

**INTRODUCTORY HANDOUT PHILOSOPHY 162
CONTEMPORARY MORAL ISSUES**

WINTER, 2012

Professor: Richard Arneson.

Further information about the course (readings not in course texts at the Bookstore, class notes, advance information on exams, etc.) will be posted at the course TED webpage.

You should check the course TED webpage at this site regularly throughout the quarter.

Lecture/discussion MWF 1:00-1:50 p.m. in Solis Hall 110.

The final exam for this course will take place on March 23 from 11:30 a.m. to 2:30 p.m. If you enroll in this class, you must be free to take a regular final exam for this course at this time.

This course examines some current ethical controversies. Some revolve around questions about what we ought to do. Some involve questions about whether the state should prohibit, permit, restrict, or regulate certain activities.

The first issue considered is abortion. Is abortion morally permissible, maybe sometimes morally required, or morally forbidden? A further question concerns whether the state ought to protect, restrict, or eliminate the freedom of a pregnant woman to secure an abortion. In discussing this issue, the question arises, what characteristics a human being must possess, in order to qualify as a person with the rights of persons. According to some, having rational agency capacity renders one a person, so we look at the moral status of beings other than fetuses that also lack rational capacity, including infants, young children, the severely cognitively impaired, and demented elderly individuals.

The next issue to be discussed is the moral legitimacy of various possible rival stances that the state might adopt with respect to promotion of marriage. These include (1) sustaining special legal privileges for traditional marriage, (2) extending that same status to marriage between same-sex partners, (3) ceasing to use state power to promote any type of marriage, and (4) reducing the legal privileges that attach to marriage and extending that reduced set of privileges to a wide array of partnerships and caring relationships. A question that emerges in this discussion is what it would mean for the state to be neutral with respect to controversial conceptions of the good that citizens might embrace and whether some version of state neutrality would be desirable policy.

Are there activities that should be permitted, but the buying and selling of which should be prohibited? If so, on what basis? If not, why not? We look at Debra Satz's reflections on this theme. We then examine some types of activities that according to some should be permissible to do but not permissible to buy and sell—surrogacy and commercial surrogacy, sex between mutually consenting parties and prostitution, gifts of human organs and sales of human organs.

Any attempt to determine whether there should be limits on permissible market transactions confronts a variety of issues. One is whether or not there are some activities, permitting which would generally good consequences, whereas permitting commerce in the same activities would have generally bad consequences. Another issue is what role calculation of likely consequences of choosing one or another course of action or of choosing one or another state policy should have in determining which actions and policies are acceptable and which are not. On some views, consequences rule the roost: one ought always to do whatever would bring about best consequences. On some views, consequences are irrelevant: individuals have certain moral rights, and morality demands that we always respect those moral rights, whatever the consequences. On some views, rights are tools for bringing about good consequences, and the set of rights we should establish and honor is the one that would work out for the best if implemented. On other views, the imperative of respecting people's moral rights has moral weight, independently of the consequences of complying with them or infringing them, but the moral weight of rights is limited, and must be balanced against other values. Each of these possible views will generate a different response to the seeming paradox of holding that there are goods and services we should be free to give to willing partners and get from them, but should not be free to transfer by sale.

An especially stringent position on moral rights holds that people should be restricted from harming others in certain ways, but should not be forced positively to help others (unless there is a prior voluntary commitment to help), and should be left free to live as they choose so long as they do not cause harm to others in the certain specified wrongful ways. This position is controversial in several ways. One is that it forbids paternalism: restricting someone's liberty against her will for her own good. We explore some arguments for and against paternalism so understood.

How we live now will have an impact, for good and for ill, on future people, including people who will be born long after we are dead. What do we owe to future generations? We examine an aspect of this question in so far as it emerges in consideration of global climate change.

Finally, we look at the issue of global poverty and what, if anything, the affluent are obligated to do towards its relief. If some people are better off and some worse off, and the worse off are below some threshold minimum threshold of decent quality of life, are the better off required to give aid to the needy? In the assessment of what we owe one another by way of protection against poverty and destitution, to what extent is it permissible, or perhaps even mandatory, to give priority to helping fellow countrymen over distant needy strangers? We also consider to what extent the ordinary economic operations in developed nations might plausibly be regarded as harming the global poor (in which case, a duty to compensate for harm caused might be the appropriate moral focus, rather than the charitable duty to give aid).

