

ETHICS, POLITICS AND POLICY

Instructor: Miklós Zala, PhD, Visiting Researcher

Department: School of Public Policy,

Course status: Elective, 2 credits. Winter, cross listed in Department of Political Science 2018-19. NOT open to students who have taken Ethics and Public Policy

Pre-requisites: None, but Critical Reasoning would be helpful

Course e-learning site: <https://ceulearning.ceu.edu/course/view.php?id=5463>

Time and location: Wednesdays 13:30pm-15:10am, Location: Október 6, room 226

Office Hours: Október 6 street 7, room 248. Monday 15:30-17:30.

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This syllabus is adapted from a course designed by Prof. Simon Rippon

Course Description

This course aims to deepen understanding of how moral values underlie public policy debates, and to enhance students' ability to interrogate their own assumptions about values, by introducing some basic concepts and methods of moral and political philosophy.

We will examine key normative questions in public policy such as: When do legislators, civil servants, and citizens have special duties to others because of their roles, and when should they act on their private moral judgments? What ethical assumptions are made by widely-used methods of policy analysis, and how should we think about these? Can states legitimately control speech? Can states legitimately control borders between citizens and potential immigrants? How can we reasonably respond to moral disagreement and religious diversity in a pluralistic state?

Answering such questions involves making difficult value judgments. Through debate and discussion of a number of moral dilemmas faced by governments and the public, we will discover how analytic moral reasoning can help us examine, adjust, and better defend the moral and political frameworks that ground our policy decisions.

Learning Outcomes

By the end of the course, students will be able to:

Understand and explain how choices and debates in public policy are often not just technical in nature, but involve underlying assumptions about morality and values.

Understand some key concepts from moral and political philosophy that can inform approaches to public policy.

Explain and reconstruct moral views and arguments encountered in the readings and in class, and show how these relate to various policy choices and debates.

Critically assess moral views and arguments by formulating objections and responses to them.

Recognize that evaluative assumptions can be supported by reasons, even while clear and final answers are often elusive.

Course Requirements

Requirements for students who take the course for a grade:

Regular attendance, careful completion of the assigned readings before class, and active participation in discussions is a general requirement.

Students taking the class for a grade are additionally required to complete the following assignments:

1) Knowledge quizzes (10% of final grade)

At the beginning of each class, there will be a straightforward, multiple-choice knowledge quiz based on the assigned required readings. There will be 10 knowledge quizzes during the term, starting in week 2. Students will get 0% in any week in which *unexcused* absence or lateness results in their missing the quiz. Students will need to bring a device to class (laptop, tablet or smartphone) to complete the knowledge quiz, but otherwise the use of electronic devices in class is strongly discouraged.

2) Seminar presentation (20% of final grade)

The presentation will rely on and refer to (but not simply summarize) the theoretical readings assigned for the class, and *indicate how aspects of the views, theories, and/or argument could be applied in reasoning about the assigned case*. Thus, the presentation will consist in two part. In the first half of the presentation, the presenter will reconstruct the main argument(s) of one of the required readings of the given week, in the light of possible criticism (usually, in the light of the conflicting view of the other required reading of the week). Then, in the second part of the presentation the presenter will briefly introduce and normatively assess the assigned case of the week, based on the week's required readings.

Presentations should be 15 - 20 minutes in length.

Presentations will be assessed on the basis of their clarity and focus, helpfulness in promoting understanding of the ethical issue(s) at stake, quality of arguments, anticipation of objections, evidence of a good understanding of the relevant theoretical readings and of independent thinking, success in generating class discussion, and quality of delivery and time-keeping. Rhetoric and spin are positively discouraged.

3) Presentation of a 1-page draft outline plan for the final paper (20% of final grade)

The final paper should be on a *policy ethics question of your choice related to at least one of the topics discussed in class* (your question may, if you wish, be similar to those provided under each topic heading in the syllabus, which are intended to guide your reading and reflection). *It must be on a different topic to your class presentation*. This assignment is intended help you to work out, logically organize, and concisely communicate the central points you intend to make in your final paper, and to provide an opportunity to discuss and think through potential objections and amendments. The outline should *clearly state the intended thesis* of the paper, and *concisely present the main steps of your argument* for it (bullet points are recommended!). Students may present and discuss their outlines either in class, time permitting, or in appointments with the instructor. They will be assessed according to clarity, organization, and evidence of independent thinking.

