

ETHICS, POLITICS AND POLICY

Instructor: Simon Rippon <RipponS@ceu.edu>

No of Credits: 2 CEU credits (4 ECTS credits)

Semester/term, year: Fall, 2020-21 academic year

Course Status: Elective class open to all CEU Master's students. SPP course, x-listed with PHIL.

Prerequisites: None

Instructor's Office Hours: Normally Tu, Th 1:30-3:30 during term. Please visit <http://simonrippon.youcanbook.me> to check availability and reserve a slot. In Quellenstraße 51 / D410 or on Zoom.

Course e-learning site: <https://ceulearning.ceu.edu/course/view.php?id=12065>

Meeting time: Wednesdays 9:00am-10:40am (face to face group in Vienna), room TBA, OR Fridays 3:30-5:10 (online group on Zoom – see also *Requirements*)

Course Description

This course aims to deepen understanding of how moral values underlie public policy debates, and to enhance students' ability to interrogate their own assumptions about values, by introducing some basic concepts and methods of moral and political philosophy. We will examine key normative questions in public policy such as: When do legislators, civil servants, and citizens have special duties to others because of their roles, and when should they act on their private moral judgments? What ethical assumptions are made by widely-used methods of policy analysis, and how should we think about these? Can states legitimately control speech? Can states legitimately control borders between citizens and potential immigrants? How can we reasonably respond to moral disagreement and religious diversity in a pluralistic state?

Answering such questions involves making difficult value judgments. Through debate and discussion of a number of moral dilemmas faced by governments and public, we will discover how analytic moral reasoning can help us examine, adjust, and better defend the moral and political frameworks that ground our policy decisions – though it leaves us with seemingly fewer clear, final answers than before we encountered it.

Learning Outcomes

At the completion of their work for this course, students will be able to:

- Understand and explain how choices and debates in public policy are often not just technical in nature, but involve underlying assumptions about morality and values
- Understand some key concepts from moral and political philosophy that can inform public policy decisions
- Explain and reconstruct moral views and arguments encountered in the readings and in class, and show how these relate to various policy choices and debates
- Critically assess moral views and arguments by formulating objections and responses to them

- Recognize that evaluative assumptions can be (or fail to be) supported by reasons, even while clear and final answers are often elusive.

Requirements

For all students, the basic expectations are:

- (i) Regular, punctual attendance of all classes
(NB for online students not able to attend class in Vienna a dedicated online seminar on Zoom is scheduled. In case this is not practicable, e.g. in case of poor internet connections, alternative assignments and means of discussion will be arranged so that students can still meet the learning outcomes with a similar workload. Online students will be able to switch to the face to face version of the course in case they arrive in Vienna while it is running.)
- (ii) Carefully completing the assigned readings before class
- (iii) Active participation in discussions, whether in class or online

Students taking the class for credit are additionally required to complete the following assignments:

1) Knowledge quizzes (10% of final grade)

At the beginning of each class, there will be a short, straightforward, multiple-choice knowledge quiz based on the assigned required readings. There will be 10 knowledge quizzes during the term, starting in week 2. Students will get 0% in any week in which unexcused absence or lateness results in their missing the quiz. Students will need to bring a device to class (laptop, tablet or smartphone) to complete the knowledge quiz, but otherwise the use of electronic devices in class is strongly discouraged.

NB For online students an alternative assignment of adding discussion comments online to the required texts will be substituted in case the live knowledge quizzes are impossible.

2) Seminar presentation (20%)

The presentation will rely on and refer to (but not simply summarise) the theoretical readings assigned for the class, and *indicate how aspects of the views, theories, and/or arguments could be applied in reasoning about the assigned case*. Thus, the presentation will consist of two parts. In the first half of the presentation, the presenter will reconstruct one of the main argument(s) of one of the required readings of the given week and raise possible criticisms. Then, in the second part of the presentation the presenter will briefly introduce and normatively assess the assigned case of the week, based on the week's required readings.

