

**JOHN F. KENNEDY SCHOOL OF GOVERNMENT
HARVARD UNIVERSITY**

API-601: THE RESPONSIBILITIES OF PUBLIC ACTION

FALL 2008

SECTION A
(updated 9/2/08)

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Monday and Wednesday 11:40 – 1:00
Land

Office Hours: Monday and Wednesday 4-6, or by appointment

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Tutorials

A1: Thurs 1:10-2:30pm in T275

A2: Thurs 2:40-4pm in 124MA-100

GETTING STARTED

Come prepared for the first session. Pick up assignments and readings from the Course Materials Office and books from the Harvard Coop.

API-601: THE RESPONSIBILITIES OF PUBLIC ACTION

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).

API-601 is required for students in the Master of Public Policy program. Others may be admitted with permission of the instructor.

REQUIREMENTS AND EVALUATION

Class Participation

You are expected to come to each session prepared to discuss the day's assignment, readings and cases, and to make thoughtful contributions to the learning of your classmates. You are also expected to attend the Thursday discussion group conducted by your Teaching Fellow, Lili Zhang. For the first five weeks, attendance is mandatory, afterwards voluntary and will be counted favorably towards your class participation. Class participation counts for 20% of your grade.

Written Assignments

For each class meeting, a written exercise is assigned. You are required to satisfactorily complete **three** of these assignments. They are due at the start of the class in which the topic is considered, and should be close to 750 words. They will count for 40% of your course grade. There will be three deadlines during the term by which the respective next assignment will have to be submitted. You cannot submit a paper on a day later than the day for which it was assigned. Late assignments will not be accepted.

Final Take-home Examination

The final exercise will consist of essay questions that are to be answered in no more than 2,000 words in total. Examinations will be available on Friday, December 5 and are due by Tuesday, December 9, at 10:00 am. The final exam counts for 40% of your grade. Late examinations will be heavily penalized.

READINGS

Many of the conceptual readings ask you to stretch your mind in what might be an unaccustomed way. The challenge is worthwhile. Serious discussion about questions of value in public service requires at least some exposure to serious writings, both to build a conceptual vocabulary and to see examples of good moral reasoning. The readings have been selected not only for their importance, but also for their accessibility. Still, you will find some passages hard-going. Study questions are provided to guide you through the rough spots and to stimulate further reflection.

We will read substantial portions of four books, which have been ordered at the Harvard Coop:

Dennis F. Thompson, *Political Ethics and Public Office* (Harvard Univ. Press, 1987)

Allen Buchanan et. al., *From Chance to Choice* (Cambridge University Press, 2000)

Michael Sandel, *The Case Against Perfection* (Harvard University Press, 2007)

Arthur Isak Applbaum, *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* (Princeton Univ. Press, 1999).

Two other books, also available at the Coop, are highly recommended as background and supplement:

Adam Swift, *Political Philosophy: A Beginner's Guide for Students and Politicians*, 2nd Edition. (Polity Press, 2006).

Will Kymlicka. *Contemporary Political Philosophy: An Introduction*, 2nd Edition (Oxford University Press, 2002)

Also highly recommended as aids on writing and reading philosophy:

James Pryor, "Guidelines on Reading Philosophy"
<http://www.jimpryor.net/teaching/guidelines/reading.html#Evaluate>

James Pryor, "Guidelines on Writing a Philosophy Paper"
<http://www.jimpryor.net/teaching/guidelines/writing.html>

Finally, the following resources are recommended if you wish to pursue further the contours of moral and political philosophy.

Jean Hampton, *Political Philosophy* (Westview Press, 1997)

Stephen Darwall, *Philosophical Ethics* (Westview Press, 1998)

Shelly Kagan, *Normative Ethics* (Westview Press, 1998)

Mark Timmons, *Moral Theory: An Introduction* (Rowman and Littlefield, 2002)

The Stanford Encyclopedia of Philosophy
<http://plato.stanford.edu/>

All readings are marked by the designations (Packet), (Online), or (Book). Reading packets are available at the Course Materials Office. Online readings are posted on the class page.

INTRODUCTION

1. Roles and Principles

Monday, September 8

Case: Legislative Discretion

Dennis F. Thompson, "Legislative Ethics," in *Political Ethics and Public Office* (1987), pp. 96-122. **(Book)**

Edmund Burke, "Speech to the Electors of Bristol" (1774), in Philip B. Kurland and Ralph Lerner, eds., *The Founders' Constitution, Vol. I*, pp. 391-392. **(Packet)**

"Senator McGrail and the Death Penalty/Senator Johnson and the Death Penalty" (1 page). **(Packet)**

2. Foundations of Morality I: Consequentialism

Wednesday, September 10

Case: Humanitarian Aid

William Shaw, "The Consequentialist Perspective," in James Dreier, ed., *Contemporary Debates in Moral Theory* (2006), pp. 5-20. **(Packet)**

Peter Singer, "Famine, Affluence, and Morality," *Philosophy & Public Affairs* 1:3 (1972), pp. 229-243. **(Online)** <http://links.jstor.org.ezp1.harvard.edu/sici?sici=0048-3915%281972%291%3A3%3C229%3AFAAM%3E2.0.CO%3B2-3>

Recommended Further Readings:

Christopher Robichaud, "With Great Power Comes Great Responsibility: On the Moral Duties of the Super-Powerful and Super-Heroic" in Tom Morris and Matt Morris, eds., *Superheroes and Philosophy*, pp. 177-193. **(Packet)**

Dan W. Brock, "Utilitarianism," in Tom Regan and Donald Van De Veer, eds., *And Justice for All: New Introductory Essays in Ethics and Public Policy* (1982), pp. 217-240. **(Packet)**

Recommended Source Readings:

Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, Chapters I and IV. **(Packet)**

John Stuart Mill, *Utilitarianism*, Chapters I-III. **(Packet)**

3. Foundations of Morality II: Kantian Deontology **Monday, September 15**

Case: Humanitarian Aid Revisited

Onora O’Neill, “Kantian Ethics,” in Peter Singer, ed., *A Companion to Ethics* (1991), pp. 175-185. **(Packet)**

Onora O’Neill, “Kantian Approaches to Some Famine Problems,” in T. Regan, ed., *Matters of Life and Death* (1980), pp. 285-294. **(Packet)**

Recommended Further Readings:

Thomas E. Hill, Jr., “Kantian Normative Ethics,” in David Copp, ed., *The Oxford Handbook of Ethical Theory* (2006), pp. 480-514. **(Packet)**

F.M. Kamm, “Nonconsequentialism,” in Hugh LaFollette, ed., *The Blackwell Guide To Ethical Theory* (2000), pp. 205-226. **(Packet)**

Recommended Source Reading:

Immanuel Kant, *Groundwork for the Metaphysics of Morals*, Section II. **(Packet)**

PART I. POLITICAL PRINCIPLES AND PUBLIC POLICY

4. Liberty and Its Limits I: Freedom of Conscience **Wednesday, September 17**

Cases: Pledge of Allegiance; Headscarves in Turkey

Minersville School District v. Gobitis, 310 U.S. 586 (1940) (opinion of Justice Frankfurter), excerpts. **(Packet)**

West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943) (opinion of Justice Jackson and dissenting opinion of Justice Frankfurter), excerpts. **(Packet)**

European Court of Human Rights, *Leyla Şahin v. Turkey* (No. 44774/98) Judgment, 29 June 2004, excerpts. **(Packet)**

5. Liberty and Its Limits II: Speech and Harm **Monday, September 22**

Cases: Neo-Nazi Parades, Militant Islamic Preaching

Frederick Schauer, "The Phenomenology of Speech and Harm," *Ethics* 103:4 (1993), pp. 635-653. **(Online)**

<http://search.epnet.com/login.aspx?direct=true&db=aph&an=9311080431&scope=site>

Village of Skokie v. National Socialist Party of America, Supreme Court of Illinois (1978), in *Philosophy of Law*, 4th ed. (1991), eds. Joel Feinberg and Hyman Gross, pp. 311-314. **(Packet)**

Home Secretary of the United Kingdom, "Exclusion or Deportation from the UK on Non-Conducive Grounds: Consultation Document" (August 2005). **(Online)**

<http://www.statewatch.org/news/2005/aug/uk-deportation.pdf>

Peter Bergen and Paul Cruickshank, "Clerical Error," *The New Republic*, August 8, 2005, pp. 10-12. **(Online)**

<http://search.epnet.com/login.aspx?direct=true&db=aph&an=17822644&scope=site>

6. Liberty and Its Limits III: Paternalism

Wednesday, September 24

Case: Trans Fats and Fast-Food

Dennis F. Thompson, "Paternalistic Power," in *Political Ethics and Public Office* (1987), pp. 148-177. **(Book)**

"New York Bans Most Trans Fats In Restaurants", *New York Times*, December 5, 2006. **(Online)**

<http://www.nytimes.com/2006/12/05/nyregion/06transfatend.html?ex=1184040000&en=d32ef18587161b31&ei=5070>

New York City Department of Health and Mental Hygiene On The Trans Fats Ban.

