

<b>PUBLIC POLICY 580</b> <b>Values &amp; Ethics in Public Policy</b>	
Fall 2014 – Weill Hall Room 1230 Tuesday and Thursday, 1:00-2:30 pm	
<b>Prof. John D. Ciorciari</b> 3316 Weill Hall <a href="mailto:johncior@umich.edu">johncior@umich.edu</a> <u>Office hours</u> : by appointment	<b>GSI: Judith Margolin</b> 3207 Weill Hall <a href="mailto:jsmargo@umich.edu">jsmargo@umich.edu</a> <u>Office hours</u> : by appointment

This course is about the role of normative values in public policy. We will examine various conceptions of the common good and analyze the types of normative arguments that policy actors make to motivate or justify particular policy preferences. These include arguments rooted in notions such as justice, fairness, freedom, and efficiency. Effective engagement in public policy involves a certain measure of detached analysis, but it also requires thinking about—and often debating—the goals that policies ought to serve and how to reconcile those goals when they collide.

My first course priority is to give you an opportunity to think critically about the goals of particular policies and what they ought to be. That means studying others' arguments, as well as your own. We make value-laden decisions every time we enter the policy arena. Although this course does not attempt to advance a code of values or ethics, it does presuppose that healthy doses of self-awareness and self-criticism can help us be more effective and conscientious policy actors, regardless of our individual convictions.

Of course, being an effective policy actor also requires translating your normative goals into practice. That means making persuasive arguments to justify your preferences or convince others to share your views. It also means deciding what course of policy action will best advance your aims. The second course priority is to help you hone your skills in building normative arguments and dissecting them. We will do so through analytic writing assignments, presentations, structured discussions, and role-play exercises.

Policy arguments do not take place in a vacuum, so we will also pay some attention to the institutional environment in which such debates take place. Much of the course will focus on issues near the intersection between law and politics and will consider the extent to which processes of evaluation or adjudication privilege certain normative claims.

Although abstract normative debates and rhetoric are common features of public policy, nuanced discussion cannot easily take place in the absence of concrete facts. For that reason, we will use a case-based approach. In each session, we will use one or more specific cases as anchors for our discussions on more abstract principles. Cases will address contentious topics such as health care rationing, nuclear energy, affirmative action, distributive justice, and humanitarian intervention. I will assign readings that provide relevant factual background that enables us to ground discussion in real-world events. In most cases, I will also assign readings that lay out competing normative arguments. These will include key court decisions, scholarly opinions, and political or media commentary.

## COURSE REQUIREMENTS & POLICIES

### Participation

The first course requirement is your active and enthusiastic participation. Public policies are made by engaging in dialogue and debate. To be effective in that setting, you need to develop comfort and confidence when asking questions and advancing your views. I encourage you to raise questions and comments, and I will regularly solicit your opinions and participation. You should come to class prepared to talk and to learn from one another.

If you have an unavoidable conflict and miss a session, please get notes from a colleague. I will not take attendance, but your participation grade will likely suffer if you miss sessions unnecessarily.

### Talking about Sensitive Issues

Many of the issues we discuss will be sensitive. In fact, I have selected cases precisely because they do raise hotly contested issues. I want you to feel comfortable stating positions on the issues, even when others may disagree, and expect that you will be respectful of one another. One of the premises for the course is that informed, respectful dialogue on touchy topics is good for public policy.

That said, I will often ask for volunteers to argue a position rather than stating your personal views. That device is useful for two reasons. First, some of you may feel uncomfortable speaking your mind openly on some topics. Second, occasionally defending positions that you do not hold is an excellent way to develop your understanding of a subject and your argumentative prowess.

### Assignments and Grades

Assignments will be geared to help you think carefully about the ethical dimensions of policy choices and to build on your ability to argue persuasively. I will ask you to complete four written assignments during the term:

- **Personal Statement** – At the very start of the course, I will ask that you prepare a short pass/fail personal statement of up to 1,000 words describing how you would describe your own approach to applied ethics. For example, do you consider yourself a utilitarian who focuses largely on efficiency and maximization of particular concepts of the social good? Does your faith drive much of your sense of ethics? You may anchor your paper by discussing particular policy issues if you wish, but your focus should not be on research—it should be to think about your own ethical moorings and disposition. One key to thinking clearly and arguing persuasively about ethics is to be self-aware and self-critical. This assignment will be pass/fail.
- **Reflection Papers** – Issues of values and ethics pervade almost every conceivable policy discussion. We will touch on a number of issues in class, but I also want to encourage you to engage in critical reflection in other Ford School events. I will be organizing a number of

lunchtime or evening seminars, films, and panels during the term and will ask that you attend at least one of them and write a one-page pass/fail reflection paper on a question of values and ethics that arose (or should have arisen) in relation to the policy discussion in question. You do not need to conduct extensive research; the point of this assignment is merely to encourage thoughtful reflection that relates to the themes of our course. I will provide further details in class.