Presentations should be **15 -20 minutes** in length.

Presentations will be assessed on the basis of their clarity and focus, helpfulness in promoting understanding of the ethical issue(s) at stake, quality of arguments, anticipation of objections, evidence of a good understanding of the relevant theoretical readings and of independent thinking, success in generating class discussion, and quality of delivery and time-keeping. Rhetoric and spin are positively discouraged. (Due in an assigned week of term)

NB For online students a written presentation can be substituted for the seminar presentation in case a live presentation is impossible. The grading criteria above will still apply. In this case a message-based discussion will be conducted.

- 3) **Presentation of a 1-page draft outline plan for the final paper (20%).** The final paper should be on an policy ethics question of your choice related to at least one of the topics discussed in class, which must be approved in advance by the instructor (your question may, if you wish, be similar to those provided under each topic heading in the syllabus, which are intended to guide your reading and reflection). It must be on a different topic to your seminar presentation. This assignment is intended help you to work out, logically organize, and concisely communicate the central points you intend to make in your final paper, and to provide an opportunity to discuss and think through potential objections and amendments. The outline should clearly state the intended thesis of the paper, and concisely present the main steps of your argument for it (bullet points are recommended!). Students may present and discuss their outlines either in class, time permitting, or in appointments with the instructor. They will be assessed according to clarity, organization, and evidence of independent thinking. (Week 11)

NB For online students the outline may be submitted in written form and a message-based discussion will be conducted if necessary.

- 4) **Write a final paper of 2,000-2,500 words (50%).** Due date: January 4, 2021

NB You are strongly encouraged to discuss and refine your ideas or even drafts of your work with the instructor, writing centre staff, other students in the class, and indeed anyone else willing to listen. However, your assessed work must be the result of your own writing, thinking and research for this class. Any assistance received should be acknowledged, and any reproduction of text or of ideas of others must be clearly attributed to its original source. An offense of plagiarism need not be intentional for it to be punishable under the CEU regulations!

Assesment And Grading Criteria

The course grade will be determined as follows:

- 10% Knowledge quizzes
- 20% Seminar presentation
- 20% Presentation of one-page outline for final paper
- 50% Final paper of 2,000-2,500 words
(See below for assessment criteria)
- *Participation in all classes* will be taken into consideration in borderline cases and may result in a raised or lowered final grade by up to 1/3 of a grade. Attendance, preparation, attention to others, and quality of contributions in class throughout the term will be considered.

All course requirements must be completed in order to earn a grade for the class.

Grading criteria for term papers

Quantity:

The term paper must be within the required word count.

Quality:

To earn a B (good), the paper should clearly and concisely address the question and be written in good academic English. The paper should demonstrate a fairly solid understanding of the relevant arguments from readings in the course as well as in-class presentations and discussions. Important principles and concepts should be clearly explained. The views of others should, where necessary, be accurately, charitably, clearly and succinctly reconstructed, and properly cited with a bibliography.

To earn a B+ (very good), in addition to demonstrating the virtues of a B grade paper and an understanding of relevant concepts, principles, arguments with only minor errors, the paper should show a higher degree of originality and independent work. That is, the paper must show that you have analyzed and independently organized the material yourself in response to the question, rather than simply following the organization of in-class presentations or parts of the literature.

To earn an A- (excellent), the assignment must demonstrate all the above plus evidence of genuine progress as a result of your own independent thinking, such as your own substantive evaluation and critique of the validity and soundness of arguments, or introduction of significant new examples that shed light on the topic. If there are any problems with the exposition or arguments in the paper, these will be minor. Any obvious objections to your argument will have been anticipated and answered.

Papers that earn an A (outstanding) will demonstrate all the above virtues to the extent that they are nearly flawless in writing style, organization, exposition and soundness of arguments. While remaining entirely relevant to the question, such a paper will be relatively ambitious in scope and will demonstrate an exceptional degree of understanding and of the topic.

