

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

**DPI-201: THE RESPONSIBILITIES OF PUBLIC ACTION**

**FALL 2009**

**SECTION B**

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Office Hours: Tuesdays, 2-4 (please sign up) or by appointment

M/W 2.40pm – 4.00pm  
L130

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Tutorials:

B1: Thursday, 1:10 – 2:30, 124 Mt. Auburn, Rm 160  
B2: Thursday, 2:40 – 4.00, 124 Mt. Auburn, Rm 160

**GETTING STARTED**

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

**DPI-201: 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. For the first five weeks, attendance is mandatory, afterwards voluntary and will be counted favorably towards your class participation grade. For the first five weeks of the term, you are also required to work in study groups. Afterwards, working in study groups is voluntary, and again will be counted favorably towards your participation grade. 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 not exceed 750 words. The first assignment will count for less than the second and third. The three papers together will count for 40% of your course grade. There will be three deadlines during the term by which the respectively 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 Thursday, December 3 at 10:00 am, and are due by Friday, December 18, 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.

We will read substantial portions of three books, which have been ordered in paperback editions at the Harvard Coop:

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

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 recommended as background and supplement:

Adam Swift, *Political Philosophy: A Beginner's Guide for Students and Politicians* (Polity Press, 2001).

Will Kymlicka, *Contemporary Political Philosophy, 2<sup>nd</sup> Edition* (Oxford Univ. Press, 2001).

Also Recommended:

Anthony Weston, "Definition," in *A Rulebook for Arguments*, 2<sup>nd</sup> ed. (1992), pp. 89-95.

Robert Audi (editor), *The Cambridge Dictionary of Philosophy* (1995), entries on "circular reasoning" (pp. 124), "formal fallacy" (pp. 271-273), and "informal fallacy" (pp. 373-376).

*Unless otherwise indicated, all other readings for the course are available through the Course Materials Office.*

## INTRODUCTION

### 1. Roles and Principles

Wednesday, September 2

Case: Legislative Discretion

“Senator McGrail and the Death Penalty/Senator Johnson and the Death Penalty” (1 page).

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.

Dennis F. Thompson, “Legislative Ethics,” *Political Ethics and Public Office* (1987), pp. 96-122. [BOOK]

**Monday, September 7 – NO CLASS (Labor Day)**

### 2. Foundations of Morality I: Consequentialism

Wednesday, September 9

Case: Humanitarian Aid

Peter Singer, “Famine, Affluence, and Morality,” *Philosophy & Public Affairs* 1:3 (1972), pp. 229-243. [COURSE WEB PAGE ACCESS]

<http://links.jstor.org.ezp1.harvard.edu/sici?sici=0048-3915%28197221%291%3A3%3C229%3AFAAM%3E2.0.CO%3B2-3>

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.

#### 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.

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

#### Recommended Source Readings:

Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, Chapters I

and IV.

John Stuart Mill, *Utilitarianism*, Chapters I-III

### **3. Foundations of Morality II: Kantian Deontology** **Monday, September 14**

Case: Humanitarian Aid Revisited

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

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

#### Recommended Further Readings:

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

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

#### Recommended Source Reading:

Immanuel Kant, *Groundwork on the Metaphysics of Morals*, Section II

## **PART I. POLITICAL PRINCIPLES AND PUBLIC POLICY**

### **4. Liberty and Its Limits I: Freedom of Conscience** **Wednesday, September 16**

Case: Headscarves in Turkey and the U.S. Pledge of Allegiance

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

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

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

## 5. Liberty and Its Limits II: Speech and Harm

### Monday, September 21

**Case:** Neo-Nazi Parades

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

Peter Bergen and Paul Cruickshank, “Clerical Error,” *The New Republic*, August 8, 2005, pp. 10-12.

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

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

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

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

Judith N. Shklar, “Liberalism of Fear,” in *Liberalism and the Moral Life*, ed. Nancy L. Rosenblum (1989), pp. 21-38, 255-256.

## 6. Liberty and Its Limits III: Paternalism

### Wednesday, September 23

**Case:** Banning Transfats

\*Dennis F. Thompson, “Paternalistic Power,” in *Political Ethics and Public Office* (1987), pp. 148-177. [BOOK]

Richard Thaler and Cass Sunstein. *Nudge: Improving Decisions About Health, Wealth, and Happiness*. (New Haven: Yale University Press, 2008). Chapter 2, “Resisting Temptation,” pp. 40-52,

“New York Bans Most Trans Fats In Restaurants”, *New York Times*, December 5, 2006. <http://www.nytimes.com/2006/12/05/nyregion/06transfatend.html>

New York City Department of Health and Mental Hygiene On The Trans Fats Ban: <http://www.nyc.gov/html/doh/html/cardio/cardio-transfat-healthcode-faq.shtml>

Recommended Further Reading:

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

Steinhauer, Jennifer. "California Bars Restaurant Use of Trans Fats," *New York Times* (July 26, 2008).

