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PUBPOL 580

Fall 2009

Values, Ethics, and Public Policy

Instructor: John Chamberlin

Graduate Student Instructor: Emmanuel Ravat-Francoise

Nature of the Course

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 them 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. It is based on the belief that an understanding of the complex relationship between morality and politics is an important part of the foundation of successful public policies. The course seeks to develop students' abilities to think reflectively and argue persuasively about the moral and ethical dimensions of politics, public policies and the careers in public affairs. It is a course about learning to make moral arguments by studying how others make moral arguments. This task is a challenging one, and we will rarely arrive at definitive answers to the difficult questions we raise. We will, however, learn how to ask these questions with greater clarity and insight, and we will become familiar with the answers that others have given to them.

CTools Site

The readings for the course, including the optional readings, are available electronically on the course CTools site. In addition to all of the readings, the course website on CTools provides access to the syllabus, assignments, and resources on topics addressed in the course. I will send out emails prior to each class and they will also be posted on CTools.

Class Participation

Class time will usually be devoted to student presentations and class discussion. On most days the class will be divided into two groups and we will meet in different rooms. Regular attendance and participation in class discussions are 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 handouts/emails containing topics for class discussion.

On the days when the class splits into two groups, students will make short presentations on topics under discussion that day. The format may vary, but in general a student will be responsible for giving a ten minute presentation and answering questions from the rest of the class for several minutes following the presentations. There will usually be two presentations per class and over the course of the term each student will make two presentations. The presentations provide opportunities for students to practice their presentation skills in front of an audience.

Productive class discussions are a key to a successful course and students will be expected to participate regularly. I recognize that some students find it difficult to speak publicly in large classes. This is a skill you should work on, since speaking publicly in large groups is important in most policymaking contexts. At the same time, participation can take many forms, including some that occur outside of class:

- Emails to the instructor, GSI, or other students concerning topics discussed in class
- Attendance at the instructor's or GSI's office hours to discuss issues raised in the course
- Sending news articles or internet links about issues raised in the class to the instructor or GSI

Writing Assignments

The course requirements include the following writing assignments:

- Thoughts on your own personal public philosophy, due September 22nd (this assignment will not be graded).
- Policy Memo #1, due October 13th. Students will work in teams of two on this memo.
- Op-ed essay, due November 24th.
- Policy Memo #2, due December 15th.

Grades

Grades will be determined using the following weights:

- Class Presentations - 15%
- Class participation - 20%

- First Policy Memo - 20%
- Op-ed essay - 20%
- Second Policy Memo - 25%

Disabilities

If you believe you need an accommodation for a disability, please let me know as soon as possible. As soon as you make me aware of your needs, we can work with the Office of Services for Students with Disabilities to help us determine appropriate accommodations. I will treat any information you provide as private and confidential.

Influenza Preparedness at the University of Michigan

As you are aware, there are good reasons to worry about an H1N1 flu pandemic this fall. The University has established a website that will provide up-to-date information on policies and good practices should the flu strike campus. Please check it if the need arises: <http://www.vpcomm.umich.edu/pa/key/flu-H1N1.html>

Class Schedule & Readings

I. INTRODUCTION

Class 1: September 8: Introduction and Overview of the Course

Benjamin Cardozo, "An underlying philosophy of life," from *The Nature of the Judicial Process*

David Thacher, "Value Rationality in Policy Analysis" (Feb 2004, unpublished)

II. POLITICS AND MORALITY

Class 2: September 10: Domestic Politics and Morality

Dennis Thompson, *Political Ethics and Public Office*, Chapter 1 (Democratic Dirty Hands)

William Galston, "An Old Debate Renewed: The Politics of the Public Interest," *Daedalus*, Fall 2007

William Galston, "The Obligation to Play Political Hardball," in Claudia Mills (Ed.), *Values and Public Policy*, 1991

Class 3: September 15: International Politics and Morality

Stephen A. Garrett, "Political Leadership and the Problem of 'Dirty Hands,'" *Ethics and International Affairs*, 1994

Michael Walzer, "Can There Be a Moral Foreign Policy?" in J. Herir, et. al. (Eds.), *Liberty and Power* (2004)

Joseph S. Nye, Jr., "Toward a Liberal Realist Foreign Policy," *Harvard Magazine*, Mar/Apr

2008

Mervyn Frost, "Ethical Competence in International Relations," *Ethics & International Affairs*, Summer 2009

"Unleashing the Laws of War," *The Economist*, Aug 13, 2009

III. VALUES AND PUBLIC POLICY: THEORY AND APPLICATIONS

Class 4: September 17: Approaches to Moral Reasoning: "Messing with Mother Nature"

Stephen Darwall, "Theories of Ethics," in Frey and Wellman, *A Companion to Applied Ethics*