(Online) <http://www.nyc.gov/html/doh/html/cardio/cardio-transfat-healthcode-faq.shtml>

"California Bars Restaurant Use of Trans Fats." **(Online)**

<http://www.nytimes.com/2008/07/26/us/26fats.html?scp=1&sq=los+angeles+fast+food+ban&st=nyt>

"Los Angeles City Council Passes Fast-Food Ban." **(Online)**

<http://www.reuters.com/article/domesticNews/idUSN2935235720080730?sp=true>

"Restaurant Kids' Meals Loaded With Calories." **(Online)**

http://news.yahoo.com/s/ap/20080804/ap_on_re_us/kids_meals_2

"Food Apartheid." **(Online)**

<http://www.slate.com/id/2196397/>

Recommended Further Reading:

Douglas N. Husak, "Legal Paternalism," in Hugh LaFollette, ed., *The Oxford Handbook of Practical Ethics* (2003), pp. 387-412. **(Packet)**

7. Distributive Justice
Monday, September 29

Case: Income and Taxation

Will Kymlicka, "Liberal Equality," Sections 1-3, in *Contemporary Political Philosophy*, 2nd Edition (2002), pp. 53-75. **(Packet)**

Will Kymlicka, "Libertarianism," Sections 1-3, in *Contemporary Political Philosophy*, 2nd Edition (2002), pp. 102-138. **(Packet)**

Recommended Source Readings:

John Rawls, "Justice as Fairness," *Philosophical Review*, 67 (1958), pp. 164-94. **(Online)**
<http://links.jstor.org.ezp1.harvard.edu/sici?sici=0031-8108%28195804%2967%3A2%3C164%3AJAF%3E2.0.CO%3B2-Y>

John Rawls, *A Theory of Justice* (2nd edition; Cambridge: Harvard University Press, 1999): pp. 52-70. **(Packet)**

Robert Nozick, "Distributive Justice," Section 1, in *Anarchy, State, and Utopia* (1974), pp. 149-182. **(Packet)**

8. Retributive Justice
Wednesday, October 1

Case: Capital Punishment

Louis P. Pojman, "A Defense of the Death Penalty" in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 107-23. **(Packet)**

Stephen Nathanson, "Why We Should Put the Death Penalty to Rest" in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 124-38. **(Packet)**

Recommended Further Reading:

Hugo Adam Bedau, "Capital Punishment," in Hugh LaFollette, ed., *The Oxford Handbook of Practical Ethics* (2003), pp. 705-33. **(Packet)**

1st Written Assignment Due by Today

9. Special Topic: Equality and the Ethics of Enhancement I
Monday, October 6

Cases: Various

Allen Buchanan et. al., *From Chance to Choice* (2000), Chapter One, pp. 2-4, Chapters Three and Four. **(Book)**

Recommended Further Readings

Richard Arneson, "Equality" in Robert E. Goodin and Philip Pettit, eds., *A Companion to Contemporary Political Philosophy* (1993), pp. 489-507. **(Packet)**

Thomas Nagel, "Equality," in *Mortal Questions* (1979), pp. 106-127. **(Packet)**

Kurt Vonnegut, "Harrison Bergeron" in *Welcome to the Monkey House*, pp. 7-14. **(Packet)**

10. Special Topic: Equality and the Ethics of Enhancement II
Wednesday, October 8

Cases: Various

Allen Buchanan et. al., *From Chance to Choice* (2000), Chapters Five and Eight. **(Book)**

Monday, October 13– NO CLASS (COLUMBUS DAY)

11. Special Topic: Equality and the Ethics of Enhancement III
Wednesday, October 15

Cases: Various

Michael Sandel, *The Case Against Perfection* (2007). **(Book)**

Frances Kamm, "Is There a Problem with Enhancement?" in *The American Journal of Bioethics*, May 2005, pp. 5 -14. **(Online)**

<http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=17566221&site=ehost-live&scope=site>

12. Democracy and Disagreement
Monday, October 20

Cases: Gay Marriage & Abortion

John Rawls, “The Idea of Public Reason Revisited,” Sections 1-3, in *John Rawls: Collected Papers* (1999), pp. 573-591. **(Packet)**

Stephen Carter, *The Culture of Disbelief. How American Law and Politics Trivialize Religious Devotion*, chapters 1 and 2, pp 3-44. **(Packet)**

Recommended Reading

Congregation for the Doctrine of the Faith, Joseph Cardinal Ratzinger, Prefect, “Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons” (2003), pp. 1-9. **(Packet)**

Stephen Macedo, “Homosexuality and the Conservative Mind,” in Wardle, Strasser, Duncan, and Coolidge, eds., *Marriage and Same Sex Unions* (2003), pp. 97-114. **(Packet)**

Patrick Lee and Robert P. George, “The Wrong of Abortion,” in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 13-26. **(Packet)**

Margaret Olivia Little, “The Moral Permissibility of Abortion,” in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 27-39. **(Packet)**

13. Democracy and Minority Representation **Wednesday, October 22**

Case: Race-Sensitive Districting

Shaw v. Reno, 510 U.S. 630 (1993) (opinion of Justice O’Connor and dissenting opinions of Justices White, Stevens, and Souter), excerpts. **(Packet)**

Holder v. Hall, 514 U.S. 874 (1994) (concurrence of Justice Thomas), excerpts. **(Packet)**

Miller v. Johnson, 515 U.S. 900 (1995) (dissent of Justice Ginsberg), excerpts. **(Packet)**

Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” *Ethics* 99/2 (1989), pp. 250-274. **(Online)**

<http://links.jstor.org/sici?sici=0014-1704%28198901%2999%3A2%3C250%3APAGDAC%3E2.0.CO%3B2-L>

14. Democracy and Deliberation

Monday, October 27

Case: Rebuilding Ground Zero, Caucuses vs. Primaries

Elster, Jon, *Foundations of Social Choice Theory*, "The Market and the Forum: Three Varieties of Political Theory", pp. 103 - 132, edited by Jon Elster, et al (New York: Cambridge University Press, 1989). **(Packet)**

Fung, Archon and Susan Rosegrant, *Listening to the City* [edited version of KSG Case No 1687.0], (Cambridge: 2004), pp. 1-15. **(Packet)**

http://en.wikipedia.org/wiki/United_States_presidential_primary **(Online)**

http://en.wikipedia.org/wiki/Iowa_caucuses **(Online)**

Recommended Further Reading:

Amy Gutmann, "Democracy," in Robert E. Goodin and Philip Pettit, eds., *A Companion to Contemporary Political Philosophy* (1993), pp. 411-21. **(Packet)**

PART II: POLITICAL PRINCIPLES ACROSS POLITICAL BOUNDARIES

15. Cross-Cultural Conflicts of Value

Wednesday, October 29

Case: The Theistani Poet

James Dreier, "Moral Relativism and Moral Nihilism" in David Copp, ed., *The Oxford Handbook of Ethical Theory* (2006), pp. 240-64. **(Packet)**

Susan Okin, "Is Multiculturalism Bad for Women?" in Joshua Cohen et al., eds., *Is Multiculturalism Bad for Women?* (1999), pp. 9-24. **(Packet)**

Azizah al-Hibri, "Is Western Patriarchal Feminism Good for Third World / Minority Women?" in Joshua Cohen et al., eds., *Is Multiculturalism Bad for Women?* (1999), pp. 41-46. **(Packet)**

Taslina Nasrin, "Happy Marriage," *The New Yorker*, Sept. 12, 1994, p. 55. **(Packet)**

Mary Anne Weaver, "A Fugitive from Injustice," *The New Yorker*, September 12, 1994, pp. 48-50, 55-56, 58-60. **(Packet)**

Recommended Further Readings:

Simon Blackburn, "Relativism," in Hugh LaFollette, ed., *The Blackwell Guide*

To Ethical Theory (2000), pp. 38-52. **(Packet)**

T. M. Scanlon, "Human Rights as a Neutral Concern," in *The Difficulty of Tolerance: Essays in Political Philosophy*, chapter 6. **(Packet)**

16. Human Rights and Intervention

Monday, November 3

Case: Intervening in Dystopia

Michael Walzer, *Just and Unjust Wars* (1977), pp. 51-63, 86-108, 339-342. **(Packet)**

David Luban, "Preventive War," *Philosophy & Public Affairs* 32 (2004), pp. 207-48. **(Online)**

<http://www.blackwell-synergy.com.ezp1.harvard.edu/toc/papa/32/3>

"Why Attack Iraq?" in Amy Gutmann and Dennis Thompson, eds., *Ethics and Politics: Cases and Comments*, 4th Edition (2005), pp. 45-58. **(Packet)**

Recommended Further Reading

Henry Shue, "War," in Hugh LaFollette, ed., *The Oxford Handbook of Practical Ethics* (2003), pp. 734-61. **(Packet)**

2nd Written Assignment Due by Today

17. Terrorism

Wednesday, November 5

Case: Terror Bombings

Michael Walzer, *Just and Unjust Wars* (1977), pp. 197-206. **(Packet)**

David Rodin, "Terrorism Without Intention," in *Ethics*, July 2004, pp. 752-71. **(Online)**
<http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=14360691&site=ehost-live&scope=site>

Saul Smilansky, "Terrorism, Justification, and Illusion," in *Ethics*, July 2004, pp. 790-805. **(Online)**
<http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=14360829&site=ehost-live&scope=site>

Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (2003), chapter 2 ("Humiliation"). **(Packet)**

Osama bin Laden, "To the Americans," in Bruce Lawrence (ed.), *Messages to the World: The Statements of Osama bin Laden* (2005), pp 160-173. **(Packet)**

18. Global Justice and Fair Trade

Monday, November 10

Case: Agricultural Protections

Thomas Pogge, "Eradicating Systemic Poverty: Brief for a Global Resources Dividend," *World Poverty and Human Rights* (2002), pp. 196-204. **(Packet)**

Mathias Risse, "How Does the Global Order Harm the Poor?" *Philosophy and Public Affairs* 33 (2005), pp. 349-376. **(Online)**
<http://www.blackwell-synergy.com.ezp1.harvard.edu/toc/papa/33/4>

"The Great Catfish War," *New York Times* (July 22, 2003), A18. **(Online)**
[http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD\(the+great+catfish\)+AND+DATE+IS+07/22/2003](http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD(the+great+catfish)+AND+DATE+IS+07/22/2003)

