

Fall 2010

CARLETON UNIVERSITY
DEPARTMENT OF POLITICAL SCIENCE**PSCI 3109A - THE POLITICS OF LAW AND MORALITY***Tuesdays 14:35-17:25 p.m.**Room 404 Southam (please confirm on Carleton Central)***Instructor:** Dr. R. Jhappan **Office:** D697 Loeb**Office Hours:** T 12:00 – 2:00 p.m. Th 3:30 – 5:30 p.m., or by appointment**Tel:** 613 520 2600, ext. 2788 **Email:** rjhappan@connect.carleton.caCourse Description

This course is intended to introduce students to the complex relationships between law, politics (public policy), and morality. The first part of the course examines some of the major conceptual, analytical, and normative questions that animate the substantive issues covered later, including moral/ cultural relativism, secular moral theories (utilitarianism, Kant, natural law, and legal positivism), the public/private distinction, and the appropriate role of the state in moral regulation. As most societies base their collective moralities on religious foundations, there will be a brief examination of the moral values of five major world religions (Judaism, Christianity, Islam, Hinduism, and Buddhism). Thereafter, drawing predominantly upon the experience of Canada, but also of the United States and other jurisdictions, the course examines the ethics and the treatment in public policy and law of four of the following issues (to be chosen by the class): genetic engineering/ biotechnology, animal rights, environmental ethics, terrorism and torture, euthanasia, capital punishment, new reproductive technologies, pornography, poverty, discrimination and affirmative action. The course takes a multicultural and multidisciplinary approach to the topics covered, examining moral philosophy, religion, political ideologies such as liberalism, feminism, and conservatism, legal theory and practice, and political/ policy studies.

By attending lectures, participating in class discussions, and completing the required readings and written assignments, students will be able to: engage key moral theories and debates; analyze and evaluate different approaches to morality and law; better understand the history and development of laws and policies in the area of 'moral regulation'; appreciate the complexity of the issues involved in some of the key ethical debates prevalent in modern, technologically-driven societies; and refine their reading, writing, research, critical, and analytical skills.

Course Requirements

Students must fulfil all course requirements in order to achieve a passing grade. Failure to hand in any assignment will result in a grade of F. Failure to write the final exam will result in a

grade of ABS. FND (Failure No Deferred) is assigned when a student's performance is so poor during the term that they cannot pass the course even with 100% on the final examination. In such cases, instructors may use this notation on the Final Grade Report to indicate that a student has already failed the course due to inadequate term work and should not be permitted access to a deferral of the examination. Deferred final exams are available ONLY if the student is in good standing in the course.

Students must complete each of the following components of the course in order to achieve a passing grade:

- | | |
|--------------------------------|---|
| 1 Critical Analysis (5 pages) | 20% Due <u>in class</u> , Oct. 19, 2010 |
| 1 Research Essay (12-14 pages) | 35% Due <u>in class</u> , Nov. 9, 2010 (with stamped, self-addressed envelope) |
| 1 Scheduled final examination | 45% (based on readings and lectures)
(examination period = Dec 9-22) |

Grading Formula

A+ = 90+% A = 85-89% A- = 80-84%	EXCELLENT	Excellence in: evidence of original thought ; strong, clear, logical argument ; research and use of sources ; organization of material; and writing skills (including superior composition, no grammatical errors or typos; formal elements of essay structure such as introduction, body, conclusion, correctly formatted footnotes and bibliography)
B+ = 77-79% B = 73-76% B- = 70-72%	GOOD (above average)	Mastery of material and solid writing skills (i.e. good syntax, organization, structure, very few grammatical errors or typos)
C+ = 67-69% C = 63-66% C- = 60-62%	SATISFACTORY (average)	Clear understanding of material and adequate writing/organizational skills
D+ = 57-59% D = 53-56% D- = 50-52%	UNSATISFACTORY	Limited understanding of material and/or deficient writing skills (i.e. awkward syntax and/or frequent grammatical and other errors)
F = 49 and below	FAIL	Inadequate work in several or all areas

Academic Accommodations

For Students with Disabilities: Students with disabilities requiring academic accommodations in this course are encouraged to contact the Paul Menton Centre (PMC) for Students with Disabilities (500 University Centre) to complete the necessary forms. After registering with the PMC, make an appointment to meet with the instructor in order to discuss your needs **at least four weeks before the first assignment is due**. This will allow for sufficient time to process your request. The deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is **Nov. 15, 2010**.

For Religious Observance: Students requesting accommodation for religious observances should apply in writing to their instructor for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Instructors and students may contact an Equity Services Advisor for assistance (www.carleton.ca/equity).

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a *letter of accommodation*. Then, make an appointment to discuss your needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Selection of Lecture Topics

Part 1 of this course focuses on sources of morality and explores such matters as religion, relativism, positivism, and natural law. However, the course is designed to give students some choice regarding the specific moral issues to be discussed in lectures and for the purposes of the examination. Therefore, during the first session (Sept. 14), the class collectively will choose a list of four substantive topics; the results of the class choice will be announced on by email and in class on Sept. 21.

Critical Analysis - 20% - Due in class (and via WebCT by 4:00 p.m.) October 19, 2010

Choose one of the readings from Part 1 of the course. The chosen article should be a minimum of 4-5 pages long. Your critical analysis must be 5 double-spaced, typed pages in 12 point Times New Roman font with one-inch margins.

