

FSPP 580
Values, Ethics, and Public Policy
Winter 2023

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Course Description and Objectives. The task of policy analysis is sometimes viewed as a technician’s task—a matter of using analytical tools to figure out the most effective way to achieve policy goals. That is certainly an essential part of policy analysis, but it is important to be aware of what it leaves out. It leaves out any attempt to say which goals public policy should try to serve in the first place. To care about public policy is to care about whether policies are good or bad. But good or bad in what sense, in what respects, according to what perspectives or values? These questions are not answered once and for all when nations are founded. They are a constant part of public policymaking, and finding better ways to answer them is often the most important thing anyone can do to improve public policy. Sometimes, of course, we can trace the failures of public policy to failures of technique—to our inability to identify effective ways of pursuing policy goals that no one doubts are the right ones. But often the failures of public policy result from something more fundamental—from our inability to identify what the goals of public policy should be in the first place, or from the incomplete or inadequate ways in which we have understood them. These failures arise when we have paid too little attention to values like justice, rights, and equality, or when we have failed to understand those complex and contested ideals in appropriate ways.

Values, Ethics and Public Policy focuses on some of the many ways in which these political and moral values come into play in public policy. The course will develop your abilities to think in a reflective and sophisticated way about the moral and ethical dimensions of public policy and articulate the ethical aspects of available policy alternatives, both verbally and in writing. It will introduce you to a variety of moral frameworks that are frequently relevant to contemporary policy debates. The course is divided into four sections. Section one briefly introduces some challenges and possibilities for reasoning and debate about moral issues. Section two then introduces five core values that play a role in many policy contexts—individual welfare, rights, liberty, justice, and accountability. In our exploration of each value, we will study conceptual frameworks and debates associated with it, as well as the implications it has for current policy debates (the “...in practice” sessions). Section three turns our attention to several current debates about morally complex policy problems; in each session, we will aim to understand the moral considerations that public policy needs to grapple with and the policy options that best respect those considerations. Section four explores several moral dilemmas that policy practitioners may encounter in the course of their careers (such as how to respond to organizational expectations that conflict with their own personal moral values).

Canvas Site and Reading Materials. The Canvas site will be your chief resource for each class session. Each session’s Canvas “module” contains all of the materials you will need for that session. At the top of each module you will find a written overview of the session, which will

outline the questions and themes you should keep in mind as you engage with the material. Below that, you will find links to the readings, lectures, and discussion board for that session.

Class Participation. Class participation, including your discussion posts, is worth 25% of your grade. Participation consists of active engagement during our class meetings and regular contributions to the Canvas discussion board. To prepare for these discussions, students will be expected to complete the readings and view any relevant lecture material prior to class. **Please read the “Class Discussions” document carefully for details and guidelines** (available in the “logistics” module on Canvas). As that document explains in more detail, you should generally write a brief post to the class discussion board every session by 10AM the day of class at least once per week. More specifically:

- You do not need to post during part 1 of the course
- During part 2 of the course, you should post once to each “...in Practice” session (January 18 & 25; February 1, 8 & 20)
- During parts 3 and 4 of the course, you should post once a week (i.e. either on Monday or Wednesday each week from March 6 through April 12)

Writing Assignments. The course requirements include three writing assignments, due on February 21, March 31, and April 21 by 11:59 PM. Each assignment will be worth 25% of your grade. As in all university classes, use proper citation in all your written work; plagiarism can be cause for expulsion. If you have any questions about what plagiarism is (in brief: acknowledge all your sources and enclose all words that aren't yours in quotation marks), see <http://www.lib.umich.edu/academic-integrity>.

For further information about academic expectations, accommodations, and resources for student-well being and mental health in this class and elsewhere in the Ford School, please visit <http://fordschool.umich.edu/academics/expectations>. Because of the nature of the topics we discuss in this course and the way we will discuss them, the Ford School's Statement on Inclusivity merits especially close attention. The diverse perspectives and experiences that you and your classmates bring to class are an invaluable resource for our discussions and your learning. Be open to and respectful of the contributions that others make.