- **Advocacy Memo** - Your first graded assignment is to write an advocacy memo of no more than 1,500 words. You may write a hypothetical advocacy memo to a general public policy audience (such as the memos produced by leading think-tanks in your areas of interest). You may also use this as an opportunity to write a “real” memo, get our feedback, and seek avenues for publication afterwards. If you take the latter route, you will want to determine what paper or outlet would be suitable for your chosen topic and adopt its guidelines on length and style. Your job is to identify a current ethical issue that you care about and convince your readers to your point of view.
- **Amicus Curiae Brief** - Your second graded assignment is to prepare a brief to the judges in a contemporary legal case that deals with an important ethical issue related to the course. I will provide examples in class. You do not need to use a legal format or legal citation. I merely use the device of an *amicus* brief so you can focus on a real-life dispute and a specific fact pattern. Tell the court how you would decide the issue, including normative claims and public policy arguments to justify your position. Please keep your brief under 3,000 words.

If you prefer to focus on a matter pending before a non-judicial body, such as a Congressional committee or administrative agency, you may write an advocacy brief to that committee or agency as an alternative to an *amicus* brief. However, you should select a controversy that involves a specific fact pattern rather than a general policy debate: one point of this assignment is to encourage you to think and argue about values and ethics in specific factual contexts, not simply in broad ideological or normative strokes.

- **Decision Memorandum** - Your third and final graded assignment is to write a decision memorandum of up to 2,000 words. You are writing to a senior decision-maker in an agency of your choosing. Your task is to identify an ethically contentious decision that the agency needs to make. I will provide examples of issues in class. You must provide some relevant background and identify two or more alternative, mutually exclusive options (the simplest example of which is a “yes/no” memo). Then you should defend the option you selected and explain why it is preferable to the option(s) you disfavor.

I will provide further guidance on all of these assignments as the course unfolds. For the three graded assignments, I encourage you to prepare a rough draft, exchange your paper with a peer reviewer, and then submit a final draft.

You must turn in your papers on time. In the policy world, meetings happen and decisions are made—late memos, briefs, or op-eds are often worthless. In this course, late papers will receive an automatic deduction of one letter grade, compounded after each 24-hour period. I will only grant exceptions in cases of certified medical emergencies. Please plan ahead if you anticipate a heavy workload at particular times during the semester.

In addition to strong writing, presentation skills are crucial to effective policy advocacy. I will therefore ask you to engage actively through these two mechanisms:

- **Being “On Call”** – In each session, I will ask three or four of you to be on call. Being “on call” means being ready to introduce the facts of a case, offer commentary on readings, or otherwise kick-start our discussion. Often, this will involve delivering a short opening address to the class staking out and defending a position on an ethical issue. Each of you will be on call twice during the term.
- **Organized Debates** – We will also organize a few informal debates or similar exercises.

Your grades on papers and presentations will be based both on the substance of your arguments and your effectiveness in communicating them. There will be no mid-term and no final exam for the course. I will calculate your grade for the course as follows:

Advocacy Memo	25%
<i>Amicus</i> brief	25%
Decision memo	25%
Debates and general participation	25%

### Developing Your Writing Skills

A key to effective policy advocacy is the ability to write concisely and convincingly. This means thinking about your audience, organizing your arguments clearly, and presenting them in a compelling manner. This course is designed to help you develop those skills. I will try to offer constructive comments on your papers. In some cases, I may ask you to resubmit assignments.

We are also fortunate to have excellent writing tutors at the Ford School. Beth Chimera, David Morse, and Alex Ralph will be available to work with you throughout the term. They will be available to meet with you by appointment to offer advice and to read drafts of your written assignments. Our writing tutors will also be offering two-week-long writing modules throughout the term—workshops to help strengthen your policy writing skills under close supervision. You may learn more about the Ford School Writing Center at <http://www.fordschool.umich.edu/writing-center/>

Your papers should properly cite the authorities you use by including endnotes. Any standard system of citation is fine, provided that you use it consistently. I encourage you to use a wide range of online sources to begin learning about a subject, but you shouldn't cite sources that lack recognized indicia of reliability.