Provide a short summary or 'abstract' of the material to identify the theoretical perspective/approach taken in the piece, the main arguments, and conclusions. Though you need not answer all of the following questions directly, think about them as you craft your critical analysis as they will help you uncover the strengths and weaknesses of your chosen article:

- What is the problematic the piece addresses?
- What is the author's *purpose* in writing this text? What does s/he want to accomplish? Put it into your own words.
- Who is the author and is her/his own social profile at all significant ré what s/he is saying and why s/he is saying it?
- Is the piece argued strongly or poorly, and according to what criteria?
- Does the author provide sufficient background information to support the argument?
- Are opinions presented as if they are facts?
- Does the author oversimplify complex ideas or make unsupported generalizations?
- Were any important pieces of information left out?
- Does the author represent the ideas of others fairly and accurately?
- Does the author appeal to prejudice or fear? If so, how?
- Does the author present a balanced picture of the issue?
- Does the author 's language, tone, or choice of examples reveal any biases? If so, do the author's biases reduce her or his credibility?
- Does the text challenge your own values, beliefs, and assumptions?
- Was the overall argument convincing? Why, or why not?
- What position would you take on the matter?

Although this is a think-piece rather than a research essay, it is highly recommended that you read one or two other articles on related themes from Part 1 of the course outline to give you a sense of alternative approaches and in order to help you evaluate the author's argument. Take the time to really think about what is intellectually provocative for you about the reading.

The purpose of this assignment is to encourage you to engage thoughtfully with the readings, to take notes on what you read, and to be aware of different approaches to moral/ethical issues. This exercise also helps you to develop excellent reading comprehension and critical thinking skills.

Research Essay - 35% - Due in class (and via WebCT by 4:00 p.m.) Nov. 9, 2010

The research essay, **12 double-spaced, typed pages in 12 point Times New Roman font with one-inch margins**, will be an analysis of a public policy issue that has been controversial and/or a matter of specific public policy and public interest in Canada during the last Parliamentary session.

The purpose of the assignment is to assess the relationship(s) between the theoretical approaches to morality (covered in the first section of the course) and the law/public policy in a specific policy field in the Canadian context.

The paper should use as its starting point one of the Bills listed below, retrievable at <http://www2.parl.gc.ca>. Follow the links for Bills – and links for text and status of the bill, its sponsor (MP, party), major speeches in Parliament etc. (N.B. *government bills are numbered C2=C200; Private Members Bills are numbered C201-C1000; Bills that originate in the Senate are numbered S2-S200*).

- **Bill C-22**, “An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service”;
- **Bill C-209**, “An Act to prevent the use of the Internet to distribute pornographic material involving children”;
- **Bill C-229**, “An Act to amend the Criminal Code (cruelty to animals)”; and **Bill C-230**, “An Act to amend the Criminal Code (cruelty to animals)”;
- **Bill C-246**, “An Act to amend the Criminal Code (child sexual predators)”;
- **Bill C-334**, “An Act prohibiting the commission, abetting or exploitation of torture by Canadian officials and ensuring freedom from torture for all Canadians at home and abroad and making consequential amendments to other Acts”;
- **Bill C-380**, “An Act to amend the Criminal Code (hate propaganda)”;
- **Bill C-381**, “An Act to amend the Criminal Code (trafficking and transplanting human organs and other body parts)”;
- **Bill C-384**, “An Act to amend the Criminal Code (right to die with dignity)”;
- **Bill C-390**, “An Act respecting conscientious objection to the use of taxes for military purposes”;
- **Bill C-404**, “An Act to amend the Criminal Code (failure to prevent access to child pornography)”;
- **Bill C-445**, “An Act to amend the Immigration and Refugee Protection Act (security certificates and special advocates)”;
- **Bill C-448**, “An Act to amend the Canada Labour Code (minimum wage)”;
- **Bill C-463**, “An Act to prohibit sweatshop labour goods”;
- **Bill C-469**, “An Act to establish a Canadian Environmental Bill of Rights”;
- **Bill C-484**, “An Act to amend the Criminal Code (cracking down on child pornography)”;
- **Bill C-498**, “An Act prohibiting the commission, abetting or exploitation of torture by Canadian officials and ensuring freedom from torture for all Canadians at home and abroad and making consequential amendments to other Acts”;
- **Bill C-508**, “An Act to amend the Canadian Human Rights Act (genetic characteristics)”;
- **Bill C-528**, “An Act to amend the Official Development Assistance Accountability Act (poverty reduction)”;
- **Bill C-545**, “An Act to Eliminate Poverty in Canada”
- **Bill S-215**, “An Act to amend the Criminal Code (suicide bombings)”

Your essay should be organized on the following basic structure:

1. Provide a brief analysis of the main purpose of the bill, and its method of achieving its objective (*hint*: look at the Summary and/or the Preamble). What are the key issues at play? What ‘deficiency’ in the existing legislation/policy is the Bill meant to address? You have limited space, so address the core substantive issues and avoid getting sidetracked by the regulatory and administrative details.
2. Give a brief account of the current law/public policy relating to the issue that the proposed bill seeks to amend (e.g. the **annotated Criminal Code** – see Tremear’s *Crim. Code*, 2010 - as it will give you important background information, case synopses, and constitutional

considerations); *statutes* passed by Parliament; any relevant *constitutional cases* decided at the Supreme Court of Canada level [check sites such as <http://www.lexum.umontreal.ca>; http://www.scc-csc.gc.ca/home/index_e.html; or <http://www.canada.justice.gc.ca/>]; and *secondary scholarly analyses* in scholarly journals and books.

3. **On what moral values is the current and/or proposed law based?** Briefly outline the moral issues surrounding your chosen area of public policy. What makes it a “moral” issue in particular? **To which, if any, of the theoretical/ secular theories (moral/cultural relativism, utilitarianism, Kant, natural law, legal positivism) or religious approaches to morality covered in the first part of this course does the current (or proposed) law conform?** How so? We are looking for *plausible applications* based on the historical context, rather than conclusive ‘proof’ that a given law/policy was/is consciously and deliberately based on a particular theoretical approach.
4. What, in your view, is the best approach to public policy in the area given the various competing considerations and interests involved?

