

VALUES AND ETHICS IN PUBLIC POLICY
PubPol 580
Winter 2015

Class Meetings: T/Th 10-11:30

Class Location: 1120 Weill Hall

Instructor: Joy Rohde
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GSI: Juliana Pino
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COURSE DESCRIPTION

We often think of policy analysis as a technical field in which we apply analytical tools to determine the most effective and efficient way to achieve policy goals. However, every time we enter the policy arena we confront normative questions: what should our policy goals be? What is the public good? And how do we make decisions when the normative goals of policies themselves conflict?

This course is based on the conviction that understanding the moral and ethical dimensions of politics and public policy is a skill necessary to successful policy analysis and a crucial foundation for any policy career. This course will familiarize you with a set of concepts, frameworks, and approaches for reasoning, arguing, and writing about the normative issues that confront people working in public policy. Our approach will be case-based. We will connect concepts from political philosophy and applied ethics—including utility, liberty, justice, rights, and deliberative democracy—to unpack and assess real-world challenges that face policy analysts and policymakers. Our examination will span contentious topics from a variety of policy arenas, including health, education, environment, poverty, bioethics, science and technology, foreign aid, and armed conflict.

Students who take this course will:

- Gain an understanding of key concepts in applied ethics, including the ethics of professional practice;
- Develop and demonstrate the ability to think critically about the values and goals of public policies in a variety of arenas;
- Develop the ability to articulate one's own values and engage the normative claims of others;
- Develop and demonstrate the ability to communicate concisely and persuasively, both orally and in writing, about the moral and ethical dimensions of politics and public policy; and
- Refine their decision-making skills.

COURSE REQUIREMENTS

1. **Class preparation, attendance, and participation (20%).** This course is heavily discussion-based. It demands that we each engage with complicated, controversial, and sensitive issues. Our class time will be devoted almost entirely to discussion. Active engagement with the reading material and thoughtful participation in discussions are crucial to the success of the course as well as to your own success in it. Come to class having done the reading and ready to talk to and learn from each other. Your participation grade will be based on a number of factors. Broadly speaking, your participation will measure the following three categories:
 - a. Evidence of preparation—i.e. evidence that you have completed and reflected upon the readings prior to class;
 - b. Evidence of engagement in the classroom through regular, quality contributions to discussion and in-class exercises, as well as attentive and respectful listening and responding to peers. Formal debates and other structured in-class exercises are included in this part of your grade
 - c. Performance on **occasional reading responses**. From time to time, I will begin class by asking you to spend 10-15 minutes writing a response to or reflection on the reading, guided by a question I will provide. These responses will help you analyze and critically respond to our class readings. They will be graded according to your engagement with the concepts and cases discussed in the reading.

I recognize that some students find it difficult to speak in large classes. This is a skill you should work on because speaking in large groups is important in many policymaking contexts. For those who are reluctant to speak up, participation may also include: emails to the instructor or GSI about topics discussed in class; attendance at the instructor's or GSI's office hours to discuss issues raised in the course; and sending news articles or other internet links about relevant issues to the instructor or GSI.

2. **Being "On Call" (10%).** Twice a term, you will be "on call" in class along with two or three of your classmates. You will prepare a case to present to the class and lead discussion of the case. Your case should unpack the ethical questions raised by the readings, offer a new twist on those questions, or examine the ethical questions under consideration in a different context (i.e., a different national context). You will typically have about thirty minutes of class time for this exercise.
3. **Writing Assignments (70%)**
 - a. Op-Ed (20%), due Feb. 13; approx. 750 words.
 - b. Memo #1 (20%), due March 30; approx. 800 words.
 - c. Memo #2 (30%), due April 27 by 5 pm in hardcopy in Joy's office or mailbox, 1500 words max.

COURSE POLICIES

1. **Attendance:** Because this course depends heavily upon participation, I expect students to make every effort to attend all class sessions. Please notify the GSI in advance if you will miss class. Repeated absences will negatively affect your grade.
2. **Late assignments:** Extensions require prior arrangements with the instructor. Late assignments will **lose ten points for each day, or fraction thereof**, that they are late.