Recommended Further Reading:

Mathias Risse, "Fairness in Trade I: Obligations from Trading and the Pauper Labor Argument," *Politics, Philosophy, and Economics*, 2007, 6(3), pp. 355-377. **(Online)**
http://ft1.csa.com.ezp-prod1.hul.harvard.edu/ids70/resolver.php?sessid=3bfl807a72q510s4kcm3jcnli4&server=www-md2.csa.com&check=c0b827229e1768654c944ac40672955b&db=sagepol-set-c&key=1470-594X%2F10.1177_1470594X07081304&mode=pdf

Malgorzata Kurjansjka and Mathias Risse, "Fairness in Trade II: Subsidies and the Fair-Trade Movement" *Politics, Philosophy, and Economics*, 2008, 7(1), pp. 29-56. **(Online)**
http://ft1.csa.com.ezp-prod1.hul.harvard.edu/ids70/resolver.php?sessid=3bfl807a72q510s4kcm3jcnli4&server=www-md2.csa.com&check=9e25475b76fd710088a69783f0c2ce57&db=sagepol-set-c&key=1470-594X%2F10.1177_1470594X07085150&mode=pdf

Deborah Satz, "International Economic Justice," in Hugh LaFollette, ed., *The Oxford Handbook of Practical Ethics* (2003), pp. 620-42. **(Packet)**

Oxfam, Executive Summary, *Rigged Rules and Double Standards: Trade, Globalization, and the Fight Against Poverty* (2002), pp. 1-18. **(Packet)**

19. Global Justice and Immigration

Wednesday, November 12

Mathias Risse, "On the Morality of Immigration," *Ethics and International Affairs* 22 (1): pp 25-33 **(Online)** <http://ksghome.harvard.edu/~mrisse/Papers/Papers%20-%20Philosophy/MoralityOfImmigrationEIA.pdf>

Philip Cafaro, "Flyover Morality and Immigration," forthcoming in *Ethics and International Affairs* (**Handout**)

Ryan Pevnick, "Collective Ownership and the Morality of Immigration Restrictions," forthcoming in *Ethics and International Affairs* (**Handout**)

Mathias Risse, "The Morality of Immigration: A Response to Two Critics," forthcoming in *Ethics and International Affairs* (**Online Only**)
<http://ksghome.harvard.edu/~mrisse/Papers/Papers%20-%20Philosophy/Response.pdf>

Recommended Further Reading

David Miller, "Immigration: The Case for Limits," in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 193-206. (**Packet**)

Chandran Kukathas, "The Case for Open Immigration," in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 207-20. (**Packet**)

Michael Blake, "Immigration," in R. G. Frey and Christopher Heath Wellman, eds., *A Companion to Applied Ethics* (2003), pp. 224-237. (**Packet**)

20. Global Justice and the Environment **Monday, November 17**

Cases: Global Warming and the Value of Nature

Peter Singer, Chapter 2 of *One World: The Ethics of Globalization*, 2nd Edition (2004). (**Packet**)

Simon Caney, "Cosmopolitan Justice, Responsibility, and Global Climate Change" in *Leiden Journal of International Law* 2005, pp. 747-72, 774-5. (**Online**)
<http://journals.cambridge.org.ezp-prod1.hul.harvard.edu/action/displayFulltext?type=1&fid=371032&jid=&volumeId=&issueId=04&aid=371031>

J. Baird Callicott, "The Intrinsic Value of Nature in Public Policy: The Case of the Endangered Species Act," in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 279-97. (**Packet**)

Bryan G. Norton, "Values in Nature: A Pluralistic Approach," in Andrew Cohen and Christopher Heath Wellman, eds., *Contemporary Debates in Applied Ethics* (2005), pp. 298-309. (**Packet**)

Recommended Further Reading

Robert Hood, "Global Warming," in R. G. Frey and Christopher Heath Wellman, eds., *A Companion to Applied Ethics* (2003), pp. 674-84. **(Packet)**

Stephen Gardiner, "Ethics and Global Climate Change," *Ethics* (2003): pp 555-600.

(Online)

<http://search.ebscohost.com/login.aspx?direct=true&db=aph&AN=13431948&site=ehost-live&scope=site>

Joseph Aldy, Scott Barrett, and Robert Stavins "Thirteen Plus One: A Comparison of Global Climate Policy Architectures." *Climate*, 2003, pp 373-397. **(Online)**

http://ksghome.harvard.edu/~rstavins/Papers/Thirteen_Plus_One_Article.pdf

PART III. POLITICAL AUTHORITY AND PUBLIC ROLES

21. Ethics and Adversaries

Wednesday, November 19

Case: Political Deception

Arthur Isak Applbaum, "Rules of the Game and Fair Play," in *Ethics for Adversaries* (1999), pp. 113-135. **(Book)**

James Madison, "Federalist No. 10" and "Federalist No. 51" (1787-88), in Philip B. Kurland and Ralph Lerner, eds., *The Founders' Constitution Vol. 1* (1987), pp. 128-131, 330-331. **(Online)** <http://www.constitution.org/fed/federal10.htm>,
<http://www.constitution.org/fed/federa51.htm>

Allison, Graham and Graham T. Liebman, *Miller and Furloughs* [adapted from KSG case 548.0, rev. 9/91], (Cambridge: 1991), pp. 1. **(Packet)**

Zakaras, Alex, "George W. Bush on Iraq's Nuclear Weapons", in *Ethics and Politics: Cases and Comments* [4th edition], edited by Amy Gutmann (Chicago: Thomson Wadsworth, 2006), pp. 88-95. **(Packet)**

Recommended Further Reading:

C.A.J. Coady, "Dirty Hands," in Robert E. Goodin and Philip Pettit, eds., *A Companion to Contemporary Political Philosophy* (1993), pp. 422-30. **(Packet)**

22. A Division of Moral Labor

Monday, November 24

Case: Watergate

Sir Michael Quinlan, "Controversy: Ethics in the Public Service," *Governance* 6:4 (1993), pp. 538-544. **(Packet)**

Arthur Isak Applbaum, "The Remains of the Role," in *Ethics for Adversaries* (1999), pp. 61-75. **(Book)**

"Marbury v. Madison," in James Q. Wilson, ed., *American Government* (1989), pp. 392. **(Packet)**

Moore, Mark H. and Philip Heymann, et al, *Ethics in Government: The Moral Challenge of Public Leadership*, "The Saturday Night Massacre", pp. 136-144, edited by Mark H. Moore, et al (Cambridge: Prentice-Hall, Inc. 1990). **(Packet)**

Wednesday, November 26– NO CLASS (THANKSGIVING HOLIDAY)

23. Whistle-blowing

Monday, December 1

Cases: Cynthia Fitzgerald, James Marchese

Terrance McConnell, "Whistle-blowing," in R. G. Frey and Christopher Heath Wellman, eds., *A Companion to Applied Ethics* (2003), pp. 570-582. **(Packet)**

Michael Davis, "Whistleblowing," in Hugh LaFollette, ed., *The Oxford Handbook of Practical Ethics* (2003), pp. 539-63. **(Packet)**

"Blowing the Whistle, Many Times." **(Online)**

[http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD\(Blowing+the+Whistle\)+AND+DATE+IS+11/18/2007](http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD(Blowing+the+Whistle)+AND+DATE+IS+11/18/2007)

"Whistle-Blower Finds a Finger Pointing Back." **(Online)**

[http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD\(Whistle-Blower+Finds\)+AND+DATE+IS+10/25/2007](http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD(Whistle-Blower+Finds)+AND+DATE+IS+10/25/2007)

"Whistle-Blower is Awarded 1.6 Million." **(Online)**

[http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD\(Whistle-Blower+Is\)+AND+DATE+IS+12/21/2007](http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD(Whistle-Blower+Is)+AND+DATE+IS+12/21/2007)

"In Shift for Japan, Salarymen Blow the Whistle." **(Online)**

<http://www.nytimes.com/2008/06/07/business/worldbusiness/07whistle.html?scp=4&sq=&st=nyt>

"Senate Panel Seeks to Alter Law for Whistle-Blowers." **(Online)**

[http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD\(Senate+Panel+Seeks\)+AND+DATE+IS+02/28/2008](http://www.lexisnexis.com.ezp1.harvard.edu/us/lnacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD(Senate+Panel+Seeks)+AND+DATE+IS+02/28/2008)

24. Taking Responsibility
Wednesday, December 3

Case: The Iraqi Kurds, 1988

Dennis F. Thompson, "The Moral Responsibility of Many Hands," in *Political Ethics and Public Office* (1987), pp. 40-65. **(Book)**

Samantha Power, "Iraq: Human Rights and Chemical Weapons Aside," in *A Problem from Hell: America and the Age of Genocide* (2002), pp. 171-245, 549-559. **(Packet)**

3rd Written Assignment Due by Today

**API-601: THE RESPONSIBILITIES OF PUBLIC ACTION
JOHN F. KENNEDY SCHOOL OF GOVERNMENT
FALL 2008**

Section A (Robichaud)

STUDY QUESTIONS AND WRITTEN ASSIGNMENTS

Monday, September 8: Roles and Principles

Study Questions

1. Are Senator McGrail's poll and Senator Johnson's campaign statement relevant in determining whether it's permissible for them to vote as they do? If so, why?
2. Burke writes that "Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." What does this claim amount to, that is, how is a legislator supposed to betray her constituent by acting according to that constituent's opinion?
3. Thompson holds up for our scrutiny three models of legislative ethics—the minimalist, the functionalist, and the rationalist. Do you agree with his criticism of the rationalist model? Are there answers his objections?
4. Can a legislator meet the requirements of generality, autonomy, and publicity? Ought a legislator meet these requirements?
5. Thompson observes that satisfying the criterion of publicity may make it more difficult to meet the criteria of generality and autonomy. Are there ways out of this quandary?

