Martha Nussbaum

- Martha Nussbaum
- Ernst Freund Distinguished Service Professor of Law and Ethics at the University of Chicago
- Beware of those who place culture over human rights. They tend to be blind to a cultural universal: All cultures systematically discriminate against women.
- Universal human rights can be based on universal human capabilities.
We can recognize at least one subjectively universal cultural norm: Norms of discrimination against and oppression of women.

Both Lee and Mutua place great weight on the value of the family. Cultural understandings of the family universally deny women equal status with men.

Discrimination against women is a universal moral problem, with an objectively universal solution: equal rights for women (though it far from subjectively universal).
“Getting beaten up and being malnourished have depressing similarities everywhere; denials of land rights, political voice, and employment opportunities do also. Insofar as there is diversity worth preserving in the various cultures, it is perhaps not in traditions of sex hierarchy, any more than in traditions of slavery, that we should search for it” (51).
Equality for women is not a Western idea

- “How absurd, too, to take credit for sex equality as an American idea when America has not been able to pass an equal rights amendment, something that India did in 1951, and when the Indian goal of equality of opportunity, unlike its American counterpart, has been consistently understood to be incompatible with systematic social hierarchies of all kinds” (39).

- “But it is one thing to say that we need local knowledge to understand the problems women face, or to direct our attention to some aspects of human life that middle-class people tend to take for granted. It is quite another matter to claim that certain very general values, such as the dignity of the person, the integrity of the body, basic political rights and liberties, basic economic opportunities, and so forth, are not appropriate norms to be used in assessing women's lives in developing countries” (41).
“Chinese women I met at a 1995 conference on feminism in Beijing reacted to a paper praising Confucian values of care as good norms for feminists by saying, "That was a Western paper. She would not have said that had she not come from Hong Kong" (as indeed the young speaker did). What they meant was that for her the traditions could look beautiful, since she had never had to live in the world they constructed. For them, Confucian values were living excuses for sex discrimination in employment and other things they didn't value at all. This is also the way many Indian women, though by no means all, view the norms of the "good" or "pure" woman to which traditionalist Hindu and Muslim leaders are currently giving enormous emphasis, construing control over female sexuality as a central aspect of cultural continuity”(46).
In defense of universality

- Contra Rawls’s relativism: “Rawls himself pulls back at this point, preferring to regard [his political liberalism] as grounding a consensus only within a particular Western tradition of political philosophy. In reality, however, there seems no reason to think that any of the primary goods is particularly Western, nor that the power of forming and revising a plan of life expresses a distinctively Western sense of what is important. The idea of being able to plan and to execute a plan arises without any philosophical backing, out of the struggle of human beings to live in a hostile environment”(67).

- “People don't need Western philosophers to tell them that they don't like to be pushed around by the world, or to live in a condition of helplessness”(68).
“[W]e need only notice that there is a type of focus on the individual person as such that requires no particular metaphysical tradition, and no bias against love and care. It arises naturally from the recognition that each person has just one life to live, not more than one; that the food on A's plate does not magically nourish the stomach of B; that the pleasure felt in C's body does not make the pain experienced by D less painful; that the income generated by E's economic activity does not help to feed and shelter F; in general, that one person's exceeding happiness and liberty does not magically make another person happy or free. Programs aimed at raising general or average well-being do not improve the situation of the least well-off, unless they go to work directly to improve the quality of those people's lives. If we combine this observation with the thought, which all feminists share in some form, that each person is valuable and worthy of respect as an end, we must conclude that we should look not just to the total or the average, but to the functioning of each and every person. We may call this the principle of each person as end” (56).
If There Are Universal Moral Standards, What Are They?

- Not Based on Gross National Product per Capita (Economic Development)
  The problem of distribution

- Not Based on Total or Average Utility of the Population (Utilitarianism)
  The problem of adaptive preferences

- Not Based on Any Measure of Resources (e.g., Rawls's primary goods)
  The problem of different capacities for translating resources into useful functioning

- They are Rights to the Development of Basic Human Capabilities
  “The central question asked by the capabilities approach is not, "How satisfied is Vasanti?" or even "How much in the way of resources is she able to command?" It is, instead, "What is Vasanti actually able to do and to be"”(71)?
The central human capabilities are not self-evident:

- “The list [of central human capabilities] represents the result of years of cross-cultural discussion, and comparisons between earlier and later versions will show that the input of other voices has shaped its content in many ways. Thus it already represents what it proposes: a type of overlapping consensus on the part of people with otherwise very different views of human life” (76).

