



ETHICS AND SOCIETY

2021

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What is applied ethics?

"On the Ethics of Streaming Music"

What is the author's argument that supporting major streaming services is unethical?

- P1: Independent musicians do not receive fair compensation from streaming services
- C: We should only use services that use a pay-for-play scheme (or an ownership model)

Questions:

- How are consumers acting unethically in supporting major streaming services?
- Why do streaming services have a duty to pay musicians more when musicians are free to remove their music from the service's catalogue?

Compare:

- The Harm Principle
- The Principle of Easy Rescue

What is normative ethics?

NORMATIVE ETHICS-

Which actions are right/wrong?

What things are good? Good for you?

What kind of person is it best to be?

When are we responsible for what we do?

Is there any objective truth about what's right?

How can we know what is right?

Which actions are right/wrong?

LUNCH BREAK



Jacob Van Es, *Still Life with Fruits in Porcelain*, 1630

LUNCH BREAK



KANTIAN ETHICS



Deontology

Rejects that consequences determine the moral status of an action—i.e., whether it an action is morally right

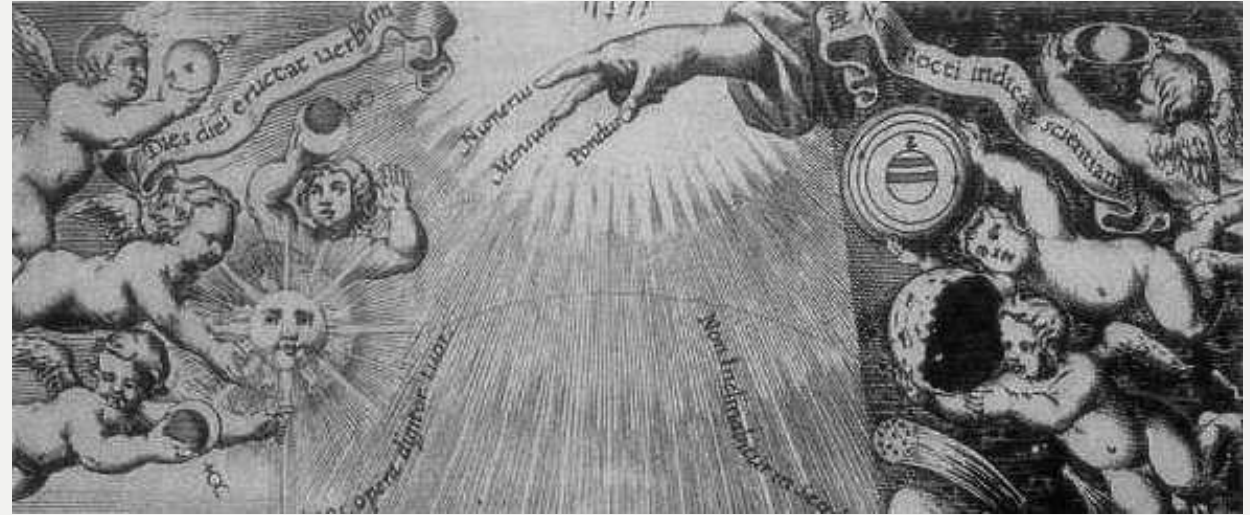
Rather, says that the moral status of an action is determined by moral laws/duties that hold regardless of the consequences of actions



Joseph Wright of Derby, *A Philosopher Giving A Lecture at the Orrery*, c. 1765

Kantian Ethics

- Kant is an enlightenment philosopher (lived 1724-1804)
- Like his philosophical predecessors, he is philosophical work is influenced by the new understanding of the universe developed during the Scientific Revolution
- Kant, following the new scientific understanding of the universe as governed by the laws of physics sets out to discover the moral law



G.B. Riccioli, *Hand of God, Almagestum Novum*, 1651

Kantian Ethics

- Conditional Good vs. Unconditional Good
- What is good unconditionally?
 - ***The good will- i.e., intends an action because it is the morally right thing to do***



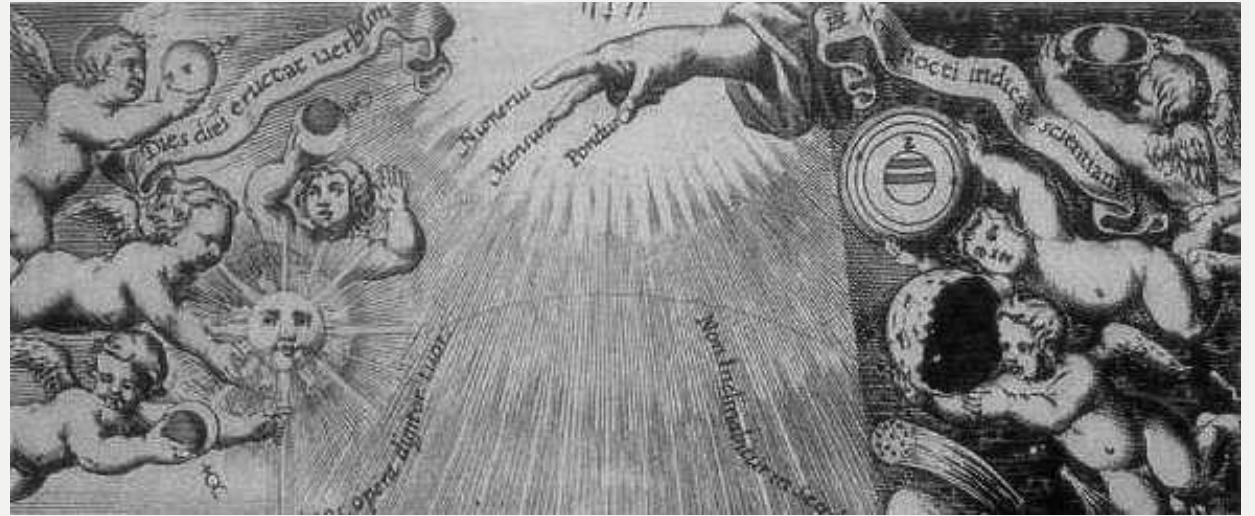
G.B. Riccioli, *Hand of God, Almagestum Novum*, 1651

The moral law and the good will:

- Why do we care about discovering scientific laws?
 - *Understand the nature of the universe (how matter moves)*
- Why should we care about discovering the moral laws?
 - *Having a good will (i.e., good intentions) isn't enough to act morally!*
 - *The good will, in addition to intending an action because it is the morally right thing to do, must also know that it is the morally right thing to do. This is where the moral law comes in.*

Kantian Moral Ontology

- Ontology: what exists
- The ontology of Enlightenment-era natural science
 - *Matter*
 - *Laws of motion*
 - The laws of motion give us insight into timeless truths about the material universe
- For Kant, morality is also a kind of science, and he develops the following ontology for it:
 - *Moral subjects: rational will/rational agency (that is, those with decision-making powers)*
 - *Moral law*
 - The moral law, for Kant, will give us insight into timeless truths about moral subjects



