

## **Sample Questions and Moderator's Answers: 1993-'96 Ethics Bowls**

(1) Bill has been hired as a student engineering assistant for the summer by acme Plastics. His superior is Frank Jones, the plant production engineer, who believes in management by strict chain of command, and whom Bill finds intimidating. Bill very much needs the job to earn tuition fees for the coming year. His duties frequently take him through an assembly line area where he observes the following conditions. Workers on an assembly line glue together several small plastic parts which are then placed on a conveyor belt that carries them through a heating oven where the glue is set. By the end of the day drops of glue have accumulated on the conveyor belt. So, at clean-up time, the workers, using rags and soap tins filled with solvent, which they obtain from a nearby barrel, wipe the belt as it passes by. Bill notices that during this process the oven is not shut off. It occurs to him that under these conditions an explosion could take place in which workers could be hurt seriously. Frank Jones has canceled the normal bimonthly safety meetings until further notice because he considers them a waste of time and an impediment to productivity.

What is Bill morally required to do in this case? Why?

**Moderator's Answer : Bill is morally required to voice his concerns to Frank. Engineers have a professional obligation not only to regard the public's safety as paramount, but also, as a corollary, to so view the safety of fellow employees at work. This obligation applies to bill, though still a student, in virtue of working in the capacity of an engineer. Alerting one's immediate superior within an organization to a condition one believes may be hazardous to fellow employees clearly falls within the scope of this obligation. Sometimes acting to fulfill one's professional obligations may involve an element of personal risk in terms of one's personal interests, but in this case, the risks do not seem great, even given Frank's expressed attitude toward safety meetings.**

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(2) Professor Bruce I Lazarus of Purdue University's School of Hotel and Institutional Management has for the past several years had students in his hospitality law class keep a "drinking diary" for a one

week period. In the diary students record "their drinking behavior patterns and any other observations they may make in relation to alcohol." Professor Lazarus describes the main purpose of the assignment as to get his students "to learn about themselves and society's attitude toward drinking." He describes the student response as "overwhelmingly positive.: Professor Lazarus is the only person who reads the diaries, and he allows students who don't want to keep a "drinking diary" to choose an alternative assignment. (Reported in the Chronicle of Higher Education, Feb.'93)

Is the "drinking diary" an ethically acceptable assignment? If so, why? If not, why not?

**Moderator's Answer: Yes: It is very important for students entering the hospitality field to reflect thoroughly both about social attitudes toward alcohol as well as about their own attitudes and behavioral patterns in regard to alcohol use. By not letting anyone else read the diaries, and by giving students the option of doing another assignment Professor Lazarus provides sufficient safeguards for student privacy.**

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**(3)** In the 1970's the United States Supreme Court ruled that the government was not required to fund abortions. Congress, in a hard fought compromise, authorized payment for Medicaid abortions in the case of rape, incest, and danger to the health of the woman. The Department of Health, Education, and Welfare (HEW) had the responsibility of implementing this legislative compromise by drafting regulations to cover the funding of abortions. The Secretary of HEW at that time, Joseph Califano, was a practicing Catholic who personally believed both that abortion is morally wrong except to save the life of the woman, and that as a matter of public policy, elective abortions should not be funded by the government.

Which of the following courses of actions would have been most appropriate for Secretary Califano in the circumstances? Explain your choice.

a) instruct his staff to implement rules and regulations reflecting the intent of Congress to provide Medicaid funding for abortions even in cases other than rape and incest, a congressional decision that Secretary Califano believed to be morally wrong.

b) use his powerful position to thwart the intent of Congress;

c) resign from his position

(issue posed by Arthur Applebaum in "Democratic Legitimacy and Official Discretion," *Philosophy and Public Affairs* Vol. 21 No.3 (1992) pp. 240-73)

