

MORAL DIMENSIONS of PUBLIC POLICY

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Thursdays 9:15-11:45 am
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All policies have motives, features, and effects whose dimensions are measurable against one, several, or many moral standards, each of which is respected above others, or at least *among* others, by a sizable fraction of thoughtful and well meaning people, who sometimes fatefully disagree among themselves either as individuals or as groups.

Few graduate students are likely to find this concatenation of hypotheses sufficiently doubtful, even slice-by-slice, to be worth testing. Of more practical interest is a set of corollaries:

(1) Every policy controversy has a moral core.

(2) Any policy controversy can be pushed toward chronicity if a leading party to it sincerely believes or disingenuously claims that its moral core is indivisible.

(3) Most every policy controversy moving from chronicity to crisis has a conglomerate moral core, one whose components are too confusingly interlocked to make their disengagement easy and too hotly interactive to make compromise easier than confrontation.

(4) Any conglomerate moral core can be disassembled, its components identified and then individually reduced in mass and volatility, making any future reassembly – be it spontaneous or planned, innocent or malicious – less dangerous than it would otherwise have been.

(5) Many policy problems are not recognized, or not acknowledged, as importantly moral; these problems often are discussed only as technical issues, but chronic dissatisfaction with technical fixes may indicate otherwise.

(6) Many policy problems are made moral problems by the choice of solutions assumed to be rational and expected to prove effective insofar as their rationality is appreciated, emotive factors notwithstanding.

Our focus will be these corollaries, our purpose the development of analytical and advisory abilities.

Presumptions will be that moral controversies should be preempted or settled in forthright ways, that policies should not be advanced through the creation or perpetuation of controversies, that the chronicity of controversies should not be taken as reason to ignore opportunities to resolve them, that moral plausibility may explain behavior to which moral priority cannot be assigned, that compromise is usually but *not* always better than confrontation, and that residual volatility is – let's face it – a sign of policy failure.

While no policy-school graduate is likely ever to be hired explicitly as a “moral-dimensions analyst” or, worse, as a “political-moral advisor,” many will work implicitly in these capacities. They should not do so unmindfully.

REQUIREMENTS

- *Attendance in class.*
- *Attention in class. Accordingly, no student computers, smart-phones, or tablets in use except for class-work purposes: taking notes, viewing electronic readings currently under discussion, debunking professorial assertions, et cetera. No surfing, no shopping, no e-mailing, no texting.*
- *Well prepared, well reasoned, and non-adversarial participation in class discussions.*
- *Three analytical-advisory memoranda, each addressing an assigned problem and following a prescribed format. No memorandum is to exceed 2,500 words. The first two memos will be written over three-week periods. Requests for advice are always welcome by e-mail or by knocking on the professor's door. Drafts may be submitted for risk-free informal assessment. The last memo will be written more quickly during Fall Finals Week. Requests for advice are just as welcome as before, but drafts can't be reviewed.*

COURSE GRADE is an overall judgment of analytical-advisory promise. Preparation and participation count, as do speaking and – especially – writing. The School expects core-course modal grades below an A.

Readings

Papers and links are posted at ELMS-Blackboard.

www.elms.umd.edu

Weeks

1 Welcome

Focus • purpose • presumptions • methods • expectations

Thu 9.1.11

2 Off-the-shelf epics for retrospective advising

Catastrophic outcomes of moral and moralized antagonisms • putting “the inevitable” back in play for tabletop exercises • an all-American cold war • the quitting and splitting of India

Thu 9.8.11

3 Making sense of observed behavior

Theories of moral motivation from contrasting sources • the natural sciences • making altruism sound like self-interest • the social sciences • making self-interest sound like altruism • widely revered religious traditions • making details matter • widely read philosophical traditions • making revolution occasionally • constitutional, civil, and criminal law • making do and doing over • pragmatism • making no mark • behavioral primatology • making the most of a natural experiment quasi-controlled for culture • putting teleology back in its box • adaptation versus “exaptation” • “the new science of morality” • fraud aside • the brain in sympathy • a cautionary note on analogical reasoning • dominance hierarchies • moral-obligation hierarchies • congruence and non-congruence • a word on the naturalistic fallacy

Thu 9.15.11

The memo on memos.