A good argument will be supported by sound secondary academic books and articles (at least 5), as well as a number of primary sources (bills, government papers/reports, position papers by interest groups etc.). Where possible, read some of the materials from the relevant course section (e.g. environmental ethics for C-469; “non-human animals” for C-229 or C-230; poverty for C-448, C-463, C-528, C-545; pornography for C-22, C-404, C-484; biotechnology for C-381, C-508; terrorism and torture for C-334, C-498, S-215). **DO NOT use Wikipedia** or other questionable Internet sources.

The essay must follow the recognized format in the citation of sources and bibliographic form. A document entitled “**Essay Tips**” is included in the course pack; it is required reading. **You will be penalized for avoidable errors, so read it carefully.**

If you need help with writing, please make use of the free writing tutorial service offered by the university. Note that general criteria that will influence grading include thesis statement (your main argument), organization of the material, use of evidence, development of argument, quality of research, number and appropriateness of *bona fide* sources *actually used and cited in the text*, spelling, grammar, footnote and bibliographic citation formats, and general presentation.

Alternative format: Research Essay

As an alternative to the traditional academic essay format, you may present your research essay in an alternative, creative format, for example: a documentary film, audio narrative, epic poem, comic opera, short story, movie script, visual art such as painting/s, etc. **This is NOT a bird assignment;** it must be a serious, substantive piece of work (although ‘serious’ does not preclude the use of humour where appropriate). *It must convey the main elements of the assignment as described above;* it must do the work and the thinking required by the assignment. If you wish to present a creative work, you MUST see me to have your proposal approved.

Submission and Return of Term Work

Both the critical analysis and the research essay **must** be submitted in two formats:

- (1) **an electronic copy** submitted via WebCT by 4:00 p.m. on the due date. This will eliminate a variety of problems by proving that the work in question was completed and submitted on time. *The electronic copy is only for purposes of time/ date and version verification and does not eliminate the need to submit a hard copy – see below. Failure to submit an electronic copy will result in a grade of F for that assignment.*

To submit an assignment, in the Course Tools menu click Assignments, then click on the assignment name (e.g. Research Essay), which will take you to a Submission page. Enter your name in the Submission comments box and then click on Add Attachment to upload your assignment from your computer. Click Submit.

- (2) **a hard copy** that is *identical* to that submitted by WebCT must be handed in to the instructor in class on or before the due date. The instructor WILL NOT print out essays under any circumstances, and the electronic copy WILL NOT be accepted *in lieu* of the hard copy. The hard copy will be marked and returned graded to students. *Failure to hand in a hard copy will result in a grade of F for that assignment.*

As noted above, a hard copy of each of your papers must be handed directly to the instructor in class or during office hours on (or before) the due date. It is the date/time of receipt of the hard copy that determines whether your essay is on time or late. Late assignments (hard copy submitted *after* 4:00 p.m. on the due date) may be deposited in the drop box in the corridor outside B640 Loeb. Assignments will be retrieved every business day at **4 p.m.**, stamped with that day's date, and then distributed to the instructor. This system is not foolproof, so be aware that you submit late papers *at your own risk*.

Please attach a **stamped, self-addressed envelope (with sufficient postage)** so that your assignment can returned by mail as soon as it is ready. Papers submitted without a stamped, self-addressed envelope will not necessarily be returned until the final examination. Final exams are intended solely for the purpose of evaluation and will not be returned.

Please note the following:

- Essays sent by fax to the Department of Political Science will not be accepted.
- Papers emailed to the Instructor, TAs, or the Department will not be accepted.
- DO NOT put on-time essays in the instructors' or TA's mailboxes. Essays placed in mailboxes may be considered late, as instructors are not necessarily on campus every day.
- Papers that are dropped off after 4:00 p.m. will be date stamped for the next day and will be considered late.
- DO NOT put essays under Instructors' door under any circumstances. They may be filed in the trash by the cleaning staff.

- There is no penalty for submitting/handing in essays *before* the due date.
- The Undergraduate Calendar states: “To obtain credit in a course, students must meet all the course requirements for attendance, term work and examinations”. A grade of ‘F’ will be assigned where term work is incomplete.
- *Subject to earlier course deadlines*, no term assignment submitted after the last day of classes (Dec. 6, 2010) will be accepted.

It is NOT acceptable to hand in the same assignment for more than one course.

Late Paper Policy

You may have an extension automatically. However, marks will be deducted for late submissions at the rate of one third of a letter grade per day e.g. B+ to B, with weekends counting as two days

If you have serious extenuating circumstances that would warrant an extension *without* penalty (such as illness or death in the family), medical documentation detailing the extent of your incapacitation is required: i.e. the medical note need not record your diagnosis, but it must tell me what you are consequently unable to do, e.g. cannot write, see, etc. However, you **MUST** inform me before the due date. I am under no obligation to accept a late paper unless it has been cleared with me ahead of time. If you cannot contact me in person or by telephone, leave a message on my Voice-mail at 520 2600, ext. 2788. Retroactive extensions will not be granted. Therefore, you are strongly advised to begin early so that you can get sources from the library (and help if you need it). You should aim to complete your paper a few days before the deadline. This will give you time to handle computer, printer, and other problems.

You MUST keep a hard copy of your paper as well as an electronic file. As the Instructor may require students to pass a brief oral examination on the research essays (see the section on 'Plagiarism' below), you should keep all notes, outlines, working drafts, hard disk files, floppy disks and other research materials at least until you have received your final official grade for the course.

Final Examination - 45%

The final examination is to be scheduled by the Registrar any time from Dec 9-22, 2010. ***If you are not going to be available during the formal examination period, do not take this course.*** All requests for deferrals must be channeled through the Registrar's Office according to the formal process.

