

FSPP 580
Values, Ethics, and Public Policy
Fall 2018

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Course Description

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 technology—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 seeks to develop students' abilities to think in a reflective and sophisticated way about the moral and ethical dimensions of public policy and to articulate (both verbally and in writing) the ethical aspects of available policy alternatives. It also aims to introduce students to a variety of moral frameworks and considerations that are frequently relevant to contemporary policy debates. To that end, the course is divided into five sections, each of them focused on a different value that plays an important role in public policy—individual welfare, rights, liberty, justice, and accountability. We will usually spend some time at the beginning of each section discussing basic concepts and arguments related to the relevant value. We'll then move on to consider a few important policy debates in which that value (among others) plays an important role; these debates will give us practice in thinking about and using the general concepts and extending them where necessary.

Reading Materials

Electronic versions of all of the reading materials can be found online in the course Canvas site. The "Files" section has separate folders that contain the readings for each class session. Many of the topics we are covering are currently active subjects of policy debate, so I may update the readings as the semester goes on. I will alert you ahead of time if I need to make changes.

Class Participation

Class time will be devoted primarily to discussion. Regular attendance and participation in class discussions is expected of all students. Students will be expected to have completed and reflected upon the readings prior to class and to have given thought beforehand to emails about upcoming class discussions. You will also sign up for three short blog posts over the course of the semester, which should be completed by 9AM on the day we discuss your chosen topics. These blog posts will often provide jumping-off points for our class discussions, so please read them before class. Class participation (including your blog posts) is worth 30% of your grade.

An important goal of this course is to provide opportunities for you to develop your skills in engaging in difficult conversations about ethical issues in public policy. In the policy world, such conversations occur quite frequently and are impossible to avoid. Disagreement about core values, moral convictions, and the proper role of government in society will likely occur daily in class. In such conversations, we should all strive to be open-minded, listen fully to others and consider their perspectives, and be professional and respectful in our remarks and contributions to the discussion. It is perfectly fine—indeed, it is essential—to express contrary opinions and perspectives and to challenge one another. But it is inappropriate to personalize differences of opinions, or to engage in rude, insulting or hostile behavior during our discussions and debates. The goal is to have lively and respectful exchanges, modeling the types of debates and dialogues that are productive in professional practice.

For many sessions, students will be designated in advance to jumpstart and help facilitate the class discussion. (You will soon receive a short email survey asking for your preferences about the sessions you'd like to help lead; please respond by Thursday, 9/5 at 5:00 PM.) Please see the "Class Discussions" handout on Canvas for more information about these "discussion leader" roles in class. To make it possible for us to have in-depth discussions in which everyone participates, we will break the class into two groups several times during the semester.

Technology in the Classroom

In order to ensure an environment conducive to discussion, please do not use the internet during class time. I prefer that you take notes by hand. You may use your laptops to access the course readings, but you should disable your wireless connection at the beginning of class after you have opened electronic copies of the day's readings. Put your phone away. Please do not use your phone, computer, tablet, owl, walkie-talkie, or other communications device to send or receive messages during class.

Writing Assignments

The course requirements include three writing assignments, due on October 12, November 14, and December 14. The first two assignments will be worth 20% of your grade each, and the last will be worth 30%. 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.

Accommodations for Students with Disabilities. If you believe you need an accommodation for a disability, please let Professor Thacher know at your earliest convenience. Some aspects of the course may be modified to facilitate your participation and progress. As soon as you make me aware of your needs, I can work with the Services for Students with Disabilities (SSD) office to help determine appropriate academic accommodations. Any information you provide will be treated as private and confidential.

Schedule of Class Sessions and Reading Assignments

September 5 **Introduction to the course**

September 10 **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.

Kwame Anthony Appiah. "Moral Disagreement", in *Cosmopolitanism* (New York: W.W. Norton, 2007), pp. 45-68

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

1. Welfare

September 12 **Utilitarianism**

Utilitarianism in Theory

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

Utilitarianism in Practice

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

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

September 17 **Benefit-Cost Analysis**

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.