4 Groping in the procreative penumbra

The origins of privacy • its American constitutional career, briefly recalled • sexual predation of minors and its claim to privacy protection • underage and plural marriage • red-light districting • sex trafficking, craigslist.org, and the *Washington Post* • ritual cutting, ritual “nicking,” and the American Academy of Pediatrics • heat-of-passion crimes • honor-killings come West • fertility control as a socially transformative technological “shock” • sex education • emergency contraception from Plan B to ella • pregnancy termination • on the pluripotency of stem cells and the mutability of moral principles • stem cells from morally distinguishable sources • and for morally distinguishable purposes • Dickey-Wicker as a sticky wicket • birthrights, freezer-rights, donor-rights, and last rites for spare embryos • marriage laws as protections for women and their children • syphilis-discordant couples unsuspectingly attending *Parsifal* • medicinal mercury, “fever cures,” the VDRL, and the marriage license – until AIDS • the Stonewall Riot • the wages of promiscuity • monogamy as threat and counter-threat • same-sex unions and domestic partnerships • marriage as a public assertion of privacy • birth as a rights-maker • birthright citizenship, “birth tourism,” Medicaid, and the Fourteenth Amendment • martyrdom as a marriage-maker

Thu 9.22.11

*Memo 1 assigned.
Attach finished memo to an e-mail to...
sprinkle@umd.edu
...by WEEK 7.*

5 Culturalism, multiculturalism, and civil power

Waking up with a Neanderthal • the genteel adaptationist’s repressed racial misapprehensions relieved by genetic drift • the faces and families of modern humanity • Filmer, Locke, and liberalism’s drive toward autonomous individualism • attractions, complaints, accommodations, consequences • correction as a necessity • multiculturalism as a policy • communal coherence • societal incoherence • assimilation and loss, linguistic and cultural • “diversity” as fact and euphemism • student mobility • labor mobility • social mobility • special moral claims • first nations • refugees and asylum-seekers • the occasional irreconcilable difference • Mexico unraveling • parting shots

Thu 9.29.11

6 Other people’s revolutions

The second oldest interventionist premise • and among the newest • the all-domestic version • from the Underground Railroad to Harper’s Ferry to Teach-for-America • the foreign-fighter version • from

Thu 10.6.11

Lafayette and Kościuszko to the Abraham Lincoln Brigade, *al Qaeda*, and the Arab Spring • the expeditionary version • from Athenian expansion to Operation Iraqi Freedom and Russia's punitive incursion into Georgia • human and communal rights as modernity's ultimate twin sovereignty • "the responsibility to protect" • Gene Sharp's 198 ways to say no-and-go • non-violent resistance • non-violent deterrence • "transarmament"

7 Legitimacy in control and combat

Thu 10.13.11

The ascent of sovereignty • aggrandizing the family • legitimacy's original meaning • proofs of sovereignty, positive and negative • the Anaconda Plan, its origins, variants, and implications • targeted-killings and drone attacks contrasted with arrest and trial • the descent of war • war as a human institution • courage and cowardice • professions of arms • professional courtesies • legitimacy's modern meaning • asymmetry's inevitability • asymmetry in methods • asymmetry in motivations • wars of national interest • wars of national survival • arms racing from *Dreadnought* to overkill to "unipolarity" • victors' responsibility • collateral deaths and damage • shock, awe, and compensation • victors' justice • "nation-building" • patriarchal privilege • moral progress as a real expectation and an ambiguous fact • the ICRC as the second oldest convener and the most effective • the Convention on Cluster Munitions

8 Abandoned peoples in irrelevant economies and dying environments

Thu 10.20.11

How the "bottom billion" became and remain exogenous • culpability • its complexity, sensitivity, pertinacity, and manipulation • civil disorder • food • water • too little • too much • too foul • the Washington Consensus • its rationale and disrepute • nonconsensual alternatives

9 Stewardship

Thu 10.27.11

As an obligation • as an imposition • caring about the past, caring about the future, and pretending not to • cost-benefit reasoning in environmental-policy analysis • the permanent in service to the temporary • the individual, the commons, and the socio-ecological system • the Pleistocene's long goodbye • sped and spoiled by industrious humanity