The 3-hour final examination will consist of two sections: one is a short-answer or mini-essay section in which students will be required to define, contextualize, assess the significance, and give examples where possible of a number of key terms or concepts covered in the course; the other is an essay section in which students will be required to answer two questions.

N. B. Examination questions will be based on both readings and lectures, so **students are strongly advised to attend all lectures.**

Approval of final grades

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Plagiarism

Plagiarism will not be tolerated. The Undergraduate Calendar defines plagiarism as: "to use and pass off as one's own idea or product, work of another without expressly giving credit to another." Plagiarism has occurred when a student either:

- (a) directly copies another's work without acknowledgment; or
- (b) closely paraphrases the equivalent of a short paragraph or more without acknowledgment; or
- (c) borrows, without acknowledgment, any ideas in a clear and recognizable form in such a way as to present them as the student's own thought, where such ideas, if they were the student's own would contribute to the merit of his or her own work; or
- (d) downloads or otherwise procures an essay or other type of assignment, in whole or in part, presenting the work as his or her own.

For greater clarity, see the "Essay Tips" document in your course pack.

Instructors who suspect plagiarism are required to submit the paper and supporting documentation to the Departmental Chair who will refer the case to the Dean. It is not permitted to hand in the same assignment to two or more courses. The Department's Style Guide is available at: www.carleton.ca/polisci/undergrad/styleguide.pdf

Students should be especially careful about full citation of sources downloaded from the Internet. For greater clarity, see the "Essay Tips" document on WebCT and the Undergraduate Calendar. *For their own protection, all students are required to keep a complete dossier of their notes, rough drafts, research materials (other than returnable library books) and a hard copy of their final draft, as well as computer files as records of 'dates created' and 'dates modified' for essay files.* Failure to keep such materials could result in a failing grade.

Oral Examination: At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

WebCT Email Accounts

All registered students should have an email account through the WebCT system. I will be using the WebCT service to post electronic versions of course readings, as well as to make announcements and convey course-related information. Students are responsible for checking their WebCT email accounts frequently for such information.

Please do not send substantive questions relating to course material via email. If you have questions, please see me during office hours to discuss them

Course Pack

There will be a course pack for the course. However, it cannot be compiled until after the first session, when the class will collectively select the 4 substantive topics from Part II of this syllabus that are to be covered in lectures and the examination. The course pack should be available for purchase at “Allegra” at 1069 Bank Street (near Sunnyside, tel: 730 3000) in the second week of classes. Most of the sources listed in the course outline are available on loan (free of charge) in the Reserves section of the library, and I will put some of the journal articles that are available electronically on WebCT. You are responsible for checking your WebCT account periodically for announcements, attachments etc.



Reserved Readings

Almost all of the items listed under topic headings below are on reserve. Some of the items, including books, are the Instructor’s personal property. This means that the library does not have copies of these items, and they are not replaceable. Please use them with care and be sure to return all pages in order.

The library will not place government documents on reserve, so you should look for them in the Documents Division on the second floor of the library under the call number I have provided. I have placed my personal photocopies of government bills and the texts of many legal decisions on reserve. If legal case photocopies are not available at the reserve desk, look them up in the law journals as cited, and look up the call numbers on the library system, or find them at the web sites given above.

As I do not wish to waste valuable class time imparting factual data, after the class has selected the topics to be covered in the course, I may make certain lecture notes/overhead materials available on WebCT. The data in these notes have been compiled from many different sources. These notes are my personal property: you are welcome to print them for your own use in this course, but for no other purpose.

COURSE TOPICS AND READINGS

You will notice that multiple readings are listed for each topic covered in this course. **Required readings are marked with an asterix (*) and will be in your course pack.**

Other materials listed under each topic are there as supplemental readings for those who are interested in pursuing further reading, and they will provide good starting points for your research essays. I have generally listed chapters from the required texts first, so these should be treated as compulsory. Obviously, the more you read, the better prepared you will be for examinations and research papers.

Topics are not listed by calendar weeks, nor will equal lecture time necessarily be devoted to each. Some sections may take more lecture time than others, and the Instructor reserves the right to delete certain topics, subject to time constraints.

Part 1: Sources of Morality, Relativism, Positivism, Natural Law, Religion

RELATIVISM

* Stephen Satris, TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL MORAL ISSUES, 4th edition, Part 1, "Fundamental Issues in Morality" (a series of five debates)

Judith A. Boss, ed. PERSPECTIVES ON ETHICS, (Mountain View, CA: Mayfield, 1998):

- * Ibn Khaldun, "The Muqaddimah": 67-70
- * Ruth Benedict, "A Defense of Cultural Relativism": 62-66
- * Stephen Satris, "Student Relativism": 51-54

* Christine Koggel, ed., MORAL ISSUES IN GLOBAL PERSPECTIVE I: MORAL AND POLITICAL THEORY, 2nd edition, (Peterborough: Broadview, 2006):

- * Egbeke Aja, "Changing Moral Values In Africa: An Essay In Ethical Relativism": 40-48
- Margaret Urban Walker, "What Does the Different Voice Say?: Gilligan's Women and Moral Philosophy":
- Adamantia Pollis and Peter Schwab, "Human Rights: A Western Construct with Limited Applicability": 60-71

Shahrazad Mojab, "The Particularity of 'Honour' and the Universality of 'Killing'". In Shahrazad Mojab and Nahla Abdo, eds., VIOLENCE IN THE NAME OF HONOUR: THEORETICAL AND POLITICAL CHALLENGES, (Istanbul: Bilgi University Press, 2004): 15-37

