

Immoral Medicine
Spring 2021
MAB 505
Tuesday/Thursday 11:20-12:50

ZOOM
<https://zoom.us/j/96280684037>
Meeting ID: 962 8068 4037

Faculty

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Course Description

Perhaps the most significant watershed moment in modern biomedical ethics occurred nearly 75 years ago in Nuremberg, Germany. In 1946-1947, an American tribunal accused dozens of Nazi doctors and medical researchers of war crimes and crimes against humanity for performing not just illegal medicine but unethical medicine in wartime camps, communities and clinics. From the ashes of such immoral medicine emerged what is now known as the Nuremberg Code, which became the basis for all subsequent biomedical research ethics. This course considers the complex relations between Nazi and American biomedical science and some troubling aspects of the Nuremberg Medical Trial. It culminates in an experiential deliberation of potentially dangerous, ethically dubious yet medically urgent research.

Required Texts

See reading assignments below. All readings are posted on Canvas. All classes have required reading. Additional readings are available in “supplemental” files for each class.

Disability Statement

Under the Americans with Disabilities Act and Section 504 of the Vocational Rehabilitation Act of 1973, all students, with or without disabilities, are entitled to equal access to the programs and activities of Emory University. If you believe that you have a disabling condition that may interfere with your ability to participate in the activities, coursework, or assessment of the object of this course, you may be entitled to accommodations. For more information, please schedule an appointment to speak with someone at the Office of Accessibility Services (404-727-9877). It is important to schedule this meeting well in advance in order to organize

appropriate accommodations. For this reason, it is best if you do so at the start of term. For more information, please visit their website:

<http://equityandinclusion.emory.edu/access/index.html>

Assessments

- **Attendance** (15%). Thorough preparation, regular participation, and consistent presence are expected, as outlined in the rubric in Appendix A. There may be times during the semester that you will need to access materials on Canvas while class is in process. For this reason, it is strongly urged to use a computer and not a phone for participating.
- **Weekly Comments** (15%). Weekly comments posted on Canvas are to be short observations, questions, connections, insights or concerns that speak to the readings and discussions of the week. To receive full marks, students must submit at least 10 weekly comments during the semester.
- **Film Comment** (5%). Every student is to submit reflections based on the documentary, *In the Shadow of the Reich: Nazi Medicine* (54 minutes). It is due during “Spring Break” (March 30, marked ♣ in chart below). See Appendix B below for more information.
- **Short Essays** (30%). Essays (3-5 pages, double-spaced; 10% each) will be due three times during the semester (February 16, March 16, April 6, marked ♦ in chart below). These are meant to demonstrate consideration of classroom discussions and required readings, spur synthetic analysis, and build skills in ethical analysis. Late essays will lose half a grade per day. See Appendix C below for more information and prompts.
- **Institutional Review Board:**
 - **Observation** (5%). Each student will observe Emory’s IRB at some point during the semester and will submit (1-page) reflections thereafter.
 - Who participated, and in which kind of roles?
 - What sorts of issues were presented/discussed?
 - What kinds of arguments were articulated?
 - Reflect on the process of the group’s deliberations.
 - **Preparation** (5%). Each student will be assigned to a group that will develop a research proposal on the topic given early on in the semester. Each student will need to help the group research, design and compose the proposal. This will require collaborating outside of classroom time.
 - **Presentation** (20%) and **Judgment** (5%). Students will participate fully a multi-day Institutional Review Board Proposal and Evaluation. On the first day, Group 1 will present its proposal (30 minutes) [= “Presentation”]; Group 2, serving as IRB panelists, will ask probing questions (20 minutes), and deliberate its findings (10 minutes) [= “Judgment”]. Invited professionals will ask questions, add comments, and reflect on the overall proposal and deliberative process (30 mins). This will be repeated on the second day, with the groups switching roles. Each group will submit, in writing, the group’s final proposal.