Due date: **TBA**

**4) A final paper of between 2,000-2,500 words (50% of final grade)
Due date: TBA**

NB You are strongly encouraged to discuss and refine your ideas or even drafts of your work with the instructor, writing center staff, other students in the class, and indeed anyone else willing to listen. However, your assessed work must be the result of your own writing, thinking and research for this class. Any assistance received should be acknowledged, and any reproduction of text or of ideas of others must be clearly attributed to its original source. An offense of plagiarism need not be intentional for it to be punishable under the CEU regulations.

5) Participation

In all classes participation will be taken into consideration in borderline cases and may result in a raised or lowered final grade by up to 1/3 of a grade. Attendance, preparation, attention to others, and quality of contributions in class throughout the term will be considered.

Requirements for auditing students:

Regular attendance, careful completion of the assigned readings before class, and active participation in discussions is a basic requirement for auditing students. In addition, the expectation is that auditing students will complete the knowledge quizzes and do seminar presentations as well, in case of a smaller class size (that is, if there will be more seminar presentations than students who took the course for a grade).

Grading criteria for term papers

Quantity:

Keep your term paper within the required length limit.

Quality:

A (outstanding): Papers that earn an A are nearly flawless in writing style, organization, exposition and soundness of arguments. While remaining entirely relevant to the question, such a paper will be relatively ambitious in scope and will demonstrate an exceptional degree of understanding of the topic.

A- (excellent): The assignment must demonstrate all the virtues of a B+ paper plus evidence of genuine progress as a result of the author's own independent thinking, such as their own substantive evaluation and critique of the validity and soundness of arguments, or introduction of significant new examples that shed light on the topic. If there are any problems with the exposition or arguments in the paper, these will be minor. Any obvious objections to the paper's argument will have been anticipated and answered.

B+ (very good): In addition to demonstrating the virtues of grade B, the paper must show a higher degree of originality and independent work. That is, in the paper the author has analyzed and independently organized the material themselves in response to the question, rather than simply following the organization of in-class presentations or parts of the literature. The paper will also display good analytical skills.

B (good): To earn this grade, the paper must clearly and concisely address the question and must be written in good academic English. The paper must demonstrate a solid understanding of the arguments from readings in the course as well as in-class presentations and discussions. Important principles and concepts should be clearly explained. The views of others should, where necessary, be accurately, charitably, clearly and succinctly reconstructed, and properly cited with a bibliography.

B- (satisfactory): The author of a B- paper struggles to organize the main ideas of their work. While the author has a general sense of the arguments their paper discusses, the paper's argument is confused and/or poorly written.

C+ (minimum pass): The paper displays significant confusions and/or its author is unaware of crucial arguments for the discussed topic. In addition, the paper is poorly written.

F (fail): The paper does not even possess the rather moderate qualities of a C+ term paper.

COURSE SCHEDULE AND READINGS

The required readings for this class are generally modest in length, but they are necessarily often abstract, and demand careful attention and repeated reading. *You will learn very little from either skim-reading alone, or from someone else's notes.* Understanding the readings fully will pay off in helping you better understand the issues discussed in class, especially in the long run, and of course will help you better contribute to discussions. For more on how to read philosophy, see the recommended guides mentioned below.

Recommended Method and style Guides

Since we will be concerned with moral and evaluative questions, and these questions cannot usually be resolved by collecting and analyzing empirical data, our focus in this course will usually be on giving reasons and assessing arguments. In particular, we will be aiming for concision and clarity in understanding and explaining the structure and the potential weaknesses of rational arguments for moral and philosophical claims, which are often quite abstract. Analytic philosophers have developed a method and style of thinking and writing that helps us do this, and this course aims to teach you the method by using it together with you. If this is an unfamiliar style of thinking, reading and writing for you, you may find the following sources useful:

- Jim Pryor, "Guidelines on Reading Philosophy".
Online at:
<http://www.jimpryor.net/teaching/guidelines/reading.html>
- Jim Pryor, "Guidelines on Writing a Philosophy Paper". Online at:
<http://www.jimpryor.net/teaching/guidelines/writing.html>

- Tracy Bowell and Gary Kemp, *Critical Thinking: A Concise Guide*. 3rd ed.. (London: Routledge, 2010).

