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## PLCY 340 Justice in Public Policy

Spring 2011  
Tuesdays & Thursdays, 11:00 AM – 12:15 PM

Benjamin Mason Meier, JD, LLM, PhD  
Department of Public Policy  
204 Abernethy Hall  
919-962-0542  
[bmeier@unc.edu](mailto:bmeier@unc.edu)

**Office Hours: Wednesday, 10:00 AM - 12:00 PM and by appointment**

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### **Course Description**

PLCY 340 examines arguments about justice in public policy. Students examine the ethical foundations of both the means and ends of policy choice. We first focus on the means used to implement policies. In the pursuit of important public goals, is it legitimate for officials to use means that would otherwise be wrong? We then explore the ends of policies. How are we to know whether a policy is just? Upon what foundations can our consideration of the ethics of individual policies rest?

One of the keys to this course being a success will be our mutual respect for one another and one another's viewpoints. We can all learn from one another most readily when those who disagree with us make principled arguments in support of their views. Thus, you will be graded not only on the extent, depth, and consistency of your participation, but on how well you respect the views and encourage the participation of others.

### **Course Learning Objectives**

Students who successfully complete this course will be able to:

- Identify ethical issues in public policy, analyze them through established theoretical frameworks, and relate them to specific cases in public policy.
- Evaluate moral issues regarding the means used to implement public policy and justice issues regarding the ends served by public policies.
- Present—orally and in writing—a strong case for an ethical position that is publicly justifiable.

### **Student Evaluations**

Student evaluations will be based upon participation, a course paper, a midterm, and a final exam (weights in parentheses):

#### **Class Participation (including your assigned case discussion contribution) (15%)**

The course is a seminar and will not rely entirely on professorial lecture. Consequently, attendance and participation are mandatory. Students should come to class having read all of the required readings, prepared to raise provocative questions for discussion. As part of the student's grade for participation, each student will be responsible for hosting a discussion board conversation and presenting an oral summary of a week's readings. Summary assignments will be selected during the first class.

#### **Midterm Examination (20%)**

**Course Paper (30%)**

For this course paper, you are asked to write a 6-8 page (1500-2000 Words) independent analysis of one of the cases in *Ethics and Politics: Cases and Comments* (Fourth Edition) that have not been assigned as a reading for class. This paper assignment will not require any additional reading beyond the framework readings of the class, but you should do additional thinking beyond what you have done in preparing for class discussions or studying for the exams. Use your paper as an opportunity to challenge yourself to think through justice raised by the readings, lectures, and case studies used in the course.

**Final Examination (35%)**

## **Honor Code**

In order to ensure effective functioning of an Honor System worthy of respect in this institution students are expected to:

- A. Conduct all academic work within the letter and spirit of the Honor Code, which prohibits the giving or receiving of unauthorized aid in all academic processes.
- B. Consult with faculty and other sources to clarify the meaning of plagiarism; to learn the recognized techniques of proper attribution of sources used in the preparation of written work; and to identify allowable resource materials or aids to be used during examination or in completion of any graded work.
- C. Sign a pledge on all graded academic work certifying that no unauthorized assistance has been received or given in the completion of the work.
- D. Comply with faculty regulations designed to reduce the possibility of cheating -- such as removing unauthorized materials or aids from the room and protecting one's own examination paper from the view of others.
- E. Maintain the confidentiality of examinations by divulging no information concerning an examination, directly or indirectly, to another student yet to write that same examination.
- F. Treat all members of the University community with respect and fairness.
- G. Report any instance in which reasonable grounds exist to believe that a student has given or received unauthorized aid in graded work or in other respects violated the Honor Code. Such report should be made to the Office of the Student Attorney General, the Office of the Dean of Students, or other appropriate officer or official of their college or school.
- H. Cooperate with the Office of the Student Attorney General and the defense counsel in the investigation and hearing of any incident of alleged violation, including the giving of testimony when called upon. Nothing herein shall be construed to contravene a student's rights enumerated in ... this Instrument.

