



Ethical Controversies

VIGNETTES

ETHICAL CONTROVERSIES

INTRODUCTION

These activities can be used to discuss ethical standards and dilemmas that apply to the interest area of your Venturing crew. You can conduct them as single activities during one crew meeting or you can use several meetings to explore the ethical issues in depth.

The model for these activities is adapted from *Creative Conflict*, by D. W. Johnson and R. T. Johnson (Interaction Book Company, Minneapolis, Minnesota, 1987).

Ethical judgments are a part of every profession, vocation, hobby, and recreational activity, as well as every relationship. The ethics forum and the ethical controversies are program resources that assist you in encouraging thought and discussion about ethical questions relevant to relationships or interest areas. For example:

- Is it right to accept a gift from a supplier who is bidding for an account when you are responsible for choosing the supplier?
- Should it be legal for a police officer to accept a second job?
- What do you do when your boss does something illegal?
- Is it right to refuse jury duty?
- When is censorship okay?

The ethics forum and ethical controversy activities help your crew discuss these and other issues in an interesting, organized, and active way. The forum and activities can easily be adapted to your particular interests.

The Ethics Forum

An ethics forum is simply a crew meeting devoted to learning about the ethical issues in your crew's career or interest area. You might invite one or more individuals with expertise in the area to speak to your crew. The presenters can describe the ethical standards for their profession that are upheld by corporations, trade associations, unions, or other organizations. It is best if they give examples of how those standards are used, explain the consequences of breaking the rules, and explain why the rules are important.

The presenters also can give examples of the ethical dilemmas that arise in their professions. These could be dilemmas for which ethical standards have not been written or for which it is difficult to understand how to apply standards.

Instructions for Ethical Controversies

Ethical controversies are dilemmas without easy answers, dilemmas in which each side might have valid arguments. The following situation is an example. You have been summoned for jury duty in your county. One of the cases on the docket is the well-publicized prosecution of a man for a series of assaults that occurred within a five-mile radius of your house. These were especially brutal crimes that occurred over several months. The assailant entered the open windows of the homes of the victims and Assaulted and robbed them. Because you live in the area where the robberies occurred and where the defendant lives, you are concerned about your safety during and after the trial. You also are concerned about your ability to be entirely fair and objective as a juror.

Your choices (position statements) are as follows:

- To avoid any possibility of revenge or intimidation, you ask to be excused from participation on the jury, or
- You serve on the jury anyway since you believe it is your civic and moral obligation to serve, and that attempting to avoid jury duty would be shirking your responsibility.

Instructions

To use the above opposing positions as learning activities for your crew, follow these instructions.

Organize the Activity

Divide the crew into groups of four. Include Advisors and any other adults present. If possible, divide into groups so that Venturers work with people they don't know very well.

Divide each group of four into two groups of two. Give each pair a copy of a position statement.

Be sure to assign the pairs opposing sides. It does not matter whether the participants agree with their assigned position.

Conduct the Activity

An ethical controversy activity has five simple steps. Describe and conduct them one at a time. Allow enough time to complete each step before moving on. All groups of four should work on each step at the same time. The entire activity takes from 45 minutes to two hours.

1. Learn the position. With your partner, develop as many arguments as possible to support your assigned position. You also can work with a pair from another group that has the same topic and position.
2. Present your position. Present your arguments to the other pair. In turn, listen closely to their position, making sure you understand their arguments. Clarify your understanding by restating what others say.
3. Discuss the issue. Defend your position and critique the opposition. Try to persuade the opposing pair that you are correct, then listen to their defense and critique. Remember to be critical of ideas, not people.
4. Reverse positions. Switch positions with the other pair. Take a few minutes with your partner to review your new position. Present and defend your new position as if you really believed in it.
5. Try to reach consensus. Work toward finding a position that all four believe is the correct one. This may be a position already discussed or a completely new one. Change your mind only when you are convinced by rational arguments.

Follow Up

After the activity is over, discuss it as a large group. Ask each group of four how they arrived at their final position. Compare the positions chosen and the arguments used to support them. Reflect on the process, discussing both the activity and how group members related with each other.

Can Food and Water Be Denied?¹

Position One: Feed Her

You are an employee of a rehabilitation hospital. One of the patients in your care is a 24-year-old woman, Ann, who was the victim of an automobile accident two years ago. Ann did not regain consciousness after the accident and for the past two years your hospital has been providing food and water to her through a tube.

Ann's family has visited every week since her admission to your hospital. During the last visit they again asked if there was any possibility of Ann regaining consciousness. It is your opinion and the opinion of the rest of the medical staff that recovery is extremely unlikely. As a result of that report,

Ann's family has requested that food and water be discontinued, which will, of course, result in death.

What do you do?

Medical practitioners are responsible for making decisions about medical treatment issues. Giving food and water is not medical treatment. Access to food and water is a primary right of human beings, whether or not they are helpless. Therefore, food and water should continue to be provided for Ann. Removing food and water is not just allowing someone to die. The goal of removing food and water would be to make sure Ann died, just like killing her. It would be no different from administering a lethal injection.

Even if giving food and water were a medical treatment there is no reason to withhold them. It cannot be argued that it is a useless treatment or that it is a burden, since Ann needs them to live. It also cannot be argued that because she is unconscious Ann is just a body and not a person. The fact that we cannot cure her does not mean we cannot care for her. If she were just a body, the logical conclusion would be to get rid of her; few people would accept this argument. Removing food and water is equivalent to getting rid of a body.

