



HARVARD PH.D. PROGRAM IN HEALTH POLICY

ETHICS CONCENTRATION 2007-2008

The ethics concentration integrates quantitative, qualitative, and normative approaches to the analysis of ethical issues in health policy and clinical practice. Increasingly, the investigation of ethical issues in medicine and health policy has not only drawn on normative ethics and political philosophy, but has included empirical research concerning attitudes and practices in clinical and broader institutional settings. A grasp of normative theories and tools is important because ethical principles and approaches underlie, explicitly or implicitly, the formulation of particular health policies at both the macro and micro level. Students in this track will focus on developing skills in a range of disciplines, with the goal of evaluating how ethical and socio-cultural values shape – and should shape – health policies as well as clinical and public health practices. Students with a strong background in ethics and political philosophy will have a chance to deepen that understanding and apply it to issues in health policy, while at the same time acquiring necessary quantitative skills. Students with degrees or training in related fields, such as law or medicine or public health, will acquire both normative and quantitative skills needed for research and teaching in ethics and health policy.

Research in health policy and ethics would include such topics as: policies for the allocation of scarce resources to individuals (e.g., human organs for transplantation, newly developed drugs, hospital beds) and across categories of patients (treatment vs prevention for HIV/AIDS, or for HIV/AIDS vs malaria); policies for care at the beginning and end of life; evaluation of informed consent protocols and their effectiveness; issues of equity in the evaluation of policies determining access to health services and the reduction of risk factors; policies responding to cross-cultural variation in ethical norms; ways in which health professionals are educated; policies regarding the balance between the individual and the collective (e.g., in bio-terrorism, epidemic control, etc.). While not abandoning the concerns of traditional work in bioethics, the program aims to produce students who are interested in the ethics of population health. Accordingly, all students in this track will develop core skills for the conduct of both normative analysis and empirical research in ethics.

- **REQUIRED COURSES**
- **FACULTY ADVISORY COMMITTEE**
- **COURSE DESCRIPTION**

REQUIRED COURSES:

Students in the ethics concentration must satisfy the requirements listed below. If students have had prior courses or training that would make any of these courses redundant and wish to be waived from some part of the requirement, they should discuss the situation with their advisors. In general, students are advised to take the most advanced courses they are prepared to handle in each required category. Students may petition to substitute alternative courses that cover the required course contents. Particularly those students without a substantial background in philosophy and ethics are encouraged to take as many courses as possible within the philosophy department. It is the responsibility of students and their advisors to construct a program that strengthens areas of weakness in preparation for both the general exams and the concentration exams, but the program allows considerable leeway, through careful selection of electives, to concentrate on more advanced normative work or to build strength in other methodologies and areas of expertise. Recent courses not offered in the current year are listed as suggestive of the types of courses students are intended to choose.

Any future changes in the core requirements of the Ph.D. in Health Policy supersede the requirements listed below.

Moral and Political Philosophy

Students are required to take courses equivalent to 2 credits (i.e., equivalent to 4 GSAS semester-long courses) from among the following. Where students have weaker preparation in ethics and political philosophy, they may take one or two of these courses at the 100 level, but where possible, they should be in graduate sections of these courses taught by the professor.

Philosophy 168: Kant's Ethical Theory	Reath (Spring) MW(F) 11
Philosophy 171w: Political Philosophy	van Parijs (Spring) TuTh 11
Philosophy 172: History of Modern Moral Philosophy	Reath (Fall) MW(F) 11
Philosophy 176x: Topics in Moral Philosophy: Proseminar	Scanlon (Fall) W 2-4
Philosophy 177: Normative Ethics: Proseminar	Reath (Spring) Tu 2-4
Philosophy 268x: Topics in Kant's Moral Philosophy: Seminar	Reath (Fall) Th 2-4
Philosophy 273: Reasons and Rationality: Seminar	Scanlon, Parfit (Spring) W 4-6
Philosophy 276: Ethics, Economics, and the Market: Seminar	Sen, Sandel, van Parijs (Spring) M 2-4
[African and African American Studies 126: Philosophical Perspectives on Race and Racism]	Shelby (To be given in 2008-09)
Government 1061: History of Modern Political Philosophy	Mansfield (Spring) TuTh 11:30-1
Government 2059: Rawls	Rosen (Spring) Th 1-3
Government 2088: Ethical Foundations of Political Thought	Rosen, Beerbohm (Fall) W 4-6