### Readings on the Course Website

There is no textbook for the course, though there are a few books and edited volumes that we will draw from on periodically throughout the course:

- Andrew I. Cohen and Christopher Heath Wellman, *Contemporary Debates in Applied Ethics* (Malden, MA: Blackwell, 2005)
- R.G. Frye and Christopher Heath Wellman, eds., *A Companion to Applied Ethics* (Malden, MA: Blackwell, 2003)
- Hugh LaFollette, *Ethics in Practice*, 3<sup>rd</sup> edition (Malden, MA: Blackwell, 2007)

- Russ Shafer Landau, *The Ethical Life: Fundamental Readings in Ethics and Moral Problems* (Oxford, Oxford University Press, 2010)
- Russ Shafer Landau, *The Fundamentals of Ethics* (Oxford: Oxford University Press, 2010)
- Michael J. Sandel, *Justice: What's The Right Thing To Do?* (New York: Farrar, Straus and Giroux, 2010)
- Peter Singer, *Practical Ethics, 3<sup>rd</sup> edition* (New York: Cambridge University Press, 2011)

You are not required to buy these, as I will post readings on Ctools. We will read a wide variety of sources, including academic journals, policy papers, and official documents. Each week, some of the readings will be posted on the course website as PDF files. Many of the recommended readings are journal articles available online through the UM library website.

### **Laptops, etc.**

I prefer that you take notes by hand, which is more conducive to class discussion. You may use a laptop, but please turn off your wireless device and limit yourself to taking notes. Please also turn off and put away all other electronic devices into the classroom.

### **Plagiarism**

I take these rules seriously, and so should you. If I suspect anyone of plagiarizing, I will take appropriate disciplinary measures. If you have questions about what constitutes plagiarism, please see [www.lib.umich.edu/handouts/plagiar.pdf](http://www.lib.umich.edu/handouts/plagiar.pdf).


### **Students with Disabilities**

If you believe you need an accommodation for a disability, please let us know at your earliest convenience. Some aspects of this course may be modified to facilitate your participation and progress. As soon as you make us aware of your needs, we can work with the Office of Services for Students with Disabilities to help us determine appropriate accommodations. We will treat any information you provide as private and confidential.

### **Contacting Us**

Judith and I want to get to know you and encourage you to come to our office hours! As up-and-coming policy professionals, you should look for chances to practice discussing policy issues face-to-face. If you send us email asking questions that require detailed responses, we will often request that you come to office hours to discuss them.

## COURSE OUTLINE & READINGS

I have marked required readings with a double asterisk (\*\*). I have also posted many recommended readings in case you want to go beyond the required material. I have posted required readings and many recommended readings on Ctools (marked ). In addition to readings listed here, you will need to do research while preparing your written assignments and role-play exercises.

### Part I - Key Themes and Foundations

#### Session 1 - Sept. 2


##### Introduction


###### Discussion Topics:

- What are the main types of normative arguments used in public policy debates?
- How should values and ethics relate to cost-benefit calculi in law and public policy?


###### Reading:

\*\*  The Queen v. Dudley and Stephens (1884), the "Lifeboat Case"

\*\*  Michael J. Sandel, "The Greatest Happiness Principle: Utilitarianism," in Sandel, *Justice: What's the Right Thing To Do?* (2010)

 David Edmonds, "Would You Kill the Fat Man? Right, Wrong, and Trolleyology," *Foreign Affairs* (Dec. 2013)

 Jeremy Bentham, *Principles of Morals and Legislation*, chapters 1 and 4

 John Stuart Mill, *Utilitarianism* (1863), especially chapters 2 and 5

#### Session 2 - Sept. 4


##### Law, Liberty, and Morality

###### Discussion Topics:

- What are some key differences between legal and moral rights and duties?
- Does the principle of liberty require the law to depart from common conceptions of morality? To what extent and under what circumstances?

###### Reading:

\*\*  People v. Beardsley, 150 Mich. 206, 113 N.W. 1128 (1907)

\*\*  Yania v. Bigan, 155 A.2d 343 (Penn. 1959)

\*\* 📖 Peter Singer, "The Drowning Child and the Expanding Circle," *New Internationalist*, April 1997

\*\* 📖 Michael J. Sandel, "Do We Own Ourselves? Libertarianism," in Sandel, *Justice*

📖 Michigan Supreme Court Historical Society, *People v Beardsley: Law and Morals in the Industrial Age*, ca. 2004

### **Session 3 - Sept. 9**

#### **Notions of Fairness**

##### Discussion Topics:

- What does it mean for a policy to be "fair"?
- To what extent and in what way does fairness imply equality?