G.B. Riccioli, *Hand of God*, *Almagestum Novum*, 1651

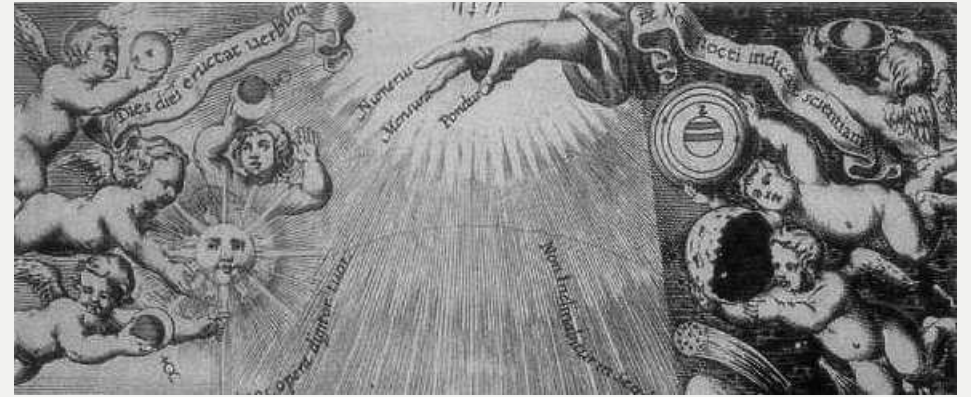
Kantian Moral Subject



G.B. Riccioli, *Hand of God, Almagestum Novum*, 1651

- For Kant, to be a moral subject is to be the kind of thing that's subject to the moral law.
- Why is the rational will/rational agency the kind of thing that is subject to the moral law?
 - *Because for Kant, to be subject to moral law is to have rational decision-making powers, and to have rational decision-making powers is just what it means to have rational will/rational agency.*
 - *Non-human animals and certain humans (babies, toddlers, those with severe mental handicaps) do not have rational decision-making powers, and so are not subject to the moral law. (More controversially, they are also not directly an object of the moral law, as we will see).*
 - *This seems to be an intuitive starting point. Notice that to be a moral subject is to be capable of acting immorally or morally, and if you are the kind of thing that can act immorally or morally, you are also the kind of thing that is subject to moral blame or praise. Your dog or cat might behave in ways you disapprove of, but you don't regard them as morally blameworthy. It seems like we only regard individuals with rational decision-making powers (those who can act intentionally or act for reasons) as subject to moral blame.*

Kantian Moral Law



G.B. Riccioli, *Hand of God*, *Almagestum Novum*, 1651

- Kant's aim is to discover the moral law.
- If all and only individuals with rational decision-making powers are subject to the moral law, then to discover the moral law will require discovering a law that rational decision-makers have merely as a matter of being the kind of things that make rational decisions.
- For Kant, the moral law will take the form of the categorical imperative.

Categorical Imperative

■ Imperative

- *A law-like command*
- *You must, by necessity, do [this]!*
- *Different from natural law—we are not just brutally governed by an imperative; we must conform to it*
- *Non-moral example: the principle of non-contradiction*

■ Categorical Imperative

- *The moral law (command) that necessarily applies to all rational agents (i.e., those with a rational will)*
- *What we must will to be the case when we will anything at all*



Katarzyna Kobro, *Spatial composition Nr. 6*, 1931

Universal Law of Nature Formula

- “act only according to that maxim [i.e., principle] which you can at the same time will to be a universal law.”
- You have a perfect duty to not act on maxims that you cannot will as a universal law.*
 - *Example: lying*
 - In lying, you will that the person (say, Fred) you tell the lie to believes that you are telling the truth.
 - Say you want Fred to buy you pizza. You know Fred is a curmudgeon but has a soft spot for puppies. So, you tell Fred an elaborate, yet made-up story about adopting a new puppy that sadly had to be put down due to an unexpected terminal illness. Further, you do this because you are confident that Fred will cover your bill for pizza out out of sympathy for your hardship.
 - Maxim: You can lie to get another person to do what you want them to do.
 - Universalize the maxim: Everyone can lie to get anyone else to do what they want them to do.



Francesco Villamena's Frontispiece for Galileo's *The Assayer*

Universal Law of Nature Formula (cont'd)

- Will the maxim as a universal law: Everyone lie to get anyone else to do what they want.
- Is it possible to will the maxim as a universal law?
 - *No! If it were permissible for everyone to lie whenever this helps achieve their ends, then no one would be able to tell a lie.*
 - *In telling a lie, you believe that the other person believes that what you are saying is true*
 - *In a world where it is permissible for everyone to lie to achieve their ends, no one would believe what they are told*
 - *This means that in this world, no one would believe that another person believes what they are told*
 - *But telling a lie requires that you believe that the other person believes what you tell them*
 - *Hence, you literally cannot universalize a maxim of lying to obtain a given end, because lying turns out to be impossible in a world in which it is universalized**



Francesco Villamena's Frontispiece for Galileo's *The Assayer*

Universal Law of Nature Formula (cont'd)

■ Imperfect duties*

- *Does not involve a conceptual contradiction when universalized, but rather a contradiction of the rational will.*
- *For example: you don't help a friend in need because you have other things to do.*
- *Maxim: Everyone doesn't help others in need when they have other things to do.*
- *It is possible to conceive of a world in which the universalized maxim is true. However, if you lived in this world then you would not be able to obtain many of the ends that are important to you, because you would rarely get help from other people. So universalizing this maxim reveals a contradiction in your will.*



Francesco Villamena's Frontispiece for Galileo's *The Assayer*

YouTube on the Universal Law of Nature Formula

<https://www.youtube.com/watch?v=8blys6JoEDw> (start @ 3min)

■ Two Issues:

- *Explanation of why stealing is wrong*

- According to the video, stealing is wrong because we wouldn't want to live in a world where people steal. This makes it sound as though we have an imperfect duty to steal. This is an incorrect explanation of why Kant thinks stealing is wrong!

- *Explanation of why lying is wrong*

- According to the video, it is not permissible Elvira to lie to avoid a bad outcome because in lying Elvira might unintentionally cause the bad outcome.

- Let's think about Elvira's maxim:

- *Lie when it is necessary to save your friend from getting killed*
- *Everyone lie when it is necessary to save one's friend from getting killed*
- *If everyone lied to save a friend from getting killed, then it would be impossible to lie to save a friend, since no one would believe that that anyone in those circumstances is telling the truth. Since lying requires that the liar believe that the person lied to is believes the lie, lying would not be possible in these circumstances.*

- So, the reason you shouldn't lie to save a friend is not that you might unintentionally bring about the outcome that you are trying to avoid. Rather, it's wrong for Kant because your means to bring about that end--i.e., lying—involves a contradiction in action once it is universalized.

Formula of Humanity

- Treat humanity never as a mere means but at the same time as an end.
- Humanity, for Kant, is the rational will
- What does it mean to treat the rational will as a mere means?
 - *Imagine the pizza case again.*
 - *When you make up the elaborate story to get Fred to buy you a pizza, you are acting in a way that Fred could not, in principle, consent to (O'Neill)*
 - *In other words, you are not respecting Fred as someone who determines his own ends*
 - *Rather, your treatment of Fred reveals that you regard him merely as a means to get free pizza*



Caspar Friedrich, *Wanderer above the sea fog*, 1818

Formula of Humanity (cont'd)

- There turns out to be a strong parallel between the Humanity and Law of nature formulations of the categorical imperative.
- We have a perfect duty to avoid treating humanity as a mere means, just like we have a perfect duty to avoid acting on maxims that we cannot will as a universal law
- In fact, this is no accident. Kant thinks that using the universal law of nature, we can derive the formula of humanity.*



Caspar Friedrich, *Wanderer above the sea fog*, 1818

Formula of Humanity (cont'd)

■ Imperfect duties

- *Duties that follow from what is required to treat humanity as an end.*
- *For example, if we do not help others attain their ends at least some of the time, then we fail to treat humanity as an end.*
- *This is because in order to treat humanity itself as an end requires also regarding the rational will (humanity) as something other than just a means to our own ends. We would treat the rational will merely as a means, practically speaking, if we continually attain our ends from the help of others without ever regarding other's attainment of ends as equally worthy of promoting.*



Caspar Friedrich, *Wanderer above the sea fog*, 1818

SINGER



Singer: Principle of Easy Rescue



The Argument - Singer



- (P1) Suffering and death from lack of food, shelter, and medical care is bad
- (P2) If it is in our power to prevent something bad from happening, without thereby sacrificing anything morally **significant**, we ought, morally, to do it.
 - (P2sub1) *Distance/proximity to suffering and harm is not a morally relevant distinction.*
 - (P2sub2) *Being one among many bystanders to suffering and harm is not a morally relevant distinction.*
- (C) We are therefore morally required, most of the time, to provide/donate personal resources to prevent suffering and death from lack of food, shelter, and medical care.