- Materials for the Presentation will include at least the following (available on Canvas):
 - IRB Biomedical Protocol
 - Biomedical Lay Summary
 - Biomedical Protocol Checklist
 - Subpart D Worksheet
- For more information: <http://www.irb.emory.edu/index.html>

Topics and Readings

T = Tuesday

R = Thursday

Class	Date	Topic	Readings	Notes
1	T, 1/26	Introduction	Nuremberg Code	
2	R, 1/28	And are still	Zygmunt Bauman, <i>Modernity and the Holocaust</i> , vii-xiv, 83-116. Ithaca: Cornell University Press. 1991.	
3	T, 2/4	Darwin & Biological Genetics	Diane Paul, <i>Controlling Human Heredity: 1865 to the Present</i> , 22-49. Atlantic Highlands, NJ: Humanities Press. 1995.	
4	R, 2/6	Social Darwinism & Racial Hygiene	Robert Proctor, <i>Racial Hygiene: Medicine Under the Nazis</i> , 10-45. Cambridge: Harvard University Press. 1998.	
5	T, 2/9	Institutional Review Board	READ: Belmont Report WATCH: 1) https://www.youtube.com/watch?v=U8fme1boEbE 2) https://www.youtube.com/watch?v=M6AKIIhoFn4	Guest Lecturer: Maria Davila (Associate Director, Emory's IRB)
6	R, 2/11	Eugenics - I	Francis Galton, "Eugenics: Its Definition, Scope and Aims." 1904. 6pp. Harry Laughlin. <i>The Legal Status of Eugenic Sterilization</i> . 1930. (selections) Wendy Kline, "Eugenics in the United States," in <i>The Oxford Handbook of the History of Eugenics</i> , 13pp. Eds.: Alison Bashford & Philippa Levine. New York: OUP. 2010.	

7	T, 2/16	Eugenics - II	<p>Robert Jay Lifton, "Sterilization and Nazi Biomedical Vision." In <i>The Nazi Doctors</i>, 22-44. New York: Basic Books. 1986.</p> <p>Richard Weikart, "Controlling Reproduction to Improve the Human Species." In <i>Hitler's Ethic</i>, 137-157. New York: Palgrave Macmillan. 2009.</p>	◆ Essay 1 due
8	R, 2/18	Medical Training: from individual to Volk - I	<p>Florian Bruns & Tessa Chelouche, "Lectures on Inhumanity: Teaching Medical Ethics in German Medical Schools Under Nazism," <i>Annals of Internal Medicine</i>, 166/8(April 18, 2017):591-596</p> <p>Robert Proctor, "Nazi Science and Nazi Medical Ethics: Some Myths and Misconceptions." <i>Perspectives in Biology and Medicine</i>. 43/3(2000):335-346.</p>	Guest Lecturer: Tessa Chelouche (Technion Institute Medical School, Haifa, Israel)
9	T, 2/23	Eugenics - III	<p>Karl Binding & Alfred Hoche, "Permitting the Destruction of Unworthy Life." 33pp. 1920.</p> <p>Richard Weikart, "Justifying Murder and Genocide," in <i>Hitler's Ethic</i>, 179-195. New York: Palgrave Macmillan. 2009.</p>	
10	R, 2/25	Medical Training: from individual to Volk - II	Volker Roelcke, "The Use and Abuse of Medical Research Ethics," in <i>From Clinic to Concentration Camp</i> , 33-56. Ed: Paul Weindling. New York: Routledge. 2017.	
11	T, 3/2	Biomedical Research – Consent – I	<p>Hans Jonas, "Philosophical Reflections on Experimenting with Human Subjects," in <i>Experimentation with Human Subjects</i>, 1-31. Ed.: Paul Freund. New York: George Braziller. 1970.</p> <p>Maurice Pappworth, "Ethical principles," in <i>Human Guinea Pigs</i>, 185-200. Boston: Beacon Press. 1967.</p>	Guest Lecturer: Jonathan Moreno (University of Pennsylvania)
12	R, 3/4	Biomedical Research – Consent – II	Rolf Winau, "Experimentation on Humans and Informed Consent: How we arrived where we are," in <i>Dark Medicine</i> , 46-56. Eds.: William Lafleur, Gernot	

