

ETHICS & THE PUBLIC INTEREST:

PPG2011H

Time: Wednesdays 1:00 – 3:00

Instructor: Andrew Stark

e-mail: stark@rotman.utoronto.ca

Ethics and The Public Interest provides a range of frameworks, drawn from a variety of cultural perspectives, for analyzing and managing the complex ethical dilemmas that public officials confront. It is a course in politically-informed moral reasoning.

“Politically-informed” means that this is not a course in pure moral theory. The political realities that policy-makers face, the constraints imposed by interests, resources and power, and the possibilities afforded by coalitions, compromise and bargaining, will be very much a part of the discussion.

But ultimately democratic public officials have to analyze, argue for, and justify their positions in moral language. Participants in democratic debates never say “We support policy X because it’s in our interest” – at least not if they hope to persuade others and command their respect. Instead, whether their motivations are self-interested or altruistic, officials and citizens have to show that their preferred X advances some plausible conception of the broader public interest. And that requires that they be able to reason morally, and to explore the moral strengths and weaknesses of various alternatives before them. The analytical and case material we will discuss is meant to enable the formulation of well-reasoned, theoretically and empirically-based viewpoints on difficult and controversial public-policy and public management issues.

The course will focus on what for the vast majority of people would be genuine moral dilemmas: issues about which most of us will be internally conflicted, where each of the competing sides asserts well-founded ethical claims. But more than this, the course has a global component. Not only will many of the topics pose dilemmas for any one ethical system, they will also pose different kinds of dilemmas for different ethical systems, which will view them through diverse moral lenses, weighing the costs and benefits in culturally distinctive ways. Because many of the most compelling issues that public officials face transcend borders and cultures, the course will develop an understanding of differing moral systems and the ability to navigate between them.

The course is divided into two parts. The first seven classes deal with moral challenges of public management that crop up across policy domains. The final six classes look more closely at ethical issues that arise in specific topical policy areas.

Grading

Final exam: 35%

Mid-term exam: 30%

Short Paper: 20%

Class Participation: 15%

Sept 12: Introduction: Ethics, Politics and Globalization

Sept. 19: Lying, Deception, Privacy and Transparency

Dennis Thompson, "Democratic Secrecy," *Political Science Quarterly* (Summer 1999), 181-193

Alasdair Roberts, "Secrecy and Security," Ch. 2 of *Blacked Out: Government Secrecy in the Information Age* (Cambridge University Press, 2008), 27-50

Sissela Bok, *Lying: Moral Choice in Public and Private Life* (Vintage, 199), 165-180

Case: "International Transparency," Ch. 6 of Archon Fung, Mary Graham, and David Weil, *Full Disclosure: The Perils and Promise of Transparency* (Cambridge University Press, 2008), 127-150

Sept. 26: Compromise and Disagreement

Amy Gutmann and Dennis F. Thompson, "The Persistence of Moral Disagreement," Ch. 1 of *Democracy and Disagreement* (Harvard University Press, 1998), 11-51

Amy Gutmann and Dennis Thompson, "The Mindsets of Political Compromise," *Perspectives on Politics* 8 (2010), 1125-1143

Avishai Margalit, "Compromise and Political Necessity," Ch. 4 of *On Compromise and Rotten Compromises* (Princeton University Press, 2009), 90-120

Case: Simon Cabuela May, "Principled Compromise and the Abortion Controversy" *Philosophy and Public Affairs* 33 (Fall, 2005), 317-348

Oct 3: Means and Ends (The Problem of Dirty Hands)

Michael Walzer, "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2 (Winter, 1973), 160-80.

Arthur Isak Applbaum "Professional detachment: The executioner of Paris," *Harvard Law Review*, 109 (1995), 458–486

Judith Jarvis Thomson, "The Trolley Problem," *Yale Law Journal* 94 (1985), 1395-1415

Cases: The Terror Bomber; The Torturer (handout)

Oct. 10: Responsibility and Accountability (The Problem of Many Hands)

Christian List and Philip Pettit, *Group Agency* (Oxford University Press, 2005), 153-169

Dennis F. Thompson, "The Problem of Many Hands," Ch. 1 of *Restoring Responsibility* (Cambridge University Press, 2005), 11-32

Glen Whyte, "Recasting Janis' Groupthink Model: The Key Role of Organizational Efficacy," *Organizational Behavior and Human Decision Processes* 73 (1998), 185-209

Terrance McConnell, "Whistle-blowing," in R.G. Frey and Christopher Heath Wellman, eds., *A Companion to Applied Ethics* (Blackwell, 2003), 570-82.

Case: The Space Shuttle Challenger, in Amy Gutmann and Dennis F. Thompson, eds., *Ethics and Politics: Cases and Comments* (Wadsworth, 2005), 236-245

Malcolm Gladwell, "Blowup," *New Yorker*, January 22, 1996

Oct. 17: Conflict of Interest

Andrew Stark, *Conflict of Interest in American Public Life* (Harvard University Press, 2000), 1-6; 21-27, 250-262.

