

International Law and Transnational Policymaking
Rockefeller Center, Dartmouth College
PBPL 82.5/GOVT 85.25, Spring 2009

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Office Hours:
Monday: 1-2p.m.
Wednesday: 2-3p.m.
or by appointment

Course Description:

This course addresses the growing complexity between biotechnology policy and international law in world affairs. We examine several contemporary global controversies surrounding the recent advancements in biotechnology to demonstrate how this area of science impacts food security, public health, economic development, and weapons proliferation. These various dimensions of biotechnology policy are analyzed through the lens of different bodies of international law, such as intellectual property, human rights, and arms control. Our primary objective questions whether biotechnology and international law will promote cooperation and peace or spur conflict and war in the 21st century.

The course is a senior seminar, requiring students to conduct primary research and to participate actively in classroom discussions. The instructor works closely with students in the library to develop those skills necessary for generating non-partisan policy research. These skills are drawn upon for your final research paper of 20-25 pages. In addition, the course format centers on students' roles as rotating discussion leaders each week. As discussion leaders, students are required to analyze critically the authors' arguments as well as their peers. Students are also required to present their research findings in a fifteen-minute lecture at the end of the quarter. These structured formats provide an opportunity for students to hone their research and oral presentation skills.

Required Readings: All books are available at Wheelock Books.

Judith L. Goldstein, Miles Kahler, Robert O. Keohane, and Anne-Marie Slaughter, eds., *Legalization and World Politics* (Cambridge: The MIT Press, 2001).

Susan Wright, ed., *Biological Warfare and Disarmament: New Problems/New Perspectives* (New York: Rowman & Littlefield Publishers, 2002).

Sheila Jasanoff, *Designs on Nature: Science and Democracy in Europe and the United States* (Princeton: Princeton University Press, 2007).

Francis Fukuyama, *Our Posthuman Future: Consequences of the Biotechnology Revolution* (New York: Farrar Straus & Giroux, 2002).

All additional reading assignments can be found on Blackboard.

Course Expectations, Requirements, and Grades:

The course requirements include regular attendance, class participation, written analyses of the readings each week, an in-class oral presentation, and a substantial research paper of 20-25 pages.

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| Class participation and Weekly Write-Ups | 30% |
| Presentation | 20% |
| Research Paper | 50% |

Regular attendance is essential. If a student misses more than one class, with an unexcused absence, the instructor will lower the student's final grade.

Class Participation and Weekly Write-ups: Students are REQUIRED to complete all of the assigned readings for the week BEFORE class. Do not try to read all of the assigned material the night before class. Students are expected to come to class prepared to discuss the readings in-depth.

Students are REQUIRED to post a one-paragraph analytical summary of the readings on Blackboard each week by 8:00 p.m. the night before class. Students will be paired and will be responsible for creating discussion questions for that week's readings based on the paragraph responses written by fellow students. This pair of students will distribute their questions to the entire class by 10:00 a.m. the day of class. All seminar participants are expected to read these questions and ponder them before class begins at 2:00 p.m. This weekly exercise fosters closer engagement with the readings and with fellow students to enhance the quality of the seminar.

Presentation: Students are required to make a fifteen-minute oral presentation on their research projects at the end of the semester. The requirements for these presentations will be discussed in class.

Research Paper: In consultation with me, students will research and write a substantial paper on a topic of their choosing that investigates some aspect of the interaction between international law and biotechnology policy. This paper will be 20-25 pages in length and will consist of original research. Students are required to choose a research topic by April 16th and turn in a formal outline of the proposed paper on May 5th. This outline will include your research design and an annotated bibliography. The final research paper is due on Wednesday, June 10th at 3:00 p.m. Please consult the Writing Guidelines handout for clear and thorough details about constructing your research paper.

Course Resources and Current Events:

The Blackboard for this course contains a tremendous amount of information to assist you with your research projects. Please consult it often to supplement the course reading material and to assist you with your respective research topics.