COURSE SCHEDULE AND READINGS

The required readings for this class are generally modest in length, but they are necessarily often abstract, and demand careful attention and repeated reading. *You will learn very little from either skim-reading alone, or from someone else's notes.* Understanding the readings fully will pay off in helping you better understand the issues discussed in class, especially in the long run, and of course will help you better contribute to discussions. For more on how to read philosophy, see the recommended guides mentioned below.

Recommended Method and style Guides

Since we will be concerned with moral and evaluative questions, and these questions cannot usually be resolved by collecting and analysing empirical data, our focus in this course will usually be on giving reasons and assessing arguments. In particular, we will be aiming for concision and clarity in understanding and explaining the structure and the potential weaknesses of rational arguments for moral and philosophical claims, which are often quite abstract. Analytic philosophers have developed a method and style of thinking and writing that helps us do this, and this course aims to teach you the method by using it together with you. If this is an unfamiliar style of thinking, reading and writing for you, you may find the following sources useful:

- Jim Pryor, “Guidelines on Reading Philosophy”. Online at: <http://www.jimpryor.net/teaching/guidelines/reading.html>
- Jim Pryor, “Guidelines on Writing a Philosophy Paper”. Online at: <http://www.jimpryor.net/teaching/guidelines/writing.html>
- Tracy Bowell and Gary Kemp. *Critical Thinking: A Concise Guide*. 3rd ed. London: Routledge, 2010.

Recommended General Readings

The following sources will be useful references for a range of the topics covered during the course:

More elementary:

- James Rachels, *The Elements of Moral Philosophy* (1996)
- Adam Swift, *Political Philosophy: A Beginners’ Guide for Students and Politicians* (2006).
- Jonathan Wolff, *Ethics and Public Policy: A Philosophical Inquiry* (2011).
- David Boonin and Graham Oddie, *What’s Wrong? Applied Ethicists and Their Critics*. 2nd ed. (Oxford: Oxford University Press, 2010)

More difficult and technical:

- Will Kymlicka, *Contemporary Political Philosophy: An Introduction*. 2nd ed. (2002).
- *The Stanford Encyclopedia of Philosophy*. Online at: <http://plato.stanford.edu/>

Week by week breakdown

Weeks 1-2

Philosophy, Moral Theory, and Public Policy

These lectures and readings introduce the method of analytic moral philosophy and its uses, including a sketch of the main moral theories which will help guide our thinking about ethics and public policy in the rest of the course.

If you can complete the required readings before the week 1 class, please choose one or more of the recommended readings to read before week 2.

Required Readings:

- David Dunning. “We Are All Confident Idiots.” *Pacific Standard*, October 27, 2014.
- Boonin, David, and Graham Oddie, eds. “Introduction” to *What’s Wrong? Applied Ethicists and Their Critics* (New York: Oxford University Press, 2010), pp.1-30.

Recommended Readings:

- Jeffrey Howard, “The Public Role of Ethics and Public Policy” in Annabelle Lever and Andrei Poama (eds.) *The Routledge Handbook of Ethics and Public Policy* (New York: Routledge, 2019): 25-36.
- Albert Wheale, “Public Policy and Normative Methods” in Annabelle Lever and Andrei Poama (eds.) *The Routledge Handbook of Ethics and Public Policy* (New York: Routledge, 2019): 51-61.
- John Harris and David Lawrence, “Ethical Expertise and Public Policy” in Annabelle Lever and Andrei Poama (eds.) *The Routledge Handbook of Ethics and Public Policy* (New York: Routledge, 2019): 76-88.
- Mark Timmons, “A Moral Theory Primer” in *Disputed Moral Issues: A Reader*, Second Edition. (2012): 1–35.

Week 3

Moral Relativism

- Are there universal moral rights and/or objective moral truths, or is there only what is “true for me” or my society and “true for you” or yours?
- Should political actors ever make judgments about the policies and laws of foreign cultures, or try to interfere with them?
- Does innate social identity determine what is right or valuable for us, or can our judgment about what is right or valuable help us choose our social identity?

