While public morality thus in part reflects, incorporates, and is influenced by private moralities, in another respect it is sharply distinguished from, and in slight or greater conflict with, private values. The morality of democratic government in its administrative aspects turns first of all, then, on orientation to the uniquely public interest.

Paul Appleby

Simple corruption in government...represents the stuff of popular scandals in the modern state, but it is presumptuous to think that this represents the full range of ethical disorders to which the state is susceptible...Every political order contains, as a necessary principle of its own integrity and significance, a systematic ethical view...which consists of the system of public authority that defines right and wrong in the realm of politics.

William J. Meyer

AIM AND PURPOSE OF THE COURSE

Judging right from wrong in political and administrative life isn't always an easy task; but is it any more difficult than judging right from wrong in our private affairs? For example, when is it appropriate to take a loved one off life support systems? Is it ok to tell a 3 year-old that there is a Santa Claus or tooth fairy? How is this different than withholding information from your parent or your six-year-old daughter that they have only six months to live? And how is this different still than withholding information from the citizens? All of these examples illustrate the difficulty of drawing lines between "acceptable" and "unacceptable" lies. In our private lives most of us accept some version of the notion of "white lies" - the telling of stories or withholding information
because it is seen as serving a larger good without corrupting our souls or the souls of those who are the object of our "white lies".

To what extent do these problems of making moral judgments in our private lives find their parallel in political life? For example, is it Ok to tell a band of terrorists holding hostages that if they give up, they will be put on a plane and sent to a country of their choice (without telling them that this applies only to those judged innocent by a jury)? When do one's personal flaws and failings as an individual become relevant for judging their worthiness to hold a position of political trust and leadership?

On first glance, we are all inclined to use our personal standards of ethics to judge the acts of public officials, expecting perhaps a somewhat higher level of integrity and trust than is applied to non-public persons. But Meyer and Appleby argue that we are wrong in failing to distinguish public from private morality. Can this be true? Can we afford to let it be true?

This course on administrative ethics attempts to steer a successful passage between the rock of Scylla and the whirlpool of Charybdis - a world where right is defended by the interests of the stronger and a world ruled by ethical relativism. This is difficult, since all of us have been hardened by the world of adulthood, organizations and politics. But, to paraphrase one of the great English poets, hoods do not a prison make, nor iron bars a cage. Even though we may always find ourselves precariously teetering between a Hobbesian world that is poor, nasty, brutish and short, on the one hand, and the Charybdian whirlpool of ethical relativism, on the other, we do not need to succumb. Our success in steering a successful course between nihilism and relativism depends upon three conditions - the character of the students, the nature of the course material, and the choice of pedagogy.

Students - This course is not designed for those who are mad dogs, intemperate philistines, or jaded upstarts. I assume at the outset that all course participants are decent and take seriously their responsibility as agents of the public trust. Without such assumptions, we all would despair at the possibility of doing anything useful in a thirty hour course on administrative ethics. I take seriously Aristotle's observation that being ethical is not the same as thinking about ethics. The former consists of the habit of right action, which means that we do not acquire ethics quite in the same way as we "get religion", come down with colds, or contact various social diseases. Starting with the assumption that we are all basically decent with decent opinions about our work means that we can concentrate on the task of focusing our decency on the discovery of standards and criteria appropriate in guiding our judgment as public servants. Here the choice of material and the goals it is intended to serve become critical.

Course Material and Purposes - The course is designed with two major premises in mind:

a) The problem of administrative ethics is co-equal with the existence of discretion. Wherever and whenever administrative discretion exists, we have a problem of discovering appropriate standards to guide its exercise.
b) At its best public discourse ought to be informed by the fundamental values underlying the American regime. This course is thus designed to impress upon practicing administrators that they are stewards of the basic democratic values and processes integral to the American system of democratic governance. Through the exercise of their administrative discretion, career administrators play a major role in defining what democratic governance is and means in the daily lives of the citizens it serves. To successfully perform their stewardship role, administrators need to be made aware of the major values of the American political system. The course is organized around the proposition that the best friends of the American regime are those who are its sympathetic critics.

