

Cases for the Boeing Scholars Academy Ethics Bowl, 2012

Case 1: Students' Little Helper¹

Sara, a college junior, had watched others in her dorm pound their way through all-night paper writing sessions, jobs, and parties with the help of Ritalin, Adderall, and other drugs designed to keep them awake and focused. Some of the students had been diagnosed with ADHD and had been on the drugs for years.² Others bought them at street prices from students who were happy to share their prescriptions. Although an estimated 7% of students enrolled in US universities have used cognitive enhancement drugs, with up to 25% of students on some campuses reporting their use,³ Sara believed that true success was the outcome of hard work and living a balanced life. She was sure that no drug could substitute for that. Her grades, when compared to those using the drugs, showed that her theory had merit. She had better grades than anyone she knew who was using cognitive enhancement drugs.

But, now she had a dilemma. Sara was preparing for the LSAT and had always had problems staying focused for those hours-long tests. Sara's mother, who was herself a lawyer, suggested that Sara talk to their family doctor about a prescription for Provigil. Her mother used Provigil sparingly, only when she was litigating tough cases and had to be sharp over long hours in the courtroom.⁴ The doctor, who had known Sara all her life, wanted to help Sara fulfill her lifelong dream of getting into a top law school and knew that Sara had under-performed on standardized tests in the past. Sara had the grades to get into a top school, but it was questionable if she would have the LSAT scores that she needed. The doctor occasionally did "off-label" prescribing of Provigil when she thought it was appropriate. Sara left the doctor's office with a prescription for 4 100 mg tablets of Provigil, more than she would ever need, and with reassurance that the drug, taken as prescribed, would not harm her.

Before going to her next LSAT prep course session, Sara took the drug. She moved along through the practice test, feeling focused and confident. "This is actually fun," she thought and realized that she wasn't experiencing the fatigue that normally hit at the start of the third test segment. Sara's score was significantly higher than it had been on past tests. She was ready for the LSAT.

That evening, she enthusiastically told two friends, Barbara and Nancy, about her experience. "Isn't using that drug cheating," Barbara wondered, "like athletes who use steroids?"⁵ She argued that only enhancements available to everyone – like caffeine -- should be allowed to be used. Nancy pointed out that not everyone could afford to take a LSAT prep course, and maybe the cognitive enhancement drug offered the same kind of boost. Nancy asked Sara if she could have one of the Provigil tablets that Sara would not be using.

Question: Should students be allowed to use cognitive enhancing drugs while taking standardized tests? If so, why? If not, why not?

¹ Case 1 from the Intercollegiate Ethics Bowl 2009 Regional Competitions. Association for Practical and Professional Ethics, 2009.

² Gould, Benjamin, "Cognitive Enhancement on Campus: Taking Competition Seriously," Bioethics Forum (2009).
<http://www.thehastingscenter.org/Bioethicsforum/Post.aspx?id=3142>.

³ Greely, Henry, et.al., "Towards responsible use of cognitive-enhancing drugs by the healthy," Nature, v. 256, i. 11, pp. 702-872 (Dec., 2008).

⁴ Roache, R., "Enhancement and Cheating," Expositions, v. 2(2), p. 153 (2009).
<http://oxford.academia.edu/RebeccaRoache/Papers/72962/Enhancement-and-Cheating>

⁵ Schermer, M., "On the argument that enhancement is 'cheating'," Journal of Medical Ethics, v. 34(2), pp. 85-88 (2008). <http://jme.bmj.com/cgi/content/abstract/34/2/85>.

Case 2: Brother, Where Art Thou? ⁶

Citywatcher.com, a company that provides security surveillance equipment, sought a way to limit access to a vault containing sensitive data. It implanted a product called VeriChip in the arms of two of its employees. The VeriChip is a radio frequency identification device (RFID), a microchip about twice the length of a grain of rice that is implanted quickly and painlessly by a physician. It emits a code when scanned by special equipment at the vault's door, reading the 16-digit ID number that cross-references to a record in VeriChip's database.

RFIDs have been widely used for libraries, credit cards, roadway tolls, and other applications. The VeriChip Corporation of Delray Beach, Florida, has also made implantable chips that are widely used in pet dogs and cats so they can be identified if they get lost. The use of microchips in humans, however, has raised a number of concerns.

Critics worry that more and more uses will be found for the chips. They worry that a massive national database could be compiled, even though public opinion has consistently discouraged a national ID and its resulting comprehensive database. Critics also point out that inexpensive, handheld wireless readers can detect the numbers on the chips, leading to more privacy invasions. They worry that hacking or employee error could breach the security of such an extensive database. And even if it is secure and private now, government policy could change in the future, making the database available to government agencies and other parties.

Critics are concerned that chips may have health impacts. However, reports linking tumors with the VeriChip in a small percentage of animals have not been sufficiently documented to lead the US Food and Drug Administration to lift its approval of the device as safe for humans.

Involuntary implantation has been especially contentious. Controversy surrounds suggestions to implant chips in prisoners, guest workers, immigrants, newborns, Alzheimer's patients, and other vulnerable individuals. Advocates of 'chipping' contend that the advantages outweigh the disadvantages, particularly for specialty security and medical uses. In fact, VeriChip has a variety of new product lines aimed at medical uses for storing medical information, tracing Alzheimer's patients, and tracing chemicals in cardiovascular applications, among others.

CityWatcher.com is not the first employer to require 'chipping'. The Attorney General of Mexico required his staff to be 'chipped' to access a vault of secure documents. The potential uses of the chips worry many people. Several states have proposed legislation to prohibit involuntary use of the RFID devices in humans. In Pennsylvania hearings, VeriChip Corporation has made a clear statement supporting a law to ban involuntary implantation. States will need to determine whether employment-required implantation infringes on an employee's free choice, especially in an economy with scarce jobs.

Question: Is it morally justifiable for employers to require employees to submit to Verichip implantation? If so, why? If not, why not? If it depends, then upon what grounds, and why?

⁶ Case from the Intercollegiate Ethics Bowl National Championship, 2010. Association for Practical and Professional Ethics, 2010.