Case: HRW on ‘Anti-Homosexuality’ Bill in Uganda

Is it wrong for Human Rights Watch to tell Uganda’s policymakers how they should run their own internal affairs?

Required Readings:

- James Rachels, “The Challenge of Cultural Relativism” and “Subjectivism in Ethics” in his *The Elements of Moral Philosophy*, 4th ed. (2003): 16-47.
- Amartya Sen. *Reason Before Identity* (1999):1-31.
- Human Rights Watch, “Uganda: ‘Anti-Homosexuality’ Bill Threatens Liberties and Human Rights Defenders”. News Release (October 15, 2009).

Recommended Readings:

- Simon Blackburn, “Relatively Speaking” *Think* 1, no. 2 (2002): 83–88.
- Ed Butler. “The Man Hired to Have Sex with Children.” BBC News, July 21, 2016. <http://www.bbc.com/news/magazine-36843769>
- Amy Gutmann, “The Challenge of Multiculturalism in Political Ethics.” *Philosophy & Public Affairs* 22, no. 3 (1993): 171–206.

Week 4

Welfare, Value and the Aims of the State

- What makes a person’s life worth living?
- Should a modern democratic state aim to promote the well-being of its citizens primarily/solely by aiming at economic growth, or should it (also) pursue other means to this end?

Case: The Gross National Happiness index in Bhutan

Should states promote the Gross National Happiness?

Required Readings:

- Martha Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (2012): 1-26.
- Roger Crisp, “Well-Being” in *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta. <http://plato.stanford.edu/entries/well-being>
- Revkin, Andrew C. “A New Measure of Well-Being From a Happy Little Kingdom.” *The New York Times*, October 4, 2005.

Recommended Readings:

- Worstall, Tim. “Happiness Economics Is Bollocks. Oh, UK.gov Just Adopted It? Er ...” *The Register*, October 19, 2014.
- James Griffin, *Well-Being: Its Meaning, Measurement and Moral Importance*. Oxford: Oxford University Press, 1988.

Week 5

Moral Disagreement and Political Liberalism

- How can we conduct politics in a way that respects and tolerates diversity in moral and religious beliefs? Are there limits on what can or should be tolerated?
- Can the state justifiably insist that certain educational objectives are met, even if they conflict with some people’s deeply held religious views?

Case: The right to home school in Germany

Should parents be allowed to shield their children from views the parents disapprove of?

Required Readings:

- Stephen Macedo. “Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?” *Ethics* 105, no. 3 (April 1, 1995): 468–496
- Decision of the European Court of Human Rights: *Konrad and Others v Germany* 35504/03 (11/09/2006).

Recommended Readings:

- Rawls, John. “The Idea of Public Reason Revisited.” *The University of Chicago Law Review* 64, no. 3 (July 1, 1997): 765–807. [esp. sections 1-3. This work is also reprinted in his *Collected Papers* (1999), pp.573-591].
- John Rawls, *Justice as Fairness: A Restatement* (2001), esp. pp.14-38.
- Amy Gutman and Dennis Thompson, “The Constitution of Deliberative Democracy,” in *Democracy and Disagreement*. (1996): 199-229.

Week 6

Representation, Official Roles and Morality

- Should legislators in a democratic society use their independent moral judgment, or should they simply try to satisfy the will and demands of voters?
- What are the responsibilities of public officials to loyally follow orders? Do their roles give them special duties, or special moral prerogatives? Should they ever refuse to follow orders they regard either as unlawful or immoral?
- To what extent should the personal comprehensive moral and religious views of political agents be expressed in their political arguments and public actions?

Case: A town clerk’s refusal to issue same-sex marriage licenses in New York State

Did town clerk Rose Marie Belforti exercise justified official discretion when she stopped personally issuing marriage licences because of her religious beliefs?

Required Readings:

- Edmund Burke, “Speech to the Electors of Bristol” (excerpt).