U.S. Department of Justice. *Prison Rape Elimination Act Regulatory Impact Assessment*, May 17, 2012, pp. 1-5, 39-46, 66-9.

Optional: Peter Railton, "Benefit-Cost Analysis as a Source of Information about Welfare" [excerpt] in Douglas MacLean (ed.), Values at Risk, pp. 55-75

September 19 **Risk Assessment**

Mary Gibson. "Risk", in eds. Lawrence Becker and Charlotte Becker. *Encyclopedia of Philosophy* (New York: Routledge, 2013), pp. 1513-5.

Anna Maria Barry-Jester, Ben Casselman, and Dana Goldstein, "The New Science of Sentencing", *The Marshall Project*, Aug 4, 2015.

Sonja Starr. "The New Profiling: Why Punishing Based on Poverty and Identity is Unconstitutional and Wrong", *Federal Sentencing Reporter* vol. 27 (2015), pp. 229-36.

Virginia Eubanks. "A Child Abuse Prediction Model Fails Poor Families", *Wired* Jan. 15, 2018.

Ronen Avraham. "Discrimination and Insurance", in ed. Kasper Lippert-Rasmussen. *The Routledge Handbook of the Ethics of Discrimination* (New York: Routledge, 2017), pp. 335-45.

2. Rights

September 24 **The Concept of Rights**

Ronald Dworkin. “Rights as Trumps”, in ed. Jeremy Waldron, *Theories of Rights* (New York: Oxford Univ. Press, 1984) [skim].

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

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

Human Rights and Social Justice

Samuel Moyn. “Human Rights Are Not Enough”, *The Nation*, March 16, 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.

September 26 **The Rights of Refugees**

What Rights Do Refugees Have?

Matthew Gibney. “The Ethics of Refugees”, *Philosophy Compass*, Aug. 2018.

Darweesh v. Trump, Memo of Law in Support of Motion for Emergency Stay of Removal, Case No. 1:17-cv-00480, E.D.N.Y., Jan 28, 2017.

Peter Singer. “Escaping the Refugee Crisis”, *Project Syndicate*, Sept. 3, 2015.

Who Are Refugees?

Matthew Lister. “The Place of Persecution and Non-State Actors in Refugee Policy”, in ed. Alex Sager. *The Ethics and Politics of Immigration*. (New York: Rowman & Littlefield, 2016), pp. 45-56.

Maria Sachetti. “Sessions: Victims of Domestic Abuse and Gang Violence Generally Won’t Qualify for Asylum”, *The Washington Post*, June 11, 2018.

October 1 **Free Speech for Nazis**

Mari Matsuda, “Public Response to Racist Speech”, in eds. Mari Matsuda *et. al. Words That Wound* (Boulder: Westview Press, 1993), pp. 17-52.

David Cole. “Why We Must Still Defend Free Speech”, *New York Review of Books*, Sep 27, 2017.

Charlottesville

Kessler v. City of Charlottesville, Civil Action No. 3:17CV00056 (W.D. Va. Aug. 11, 2017) [excerpt]

Laurel Wamsley. “Charlottesville Violence Highlights Cities' Struggle to Balance Rights And Safety”, *National Public Radio*, August 14, 2017

Free Speech as an Organizational Priority

“ACLU Case Selection Guidelines: Conflicts Between Competing Values or Priorities”

Wendy Kaminer. “The ACLU Retreats from Free Expression”, *Wall Street Journal*, June 21, 2018; and reply by David Cole.

Optional: Village of Skokie v. National Socialist Party of America, *Supreme Court of Illinois (1978)*

October 3 **Rights and War**

Michael Walzer. *Just and Unjust Wars*, 3d ed. (New York: Basic, 2000), pp. 58-63, 74-85, 127-137, 144-59.

Articles about the Iraq war on Canvas

October 8 **Drone Warfare**

Jo Becker and Scott Shane. “Secret ‘Kill List’ Proves a Test of Obama’s Principles and Will”, *New York Times*, May 29 2012.

Barack Obama, Speech on Drone Policy, May 23, 2013

Scott Shane, “The Moral Case for Drones”, *New York Times*, July 14, 2012

Matt Peterson. “Is Obama’s Drone War Moral?” *The Atlantic* Aug 18, 2016.