1. How Do We Know a Problem of Administrative Ethics When We See One?

In order for one to take administrative ethics seriously, three conditions are necessary. First we must be able to separate the grounds of our personal judgment as human beings from the grounds of our public judgment as citizens. In short, we need to be able to take seriously the difference between public and private morality. Having developed the capacity to make such a distinction, we must then be able to see clearly the rough outlines of the kind of public morality that gives shape and character to the American regime. Finally, as public and nonprofit administrators having an eye clearly fixed on the kind of public morality undergirding the American regime, we need to discover how the ethical principles guiding the discretionary judgment of public administrators might differ from the ethical principles of other public officials like elected officials and judges holding their terms during good behavior. In short, how should administrators approach the public interest, which may set them apart from the way we expect politicians and judges to use their discretion to serve the public interest?

In considering these questions, attention is given to the factors that have contributed to the rise and fall of extensive administrative discretion in American public life. We will explore the necessity and desirability of the existence of this discretion for responsible administrative action.

2. Exploration of Solutions

The second major purpose of the syllabus is to explore various solutions to administrative ethical problems which collectively either perform the negative function of mitigating the crises of conscience of the individual administrator or the positive function of encouraging administrators actively to use their discretion to pursue the public interest. Four categories of solutions are examined: those that seek to remove temptations to the passions and the interests by an appeal to the enlightened self-interest of the individual administrator; those that attempt to structure, confine and control discretion in some kind of legal fashion; those that rely on techniques of
humanistic management and psychology to cultivate principles of right action; and, finally those that encourage administrators to fall back on larger normative values when faced with a discretionary problem.

3. Regime Values

A major part of the course is devoted to a cursory examination of three of the central values at the heart of the American political system: liberty, property and equality. Each section is divided into two parts. The first explores the overall place of each value within the American constitutional order. The second part considers how and whether administrative discretion ought to be used to promote each of these values.

The exploration of the three major values at the center of our political system relies heavily on the use of Supreme Court cases for four pedagogical reasons. First, these cases encourage us to distinguish stable principles from passing whims. The doctrine of *stare decisis* encourages the court to mediate the present through a dialogue with the past. This is a healthy corrective for those involved in the daily routine of administrative life with an eye characteristically fixed on the future. Second, the presence of both affirming and dissenting opinions by members of the Supreme Court provides a useful opportunity for public administrators to participate in a structured and formal debate on issues of fundamental importance. Participants in this debate are opened up to a reconsideration of questions of first principle, opinions are thereby broadened, and prejudices are softened.

Third, Supreme Court decisions are concrete. Abstract principles of right are disciplined by the need to apply them immediately to a concrete situation. This is especially helpful to those with a practical bent who shun discourse that is too theoretical. Finally, opinions of the Supreme Court are pertinent. They deal with interesting issues that count and about which passionate opinions are formed. Supreme Court opinions involving race and sex discrimination questions, the rights of welfare clients, and the rights of the public to agency information are of central concern to most administrators.

The overall goal of the section on liberty, property, and equality is to expose students to the core meaning of the basic values of our political system and to indicate the kinds of problems they need to be sensitive to in the exercise of their discretionary authority. For example, what kind of test should public administrators apply in deciding whether or not to issue a parade permit to a local youth gang or to the Klu Klux Clan? A clear and present danger test? A balancing approach? A reasonable person test? Or some other court sanctioned set of principles? Similar kinds of liberty questions can be raised with respect to the burdens that might be placed on agencies in their efforts to acquire information to determine client eligibility for services and to catch "cheaters". In short, just how zealously should administrators guard liberty, especially when doing so may endanger other important political values?

The section on equality is intended to accomplish two purposes. First, it exposes class participants to the sometimes problematic character of equality. Do administrators have
any business making decisions that extend equality in new directions? If so, where and how should they draw the line? Is race discrimination worse than sex discrimination, for example? How do these compare with discrimination against other categories of people that are subtly made in agency policies and standard operating procedures? Answers to such questions not only drive practical decisions on affirmative action, but they help to shape an administrative dispositional spirit. What should that spirit be? Second, combining the material on liberty with that on equality enables us to see the vulnerability of our political system to a raw and crass concern for acquisitiveness. This has been reflected recently in the Enron scandal, the crash of the housing mortgage market, the Madoff affair, just to mention some of the more notable reminders of the crass consequences of unconstrained market forces. How can that rawness be tempered by the discretionary exercise of administrative authority? Consideration of this question leads to a discussion of property per se in the last section of the syllabus.

