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HSS 404-006: Biotechnology and the Law

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HSS 404: Biotechnology and the Law



"The Cow-Pock..." by James Gillray (color engraving) published June 12, 1802 by H. Humphrey, St. James's Street

Class Time & location Tuesdays and Thursdays, 2:30-3:50pm
Synchronous, Online on Zoom

Instructor Rosanna Dent
Pronouns she/her/hers
E-mail rdent@njit.edu

Office Zoom
Office Hours Thursday 4:00-6:00pm and by appointment.
Please sign up on my Google Cal to assure a spot, but feel free to "drop by" too.

Overview The twentieth century saw the rise of a host of new ways for humans to intervene in life and living systems, from GMOs and recombinant DNA, to patented cell lines, genetic testing, and in-vitro fertilization and commercial surrogacy. This senior research seminar will introduce students to the social, political, and legal implications of biotechnology in the context of globalization. Through a series of mock trials, we will tackle questions such as: how did biotechnologies challenge categories such as "natural," "living," and "human" in the twentieth century? How has the law mediated interaction with and ownership over human cells and DNA? Why do people object to or reject the use of biotechnologies in healthcare settings and how are the risks and benefits of the development and use of biotechnologies distributed around the globe, across categories of class, race, and gender? Students will leave this course with the ability to situate current debates regarding biotechnology in social, historical, and legal perspectives.

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| Prerequisites | HUM 102 and one from among HUM 211, HUM 212 and HIST 213 or their equivalents, all with a grade of C or better. Completion of either the LIT/HIST/PHIL/STS or Open Elective in Humanities and Social Science, with a grade of C or better. |
| Course Goals | <p>Students who successfully complete this course will be able to:</p> <ul style="list-style-type: none"> • Raise pertinent questions regarding the political and social implications of biotechnology; • Identify and summarize the main idea and key arguments of a textual source; • Critically evaluate sources; • Communicate these summaries, questions, and analyses in clear written and oral form; • Demonstrate information literacy through the use of appropriate source material and the ability to cite properly; • Write in a variety of styles, including legal and journalistic. |
| Required Texts | All readings will be available online on Canvas. |
| Zoom Class Meetings | <p>Our class will meet synchronously at our scheduled time through Zoom. In-class participation matters – the class is designed to be interactive, and does not lend itself to recording and posting class discussions for later viewing. It is important that you attend and participate as regularly as possible. I also recognize we are living in uncertain times.</p> <p>Please mute yourselves when not speaking. Sharing video is strongly encouraged if bandwidth permits as it will provide us with more visual cues and a better sense of who we are thinking with, and will be nearly necessary when working to prepare for or participating in mock trials. For privacy concerns, you may want to use a virtual background.</p> <p>Classroom recordings of students are educational records under the Family Educational Rights and Privacy Act (FERPA), the U.S. federal law that governs access to educational records. Both instructor and students must provide notification if any part of online sessions are to be recorded, and such recordings cannot be circulated outside the course.</p> |
| Academic Integrity | <p>NJIT’s policy is as follows: “Academic Integrity is the cornerstone of higher education and is central to the ideals of this course and the university. Cheating is strictly prohibited and devalues the degree that you are working on. As a member of the NJIT community, it is your responsibility to protect your educational investment by knowing and following the academic code of integrity policy that is found at: http://www5.njit.edu/policies/sites/policies/files/academic-integrity-code.pdf.</p> <p>Please note that it is my professional obligation and responsibility to report any academic misconduct to the Dean of Students Office. Any student found in violation of the code by cheating, plagiarizing or using any online software inappropriately will</p> |

result in disciplinary action. This may include a failing grade of F, and/or suspension or dismissal from the university. If you have any questions about the code of Academic Integrity, please contact the Dean of Students Office at dos@njit.edu."

Most importantly, you are here to learn, grow, practice, make mistakes, exchange ideas, take risks, debate, discuss, and so on. **Academic integrity is about being committed to these learning processes and taking responsibility for your own learning.** I am here to answer questions and help with this process. If in doubt, ask.

Citation Expectations

Scholars communicate their intellectual connections through citation. This is a **generative practice** that allows you to join a broader conversation with those you read and those who read you. It is also a way to **credit others** for their work.

