

HARVARD KENNEDY SCHOOL OF GOVERNMENT

DPI-201: THE RESPONSIBILITIES OF PUBLIC ACTION

FALL 2012

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SECTIONS B & D

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SECTION B

Lecture
Mon & Wed 1:10-2:30
L280

Tutorials
B1: Tues 11:40-1:00
124MA/160

B2: Tues 4:10-5:30
T275

Oded Naaman
Teaching Fellow
onaaman@fas.harvard.edu
Office Hours:
Wednesdays: 2:30-4:30

SECTION D

Lecture
Mon & Wed 2:40-4:00
L280

Tutorials
D1: Tues 11:40-1:00
T301

D2: Tues 2:40-4:00
T275

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Teaching Fellow
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Office Hours:
Wednesdays 12:30-2:30

GETTING STARTED

Those who seek to govern well are inescapably confronted in their 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 central questions: (1) What should governments do? (2) What should public actors do? The first question requires us to consider the norms, or 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 both inside and outside government, particularly when there is 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 can 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 normative reasoning—reasoning about moral and political principles and values—and invites reflection about one's moral and political commitments through an ongoing engagement with classmates and authors (who may have different commitments).

DPI-201 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

Weekly Lectures You are expected to attend every lecture, prepared to discuss the day's assignment and ready to make thoughtful contributions to the learning of your classmates. I encourage students to participate freely, but I will also call on students regardless of whether hands are raised, doing so in the spirit of bringing many members of the class into the conversation.

A couple of missed lectures throughout the semester is completely understandable. But missing more than two lectures will negatively affect your participation grade, unless there are compelling reasons for your absence. Missing more than five lectures will be understood as you failing to meet the minimal requirement for participation, and will result in you receiving an F for this portion of your final grade, unless there are compelling reasons for your absence.

Some general issues. I expect that you make it to each lecture on time and remain in lecture until it is over. Phones and other devices should be silenced. I'm happy with you using laptops, netbooks, iPads, etc. to take notes and to access the readings, but I ask that you not use these

items for personal matters during the lectures (e.g., shopping, gchatting, FB status updating, tweeting, working on material for another course, planning a conference, organizing a night out, etc.). Also, I ask that you please do not eat during the lectures. Beverages are fine.

Weekly Review Section

The weekly review section for DPI-201 is an important part of the course. It is not just for review, since there will always be material from the lectures that needs to be expanded upon in the section meetings. The review section also provides an opportunity to discuss the material at greater length in a smaller classroom setting, which is crucial to learning it. As such, regular attendance is expected.

That said, given the HKS workload and the frustrations that sometimes arise with time management issues, there is some flexibility regarding absences from the review section. The first four meetings are required, as they will offer you vital instruction on succeeding in the course, including details on writing quality papers for it. After that, you must attend at least half the remaining meetings. Failure to do so will negatively effect your participation grade, unless there are compelling reasons for your absence.

Google Group

A Google group will be created for the combined members of B & D. This group will be an opportunity to continue conversations from lectures and review sections online, and will also be an opportunity to discuss current events in the context of exploring any issues of political morality that arise in these events. More about this online tool will be discussed in lecture and in section. Participation in this forum will count toward your overall participation grade.

Summary

Class participation counts for 20% of your final grade. Satisfying the requirements laid out means that you will receive a passing grade for participation; it does not by any means guarantee an A for this portion of the course. Putting attendance aside, your participation grade will be a function both of the quantity and of the quality of your ongoing contributions in the lectures, section meetings, and Google group.

Reading Responses

For each class meeting except the first day, you are required to engage the readings to be discussed that day. This will involve answering two questions. Answers to the two questions are mandatory, and graded as complete or incomplete. Your answers are to be posted to the course webpage by noon.

The first question always is “In what you read for today, what did you find most illuminating? Why?” The second question always is “In what you read for today, what did you find most puz-

zling? Why?” Your answers to each of these questions should be about a paragraph, nothing more. In a paragraph, you cannot possibly give a thorough answer to the question, and a thorough answer is not expected. You should, however, give the beginnings of a thoughtful answer.