If you have any questions about your rights and responsibilities or the rights and responsibilities of faculty members under the Honor Code, please consult the Honor Code website: <http://honor.unc.edu/>

The Honor Code is, as always, in effect in this course. The following sections explain what I expect from you in terms of meeting these standards. If you have any questions at all about these matters, please do not hesitate to ask me.

- **Pledge:** The Instrument of Student Judicial Governance requires that you sign a pledge on all written work. ("On my honor, I have neither given nor received unauthorized aid on this assignment."). This includes the course paper and exams.
- **Exams:** All in-class exams in this class are to be taken without the assistance of books, notes, or other people. You, may, however, study with your classmates. In fact, forming study groups is an excellent way to prepare for exams.
- **Course Paper:** In preparation for writing your course paper you may discuss the assignment with your classmates and anyone else, for that matter. The crucial thing to remember is that when you sit down to write your paper you must do so in your own words and so confirm with the honor's pledge.

## The Case Study Method

Cases for analysis and discussion are utilized throughout this course. These cases are taken from actual experiences of public policy. The cases are used to stimulate inquiry into the applicability of the concepts presented in the readings and in class. The problems in the cases should lead you to a deeper appreciation of ethical thinking and its strengths and limitations in assisting the individual faced with real problems of public policy.

Using cases should sharpen your analytical skills. In preparing to study a case, you should immerse yourself in the world of facts, values, attitudes, and feelings, depicted in this slice of life. Out of this confusion, you must identify the problem(s) facing the individuals in the case.

In preparing a case for class discussion, it is often helpful to follow these steps:

- Read these discussion questions before you read the case.
- Read the case quickly, familiarizing yourself with the basic situation, and the types of information presented for analysis.
- After the first reading, attempt to formulate one or more plausible courses of action, and then reread the case, searching for evidence that supports or undercuts the courses of action you are considering.
- Keep on reformulating your understanding and rereading the case to test that understanding until you feel comfortable with your position.

You will enjoy working on these cases, but some cautions are in order. Analyzing cases and advancing recommendations is not a substitute for reading the concepts and materials presented in the readings. Cases and readings should complement each other. Cases will offer an opportunity to apply some of the ideas, concepts, and models from the readings to a real situation (at least a real situation described on paper).

Case study learning also provides a practical illustration of one of the core debates in policy analysis – the distinction between private benefits and social benefits:

*Classroom activities provide an opportunity for community just as potentially important, although different in form, as what happens outside the classroom walls. It is frequently assumed that a class is merely a group of entirely private individuals having obligations only to their teacher. If this is the assumption, students will logically conclude that they feel free to postpone doing assignments without harming others, or that they must do them on time only because the professor can penalize delinquency. But if a classroom is viewed instead as a learning community, students will see doing assignments on time as crucial to the dynamics of learning. A class reaches its lively possibilities as a community of learning only if each member accepts its routines as a moral obligation. Students are most likely to ask illuminating questions that benefit everyone if they have been regular and punctual in both preparation and attendance. An elan develops when a group pursues learning on the same schedule that seldom appears in classes where each individual works at a self-determined speed or where many lag behind because they sense no reason for meeting deadlines other than to avoid the penalties imposed privately on individuals by the instructor. Taking a course is not simply fulfilling a private contract; it is a commitment to a process of creating a community for inquiry, receptivity, and discussion. (E. L. Long, Jr., **Higher Education as a Moral Enterprise**. Washington, DC: Georgetown University Press, 1992, p. 50)*

This type of study will not be easy. Some of you will be frustrated by an inability to fit the readings to the case because transition from theory to practice is difficult for everyone. You may also be upset because you feel that you do not have enough facts. The policy analyst in her daily job seldom has all the relevant facts, but she must still present analyses. In the case situation also, with its limited information, an analysis must be conducted with the data at hand.

Finally, some of you will be concerned by the difficulty of knowing whether your analysis is right or wrong because the criteria for evaluation are subjective, not an easily-stated percentage (as in a mathematics test). It is an anxiety with which you must learn to live, for it is also the public policy analyst's lot in life. Simple answers exist only for simple issues, and presumably you are attracted by problems that are more complex.