WRITTEN ASSIGNMENT

All things considered, is McGrail justified in voting for the death penalty? Why or why not? Is Johnson justified in voting against? Why or why not? Could one reconcile a "yes" answer to both questions? How?

Wednesday, September 10: Foundations of Morality I: Consequentialism

Study Questions

1. Shaw states that consequentialism, even standard consequentialism, as he conceives it, is not a complete ethical theory. What's missing? And what core idea do all consequentialist theories share?

2. Is utilitarianism overly demanding as regards our personal relationships? May I, on this view, give my money to my own children, rather than to the more deserving or more needy children of strangers? More generally, is it possible to be a good utilitarian agent and also a good spouse, parent, friend and child, as these notions are conventionally understood?

3. Evaluate the following view: as a utilitarian, one needs to be a vegetarian. One needs to be a vegetarian because what matters morally is happiness, and thus the creatures that matter morally are all sentient beings, including animals. The pleasure human beings obtain from eating animals is far outweighed by the unhappiness it imposes on the animals that are eaten. Hence animals should not be eaten, and thus utilitarians must be vegetarians.

4. Suppose a disgruntled husband grows tired of taking care of his terminally ill wife. He wants to gain her inheritance, so he brews a drink he's convinced will kill her without a trace. Luckily, the husband does a terrible job, and through a strange confluence of circumstances, the brew he concocts turns out to be the only thing that will cure her. He gives his wife the drink with the intention of killing her, but as it turns out, it saves her life. Is a utilitarian forced to conclude that the husband did the right thing? If so, is that a problem for the theory?

5. Singer's fundamental principle is the following:

If it is in our power to prevent something bad from happening, without thereby sacrificing something of comparable moral importance, we ought, morally, to do it.

Explain how this notion is comprehensible as a form of utilitarianism.

6. Is Singer's criticism of our way of life correct? Is there any way of distinguishing between the two cases he describes? Is it true that all of us are, when you get down to it, morally reprehensible for not donating more income to, say, Oxfam?

7. Is there room within Singer's approach for the responsibility of other persons to at least in part determine the extent of our own obligations? If the drowning child had entered the puddle as a result of his own foolish choices, would that make a difference to our duties? If – more likely – a bully had pushed the child into the puddle, would that make a difference?

WRITTEN ASSIGNMENT

“If it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it” (Singer, p. 231). Singer concludes that we are morally obligated to give away large sums of money for famine relief; certainly we have a duty, according to him, to spend our discretionary income on famine relief rather than on designer jeans or video games for ourselves.

But is he right? Are we morally obligated to give away a large share of our discretionary income to relieve famine? Make a case one way or the other and defend it against at least one plausible objection.

Monday, September 15: Foundations of Morality II: Kantian Deontology

Study Questions

1. Consider study question #4 from the previous day. Will a Kantian conclude that the husband did the right thing by giving his wife the only cure available, even though it was with the intention of killing her? Suppose now that the husband intended to save his wife, but accidentally brewed a poison that kills her. Did the husband do something morally wrong, according to Kant, in giving his wife a poison with the intention of saving her life?
2. According to Kant, it is *never* permissible to lie, since (roughly) lying treats people as means rather than as ends (lying fails to respect a person's rationality and autonomy). A famous objection to this position is the example of the Nazi at the door. You're hiding Anne Frank, say, and a Nazi comes to the door and asks you if you're hiding any Jews upstairs. There's no doubt what fate awaits Anne Frank should she fall into Nazi hands. But Kant appears committed to maintaining that you nevertheless ought not lie to the soldier. How damning is this to his view? Is there a way out for him?
3. Kant considers his different formulations of the categorical imperative to be functionally equivalent; that is, he believes that each formulation delivers the same moral verdicts. But many scholars find this problematic. The prohibition against suicide is a popular example. Try to convince yourself that each formulation carries with it the verdict that suicide is impermissible. If you can't, which formulation or formulations pose a problem?
4. What is the difference between duties of justice and duties of beneficence? What is the relationship between them?
5. What, according to O'Neill, do the duties of justice demand of us in famine conditions? What do the duties of beneficence demand of us in such conditions? Do you agree?

WRITTEN ASSIGNMENT

Consider O'Neill's Kantian discussion of famines. Formulate two or three objections that Peter Singer could raise against this discussion and offer responses O'Neill could give. Who do you think has the better of the debate?

Wednesday, September 17: Liberty and Its Limits I: Freedom of Conscience

Study Questions

1. Compare Frankfurter's reasoning to Jackson's. Who makes the more persuasive case? Where, exactly, does Frankfurter and/or Jackson go wrong in their thinking?

2. Are there some issues that ought not be decided by democratic means? Is there a principled way of determining which ones ought to be and which ones oughtn't?
3. Is the freedom to express oneself religiously more important than other kinds of expression (e.g., art, advertising, news)?
4. What kinds of social aims or values justify restricting religious liberty (consider, for example: national security, social peace, equality, and the preferences of democratic majorities)?

WRITTEN ASSIGNMENT

Is there *one* principle that justifies *both* the positions of the U.S. Supreme Court and of the European Court of Human Rights on the issue of religious liberty, or is one of these positions correct and the other one incorrect? Defend whatever view you adopt against at least one plausible objection.

Monday, September 22: Liberty and Its Limits II: Speech and Harm

Study Questions

1. Are there grounds for distinguishing the regulation of neo-Nazi speech from the speech of Islamic preachers in Britain?
2. What, according to Schauer, is the Lesser Harm Hypothesis? Does he hold that it's true or that it's false? What is his main argument for that conclusion?
3. In Canada and many other countries, it's a crime to deny the existence of the Holocaust. Ought there be such laws?
4. South Africa has considered whether to have laws prohibiting the incitement to racial hatred. Such laws exist in a substantial number of countries in the world, are required by the 1965 International Convention on the Elimination of All Forms of Discrimination, but are unconstitutional under current interpretations of the First Amendment to the Constitution of the United States. Should South Africa have such laws?
5. In a column about 2 Live Crew, George Will makes the following comment: "America today is capable of terrific intolerance about smoking, or toxic waste that threatens trout. But only a deeply confused society is more concerned about protecting lungs than minds, trout than black women. We legislate against smoking in restaurants; singing "Me So Horny" is a constitutional right. Secondary smoke is carcinogenic; celebration of torn vaginas is "mere words." (George Will, "America's Slide Into the Sewer," Newsweek, July 30, 1990). Is George Will right?
6. A code adopted at the University of Michigan defined "discrimination" and "discriminatory harassment" to include:

“any behavior, verbal or physical, that stigmatizes or victimizes an individual on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age, marital status, handicap or Vietnam-era veteran status”

Are such codes justified?

WRITTEN ASSIGNMENT

It is the near future, and the memorial at Ground Zero for the persons who died there on 9-11-01 has been completed. A date is set for an official ground-breaking ceremony—9-11-09—and many family members and friends of the victims, as well as police, firefighters and other rescue personal who suffered casualties from their ranks that day, will be present for the occasion.

In the weeks preceding this event, a group of sympathizers for the persons who orchestrated and executed the attacks of 9-11-01 has petitioned the city to march peacefully on 9-11-09 through the streets of NYC, ending at or near Ground Zero. This group, Disenfranchised Americans for Aggressive Change, or DAAC, has expressed that its purpose for the march is solely to protest the memorial. Their website argues that no American who died that day was an innocent victim, since they were all a part—implicitly or explicitly—of an industrial-military complex which, in DAAC’s view, is responsible for great moral atrocities worldwide.

DAAC has been investigated repeatedly by the government. While their ideology is, unsurprisingly, considered to be totally repugnant by many, they have not broken any laws, such as financing terrorist groups, nor have they engaged in violent activities or shown an interest in doing so. The group seems devoted entirely both to providing vocal support to individuals who “bring the fight to the USA” and to arguing publicly why America’s actions warrant such attacks.

All members of DAAC are American citizens. Those who will be marching will have shirts and signs that say such things as “America Got What It Deserved” and “9-11: A Necessary Act in the War on American Hegemony.” Such words will often be mixed with images that include pictures of United Airlines Flight 175 crashing into the South Tower and of both towers collapsing.

The City of New York denied DAAC its petition, arguing that the march satisfied the condition set out in *Brandenberg v. Ohio*, namely, it intended to produce and was likely to produce imminent lawless action. The New York State Supreme Court overturned the decision, arguing that DAAC’s march did not demonstrate an intention to produce lawless action. The question is now before the US Supreme Court. How should they decide? Why? What might a dissenting opinion say, and how might the majority opinion respond to its objections? Assume, in answering these questions, that the Court is primarily interested in providing a *moral* justification for its decision (as opposed merely to a legal one).