Position Two: Withhold Treatment

You are an employee of a rehabilitation hospital. One of the patients in your care is a 24-year-old woman, Ann, who was the victim of an automobile accident two years ago. Ann did not regain consciousness after the accident and for the past two years your hospital has been providing food and water to her through a tube.

Ann's family has visited every week since her admission to your hospital. During the last visit they again asked if there was any possibility of Ann regaining consciousness. It is your opinion and the opinion of the rest of the medical staff that recovery is extremely unlikely. As a result of that report,

Ann's family has requested that food and water be discontinued, which will, of course, result in death.

What do you do?

Administering food and water is a medical treatment rather than ordinary care in the case of unconscious patients because a feeding tube must be inserted either through the esophagus or the abdominal wall. This procedure often necessitates restraining the patient, and it involves risks. Therefore, just like any other medical treatment, it should be discontinued in some cases.

While circumstances that justify withholding food and water are rare, in some cases it is legitimate to do so. Food and water should be withheld when "the improvement in nutritional and fluid balance, though achievable, could be of no benefit to the patient" or when "the burdens of receiving the treatment may outweigh the benefit." In some cases nutrition is of no benefit and the risks associated with giving nutrition make it a burden. Just a hundred years ago it was not feasible to administer food and water in this way. Undoubtedly many people died of a lack of food and water in what was then considered a natural process. In some cases, such as Ann's, it should still be considered a natural process.

¹ This scenario was adapted from *The Nurse's Dilemma* by B. L. Tate. (Geneva, Switzerland: International Council of Nurses, 1977)

Censorship

Position One: Let Him Review the Editorials

As the editor of your school newspaper, you recently wrote an editorial for the paper that criticized the school administration because of the way they enforced the disciplinary policy. The assistant principal of the school decided that your editorial undermined his authority and has asked you to submit all subsequent editorials for review before the paper is printed.

Should you agree to submit your editorials to the assistant principal?

The assistant principal has every right to approve the editorials published in the paper. The right to a free press guaranteed by the Bill of Rights doesn't necessarily apply to a high school newspaper, since our paper is a training experience and we are dependent on adults to make it possible. Without them we wouldn't survive.

Besides, all our funding comes from the school budget. The purpose of a high school education is to learn from the adults around us who are our teachers. We have a responsibility to live up to their expectations. To ignore what they say doesn't make any sense.

Position Two: Publish or Perish

As the editor of your school newspaper, you recently wrote an editorial for the paper that criticized the school administration because of the way they enforced the disciplinary policy. The assistant principal of the school decided that your editorial undermined his authority and has asked you to submit all subsequent editorials for review before the paper is printed.

Should you agree to submit your editorials to the assistant principal?

The first amendment gives us the right to publish without interference or censorship. It does not make any difference that we are a school newspaper. We work on this paper to learn how to write and create a quality product just like a city paper. Having the freedom to publish what we think is right is the main purpose of a newspaper. Taking away that freedom makes us a propaganda mouthpiece for the school administration. The purpose of a high school education is to learn how to think for ourselves. Censoring our paper is the wrong way to do that.

Competition²

Position One: Competitive Sports Are Healthy

In 1953, two American universities were playing a football game that was critical to the national ranking of each team. In the closing seconds of the first half, Team B was inside the five-yard line of Team A. The clock was running and there was only enough time for one more play, if the clock could be stopped. Team B, behind by one touchdown and one extra point, had used all its time-outs. A player from Team B fell to the ground as if injured, and the officials quickly called a time-out so that the 'injured' player could receive attention. While the clock was stopped, the quarterback of Team B was able to call a play, a substitution was made for the injured player, and the members of Team B lined up to run a play. They ran the play, scored a

Position Two: Competitive Sports Are Unhealthy

In 1953, two American universities were playing a football game that was critical to the national ranking of each team. In the closing seconds of the first half, Team B was inside the five-yard line of Team A. The clock was running and there was only enough time for one more play, if the clock could be stopped. Team B, behind by one touchdown and one extra point, had used all its time-outs. A player from Team B fell to the ground as if injured, and the officials quickly called a time-out so that the 'injured' player could receive attention. While the clock was stopped, the quarterback of Team B was able to call a play, a substitution was made for the injured player, and the members of Team B lined up to run a play. They ran the play, scored a

² Fraleigh, W. P. (1984). Right Actions in Sport. Champaign, Ill: Human Kinetics Publishers and Simon, Robert. (1985). Sports and Social Values. Englewood Cliffs, New Jersey: Prentice-Hall

touchdown, successfully kicked the extra point, and went to the locker room at the half with the score now tied. Oddly enough, a nearly identical situation occurred at the end of the second half, with Team B again behind by one touchdown and one extra point. Again, a Team B player feigned an injury and his team was able to score a touchdown and an extra point to end the game in a tie.

Does participating in competitive sports encourage immoral behavior and deceptive actions like this one?

Participating in competitive sports is undeniably a positive experience. Douglas MacArthur said, "Participation in competitive sport is a vital character builder which molds the youth of our country for their roles as custodians of the republic." Competition helps develop desirable personality traits and encourages discipline, persistence, teamwork, and performance under pressure. Competition is a vital part of our society and sports help prepare for it. Delattre says, The claim of competitive athletics to importance rests squarely on their providing us opportunities for self-discovery, for concentration and intensity of involvement, for being carried away by the demand of the contest . . . with a frequency seldom matched anywhere. . . . This is why it is a far greater success in competitive athletics to have played well under pressure of a truly worthwhile opponent and lost than to have defeated less worthy or unworthy ones where no demands were made.

