

# *Ethics and Public Policy*

## Public Policy 42 Dartmouth College Fall, 2007

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

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### 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 course reserve 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 will be ordered and 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, and they will also be placed on reserve at the Baker/Berry Library.

### 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 five components:

- |                        |            |                |                        |
|------------------------|------------|----------------|------------------------|
| 1. Three-page paper    | 10%        | of total grade | (covers weeks 1 and 2) |
| 2. Sixty-minute exam   | 20%        |                | (covers weeks 3 and 4) |
| 3. Seven-page paper    | 30%        |                | (covers weeks 5 to 8)  |
| 4. Final exam          | 30%        |                | (cumulative)           |
| 5. 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 October 5, in order to arrange appropriate accommodation.

### Course Schedule

Week 1:      Dropping the Bomb      (Total Reading: 33 pp.)

Sept. 26:      Introduction

- Sept. 28:      • "The Decision to Use the Atomic Bomb," "Alternatives to the Bomb," and "Bombing the Bunker in Baghdad," 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.]

Week 2:      Torture and Dirty Hands      (Total Reading: 113 pp.)

October 1:      • 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

October 3:      • Sanford Levinson, "'Precommitment' and 'Postcommitment': The Ban on Torture in the Wake of September 11," 81 *Texas Law Review* (2003): 2013-53

**Paper topic announced; due Monday, October 8**

October 5:      • "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



Week 6:      Inheritance and Equal Opportunity      (Total Reading: 118 pp.)

- October 29: • Thomas Nagel and Liam Murphy, "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 31: • Christopher Jencks, "Whom Must We Treat Equally for Education 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
- November 2: • "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.]  
 • 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. 1841 (2005): 41-54  
**Paper topic announced; due Wednesday, November 14**

Week 7:      Immigration and Borders      (Total Reading: 135 pp.)

- November 5: • 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  
 • Peter C. Meilaender, "Liberalism and Open Borders: The Argument of Joseph Carens," *International Migration Review*, Vol. 33, No. 4 (1999): pp. 1062-1081  
 • Joseph Carens, "A Reply to Meilaender: Reconsidering Open Borders", *International Migration Review*, Vol. 33, No. 4 (1999), pp. 1081-1097  
     Recommended: 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  
     Recommended: Chandran Kukathas, "The Case for Open Immigration," in *Contemporary Debates in Applied Ethics*, pp. 207-20
- November 7: • Ashton B. Carter, "The Architecture of Government in the Face of Terrorism," *International Security*, Vol. 26, No. 3 (2002): 5-23  
 • Summary of *The Secure America and Orderly Immigration Act* (S.1033 / H.R. 2330) [15 pp.]  
 • Summary of *The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005* (H.R. 4437) [20 pp.]
- November 9: • Gregory Siskind, "The Comprehensive Immigration Reform Act of 2006," *Immigration Daily* <<http://www.ilw.com/articles/2006,0315-siskind.shtml>> [6 pp.]  
 • Wayne A. Cornelius and Marc R. Rosenblum, "Immigration and Politics," *Annual Review of Political Science*, Vol. 8 (2005): 99-119

Weeks 8 & 9: Abortion and Life Sciences

(Total Reading: 176 pp.)

- November 12: • Judith Jarvis Thompson, "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 14: • 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
- Seven-page paper due**
- November 16: • "Administering Abortion Policy," "Abortion in South Dakota" and "Regulating Abortion in the Late Term," in Gutmann and Thompson [60 pp.]
- November 19: • "Federal Funding for Stem Cell Research" and "Ethics Without Borders? Clinical Trials of AZT" in Gutmann and Thompson [16 pp.]  
 • Gene Outka, "The Ethics of Human Stem Cell Research," *Kennedy Institute of Ethics Journal*, Vol. 12, No. 2 (2002): 175-213

Week 10: Justice Between Peoples

(Total Reading: 158 pp.)

- November 26: • Peter Singer, "Famine, Affluence and Morality," *Philosophy & Public Affairs*, Vol. 1 (1972): 229-43  
 • Thomas Pogge, "Severe Poverty as a Violation of Negative Duties," *Ethics & International Affairs*, Vol. 19 (2005): 55-83  
 Recommended: Mathias Risse, "How Do We Harm the Global Poor?" *Philosophy & Public Affairs*, Vol. 33 (2005): 349-76
- November 28: • John Rawls, "The Law of Peoples," in Rawls, *Collected Papers* [36 pp.]  
 • Thomas Pogge, "An Egalitarian Law of Peoples," *Philosophy & Public Affairs*, Vol. 23 (1994): 195-224  
 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
- November 30: • 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](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 11: Course Completion

December 3: Final class: course synthesis

December 7-11: Final exam period; final exam date TBA.