

PSC 510K Ethics in Public Policy
Fall 2008
Wednesday 6:30-9:20
0520

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How to get in touch with me:

Office hours: TTh 1:00-1:45 and by appointment. If I am in my office and the door is open, I am available for discussions about anything from class business to dog training. If my door is closed, I am busy!

E-mail: I don't check e-mail every day, so if your message is time critical, you should call. If you want to discuss something, e-mail is not an appropriate medium, and I prefer that you come in during office hours or call. Please don't send attachments.

Home phone: 545-0645, **only** between 8:00 and 5:00, M-F. If you do not live in the Greensboro calling area, please be sure to include your area code when you leave your phone number, and when you will be available for a return call. Please don't call evenings or weekends.

When I need to contact the class, I will use Blackboard either for an announcement or for email. Email from Blackboard goes to your university email address.

Course Description: This course examines the moral dimensions for discretionary judgments made by public managers. Ethical discourse is rooted in the Founding Period of the Republic; contemporary case studies illustrate the issues.

Course Goals:

1. Students will become familiar with the philosophical and ethical issues surrounding the founding period of the republic.
2. Students will develop analytic tools to help them frame and decide ethical issues in their workplaces.
3. **Expectations for Undergraduate Students:** All students will adhere to course requirements for preparation and the *maximum* length for papers. However, undergraduate papers will be graded at the level appropriate for senior college work.

Honor Policy: Students are required to abide by the University Academic Integrity Policy for all work in this course:
<http://academicintegrity.uncg.edu/complete/>

Required Reading:

Books

Bolt, Robert. *A Man For All Seasons*. New York: Vintage Books, 1990.

Horwitz, Robert, ed.. *The Moral Foundations of the American Republic*, 3rd ed. Charlottesville: University Press of Virginia, 1986.

Riordan, William. *Plunkitt of Tammany Hall*. New York: Signet, 1995.

Articles (**BB** means it's on Blackboard under either "e-reserves" or "documents")

Ben-Porath, Sigal. "Death and Taxes." In *Ethics & Politics: Cases and Comments*, 4th ed., eds. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson-Wadsworth, 2006): 376-381. **BB**

Ben-Porath, Sigal. "The Vouchers That made Milwaukee Famous." In *Ethics & Politics: Cases and Comments*, 4th ed., eds. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson-Wadsworth, 2006): 409-418. **BB**

Califano, Joseph. "Administering Abortion Policy." In *Ethics & Politics: Cases and Comments*, 3rd ed., eds. Amy Gutmann and Dennis Thompson (Chicago: Nelson-Hall Publishers, 1997): 337-365. **BB**

Cooper, Terry L. and Luther Gulick. "Citizenship and Professionalism in Public Administration." *Public Administration Review* 44 (Special Issue), March 1984: 143-151. (Go to UNCG Library ▶ Journal Finder ▶ Public Administration Review ▶ online ▶ J-STOR and then locate the article.)

Cuomo, Mario. "Of Faith and Freedom," *Church and State* (November 1984): 8-11. **BB**

Dobel, J. Patrick. "Getting Out: The Ethics of Resigning from Office." *Public Integrity* (Baltimore: Johns Hopkins, 1999): 109-129. **BB**

Dobel, J. Patrick. "Integrity in Office." *Public Integrity* (Baltimore: Johns Hopkins, 1999): 1-22. **BB**

Dobel, J. Patrick. "Political Morality of Sleaze and Honor." *Public Integrity* (Baltimore: Johns Hopkins, 1999): 130-146. **BB**

Huddleston, Mark. "Administrative Ethics." *Public Administration Workbook*, 4th ed. New York: Longman, 2000:105-111. **BB**

Kolbert, Elizabeth. "The Calculator." In *Ethics & Politics: Cases and Comments*, 4th ed., eds. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson-Wadsworth, 2006): 295-301. **BB**

Rohr, John. "The Problem of Professional Ethics," *The Bureaucrat* (Summer 1982): 47-50, reprinted in *Essentials of Government Ethics*, eds. Peter Madsen and Jay Shafritz (New York: Meridian, 1992): 431-440. **BB**