You are encouraged to discuss the readings with your peers, but your answers must be your own work. In particular, you may not give an answer to the two questions if you have not done the reading yourself. Instead, your answer should simply say, “I have not read enough for today to find something illuminating or puzzling.”

On the three days when you are submitting longer written arguments, you do not need to submit a reading response. You may also skip four additional days without penalty. In total, then, you are required to submit sixteen reading responses.

Written Assignments

There are three written assignments that you will need to complete for this course. Each is to be between 700 and 800 words, and combined they will count for 40% of your final grade. Late assignments will not be accepted; failure to meet a deadline will be understood as you receiving an F for that particular assignment. The topics available for each paper are provided below. If you wish to write on a certain topic, then you need to hand in the paper on the day it is due. Due dates for specific paper topics will not be negotiated.

All papers are to be submitted online on the course webpage by noon on the day that they are due.

Papers are first read by the TF for the course, who will include comments on them. They are then turned over to me. I will read the papers, add any additional comments as needed, and then assign grades for the papers. Grades will, roughly, conform to the Harvard Kennedy School recommended grading scale. After I am done grading the papers, your TF will record the grades and the papers will then be sent back to you. In light of this process, you should expect to have your papers returned to you between ten days and two weeks after you have submitted them. If you would like to read the feedback from one paper before writing the next, please plan accordingly.

Details about the papers—what my expectations are, what the specific questions are under each topic, how these papers best ought to be written, and so forth—will be provided in the review sections at the beginning of the semester, and will then be put online.

Paper One

<u>Topic</u>	<u>Due Date</u>
Confronting Hate Speech	Monday, Sept. 24
Money, Lobbies, and Political Speech	Wednesday, Sept. 26
Income Inequality and Justice	Monday, Oct. 1
The Free Market: Limits on What We Buy and Sell	Wednesday, Oct. 10
Paternalism in Promoting Health	Wednesday, Oct. 10

Paper Two

Is Health Care a Right?	Wednesday, Oct. 17
Personal Responsibility and Health Care	Monday, Oct. 22
Initiating War	Wednesday, Oct. 24
Conducting War	Monday, Oct. 29
Universal Human Rights and Cultural Relativism	Wednesday, Oct. 31
Global Climate Justice	Wed, Nov. 7

Paper Three

Legal Moralism	Wednesday, Nov. 14
Obedience to the Law	Monday, Nov. 26
Civil Disobedience and Changing the Law	Monday, Nov. 26
Representing Constituents	Monday, Dec. 3
Public Officials and Truth-Telling	Wednesday, Dec. 5

Final Take-home Examination

The final exam will consist of essay questions that are to be answered in no more than 2,000 words in total. The final exam counts for 40% of your final grade. Late examinations will be heavily penalized. Exams will be available on Friday, December 7 at 10am and are due Friday, Dec. 21 at 4pm.

More details on the final exam will be given in the lectures and section meetings towards the end of the semester.

READINGS

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

Many of the 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.

If you would like to explore in greater depth some of the topics covered in the course, I suggest the following two books as a good starting place.

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)

I also recommend that you look at the following helpful guidelines on reading philosophy:

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

ADDENDUM: SOCIAL NETWORK POLICY

Beyond the Google group created for the course, I have an online presence through various social networks and am delighted if you're interested in connecting with me via these sites. I'm also perfectly content if you are not. The views I express on these sites are entirely my own and are not to be confused in any way with me speaking in the capacity of my role at HKS. In light of that, while I'll happily accept FB friend requests, Twitter followers, etc., I will not initiate such contact. The idea is to do whatever you're comfortable with.