Current Events:

Students are required to consult the websites below on a frequent basis to keep abreast of current events in science and technology policy. I also recommend that students read a major newspaper on a daily basis, such as the *New York Times*, *The Washington Post*, or the *Financial Times*. Each of these major newspapers covers science and technology policy in depth. In addition, please consult the Current Events folder on Blackboard at least twice a week and always before class.

Websites for Research:

National Science Board (2006) "Science and Engineering Indicators – 2006"

<http://www.nsf.gov/statistics/seind06/>

The National Academies: Advisors to the Nation on Science, Engineering and Medicine

<http://www.nationalacademies.org/>

The White House's Office of Science and Technology Policy

<http://www.ostp.gov>

Nuclear Threat Initiative

<http://www.nti.org>

Federation of American Scientists

<http://www.fas.org/main/home.jsp>

ESRC Genomics Policy and Research Forum

<http://www.genomicsforum.ac.uk/>

Center for Science in the Public Interest

<http://www.cspinet.org/>

OECD, Science and Technology Indicators 2001

<http://www1.oecd.org/publications/e-book/92-2001-04-1-2987/>

Office of Technology Assessment

<http://www.wws.princeton.edu/~ota/>

Pew Initiative on Food and Biotechnology

<http://pewagbiotech.org>

Union of Concerned Scientists

<http://www.ucsusa.org/>

Many more websites are listed on in the Resources folder on Blackboard.

Periodicals to Consult for Research:

Science Magazine -- <http://www.sciencemag.org/>

Scientific American -- <http://www.sciam.com/>

Nature -- <http://www.nature.com/nature/>

Bulletin of Atomic Scientists -- <http://www.bullatomsci.org/>

Issues in Science and Technology Policy -- <http://www.issues.org/>

Chemical and Engineering News -- <http://pubs.acs.org/cen/index.html>

Technology and Culture -- http://www.press.jhu.edu/journals/technology_and_culture/

Isis -- <http://www.jstor.org/journals/00211753.html>

Osiris -- <http://www.journals.uchicago.edu/toc/osiris/current>

Science, Technology, & Human Values -- <http://sth.sagepub.com/>

Seed Magazine -- <http://seedmagazine.com/>

Biotechnology and Development Monitor -- <http://www.biotech-monitor.nl/>

Many more periodicals and research resources are listed in the Research folder on Blackboard.

Week I: March 31st & April 2nd – Do Norms or Power Drive International Law?

Tuesday:

Introduction and Course Overview

Thursday:

Freeman Dyson, “Our Biotech Future,” *New York Review of Books* vol. 54, no. 12 (July 19, 2007): 1-5.

John Bolton, “Is There Really Law in International Affairs?” *Transnational Law & Contemporary Problems* (Spring 2000): 1-34.

Judith Goldstein *et al.*, “Introduction: Legalization and World Politics,” in *Legalization and World Politics*, pp. 1-15.

Kenneth W. Abbott *et al.*, “The Concept of Legalization,” in *Legalization and World Politics*, pp. 17-35.

Richard H. Steinberg and Jonathan Zasloff, “Power and International Law,” *American Journal of International Law* vol. 100 (2006): 64-87.

Recommended:

Sabing H. Lee, “Protecting the Private Inventor Under the Peacetime Provisions of the Invention Secrecy Act,” *Berkeley Technology Law Review*, vol. 12, no. 2 (Fall 1997): http://btlj.boalt.org/data/articles/12-2_fall_1997_3-lee.pdf

Week II: April 7th & April 9th – Biological Weapons and Arms Control: Ideals vs. Practice

Tuesday:

Central Intelligence Agency, “The Darker Bioweapons Future” (November 3, 2003): 1-3.

Judith Miller, Stephen Engelberg, and William J. Broad, “U.S. Germ Warfare Research Pushes Treaty Limits” *New York Times* (September 4, 2001): A1.