In the last section on property we consider why property has played such a central role in the American political system and whether those reasons serve us as well today as they did previously. The Supreme Court has provided an opportunity for us to consider this issue by deciding not to give property as much protection as free speech, press, and assembly, although there are signs that this trend is may be altered. Another related issue is the extent to which administrative discretion should be used to expand the concept of "new property rights". Most of these questions appear in the guise of "due process" proceedings - when due process should be extended and the extent to which these administrative proceedings should approximate the jury trial model.

AVAILABILITY AND APPOINTMENTS

The best option for arranging a personal meeting is to give me a call or send an e-mail to arrange a meeting time that will suit your convenience.

REQUIREMENTS OF THE COURSE

Class and WebCT Discussions

Class sessions will be conducted with the assumption that participants have read the required assignments with care and are fully prepared to engage in a spirited discussion of the issues that the materials raise. Since we will be talking together about questions that are sometimes elusive and almost always have more than one point of view, reading and listening with care are important skills for success in the course. To aid you in honing these skills, WebCT study questions have been prepared for each class Session. You are required to participate in one WebCT discussions for each of our scheduled intensive Saturday sessions. “Participation” is defined as: 1. Answering one (1) study question assigned for the intensive Saturday session
and responding to at least one (1) other participant for each of the three intensive Saturday sessions.

**Writing Assignments**

In addition to the disciplines of discussion, there will be several excursions into the discipline of writing.

**Short Paper Options:** Some of the writing assignments will consist of short papers on topics assigned for each Session. If these are not to your liking, you are encouraged to see the instructor about designing your own topic. The assignments have been written from an American government perspective. **However, if you have a comparative government experience or interest, the instructor will work with you to specially design appropriate assignments.**

**Long Paper Option:** The major excursion into the discipline of writing consists of a final ten to twelve page paper (3,500 word limit) describing how the development of your public service ethical framework has been affected by the course readings and discussions. You will be evaluated on the basis of your ability to integrate the course materials into a coherent treatise that accomplishes the following objectives:

1. Presents a coherent public service ethical framework.
2. Describes the kind of ethical problems that your framework is best suited to deal with, compared to those that it is less suited to deal with.
3. Indicates the extent to which your ethical framework takes into account the distinction between public versus private morality.
4. Explains how your framework takes into account the central regime values of the American political system.
5. Successfully integrates course readings into your analysis.
6. Summarizes the findings of a review of your ethical framework by an eminent group of consultants listed below. In summarizing their findings
   a. Indicate what the members of each list have in common.
   b. Select at least one consultant from each list and summarize the kind of response you would expect to receive as to your analysis and proposed solution(s).

   **(A)**
   - Herman Finer
   - William Meyer
   - Woodrow Wilson
   - Justice Rehnquist

   **(B)**
   - Martin Diamond
   - Carl Friedrich
   - John Rohr
   - Justice Brennan
   - Morgan/Green/Shinn/Robinson
WebCT Discussions - Each student is required to participate in six WebCT discussions, two for each Intensive Saturday session. “Participation” is defined as answering any TWO questions from among those listed for the various sessions covered during each all day class meeting, but no more than one question per session. As part of your “two question” requirement, you need to post a response to TWO of your colleague’s postings.

SUMMARY OF SCHEDULED ASSIGNMENT OPTIONS:

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<thead>
<tr>
<th>ASSIGNMENT OPTIONS:</th>
<th>WHEN DUE</th>
<th>% OF GRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option I:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. One Short Paper (1200 word max): Choice of topics assigned for Sessions 1, 2, 3, 4, or 5.</td>
<td>Short paper is due two weeks following discussion of material in class.</td>
<td>25%</td>
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<tr>
<td>2. Final Paper</td>
<td>April 4th</td>
<td>50%</td>
</tr>
<tr>
<td>3. WebCt/class participation</td>
<td>Prior to class</td>
<td>25%</td>
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<tr>
<td><strong>Option II:</strong></td>
<td></td>
<td></td>
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<tr>
<td>1. Three short papers (maximum of 1200 words) on any of the paper topics assigned for each session.</td>
<td>At least one paper is due prior to session 6.</td>
<td>25% each</td>
</tr>
<tr>
<td>2. WebCt/class participation</td>
<td>All short papers are due two weeks following discussion of material in class.</td>
<td></td>
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<tr>
<td></td>
<td>Prior to class</td>
<td>25%</td>
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COURSE SYLLABUS

The following materials are required for purchase:

Benjamin, Martin, *Splitting the Difference* (Kansas, 1990)
de Tocqueville. *Democracy in America*, ed. by Heffner (Mentor)

Other course readings listed in the syllabus can be found on electronic library reserve: http://psu-eres.lib.pdx.edu/courseindex.asp When you get to the library electronic reserve website, do the following:

1. Type in the instructor morgan
2. If you are asked for an access code, type in morgan again.
3. Go to Morgan’s instructor page and access the PA 513 course folder.