Recent courses not offered in 2007-08:

[Phil 125 Hume's Ethical Theory: Proseminar]	Svavarsdottir
[Phil 173 Metaethics]	Berker
[Phil 175 Ethical Theory]	Svavarsdottir
[Phil 178 Equality and Democracy]	Scanlon
[Phil 272w Rights, Liberties, and Social Choice: Seminar]	Scanlon, Sen, Tuck
[Phil 274z Contemporary Ethical Theory: Seminar]	Korsgaard, Schapiro
[Phil 278 Nonconsequentialist Ethical Theory: Seminar]	Kamm
[API-606 Justice]	Risse

Alternative course options may be substituted, subject to consultation with and consent from the concentration chair. If students enter the program with a very strong background in philosophy, especially in ethics and political philosophy, they may elect to substitute an appropriate course in bioethics, law, or health ethics, with consent of their advisors, for one in moral and political philosophy.

Bioethics, Law, and Health Care Ethics

Students are required to take courses equivalent to 1 credit (i.e., equivalent to 2 GSAS semester-long courses) from among the following. Note that the HSPH courses are only 1/2 credit each. Students are strongly recommended to take 2 (equivalent to 1 semester-long course) from among ID 292, PIH 293, or ID513. Students are encouraged to select at least two courses from among the ID and PIH offerings below.

ID250 Ethical Basis of the Practice of Public Health	Roberts (Fall 2) MW 8:30-10:20
ID250 Ethical Basis of the Practice of Public Health	Wikler (Spring 1) MW 10:30-12:20
ID292 Justice and Resource Allocation	Daniels (Spring 1) TuTh 10:30-12:20
ID513 Ethics and Health Disparities	Daniels (Spring 2) TuTh 10:30-12:20
HPM213: Public Health Law	Mello (Spring 1) TuTh 1:30-3:20
HPM537: Law and Public Health (LAW-41208A)	Mello (Spring) MW 4:45-6:15
PIH265 Ethical Issues in International Health Research	Cash, Wikler (Spring 2) W 5:30-8:20
PIH293 Individual and Social Responsibility for Health	Wikler (Fall 1) MW 8:30-10:20
Gov 1093 Ethics, Biotechnology and the Future of Human Nature	Sandel, Melton (Spring) Tu 2-4
Gov 2090 Ethics and Biotechnology (LAW-93370A)	Sandel (Fall) M 5-7
LAW-31451A Ethics and Health Policy	Daniels (Spring) TuTh 4:45-6:45
LAW-93370A Ethics, Biotechnology, and Law (Gov 2090)	Sandel (Fall) M 5-7
LAW-96715A Genetics and Reproductive Technology	Cohen (Spring) W 5-7
LAW-38300A Health Care Law	Sage (Fall) WTh 1:15-2:45

LAW-41208A Law and Public Health (HPM537)
LAW-98841A Stem Cell Research Seminar
[API-604 Proseminar in Bioethics (Phil 176)]

Mello (Spring) MW 5-6:30
Korobkin (Fall) Th 10-12
Kamm (not offered 2007-08)

Possible Alternatives

Upon careful consultation with their advisors, students with a strong foundation in bioethics may substitute courses from other disciplines for the courses listed in the bioethics category above. Some possible substitutions are listed below.

SSH201: Society and Health	Kawachi (Fall 1) MW 3:30-5:20
Psychology 2751: Free Will, Responsibility, and Law	Greene (Fall) Th 7-9
Sociology 160: Medicine, Health Policy, and Bioethics in Comparative and Global Perspective	DelVecchio Good (Spring) W 1-3
Sociology 165: Inequalities in Health Care	Ruggie (Fall) MW(F) 3
Sociology 190: Life and Death in the US: Medicine and Disease in Social Context	Christakis (Spring) MW 3
Studies in Women, Gender, and Sexuality 1125: Gender and Health	Ruggie (Spring) MW 1

Further work in bioethics and health care ethics is included in the seminar and reading course requirements for this concentration.

First Year Seminar: Ethics and Health Policy Reading Course

This reading course meets as a seminar every other week and is a forum for students to lead discussion on a range of topics in ethics and health policy that bear on their research interests. Attendance is required for first year students, equivalent to 2 credits.

Second Year Reading Seminar

This is equivalent to one course credit, though it meets over the whole year every other week, and is co-led by faculty associated with the Ethics Concentration. It covers material in normative theory as applied to topics in health policy and strengthens preparation for the concentration exam. Students and fellows in other ethics or health related programs, including post-docs with an interest in ethics and health policy may join this seminar.

