



# CORNELL COLLEGE

## Department of Politics

# 225. Ethics & Public Policy

March 2003

**Dr. Robert W. Sutherland, Instructor**



[Click here](#) for a version that is easier to print using [Adobe Acrobat Reader 5.0](#). Reading assignments and other elements of the syllabus are subject to change, so the online version is the only definitive one. Changes in reading assignments will not, however, be made 24 hours immediately preceding class meetings.

**INSTRUCTOR:** Robert Sutherland, 305 South, Ext. 4226. [E-mail](#) is the best way to reach me outside of class hours, since I do not regularly check my voice mail.

**CLASS MEETINGS:** 1:30 Mon-Fri; South 302

**TEXTS and other EXPENSES:** *The Moral Sense* and *The Pursuit of Absolute Integrity* are available in the Bookstore. Expect some photocopying expenses, though every effort will be made to hold them under \$5.

**GRADES: EXAMS & QUIZZES -- 100%:** Two in-class exams = 25 & 30%; Take-home final essay question=20%. Daily Assignment Quizzes = 25%. **OTHER POLICIES--**Missed quizzes & meeting may not be made up, but credit may be reassigned for documented (e.g. Trauma Center Registration Receipt) emergencies. Portions of the *Catalogue* on adding and dropping courses and portions of the *Compass* on dishonesty in academic work are incorporated here by reference. A discount of 5% per hour will be applied to the grades of late work, except for documented emergencies. The grading scale for the course is A = 1750-2000, A- = 1650-1749, B+ = 1550-1649, B = 1450-1549, B- = 1350-1449, C+ = 1250-1349, C = 1150-1249, C- = 1050-1149, D+ = 950-1049, D = 850-949, D- = 750-849, F = 000-749. The number of points possible on any given exam or paper is the product of 20 points times the importance measured in percent of the final course grade. For letter grade equivalents, multiply the percentage times: 18 = A, 17 = A-, 16 = B+, 15 = B, 14 = B-, 13 = C+, 12 = C, 11 = C-, 10 = D+, 9 = D, 8 = D-.

### SYNOPSIS:

- Public Integrity: from personal origins to constitutional standard

- personal origins
- social development
- public importance
- Public Ethics and the effort to Prevent Corruption
  - Origins of the Anticorruption Project
  - Methods of Corruption Control
  - Impact of the Project

**ASSIGNMENTS:** (to be done before class on the day indicated below)

- Day 1: Review of Course Outline plus watching [Impulse](#), an adult, action film-noir directed by [Sondra Locke](#), a key source for the final exam [essay topic](#)
- Day 2: Wilson, pp. vii-xv; 1-40
- Day 3: Wilson, pp. 55-98
- Day 4: Wilson, pp. 99-140
- Day 5: Wilson pp. 140-190
- Day 6: Wilson, pp. 190-250
- Day 7: [Exam on The Moral Sense](#)
- Day 8: Roberts, pp. 20-40;
- Day 9: Nye, 1-17; *U.S. v. Sun-Diamond*
- Day 10: Annecharico & Jacobs, pp. xi-xviii, 3-44
- Day 11: A & J: pp. 45-92
- Day 12: RICO Reading
- Day 13: A & J: 93-107, 153-172
- Day 14: A & J: pp. 172-208
- Day 15: 9-11 AM Final Exam, Part I: the in-class, short answer exam. Part II topic distributed.
- Day 16: Optional Draft of Essay on *Impulse* Due before Noon, [my email address](#)
- Day 17: Final Exam, Part II: the essay exam Due before Noon by e-mail attachment
- Day 18: Essay on *Impulse* Due, Noon by e-mail attachment.

**STUDY GUIDE FOR THE MORAL SENSE**

DAY 2: viii-xv: What is the book's purpose and why is it necessary? What is the effect on society of teachings associated with modern philosophers and social scientists, like Darwin, Marx, and Freud? Why is reference to "values" unlikely to help? What is the "moral sense?" 1-13: What is "moral or cultural relativism," how is it reflected in education, and what are some of its adverse effects in society as well as in the classroom? How strong is the "moral sense?" Having read to p. 13, review your answer to "what is the book's purpose" and offer a more specific account of why and how Wilson writes. Other key names & terms to know: Rorty, positivism, the "core self," two errors in understanding the human condition. 13-26: What two principles have been offered as a basis for social order and why is neither adequate? Why does Wilson's discussion of family, and especially child care, provide a more adequate basis? What specific meanings does Wilson attach to the "moral sense" and in what respect does he consider it to be "natural?" Other key terms or concepts: the difference between a "natural moral sense" and "universal moral rules" and why the difference matters. Infanticide, the conditions which lead to it, and what effect it has on Wilson's argument. Having read p. 26, review your answer to the book's purpose and give a more specific account. 29-40: How does sympathy operate in such a way as to yield norms which we apply to ourselves and others? What interplay of conditions (e.g. need/cost, individual/group) effect sympathy and make it more or less likely to result in actions that help others in distress. What is the most common way in which sympathy guides our action? Key terms: conscience and how it develops out of sympathy.

