

Science, Technology, and Society

STS 110

[Same as PP 103B and MS&E 197]

“Ethics and Public Policy”

Winter Quarter, AY 2006-07

Lectures: MW 2:15-3:30, Bldg. 370, Rm. 370

Seminar Sections: WTh (times to be determined)

Instructor:

Prof. Robert McGinn

Office: 370/110; tel.: 5-0117

mcginn@Stanford.edu

Teaching Assistants:

Clark Asay (School of Law)

cdasay@Stanford.edu

Noah Long (School of Law)

noahlong@Stanford.edu

Sarah Olson (School of Law)

sarahlolson@gmail.com

Elise Paradis (School of Education)

eparadis@Stanford.edu

Elizabeth Pederson (School of Law)

pederson@Stanford.edu

Barry Wohl (School of Engineering)

bwohl@Stanford.edu

I. Purpose of the Course

The primary purpose of STS 110 is to develop the student's sensitivity to and capacity for the rigorous critical analysis of philosophical, ethical and human values issues in public policy. In doing so, special attention will be paid to policies engendered by developments in contemporary American science and technology. The ethical and critical-analytical skills acquired and honed in the course are empowering and will prove extremely valuable to individuals in many professional fields, as well as in everyday non-professional life.

II. Course Fulfills Several Requirements

STS 110 fulfills the STS Core Requirement in Philosophical/Ethical/Aesthetic Perspectives and is part of the Public Policy Core. It fulfills the *Disciplinary Breath General Education Requirement for the Humanities* (GER: DB-Hum), the *Education for Citizenship General Education Requirement in Ethical Reasoning* (GER: EC-Ethic-Reas), and the *School of Engineering's Technology in Society (TIS) requirement*. Finally, STS 110 is also a Writing in the Major (WIM) course for the STS and MS&E majors.

III. Required Readings

1. J. S. Mill, *On Liberty* (Hackett: Indianapolis, 1978).
2. Thomas Mappes and Jane Zembaty, eds., *Social Ethics: Morality and Social Policy*, 7th edition (McGraw-Hill: New York, 2007), hereafter: "MZ."
3. Robert McGinn, ed., *STS 110 Course Reader: 2006-2007* (Stanford Bookstore, 2007).

IV. Calendar of Lecture Topics and Class Assignments

PART 1: Foundations

Week 1

1	W	1/10	Introduction to the Course. What is "Critical Analysis"?
READING:		[1] STS 110/PP 103A/MS&E 197 Course Syllabus (scrutinize it!)	
		[2] R. McGinn, "Ethical Issues Faced By Water Professionals," (8/2001) (excerpt, no ©)	
		Note 2: assigned articles not found in MZ are in the <i>STS 110 Course Reader</i> .	
SECTION:		No seminar section meetings this week!	

Week 2

--	M	1/15	Holiday (Martin Luther King Jr. Day): no class
2	W	1/17	What Are "Morality" and "Ethics"?
3	F	1/19	Moralities, Ethical Values, and Basic Human Needs

Note 1: the first of two Friday lectures will take place on 1/19/07.

READING:	[1] J. S. Mill, <i>On Liberty</i> (pp. 1-113) [not an easy read but of immense importance]
	[2] W. Coleman, "Text of Statement About Concorde SST," NYT, 2/5/76, A14
SECTION:	[1] <i>rigorously</i> analyze Coleman's case for his decision in terms of the 2 x 2 Matrix
	[2] critically analyze Mill's rationale for adopting a presumption in favor of liberty; examine how he applies this position to specific policy topics in his book

Week 3

4	M	1/22	Liberty I: J. S. Mill's Liberty Presumption and Harm Principle
5	W	1/24	Liberty II: Other Liberty-Limiting Principles: Criteria & Applications
6	F	1/26	Liberty III: Other Liberty-Limiting Principles: Criteria & Applications

Note 3: the second of two Friday lectures will take place on 1/26/07.

Note 4: hand in first short Critical Analysis Friday 1/26/07.