- Michael Quinlan, “Ethics in the Public Service” *Governance* 6, no. 4 (1993): 538–544.
- Arthur Applbaum, “The Remains of the Role” in his *Ethics for Adversaries: The Morality of Roles in Public and Professional Life* (1999): 61-75.
- Kaplan, Thomas. “Rights Clash as Town Clerk Rejects Her Role in Gay Marriages.” *The New York Times*, September 27, 2011, sec. N.Y. / Region.

Recommended Readings:

- Arthur Applbaum, “Democratic Legitimacy and Official Discretion.” *Philosophy & Public Affairs* 21, no. 3 (July 1, 1992): 240–274.
- Dennis Thompson, *Political ethics and public office* (Cambridge, MA: Harvard University Press, 1987), “Introduction” and “Legislative Ethics”: 96-122.

Week 7

Consequentialism and Cost Benefit Analysis I

- What is cost-benefit analysis, and how does it relate to consequentialist and utilitarian moral theory?
- What is a discount rate, how does it have an ethical dimension, and how should we set it?
- Are some things intrinsically unquantifiable or incommensurable? Can we put a price on human life?

Case: Measures to combat climate change

Does cost-benefit analysis provide an objective and appropriate foundation for making decisions about how much to reduce greenhouse gas emissions?

Required Readings:

- William Shaw. “The Consequentialist Perspective.” In *Contemporary Debates in Moral Theory*, James Dreier, ed (2006), 5-20.
- John Broome. “The Ethics of Climate Change.” *Scientific American* 298, no. 6 (June 2008): 96–102.
- Frank Ackerman and Lisa Heinzerling. “Pricing the Priceless: Cost-Benefit Analysis of Environmental Protection.” *University of Pennsylvania Law Review* 150 (2002): 1553-1584.

Recommended Readings:

- Scheffler, Samuel, ed. *Consequentialism and Its Critics*. Oxford Readings in Philosophy. Oxford: Oxford University Press, 1988.

Week 8

Consequentialism and Cost Benefit Analysis II

- Does the use of cost-benefit analysis in public policy ignore important aspects of fairness, or morally significant individual rights?

Case: Energy policy and nuclear power

Should we mandate radiation-protection standards that are equally strong and effective for all, including children and radiation workers, even if this would make nuclear power uneconomical?

Required Readings:

- John Rawls. "Classical Utilitarianism" in *Consequentialism and its Critics*, Samuel Sheffler, ed (1988), pp. 14-19.
- Jonathan Wolff. "Making the World Safe for Utilitarianism." *Royal Institute of Philosophy Supplements* 58 (2006): 1–22.
- Shrader-Frechette, Kristin. "Environmental Injustice, Climate Change, and Nuclear Power." *Journal of Applied Ethics and Philosophy* 2 (2010): 1–11.

Recommended Readings:

- Bernard Williams. "Consequentialism and Integrity" in *Consequentialism and its Critics*, Samuel Sheffler, ed (1988), pp. 20-50.
- Martha C. Nussbaum. "The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis." *The Journal of Legal Studies* 29, no. S2 (June 1, 2000): 1005–1036.
- Scheffler, Samuel, ed. *Consequentialism and Its Critics*. Oxford Readings in Philosophy. Oxford: Oxford University Press, 1988.

Week 9

Liberty: Freedom of Speech and Hate Speech

- Should we be permitted to say whatever we want, about whomever we want, whenever we want?
- Why did J.S. Mill seek to defend freedom of speech? Was he right to say that "All silencing of discussion is an assumption of infallibility"?

Case: Jyllands-Posten's publication of the Mohammed Cartoons

Should Jyllands-Posten have been permitted to publish cartoons that muslims regard as insulting the Prophet?

Required Readings:

- J.S. Mill, "Freedom of Thought and Discussion" [excerpts from his *On Liberty* Ch. 2] in *Ethics in Practice*, edited by Hugh LaFollette (1997): 329-332.
- Frederick Schauer, "The Phenomenology of Speech and Harm" *Ethics* 103:4 (1993), pp. 635-653. Anderson, John Ward. "Cartoons of Prophet Met With Outrage." *The Washington Post*, January 31, 2006.