##### Reading:

\*\* 📖 John Rawls, "A Theory of Justice," in LaFollette, *Ethics in Practice*

\*\* 📖 Robert Nozick, "The Entitlement Theory of Justice," in LaFollette, *Ethics in Practice*

Michael J. Sandel, "The Case for Equality: John Rawls," in Sandel, *Justice*

📖 John Rawls, *A Theory of Justice* (Cambridge, MA; Belknap Press, 1971), chapter 1 - optional, if you want to read Rawls in more detail

📖 Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), chapter 7 - optional, if you want to read Nozick in more detail

📖 Thomas Nagel, "Libertarianism without Foundations," *Yale Law Review* 85:1 (1975)

### **Session 4 - Sept. 11**

#### **Concepts of Rightful Action**

##### Discussion Topics:

- What matters more from an ethical standpoint, the purposes of a policy or decision or its actual or expected consequences?

##### Reading:

\*\* Michael J. Sandel, "What Matters Is the Motive: Immanuel Kant," in Sandel, *Justice*

📖 Immanuel Kant, *Groundwork for the Metaphysics of Morals* (translated edn., 2002)

📖 J.B. Schneewind et al, *Essays on Kantian Ethics*, in *Groundwork for the Metaphysics of Morals* (translated edn., 2002)

📖 Christine Korsgaard, "The Right to Lie: Kant on Dealing with Evil," *Philosophy & Public Affairs* (1986)

**Assignment due: PERSONAL STATEMENTS**

## **Session 5 – Sept. 16**

### **Ideas of Virtue and the Common Good**

#### Discussion Topics:

- To what extent can we judge the merits of acts by the virtue of the person committing them?
- What types of virtues, if any, should society try to instill at some expense to freedom?
- How do concepts of the common good affect our ethical calculations with respect to isolated decisions? Should we each be free to choose our own conception of the common good? If not, who has authority to do so, and by what process?

#### Reading:

\*\* Michael J. Sandel, *Justice*, chapters 8-10

\*\* 📖 Arthur Allen Leff, “Unspeakable Ethics, Unnatural Laws,” *Duke Law Journal* (1979)

📖 Thomas W. Smith, “Aristotle on the Conditions for and Limits of the Public Good,” *American Political Science Review* (1999)

📖 Bruce Douglass, “The Common Good and the Public Interest,” *Political Theory* (1980)

📖 Jue Wang, “The Common Good and Filial Piety: A Confucian Perspective,” in David Solomon and P.C. Lo, eds., *The Common Good: Chinese and American Perspectives* (2014)

📖 Abdulaziz Sachedina, “A Vision of Inclusivity: Islam and the Common Good of Humanity,” *Patheos* (2010)

## **Part II – Distributive Justice and Its Complications**

## **Session 6 – Sept. 18**

### **Welfare and Income Redistribution**

#### Discussion Topics:

- Under what circumstances is it fair to redistribute income from wealthier citizens to their poorer neighbors? Under what circumstances is it unfair?
- Are there moral distinctions between cash transfers and redistributing resources in the form of subsidized job opportunities?
- Should the ethics of distributive justice apply any differently as we venture beyond borders?

#### Reading:

\*\* 📖 Peter Singer, “Rich and Poor,” in Singer, *Practical Ethics* (2011)

\*\* 📖 Bill Clinton, “How We Ended Welfare, Together,” *New York Times*, Aug. 22, 2006

\*\* 📖 Libertarian Party, “Poverty and Welfare” (2011)



📖 Jeremy Waldron, "Property Rights and Welfare Distribution," in Frey and Wellman, *A Companion to Applied Ethics* (2005)

📖 Peter Singer, "The Singer Solution to World Poverty," in Landau, *The Ethical Life* (2010)

📖 Iris Marion Young, "Displacing the Distributive Paradigm," in LaFollette, *Ethics in Practice* (2007)

📖 Jonathan Wolff, "Economic Competition: Should We Care about the Losers?" in LaFollette, *Ethics in Practice* (2007)

### **Session 7 - Sept. 23**

#### **Affirmative Action in University Admissions**

##### Discussion Topics:

- Is affirmative action reverse discrimination?
- How could it be justified?
- Did the Supreme Court strike a suitable balance in the *Grutter & Gratz* cases?

##### Reading:

\*\* 📖 Summary of *Grutter v. Bollinger* (2003)

\*\* 📖 Sara Rimer and Karen W. Arenson, "Top Colleges Take More Blacks, But Which Ones?" *New York Times*, June 24, 2004

\*\* 📖 Celia W. Dugger, "Campus That Apartheid Ruled Faces a Policy Rift," *New York Times*, Nov. 22, 2010

\*\* Michael Sandel, "Arguing Affirmative Action," in *Justice*, pp. 167-184.