RELIGIOUS SOURCES OF MORALITY



* Ninian Smart, WORLDVIEWS: CROSSCULTURAL EXPLORATIONS OF HUMAN BELIEFS, 3rd ed., (New Jersey: Prentice-Hall, 2000), ch. 6, "The Ethical Dimension": 104-117

* Lawrence S. Cunningham, John Kelsay *et. al.*, THE SACRED QUEST, 2nd ed., (New Jersey: Prentice-Hall, 1995), ch. 8, "Religion and Morality" : 131-148

Judith A. Boss, ed. PERSPECTIVES ON ETHICS, (Mountain View, CA: Mayfield, 1998):

- * Kai Nielsen, "Religious Ethics Versus Humanistic Ethics": 154-163

Vine Deloria, GOD IS RED, (Golden, Colorado: Fulcrum Books, 1994), ch. 5, "The Problem of Creation": 78-97

Russ Shafer-Landau, ed., *ETHICAL THEORY: AN ANTHOLOGY*, (Blackwell: Oxford, 2007):

- * Plato, “Euthyphro”: 240-241
- * William Lane Craig and Walter Sinnott-Armstrong, “God and Objective Morality: a Debate”: 248-252

Isha Khan, “Islamic Human Rights: Islamic Law and International Human Rights Standards”, (1999) 5 *Appeal: Review of Current Law and Law Reform* 74-85

Christine Koggel, ed., *MORAL ISSUES IN GLOBAL PERSPECTIVE I: MORAL AND POLITICAL THEORY*, 2nd edition, (Peterborough: Broadview, 2006):

- Kenneth Inada, “A Buddhist Response to the Nature of Human Rights”: 86-94

UTILITARIANISM, KANT, NATURAL LAW, LEGAL POSITIVISM

* Wesley Cragg and Christine Koggel, eds., *CONTEMPORARY MORAL ISSUES*, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 11, “Tools and Theories”: 587-620

Judith A. Boss, ed. *PERSPECTIVES ON ETHICS*, (Mountain View, CA: Mayfield, 1998):

- * Martin Luther King Jr., “Letter from a Birmingham Jail, 1968”: 87-91
- * Daniel Jonah Goldhagen, “Hitler’s Willing Executioners”: 80-86

* M. Ethan Katsh, *TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL LEGAL ISSUES*, 4th edition, 1991, Introduction, “The Role of Law”: xii-xvii

James Allan, “Positively Fabulous: Why it is Good to Be a Legal Positivist”, (1997) 10 *Canadian Journal of Law and Jurisprudence* 231-248

Part 2: ‘Moral’ Issues



ENVIRONMENTAL ETHICS

* Wesley Cragg and Christine Koggel, eds., *CONTEMPORARY MORAL ISSUES*, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 8, pp. 412-415, and

- * Tom Regan, “Honey Dribbles Down Your Fur”: 430-441
- * Jan Narveson, “Against Animal Rights”: 441-445

* Nicholas Low, ed., *GLOBAL ETHICS AND ENVIRONMENT*, (London: Routledge, 1999):

- * Vandana Shiva, “Ecological Balance in an Era of Globalization”: 47-69

Michael Zimmerman, ed., ENVIRONMENTAL PHILOSOPHY: FROM ANIMAL RIGHTS TO RADICAL ECOLOGY, 2nd edition (New Jersey: Prentice Hall, 1998):

- * Aldo Leopold, “The Land Ethic”: 87-100
- J. Baird Callicott, “The Conceptual Foundations of the Land Ethic”: 101-123
- Arne Naess, “The Deep Ecological Movement: Some Philosophical Aspects”: 193-211
- Harold Glasser, “Demystifying the Critiques of Deep Ecology”: 212-226

David Schmitz and Elizabeth Willott, eds., ENVIRONMENTAL ETHICS: WHAT REALLY MATTERS, WHAT REALLY WORKS, (Oxford U.P., 2002):

- Christopher Stone, “Should Trees Have Standing? Toward Legal Rights for Natural Objects”: 46-49
- * David Schmitz, “Are All Species Equal?”: 96-103
- Martin Krieger, “What’s Wrong with Plastic Trees?”: 159-171

Eldon Soifer, ETHICAL ISSUES: PERSPECTIVES FOR CANADIANS, 2nd edition, (Peterborough: Broadview, 1997):

- * P.S. Elder, “Legal Rights for Nature: the Wrong Answer for the Right(s) Question”: 98-106

Michael S. Northcott, THE ENVIRONMENT AND CHRISTIAN ETHICS, (Cambridge U. P., 1996), ch. 2 “The Origins of the Environmental Crisis”, and ch. 5, “The Order of Creation”

John A. Grim, ed. INDIGENOUS TRADITIONS AND ECOLOGY, (Harvard U. P., 2001)

Vogel, David, “How Green is Judaism? Exploring Jewish Environmental Ethics”, *Business Ethics Quarterly*, 11, 2 (April 2001): 349-63

NON-HUMAN ANIMALS



Cruelty to Animals: Section 444-447, Canadian Criminal Code

Bill S-203, “An Act to amend the Criminal Code (cruelty to animals) Assented to 17th April, 2008 (available at: http://www2.parl.gc.ca/content/Senate/Bills/392/public/S-203/S-203_4/S-203_text-e.htm)

* Wesley Cragg and Christine Koggel, eds., CONTEMPORARY MORAL ISSUES, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 9, pp. 503-518

Michael Zimmerman, ed., ENVIRONMENTAL PHILOSOPHY: FROM ANIMAL RIGHTS TO RADICAL ECOLOGY, 2nd edition (New Jersey: Prentice Hall, 1998)

