

In September of 1995 the Public Works Committee of the United States House of Representatives repealed a mandate under which the federal government was directed to withhold road funds from states that failed to adopt motorcycle helmet laws. The repeal of the mandate removed the threat of losing federal road funds from Illinois, whose State legislature has steadfastly refused to pass laws requiring motorcyclists to wear helmets.

(a) Was the recently repealed mandate morally justifiable? If so, why? If not, why not?

(b) Is the position of the Illinois State legislature not to enact motorcycle helmet laws morally justifiable? If so, why? If not, why not?

MODERATOR'S ANSWER: With regard to part (a) of this question, the mandate was morally unjustifiable because it had no direct relationship to the basic purposes of the highway funding program. It is reasonable and fair for the U.S. Congress to attach conditions, in the form of mandates, to various programs making funds available to the States when the mandates are intended to accomplish the basic purposes of the program. In contrast, Congress acts unreasonably and unfairly when it uses mandates as a form of pressure to make the States act as Congress would like but cannot dictate in light of the division of authority between the Federal Government and the States under the Constitution. As for part (b) of this question, it would seem that the General Assembly of the State of Illinois has a moral responsibility to enact a motorcycle helmet law. Such a law, it is reasonable to suppose, would save lives, reduce accident costs, be relatively inexpensive to implement, and not be unreasonably burdensome to motorcyclists. In regard to the last point, most cyclists who oppose helmet laws seem to base their opposition not upon finding helmets burdensome, so much as upon not wanting to be told they have to use them. This isn't a good enough reason for the General Assembly to refrain from enacting a motorcycle helmet law.

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