ETHICS AND PUBLIC POLICY

TOPICS

State coercion serves as the organizing theme of this course. Public policies often involve the implicit or explicit threat of penalty or violence. Policymaking of this character powerfully shapes the contour and content of our life choices. It therefore seems to demand a special kind of moral attention.

We first consider the limits of paternalism. Paternalistic public policies interfere with a person’s liberty of action on grounds that appeal to the coerced person’s own good, welfare, or values. Is there anything wrong with policies motivated by paternalism? How convincing are paternalistic reasons for excluding certain goods from markets? Can we permissibly require persons to work for their own good, or prevent them from choosing how and when to die?

The idea of toleration structures the second section of the course. Beyond overt state action, what the state allows is clearly not immune from moral scrutiny. Public policies can permit the practices of persons or groups in a way that expresses toleration or approval. In a democratic society marked by serious moral disagreements, how should the virtue of tolerance inform policymaking? Should the state carve out legal exceptions when pressed with claims by religious and cultural groups? How should the values of toleration and respect inform how we treat non-citizens abroad, who make political and material claims on us?

The third part concerns the most menacing dimension of state coercion: violence carried out in the name of citizens. One need not define the state as holding a monopoly on justified violence to think that the practice of political coercion calls for sustained moral justification. What are the limits that states should place on killing in warfare? Does the threat of terrorism alter the orthodox rules of warfare and interrogation? What classes of arguments can defend state punishment?

SCHEDULE

PATERNALISM

HARM PRINCIPLES
Peter de Marneffe, “Avoiding Paternalism”
Arthur Ripstein, “Beyond the Harm Principle”

COERCIVE MARKETS?
A.J. Julius, “Getting People to Do Things”
Matthew Seligman, “Luck, Leverage, and Equality”
Debra Satz, “Markets in Women’s Labor”

BODILY INTEGRITY
Cecile Fabré, Whose Body is it Anyway? (selection)
Frances Kamm, “Harming Some to Save Others”
John Harris, “The Survival Lottery”

POVERTY, FREEDOM, AND THE WELFARE STATE
Stuart White, “What’s Wrong with Workfare?”
Jonathan Wolff, “Fairness, Respect, and Egalitarian Ethos”

Workshop on Research Papers: Expectations and Guidelines
TOLERATION

SETTING THE PROBLEM OF TOLERANCE

Simon May, “Principled Compromise and the Abortion Controversy”
Thomas Nagel, “Personal Rights and Public Space”

Revised Prospectus Due: April 14

MULTICULTURAL TOLERATION

Susan Moller Okin, *Is Multiculturalism Bad for Women?* (and replies)
Michael Blake, “Diversity, Survival, and Assimilation”

IMMIGRATION

Samuel Scheffler, “Immigration and the Significance of Culture”
David Miller, “Immigration: The Case for Limits”

POLITICAL VIOLENCE

COERCION UNPACKED

Robert Nozick, “Coercion” (Part 1)
Thomas Nagel, “War and Massacre” & “Ruthlessness in Public Life”
*This American Life*, “What’s in a Number?”

TERRORISM AND THE MEANS OF WAR

David Rodin, “Terrorism Without Intention”
Jeff McMahan, “The Ethics of Killing in War”
Thomas Pogge, “Making War on Terrorists: Reflections on Harming the Innocent”

INTERROGATIVE TORTURE

Henry Shue, “Torture”
David Sussman, “What’s Wrong with Torture?”

GROUNDS FOR PUNISHMENT

Jean Hampton, “The Moral Education Theory of Punishment”
Barbara Herman, “Contingency in Obligation”
David Lewis, “The Punishment that Leaves Something to Chance”

Research Paper Due: May 14
M A T E R I A L S

All course reading are available in PDF form on the course website.

A S S I G N M E N T S

(1) Participation:
   a. Active participation in discussion (15%)
   b. Weekly questions (10%): Each week students are expected to submit one or two questions the day before the class meeting (Tuesdays, 9p). Points of confusion, puzzlement, and bewilderment are encouraged.

(2) Seminar Presentation (15%): This presentation engages with a particular argument in the week’s readings. It is based on a 5-page paper, which will be emailed to me by Monday, 5p before the Wednesday meeting. Presenters will distribute a handout outlining their argument.

(3) Presentation Response (10%): This two-page paper responds to the week’s seminar presentation. A handout is recommended.

(4) Prospectus (10%): This 4-5 page paper proposes the argument of the research paper.

(5) Research Paper (40%): A seminar paper of 25 pages is due May 14. Guidelines on writing a research paper will be provided in class. This research paper may be a revised and expanded version of your seminar presentation.