David P. Fidler, “International Law and Weapons of Mass Destruction: End of the Arms Control Approach?” *Duke Journal of Comparative & International Law* vol. 39 (2004): 1-40.

Susan Wright, "Introduction: In Search of a New Paradigm of Biological Disarmament," in *Biological Warfare and Disarmament*, pp. 3-24.

Richard Falk, "The Challenges of Biological Weaponry: A Twenty-First-Century Assessment" in *Biological Warfare and Disarmament*, pp. 25-54.

Thursday:

Susan B. Martin, "The Role of Biological Weapons in International Politics: The Real Military Revolution," *The Journal of Strategic Studies* vol. 25, no. 1 (March 2002): 63-98.

Kendall Hoyt and Stephen G. Brooks, "A Double-Edged Sword: Globalization and Biosecurity," *International Security*, vol. 28, no. 3 (Winter 2003/04): 123-148.

Mark Wheelis, "Will the New Biology Lead to New Weapons?" *Arms Control Today* (July/August 2004): http://www.armscontrol.org/act/2004_07-08/Wheelis.asp

PBS, *Frontline*, "Plague War." Students are required to watch this video in the library. Please consult the accompanying website, which contains valuable interview with scientists and policymakers who have been involved in biological arms control efforts for decades.

<http://www.pbs.org/wgbh/pages/frontline/shows/plague/>

Highly Recommended:

National Security Archive, Electronic Briefing Book, Volume III: BIOWAR, edited by Dr. Robert A. Wampler. This website contains thousands of pages of archival material on America's Biological Warfare Program and President Richard Nixon's decision to end the program in November 1969. Available at:

<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB58/>

Recommended:

Susan Wright, "Geopolitical Origins," in *Biological Warfare and Disarmament*, pp. 313-342.

Jonathan B. Tucker, "A Farewell to Germs: The U.S. Renunciation of Biological and Toxin Warfare, 1969-1970," *International Security* vol. 27, no. 1 (Summer 2002): 107-148.

Week III: April 14th & April 16th – Charting Recent Advances in Biological Warfare Research and Evaluating the Role of the Private Sector in Biodefense

Tuesday:

Joby Warrick, “The secretive fight against bioterror,” *Washington Post* (July 30, 2006): A1.

Milton Leitenberg, “Distinguishing Offensive from Defensive Biological Weapons Research,” *Critical Review in Microbiology* vol. 29, no. 3 (2003): 223-257.

Crystal Franco, “Billions for Biodefense: Federal Agency Biodefense Funding, FY2008-FY2009,” *Biosecurity and Bioterrorism: Biodefense Strategy, Practice, and Science* vol. 9, no. 2 (2008): 131-146.

Marylia Kelley & Jay Coghlan, “Mixing Bugs and Bombs,” *Bulletin of Atomic Scientists* (September/October 2003): 25-31.

Jonathan B. Tucker and Raymond A. Zilinskas, “The Promise and Perils of Synthetic Biology,” *The New Atlantis* (Spring 2006).

Thursday:

Biswajit Dhar, “The Global Patent Regime: Implementing Article X,” in *Biological Warfare and Disarmament*, pp. 391-412.

Laura Reed and Seth Shulman, “A Perilous Path to Security? Weighing U.S. “Biodefense” against Qualitative Proliferation,” in *Biological Warfare and Disarmament*, pp. 57-76.

Victor W. Sidel, “Defense against Biological Weapons: Can Immunization and Secondary Prevention Succeed?” in *Biological Warfare and Disarmament*, pp. 77-102.

Susan Wright and David A. Wallace, “Secrecy in the Biotechnology Industry: Implications for the Biological Weapons Convention,” in *Biological Warfare and Disarmament*, pp. 369-390.