📖 *Hopwood v. State of Texas* (1996)

📖 *Grutter v. Bollinger* (2003) - for further details

📖 Richard Bernstein, "Racial Discrimination or Righting Past Wrongs?" *New York Times*, July 13, 1994

📖 Ronald Dworkin, "Why Bakke Has No Case," *New York Review of Books*, Nov. 10, 1977

### **Session 8 - Sept. 25**

#### **The Detroit Water Debate**

##### Discussion topics:

*Debate on Detroit's cutoff of water to customers with delinquent bills.*

- Under what conditions should water and other services be cut off from Detroit residents?
- Is water more like a basic right or a basic privilege?
- To what extent do city, state or Federal authorities have legal or ethical obligations to provide water supply?
- Who should make these decisions?

Reading:

TBD

**Session 9 - Sept. 30**

**Corruption and Economic Development**

Discussion Topics:

- How should we define corruption? To what extent are there gray areas?
- Are there cases in which it is ethical to engage in corrupt transactions for the public good? If so, how can those decisions be made? Should such acts nonetheless be punished if they break the law?

Reading:

\*\* 📖 Ana Isabel Eiras, "Ethics, Corruption, and Economic Freedom," *Heritage Foundation Paper* (2003)

\*\* 📖 Daniel Kaufmann, "10 Myths About Governance and Corruption," *Finance & Development* (2005)

\*\* 📖 Susan Rose-Ackerman, "Corruption: Greed, Culture, and the State," *Yale Law Journal Online* (2010)

📖 William Easterly, "Affluence and Ethics," *Wall Street Journal*, Mar. 5, 2009

📖 Ronald Francis and Anona Armstrong, "Corruption and whistleblowing in international humanitarian aid agencies," *Journal of Financial Crime* (2011)

**Session 10 - Oct. 2**

**The Ethics of International Trade**

Discussion Topics:

- Do wealthy societies have a moral or ethical obligation to engage in "fair trade" with poorer societies?
- If so, what does "fair trade" encompass?
- What does the law require? Are the institutions of international trade law designed in a manner conducive to a fair or just result?

Reading:

\*\* 📖 "International Trade: What Does Justice Demand?" Debate at the Carnegie Council, Apr. 2006

\*\* 📖 "Fair Trade: A Debate," *The Economist*, May 4, 2010

\*\* 📖 Brendan O'Neill, "How Fair is Fairtrade?" *BBC News*, Mar. 7, 2007

📖 Joseph Stiglitz, "Fair Trade for All: How Trade Can Promote Development," Speech at the Carnegie Council, April 2006

Peter W. Singer, *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2004), chapter 3 (available in the UM library)

### **Session 11 - Oct. 7**

#### **Providing Emergency Relief and Aid**

##### Discussion Topics:

- To what extent do we bear a moral or legal obligation to provide economic aid or emergency relief to people suffering from famine, natural disasters, or other calamities?
- What factors determine the extent of that duty or its reciprocal right to assistance?

##### Reading:

\*\* 📖 Articles on the famine relief efforts in Somalia (on Ctools)

📖 Peter W. Singer, *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2004), chapter 5

📖 Onora O'Neill, "A Kantian Approach to Famine Relief," in Harry J. Gensler, Earl W. Spurgin, and James C. Swindal, *Ethics: Contemporary Readings* (New York: Routledge, 2004)

Christopher Heath Wellman, "Famine Relief: The Duties We Have to Others," in Cohen and Wellman, eds., *Contemporary Issues in Applied Ethics* (2005) (available in my office)

Andrew I. Cohen, "Famine Relief and Human Virtue," in Cohen and Wellman, eds., *Contemporary Issues in Applied Ethics* (2005) (available in my office)

### **Session 12 - Oct. 9**

#### **Asylum-Seekers**

##### Discussion Topics:

- When do states have legal duties to grant asylum?
- Does this correspond to your ethical sensibilities? If not, is there a feasible way to make the law and your notion of an ethical policy meet?

##### Reading:

\*\* 📖 *Asylum Law, Asylum Seekers and Refugees: A Primer* (Syracuse, NY: TRAC Immigration, 2006)

\*\* 📖 Nina Bernstein, "In New York Immigration Court, Asylum Roulette," *New York Times*, Oct. 8, 2006

\*\* 📖 Matthew Gibney, "Ethics and Refugees," unpublished paper (circa 2000)

📖 Joseph H. Carens, "Who Should Get in? The Ethics of Immigration Admissions," *Ethics & International Affairs* 17:1 (2003)

📖 Matthew E. Price, "Persecution Complex: Justifying Asylum Law's Preference for Persecuted People," *Harvard International Law Journal* 47:2 (2006)

📖 Rachel L. Swarns, "Study Finds Disparities in Judges' Asylum Rulings," *New York Times*, July 31, 2006

📖 UN Refugee Agency, *Global Trends 2010* (Geneva: UNHCR, 2011)

**Assignment due: ADVOCACY MEMOS**

**Part III - Markets, Morality, and Mother Nature**

**Session 13 - Oct. 16**

**Medical Dilemmas (I): Pharmaceutical Patents & Rationing Health Care**

Discussion Topics:

- Do developing countries have the moral or legal right to manufacture cheap drugs for their ill? Do they have a duty? If so, under what circumstances?
- What does international law say on the topic? What should it say?
- At what points should the state cease or refuse to provide medical support?
- It is unethical to support rationing? Why is that term often so disfavored in policy discourse?
- What do the major philosophical approaches we've discussed suggest about the right kinds of public policies to adopt?