COURSE OUTLINE

1. INTRODUCTION

1.1 Moral Theories 101

1.2 Engaging In Deliberative Politics

- Moral Intuitions and Behavioral Psychology
- Public Reason and Deliberative Democracy

2. POLITICAL PRINCIPLES AND DOMESTIC POLICY

2.1 Political Speech

- Confronting Hate Speech
- Money, Lobbies and Political Speech

2.2 Economic Justice

- Income Inequality and Justice: Liberal Egalitarianism
- Income Inequality and Justice: Libertarianism and Neo-Classical Liberalism
- The Free Market: Limits on What We Buy and Sell

2.3 Health and Health Care

- Paternalism in Promoting Health
- Is Health Care a Right?
- Personal Responsibility and Health Care

3. POLITICAL PRINCIPLES AND FOREIGN POLICY

3.1 War

- Initiating War: Preemptive, Preventive, and Humanitarian Conflicts
- Conducting War: Terrorism and Torture

3.2 Global Justice

- Universal Human Rights and Cultural Relativism
- Global Climate Justice
- Disasters and Scarce Resources

4. POLITICAL AUTHORITY AND PUBLIC ROLES

4.1 The Law

- Legal Moralism

4.2 The Authority of the Law

- Obedience to the Law
- Civil Disobedience and Changing the Law

4.3 The Obligations of Political Roles

- Representing Constituents
- Public Officials and Truth-Telling
- Official Disobedience and Whistle-blowing
- Collective Agency and Responsibility

COURSE SCHEDULE WITH READINGS

1. INTRODUCTION

1.1 Moral Theories 101

Fri., Sept. 7: Consequentialism and Non-Consequentialism

- Christopher Robichaud, “With Great Power Comes Great Responsibility: On the Moral Duties of the Super-Powerful and the Super-Heroic,” Chapter 14 in *Superheroes and Philosophy* (2005), edited by Tom Morris and Matt Morris, pp. 177-193. **(packet 1)**

1.2 Engaging In Deliberative Politics

Mon., Sept. 10: Moral Intuitions and Behavioral Psychology

- Daniel Kahneman, selections, *Thinking Fast and Slow* (New York: Farrar, Straus and Giroux, 2011), pp. 19-30, 39-49, 450, 452-453. **(packet 1)**
- Walter Sinnott-Armstrong, Liane Young, and Fiery Cushman, “Moral Intuitions,” Chapter 7 of *The Moral Psychology Handbook*, edited by John. M. Doris (Oxford: Oxford University Press, 2010), pp. 246-72. **(posted on course page)**

Wed., Sept. 12: Public Reason and Deliberative Democracy

- John Rawls, “The Idea of Public Reason Revisited,” Sections 1-3, in *John Rawls: Collected Papers* (1999), pp. 573-591. **(packet 1)**
- Amy Gutmann and Dennis Thompson, “The Persistence of Moral Disagreement,” Chapter 1 of *Democracy and Disagreement* (Harvard: Harvard University Press, 1996), pp. 11-51. **(posted on course page)**

2. POLITICAL PRINCIPLES AND DOMESTIC POLICY

2.1 Political Speech

Mon., Sept. 17: Confronting Hate Speech

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

- Jeremy Waldron, “The Appearance of Hate” and “Protecting Dignity or Protection from Offense,” Chapters Four and Five in *The Harm in Hate Speech* (Harvard: Harvard University Press, 2012), pp. 65-143. **(packet 1)**

Wed., Sept. 19: Money, Lobbies and Political Speech

- Ronald Dworkin, "Free Speech and the Dimensions of Democracy," in *If Buckley Fell: A First Amendment Blueprint For Regulating Money In Politics* (1999), edited by EJ Rosenkranz, pp. 63-101, 191-193. **(packet 1)**
- Lawrence Lessig, “Why So Damn Much Money” and “What So Damn Much Money Does,” Chapters Nine and Ten of *Republic, Lost* (New York: Twelve Publishing, 2011), pp. 89-171. **(packet 1)**

2.2. Economic Justice

Mon., Sept. 24: Income Inequality and Justice: The Rawlsian Approach

- Will Kymlicka, “Liberal Equality,” Chapter 3, sections 1-3, in *Contemporary Political Philosophy*, 2nd ed. (2002), pp. 53-75. **(posted on course page)**

Wed., Sept. 26: Income Inequality and Justice: Libertarian and Neo-Classical Approaches