URL: <http://www.nytimes.com/2008/07/26/us/26fats.html>

## **7. Equality I: Distributive Justice** **Monday, September 28**

**Case:** Income and Taxation

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

Will Kymlicka, "Libertarianism," Sections 1-3, in *Contemporary Political Philosophy*, 2<sup>nd</sup> Edition (2002), pp. 102-127.

Milton Friedman, "The Distribution of Income" from *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962): 161-166.

### Recommended Source Readings:

Louis Uchitelle, "Richest of the Rich, Proud of a New Gilded Age" in *New York Times*, July 15, 2007)

John Rawls, "Justice as Fairness," *Philosophical Review*, 67 (1958), pp. 164-94.

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

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

## **8. Equality (Special Topic): Ethics of Enhancement I** **Wednesday, September 30**

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

Michael Sandel, *The Case Against Perfection: Ethics in the Age of Genetic Engineering* (Harvard University Press, 2007), pp. 1-21; 45-62.

### Recommended Further Readings

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

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

***1<sup>st</sup> Written Assignment Due by Today, September 30***

### **9. Equality (Special Topic): Equality and the Ethics of Enhancement II Monday, October 5**

Michael Sandel, *The Case Against Perfection: Ethics in the Age of Genetic Engineering* (Harvard University Press, 2007), pp. pp. 63-100.

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

### **10. Democracy I: Political Equality Wednesday, October 7**

**Case:** Racial Districting

*Shaw vs Reno*, Selections (O'Connor majority opinion, Stevens dissent).

Lani Guinier, "Second Proms and Second Primaries," *Boston Review* 17:5 (1992).  
<http://bostonreview.net/BR17.5/guinier.html>

Robert Dahl, "A Theory of the Democratic Process" in *Democracy and Its Critics* (New Haven: Yale University Press, 1989): pp. 106-115 (up to "Problems in the Theory").

"Elections with No Meaning" (editorial), *New York Times* (February 21, 2004), pp. A14.  
**Available via LEXIS NEXIS**

**Monday, October 12 – NO CLASS (COLUMBUS DAY)**

### **11. Democracy II: Deliberation Wednesday, October 14**

**Case:** Public Deliberation in Rebuilding New York City

Archon Fung and Susan Rosegrant, "Listening to the City: What Should Be Built at Ground Zero," in *Ethics and Politics: Cases and Comments, 4<sup>th</sup> Edition*, ed. Amy

Gutmann and Dennis Thompson (Belmont, CA: Thomson Wadsworth, 2006), pp. 303-310.

Elster, Jon, "The Market and the Forum: Three Varieties of Political Theory," in *Foundations of Social Choice Theory*, ed. Jon Elster (New York: Cambridge Univ. Press, 1989), pp. 103 – 132.

## **12. Democracy III: Difference and Accommodation** **Monday, October 19**

**Case:** Religious Fundamentalism and Public Education

Gregory M. Stankiewicz, "The Controversial Curriculum," in *Ethics and Politics: Cases and Comments [3<sup>rd</sup> edition]*, eds. Amy Gutmann and Dennis Thompson (1997), pp. 327-333.

Stephen Macedo, "Multiculturalism and the Religious Right" and "Diversity and the Problem of Justification," in *Diversity and Distrust: Civic Education in a Multicultural Democracy* (2000), pp. 153-187, 313-321.

## **PART II. POLITICAL PRINCIPLES ACROSS POLITICAL BOUNDARIES**

## **13. Cross-Cultural Conflicts of Value** **Wednesday, October 21**

**Case:** The Theistani Poet

Bernard Williams, *Morality: An Introduction to Ethics* (1972, 2nd ed. 1993), pp. 20-26.

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

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

### **Recommended:**

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

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

## 14. Human Rights, War, and Intervention

### Monday, October 26

Case: Intervening in Iraq

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

“Why Attack Iraq?” in *Ethics and Politics: Cases and Comments, 4<sup>th</sup> Edition*, ed. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson Wadsworth, 2006), pp. 45-58.

David Luban, “Preventive War,” *Philosophy & Public Affairs* 32:3 (2004), pp. 207-48.  
<http://www.blackwell-synergy.com.ezpl.harvard.edu/toc/papa/32/3>

## 15. Global Justice and Fair Trade

### Wednesday, October 28

Case: Agricultural Protections

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

Mathias Risse, “How Does the Global Order Harm the Poor?” *Philosophy and Public Affairs* 33 (2005), pp. 349-376. [COURSE WEB PAGE ACCESS]  
<http://www.blackwell-synergy.com.ezpl.harvard.edu/toc/papa/33/4>

“The Great Catfish War,” *New York Times* (July 22, 2003), A18. [COURSE WEB PAGE ACCESS]  
[http://www.lexisnexis.com.ezpl.harvard.edu/us/lacademic/api/version1/sr?shr=t&csi=6742&sr=HLEAD\(the+great+catfish\)+AND+DATE+IS+07/22/2003](http://www.lexisnexis.com.ezpl.harvard.edu/us/lacademic/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,” to appear in *Politics, Philosophy, and Economics* [COURSE WEB PAGE ACCESS]

Malgorzata Kurjansjka and Mathias Risse, “Fairness in Trade II: Subsidies and the Fair-Trade Movement” [COURSE WEB PAGE ACCESS]

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

Oxfam, Executive Summary, *Rigged Rules and Double Standards: Trade, Globalisation,*

*and the Fight Against Poverty* (2002), pp. 1-18.