Sandy, Simone. "A Golfer's Handicap?" In *Ethics & Politics: Cases and Comments*, 4th ed., eds. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson-Wadsworth, 2006): 420-425. **BB**

Sandy, Simone. "Decriminalizing Marijuana for Medical Use." In *Ethics & Politics: Cases and Comments*, 4th ed., eds. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson-Wadsworth, 2006): 431-437. **BB**

Sandy, Simone. "Tossing Dwarfs in Illinois." In *Ethics & Politics: Cases and Comments*, 3rd ed., eds. Amy Gutmann and Dennis Thompson (Chicago: Nelson-Hall Publishers, 1997): 323-325. **BB**

Stankiewicz, Gregory. "The Controversial Curriculum." In *Ethics & Politics: Cases and Comments*, 3rd ed., eds. Amy Gutmann and Dennis Thompson (Chicago: Nelson-Hall Publishers, 1997): 327-331. **BB**

Varley, Pamela. "Defunding Organ Transplants in Arizona." In *Ethics & Politics: Cases and Comments*, 3rd ed., eds. Amy Gutmann and Dennis Thompson (Chicago: Nelson-Hall Publishers, 1997): 239-254. **BB**

Walzer, Michael. "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2 (1972): 160-180. On J-STOR, see directions under Cooper.

White, Theodore. "John F. Kennedy and the West Virginia Primary," in *Portraits of American Politics*, ed. Bruce Allen Murphy (Boston: Houghton Mifflin, 1991): 470-475 (excerpt). **BB**

Zakaras, Alex. "Making Marriage Gay." In *Ethics & Politics: Cases and Comments*, 4th ed., eds. Amy Gutmann and Dennis Thompson (Belmont, CA: Thomson-Wadsworth, 2006): 442-455. **BB**

Law Cases (get at www.findlaw.com)

Ballard v. Schlesinger, 419 U.S. 498 (1975)

Connick v. Myers, 461 U.S. 138 (1983)
Kahn v. Shevin, 416 U. S. 351 (1974)
Loving v. Virginia, 388 U.S. 1 (1967)
Minersville School District v. Gobitis, 310 U.S. 586 (1950)
Rankin v. McPherson, 483 U.S. 378 (1986)
Sherbert v. Verner, 374 U.S. 398 (1963)
Weinberger v. Wiesenfeld, 420 U.S. 636 (1974)
West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)

Course Requirements and Grading

| | | |
|--|------------|------|
| Essay: <i>A Man for All Seasons</i> | 200 | |
| Essay: "A Golfer's Handicap?" (Sandy) | 250 | |
| Essay: "Administrative Ethics"(Huddleston) | | 250 |
| Final Exam: Take home | <u>300</u> | |
| | | 1000 |

Class participation will decide borderline grades.

Class Participation

Class participation involves more than mere physical presence. It requires thoughtful reading of the assignments and a positive contribution during class – not simply conversation. It also involves knowing when to let others speak.

Many of the issues we discuss will generate controversy. Emotional, *ad hominem* (personal) reactions to your classmates are out of place in a graduate seminar.

Your class participation will be much better if you have prepared the readings carefully. I suggest that you prepare a formal summary of each article and that you brief the cases. I am not going to collect these, so they are for your own use, but they *will* be helpful! Your summaries should summarize the major arguments of the author and note links (if any) with other readings. I have attached a sample case brief to this syllabus to help you see how to organize your thinking about the law cases. If class participation is truly woeful (not, of course, that I think it will be), I may require either summaries or briefs or both.

Essay: A Man for All Seasons Due September 10

Discuss the several levels of ethical responsibility faced by Sir Thomas More. How are character, oaths, and the law related to these for Sir Thomas? How are they important in public administration today? You should use all of the readings through Week 3 as appropriate.