Recommended:

Sabing H. Lee, “Protecting the Private Inventor Under the Peacetime Provisions of the Invention Secrecy Act,” *Berkeley Technology Law Review*, vol. 12, no. 2 (Fall 1997): http://btlj.boalt.org/data/articles/12-2_fall_1997_3-lee.pdf

Week IV: April 21st & April 23rd – Intellectual Property Law and the Commercialization of Biotechnology

Tuesday:

Kenneth W. Abbott *et al.*, “Hard and Soft Law in International Governance” in *Legalization and World Politics*, pp. 37-72.

Richard A. Posner, “The law & economics of intellectual property,” *Daedalus* (Spring 2002): 5-12.

Detlev F. Vagts, “Hegemonic International Law,” *American Journal of International Law* vol. 95, no. 4 (October 2001): 843-848.

Andrea L. Foster, “Who Should Own Science,” *The Chronicle of Higher Education* (October 1, 2004): 1-6.

Sheila Jasanoff, *Designs on Nature*, pp. 1-67.

Recommended:

John R. Thomas, “Intellectual Property and the Free Trade Agreements: Innovation Policy Issues,” CRS Report for Congress, RL33205 (December 21, 2005): 1-25.

Richard H. Steinberg, “In the Shadow of Law or Power? Consensus-Based Bargaining and Outcomes in the GATT/WTO,” *International Organization* vol. 56, no. 2 (Spring 2002): 339-374.

Maxwell O. Chibundu, “Globalizing the Rule of Law: Some Thoughts at and on the Periphery,” *Indiana Journal of Global Legal Studies* vol. 7, no. 1 (Fall 1999): 79-116.

Thursday:

Sabrina Safrin, “Hyperownership in a Time of Biotechnological Promise: The International Conflict to Control the Building Blocks of Life,” *American Journal of International Law* vol. 98 (October 2004): 641-685.

Kal Raustiala and David G. Victor, “The Regime Complex for Plant Genetic Resources,” *International Organization* vol. 58 (Spring 2004): 277-309.

Nigel Purvis, “Building a transatlantic biotechnology partnership,” *Issues in Science & Technology* vol. 21 (Fall 2004): 67-74.

Sheila Jasanoff, *Designs on Nature*, pp. 68-118.

Week V: April 28th & April 30th – Intellectual Property, GMOs, and Food Security

Tuesday:

C. Ford Runge and Benjamin Senauer, “A Removable Feast,” *Foreign Affairs* (May/June 2000): 1-5.

Nigel J. Taylor and Claude M. Fauquet, “Biotechnology’s Greatest Challenge,” *Forum for Applied Research and Public Policy* vol. 15, no. 3 (Fall 2000): 51-58.

Robert E. Armstrong, “From Petro to Agro: Seeds of a New Economy,” *Defense Horizons*, no. 20 (October 2002): 108.

Shelley L. Hurt, ““Seed Wars:” The Promises and Pitfalls of Agricultural Biotechnology,” *Miller Center Report* (Spring 2004): 9-15.

Sheila Jasanoff, *Designs on Nature*, pp. 119-170.

Recommended:

Thomas Homer-Dixon, “Cornucopians and Neo-Malthusians,” in Robert J. Art and Robert Jervis, eds., *International Politics: Enduring Concepts and Contemporary Issues*, 4th ed. (New York: HarperCollins, 1996): 506-508.

Feeding the World: A Look at Biotechnology & World Hunger, A brief prepared by the Pew Initiative on Food and Biotechnology (March 2004): 1-35.

Thursday:

Jean-Paul Gaudilliere, “Globalization and Regulation in the Biotech World: The Transatlantic Debates over Cancer Genes and Genetically Modified Crops,” *Osiris* vol. 21 (2006): 251-272.

William D. Coleman and Melissa Gabler, “Agricultural Biotechnology and Regime Formation: A Constructivist Assessment of the Prospects,” *International Studies Quarterly* vol. 46 (2002): 481-506.

