Department of Philosophy

University of Guelph

Winter 2016

**PHIL\*4310-01 Syllabus**

Lecturer: Dr. Victoria I. Burke

Lecture Time: MON + WED 14:30-15:50

Lecture Location: CRSC 101

Office Location: 339 MacKinnon (office wing)

Office Hours:Friday 10:00-11:00 AM; Wednesday 16:30-17:30 PM

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**Applied Ethics: Markets, the Body, Vulnerability, and Value**

There is a growing body of literature concerning “markets” in human body parts and services (kidneys, surrogacy, prostitution, stem cells, ova, sale of organs harvested from cadavers). This literature intersects with bioethics insofar as it concerns the morally legitimate treatment and use of the human body. But it is different from the traditional bioethics issues, such as genetic screening, abortion, or euthanasia. This developing area of biopolitics does not concern the rightness or wrongness of a given medical procedure. Instead, this literature asks about the moral legitimacy of “markets” with respect to the human body (its parts and functions). For example, this literature asks whether surrogacy contracts can be legitimate if it is hard to predict how a woman will feel about surrendering the infant she has gestated. It asks whether markets in kidneys can be legitimate if sale of a kidney is almost always coerced by adverse economic circumstances. It asks how governments should regard a market in ova, given the invasiveness of the process of ova extraction (and the situation of dire economic need of most of the donors). How should governments regard prostitution? Should there be a market in sperm? Should stem cells be available for purchase? This literature has grown as the “market” (and scarcity) has increasingly come to dominate the lives of people who might have been comfortably middle-class in previous generations. Many now find themselves subject to pervasive economic insecurity resulting from lesser self-sufficiency and greater “development”, which in turn create greater need. In other words, these markets in body parts and services have become more attractive to individuals (as “sellers”) as the labor market affords less opportunity for a growing portion of the population. Also, social and psychological conditions have led to an expansion in demand or “buyers” of these types of commodities. We will spend time on attempting to place the literature in this area of biopolitics within the field of normative ethical theory. What type of moral reasoning does it employ? Deontology? Utilitarianism? Virtue ethics? Natural law? None of these categories are typically equipped to deal with the ethics of markets. They typically do not employ the category of “markets”, or they do not obviously have the resources to deal with the ethics of markets in specific types of goods. They typically do not ask about the legitimacy of markets. We will examine this issue in depth. Normative ethical theory tends to exclude consideration of economics. This area of literature also deploys the idea of “intrinsic value”, and we will examine discussions about the peculiarity and controversy of this concept. What type of value is intrinsic value? We will also discuss the category of ‘vulnerability”. Our inquiry concerns philosophical issues at the intersection of bioethics, biopolitics, economics, feminism, and normative ethical theory.

**Required Readings:**

All course readings are on ererserve (from the library’s collection of ejournals). Go to the library website and follow the link for “course reserves”. All readings on the syllabus are on ereserve, and are free to you (included in your university tuition).

**Recommended Reading**:

Giorgio Agamben, *Homo Sacer* Trans. Daniel Heller ( Roaxen (Chicago: University of Chicago Press, 1998). In the background of this course (and indeed, all politics now) is the twentieth-century Holocaust, in which the German Nazis exterminated 6 million “undesirable” human beings. In addition to the Jewish people, the Holocaust also targeted LGBTQ individuals, gypsies, chronic alcoholics, and the mentally and physically disabled (anyone who was judged not to be “fit”). The biopolitics area is marked by this shadow, and the Agamben book is its ur-text. Highly recommended, and may be discussed by me in class. This book was not ordered for this class for the bookstore, but you will have no trouble finding either new or used copies of it.

**Course Requirements**:

For this advanced course the focal point is the term paper (the first draft of which is due in Week 8). This major research project, will be submitted in several stages, to offer you the opportunity to revise based on my comments. First materials of this project are an outline and list of source abstracts due in week 6.

20% Term Paper Draft (15 pages): to be due in week 8 and returned to you with comments for improvement in week 10

10% Term Paper Outline and List of Abstracts of Primary Sources: due in week 6; returned to you in week 7

30% 2 exegetical essays of assigned readings 15% each: due weeks 3 & 5

10% 2 Quizzes 5% each (Vocabulary Tests)

10% Final Term Paper: Due April 13, 2016 11:59 PM

10% Class Participation

10% Presentation

**Course Objectives:** the objectives of PHIL\*4310 are 1.) to introduce students to biopolitics area of research, its concepts and categories, 2.) to give the students the opportunity to develop a major research paper (exploring the biopolitics area) from feedback from the instructor on their writing, 3.) to develop oral communication skills through presentation and class participation, and 4.) to develop reading comprehension skills through required readings and research.

