

Ethics, Politics, and Public Policy
Politics V53.0130
Spring 2005

Professor Sanford Clark Gordon

I. Introduction

This course will provide students the ability systematically to evaluate ethically controversial public policy issues using concepts from normative political theory. We consider five overarching questions:

- Should public officials be responsible to universal laws of morality?
- By what criteria do we evaluate the ends of public policy?
- Are the intentions and internal psychological state of public officials morally relevant?
- How do we evaluate moral choices when outcomes depend on the decisions of more than one individual?
- Can there be such things as *morally* efficacious political institutions?

In the first half of the course, we consider the means by which policy is implemented: Under what conditions, if any, might we permit political actors to “do bad in order to do good?” In the second half, we consider the ends of public policy: What is it we want the state to accomplish, and at what cost? Topics for this semester include the decision to drop the atomic bomb in World War II, the treatment of terror suspects and captured enemy combatants, lying in office, racial profiling, environmental policy, social welfare policy, capital punishment, international intervention in humanitarian crises, and collective responsibility in office.

II. Contact and Meeting Information

Professor

Sanford Clark Gordon

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Office Hours: Wednesday 2-4pm, or by appointment

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Class Meetings

Mondays and Wednesdays, 9:30-10:45AM, Silver Center 712

III. Required Readings

The following books are available for purchase at the University bookstore:

- Niccolo Machiavelli, *The Prince* (NM)
- Dennis Thompson, *Political Ethics and Public Office* (DT)
- Michael Walzer, *Just and Unjust Wars* (MW)

- David Rieff, *A Bed for the Night* (DR)
- John Stuart Mill, *On Liberty* (JSM)

A COURSE PACKET (PK) with other required material is available for purchase at New University Copy and Graphics (11 Waverly Place).

IV. Student Responsibilities and Course Grading

Much of the point of this course is to get you to ARGUE about public policy in a meaningful way. Whether in class discussion or in an examination, you will be expected to take distinct positions and defend them to the best of your ability.

Formal Course Requirements

Classroom participation: 10%

The most significant difference between this class and others you may have taken is its frequent reliance on discussions of *case studies*. Our discussions will often revolve around an ethically controversial public policy, and the application of various principles from political theory to the issue. Sometimes, I will distribute questions for you to consider carefully in advance of our discussions. *You will be called on to participate actively in discussions about those questions.* The reading load for this course is relatively light, but it is absolutely essential that readings be done in time for each class session. Demonstrating mastery of the assigned readings will be critical.

Midterm Examination 35%

The Exam will be held on March 9. It will be a combination of essays and short answers.

Final Examination: 55%

The final examination will be held on Wednesday, May 4, from 10-11:50am.

Policy on missed exams

Exceptions in emergency situations are inevitable, but in general, students missing an exam will receive a grade of zero. If you must miss an exam, please contact me before the scheduled test time, and if the excuse is justified (such as in cases of illness or family/personal emergencies), we will schedule a make-up.

Policy on petitions for grade reconsiderations

You are within your rights to request that a grade be reconsidered. Please note that following a petition for re-grading, I will look at an exam *de novo*, meaning that the potential consequence of such a petition is a grade lower than that originally given. If you feel you were graded unfairly, write up your reasons for this perception in a memorandum consisting of no more than two paragraphs, and either come to my office hours or schedule an appointment with me to discuss.

V. Academic Integrity

All of the work you do in this course is expected to be your own. *Absolutely no cheating or plagiarism* (using someone else's words or ideas without proper attribution) *will be tolerated*. All ideas not your own must be properly cited. Any cases of cheating or plagiarism will be handled according to university policy. For more information on university policy, see <http://cas.nyu.edu/object/bulletin.ug.academicpolicies.html>.

VI. Weekly Schedule

Part A. Preliminaries

Week 1. January 19

Speaking Truth and Justice to Power: Is This Course an Oxymoron?