Team competition is the highest form of cooperation, since without the cooperation of teammates and the other team, there would be no competition. Competitors cooperate with each other by following the rules in order to challenge each other's skill level and to improve their own skills. Competition is a means to self-improvement.

touchdown, successfully kicked the extra point, and went to the locker room at the half with the score now tied. Oddly enough, a nearly identical situation occurred at the end of the second half, with Team B again behind by one touchdown and one extra point. Again, a Team B player feigned an injury and his team was able to score a touchdown and an extra point to end the game in a tie.

Does participating in competitive sports encourage immoral behavior and deceptive actions like this one?

The consequences of competition are undoubtedly negative. Competition encourages selfish and egotistical behavior. For someone to be successful somebody else must be defeated and denied what both sides want. Competitive sports may develop desirable personality traits in winners but it discourages the healthy development of those who lose, since they don't see any good outcome of their efforts. Competition motivates people to win at all costs, without regard to the damage to others. They encourage people to equate morality with "not getting caught." The opponent is viewed as "bad," is "hated," or given undesirable stereotypes. Ogilvie and Tutko say, We found no empirical support for the tradition that sport builds character. . . . It seems that the personality of the ideal athlete is not the result of any molding process, but comes out of the ruthless selection process that occurs at all levels of sport.

Those athletes who do have positive character traits probably would have them even if they never played a sport. In fact, they may have those characteristics in spite of playing sports. The value of competition in our society is highly overrated. The ability to cooperate with others and work together are more desirable and a better preparation for life.

Entrapment³

Position One: Gotcha!

A businessman has just checked into a hotel. He is unpacking when an attractive young woman dressed in a very short skirt and halter knocks at his door. She asks him to invite her in for a drink. A little later, when he offers her money to engage in sexual intercourse, she pulls out a badge, identifies herself as a policewoman, and arrests him for soliciting prostitution.

A customer in a bar asks the bar owner if he would like to buy a color television set very cheaply and adds, "Don't ask me how I got it." The owner purchases the television set and is then arrested (by the undercover officer) for receiving stolen property.

In situations such as these, the police are not investigating people they have reason to believe committed crimes; they are testing individuals to determine whether they will commit a crime if presented with favorable circumstances. They are offering people a temptation in the hope they will succumb; in other words, trying to entrap them into committing a crime.

Is police use of entrapment ethical?

Yes. The courts have ruled that the police are justified if defendants are "predisposed" to commit that kind of crime, meaning they have a history of committing crimes and are likely to do so again. If they have a predisposition to commit a crime and they commit a crime, they should be held accountable for their actions. Just because they were offered an opportunity by the police doesn't mean they are innocent of committing an offense.

Chronic criminal offenders commit the majority of crimes and are a threat to society. Police use of entrapment is a deterrent because of the fear of getting caught and not knowing who is or is not an undercover police officer.

The fact that chronic criminal offenders have a history of committing crimes shows that they are a greater threat. Use of entrapment is a way of protecting society.

Position Two: Don't Abuse the Power!

A businessman has just checked into a hotel. He is unpacking when an attractive young woman dressed in a very short skirt and halter knocks at his door. She asks him to invite her in for a drink. A little later, when he offers her money to engage in sexual intercourse, she pulls out a badge, identifies herself as a policewoman, and arrests him for soliciting prostitution.

A customer in a bar asks the bar owner if he would like to buy a color television set very cheaply and adds, "Don't ask me how I got it." The owner purchases the television set and is then arrested (by the undercover officer) for receiving stolen property.

In situations such as these, the police are not investigating people they have reason to believe committed crimes; they are testing individuals to determine whether they will commit a crime if presented with favorable circumstances. They are offering people a temptation in the hope they will succumb; in other words, trying to entrap them into committing a crime. Is police use of entrapment ethical?

No. The use of government power to help people commit crimes is an abuse of power because in some cases those who fall into the trap probably would have obeyed the law if they hadn't been presented with such an easy opportunity.

Providing opportunities for crime is a strange way of keeping law and order. There is a difference between investigating someone who is "corrupted" and someone who is "corruptible."

If someone is susceptible to committing a crime there is no need to provide temptation, since he or she is likely to commit a crime anyway.

Usual methods of police work are adequate. The right to privacy and freedom from unwarranted governmental influence limits what the government can do to protect citizens from crime. Entrapment is a violation of those rights. Entrapment reduces trust between people and is a dangerous method in the hands of someone who would like to harass innocent people.

³ This scenario was developed by B. Grant Stitt and Gene G. James and cited in *Moral Issues in Police Work* by F.A. Elliston and M. Feldberg. (Totowa, N.J.: Roman and Allanheld, 1985)

Equipment Donation⁴

Position One: Donate the Equipment

You are the chief of a fairly large “combination” fire department—mostly volunteer, but partly paid. You recently acquired new OSHA approved turnouts for your personnel—“state of the art” for safety and comfort. You also have replaced your older self-contained breathing apparatus (SCBAs) with new ones.

For many reasons, including space limitations, you want to get the older equipment out of the station. A smaller local all-volunteer department has requested your older turnouts and SCBAs. They are desperately in need of both. You know that your old equipment is no longer OSHA approved or reliable, but you remember what it was like to try to equip a group of volunteers with extremely limited funds.

You decide to throw the equipment out in the “dumpster” but let the other chief know when and where so they can make a “midnight raid” and recover it. Is your action ethical?