**Quizzes:** There will be two quizzes, worth 5% of your grade each (total 10%). The quizzes are 20-minute vocabulary tests that could cover any material that has been covered in the class thus far. They will ask you to define a word or phrase. These quizzes cannot be made up at a later date. The dates of the scheduled quizzes are on the syllabus, and you have plenty of warning. If you miss a quiz, you will lose 5% of the possible 100% of course points. This may not seem like a lot at the beginning of term, but you will want those points later in the term. Even if you have a good excuse, such as a hospitalized parent or a car accident, these cannot be made up. We do not have the staffing to invigilate multiple make-up quizzes. It is highly advisable to plan in advance to take each of the two quizzes. There are no advanced study guides for the quizzes, and their contents will be a complete surprise. Anything that has been covered thus far in the term is fair game, although, if it has previously appeared on a quiz, it will not appear on a quiz again.

**Participation Marks**: Participation points are awarded for students who actively make themselves known through discussion contributions and questions. Participation marks will be awarded on the basis of the level of student engagement with the discussions. Generally, students who make regular class contributions have a good chance of getting full marks. Students who display a capacity to engage with others (students, readings) dialogically (and who display a capacity to internalize the views of others) will generally be given greater credit than students whose social orientation is one-sided or aggressive. Other factors include: level of insight into readings, level of currency with present states of affairs, reading comprehension, consideration of others and productive engagement. If you are concerned about your mark, you can ask me for an estimate of your grade 2/3rds of the way through the term and I will give you an estimate at that point.

**Citation Style:** Use the MLA, APA, or *Chicago Manual of Style* as a style guide for citations. It is not important which style sheet you use: what is important is that you are consistent and correct. You may wish to use the style guide that is most commonly used in your disciplinary major. I will post a style guide for your convenience on the courselink site. Do not send emails to the instructor inquiring about citation style. Citation of Handouts or lectures (for example, Burke March 6, 2014). Common knowledge that is widely known does not need to be cited, unless it is widely known as being an idea that originated with a particular person. The claim that “sentences should have a subject and a verb” does not need to be cited; but the claim that “one should aim at the mean between excess and deficiency” should be cited to Aristotle, even though it is widely known. If you believe an idea is not common knowledge, and if you know the idea does not originate with you, cite the source.

**Guidelines for submitting written work:** The essays must be submitted on white 8.5 x 11 paper, typed and double-spaced. Students must keep a copy of their work for their own files in case the paper should become lost. All papers for this course must be uploaded to the appropriate dropbox on the courselink site.

**Deadlines:** This course has frequent deadlines: one every two weeks. So you need to stay on top of them. This is an advanced course, and it provides the opportunity for you to really polish your writing after feedback from me. All assignments are to be uploaded to the appropriate dropbox on the courselink site. Assignments will not be accepted via email or fax, and university regulations regarding late work during the final exam period will be strictly observed. For this class there are no late penalties for missed deadlines, but sticking to them will mean greater attention to your work from me. All deadlines are 11:59 PM on Friday.

**Ecologically friendly writing assignments and Citation Style:** In the interest of maintaining an ecologically sound course, cover sheets are not required on the assignments. Put your name and student number at the top of the first page and start the essay one quarter of the way down the page. Use the MLA, APA, or *Chicago Manual of Style* as a style guide for citations. It is not important which style sheet you use: what is important is that you are consistent and correct. Do not include a separate bibliography page, use footnotes at the bottom of each page. I will post a style guide for your convenience on the courselink site. If in doubt, follow the guide posted on the site. Do not send emails to the instructor inquiring about citation style. Citation of Lectures and Handouts example (Burke March 6, 2014).

**Laptops**: Laptops are permitted, but not advisable, for taking notes during lectures. There is quite a bit of evidence now that students retain the material better when they take notes on paper by hand, rather than by typing the contents of the lecture by rote into a laptop. Connected laptops also hold a variety of distractions, such as instant messaging and Facebook, which obviously distract students from the lecture.

