

PHILOSOPHY 348/648: HEALTH, DEVELOPMENT, AND HUMAN RIGHTS

Spring 2016

TR, 3-4:20pm

Wean Hall 5320

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Office Hours: Mondays 1-2pm & Tuesdays 4:30-5:30pm

Baker Hall 155C

Course Description & Objectives

Approximately 1.1 billion people live on less than \$1 a day in a condition the World Bank refers to as extreme poverty. Those who live in extreme poverty frequently lack effective access to proper nutrition, adequate shelter, safe drinking water, and sanitation. As a result, they also bear the greatest burdens of famine and epidemic disease and frequently face social and political conditions of unrest and systematic oppression. This course aims to introduce students to human rights theory and its intersection with global public health. We will ask what constitutes a human right, and on what basis or bases the existence of human rights can be defended. If human rights do exist, whose responsibility is it to see that they are defended, provided for, or not violated, and why? What is the relationship between health deficits and human rights deficits, and what would a “human right to health” look like? Are global institutions such as the protection of strong intellectual property rights consistent with respect for a human right to health?

In addition to familiarizing students with contemporary literature regarding health and human rights, this course also aims to help students strengthen their skills in analytic reading, interpretation, and writing. Assignments are therefore structured to emphasize writing and analysis rather than exams. The course will be conducted as a seminar (more below) and is intended to be discussion- rather than lecture-based.

Required Texts

All readings will be made available through Blackboard.

Important Dates

Jan. 25: Drop deadline for tuition adjustment

Mar. 7: Mid-semester grades turned in

Mar. 8,10: No classes, Spring Break

Apr. 11: Term paper first draft due

Apr. 14: No class, Spring Carnival

Apr. 18: Peer review due

Apr. 29: Final drop deadline

May 10: Term paper second draft due

Course Requirements

The learning curve for reading and writing philosophical materials is steep, and early feedback will be important to you in improving your work. Homework assignments are structured to improve students' reading habits, analytical skills, and writing.

Homework and Short Response Pieces – 25%

Beginning the second week of classes, students will have a minimum of one homework assignment due each week. Assignment specifics will always be announced at the end of class on Thursday and posted on Blackboard by Friday morning. Students are responsible for knowing what the assignment is each week.

First Term Paper – 25%

*Each student will write a term paper of approximately 3000 words critically engaging with a topic relevant to the course. The term paper may be a more fully developed version of a short response piece, or an independent work. All term paper topics must be approved by me in advance. Further details about the term paper will be provided in class. Your first term paper is due no later than **12pm (noon) on Monday, April 11th.***

Peer Review – 10%

*Each student will be required to write a critical review and response to another student's first term paper. These reviews should critically but charitably discuss the paper under review, raise questions of interpretation, present worries and objections, and provide alternative possibilities. The goal of the peer review is to provide constructive criticism which will help the recipient to consider new objections and improve his or her work. Peer reviews are due no later than **12pm (noon) on Monday, April 18th.***

Second Term Paper – 30%

*Graded term papers with comments from both me and your peer reviewer will be returned to you by Monday, April 25th. Students will re-write their term papers in light of the comments received. Final papers are due no later than **10pm on Tuesday, May 10th.***

Attendance & Class Participation – 10%

10% of your grade consists of participation in in-class discussions of the readings and regular class attendance. You should attend each class ready to engage in discussion and critical assessment of the readings. See below for more details.

Students taking this course for graduate credit should see me to discuss course requirements.

Class Policies

Late Assignments

It is the responsibility of the student to have all assignments submitted no later than the assigned deadline, and all readings completed before the beginning of each class meeting. All late assignments will be penalized half a letter grade (5 points) for every day or portion of a day that they are late. **Weekly assignments submitted more than 3 calendar days late will receive a 0. Term paper assignments submitted more than 7 calendar days late will receive a 0.** Requests for reasonable accommodation due to legitimate conflicts must be made in advance. **Please note that I do not read or respond to student emails outside of normal business hours (i.e. if you email me on a Friday evening, you will not receive a response until Monday morning).**

Attendance

Attendance is not taken, but a pattern of missed classes will be noticed and will impact your attendance and class participation grade. Missing a significant number of class meetings is also likely to impact your grade through your performance on class assignments. Students who miss class are responsible for discovering on their own or from classmates any material missed or changes to class assignments. **Emails requests from students asking what they missed during unexcused absences will be ignored.**

Participation

Philosophical inquiry is a joint endeavor, and the quality of the course will depend crucially on your thoughtful, considerate engagement with the readings and with each other. We will be discussing controversial topics about which many of you will have strong feelings. However our purpose in this class is to **move past feelings and opinions**, and to evaluate and provide **reasoned arguments** for and against various positions on these issues. Students should come to class having closely read and thought about all assigned materials. This requires, at a minimum:

- Determining the key point the author is trying to establish or criticize;
- Understanding why the author considers it to be important;
- Identifying the reasons the author gives in support of the conclusion; and
- Considering whether those reasons both (a) are true or correct, and (b) actually support the author's conclusion.