Wednesday, September 24: Liberty and Its Limits III: Paternalism

Study Questions

1. Dennis Thompson distinguishes the concept of paternalism from its justification. What is Thompson's concept of paternalism, and how does it differ from Mill's? When, according to Thompson, is paternalism justified? Do you agree?
2. What factors make it easier to justify paternalistic interventions? Harder?
3. The United States Federal Drug Administration has recently held that plastic surgeons should not perform breast implants on women who wish to have a breast implant for purely cosmetic reasons until there is better evidence that silicone breast implants pose no serious health hazard. It has been alleged that breast implants can cause a hardening of tissue, that they can make it difficult to screen for breast cancer, and that because the implants can rupture and leak, they may be a cause of autoimmune disorders. Under the FDA plan, breast implants will only be available to women who seek reconstructive surgery after a mastectomy. What is the best argument that can be advanced in defense of the FDA's decision? What is the best argument that can be advanced against it? Is the FDA right?
4. In Massachusetts, as in most states, it is now relatively easy for a married couple to divorce. Suppose that there is a proposal before the legislature to allow the choice of two kinds of marriage: a revocable marriage (as is presently the case) or an (almost) irrevocable marriage--one that would require demonstration of severe cruelty, or mental illness, or some other very serious ground for divorce. Should people be allowed to enter into (almost) irrevocable marriages?
5. Some persons have requested "radical mutilation," like the surgical removal of limbs, so that their bodies will conform to what they claim is a deeply held self-conception of themselves. Putting aside doctors' ethics, should the state allow such radical surgeries, even though there is nothing medically wrong with the limbs, etc., in question?
6. Jane and Joe have been deaf their whole lives. They married a few years ago and have just had their first child, Jill. Tests show that Jill has a severe hearing impairment, but one that current medical research allows to be remedied with a safe surgical procedure. Jane and Joe can easily afford the procedure, but refuse to have it performed on Jill. They maintain that deafness is not a handicap. They view themselves simply as making a cultural choice in raising Jill in the deaf community. Is it permissible for the State to intervene and insist that Jill be given the surgery?

WRITTEN ASSIGNMENT

Is NYC's ban of trans fats in restaurants a justified instance of paternalism, according to Thompson's reasoning? How about LA's moratorium on fast food restaurants? Is his theory the best one to use in evaluating questions of paternalism? If so, consider an objection to it and respond on Thompson's behalf. If not, argue what its flaws are and defend a better alternative.

Monday, September 29: Distributive Justice

Study Questions

1. Of Rawls's two principles of justice, the first is prioritized over the second, and the first part of the second is prioritized over the second part. What's the thinking behind this prioritization?
2. What is the difference principle? What is Rawls's intuitive equality of opportunity argument for it?
3. Explain what the *original position* is and how deliberation within it is meant to establish the truth of the difference principle.
4. Do you agree with Rawls about what it's rational to do within the original position? If not, what alternative conception of rationality do you have, and what are your reasons for adopting it?
5. What are the three main principles of Nozick's Entitlement Theory? What is his intuitive argument for the theory? Do you find it persuasive?
6. What is Nozick's self-ownership argument? What flaws, if any, do you think it has?
7. Explain what the Lockean proviso is and what role it plays in Nozick's thought.

WRITTEN ASSIGNMENT

The estate tax, otherwise known as the inheritance tax or the "death" tax, is a tax brought against the estate of a deceased person before that estate is passed on to heirs (assume that the estates in question are worth at least \$1 million). Are there conditions under which such a tax would be fair (just)? In answering this question, i) use the readings to explain the answers a Rawlsian and a Nozickian would give, and ii) defend a position on this matter, whether it be Rawlsian, Nozickian, or your own.

Wednesday, October 1: Retributive Justice

Study Questions

1. According to Pojman, how have considerations involving retribution been used to motivate the use of the death penalty? How about considerations involving deterrence been used to do so?
2. What is Gernstein's case for the death penalty?

3. Which of the objections to the death penalty that Pojman discusses do you think is the most serious, and why? Does Pojman's response succeed? If not, is there a better response to offer to the objection?
4. What case does Nathanson make for the death penalty being inconsistent with the value of justice? What case does he make for it being inconsistent with the value of human life?
5. Does the legitimacy of the death penalty turn on the issue of deterrence?
6. In death penalty cases the relatives of the victim often receive special consideration, at least in the media. Do you think that whether these relatives forgive the perpetrator should play any role in assessing what punishment is appropriate?

WRITTEN ASSIGNMENT

In 2005, repeat sex offender Joseph Edward Duncan III entered the Groene household and, using a hammer, bludgeoned to death 13-year old Slade Groene, his mother Brenda Groene, and her fiancé Mark McKenzie. Duncan III then kidnapped 9-year old Dylan Groene and 8-year old Shasta Groene. He took them to a campsite where he raped and tortured them and eventually killed Dylan by shooting him in the head. He then burned the body. Shasta survived and was eventually rescued.

A jury of his peers found Duncan III guilty on the counts of murder, rape and kidnapping. Prosecutor Traci Whelan said of Duncan III that, "His actions...call out for the death penalty."

Do they? Specifically, is it morally permissible for the State to execute Duncan III? Present what you consider to be the strongest argument for your position, and then present the strongest objection to your position and respond to it.

1st Written Assignment Due by Today

Monday, October 6: Special Topic: Equality and the Ethics of Enhancement I

Study Questions

1. What are the three major alternative conceptions of equality of opportunity? Which do you think is correct, and why?
2. The "level playing field" conception of equal opportunity comes in either a *social structural* or *brute luck* variant. What are the differences between these two, and which do you find more plausible?
3. On Daniels' view of equal opportunity, what is the scope of permissible genetic intervention by the State as it pursues its duty to provide health care to its citizens? What is the scope of

permissible genetic intervention by the State on the brute luck view of equal opportunity combined with resource egalitarianism?

4. The authors argue that genetic equality needn't amount to a strict equalization of natural assets. Are they correct? Is it the case that the best the State should aim for in the foreseeable future is some sort of "genetic decent minimum"?

5. In light of all the cases discussed, what is the best way to characterize the positive/negative distinction and the treatment/enhancement distinction as it concerns genetic intervention? What is the best way to understand the relationship between the two?

6. What are the differences between the three models presented of the relationship between equal opportunity and the goals of health care? Which do you think is the superior model?

WRITTEN ASSIGNMENT

Consider Scenario 4 from the introduction to *From Chance to Choice: Health Care in the Age of Genetic Intervention*. Is the spokesperson for the National Association of Health Insurers correct that "Health care coverage stops where treatment for disease ends"? Defend a model of the role the State ought to play in providing health care to its citizens—in light of advances in genetic intervention—that answers this question in the affirmative or negative.

Wednesday, October 8: Special Topic: Equality and the Ethics of Enhancement II

Study Questions

1. Consider the following claim: *Parents should let their judgments about whether certain acts of genetic intervention are best for their children be guided by reasonable judgments about whether their children will one day agree that these acts were in their best interest.* What are some difficulties with this claim that the authors point to? Do you agree with their assessment?

2. What exactly is the right to an open future? Do children have such a right? If they do, what limits does it put on the kind of genetic intervention that parents are permitted to undertake on their children's behalf?

3. If the disposition to pedophilia was demonstrated to have a genetic basis, would it be permissible for the State to require genetic intervention in those children who showed themselves to have the relevant genetic basis and therefore were much more likely to become pedophiles as adults?

4. What are some of the risks that come with parents "pursuing the best" for their children? Are you satisfied with the authors' responses to these various concerns?

5. "Genetics should not be held back out of general fears for the plight of people with disabilities. The gains are too great" (329-30). What precisely is the worry behind the formation of a "genetic ghetto" and how do the authors respond to it? Do you agree with them?

6. Does the State have, as the authors maintain, a legitimate role as guardian of the genetic well-being of future generations? Supposing the State does have such a role, how do the authors think it's best fulfilled? Are they right?

WRITTEN ASSIGNMENT

In the near future, scientific work on Alzheimer's and autism has led to a deep understanding of the genetic basis of our memory capabilities. This in turn has allowed for the development of a kind of genetic intervention for fetuses that would in effect give them the genetic basis for possessing the same spectacular memories often associated with autistic savants, and do so without any obvious cognitive cost—other mental capabilities would not be hindered (such as the ability to reason, pick up on social cues, and so forth).

Market value for this new procedure is \$150,000 (in today's dollars, not the future's). Should the State permit those who can afford it to purchase the intervention for their children? Should such intervention be regulated in any way? Develop a position and defend it against objections.

Monday, October 13– NO CLASS (COLUMBUS DAY)

Wednesday, October 15: Special Topic: Equality and the Ethics of Enhancement III

Study Questions

1. What does Sandel understand the contrast to be between the old eugenics and the new? What, precisely, is “liberal eugenics,” as he conceives it?
2. Contrary to Habermas, Sandel claims that “an ethic of autonomy and equality cannot explain what is wrong with eugenics” (81). Why not?
3. Does Sandel adequately answer the objections to his position that he considers? If not, where does he fall short?
4. Do you agree with Kamm's interpretation of Sandel's main argument against the “desire for mastery?” How about her objection that even if Sandel is right about the deepest problem with enhancement being the disposition it expresses, this nevertheless “may provide no grounds at all for thinking that acts seeking enhancement are morally impermissible” (7).
5. Kamm argues that Sandel's attempt to draw a distinction between treatment and enhancement doesn't succeed. What's her reasoning behind this conclusion?

WRITTEN ASSIGNMENT

In your own words, reconstruct Sandel's argument against liberal eugenics from Chapter 5 of *The Case Against Perfection*. Motivate what you take to be the most serious objection to it, and defend it on behalf of Sandel.

Monday, October 20: Democracy and Disagreement

Study Questions

1. What, according to Rawls, is public reason?
2. Political liberalism has been accused of bias in favor of secularism and against religion. What is Rawls's response to this charge? Does his response succeed?
3. The idea of public reason advanced by Rawls seems to preclude officials from making decisions and making arguments that crucially turn on their religious commitments. Religious commitments, however, are at the core of the identity of anybody who has them. So effectively, these people cannot act upon some of their most deeply held beliefs. Is this fair to ask of them?
4. How does Carter argue for the importance of religion in public life? Do you agree with him?
5. If members of a pluralistic democracy disagree about disagreement—if they disagree about what reasons count as satisfactory reasons in a public debate—what persuasive avenues are open to them to help resolve issues like gay marriage or legalized abortion? If no persuasive avenues are left open, how ought such issues ultimately be resolved?