READING:	[1] MZ: Chapter 5
	[2] Justices Rehnquist, Scalia, Souter, and White, <i>Barnes v. Glen Theater</i> (1991), NYT, 6/22/91, 8
SECTION:	[1] Discuss assigned reading

Week 4

7	M	1/29	Justice I: The Concept of Justice, Kinds of Justice, Procedural Justice
8	W	1/31	Justice II: The Formal Principle of Comparative Justice, Material Criteria of Distributive Justice, and Rawls' Difference Principle

READING:	[1] MZ: Chapter 3
	[2] R. Sullivan, "Quandaries of Heart Transplant Surgeons: Deciding Who Receives A Heart," NYT, 12/16/87, 18
	[3] G. Kolata, "In Shift, Prospects for Survival Will Decide Liver Transplants," NYT, 11/15/96, A1 and A17.
	[4] S. Wiegand, "State Inmate Gets New Heart," <i>Sacramento Bee</i> , 1/25/02, A1 and A17
	[5] H. Williams, "Allocating a Future: Ethics and Organ Transplantation," http://scu.edu/ethics/publications/submitted/allocating_organ.html
SECTION:	[1] Discuss assigned reading

Week 5

9	M	2/05	Rights I: The Nature of, Kinds of, and Grounds of Rights
10	W	2/07	Rights II: Human Rights, Derivative Moral Rights, and New Technology

Note 5: hand in DRAFT of second short Critical Analysis on Friday, 2/9.

READING:	[1] MZ: Chapter 10
	[2] D. Canedy, "Lifting Veil For Photo ID Goes Too Far, Driver Says," NYT, 6/27/02, A16
	[3] J. Lee, "Trying to Elude the Google Grasp," NYT, 7/25/02, G1
	[4] J. Rosen, "Silicon Valley's Spy Game," NYT, 4/14/02, §6/46
	[5] J. Rosen, "A Watchful State," NYT, 10/7/01, §6/38
SECTION:	[1] Discuss assigned reading

PART 2: Application of Foundational Materials to Issues in Selected Areas of Public Policy

Week 6

A. Biomedical Policy

11	M	2/12	Ethics and Abortion Policy: Key Concepts, Arguments, and Cases
12	W	2/14	Ethical Issues in Genetic and Reproductive Technologies

Note 6: pick up marked-up drafts of 2nd Critical Analysis on Fri, 2/16.

READING: [1] MZ: Chapter 1
[2] J. Harris, "Cloning," *The Blackwell Companion to Applied Ethics*, 382-395.
[3] A. Allen, "God and Science," *Washington Post*, 10/15/00, pp. W08ff.
[4] Stanford Daily egg compensation advertisement (no ©)

SECTION: [1] Discuss assigned readings

Week 7

--	M	2/19	Holiday: President's Day (no class)
13	W	2/21	Ethics and Euthanasia Policy: Key Concepts, Arguments, and Cases

Note 7: hand in revised, FINAL version of 2nd Critical Analysis on Fri, 2/23.

Note 8: discuss and clear term paper topic with your TA by Fr 2/23.

READING: [1] MZ: Chapter 2

SECTION: [1] Discuss assigned readings

Week 8

B. Environmental Policy

14	M	2/26	Ethical Issues of Natural Environments
15	W	2/28	Ethical Issues of Human-Made Environments

READING: [1] MZ: Chapter 11
[2] W. Stegner, "Wilderness Letter,"
<http://www.wilderness.org/OurIssues/Wilderness/wildernessletter.cfm>
[3] Staff, "Performing Whale Dies in Collision With Another," NYT, 8/23/89, A10
[4] K. Schneider, "Swim Programs With Dolphins Drawing Fire," NYT, 8/11/89
[5] M. Simons, "Amsterdam Plans Wide Limit On Cars," NYT, 1/28/93, A10

SECTION: [1] Discuss assigned readings

Week 9

C. International Policy

16	M	3/05	Ethical Issues in International Public Policy I: Military Intervention, Population Control, and Border Control
17	W	3/07	Ethical Issues in International Public Policy II: Foreign Aid and International Technology Transfer

Note 9: hand in term paper by 3 PM, Friday, 3/9. No late papers accepted.

READING:	[1] MZ: Chapter 9
	[2] L. Altman, "Poor Nations Plagued With AIDS Pose Haunting Ethical Questions," NYT, 6/28/88, B9
	[3] C. Dugger, "A Catch-22 on Drugs for the World's Poor," NYT, 11/16/01, W1
SECTION:	[1] Discuss assigned readings

Week 10

18	M	3/12	Ethical Issues in International Public Policy III: Protection and Repatriation of Cultural Patrimony
19	W	3/14	Ethics and Public Policy: Review and Conclusions

READING:	[1] MZ: Chapter 7
SECTION:	[1] Discuss assigned readings and review course.