DAY 3: 55-78: How does sympathy provide a basis for fairness, especially in childhood? What three meanings are associated with fairness? Which meaning has priority in settled societies and why is private property essential to fairness in such society? Other key terms: theory of equity, the importance of rules or norms in reciprocity, the Prisoner's Dilemma and its significance, Darwin's explanation for rules of equity and reciprocity plus Wilson's addition to it, Wilson's criticism of Rawls on fairness. 79-98: How is self-control related to time and why is it important, especially in terms associated with sympathy and etiquette. How is the development of self-control in children related to family environment? Why does Aristotle call self-control a "mean?" What is addiction and to what extent do moral rather than prudential considerations apply to it? Other key terms: temperance, attention deficit disorder: its components, its relationship to impulsiveness, delinquency and drug use, its treatment.

DAY 4: 99-117: What is duty and how is it related to sociability, self-interest, and anger? What is a psychopath and how do key features of the condition clarify the origins of conscience? What features of duty are highlighted by the experiences of Jim Stockdale and other POW's in Vietnam? Other key terms: the free-rider problem and two methods of solving it. 121-140: What perspectives are combined in the term "social animal?" How does Wilson's account of the predisposition to attachment differ from the account of evolutionary biologists and behavioral psychologists? What is Darwin's account of how a moral sense emerges and why is it important? Why are early differences in temperament or personality only marginally related to moral development? What later differences appear to be important? Prosocial behavior of infants, presumed roots in the brain of self-interest and of sociability, three dimensions of human personality and evidence of their genetic or biochemical basis.

DAY 5: 141-163: What mistakes by "experts" prevent parents from understanding the moral qualities of their children? What difference does parental training seem to make? What is the "paradox of attachment;" why is it important for the relationship between sociability and morality? What differences in temperament and child-rearing lie behind the emphasis on differing components of the moral sense in Japan and the U.S.? Other key terms: authoritarian vs. authoritative child-rearing, observational learning, rights vs. duties as terms indicating cultural differences in child-rearing, the effect of adversity on adolescent children, definition of family in terms of marriage, the day-care debate. 165-190: What is the neurochemical, genetic, and embryological basis for "female choice?" Why is courtship so heavily stressed in Wilson's account of "female choice" and how is it stressed even more in his later account of marriage's effect upon men? What features of modern society release aggressiveness in men and promote a warrior culture? If social roles are driven so strongly by nature, as indicated by studies of kibbutzim, why is Wilson's account of differences in temperament, social roles or orientations, and moral sentiments so scattered and tentative? Other key terms or phrases: prevalence of polygyny over monogamy, adaptive value of male physical aggressiveness (confirmed by evidence from Africa), Wilson's critique of gender studies based on Kohlberg's theory of moral development, Wilson's conjecture to explain why strong evidence supporting the existence of a matriarchy is absent and will probably remain so, the effect of gender on fairness and on sympathy.

DAY 6: 191-221: What forces work against the broadest application of a moral sense and how did the development of consensual marriage in the West contribute to the expansion? What family system emerged in England & NW Europe that reenforced the change? What did exploration and commerce add? Why is private property, plus commercial law and public order, so important? What ambiguities plague the legacy of the Enlightenment? Other key terms or phrases: universalism and why abolition of slavery was important to it, the Enlightenment and its contribution to universalism, failure of religious explanations for the growth of universalism in the West, slavery as the most extreme form of parochialism, endogamy as a less extreme form, difference between the English and French Enlightenment, esp. on the connecting religion and morality, systems of thought vs. habits of life. 225-251: How does commitment lend strength to dispositions that make up the moral sense? Is the violence that breaks out between people with ethnic and national commitments the main reason for wrong action? What other conflicts are important for explaining wrong

action? How is choice distinguished from freedom; which does Wilson support and why? Which has the support of intellectuals and reformers and how does Wilson defend his dismissal of them? How does Wilson define "character" and what features about it does he emphasize? What confusion and imbalances threaten the support our culture offers for developing characters? Other key terms or phrases: affiliative drive, amoral familialism, the importance of courage, varied ways in which the idea of replacing commitment with choice are expressed, basing moral or political philosophy on a single principle vs. basing it on an intuition or sentiment, radical individualism, sympathy's link to anger, the moral senses magnified and muted by democratic politics