Ford School Inclusivity Statement: Members of the Ford School community represent a rich variety of backgrounds and perspectives. We are committed to providing an atmosphere for learning that respects diversity. While working together to build this community we ask all members to:

- share their unique experiences, values and beliefs
- be open to the views of others
- honor the uniqueness of their colleagues
- appreciate the opportunity that we have to learn from each other in this community
- value one another's opinions and communicate in a respectful manner
- keep confidential discussions that the community has of a personal or professional nature
- use this opportunity together to discuss ways in which we can create an inclusive environment in Ford classes and across the UM community

Ford School Public Health Protection Policy: In order to participate in any in-person aspects of this course--including meeting with other students to study or work on a team project--you must follow all the public health safety measures and policies put in place by the State of Michigan, Washtenaw County, the University of Michigan, and the Ford School. Up to date information on U-M policies can be found [here](#). It is expected that you will protect and enhance the health of everyone in the Ford School community by staying home and following self-isolation guidelines if you are experiencing any symptoms of COVID-19

Student Mental Health and Wellbeing: The University of Michigan is committed to advancing the mental health and wellbeing of its students. We acknowledge that a variety of issues, both those relating to the pandemic and other issues such as strained relationships, increased anxiety, alcohol/drug problems, and depression, can directly impact students' academic performance and overall wellbeing. If you or someone you know is feeling overwhelmed, depressed, and/or in need of support, services are available.

You may access counselors and urgent services at [Counseling and Psychological Services \(CAPS\)](#) and/or [University Health Service \(UHS\)](#). Students may also use the Crisis Text Line (text '4UMICH' to 741741) to be connected to a trained crisis volunteer. You can find additional resources both on and off campus through the [University Health Service](#) and through [CAPS](#).

Accommodations for Students with Disabilities: If you believe you need an accommodation for a disability, please reach out to U-M [Services for Students with Disabilities \(SSD\)](#) office to help determine appropriate academic accommodations and how to communicate about your accommodations with your professors. Any information you provide will be treated as private and confidential.

Academic Integrity: The Ford School academic community, like all communities, functions best when its members treat one another with honesty, fairness, respect, and trust. We hold all members of our community to high standards of scholarship and integrity. To accomplish its mission of providing an optimal educational environment and developing leaders of society, the Ford School promotes the assumption of personal responsibility and integrity and prohibits all forms of academic dishonesty, plagiarism and misconduct. Academic dishonesty may be understood as any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community. Plagiarism involves representing the words, ideas, or work of others as one's own in writing or presentations, and failing to give full and proper credit to the original source. Conduct, without regard to motive, that violates the academic integrity and ethical standards will result in serious consequences and disciplinary action. The Ford School's policy of academic integrity can be found in the [MPP/MPA, BA](#), and [PhD Program](#) handbooks. Additional information regarding academic dishonesty, plagiarism and

misconduct and their consequences is available at: <http://www.rackham.umich.edu/current-students/policies/academic-policies/section11#112>

Use of Technology: Students should follow instructions from their instructor as to acceptable use of technology in the classroom, including laptops, in each course. All course materials (including slides, assignments, handouts, pre-recorded lectures or recordings of class) are to be considered confidential material and are not to be shared in full or part with anyone outside of the course participants. Likewise, your own personal recording (audio or video) of your classes or office hour sessions is allowed only with the express written permission of your instructor. If you wish to post course materials or photographs/videos of classmates or your instructor to third-party sites (e.g. social media), you must first have informed consent. ***Without explicit permission from the instructor and in some cases your classmates, the public distribution or posting of any photos, audio/video recordings or pre-recordings from class, discussion section or office hours, even if you have permission to record, is not allowed and could be considered academic misconduct.***

Please review additional information and policies regarding academic expectations and resources at the Ford School of Public Policy at:
<https://intranet.fordschool.umich.edu/academic-expectations2>

1. Introduction

January 4 **Introduction to the course**

January 9 **Thinking about Ethics**

Jonathan Glover. “The Scope and Limits of Moral Argument”, in *Causing Death and Saving Lives*. (New York: Penguin, 1977), pp. 22-35.