Any words taken directly from a written source (assigned reading, website, book, article...) or from another individual (interview, podcast, youtube...) must be in quotation marks and cited. ALWAYS. I will work with you to learn how to do this. This matters a lot, both to **avoid plagiarism** and to **learn how research works**.

In this class we will use Chicago Manual of Style format for citations. Davida Scharf is an expert researcher and our librarian for the History Department. Online research guides, office hours or other help: <http://researchguides.njit.edu/scharf>.

Disability Services

Students who have special needs should contact NJIT's Student Disability Services to help procure accommodations in completing coursework. The center can be found at <http://www.njit.edu/counseling/services/disabilities.php>.

University Education in Pandemic Times

Even if we may be more used to online interactions, social distancing, and life-through-masks than a few months ago, these are still stressful and uncertain times. We are facing many serious issues that will impact different members of our class differently, including COVID-19, but also racism, state violence, climate change, and a highly charged political climate. Part of what we will do in this class is learn about the historical roots of many of the problems we now face. Please be compassionate to others who may be facing different challenges from you. Make an extra effort to get to know your classmates. Read, discuss, and work together if you can.

If you are struggling with the course for whatever reason, please contact me. I may be able to help. I want you to succeed and will help you do so. I also strongly encourage students to seek support in different forms, including from the Center for Counseling and Psychological Services, and Health Services depending on the challenge.

Furthermore, I urge any student who faces challenges securing food or housing and believes this may affect their learning to contact the Dean of Students. And let me know if you're comfortable doing so, because there are ways I may be able to help.

Note: I reserve the right to make changes to the syllabus that I deem necessary.

Assignments and Grading

Please prepare all assignments in Times New Roman, size 12 font, with 1-inch margins, double spaced. The bibliography is not included in the target page count, and should be single spaced.

Submission: All assignments should be submitted electronically through Canvas.

Late Submissions: There may be penalties for work submitted late. The work in this class is designed to help you interact with the material we are studying at the time of the assignment, so missing deadlines can compromise your learning process as well as your ability to engage in class activities.

Golden Ticket: Life can be complicated for all of us at times. All students have one “Golden Ticket,” which can be used for a no-questions-asked 3-day extension on one major assignment. Simply indicate at the top of the first page that you are using your Golden Ticket, and you will not be marked down. This cannot be used on the Final Portfolio without prior approval.

Exceptional Circumstances: If there are medical, family, or other pressing issues affecting your ability to complete class work, please get in touch with me. I can help most effectively if you contact me early. I also strongly encourage you to reach out proactively to the Dean of Students’ office.

Participation (40%)

Discussion Board Posts (10%)
In-class work (15%)
Mock Trial Participation (15%)

Three 4-5 page written assignments (40%)

Diamond v. Chakrabarty (10%)
Havasupai Tribe v. Arizona Bd. of Regents (10%)
Vaccine Trial (20%)

Final Portfolio (20%)

Revised assignments
Reflection Paper

Mock Trial/Hearing Modules (40% first drafts, 20% revised final portfolio)

This course is built around three modules, each building to a Mock Trial. You will be assigned a particular role for each key module (petitioner, respondent, amici or expert witness, judge or justice, and journalist). Over the course of the semester you will cycle through three different roles.

For each of the three assignments, you will be responsible for writing the document that your assigned role would produce during the legal proceedings in question. For example, if you are assigned the role of justice, you will have to write the court’s opinion, or a minority dissent. If you are assigned the role of journalist, you will have to write a journalistic account.

At the end of the semester you will gather together and revise your three assignments, creating polished final versions that incorporate feedback from your peers and from me. You will also write a reflection on the process of researching and writing for each position you were assigned that will complement your final portfolio. Each brief, opinion, amici brief or journalistic account you write will be 4-5 pages. These assignments will help you develop your research and citation skills.