## DAY 7: EXAM:

### Essay Question

- Instructions: Explain the key concepts in *The Moral Sense* that lead Wilson to the conclusion that is featured in the following quotation.
- "since it is in the family that the natural sociability of the child is transformed into a moral sense, it must be in familial relations that one will find the mechanism by which this transformation acquired its distinctively Western form." (200)
- The essay may be written elsewhere and submitted to me via e-mail as a Microsoft Word attachment up to 1 PM on Tuesday or it may be written by hand during the 90 minutes scheduled for the exam in class. Maximum length is 1000 words.

## DAY 8: Questions: *THE SUPREME COURT AND PUBLIC SERVICE ETHICS*

1. What are three summary reasons supporting the argument that the Supreme Court has adopted an "individual responsibility model of official conduct?"
2. What concerns have critics of the model expressed? How does such a model differ from the alternative model based on an "absolute immunity doctrine?"
3. Why is the *Bivens* case important?
4. What did the Court hold in *Smith v. Wade* (1983) and what burden of proof did it impose in later cases on plaintiffs in constitutional tort cases?
5. What rule is proposed by the Circuit Court in the *Crawford* case to reduce the burden of litigation on public servants and how did the Supreme Court respond?
6. What are "regulatory ethics" and what price is required for their adoption and expansion?
7. What are "anticipatory public integrity restraints" and what important support did the Court provide for them in the case involving Adolphe Wenzel?
8. How is such support continued in *Buckley v. Valeo* and *Crandon v. U.S.* but limited somewhat in *U.S. v. Nat. Treasury Union Employees*?
9. What impact has the "personal responsibility model" had on expanding the authority for administrative investigations? Illustrate with reference to *LaChance v. Erickson*?
10. How has the Court expanded the application of the Hobbes Act, except for a requirement stipulated in *McCormick v. U.S.* as modified by the *Evans* Case?
11. What is the "intangible rights doctrine" and how is it advanced by *Salinas v U.S.*?

DAY 9: Questions: *Why People Do Not Trust Government*, pp. 1-17: How have people changed in their willingness to express trust and confidence in government and why is there no simple explanation for the change? Why does it matter what people think? How does the "scope of government" contribute to our understanding of why people think as they do? How do the performance and the economy contribute? What non-governmental influences could shape whether people trust government? What political ones could do so?

Questions: *U. S. v. Sun-Diamond* (<http://supct.law.cornell.edu/supct/html/98-131.ZO.html>): What instructions for interpreting the law did the District Court Judge give to the jury and how did the Appeals Court respond? What is the basis for the Supreme Court's ruling in statute and in the effects interpreting statute in the way proposed by I.C. Smaltz and the District Court Judge? How does the Court respond to objections? What legislative and administrative considerations does the Court highlight in support of its ruling?

**DAY 10: Questions: *THE PURSUIT OF ABSOLUTE INTEGRITY, I* : pp. xi-44**

1. What is the purpose of the work and, according to the authors, how does it differ from others on roughly the same subject?
2. What are the difficulties in trying to define "corruption." What kinds of conduct are now considered corrupt that were legitimate in previous years?
3. What reasons account for stricter governmental ethics laws and greater concern recently for morality in public affairs? How confidently can we assume that corruption is better or worse from one period to another?
4. What is the panoptic vision of reform and how does it differ from other reform movements? How is related to the Progressives and their vision of an alternative to the spoils system?
5. How did the merit-based personnel system evolve under each of NYC's mayors. Explain the Talent Bank Scandal and the Feerick Commission as typical of reform efforts.
6. What are some of the ways in which the authors believe that reforms render city government ineffective? To what extent did the career of Robert Moses reflect enchantment and disenchantment with typical reform efforts?

**DAY 11: Questions: *THE PURSUIT OF ABSOLUTE INTEGRITY, II*: pp 45-92**

1. What is the aim of laws prohibiting conflicts of interest and requiring disclosure of personal finances and investments? How is such an aim related to the [moralistic fallacy](#).
2. What are NYC's main conflict of interest laws and what are the basic provisions of each?
3. What are the difficulties with current conflict of interest and financial disclosure laws?
4. Do they seem to reduce corruption? Who is most likely to be affected by them? What is their impact on public administration?
5. What were the basic whistleblowing protection provisions of the Civil Service Reform Act of 1978 and what are its implications? What are their effects on public administration?
6. How has NYC's DOI been transformed and why is it important?
7. Who are Inspectors-General and what impact have they had on major agencies?
8. How is CPB related to DOI in the operation of NYC?
9. What is the more general effect of DOI on public administration?