- * Peter Singer, “All Animals are Equal”: 26-40

Martha Nussbaum, "The Moral Status of Animals", *Chronicle of Higher Education*, February 3, 2006. http://www.arcusfoundation.org/assets/pdf/nussbaum_essay.pdf

Thomas A. Mappes and Jane S. Zembaty, eds., *SOCIAL ETHICS: MORALITY AND SOCIAL POLICY*, 4th edition, (Toronto: McGraw-Hill Ryerson, 1992):

- * William F. Baxter, "People or Penguins": 480-485
- * Carl Cohen, "The Case for the Use of Animals in Biomedical Research": 458-466

John Arthur, *MORALITY AND MORAL CONTROVERSIES*, 4th edition, (New Jersey: Prentice Hall, 1996):

- * Bonnie Steinbock, "Speciesism and the Idea of Inequality": 137-142

Catherine A. Schuppli & Michael McDonald, "Contrasting Modes of Governance for the Protection of Humans and Animals in Canada: Lessons for Reform", (2005) 13 *Health Law Review* Nos. 2 & 3, 97 - 106

Christina G. Skibinsky, "Changes in Store for the Livestock Industry? Canada's Recurring Proposed Animal Cruelty Amendments", (2005), 68 *Sask. L. Rev.* 173-222

Christine Koggel, ed., *MORAL ISSUES IN GLOBAL PERSPECTIVE*, (Peterborough: Broadview, 1999):

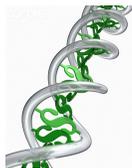
- J. Baird Callicott, "Animal Liberation: A Triangular Affair": 768-782

Eldon Soifer, *ETHICAL ISSUES: PERSPECTIVES FOR CANADIANS*, 2nd edition, (Peterborough: Broadview, 1997):

- Roger Crisp, "Utilitarianism and Vegetarianism": 31-39

Rosemary A. Amey, "Animal Rights and the *Dhammapada*"

Calvin Martin, *KEEPERS OF THE GAME: INDIAN-ANIMAL RELATIONSHIPS AND THE FUR TRADE*, (Berkeley: University of California Press, 1978, ch. 5, "The Hunter's Relationship with the Hunted": 113-149



GENETIC ENGINEERING/ BIOTECHNOLOGY

BILL C-205, An Act respecting the labeling of food products

(<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=4329808&Language=e&Mode=1&File=24>)

* Julie S. Bach, *BIOMEDICAL ETHICS: OPPOSING VIEWPOINTS*, (Greenhaven Press/ Nelson Canada, 1987), ch. 1, Sharon McAuliffe, "Is Genetic Engineering Ethical?": 16-63

* Vandana Shiva, *BIOPIRACY: THE PLUNDER OF NATURE AND KNOWLEDGE* (Toronto: Between the Lines, 1997), Introduction and chs. 1, 2

Brian Tokar, ed. *REDESIGNING LIFE?: THE WORLDWIDE CHALLENGE TO GENETIC ENGINEERING*, (McGill-Queen's, 2001):

- Marcy Darnovsky, "The Case Against Designer babies": 133-149
- Alix Fano, "If Pigs Could Fly They Would: the Problems with Xenotransplantation": 182-194
- Sarah Seton, "If Cloning is the Answer, What Was the Question?": 158-170

Verna V. Gehring, ed., *GENETIC PROSPECTS: ESSAYS ON BIOTECHNOLOGY, ETHICS, AND PUBLIC POLICY*, (Rowman and Littlefield, Oxford, 2003):

- David T. Wasserman, "My Fair Baby: What's Wrong with Parents Genetically Enhancing their Children?": 99-110

Jeremy Rifkin, *THE BIOTECH CENTURY: HARNESSING THE GENE AND REMAKING THE WORLD* (New York: Penguin-Putnam, 1998), chs. 1, 3, 4

Bernard Rollin, *THE FRANKENSTEIN SYNDROME: ETHICAL AND SOCIAL ISSUES IN THE GENETIC ENGINEERING OF ANIMALS*, (Cambridge UP, 1995): ch. 2

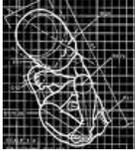
Sandra S. Awang, "Indigenous Nations and the Human Genome Diversity Project". In George J.S. Dei, Budd Hall and Dorothy G. Rosenberg, eds., *INDIGENOUS KNOWLEDGES IN GLOBAL CONTEXTS* (University of Toronto Press, 2000): 120-136.

Timothy Caulfield, "Clones, Controversy, and Criminal Law: A Comment on the Proposal for Legislation Governing Assisted Human Reproduction", (2001) 2, 39 *Alta. Law Review* 335 – 345 (*WebCT*)

Sanjeev Anand, "Clones, Controversy, Confusion, and Criminal Law: A Reply to Professor Caulfield", (2002) 40 *Alta. Law Review* 493 - 505

Bernard Rollin, "Keeping up with the Cloneses: Issues in Human Cloning", *Journal of Ethics*, 1999:3 (1): 51-71

Emily Marden and Dorothy Nelkin, "Displaced Agendas: Current Regulatory Strategies for Germline Gene Therapy", (2000) 45 *McGill L.J.* 461-481



NEW REPRODUCTIVE TECHNOLOGIES

Bill C-13, *An Act respecting assisted human reproduction and related research* (available at: http://www.parl.gc.ca/37/2/parlbus/chambus/house/bills/government/C-13/C-13_3/90187bE.html) or <http://laws.justice.gc.ca/en/A-13.4/218740.html>

Julie S. Bach, *BIOMEDICAL ETHICS: OPPOSING VIEWPOINTS*, (Greenhaven Press/ Nelson Canada, 1987), ch. 3, "Should Limits be Placed on Reproductive Technology?": 95-139

Gregory Pence, *WHO'S AFRAID OF HUMAN CLONING?* (Rowman and Littlefield: Oxford, 1998), chs. 8, 9

Ivor Bleiklei, Malcolm L. Goggin and Christine Rothmayr, eds., *COMPARATIVE BIOMEDICAL POLICY: GOVERNING ASSISTED REPRODUCTIVE TECHNOLOGIES*, (London: Routledge, 2004).