FINAL EXAM: Thursday, March 22, 2007: 12:15-3:15 PM

Note 10: It is the student's responsibility to **plan ahead** and **take whatever steps are necessary** to be available to take the final examination on the scheduled date at the scheduled time (see above). **NO ALTERNATIVE EXAM DAY WILL BE OFFERED.** Non-medical excuses, such as having purchased tickets to fly home before the scheduled day and time of the exam, will **not** be accepted.

V. Course Requirements

1. Careful listening to, close reading of, and critical reflection upon course lectures and readings. To derive maximum value from lecture, finish the week's assigned readings **before** the lectures for that week. To derive maximum value from seminar section, finish the week's assigned seminar section readings beforehand.
2. Thoughtful, well prepared participation in seminar section meetings.
3. Two **475-500-word** "critical analyses." See instructions in § VII, part A, of this syllabus.
4. A **2,800-3,000-word** term essay critically analyzing the salient critical-analytical and ethical issues underlying a public policy conflict of personal interest to the writer. For detailed instructions, see Section VII, part B, of this syllabus.

5. A closed-book, closed-notes, in-class final exam testing mastery of critical-analytical skills, key ethical concepts and principles, central arguments, and salient factual materials covered in the course.

VI. Grading

1. STS 110 must be taken for a letter grade.
2. Basis of Letter Grade
 - a. Two Short Critical Analyses: 20 points (10 points each)
 - b. Term Paper: 40 points
 - c. Final Examination: 35 points
 - d. Seminar Participation: 5 points

VII. Instructions and Guidelines for Course Writing Assignments¹

Grading in this course relies upon traditional letter-grade definitions. Thus, "fair" (i.e., 'so-so') work receives a C, "good" work earns a B, and (only) "excellent" work merits and will receive an A. To avoid "sticker shock" read the following notes carefully. They are intended to help you avoid problems that some previous STS 110 students have had with the writing assignments.

For both kinds of assignments, have someone who is a *meticulous* writer and clear thinker check your penultimate draft for typos, grammatical errors, sub-optimal word choices, stylistic infelicities, cogency of argument, and logical flow of thought – **except when specifically prohibited, as with the first short paper**. If that is not possible, review it very carefully several times yourself. Poor writing and editing are barriers to effective communication, including persuasive argumentation, and will count against you in this class.

A. The Short Critical Analyses

Each short critical analysis should focus on a few notable CONCEPTS, PRINCIPLES, ASSUMPTIONS, or ARGUMENTS in the piece being scrutinized. It is better to select **two or three** such items and explore them in some **depth** than to try and touch on **many** points, each **superficially**. Each short critical analysis **MUST** be 450-500 words in length. A word count **MUST** be included at the end of your paper if it is to be graded. No count, no grade.

A.1. First Short Critical Analysis

For the first short critical analysis, due January 26, I will distribute a newspaper article -- an editorial, letter to the editor, op-ed column, or news article -- pertaining to a philosophically interesting or ethically controversial contemporary public policy issue. Your task will be to do a mini critical analysis of the article.

But what, you may ask, is a "critical analysis"? As elaborated in lecture, it is a study that probes key CONCEPTS or PRINCIPLES used in an advocate's argument; uncovers and assesses

¹ §VII of this syllabus reflects the influence and suggestions of Dr. Perry Beider, a former STS 110 TA, who is currently a Principal Analyst in the Congressional Budget Office. I am indebted to Perry for his suggestions and wording.

pivotal ASSUMPTIONS and PRESUPPOSITIONS underlying the case made by an advocate; identifies DEFECTIVE REASONING used in making a case for or against a point of view; clarifies CONFLICTING VIEWPOINTS and assesses their implications and validity; brings out basic VALUE CONFLICTS; and the like. (WARNING: avoid "mind-reading"! That is, don't be quick to assume you know what lies behind a particular statement or position, especially if what you think you know identifies one side as "evil" or foolish. Make sure your own assumptions and arguments can stand up to critical analysis!) *Please note that your short critical analysis should not consist of either an assessment of how adequately or fairly the writer of the article covered the issue in question, or of your personal view on the particular issue under discussion in the article.*