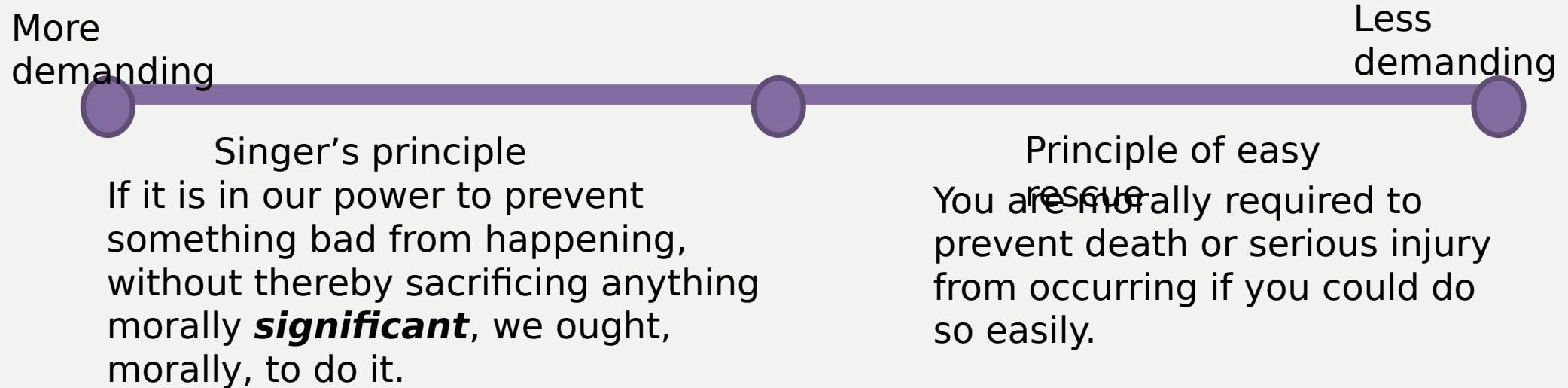
(Stronger version of (P2): If it is in our power to prevent something bad from happening, without thereby sacrificing anything of **comparable** moral importance, we ought, morally, to do it.)

The Argument - Singer



- Is Singer right that proximity and number of bystanders is morally irrelevant?
- Singer seems to rely highly on our intuitions about the example of the child drowning in a pond.
 - *The many-pond challenge*
 - We seem to have different intuitions in this case.
 - *Singer's response?:*
 - We need to distinguish between psychology (what we in fact do) and what morality requires (what we should do).
 - If you share the intuition that we should save the child in the pond case, then the number of ponds in the case shouldn't matter.

The Principle of Easy Rescue



- Most applications use Singer's pond scenario as intuitive support for the less demanding principle of easy rescue. Does the principle of easy rescue seem more plausible than Singer's principle?
 - What does 'easy' mean? How does an 'easy' threshold compare with Singer's 'morally significant' threshold?
- Singer is a utilitarian, and he thinks we are required to perform actions which bring about less overall death, pain, and suffering in the world. Is the principle of easy rescue supported by a specific ethical theory or another principle?

Kant on the duty of rescue

- Kant thinks we have duties to children, but it's different than the kind of duties we have to those with rational wills. For the sake of comparing the Kantian principles to the Singer/easy rescue principle, just imagine that the child is old enough to have a rational will.
- What kind of duty do we have to save the child drowning in the pond?
 - *Universal law of nature formula:*
 - Maxim: Don't help the child when [...insert consideration that doesn't count as 'morally significant' for Singer...]
 - Universalization test: Can I will this be a universal law of nature?
 - **Yes: Go to rational will test.**
 - *No: Perfect duty*
 - Rational will test: Can I rationally will this be a universal law of nature? I.e., can I will this without ending up with a contradiction in my own will?
 - *Yes: no implications for moral duties*
 - **No: Imperfect duty**
 - If you will that no one help anyone whenever it's a small inconvenience, then we won't meet any of our own ends. Willing such a maxim to become universal law of nature would practically amount to willing that we do not obtain our own ends. Since what it means to be a rational agent just is to will ends and choose means that are consistent with our ends, willing such a universal law of nature would result in a contradiction in our own will.

Kant on the duty of rescue

- Humanity formula: Only act in such a way that you treat humanity never as a mere means but at the same time as an end.
 - *Mere means test: Do you treat the child in a way that the child could not, in principle, consent to?*
 - Yes: Perfect duty
 - No: see ends test
 - *Ends test: There isn't a cut-and-dry test for determining if you have treated someone as an end. This might help, though:*
 - not treating someone as a mere means requires respecting their rational will in a "negative" sense, where this requires not preventing them from determining their ends
 - treating someone as an end requires respecting their rational will in a "positive" sense, where this requires promoting their ability (or means that they have) to attain ends
- Onora O'Neill's article "Kantian Approaches to Some Famine Problems" is a good contrast to Singer's consequentialist approach to famine

Price Gouging- The principle of easy rescue

Elizabeth Brake, [In Texas, price gouging during disasters is illegal – it is also on very shaky ethical ground](#)

- “Picture a hiker lost in the woods suffering serious dehydration. A second hiker walks by and offers to sell her his extra water, but for a large sum. This violates the duty of easy rescue because it risks failing to save someone who can easily be saved, so long as the second hiker does not need the water himself. Now apply this more widely to price gouging in a disaster. Raising prices on shelter, food, water, heating and gas risks failing to save victims who cannot pay.”
 - *In the original article presenting this argument, Brake distinguishes between ‘trivial interests’ and ‘significant interests’*
- Against this: Those in favor of allowing price gouging during disasters say that it is the best way to discourage hoarding and, hence, guarantee life-sustaining materials are allocated to those most in need.
- Questions:
 - *What is the analogy between the hiker scenario and corporations price gouging during a disaster? Is it an apt analogy?*
 - *Do you agree with the argument that corporations have a duty of easy rescue that forbids price gouging during disasters?*
 - *What would our other ethical theories say about price gouging during disasters?*

