

### Midterm practice: Three sections

#### PART I: MULTIPLE CHOICE QUESTIONS

1. Choose the best answer regarding the following argument:
  1. Microsoft used monopolistic power to drive Netscape from the market.
  2. Microsoft acted immorally if it used monopolistic power to drive Netscape from the market.

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  3. Microsoft acted immorally.
  - A. This argument is invalid, since no one has proved that Microsoft acted immorally.
  - B. This argument is invalid, since Netscape was driven from the market by its own incompetence; Microsoft's actions had little to do with Netscape's demise.
  - C. The argument is valid, because, if its premises are true, its conclusion must also be true.
  - D. The argument is valid, since both premises are acceptable.
2. According to the Rule Utilitarian,
  - A. We ought to perform those actions which maximize overall utility, regardless of their affects on justice.
  - B. We ought to follow those rules which agree with justice and rights, whatever their overall utility.
  - C. We ought to follow those rules which our ancestors have universally agreed on.
  - D. We ought to follow those rules which have a higher utility than any other available rule.
3. The claim: "Government intervention in the market reduces overall social utility" is best understood as:
  - A. An empirical claim.
  - B. A conceptual claim.
  - C. A value claim.
  - D. A rhetorical question.
  - E. None of the above.

#### PART II: PRINCIPLE TESTS

For each of the following examples choose the option which best characterizes the type of principle test being employed in the example. Some examples are NOT examples of a principle test.

1. "In the Eli Lilly case we see homeless alcoholics being used as test subjects for drug testing. Eli Lilly says that the test subjects are happy to accept the terms of employment, but I wonder if executives at Eli Lilly would be willing to work for \$85 a day, given the risks involved."
  - A. Universal Consequences Test
  - B. Role Exchange Test
  - C. New Cases Test
  - D. Subsumption Test
  - E. None of the above.
2. "It doesn't seem right that Ford Motor Company calculated the value of a human life while it was planning the production of the Ford Pinto. You can't put a value on human life."
  - A. Universal Consequences Test
  - B. Role Exchange Test
  - C. New Cases Test

- D. Subsumption Test
- E. None of the above.

### PART III: RELEVANCE/CONFLICT DISPUTES

Read the following case study excerpt in an effort to find the terms over which there will likely be disagreement (i.e. relevance disputes) and the conflicting principles which anchor the differences of moral opinion (i.e., the conflict disputes).

There is one case study, which concerns the drug testing program employed by Eli Lilly, a prominent pharmaceutical company. **The questions you are to answer come at the end of each case study excerpt.**

#### Working for Eli Lilly & Company

Eli Lilly, the discoverer of Erythromycin, Darvon, Ceclor, and Prozac, is a major pharmaceutical company that sold \$6.8 billion of drugs all over the world in 1995, giving it profits of \$2.3 billion. Headquartered in Indianapolis, Minnesota, the company also provides food, housing, and compensation to numerous homeless alcoholics who perform short-term work for the company. The work these street people perform, however, is a bit unusual.

Before approving the sale of a newly discovered drug, the U.S. Food and Drug Administration requires that the drug be put through three phases of tests after being tested on animals. In phase I the drug is taken by healthy human individuals to determine whether it has any dangerous side effects. In phase II the drug is given to a small number of sick patients to determine dosage levels, and in phase III the drug is given to large numbers of sick patients by doctors and hospitals to determine its efficacy.

Phase I testing is often the most difficult to carry out because most healthy individuals are reluctant to take a new and untested medication that is not intended to cure them of anything and that may have potentially crippling or deadly side effects. To secure test subjects companies must advertise widely and offer to pay them as much as \$250 a day. Eli Lilly, however, does not advertise as widely and pays its volunteers only \$85 a day plus free room and board, the lowest in the industry. One of the reasons why Lilly's rates are so low is because, as a long-time nurse at the Lily Clinic is reported to have indicated, "the majority of its subjects are homeless alcoholics" recruited through word-of-mouth that is spread in soup kitchens, shelters, and prisons all over the United States. Because they are alcoholics they are fairly desperate for money. Since phase I tests can run several months, test subjects can make as much as \$4500, an enormous sum to people who are otherwise unemployable and surviving on handouts. Interviews with several homeless men who have participated in Lilly's drug tests and who describe themselves as alcoholics who drink daily, suggest that they are by and large quite happy to participate in an arrangement that provides them with "easy money." When asked, one homeless drinker hired to participate in a phase I trial said he had no idea what kind of drug was being tested on him even though he had signed an informed consent form. An advantage for Lilly is that this kind of test subject is less likely to sue if severely injured by the drug. The tests run on the homeless men, moreover, provide enormous benefits for society.

It has been suggested, in fact, that in light of the difficulty of securing test subjects, some tests might be delayed or not performed at all if it were not for the large pool of homeless men willing and eager to participate in the tests. The Federal Drug Administration requires that people who agree to participate in phase I tests must give their (*truly*) "informed consent" and must make a "*truly* voluntary and uncoerced decision." Some have questioned whether the desperate circumstances of alcoholic and homeless men allow them to make a *truly* voluntary and uncoerced decision when they agree to take an untested potentially dangerous drug for \$85 a day. Some doctors claim that alcoholics run a higher risk because they may carry diseases that are undetectable by standard blood screening and that make them vulnerable to being severely harmed by certain drugs. One former test subject indicated in an interview

that the drug he had been given in a test several years before had arrested his heart and “they had to put things on my chest to start my heart up again.” The same thing happened to another subject in the same test. Another man indicated that the drug he was given had made him unconscious for two days, while others told of excruciating headaches.

In earlier years drug companies used prisoners to test drugs in Phase I tests. But during the 1970s drug companies stopped using prisoners when critics complained that their poverty and the promise of early parole in effect were coercing the prisoners into “volunteering”. When Lilly first turned to using homeless people during the 1980s, a doctor at the company is quoted as saying, “We were constantly talking about whether we were exploiting the homeless. But there were a lot of them who were willing to stay in the hospital for four weeks.” Moreover, he adds, “Providing them with a nice warm bed and good medical care and sending them out drug- and alcohol-free was a positive thing to do.”

A homeless alcoholic indicated in an interview that when the test he was participating in was completed, he would rent a cheap motel room where “I’ll get a case of Miller and an escort girl and have sex. The girl will cost me \$200 an hour.” He estimated that it would take him about two weeks to spend the \$4650 Lilly would pay him for his services. The manager at another cheap motel said that when test subjects completed their stints at Lilly, they generally arrived at his motel with about \$2500 in cash: “The guinea pigs go to the lounge next door, get drunk and buy the house a round. The idea is, they can party for a couple of weeks and go back to Lilly and do the next one.”

**Questions for the Eli Lilly case:**

1. Identify at least two terms or phrases that are likely to be the focus of the relevance disputes in the Lilly case. (Only two terms or phrases are required.) Then explain why anyone would quarrel over the suitability of these terms in this case. (i.e., explain what is at stake, in moral terms.)
2. Characterize the principle(s) that could be or are used to defend Lilly’s reliance on homeless alcoholics, then contrast the principle(s) with principle(s) that could be or are used to condemn Lilly’s treatment of the homeless alcoholics. That is, state the two conflicting principles and explain how they conflict. You may employ formal principles such as those described in chapter 2 of the text or less formal value premises that are either stated or implied in the case.