

Ethics and Public Policy

Public Policy 42 / Government 60.01
Dartmouth College Fall, 2013

Monday / Wednesday / Friday
10:00-11:05 A.M.
X-hour: Thursday, 12:00-12:50 P.M.

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Office Hours: Friday, 1:30-3:30 P.M.

Course Description

This course examines the nature and validity of arguments about vexing moral issues in public policy. Students examine a number of basic moral controversies in public life, focusing on different frameworks for thinking about justice and the ends of politics. The primary aim of the course is to provide each student with an opportunity to develop his/her ability to think in sophisticated ways about morally difficult policy issues. Among the questions students address will be the following: Are policies that permit torture justifiable under any circumstances? Do people have basic moral claims to unequal economic holdings and rewards, or should economic distribution be patterned for the sake of social justice? Should people be permitted to move freely between countries? Is abortion wrong in theory or in practice, and in what ways should it be restricted?

Required Readings

There will be a course text as well as other reading materials for PBPL 42. The required text for the course is as follows:

Amy Gutmann and Dennis Thompson (eds.), *Ethics and Politics: Cases and Comments*, fourth edition (Belmont, CA: Thomson Wadsworth, 2006) [ISBN: 0-534-62645-9]

This text has been ordered and is available for purchase at Wheelock Books. Required readings for the course are either contained within the Gutmann and Thompson text, or they are listed below in the course schedule. All course materials not contained in the Gutmann and Thompson text will be made available through Blackboard, or placed on reserve at the Baker Reserve Desk.

Format

PBPL 42 is not simply a lecture course, since lectures will be joined by in-class discussion in which you are invited to participate. Normally, there will be a period of lecturing at the outset of each class, following which the floor will be opened to discussion. Classes will focus on specific readings (described below in the course schedule), with different works examined in each successive week. There is a good deal of involved reading in this course,

but it is crucial that you come prepared so that you can make use of the lectures and the discussions with your cohort. Please also bring the Gutmann and Thompson book and your other readings with you, when we discuss them, since we will frequently refer to passages in the texts. If there are changes to be made to the syllabus, or adjustments of other kinds, they will be announced in class.

Grading

Students' grades will be comprised of the following four components:

1. Sixty-minute exam	25% of total grade	(covers weeks 1 to 4)
2. Seven-page paper	30%	(covers weeks 5 to 8)
3. Final exam	35%	(cumulative)
4. Class participation	<u>10%</u>	
	100%	

Late papers will not be accepted, and make-up exams will not be granted, without sufficient reason and advance notice. Students are expected to understand and follow the Academic Honor Principle of Dartmouth College in pursuing studies for this course. Students with any disabilities requiring special arrangements are encouraged to see the instructor by September 27, in order to arrange appropriate accommodation.

Course Schedule

Week 1: Dropping the Bomb (Total Reading: 75 pp.)

- Sept. 16: Introduction
 Sept. 18: • "The Decision to Use the Atomic Bomb" and "Alternatives to the Bomb," in Gutmann and Thompson [25 pp.]
 • John Rawls, "Fifty Years After Hiroshima," in *Collected Papers*, ed. Samuel Freeman (New York: Columbia University Press, 1999) [8 pp.]
 Sept. 20: • Bernard Williams, "Negative Responsibility: And Two Examples," and "Integrity," in J. J. C. Smart and Bernard Williams, *Utilitarianism: For and Against* (New York: Cambridge University Press, 1987), pp. 93-100, 108-18
 • Thomas Nagel, "War and Massacre," in *Consequentialism and Its Critics*, ed. Samuel Scheffler (New York: New York University Press, 1988), pp. 51-73

Week 2: Torture and Dirty Hands (Total Reading: 99 pp.)

- Sept. 23: • Sanford Levinson, "'Precommitment' and 'Postcommitment': The Ban on Torture in the Wake of September 11," 81 *Texas Law Review* (2003): 2013-53
 Sept. 25: • "Interrogating Detainees" (U.S. Government Documents) in Gutmann and Thompson [10 pp.]
 • Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy & Public Affairs* Vol. 2, No. 2 (1973): pp. 160-80

Recommended: Sanford Levinson, "The Debate on Torture: War Against Virtual States," *Dissent*, Vol. 50, No. 3 (Summer, 2003), pp. 79-90; responses by Henry Shue and Richard H. Weisberg, with rejoinder by Levinson, pp. 90-94

- Sept. 27: • Tamar Meisels, "Assassination: Targeting Nuclear Scientists," *Law and Philosophy*, March, 2013 <<http://link.springer.com/article/10.1007/s10982-013-9181-6>> [28 pp.]

