

VALUES AND ETHICS IN PUBLIC POLICY
PubPol 580
Fall 2018

Class Meetings: T/Th 8:30-10 am
Class Location: 1210 Weill Hall

Instructor: Joy Rohde
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appointment; sign up via CANVAS

GSI: Corey Fitzgerald
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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 with no agreed-upon answers: 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 effective policy analysis and a crucial foundation for any policy career. This course will familiarize you with a set of concepts 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, and rights—to unpack and assess real-world challenges that face policy analysts and policymakers. Our examination will span topics from a variety of policy arenas. The focus of this section is primarily on U.S. policy—both domestic and foreign.

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 in a sophisticated and reflective manner about the values and goals of public policies in a variety of arenas;
- Develop the ability to articulate their 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
- Develop the ability to integrate ethical considerations into decision-making.

COURSE REQUIREMENTS

- 1. Class preparation, attendance, and participation (20%).** This course is 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. **I expect you to come to class having done the reading and ready to talk to and learn from each other.**

Contributions to class should reveal your familiarity with the assigned readings, your willingness to analyze the issues and problems we are discussing, and your ability to integrate and constructively criticize the comments of your classmates. Quality and sincerity of engagement matters far more than quantity of contribution. Your participation grade will be based on the following:

- Evidence of preparation—i.e. evidence that you have completed and reflected upon the readings prior to class;
- Evidence of substantive engagement with the course material 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.
- Performance on **occasional reading checks**. From time to time, I will begin class with a quick reading check to ensure that you have done 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 policy contexts. Those who are reluctant to speak up may compensate through: attending office hours to discuss issues raised in the course; and extra posts on the class discussion board relevant to course issues and materials, including your reflections of the readings and posting news articles or other resources about relevant issues, *with* your insightful commentary.

- 2. Discussion Board (10%).** To assist you in fulfilling (1), during the course of the semester you will post to the class discussion board in advance of six class meetings. At least one will be a stand-alone post based on the readings (300-400 words in length). The rest will be shorter (150-200 word) responses to your classmates' posts, informed by the readings. You are welcome to write additional posts or comments, either on the readings, on thoughts you have after our discussions, on current events/news related to the class, etc. The assigned posts and comments do not need to be elaborate, but they should not summarize the reading. They are think pieces. Your entries should reflect on all of the readings assigned for the day, not just a single one. You can also use your posts to explore the relationship between a particular set of readings and readings from another week, or between the readings and current events. **Stand-alone posts are due by 12 pm the Sunday before class. Response posts are due at 8 pm on the Monday before readings are discussed.** I will draw on them to frame discussion.
- 3. Case Presentation (10%).** You will present a case in class along with three of your classmates. Your case should unpack the ethical questions raised by the topic for the day, offer a new twist on those questions, or examine the ethical questions under consideration in a different context (i.e., a different national, regional, or policy context). You will have

fifty minutes of class time for this exercise, and the instructor will send you guidance in advance of class on your particular topic and work with you as you develop your case.

4. Writing Assignments (60%).

- a. Assignment 1: Memo (15%), 1000 words.
- b. Assignment 2: Memo or Op-Ed (20%), 1000 words.
- c. Assignment 3: Memo (25%), 1500 words max.

COURSE POLICIES

1. Attendance: Because this course depends heavily upon participation, I expect you to make every effort to attend all sessions. Notify the GSI **in advance** if you will miss class; excused absences can be granted for things like illness and family emergencies, but only if we hear from you **in advance**. Any unexplained absences will negatively affect your grade, as will repeated tardiness. Please refrain from going in and out of the room during class.
2. Late assignments: Extensions require arrangements with the instructor well in advance of the due date. Late assignments will **lose one full grade 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 consternation, such technologies negatively impact the character and quality of class discussion. Because discussion is so important to the intellectual task we face, the costs of laptops outweigh the benefits. Out of respect to the instructor and your fellow students, **put your cell phone away for the duration of class.**
5. Syllabus: Because many topics we cover are subjects of ongoing discussion, I may make occasional changes to the course readings over the semester. I will always notify you in advance of any changes.

FORD SCHOOL AND UM POLICIES

Inclusivity at the Ford School: 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.

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.

Additional information regarding academic dishonesty, plagiarism and misconduct and their consequences is available at: <http://www.rackham.umich.edu/current-students/policies/academic-policies...>

Accommodations for Students with Disabilities: If you believe you need an accommodation for a disability, the University's Services for Students with Disabilities office (SSD) can be a valuable resource with which to start. In addition, if you believe you need an accommodation for a disability in any of your courses, please let the course instructor know at your earliest convenience. You need to allow sufficient time for your faculty member to respond, minimally 7 days, preferably more, in advance of when the accommodation is needed. Some aspects of courses may be modified to facilitate your participation and progress. As soon as you make your instructor aware of your needs, they can work with Student & Academic Services and/or the SSD office to help determine appropriate academic accommodations. Any information you provide will be treated as private and confidential.