ADVISORY COMMITTEE:

Norman Daniels, Chair, Professor of Ethics and Population Health, Department of Population and International Health, School of Public Health

Arthur Applbaum, Professor of Ethics and Public Policy, Director of Graduate Fellowships, John F. Kennedy School of Government

Allan M. Brandt, Amalie Moses Kass Professor of the History of Medicine, Harvard Medical School and Professor of the History of Science, Department of History of Science, Faculty of Arts and Sciences

Dan W. Brock, Professor of Medical Ethics, Social Medicine, Harvard Medical School

Nicholas Christakis, Professor of Medical Sociology, Department of Health Care Policy, Harvard Medical School

Frances Kamm, Professor of Philosophy and Public Policy, Kennedy School of Government

Lisa Lehmann, Assistant Professor of Medicine and Medical Ethics, Harvard Medical School

Thomas M. Scanlon, Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity, Faculty of Arts and Sciences

David Stevenson, Assistant Professor of Health Policy, Department of Health Care Policy, Harvard Medical School

Daniel Wikler, Professor of Ethics and Population Health, Department of Population and International Health, School of Public Health

COURSE DESCRIPTIONS

Moral and Political Philosophy

Philosophy 168. Kant's Ethical Theory

Catalog Number: 8361

Andrews Reath (University of California, Riverside)

Half course (spring term). M., W., (F.), at 11. EXAM GROUP: 4

A study of Kant's moral philosophy, based primarily on the *Groundwork of Metaphysics of Morals*, the *Critique of Practical Reason*, and *The Metaphysics of Morals*.

Philosophy 171w. Political Philosophy

Catalog Number: 0945

Philippe van Parijs (Université catholique de Louvain)

Half course (spring term). Tu., Th., at 11. EXAM GROUP: 13

What is a just society? What is a just world? Do they need to be democratic? If so, in what sense and why? The course will provide a critical discussion of the main contemporary answers to these questions and will explore their practical implications through debates on controversial issues prepared by teams of students.

Philosophy 172. The History of Modern Moral Philosophy

Catalog Number: 5184

Andrews Reath (University of California, Riverside)

Half course (fall term). M., W., (F.), at 11. EXAM GROUP: 4

A study of the development of modern moral philosophy from its origins in the natural law theories of Hobbes and Pufendorf to the emergence of the two most influential theories of the modern period, utilitarianism and Kantianism, in the works of Bentham and Kant. Selections from the works of Hobbes, Clarke, Butler, Hutcheson, Hume, Smith, Price, and others.

***Philosophy 176x. Topics in Moral Philosophy: Proseminar**

Catalog Number: 0892

Thomas M. Scanlon, Jr.

Half course (fall term). W., 2–4. EXAM GROUP: 7, 8

Various accounts of moral responsibility, concentrating on the question: What kind of freedom is required in order for blame or other forms of moral response to be appropriate, and why is it required?

***Philosophy 177. Normative Ethics: Proseminar - (New Course)**

Catalog Number: 2543

Andrews Reath (University of California, Riverside)

Half course (spring term). Tu., 2–4. EXAM GROUP: 16, 17

A study of some of the main currents in contemporary normative ethics, including deontology, consequentialism, and contractualism.

***Philosophy 268x. Topics in Kant's Moral Philosophy: Seminar - (New Course)**

Catalog Number: 3285

Andrews Reath (University of California, Riverside)

Half course (fall term). Th., 2–4. EXAM GROUP: 16, 17

Examines Kant's *Critique of Practical Reason* and his account of free agency as found in the first and second *Critiques*, the *Groundwork* and *Religion Within the Boundaries of Mere Reason*.

***Philosophy 273. Reasons and Rationality: Seminar**

Catalog Number: 9359

Thomas M. Scanlon, Jr. and Derek Parfit (All Souls College, Oxford)

Half course (spring term). W., 4–6. EXAM GROUP: 9

Reasons, rationality, and morality, and the relation between them.

***Philosophy 276. Ethics, Economics and the Market: Seminar - (New Course)**

Catalog Number: 3949

Amartya Sen, Michael J. Sandel, and Philippe van Parijs (Université catholique de Louvain)

Half course (spring term). M., 2–4. EXAM GROUP: 7, 8

Explores morally controversial uses of markets and market reasoning in areas such as organ sales, procreation, gambling, migration, language rights, mercenary armies, vote-selling, for-profit prisons, and the commodification of medicine, law, and education.