The D2L course website will also provide you with access to the assigned readings.
Exercise for those who have recently completed Dr. Ingle’s global leadership class: Drawing on the global leadership work that you undertook in Dr. Ingle’s class, develop an ethical framework for the leadership construct work that you completed. Provide a rationale for the parts as well as the whole in your leadership construct.

Post your work on the course discussion website and use these posting as the basis for your pre-class blackboard discussion exercise requirements. You can ignore the pre-written web discussion question, since they are for those who did not participate in Dr. Ingle’s course.

After completing the discussions and assigned readings for Unit I in our first class session on February 19th, you will be asked to make alterations in your ethical framework and post it as part of the Blackboard discussion.

Session 1: February 19th

I. PRIVATE VS. PUBLIC MORALITY: IS THERE A DIFFERENCE THAT COUNTS?

Purpose of Session

1. To define the distinction between public and private ethics.
2. To define the difference between ethics and morality.
3. To explore the implications of the distinctions in #1 and #2 above for career administrators.

Readings

John Rohr, Ethics for Bureaucrats, preface & Introduction.


William J. Meyer, "Political Ethics and Political Authority," Ethics 86 (1975/76), pp. 61-69. This is located on the WebCt course site on the home page in the Readings Folder for session 1


Eagle Rock: The Case of the Peregrine Falcon http://www.pdx.edu/eli/morgan/eagle_rock

Ethics Case Materials http://www.pdx.edu/eli/morgan/ethics_cases

D2L WebCT Questions

1. For those who have taken Dr. Ingle’s Global Leadership class, drawing on the assigned readings, post the ethical framework or essential characteristics of such a framework that you believe to be important for the leadership construct you have developed in the course.

2. For those who have not taken Dr. Ingle’s Global Leadership course or who prefer an alternative assignment, answer any one of the following WebCT questions.
   a. What does John Rohr mean by the phrase "false starts" in the study of administrative ethics? What would Meyer, Grace and Kohlberg say about Rohr’s position?
   b. According to William J. Meyer, what is the difference between corruption and tyranny? Would this distinction make sense to Kohlberg? To Grace?

Short Paper Topics

1. To what extent does the ethical framework you are developing take into account the distinction Meyer draws between corruption and tyranny? Use Rohr to critique your position.

2. According to John Rohr, "[i]t is quite possible for a surgeon with impeccable ethical standards in his professional life to be an absolutely irresponsible parent, a compulsive gambler, an incorrigible lecher, and so forth. Unless we are willing
II. WHY CAREER ADMINISTRATORS FACE ETHICAL PROBLEMS

Session 2: – February 19th

**Purposes of Session 2**

1. To identify the multiple factors that contribute to ethical conflict in the administrative setting
2. To understand the limits of rule-centered approaches.
3. To understand different ways of thinking about and dealing with moral conflict in the work setting.

**Readings for Session 2**

**A. Reason #1 for moral conflict: The Pervasiveness of Administrative Discretion & the Problem of Creating Standards that Control Every Circumstance**

Rohr, Chapter 1.


**B. Reason #2 for moral conflict: The Problem of “Knowing What is Right”**

Benjamin, Chapters 1-3, 5.

**D2L WebCT Discussion Questions for Session 2**

Answer any one of the following WebCT questions.

1. How much and what kind of discretion (i.e., political, technical, planning, etc.) have you exercised as an administrator? What factors contributed to the
existence of this discretion? On hindsight, did you think you had too much or too little discretion?

2. To what extent does your ethical framework take into account Benjamin’s distinction among the following three approaches to ethical conflict: interest-based approaches, principle-based approaches, and integrity-based approaches? Why does Benjamin prefer the integrity-based approach? To what extent does your ethical framework resemble/differ from Benjamin’s approach?