Robert Malley and Stephen Pomper. “An Accounting for the Uncounted”, *The Atlantic*, December 16, 2017.

Michael Walzer. “Just & Unjust Targeted Killing & Drone Warfare”, *Daedalus*, vol. 145 (2016), pp. 12-24.

3. Liberty

October 10 **Liberty**

Three Concepts of Liberalism

John Stuart Mill. *On Liberty*, (Indianapolis: Hackett, 1978), pp. 9-13, 73-5, 78-82

Judith Shklar. “The Liberalism of Fear”, in ed. Nancy Rosenblum. *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard Univ. Press, 1989), pp. 21-38.

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

The Problem of Paternalism

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

Cass Sunstein. “It’s For Your Own Good!” *New York Review of Books*, March 7, 2013

News reports on Michigan helmet law repeal on Canvas

Samantha Olson, “SNAP Benefits May Cut Out Junk Food and Luxury Items in Effort to Limit Food Stamps To ‘Essentials’”, *Medical Daily*, Feb 23, 2016

Optional: H.L.A. Hart and Tony Honoré. “Causation and Responsibility,” in Causation in the Law (New York: Clarendon Press, 1959), pp. 62-83.

October 15 **No Class – Fall Study Break**

October 17 **Nudging**

Richard Thaler and Cass Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness* (2008), 1-14, 72-77, 229-50.

Dan Hausman and Brynn Welch. “To Nudge or Not to Nudge”, *Journal of Political Philosophy*, vol. 18 (2010), pp. 123-36

Jeremy Waldron, “It’s All for Your Own Good” *New York Review of Books*, 2015

William Simon. “The Republic of Choosing”, *Boston Review*, July 8, 2013.

Govind Persad. “Libertarian Patriarchalism: Nudges, Procedural Roadblocks, and Reproductive Choice” [excerpt], *Women’s Rights Law Reporter*, vol. 35 (2014), pp. 277-81.

October 22 **Drugs and Liberty**

Civil Commitment for Substance Abuse

Christine Vestal. “Is Forcing Opioid Abusers Into Treatment the Best Medicine?” *Governing*, March 7, 2018.

Paul Christopher *et. al.* “Nature and Utilization of Civil Commitment for Substance Abuse in the United States”, *Journal of the American Academy of Psychiatry and the Law*, vol. 43 (2015), pp. 313-20.

Ish Bhalla, *et. al.* “The Role of Civil Commitment in the Opioid Crisis”, *Journal of Law, Medicine, and Ethics*, forthcoming (2018).

Harm Reduction

Megan McArdle. “The ‘Moral Hazard’ of Naloxone in the Opioid Crisis”, *Washington Post*, March 8, 2018

Rod Rosenstein. “Fight Drug Abuse, Don’t Subsidize It”, *New York Times*, August 28, 2018.

Optional: John Kleinig. “The Ethics of Harm Reduction”, Substance Use and Misuse, vol. 43 (2007), pp. 1-16.

October 24 **Guns, Booze, and Junk Food: The Ethics of Pigovian Taxes**

Phillip J. Cook. “Taxing the Alcohol Industry”, in *Paying the Tab* (New York: Oxford Univ. Press, 2007), pp. 165-78.

Matt Chorley and Jonathan Owen “Britain's alcohol crisis: Is there a cure for the biggest hangover in Europe?” *The Independent* Dec. 11, 2011.

Elaine S. Povich. “Will Gun Tax Survive Challenge?” *Stateline*, April 06, 2016

Mary Wisniewsk. “Chicago’s Cook County OKs Gun Tax to Defray Costs of Violence”, *Reuters*, Nov 2, 2012

Nancy Kass *et. al.* “Ethics and Obesity Prevention: Ethical Considerations in 3 Approaches to Reducing Consumption of Sugar-Sweetened Beverages”, *American Journal of Public Health*, vol. 104 (2014), pp. 787-95.

October 29 **Nurse Home Visitation**

Joseph Alper, “The Nurse Home Visitation Program”, Robert Wood Johnson Foundation, 2004.