Note: Open to GSAS students. Students from other graduate faculties may be admitted with permission of instructors.

[African and African American Studies 126. Philosophical Perspectives on Race and Racism - (New Course)]

Catalog Number: 6471

Tommie Shelby

Half course (fall term). M., 2–4. EXAM GROUP: 7, 8

Critically examines recent philosophical work on the themes of "race" and racism. Topics for discussion include the following: What is a "race" and do any exist? What does it mean to embrace or reject one's racial identity? What is racism, and what makes it wrong? How should we, from the point of view of justice, respond to racism and the social problems it causes?

Note: Expected to be given in 2008–09.

Government 1061. The History of Modern Political Philosophy

Catalog Number: 5035

Harvey C. Mansfield

Half course (spring term). Tu., Th., 11:30–1. EXAM GROUP: 13, 14

Political philosophy from Machiavelli to Nietzsche, with attention to the rise and complex history of the idea of modernity.

Note: This course, when taken for a letter grade, meets the Core area requirement for Moral Reasoning.

Government 2059. Rawls - (New Course)

Catalog Number: 4751

Michael E. Rosen

Half course (spring term). Th., 1–3. EXAM GROUP: 15, 16

We shall cover the full range of Rawls' writings and set ourselves the task of developing a sympathetic account of the continuities and changes in his thought as he responded to criticism of his project.

Government 2088. Ethical Foundations of Political Thought - (New Course)

Catalog Number: 2378

Michael E. Rosen and Eric Beerbohm

Half course (fall term). W., 4–6. EXAM GROUP: 9

This class will cover areas of contemporary moral philosophy (for instance, utilitarianism, freedom, the nature of value, consent, well-being and desert) that are of particular relevance to political theorists.

Recent courses not offered in 2007-08:

[Philosophy 125. Hume's Ethical Theory: Proseminar]

Sigrun Svavarsdottir (Ohio State University)

A close reading of Hume's work in moral philosophy, with some attention to his work in political philosophy. We will study his challenge to ethical rationalism, his account of moral judgments, and his account of the virtues. The last topic will bring us to his theory of justice, of private property, and of political authority.

[Philosophy 173. Metaethics]

Selim Berker

A close examination of three metaethical theories of a deflationary kind: moral nihilism, moral relativism, and moral expressivism.

[Philosophy 175. Ethical Theory]

Sigrun Svavarsdottir (Ohio State University)

General issues within normative ethics, with special attention to what pluralistic deontologists, utilitarians, and Kantians have to say about them. What makes an action right or wrong? What value(s) ought to inform our intentional actions? How exactly ought that value (those values) inform our intentional actions? What is the relation between moral and rational action?

[Philosophy 178. Equality and Democracy]

Thomas M. Scanlon, Jr.

When is economic inequality morally objectionable, and why? What kind of equality is required by just political institutions? A critical examination of some answers to these questions offered by contemporary philosophers, with special attention to the work of John Rawls.

[Philosophy 272w. Rights, Liberties, and Social Choice: Seminar]

Thomas M. Scanlon, Jr., Amartya Sen, and Richard Tuck

Ideas of rights and liberty, including human rights; their historical development, their place in contemporary political philosophy, and their relation to theories of social choice.

[Philosophy 274z. Contemporary Ethical Theory: Seminar]

Christine M. Korsgaard and Tamar B. Schapiro (Stanford University)

A study of some important work in contemporary ethical theory by Thomas Nagel, Stephen Darwall, Allan Gibbard, Peter Railton, and Michael Thompson, all of whom will visit the seminar.

[Philosophy 278. Nonconsequentialist Ethical Theory: Seminar]

Frances Kamm (Kennedy School)

Topics include: principles of permissible harm to persons; the role of intention, the theory of rights, nonconsequentialist approaches to distribution of goods and harms, and applications to issues in the morality of war and terrorism.

Note: Offered jointly with the Kennedy School as API-609.