Week 2. January 24, 26

Deontology and Intentionality

- Immanuel Kant, selections from *Groundwork of the Metaphysic of Morals* (PK)
- Michael Walzer, "Political Action: The Problem of Dirty Hands." *Philosophy and Public Affairs* 2 (1973), pp. 160-180 (PK)
- Judith Jarvis Thomson, "The Trolley Problem." In *Rights, Restitution, and Risk* (1986), pp. 94-116 (PK)

Week 3. January 31, February 2

Consequentialism and Strategy

- Niccolo Machiavelli, "XV. The Things for which Men, and Especially Princes, are Praised or Blamed," in *The Prince* (NM)
- Thomas Nagel, "Two Standpoints," in *Equality and Partiality* (1991), pp. 10-20 (PK)
- Russell Hardin, "The Strategic Structure of Moral Problems," in *Morality within the Limits of Reason* (1988), pp. 31-73 (PK)

Part B. Means

Week 4. February 7, 9

Violence I. Dropping the atomic bomb

- Michael Walzer, *Just and Unjust Wars*, chs. 1-3, 8, 9, 16 (MW)
- Henry L. Simpson, "The Decision to Use the Atomic Bomb." In Amy Gutmann and Dennis Thompson, eds., *Ethics and Politics: Cases and Comments* 3ed. (1997), pp. 5-16 (PK)
- Colin Dueck, "Alternatives to the Bomb," and editors' comment. In Gutmann and Thompson, pp. 16-26 (PK)

Week 5. February 14, 16

Violence II. Terrorism and response

- Michael Walzer, *Just and Unjust Wars*, chs. 12, 19 (MW)
- Niccolo Machiavelli, "VIII. Those Who Come to Power by Crime," and "XVII Cruelty and Compassion; and Whether it is Better to be Loved than Feared, or the Reverse," in *The Prince* (NM)
- United States Department of Justice, Office of Legal Counsel, "Memorandum for Alberto R. Gonzales, Counsel to the President, Re: Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A" (PK)

- Holly Burkhalter, “No to Terrorism.” *The Washington Post*, January 5, 2003 (PK)
- David Rivkin and Lee Casey, “It’s Not Torture, and They Aren’t Lawful Combatants (Response to Burkhalter).” *The Washington Post*, January 11, 2003 (PK)

Week 6. February 21, 23*Deception: When Should Leaders Lie?*

- Niccolo Machiavelli, “XVIII. How Rulers Should Keep their Promises,” in *The Prince* (NM)
- Hannah Arendt, “Truth and Politics,” in *Between Past and Future* (1954), pp. 227-264 (PK)
- Jeremy Bentham, “Of Publicity,” in *An Essay on Political Tactics* (1791), pp. 29-44 (PK)
- Graham T. Allison and Lance M. Liebman, “Lying in Office,” and editors’ comment. In Gutmann and Thompson, pp. 47-53 (PK)

Week 7. February 28, March 2*Procedural Fairness: The Case of Racial Profiling*

- Albert Venn Dicey, “The Rule of Law: Its Nature and General Applications,” in *Introduction to the Study of the Law of the Constitution* (1885), pp. 107-122 (PK)
- Katheryn K. Russell, “Racial Discrimination or Disproportionate Offending,” in *The Color of Crime* (1998), pp. 26-46 (PK)
- Randall Kennedy, “Suspect Policy.” *The New Republic*, September 13, 1999 (PK)
- Jason Riley, “‘Racial Profiling’ and Terrorism.” *The Wall Street Journal*, October 24, 2001 (PK)
- John Knowles, Nicola Persico, and Petra Todd, “Racial Bias in Motor Vehicle Searches: Theory and Evidence.” *Journal of Political Economy* 109, pp. 203-229 (PK). *NOTE: This is a technical paper. Try to read for the gist of the argument.*

Week 8. March 7, 9*March 7: Catch Up and Review for Midterm Exam**March 9: Midterm Exam***Week 9. March 14, 16***Spring Break -- No Class***Part C. Ends****Week 10. March 21, 23***Utilitarianism, Efficiency, and the Regulation of Externalities*

- Jeremy Bentham, “Of the Principle of Utility,” in *An Introduction to the Principles of Morals and Legislation* (1823), pp. 791-799 (PK)
- Robert Goodin, “Utilitarianism as a Public Philosophy,” in *Utilitarianism as a Public Philosophy* (1995), pp. 3-27 (PK)
- Elizabeth Anderson, “Cost-Benefit Analysis, Safety, and Environmental Quality,” in *Value in Ethics and Economics* (1993), pp. 190-216 (PK)