The issues to be discussed in class are ones that are seriously controversial (not only in philosophy classes). The disagreements here are to some considerable degree rooted in different and opposed beliefs about what the empirical facts are that are relevant to proper choice of action and policy, and to some considerable extent rooted in disagreement about what morally we owe to one another and in evaluative disagreement about what is good and worthwhile in human life and hence what should register as benefits and harms in drawing boundaries between conduct that should be permissible and impermissible. In this course we bypass empirical disagreement, either by stipulating a set of facts for the sake of focusing on normative disagreement, or alternatively by working out what a given moral position would imply on alternative construals of what the pertinent facts might be (or what to do in the face of uncertainty on this score).

In class we seek principles that explain and justify the responses each of us has to a wide range of cases after critical reflection. We examine readings that take sharply opposed stands on the issues under discussion. (In some cases, the assigned reading takes one position and the associated class lecture suggests alternative perspectives.) The goals of the course are to improve our skills at interpreting philosophical texts and assessing their arguments, to understand a variety of approaches to controversial moral issues, to sharpen our skills at argument, and to gain a more reflective understanding of our own moral values.

Students are expected to come to class having read the readings for that day and prepared to talk about them. Talking through the issues in your own voice helps deepen your understanding. It's also a good reality check--often when one thinks one understands an issue or problem, trying to explain it in one's own words reveals one's initial confidence was mistaken.

COURSE TEXTS: There is one text at the Bookstore: Debra Satz, *Why Some Things Should Not Be For Sale*. All other required readings are accessible at the course TED page.

COURSE REQUIREMENTS: (1) A midterm exam in class, (2) a writing assignment, five to eight pages in length, on topics to be assigned in class, (3) a regular comprehensive final examination, and (4) class participation. On your exams and the writing assignment you will be graded according to the clarity of your prose, the cogency of your arguments, and the soundness of the understanding of course materials that you exhibit. The final examination will comprehend all course materials including required readings, lectures, and handouts distributed in class or at the course TED site. (This means that merely recommended readings will NOT be covered on the exam.) The midterm exam will comprehend all course materials including required readings, lectures, and handouts distributed in class or at the course TED site up to and including the Monday class of week 4.

To encourage keeping up with the reading class by class and week by week, there will be a class participation component of your grade. On most class days, there will be class discussion for a few minutes at the start of the class, usually on questions posed in advance of class (and relating to the readings assigned for that class), before the instructor's lecture starts. On any class day, even if we start with lecturing, you are encouraged to interject questions and comment. I will take notes after every class on the class discussion, and the quality and frequency of your contributions to discussion will be the basis of your class participation grade. You may also participate in class discussion by sending me email questions or comments before class regarding some significant aspect of the assigned reading for that day. I will keep a file of these email messages for each student, and their quantity and quality will also contribute to your class participation grade.

GRADING: Ten percent of your overall grade will be based on class participation, 20 percent on the midterm exam, 30 percent on the writing assignment, and 40 percent on the final exam.

If you are taking the course on a PASS/NOT PASS basis, you must achieve a C minus or better grade on the final exam and a C minus or better average on all other course work in order to receive a PASS grade, with one exception: If you have an A minus or better average on coursework up to the final exam, you will have earned a PASS grade for the course without being required to take the final exam. (Those taking the course for a letter grade must take the final exam.)

On your exams and the writing assignment you will be graded according to the clarity of your prose, the cogency of your arguments, and the soundness of the understanding of course materials that you exhibit.

Only medical excuses certified by a note from your physician or a comparable certified excuse will be accepted for late submission of the writing assignment or failure to show up at the midterm exam on the assigned date and time, or to justify the assignment of an Incomplete course grade.

SCHEDULE OF LECTURE & DISCUSSION TOPICS AND READINGS

Week 1. January 9-15

MON: Introduction. Reading: none.

WED: Introduction. Reading: Jonathan Glover, "The Scope and Limits of Moral Argument," chapter 2 of his *Causing Death and Saving Lives* (available at TED course page).

FRI: Abortion. Reading: Joel Feinberg, "Introduction" (available at TED course page). Recommended reading: Glover, "Abortion: Women's Rights Arguments," chapter 10 in his *Causing Death and Saving Lives* (available at TED course page).

Week 2. January 16-22

MON: MARTIN LUTHER KING HOLIDAY. NO CLASS.

WED: Abortion. Reading: Judith Thomson, "A Defense of Abortion"; also Mary Anne Warren, "On the Moral and Legal Status of Abortion," (both available at TED course page).