FEMINISM

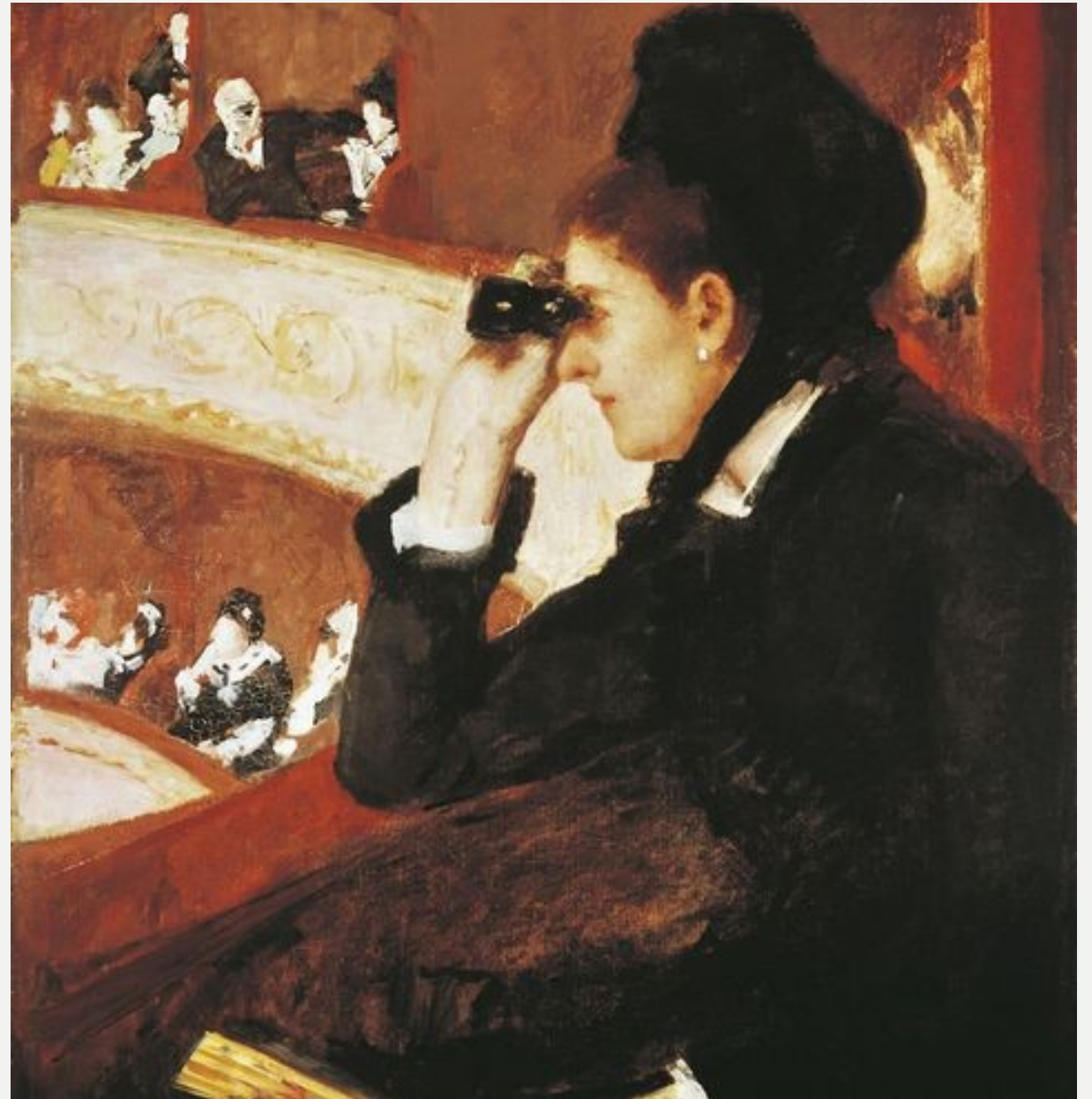


Feminism

- (Descriptive claim) Women, and those who appear to be women, are subjected to wrongs and/or injustice at least in part because they are or appear to be women.
- (Normative claim) The wrongs/injustices in question in (i) ought not to occur and should be stopped when and where they do. (SEP, "Feminist Philosophy")

What would have to be true to justify the normative claim?

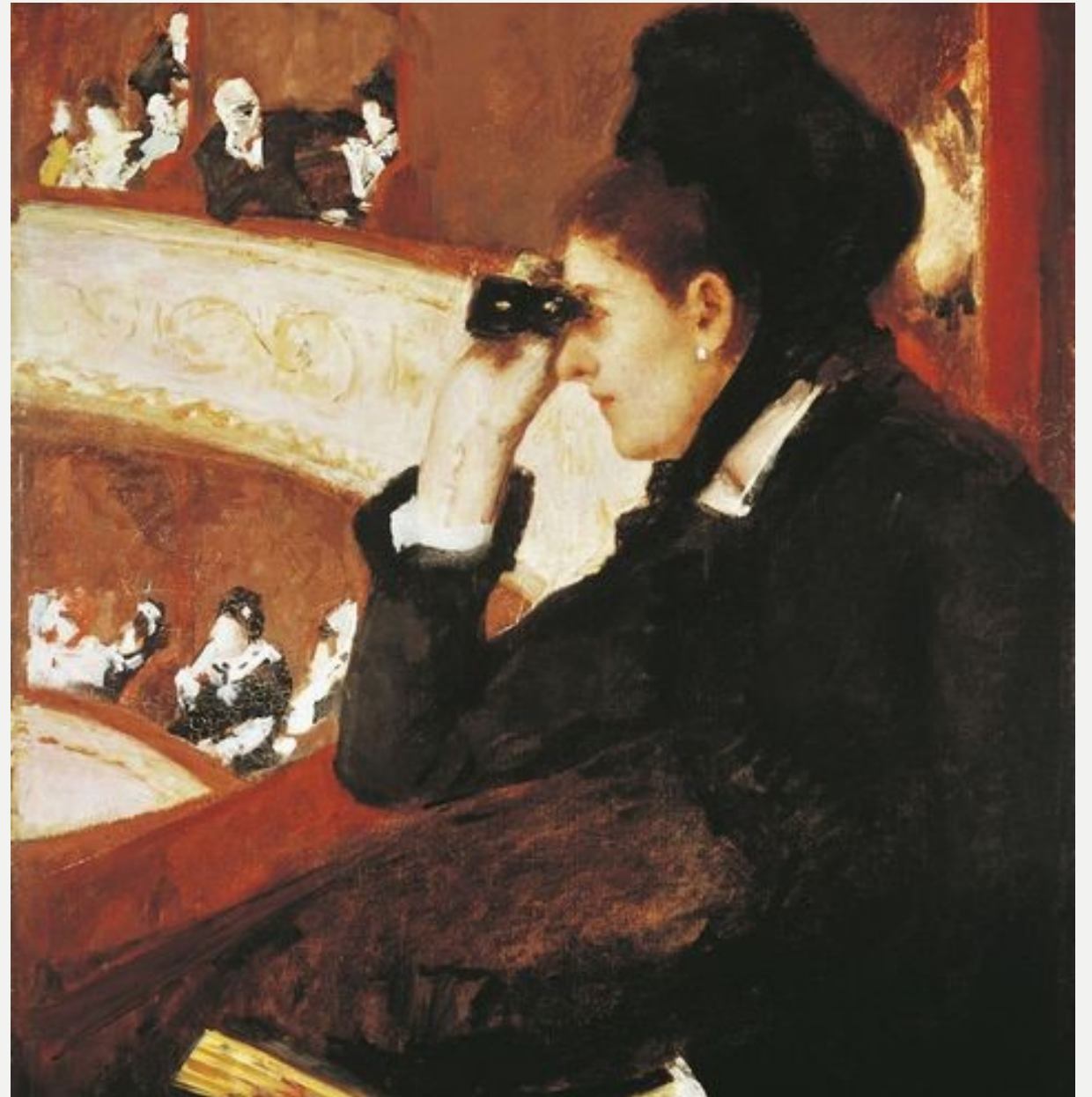
Image: Mary Cassatt, In the Loge, 1878)



Feminism

- Since there is no single theory of “feminist ethics,” we will focus on a couple issues that are “thematic” in feminist ethics:
 - *The link between women’s experience and feminism (Adichie)*
 - *Gender identity*

Image: Mary Cassatt, In the Loge, 1878)



Chimamanda Ngozi Adichie

https://www.youtube.com/watch?v=hg3umXU_qWc

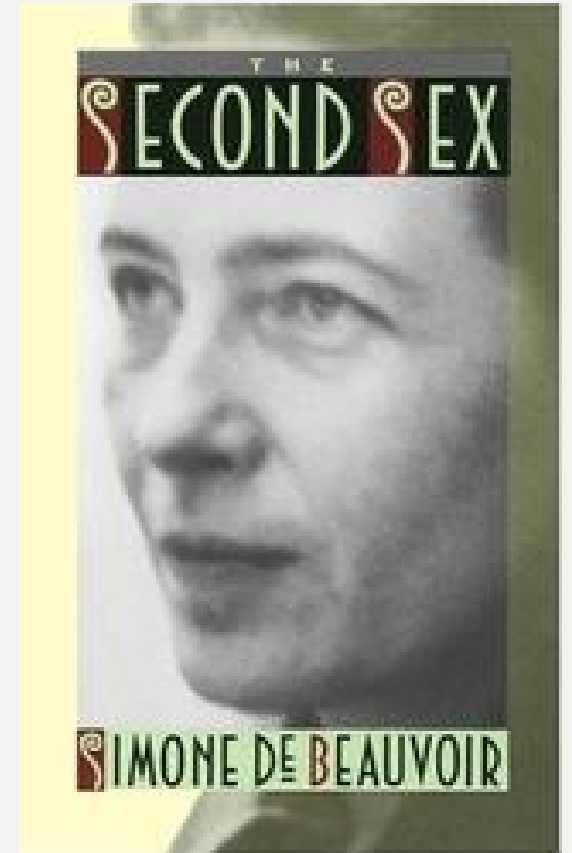


Discussion Questions

- What does Ngozi mean by “turning pretense into an artform?” Think of some examples of this and share your thoughts and examples with your group.
- Ngozi rejects that there are no longer any social problems related to gender. Do you agree? Disagree? Discuss with your group.

De Beauvoir: “One is not born, but rather becomes, a woman.”