3. Academic honesty: All students are expected to abide by the University's standards of academic honesty, integrity, and professionalism. For details, see http://www.rackham.umich.edu/policies/academic_and_professional_integrity/.
4. Electronic devices: **Laptops and other devices are NOT allowed in class.** While I recognize that this may cause some consternation, such technologies negatively impact the character and quality of class discussion. In a class where discussion is so important to the intellectual task we face, the costs of laptop presence outweigh the benefits.
5. Syllabus: Because many topics we cover are subjects of ongoing debate, I may make occasional changes to the course readings over the semester. I will always notify you in advance of any changes.
6. Disabilities: If you believe you need an accommodation for a disability, please let me know at your earliest convenience. Some aspects of this 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 Office of Services for Students with Disabilities to help us determine appropriate accommodations. We will treat any information you provide as private and confidential.

COURSE SCHEDULE

All course readings are available on CTools.

January 8: Introduction and Course Overview

January 13: Why Should We Care about Ethics? How Do We Think about Ethics?

Eileen Sullivan and Mary Segers, "Ethical Issues and Public Policy," in *Handbook of Public Policy Analysis: Theory, Politics, and Methods*, ed. Frank Fischer, Gerald R. Miller, and Mara S. Sidney (2006), 310-24.

Jonathan Glover, "The Scope and Limits of Moral Argument," in *Causing Death and Saving Lives* (1977), 22-35.

National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, "The Belmont Report," April 18, 1979, pp. 1-6.

I: UTILITARIANISM

January 15: Utilitarianism and Welfare

Dan Brock, "Utilitarianism," in *And Justice for All: New Introductory Essays in Ethics and Public Policy*, ed. Tom Regan and Donald VanDeVeer (1982), 217-40.

Peter Singer, "Taking Life: Humans," *Practical Ethics* (2011), 175-217.

Daniel Hausman and Michael McPherson, *Economic Analysis, Moral Philosophy, and Public Policy* (2006), 118-33.

January 20: Utilitarianism and Cost-Benefit Analysis

Office of Management and Budget, "Circular A-4," Excerpts, Sept. 9, 2007 (14 pp.).

Cass Sunstein, "The Real World of Cost-Benefit Analysis," and "Democracy, Rights, and Distribution," *Laws of Fear: Beyond the Precautionary Principle* (2005), 132-8, 149-74.

W. Kip Viscusi, "The Devaluation of Life," *Regulation & Governance* 3 (2009): 103-27.

January 22: Pricing Risk, Pricing Life

Michael Sandel, *Justice: What's the Right Thing to Do?* (2009), 41-57.

Peter Singer, "Why We Must Ration Health Care," *New York Times* July 15, 2009.

Martin McKneally and Robert Sade, "The Prisoner Dilemma: Should Convicted Felons Have the Same Access to Heart Transplantation as Ordinary Citizens? Opposing Views," *Journal of Thoracic and Cardiovascular Surgery* 125 (2003): 451-53.

January 27: Deontology vs. Utilitarianism

Michael Sandel, *Justice: What's the Right Thing to Do?* (2009), 103-39.

Peter Singer, *Practical Ethics* (2011), 48-53, 56-58.

Dianne Feinstein, Press Release re: Report on CIA Detention, Interrogation Program, Dec. 9, 2014

CIA, Fact Sheet re: SSCI Study, (Dec. 2014)

John O. Brennan, Remarks re: SSCI Study, Dec. 11, 2014

II: LIBERTY

January 29: Liberty

Michael J. Sandel, *Justice: What's the Right Thing to Do?* (2009), 58-74.

John Stuart Mill, *On Liberty* [orig. 1859], 9-13, 73-75, 78-82.

Carl Elliot, "Guinea-pigging," *The New Yorker*, January 7, 2008.

February 3: Organ Allocation

David J. Rothman et al., "The Bellagio Task Force Report on Transplantation, Bodily Integrity, and the International Traffic in Organs," *Transplantation Proceedings* 29 (1997): 2739-45.

Kevin B. O'Reilly, "Other Nations, Other Answers: In Search of a Solution to the Organ Shortage," *American Medical News*, web, Oct. 13, 2008.

<http://www.amednews.com/article/20081013/profession/310139970/4/>

"Your Part or Mine? Organ Transplants," *The Economist*, November 18, 2006, p. 62.

J. Radcliffe-Richards et al., "The Case for Allowing Kidney Sales," *Lancet* 351.9120 (1998): 1950-53.

February 5: No Class: DC Trip

February 10: Nudging or Shoving?

M. ten Have et al., "Ethics and Prevention of Overweight and Obesity," *Obesity Reviews* 12 (2011): 669-79.

Lawrence O. Gostin, "Bloomberg's 'Nanny State': Refuting Opposition to the 'New' Public Health," Yahoo! News, December 2, 2013. <http://news.yahoo.com/bloomberg-nanny-state-refuting-opposition-public-health-112222188.html>

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

Daniel M. Hausman and Brynn Welch, "To Nudge or Not to Nudge," *Journal of Political Philosophy* 18 (2010): 123-36.