[API-606 Justice]

Mathias Risse

Most of us who care about public policy do so because we want to make the world more just, and the ultimate judgment about a policy is passed when we ask “but is it just?” Questions of justice arise within societies: According to what principles should taxes be raised? Should there be affirmative action for disadvantaged groups or reparation for past injustice? Should we have capital punishment?; they also arise at the global level: What do we owe people from other societies with whom we have no interaction? Is it okay for regions of a country to secede? According to what principles should countries regulate immigration? How should we justly distribute burdens arising from global warming? Finally, questions arise about wars and humanitarian intervention: Under what conditions is a war just? Are there rules of just conduct in a war? Is humanitarian intervention justified? This course will address questions like these by discussing the standard arguments advanced about them.

Bioethics, Law, and Health Care Ethics

ID250 Ethical Basis of the Practice of Public Health

Dr. M. Roberts

Fall 2; 2.5 credits

Lectures, case studies. Two 2-hour sessions each week.

Provides students with a broad overview of some of the main philosophical and moral ideas that are used as a basis for resolving debates of public health policy. Helps students develop their own capacities to analyze, criticize, evaluate, and construct policy-oriented arguments.

Course Note: Acceptance into the MPH Program or the Department of Health Policy and Management or permission of instructor required; students must register for appropriate section.

ID250 Ethical Basis of the Practice of Public Health

Dr. D. Wikler

Spring 1; 2.5 credits

Lectures, case studies. Two 2-hour sessions each week.

Evaluation: Exams plus one term project (case study term paper, in-class debate, or tutorial)

Provides students with a broad overview of some of the main philosophical and moral ideas that are used as a basis for resolving debates of public health policy. Helps students develop their own capacities to analyze, criticize, evaluate, and construct policy-oriented arguments

The practice of public health require moral reflection and argument for a number of reasons. Public health measures often make demands on the public, such as changes in lifestyles or restrictions of liberties, and these must be justified. Practitioners of public health frequently face ethical dilemmas, both in framing policy and in practice in the field, whose optimal resolution is uncertain. The work of public health practitioners is sometimes challenged on moral grounds, which must be examined and, when appropriate, countered.

The resources for moral argument and justification in public health are found in moral philosophy and philosophical theories of justice; and also in history, the social sciences, and in the science of public health itself. Students in this course will survey some of the principle philosophical approaches in addressing a number of ethical controversies in contemporary public health.

ID292 Justice and Resource Allocation

Dr. N. Daniels

Spring 1; 2.5 credits

Lectures. Two 2-hour sessions each week

This course explores the ethical issues, especially issues of distributive justice, raised by health and health care resource allocation methodologies and decisions. We begin with examination of distributive issues raised by measures of summary population health and their extensions into cost effectiveness analysis, paying special attention to the strengths and weaknesses of the underlying welfare economic and utilitarian assumptions. Philosophical and empirical efforts to clarify our beliefs about these distributive issues and our commitments to them will also be discussed. We then turn to recent efforts to make health inequalities and inequities a focus of priority in resource allocation, examining both conceptual and moral issues raised by different approaches to such inequalities and by the fact that the distribution of health is so significantly affected by non-health sector factors. We take up two problems of cross-cutting interest, the different concern shown for identified versus statistical victims, and emerging issues about intergenerational equity concerning the elderly and young. Finally, we turn to fair decision process as a way of resolving disputes about allocation. The goal of the course is to equip students with the ethical basis for addressing resource allocation issues in practical public health contexts, and throughout the course there is a focus real cases where controversy surrounds such decisions.

Course Note: For course evaluation, please refer to the former number for this course, PIH278.

ID513 Ethics and Health Disparities

Dr. Norman Daniels

Spring 2; 2.5 credits

Lectures, case studies. Two 2-hour sessions each week.

When is an inequality in health status an injustice or inequity? This course examines various aspects of this issue, bringing appropriate perspectives from ethical theories (utilitarian, libertarian, liberal egalitarian, feminist) to bear on case studies revealing a range of important health disparities. Four main cases will be discussed, each focusing on a central type of health disparity: U.S. racial disparities, class disparities, gender disparities in a developing country setting, and global health inequalities. Key questions to be pursued in each case include: when is an inequality in health between this type of demographic variable unjust? When is a policy that produces, or fails to address, such an inequality race- or gender- or class-biased in a morally objectionable way? What ethical issues are raised by different methods of measuring health inequalities? How does ascription of responsibility for health affect the fairness of health inequalities? What kind of obligations exist to address health inequalities across national boundaries? What ethical issues are raised by policy approaches to addressing health inequalities and giving priority to reducing them?

HPM213 Public Health Law**M. Mello**

Spring 1; 2.5 credits

Seminars. Two 2-hour sessions each week.