**Paper Topic for Session 2**

Drawing on a moral conflict from your own experience, or one provided by the instructor, use the reading materials from Session 2 to identify the kind of ethical abuse in question. Use your ethical framework to evaluate the way in which you would seek to ameliorate/resolve/compromise the moral conflict that arose. Use Benjamin to critique your response.

**Session 3: February 19th**

**C. Reason #3 for Ethical Conflict: “Doing What is Right” in the Political World Where You Serve Multiple Masters**

**Purpose of Session 3**

1. To understand the conflicting role responsibilities of career public administrators within the American political system.

2. To understand the role conflicts that arise in local systems of government with part-time and/or short-term elected officials.

3. To provide a constitutional ethical framework for dealing with the conflicts resulting from the role ambiguity of career administrators.

**Readings for Session 3**


D2LEARN  WebCT Discussion Questions for Session 3

Answer any one of the following WebCT questions:

1. What moral conflicts have arisen in your work setting and/or professional career that result from the conflicting role responsibilities described by Morgan, Green, et. al. Foundations of Public service, (chapters 2-3)? What solutions were relied on to deal with these conflicts? How would these solutions differ from those suggested by your evolving ethical framework?

2. Which of the role models presented by Morgan, Green, et. al. in Foundations of Public Service, Chapter 4, pp. 119-126, especially in Figure 4.1, best captures your own experience and preferences for how best to define the moral role responsibilities of career public administrators? How does your ethical framework take into account the multiple role responsibilities of administrators?

Short Paper Topics for Session 3

Using a case from your own administrative experience or one provided by the instructor that poses a serious problem of role ambiguity, answer the following questions:

1. Clearly describe the various role conflicts for the administrative decision maker in the case you have selected.

2. Drawing on the reading materials assigned for Session 3, explain why these conflicts exist.

3. Drawing on the reading materials assigned for Session 3, assess the extent to which the various roles in conflict should be given equal weight.

4. Evaluate how your evolving ethical framework would address these conflicts.
Unit II  CONTROLLING ABUSES OF ADMINISTRATIVE DISCRETION

Session 4:  March 5th

Purposes of Session 4: Types of Abuse with Focus on Professional and Political Controls

1. To understand the multiple approaches in place for ensuring administrative accountability.
2. To understand the strengths and weaknesses of various solutions to administrative abuses of discretionary authority.
3. To understand the differences between political and professional controls over administrative action.

Readings for Session 4


Rohr, Chapter 2.

A. Readings Focusing on Political v. Professional Control


Codes of Ethics, http://www.iit.edu/departments/csep/PublicWWW/codes/coe/aspa-c.html


WebCT Discussion Questions for Session 4

Answer at least one of the following WebCT questions.

1. What are the essential differences between Carl Friedrich and Herman Finer? Who comes closest to reflecting your own view? How might Woodrow Wilson judge between the views of Friedrich and Finer?

2. Explain the implications of your evolving ethical framework for the views of Finer, Friedrich and Wilson?

Short Paper Topics for Session 4

1. Using a case study from your own experience or one provided by the instructor, discuss the strengths and weaknesses of relying on the various correctives to administrative abuse discussed in Session 4.

2. To what extent would your evolving ethical framework solve some of the major ethical problems faced by your program/agency/organization? To what extent does your framework rely on external controls in comparison to an "inner sense of duty"?

Session 5: March 5th

Purposes of Session 5: Organizational and Legal Controls

1. To understand the strengths and weaknesses of organizational controls over administrative abuse of discretion.

2. To understand the strengths and weaknesses of legal controls over administrative abuse of discretion.

Readings for Session 5.

B. Legal Controls


C. Organizational Controls


WebCT Discussion Questions for Session 5.

Answer at least one of the following WebCT questions.

1. What are the appropriate correctives to guard against the ethical problems created by Speer's approach to administrative management?

2. To what extent does evolving ethical framework rely on formal and informal administrative rule making to control administrative discretion? What kind of ethical issues does this approach fail to address?

Paper Topics for Session 5

1. Using a case study from your own experience or one provided by the instructor, discuss the strengths and weaknesses of relying on the legal and organizational correctives to administrative abuse discussed in Session 5.

2. To what extent does your evolving public service ethical framework guard against the ethical problems created by Speer's approach to administrative management? Do Singer and Wooton's critique of Albert Speer's administrative genius constitute a critique of humanistic management theory and techniques in general? What are the implications of this discussion for your evolving ethical framework?