- Small group discussion:
 - *Discuss what you think De Beauvoir may have meant by this. Share with the larger group*
- Large group discussion
 - *Small group answers*
 - *How much do you think Ngozi would agree with De Beauvoir's claim?*
 - *Do you agree with De Beauvoir's claim?*



Baby Grey

■ Gender constructivism:

- *Sex is determined by external physiological traits at birth*
- *Gender is socially constructed*

■ Video:

- [Baby Grey \(1:00-2:40; 4:15\)](#)

Baby Grey

- Small group discussion:
 - Do you think certain masculine and feminine traits are or are not determined at birth? Why?
 - Baby Grey's parents think that, overall, they are doing the right thing by raising Baby Grey in a gender-neutral environment. Do you agree? Use the ethical principles you've learned about to justify your position.
- Large group discussion
 - Small group answers
 - What might other ethical views say about the parent's decision to raise the child in a gender-neutral environment?

Ethics of care

Elizabeth Catlett, *Mother and Child*,
1941



The Heinz Dilemma

Large group discussion

- Individually write down your answers to the following:
 - *Should Heinz steal the drug?*
 - *What is your reasoning for your answer?*

- In Europe a woman was near death from a special kind of cancer. There was one drug that doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make, but the druggist was charging ten times what the drug cost to make. He paid \$200 for the radium and charged \$2,000 for a small dose of the drug. The sick woman's husband, Heinz, went to everyone he knew to borrow the money, but he could only get together about \$1,000, which is half of what it cost. He told the druggist that his wife was dying and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money on it." So Heinz became desperate and began to consider breaking into the man's store to steal the drug for his wife.

Lawrence Kohlberg's Moral Development

- 6 stages in 3 levels
 - *Pre-conventional*
 - Stage 1: rewards and punishments
 - Stage 2: self-interest
 - *Conventional*
 - Stage 3: societal recognition
 - Stage 4: law and order
 - *Post-Conventional*
 - Stage 5: social contract
 - Stage 6: universal principles

Carol Gilligan's critique

In a Different Voice 1982

- Kohlberg (and psychologists prior) focused on males in documenting the trajectory of moral development. Women's experiences typically differed but were viewed as anomalous by researchers.
- Women usually never went past stage 3
- Women have a different perspective and experience that's necessary for full moral development



Care Ethics

What is care?

- Disposition
- Relationship
- Emotion
- Activity

Elizabeth Catlett, *Mother and Child*,
1944



Care Ethics

What is the model of care that is relevant?

- Mother/child
- Care-giver more broadly
- The caring person

Elizabeth Catlett, *Mother and Child*,
1941



Care Ethics

- How might insights from care ethics add to our ethical principles?
- Insight: The uncaring person seems to not be a morally good person
 - *Virtue ethics: care is a virtue; we should develop the dispositions of the caring person*
 - Several theorists adopt this approach
- Insight: Society is better with more care/caring people in it (Virginia Held)
 - *Consequentialist: we have duties to promote more care in the world*
- Insight: Care necessary for the development and continuance of autonomy (Anne Alstott)
 - *Kantian: we have imperfect duties to promote care for others out of respect for autonomy*

Elizabeth Catlett, *Mother and Child*,
1944



Workshop: Cases

Ethics Bowl Cases 2020-2021

■ 4. Cutting the Cord

- *Is it stealing to use a streaming account that is not your own?*
- *What would our ethical theories say about the moral permissibility of sharing and using steaming accounts as described in the case?*

■ 11. All the Opinions Fit to Print

- *What duties, if any, do news organizations have to the public when publishing opinion pieces?*
- *Did the New York Times do the morally right thing, according to our ethical theories, in publishing the opinion of Sen. Cotton? Explain.*

■ 12. Harper's Bizarre

- *What would our ethical theories say about the moral permissibility of penalizing individuals for unpopular speech?*
- *If we take seriously the idea that some ideas are beyond the pale of reasonable expression, how do we distinguish those ideas? What ideas are worthy of cancellation? Who decides?*

Workshop: Cases

■ 14. Digital Blackface

- *Is there a morally relevant difference between a non-black person sending/posting a gif featuring a black person and a black person sending/posting a gif featuring a black person? Why or why not?*
- *What would our ethical theories say about the moral permissibility of digital blackface?*

WEEK 1

FRIDAY

Cases
Environmental Ethics and Moral Standing



Black Mesa Landscape, New Mexico,
Georgia O'Keeffe, 1930

Environmental Ethics, Animal Ethics and Moral Standing

Why care about the environment?

- Anthropocentric
 - Non-Identity Problem
- Non-anthropocentric
 - Non-human animal moral standing
 - Environmental moral standing

Environmental Ethics

Environmental Ethics centers around two questions: “What duties do humans have with respect to the environment, and why?”



Why care about the environment?

- What environment-related duties do you think humans have? Provide your reasons for thinking this.
- Does society have a duty to enforce policies that protect the environment? Why or why not?
- Which ethical theories (if any) would say we have a societal duty to protect the environment? Which ethical theories (if any) would say that we don't have a societal duty to protect the environment? Explain.



Anthropocentric Ethical Considerations

■ Future generations

- *Environmental problems seem to pose a greater risk for those in the future, more than in the present.*
- *Policies we enact will have an impact on the quality of life for future generations.*
- *Therefore, some conclude we have an ethical duty to avoid causing harm to future generations.*

Non-Identity

- State policies and/or widespread changes in social behavior will determine who we meet and thus who we will have children with.
- Different policies will lead to different children.
- Thus there is no “definitive set of future people to receive the benefits or cost of our actions...” to whom “we grant [a] moral standing.”

Rene Magritte, *Man with a Newspaper*, 1928



Non-Identity (cont'd)

- If we didn't engage in destructive environmental policies, then the future generations wouldn't exist.
- Existing is overall better than not existing.
- Therefore, future generations cannot be harmed by destructive environmental policies.

Rene Magritte, *Man with a Newspaper*, 1928



Non-Identity (cont'd)

- Which of our ethical theories is the non-identity problem a problem for?



Rene Magritte, *Man with a Newspaper*, 1928

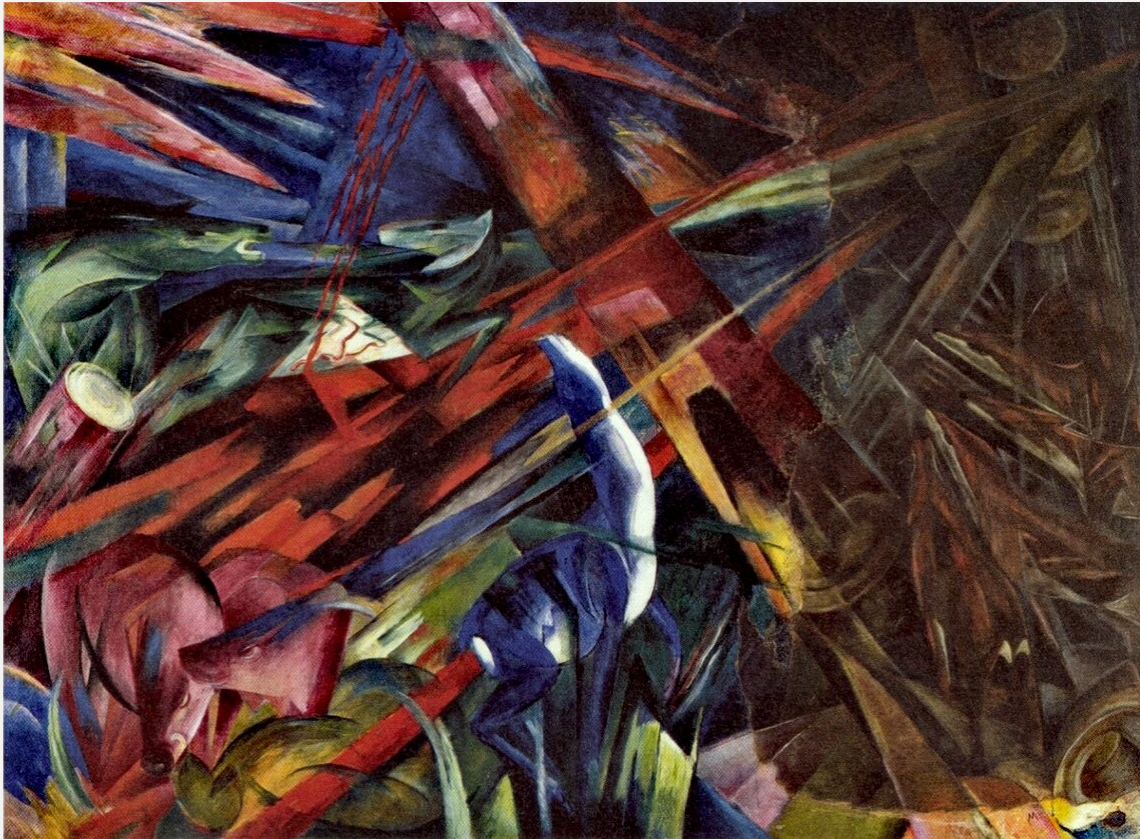
Environmental moral standing as an extension of animal moral standing

- Philosophers Peter Singer and Tom Regan both argue for extending moral standing to animals.
- Both think certain experiential properties confer moral standing to animals
- Could the environment have moral standing by proxy with animals?