## **16. Justice and Immigration** **Monday, November 2**

**Case:** Immigration Policy

Joseph Carens, "Aliens and Citizens: The Case for Open Borders," *The Review of Politics* 49:2 (1987), pp. 251-273.

<http://links.jstor.org/sici?sici=0034-6705%28198721%2949%3A2%3C251%3AAACTCF%3E2.0.CO%3B2-I>

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

Martin Ruhs and Ha-Joon Chang. "The Ethics of Labor Immigration Policy," *International Organization*. 58:1 (Winter 2004): 69-102.

**Available via HOLLIS**

**2<sup>nd</sup> Written Assignment Due by Today, November 2**

### **PART III. POLITICAL AUTHORITY AND PUBLIC ROLES**

## **17. Ethics and Adversaries** **Wednesday, November 4**

**Case:** Political Deception

"Miller and Furloughs" [rev. 9/91] (1 page).

"George W. Bush on Iraq's Nuclear Weapons," in *Ethics and Politics: Cases and Comments*, 4<sup>th</sup> ed (2006), eds. Amy Gutmann and Dennis Thompson, pp. 88-95.

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 *The Founders' Constitution Vol. 1*, eds. Philip B. Kurland and Ralph Lerner (1987), pp. 128-131, 330-331.

## 18. A Division of Moral Labor?

Monday, November 9

Case: Watergate

Mark H. Moore and Malcolm K. Sparrow, "Saturday Night Massacre," in *Ethics in Government: The Moral Challenge of Public Leadership* (1990), pp. 136-144.

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

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

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

Wednesday, November 11 – NO CLASS (VETERAN'S DAY)

## 19. What is Legitimate Law?

Monday, November 16

Case: South African Judges Under Apartheid

Raymond Wacks, "Judges and Injustice," *South African Law Journal* v. 101 (1984), pp. 266-285.

<http://heinonline.org.ezpl.harvard.edu/HOL/Page?handle=hein.journals/soaf101&id=268&collection=journals>

John Dugard, "Should Judges Resign? A Reply to Professor Wacks," *South African Law Journal* v. 101 (1984), pp. 286-294.

<http://heinonline.org.ezpl.harvard.edu/HOL/Page?handle=hein.journals/soaf101&size=2&isize=L&rot=0&collection=journals&id=288>

## 20. Civil Disobedience

Wednesday, November 18

Cases: Segregated Buses, Abortion Clinics, AIDS Drugs

Martin Luther King, Jr., "A Letter from the Birmingham Jail," in *Why We Can't Wait* (1963), pp. 77-100.

Ronald Dworkin, "Civil Disobedience and Nuclear Protest," *A Matter of Principle* (1985), pp. 104-116.

## **21. Official Disobedience**

### **Monday, November 23**

**Case:** Whistleblowing

David Rudenstine, “Daniel Ellsberg and the Pentagon Papers,” in *Ethics and Politics: Cases and Comments [3<sup>rd</sup> edition]*, eds. Amy Gutmann and Dennis F. Thompson (1997), pp. 161-171.

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

Taylor Branch, “The Odd Couple,” in Gutmann and Thompson, 2nd ed., pp. 104-113.

Daniel Ellsberg, “Are Secrecy Oaths a License to Lie?” in *Harvard International Review* Vol. 26, No. 2 (Summer 2004).

**Available via HOLLIS**

**WEDNESDAY, November 25 – NO CLASS (THANKSGIVING)**

## **22. Political Legitimacy and Discretion**

### **Monday, November 30**

**Case:** Legal Services

Mark H. Moore and Malcolm K. Sparrow, “David Goldman and California Legal Services,” in *Ethics in Government: The Moral Challenge of Public Leadership* (1990), pp. 57-63.

Arthur Isak Applbaum, “Democratic Legitimacy and Official Discretion,” in *Ethics for Adversaries* (1999), pp. 207-239. [BOOK]

## **23. Taking Responsibility**

### **Wednesday, December 2**

**Case:** The Iraqi Kurds, 1988

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.

Michael Ignatieff, "The Burden" in *New York Times Magazine* (January 5, 2003).  
**Available via LEXIS NEXIS**

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

**Recommended:**

Noam Chomsky, "Humanitarian Intervention," *Boston Review* 18:6 (December 1993/January 1994).  
<http://bostonreview.net/BR18.6/chomsky.html>

***3<sup>rd</sup> Written Assignment Due by Today, December 2***