This course examines the many ways in which the law impacts the public health. Among the questions explored are: What authority does the government have to regulate in the interest of public health? How are individual rights balanced against this authority? What are the promises and pitfalls of using laws and litigation to achieve public health goals? The course investigates these issues as they operate a range of specific contexts in public health and medical care, including the control and prevention of HIV/AIDS and other communicable diseases, tobacco regulation, rights to have and refuse medical care, reproductive health, and lawsuits against tobacco and gun companies. The course emphasizes constitutional law, but also touches on criminal law, tort law and intellectual property law. Instruction is through interactive lectures with a significant amount of class discussion. Most classes will revolve around two to three legal cases. The previous year's syllabus is available on the course website.

Course Note: No previous background in law is needed.**HPM537 Law and Public Health****Dr. M. Mello**

Spring; 5.0 Credits.

Lectures. Two 1.5-hour sessions each week.

This course is an expanded version of HPM213: Public Health Law. It explores the same general questions: What is the scope of the government's authority to regulate in the interest of public health? How are individual rights balanced against this authority? What are the strengths and weaknesses of legislation, administrative regulation, and litigation as means to achieve public health goals? In what ways does the law obstruct the achievement of public health goals? How has public health law been influenced by the broader political environment? The core legal concepts are explored in greater depth in this semester-long course, and a larger number of specific applications in public health (e.g., human subjects research, pharmaceutical regulation, firearm laws and injury prevention) are covered. The class is taught at Harvard Law School (LAW-41208A). Some previous exposure to Constitutional law is helpful but not required.

PIH265 Ethical Issues in International Health Research**Dr. R. Cash, Dr. D. Wikler**

Spring 2; 2.5 credits

Seminar. One 3-hour session each week.

This course is designed to expose students to the key ethical issues that may be encountered in the course of conducting international health research. Using case presentations and discussion-based class sessions, students will have the opportunity to begin developing their own tools for dealing with these important issues in an applied context.

PIH293 Individual and Social Responsibility for Health**Dr. D. Wikler**

Fall 1; 2.5 credits

Lectures, case studies. Two 2-hour sessions each week.

The concept of responsibility for health plays a key role in health policy, but it is rarely articulated or evaluated. In this course, students will consider alternative understandings of assignments of responsibility for health to individuals, the state, the family, communities, nonprofit and for-profit firms, and other entities. They will identify their occurrences in health policy debates, assess the cogency of their use in ethical arguments in health policy, and trace the policy consequences of their normative analyses. The course will also serve as an introduction to ethical perspectives on public health.

Course Note: Minimum enrollment of 15 required. Evaluation of Performance: Exams and a term project identifying and evaluating the role of responsibility for health in an area health policy.

Government 1093. Ethics, Biotechnology, and the Future of Human Nature

Catalog Number: 4613

Michael J. Sandel and Douglas A. Melton

Half course (spring term). Tu., 2-4.

Explores the moral, political, and scientific implications of new developments in biotechnology. Does science give us the power to alter human nature? If so, how should we exercise this power? The course examines the science and ethics of stem cell research, human cloning, sex selection, genetic engineering, eugenics, genetic discrimination, and human-animal hybrids.

Note: May not be taken concurrently with MCB 60. May not be taken for credit if MCB 60 has already been taken. Moral Reasoning 22 (Justice) is recommended as background. Enrollment may be limited.

Government 2090. Ethics and Biotechnology

Catalog Number: 0942

Michael J. Sandel

Half course (fall term). M., 5-7 p.m. EXAM GROUP: 9

The seminar explores the moral and political implications of recent advances in biotechnology. Topics include cloning, stem cell research, genetic engineering, eugenics, and patenting of life forms.

Note: Offered jointly with the Law School as 93370-11. Meets at the Law School. Open to GSAS students with permission of the instructor.

LAW-31451A Ethics and Health Policy

Norman Daniels

Spring term, Block L, T,Th 4:45 PM - 6:45 PM

Many areas of health policy, including health law, raise difficult ethical issues, including basic questions about social justice. An account of justice for health and health care should answer such basic questions as: Is health of special moral importance? When are health inequalities unjust? How can we meet health needs fairly when we cannot meet them all? What is the role of consent to risk in the distribution of the benefits and burdens of risk taking in health policy? Can we reconcile answers to these questions with concerns about various liberties? Answers to these questions are examined in the context of various health policy issues, including such topics as these: Is there a right to health or health care? What can such a right claim mean under resource limits? What implications are there for the design of health systems? What kinds of medical underwriting should we permit? Do health workers have a duty to treat despite risks they face? Is risk regulation in the workplace unduly paternalistic? Can we allocate health care resources by age? Should we permit the sale of organs? Should Medicare coverage decisions take into account the opportunity costs of introducing new therapies? What ethical problems face resource allocation methodologies, such as cost effectiveness analysis, that might be used to consider opportunity costs?