WRITTEN ASSIGNMENT

What *kind* of reasons are fair to invoke in a pluralistic democracy as grounds for subjecting fellow citizens to the force of law? Articulate a position and defend it against a plausible objection. In doing so, use the issue of gay marriage or legalized abortion (or both) to provide specific examples of reasons that meet and don't meet the criteria you defend.

Wednesday, October 22: Democracy and Minority Representation

Study Questions

1. When, if ever, is majority rule undemocratic?
2. In North Carolina, there is a history of black citizens being denied, by law and official action, the right to vote. Is this fact relevant to how you think the *Shaw* case should be decided?
3. Justice O'Connor's opinion in *Shaw* argues that all classifications based on race should be treated in the same manner. Do you agree?
4. What do you think that Justice O'Connor means by "political apartheid?" Do you agree with her that the analogy to South Africa is appropriate?
5. In his dissent in the *Shaw* decision, Justice Stevens contends that it is impermissible for legislatures to use race as a criterion in districting when it strengthens white voting power, but

permissible to use race when it strengthens black voting power. Do you agree? Why would it be permissible to use race in one instance, but not in another?

6. The Fourteenth Amendment to the Constitution of the United States provides that no state shall “deny to any person...the equal protection of the laws.” Does the existence of this provision affect your view of the proper outcome of the *Shaw* case?

7. Over the last several years there has been much political rhetoric about “quotas.” What do you think a “quota” is? Do you think quotas are wrong? Why?

8. Young compares the idea of citizenship as generality with the idea of differentiated citizenship. What are the differences?

9. What, according to Young, are some features by which one can recognize a social group?

10. Young claims that “a democratic public, however that is constituted, should provide mechanisms for the effective representation and recognition of the distinct voices and perspectives of those of its constituent groups that are oppressed or disadvantaged within it” (261). What are her reasons for adopting this principle?

11. What is a “rainbow coalition,” according to Young?

12. What are Young’s reasons for distinguishing her position from interest group pluralism?

WRITTEN ASSIGNMENT

Consider the following hypothetical city and its surrounding suburban areas: The population of the city and its suburbs is three million. Together, they are entitled to three representatives in a national legislative body. The racial makeup of the three million is 60% white, 30% African-American, 5% Latino, 4% Asian-American, and 1% Native American. People with lower incomes live disproportionately in the center city part of the total area, and those with higher incomes live disproportionately in the outer suburbs.

African-Americans, Latinos, Asian-Americans, and Native Americans are over-represented in the lower income segment of the population, and under-represented in the higher income segment. Assume that voting is commonly although not necessarily along racial lines, and also commonly although not necessarily along income lines. Assume as well a history similar to that described in *Shaw v. Reno*. Putting aside all legal or constitutional issues, which of the following methods of allocating the three representatives satisfy the demands of political equality, and which methods do not? Briefly explain your reasons for distinguishing among the methods. Which method is the fairest? Why?

1. One representative to represent each of three districts of equal population, with the districts shaped like 120 degree slices of a pie, each slice starting in the center and going out to the edge. Under this method, the income and racial makeup of the three districts will be approximately the

same, and the income and racial makeup of each district will approximate that of the area as a whole.

2. One representative to represent each of three districts of equal population, with the districts formed as three concentric circles. Under this method, the inner district will have a substantial majority of African-American voters and a substantial majority of low-income voters; the middle district will have a slight majority of white voters, and an income mix approximating that of the area as a whole; and the outer district will have a substantial majority of white voters, and a substantial majority of higher-income voters.

3. One representative to represent each of three districts that would follow existing political and historical boundaries. The center city district would trace the boundary of the city itself, and contain 800,000 people. The northern district, containing 1,000,000 people, would follow the boundaries of the more established, town-like northern suburbs. The southern district, containing 1,200,000 people, would follow the boundaries of the sprawling bedroom communities of the southern suburbs. Although municipal election results are not infallible guides to national elections, it is the case that the city has a black mayor and a majority of blacks and Latinos on the city council. Although the northern and southern suburban districts would be roughly alike in income and racial distribution, the northern suburbs have a mix of black and white local elected officials, while virtually none of the local elected officials from the southern suburbs are black.

4. Three representatives elected at-large to represent the entire area, to be seated as follows: any candidate who self-identifies as an African-American, Latino, Asian-American, or Native-American, may choose to be designated on the ballot as a “minority candidate.” Any voter may vote for any of up to three candidates. The candidates that receive the first and second highest number of votes are seated. If neither of the top two candidates is a minority candidate, the third seat goes to the minority candidate who receives the most votes. If one of the top two is a minority candidate, the third seat goes to the candidate, minority or not, who receives the third highest number of votes.

5. Three representatives elected at-large, to be seated as follows: any voter who self-identifies as African-American, Asian-American, Native-American, or Latino may choose to be designated as a “minority voter.” Any voter may vote for any of up to three candidates. The candidate that receives the highest number of votes cast by minority voters is seated. The remaining two seats are filled by the candidates that receive the first and second highest number of votes from all voters, minority and not. If one of these candidates has already won the minority voter seat, the third seat goes to the candidate who receives the third highest number of votes from all voters, minority or not.

Monday, October 27: Democracy and Deliberation

Study Questions

1. What are Elster’s three varieties of political theory? Which is the best normative account of democracy?

2. Is Elster is right about his seven objections? If not, where does he go wrong? If he is right, what can we expect of democratic deliberation?
3. Is more public deliberation desirable? Is such deliberation likely to succeed in resolving policy disagreements?
4. Explain how a successful public deliberation works to resolve policy disagreements. What is changed by public deliberation? Preferences? If so, preferences for what? Beliefs? If so, beliefs about what? Values? If so, what kinds of values?
5. If the Port Authority and LMDC decided to replace all of the commercial space that had been destroyed on 9/11 at the expense of residential and neighborhood values, does it act without democratic legitimacy? Does it act against the common good?
6. Should the Port Authority and LMDC have continued to sponsor public deliberations such as “Listening to the City” as the development unfolded?
7. What procedure should New York use for planning large development projects in the future?

WRITTEN ASSIGNMENT

Articulate and briefly defend a view about the features of democratic processes that make them politically valuable. Then, in light of your view, explain specifically how the Port Authority should respond to the results of Listening to the City. Should it sponsor more public participation or limit it?

Wednesday, October 29: Cultural Conflicts of Value

Study Questions

1. What are the differences between moral relativism and moral nihilism, according to Dreier? What are some similarities between them?
2. Which of the three arguments Dreier discusses do you think is the strongest? The weakest? Is there a better argument in the vicinity?
3. Do you think nihilism or relativism is the more radical thesis? Why?
4. What do you think about other cultures that do or have practiced genocide, racism, or sexism? Are they wrong, or are they just different?

5. Consider current debates about multiculturalism. Is there a relationship between multiculturalism and relativism? Does thinking about multiculturalism lead you to reconsider relativism? Does thinking about relativism lead you to reconsider relativism?
6. Has Okin identified a real tension within liberal thought? Traditionally, respect for diversity and respect for the equality of persons have been thought to support each other; has Okin convinced you that these two values may frequently conflict?
7. Okin is frequently accused (as she is by Al-Hibri) of ignoring the complexities of non-Western cultures. Is this charge accurate? If it is accurate, what implications does that have for her practical suggestions?
8. The notion of tolerance is floating throughout much of this discussion. What does it mean? How can this notion be defended without relying on moral skepticism or moral relativism?
9. Some people consider the handling of poisonous snakes central to their religious belief and practice. At times such people are bitten, and at times they die as a result of the bites. Should snake-handling be prohibited? Should snake-handling by children be prohibited?
10. Existing American law exempts the Inuit from many of the restrictions on hunting whales and seals. Why do you think such exemptions exist? Do you support them?

WRITTEN ASSIGNMENT

Suppose that there is a nation called Theistan where blasphemy – showing contempt or irreverence for God – is a very serious crime. Disbelief itself is not a crime, and the discreet practice of other religions by foreigners is tolerated, but public displays of impiety by Theistanis is dealt with harshly. The population of Theistan is nearly unanimous in its support for the severe punishment of blasphemers, because virtually everyone in the nation shares the religious belief that blasphemy is a great sin. Theistanis, who elect their leaders in what are considered by observers to be relatively free and fair elections, overwhelmingly vote for one of two religious parties, both of which have theocratic platforms that, among other things, criminalize blasphemy.

An obscure Theistani poet published a volume of verse entitled If God Is Not Dead, Kill Her. The poems ridicule Theistani religious beliefs and practices. The poet was found guilty of blasphemy by a panel of six judges and sentenced to twenty-five years in prison without parole after a trial in which proper procedure (including provision by the state of an excellent defense team) was scrupulously observed. The highest court in Theistan heard the case on appeal and upheld the conviction and sentence.

1. Can someone who is not a Theistani morally judge Theistan's treatment of the poet? If one cannot, why not? If one can, why? What is the moral judgment, and why?
2. Are other nations morally justified in forcing Theistan to release the poet by threatening serious economic and diplomatic sanctions? (Assume that Theistan's leaders, out of concern for their people's well-being, would capitulate long before the sanctions caused severe material

deprivation, and leave aside the question of whether such sanctions are legal under current international law.)