- Will Kymlicka, “Libertarianism,” Chapter 4, sections 1-2, in *Contemporary Political Philosophy*, 2nd ed. (2002), pp. 102-27; 176-95. **(posted on course page)**
- John Tomasi, “Market Democracy,” Chapter 4 in *Free Market Fairness* (Princeton, NJ: Princeton University Press, 2012), pp. 87-122. **(packet 1)**

Mon., Oct. 1: The Free Market: Limits on What we Buy and Sell

- Debra Satz, “The Market’s Place and Scope in Contemporary Egalitarian Political Theory,” and “Noxious Markets,” Chapters 3 and 4 of *Why Some Things Should Not Be For Sale* (2010), pp. 63-112. **(posted on course page)**
- Michael Sandel, “How Markets Crowd Out Morals,” Chapter 3 of *What Money Can’t Buy* (New York: Farrar, Straus, and Giroux, 2012), pp. 93-130. **(packet 2)**

2.3 Health and Health Care

Wed., Oct. 3: Paternalism in Promoting Health

- Dennis F. Thompson, “Paternalistic Power,” in *Political Ethics and Public Office* (1987), pp. 148-177. **(packet 2)**
- Cass Sunstein and Richard Thaler, “Libertarian Paternalism is not an Oxymoron,” *University of Chicago Law Review* 70(4) (2003), pp. 1159-1202. **(posted on course page)**
- Daniel Hausman and Brynn Welch, “Debate: To Nudge or Not to Nudge,” *Journal of Political Philosophy* 18(1) (2010), pp. 123-136. **(posted on course page)**

Mon., Oct. 8: NO CLASS (Columbus Day)

Wed., Oct. 10: Is Health Care a Right?

- Norman Daniels, “Three Questions of Justice” and “What Is the Special Moral Importance of Health?” Chapters 1 and 2 of *Just Health* (2007), pp. 11-78. **(packet 2)**

Mon., Oct. 15: Personal Responsibility and Health Care

- Daniel Wikler, “Personal and Social Responsibility for Health,” Chapter 6 in *Public Health, Ethics, and Equity* (2004), edited by S. Anand, F. Peter, and A. Sen, pp. 109-34. **(posted on course page)**
- Brian Barry “The Cult of Personal Responsibility,” Section IV of *Why Social Justice Matters* (2005). **(packet 2)**

3. POLITICAL PRINCIPLES AND FOREIGN POLICY

3.1 War

Wed., Oct. 17: Initiating War: Preemptive, Preventive, and Humanitarian Conflicts

- Michael Walzer, “Law and Order in International Society” and “Interventions” Chapters 4 & 6 in *Just and Unjust Wars*, 4th ed. (1977; 2006), pp. 51-73; 86-108. **(posted on course page)**
- David Luban, “Preventive War,” *Philosophy & Public Affairs* 32 (2004), pp. 207-48. **(posted on course page)**
- Fernando R. Teson, “The Liberal Case for Humanitarian Intervention,” Chapter 3 in *Humanitarian Intervention: Ethical, Legal and Political Agendas*, edited by Holzgrefe and Keohane (2003), pp. 93-129. **(packet 2)**

Mon., Oct. 22: Conducting War: Terrorism and Torture

- Frances Kamm, “Terrorism and Intending Evil,” Chapter 2 in *Ethics for Enemies* (Oxford: Oxford University Press, 2011), pp. 73-118. **(posted on course page)**
- Alan Dershowitz, “Tortured Reasoning,” Chapter 14 of *Torture: A Collection*, edited by Sanford Levinson (2004), pp. 257-80. **(posted on course page)**

3.2 Global Justice

Wed., Oct. 24: Universal Human Rights and Cultural Relativism

- T.M. Scanlon, “Human Rights as a Neutral Concern,” Chapter 6 of *The Difficulty of Tolerance* (2003), pp. 113-23. **(packet 2)**
- Joshua Cohen, “Minimalism About Human Rights: The Best We Can Hope for?” *Journal of Political Philosophy*, 12, 2 (2004): pp 190-213. **(posted on course page)**