LAW-93370A Ethics, Biotechnology, and Law Seminar

Michael Sandel

Fall term, Block H, M 5-7

The seminar explores the moral, legal, and political implications of recent advances in biotechnology. Topics will include human cloning, stem cell research, sex selection, genetic engineering, eugenics, genetic discrimination and insurance, and the patenting of life forms. Readings will be drawn from bioethics, political theory, and law.

Requirements include regular attendance and participation and a seminar paper. Enrollment is limited to 14 law students, and some additional PhD students from the Faculty of Arts and Sciences. Enrollment is by permission of the instructor. Preference will be given to students who have some background in political theory, ethics, biology, or biotechnology. Interested students should contact Professor Sandel at msandel@gov.harvard.edu before the end of June, with a short statement of their background and interests.

Note: Offered jointly with the Government Department at Gov 2090.

LAW-96715A Genetics and Reproductive Technology: Legal and Ethical Issues – Seminar

I. Glenn Cohen

Spring term, Block J, W 5-7

Should individuals be able to sell reproductive materials like sperm and ovum, or reproductive services like surrogacy? Should the law require individuals diagnosed with diseases like Huntington's diseases to disclose to family members that they too are at risk for the disease? Should prenatal sex selection be a crime? Should federal funds be used for stem

cell research? Should law enforcement be able to bank DNA samples collected from suspects and perpetrators? Should doctors be able to patent cell lines developed from their patients' bodies?

Since Watson and Crick's discovery of the double helix structure of DNA in 1953, and the 1978 birth of Louis Brown, the first child conceived through in vitro fertilization, pressing questions like these have propagated. In this seminar we will cut across doctrinal categories to examine how well the law and medical ethics have kept up, and plot directions for fruitful development.

Topics covered may include:

- Prenatal genetic screening and sex selection
- Genetic enhancement
- The sale of sperm and ovum and access to reproductive technology
- cloning
- Preembryo disposition disputes
- Wrongful birth, wrongful conception, and wrongful life torts
- Imposition of criminal liability on mothers and third parties for harm to fetuses
- The use of genetic information by insurers and employers
- The collection of genetic information by the state and the criminal justice system
- The stem cell controversy
- The patenting of genes and their derivatives
- Research ethics issues involving fetuses and embryos
- Pharmacogenomics

LAW-38300A Health Care Law

William Sage

Fall term, block F, W,Th 1:15-2:45

This is a survey course covering legal issues in health care delivery, financing, and the responsibilities of health care professionals to patients. The course offers students of all backgrounds an introduction to the legal governance of one-seventh of the U.S. economy as American medicine transforms from a self-regulating profession to a regulated industry. The course emphasizes quality assurance in health care, including but not limited to medical malpractice liability. The course also explores in detail the corporate structure and legal governance of health insurers and health care providers, including ERISA, federal antitrust law, fraud and abuse law, and the law of tax-exempt organizations. In addition, the course examines the legal underpinnings of access to health insurance and health care services.

LAW-41208A Law and Public Health

Michelle Mello

Spring term, Block L, MW 5-6:30

The course examines the many ways in which the law impacts the public's health. Among the questions explored are: What is the scope of the government's authority to regulate in the interest of public health? How are individual rights balanced against this authority? What are the strengths and weaknesses of legislation, administrative regulation, and litigation as means to achieve public health goals? In what ways does the law obstruct the achievement of public health goals? How has public health law been influenced by the broader political environment? The course investigates these issues as they operate a range of specific contexts in public health and medical care, including bioterrorism, control of HIV/AIDS and other communicable diseases, tobacco regulation, rights to have and refuse medical care, genetic privacy, reproductive health, access to pharmaceuticals, and class action suits against tobacco, gun, and food companies. The course emphasizes constitutional law, but also incorporates criminal law, torts, and intellectual property. A previous course in constitutional law is not required, but instruction is geared towards those who have had some prior exposure to basic constitutional law principles. There will be an in-class examination and no paper option.