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Recommended General Readings

The following sources will be useful references for a range of topics covered during the course:

More elementary:

- James Rachels, *The Elements of Moral Philosophy* (McGraw-Hill, 1996)
- Adam Swift, *Political Philosophy: A Beginners' Guide for Students and Politicians* (Polity, 2006).
- Jonathan Wolff, *Ethics and Public Policy: A Philosophical Inquiry* (London & New York: Routledge, 2011).
- David Boonin and Graham Oddie, *What's Wrong? Applied Ethicists and Their Critics*. 2nd ed. (Oxford: Oxford University Press, 2010)

More difficult and technical at times (but will repay careful reading):

- *The Stanford Encyclopedia of Philosophy*. Online at: <http://plato.stanford.edu/>
- Will Kymlicka, *Contemporary Political Philosophy: An Introduction*. 2nd ed. (Oxford: Oxford University Press, 2002).

Class 1: 9 January

Moral Philosophy, Moral Theory, and Public Policy

- This week's lecture and readings introduce the field of applied ethics, including a brief overview of the most common methods and tools that applied ethicists use, the purpose of which is to help guide our thinking about ethics and public policy in the rest of the course.

Required Readings:

- Patrick Stokes, "No, You Are Not Entitled to Your Opinion," *The Conversation* (October 4, 2012 9.28pm BST). Online at: <https://theconversation.com/no-youre-not-entitled-to-your-opinion-9978>
- David Boonin and Graham Oddie, "Introduction: What's Wrong with Arguing?" in their *What's Wrong? Applied Ethicists and Their Critics*, 2nd ed. (Oxford: Oxford University Press, 2010): 1-30.

Recommended Readings:

- Dean Geuras and Charles Garofalo, “What is Ethics Anyway?” in their *Practical ethics in public administration* (Vienna/Virginia: Management Concepts, 2005), Ch. 3.
- Jeff McMahan, “Moral Intuition,” in Hugh LaFollette (ed) *The Blackwell Guide to Ethical Theory*, 2nd ed. (Blackwell, 2000): 103-120.

Class 2: 16 January
Equality

- This course will proceed on the following egalitarian principles: 1) there is no *natural human hierarchy* (the idea of moral equality); 2) members of a political community should *relate to one another as equals* (the idea of equal citizenship); and 3) the *distributional inequalities* between rich and poor countries is *unjust*. What is the moral ground to make these assumptions? This week, we will discuss the idea of equality -- why it matters and why we think inequality is a moral problem.

Required Readings:

- T.M. Scanlon, “Introduction” and “Equal Concern” in his *Why Does Inequality Matter?* (Oxford: Oxford University Press, 2017): 1-25.

Recommended Readings:

- Will Kymlicka, “Introduction” in his *Contemporary Political Philosophy* (Oxford: Oxford University Press, 2002): 1-9.

Class 3: 23 January
Representation, Official Roles and Morality

- We will examine the role and responsibilities of public officials in a democratic society.
- **Case:** A town clerk’s refusal to issue same-sex marriage licenses in New York State.
- **Questions to consider:** Should legislators in a democratic society use their independent moral judgment, or should they simply try to satisfy the will and demands of voters? Are there responsibilities of public officials to loyally follow orders, and if so, what is their character? Do their roles give them special duties, or special moral prerogatives? Should they ever refuse to follow orders they regard either as unlawful or immoral? To what extent should the personal comprehensive moral and religious views of political agents be expressed in their political arguments and public actions?
- **Task of this week’s presenter:** Construct an argument (for *or* against) whether town clerk Rose Marie Belforti exercised justified official discretion or not when she stopped personally issuing marriage licenses because of her religious beliefs.

Required Readings:

- Edmund Burke, “Speech to the Electors of Bristol” (excerpt).
- Michael Quinlan, “Ethics in the Public Service” *Governance* 6, no. 4 (1993): 538–544.
- Arthur Applbaum, “The Remains of the Role” in his *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* (1999): 61-75.
- Thomas Kaplan, “Rights Clash as Town Clerk Rejects Her Role in Gay Marriages.” *The New York Times*, September 27, 2011, sec. N.Y. / Region.