			<p>Böhme & Susumu Shimazono. Bloomington: Indiana University Press. 2007.</p> <p>Jay Katz, "The Consent Principle of the Nuremberg Code: Its Significance Then and Now," in <i>The Nazi Doctors and the Nuremberg Code</i>, 227-239. Eds.: George Annas & Michael Grodin. New York: OUP. 1992.</p>	
13	T, 3/9	Biomedical Research – Inducing Illness – I	<p>Maurice Pappworth, "The Inducement of Illness in Subjects," in <i>Human Guinea Pigs</i>, 127-148. Boston: Beacon Press. 1967.</p> <p>Francis Moore, "Therapeutic Innovation: Ethical Boundaries in the Initial Clinical Trial of New Drugs and Surgical Procedures," in <i>Experimentation with Human Subjects</i>, 358-378. (1969) in <i>Experimentation with Human Subjects</i>. Ed.: Paul Freund. George Braziller. 1970.</p>	
14	R, 3/11	Biomedical Research – Inducing Illness – II	<p>E. Jamrozik and M. J. Selgelid, "History of Human Challenge Studies," In <i>Human Challenge Studies in Endemic Settings</i>, 9-23. SpringerBriefs in Ethics. 2021.</p> <p>Volker Roelcke, "Sulfonamide Experiments on Prisoners in Nazi Concentration Camps," in <i>Human Subjects Research after the Holocaust</i>, 51-66. Eds.: Sheldon Rubenfeld & Susan Benedict. New York: Springer. 2014.</p>	<p>Guest Lecturer: Volker Roelcke (Institute for the History of Medicine, Giessen University, Germany)</p>
15	T, 3/16	Trial – I – Opening Statement	<p>Joel Levi, "Medicine, the Holocaust and the Doctors' Trial," in <i>Bioethical and Ethical Issues Surrounding the Trials and Code of Nuremberg</i>, 111-130. Ed: Jacques Rozenberg. Lewiston: Edwin Mellen Press. 2003.</p> <p>Michael Marrus, "The Nuremberg Trial in Historical Context." <i>Bulletin of the History of Medicine</i>. 73/1(1999):13pp.</p>	<p>◆ Essay 2 due</p>

16	R, 3/18	Trial – II – Expert Witnesses	<p>Werner Leibbrandt. Testimony during the Nuremberg Medical Trial. January 27, 1947. (selections)</p> <p>Andrew C. Ivy. Testimony during the Nuremberg Medical Trial. June 12-16, 1947. (selections)</p> <p>Prison Malaria Experiment. <i>Life Magazine</i>. June 4, 1945.</p>	
17	T, 3/23	Prison Subjects – I	<p>Andrew C. Ivy. "Ethics Governing the Service of Prisoners as Subjects in Medical Experiments." <i>JAMA</i>. 136/7(Feb 14, 1948):457-458.</p> <p>Joseph Goldberger & G. Wheeler, "Experimental Pellagra in the Human Subject Brought about by a Restricted Diet." <i>Public Health Reports</i>, 30/46(Nov 12, 1915):3336-3339.</p> <p>Richard Strong, "The Investigations Carried on by the Biological Laboratory in Relation to the Suppression of the Recent Cholera Outbreak in Manila." <i>The Philippine Journal of Science</i>. II/5(October 1907):413-439. (selections)</p>	<p>Guest Lecturer: Susan Lederer (University of Wisconsin School of Medicine and Public Health)</p>
18	R, 3/25	Prison Subjects - II	<p>Maurice Pappworth, "Experiments on Prison Inmates," in <i>Human Guinea Pigs</i>, 60-68. Boston: Beacon Press. 1967.</p> <p>Nathaniel Comfort, "The Prisoner as Model Organism: Malaria Research at Stateville Penitentiary." <i>Studies in History and Philosophy of Biological and Biomedical Sciences</i>. 40(2009):190-203.</p> <p>Alf Alving, et al. "Procedures Used at Stateville Penitentiary for the Testing of Potential Antimalarial Agents." <i>Journal of Clinical Investigation</i>. 27/3(May 1, 1948):2-5.</p>	