Allyson Hobbs, “The Power of Looking, from Emmett Till to Philando Castile”, *The New Yorker*, August 5, 2016.

Martin Luther King, Jr., “Letter from a Birmingham Jail”, in *Why We Can’t Wait* (New York: Harper & Row, 1964).

Optional. Elizabeth Anderson. “How to Be a Pragmatist” [excerpt], in ed. Ruth Chang and Kurt Sylvan. *The Routledge Handbook of Practical Reason* (New York: Routledge, 2021), pp. 83-7.

2. Moral Frameworks

January 11 **Utilitarianism**

Jeremy Bentham. *Principles of Morals and Legislation* (Oxford: Clarendon, 1789/1823), chs. 1, 4

Lawrence Hinman. "The Ethics of Consequences: Utilitarianism" [excerpt], in *Ethics: A Pluralistic Approach to Moral Theory* (Boston: Wadsworth, 2013), pp. 122-47

Amia Srinivasan, "Stop the Robot Apocalypse", *London Review of Books*, September 2015.

January 16 **No Class – Martin Luther King, Jr. Day**

January 18 **Utilitarianism in Practice**

Julian Savulescu, Ingmar Persson, and Dominic Wilkinson. "Utilitarianism and the Pandemic", *Bioethics* vol. 34 (2020), pp. 620-632

Sheri Fink, "U.S. Civil Rights Office Rejects Rationing Medical Care based on Disability, Age," *The New York Times*, March 28, 2020.

Dawinder Sidhu. "Fairly Assessing Risk and Recidivism", *Baltimore Sun*, March 25, 2015.

Dylan Matthews. "The Tricky Business of Putting a Dollar Value on a Human Life", *vox.com*, Dec 22, 2022

Peter Singer, "The Singer Solution to World Poverty," *New York Times Magazine*, September 5, 1999

January 23 **Rights**

Ronald Dworkin. "Rights as Trumps", in ed. Jeremy Waldron, *Theories of Rights* (New York: Oxford Univ. Press, 1984) [*read pp. 153-9, 166-7; skim the rest*].

Robert Nozick. *Anarchy, State, and Utopia* (New York: Basic, 1973), pp. 28-33.

Jamal Greene. *How Rights Went Wrong* (New York: Houghton-Mifflin, 2021), Introduction.

Positive Rights

Emily Zackin. *Looking for Rights in All the Wrong Places* (Princeton: Princeton Univ. Press, 2013), pp. 4-5, 11-12, 39-47

Recommended: Henry Shue, *Basic Rights, 2d ed.* (Princeton, NJ: Princeton University Press, 1996), pp. 35-64

January 25 **Rights in Practice**

Rights in Domestic Policy

Eli Hager. “In Child Welfare Cases, Most of Your Constitutional Rights Don’t Apply”, *ProPublica*, Dec 29, 2022.

Graham Moomaw. “Would Virginia’s Red Flag Law Withstand Constitutional Scrutiny?” *Virginia Mercury*, February 5, 2020

Neil Gong, “California gave people the ‘right’ to be homeless — but little help finding homes,” *The Washington Post*, May 20, 2021.

Optional: John Witt. “Scrambling the New Sanitationist Synthesis: Civil Liberties and Public Health in the Age of COVID-19” [excerpt], University of Chicago Legal Forum 2021, pp. 277-8,

International Human Rights

Samuel Moyn. “How the Human Rights Movement Failed”, *New York Times*, April 23, 2018.

Aryeh Neier. “Human Rights and Social Justice: Separate Causes”, in eds. Douthett Lettinga & Lars van Troost. *Can Human Rights Bring Social Justice?* (Amsterdam: Amnesty International Netherlands, 2015), pp. 47-52.

January 30 **Liberty**

Liberal Ideals

John Stuart Mill. *On Liberty*, (Indianapolis: Hackett, 1978), pp. 9-13, 73-82.

Dennis Thompson, “Paternalistic Power,” in *Political Ethics and Public Office* (Cambridge: Harvard Univ. Press, 1987) [excerpt], pp. 148-161 [*focus especially on pp. 154-159*]

Charles Larmore. *Patterns of Moral Complexity* (New York: Cambridge Univ. Press, 1987), pp. 41-7.