Reading:

\*\* 📖 James Thuo Gathii, "Third World Perspectives on Global Pharmaceutical Access," in Michael A. Santoro and Thomas M. Gorrie, eds., *Ethics and the Pharmaceutical Industry* (New York: Cambridge University Press, 2005), pp. 336-351

\*\* 📖 Toni Johnson, "The Debate over Generic-Drug Trade," *Council on Foreign Relations Backgrounder*, Aug. 3, 2011

\*\* 📖 Gardiner Harris, "China and India Making Inroads in Biotech Drugs," *New York Times*, Sept. 18, 2011

\*\* 📖 Peter Singer, "Why We Must Ration Health Care," *New York Times Magazine*, July 19, 2009

\*\* 📖 H. Tristram Engelhardt, Jr. and Ana Smith Iltis, "Allocation of Medical Resources," in Frey and Wellman, *A Companion to Applied Ethics* (2005)

📖 Tina Rosenberg, "Sharing Patents to Wipe Out AIDS," *New York Times*, July 21, 2011

📖 Roger Bate, "Thailand and the Drug Patent Wars," *American Enterprise Institute Policy Paper No. 5*, Apr. 2007

📖 Apiradee Treerutkuarkul, "Medicine patent laws drive up drug prices, says institute, 'Evergreening' patents protect big producers," *Bangkok Post*, June 9, 2011

📖 Dan W. Brock, "Broadening the Bioethics Agenda," *Kennedy Institute of Ethics Journal* 10:1 (2000)

📖 "Rationing Health Care," *Washington Times*, Apr. 21, 2009

### **Session 14 - Oct. 21**

#### **Medical Dilemmas (II): Genetic Technology and Euthanasia**

##### Discussion Topics:

- As medical technology improves, what scope of choice should parents or other authorities have over the genetic composition of unborn children?
- Should it matter for one society what policies others adopt on these issues?
- Should euthanasia be allowed? If so, under what circumstances?
- How important is the distinction between active and passive euthanasia? If the distinction is important, why does it matter?

##### Reading:

\*\* 📖 Michael J. Sandel, "The Case Against Perfection," *Atlantic Monthly*, April 2004

\*\* 📖 Lee M. Silver, "Cloning, Ethics, and Religion," *Cambridge Quarterly of Healthcare Ethics* 7:2 (1998)

\*\* 📖 Modified excerpts from the BBC, *Ethical Guide: Euthanasia and Physician Assisted Suicide* (London: British Broadcasting Corporation 2011).

📖 Michael Tooley, "In Defense of Voluntary Active Euthanasia and Assisted Suicide," in Cohen and Wellman, eds., *Contemporary Debates in Applied Ethics*, pp. 161-178

📖 David S. Oderberg, *Applied Ethics: A Non-Consequentialist Approach* (Oxford: Blackwell, 2000), chapter 2

📖 John Tierney, "Are Scientists Playing God? It Depends on Your Religion," *New York Times*, Nov. 20, 2007

Daniel Callahan, "A Case Against Euthanasia," in Cohen and Wellman, eds., *Contemporary Debates in Applied Ethics*, pp. 179-90 (available in my office)

Peter Singer, *Practical Ethics* (2011), chapter 7 (available in my office)

### **Session 15 - Oct. 23**

#### **Medical Dilemmas (III): Testing on Human Subjects**

##### Discussion topics:

- Can a utilitarian calculus justify testing on humans?

- Under what conditions can the consent of human subjects alleviate ethical concerns?
- What kinds of ethical duties do governments bear to protect innocent citizens?

Reading:

\*\* 📖 Carl Elliott, "Guinea-Pigging," *The New Yorker*, Jan. 7, 2008

\*\* 📖 Patrick Boleyn-Fitzgerald, "Experimentation on Human Subjects," in Frey and Wellman, eds., *A Companion to Applied Ethics* (2005)

📖 Donald G. McNeil, Jr., "U.S. Apologizes for Syphilis Tests in Guatemala," *New York Times*, Oct. 1, 2010

📖 Divine Ntaryike, "Africa Urged to Increase Monitoring of Clinical Drug Trials," *Voice of America*, Aug. 17, 2011

**Session 16 - Oct. 28**

**Polluting the Environment**

Discussion topics:

- What level of pollution is ethically acceptable, and on what terms?
- How should the costs of pollution be distributed?

