

Toward a Critical Theory of Moral Administration

May 1, 2026

UC Law San Francisco

All events are in the Deb Colloquium Room on the 5th Floor of 333 Golden Gate Avenue.

- WIFI Network: UCLawSFGuest
- Password: SuperScholar333!

8:30 AM: Breakfast available

8:50 AM: Welcome Remarks

Panel 1: What Are the Morals That Define Moral Administration?

9:00 – 10:30 AM

Framing Questions: What substantive values should agencies pursue? Why do different theorists select different moral frames? What does each frame surface, and what leverage does it provide on the problems agencies face? How do various moral frameworks differ from or converge with one another?

Moderator: Jodi Short

Speaker	Topic
Sabeel Rahman	Drawing on an anti-domination framework, Rahman will argue that resistance to private concentrations of power constitutes a core substantive value that agencies should pursue.
Joy Milligan	Milligan will argue that equal protection principles are essential to both justifying and constraining the federal administrative state. Her talk will explore what the equality frame surfaces about the moral stakes of administration and why it has proven so contested.
Chris Havasy	Havasy will discuss his conceptualization of egalitarianism, highlighting underlying theoretical connections and tensions between this and other values (e.g. anti-domination) that seek to address similar issues from different perspectives.
Lindsay Wiley	Wiley will discuss the overlapping moral commitments animating scholarship on health justice, the politics of care, and public care ethics, examining how these frameworks converge on a distinctive vision of what agencies owe to the people they serve.

Break (10:30 - 10:45)

Panel 2: Operationalizing Moral Administration: Practical and Critical Perspectives

10:45 AM - 12:15 PM

Framing Questions: How do we mobilize democratic processes to identify and advance the substantive morals guiding administration? How do we reconcile commitments to pluralism with commitments to certain substantive morals? How do we move from theory to institutional design? How is moral administration operationalized?

Moderator: Christina Koningisor

Speaker	Topic
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Deirdre Mulligan	Mulligan will examine how institutions and processes can be designed to incorporate public values into the development and deployment of technical systems. Advancing the concept of "contestable design," she will argue that where technology mediates administrative decisions affecting the public's rights, safety, and opportunities, embedded moral commitments must remain visible and, where appropriate, reconfigurable.
Kate Jackson	Jackson will argue that substantive moral commitments in administration must be democratically justified through congressional authorization and that interpretive gaps should be filled by a fiduciary standard keyed to the purposes of the organic statute. Her contribution engages with the methodological challenges of preserving political equality while enabling administrators to exercise the other-regarding cognitive orientation that fiduciary standards require.
Bijal Shah	Shah will discuss how pathologies of the administrative state result from institutional or organizational dynamics that are endemic to bureaucracies. Her contribution addresses how the public interest and welfare agencies, as well as the enforcement and national security agencies, are driven by an impulse to self-preserve and grow, counterintuitively and crucially at the expense of their mandates and the people they serve, and with particularly problematic outcomes for vulnerable people.
Zach Price	Price will discuss the risks that a powerful bureaucratic state presents to Congressional authority and initiative, situating these risks in the context of changes in administrative accountability structures and broader structural factors weakening legislatures worldwide and undermining their importance as sources of governmental legitimacy.

Lunch (12:15 - 1:30)

Lunchtime Virtual Keynote: "Vulnerability Theory as a Foundation for Moral Administration"

Martha Albertson Fineman in conversation with Matthew Lawrence

Break (1:30 - 1:45)

Panel 3: Social Science Perspectives on Morality 1:45 - 3:15 PM

Framing questions: What do we know empirically about the way that morality shapes individual decision-making, motivates collective action, and grounds organizational policies, dynamics, and structures? How does social context influence the possibility of moral deliberation and moral action?

Moderator: Jodi Short

Speaker	Topic
Steve Hitlin	Hitlin will survey the social-scientific landscape of morality research, presenting an overview of how sociologists and psychologists conceptualize and measure moral phenomena—including values, dignity, moral identity, and moral foundations.
Aliza Luft	Luft will present sociological research examining how morality is shaped by relationships and emotional context, how moral commitments can be eroded or transformed through practice and experience, and what conditions can reawaken dormant moral feeling.
Ming Chen	Chen will provide a public law perspective to examine how professional norms shape and constrain moral agency in bureaucratic decision-making, with particular attention to how executive incursions on the internal separation of powers alter the conditions under which civil servants can exercise moral judgment.

Break (3:15 - 3:30)

**Panel 4: Situating Moral Administration Theoretically
3:30 – 5:00 PM**

Framing Questions: What is the relationship of moral administration to other theories of administration (e.g., welfare maximization, political control, expertise, identity-based theories)? How does it critique, complement, or extend other theories? How does moral administration intervene in larger theoretical and political debates about liberalism, neoliberalism, and post-liberalism?

Moderator: Reuel Schiller

Speaker	Topic
Blake Emerson	Emerson will argue that administrative law is historically and functionally suited to the protection of shared legal interests held by the people as a whole, drawing on the concept of "public rights" developed in his constitutional scholarship.
Jen Selin	Selin will situate moral administration within the literature on delegation, expertise, and political control, examining points of tension and convergence between moral frameworks and prevailing theories of agency design and accountability.
Dan Walters	Walters will develop an account of administrative pragmatism to address a central challenge: how to reconcile pluralism with substantive moral commitments and how to translate those commitments into concrete administrative practice without imposing a single moral vision.
Nick Almendares	Almendares will examine how existing theoretical frameworks for the administrative state—including minimalist normative approaches, interest-group capture theory, and law-and-economics reasoning—have failed to adequately address contemporary challenges. His contribution addresses how moral administration departs from these theories and what the invocation of morality is meant to remediate, while also interrogating whether thick moral frameworks can be made compatible with commitments to democratic legitimacy and expertise.

**5:00: Cocktails and hors d'oeuvres on the Skydeck
(onsite, right outside the Deb Colloquium Room)**

**6:00: Dinner on the Skydeck
(Traditional Dyafa Spread from Reem's)**