Week 3: Deception, Manipulation, and Lies (Total Reading: 67 pp.)

- Sept. 30: • "Disinformation for Quaddafi," "The Iran-Contra Affair" and "George W. Bush on Iraq's Nuclear Weapons"; in Gutmann and Thompson [22 pp.]
- October 2: • "Crafty Communications," "Lyndon Johnson: Master Manipulator?" and "The Texas Redistricting Caper," in Gutmann and Thompson [25 pp.]
Recommended: Dennis Thompson, "Democratic Secrecy," *Political Science Quarterly*, Vol. 114, No. 2 (1999): 181-93
- October 4: • John Mearsheimer, "Lying in International Politics," paper delivered at 2004 American Political Science Association Annual Meeting [20 pp.]

Week 4: Criminal Justice (Total Reading: 101 pp.)

- October 7: • Michael Moore, "The Moral Worth of Retribution" in *Responsibility, Character, and the Emotions: New Essays in Moral Psychology*, ed. Ferdinand Schoeman (New York: Cambridge University Press, 1987), pp. 179-219
- October 9: • Geoffrey Sayre-McCord, "Criminal Justice and Legal Reparations as an Alternative to Punishment," *Philosophical Issues*, Vol. 11 (2001): 502-29
Recommended: John Braithwaite and Philip Pettit, "For a Comprehensive Theory," in *Not Just Deserts: A Republican Theory of Criminal Justice* (Oxford: Oxford University Press 1990), pp. 12-24
- October 11: • Joel Feinberg, "What Is So Special About Mental Illness?" in *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton: Princeton University Press, 1970), pp. 272-92
• Becky Pettit and Bruce Western, "Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration," *American Sociological Review*, Vol. 69 (2004): 151-69

Week 5: Distributive Justice and the Poor (Total Reading: 55 pp.)

- October 14: **In-class examination on topics in weeks 1 to 4**
- October 16: • John Rawls, "Distributive Justice," and "Distributive Justice: Some Addenda," in *Collected Papers*, pp. 130-75
Recommended: Rawls, "Justice as Fairness," in *Collected Papers*
- October 18: • Robert Nozick, "Moral Constraints and Distributive Justice," in *Liberalism and Its Critics*, ed. Michael J. Sandel (New York: New York University Press, 1984), pp. 100-22
Recommended: Friedrich A. Hayek, "Equality, Value, and Merit," in *Liberalism and Its Critics*, pp. 80-99

Week 6: Inheritance and Equal Opportunity (Total Reading: 103 pp.)

- October 21: • Liam Murphy and Thomas Nagel, "Inheritance," in *The Myth of Ownership: Taxes and Justice* (New York: Oxford University Press, 2002), pp. 142-61
 • Peter Singer, "Estate Tax," in *The President of Good and Evil: The Ethics of George W. Bush* (New York: Dutton, 2004), pp. 21-27
 Recommended: "Death and Taxes," in Gutmann and Thompson
- October 23: • Christopher Jencks, "Whom Must We Treat Equally for Educational Opportunity to Be Equal?" *Ethics*, Vol. 98 (1988): 518-533
 • Harry Frankfurt, "Equality as a Moral Ideal," in *The Importance of What We Care About: Philosophical Essays* (New York: Cambridge University Press, 1988), pp. 134-58.
 Recommended: T. M. Scanlon, "The Diversity of Objections to Inequality," in *The Difficulty of Tolerance: Essays in Political Philosophy* (New York: Cambridge University Press, 2003), pp. 202-18
- October 25: • "Affirmative Action at AT&T," "Affirmative Action at the Michigan Law School," "The Vouchers That Made Milwaukee Famous" and "A Golfer's Handicap?" in Gutmann and Thompson [36 pp.]
 Recommended: Campaign for Fiscal Equity, Inc. (CFE) v. State of New York, 86 NY 2d. 307 (1995) [15 pp.]
 Recommended: Jonathan Kozol, "Still Separate, Still Unequal: America's Educational Apartheid" *Harper's Magazine*, Vol. 311, No. 1864 (2005): 41-54
Paper topic announced; due Wednesday, November 6

Week 7: Immigration and Borders (Total Reading: 63 pp.)