Reading:

\*\* 📖 Robert Percival, "Liability for Environmental Harm and Emerging Global Environmental Law," *Maryland Journal of International Law* (2010)

📖 Katie McShane, "Environmental Ethics: An Overview," *Philosophy Compass* (2009)

📖 Peter Singer, *Practical Ethics* (2<sup>nd</sup> edition, 1993), chapter 10

**Session 17 - Oct. 30**

**Climate Change**

Discussion topics:

- To what extent do we have a moral duty to prevent it?
- How should the cost of necessary actions be divided?

Reading:

\*\* 📖 John Broome, "The Ethics of Climate Change: Pay Now or Pay More Later," *Scientific American*, May 2008

\*\* 📖 Steve Vanderheiden, "Globalizing Responsibility for Climate Change," *Ethics & International Affairs* 25:1 (2011)

\*\* 📖 Donald A. Brown, "Ten Practical Policy Consequences of Acknowledging that Climate Change is an Ethical Problem," blog entry, Aug. 2011

**Session 18 - Nov. 4**  
**Nuclear Power**

Discussion topics:

- Is the promotion of nuclear energy ethical?
- What are the main ethical concerns about nuclear energy, and to what extent can they be addressed?
- Should the Fukushima disaster change our views on the ethics of nuclear energy?
- When such disasters occur, governments almost always bear a major share of the costs. Is that fair?
- What are the moral or ethical losses suffered if countries move away from nuclear energy?
- What are the relative ethical merits and demerits of alternative sources of energy?

Readings:

\*\* 📖 Judy Dempsey, "Panel Urges Germany to Close Nuclear Power Plants by 2021," *New York Times*, May 11, 2011

\*\* 📖 Carnegie Endowment for International Peace, *Nuclear Power Plant Exporters' Principles of Conduct*, May 2011

\*\* 📖 Short readings on Fukushima and its aftermath (on Ctools)

📖 Energy Advisory Group, World Council of Churches, "Public Acceptance of Nuclear Power - Some Ethical Issues," *IAEA Bulletin* 19:6 (1977)

📖 Behnam Taebi, "The Morally Desirable Option for Nuclear Power Production," *Philosophy & Technology* (2011)

📖 Benham Taebi, "The Ethics of Nuclear Power," in Pavel Tsvetkov, *Nuclear Power* (InTech, 2011)

**Session 19 - Nov. 6**  
**Population Control**

Discussion topics:

- Do governments or other organizations have a right to impose limits on population growth under any circumstances?
- Are there conditions under which they have a duty?
- If population control is set as a goal, are coercive measures needed, or will incentives suffice?
- Are population control measures unfair to developing countries? Is the absence of it unfair to wealthier societies?

Reading:

\*\* 📖 Garrett Hardin, "The Tragedy of the Commons," *Science*, Dec. 13, 1968

\*\* 📖 Short articles on population control (on Ctools)

📖 Victoria Johnson and Robert Nurick, "Behind the headlines: the ethics of the population and environment debate," *International Affairs* (1995)

📖 David L. Rust, "The Ethics of Controlling Population Growth in the Developing World," *Intersect* 3:1 (2010)

**Assignment due: AMICUS BRIEFS**

**Part IV - Ethics in Addressing Conflict and Reconciliation**

**Session 20 - Nov. 11**

**Just War, Humanitarian Intervention and the Responsibility to Protect**

Discussion topics:

- When is the use of armed force ethical? Does this correspond to the law?
- Are there circumstances when a state or actor has not only a right but a duty to use force to intervene?

Reading:

\*\* 📖 Michael W. Doyle, "A Few Words on Mill, Walzer, and Nonintervention," *Ethics & International Affairs* 23:4 (2009)

\*\* 📖 Jennifer M. Welsh, "Implementing the 'Responsibility to Protect': Where Expectations Meet Reality," *Ethics & International Affairs* 24:4 (2010)

📖 J. Bryan Hehir, "Just War Theory in a Post-Cold War World," *Journal of Religious Ethics* 20:2 (1992)

**Session 21 - Nov. 13**

**Necessary and Proportional Use of Force**

Discussion topics:

*Debate on Israel's incursion into Gaza in 2014*

- What types of force are "proportional" in cases of asymmetric conflict?
- When is lethal force "necessary"?