Participation (40%)

Attendance and participation are central to your success in this course. Participation includes speaking, listening, and demonstrating careful preparation for class including completing all assigned reading. Full participation in this class includes:

- (a) All students will be required to post a discussion board **response to the readings (10%)** by 2:20pm on Tuesday for most weeks during the semester (not during mock hearing weeks). You will be asked to respond to a prompt. These responses must demonstrate both comprehension and critical thinking about the readings. Each week will be slightly different, but you will be required to quote and correctly cite the readings, and incorporate reflections in relation to the broader themes of the class. All responses that meet the requirements of the prompt will receive full credit. Responses that fail to meet all of the directions or are turned in late will receive partial credit.
- (b) **Mock Trial Participation (15%)**: You will be graded on your participation in the process of preparing for and acting out the Mock Trials of this course. This will be an opportunity for you to practice your public speaking and argumentation. Guidelines for this assignment will be distributed.
- (c) **In-class participation (15%)** can take many forms, such as speaking during full-class discussion, group work and leadership during class activities, pre-prepared questions or comments, in-class writing assignments, among other options. You must be present to participate. If you tend to be shy or quiet in class I encourage you to talk to me about it early in the semester.
- (d) All students **must attend office hours** or meet with me by appointment once in the first six weeks of the class.

If you are concerned about your participation, come speak with me during office hours as early as possible in the semester.

NOTE: Depending on how the Mock Trial system works in the online format, we may switch the content post week 5 to a more traditional style seminar. Refer to the latest syllabus on Canvas.

Schedule of Topics and Assigned Readings

Discussion posts for the listed readings are due on TUESDAY of the week listed unless otherwise noted

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| <p>Week 1</p> <p>Tues, Jan. 19</p> <p>Thurs, Jan. 21</p> | <p>Introduction</p> <p>Good, Mary Jo DelVeccio. "The Biotechnical Embrace." <i>Culture, Medicine, Psychiatry</i> 25, no. 4 (2001): 395-410. [Note, this is not the full article. Just the first sections. Read for Thursday.]</p> <p>Optional: Landecker, Hannah. "Immortality" in <i>Culturing Life: How Cells Became Technologies</i>. Cambridge: Harvard University Press, 2010. 68-106. [38 pages]</p> <p><i>Course Introduction</i> **No Discussion Post**</p> <p><i>Biotechnology and Law, and the Biotechnical Embrace</i> **Self-introduction due**</p> <p>NOTE: Monday January 25 is the last day to add or drop a course.</p> |
| <p>Week 2</p> <p>Tues, Jan. 26</p> <p>Thurs, Jan. 28</p> | <p>Science v. Law</p> <p>Jasanoff, Sheila. 1997. "The Intersection of Science and Law," and "Encounters with Genetic Engineering," in <i>Science at the Bar: Law, Science, and Technology in America</i>, 1-23 and 138-159. Cambridge: Harvard University Press, 1997. [45 pages]</p> <p>Jackson, Myles W. "Patenting in the Biological Sciences." In <i>International Encyclopedia of the Social & Behavioral Sciences</i>, edited by James D. Wright, 2nd edition, 7612–15. Amsterdam: Elsevier, 2015. [8 pages]</p> <p><i>Science v. Law</i></p> <p><i>Genetic Engineering</i></p> |
| <p>Week 3</p> | <p>Reading <i>Diamond v. Chakrabarty</i></p> <p>Kerr, Orin S. "How to Read a Legal Opinion: A Guide for New Law Students." <i>The Green Bag</i> 11, no. 1 (2007): 51–63. [12 pages]</p> <p><i>Diamond v. Chakrabarty</i> – Syllabus, Supreme Court Opinion & Dissent [11 pages]</p> <p>LISTEN to Supreme Court Oral Arguments in <i>Diamond v. Chakrabarty</i> [59:34]</p> <p>Rogers, Michael. "The Frankenstein Patent." <i>Rolling Stone</i>, January 1, 1976. https://www.rollingstone.com/culture/culture-news/the-frankenstein-patent-231869/. [7 pages]</p> |