Remember this is an essay: a coherent, well-organized, thoughtful work with an introduction that outlines your argument as well as a conclusion. You do not need to rehash any plot or scenes; I know the play well. **Maximum length: 5 pages**

Essay: "A Golfer's Handicap?" (Sandy) Due October 29

In this case, legal and moral issues of discrimination are critical. At a minimum, you should think about the legal framework behind disability policy and how it differs from racial and gender discrimination. How do professional sports differ from amateur sports? Is the public-private distinction relevant? Again, remember this is an essay: a coherent, well-organized, thoughtful work with an introduction that outlines your argument as well as a conclusion. **Maximum length: 5 pages**

Essay: “Administrative Ethics” (Huddleston) Due November 12

How would you make this decision? How would you justify it? What principled objections might be raised to your decision, and how would you answer them? You should use all of the appropriate readings. Once again, this is an essay: a coherent, well-organized, thoughtful work with an introduction that outlines your argument as well as a conclusion. **Maximum length: 5 pages**

Writing Rules: These apply to **all** work:

1. All assignments must be typed. All assignments should be double-spaced, at least 12 point font (this is 10 point and this is 11 point: do NOT use them!), normal margins, one side of the paper.
2. Avoid quotations. If you need to quote something from the case to clarify your point, you may do so, but you may not use long quotes from the readings. It is best not to quote at all.
2. Use Turabian (based on *Chicago Manual of Style*) in-text citations for any documentation. If you don't have a copy of Turabian, you should buy one. (Don't buy a *Manual*; it's huge!)
3. Late work will be penalized. All work is due at the beginning of the class period.
4. I will not accept e-mailed assignments unless you have prior permission and a really good reason for missing class. If you e-mail an assignment (and I prefer that you do not), do NOT send it as an attachment. Follow up with a hard copy as soon as possible. I will only grade hard copy, but a retrievable e-mail may spare you the late penalty.

A Note on Plagiarism

Plagiarism is using the language, ideas, or data of another scholar without acknowledging the source. The faculty view this as an extremely serious offense. Sanctions for plagiarism range from failing the plagiarized assignment to expulsion from the University.

There are three central reasons to acknowledge the work of other scholars. First, scholars' works are their professional products. To use it as your own is stealing, and your own work becomes a forgery. Second, other scholars may wish to build on your work or to explore some idea further. If you have provided good documentation, their work is simplified. Third, your source may be wrong. If you use the information without attribution, you are responsible for the error.

Remember: be honest, be helpful, be safe.

Here's the Golden Rule of Citations: **when in doubt, cite**. No one ever got in trouble for too many citations.

Myths:

1. Paraphrasing eliminates the need for citations. FALSE. It only eliminates the need for quotation marks.
2. Any data found in three places is "common knowledge" and needs no citation. FALSE. "Common knowledge" is a pit for the unwary. The safe test is whether an average person would know this information. Thus, that the Declaration of Independence became official on 4 July 1776 is probably common knowledge, but a reference to Brown v. Board of Education needs a citation. Remember the Golden Rule of Citations: when in doubt, cite.
3. Tables, charts, and diagrams don't need citations. FALSE. They are data and their design is creative. Cite!

Here's a sample case brief to show you how to organize your thinking on the Supreme Court cases. I won't be collecting case briefs but class discussions will follow this format. Even if you chose not to write formal briefs, you should take good notes. Students who thumb through cases might as well have "unprepared" tattooed on their foreheads.

Tennessee Valley Authority v. Hill
437 U.S. 153 (1978)

Facts: Construction began on Tellico Dam in 1967. In August 1973 a new perch species (the snail darter) was discovered in the river behind the dam site. In December 1973, the Endangered Species Act was passed. In November 1975, the snail darter was listed as endangered. In April 1976, seventeen miles of the Little Tennessee River behind the dam were declared critical habitat for the snail darter. In February 1976, trying to save the snail darter, Hill brought suit in federal district court, seeking an injunction to halt construction. The court denied the injunction, and Hill appealed. The Court of Appeals reversed and ordered the injunction. TVA appealed to the U.S. Supreme Court.

Issues:

1. Would TVA be in violation of the Endangered Species Act if it completed and operated the Tellico Dam as planned? **Yes.**
2. If "yes," is an injunction the appropriate remedy? **Yes.** The decision of the Court of Appeals is affirmed.