Joseph Heath, *The Machinery of Government*. (New York: Oxford Univ. Press, 2020), pp. 304-11.

The End of Liberalism?

Sohrab Ahmari. “Against David French-Isms”, *First Things*, May 29, 2019.

Pankaj Mishra. “Grand Illusions”, *New York Review of Books*, Nov. 19, 2020.

February 1 **Liberty in Practice**

News reports on smoking ban in U.S. public housing on Canvas

Franklin Miller, “Liberty and Protection of Society During a Pandemic: Revisiting John Stuart Mill,” *Perspectives in Biology and Medicine* 64 (2021), pp. 200-210.

Alex Tabarrok. “Tackling the Organ Shortage”, *Wall Street Journal*, Jan. 8, 2010.

BBC News. “Britney Spears: Singer’s Conservatorship Case Explained”, June 15, 2021.

Keith Humphries. “Resolved to Cut Drinking in the New Year? How Government Can Help”, *NBC Think*, January 2, 2023.

February 6 **Justice**

John Rawls, *A Theory of Justice* (Cambridge, Mass: Harvard Univ Press, 1971), pp. 3-22, 60-65, 118-122, 136-142, 150-56.

Tommie Shelby. *Dark Ghettoes: Injustice, Dissent, and Reform*. (Cambridge, Mass.: Harvard Univ. Press, 2018), pp. 1-9, 19-48.

Nathan Heller. “The Philosopher Redefining Inequality”. *The New Yorker*, December 31, 2018.

Recommended: Elizabeth Anderson. “What Is the Point of Equality?” Ethics, vol. 109 (1999), pp. 287-337.

February 8 **Justice in Practice**

Lindsay Wiley. “Health Law as Social Justice” [excerpt], *Cornell Journal of Law and Public Policy*, vol. 24 (2014), pp. 48-52, 83-95

Samuel Bagenstos. “Disability Rights and the Discourse of Justice”, *SMU Law Review Forum*, vol. 73 (2020), pp. 26-34

Stuart Bracking and Cowan Ross. [It’s MY life - An introduction to Independent Living](#), Independent Living Project, 2018.

Olatunde Johnson. “AFFH and the Challenge of Reparations in the Administrative State”, *The Regulatory Review*, October 26, 2020 and news articles about AFFH on Canvas

Harry Brighouse. “Moral and Political Aims of Education” [excerpt] in ed. Harvey Siegel. *The Oxford Handbook of Philosophy of Education*. (New York:

Oxford Univ. press, 2009), pp. 41-47 and news articles about education finance on Canvas

February 13 **First assignment workshop**

OMB, Circular A-4, pp. 1-3, 9-12, 18-24.

Cass Sunstein, *The Cost-Benefit Revolution* (Cambridge: MIT Press, 2018), chapters 1 and 3.

February 15 **Accountability**

Arthur Applbaum. “The Remains of the Role”, *Governance*, vol. 6 (1993), pp. 545-57.

Jeremy Waldron. “Accountability and Insolence”, in *Political Political Theory* (Cambridge, Mass.: Harvard Univ. Press, 2016.)

C. Thi Nguyen. “Transparency is Surveillance” [excerpt], *Philosophy and Phenomenological Research*, forthcoming (2023), pp. 1-9.

February 20 **Accountability in Practice**

Yuval Levin. “Transparency Is Killing Congress”, *The Atlantic*, February 9, 2020.

Juliet Eilpern, Lisa Rein, and Marc Fisher. “Resistance from Within: Federal Workers Push Back Against Trump”, *Washington Post*, January 31, 2017.

Herbert Wechsler, “Some Issues for the Lawyer” [excerpt], in ed. R.M. MacIver, *Integrity and Compromise: Problems of Public and Private Conscience* (New York: Institute for Religious and Social Studies, 1957), pp. 121-127

Maurice Chammah. “The Rise of the Anti-Lockdown Sheriffs”, *The Marshall Project*, May 10, 2020; and Jamiles Lartey, “How Conservatives are Trying to Shut Down the Progressive Prosecutor Movement”, *The Marshall Project*, August 20, 2022.