- October 28: • David Miller, "Immigration: The Case for Limits," in *Contemporary Debates in Applied Ethics*, ed. Andrew Cohen and Christopher Wellman (Oxford: Basil Blackwell, 2004), pp. 193-206
 • Chandran Kukathas, "The Case for Open Immigration," in *Contemporary Debates in Applied Ethics*, pp. 207-20
 Recommended: Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders," in *The Rights of Minority Cultures*, ed. Will Kymlicka (New York: Oxford University Press, 1995), pp. 331-49
 Recommended: Peter C. Meilaender, "Liberalism and Open Borders: The Argument of Joseph Carens," *International Migration Review*, Vol. 33, No. 4 (1999): pp. 1062-1081
 Recommended: Joseph Carens, "A Reply to Meilaender: Reconsidering Open Borders," *International Migration Review*, Vol. 33, No. 4 (1999): pp. 1081-1097
- October 30: • National Immigration Law Center, *An Analysis of the Secure America and Orderly Immigration Act of 2005*
 Recommended: Ashton B. Carter, "The Architecture of Government in the Face of Terrorism," *International Security*, Vol. 26, No. 3 (2001/2): 5-23
 Recommended: Summary of H.R. 4437 (2005)
- November 1: • Wayne A. Cornelius and Marc R. Rosenblum, "Immigration and Politics," *Annual Review of Political Science*, Vol. 8 (2005): 99-119
 Recommended: Greg Siskind, "Summary of [Senate Immigration Bill] S. 1348 (the Senate Comprehensive Immigration Reform Bill)"
 http://www.visalaw.com/S1348_SSB.pdf

Week 8: Abortion and Life Sciences (Total Reading: 123 pp.)

- November 4: • Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy & Public Affairs*, Vol. 1, No. 1 (1971): 47-66
 • Don Marquis, "Why Abortion Is Immoral," *Journal of Philosophy*, Vol. 86, No. 4, (1989): 183-202
- November 6: • John Tomasi, "Liberalism, Sanctity, and the Prohibition of Abortion," *Journal of Philosophy*, Vol. 94, No. 10 (1997): 491-513
 Recommended: Ronald Dworkin, *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom* (New York: Vintage Books, 1994), chapters 4, 6 (on reserve)
- Seven-page paper due**
- November 8: • "Administering Abortion Policy," "Abortion in South Dakota" and "Regulating Abortion in the Late Term," in Gutmann and Thompson [60 pp.]
 Recommended: "Federal Funding for Stem Cell Research" and "Ethics Without Borders? Clinical Trials of AZT" in Gutmann and Thompson [16 pp.]

Week 9: Justice Between Peoples (Total Reading: 106 pp.)

- November 11: • Peter Singer, "Famine, Affluence and Morality," *Philosophy & Public Affairs*, Vol. 1, No. 3 (1972): 229-43
 • Thomas Pogge, "World Poverty and Human Rights," *Ethics & International Affairs*, Vol. 19 (2005): 1-7
 Recommended: Mathias Risse, "How Does the Global Order Harm the Poor?" *Philosophy & Public Affairs*, Vol. 33 (2005): 349-76
- November 13: • John Rawls, "The Law of Peoples," in Rawls, *Collected Papers* [36 pp.]
 Recommended: Stephen Macedo, "What Self-governing Peoples Owe to One Another," *Fordham Law Review*, Vol. 72 (2004): 101-17
 Recommended: John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), pp. 3-128 (on reserve)
- November 15: • Martha Nussbaum, *Beyond the Social Contract: Toward Global Justice* (2003 Tanner Lectures in Human Values), pp. 457-81
 <http://www.tannerlectures.utah.edu/lectures/volume24/nussbaum_2003.pdf>
 • Richard Arneson, "Do Patriotic Ties Limit Global Justice Duties?" *Journal of Ethics*, Vol. 9 (2005): 127-50
 Recommended: Frank Jackson, "Decision-theoretic Consequentialism and the Nearest and Dearest Objection," *Ethics*, Vol. 95 (1991): 461-82.

Week 10: Course Completion

November 18: Course synthesis

November 22-27: Final exam period; final exam date TBA