Recommended Readings:

- Arthur Applbaum, “Democratic Legitimacy and Official Discretion.” *Philosophy & Public Affairs* 21, no. 3 (July 1, 1992): 240–274.
- Dennis Thompson, *Political ethics and public office* (Cambridge, MA: Harvard University Press, 1987), “Introduction” and “Legislative Ethics”: 96-122.

Class 4: 30 January

Gun Control

- As of November 19, there have been 314 mass shootings in the US in 2018 so far. Survivors of the recent Parkland shooting initiated a rapidly growing movement for gun control. The question of gun control, however, is controversial due to the fact that the Second Amendment to the US Constitution guarantees American citizens the right to keep and bear arms.
- **Case:** President Trump’s proposed solution to mass school shootings
- **Question to consider:** Is completely banning firearms justified? Or would any regulation of guns unjustly violate the right of gun-owners?
- **Task of this week’s presenter:** Argue for *or* against a gun ban.

Required Readings:

- Michael Huemer, “Is there a Right to Own a Gun?” *Social Theory and Practice* 29 (2) (April 2003): 297-324.
- Jeff McMahan, “Why Gun ‘Control’ Is Not Enough” *Opinionator*, 19.12.2012. Available at: <https://opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/>
- David Smith, “Trump's solution to school shootings: arm teachers with guns” *The Guardian*, 21.02.2018. Available at: <https://www.theguardian.com/us-news/2018/feb/21/donald-trump-solution-to-school-shootings-arm-teachers-with-guns>

Recommended Readings:

- Hugh LaFollette, *In Defense of Gun Control* (Oxford: Oxford University Press, 2018).
- Todd C. Hughes and Lester H. Hunt, “The Liberal Basis of the Right to Bear Arms”, in *Ethics in Practice: An Anthology*, 4th Edition, Hugh LaFollette ed. (Blackwell Publishers, 2014).

Class 5: 6 February

The Limits of Cost-Effectiveness Analysis: The Problem of Health-Care Rationing and Disability.

- Health care resources are scarce by their nature, hence rationing them is a justifiable goal of the state, *prima facie*. A key feature of health care rationing is efficiency: since supply is limited, it must be guaranteed that a unit of allocated resource is used to achieve the maximum health benefit possible. Thus, many national health care systems apply cost-effectiveness analysis (CEA), which is an economic analysis designed to compare the relative costs and outcomes of certain health care policies.
- **Case:** NHS’s denial of hip replacements for the obese
- **Questions to consider:** Does using CEA misjudge the well-being of the disabled? Should CEA play a role in policymakers’ decisions about health care provisions? Are criticisms against CEA justified?
- **Task of this week’s presenter:** Argue for *or* against the view that CEA is discriminatory against people with disabilities.

Required Readings:

- Greg Bognar, “Does Cost Effectiveness Analysis Unfairly Discriminate against People with Disabilities?” *Journal of Applied Philosophy*, 27 (4): 394–408.
- Ron Amundson, “Health Resource Rationing,” in *Encyclopedia of Disability*, Gary L. Albrecht (ed) (SAGE Publications, 2006): 841-6.
- John Carvel, “NHS cash crisis bars knee and hip replacements for obese,” *The Guardian* 23 November 2005. Available at: <https://www.theguardian.com/society/2005/nov/23/health.publicfinances>

Recommended readings:

- Jerome E. Bickenbach, “Disability and the Well-Being Agenda” in *Disability and the Good Human Life*, Jerome E. Bickenbach, Franziska Felder and Barbara Schmitz (eds.) (Cambridge: Cambridge University Press, 2014): 168-98.
- John Harris, “QALYfying the Value of Life” *Journal of Medical Ethics*, 13(3) (1986): 117–123.

Class 6: 20 February:

Drugs

- This year Canada legalized the recreational use of marijuana, which entails that adults will be allowed to buy, use, possess and grow recreational marijuana, under the law. The trend of legalization also recently takes place in the US – currently the non-medical use of cannabis is decriminalized in 13 states. While European countries adopt a more pragmatic approach, recreational drugs are actually tolerated in countries such as Germany, the Netherlands and Portugal. This question nevertheless divides regulators because recreational drug use involves several harms and goes against conservative sentiments.
- **Case:** Canada’s legalization of the recreational use of cannabis.
- **Question to consider:** Is recreational drug use a matter of criminal justice, or a health care issue? Is the inconsistency about the regulation of recreational drugs and alcohol relevant (i.e. that many recreational drugs are illegal, whereas alcohol is legal)? Is banning drugs justified, or does it violate important liberties of recreational users?
- **Task of this week’s presenter:** Argue for *or* against drug liberalization.