The purpose of the cases is to give you insight into the world of public policy, to provide you with knowledge of what it was like for individuals actually engaged in public life, and finally to give you some modest practice in converting your theories into action. For learning to take place through the experience, you must commit yourself. You must be willing to be wrong in public. Only by taking positions and offering recommendations can you test yourself against your fellow classmates and the instructor.

## Class Materials

### A. Required:

- *Ethics and Politics: Cases and Comments (Fourth Edition)*, A. Gutmann & D. Thompson (hereinafter: **G&T**).

### B. Other Assigned Readings (hereinafter: **R**):

Available under Assignments and Readings on Blackboard.

TOPIC	READINGS	ASSIGNMENT
I. Introduction to Course	<b>G&amp;T:</b> Introduction	
II. Introduction to Applied Ethics	<b>R:</b> Singer, "About Ethics;" <b>R:</b> <i>Chronicle for H.E.,</i> "Why are We Afraid of Peter Singer?"	What is the relationship between ethics and religion/law/etiquette? What do some people find threatening about Peter Singer's arguments?
Utilitarianism	<b>R:</b> Bentham, "An Introduction to the Principles of Morals and Legislation," Chaps. 1, 4; <b>R:</b> "Jim and the Indians"	What is the "principle of utility" and how is it different from the principle of "majority rule?" If you are Jim, do you kill the Indian? Why or why not?
Duties and Rights	<b>R:</b> Kant, "On a Supposed Right to Lie from Altruistic Motives;" <b>R:</b> Almond, "Rights"	What is the difference between a legal and a moral duty or right? Based upon our previous discussion of utilitarianism, what appears to be the fundamental difference between a utilitarian approach to choosing among competing ends and an approach based on individual rights?
III. Ethics and the Policy Maker	<b>R:</b> Weimer and Vining, "Toward Professional Ethics"	What are the sources of value conflicts for individuals involved in public policy analysis identified by Weimer and Vining?
Personal Values and Public Policy	<b>R:</b> "Catholic Politicians Insist on Keeping Church, State Separate;" <b>R:</b> Cuomo, "Religious Belief and Public Morality;" <b>R:</b> Crick, "In Defense of Politics," pp. 154-157	What are the principal arguments Cuomo presents to defend the distinction between public and private morality? Which argument do you think is the strongest? Which is the weakest? Are Lincoln's applications of the distinction compelling?
The Problem of "Dirty Hands	<b>R:</b> Walzer, "Political Action: The Problem of Dirty Hands."	Walzer suggests that wrong doing by public officials is inevitable. Why does Walzer think this is so? Are you persuaded by his two examples: (1) the case of the candidate for election who has to make a deal with a dishonest ward boss, and (2) the case of the political leader facing a terrorist threat in a colonial war?
Deception and Secrecy 1	<b>G&amp;T:</b> pp. 72-73 <b>R:</b> Machiavelli, "How a Prince Should Keep his Word;" <b>R:</b> Bok, "Truthfulness, Deceit and Trust," "Excuses"	Is there something special about politics that makes deception by public officials inevitable, justifiable, or both? What is a lie? What is wrong with deception? What reasonable alternatives exist to deception? What, if any, excuses and justifications for lying are acceptable?