Reasoning: Justice Burger for the Court: the language of the Act and the legislative history are clear. Congress intended to protect endangered species regardless of economic or social cost, and the Act clearly demonstrated Congressional intent to place the welfare of endangered species above the specific statutory mandates of federal agencies.

Concurrence: None.

Dissent: Justice Powell, joined by Justice Blackmun: Congress has funded the Tellico Dam project for twelve years, and it continued this funding even after the Endangered Species Act was passed. There is no indication that the Endangered Species Act was intended to be retroactive. Although Congress will probably exempt the dam from the Act, the Court should not force the congressional hand.

Justice Rehnquist also dissented.

Summary: Absent explicit congressional exemptions, the Endangered Species Act is a bar to any federal project that threatens the survival or habitat of a listed species.

Class Schedule (subject to change)

- Aug 27 Introduction; "The Highwayman" (in syllabus)
- Sept 3 read *A Man for All Seasons*; be sure to read the Introduction. Also: Dobel: "Integrity in Office" **BB**
- Sept 10 Rohr **BB**; Cooper & Gulick (**Journal Finder**); Walzer (**Journal Finder**)
Essay: A Man for All Seasons due
- Sept 17 Goldwin; Barber; Diamond (**all MFAR**)
- Sept 24 *Minersville School District v. Gobitis*; *West Virginia State Board of Education v. Barnette*; *Sherbert v. Verner*
- Oct 1 **no class**
- Oct 8 Berns **MFAR**; Cuomo **BB**, White **BB**; Ben-Porath: "The Vouchers That Made Milwaukee Famous" **BB**
- Oct 15 McWilliams **MFAR**; Storing **MFAR**; *Loving v. Virginia*; Zakaras: "Making Marriage Gay" **BB**; Ben-Porath: "Death and Taxes" **BB**
- Oct 22 *Kahn v. Shevin*; *Ballard v. Schlesinger*; *Weinberger v. Wiesenfeld*; Kolbert: "The Calculator"
- Oct 29 Dahl **MFAR**; *Plunkitt of Tammany Hall*; Dobel: "Political Morality of Sleaze and Honor" **BB**
Essay: "A Golfer's Handicap?" due
- Nov 5 *Connick v. Meyers*; *Rankin v. McPherson*; Dobel: "Getting Out: The Ethics of Resigning from Office"
- Nov 12 Varley: "Defunding Organ Transplants" **BB**; Heart Transplants (handout in class)
Essay: "Administrative Ethics" due
- Nov 19 Sandy: "Decriminalizing Marijuana for Medical Use"; Califano: "Administering Abortion Policy"; Sandy: "Tossing Dwarfs" (**all BB**)
- Nov 26 **Thanksgiving Holiday**
- Dec 3 Stankiewicz: "Controversial Curriculum" **BB**; Case of Clara Johnson (handout in class)
- Dec 10 **Final Exam due at my office by 5:00.**

Alfred Noyes (1880-1958)

The Highwayman

PART ONE

I

THE wind was a torrent of darkness among the gusty trees,
The moon was a ghostly galleon tossed upon cloudy seas,
The road was a ribbon of moonlight over the purple moor,
And the highwayman came riding—
 Riding—riding—
The highwayman came riding, up to the old inn-door.

II

He'd a French cocked-hat on his forehead, a bunch of lace at his chin,
A coat of the claret velvet, and breeches of brown doe-skin;
They fitted with never a wrinkle: his boots were up to the thigh!
And he rode with a jeweled twinkle,
 His pistol butts a-twinkle,
His rapier hilt a-twinkle, under the jeweled sky.

III

Over the cobbles he clattered and clashed in the dark inn-yard,
And he tapped with his whip on the shutters, but all was locked and barred;
He whistled a tune to the window, and who should be waiting there
But the landlord's black-eyed daughter,
 Bess, the landlord's daughter,
Plaiting a dark red love-knot into her long black hair.