Please do not think, as many students initially do, that "critically analyzing" a position, case, or viewpoint is a wholly "negative" enterprise or that it necessarily involves disagreeing with the substance of the position or view under scrutiny. Neither is the case. Indeed, a rigorous critical analysis can be constructive in spirit and carried out on a point of view with which you are in essential agreement. However, doing a critical analysis **does** involve identifying, calling into question, and probing the most noteworthy problematic aspects of the position, case, or viewpoint. **Being able to do so in a crisp, cogent manner is indisputably one of the most valuable cognitive skills -- if not the single most valuable cognitive skill -- you can acquire at Stanford, regardless of your intended career.** I suggest you reread and ponder the preceding sentence.

What kinds of statements make up a genuine critical analysis? Here are some examples of generic critical-analytical observations:

-- "Both sides in the article refer to 'voluntary school prayer,' but no one questions whether such prayer can ever be truly 'voluntary.'"

-- "The two sides disagree about whether school spanking 'works'; this might reflect different evaluations of the empirical evidence, but it might also indicate a difference in what the two sides wish this activity to accomplish."

-- "This advocate's argument is an analogy, one that while seductive is seriously flawed in at least three ways:..."

-- "At this crucial point the writer falls back on an appeal to common sense to carry her case. But common sense in such unprecedented circumstances is scarcely a reliable guide."

-- "The writer's case rests on the unargued-for assumption that cigarette advertising is a form of speech, hence that its suppression is prohibited by the first amendment. That assumption is at least debatable, as the following two considerations suggest..."

-- "The debate reported in the article turns not on the presence or absence of sufficient evidence for the truth of one side or the other, but on whether 'creation science' is reasonably counted as a kind of science. That in turn depends critically on what exactly is meant by 'science' and/or on what criteria must be satisfied for a kind of inquiry to be properly regarded as scientific."

-- "On its own, the quotation in the article suggests that the advocates have a deontological view; however, their position may well be based on the following consequentialist concerns not included in their quoted remarks:...

-- "In light of the notable differences between, among other things, American Revolutionary War-era rifles and contemporary automatic assault weapons, the NRA's position that the individual's moral right to bear arms is absolute, exceptionless, and immutable is highly problematic."

-- "This argument is an appeal to distributive justice but the criterion the writer has in mind in calling this practice unjust is unclear."

-- "The strength of this consequentialist argument hinges critically on the validity of the evidence connecting the proposed policy with its claimed effects. That evidence is at best dubious for several reasons...."

-- "The issue of whether a company is morally entitled to surreptitiously monitor the workplace e-mail communications of its employees involves a conflict between two views: (a) the view that since the communications technology in question is the company's private property it has a right to use that technology in the work place as it sees fit, including conducting surreptitious monitoring of employee e-mail; and (b) the view that since, even in a private workplace, employees have a moral right to privacy, the liberty of the employer to conduct surveillance of employee office communications should be limited. Which of these two views deserves to prevail hinges on the following three considerations:..."

As illustrated in the last five examples, your analysis is expected to make meaningful use of at least SOME course ideas, concepts, or principles introduced prior to the due-date for the paper. Even one or two will do.

A.2. Second Short Critical Analysis

For the second short critical analysis, a **draft** of which is due February 9, **you** choose the article. Select one that focuses on an issue pertinent to your (current or projected) major field, be it IR, Human Biology, or an area of science or engineering. If you are a Public Policy or STS major, choose an article concerning an issue related to your (current or projected) Post-Core Concentration (PP), Thematic Concentration (STS B.A.), or Technical Depth (STS B.S.). Whatever article you choose it **must** be from an issue of the *New York Times*, *Wall Street Journal*, *Washington Post*, or *Los Angeles Times* published in the year **2007**. Alternately, if you wish, you may choose your article from a reputable foreign paper -- e.g., *The Times* (London), *The Guardian* (London), *Le Monde* (Paris), *Corriere Della Sera* (Milano), *La Repubblica* (Roma), *El Mundo* (Madrid), or *Die Welt* (Hamburg) -- again, as long as the issue in which your article appeared was published in 2007. In any event, be sure that the article you choose concerns an ethically controversial public policy issue. THE ORIGINAL ARTICLE OR A PHOTOCOPY OF SAME must be attached when you turn in your analysis. **At least some course concept(s) or principle(s) introduced since the due date of the first paper should play a role in your analysis.** Hint: be sure you select *an article that lends itself (by virtue of its content and quotes) to the kind of analysis required by the assignment.* Being able to do so is a skill that needs to be developed and is part of what we are looking for in grading the second critical analysis.