February 22 **Benefit-Cost Analysis**

Review readings for February 13 class

February 27 & March 1 **No Class – Winter Break**

3. Moral Analysis as Policy Analysis

March 6 **Policy Responses to the Opioid Crisis**

Harm Reduction

John Kleinig. “The Ethics of Harm Reduction”, *Substance Use and Misuse*, vol. 43 (2008), pp. 1-16.

Safe injection site readings on Canvas

Brandon del Pozo, Lawrence Krasner, and Sarah George. “Decriminalization of Diverted Buprenorphine in Burlington, Vermont and Philadelphia”, *The Journal of Law, Medicine, and Ethics* vol. 48 (2020), pp. 373-4.

Jan Greene. “Naloxone ‘Moral Hazard’ Debate Pits Economists Against Physicians”, *Annals of Emergency Medicine* vol. 73 (August 2018), pp. 13-15.

Involuntary Treatment

Katie DeRosa. “B.C. NDP leadership race: Eby pitches involuntary care for severe overdose cases”, *Vancouver Sun*, August 18, 2022.

Bruce Hobson *et. al.* “Comment: Medical evidence supports involuntary treatment”, *Times Colonist*, Sep 16, 2022

Alan Cavaiola and David Dolan. “Considerations in Civil Commitment of Individuals with Substance Use Disorders,” *Substance Abuse* vol. 37 (2016), pp. 181-7.

Restricting the Supply of Prescription Drugs

Austin Frakt. “The Opioid Dilemma”, *The New York Times*, March 4, 2019

Brian Goldstone, “The Pain Refugees”, *Harper’s*, May 2018.

March 8 **Work Requirements in Social Policy**

Elizabeth Anderson. “Welfare, Work Requirements, and Dependent Care”, 21 *Journal of Applied Philosophy* (2004), pp. 243-55.

Tommie Shelby. *Dark Ghettos: Injustice, Dissent, and Reform.* (Cambridge, Mass.: Harvard Univ. Press, 2016), ch. 6.

Kirstin Frescoln, Mai Thi Nguyen, William Rohe and Michael Webb. “Work Requirements and Well-Being in Public Housing”, *Cityscape* vol. 20 (2018), pp. 39-52.

March 13 **Climate Change**

America's Responsibilities for Climate Change: Trump vs. Biden

Statement by President Trump on the Paris Climate Accord, June 1, 2017

Brad Plumer, Lisa Friedman, Max Bearak and Jenny Gross. “In a First, Rich Countries Agree to Pay for Climate Damages in Poor Nations”, *New York Times*, Nov. 19, 2022.

Moral Frameworks for International Climate Change Policy

Peter Singer, “A Fair Deal on Climate Change,” *Policy Innovations*, Jun 26, 2007

Henry Shue. “Global Environment and International Inequality,” *International Affairs*, vol. 75 (1999), pp. 531-545

March 15 **Nurse Home Visitation**

Casey Family Programs. “What Are Some Considerations When Implementing Nurse-Family Partnership?”, Strategy Brief, April 2022.

Katherine Boo, “Swamp Nurse”, *The New Yorker*, Feb 6, 2006, pp. 54-65

Paul Boyer. *Urban Masses and Moral Order in America, 1820-1920*. (Cambridge: Harvard University Press, 1978), ch. 10.

Optional: Douglas Powell. “Home Visiting in the Early Years: Policy and Program Design Decisions”, Young Children, December 1990, pp. 65-72.

March 20 **Policy Responses to Serious Mental Illness**

Eric Adams. “Mayor Adams Announces Plan to Provide Care for Individuals Suffering From Untreated Severe Mental Illness Across NYC”, speech delivered on November 29, 2022 (watch or read [here](#)).

Substance Abuse and Mental Health Services Administration (SAMHSA). *Civil Commitment and the Mental Health Care Continuum: Historical Trends and Principles for Law and Practice* [excerpts]. 2019, pp. 1, 6-13, 13-14, 23-29.