Franz Marc, *Fate of the Animals*,
1913

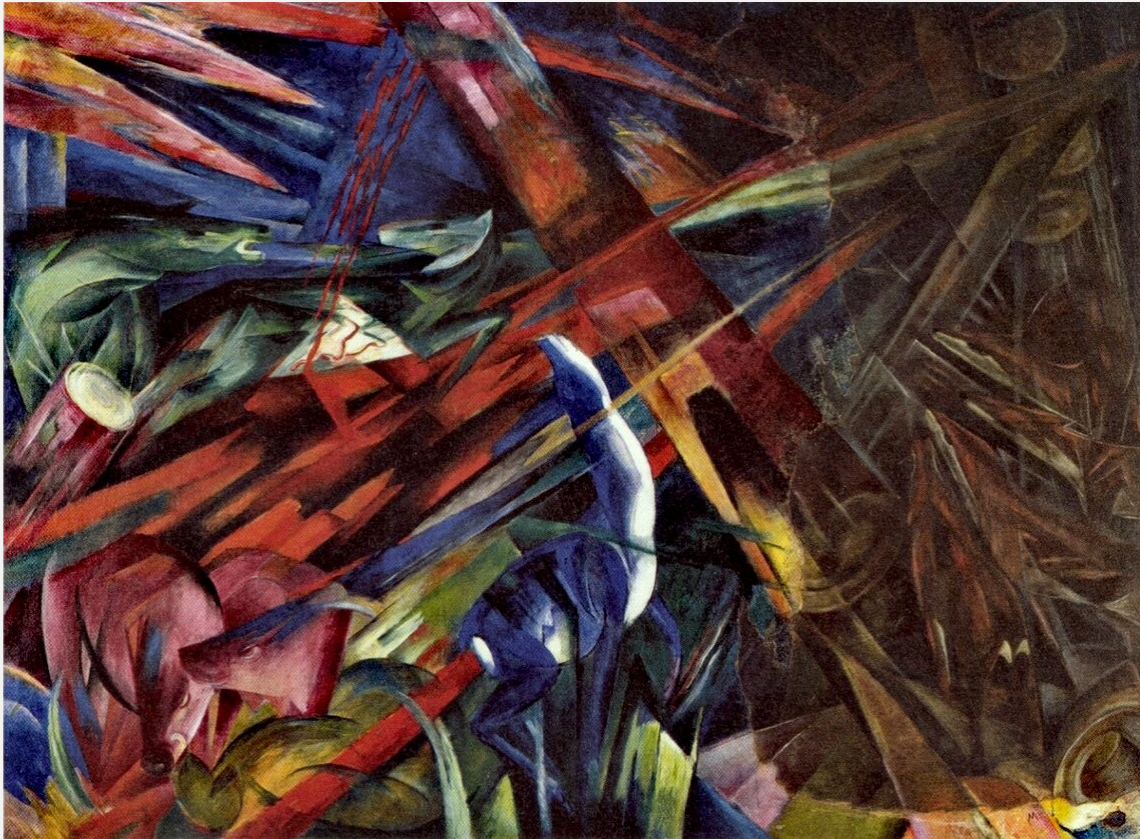
Peter Singer: Consequentialist



Franz Marc, *Fate of the Animals*,
1913

- “...if an entity possesses the relevant type of consciousness, then that entity should be given equal consideration when we formulate our moral obligations.” (IEP)
 - *All sentient creatures are not treated equally, but all interests are considered equally.*
 - *Singer adds the principle of equal consideration to a utilitarian approach.*

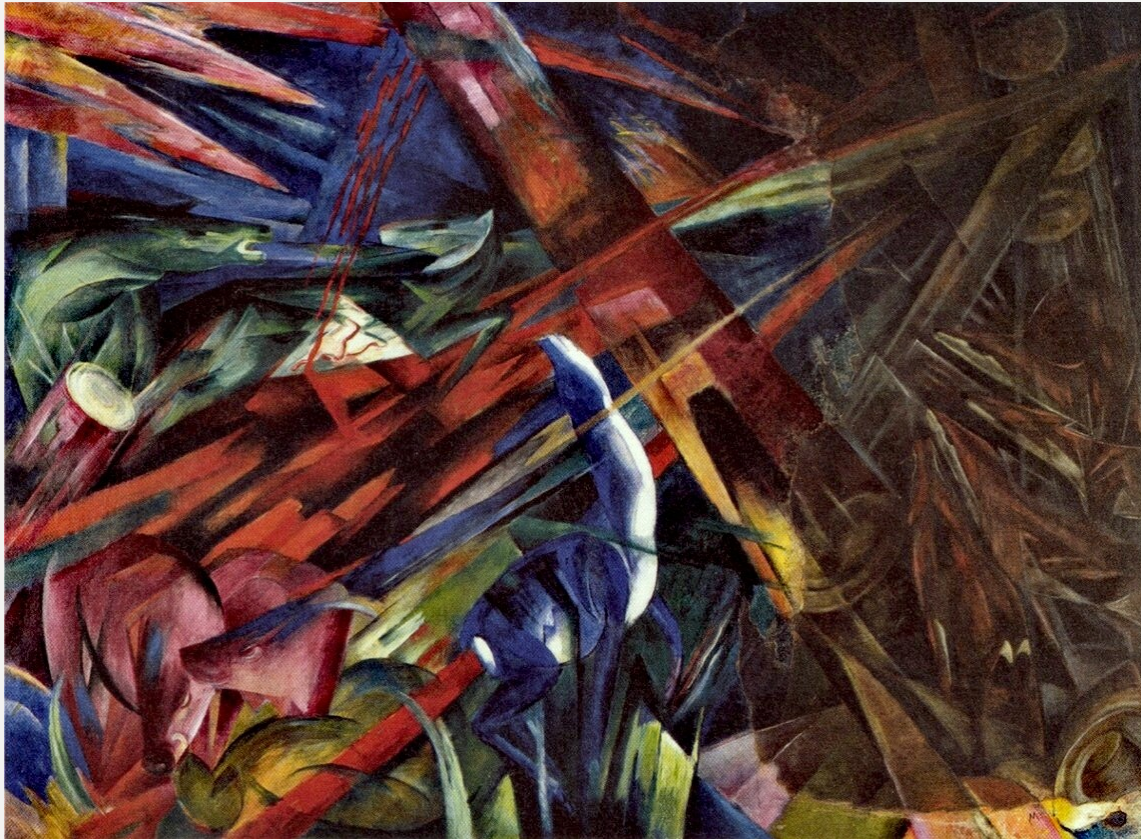
Tom Regan: Deontologist (Rights-Based Theory)



Franz Marc, *Fate of the Animals*,
1913

- Subjects-of-a-life are beings with “beliefs, desires, perception, memory, emotions, a sense of future and the ability to initiate action.” (IEP)
- Subjects-of-a-life have an intrinsic value.

Singer and Regan:



Franz Marc, *Fate of the Animals*,
1913

Both seem to agree that some form of consciousness is what grounds moral considerations.

However, as we have seen, Singer is utilitarian. Regan is a rights-based theorist (deontologist).

