



THE ETHICS INSTITUTE AT KENT PLACE SCHOOL

Middle School Ethics Bowl Cases

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Ban the Box

It can be very difficult for former prisoners to find employment upon release. Employers in both public and private settings ask about criminal history on job applications. Employers can reject qualified applicants based on their criminal history alone. Many companies have human resources departments that screen and reject job applications before hiring supervisors see them.

Vermont's governor recently instituted "ban the box," an executive order that removes questions regarding criminal history from the initial application for state jobs. In other locations, "ban the box" legislation also applies to private employer applications.¹

"Ban the box" advocates argue that ex-convicts who have served their sentences have paid their debt to society, and should not continue to be punished when seeking meaningful employment. Offenders who have served their time should be presumed ready and able to become productive members of society. Others argue that these exclusions are counterproductive: Ex-offenders who cannot find jobs are more likely to commit crimes in the future. Some refer to the fact that even those convicted of non-violent and petty crimes are also affected by this policy. Finally, some have observed that this policy has racial implications. In the U.S., for instance, 60% of the 1.6 million people in prison are Black or Hispanic males.² Hiring policies that discriminate against ex-convicts therefore have a disparate impact on communities of color. One solution, advocates argue, is for employers to delay the background check. Questions about criminal history should come after those responsible for hiring have met with job candidates; this way, factors like a criminal record can be understood in context of who the ex-convict has become.

Opponents of these laws point out that private employers should have the right to screen applicants with criminal histories since previous behavior speaks to character. That is, employers have a right to ask about criminal history because committing a crime is an action people choose to undertake rather than an immutable characteristic such as skin color. An employer also deserves to know, for example, if the accountant she is planning on hiring was convicted of theft. Employers also don't want to waste time and resources interviewing candidates that they will turn down for employment at a later phase of selection.

Study Questions:

- (1) Is it morally permissible for employers, including state entities, to ask about criminal history on an application?
- (2) Is it morally permissible for the state to prevent employers from asking about criminal history on an application?
- (3) Assuming that employers do ask about criminal history on an application, is it morally permissible for them to reject all applicants with a criminal history?
- (4) If a government employer refuses to hire someone with a past criminal conviction, does this count as an additional punishment? If so, is it fair for the government to impose such an additional punishment? If a private employer refuses to hire someone with a past criminal conviction, does this count as an additional punishment? If so, is it fair for that private employer to impose such an additional punishment?

¹ <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>

² <http://www.bjs.gov/content/pub/pdf/p10.pdf>

Paying a Ransom to Save Your Family

In 2014, ISIS posted a video of its adherents beheading James Foley, a captured American journalist. Although the United States attempted to rescue Foley and others, it maintains a strict policy of not paying ransoms for hostages.¹ One of the main arguments supporting this policy is that paying ransom not only incentivizes the taking of hostages, but also funds future heinous acts undertaken by the hostage-takers. An argument against this policy is that it fails to respect the incomparable value of innocent lives taken by groups like ISIS.

Recently, it was revealed that the American government not only refuses to pay ransoms for hostages but also legally threatens those who might try to do so, including the Foley family.² The rationale for this policy is that, if private citizens paid ransoms, then they would bring about many of the same harms as public officials, albeit to a lesser degree. However, not everybody is in favor of applying this policy to public officials and private citizens alike. For example, Diane Foley said, “I was surprised there was so little compassion.” According to Michael Foley, this policy hampered the Foley family’s efforts to save James. “It slowed my parents down quite a bit. They didn’t want to do anything that could get them in trouble. It slowed them down for months in raising money. Who knows what might have happened?” In other words, some argue, even if the U.S. government has a policy against paying ransom for hostages, this restriction should not apply to private individuals.

More recently, the government announced that it will not threaten to prosecute families who try to pay ransoms for family members who are taken hostage.³ As President Obama said, “These families have suffered enough, and they should never feel ignored or victimized by their own government.”⁴

Study Questions:

- (1) Assuming it has a policy against paying ransoms for hostages, is it morally justifiable for the government to enforce this policy on its own citizens, when they try to pay ransoms?
- (2) Does the fact that ransom payments will likely contribute to further violence by hostage-takers make it morally impermissible for families to try to financially secure the release of family members taken hostage? Why or why not?
- (3) If a public official or private citizen was confident that they could pay a ransom secretly, so that it would secretly but not openly support violence by hostage-takers, would that make a difference in your view? Why or why not?