*Memo 2 assigned.
Attach finished memo to an e-mail to...
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...by WEEK 12.*

10 The Founders' missing check

Thu 11.3.11

The legislative branch writing its own rules • and only sometimes needing — and then usually getting — the complicity of a second or third branch • legalized bribery in electoral politics • bargain making • bargain pricing • participation, access, and other euphemisms • the Fannie & Freddie show • expensive hard-to-refuse non-monetary offers • Astroturf • *Citizens United v. Federal Election Commission* • a glimmer of commonality now extinguished • an era of bad feelings • what might be done now • corporate personification • executive privilege in publicly traded corporations • soak up and trickle down • executive apotheosis

11 A functional moral-resonance image of the US health system (fMRI-1)

Thu 11.10.11

Moral resonance • a metaphor that makes sense • sources, pathways, signals • on the back of a long envelope • who was getting what, how, and why • what the common folk rarely guessed • what the *cognoscenti* wouldn't do and wouldn't say • structure, dysfunction, and compensation • the insurance-disparity wedge • the legal drugs-and-devices trade • temptations and their pursuit • a writ of *qui tam* • market pricing • gray-market pricing during oncology's generics shortage • user fees • agency capture • professional embarrassment • plus *Riegel v. Medtronic*, 2008 • minus *Wyeth v. Levine*, 2009 • incessant pervasive pathological remodeling • reforms done, not done, and undone • reform to fairness and why it didn't happen

12 A functional moral-resonance image of the US health system (fMRI-2)

Thu 11.17.11

Errors as betrayals • errors as signs • as outcomes of natural experiments • as profits • as distractions • why optimal error rates are not always zero • how to get them closer to zero • error suppression as an insurgency in the VA hospital system • generalizable lessons • and cautions • errors of computerization • errors of judgment • errors of leadership • clinical and research ethics • an honored and dishonored tradition • a modern force • with a dark side • a “moral economy” of American medicine in the managed-care era • and why that era may come again • practice variation in the politics of reform • or how cost-effectiveness research overhauled cost-benefit analysis • practice variation from the CER perspective • and from a process perspective • clinical-cultural drift • factors • behavioral patterns • flailing • flogging • floating-or-fleeing • flocking • the restraint of drift • optimization of information, incentivization, and coordination • reform-through-pricing as a policy preference

13 THANKSGIVING DAY

Thu 11.24.11

14 Civil and uncivil management, private and public

Thu 12.1.11

Applied idealism in the Civil Service Commission • management in the mirror of labor • management in the era of theory • the guru-perpetuated dialectics of contrasting legacies • fear • driving it out • driving it in • the globe strikes back • managed competition • internal markets • reinvention and the public “customer” • regulation of privately managed industries and institutions • conflicted interests • agency capture • accountancy compromise • consultancy as a vocation • civil suasion • the management of information and perception • Wilson, Creel, and the Committee on Public Information • Ike’s MI • public-service announcements • disaster management • social marketing in the rich and poor worlds

15 Activism

Thu 12.8.11

Self-starting and non-stopping • quasi-diplomatic service • the Red Cross, Crescent, and Crystal • transgovernmental and nongovernmental professionalism • foundations, nonprofits, professional societies • development, at home and abroad • corporate social responsibility and its detractors • making sense of political activism • liberals, Jacobites, Jacobins, anarchists, socialists, progressives, libertarians, free-market romantics, nationalists, redemptionists • moderates as activists • solving problems by making trouble • Thoreau, Gandhi, Marshall, King, Ellsberg, Mandela, Act Up, Greenpeace, and the Tea Party • litigation as a policy tool • the moral dilemma seen by the Supreme Court in *Brown v. Board of Education* • and how the scales of justice almost tipped Jim Crow’s way • activism’s collateral damage • initiatives, referenda, recalls, grass roots, Astroturf, and kudzu • activism turns pro • activism undone, redone, and still to do • the art of the whistle • with an Internet variation • with a material incentive • *qui tam pro domino rege quam pro se ipso in hac parte sequitur*

Memo 3 – the Final Exam Memo – assigned in class (only) on a WEEK 12-to-15 controversy. Attach finished memo to an e-mail to... sprinkle@umd.edu ...by 12.15.11.