The following policies will apply to written assignments: (i) Late papers will be penalized at the rate of 1/3 of a grade a day; (ii) This grade penalty will only be waived in the case of medical emergencies; (iii) Plagiarism, the presentation of another person’s work as one’s own, will be reported to the Harvard administration; (iv) All assignments must be completed in order to pass the course.
Extra for me:


**Introducing Papers:**
1) Dirty Hands/Democratic Version in Thompson
2) Avoiding Paternalism
3) The Difficulty of Tolerance
End Young/Me

**Anscombe on state coercion.** Justifiable exercise of state power. 2nd part of course.
Themed around 3 brands of coercion either backed/sponsored by the state: [Thompson/Gutmann Reader]

(1) Opening Class: theme.

(1) **Political Violence** -

Ignatieff rehearse book, frame; hard piece McMahan... (2a) torture; Sussman; Shue; Defense? Sanford? Abu.. (3) b) preventive war, defensive, PAPA piece + Iraq case Gutmann; Kutz? Uniforms; McMahan self-defense to collecte. (3 c) Harm global poor: via coercion; Run Risse argument/Pogge HR violation; assign Pogge + Nagel?; Singer type cases; vs. Blake coercion push or contrain our obligatoins; (4 d) state-sponsored execution (McMahan).

[http://www.law.berkeley.edu/faculty/kutzc/Justice%20in%20Reparations.pdf](http://www.law.berkeley.edu/faculty/kutzc/Justice%20in%20Reparations.pdf)

**Torture**

8, Number 1, March 2004, pp. 5-35(31)

**Killing in War**

Francis Kamm, “Terror and Collateral Damage: Are they Permissible?”

Democratic responsibility course: add May on compromise PAPA. Paradoxes of democracy.

In this course we examine a number of basic moral controversies in public life. Part I focuses on different frameworks for thinking about justice and the ends of politics. Does moral perfectionism have a role to play in designing public institutions, such as marriage? Do people have basic moral claims to unequal economic rewards – based on natural rights or individual desert – or are patterns of economic distribution the proper subject of political design for the sake of social justice? Do we have significant moral obligations – that we have hardly begun to take seriously – to distant others? In Part II we concentrate on the most divisive and difficult moral quandaries that we face in politics: rights at the beginning and end of life (abortion and doctor-assisted suicide), toleration and multiculturalism (including rights of religious and cultural minorities), racial and gender equity, and the justice of preemptive war. We begin and end the course with the problem of “dirty hands,” and the justifiability of torture and the suspension of due process.

Those who seek to govern well are continually and inescapably confronted in their political, professional, and personal decisions with questions of value. This course is
designed to provoke critical thinking about the moral challenges of public policymaking and the moral responsibilities of public actors in a democracy. The course examines two questions: (1) What should governments do? (2) What should public actors do? The first question requires us to consider public principles that guide good, just, and legitimate public policy. The second question requires us to consider the many and often competing obligations, commitments, and values that should guide public actors inside and outside government, particularly when there is disagreement about specifying and interpreting public principles, and disagreement about what is good, just, and legitimate public policy.

The conviction that guides both the course’s content and its pedagogy is that moral and political views can and should be grounded in reasons, and that reasoned changes of view are possible. Moreover, the course is premised on the view that although there are a number of ways in which questions of value might be explored, one of those ways—the methods of analytic philosophical thought—provides an important tool for the critical and reflective thinking that is necessary for successful governance. The course therefore provides regular practice in developing the skills of analytic moral reasoning, and invites reflection about one’s moral and political commitments through an ongoing engagement with classmates and authors (who may have different commitments).

All other readings for the course are available in a course pack.

Jeff McMahan, “The Ethics of Killing in War”

Frances Kamm, “Nonconsequentialism”

Written Assignments:
i) Seminar Presentation. Every enrolled student is required to present at least one paper to the seminar. Depending on class size, enrolled students may be invited to present more than one paper, or auditors may be invited to do presentations. The paper should be 20-30 minutes in presentation time. The text of the paper must be turned in to me by 5:00 on the Monday before the seminar at which it is to be presented, and an outline or handout must be prepared for distribution to all participants at the seminar at which it will be presented. Your paper should present and discuss some of the readings for that week and initiate discussion.

iii) Seminar Paper. A seminar paper of about 15 pages is due on Friday, May 16. It may be, but does not have to be, an expanded version of your seminar presentation.

Background


* Bin Laden Letter

Further Readings

* Background. Debra Satz, “Noxious Markets”

Background for me.

HUMANITARIAN INTERVENTION
Bernard Williams, “Humanitarianism and the Right to ...”

Christopher Kutz, “The Difference Uniforms Make”
   Bernard Williams, “Toleration, a Political or Moral Question?”