While it is true that the old equipment does not meet current standards, it is better than having no equipment at all, which is what the other department has now. You are completing your obligation by putting it in the dumpster. If the other department chooses to pick up the equipment they are taking any responsibility for its use.

Position Two: Don't Donate the Equipment

You are the chief of a fairly large “combination” fire department—mostly volunteer, but partly paid. You recently acquired new OSHA approved turnouts for your personnel—“state of the art” for safety and comfort. You also have replaced your older self-contained breathing apparatus (SCBAs) with new ones.

For many reasons, including space limitations, you want to get the older equipment out of the station. A smaller local all-volunteer department has requested your older turnouts and SCBAs. They are desperately in need of both. You know that your old equipment is no longer OSHA approved or reliable, but you remember what it was like to try to equip a group of volunteers with extremely limited funds.

You decide to throw the equipment out in the “dumpster” but let the other chief know when and where so they can make a “midnight raid” and recover it. Is your action ethical?

If the equipment doesn't meet current standards there is no way we should be allowing another department to use it. It may be more dangerous to use it than to not have any, since it may give false confidence. While the motive to help them is good, donating substandard equipment is not the way to do it. Also, we might be liable for damages or injury if the equipment fails in a critical situation. The responsible thing to do is to make sure the equipment gets thrown away.

⁴ This scenario was adapted from Ethics and the Fire Service: Curriculum Needs Assessment, a report to the National Fire Academy, by Ann Murphy Springer and Phillip Stittleburg. (1990)

Fast-Buck Freddy⁵

Position One: Inform Them

You are Barb Wire, a manager at the This-Is-Your-Life Insurance Company. A few weeks ago you dismissed an employee (Freddy Fingers) for misappropriation of funds. His was the most blatant and outrageous act of this kind that you had encountered in your ten years with the company. The employee acted strictly out of his own self-interest. He had no intention of making restitution. The company's legal department determined, however, that prosecution should not be initiated. They do not want to subject the company to liability for a defamation action by the former employee.

The company has a policy stating that no one is to provide information about any terminated employee except dates of employment, last position held, and social security number. You may not verify attendance, salary, home address, performance level, or eligibility for employment. This morning you received a phone call from a manager in another company. She indicated she is interviewing Freddy for a position as assistant controller. You temporarily put her off but promised to get back to her shortly.

What do you do?

We have a social and moral obligation to inform the other company of our problem with Freddy. It is possible that we would not have hired Freddy if his previous company had informed us of any problems they might have encountered. The new company may be inheriting a problem from us. If Freddy does have problems at the new company and they find out about his history, we might be considered liable or receive bad publicity for perpetuating the problem by not informing them or pursuing legal action. I feel that our company made a mistake in not prosecuting Freddy. Informing his new employer is a way of making up for that mistake.

Position Two: Don't Inform Them

You are Barb Wire, a manager at the This-Is-Your-Life Insurance Company. A few weeks ago you dismissed an employee (Freddy Fingers) for misappropriation of funds. His was the most blatant and outrageous act of this kind that you had encountered in your ten years with the company. The employee acted strictly out of his own self-interest. He had no intention of making restitution. The company's legal department determined, however, that prosecution should not be initiated. They do not want to subject the company to liability for a defamation action by the former employee.

The company has a policy stating that no one is to provide information about any terminated employee except dates of employment, last position held, and social security number. You may not verify attendance, salary, home address, performance level, or eligibility for employment. This morning you received a phone call from a manager in another company. She indicated she is interviewing Freddy for a position as assistant controller. You temporarily put her off but promised to get back to her shortly.

What do you do?

We have a social and moral obligation to inform the other company of our problem with Freddy. It is possible that we would not have hired Freddy if his previous company had informed us of any problems they might have encountered. The new company may be inheriting a problem from us. If Freddy does have problems at the new company and they find out about his history, we might be considered liable or receive bad publicity for perpetuating the problem by not informing them or pursuing legal action.

I feel that our company made a mistake in not prosecuting Freddy. Informing his new employer is a way of making up for that mistake.

⁵ This scenario was prepared by the Center for Ethics, Responsibilities, and Values, College of Saint Catherine, St. Paul, Minn.

Interracial Friendship

Position One: Keep the Friend

You are in the first year of attending an integrated high school and have made friends with several people who have a different racial background than you. Melissa, who has been your friend since fourth grade, refuses to be friends with them and continually makes comments about how dumb and lazy they are even though you have asked her several times to stop.

Should you continue to be Melissa's friend?

You decide that instead of rejecting Melissa you will have a better chance of changing her mind if you keep her as a friend. Defend your position.

Position Two: Refuse to Be Friends

You are in the first year of attending an integrated high school and have made friends with several people who have a different racial background than you. Melissa, who has been your friend since fourth grade, refuses to be friends with them and continually makes comments about how dumb and lazy they are even though you have asked her several times to stop.

Should you continue to be Melissa's friend?

You decide that in fairness to your new friends and to be consistent with your principles you must refuse to be friends with Melissa until she changes her attitude. Defend your position.

Defense

Position One: Turn the Other Cheek

On the way home from school you were attacked and beaten by Bob, who doesn't like you for some reason and is notorious for intimidating other students. After talking it over with your friends you decide that fighting back won't improve the situation and that it would be better to find some solution to the problem of Bob other than continuing the violence.

Defend your position.