John Rawls, *A Theory of Justice*, Sections 1-5

Mark S. Frankel and Cristina J. Kapustij, "Enhancing Humans," *Hastings Center Briefing Book*, 2008

Henry Greeley, et. al., "Toward Responsible Use of Cognitive-Enhancing Drugs by the Healthy," *Nature*, Dec 2008

Margaret Talbot, "Brain Gain: The Underground World of 'Neuroenhancing' Drugs," *The New Yorker*, Apr 27, 2009

Class 5: September 22: Approaches to Moral Reasoning: International Clinical Drug Trials

David Thacher. "The Casuistical Turn in Planning Ethics", *The Journal of Planning Education and Research*, Spring 2004

Christine Grady, "Clinical Trials," *Hastings Center Briefing Book*, 2008

Marcia Angell, "The Ethics of Clinical Research in the Third World," *New England Journal of Medicine*, Sep 18, 1997

Harold Varmus and David Satcher, "Ethical Complexities of Conducting Research in Developing Countries," *New England Journal of Medicine*, Oct 2, 1997

Solomon R. Benatar and Peter A. Singer, "A New Look at International Research Ethics," *British Medical Journal (BMJ)*, Sep 30, 2000

Harold T. Shapiro and Eric M. Meslin, "Ethical Issues in the Design and Conduct of Clinical Trials in Developing Countries," *New England Journal of Medicine*, Jul 12, 2001

(optional) The Belmont Report

(optional) World Medical Association Declaration of Helsinki

Class 6: September 24: Utilitarianism

Dan Brock, "Utilitarianism," in Tom Regan and Donald VanDeVeer, *And Justice for All*
Peter Singer, "The Singer Solution to World Poverty," *New York Times Magazine*, Sep 5, 1999

Peter Singer, "Why We Must Ration Health Care," *New York Times Magazine*, Jul 19, 2009

Classes 7 & 8: September 29 and October 1: Utilitarianism and Benefit Cost Analysis

Jocelyn Kaiser, "How Much Are Human Lives and Health Worth?" *Science*, Mar 21, 2003

Bill Marsh, "Putting a Price on the Priceless: One Life," *New York Times*, Sep 9, 2007

Office of Management and Budget, "Circular A-4," Sep 17, 2003

Peter Railton, "Benefit-Cost Analysis as a Source of Information about Welfare," in Douglas MacLean (Ed.), *Values at Risk*
(optional) Michael Gerber and Jonathan Schwarz, "From the Desk of Larry Summers," *The New Yorker*, Jul 12, 1999
(optional) The Colbert Report: "Priceless"
(optional) Dilbert on Discounting the Future, Jul 11, 2006

Class 9: October 6: Justice

John Rawls, *A Theory of Justice*
Sections 1-6 (Sections 1-5 assigned earlier)
Sections 10-11
Section 48
Robert Nozick, *Anarchy, State and Utopia*, Chapter 7 (Section I)
Michael Walzer, *Spheres of Justice*, Chapter 1
"Communitarianism," *Stanford Encyclopedia of Philosophy*,

Class 10: October 8: Rights

Lawrence C. Becker, "Individual Rights," in Tom Regan and Donald VanDeVeer, *And Justice for All*

Class 11: October 13: Equality and Education

Christopher Jencks, "Whom Must We Treat Equally for Educational Opportunity to be Equal?" *Ethics*, Apr 1988

Class 12: October 15: Global Climate Change

Robert Hood, "Global Warming," in Frey and Wellman (eds.), *A Companion to Applied Ethics*
Peter Singer, "A Fair Deal on Climate Change," *Policy Innovations*, Jun 26, 2007
John Broome, "Ethics of Climate Change," *Scientific American*, Jun 2008
Kenneth Arrow, "Global Climate Change: A Challenge to Policy," *Economists' Voice*, Jun 2007
"Minimum Ethical Criteria for All Post-Kyoto Regime Proposals: What Does Ethics Require of a Copenhagen Outcome?" *ClimateEthics.org*, Dec 2008

Class 13: October 22: International Trade and Justice

Ethan Kapstein, "Models of International Economic Justice," *Ethics and International Affairs*, 2004
Darrel Moellendorf, "The World Trade Organization and Egalitarian Justice," *Metaphilosophy*, Jan 2005
"International Trade and Justice," Carnegie Council on Ethics and International Affairs, Apr 5, 2006

Class 14: October 27: Rationing During a Pandemic

Ezekiel Emanuel and Alan Wertheimer, "Who Should Get Influenza Vaccine When Not All Can?" *Science*, May 12, 2006
Lawrence O. Gostin, "Medical Countermeasures for Pandemic Influenza: Ethics and the Law," *JAMA*, Feb 1, 2006