Required Readings:

- Douglas Husak, “Four Points About Drug Decriminalization” *Criminal Justice Ethics* (Winter/Spring, 2003): 21-9.
- James Q. Wilson, “Against the Legalization of Drugs,” from *Commentary* (February 1990). Available at: <https://www.commentarymagazine.com/articles/against-the-legalization-of-drugs/>
- Darran Simon and Nicole Chavez, "Canada just legalized recreational pot. Here's what you need to know", *CNN*, October 17, 2018. Available at: <https://edition.cnn.com/2018/10/17/health/canada-legalizes-recreational-marijuana/index.html>

Recommended readings:

- Douglas Husak and Peter de Marneffe, *The Legalization of Drugs: For and Against* (Cambridge: Cambridge University Press, 2005).
- Jonathan Wolff, “Drugs” in his *Ethics and Public Policy: A Philosophical Inquiry* (Routledge, 2011): 61-82.

Class 7: 27 February

Liberty: Freedom of Speech and Hate Speech

- Freedom of speech is a bedrock liberty of every democratic society. No one, however, thinks that this freedom is without limits: as Oliver Wendell Holmes once famously put it, no one is entitled to shout (falsely) “fire!” in a crowded theatre, when it is not on fire. This week, with the help of the Danish “cartoon controversy,” we will examine whether speech/expression can be limited on other grounds than presenting a clear and present danger. We will consider whether banning/censoring hate speech is morally acceptable, and if so, on what grounds.
- **Case:** The Jyllands-Posten’s Mohammed cartoons controversy.

- **Questions to consider:** Is banning hate speech morally acceptable? If yes, on what grounds? Can the Mohammed cartoons be considered as hate speech? Was Jyllands-Posten's publishing the cartoons immoral? If yes, why?
- **Task of this week's presenter:** Argue for *or* against publishing the cartoons in light of possible counterarguments.

Required Readings:

- Tariq Modood, "The Liberal Dilemma: Integration or Vilification?" *International Migration* 44 (5) (2006): 4-7.
- Randall Hansen, "The Danish Cartoon Controversy: A Defence of Liberal Freedom" *International Migration* 44(5) (2006): 7-16.
- Joseph Carens, "Free Speech and Democratic Norms in the Danish Cartoons Controversy" *International Migration* 44(5) (2006): 33-42.
- John Ward Anderson, "Cartoons of Prophet Met With Outrage." *The Washington Post*, January 31, 2006. Available at: https://www.washingtonpost.com/archive/politics/2006/01/31/cartoons-of-prophet-met-with-outrage-span-classbankheaddepictions-of-muhammad-in-scandinavian-papers-provoke-anger-protest-across-muslim-world-span/44c5f483-16d9-4384-bd58-e1a58ebe4cc7/?utm_term=.d16878214a3c

Recommended Readings:

- John Stuart Mill, *On Liberty* (1869), unabridged version. (Especially ch 2 "Of the Liberty of Thought and Discussion"). I recommend the edition edited by Jonathan F. Bennett and available online at: <http://www.earlymoderntexts.com/assets/pdfs/mill1859.pdf>
- Joel Feinberg, *Offense to Others: The Moral Limits of the Criminal Law* (Oxford: Oxford University Press, 1985): 1-13.
- Jeremy Waldron, *The Harm in hate Speech*, Ch. 5 (Cambridge, MA: Harvard University Press, 2012): 105-30.

Class 8: 6 March

Global Justice: Climate Change

- Climate change is perhaps the most pressing contemporary global problem. A recent report issued by the UN Intergovernmental Panel on Climate Change (IPCC), says that we have only 12 years to limit global warming to moderate levels, which would require both an unprecedented change in global energy infrastructure and a paradigmatic shift in our diet, as food and agriculture enormously contribute to climate change. These are important questions about what should be done with climate change. But another essential and unavoidable question is who should primarily bear the burdens of these paradigmatic shifts and changes.
- **Case:** Vanuatu sues fossil fuel companies and other countries over climate change

- **Questions to consider:** Should those who contributed to current climate problems the most pay more for climate justice? That is, should the responsible countries take up the highest share of tackling with the recent dangerous trend?
- **Task of this week's presenter:** Examine the case of Vanuatu and articulate a view on whether a historic injustice-based approach is plausible in case of climate change.