Position Two: Self-Defense

On the way home from school you were attacked and beaten by Bob, who doesn't like you for some reason and is notorious for intimidating other students. To make sure this doesn't happen again, you gather several of your friends together and you decide to teach Bob a lesson. You hope that this will end Bob's bullying. A couple of days later you catch Bob alone and get revenge.

Defend your position.

Marginal Chemical⁶

Position One: Go Over His Head

The Marginal Chemical Corporation is a small outfit by Wall Street's standards, but it is one of the biggest employers and taxpayers in the little town where its plant is located. Production has been going up an average of 6 percent a year; so has the pollution from the plant's effluents that are dumped into the large stream that flows by the plant. This stream feeds a large lake that has become unfit for bathing or fishing.

The number of complaints from town residents has been rising about this situation and you, as a resident of the community and the plant's senior engineer, also have become increasingly concerned. Although the lake is a gathering place for the youth of the town, the city has applied only token pressure on the plant to clean up. Your boss, the plant manager, has other worries because the plant is being caught in a cost/price squeeze, and is barely breaking even.

After a careful study, you propose to your boss that, to have an effective pollution-abatement system, the company must make a capital investment of \$1 million. This system will cost another \$100,000 per year in operating expenses.

The boss's reaction is, "It's out of the question. As you know, we don't have an extra million around gathering dust—we'd have to borrow it at 10 percent interest per year and, with the direct operating expenses, that means it would actually cost us \$200,000 a year to go through with your idea. The way things have been going, we'll be lucky if this plant clears \$200,000 this year, and we can't raise prices. You can create a lot of new production—and new jobs—for a million bucks. And this town needs jobs more than it needs crystal-clear lakes, unless you want people to fish for a living."

He does agree to spend \$10,000 to remove one pollutant and offers to pay for any system you can find that will pay for itself via product recovery.

What do you do?

This issue is important enough to take more drastic action. If your boss can't be persuaded, you need to go over his head to his supervisor or the board of directors. If that doesn't work you will need to talk to pollution control officials. The issue is important enough to justify serious

Position Two: Do What He Says

The Marginal Chemical Corporation is a small outfit by Wall Street's standards, but it is one of the biggest employers and taxpayers in the little town where its plant is located. Production has been going up an average of 6 percent a year; so has the pollution from the plant's effluents that are dumped into the large stream that flows by the plant. This stream feeds a large lake that has become unfit for bathing or fishing.

The number of complaints from town residents has been rising about this situation and you, as a resident of the community and the plant's senior engineer, also have become increasingly concerned. Although the lake is a gathering place for the youth of the town, the city has applied only token pressure on the plant to clean up. Your boss, the plant manager, has other worries because the plant is being caught in a cost/price squeeze, and is barely breaking even.

After a careful study, you propose to your boss that, to have an effective pollution-abatement system, the company must make a capital investment of \$1 million. This system will cost another \$100,000 per year in operating expenses.

The boss's reaction is, "It's out of the question. As you know, we don't have an extra million around gathering dust—we'd have to borrow it at 10 percent interest per year and, with the direct operating expenses, that means it would actually cost us \$200,000 a year to go through with your idea. The way things have been going, we'll be lucky if this plant clears \$200,000 this year, and we can't raise prices. You can create a lot of new production—and new jobs—for a million bucks. And this town needs jobs more than it needs crystal-clear lakes, unless you want people to fish for a living."

He does agree to spend \$10,000 to remove one pollutant and offers to pay for any system you can find that will pay for itself via product recovery.

What do you do?

Blowing the whistle on your boss will never work. You will probably lose your job and your reputation. The company will get a bad rap, which could harm sales and lead to layoffs or the closing of the business. The town would be more upset about the loss of the company or tax revenues

⁶ This scenario was developed by Popper and Highson and cited in Ethical Problems in Engineering by R.J. Baum and A. Flores. (New York: Center for the Study of Human Dimensions of Science and Technology, 1978)

concern. The pollutants may detract from fishing and recreational use of the lake but it is very possible that they could also endanger drinking water for the town. We have a moral obligation to protect our environment from harm, even if no one else objects or complains.

than they are now about the pollution. It would be better to keep trying to persuade your boss and try to find a process that he will approve.

You have a clear conscience because you have done everything you can and it hasn't worked. Your boss has the power and authority over major decisions like this and he hasn't responded. It's his decision, not yours.

Moonlighting

Position One: Only One Job

Mark is a police officer in a suburban village. Mark's friend, Dan, is an officer in an adjacent city and lives just two miles away. In addition to his officer position, Mark works security at construction sites on weekends. Doing so has allowed him to build an addition on his house and put some money away for a college fund for his kids. Dan's city doesn't allow police officers to hold second jobs so his income is restricted to the money he makes as an officer.

The practice of hiring off-duty police officers as security guards, bouncers, traffic controllers, and in various other positions is increasing. In some localities the practice is banned or regulated and in others it is allowed. Should police officers be allowed to hold second jobs?

Hiring off-duty police officers for private functions should be illegal. Police officers are public servants who have stressful, demanding jobs. It is in the public interest to restrict their paid activities to their police work so that they are more likely to be well rested and able to concentrate.

Allowing police officers to work for private businesses doing work similar to their on-the-job duties creates many opportunities for conflicts of interest. Officers might be tempted to favor certain businesses in enforcing the law or might have a difficult time being impartial. Police officers are paid to enforce the law for the entire public, not just for those who are able to pay them privately.