Recommended Readings:

- Tariq Modood, "The Liberal Dilemma: Integration or Vilification?" *International Migration* 44 (5) (2006): 4-7.
- Randall Hansen, "The Danish Cartoon Controversy: A Defence of Liberal Freedom" *International Migration* 44(5) (2006): 7-16.
- Joseph Carens, "Free Speech and Democratic Norms in the Danish Cartoons Controversy" *International Migration* 44(5) (2006): 33-42.
- Mill, John Stuart, *On Liberty* (1869), unabridged version. (Especially ch 2 "Of the Liberty of Thought and Discussion"). I recommend the edition edited by Jonathan F.

Bennett and available online at:

<http://www.earlymoderntexts.com/assets/pdfs/mill1859.pdf>

- Alan Haworth, "On Mill, Infallibility, and Freedom of Expression." *Res Publica* 13, no. 1 (2007): 77–100.

Week 10

Global Justice and Immigration

- What are the moral duties of individuals and states toward the global poor? Does it matter whether or not these people are fellow citizens, or live in foreign countries?
- Can states legitimately control immigration?

Case: UK immigration policy and trouble in Calais

Does the British government have a moral right to prevent migrants in Calais from entering Britain freely, and to use harsh conditions to dissuade others from migrating? (NB: Set aside existing legal obligations and permissions)

Required Readings:

- Peter Singer, "The Singer Solution To World Poverty." *The New York Times Magazine* (September 5, 1999)
<http://www.nytimes.com/library/magazine/home/19990905mag-poverty-singer.html>
- Michael Blake, "Immigration," in R G Frey and Christopher Wellman (eds.), *A Companion to Applied Ethics* (2003): 224-237
- Matt Carr. "The Battles of Calais | Institute of Race Relations," August 14, 2014.

Recommended Readings

- Thomas Pogge, "Priorities of Global Justice." *Metaphilosophy* 32, no. 1–2 (2001): 6–24.
- Joseph H. Carens, "Aliens and Citizens: The Case for Open Borders." *The Review of Politics* 49, no. 02 (1987): 251–273
- David Miller, "Immigration: The Case for Limits" in Andrew Cohen and Christopher Wellman (eds), *Contemporary Debates in Applied Ethics* (2005): 193–206.
- Michael Blake. 'Philosophy & The Refugee Crisis: What Are The Hard Questions?' *The Critique*, July 1, 2016. <http://www.thecritique.com/articles/philosophy-the-refugee-crisis-what-are-the-hard-questions/>

Week 11

Multicultural conflict, group rights and gender equality

- Should religious groups, immigrants or other cultural groups be granted special rights to pursue their traditional ways of life?
- Is there a fundamental conflict between multicultural freedom and gender equality? If so, which should have priority?

Case: The French ban on full-face veils

Could the French ban on veils ever be defended?

Required Readings:

- Susan Moller Okin, “Is Multiculturalism Bad for Women?” in Cohen et al. (eds.), *Is Multiculturalism Bad for Women?* (1999): 9–24.
- Azizah al-Hibri “Is Western Patriarchal Feminism Good for Third World/Minority Women?” in Cohen et al. (eds.), *Is Multiculturalism Bad for Women?* (1999): 41-46.
- “Court Upholds French Full Veil Ban.” *BBC News*, July 1, 2014.

Recommended Readings:

- Will Kymlicka, “Multiculturalism”, ch.8 in his *Contemporary Political Philosophy: An Introduction*. 2nd ed. (2002): 327-376.
- Amartya Sen. *Reason Before Identity* (1999):1-31.
- Will Kymlicka, *Multicultural Citizenship: a Liberal Theory of Minority Rights* (1995)

Week 12

Final Discussion & Wrap Up

Readings TBA