**Email:** Philosophical questions about content will not be answered on email. Students must avail themselves of class time, or office hours in order to have their questions about content answered. Only short administrative questions will be answered on email by the lecturer. You can expect a response in 48 hours. If you have a question, the first thing to do is check the course website or syllabus. 40% of the emailed questions I receive concern requests for information that is freely available on the course website. If you email a question, the answer to which is on the course website, you will not receive a response due to the volume of email we receive. If the student does genuinely need to email the lecturer, she or he should include the course code in the subject line (since Lecturers teach multiple courses).

**Office Hours:** My office hours are Friday 10:00-11:00 AM and Wednesday 4:30-5:30 PM + by appointment (Office Location: Mack 339 (office wing)). These are free and open hours when you can simply drop in to discuss material, and to ask questions of any sort. Students do not need to advise me in advance that they are coming to visit during office hours. The poster on the office door does not designate my office hours. It designates the hours I am occupying the office. Do not knock on the office door at any time other than my designated office hours, unless you have an appointment.

**Desire2Learn Site:** This class will have a Desire2Learn website, where all handouts, and assignments will be posted. Students may access the site through Courselink, and are required to check the site regularly for announcements. Student grades for the assignments will also be posted on the courselink site.

**Readings and Lectures:** Students should read the assigned material prior to class, and should bring the texts to class as class may involve careful and close examination of the readings.

**Course Schedule**

WEEK 1

January 11: Course Introduction: *bios*, *zoe*, *physis*, the Biopolitics area

Reading: Agamben, “Introduction” (to *Homo Sacer*), pp. 1-12

January 13: Varieties of Value, Concepts and Categories, the Biopolitics area

Reading: Handouts on Varieties of Value and Intrinsic Value (posted on the courselink site); Valetteinen, “The Power of the Body: A New Political Understanding of Care,” pp. 100-118 [ereserve]

WEEK 2:

January 18: Markets and Ethics

Reading: Anderson, “The Ethical Limitations of the Market” [ereserve]

January 20: The Idea of Intrinsic Value

Reading: Chisholm, “Defining Intrinsic Value,” pp. 99-100 [on ereserve]; Audi, “Intrinsic Value and Moral Obligation,” pp. 135-154 [ereserve]; Handout on Definitions (Vocabulary); Handout on Ross’s Intrinsic Values; Handout on Natural Law

WEEK 3

January 25: The Idea of Intrinsic Value

Reading: Chisholm, Audi, Handouts, cont’d (no new reading)

January 27: Biopolitics and the Traffic in Organs

Reading: Kishore, “Human Organs, Scarcities, and Sale: Morality Revisited,” pp. 362-368 [ereserve]; Sheper-Hughes, “The Ultimate Commodity,” pp. 1349-1350 [ereserve]

1st Exegetical Analysis Due (upload to dropbox on courselink by 11:59 January 29)

WEEK 4

February 1: Markets and Morality, cont’d.

Reading: Anderson, “Review: Risks, Values, and Market Norms,” pp. 54-65 [ereserve]; Anderson, ‘Review: Debra Satz: *Why Some Things Are Not For Sale*,“ pp. 239-242 [ereserve]; Anderson, “Review of Margaret Radin, *Contested Commodities*,” pp. 914-917 [ereserve]

February 3: A Counter-Argument

Reading: Brennan & Jawarski, “Markets Without Symbolic Limits,” pp. 1053-1077 [ereserve]

WEEK 5

February 8: Changes in the Sphere of Work & Neoliberalism, “Governmentality”

No Assigned Reading: discussion of Luc Boltanski and Eve Chiapello, Nancy Fraser, Michel Foucault, Wendy Brown

February 10: Rejection of “Property in the Person”

Reading: Patemen, “Self-Ownership and Property in the Person: Democratization and a Tale of Two Concepts,” pp. 20-53 [ereserve]

\*2nd Exegetical Analysis Due by February 12 11:59 PM (upload to dropbox on courselink)

**Reading Week February 15-19 (no classes)**

WEEK 6

February 22: Rejection of “Property in the Person”

Reading: Pateman, cont’d; Burke, “A Limit to the Market: Hegel’s Concept of Personhood” (Extract from my book in process, *The Time of Exposure*, in PDF on courselink site)

February 24: Vulnerability

Reading: “Why Bioethics Needs a Concept of Vulnerability,” pp. 11-38 [ereserve]

\*Outline and List of Abstracts Due (upload to courselink by February 26 11:59 PM

WEEK 7

February 29: Vulnerability

Reading: Rawlinson,.”On the Principle of Respect for Human Vulnerability and Personal Integrity,” pp. 174-179 [ereserve]

