

REGIONAL ETHICS BOWL CASES

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Prepared by:

Rhiannon D. Funke, Chair

Editing Board:

Adam Potthast

Case Writers:

Susanna Flavia Boxall

Raquel Diaz-Sprague

Michael B. Funke

Gretchen A. Myers

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Case #1: Transient Student Voting Rights

New legislation introduced by New Hampshire State Representative Gregory Sorg, HB 176, specifically addresses the rights of students to vote. According to HB 176, “The domicile for voting purposes of a person attending an institution of learning shall not be the place where the institution is located unless the person was domiciled in that place prior to matriculation.”¹ The force of HB 176 is to require that students vote in their hometowns and not the town in which they reside for educational purposes. The bill would not allow students to register to vote in the town in which they attend university unless they lived in that town prior to enrolling.

Supporters of HB 176 include House Representative and University of New Hampshire student Michael Weeden. Weeden argues, “each individual person should vote where [he or she] resides long-term, not just where [he or she] resides for a semester.”² The bill’s sponsor, Gregory Sorg, defends the initiative saying, “This is a reasonable classification to account for one demographic group that is unlike any other and threatens to overwhelm the legitimate residents of a town or city.”³ House Speaker William O’ Brien says, “I look at towns like Plymouth and Keene and Hanover, and particularly Plymouth. They’ve lost the ability to govern themselves.”⁴ Other arguments from O’Brien and Sorg suggest that HB 176 is aimed at preventing voter fraud.

HB 176 has provided a rare moment of solidarity between Young Republicans and College Democrats who joined forces to lobby against the bill. Both groups maintain that the bill is an effort by politicians to disenfranchise the youth vote. Adding fuel to this contention, New Hampshire Speaker of the House, O’Brien, defended the bill saying, “Voting as a liberal. That’s what kids do.” According to The Washington Post, O’Brien also stated that, “[s]tudents lack ‘life experience,’ and ‘they just vote their feelings.’”⁵ Others see this bill as part of a broader strategy of voter suppression in New Hampshire, including House Bill 223, proposed to eliminate same-day registration, and Senate Bill 129, which would require voters to present a state-issued identification in order to vote. Tom Bates of Rock the Vote has called these measures “A War on Voting.”⁶

¹ New Hampshire House Bill 176, Section 654:2-b(I.) (March 2010), sponsored by Gregory Sorg, <http://www.gencourt.state.nh.us/legislation/2011/HB0176.html>, last accessed June 20, 2010.

² Justin Doubleday, “Student Senate opposes HB 176” The New Hampshire, <http://www.tnhonline.com/student-senate-opposes-hb-176-1.1980712>, February 15, 2011.

³ Josh Rodgers, “Bill to limit student voting draws crowd,” New Hampshire Public Radio, <http://www.nhpr.org/bill-limit-student-voting-draws-crowd>, February 25, 2011.

⁴ TNH Editorial Staff, “Editorial: Students Refute HB 176: Opposition’s argument has failed to evolve,” The New Hampshire, <http://www.tnhonline.com/editorial-students-refute-hb-176-1.2037962>, March 1, 2011.

⁵ Peter Wallsten, “In states, parties clash over voting laws that would affect college students, others,” The Washington Post, <http://www.washingtonpost.com/wp-dyn/content/article/2011/03/06/AR2011030602662.html>, March 8, 2011; NHDP, “Bill O’Brien Speaking @ the Rochester 9/12 Project Part 2,” Youtube, <http://www.youtube.com/watch?v=B8tqpBzLNzE>, January 13, 2011.

⁶ **NOTE: HB 176 failed to pass the legislative committee by a vote of 13-5, the committee finding that the bill would be “inexpedient to legislate.”** Tobin Van Ostern, “Update: Voting-Rights Victories Occur in NH, but Fight Is Not Yet Over,” Campus Progress, http://www.campusprogress.org/articles/update_voting-rights_victories_occur_in_nh_but_fight_is_not_yet_over/, March 10, 2011.

Case #2: Freedom to Burn Qur'an¹

The phrase “Islam is of the Devil” appeared on a roadside sign outside a small church in Gainesville, Florida several years ago and local residents responded with vandalism and protest.² Later in the year, students at Gainesville High School and others were prohibited from wearing t-shirts that carried the same message.³ Finally, on July 1, 2010, Terry Jones, Pastor of the Dove World Outreach Center in Gainesville, Florida, released a YouTube video promoting the release of his book, *Islam is of the Devil*.⁴ Two weeks later, on July 12, 2010, Jones tweeted, “9/11/2010 Int Burn a Koran Day” and began a Facebook page entitled “Islam is of the Devil.”⁵

According to subsequent statements, Jones intended to follow through with his announcement by holding a mass Qur'an burning on the ninth anniversary of the September 11th attacks, and invited Christians across the world to participate. Some 200 Qur'ans were obtained and, according to Jones, the Qur'an burning would serve as a warning that radical Islam would not be tolerated.⁶ Although Jones has not read the Qur'an, he maintains that “it's full of lies.”⁷

Word of the proposed desecration spread slowly at first, but by July 19, 2010, the Council on American-Islamic Relations had issued a press release and action alert calling for mosques to “Share the Quran” by giving copies to friends, family, neighbors, local leaders, etc.⁸ Other responses included the Gainesville Fire Department's refusal to issue a permit for the burning, the revocation of website hosting by provider Rackspace, and a number of statements by prominent figures including the U.S. Secretary of State and the top commander of U.S. forces in Afghanistan urging Jones to reconsider.⁹ Jones reportedly prayed about the matter with a Muslim leader and eventually said on the day of the proposed burning, “We will definitely not burn the Qur'an...not today, not ever.”¹⁰ However, on March 20, 2011 Jones held a similar

¹ NOTE: Alternate spellings of ‘Qur'an’ come from source materials.