Unit III. THE CONSTITUTIONAL ROLE OF ADMINISTRATORS

A. LIBERTY AS REGIME VALUE

Session 6: March 5th

Purposes of Session 6.

1. To understand what “liberty” means as a central regime value.

2. To understand the conflicting views of the conditions necessary to preserve “liberty” and their implications for the work of career administrators.
Readings for Session 6


Federalist Papers, #10, 51, 72.


WebCT Discussion Questions for Session 6

Answer at least one of the following WebCT questions.

1. What does Madison mean in Federalist #51 when he argues that in constituting the various branches of government "ambition must be made to counteract ambition. The interest of the man must be connected to the constitutional rights of the place...[s]o that the private interest of every individual may be a sentinel over the public rights?" Why does Madison call the arrangements established on such principles "inventions of prudence"? For an excellent illustration of putting these "inventions of prudence" into practice, see Hamilton's discussion of term limits in #72. Discuss how your evolving ethical framework takes into account and relies on Madison's inventions of prudence in dealing with public service ethical problems.

2. What does Diamond mean when he distinguishes the morality of the "new Scrooge" from the morality of the "old Scrooge"? Which of these two moralities most resembles the kind of morality that you have incorporated into your evolving ethical framework?

Paper Topic for Session 6

1. What do the Antifederalists mean when they embrace what has come to be called the "small republic theory"? How does this theory differ from the theory set forth by Publius in the Federalist Papers? To what extent does your evolving ethical framework accommodate the "small republic theory' and why is this important/unimportant?

2. Pick a case study from your own experience (or one supplied by the instructor) that provides an example of how an agency has used its discretion in ways that
were not consistent with our regime value of liberty. Use your evolving ethical framework and the course readings to discuss how you would address the issue.

Session 7: March 5th

B. LIBERTY - ADMINISTRATIVE APPLICATION

Purposes of Session 7

1. To understand how administrators can exercise their discretionary authority to counteract the consequences of “excessive individualism”.
2. To understand how administrators can exercise their discretionary authority to counteract the consequences of “interest group liberalism”.
3. To understand how administrators can exercise their discretionary authority to develop “social capital” and cultivate “civic capacity”.

Readings for Session 7

1. The Problem of countering excessive individualism:


2. The Problem of countering interest group politics:

   William L. Morrow, "The Pluralist Legacy in Public Administration" in A Centennial History of the American Administrative State, Ralph Chandler, ed. (Free Press, 1987) pp. 161-188. This article is located on the course website in the "Readings Folder"


   Rohr, Chapter 4.

WebCt Discussion Questions for Session 7

513/aim 18
1. How does your ethical framework take into account Morrow’s concerns regarding the pluralist legacy of American democracy? To what extent does your solution share Madison’s approach in dealing with the problem of “majority tyranny”?

2. To what extent do you think de Tocqueville's distinction between decentralized government and decentralized administration makes sense? To what extent does your ethical framework take into account the importance of this distinction?

**Short Paper Topics for Session 7**

1. Using a case study from your own experience (or one supplied by the instructor), discuss how your evolving ethical framework and the course readings would address the “liberty problem” discussed in the assigned readings?

2. To what extent does your ethical framework take into account McGregor's call for enhanced "civic capital"? To what extent would Morrow agree and deTocqueville agree with McGregor’s concern?

**Session 8: March 19th**

**C. EQUALITY AS REGIME VALUE and ADMINISTRATIVE APPLICATION**

**Purposes of Session 8**

1. To define what is meant by the “equality problem”

2. To understand the conflicting views regarding the relationship between liberty and equality of social condition.

3. To understand how administrators can exercise their discretionary authority to help solve the “equality problem”.

4. To understand what legal principles governing equality are important for administrators to understand in the exercise of their administrative discretion.

**Readings for Session 8**

The Declaration of Independence


de Tocqueville, Review readings assigned for Session 7; Book III, pp. 257-320.

Rohr, Chapter 3.


Choose one of the following:


WebCt Discussion Questions for Session 8

1. Which of the ways of thinking about equality discussed by Schaar seems to be most consistent with your evolving ethical framework? Why does Schaar conclude that each of the ways of thinking about equality is inadequate? Do you agree?

2. According to de Tocqueville, what is the connection, if any, between excessive individualism and the passion for equality of condition? To what extent does your evolving ethical framework take into account de Tocqueville's concern?