**DAY 12: RICO Reading**

Jones, et.al. Spring'02. "Racketeer Influenced and Corrupt Organizations," *American Criminal Law Review* 39 Am. Crim. L. Rev. 977

1. What does RICO stand for, when did Congress pass it, and why is it so important to prosecutors?
2. How is the term "racketeering activity" expanded in a way that supports especially broad prosecutions?
3. What is the "continuity plus relationship" test and how is it related to a "enterprise" as a RICO element? See detailed definition of "pattern" in note 51.

4. What does the term "associations in fact" add to the types of enterprises subject to RICO investigation and prosecution?
5. Why is the conspiracy provision of RICO so important to the prosecution of public corruption?

Weisberg, July 9,'02. "RICO Suave," *Slate Magazine*

1. Why is RICO so important to the prosecution of terrorists?
2. What specific features of the Moussaui case lend themselves to a RICO prosecution?
3. Why was the Turkette Case key to the prosecution of both public corruption and terrorism?

DAY 13:: **Questions:** *THE PURSUIT OF . . . INTEGRITY, III: pp. 93-107, 153-172*

### Take Home Quiz:

- **Value & Date Due by e-mail attachment:** 100 points (5% of the final grade) by Noon Thursday, March 20th. Late penalty will be applied. See Grades above.
- **Topic:** Why is public corruption inevitable and why is police corruption even more inevitable, and on a larger scale than corruption elsewhere in government? Answer with special reference to *Impulse* and the *Moral Sense*.

Why has prosecutorial power traditionally been ineffective at stopping public corruption?

How can the OSPC under M. Nadjari be characterized and what were its main tactics? What replaced it?

What is the biggest change in the law enforcement component of the anticorruption project and what are some of the possible reasons for the change?

What are the implications of the "prosecutorialization" of city government?

Why is it so difficult to know whether corruption has actually increased or not?

What reasons for doubt exist that anticorruption efforts have cleaned up the process of issuing building permits in NYC?

How many special commissions have addressed police corruption in NYC?

What is the IAD and why was it a "complete failure" according to the Mollen Commission?

What did the Commission propose to replace IAD and how did Mayor Guiliani respond?

DAY 14: **Questions:** *THE PURSUIT OF . . . INTEGRITY, IV: pp. 173-208*

What "pathologies" has the anticorruption project stimulated in the bureaucracy? How have bureaucrats adapted to circumvent the constraints of anticorruption regulations?

What are entrepreneurial governments and what is the type of crisis and challenge will confront them? What effect might privatization have on corruption?

What trends indicate that it is unlikely that there will be a reversal in multiplying and elaborating corruption control strategies and technologies?

What elements do the authors suggest are needed in a new discourse on corruption control and what has limited it to date? What could be done to foster new discourse?

What non-traditional measures might promote honesty in public service?

What approach does Ostrem suggest to provide a new synthesis of anticorruption and public administration reforms?

## **FINAL EXAM ESSAY**

TOPIC: Write an essay (under 1000 words) on "Lottie's Moral Sense"

### GENERAL GUIDELINES FOR WRITING ESSAYS:

An "A" paper includes, but is not limited to, the following:

- Good, clear, complete discussion of major parts of the topic,
- a penetrating thesis statement connecting the parts to each other,
- accurate, skillful use of argument and evidence supporting the thesis
- a strong conclusion anchored in an extension of thesis, argument, and evidence,
- no more than one error per page of the sort outlined in *English Simplified*.

Lesser essays may be adequate on the parts but often rely on familiar phrases from class discussion and readings. Such essays may have a clear thesis but it is more weakly stated. Argument and evidence may be systematically offered but not finely gauged to the difficulty or complexity of the issue. Obvious objections to an argument go unaddressed. Transitions become increasingly tentative in papers of lesser quality. Conclusions are marked by broad, sweeping, implausible generalizations or simple restatements of major points made. Finally, proofreading is hastily done in lesser papers and stylistic errors are thus more numerous.

### SPECIFIC SUGGESTIONS FOR WRITING ABOUT *IMPUSLE*.

Character is the ethical issue to be addressed in the paper.

The evolution of Lottie Mason's character, along lines discussed by Wilson, is the heart of the paper.

Other characters need only be considered as they reflect or contribute to

the changes in Lottie's character.

How Mason's character contradicts Wilson's discussion of character has an important place at the end of the paper, though the "twist" in the film's closing moment restores the general applicability of Wilson's analysis

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