Position Two: Reward Ambition

Mark is a police officer in a suburban village. Mark's friend, Dan, is an officer in an adjacent city and lives just two miles away. In addition to his officer position, Mark works security at construction sites on weekends. Doing so has allowed him to build an addition on his house and put some money away for a college fund for his kids. Dan's city doesn't allow police officers to hold second jobs so his income is restricted to the money he makes as an officer.

The practice of hiring off-duty police officers as security guards, bouncers, traffic controllers, and in various other positions is increasing. In some localities the practice is banned or regulated and in others it is allowed. Should police officers be allowed to hold second jobs?

Hiring off-duty police officers for private functions should be legal. Restricting an officer's off-duty activities is a violation of his rights. There is no reason to restrict an individual's activities unless there is evidence it hampers job performance.

Police officers working privately serve the same function as those on duty, that of protecting the public interest, preventing crime, and keeping the peace; activities that are not in conflict with their on-the-job duties. It is an insult to suggest that police officers are not professional enough to enforce the law fairly. We can't punish officers by taking away income opportunities because of something that might happen.

Paternalism⁷

Position One: Tell Her

Kim Holt was assigned primary nursing responsibility for Ann Hernandez, a divorcee in her mid-forties who had just been diagnosed as having cancer of the colon with metastasis involving lymph nodes. Kim had cared for Mrs. Hernandez for three days before the operation and had established good rapport with her.

Two days after the operation it became apparent to Kim that, while Mrs. Hernandez had been informed that she had cancer, she had not been informed about the seriousness of her condition or of her poor prognosis. Shortly thereafter, one of Mrs. Hernandez's daughters approached Kim and urged her to assure her mother that everything was going to be all right. She explained that Mrs. Hernandez had just gone through a long and unpleasant divorce, and that she and her sister wanted their mother spared the further pain of learning that she was terminally ill and that no proven, effective treatment was available. Deeply troubled, Kim discussed the situation with Dr. Shaeffer, Mrs. Hernandez's physician. Dr. Shaeffer said he had informed Mrs. Hernandez that she had cancer but, to spare her unnecessary anxiety, he had allowed her to maintain her belief that it could be effectively treated, a belief not supported by the facts in her case. He added that if she told Mrs. Hernandez the truth it would be inconsistent with the well-being of the patient and Kim's role as a nurse.

Kim has an obligation to tell Mrs. Hernandez the truth. No medical person has the right to withhold this kind of information from patients. Doing so violates their dignity and their right to self-determination. The Patient's Bill of Rights says the patient has the right to "complete current information concerning his diagnosis, treatment, and prognosis in terms the patient can be reasonably expected to understand." Withholding the information also compromises Kim's relationship with the patient, detracting from her integrity, since she is being asked to lie. Most dying patients are able to figure out their true status from other sources since it is difficult to hide something so serious. Finding this out could make it worse, since patients will know they have been deceived.

Position Two: Don't Tell Her

Kim Holt was assigned primary nursing responsibility for Ann Hernandez, a divorcee in her mid-forties who had just been diagnosed as having cancer of the colon with metastasis involving lymph nodes. Kim had cared for Mrs. Hernandez for three days before the operation and had established good rapport with her.

Two days after the operation it became apparent to Kim that, while Mrs. Hernandez had been informed that she had cancer, she had not been informed about the seriousness of her condition or of her poor prognosis. Shortly thereafter, one of Mrs. Hernandez's daughters approached Kim and urged her to assure her mother that everything was going to be all right. She explained that Mrs. Hernandez had just gone through a long and unpleasant divorce, and that she and her sister wanted their mother spared the further pain of learning that she was terminally ill and that no proven, effective treatment was available. Deeply troubled, Kim discussed the situation with Dr. Shaeffer, Mrs. Hernandez's physician. Dr. Shaeffer said he had informed Mrs. Hernandez that she had cancer but, to spare her unnecessary anxiety, he had allowed her to maintain her belief that it could be effectively treated, a belief not supported by the facts in her case. He added that if she told Mrs. Hernandez the truth it would be inconsistent with the well-being of the patient and Kim's role as a nurse..

It is in the interest of the patient to withhold information because this prevents pain and suffering.

To tell her might increase her depression about her divorce and make it less likely she will respond well to treatment. It is the physician's responsibility to decide what is in the best interest of the patient.

The right to know is not an absolute right. The right to know is not absolute because it is part of the responsibility of the caring professional to decide in the best interests of the patient how, when, and how much to tell.

⁷This scenario was adapted from *Ethics in Nursing* by M. Benjamin and J. Curtis. (New York: Oxford, 1986)

A Perfect Bust⁸

Position One: Yes, of Course!

In a routine transaction, a New York art gallery acquired a twenty-six-inch stucco sculpture. In October 1965 the gallery offered it for sale at one of its regular auctions. The gallery's auctioneer started the bidding at \$150, which indicated that the gallery's appraisers, who regarded the sculpture as a reproduction, did not think it valuable.

Experts from the Metropolitan Museum of New York had seen the bust on display and, after a quiet investigation, had decided that it was an original work of either Andrea de Verrocchio or Leonardo Da Vinci. The Metropolitan sent a man to bid on the bust. He was able to purchase it for \$225. Some art appraisers estimate that the Metropolitan would have gone as high as \$225,000 to obtain the bust. One prominent art dealer put its value at \$500,000. The sculpture is now mounted in the Metropolitan for the public to enjoy free of charge.

Did the Metropolitan Museum act ethically?

They have no obligation to tell anyone what they found out. The Metropolitan's action was a free-market decision. They should, in fact, be admired for their skill in finding a hidden value that no one else had the skill to discover.