One week after you hand in a **draft** of your second paper, you will receive it back, marked up, from your TA. It is then your task to take the TA's comments into account and revise your paper, in terms of its ideas and arguments as well as the quality of its writing, spelling, flow of ideas and arguments, and grammar. Hand the revised version in at class on Friday, February 23. Your grade for the second assignment will be the grade awarded to the **revised** version, not the draft version, of your paper.

B. Term Paper

B.1. Criteria for Choosing a Topic

The term paper requires that you analyze a public policy issue rooted substantially, though not necessarily exclusively, in a philosophical difference or clash of ethical or other human values. Choose a topic that interests you and that allows you to demonstrate your ability to do ORIGINAL ANALYSIS of a challenging PEHV (philosophical-ethical-human values) issue.

In particular, the topic must meet five criteria. First, it must involve a PARTICULAR public policy, whether current, proposed, or hypothetical. General policy areas, such as "reverse discrimination" or "smoking," are not acceptable. Second, the issue must not rest entirely or primarily on a factual or scientific controversy. While empirical disputes can comprise part of the issue being scrutinized (see detailed instructions below), what is wanted is a PEHV analysis, not a paper of the sort typically written for an economics, international relations, political science, or sociology course. Third, the issue selected must have serious ethical or values arguments on BOTH sides. Fourth, the arguments put forward by the two sides should require some ORIGINAL ANALYSIS to identify their respective meanings, strengths, and weaknesses (logical, philosophical, and/or ethical). Do not pick a one-sided issue or one where all the arguments are clear at the outset and the controversy is only a matter of which side's arguments are weightier. Fifth, for the same reasons, the topic should not be one covered extensively in the reader or in class, unless you can identify a fresh sub-issue or have something novel and incisive to add to the discussion, a difficult judgment to make early in the quarter. If in doubt about whether a topic will be covered in lecture, check with the instructor.

In short, your topic should **interest you, be of significant moment, be intellectually challenging, not be one-sided, be one about which you have yet to make up your mind, be focused on a particular public policy, have a significant ethical component, and afford ample opportunity for original critical analysis.** If you wish, your seminar section leader will tell you if he or she believes your proposed topic fails to meet any of these criteria. It would be wise to consult with your TA or the instructor as early in the quarter as possible.

B.2. Some Past Term Paper Topics

Should a Minor Be Permitted to Obtain an Abortion Without Parental Consent?

The Prohibition of Prostitution: An Ethical Debate

The Right to Procreate: How Absolute?

Gun Control: An Ethical Analysis

Ocean Waste Disposal: A Philosophical Discussion

Children's TV Advertising: Should It Be Regulated?

Smoking in the Workplace: An Ethical Analysis
The Proposed National Computerized Data Bank: An Ethical Analysis
The Clean Air Act
Ethical Aspects of Land Use Controls
Amniocentesis for Purposes of Sex Selection: An Ethical Analysis
The Moral Rights of Prisoners in the California Correctional System
Banning Gasoline-Powered Leaf Blowers in Residential Neighborhoods: An Ethical Conflict
The Federal Moratorium on Fetal Tissue Research
The Ethics of Colorizing Black and White Films
Is It Ethical For Banks To Sell Customer Data Bases to Third Parties Without Customer Consent?
The FDA Decision re Labeling Milk From Cows Treated With rBGH : An Ethical Analysis
Ethical Aspects of the Congressional Decision to Ban Radar Detectors in Commercial Trucks
Deep Geological Disposal of Radioactive Waste: Ethical Analysis of the Yucca Mountain Repository

B.3. Format

The term paper requires that you analyze a public policy of PEHV significance in an expanded "pro and con" format. The paper **MUST** have **FOUR**, clearly identified, basic parts. Part I should formulate in general terms the specific issue to be analyzed and provide the reader with appropriate historical context and salient factual background, e.g., on the origins of, previous approaches to, or quantitative dimensions of the problem underlying the issue. In Part II, make the case for one side of the dispute as convincingly as you can, marshaling a carefully organized combination of facts, course principles and concepts, values, and arguments drawing on same. In Part III, do likewise for the (an?) opposing position. Then, in Part IV, elaborate and defend in a reasoned way, **your own original, carefully thought-out point of view**, taking into account your own insights and, where appropriate, the strengths and weaknesses of the previous opposing arguments.