- “The list remains open-ended and humble; it can always be contested and remade. Nor does it deny that the items on the list are to some extent differently constructed by different societies. Indeed, part of the idea of the list is its multiple realizability: its members can be more concretely specified in accordance with local beliefs and circumstances. It is thus designed to leave room for a reasonable pluralism in specification” (77).
The Central Human Capabilities (78-80)

1. Life
2. Bodily health
3. Bodily integrity
4. Sense, imagination, and thought
5. Emotions
6. Practical Reason
7. Affiliation: (a) Friendship and (b) Self-Respect.
8. Other species
9. Play (the basis for a right to holidays with pay?)
10. Control over one's environment: (a) Political and (b) Material
Which of the following characteristics of human rights does Nussbaum NOT defend?*

A. Individualism
B. Infallibility
C. Universality
D. Sex and gender equality
In your opinion, should women have equal rights to men everywhere in the world?*

A. Yes
B. No

93%
7%
Peter Singer

- Peter Singer is Ira W. DeCamp Professor of Bioethics at Princeton University.
- Drowning Child
- Weaker Principle (“something of moral significance”)
- Stronger Principle (“something of comparable moral significance”)
- Utilitarianism
John Rawls (1921-2002)
Author of *Theory of Justice*, *Political Liberalism*, *The Law of Peoples*, and *Justice as Fairness* (with Erin Kelly)
John Rawls

- Rawls's Fundamental Idea: The Idea of Society as a “Fair System of Cooperation between Free and Equal Persons” (14)
- Hypothetical Consent (not Actual Consent)
- Two original positions: (1) individual parties; state parties.
- Rawls’s Theory of Domestic Justice is based on the OP with individual parties. The result is two principles of justice, the second of which has two parts:
  - (1) Liberal Democracy
  - (2) (a) Fair Equality of Opportunity
  - (b) Difference Principle (Need to justify social and economic inequalities as maximizing the level of the least well-off group)
- Rawls’s Theory of Global Justice: based on OP with state parties. It is little more than a non-aggression pact between liberal democracies and decent hierarchical societies, with only minimal human rights protections.
Charles R. Beitz is Edward S. Sanford Professor of Politics at Princeton University.

Global Original Position with individual parties to address two questions:

1. Ownership rights to natural resources of the earth.
2. Implications for justice of the fact of international interdependence.

The Global Difference Principle
Alison Jaggar is a College Professor of Distinction in the Department of Philosophy and the Department of Women and Gender Studies at the University of Colorado.

- Transnational gender disparities
- Cycles of gendered vulnerability (Amartya Sen’s example of 100 million missing women and girls)
- Equal rights for women as a requirement of a just global order.
Thomas Pogge

- Professor of Philosophy and International Affairs, at Yale
- Purely Domestic Poverty Thesis
- Negative duties vs. positive duties
- The global world order harms the world’s poor
- Resource privilege (and curse)
- Borrowing privilege (and curse)
- The problem of the baseline
Leif Wenar

- Chair of Ethics at King’s College London
- The Donor’s Question
- Wenar’s Iron Law of Political Economy
- “Dutch Disease”
David Schmidtz

- Professor of Philosophy, University of Arizona
- Libertarian (of a kind)
- Moral hazard
- Type benefit (or cost) vs. token benefit (or cost)
- Tragic Commons
- Van Gogh in the Lake
Which Author Favors the Global Difference Principle?*

A. John Rawls
B. Charles Beitz
C. David Schmidtz
D. Peter Singer

94% for John Rawls, 6% for Charles Beitz, 0% for David Schmidtz, and 0% for Peter Singer.
Jeffrey Sachs

- Co-creator of the UN Millennium Development Goals (2000 plan to halve world poverty by 2015, eliminate it by 2025).
- Clinical economics
William Easterly

- Professor of Economics, New York University
- Author of *The White Man’s Burden: Why the West’s Efforts to Help the Rest Have Done So Much Ill and So Little Good*
- “Utopian social engineering” vs. “piecemeal democratic reform”
Dambisa Moyo

- Author, *Dead Aid*
- Humanitarian aid vs. development aid
- Top 10 list
- “No representation without taxation”
- Aid privilege (and curse)
- Micro-lending (Grameen Bank)
Nicholas Kristof and Sheryl WuDunn

- Husband and wife journalists
- Founders of half the sky movement
- Education of girls
- Empowerment of women
• Professor of Political Science, University of Toronto
• Looks like Santa Claus
• “feudal privilege”
• Open borders:
  1. Libertarian argument
  2. Utilitarian argument
  3. Social contract argument (which kind of OP does he assume?)
• Statute of limitations on immigration laws.
Christopher Heath Wellman

- Professor at Washington University in St. Louis
- Right to freedom of association
- Analogy to marriage
- Presumptive group right of association
- “White Australia”
Michael Blake, UW Professor of Philosophy And Public Affairs and Director of the Program On Values in Society.