March 2: Sex Trafficking, Prostitution, and Vulnerability

Reading: Carmon, “Review of ‘Paid For’ by Rachel Moran” [ereserve]

\*Sign up for presentation dates on this date

WEEK 8

March 7: Sex Trafficking, Prostitution, and Vulnerability

Reading:, Fitzgerald, “The Biopolitics of Regulation: The Case of the Female Trafficked Migrant,” pp. 277-294 [ereserve]

\*Quiz #1 (Vocabulary Test)

March 10: Vulnerability and Neoliberalism

No New Readings

\*Term Paper Frist Draft Due [upload to dropbox by March 12 11:59] (to be marked by Week 10)

WEEK 9

March14: Surrogacy

Reading: Anderson, “Is Woman’s Labor a Commodity?” pp. 171-182 [ereserve]

March 16: Presentations

WEEK 10

March 21: Presentations

March 23: Presentations

WEEK 11

March 28: Presentations

March 30: Presentations

WEEK 12

April 4: Presentations

April 6:

\*Quiz #2 (Vocabulary Test)

\*Last Day of Class

**This class has no final exam: final term paper is due April 13, 2016**

**Bibliography of Items on EReserve:**

Anderson, Elizabeth, “Is Woman’s Labor a Commodity?” *Philosophy and Public Affairs* 19(1), pp. 171182.

Anderson, Elizabeth, “Review of Debra Satz, *Why Some Things Should Not Be For Sale*,” *New Political Economy* 17(2), pp. 239-242/

Anderson, Elizabeth, “Review of Margaret Radin, *Contested Commodities*.” *Ethics* 109(4), pp. 914-917.

Anderson, Elizabeth, “Review: Risks, Values, and Market Norms,” *Philosophy and Public Affairs* 17(1), pp. 54-65.

Anderson, Elizabeth, “:The Ethical Limitations of the Market,” *Economics and Philosophy* 6(2) 1990, pp.

Audi, “Intrinsic Value and Moral Obligation,” *Southern Journal of Philosophy* 35(2), pp. 135-154

Brennan, Jason, and Peter M. Jawarski, “Markets Without Symbolic Limits,” *Ethics* (2015) 125(4), 1053-1077.

Carmon, Irin, “’Paid For’ by Rachel Moran,” *The New York Times*, September 9, 2015.

Chisholm, Roderick, “Defining Intrinsic Value,” *Analysis* (1981*)* 41(2), pp. 99-100

Fitzgerald, Sharron, “Biopolitics and the Regulation of Vulnerability: The Case of the Female Trafficked Migrant,” *International Journal of Law in Context* (2010) 6(3), pp. 277-294.

Kishore, R.R., “Human Organs, Scarcities, and Sale: Morality Revisited,” *Journal of Medical Ethics* 31(6), pp. 362-368.

Pateman, Carole, “Self-Ownership and Property in the Person: Democratization and a Tale of Two Concepts,” *The Journal of Political Philosophy* 10 (1), pp. 20-53.

Rawlinson, Mary, “On the Principle of Human Respect for Vulnerability and Personal Integrity,” *International Journal of Feminist Approaches to Bioethics* 5(2) Special Issue on Vulnerability (Fall 2012), pp. 174-179

Rogers, Wendy, MacKenzie, Katriona, Dodds, Susan, “Why Bioethics Needs A Concept of Vulnerability,” *International Journal of Feminist Approaches to Bioethics* 5(2) Special Issue on Vulnerability (Fall 2012), 11-38

Scheper-Hughes, Nancy, “The Ultimate Commodity,” *The Lancet* (2005) Vol. 296, Issue 9494, pp. 1349-1350

Valentteinin, Tina, “The Power of the Body: A New Political Understanding of Care,” *Feminist Journal of Politics* 17(1) (2015), pp. 100-118.

**List of Recommended Sources** (that you may be interested in using for your term paper or presentation, but which were too much for the required reading list for this course):

Anderson, Elizabeth. *Value in Ethics and Economics* (Cambridge, MA: Harvard University Press, 1995).