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| Tues, Feb. 2 | <i>How to read a legal opinion; Introduction to the US Supreme Court</i> |
| Thurs, Feb. 4 | <i>Patenting Life Forms</i> |
| Week 4 | Arguing Patent Politics Parthasarathy, Shobita. "Chapter 2: Confronting the Questions of Life Form Patentability," in <i>Patent Politics: Life Forms, Markets, and the Public Interest in the United States and Europe</i> , 51-80. Chicago: University of Chicago Press, 2017. [29 pages] [Intro and Chapter 1 Optional]. <i>Diamond v. Chakrabarty</i> : Petitioner's Brief; Respondent's Brief; Reply Brief for the Petitioner; Sample Amicus Curiae (choose two) |
| Tues, Feb. 9 | <i>Policy and the Moral Questions of Life Form Patentability</i> |
| Thurs, Feb. 11 | <i>Mock Hearing Preparation</i> |
| Week 5 | Mock <i>Diamond v. Chakrabarty</i> Supreme Court Hearing *no reading response* |
| Tues, Feb. 16 | <i>Mock Hearing Preparation</i> |
| Thurs, Feb. 18 | <i>Mock Hearing</i> |
| | Friday, Feb. 19, 11:59pm **Diamond v. Chakrabarty Assignment Due** |
| Week 6 | Biotech and Human Rights Tsoie, Rebecca. "Indigenous Peoples and Epistemic Injustice: Science, Ethics, and Human Rights." <i>Washington Law Review</i> 87, no. 4 (2012): 1133–1201. [68 pages – Choose one of the three policy examples to focus on.] Santos, Ricardo Ventura. "Indigenous Peoples, Postcolonial Contexts and Genomic Research in the Late 20th Century - A View from Amazonia (1960-2000)." <i>Critique of Anthropology</i> 22, no. 1 (2002): 81–104. [23 pages] *discussion post due Thursday* |
| Tues, Feb. 23 | <i>Epistemic Injustice</i> |
| Thurs, Feb. 25 | <i>Possessing Indigenous Cells</i> |

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| <p>Week 7</p> <p>Tues, Mar. 2</p> <p>Thurs, Mar. 4</p> | <p>Indigenous Biosamples: Uses and Misuses</p> <p><i>Havasupai Tribe v. Ariz. Bd. of Regents</i>, 220 Ariz. 214</p> <p>TallBear, Kim. <i>Native American DNA: Tribal Belonging and the False Promise of Genetic Science</i>. Minneapolis: University Of Minnesota Press, 2013. Chapter 4.</p> <p>Optional: Reardon, Jenny, and Kim TallBear. “‘Your DNA Is Our History’: Genomics, Anthropology, and the Construction of Whiteness as Property.” <i>Current Anthropology</i> 53, no. S5 (2012): S233–45.</p> <p><i>Possessing Indigenous Genes</i></p> <p><i>Mock Trial Preparation</i></p> |
| <p>Week 8</p> <p>Tues, Mar. 9</p> <p>Thurs, Mar. 11</p> | <p><i>Havasupai Tribe v. Arizona Board of Regents</i></p> <p>Selected Court Documents</p> <p>Journalistic Reports</p> <p><i>Mock Trial Preparation</i></p> <p>Mock Trial <i>Havasupai Tribe v. Ariz. Bd. of Regents</i></p> <p>Friday, Mar. 12, 11:59pm ** <i>Havasupai Tribe v. Ariz. Bd. of Regents</i> Assignment Due**</p> |
| | <p>SPRING BREAK</p> |
| <p>Week 9</p> <p>Tues, Mar. 23</p> <p>Thurs, Mar. 25</p> | <p>Vaccine Misinformation and Civic Society</p> <p>Readings TBD</p> <p><i>How to go Viral</i></p> <p><i>Combatting Fake News and other lessons of 2020</i></p> |

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| Week 10 | Vaccine History Readings TBD |
| Tues, Mar. 30 | <i>From Variolation to Vaccination</i> |
| Thurs, Apr. 1 | <i>The Golden Age of Medicine</i> |
| Week 11 | Vaccine History Readings TBD |
| Tues, Apr. 6 | <i>Compulsory Vaccination</i> |
| Thurs, Apr. 8 | <i>Access vs. Resistance</i> |
| Week 12 | Mock Trial Preparation Readings TBD |
| Tues, Apr. 13 | <i>Mock Trial Preparation</i> |
| Thurs, Apr. 15 | <i>Mock Trial Preparation</i> |
| Week 13 | Mock Trial |
| Tues, Apr. 20 | <i>Mock Vaccine Trial</i> |
| Thurs, Apr. 22 | <i>Anti-vax in the COVID Era</i> |
| | Friday, Apr. 23, 11:59pm ** Vaccine Trial Assignment Due** |
| Week 14 | Course Wrap up |
| Tues, Apr. 27 | <i>Peer Editing and Writing Workshop</i> |
| Thurs, Apr. 29 | <i>Peer Editing and Class Debrief</i> |
| Week 15 | |
| Tues, May 4 | <i>No class meeting: Friday classes meet</i> |
| Mon, May 10 | **FINAL Portfolios Due, 8am** |