forthcoming).

David J. Rothman, Strangers at the Bedside: A History of How Law and Bioethics Transformed Medical Decision Making (New York, 1991), chs. 1-5.

Stanley Milgram, "Behavioral Study of Obedience," Journal of Abnormal and Social Psychology, 1963, Vol. 67, pp. 371-378.

Allan M. Brandt, "Racism and Research: The Case of the Tuskegee Syphilis Experiment," The Hastings Report, 1978, pp. 21-29.

David J. Rothman, "Were Tuskegee and Willowbrook Studies in Nature?" The Hastings Report, 1982, Vol. 12: 2, pp. 5-7.

Susan M. Reverby, "Rethinking the Tuskegee Syphilis Study: Nurse Rivers, Silence, and the Meaning of Treatment," Nursing History Review, 1999, pp. 3-28.

B. Cultural Responses

Hannah Arendt, Eichmann in Jerusalem (Penguin 1994, ©1965), chs. 1-3, 7-8, 15, epilogue, postscript.

V. Integrity of the Body

Michel Foucault, Discipline and Punish: The Birth of The Prison (Vintage Books 1995, © 1977), ch. 1.

Elaine Scarry, The Body in Pain: The Making and Unmaking of the World (Oxford, 1987), chs. 1,3, 4 (181-243).

The (U.N.) Convention Against Torture, Adopted June 26, 1987, Part I.

Ronald D. Crelinsten, "In Their Own Words: The World of the Torturer," in, Ronald Crelinsten and Alex Schmid, eds., The Politics of Pain (Boulder, Colorado, 1995) pp. 35-64.

Moshe Landau, "The Limits of Pressure," Israel Democracy, 1990.

"The Interrogation of Palestinians During the Intifada: Ill-Treatment, 'Moderate Physical Pressure' or Torture?" B'Tselem, 1991.

Richard F. Mollica, "Surviving Torture," New England Journal of Medicine, 2004, Vol. 351(1), pp. 5-7.

Reed Brody, "The Road to Abu Ghraib," Human Rights Watch, June 2004, pp. 1-12, 24-35.

Mark Danner, "The Logic of Torture," New York Review of Books, June 24, 2004.

Robert J. Lifton, "Doctors and Torture," New England Journal of Medicine, 2004, Vol. 351(5), pp. 415-416.

VI. The Traffic in Organs

Richard Titmuss, The Gift Relationship: From Human Blood to Social Policy (New Press, 1997, © 1972), ch. 5, pp. 70-89.

World Medical Association Statement on Human Organ and Tissue Donation and Transplantation, 2000.

David J. Rothman, "The International Organ Traffic," The New York Review of Books, March 26, 1998.

David J. Rothman and Sheila M. Rothman, "The Organ Market," The New York Review of Books, October 23, 2003.

Lawrence Cohen, "Where It Hurts: Indian Material for an Ethics of Organ Transplantation," Daedalus, 1999, Vol. 128, pp. 135-165.

VII. Women's Bodies

Buck vs. Bell, U.S. Supreme Court Decision of 1927.

Richard A. Shweder. "What about 'Female Genital Mutilation?' and Why Understanding Culture Matters in the First Place."

Frances A. Althaus, "Female Circumcision: Rite of Passage or Violation of Rights?" International Family Planning Perspectives, 1997, Vol. 23, pp. 130-133.

Sonia Correa and Rosalind Petchesky, "Reproductive and Sexual Rights: A Feminist Perspective," in G. Sen, A. Germain, and L. Chen, eds., Population Policies Reconsidered (Boston, 1994), pp. 107-123.

Radhika Coomaraswamy, "To Bellow Like a Cow: Women, Ethnicity, and the Discourse of Rights," in Rebecca Cook, ed., Human Rights of Women: National and International Perspectives (Philadelphia, 1994), pp. 39-57.

VIII. The Right to Health Care

The Universal Declaration of Human Rights, December 10, 1948.

"The Declaration of Alma-Ata," International Conference on Primary Health Care, Alma-Ata, USSR, September 6-12, 1978.

Lincoln C. Chen and Richard A. Cash, "A Decade after Alma Ata: Can Primary Health Care Lead to Health for All?" NEJM, 1988, Vol. 319, pp. 946-947.

Frank Davidoff and Robert D. Reinecke, “The 28th Amendment,” Annals of Internal Medicine, 1999, Vol. 130: 8, pp. 692-694.

UN General Assembly, The Right of Everyone to Enjoy the Highest Attainable Standard of Health (New York: United Nations 2003) pp. 1-12.

Kenneth Roth, “Defending Economic, Social and Cultural Rights: Practical Issues Faced by an International Human Rights Organization,” Human Rights Quarterly, 2004, Vol. 26, pp. 63-73.

John Luke Gallup and Jeffrey D. Sachs, “The Economic Burden of Malaria,” Harvard University Working Paper No. 52, 2000.

IX. Plague

A. AIDS in the Third World

David J. and Sheila M. Rothman, “How AIDS came to Romania,” The New York Review of Books, November 8, 1990.

Mary Bassett, “Women and AIDS in Zimbabwe: The Making of an Epidemic,” International Journal of Health Services, 1991, Vol. 21, pp. 143-156.

Jonathan Mann et al., “Human Rights and AIDS: The Future of the Pandemic,” in Jonathan Mann et al., Health and Human Rights: A Reader (New York, 1999) pp. 216-22.

Solomon R. Benatar, “Health Care Reform and the Crisis of HIV and AIDS in South Africa,” New England Journal of Medicine, 2004, Vol 351(1), pp. 81-92.

“Report on the Global HIV/AIDS Epidemic,” UNAIDS, 2004, pp. 8-10, 39-66.

B. Research in the Third World

Robert J. Levine. “The Need to Revise the Declaration of Helsinki,” NEJM, 1999, Vol. 341, pp. 531-533.

Greg Koski and Stuart L. Nightingale, “Research Involving Human Subjects in Developing Countries,” NEJM, 2001, Vol. 345: 2, pp. 13-138.

Harold T. Shapiro and Eric M. Meslin, “Ethical Issues in the Design and Conduct of Clinical Trials in Developing Countries,” NEJM, 2001, Vol. 345: 2, pp. 139-142.

David J. Rothman, “The Shame of Medical Research,” New York Review of Books, November 30, 2000. Letter and response, May 17, 2001.