Can you think of a case in which Singer and Regan would disagree about our moral duties to non-human animals?

If a couple dozen sentient animals needed to be killed for a medical break-through, then according to Singer that would be moral. According to Regan, this would violate the rights of those sentient animals.

Animal Moral Standing



Franz Marc, *Fate of the Animals*,
1913

- Do you agree with Singer and/or Regan about the moral standing of animals? Why or why not?
- If Singer or Regan are right to count non-human animals as having moral standing, what implications might this have for our duties to protect environment?

Environmental Moral Standing

- Can a case be made for the environment having independent moral standing?
 - *What reasons, if any, might we have to protect individual ecosystems from “invasive species”?*
 - *Do ecosystems have value above and beyond the sentient creatures who depend on them?*
 - *Say a societal policy reduces biodiversity. Is this a relevant moral consideration?*
- What do might our different ethical theories have to say about the environment having independent moral standing?



Gustav Klimt, *Flower Garden*, 1905

Environmental Moral Standing

- (P1) All statements that advocate for conserving some aspects of biodiversity are implicitly value-laden; thus, the term has both descriptive and normative components
- (P2) Biodiversity is inseparable in that the descriptive and normative components cannot be disentangled
- (P3) All local communities have desires to conserve some aspects of biodiversity
 - (subP3) These desires/values are formed and understood from a shared culture
- (P5) Successful conservation efforts by conservation scientists result when the local community participates in the efforts
- (C) In order to create successful conservation efforts on the community-level, conservation scientists must frame conserving certain aspects of biodiversity in a way to appeal to the local community's value system



Gustav Klimt, *Flower Garden*, 1905



GUEST LECTURE

PROF. GWEN BRADFORD



Parental Rights

Who has the right to parent a child?

What are the limits of parental rights over children?

Berthe Morisot, *The Cradle*,



Kinds of Parenthood

■ Gestational

- *Gestates the fetus prior to birth*

■ Genetic

- *Directly contribute genetic material to the fetus*

■ Social

- *Parenthood recognized socially - adoptive, recipient of a surrogate birth*

■ Legal

- *Parenthood recognized legally*

Genetic parenthood

■ Genetic

- *Modern reproductive technology:*
 - Genetic parents (sperm & cell) + gestational parent
All make a biological contribution
- *Human cloning:*
 - Transferring a nucleus to an egg cell.
- *Three Person ART:*
 - Fertilized egg transferred to a second egg.



Judy Chicago, *The Creation from the Birth*

Social Parenthood

- Parenthood that's recognized through certain social arrangements.
- Adoptive parents, surrogate parents.
- Some communities may not recognize certain persons as being social parents, even if they are their only caretakers. E.g. grandparents or community participates.



Judy Chicago, *The Creation from the Birth Project*, 1984

Legal Parenthood

- In the US, marriage, not biology, determines the legal parenthood of a child.
 - *Genetic fathers*
 - *Gestational mothers*
 - *Case out of Ontario Court Canada*



Judy Chicago, *The Creation from the Birth Project*, 1984

Right to Parent a Child

■ Child-centered

- *The right to parent a child is grounded in facts about the child's interests*
- *The fact of genetic, biological, social, or legal parenthood does not entail a right to parent*

■ Parent-centered

- *The right to parent a child is grounded in the parent's interests in parenting (e.g., ownership, labor, or duty)*
- *Often used to justify genetic and biological parenthood*

■ Dual view

- *Both the interests of children and parents ground a right to parent a child*



Genetic Accounts

- Similar to other family relations, e.g. uncle, grandma, and cousins etc.
- Lockean account of self-ownership—genetic parents own their genetic material, and by extension what's made by it.
 - *Problems?*
- Genetic Fathers
 - *Some courts have decided fathers can take back “their” children.*

Leonora Carrington, *The Giantess* 1947



Labor-Based Accounts

- People that play a parental role are the moral parents.
- Reproduction:
 - *Gestational mother vs Genetic mother— Gestational mother is the moral parent.*
 - Notice the relation to Care Based Ethics.

Pros: (1) A child may be harmed if taken away from the laboring parent. (2) The gestational mother is identifiable at birth and so should be recognized as the mother (Annas 1984, cited in SEP)

Cons: These considerations are better suited for legal, not moral, claims on the child.

Leonora Carrington, *The Giantess*, 1947



Duty-Based Accounts

■ Intentional Accounts

- *Intentionally responsible for the existence of a child*
- *Emphasize agency over biology—the relationship is mainly moral, not biological.*
- *“Parental obligations are role obligations.”*
 - Do we enter into role obligations involuntarily?
- *We have a “right to continue [projects] we have underway.” (Richards 2010, cit. SEP)*

■ Causal Accounts

- *Causally responsible for the existence of a child*
- *Too broad. I.e., do fertility clinic workers have a duty to parent the children that exist due to their work?*



Surrogacy case:

- In the United States it is illegal to pay a person for non-replenishable organs. The fear is that money will influence the poor to harm their bodies for the benefit of the rich. Do you see a parallel between this case and this law? Can allowing surrogate mothers to be paid for their troubles allow poorer women to be oppressed?
- Is it selfish/conceited for this couple to want children of their own genetic make-up? If yes, does this change if you can "easily" have a child?
 - *(Note: Over 100,000 children in the U.S. are waiting to be adopted. However, most are older, have several siblings, or have special needs.)*
- One of the main arguments against the use of surrogate mothers is that carrying and giving birth to a child is such an emotional event that it is impossible to determine if the surrogate will be able to give up the child. Though adults enter into the contract, the child could ultimately suffer if a long custody battle ensues (as it could in states where surrogacy contracts hold no legal value, such as Virginia). With the possibility of such battles, do you think it is acceptable for parents to use a surrogate mother?
- Do you think that if the surrogate is awarded the baby, this could cause emotional harm to the child?
- Who do you think should receive the child, and why?

Rights of parents over children

- In what ways do parents (legally) control the lives of children?
- What justifies such control?
- Cases



RIGHTS AND APPLICATION



Human Rights and Global Justice

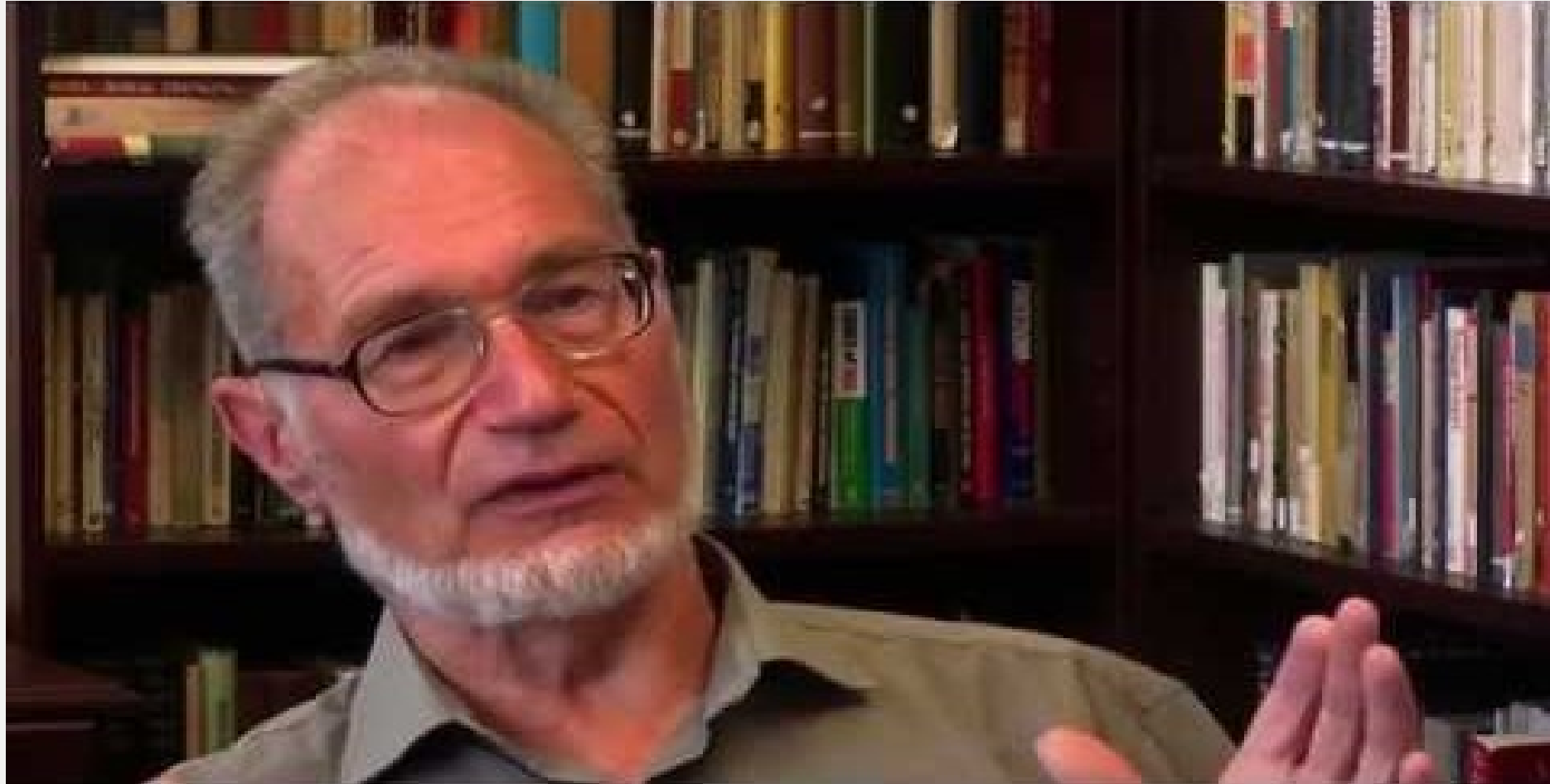
1. identifying what should count as important problems of global justice
2. positing solutions to each identified problem
3. identifying who might have responsibilities in addressing the identified problem
4. arguing for positions about what particular agents (or collections of agents) ought to do in connection with solving each problem and
5. providing a normative view which grounds (1)–(4). (SEP)