**Moderator's Answer: Secretary Califano was not morally obligated to resign in view of his attitude toward abortion. On the other hand, he also was not obligated morally to remain in office. In choosing to remain, however, Secretary Califano had an obligation as a public official to carry out the law. A public official must do so even if she or he disagrees with the law either on grounds of ethics or policy. It is morally inappropriate for an appointed official, such as the Secretary of HEW, to use his or her position to undermine the legislative decisions of the United State Congress, which reflect the will of the people.**

**(Secretary Califano sought advice about what to do from Father Richard MacCormack, a professor at Georgetown University. Father MacCormack's advice, based upon Catholic moral teachings, coincided with the above analysis.**

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**(4)** Suppose there are two alternative punishments for the same criminal offense, A, six months in prison, and B one year of community service (with no prison term). Imposing punishment A would incapacitate convicted offenders and, thereby, render them incapable of engaging in criminal activity for the duration of the punishment. On the other hand, imposing B would have no such incapacitating effect.

May predicted dangerousness serve as a morally legitimate basis for imposing a particular penalty upon certain convicted offenders for a given offense? Or, would incapacitated offenders -- e.g. those who receive punishment A in the above example - have any legitimate objection to their punishment if other offenders who committed the same offense, but who are considered predictably non-dangerous, receive a less restrictive punishment -- e.g. punishment B in the above example? In either case, state your reasons.

**Moderator's Answer: Society may not justifiably base punishment upon predictions of a person's predicted dangerousness. such predictions cannot be made with accuracy. Furthermore, even if they could it would still be wrong to base punishments upon them. This is because punishment on the basis of predicted dangerousness imposes penalties upon a person for what he might do rather than what he actually did. Thus suppose, for example, there are two young drug offenders convicted of the same offense, but one is from a wealthy suburban environment and the other from an impoverished inner city environment. suppose that the latter environment is more strongly correlated with future criminal acts than the former. This difference cannot morally justify imposing a more severe sentence on the offender with an impoverished inner city background. The only approach that is morally justifiable for society to deal with the relationship between a particular environment and criminal behavior is to try to eliminate the factors in that environment that tend to producer crime.**

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**(5)** Jennifer is presenting a persuasive speech in Public Speaking 101 class. She is advocating student action on a matter that has high student interest on campus. You are one of her classmates and are appalled at the inaccuracy of her claims. It is evident to you - but apparently not to the majority of your classmates - that Jennifer has not adequately researched her topic. Unfortunately, she seems to be getting an enthusiastic response from the class anyway. You wonder what you should or should not do. Should you strongly and vehemently indicate your displeasure? Should you tell Jennifer that she could have easily acquired the facts had she made the least effort? Or should you say nothing, hoping that no harm will come from the speech? Would it make any difference to you if you knew that Jennifer had high anxiety and low self esteem? (from Jacksha and Pritchard, Communication Ethics)

**Moderator's Answer: As a student in the public speaking class a key part of you learning experience involves analyzing and discussing in public the work of other students in class. If you feel pressured to remain silent then you are not receiving the educational experience to which you are entitled. Furthermore, since the purpose of the course is to learn about effective public speaking you will benefit Jennifer by pointing out the**

**respects in which her speech needs improvement, provided you do it in a way that remains within the bounds appropriate for a class discussion. Some people take criticism better than others, but no one can learn without it.**

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**(6)** Puredrug is a large global pharmaceutical company which is currently facing a declining market share and weak profits. Puredrug has an opportunity to sign an \$8 million sales contract with the Philippine Government for a new drug called Travenol, used for treating viral infections, including measles. Travenol is in short supply because it is difficult and expensive to manufacture. Puredrug's inventory contains a large batch of Travenol produced at a cost of \$2 million. The U.S. Government rejected this batch for the domestic market, however, on the basis of a new, very sensitive test for toxic substances. The test revealed a low level of a toxic substance called endotoxin in the batch of Travenol. The old test used by the U.S. Government uncovered no endotoxin. The Philippines relies exclusively on the old test. Endotoxin might cause high fever. No one can say definitively, however, if Puredrug's batch of Travenol has enough endotoxin in it to produce this result in patients. Last year half of the Philippine children who contracted measles died. (New York Times, 2/13/94)

Would it be absolutely wrong for Puredrug to sign the sales agreement with the Philippine government? If so, why? If not, why not?