Lawrence Rosen, "Understanding Corruption," *American Interest* (Spring 2010), 78-82

Case: Jaime Cárdenas, "Parliamentary Incompatibilities and Conflicts of Interest in Mexico," in Irma E. Sandoval, ed., *Contemporary Debates on*

Corruption and Transparency (Institute for Social Research, National Autonomous University of Mexico; World Bank, 2011, approx. 27pp.)

Oct. 24: IN-CLASS MID-TERM

Oct. 31: Historical Injustice and Global Justice

Jeremy Waldron, "Superseding Historic Justice," *Ethics* (October 1992), 4-28

Thomas Nagel, "The Problem with Global Justice," *Philosophy and Public Affairs* 2005, 113-147

David Miller, "National Responsibility and International Justice," in Deen K. Chatterjee, ed., *The Ethics of Assistance: Morality and the Distant Needy* (Cambridge University Press, 2004), 123-146

Charles R. Beitz, "Cosmopolitanism and Global Justice," *Journal of Ethics* 9 (2005), 11-27

Case: Mathias Risse, "Do We Owe the Poor Assistance or Rectification?" *Ethics and International Affairs* (2005) 9-18

Nov. 7: Religion in the Public Sphere

Amy Gutmann, "Is Religious Identity Special?", Ch. 4 of *Identity in Democracy* (Princeton University Press, 2003), 151-191

Andrew F. March, "Liberal Citizenship and the Search for Overlapping Consensus: The Case of Muslim Minorities," *Philosophy and Public Affairs* (2006), 373-421

Susan Okin, "Is Multiculturalism Bad for Women?" and Azizah al-Hibri, "Is Western Patriarchal Feminism Good for Third World/Minority Women?" in Susan Moller Okin et al, *Is Multiculturalism Bad for Women?* (Princeton University Press), 9-24; 41-46

Cases: "This is Not a Creche," *Yale Law Journal* 107 (1997-98), 1969-1980; Shirsh P. Chotalia, "Arbitration Using Sharia Law in Canada," *Constitutional Forum* 15 (2006), 63-78; "Keeping Religious Fundamentalism Under Wraps: The Clothing Controversy in Selected European Countries," *Constitutional Forum* 15 (2006), 1-5

Nov. 14: Intellectual Property

William M. Landes and Richard A. Posner, "How to Think About Copyright," Ch. 2 of *The Economic Structure of Intellectual Property Law* (Harvard University Press, 2003), 37-70

Jane Ginsburg, "The Concept of Authorship in Comparative Copyright Law, 52 *DePaul Law Review* (2003), 1063-1092

Case: Paul Steidlmeier, "The moral legitimacy of intellectual property claims: American business and developing country perspectives," *Case Western Reserve Journal of International Law* (2001), pp. 91-132

Nov. 21: Biotechnology and Health Care

Ezekiel J. Emanuel, "Justice and Managed Care: Four Principles for the Just Allocation of Health Care Resources," *Hastings Center Report* 30 (May/June 2000), 8-16

Michael J. Sandel, "The Ethics of Enhancement," Ch. 1 of *The Case Against Perfection* (Harvard University Press, 2007), 1-24

Allen Buchanan, "Privatization and Just Health Care," *Bioethics* 9 (July 1995), 220-239

Case: Leonard J. Weber, "In Vitro Fertilization and the Just Use of Health Care Resources," in James M. Humber, ed., *Reproduction, Technology and Rights* (Humana Press, 1996), 75-109

Nov. 28: Markets and Regulation

Michael J. Sandel, "Should We Buy the Right to Pollute?," Ch. 14 of *Public Philosophy: Essays on Morality in Politics* (Harvard University Press, 2005), 93-96

Eric A. Posner and Matthew D. Adler, *New Foundations of Cost-Benefit Analysis* (Harvard University Press, 2006), 160-182

Debra Satz, "Ethical Issues in the Supply and Demand of Human Kidneys," Ch. 9 of *Why Some Things Should Not be For Sale: The Moral Limits of Markets* (Oxford University Press, 2010), 189-206

K. Aramesh, "Iran's Experience with Surrogate Motherhood: An Islamic View and Ethical Concerns," *Journal of Medical Ethics* 35 (May, 2009), 320-322

Elizabeth Anderson, "Is Women's Labor a Commodity?" *Philosophy and Public Affairs* 19 (1990), 71-92

Cases: Alireza Bagheri, "Compensated Kidney Donation: An Ethical Review of the Iranian Model," *Kennedy Institute of Ethics Journal* 16, 2006, 269-282; Bernard Teo, "Organs For Transplantation: The Singapore Experience," *Hastings Center Report*, November-December, 1991, 10-13; and Sally Satel, "Yuan a Kidney?," slate, June 13, 2011