Canada, Royal Commission on New Reproductive Technologies (Ottawa: 1993):

- Overview of Legal and Ethical Issues in NRTs: Pregnancy and Parenthood, Research Studies, Vol. 4
- Proceed with Care: Final Report DOC CA1 Z1 89. ROI. ENG

* Alison Harvison Young, "Let's Try Again ... This Time With Feeling: Bill C-6 and New Reproductive Technologies", (2005) 38 *U.B.C. Law Review* 123 – 145

Colin Rasmussen, "Canada's Assisted Human Reproduction Act: Is it Scientific Censorship, or a Reasoned Approach to the Regulation of Rapidly Emerging Reproductive Technologies?", (2004), 67 *Sask. L. Rev.* 97-135

Satris, *TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL MORAL ISSUES*, "Is Surrogate Motherhood Wrong?": 226-248



POVERTY, THE RIGHT TO WELFARE AND THE DUTY TO ASSIST

* Wesley Cragg and Christine Koggel, eds., *CONTEMPORARY MORAL ISSUES*, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 7, "Poverty and the Right to Welfare": 359-409

David Schmidtz and Elizabeth Willott, eds., ENVIRONMENTAL ETHICS: WHAT REALLY MATTERS, WHAT REALLY WORKS, (Oxford U.P., 2002):

- * Mark Sagoff, "Do We Consume Too Much?": 205-221
- * Henry Shue, "Global Environment and International Inequality": 394-404
- * Holmes Rolston III, "Feeding People versus Saving Nature": 404-416

* Satris, TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL MORAL ISSUES, 4th edition, "Does Society Have an Obligation to Care for the Less Well Off?"

- * Irving Kristol, "Two Cheers for Capitalism": 159-165

Satris, TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL MORAL ISSUES, 4th edition, "Do Rich Nations Have an Obligation to Help Poor Nations?"

- * Peter Singer, "Rich and Poor": 316-323
- * Garrett Hardin, "Lifeboat Ethics: the Case Against Helping the Poor": 324-333

John Arthur, MORALITY AND MORAL CONTROVERSIES, 4th edition, (New Jersey: Prentice Hall, 1996):

- * Robert Nozick, "The Entitlement Theory": 253-258
- John Rawls, "A Theory of Justice": 265-275

Russ Shafer-Landau, ed., ETHICAL THEORY: AN ANTHOLOGY, (Blackwell: Oxford, 2007):

- Onora O'Neill, "Kantian Approaches to Some Famine Problems": 553-564



Criminal Code sections: 215, 216, 217, 218, 219, 221, 222, 223, 224, 226, 229, 233, 239, 241, 245

* Wesley Cragg and Christine Koggel, eds., CONTEMPORARY MORAL ISSUES, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 1: 1-55

* Satris, "Is Euthanasia Immoral?": 282-295

* Michael Cormack, "Euthanasia and Assisted Suicide in the Post-Rodriguez Era: Lessons from Foreign Jurisdictions", (2000) 38 Osgoode Hall L.J. 591 - 641

Canadian HIV/AIDS Policy & Law Newsletter, "The Case for Assisted Suicide and Euthanasia", Vol. 3, Nos. 2/3, Spring 1997

OF LIFE AND DEATH: REPORT OF THE SPECIAL SENATE COMMITTEE ON EUTHANASIA AND ASSISTED SUICIDE, (Ottawa, June 1995): DDV CA1 YC2 94E712

Recommendations: ix-xi

- ch. V, "Withholding and Withdrawal of Life-sustaining Treatment": 37-46
- ch. VI, "Advance Directives": 47-50
- ch. VII, "Assisted Suicide": 51-74
- ch. VIII, "Euthanasia": 75-90
- Appendix D, "Chronology of Major Canadian Developments and Events": A-27-32
- Appendix L, "Summary of Relevant Canadian Court Decisions": A-69-84
- Appendix P, "Assisted Suicide and Euthanasia in Foreign Jurisdictions": A-149-173

Katherine K. Young, "A Cross-Cultural Historical Case Against Planned Self-willed Death and Assisted Suicide", (1994) 39 *McGill Law Journal*: 657

* Carl B. Becker, "Buddhist Views of Suicide and Euthanasia", *Philosophy East and West*, v. 40/4, Oct. 1990

CAPITAL



PUNISHMENT

* Wesley Cragg and Christine Koggel, eds., *CONTEMPORARY MORAL ISSUES*, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 3: 126-180

* Satris, "Should Capital Punishment Be Abolished?": 266-281

* Elizabeth Comack, "Law and Order Issues in the Canadian Context: the Case of Capital Punishment", in Ronald Hinch, ed., *READINGS IN CRITICAL CRIMINOLOGY*, 1994: 480-506

* Lexview Commentary, "Moral Reasoning, Extradition, and the Death Penalty: *United States v. Burns*", Feb. 27, 2001

* M. Ethan Katsh, *TAKING SIDES: CLASHING VIEWS ON CONTROVERSIAL LEGAL ISSUES*, (5th edition, 1993), articles by Greenberg and van den Haag: 246-261

M. B. Koosed, Ed., *CAPITAL PUNISHMENT*, Vol. 2 (Garland, N. Y., 1996):

- J. Goldberg and A. Dershowitz, "Declaring the Death Penalty Unconstitutional": 1-15
- Jack Greenberg, "Capital Punishment as a System": 142-152
- R. J. Tabak, "Is Racism Irrelevant in Capital Sentencing?": 331-368