Deception and Secrecy 2	<b>R:</b> “Ethical Problems in Public Careers: Lying”	Read the cases and on the final page circle a R/W indicating whether you believe the particular statement in question is morally “right” or “wrong.” Come prepared to discuss whether there are moral differences between the actions taken by the various protagonists.
Official Disobedience 1	<b>G&amp;T:</b> pp. 191-192 <b>R:</b> Rawls, “Civil Disobedience;” <b>R:</b> Bok, “Blowing the Whistle.”	Is it the moral responsibility of public officials to be loyal in all situations? Are the ethical guidelines for civil disobedience relevant to the actions of public officials? Under what conditions and in what manner should a public official “blow the whistle” and/or resign?
Official Disobedience 2 <i>Case Discussion 1</i>	<b>G&amp;T:</b> The Odd Couple, Daniel Ellsberg and the Pentagon Papers	<ol style="list-style-type: none"> <li>Rawls argues that civil disobedience requires acting publicly. What were the justifications for Ellsberg/Otepka acting the way they did? E.g., is there a significant difference between releasing information to the press and a congressional staffer?</li> <li>Apply Bok’s whistleblowing criteria to Ellsberg/Otepka: <ul style="list-style-type: none"> <li>a) Seriousness of impropriety; accuracy of facts;</li> <li>b) Alternative channels; were they used?</li> <li>c) Avoid acting anonymously; evaluate own motivations.</li> </ul> </li> </ol>
Official Disobedience 3 <i>Case Discussion 2</i>	<b>G&amp;T:</b> George Shultz and the Polygraph Test; George Shultz and the Iran-Contra Affair (Also read The Iran-Contra Affair for background)	<ol style="list-style-type: none"> <li>Why did Shultz object to polygraphs? Are there other justifications for objecting to these tests?</li> <li>Apply Bok’s whistleblowing criteria to the arms/hostages case: <ul style="list-style-type: none"> <li>a) Seriousness of impropriety (cf. polygraphs);</li> <li>b) Alternative channels; were they used?</li> <li>c) Public right to know; avoid acting anonymously; evaluate own motivations?</li> </ul> </li> </ol>
Violence 1	<b>G&amp;T:</b> pp. 3-4 <b>R:</b> Carter, “Just War -- or a Just War?” <b>R:</b> Walzer, “War’s Means and the Importance of Fighting Well;” “Non combatant Immunity and Military Necessity;” “Supreme Emergency.”	Is violence always wrong? What ethical theory best justifies moral constraints on the conduct of war? Does the distinction between combatants and non-combatants in war make moral sense?
Violence 2 <i>Case Discussion 3</i>	<b>G&amp;T:</b> The Decision to Use the Atomic Bomb; Alternatives to the Bomb	<ol style="list-style-type: none"> <li>Did dropping the bomb on Hiroshima/Nagasaki violate Walzer’s criteria for “double effect?”</li> <li>Did dropping the bomb on Hiroshima/Nagasaki meet the criterion of a “supreme emergency?”</li> <li>What alternatives to dropping the bomb on Hiroshima/Nagasaki did Pres. Truman consider or should have considered? Were any of these more ethical? Why?</li> </ol>
<b>IV. Ethics and the Public Interest</b>	<b>R:</b> Wolf, “Ethics and Policy;” <b>R:</b> Price, “Assessing Policy: Conceptual Points of Departure, pp. 142-150	Why should the criteria that we employ to evaluate public policy alternatives be “ethical?” What specific social values do Wolf and Price respectively believe should be used to evaluate public policy choices?