Françoise Baylis, "How Much Vaccine to Order and Who Gets It?" *Globe and Mail*, Aug 5, 2009

Lawrence K. Altman, "Seeking Lessons in Swine Flu Fight," *New York Times*, Aug 11, 2009

U.S. Government Flu Website: <http://www.pandemicflu.gov/>

Class 15: October 29: Biobanking

Karen J. Maschke, "Biobanks: DNA and Research," Hastings Center Briefing Book, 2008

Claudia Mund, "Biobanks—Data Sources without Limits?" Jusletter, Oct 2005

M.G. Hansson, "Ethics and Biobanks," *British Journal of Cancer*, Nov 2008

Class 16: November 3: Sex Offender Registries and Geographic Restrictions

Monica Davey, "Iowa's Residency Rules Drive Sex Offenders Underground," *New York Times*, Mar 15, 2006

"Unjust and Ineffective," *The Economist*, Aug 8, 2009

Class 17: November 5 and November 10: Liberty and Paternalism

Gerald Dworkin, "Paternalism," *Stanford Encyclopedia of Philosophy*, Dec 20, 2005

Jim Holt, "The New, Soft Paternalism," *The New York Times Magazine*, Dec 3, 2006

"House Approves Workplace Smoking Ban," *Gongwer News Service*, Dec 5, 2007

"A Necessary Vaccine (Editorial)," *New York Times*, Feb 26, 2007

"Selling New York's Proposed 'Obesity Tax,'" *New York Times*, Dec 30, 2008

Robert Pear, "Congress Plans Incentives for Healthy Habits," *New York Times* May 9, 2009

"Does a Tax on Junk Food Make Sense?" *The Economist*, Aug 4, 2009

Class 18: November 12: Increasing the Supply of Organs for Transplantation

"Your part or mine? Organ Transplants," *The Economist*, Nov. 18, 2006

"Organ Procurement: What Are the Questions?" President's Bioethics Council

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

Sheldon Zink and Stacey Wertlieb, "Presumptive Donation," *Critical Care Nurse*, Apr 2006

(optional) Sally Satel, "Desperately Seeking a Kidney," *New York Times Magazine*, Dec 16, 2007

Class 19: November 17: Exploitation

"Exploitation," *Stanford Encyclopedia of Philosophy*

IV. THE ETHICS OF PRACTICE

Class 20: November 19: Professional Ethics in Public Affairs

David Luban, "Professional Ethics," in Frey and Wellman (eds.), *A Companion to Applied Ethics*

Michael Pritchard, *Professional Integrity*, Chapter 5

(optional) Paul Wolpe, "Reasons Scientists Avoid Thinking about Ethics," *Cell*, Jun 16, 2006

Class 21: November 24: Codes of Ethics

American Society for Public Administration Code of Ethics
Los Angeles Ethics Handbook for City Officials
ICMA Code of Ethics With Guidelines

Class 22: December 1: The Ethics of Program Evaluation

Dennis Thompson, *Political Ethics and Public Office*, Chapter 7
Jan Blustein (and others), "Toward a More Public Discussion of the Ethics of Federal Social Program Evaluation," *Journal of Policy Analysis and Management*, Fall 2005
Matthew Davis and John Lantos, "Ethical Considerations in the Public Policy Laboratory," *JAMA*, Jul 5, 2000
Atul Gawande, "A Life Saving Checklist," *New York Times*, Dec 30, 2007
(optional) American Evaluation Association Guiding Principles for Evaluators

Class 23: December 3: Professional Ethics and Bureaucratic Politics

Lloyd Etheredge, "The Moral Code of the Washington Game-Player," (unpublished) Mar 1979
Mark Moore, *Creating Public Value*, Chapter 1
Rosemary O'Leary, *The Ethics of Dissent: Managing Guerilla Government*
Introduction (pp. 4-14)
Chapter 2 & First Interlude (pp. 26-46)
Second Interlude (pp. 64-69)
Juliet Eilperin and Carol D. Leonnig, "Administration Moves to Protect Key Appointees," *Washington Post*, Nov 18, 2008

Class 24: December 8: Professional Ethics and Bureaucratic Politics

Martin Wachs, "Ethical Dilemmas in Forecasting for Public Policy," in Willa Bruce (ed.), *Classics of Administrative Ethics*
Robert Pear, "Medicare Official Testifies on Cost Figures," *New York Times*, Mar 25, 2004
Frank Davidoff, "Sex, Politics and Morality at the FDA," *Hastings Center Report*, Mar-Apr 2006
"Ethical Problems in Public Careers: Lying," cases #1 & 5
Arthur Applbaum, *Ethics for Adversaries*, cases "Legal Aid in Rural California" and "Covert Military Aid for the Nicaraguan Contras"

Class 25: December 10: Conclusion