Note that "making the most convincing case" does NOT mean listing uncritically every argument ever advanced by one side or the other. It requires that you EXAMINE the major arguments to separate wheat from chaff, checking for logical validity, conceptual ambiguities, and relations to key ethical principles and values. By the end of sections II and III, the reader should know which arguments are important, which are minor or invalid, and WHY. Note also that Part IV asks you to DEFEND **YOUR OWN POSITION IN A REASONED WAY**. Among other things, you must take into account the major strengths and weaknesses from the earlier sections of the paper. In short, an "A" paper must identify the major arguments, examine their PEHV significance, critically evaluate their merits, and put forward a coherent, original, and convincing conclusion. It must also be well written, clearly organized, and fastidiously edited.

B.4. Three Suggestions

First, the STS 110 term paper is intended to be a **thought paper, not a research paper built on an exhaustive, comprehensive survey of the existing scholarly literature**. Do only as much research as is necessary to provide you and the reader with the relevant background for Part I and to convince the reader that you are familiar with the central arguments advanced by the opposing sides. (Use apt quotations where available; otherwise supply your own wording.) Depending on technical content underlying the issue and the current situation regarding the

issue in question, this MAY involve as little as a handful of *New York Times* or *Economist* articles. But be sure not to miss any key elements of the debate.

Second, if factual questions are critical to your topic, mention the opposing versions of the facts cited and try to provide the reader with some sense of the nature or quality of the evidence on each side. For example, if an advocate is talking about the harm allegedly involved in a situation, does that advocate mean that (a) "no proof of harm has been brought forward" or that (b) "proof of no harm has not been brought forward"? In some such cases, you may find that your conclusion hinges on uncertain factual considerations. It might then be appropriate to conclude with a conditional: "Given the current state of scientific information, my position is X. If, however, such and such were to emerge, then I would be compelled (likely to) switch my position to Y."

Third, ideally, once the key cited arguments are identified and examined in Parts II and III, there will remain opportunities for interesting arguments and insights of your own in Part IV, e.g., about WHY one side's concerns should be considered more compelling. In some cases, however, it may happen that the real "mileage" comes from the examinations in Parts II and III, with little left to say in IV except, "I think this side is weightier because..." Should that happen, in order to keep IV from becoming anti-climactic, you might wish to "reserve" some of your key insights from earlier sections for use in the concluding part. On the other hand, if you choose to critically analyze the views presented in Parts II and III right after presenting them, then at least you will have ample room in Part IV to elaborate and defend your own position in some detail and to show that it incorporates the strengths and avoids the weaknesses of the views elaborated earlier. Your call. The "proof is in the pudding."

B.5. Length, Word Count, Due Date, and Key Term Paper Characteristics

The term paper must be TYPED, DOUBLE-SPACED, and 2,800-3,000 WORDS LONG (not counting "a's", "the's", endnotes and bibliography). A PRECISE WORD COUNT **MUST BE INCLUDED AT THE END OF THE TEXT. (PAPERS WITHOUT WORD COUNTS WILL NOT BE GRADED!)** Put your TA's name on the cover page of your paper. Due at STS (Bldg. 370, Room 109) by **3 P.M., Friday, March 9, 2007**. Remember: ARGUE your case, provide GROUNDS for your claims, be PRECISE in thought and expression, and GIVE CREDIT where your thought is indebted to the work of others. Originality of thought, depth of analysis, and felicity of expression will weigh in your favor. **Serve filet mignon, avoid ground chuck.** Follow standard footnote, endnote, and bibliographic conventions. **Your term paper must be thoroughly professional in all respects, including appearance. Late papers will not be accepted. No non-cosmic excuses will be accepted.**

Enjoy the course!!!