Note: Offered jointly with the School of Public Health as HPM537.

LAW-98841A Stem Cell Research: Seminar

Russell Korobkin

Fall term, block D, Th 10-12

This seminar will focus on the range of legal and policy issues raised directly or indirectly by the current excitement in the scientific community over stem cell research. Topics will include the following: federal funding of embryonic stem cell research; therapeutic (research) cloning and reproductive cloning purposes; whether stem cells themselves should be patentable; ownership of intellectual property issues in publicly funded research; informed consent issues in stem cell research; tissue markets for biomedical research, and regulation of stem cell treatments through the regulatory and tort

systems. Grades will be based on active participation in seminar discussions and a research paper (and presentation) analyzing a specific issue(s) or crucially assessing a reading/set of readings.

[API-604 Proseminar in Bioethics]

Frances Kamm

Issues in bioethics and aspects of normative ethical theory bearing on them. Topics to be selected from the following: aggregation and the distribution of scarce resources; discrimination and disability; death and assisted suicide; abortion; the moral status of the embryo; genetic modification and enhancement. Readings from contemporary philosophical sources. Prerequisite: at least one course in ethics.

Note: Offered jointly with the Philosophy Department as Phil 176.

Possible Alternatives

SHH201 Society and Health

Dr. I. Kawachi

Fall 1; 2.5 credits

Lectures and case studies. Two 2-hour sessions and one 1-hour required lab each week.

Analyzes major social variables that affect population health: poverty, social class, gender, race, family, community, work, behavioral risks, and coping resources. Examines health consequences of social and economic policies, and the potential role of specific social interventions. Reviews empirical and theoretical literature on mechanisms and processes that mediate between social factors and their health effects, and discusses alternative models for advancing public health.

Course Activities: Short written assignments, class discussion, final examination.

Course Note: Departmental requirement in the Department of Society, Human Development and Health (5.06)

***Psychology 2751. Free Will, Responsibility, and Law - (New Course)**

Catalog Number: 7235

Joshua D. Greene

Half course (fall term). Th., 7–9 p.m. EXAM GROUP: 18

Examines the issues of free will and responsibility from philosophical, psychological, and neuroscientific perspectives, with special attention paid to potential legal applications.

Sociology 160. Medicine, Health Policy and Bioethics in Comparative and Global Perspective: Conference Course

Catalog Number: 3456 Enrollment: Limited to 18.

Mary-Jo Del Vecchio Good (Medical School)

Half course (spring term). W., 1–3. EXAM GROUP: 6, 7

Complements Sociology 162. Examines the culture and political economy of biomedicine and health care institutions in the US and internationally. Analysis of current debates on medical education and the new professionalism; clinical narratives, the medical imaginary and the biotechnical embrace; cultural diversity, disparities and inequalities in medical and mental health care; medical error and quality of care; just use of societal resources; and bioethical dilemmas in clinical practice, medical missions and interventions, and international research and health policies.

Sociology 165. Inequalities in Health Care

Catalog Number: 8272

Mary Ruggie (Kennedy School)

Half course (fall term). M., W., (F.), at 3. EXAM GROUP: 8

Asks why certain social groups are at greater risk for more severe health problems (eg., infant mortality, HIV/AIDS, cancer) and yet receive unequal health care in the US. Examines selected health disparities around the world and what best practices foster adequate delivery of healthcare services, mutual respect between patient and provider, and healthy living.

Sociology 190. Life and Death in the US: Medicine and Disease in Social Context

Catalog Number: 0021

Nicholas A. Christakis (Medical School, FAS)

Half course (spring term). M., W., at 3. EXAM GROUP: 8

Explores how biological and social factors jointly conspire to determine the health of individuals and populations. Examines how medical care, social networks, and socioeconomic inequality influence illness, recovery, and death.

Studies of Women, Gender, and Sexuality 1125. Gender and Health

Catalog Number: 4563

Mary Ruggie (Kennedy School)

Half course (spring term). M., W., at 1 and a one hour section to be arranged. EXAM GROUP: 6

Based on theoretical debates between feminism and science and different understandings of health, illness, and healing, we explore the role of women, the medical profession, and various social institutions in constructing knowledge about gender and health. Among the issues we discuss are health behaviors, reproductive health, STDs, mental health, cancer, and aging. Throughout, we identify differences among women and men of different class, race, and ethnic groups.