FRI: Abortion. Reading: Don Marquis, "Why Abortion Is Wrong" (available at TED course page).

Week 3. January 23-29

MON: Cognitive disability and the status of personhood. Reading: Jeff McMahan, "Cognitive Disability, Misfortune, and Justice" (available at TED course page).

WED: State regulation of marriage. Reading: John Finnis, "Marriage: A Basic and Exigent Good: (available at TED course page).

FRI: State regulation of marriage. Reading: Ralph Wedgwood, "The Fundamental Argument for Same-Sex Marriage" (available at course TED page).

Week 4. January 30-February 5

MON: State regulation of marriage. Reading: Elizabeth Brake, "Minimal Marriage" (available at TED course page).

WED: **MIDTERM EXAM IN CLASS.**

FRI: Prohibition and regulation of sales of some goods. Reading: Debra Satz, "Noxious Markets" in her *Why Some Things Should Not Be For Sale*; also Michael Walzer, "Money and Commodities" (available at TED course page). Recommended reading: Satz, *Why Some Things*, chapters 1 and 8.

Week 5. February 6-12

MON: Commercial surrogacy. Reading: Elizabeth Anderson, "Is Women's Labor a Commodity?" (available at TED course page).

WED: Commercial surrogacy. Reading: Satz, *Why Some Things*, chapter 5, "Markets in Women's Reproductive Labor."

FRI: Commercial surrogacy. Reading: Richard Arneson, "Commodification and Commercial Surrogacy" (available at TED course page). Recommended reading: Roger Wertheimer, "Two Questions about Surrogacy and Exploitation" (available at TED course page).

Week 6. February 13-19

MON: Commercial sex. Reading: Lars Ericsson, "Charges against Prostitution: An Attempt at a Philosophical Assessment" (available at TED course page).

WED: Commercial sex. Reading: Debra Satz, *Why Some Things*, chapter 6, "Markets in Women's Sexual Labor." Recommended reading: Martha Nussbaum, "Objectification" (available at TED course page).

FRI: Commercial sex. Reading: Peter de Marneffe, excerpt from his *Liberalism and Prostitution* (available at TED course page).

Week 7. February 20-26

MON: PRESIDENTS' DAY HOLIDAY. NO CLASS.

WED: Paternalism. Reading: Joel Feinberg, "Legal Paternalism"; also Gerald Dworkin, "Paternalism" (both available at TED course page).

FRI: Paternalism. Reading: Richard Arneson, "Joel Feinberg and the Justification of Hard Paternalism"; also Peter de Marneffe, "Avoiding Paternalism" (both available at TED course page).

Week 8 February 27-March 4

MON: Paternalism. Reading: Seana Shiffrin, "Paternalism, Unconscionability Doctrine, and Accommodation" (available at TED course page).

WED: Organ Sales. Reading; Debra Satz, *Why Some Things*, chapter 9, "Ethical Issues in the Supply and Demand of Human Kidneys"; also Gerald Dworkin, "Markets and Morals: The Case for Organ Sales" (available at TED course page).

FRI: Climate Change Ethics. Reading: Luc Bovens, "A Lockean Defense of Grandfathering Emission Rights" (available at TED course page).

Week 9. March 5-11

MON: **WRITING ASSIGNMENT DUE IN CLASS.** Climate Change Ethics. Reading: Simon Caney, "Cosmopolitan Justice, Responsibility, and Global Climate Change" (available at TED course page).

WED: Climate Change Ethics. Reading: Eric Posner and David Weisbrach, excerpt from their *Climate Change Justice* (available at TED course page).

FRI: Global justice & national partiality. Reading: Thomas Pogge, "Assisting the Global Poor" (available at TED course page).

Week 10. March 12-18

MON: Global justice and national partiality. Reading: Mathias Risse, "What We Owe to the Global Poor" (available at TED course page).

WED: Global justice and national partiality. Reading: Richard Miller, "Cosmopolitan Respect and Patriotic Concern"; also Michael Blake, "Distributive Justice, State Coercion, and Autonomy" (both available at TED course page)

FRI: Simon Caney, "Cosmopolitanism and Justice"; also Jan Narveson, "We Don't Owe Them a Thing!" (both available at TED course page).

Arneson's office hours: Tuesdays 1-2 and Wednesdays 3-4 in HSS 8057. Office phone 534 6810. Email rarneson@ucsd.edu