- W. Kip Viscusi, John M. Vernon, and Joseph E. Harrington, “The Coase Theorem for Externalities,” in *Economics of Regulation and Antitrust*, pp. 688-695 (PK)
- Linda Kincaid, “Saving the Tuolomne,” and editors’ comment. In Gutmann and Thompson, pp. 203-221 (PK)

Week 11. March 28, 30

Distributive Justice

- John Rawls, selections from *A Theory of Justice*, pp. 60-83 (PK)
- Amartya Sen, “Equality of What?” (PK)
- Amy Gutmann, “For and Against Equal Access to Health Care,” in R. Bayer et. al., (eds.), *In Search of Equity* (1983), pp. 43-67 (PK)
- Charles Fried, “Equality and Rights in Medical Care,” *Hastings Center Report* (February 1976), pp. 29-34 (PK)
- Mark Stein, “The Distribution of Life-Saving Medical Resources: Equality, Life Expectancy, and Choice Behind the Veil.” *Social Philosophy and Policy* 19(2) ,212-245 (PK)
- Pamela Varley, “Defunding Organ Transplants in Arizona.” In Gutmann and Thompson, pp. 239-254 (PK)

Week 12. April 4, 6

Paternalism

GUEST PARTICIPANT: PROFESSOR LAWRENCE MEAD

- John Stuart Mill, *On Liberty*, chs. 1,4,5 (JSM)
- Dennis F. Thompson, “Paternalistic Power.” Chapter 6 of *Political Ethics and Public Office* (DT)
- James Q. Wilson, “Paternalism, Democracy, and Bureaucracy.” In Lawrence M. Mead, ed., *The New Paternalism: Supervisory Approaches to Poverty* (1997), pp. 330-343 (PK)
- Lawrence M. Mead, “Paternalism”, in *Government Matters: Welfare Reform in Wisconsin* (2003), pp. 157-174 (PK)

Week 13. April 11, 13

Punishment

- G.W.F. Hegel, “Wrong,” in *Philosophy of Right*, 64-74 (PK)
- David A. Conway, “Capital Punishment and Deterrence: Some Considerations in Dialogue Form.” *Philosophy and Public Affairs* 3 (1974), pp. 431-443 (PK)
- Jeffrey H. Reiman, “Justice, Civilization, and the Death Penalty: Answering van den Haag.” *Philosophy and Public Affairs* 14 (1985), pp. 115-148 (PK)
- Ernest van den Haag, “Refuting Reiman and Nathanson.” *Philosophy and Public Affairs* 14 (1985), pp. 165-176 (PK)
- Additional readings on recent developments in sentencing (to be determined)

Part D. Incentives

Week 14. April 18, 20

Moral Hazard and Good Intentions

- David Rieff, *A Bed for the Night: Humanitarianism in Crisis*, selections

Week 15. April 25, 27

Accountability in Organizations

- Niccolo Machiavelli, "XIX. The Need to Avoid Contempt and Hatred," and "XXI. How a Prince Must Act to Win Honor," in *The Prince* (NM)
- Dennis F. Thompson, *Political Ethics and Public Office*, chs. 1-3 (DT)
- Don Lippincott, "George Schultz and the Polygraph Test." In Gutmann and Thompson, pp. 171-177 (PK)
- Taeku Lee, "George Schultz and the Iran Contra Affair," and editors' comment. In Gutmann and Thompson, pp. 177-185 (PK)
- Seymour M. Hersh, "Torture at Abu Ghraib." *The New Yorker*, May 10, 2004 (PK)
- Mark Bowden, "Lessons of Abu Ghraib." *The Atlantic Monthly*, July/August 2004 (PK)
- Richard Starr, "A Few Bad Men." *The Weekly Standard*, May 17, 2004 (PK)

Week 16. May 2, 4

May 2: Wrapping Up

May 4: Final Examination, 10:00-11:50AM (room to be determined)