19	T, 3/30	BREAK	WATCH: <i>In the Shadow of the Reich: Nazi Medicine</i> (54 mins)	♣ Film Thoughts due
20	R, 4/1	BREAK		
21	T, 4/6	Ivy and Green	<p>Andrew C. Ivy letters to Green Committee Members (January – June, 1947)</p> <p>Alexander Hardy letter to Andrew C. Ivy, May 1, 1947</p> <p>Andrew C. Ivy Letter to Irving Ladimer, et al. March 19, 1964.</p> <p>Jon Harkness, “Nuremberg and the Issue of Wartime Experiments on US Prisoners.” <i>JAMA</i>. 276/20(November 27, 1996):1672-1675.</p> <p>Allan Gaw, “Reality and Revisionism: New Evidence for Andrew C. Ivy’s Claim to Authorship of the Nuremberg Code.” <i>Journal of the Royal Society of Medicine</i>. 107/4(2014):138-143.</p>	♦ Essay 3 due
22	R, 4/8	Volunteer Subjects	<p>Wendy Keitel, “Human Subjects Research during and after the Holocaust: Typhus Vaccine Development and the Legacy of Gerhard Rose,” in <i>Human Subjects Research after the Holocaust</i>, 205-215. Eds.: Sheldon Rubenfeld & Susan Benedict. New York: Springer. 2014.</p> <p>Adam Laughton. “Somewhere to Run, Somewhere to Hide? International Regulation of Human Subject Experimentation.” <i>Duke Journal of Comparative and International Law</i>. 18 (2007):181-212. (Selections)</p>	Guest Lecturer: Ben Lopman (Rollins School of Public Health, Emory University)
23	T, 4/13	Rationalizing Unethical Research - I	Gernot Böhme. “Rationalizing Unethical Medical Research: Taking Seriously the Case of Viktor von Weizsäcker,” in <i>Dark Medicine</i> , 15-29. Eds.: William Lafleur, Gernot Böhme & Susumu Shimazono.	

			<p>Bloomington: Indiana University Press. 2007.</p> <p>Arthur Caplan, "The Ethics of Evil: The Challenge and the Lessons of Nazi Medical Experiments," in <i>Dark Medicine</i>, 63-72. Eds.: William Lafleur, Gernot Böhme & Susumu Shimazono. Bloomington: Indiana University Press. 2007.</p>	
24	R, 4/15	Rationalizing Unethical Research - II	<p>Florian Bruns, "Medical Ethics and Medical Research on Human Beings in National Socialism," in <i>Human Subjects Research after the Holocaust</i>, 39-50. Eds.: Sheldon Rubenfeld & Susan Benedict. New York: Springer. 2014.</p> <p>Arthur Caplan, "The Doctors' Trial and Analogies to the Holocaust in Contemporary Bioethical Debates," in <i>The Nazi Doctors and the Nuremberg Code</i>, 258-275. Eds.: George Annas & Michael Grodin. New York: OUP. 1992.</p> <p>Edmund Pellegrino, "When Evil was Good and Good Evil: Remembrances of Nuremberg," in <i>Medicine After the Holocaust</i>, 11-16. Ed.: Sheldon Rubenfeld. New York: Palgrave Macmillan. 2010.</p>	
25	T, 4/20	Nuremberg Code's Legacy - I	<p>Tom Beauchamp, "In the Shadow of Nuremberg: Unlearned Lessons from the Medical Trial," in <i>Human Subjects Research after the Holocaust</i>, 175-193. Eds.: Sheldon Rubenfeld & Susan Benedict. New York: Springer. 2014.</p> <p>George Annas, "Beyond Nazi War Crimes Experiments: The Voluntary Consent Requirement of the Nuremberg Code at 70." <i>American Journal of Public Health</i>, 108/1(January 2018):42-46.</p>	