Lawrence Hinman, ed., *CONTEMPORARY MORAL ISSUES: DIVERSITY AND CONSENSUS*, (New Jersey: Prentice Hall, 1996):

- Walter Berns, "The Morality of Anger": 214-221 (PSRC)



Criminal Code section 163

* Wesley Cragg and Christine Koggel, eds., CONTEMPORARY MORAL ISSUES, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 4: 185-233

* Catherine Itzin, ed., PORNOGRAPHY, WOMEN, VIOLENCE AND CIVIL LIBERTIES, (Oxford U. P., 1992):

- *Aminatta Forna, "Pornography and Racism: Sexualizing Oppression and Inciting Hatred": 102-112
- * Peter Baker, "Why Heterosexual Men Use Pornography": 124-144
- * Edna Einsiedel, "The Experimental Research Evidence: Effects of Pornography on the 'Average Individual'": 248-283
- C. Itzin and C. Sweet, "Women's Experience of Porn.": 222-235
- Liz Kelly, "Pornography and Child Sexual Abuse": 113-123
- Tim Tate, "The Child Pornography Industry": 203-216
- Michelle Elliott, "Images of Children in the Media: 'Soft Kiddie-Porn'": 217-221
- Ray Wyre, "Pornography and Sexual Violence: Working with Sex Offenders": 236-247
- James Weaver, "Social Science and Psychological Evidence": 284-309

* Lorraine Clark, "Sexual Equality and the Problem of an Adequate Moral Theory: the Poverty of Liberalism". In Wesley Cragg, CONTEMPORARY MORAL ISSUES, 3rd ed. (Toronto: McGraw Hill Ryerson, 1992): 208-215

* Stan Persky and John Dixon, ON KIDDIE PORN: SEXUAL REPRESENTATION, FREE SPEECH AND THE ROBIN SHARPE CASE, (Vancouver: New Star Books, 2001), preface (ix-xii) and ch. 1 (1-27)

Lise Gotell, "Policing Desire: Obscenity Law, Pornography Politics and Feminism in Canada", in Janine Brodie, ed., WOMEN AND CANADIAN PUBLIC POLICY, (Toronto: Harcourt Brace, 1996): 279-317

Helen E. Longino, "Pornography, Oppression and Freedom: a Closer Look". In John Arthur, ed., MORALITY AND MORAL CONTROVERSIES, 7th edition, (New Jersey: Prentice-Hall, 2005): 534-540

Mark R. Wicclair, "Feminism, Pornography, and Censorship". In John Arthur, ed., MORALITY AND MORAL CONTROVERSIES, 7th edition, (New Jersey: Prentice-Hall, 2005): 540-544

Catherine MacKinnon, ONLY WORDS, (Cambridge, MA: Harvard University Press, 1993)

SEXUAL ORIENTATION/ IDENTITY

* Christine Koggel, ed., MORAL ISSUES IN GLOBAL PERSPECTIVE II: HUMAN DIVERSITY AND EQUALITY, 2nd edition, (Peterborough: Broadview, 2006), ch. 4: 217-274

* F.C. de Coste, "The Halpern Transformation: Same-Sex Marriage, Civil Society, and the Limits of Liberal Law", (2003) 41 *Alta. L. Rev.* 619 - 642

* Satris, "Should Homosexuality be Accepted by Society?": 167-187

Katsh, 5th edition, "Should Homosexuality Bar a Parent from Being Awarded Custody of a Child?": 224-244

* N. Kathleen Banks, "The 'Homosexual Panic' Defence in Canadian Criminal Law", *Criminal Reports*, (5th), vol. 1 (1997): 371-381 (WebCT)

Robert Wintemute, "Religion vs. Sexual Orientation: A Clash of Human Rights?", (2002) *U. of Toronto Journal of Law and Equality*, 1, 125 (WebCT)

Janine Brodie, ed., WOMEN AND CANADIAN PUBLIC POLICY, (Toronto: Harcourt Brace, 1996):

- Brenda Cossman, "Same-Sex Couples and the Politics of Family Status": 223-253
- * Bruce Ryder, "Straight Talk: Male Heterosexual Privilege", (1991) 16, 2, *Queen's Law Journal*: 287-312



WAR, TERRORISM, AND TORTURE

* Wesley Cragg and Christine Koggel, eds., CONTEMPORARY MORAL ISSUES, 5th edition, (Toronto: McGraw-Hill Ryerson, 2005), ch. 10

Mark Danner, ed., TORTURE AND TRUTH: AMERICA, ABU GHRAIB, AND THE WAR ON TERROR, (New York Review Books, 2004):

- * Ch. 1, "Torture and Truth": 1-9
- * Ch. 2, "The Logic of Torture": 10-25

Karen J. Greenberg, ed., THE TORTURE DEBATE IN AMERICA, (New York: Cambridge U.P., 2006):

- * David Luban, "Liberalism, Torture and the Ticking Bomb": 35-83

- * Heather MacDonald, “How to Interrogate Terrorists”: 84-97
- Joyce S. Dubensky and Rachel Lavery, “Torture: An Interreligious Debate”: 162-182

Kai Nielsen, “On the Moral Justifiability of Terrorism (State and Otherwise)”, (2003) 41 *Osgoode Hall L.J.* 427 – 444 (WebCT)

* Christine Koggel, ed., *MORAL ISSUES IN GLOBAL PERSPECTIVE I: MORAL AND POLITICAL THEORY*, 2nd edition, (Peterborough: Broadview, 2006):

- Frank Cunningham, “Counter-oppressive Terrorism”: 331-340

Sanford Levinson, ed., *TORTURE: A COLLECTION*, (New York: Oxford University Press, 2004).