The art gallery should have done its homework about what they were selling. There was nothing preventing them from discovering the same information. There is no reason for them to be outraged. In fact, they probably purchased it from someone else even more cheaply.

Since the Metropolitan is a public institution, the work of art will benefit many people who otherwise would not get to see such a valuable piece of work.

Position Two: Of Course Not!

In a routine transaction, a New York art gallery acquired a twenty-six-inch stucco sculpture. In October 1965 the gallery offered it for sale at one of its regular auctions. The gallery's auctioneer started the bidding at \$150, which indicated that the gallery's appraisers, who regarded the sculpture as a reproduction, did not think it valuable.

Experts from the Metropolitan Museum of New York had seen the bust on display and, after a quiet investigation, had decided that it was an original work of either Andrea de Verrocchio or Leonardo Da Vinci. The Metropolitan sent a man to bid on the bust. He was able to purchase it for \$225. Some art appraisers estimate that the Metropolitan would have gone as high as \$225,000 to obtain the bust. One prominent art dealer put its value at \$500,000. The sculpture is now mounted in the Metropolitan for the public to enjoy free of charge.

Did the Metropolitan Museum act ethically?

The Metropolitan Museum had a moral obligation to tell the art gallery about the actual value of its possession. Not to do so was deceptive and immoral. If the marketplace is to be just, prices for items sold and purchased have to reflect their actual value based on everyone sharing the same information. If not, the system allows inequities at someone's expense. The consequences of the Metropolitan's action will be extremely negative, since many people will be suspicious of the Metropolitan's motives. Every time the museum wants to purchase something in the future, the seller and the public will be suspicious and may try to charge more than necessary.

⁸ This scenario was adapted from *Cases in Business Ethics* by T. M. Garrett, R. D. Baumhart, T. V. Purcell, and P. Roets. (New York: Appleton-Century-Crofts, 1968)

Who Owns Your Knowledge?⁹

Position One: Improve the Candy

Ken is a process engineer for Stardust Chemical Corporation. He has signed a secrecy agreement with the firm that prohibits his divulging information that the company considers proprietary (belonging to the company). Stardust has developed an adaptation of a standard piece of equipment that makes it highly efficient for cooling viscous plastics slurry.

Stardust decided not to patent the idea but to keep it as a trade secret. Eventually, Ken leaves Stardust and goes to work for a candy-processing company that is not in any way in competition with Stardust.

He soon realizes that a modification similar to Stardust's trade secret could be applied to a different machine used for cooling fudge, and at once has the change made. Has Ken acted ethically?

Yes. Ken went to work for a company that doesn't compete with his previous employer. It is not likely that their adaptation of the fudge cooling machine will be used anywhere else.

They are not planning on trying to make money by selling the idea to someone else. Ken cannot be expected to partition his brain into segments based on the source of his knowledge. He has to use the knowledge he has accumulated and should not be expected to keep it a secret forever. The new company has the right to benefit from his skills, especially since the first company didn't patent the process.

Position Two: Keep It a Secret

Ken is a process engineer for Stardust Chemical Corporation. He has signed a secrecy agreement with the firm that prohibits his divulging information that the company considers proprietary (belonging to the company). Stardust has developed an adaptation of a standard piece of equipment that makes it highly efficient for cooling viscous plastics slurry.

Stardust decided not to patent the idea but to keep it as a trade secret. Eventually, Ken leaves Stardust and goes to work for a candy-processing company that is not in any way in competition with Stardust.

He soon realizes that a modification similar to Stardust's trade secret could be applied to a different machine used for cooling fudge, and at once has the change made. Has Ken acted ethically?

No. He signed a secrecy agreement with the requirement that the information was to be kept in that company. Honesty requires that he should honor that agreement. Stardust will probably lose the opportunity for income because even if Ken's new company doesn't share the idea with anyone else, it's very likely that someone in the candy factory will move to a new company and will use it there. Ken has no control over where it goes.

⁹ This scenario was developed by P.M. Kohn and R.V. Hughson and cited in Ethics in Engineering by M.W. Martin and Roland Schinzinger. (New York: McGraw-Hill, 1989)

Jobs Versus Birds

Position One: Challenge the Endangered Species Act

As the owner of a small retail business in Oregon, you are very aware of how the health of other industries affects your business. You recently learned that because of the protection of the northern spotted owl by the Endangered Species Act, thirty thousand logging jobs and twenty thousand jobs in related industries could be lost. One of the jobs that might be lost is yours, since your business is frequented by many families of loggers. You have to decide if you are going to financially support an attempt to legally challenge the Endangered Species Act.

This is a difficult issue because you also have been concerned about environmental issues. You have been backpacking in logging areas and have seen the destruction, waste, and erosion caused by logging. You are concerned about the health of the environment and believe that our society is in danger because of environmental destruction.

You decide, however, that the probable loss of fifty thousand jobs is too great a price to pay to save one species of owl. These jobs are supporting families with children, supporting elderly people, and paying for medical services. You don't think you can justify sacrificing livelihoods for the sake of an owl.

Defend your position.

Position Two: Support the Endangered Species Act

As the owner of a small retail business in Oregon, you are very aware of how the health of other industries affects your business. You recently learned that because of the protection of the northern spotted owl by the Endangered Species Act, thirty thousand logging jobs and twenty thousand jobs in related industries could be lost. One of the jobs that might be lost is yours, since your business is frequented by many families of loggers. You have to decide if you are going to financially support an attempt to legally challenge the Endangered Species Act.