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, such as strained relationships, increased anxiety, alcohol/drug problems, and depression, directly impacts students' academic performance. If you or someone you know is feeling overwhelmed, depressed, and/or in need of support, services are available. For help, contact [Counseling and Psychological Services](#) (CAPS) and/or [University Health Service](#) (UHS). For a listing of other mental health resources available on and off campus, visit: <http://umich.edu/~mhealth/>.

COURSE SCHEDULE

All course readings are available on Canvas.

Sept. 4: Introduction and Course Overview (1)

Sept. 6: Why Should We Care about Ethics? How Do We Think about Ethics? (2)

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.

Eric Lipton and Nicholas Fandos, "Departing Ethics Chief: U.S. is 'Close to a Laughingstock,'" *New York Times* July 17, 2017, <https://www.nytimes.com/2017/07/17/us/politics/walter-shaub-ethics.html?emc=eta1>

I. CORE FRAMEWORKS

Sept. 11: Utilitarianism (3)

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 [**skip 226-30].

Peter Singer, "Taking Life: Humans," excerpted from *Practical Ethics* (2011).

Charles Lane, "Children are being euthanized in Belgium," *Washington Post* August 6, 2018.

Sept. 13: Deontology

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

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.

RECOMMENDED:

Human Rights Watch, "Guantanamo: Detainee Accounts," Oct. 26, 2004

Gary Gutting and Jeff McMahan, "Can Torture Ever Be Moral?" *New York Times*, January 26, 2015.

Sept. 18: Debating Utility, Preference, and Human Welfare (5) ***Discussion Board Post***

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

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

Peter Singer, "Why we must ration health care," *New York Times*, July 15, 2009.

Sept. 20: Justice (6)

Thomas Nagel, "Justice," *What Does It All Mean?* (1987) 76-86 (read first!!!)

Michael Sandel, *Justice: What's the Right Thing to Do?* (2006), 140-66 (142-49 optional).

John Rawls, "A Theory of Justice," in *Ethics in Practice*, ed. Hugh LaFollette (2014), 513-23.

Robert Nozick, "The Entitlement Theory of Justice," in *Ethics in Practice*, ed. Hugh LaFollette (2014), 523-34.

Sept. 25: Confucianism, Feminist Care, and Other Approaches to Human Welfare (7)

Discussion Board Post

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), 129-53.

Rosemarie Tong and Nancy Williams "Feminist Ethics", *The Stanford Encyclopedia of Philosophy* (Winter 2016 Edition), Edward N. Zalta (ed.),
<http://plato.stanford.edu/entries/feminism-ethics/>

- You can skip Section 1. Feminist Ethics: Historical Background, and section 3.2.

Iris Marion Young, "Displacing the Distributive Paradigm," in LaFollette, *Ethics in Practice* (2014), 535-44.

Sept. 27: Liberty (8)

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.

"HUD Secretary Castro announces new rulemaking," Nov. 12, 2015.

Department of Housing and Urban Development, Proposed Rule: "Instituting Smoke-Free Public Housing," Oct. 22, 2015.

II. Applying the Concepts

Oct. 2: Bearing Arms (9) *Case Presentation*

Todd C. Hughes and Lester H. Hunt, "The Liberal Basis of the Right to Bear Arms," and Hugh LaFollette in *Ethics in Practice*, ed. Hugh LaFollette (2014), 323-45.

Molly Pahn and Michael Siegel, "Gun Crime and Gun Control: Firearm Laws Mapped between States," *Newsweek* May 23, 2017, <http://www.newsweek.com/gun-crime-and-gun-control-firearm-laws-mapped-between-states-613990> Read, and explore the database a bit.

Oct. 4: Speech and Harm (10) *Case Presentation*

Ishani Maitra and Mary Kate McGowan, "Introduction," in *Speech and Harm: Controversies over Free Speech*, 1-17

Adam Liptak, "Unlike Others, U. S. Defends Freedom to Offend in Speech," *New York Times*, June 12, 2008.

Laura Beth Nielsen, "The Conflicting Promises of Speech and Equality in America," *Slate.com*, November 17, 2015.

Andrew Altman, "Speech Codes and Expressive Harm," in *Ethics in Practice*, ed. Hugh LaFollette (2014), 381-88.

Oct. 9: Ethics and Cost-Benefit Analysis (11) *Discussion Board Post*

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

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.

Lisa Heinzerling and Frank Ackerman, "Pricing the Priceless: Cost-Benefit Analysis of Environmental Protection," Georgetown Environmental Law and Policy Institute, 2002.

Oct. 11: Writing about Ethics (12)

Readings TBD

Oct. 16: Fall Break

Oct. 18: Nudging or Shoving? (13) *Case Presentation*

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* 104 (2014): 787-95.

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.

****Oct. 21, First Writing Assignment Due by 11:59pm in Canvas****

Oct. 23: Justice and Educational Opportunity (14) *Case Presentation*

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

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.

EdSource, "The Local Control Funding Formula," October 2015.

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.

Oct. 25: Rights (15)

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.