Class open discussion:

- What are human rights violations, and what are some examples of human rights violations?
- Are human rights culture-dependent or universal?
- Provide examples of how conceptions of human rights might vary across cultures. Do you think there are, in fact, universal human rights?

Human Rights and Global Ethics



Discussion questions:

1. Why are human rights important to us?
2. One of the speakers discusses the difficulty of protecting human rights in other societies, societies that might object on the grounds that human rights intervention is part of a Western value set, but not their own cultural value set. Does this make it morally wrong to intervene to protect human rights in such a culture?
3. How might it be harmful to push one's own value set on another person or set of people? (*Besides 'harm', are there other terms in which we might think it a bad/wrong thing to do?*)
4. Is there a difference between directly harming people in another culture and allowing them to be harmed? (*What would our different moral theories say on this question?*)
5. Why might someone say that it is right to give priority to the rights of people in one's own country? What might be some objections to this view from a human rights perspective?

What is a right?

- We are all familiar with the language of rights. Name some rights that come to mind.
 - *Rights encoded in law*
 - *Moral rights*
- Deontological theories
 - *Derived from moral law/duty*
- Consequentialist theories
 - *Rights promote well-being*



Charles Alston, Walking,
1958

What are rights?

- Negative rights vs. Positive rights
- Theories of rights:
 - *Derive from our capacity for self-determination*
 - *Protect significant interests*



Charles Alston, Walking,
1958

Human dignity: A theory

- Martha Nussbaum advocates a position that human dignity requires acting autonomously, and a just society provides a framework for all people to do so. This means to act on one's own values, but also, for Nussbaum, to act from a set of options that are conducive to human dignity.



Charles Alston, Walking,
1958

Nussbaum's Capabilities Approach

1. Life – Able to live to the end of a normal length human life, and to not have one's life reduced to not worth living.
2. Bodily Health – Able to have a good life which includes (but is not limited to) reproductive health, nourishment and shelter.
3. Bodily Integrity – Able to change locations freely, in addition to, having sovereignty over one's body which includes being secure against assault (for example, sexual assault, child sexual abuse, domestic violence and the opportunity for sexual satisfaction).
4. Senses, Imagination and Thought – Able to use one's senses to imagine, think and reason in a 'truly human way' – informed by an adequate education. Furthermore, the ability to produce self-expressive works and engage in religious rituals without fear of political ramifications. The ability to have pleasurable experiences and avoid unnecessary pain. Finally, the ability to seek the meaning of life.
5. Emotions – Able to have attachments to things outside of ourselves; this includes being able to love others, grieve at the loss of loved ones and be angry when it is justified.
6. Practical Reason – Able to form a conception of the good and critically reflect on it.
7. Affiliation
8. Other Species – Able to have concern for and live with other animals, plants and the environment at large.
9. Play – Able to laugh, play and enjoy recreational activities.
10. Control over One's Environment

Adaptive Preferences and Dignity

- Adaptive preferences undermine dignity, as they are preferences formed by an agent that are the results of an oppressively limited option set. So, presumably, the capabilities Nussbaum argues for ensure that adaptive preferences are kept to a minimum.



Eugene De Blaas, The Seamstress

Stanford Encyclopedia of Philosophy on Adaptive Preference Formation

- “Discussions of adaptive preference formation are often found in the literature—both feminist and nonfeminist—on rational choice theory (Elster 1983; Superson 2005; Cudd 2006). According to Jon Elster's classic description of adaptive preference formation, a fox, after finding that he can no longer reach some grapes, decides that he does not want the grapes after all. The fox adapts his preferences to what he perceives to be the options available to him. In order to distinguish adaptive preference formation from preference change due to learning and other processes, Elster proposes that the former is an unconscious process in which an agent turns away from a preference to avoid unpleasant cognitive dissonance that is associated with holding on to it. According to Elster, this is a “blind psychic process operating ‘behind the back’ of the person” (Elster 1983, 16; see also Colburn 2011). Others characterize adaptive preferences as those the agent finds herself with after “life-long habituation” (Nussbaum 2001, 80; Sen 1995; see also Khader 2009, 2011).

For example, Martha Nussbaum describes the case of poor working women in India who, though subjected to physical abuse by their husbands, choose to remain in the marriage. Some women, like Vasanti, think that the abuse “was painful and bad, but, still, a part of women's lot in life, just something women have to put up with as part of being a woman dependent on men, and entailed by having left her own family to move into a husband's home” (Nussbaum 2001, 68–9).

It is increasingly noticed that adaptive preferences are formed in the circumstances of oppression. Theorists of oppression have pointed to the phenomenon of “deformed desire” in which “the oppressed come to desire that which is oppressive to them... [and] one's desires turn away from goods and even needs that, absent those conditions, they would want” (Cudd 2006, 181). Adaptive or deformed desires may be the result of the internalization of an oppressive ideology:

Consider the eighteen year-old college student who excels in her studies, is well-liked by her many friends and acquaintances, leads an active, challenging life, yet who regularly feels bad about herself because she does not have 'the right look'... So, on top of everything else she does, she expends a great deal of time and money trying to straighten or curl her hair, to refine her cosmetic technique, to harden or soften her body, and so on.... (Benson 1991, 389)

One plausible analysis of the student's psychology is that she has internalized the oppressive norms of the fashion industry, in which one's appearance is tied to self-worth. The student has turned away from values that would afford her a healthier sense of self-worth; her desire for an excessive number of beauty treatments is deformed because it is the product of adopting values that are oppressive to her, and it is a desire that she would not have absent the oppressive conditions.

Discussion questions:

- How might the issue of adaptive preferences complicate the issue of human rights intervention?
- Are adaptive preferences “real” preferences?
- Is acting from an adaptive preference compatible with acting autonomously? Is a person acting less dignified if they acting from an adaptive preference?
- How might one’s views about the effect of adaptive preferences on autonomy and dignity alter one’s views about the permissibility of cultural intervention on human rights grounds?
- Do I have an obligation to respect the preferences of those who are choosing under an oppressive or limited option set?
- Is there a sense in which this concept is disrespectful?



Eugene De Blaas, The Seamstress