**Moderator's Answer: It would be morally permissible for Puredrug to sign the sales agreement provided that it clearly informs the Philippine Government about the test results under the new test. Puredrug may reasonably assume that the Philippine Government has set up procedures to assure the safety of drugs used in the Philippines, but Puredrug must disclose all the relevant information for an informed decision. The sale raises public relations issues related to Puredrug's image which concern the responsibility of Puredrug's management with respect to its shareholders. So long as the management deals with these issues reasonably and in good faith, however, then it meets these responsibilities.**

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**(7)** Dr. William Knees of George Washington University Medical Center

has invented a computerized system to estimate the probability that a critically ill patient will live or die. The system, known as APACHE, estimates a patient's short term probability of dying by comparing his or her characteristics -- such as age, blood pressure, and breathing difficulty -- to a computer analysis of 200,000 previous cases. APACHE, and similar systems, have been used by hospitals for about ten years to study death rates among groups of patients to evaluate the performance of different hospitals and the effectiveness of various treatment methods. For example, APACHE was used to compare the quality of intensive care units in 29 hospitals. According to Dr. Knees, APACHE predicted the death rates of more than 37,000 patients in this study with 90% accuracy. Now under intense pressure to cut costs, proposals are being put forward for hospitals to use APACHE to decide what to do with individual patients -- e.g. whether to initiate emergency treatment.

Should the APACHE system be used for this kind of purpose in connection with treatment decisions for individual patients? If so, why? If not, why not?

**Moderator's Answer: It would be morally unjustifiable to use the Apache system to determine whether or not to initiate emergency treatment of a hospital patient. The Apache system is an appropriate tool for evaluating medical procedures, but not for making treatment decisions in connection with individual patients. Physicians have a professional responsibility to treat patients on the basis of an assessment of their individual needs. In the case of critical emergency treatment, the patients' need, clearly, is to survive. This rules out deciding whether to attempt a particular treatment of a patient upon an analysis of statistical data, as would be done with the Apache system.**

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(8) Janet, a fourteen year old who has just completed ninth grade, is a member of a youth orchestra scheduled to tour throughout Europe during the summer. The orchestra consists of outstanding young musicians throughout the United States who auditioned for the orchestra. All through the school year each orchestra member had to learn his or her parts of the very difficult music for the program in preparation for three weeks of intensive rehearsing in June at a summer music camp in northern Minnesota before departing for Europe. Janet has worked very hard and during the first week of

rehearsal is selected for the first violin section. Janet, delighted with her success, intensifies her concentration on rehearsing, and looks forward eagerly to the tour which will begin in two weeks. During the middle of the second week of Janet's rehearsal a sudden tragedy occurs back home. A close friend of Janet named Shawn, a sixteen year old boy, who Janet dated for about four months, is killed accidentally when he collides with a motor boat while swimming after sun down.

Should Janet's parents inform her about Shawn's death in the week and a half remaining before Janet goes to Europe with the youth orchestra, or should they not tell her until she returns in the middle of August? In either case, give your reasons.

**Moderator's Answer: Janet's parents must inform her of Shawn's death in the week and a half before Janet goes to Europe. It is understandable that Janet's parents would want to preserve for her the opportunity to experience her concert tour in the right frame of mind to enjoy and benefit from the tour to the fullest extent. At Janet's age (14), however, a more important consideration, from an ethical standpoint, is whether they believe Janet would want to know about Shawn's death immediately, or whether she would want her parents to withhold the information about his death from her until she returns from Europe. Unless Janet has highly unusual attitudes in this regard, her parents must assume she would want to know immediately.**