Reading:

\*\* 📖 Michael Walzer, "The Gaza War and Proportionality," *Dissent Magazine*, Jan. 8, 2009

\*\* 📖 Moshe Halbertal, "The Goldstone Illusion," *The New Republic*, Nov. 6, 2009



📖 Report of the United Nations Fact-Finding Mission on the Gaza Conflict (the “Goldstone Report”), Human Rights Council, Twelfth session, Agenda item 7, 25 September 2009, executive summary

📖 Government of Israel, “Initial Response to the Report of the Fact Finding Mission on Gaza,” Sept. 24, 2009

### **Session 22 - Nov. 18**

#### **Duties to Name, Shame, and Prosecute**

##### Discussion topics:

- When do powerful states or actors have duties to prosecute alleged criminals?
- What considerations must be weighed alongside justice?
- What roles do we play as civil society actors or individual civil servants?

##### Reading:

\*\* 📖 Leslie Vinjamuri, “Deterrence, Democracy, and the Pursuit of International Justice,” *Ethics & International Affairs* 24:2 (2010)

\*\* 📖 Mark J. Osiel, “Why Prosecute? Critics of Punishment for Mass Atrocity,” *Human Rights Quarterly* 22:1 (2000)

📖 Diane Orentlicher, “Settling Accounts: The Duty to Prosecute Human Rights Violations of a Prior Regime,” *Yale Law Journal* 100:8 (1991)

### **Session 23 - Nov. 20**

#### **Promoting Transitional Justice in the Field**

##### Discussion topics:

- What ethical issues do empowered “outside” actors face in dealing with victims of conflict and repression?
- What should the principal goals of engagement be, and to what extent (if any) is paternalism justifiable?

##### Reading:

\*\* 📖 John D. Ciorciari and Anne Heindel, “Trauma in the Courtroom,” in *Cambodia’s Hidden Scars* (2011)

\*\* 📖 John D. Ciorciari and Anne Heindel, *Hybrid Justice* (2014), chapter 3

📖 John D. Ciorciari and Jaya Ramji-Nogales, “Lessons from the Cambodian Experience with Truth and Reconciliation,” *Buffalo Human Rights Law Review* (2013)

## Part V - Ethics for the Policy Practitioner

### Session 24 - Nov. 25

#### The Problem of "Dirty Hands"

##### Discussion Topics:

- Do the ends sometimes justify the means?
- Should we expect that wrongdoing by public officials is inevitable?
- Why do we distinguish political leaders from other groups of our fellow citizens? Should we hold them to higher or lower standards?
- If a public official commits wrongdoing to satisfy a legitimate conception of the broader public good, should he or she be punished?

##### Reading:

\*\* 📖 Michael Walzer, "The Problem of Dirty Hands," *Philosophy and Public Affairs* 2:2 (1973)

📖 Laurie Calhoun, "The Problem of 'Dirty Hands' and Corrupt Leadership," *Independent Review* 8:5 (2004)

Gerald F. Gaus, "Dirty Hands," in Frey and Wellmann, *A Companion to Applied Ethics* (2005) (available in my office)

### Session 26 - Dec. 2

#### Whistleblowing

##### Discussion Topics:

- When do we have a duty to disclose information about apparent wrongdoing in our office or agency?
- Is it defensible not to blow the whistle when the legal or informal cost of doing so is high? If so, how do we decide where to draw the line?
- To what extent (if any) should we consider values such as loyalty or patriotism in making these calculations?

##### Reading:

\*\* 📖 Sissela Bok, "Whistleblowing and Professional Responsibility," in *Ethical Issues in Business* (2000)

\*\* 📖 Short articles on whistleblowing (on Ctools)

📖 Barry Padgett, "Educating the Whistle-Blower," in *Teaching Ethics* (2003)

**Session 27 - Dec. 4**

**Professional Ethics in a Bureaucracy**

Discussion Topics:

- To what extent is it ethically appropriate for civil servants to engage in “guerilla” tactics when they disagree with their bosses?

Reading:

\*\* 📖 Rosemary O’Leary, *The Ethics of Dissent: Managing Guerilla Government* (Washington, DC: CQ Press, 2005), chapter 2

Singer, *Practical Ethics* (2011), chapters 11 and 12 (available in my office)

**Assignment due: DECISION MEMOS**

**Session 28 - Dec. 9**

**Personal Morality in Public Life**

Discussion Topics:

- To what extent should policy actors apply their personal moral codes in the conduct of their official duties?
- *In this session, we will have an interactive dialogue polling you on some specific ethical dilemmas and then discussing them.*

Reading:

📖 Mario Cuomo, “Religious Belief and Public Morality,” Speech at the University of Notre Dame, Sept. 13, 1984