3. Which view of equality in the judges' opinions in the assigned affirmative action cases (i.e., Bakke, Adarand, Grutter and Richmond comes closest to capturing an understanding most consistent with our constitutional system? With your ethical framework?

4. What problem is Levine seeking to solve by recommending the development of coproduction approaches to the delivery of administrative services? Drawing on your own experience, to what do you think these approaches will work? To what extent would Levine's recommendations for coproduction strategies help to solve the "equality problem"? How does your ethical framework address Levine's concerns?

Paper Topics for Session 8

1. Pick a policy or program for which your agency might adopt the principle of preferential treatment or a scheme of gender-based classification.
a) Write either a critique or a defense of the program or policy you have chosen.

b) Compare and contrast what one person in list A would have to say about your analysis with one person in list B:

A
Justice Stevens
Justice Powell
Alexis de Tocqueville

B
Justice Brennan
Justice Marshall
Justice Blackmum
John Rohr

c. Use your ethical framework to judge between the two views.

2. Identify a coproduction opportunity you might undertake for your administrative agency and discuss the extent to which it might successfully achieve some of the objectives set forth by Levine. To what extent do you think coproduction offers any prospects for solving the equality problem faced by our democratic society?

3. Using a case study from your own experience or one provided by the instructor, discuss how an agency has used its discretion in ways that affect the so-called "equality problem."

a) Use your ethical framework and the readings for Session 8 to describe and explain the equality problem.

b) Who among the authors of the material for Session 8 provides the best solution to the "equality problem" you have identified?

c) How would your ethical framework address the problem?

Session 9: March 19th

E. PROPERTY AS REGIME VALUE

Purposes of Session 9

1. Understand the conflicting views of property as a core regime value.

2. Understand the historical development of property as a core regime value.

3. To understand the significance of the difference between “old property” and “new property”

Readings for Session 9

Morgan, ET. Al. Foundations of Public Service, Chapter 3.
Rohr, Chapter 5.
de Tocqueville (Hefner), Review readings previously assigned; especially pp. 243-256; 296-307.

**WebCt Discussion Questions for Session 9**

1. What does John Rohr mean when he says that the purpose of his discussion of property is to redeem "the concept of property from the reactionary overtones it inevitably suggests"?

   Why does property need to be redeemed? Who are the benefactors of such redemption?

3. Do you think that property should be given less protection than free speech? Why/why not? Under what conditions?

4. According to John Rohr, what role should property play in the constitutional scheme of American values? Would you agree with his view? Why/why not?

**Short Paper Topics for Session 9**

Drawing on a case study from your own work experience or one provided by the instructor, discuss how one might use his/her administrative discretion to aid and abet or to frustrate Rohr’s view of the role that property should play in our American scheme of values? It is important in answering this question to use a concrete case and to indicate your agreement or disagreement with Rohr’s basic proposition about the need to “redeem the concept of property from the reactionary overtones it inevitably suggests.” Explain how your evolving ethical framework addresses the property issues raised by Rohr.

**Session 10: March 19th**

**F. PROPERTY - ADMINISTRATIVE APPLICATION**

**Purposes of Session 10**

1. To understand how administrators can exercise their discretionary authority to advance the appropriate role that property should play in our democratic system of governance.

2. To understand what legal principles governing property are important for administrators to understand in the exercise of their administrative discretion.
Readings for Session 10

Dolan v. Tigard, 114 S. Ct. 2309 (1994),

Goldberg vs. Kelly, 397 U.S. 254 (1970),

Oregon Measure #37,
http://www.newwest.net/index.php/topic/article/11213/C35/L35


WebCT Discussion Questions for Session 10

Answer at least one of the following WebCT questions.

1. Which Justice’s opinion in Goldberg v. Kelly seems to be the most consistent with Rohr’s “redeemed view” of property? Which, if any, is the most inconsistent? Which view most reflects the values imbedded in your evolving ethical framework?

2. Drawing on the The City of Tigard v. Dolan, assess the extent to which administrative practice in your agency may compromise the property rights of American citizens.

Short Paper Topics for Session 10

1. Identify any "new property rights" which are protected in your agency. Write an essay evaluating the extent to which such rights ought to be given the same protections as "old property rights". Explain how your evolving ethical framework addresses the issue of "old" versus “new” property rights.

2. To what extent do you believe that “new property” should receive the same status as "old property"? To what extent does your ethical framework address this question?