Mark W. Rosegrant and Sarah A. Cline, “Global Food Security: Challenges and Policies,” *Science*, vol. 302 (December 12, 2003): 1917-1919.

Sheila Jasanoff, *Designs on Nature*, pp. 171-246.

Week VI: May 5th & May 7th – Comparative Analyses of Patenting Life Processes and Public Health

Tuesday:

Daniel J. Kevles, “Of mice & money: The story of the world’s first animal patent,” *Daedalus*, vol. 131, no. 2 (Spring 2002): 78-88.

Lawrence M. Rausch, “International Patenting of Human DNA Sequences,” *InfoBrief*, National Science Foundation, NSF02-333 (August 2002): 1-7.

Thomas Banchoff, “Path Dependence and Value-Driven Issues: The Comparative Politics of Stem Cell Research,” *World Politics* vol. 57 (January 2005): 200-230.

Karl Bergman and Gregory Graff, “The global stem cell patent landscape: implications for efficient technology,” *Nature Biotechnology* (2007):

“MPs debating hybrid embryo laws,” *BBC News* (May 19, 2008).

Sheila Jasanoff, *Designs on Nature*, pp. 247-271.

Thursday:

Susan Sell, “TRIPS and the Access to Medicines Campaign,” *Wisconsin International Law Journal* vol. 20, no. 2 (Summer 2002): 481-522.

Kenneth C. Shadlen, “The Political Economy of AIDS Treatment: Intellectual Property and the Transformation of Generic Supply,” *International Studies Quarterly* vol. 51, no. 3 (August 2007): 559-581.

Sheila Jasanoff, *Designs on Nature*, pp. 272-292.

Week VII: May 12th & May 14th – Human Rights Law and the Ethical Challenges of Biotechnology

Tuesday:

Thomas Buergenthal, “The Evolving International Human Rights System,” *American Journal of International Law* vol. 100 (October 2006): 783-807.

Jeffrey W. Legro, “Which Norms Matter? Revisiting the ‘Failure’ of Internationalism,” *International Organization* vol. 51, no. 1 (Winter 1997): 31-63.

Thursday:

Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe," *International Organization* vol. 54, no. 2 (Spring 2000): 217-252.

Daniel J. Kevles, "From Eugenics to Genetic Manipulation," in John Krige and Dominique Pestre, eds., *Science in the Twentieth Century* (New York: Routledge, 2001): 301-318.

Nicholas Wade, "Genetic Engineers Who Don't Just Tinker," *The New York Times* (July 8, 2007).

Andrew Pollack, "Scientists Take New Step Toward Man-Made Life," *The New York Times* (January 24, 2008).

Week VIII: May 19th & May 21st – Debating the Philosophical Foundations of Biotechnology to Inform Future Policy Trajectories

Tuesday:

Francis Fukuyama, *Our Posthuman Future*, pp. 3-102.

Thursday:

Francis Fukuyama, *Our Posthuman Future*, pp. 105-218.

Week IX: May 26th & May 28th – Concluding Thoughts and Student Presentations

Tuesday:

Martha Finnemore and Stephen J. Troope, "Alternatives to 'Legalization': Richer Views of Law and Politics," *International Organization* vol. 55, no. 3 (Summer 2001): 743-758.

Linda Rothstein, Catherine Auer and Jonas Siegel, "Rethinking doomsday," *Bulletin of the Atomic Scientists* vol. 73 (November/December 2004): 36-41, 44-47.

William Joy, "Why the future doesn't need us," *Wired*, vol. 8, no. 4 (April 2000): <http://www.wired.com/wired/archive/8.04/joy.html>

Robert E. Armstrong and Jerry B. Warner, "Biology and the Battlefield," *Defense Horizons* no. 25 (March 2003): 1-8.

Thursday:

Student Presentations

Week X: June 2nd – Student Presentations

Tuesday:

Student Presentations

FINAL PAPERS DUE ON WEDNESDAY, JUNE 10TH!