Efficiency 1	<b>G&amp;T:</b> pp. 261-262 <b>R:</b> Boardman, Greenberg, Vining, and Weimer, "Introduction to Cost Benefit Analysis;" <b>R:</b> Rhoads, "Benefit-Cost Analysis."	Why is the issue of standing important in CBA? What measures actually "count" in a CBA? Why do costs and benefits need to be "discounted" in a CBA analysis?
Efficiency 2	<b>R:</b> Kelman, "Cost-Benefit Analysis: An Ethical Critique;" (with replies).	What ethical issues does CBA appear to raise? What are the most serious objections to using a utilitarian cost benefit approach to policy analysis? What if any morally relevant factors are ignored in a cost-benefit analysis? Does cost benefit analysis meet the test of hypothetical consent?
Efficiency 3 <i>Case Discussion 4</i>	<b>G&amp;T:</b> The Risks of Asarco	<ol style="list-style-type: none"> <li>1. What were the advantages/disadvantages of the EPA holding public workshops in Tacoma? E.g., was this procedure ethically superior to providing all citizens with an informational brochure?</li> <li>2. What factors did Ruckelshaus/EPA take into account in determining the regulatory standard for ASARCO? What weight should each factor receive and why?</li> <li>3. How should Ruckelshaus/EPA measure the value of each of the factors considered? E.g., how measure the relative worth of clean air versus employment?</li> </ol>
Equity 1	<b>G&amp;T:</b> pp. 313-314 <b>R:</b> Nozick (selections); <b>R:</b> Rawls, (selections);	What does Nozick mean by "justice in acquisition" and "justice in transfer?" What are Rawls' "two principles of justice?" Why does he employ a "veil of ignorance" for defining the conditions of justice in a society? What is the "difference principle?"
Equity 2 <i>Case Discussion 5</i>	<b>G &amp; T:</b> Defunding Organ Transplants in Arizona	<ol style="list-style-type: none"> <li>1. If the Arizona legislature were to design AHCCCS policies based upon the following criteria, what would the respective policies look like? <ul style="list-style-type: none"> <li>• Nozick's criterion of justice</li> <li>• Rawls' criterion of justice</li> <li>• A cost-benefit criterion</li> </ul> </li> <li>2. Does the decision to defund organ transplants carry more moral authority because it was made by the Arizona legislature?</li> </ol>
Equity 3	<b>R:</b> Kekes, "The Injustice of Affirmative Action Involving Preferential Treatment;" <b>R:</b> Sher, "Justifying Reverse Discrimination in Employment" <b>R:</b> Summer, 2003, Supreme Court Decision on Affirmative Action in Universities	How should we allocate social advantage such as higher education and well-paying jobs? Is the principle of meritocratic justice sufficient for a good society? If so, how should merit be defined? With what moral principle does a policy of preferential treatment come into conflict?
Equity 4 <i>Case Discussion 6</i>	<b>G &amp; T:</b> Affirmative Action at AT&T	<ol style="list-style-type: none"> <li>1. What information in the AT&amp;T case makes or would make the charge of discrimination morally compelling?</li> <li>2. Some argue that rather than adopting a policy of preferential hiring, AT&amp;T should have adopted a policy of non-discrimination. What would a policy of non-discrimination require of AT&amp;T?</li> <li>3. What are the best arguments in favor of adopting a preferential hiring policy at AT&amp;T?</li> </ol>

Liberty 1	<b>G&amp;T:</b> pp. 429-430 <b>R:</b> Mill, “On Liberty”, Chaps. 1 & 4; <b>R:</b> Gutman and Thompson, “Latitude of Liberty” (selections)	Why does Mill believe that the value of liberty is “absolute and unqualified?” What specific criteria would Mill apply in assessing when government may restrict individual liberty? What is meant by “moralism” and what criteria should be applied in assessing government policies justified by “moralism?” What is meant by “paternalism” and what criteria should be applied in assessing government policies justified by “paternalism?”
Liberty 2 <i>Case Discussion 7</i>	<b>R:</b> Legalizing Laetrile	<ol style="list-style-type: none"> <li>1. Are claims that cancer patients cannot understand the choice among the therapies and suffer from severe emotional stress sufficient to justify a complete ban on Laetrile? Are there other arguments favoring a ban?</li> <li>2. What policy should someone support, who, like Representative Symms, believes that “freedom is the only choice?”</li> <li>3. You value liberty and oppose a total ban on Laetrile, but believe some type of regulation is in the public interest. What policy in NJ offers the “least restrictive option” and why?</li> </ol>
Liberty 3 <i>Case Discussion 8</i>	<b>R:</b> Surrogate Parenting in New York, I & II	<ol style="list-style-type: none"> <li>1. What are the moral arguments supporting a ban on surrogate parenting in NY?</li> <li>2. Assuming NY did not adopt a ban, what state policy measures would assure that surrogate parenting contracts satisfy the standard of informed consent?</li> <li>3. Who is affected by surrogate parenting arrangements in NY and what are the potential harms?</li> </ol>
<b>Course Wrap-up</b>		<b>Course Paper Due in Class</b>