- Simple deontic view vs. complex deontic view
- Rights as trumps
- Brute luck vs. option luck
Why is Climate Change Such a Difficult Problem?

- Stephen Gardiner
  Professor of Philosophy
  and Ben Rabinowitz Endowed
  Professor of Human
  Dimensions of the Environment
  University of Washington
- Perfect Moral Storm, a combination of:
  - Global Storm
  - Intergenerational Storm
  - Theoretical Storm
  - Tragedy of the Commons (Collective Action Problem) and “free riding”
- Moral corruption
Peter Singer’s Four Alternatives (Plus one):
(1) Property rights
(2) “You broke it, now you fix it”
(3) “An equal share for everyone”
(4) Aiding the worst-off
(5) Utilitarian Principle (Greatest Happiness Principle)

Problem with discounting future benefits (part of Gardiner’s Theoretical Storm)
Walter Sinnott-Armstrong on Individual Responsibility

- Walter Sinnott-Armstrong
  Chauncey Stillman Professor of Practical Ethics in the Department of Philosophy and the Kenan Institute for Ethics at Duke University.
- Driving a gas-guzzling SUV:
  - Harm
  - Kantian duty
  - Collective duty
  - Counterfactual duty
International Criminal Court

- Jurisdiction
- Territorial
- Personal
- Crimes:
  - (1) Genocide
  - (2) Crimes against humanity
  - (3) War crimes
  - (4) Aggression? (perhaps in 2017)
Jamie Mayerfeld

- Associate Professor, Political Science and Law, Societies, and Justice, University of Washington
- Torture: U.S. vs. E.U.
- Problem: being a judge in one’s own case
- ICC: a pre-commitment device
- Majority vote is not enough to produce a legitimate democracy.
- ICC vs. UN (e.g., UN Human Rights Council [and earlier Commission])
Genocide: No right to punish without protection
Deserving punishment vs. right to punish
Gates Genocide Protection Force vs. Gates International Court to Punish Genocide
Robert Kagan

- Senior fellow at Brookings Institution
- “Americans are from Mars and Europeans are from Venus”
- Hobbesian world of anarchy vs. Kantian world of perpetual peace
- America as the world’s sheriff
David Held

- University Professor of Politics and International Relations, Durham University.
- “globalization without territory”
- cosmopolitan democracy
- multiple (or mixed) citizenship
Peter Singer’s on Global Government

- Global citizenship
- One World Democracy
- Step-by-step approach
- The “expanding circle”
Will Kymlicka

- Canada Research Chair in Political Philosophy at Queen's University in Canada.
- parochial citizenship
- "communities of fate"
- "politics in the vernacular"
- secession not world integration
subjective universality of moral norms vs. objective universality of moral norms

Descriptive cultural relativism about morality vs. normative cultural relativism about morality

The Cultural Imperialism Argument

If cultural imperialism is wrong, then there is at least one objectively universal moral norm.
Lee Kwan Yew

- Former Prime Minister of Singapore (1959-1990). Remains an adviser to the government.
- Confucian model of government:
- Paternalistic (define *paternalistic intervention*)
- Opposes human rights because of:
  - (1) Universalism
  - (2) Individualism
Makao Mutua

- Dean of the University of Buffalo Law School
- Opposes human rights:
  - (1) Infallibility ("self-evidence")
  - (2) Universalism
  - (3) Individualism:
    Need group rights also
    Great inequalities of wealth incompatible with equal human rights.
Martha Nussbaum

- Martha Nussbaum
  Ernst Freund Distinguished Service Professor of Law and Ethics at the University of Chicago
- A cultural universal: All cultures systematically discriminate against women.
- Universal human rights NOT based on:
  (1) GNP per capita
  (2) total or average utility
  (3) resources alone
- Universal human rights can be based on universal human capabilities.
- List of Central Human Capabilities is fallible.
Of the following authors, who is your favorite?

A. John Rawls
B. Peter Singer
C. David Schmidtz
D. Thomas Pogge
E. Martha Nussbaum
F. Charles Beitz
G. Other

- John Rawls: 1%
- Peter Singer: 11%
- David Schmidtz: 21%
- Thomas Pogge: 11%
- Martha Nussbaum: 13%
- Charles Beitz: 11%
- Other: 32%
How Would You Rate the Use of Clickers in This Course?

A. Good
B. Neutral
C. Bad

61% Good
25% Neutral
14% Bad