Required Readings:

- Eric Neumayer, "In Defence of Historical Accountability for Greenhouse Gas Emissions" *Ecological Economics* (2000) 33: 185–192.
- Simon Caney, "Cosmopolitan Justice, Responsibility and Global Climate Change" in *Climate Ethics: Essential Readings*, Stephen M. Gardiner, Simon Caney, Dale Jamieson and Henry Shue eds. (Oxford: Oxford University Press, 2010): 122-45.
- Lisa Cox, "Vanuatu says it may sue fossil fuel companies and other countries over climate change" *The Guardian*, 22.11.2018. Available at: https://www.theguardian.com/world/2018/nov/22/vanuatu-says-it-may-sue-fossil-fuel-companies-and-other-countries-over-climate-change?fbclid=IwAR18x2RmnP0NwBuuteyyDIYFUK5gYq_5ZyFF5K5aJiqf-1_UZFjpSxAO0FA

Recommended readings:

- Simon Caney, "Just Emissions" *Philosophy & Public Affairs* 40 (4): 255-300.

Class 9: 13 March

Global Justice 2: Poverty

- According to the World Bank 10.7 percent of the world's population in 2013 lived on less than US\$1.90 a day. According to UNICEF, in every 3.6 seconds one person (usually a child under the age of 5) dies of hunger. This week, we will examine what the moral duties of individuals and states are toward the global poor.
- **Case:** Famine in South Sudan.
- **Questions to consider:** What do rich countries owe to poor ones as a matter of justice? Does the fact that poor countries might, to a certain extent, be morally responsible to their own plight affect the responsibilities of rich countries? Do the fact that we need institutions to alleviate world hunger and poverty affect our obligations towards the distant poor?
- **Task of this week's presenter:** Examine the case of South Sudan, and articulate a view on whether and how much rich countries, or individuals from rich countries owe to the South Sudanese and what they should do.

Required Readings:

- Peter Singer, "Famine, Affluence and Morality" *Philosophy and Public Affairs* 1 (3) (Spring, 1972): 229–43.
- David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2012): 231-38, 259-61.

- Jason Burke, “I buried my smallest child under a bush’: starvation and sorrow in South Sudan” *Guardian* 23 June 2017. <https://www.theguardian.com/global-development/2017/jun/23/i-buried-my-smallest-one-under-a-bush-starvation-sorrow-south-sudan>

Recommended Readings:

- Michael Blake and Patrick Taylor Smith, "International Distributive Justice", *The Stanford Encyclopedia of Philosophy* (Spring 2015 Edition), Edward N. Zalta (ed.), Available at: <https://plato.stanford.edu/archives/spr2015/entries/international-justice>
- Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (London: Polity Press; 2nd edition, 2008).

Class 10: 20 March Immigration

- Do states have a moral right to control their borders preventing outsiders to enter their territory? This week, we will discuss justice in immigration.
- **Case:** Since 2011, millions of Syrians had to leave their homes and flee abroad due to the civil war in Syria. From 2015, an unprecedented number of immigrants entered the EU in order to get asylum (the large majority of them fleeing from war and terror in Syria and other troubled countries). Many Eastern European EU countries, however, maintain that they have a right to unilaterally exclude immigrants from their territories, including refugees.
- **Questions to consider:** Do the governments of Eastern European EU countries have a moral right to prevent migrants, especially refugees, from entering the EU freely? If yes, on what grounds?
- **Task of this week’s presenter:** Based on this week’s readings, make a claim about how European countries should treat Syrian refugees and argue for it.