¹ <https://news.yahoo.com/officials-us-rescue-mission-syria-failed-223157934--politics.html>

² <http://abcnews.go.com/International/government-threatened-foley-family-ransom-payments-mother-slain/story?id=25453963&singlePage=true>

³ <http://www.washingtonpost.com/blogs/post-politics/wp/2015/06/23/u-s-government-will-stop-telling-families-of-hostages-that-they-could-face-criminal-prosecution-for-paying-ransom/>

⁴ <http://www.npr.org/sections/thetwo-way/2015/06/24/417160008/u-s-clarifies-hostage-policy-saying-it-won-t-prosecute-families-over-ransom>

Selecting for Deafness

Andre and Leslie want to have a child. They decide to use a process called preimplantation genetic diagnosis (PGD). In a 2006 story, the *New York Times* explained PGD as a process whereby “embryos are created in a test tube and their DNA is analyzed before being transferred to a woman’s uterus. In this manner, embryos destined to have, for example, cystic fibrosis or Huntington’s disease can be excluded, and only healthy embryos implanted.”¹ Andre and Leslie, however, wish to use PGD to select *for* a disability: Andre and Leslie are deaf and want to have a child who will grow up immersed in Deaf culture, who understands the experience of Deafness, and who communicates via sign language.

Some of their friends strongly object to their plan but find it hard to articulate exactly what is so wrong about selecting for deafness. Others argue that Andre and Leslie are compromising their child’s future by trying to engineer their deafness and that knowingly and willingly bringing someone into the world under these conditions is wrong. But Andre and Leslie respond that no child is born with an uncompromised future, and yet very few people think that having children is wrong in general. Many children are born into families whose circumstances are not considered optimal and in which opportunities may be limited, yet few would claim that these parents acted immorally by having children.

In fact, Andre and Leslie argue that their child would have a *better* life if born deaf because they would be in a better position to parent this child, and because the family would experience the world in similar ways. Andre and Leslie also explain that they are not harming anyone by creating a deaf child. After all, since they are choosing which of multiple frozen embryos to bring to term, a different person will come into existence depending on which choice they make. How could they harming their deaf child when the alternative is that embryo remains frozen and that child is never born at all?

Study Questions:

- (1) Can we harm or benefit a child by bringing them into existence? Why or why not?
- (2) If a parent has the power to decide which of two people will come into existence, and if they know that one of these people will have a better life than the other, do they have a moral obligation to choose the person who will have a better life? Why or why not?
- (3) What is the relationship between disability and wellbeing? All else equal, is it better to be born without a disability than with one? Why or why not?
- (4) In the case presented, the parents are choosing to bring to term an embryo with naturally occurring deafness. Compare the ethics of this scenario with the ethics of a scenario where parents seek to render an embryo with the potential to develop normal hearing deaf.

¹ http://www.nytimes.com/2006/12/05/health/05essa.html?_r=0

Working while sick

Nearly 43 million private sector workers in the US hold jobs that do not offer paid sick leave. The majority of these workers are employed in the service sector, where interactions with customers form a key part of their jobs.¹

Kate, a server at a fast food restaurant called Blake's Burgers, is one of these workers. In the past, her bosses encouraged her to take the day off when she was sick, because coming in would put the health of her coworkers and customers at risk. Recently, however, the company cut her hours, and Kate could no longer afford to take a day off without pay.

A few months after the company cut her hours, Kate caught the flu and was unsure what to do. If she stayed home, she would lose the pay that she desperately needed, and run the risk of losing her job. She had been working for Blake's Burgers for many years, and she thought it was unfair that she could be fired for taking an action that would ultimately help the business.

On the other hand, going to work would pose a number of threats. Since Kate was likely contagious, she could get her coworkers sick, thereby confronting them with the same dilemma she faced now. Because her job involves handling food, she could also get her customers sick. Not only would this harm those customers, but it could have a negative effect on the business as a whole. After all, if people became sick from eating at Blake's Burgers, they would be more likely to avoid the establishment in the future, urge their friends to do the same, and ultimately harm the company's business.

On a national scale, the impact of Kate's dilemma is huge: The Center for American Progress estimates that unhealthy workers cost employers some \$160 billion a year in lost productivity.²

Study Questions:

- (1) Is Kate morally permitted to work while sick, given that she needs the money and needs to keep her job? Why or why not?
- (2) What, if anything, would change if Kate was a single mother whose children depend on her making money and keeping her job as well?
- (2) What, if anything, would change if Kate interacted with coworkers but not customers at work?

¹ <http://money.cnn.com/2015/01/20/news/economy/paid-sick-leave/>

² http://www.huffingtonpost.com/2013/07/08/paid-sick-leave-us-workers-_n_3562419.html

Red Cross and the Taliban

A 2010 document published by the International Committee of the Red Cross/ Red Crescent reported that the ICRC had provided free first aid training and medical kits to Taliban fighters in Afghanistan. Many were surprised to hear that the Red Cross worked with the Taliban; one unnamed Afghan official stated that nobody should help Taliban fighters by providing them with training or equipment of any kind because they do "not deserve to be treated like humans."