Charlotte Bunch, "Women's Rights as Human Rights: Toward a Re-Vision of Human Rights," in *Applied Ethics: A Multicultural Approach*, 72-83.

United Nations Office of the High Commissioner on Human Rights, "UN Working Group on the issue of discrimination against women in law and in practice finalizes country mission to the United States," December 11, 2015.

Oct. 30: Gender Equality (16) *Discussion Board PostCase Presentation***

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), selections.

Vanessa Brown Calder, "Finding an Alternative to Paid Family Leave," *Washington Times* July 24, 2018, <https://www.cato.org/publications/commentary/finding-alternative-paid-family-leave>.

Nov. 1: Racial Equality (17)

Read at least one of these two:

1. Ta-Nehisi Coates, "The Case for Reparations," *The Atlantic* June 2014, web.
2. Darrick Hamilton and William A. Darity, Jr., "Can 'Baby Bonds' Eliminate the Racial Wealth Gap in Putative Post-Racial America?" *Review of Black Political Economy* 37 (2010): 207-16.

And also read:

National Coalition of Blacks for Reparations in America (N'COBRA), Statement on reparations and description of strategies, <http://ncobra.org/index.html>

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

William A. Darity, Jr. and Dania Frank, "The Economics of Reparations," in *African Americans in the U.S. Economy* by C. A. Conrad et. al., 2005.

RECOMMENDED:

Ishaan Tharoor, "U.S. Owes Black People Reparations for a History of Racial Terrorism, Says U.N. Panel," *Washington Post* Sept. 17, 2016.

Nov. 6: Famine Relief (18) *Discussion Board PostCase Presentation***

Peter Singer, "Famine, Affluence, and Morality," and Arthur, "Famine Relief and the Ideal Moral Code," in *Ethics in Practice*, ed. Hugh LaFollette (2014), 554-70.

Garett Hardin, "Lifeboat Ethics: The Case Against Helping the Poor," *Psychology Today* (1974): 800-802.

Amartya Sen, "The Perspective of Freedom," *Development as Freedom* (New York: Anchor Books, 1999), pp. 13-34.

Nov. 8: Immigration (19)

Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49.2 (1987): 251-73

Jan C. Ting, "The Basic Immigration Choice: Limit or No Limit," *Kansas Journal of Law and Public Policy* 22 (2012-13): 405-11.

Nov. 13: Climate Change (20) *Case Presentation*

Stephen M. Gardiner, "A Perfect Moral Storm: Climate Change, Intergenerational Ethics, and the Problem of Moral Corruption," in *Ethics in Practice*, ed. Hugh LaFollette (2014), 620-30.

Peter Singer, *Practical Ethics* (2011), 216-37.

Cass Sunstein, "On climate, duty to poor nations isn't clear," Bloomberg News, Oct. 14, 2015,

Kyle Powys Whyte and Chris Cuomo, "Ethics of Caring in Environmental Ethics: Indigenous and Feminist Philosophies," in *The Oxford Handbook of Environmental Ethics*, eds.

Stephen M. Gardiner and Allen Thompson (2017).

And read the documents for your assigned nation in the appropriate Canvas folder.

III. Ethics of Policy Practice

Nov. 15: Deliberative Democratic Approaches to Policy Problems (20)

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.

Joy's Memo re: Oregon Health Act

And refresh your memory of:

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

****NOV. 18: Second Writing Assignment due by 11:59 pm in Canvas****

Nov. 20: Lying (21)

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."

Nov. 22: NO CLASS—Thanksgiving Recess

Nov. 27: Dirty Hands (22) *Discussion Board Post*

First, read at least one of:

1) Michael Walzer, "The Problem of Dirty Hands," *Philosophy and Public Affairs* 2:2 (1973): 160-80.

2) Laurie Calhoun, "The Problem of 'Dirty Hands' and Corrupt Leadership," *Independent Review* 8:3 (2004): 363-.

And also read:

David Frum, "Advice for Those Weighing Jobs in the Trump Administration," *Atlantic* Jan. 28, 2017, web.

Nov 29: Whistleblowing (23) *Case Presentation*

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.

RECOMMENDED:

Watch: *Silenced* (2014), Dir. James Spione

Listen: This American Life #536: The Secret Recordings of Carmen Segarra,
<https://www.thisamericanlife.org/radio-archives/episode/536/the-secret-recordings-of-carmen-segarra>

Dec. 4: Ethics in a Bureaucracy (24) *Case Presentation*

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.

U.S. Customs and Border Protection Talking Points, Census Request on Arabic Information, August 12, 2004.

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

CAIR, "Brief on Countering Violent Extremism," July 8, 2015.

Dec. 6: Ethics in Policy Research (25)

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.

Dec. 11: Standards of Ethical Conduct (26)

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%20of%20Ethics1.aspx?hkey=acd40318-a945-4ffc-ba7b-18e037b1a858

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

*****DEC. 18: FINAL ASSIGNMENT DUE BY 12:00 PM IN CANVAS*****