26	R, 4/22	Nuremberg Code's Legacy - II	<p>Ruth Macklin, "Universality of the Nuremberg Code," In <i>The Nazi Doctors and the Nuremberg Code</i>, 240-257. Eds.: George Annas & Michael Grodin. New York: OUP. 1992.</p> <p>Jay Katz, "Human Sacrifice and Human Experimentation: Reflection at Nuremberg." <i>Yale Law School Legal Scholarship Repository</i>. 22/401(1997):401-418.</p>	
27	T, 4/27	IRB – I		Presentation & Judgment
28	R, 4/29	IRB – II		Presentation & Judgment
29	T, 5/3	Future Biomedical Research	Robert Dingwall & Vienna Rozelle, "The Ethical Governance of German Physicians, 1890-1939: Are There Lessons from History?" <i>The Journal of Policy History</i> . 23/1(2011):29-52.	

Appendix A

Student Participation Rubric

	Strong Work	Needs Development	Unsatisfactory
Listening	Actively and respectfully listens to peers and instructor	Sometimes displays lack of interest in comments of others	Projects lack of interest or disrespect for others
Quality of Contributions	Arrives fully prepared with all assignments completed, and notes on reading, observations, questions	Comments sometimes irrelevant, betray lack of preparation, or indicate lack of attention to previous remarks of other students	Comments reflect little understanding of either the assignment or previous remarks in seminar
Impact on Seminar	Comments frequently help move seminar conversation forward	Comments sometimes advance the conversation, but sometimes do little to move it forward	Comments do not advance the conversation or are actively harmful to it
Frequency of Participation	Actively participates at appropriate times	Sometimes participates but at other times is "tune out"	Seldom participates and is generally not engaged

Appendix B

Films

Required

In the Shadow of the Reich: Nazi Medicine (54 mins).

Available at

- Emory (DVD and streaming online):
http://discovere.emory.edu/discovere:default_scope:01EMORY_ALMA51344224000002486
- Amazon: <https://www.amazon.com/Shadow-Reich-Nazi-Medicine/dp/B016VEHJQG>

Supplemental

Ich Klage an [I accuse]. (112 mins). Available at Emory as a DVD.

The Lynchburg Story: Eugenic Sterlization in America. (55 mins). Available at Emory as a DVD.

Film Reflections Prompt

Due Tuesday, March 30

In one double-spaced page, share your reactions to the documentary. What surprised you? What connections do you see between Nazi medicine and contemporary medicine?

Appendix C

Short Essay Prompts

These are brief responses (3-5 pages, double spaced), synthetic in nature, requiring no additional research yet drawing from the assigned (and, it is strongly suggested, supplemental) readings. Please provide full bibliographic citations.

Higher grades will be given for thoughtful treatment of the questions, appropriate integration of sources, concision, organization and cogency.

Question 1 (due Tuesday, February 16)

Discuss the pursuit for a healthier public in early-mid 20th Century. For example: Who were the major thinkers and institutional players? What positions, agendas, strategies or programs did they advocate? Which kinds of ethical arguments were deployed, and what were their relative merits?

Question 2 (due Tuesday, March 16)

Biomedical research often entails putting people at risk. Discuss some of the biomedical research done before and/or during the Holocaust. For example: How were these research programs justified? What were the strengths of those arguments? Where/how did they (the programs, the arguments) fail?

Question 3 (due Tuesday, April 6)

Reflect on the ethics of using prisoners as biomedical research subjects. Discuss justifications for and arguments against using prisoners. Then address ethical issues regarding biomedical research on children. What's different or the same here, between doing research on prisoners and doing research on children? Why?