Mon., Oct. 29: No Class Due to Hurricane Sandy

Wed., Oct. 31: Global Climate Justice

- Simon Caney, “Cosmopolitan Justice, Responsibility, and Global Climate Change” in *Leiden Journal of International Law* 2005, pp. 747-72, 774-5. **(posted on course page)**
- Richard Miller, “Global Harm and Global Equity: The Case of Greenhouse Justice,” Chapter 2 of *Globalizing Justice* (2010), pp. 84-117. **(posted on course page)**

Mon., Nov. 5: Disasters and Scarce Resources

- Kamm, Frances, “Deciding Whom to Help, Health Adjusted Life Years, and Disabilities,” Chapter 11 in *Public Health, Ethics, and Equity* (2004), edited by S. Anand, F. Peter, and A. Sen, pp. 225-42. **(posted on course page)**

4. POLITICAL AUTHORITY AND PUBLIC ROLES

4.1 The Law

Wed., Nov. 7: Legal Moralism

- 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. 1-8. **(packet 3)**

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

Mon., Nov. 12: NO CLASS (Veterans’ Day)

4.2. The Authority of the Law

Wed., Nov. 14: Obedience to the Law

- Plato, “Crito,” in *Civil Disobedience in Focus*, ed. Hugo Adam Bedau (1991), pp. 13-27. **(posted on course page)**
- M.B.E. Smith, “Is There a Prima Facie Obligation to Obey the Law?” *Yale Law Journal* 82:5 (1973), pp. 950-976. **(posted on course page)**
- Joseph Raz, “Respect for Law,” Chapter 13 in *The Authority of Law*, 2nd Edition (Oxford: Oxford University Press, 2009), pp. 250-61. **(posted on course page)**

Mon., Nov. 19: Civil Disobedience and Changing the Law

- Martin Luther King, “A Letter from the Birmingham Jail,” in *Why We Can’t Wait* (1963), pp. 77-100. **(packet 3)**
- John Rawls, *A Theory of Justice* (1971), pp 350-391. **(posted on course page)**
- Ronald Dworkin, “Civil Disobedience and Nuclear Protest,” in *A Matter of Principle* (1985), pp. 104-116. **(posted on course page)**

Wed., Nov. 21: NO CLASS (Thanksgiving Break)

4.3 The Obligations of Political Roles

Mon., Nov. 26: Representing Constituents

- Edmund Burke, “Speech to the Electors of Bristol” (1774), in *The Founders’ Constitution, Vol. I*, edited by Philip B. Kurland and Ralph Lerner, pp. 391-392. **(posted on course page)**
- Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” *Ethics* 99/2 (1989), pp. 250-274. **(posted on course page)**

Wed., Nov. 28: Public Officials and Truth-Telling

- Arthur Applbaum, “Rules of the Game and Fair Play,” Chapter Six of *Ethics for Adversaries* (1999), pp. 113-135. **(posted on course page)**
- Harry Frankfurt, “On Bullshit,” Chapter 10 of *The Importance of What We Care About* (1988), pp. 117-33. **(packet 3)**
- Hannah Arendt, "Reflections: Truth and Politics [as appeared in 'The Portable Hannah Arendt', ed. Peter Baehr, 2000]", *The New Yorker*, February 25, 1967, (New York: Conde Nast, © 1967), pp. 49-88 [545-575 in reprint]. **(packet 3)**

Mon., Dec. 3: Official Disobedience and Whistle-blowing

- Sir Michael Quinlan, “Controversy: Ethics in the Public Service,” *Governance* 6:4 (1993), pp. 538-544. **(posted on course page)**
- Arthur Isak Applbaum, “The Remains of the Role,” Chapter Four of *Ethics for Adversaries* (1999), pp. 61-75. **(posted on course page)**
- Terrance McConnell, “Whistle-blowing,” in R. G. Frey and Christopher Heath Wellman, eds., *A Companion to Applied Ethics* (2003), pp. 570-582. **(packet 3)**

Wed., Dec. 5: Collective Agency and Responsibility

- Dennis F. Thompson, “The Moral Responsibility of Many Hands,” in *Political Ethics and Public Office* (1987), pp. 40-65. **(packet 3)**