This is a difficult issue because you also have been concerned about environmental issues. You have been backpacking in logging areas and have seen the destruction, waste, and erosion caused by logging. You are concerned about the health of the environment and believe that our society is in danger because of environmental destruction.

You decide that despite the probable negative impact on your business, you have a moral obligation to support the process of saving the owl. While it would be difficult to lose a job now, the logging boom is going to be over sometime in the next twenty years anyway when the old growth forests are gone. You think that we may as well get ready now for a post-logging world. We cannot predict the future very well and we might find other, more environmentally harmonious ways of living. For example, the bark of the yew tree, which grows in these forests, has been found effective in treating some types of cancer. There may be other valuable species of plants and animals that we don't know about yet.

Defend your position.

Capital Punishment

Position One: Capital Punishment Is Necessary

Capital punishment (killing criminal offenders) is justified. For those people who commit the most violent and perverse crimes, capital punishment is the only answer. A crime demands justice, and the only way justice can be served for this violent crime is execution. Capital punishment serves as a deterrent to potential murderers. Without it, murderers would be guaranteed survival, something their victims are deprived of. Severe punishment generates respect for the law among people who don't have much respect for anything else.

Capital punishment also saves money, since prisons are expensive. We spend far too much money on people who have thrown their lives away.

Defend your position.

Position Two: Capital Punishment Is Unnecessary

Capital punishment is wrong. Murdering someone because he or she is a murderer is not a good practice. Do we rape rapists or burn down the homes of arsonists?

Giving the state the power to kill is dangerous. This power breaks down one more barrier of protection for the individual, especially individuals who are mistakenly convicted. Execution doesn't allow for correcting errors.

Capital punishment discriminates against the poor and minorities, since they are far more likely than wealthy whites to be sentenced to death for the same crime.

Capital punishment is not a deterrent. Western European countries do not have capital punishment and murder is rare. States in the United States that have capital punishment often have higher murder rates than those that don't.

Defend your position.

Quotas

Position One: No to Quotas

As the admissions director of a large public university, you have been asked by the legislature of your state to initiate a voluntary effort to recruit minority students and to guarantee that a certain percentage of your freshman admissions will come from minority groups. This request has been protested by some student groups on campus and by several conservative groups in the community.

You believe that this kind of program, even though it has good intentions, is inherently unfair because it discriminates against innocent individuals on behalf of groups. While we have a moral obligation to help people who have been oppressed on the basis of race or class, helping them shouldn't mean discriminating against someone else on the basis of race and class.

Once we start helping people on the basis of class, you wonder, where will it end? There are several classes of people with legitimate claims of being oppressed—Appalachian whites, Jews, Asians, etc.

Position Two: Yes to Quotas

As the admissions director of a large public university you have been asked by the legislature of your state to initiate a voluntary effort to recruit minority students, and to guarantee that a certain percentage of your freshman admissions will come from minority groups. This request has been protested by some student groups on campus and by several conservative groups in the community.

You believe that the request is reasonable. There is evidence that minority groups have been unfairly denied admission to your university in the past and that there are fewer minorities at the university than in the community. It is only fair that the university redress these problems by helping members of those minority groups succeed.

These programs are not discriminatory because they are not taking from other groups anything that belongs to them. The admission positions don't belong to anyone else. There is no reason

We also have a problem with defining what exactly they are owed. Do we owe them a minimum-wage job, admission to a public university, admission to the finest private institutions, or a high-paying job? What criteria should be used to determine the right number of positions or admissions?

Defend your position

that we can't give them to people based on their race, as long as they are qualified.

Even if you argue that there are people more qualified, it has never been proven that more "qualified" people necessarily do better in school or in careers after they get out. In most professions and educational institutions people are chosen on the basis of many factors other than qualification. People are selected because of their influence, the amount of power and money they have, or because they "know someone." In this case, we are simply helping people who don't have access to that power. Even some "qualifications" are often the result of factors beyond the individual's control, such as family income and access to good education.

Defend your position.

Sharon Overheard¹⁰

Position One: Let Him Know

You are Sharon Thot, a manufacturing manager at a medical products company called Medical Technologies. At a meeting of a local engineering society you talk with a person you used to work with at another company. You have both moved to other companies but have maintained a casual friendship over the years.

As you talk, two other people known to your friend come up and join the conversation. As the conversation develops, it turns out that one of the latter two, Daniel Johnson, works on a process similar to one to which you have just been assigned. Daniel has a few drinks and is naturally an expansive, open individual. During the conversation he begins to explain, in some detail, how he has successfully overcome a major obstacle to successful utilization of the process, and how it has resulted in a bonus for him. You decide to inform him that you are a competitor working on the same process.

Defend your position.

Position Two: Keep It a Secret

You are Sharon Thot, a manufacturing manager at a medical products company called Medical Technologies. At a meeting of a local engineering society you talk with a person you used to work with at another company. You have both moved to other companies but have maintained a casual friendship over the years.

As you talk, two other people known to your friend come up and join the conversation. As the conversation develops, it turns out that one of the latter two, Daniel Johnson, works on a process similar to one to which you have just been assigned. Daniel has a few drinks and is naturally an expansive, open individual. During the conversation he begins to explain, in some detail, how he has successfully overcome a major obstacle to successful utilization of the process, and how it has resulted in a bonus for him. You decide not to tell him what you do and you encourage discussion about his work.

Defend your position.

¹⁰ This scenario was prepared by the Center for Ethics, Responsibilities, and Values, College of Saint Catherine, St. Paul, Minn.