Monday, November 3: Human Rights and Intervention

Study Questions

1. In *Just and Unjust Wars*, Walzer attributes this view to J.S. Mill: “He doesn’t believe that intervention fails more often than not to serve the purposes of liberty; he believes that, given what liberty is, it *necessarily* fails” (pp. 87-88). Why does Mill think this? Is Mill correct?
2. Walzer says of his critics, “They insist that the theory of *Just and Unjust Wars* requires me to call tyrannical states legitimate. My actual claim is that foreign officials must act as if they were legitimate” (“The Moral Standing of States,” *Philosophy and Public Affairs* 9:3 [1980], p. 217). Why, according to Walzer, must foreign officials do so? Do you agree?
3. Evaluate the following argument: “The disutility of the harm that could be caused by nuclear weapons is negative infinity. So according to decision theoretic reasoning, any positive probability of abuse makes it mandatory to make sure this abuse does not in fact happen. So if there was some probability of thinking that Saddam Hussein had nuclear weapons, this was sufficient reason to lead a preventive war against him.”
4. “Just war theory has traditionally acknowledged the legitimacy of preemptive wars, the paradigmatic case being an enemy army assembled at the border that is getting ready to strike. But it seems once preemptive wars are accepted, preventive wars should as well – after all, what is different about them is that in general the probability of a war actually occurring is slightly smaller and the war will happen later.” Do you agree with this view?

WRITTEN ASSIGNMENT

The time is February, 2009, and the newly-elected President of the United States faces the first foreign policy crisis of his administration. In the distant State of Distopia, the Flaxon majority has launched a brutal attack on its ancient ethnic rival, the Zemer. The Flaxon-dominated Distopian army has slaughtered hundreds of thousands of defenseless Zemerian civilians and, in “ethnic cleansing” operations, has driven a million more into an overcrowded border province. Zemerian resistance fighters have fiercely defended this remaining enclave, and, with the help of winter storms, have fought the Flaxons to a standstill. Under strong diplomatic pressure, the Flaxons have agreed to a cease-fire, but it is widely feared that they will mount a final offensive against the Zemer after the spring thaw. Without substantial military intervention to enforce the cease-fire, a million surviving Zemerians are in mortal danger. To protect them, the President is seriously considering sending a peacekeeping force of 80,000 to Distopia.

If the U.S. intervenes, there will be American casualties from sniper fire, terrorist attack, and skirmishes, but there is little danger of a widespread and protracted ground war. The Flaxon leadership has shown itself to be ruthless but prudent, and an outright assault against American

forces would be wildly imprudent: the Flaxons are comparatively ill-equipped and are extremely vulnerable to U.S. air attack. Dozens of American troops are likely to be killed in this mission, but not thousands.

The president correctly believes that military intervention will not by itself resolve the problem of political instability in Distopia, and understands that a peacekeeping mission, once initiated, is likely to last for several years.

The U.S. has no vital national security interest in the conflict. Trade between the two nations is an insignificant factor in the U.S. economy. Distopia does not have crucial natural resources, and stability in Distopia is of only minor strategic importance to the U.S.

High ranking generals have privately voiced to the President their reluctance to commit troops to peacekeeping missions that do not directly serve national security and that do not have a clear exit strategy, but they all agree that the goal of protecting the Zemer enclave and enforcing the cease-fire can be accomplished successfully and indefinitely. They assure the president that he can count on them, whatever he decides.

You are a senior advisor to the President. He has asked you to consider the moral arguments for and against armed intervention in the Distopian conflict. (“I’ll worry about my reelection chances,” he says. “You tell me what the right thing to do is.”) Is the U.S. morally permitted to intervene? Is the U.S. morally required to intervene? What should the President do, and why? Include responses to potential objections to your position.

2nd Written Assignment Due By Today

Wednesday, November 5: Terrorism

Study Questions

1. What is the Doctrine of Double Effect (DDE), as Walzer understands it? Why does he think that the third condition, which has to do with the intentions behind the action performed, is “where the burden of the argument is carried”? Can you come up with cases where DDE is satisfied, but intuitively, the action performed is still morally impermissible? Do such cases sink the doctrine, or just demand that it be refined?
2. How does Rodin define terrorism? Do you prefer his characterization of it over the tactical, teleological, and agent-focused definitions he briefly describes? Does his definition have problems? If so, what’s a better way to understand exactly what it is that constitutes an act of terrorism?
3. Rodin claims that “considerations of recklessness and negligence threaten not to disprove the principle of double effect but rather in certain contexts to render it irrelevant.” Do you agree? What contexts does he have in mind?

4. Do you share Rodin's views about what the standards of care are that accompany military operations? What arguments does he offer in defense of his position.
5. Smilansky argues that there might be some situations where terrorism, as he understands it, is justified. What are these situations, and do you agree with his conclusions about them?
6. Why does Smilansky think that the Antioppression Exception to the Principle of Noncombatant Immunity is dangerous? Why does he also think that it nevertheless has something going for it? Should such an exception be made, or do the cons outweigh the pros of doing so?

WRITTEN ASSIGNMENT

The next President of the United States has made it his priority to capture or kill Osama bin Laden. An aggressive military campaign has succeeded in flushing bin Laden and a few of his generals out of the Tora Bora mountain region and now has them on the run. Recent intel places them in an underground bunker of a home in a village near the Afghanistan-Pakistan border. Because of the estimated depth of the bunker along with its anticipated reinforcements, the only way to ensure a kill would be to drop a bomb on it powerful-enough to effectively wipe out the village. Assume some villagers are sympathetic with bin Laden and his cause while others are not. The total estimated casualty count, including children, is seventy to one-hundred persons. Waiting for ground troops to surround the home is not an option, since bin Laden's pattern suggests that he will be on the move before sufficient forces arrive. Last, assume that the intel is very good; it comes from an embedded operative.

Is it morally permissible to bomb the underground bunker? Discuss the different dimensions to this case that you take to be relevant in answering this question, and then motivate a position and defend it against a plausible objection.

Monday, November 10: Global Justice and Fair Trade

Study Questions

1. Pogge argues that the global poor ought to be seen as owning a share of all natural resources. Is this position defensible? How?
2. Pogge's notion of global justice is more modest than Singer's utilitarianism, but both represent a blow to the ordinary notion that a nation has full moral title over its natural resources. What moral grounds – if any - could be given to defend this ordinary notion against its critics?
3. In the international context, do we owe money to developing societies – or other forms of aid? What if political transformation were more effective at combating poverty? Imagine, for example, that democratization were more effective than transfer payments at ending poverty. Would Pogge's argument still hold?

4. Do Pogge's three grounds establish that we are, in fact, currently imposing an injustice upon the world's peoples?
5. Pogge is interested in macro-level political interactions, but his approach may help illuminate the facts in the catfish case. How so? If Pogge's analysis is correct, does anything remain to be said on behalf of the domestic catfish producers?
6. What is Risse's overall argument? How much, if any, agreement is there between his position and Pogge's?

WRITTEN ASSIGNMENT

Think about the duties that we have to others. Some duties we owe to all persons, simply in virtue of their status as moral equals. Others we acquire in virtue of cooperative ventures we have entered into, promises we have made, benefits we have received, harms we have inflicted, or other forms of interaction and relation. Still more stringent duties are owed to our fellow citizens in order to justify the coercion that we subject each other to under law—a singularly encompassing system of social cooperation. Now think about international trade, the effect on people in other countries of various policies to open or restrict trade, and whether people in other countries are owed anything more than what is owed to persons simply as persons. Is the US government justified in pursuing policies that favor Louisiana catfish farmers over Vietnamese catfish farmers? Why or why not? Make sure to defend your answer against objections. (And assume—perhaps contrary to fact—that these protectionist measures do not violate any law or treaty.)

Wednesday, November 12: Global Justice and Immigration

Study Questions

1. Consider the legal concept of adverse possession: Suppose I occupy a house that is not used by its owner with the owner's knowledge, although without her permission. "Adverse possession" says that, after a while, if the owner tolerates this situation, I start having a claim to that house and can no longer be expelled. Could one make a related argument with regard to illegal immigrants, especially from Hispanic countries? Everybody knows there is about 12 million of them; part of the economy very much depends on them; and while sometimes rather radical measures are taken to expel some, or to keep others out, the US does far less than it could to make sure they leave the country. Parallel to adverse possession, one might then say, they should be allowed to stay now.
2. In 2007, President Bush proposed an immigration reform whose main points were that illegal immigrants, in response to paying a substantial fine, would have been allowed to stay, but at the same time, influx of more illegal immigrants would have been made more difficult. One major reason why this proposal failed was because, to many lawmakers, it looked too much like

an amnesty. Do you think that an amnesty should be offered to illegal immigrants? Why or why not?

3. Traditionally, the US has been a country of immigrants. Do you think this fact should have any bearing on immigration policy now?

4. One major reason why states are relocating to allowing immigration is because immigrants tend to influence and often shape the culture in which they settle down. Do you think states are justified in keeping out immigrants to guarantee the purity of their culture? (Do not dismiss lightly the positive aspects of living in a relatively homogenous society.)

WRITTEN ASSIGNMENT

Where somebody is born is entirely a matter of luck. Nobody chooses her parents. In light of this fact, are those of us who were luckier than others in terms of the richness of the country where they were born entitled to keeping the others out of said country? Be sure to provide arguments, objections, and responses in answering this question.

Monday, November 17: Global Justice and the Environment

Study Questions

1. What principle of fairness does Singer end up motivating? What are his reasons for adopting it? What problems does it have? Are they insurmountable?

2. The following is known among philosophers as the non-identity problem: Who will be alive in the future depends on what policy measures are taken today, just as who is alive today depends on policy measures that were taken in the past. (Who could actually claim to be alive today had governments outlawed trains and cars?) The point is that what policies are adopted affects which people get to meet each other, what they do, thus when they have sex, and thus also what combination of genes get mixed together to form the next generation. Consider now the following argument: It does not really matter what we do about climate change, that is, it does not matter whether we pursue a strategy of mitigation or one of adaptation. In either case, the people alive a few generations from now would not be alive had we done something else. So they are in no position to complain. They will not have been harmed by those policies no matter what because they would not even be alive had different policies been adopted.