February 12: Promoting Marriage

Robert Pear and David Kirkpatrick, "Bush Plans \$1.5 Billion Drive for Promotion of Marriage," *New York Times*, January 14, 2004.

Robert Rector, "Reducing Poverty by Revitalizing Marriage in Low-Income Communities," Heritage Foundation Series of Memos to President-Elect Obama 20, January 2009.

Theodora Ooms and Pamela Wilson, "Challenges of Offering Relationship and Marriage Education to Low-Income Populations," *Family Relations* 53 (2004): 440, 442-46.

Katherine Boo, "A Less Perfect Union," *New Yorker Online*, August 12, 2003.

Katherine Boo, "The Marriage Cure: Promoting Wedlock in the Projects," *New Yorker*, August 18 & 25, 2003.

****February 13: Op-Ed Due by 3 pm!!****

III. JUSTICE

February 17: Justice

John Rawls, *A Theory of Justice* (1971), Sections 1-4, 11, 24, 29, 43.

Robert Nozick, "The Entitlement Theory of Justice," in *Ethics in Practice*, ed. Hugh LaFollette (2002), 527-39.

Michael Sandel, *Justice: What's the Right Thing to Do?* (2006), 140-66.

February 19: Justice and Resource Distribution

Christopher Jencks, "Whom Must We Treat Equally for Educational Opportunity to Be Equal?" *Ethics* 98 (1998): 518-33.

Harry Brighouse, "Moral and Political Aims of Education," in *The Oxford Handbook of Philosophy of Education*, ed. Harvey Siegel (2009), excerpts.

Alan Greenblatt, "California Upends School Funding to Give Poor Kids a Boost," August 19, 2013, <http://www.npr.org/2013/08/19/212294111/california-upends-school-funding-to-give-poor-kids-a-boost>

Michael J. Mischak, "California Voters Split on Jerry Brown School Plans," *Los Angeles Times*, March 23, 2013.

California School Funding Formula Proposal, n.d. (2 pp.)

February 24: Justice and Racial Inequality

Jeremy Waldron, "Property Rights and Welfare Distribution," in *A Companion to Applied Ethics*, ed. R. G. Frey and Christopher Heath Wellman (2003), 38-49.

Ta-Nehisi Coates, "The Case for Reparations," *The Atlantic* June 2014, web.

Noah Millman, "Taking Reparations Seriously," *The American Conservative* May 29, 2014, web.

February 26: Justice and Gender Inequality

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

- Harry Brighouse and Erik Olin Wright, “Strong Gender Egalitarianism,” *Politics and Society* 36 (2008): 360-72.
- Janet Gornick and Marcia Meyers, *Families that Work: Policies for Reconciling Parenthood and Employment* (2003), Chapter 5.
- Janet Gornick, Candace Howes, and Laura Braslow, “The Care Policy Landscape,” in *For Love and Money*, ed. Nancy Folbre (2012), 112-39.

IV: RIGHTS

March 10: Rights

- Jeremy Waldron, “Rights,” and Charles Beitz, “Human Rights,” in Robert Goodin, Phillip Pettit, and Thomas Pogge, *A Companion to Contemporary Political Philosophy* (2007), 745-54.
- Robert Nozick, *Anarchy, State, and Utopia* (1973), 28-33.
- UN Declaration of Human Rights.

March 12: Rights, Responsibility and Global Poverty

- Peter Singer, *Practical Ethics* (2011), 191-215.
- Thomas Pogge, “World Poverty and Human Rights,” *Ethics and International Affairs* 19 (2005): 1-7.
- Garett Hardin, “Lifeboat Ethics: The Case Against Helping the Poor,” *Psychology Today* (1974): 800-802.
- Teju Cole, “The White Savior Industrial Complex,” *The Atlantic*, March 21, 2012.

March 17: Climate Rights

- Robert Hood, “Global Warming,” in *A Companion to Applied Ethics*, ed. R. G. Frey and Christopher Heath Wellman (2003), 674-84.
- Stephen M. Gardiner and Lauren Hartzell-Nichols, “Ethics and Global Climate Change,” *Nature Education Knowledge* 3 (10): 5.
- Peter Singer, *Practical Ethics* (2011), 216-37.
- Steven Lee Myers and Nicholas Kulish, “Growing Clamor about Inequities of Climate Crisis,” *New York Times*, Nov. 16, 2013.