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

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

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

4. Justice

October 31 **Justice**

John Rawls, *A Theory of Justice* (Cambridge, Mass: Harvard Univ Press, 1971), pp. 3-22, 60-65, 118-122, 136-142, 150-56, 175-79.

Robert Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), pp. 149-164, 174-182, 344-6.

Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton Univ. Press, 1990), pp. 15-16, 18-30, 33-34, 37-8.

November 5 **The Distribution of Educational Resources**

Rob Reich. “Equality, Adequacy, and K-12 Education”, in eds. Rob Reich and Danielle Allen. *Education, Justice, and Democracy* (Chicago: Univ. Chicago Press, 2013)

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.

Michael Mishak. “California voters split on Jerry Brown school plans”, *Los Angeles Times*, March 23, 2013.

Michigan education finance materials on Canvas

November 7 **Climate Justice**

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

Cass Sunstein, “Climate ‘Reparations’ for Poor Nations? Not So Fast”, *Bloomberg View*, September 29, 2015.

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

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

Peter Singer. "Is the Paris Accord Unfair to America?," *Project Syndicate*, June 5, 2017.

November 12 **Racism and Reparations**

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

Cedric Johnson. "An Open Letter to Ta-Nehisi Coates and the Liberals Who Love Him", *Jacobin*, February 3, 2016.

Optional: Jeremy Waldron, "Superseding Historic Injustice", Ethics vol. 103 (1992), pp. 4-28.

November 14 **No Class**

November 19 **Family Leave**

Anne Alstott. "What We Owe to Parents", *Boston Review*, April/May 2004

Harry Brighouse and Erik Olin Wright. "Strong Gender Egalitarianism", *Politics and Society*, vol. 36 (2008), pp. 360-72.

Janet Gornick, Candace Howes, and Laura Braslow. "The Care Policy Landscape" [excerpt], in ed. Nancy Folbre, *For Love and Money* (New York: Russell Sage, 2012), pp. 120-4.

Janet Gornick and Marcia Meyers. *Families That Work: Policies for Reconciling Parenthood and Employment* (New York: Russell Sage Foundation, 2003), pp. 112, 118-46

Claire Miller. "Americans Agree on Paid Leave, but Not on Who Should Pay", *New York Times*, March 23, 2017.

George Will. "Paid Maternity Leave? Your Baby Will Get the Bill", *The Washington Post*, March 30, 2018.

November 21 **Work Requirements in Social Welfare Policy**

Lawrence Mead. "Welfare Reform and Citizenship", in eds Lawrence Mead and Christopher Beem. *Welfare Reform and Political Theory*. (New York: Russell Sage, 2005), pp. 172-94.

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

Rachel Cohen. "Ben Carson, the GOP, and Subsidized Housing," *The American Prospect*, December 16, 2016

5. Accountability

November 26 **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)

November 28 **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.

David Thacher. "The Professional Association's Role" *Cities* vol. 32 (2013), pp. 169-70.

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.

December 3 **Personal Values and Public Service**

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.

Guerilla Government

Rosemary O’Leary, *The Ethics of Dissent: Managing Guerilla Government* (Washington, DC: CQ Press, 2005), pp. 4-8, 26-40

Optional: Arthur Applbaum, “Democratic Legitimacy and Official Discretion,” in *Ethics for Adversaries* (1999), pp. 207-239

December 5 **Whistleblowing and Leaking**

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

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.

Glenn Greenwald. “The Leakers Who Exposed Gen. Flynn’s Lie Committed Serious — and Wholly Justified — Felonies”, *The Intercept*, Feb. 14, 2017.

December 10 **Accountability for Organizational Wrongdoing**

Dennis Thompson, “The Problem of Many Hands”, in *Restoring Responsibility* (New York: Cambridge Univ. Press, 2005), pp. 11-32

Flint water crisis materials (pdf on Canvas)

Optional. Chiara Lepora and Robert Goodin, “Assessing Acts of Complicity” in *On Complicity and Compromise*, (New York: Oxford U. Press, 2014)