Aristotle, *Nicomachean Ethics*

Deveaux, Monique, *Gender Justice in Multicultural Liberal States* (Oxford UP, 2006); Chapter 6 on arranged marriage in Britain may be of interest for the vulnerability issue

Foucault, Michel, *The Birth of Biopolitics*

Heidegger, Martin, *Being and Time* (this is an early twentieth-century German philosophical classic, Division II of which is on the phenomenology of ‘being unto death”, which may be of interest in your research)

Houle, Karen, *The Gift* (Houle is a professor in the philosophy department here at Guelph who is working on a book on organ donation, Michel Foucault, race, and economic inequality (very relevant to this course), and she may be willing to share some of her unpublished material with you for the purposes of this course)

Malabou, Catherine, *The New Wounded* (Freud, brain injuray, vulnerability)

Malabou, Catherine, *The Ontology of the Accident* (Freud, brain injury, vulnerability)\

McCloskey, Deirdre, “Are Markets Moral?” (in the public domain on the WWW on the author’s website, may be of interest, but may be quite advanced)

Merleau-Ponty, Maurice: there is quite a bit of material on embodiment by or about Merleau-Ponty that you may find to be of interest with respect to the vulnerability issue

Nussbaum, Martha, *Political Emotion: Why Love Matters for Justice*, pp. 168-191 may be of interest with respect to the vulnerability issue

Philips, Anne. *Our Bodies, Whose Property?* (Princeton: Princeton University Press, 2013)

Radin, Margaret. *Contested Commodities* (Cambridge, MA: Harvard University Press, 2001)

Sandel, Michael. *What Money Can’t Buy* (New York: Farrar, Straus and Giroux, 2013)

Satz, Debra, *Why Some Things Are Not For Sale* (Oxford: Oxford University Press, 2012)

Scheper-Hughes, Nancy, *Commodified Bodies*

Email communication

As per university regulations, all students are required to check their uoguelph.ca email account regularly: email is the official route of communication between the University and its students.

Last day to drop without academic penalty is Friday, March 11, 2016

When You Cannot Meet a Course Requirement

When you find yourself unable to meet an in-course requirement because of illness or compassionate reasons, please advise the course instructor (or designated person, such as a teaching assistant) in writing, with your name, id#, and email contact. See the Undergraduate Calendar's [information on regulations and procedures for Academic Consideration](http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-ac.shtml).

Copies of out-of-class assignments

Keep paper and/or other reliable backup copies of all out-of-class assignments: you may be asked to resubmit work at any time.

Accessibility

The University of Guelph is committed to creating a barrier-free environment. Providing services for students is a shared responsibility among students, faculty and administrators. This relationship is based on respect of individual rights, the dignity of the individual and the University community's shared commitment to an open and supportive learning environment. Students requiring service or accommodation, whether due to an identified, ongoing disability or a short-term disability should contact Student Accessibility Services as soon as possible. For more information, contact CSD at 519-824-4120 ext. 56208 or email sas@uoguelph.ca  or refer to the [SAS website](http://www.uoguelph.ca/csd/).

Academic Misconduct

The University of Guelph is committed to upholding the highest standards of academic integrity and it is the responsibility of all members of the University community—faculty, staff, and students—to be aware of what constitutes academic misconduct and to do as much as possible to prevent academic offences from occurring.  University of Guelph students have the responsibility of abiding by the University's policy on academic misconduct regardless of their location of study; faculty, staff and students have the responsibility of supporting an environment that discourages misconduct.  Students need to remain aware that instructors have access to and the right to use electronic and other means of detection.

Please note: Whether or not a student intended to commit academic misconduct is not relevant for a finding of guilt. Hurried or careless submission of assignments does not excuse students from responsibility for verifying the academic integrity of their work before submitting it. Students who are in any doubt as to whether an action on their part could be construed as an academic offence should consult with a faculty member or faculty advisor.

The Academic Misconduct Policy is [detailed in the Undergraduate Calendar](http://www.uoguelph.ca/registrar/calendars/undergraduate/current/c08/c08-amisconduct.shtml).

Resources

The Academic Calendars are the source of information about the University of Guelph’s procedures, policies and regulations which apply to undergraduate, graduate and diploma programs:  [http://www.uoguelph.ca/registrar/calendars](http://www.uoguelph.ca/registrar/calendars/index.cfm?index)

**Learning resources for first-year students at the Library**

The Library and Learning Commons offer free services to help you succeed at the University of Guelph.  At the Library, you can:

·         > get feedback on your writing

·         > get assistance finding journal articles and books

·         > fine-tune your time management skills

·         > develop new study strategies

·         > attend Supported Learning Groups (SLGs)

·         > learn about citation and reference styles

·         > and more

Visit the **Library website** to learn more about our workshops, online guides, individual appointments, and other services: [www.lib.uoguelph.ca](http://www.lib.uoguelph.ca/)