3. One standard objection to the Polluter Pays Principle (PPP) is that many of the polluters are no longer around to pay, and this leaves it unclear how to proceed. Caney discusses three responses to this worry: the individualist, the collectivist, and the third way. What are these positions, and which, if any, do you think is the most promising?

4. What is the egalitarian defense of a PPP? What problems does Caney bring to bear on this defense? Are his conclusions correct?

5. Caney provides a two premise argument for the conclusion that “Persons have the human right not to suffer from the disadvantages generated by global climate change” (704). Which of the two premises of his argument is the weakest one, and how might it be challenged?
6. How does Callicott understand the difference is between intrinsic value and instrumental value?
7. What is Callicott’s reasoning for the conclusion that the Environmental Species Act implicitly holds that nature has intrinsic value?
8. Do you agree with Callicott that the appropriate democratic domain for expressing instrumental values is the market, while the appropriate democratic domain for expressing non-instrumental values is the legislature?
9. What is the difference, as Norton understands it, between strong and weak intrinsic value and why does he maintain that appreciating this distinction is important for certain discussions of environmental policy?

WRITTEN ASSIGNMENT

The following appeared in a 2005 issue of an on-line edition of the Smithsonian Magazine: “The islands of Tuvalu, located in the Pacific Ocean and no more than 15 feet above sea level, is one of the many small island states that are in danger of being washed away as a result of sea level rise, the inevitable consequence of global warming. Flooding from extreme high tides has increased, and big swells and freak waves are washing over the island more frequently. In addition to rising sea levels, Tuvalu has been experiencing more extreme weather conditions such as cyclones and tropical storms since the 1980s. The gravity of the situation has reached the point where the nation’s leaders have asked its neighboring countries, Australia and New Zealand, to accept Tuvaluans as environmental refugees.” Are Australia and New Zealand morally required to accept these refugees? Or do you think another solution would be preferable? Develop a position and defend it against objections.

Wednesday, November 19 – Ethics and Adversaries

Study Questions

1. Are public officials ever justified in lying to the public? In misleading? Why or why not? When and when not?
2. Is Miller’s treatment of the press rule-permissible within the “game” of politics? If so, does that render such treatment morally permissible? What is Applbaum’s answer?
3. Madison talks about “factions.” What is a faction? Does Madison think factions are good or bad? Do you agree?

4. Madison is skeptical about the existence of many “enlightened statesmen.” Is he too skeptical? Does his approach overly inhibit enlightened policymakers in the interest of restricting unenlightened policymakers?

5. According to Madison, do citizens and politicians, by nature, mainly pursue their own gain, or mainly pursue the public good? Is this state of affairs good or bad?

6. How much direct political participation by citizens is desirable, according to Madison? Why?

7. Some have concluded that, in arguing for the invasion of Iraq, the Bush administration intentionally deceived the American public about Iraq’s WMD capabilities. To put the charge more charitably, the administration overstated the degree of certainty about those capabilities that would be reasonable to infer from the evidence available to the administration at the time. Is such exaggeration in political debate justified? Why or why not?

WRITTEN ASSIGNMENT

Is Miller justified in misleading the press? Make sure you take account of the strongest argument against your own conclusion.

Monday, November 24: A Division of Moral Labor

Study Questions

1. Who is right, Quinlan or Applbaum? Why?

2. Quinlan says, “One may think a particular policy concept to be a square circle, and indeed within the confidence of Whitehall one may argue fervently to that effect; but once the decision is taken, it is a matter not just of duty but of professional pride to help make the very best square circle that effort and imagination can contrive” (542). Do you agree?

3. Is it possible both to defer to authority and to act autonomously?

4. Why was the impasse between Cox and Nixon a “constitutional crisis?”

5. Was Robert Bork justified in firing Cox, rather than resigning? Why or why not? Can both Bork and Richardson’s actions be justified? Explain why or why not.

6. How do Elliot Richardson, Al Haig, and Robert Bork understand the responsibilities of their jobs? What promises have they made? What obligations do they believe to have assumed? What duties do they believe fall upon them? How do they understand each other’s job and obligations? Is it possible for all three to have acted rightly, when they pursued conflicting purposes?

7. Did the three act effectively? Did they get what they wanted? What tactical advice could you have offered Haig and Richardson in the last few days? What general strategy should each have adopted?

8. Classical tragedy is characterized by one or more of three elements: a choice, where a protagonist must decide between conflicting yet compelling duties; a sense of fate or inexorability; and a flaw in an otherwise noble character. Is the situation or are the characters of Richardson, Haig, or Bork tragic in any of these ways?

WRITTEN ASSIGNMENT

Attorney General Elliot Richardson refused President Nixon's order to fire Watergate Special Prosecutor Archibald Cox. White House Chief of Staff Al Haig, acting for Nixon, did all that he could to remove Cox. Was Richardson justified? Was Haig justified? Explain, and show how your answers are consistent.

Wednesday, November 26– NO CLASS (THANKSGIVING HOLIDAY)

Monday, December 1: Whistle-Blowing

Study Questions

1. What are the principle features of whistle-blowing that McConnell discusses?
2. Discuss briefly some of the issues that individuals, organizations, and society face when it comes to whistle-blowing, according to McConnell.
3. What, according to Davis, are the conditions that justify the moral permissibility of whistle-blowing, according to the standard theory? What does the theory say about the conditions needed for moral requirement to whistle-blow?
4. Which of the problems to the standard theory that Davis examines do you consider to be the most serious, and why?
5. Briefly state Davis's alternative theory of the obligations involved with whistle-blowing and the differences between it and the standard theory.

WRITTEN ASSIGNMENT

Briefly articulate and defend a theory of whistle-blowing (when if ever is it obligatory or at least permissible to whistle-blow?) and use this theory to evaluate the actions of Cynthia Fitzgerald and James Marchese.

Wednesday, December 3: Taking Responsibility

Study Questions

1. What is the problem of “many hands”?
2. Why is it important to ascribe moral responsibility for wrongdoing and failure in government? Shouldn't we concentrate on learning how to do right and how to succeed?
3. In what ways do the criteria of personal moral responsibility in private life need to be modified to develop an adequate account of moral responsibility in large institutions and government?
4. When is ignorance a good excuse for a public official? When is it not?
5. Thompson says that compulsion can relieve an official of responsibility, and that a direct order is a form of compulsion. But in our discussions of civil disobedience and official discretion, we have seen that officials are sometimes justified in dissenting from direct orders. If so, how can the compulsion of the law relieve an official of responsibility?
6. Examine the case of Richard Murphy (209-10), who argues that he simply did his job by challenging information tending to implicate Iraq in atrocity:

I think that we did what we are supposed to do with intelligence: We challenged it. We said, “Where did you get it?”; “Who are your sources?”; “How do you know you can trust these sources?”

Was Murphy justified in so acting? Would it change matters if he was motivated by a desire to avoid alienating Iraq? Does he bear any responsibility for the Iraqi perception that it could commit atrocity without fear of U.S. reprisal?

7. How far down the chain can responsibility go? Do the farmers in Louisiana whose lobbyists condemned the attempt to sanction Iraq bear partial responsibility for the continued atrocities in Iraq?
8. Peter Galbraith broke numerous rules for Senate staffers in his efforts on behalf of the Kurds (see 239-240). Was he justified in doing so? Would the Senate have been justified in firing him as a result?
9. What benefits would exist if an International Criminal Court existed which was able to effectively punish Iraqi agents for their roles in the Anfal? What drawbacks would there be? If the benefits outweigh the drawbacks, do individual states have a duty to create such a court? Do they have such a duty even if their own citizens might become subject to its jurisdiction?

WRITTEN ASSIGNMENT

From March 1987 until October 1988, Iraq destroyed some 4,000 Kurdish villages, drove about 1.5 million Kurds from their homes, and killed close to 100,000 persons. Iraq's stated goal was to stamp out a long-simmering armed insurgency, but virtually all of the dead were unarmed civilians who were systematically lined up and machine-gunned or indiscriminately poisoned from the sky with chemical weapons. In so doing, Iraq violated international conventions against the use of chemical weapons and against genocide. The genocide convention requires the U.S., as a signatory, to take forceful measures to prevent, stop, and punish violations.

Throughout this period, and despite mounting evidence of massive atrocities, the chief of the State Department's Bureau of Near Eastern Affairs Richard Murphy continued to argue for friendly diplomatic relations, increased trade credits, and noninvolvement in Iraqi internal affairs. After losing a State Department battle over acknowledging and condemning Iraq's violation of the chemical weapons convention, he sought to limit U.S. criticism to the use of chemical weapons, rather than to the massacre of the Kurds more generally, and he especially cautioned against labeling the Iraqi policy "genocide," which would trigger the provisions of the genocide convention.

But Murphy did not by himself have the power to stop Iraq's Anfal campaign against the Kurds; he claimed to believe—let us assume sincerely—that there wasn't sufficient proof of the use of poison gas or of systematic killings; and his stance towards Iraq was the official policy of both the Reagan and the subsequent Bush administrations. The reasons behind this pro-Iraqi policy, which persisted up to the moment of Iraq's invasion of Kuwait in 1990, were clear: a strong Iraq was believed to provide a necessary counterweight to Iran, and Iraq was a major importer of American agricultural products.

Is Murphy morally responsible in any way for the horrors that befell the Kurds? Your answer should contain the essential elements of an account of individual responsibility for the consequences of the inaction of institutions, and defend that account against objections.

3rd Written Assignment Due by Today