Anita Chabria. “New York will treat more mentally ill people against their will. Should California Follow?” *Los Angeles Times*, Dec. 2, 2022.

Brian Stettin and Norm Ornstein. “The truth behind the Adams plan on serious mental illness”, *New York Daily News*, Dec 20, 2022

David Thacher. “Ghosts of Deinstitutionalization”, *Vital City*, December 16, 2022.

Optional. Ellen Barry. “Behind New York City’s Shift on Mental Health, a Solitary Quest”, *New York Times*, Dec. 11, 2022.

March 22 **Housing First?**

Sam Tsemberis. “Housing First: Ending Homelessness, Promoting Recovery and Reducing Costs,” in eds. Ingrid Gould Ellen and Brian O’Flaherty. *How to House the Homeless* (New York: Russell Sage Foundation, 2010), pp. 37–56.

Stephen Eide. *Housing First and Homelessness: Rhetoric and Reality*. (New York: Manhattan Institute, 2020.)

Michael Allen. “Waking Rip van Winkle: Why Developments in the Last 20 Years Should Teach the Mental Health System Not to Use Housing as a Tool of Coercion”, *Behavioral Sciences and the Law*, vol. 21 (2003), pp. 503-21.

Optional: Michael Kimmelman. “How Houston Moved 25,000 People From the Streets Into Homes of Their Own”, *New York Times*, June 14, 2022.

March 27 **Reparations for Slavery**

Ta Nehisi-Coates, “A Case for Reparations”, *Atlantic Monthly*, June 2014

William Darity Jr. and A. Kirsten Mullen, “Resurrecting the Promise of 40 Acres: The Imperative of Reparations for Black Americans,” *Roosevelt Institute*, June 2020, pp. 5-14, 28

4. Moral Dilemmas in Policy Practice

March 29 **Should I Really Work Here?**

Ross Douthat. “You Must Serve Trump”, *The New York Times*, Nov. 11, 2016.

David Luban. “The Case Against Serving”, *Just Security*, Nov. 14, 2016

Paul Butler. “Should Good People Be Prosecutors?” in *Let’s Get Free: A Hip Hop Theory of Justice* (New York: The New Press, 2009), pp. 101-21.

Gardiner Harris. “Official Quits on Pill Delay at the F.D.A.”, *The New York Times*, Sep. 1, 2005.

April 3

Whistleblowing and Leaking

Terrance McConnell, "Whistle-Blowing," in *A Companion to Applied Ethics*, ed. R. G. Frey and Christopher Heath Wellman (2003), 570-82.

Geoffrey R. Stone, "Edward Snowden: 'Hero or Traitor'?" *Huffington Post* (2013).

William E. Scheuerman, "Snowden and the Ethics of Whistleblowing," *Boston Review*, May 2014

Rahul Sagar, "Against Moral Absolutism", *Ethics & International Affairs*, vol. 29 (2015), pp. 145-59.

Emily Gold Boutilier, "The Woman Who Knew Too Much," *Brown Alumni Magazine*, March/April 2004.

April 5

Bureaucratic Resistance

Jennifer Nou. "Civil Servant Disobedience", *Chicago-Kent Law Review*, vol. 94 (2019), pp. 349-81.

April 10

Lying

Sissela Bok, "Lies for the Public Good," in *Lying: Moral Choice in Public and Private Life* (New York: Vintage, 1999)

"Ethical Problems in Public Careers: Lying" (KSG Case)

April 12

Ethics for Analysts

The Ethics of Data Analysis

Martin Wachs. "Ethics and Advocacy in Forecasting for Public Policy", *Business and Professional Ethics Journal*, vol. 9 (1990), pp. 141-156.

The Ethics of Data Dissemination

Lynette Clemetson, "Homeland Security Given Data on Arab-Americans," *New York Times*, July 30, 2004.

Eric Lipton, "Panel Says Census Move on Arab-Americans Recalls World War II Internments," *New York Times*, Nov. 10, 2004.

Hermann Haberman, "Ethics, Confidentiality, and Data Dissemination," U.S. Census Bureau White Paper, n.d. [2004], 1-14.

April 17

Conclusion