Students are encouraged to take notes while reading, and to come to class with questions about and criticisms of the readings.

Grading

Grades are assigned on the following scale:

A	90-100	D	60-69.9
B	80-89.9	R/F	0-59.9
C	70-79.9		

While I recognize that grade inflation has generated the expectation that a “B” should be fairly easy to achieve, and an “A” not too hard, it is not the case that instructors are obligated to inflate grades. I also recognize that receiving a lower grade than one has come to expect can be traumatic. However, in this class grades mean what they are intended to mean. A “C” represents a satisfactory or average performance, and is nothing to be ashamed of. A “B” is a good performance, and something to be proud of. An “A” indicates outstanding or truly exemplary work. There is a steep learning curve to reading and writing philosophy effectively, which should provide you with strong incentives to work hard at the beginning of the semester and receive the kind of feedback you will need to excel in your paper assignments.

Technology in the Classroom

I and your classmates put a great deal of time and effort into preparing for an interesting class discussion, and you are expected to do the same. When entering the classroom, please place your phone on “silent” and put it away for the duration of our meeting. If there is an urgent need to keep your phone on during a particular class period, please inform me at the beginning of class, sit where you can leave the room without distracting others, and keep your phone on vibrate. Students are permitted but strongly discouraged from using laptops during class. While typing is faster than writing for many of us, using a computer during discussion significantly distracts from what is going on and leads to disengagement from those around you. While some users can successfully use a computer without multitasking, most cannot – it is hard not to take a down moment to check your email or look at your calendar. But studies have shown that this kind of multitasking during class not only causes the computer user’s learning to suffer, but also that of the students sitting nearby who can see the screen.¹ Moreover, recent research has shown that students take better notes, and learn more, when they take notes via longhand instead of on a computer.²

Academic Integrity & Plagiarism

Plagiarism refers to the use of any ideas or words from another person or source without appropriate citation. All sources used for course assignments should be appropriately cited, including information found on the internet, in course readings, or from class discussions. If you are unsure about whether or not to cite something, err on the side of caution. I have a zero-tolerance policy for cheating: **Any student found to have plagiarized on any assignment will receive a failing grade for the assignment, and at my discretion, for the entire course.** Additionally, all institutional penalties will be sought.

Videotaping and Audio Recording

Videotaping and audio recording are prohibited without the express written permission of the instructor.

If you wish to request an accommodation due to a documented disability, please see me and contact Disability Resources at access@andrew.cmu.edu or 412-268-2013 as soon as possible.

¹ Sana, F., T. Weston and N. J. Cepeda (2013). "Laptop multitasking hinders classroom learning for both users and nearby peers." *Computers & Education* **62**: 24-31.

² Mueller, P. A. and D. M. Oppenheimer (2014). "The Pen is Mightier Than the Keyboard: Advantages of Longhand over Laptop Note Taking." *Psychological Science* **25**: 1159-1168.

Outline of Topics & Tentative Schedule of Readings

(All dates and readings are subject to change. You will always be informed of what to read for the next class at the end of the previous meeting.)

Part I: Introduction to Health and Human Rights

Our first few meetings will be devoted to an introduction to the main topics of the course and the intersection between health disparities and human rights deficits. We will talk about the ongoing global epidemic of HIV/AIDS and recent advances in the prevention of HIV in order to illustrate several of the ethical issues we'll be delving into during the semester.

Jan. 12: Course introduction and overview

No assigned readings.

Jan. 14: Ebola and Human Rights

Universal Declaration of Human Rights

HIV & ARV readings

Jan. 19: The interplay between health and human rights

Mann, J. M. (1997). "Medicine and Public Health, Ethics and Human Rights." Hastings Center Report 27(3): 6-13.

Part II: What are Human Rights?

What is the basis for the ascription of human rights? How should human rights be conceived? Do we have claims to human rights by virtue of some universal aspect of our humanity, or are all rights essentially political (i.e. grounded in state-based legal systems)? Does it make sense to say that I have a human right if no specified individual or group is tasked with ensuring my human rights are fulfilled?

Jan. 21: Human rights grounded in the conditions of normative agency

Griffin, J. (2009). "First Steps in an Account of Human Rights." On Human Rights. Oxford, Oxford University Press, ch. 2.

Jan. 26: Human rights grounded in universal basic interests

Nickel, J.W. (2005). "Poverty and Rights." The Philosophical Quarterly 55(220): 385-402.

Jan. 28: The capabilities approach

Nussbaum, M. (1997). "Capabilities and Human Rights." Fordham Law Review 66(2): 273-300.

Feb. 2: A political conception of human rights

Excerpts from Rawls, J. (1999). The Law of Peoples. Cambridge, Harvard University Press

Beitz, C. (2009). "A Fresh Start." The Idea of Human Rights. Cambridge, Harvard University Press, ch. 5.