March 19: The Rights of Noncombatants

- United Nations Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories: Report of the UN Fact-Finding Mission on the Gaza Conflict*, September 2009, excerpts.
- Moshe Halbertal, “The Goldstone Illusion,” *New Republic*, November 6, 2009.
- Asa Kasher, “A Moral Evaluation of the Gaza War—Operation Cast Lead,” *Jerusalem Issue Briefs* 9.18 (February 4, 2010). <http://jcpa.org/article/a-moral-evaluation-of-the-gaza-war-%E2%80%93-operation-cast-lead/>
- Avishai Margalit and Michael Walzer, “Israel: Civilians and Combatants,” *New York Review of Books*, May 14, 2009.
- Michael Walzer, “The Gaza War and Proportionality,” *Dissent*, January 8, 2009.

March 24: Drones and the Ethics of the War on Terror

Jane Mayer, "The Predator War," *New Yorker*, October 26, 2009.

Scott Shane, "The Moral Case for Drones," *New York Times*, July 14, 2012.

Daniel Brunstetter and Megan Braun, "The Implications of Drones on the Just War Tradition," *Ethics and International Affairs* 25.3 (Fall 2011), 337-358.

Bradley Strawser, "Moral Predators," *Journal of Military Ethics* 9 (2010): 342-68.

V. DEMOCRATIC DELIBERATION

March 26: Deliberative Democracy

Frank Fischer, *Democracy and Expertise: Reorienting Policy Inquiry* (2009), 48-52, 62-67, 77-87.

Amy Gutmann and Dennis Thompson, "Deliberating About Bioethics," *Hastings Center Report* 27.3 (1997): 38-41.

Norman Daniels, "Is the Oregon Rationing Plan Fair?" *JAMA* 265.17 (1991): 2232-35.

****March 30: First Op-Ed Due!****

March 31: Ethics and Expertise

Jason Coburn, "Community Knowledge in Environmental Health Science: Co-Producing Policy Expertise," *Environmental Science & Policy* 10 (2007): 150-61.

VI. THE ETHICS OF PRACTICE

April 2: Lying

Sissela Bok, "Lies for the Public Good," in *Lying: Moral Choice in Public and Private Life* (1978), 165-181.

Kennedy School of Government Case Program, "Ethical Problems in Public Careers: Lying."

April 7: Whistleblowing

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

Glenn Greenwald, Ewen MacAskill, and Laura Poitras, "Edward Snowden: The Whistleblower Behind the NSA Surveillance Revelations," *The Guardian*, June 9, 2013.

"Edward Snowden, Whistle-Blower," *New York Times* Jan. 1, 2014

Fred Kaplan, "Why Snowden Won't (and Shouldn't) Get Clemency," *Slate* (2013).

Geoffrey R. Stone, "Edward Snowden: 'Hero or Traitor'" *Huffington Post* June 10, 2013

April 9: Ethics in a Bureaucracy

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

New York Community Media Alliance, "Department of Homeland Security Gets Census Data on Arab Americans—Decried as Violation of Trust," *Voices that Must Be Heard*, web, Sept. 23, 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 14: Ethics in Policy Research

Martin Wachs, "Ethics and Advocacy in Forecasting for Public Policy," *Business and Professional Ethics Journal* 9 (1990): 141-56

Jan Blustein, "Toward a More Public Discussion of the Ethics of Federal Social Program Evaluation," *Journal of Policy Analysis and Management* 24 (2005): 824-46.

April 16: Standards of Ethical Conduct

Whitehouse.gov, "Ethics," <http://www.whitehouse.gov/issues/ethics/>, including Barak Obama, Executive Order, "Ethics Commitments by Executive Branch Personnel," January 21, 2009, <http://www.whitehouse.gov/issues/ethics/>

U.S. Office of Government Ethics, "Standards of Ethical Conduct for Employees of the Executive Branch," July 1, 2011 (skim)

American Society for Public Administration Code of Ethics (revised March 2013), http://www.aspanet.org/public/ASPA/Resources/Code_of_Ethics/ASPA/Resources/Code_of_Ethics1.aspx?hkey=acd40318-a945-4ffc-ba7b-18e037b1a858

Ethics Resource Center, "National Government Ethics Survey" (2007), 1-18.

****Memo #2 Due April 27, 5 pm****