Others, like Center for Strategic and International Studies senior fellow Stephanie Sanok, worry that such actions may lead to further cooperation with the Taliban in the future. "Where do you draw the line?" Sanok asked. "What kind of assistance is it acceptable to provide the Taliban?" She noted that there are already hospitals run by independent non-governmental organizations which treat any patient—no questions asked—and thus ensure the physical well-being of the critically injured on both sides.

The ICRC remained unapologetic in the face of the largely negative feedback and stressed the importance of its historic neutrality. Spokesperson Christian Cardon said, "We treat and train people on the basis of medical necessity as an impartial organization, regardless of race or politics" and pointed out that "the ICRC is not a judge ... it is not a policeman. The role of the ICRC is to assist and protect victims of armed conflict."

Mr. Cardon also noted that the three-day workshop included not only first aid classes but also lessons on the Geneva Conventions and their importance. The ICRC has provided similar workshops to fighters in the Gaza Strip and Sudan during active conflicts; in Afghanistan, it trained 70 Taliban fighters as well as Afghan security forces, policemen and taxi drivers.

Widespread skepticism of the ICRC workshops in Afghanistan remains, especially in the US, where some have accused the ICRC of aiding the enemy and small donors are wondering if their money helped train Taliban fighters. Although the ICRC remains steadfast in its adherence to its well-established policy of impartiality, some are wondering if neutrality is always a valid option.

Study Questions:

Should the ICRC be allowed to provide first aid training to armed insurgents?

Is neutrality in conflicts always a morally permissible option?

Losing Admission to Harvard

In early June 2017, *The Harvard Crimson* reported that Harvard had rescinded the admission offers of at least 10 students who had previously been admitted to Harvard's Class of 2021.¹ Harvard rescinded these offers because of the students' participation in a Facebook group devoted to sharing highly offensive memes—including memes joking about sexual assault, child abuse, and the Holocaust, and memes mocking racial or ethnic minorities.² While the Facebook group was not affiliated with Harvard, it was exclusively for members of Harvard's Class of 2021, and was formed by students who found each other on the official Facebook group for students admitted to that class—a page managed by the university's Admissions Office to help students connect with each other before arriving on campus.

To some people, Harvard's decision seems like an objectionable form of censorship or thought-policing. For instance, one student interviewed by *The Crimson* thought that as long as people aren't directly harming or threatening someone else, they "can post whatever they want because they have the right to do that," adding that it was just "people doing stupid stuff." Moreover, since this Facebook group was not officially affiliated with Harvard, this may seem like an unwarranted intrusion into students' private social media lives. Partly due to such concerns, some colleges shy away from monitoring students' social media. The University of California system, for instance, issued a statement that "Social media presence plays no role in our admissions process. [...] Only if an incident is reported to us that purportedly violated our Principles of Community and/or Student Code of Conduct, will it be investigated in the proper channels."³

Others defend Harvard's decision. Students are frequently reminded that their social media activity has consequences. In fact, the official Facebook group for Harvard's Class of 2021 explicitly states, "As a reminder, Harvard College reserves the right to withdraw an offer of admission under various conditions including if an admitted student engages in behavior that brings into question his or her honesty, maturity, or moral character." In this case, many people think that the offending students simply crossed the line. "I appreciate humor, but there are so many topics that just should not be joked about," said another student interviewed by *The Crimson*—"those actions really spoke about the students' true characters." Additionally, some people argue that Facebook groups like the one in question promote a less respectful culture, and undermine colleges' attempts to establish safe and welcoming learning environments—especially for members of socially disadvantaged groups that are often targets of vicious memes. Thus colleges have a responsibility to place a check on their students' social media behavior.

But some who agree that the students should not have shared these offensive memes still worry that having their admissions rescinded was too harsh a penalty. Perhaps there was a better way to make this into a learning opportunity for these students and their peers. Rescinding admissions offers, it might even be argued, could have a chilling effect on student speech, and might ultimately scare students away from discussing important issues openly and honestly in an online setting. But then again, maybe not—there is a clear difference between engaging in an open and honest debate about sensitive topics, and sharing patently offensive jokes.

Study Questions:

- (1) Should students' social media presence play a role in the college admissions process? If so, what kind of role?
- (2) Should offensive social media use lead to rescinding admission? If so, how should we decide what is offensive enough? And how should the line between public and private social media be drawn?
- (3) How should the right to students' free speech be weighed against colleges' interest in promoting safe and welcoming learning environments?

¹ <http://www.thecrimson.com/article/2017/6/5/2021-offers-rescinded-memes/>

² https://www.washingtonpost.com/news/morning-mix/wp/2017/06/05/harvard-withdraws-10-acceptances-for-offensive-memes-in-private-chat/?utm_term=.8b3418679c83

³ <http://www.npr.org/sections/ed/2017/06/06/531591202/harvard-rescinds-admission-of-10-students-over-obscene-facebook-messages>