Required Readings:

- Christopher Heath Wellman, “Immigration, and Freedom of Association” *Ethics* 119 (1) (2008): 109-141 (**read pp. 109-131. for the class**).
- Christopher Heath Wellman, “Freedom of Association and the Right to Exclude” in *Debating the Ethics of Immigration: Is There a Right to Exclude?*, Christopher Heath Wellman and Phillip Cole (eds.) (Oxford: Oxford University Press, 2011): 117-24.
- Michael Blake, “Philosophy & The Refugee Crisis: What Are The Hard Questions?” *The Critique*, July 1, 2016. <http://www.thecritique.com/articles/philosophy-the-refugee-crisis-what-are-the-hard-questions/>

- Michael Blake, “Christopher Heath Wellman and Phillip Cole. Debating the Ethics of Immigration: Is There a Right to Exclude?” *Notre Dame Philosophical Reviews*, 30.07.2012. Available at: <http://ndpr.nd.edu/news/debating-the-ethics-of-immigration-is-there-a-right-to-exclude/> (**Concentrate on Blake’s criticism of Heath Wellman, disregard his criticism of Cole**)

Recommended Readings

- Alex Sager, “An Introduction to the Ethics of Immigration” in *The Ethics and Politics of Immigration: Core Issues and Emerging Trends*, Alex Sager (ed.), (Rowman and Littlefield, 2016): 1-12.
- Michael Blake, “Immigration,” in R G Frey and Christopher Wellman (eds.), *A Companion to Applied Ethics* (2003): 224-237.

Class 11: 27 March Multiculturalism

- In Western democracies, multicultural rights are familiar phenomena within the political landscape. These rights help members of cultural and religious groups to pursue their traditions and customs. Some of these rights refer to the attire of religious/cultural groups, for example, Jewish soldiers can wear their yarmulkes in the US Army (thus they are exempted from the general uniform regulations of the army). One religious/cultural item of attire, however, has become subject of a heated public debate in the EU: the Muslim full face veil, *the burqa*.
- **Case:** In *Belcacemi and Oussar v. Belgium*, The European Court of Human Rights (ECHR) unanimously ruled that the Belgian ban on the *burqa* is legal under the European Convention of Human Rights. The Court found that the ban “could be regarded” as “necessary in a democratic society,” and that it guarantees the conditions of “living together,” as an element of “protecting the rights and freedoms of others.”
- **Questions to consider:** Is wearing a full face veil morally problematic? Can a liberal state legitimately ban wearing an attire? Does the fact that the attire is a religious one, change the situation morally speaking?
- **Task of the presenter:** Make a *moral* argument for *or* against the ECHR’s decision to uphold the *burqa* ban.

Required Readings:

- “Ban on wearing face covering in public in Belgium did not violate Convention rights” Press Release issued by the Registrar of the European Court of Human Rights, *ECHR 241* (2017) 11.07.2017. Available at: [http://unia.be/files/Judgment_Belcacemi_and_Oussar_v._Belgium_-_ban_on_wearing_face_covering_in_public_areas_\(Law_of_1_June_2011\).pdf](http://unia.be/files/Judgment_Belcacemi_and_Oussar_v._Belgium_-_ban_on_wearing_face_covering_in_public_areas_(Law_of_1_June_2011).pdf)

- *S.A.S. v. France* (Application no. 43835/11). Available at: [https://hudoc.echr.coe.int/eng#{"docname":\["s.a.s."\],"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-145466"\]}](https://hudoc.echr.coe.int/eng#{) (**read the excerpts for the class**)
- Martha Nussbaum, *The New Religious Intolerance: Overcoming the Politics of Fear in an Anxious Age* (Cambridge, MA: Harvard University Press, 2012): 105-138.
- Michelle Hutchinson, “Was France Right to Ban the Burqa?” *Practical Ethics* (University of Oxford). Available at: <http://blog.practicaethics.ox.ac.uk/2011/04/was-france-right-to-ban-the-burqa/>

Recommended Readings:

- John Locke, “A Letter concerning Toleration” in *A Letter concerning Toleration and Other Writings*, edited and with an Introduction by Mark Goldie (Indianapolis: Liberty Fund, 2010 [1689]). 2017. 11. 28. http://lfs3.s3.amazonaws.com/titles/2375/Locke_1560_EBk_v6.0.pdf
- Cecile Laborde, *Critical Republicanism: The Hijab Controversy and Political Philosophy* (Oxford: Oxford University Press, 2008).

Class 12: 3 April
Final Discussion & Wrap Up

Readings TBD