IV

And dark in the dark old inn-yard a stable-wicket creaked
Where Tim the ostler listened; his face was white and peaked;
His eyes were hollows of madness, his hair like mouldy hay,
But he loved the landlord's daughter,
 The landlord's red-lipped daughter,
Dumb as a dog he listened, and he heard the robber say—

V

"One kiss, my bonny sweetheart, I'm after a prize to-night,
But I shall be back with the yellow gold before the morning light;
Yet, if they press me sharply, and harry me through the day,
Then look for me by moonlight,
 Watch for me by moonlight,
I'll come to thee by moonlight, though hell should bar the way."

VI

He rose upright in the stirrups; he scarce could reach her hand,
But she loosened her hair i' the casement! His face burnt like a brand
As the black cascade of perfume came tumbling over his breast;
And he kissed its waves in the moonlight,
 (Oh, sweet, black waves in the moonlight!)
Then he tugged at his rein in the moonlight, and galloped away to the West.

PART TWO

I

He did not come in the dawning; he did not come at noon;
And out o' the tawny sunset, before the rise o' the moon,
When the road was a gypsy's ribbon, looping the purple moor,
A red-coat troop came marching—
 Marching—marching—
King George's men came matching, up to the old inn-door.

II

They said no word to the landlord, they drank his ale instead,
But they gagged his daughter and bound her to the foot of her narrow bed;
Two of them knelt at her casement, with muskets at their side!
There was death at every window;
 And hell at one dark window;
For Bess could see, through her casement, the road that he would ride.

III

They had tied her up to attention, with many a sniggering jest;
They had bound a musket beside her, with the barrel beneath her breast!
"Now, keep good watch!" and they kissed her.
 She heard the dead man say—
Look for me by moonlight;
 Watch for me by moonlight;
I'll come to thee by moonlight, though hell should bar the way!

IV

She twisted her hands behind her; but all the knots held good!
She writhed her hands till her fingers were wet with sweat or blood!
They stretched and strained in the darkness, and the hours crawled by like
years,
Till, now, on the stroke of midnight,
 Cold, on the stroke of midnight,
The tip of one finger touched it! The trigger at least was hers!

V

The tip of one finger touched it; she strove no more for the rest!
Up, she stood up to attention, with the barrel beneath her breast,
She would not risk their hearing; she would not strive again;
For the road lay bare in the moonlight;
Blank and bare in the moonlight;
And the blood of her veins in the moonlight throbbed to her love's refrain .

VI

Tlot-tlot; tlot-tlot! Had they heard it? The horse-hoofs ringing clear;
Tlot-tlot, tlot-tlot, in the distance? Were they deaf that they did not hear?
Down the ribbon of moonlight, over the brow of the hill,
The highwayman came riding,
Riding, riding!
The red-coats looked to their priming! She stood up, straight and still!

VII

Tlot-tlot, in the frosty silence! Tlot-tlot, in the echoing night!
Nearer he came and nearer! Her face was like a light!
Her eyes grew wide for a moment; she drew one last deep breath,
Then her finger moved in the moonlight,
Her musket shattered the moonlight,
Shattered her breast in the moonlight and warned him—with her death.

VIII

He turned; he spurred to the West; he did not know who stood
Bowed, with her head o'er the musket, drenched with her own red blood!
Not till the dawn he heard it, his face grew grey to hear
How Bess, the landlord's daughter,
The landlord's black-eyed daughter,
Had watched for her love in the moonlight, and died in the darkness there.

IX

Back, he spurred like a madman, shrieking a curse to the sky,
With the white road smoking behind him and his rapier brandished high!
Blood-red were his spurs i' the golden noon; wine-red was his velvet coat,
When they shot him down on the highway,
Down like a dog on the highway,
And he lay in his blood on the highway, with the bunch of lace at his throat.

* * * * *

X

And still of a winter's night, they say, when the wind is in the trees,
When the moon is a ghostly galleon tossed upon cloudy seas,
When the road is a ribbon of moonlight over the purple moor,

A highwayman comes riding—
Riding—riding—
A highwayman comes riding, up to the old inn-door.

XI

Over the cobbles he clatters and clangs in the dark inn-yard;
He taps with his whip on the shutters, but all is locked and barred;
He whistles a tune to the window, and who should be waiting there
But the landlord's black-eyed daughter,
Bess, the landlord's daughter,
Plaiting a dark red love-knot into her long black hair.