Feb. 4: A critical examination of the value of human rights talk

O'Neill, O. (2005). "The Dark Side of Human Rights." International Affairs 81(2): 427-439.

Feb. 9: Human rights as collective moral responsibility

Pogge, T. (1998). "How Should Human Rights be Conceived?" World Poverty and Human Rights. Malden, MA, Polity Press, ch. 2.

Part III: A Human Right to Health?

Is there a human right to health? If there is, what does it mean? How should a right to health be conceived?

Feb. 11: Against a human right to health

Goodman, T. (2005). "Is There a Right to Health?" Journal of Medicine and Philosophy **30**: 643-662.

Feb. 16: A right to healthcare or to a sufficient level of health

Preda, A. (2012). Is there a Human Right to Health? Health Inequalities and Global Justice. P.T. Lenard and C. Straehle. Edinburgh, Edinburgh University Press: 17-33.

Feb. 18: A capabilities approach to health equity

Venkatapuram, S. (2012). Health Inequalities, Capabilities and Global Justice. Health Inequalities and Global Justice. P.T. Lenard and C. Straehle. Edinburgh, Edinburgh University Press: 65-82.

Part IV: Property and Intellectual Property

What role should property rights play in limiting our obligations to others? Do we have a right to our greater prosperity? Can intellectual property rights in life-saving drugs be defended?

Feb. 23: Property Rights & Negative Duties

Excerpts from Locke, J. (1689). Second Treatise of Government.

Feb. 25: A Defense of Intellectual Property Rights

Child, J.W. (1990). "The Moral Foundations of Intangible Property." The Monist **73**(4): 578-600.

Mar. 1: Lockean Intellectual Property Rights

Shiffrin, S. (2001). "Lockean Arguments for Private Intellectual Property." New Essays in Legal and Political Theory. S.R. Munzer. Cambridge, Cambridge University Press: 138-167.

Mar. 3: A Human Right to Access to Medicines

Risse, M. (2012). Is There a Human Right to Essential Pharmaceuticals? The Global Common, the Intellectual Common, and the Possibility of Private Intellectual Property. Global Justice and Bioethics. J. Millum and E.J. Emanuel. Oxford, Oxford University Press: 43-77.

***** Mar. 8 & 10: No Class Meetings, Spring Break*****

**MAR. 15: DISCUSSION OF TERM PAPER ASSIGNMENT; NO READING.
ATTENDANCE MANDATORY.**

Part V: Grounding Moral Obligations to the Global Poor

On what basis might obligations to address human rights deficits among the global poor be sustained? Does the very fact that we have the resources to aid others imply that we have a moral obligation to do so? What responsibilities do we have as a result of the global trade and finance policies that our nation supports?

Mar 17: The principle of sacrifice

Singer, P. (1972). "Famine, Affluence, and Morality." Philosophy & Public Affairs 1(3): 229-243.

Mar. 22: The demandingness objection

Fishkin, J. (1982). "The Zone of Indifference" and "The Famine Relief Argument". The Limits of Obligation. New Haven, Yale University Press, chs. 4 & 9.

MAR. 24: WRITING WORKSHOP, NO READINGS

Mar. 29: Against the demandingness objection

Sobel, D. (2007). "The Impotence of the Demandingness Objection." Philosopher's Imprint 7(8): 1-17.

MAR. 31: WRITING WORKSHOP, NO READINGS

Apr. 5: Justice in Rectification

Pogge, T. (2005). "World Poverty and Human Rights." Ethics and International Affairs 19(1): 1-7.

Apr. 7: Notions of Harm

Risse, M. (2005). "Do We Owe the Global Poor Assistance or Rectification?" Ethics and International Affairs 19(1): 9-18.

Apr. 12: Responsibility for Global Health Deficits

Pogge, T. (2007). "Responsibilities for Poverty-Related Ill Health." Principles of Health Care Ethics. R. Ashcroft & A. Dawson. Wiley: 71-79.

Part V: Transnational Surrogacy

Transnational reproductive travel is a growing, multibillion dollar industry. In many instances of reproductive travel, the prospective parents are from high-income countries while surrogates are relatively poor women in lower- and middle-income countries. What is the ethical status of such reproductive travel, and should there be regulations prohibiting it?

Apr. 21: What is Exploitation?

Valdman, Mikhail. (2009). "A Theory of Wrongful Exploitation." Philosopher's Imprint 9(6): 1-14.

Apr. 26: Surrogacy & Exploitation

Ballantyne, A.J. (2014). "Exploitation in Cross-Border Reproductive Care." International Journal of Feminist Approaches to Bioethics 7(2): 75-99.

Apr. 28: Surrogacy & Non-Domination

Wenner, D. and D. Gray. (2016). "Exploitation and Non-Domination in Transnational Surrogacy Contracts." (*draft manuscript*).