² Lise Fischer and Karen Voyles, “Anti Islam church sign stirs up community outrage,” *The Gainesville Sun*, <http://www.gainesville.com/article/20090708/ARTICLES/907081008>, July 8, 2009.

³ Christopher Curry, “‘Devil’ shirts send kids home,” *The Gainesville Sun*, <http://www.gainesville.com/article/20090826/ARTICLES/908261007?p=all&tc=pgall>, August 26, 2009.

⁴ The Braveheart Show, “Get the book, get the book, get the book!!!” <http://www.youtube.com/user/BraveheartShow#p/u/2/DAkgVeuYw1Y>, July 1, 2010.

⁵ Ann Gerhart and Ernesto Londoño, “Pastor Terry Jones's Koran-burning threat started with a tweet,” *The Washington Post*, <http://www.washingtonpost.com/wpdyn/content/article/2010/09/10/AR2010091007428.html>, September 10, 2010.

⁶ Russell Goldman, “Terry Jones: Burning Korans ‘Meant to be a warning,’” *ABC News*, <http://abcnews.go.com/Nightline/terry-jones-burning-korans-meant-warning/story?id=11578228>, September 7, 2010.

⁷ Damien Cave, “Far from ground zero, obscure pastor is ignored no longer,” *The New York Times*, <http://www.nytimes.com/2010/08/26/us/26gainesville.html>, August 25, 2010.

⁸ Council on American-Islamic Relations (CAIR), “Respond to ‘Burn a Koran Day’ with Educational Iftar,” Washington, D.C., <http://pa.cair.com/actionalert/burn-koran-response/>, July 19, 2010.

⁹ Nicholas DeLeon, “Rackspace pulls plug on burn a Koran church's website,” *Crunchgear*, <http://www.crunchgear.com/2010/09/09/rackspace-pulls-the-plug-on-%E2%80%98burn-a-koran-day%E2%80%99-churchs-web-site/>, September 9, 2010; “US church defiant despite condemnation of Koran burning,” *BBC*, <http://www.bbc.co.uk/news/world-us-canada-11223457>, September 8, 2010.

¹⁰ The Today Show, “Terry Jones: ‘We will not burn the Quran,’” *NBC*, http://www.msnbc.msn.com/id/39113743/ns/us_news-security/, September 11, 2010.

event, “International Judge the Koran Day,”¹¹ at which he presided over the ceremonial burning of a Qur’an. The U.S. President condemned Jones’ actions saying, “The desecration of any holy text, including the Quran, is an act of extreme intolerance and bigotry.”¹²

Mohammed Vawda, a South African Muslim law student, planned to respond by holding a “Bible burning day” but was stopped short when Yasmin Omar, representing the Islamic group Scholars of the Truth, asked the South African high court to prevent the event. Judge Sita Kolbe prohibited the event, in effect ruling that the Bible cannot be desecrated in South Africa. After the ruling, Yasmin Omar’s husband Zehir said, “Judge Kolbe ruled that freedom of expression is not unlimited if one exercises freedom of expression that is harmful to others.... We now hope American judges will see this decision and act accordingly by banning the burning of the Qur’an in America.”¹³

Discussing Jones’ actions, Sen. Lindsey Graham said “I wish we had some way to hold people accountable. Free speech is great, but we’re in a time of war.”¹⁴ Although Graham has not suggested legislation to ban burning the Qur’an, he believes a flag burning ban would be appropriate. A Florida politician, Dwight Bullard issued a statement saying, “I took an oath to uphold the Constitution of the State of Florida and the United States of America. And while I believe strongly in citizens’ rights to protest, I believe we have an even greater moral obligation to protect the freedom of religion on which this country is founded.”¹⁵

Executive director of the Florida ACLU Howard Simon called Jones’ burning of the Qur’an “ugly but legal form of free speech.”¹⁶ The ACLU has long supported the right of Jones and his followers to act as they have, filing briefs in support of the children wearing offensive shirts to school and, more recently, his right to protest outside of the Dearborn Michigan-based Islamic Center of America. Jones was recently arrested for failing to provide the “peace bond” required by Dearborn officials. The ACLU’s amicus brief argues that a peace bond amounts to constitutionally prohibited prior restraint. The Dearborn prosecutor, on the other hand, claims that the bond is necessary to guarantee public safety given Jones’ controversial position.¹⁷

¹¹ answeringchristian (YouTube user), <http://www.youtube.com/watch?v=XDmaFehshys>, March 22, 2011.

¹² David Jackson, “Obama condemns Quran burning, violence in Afghanistan,” USA Today, <http://content.usatoday.com/communities/theoval/post/2011/04/obama-condemns-quran-burningviolence-in-afghanistan/1>, April 3, 2011.

¹³ Ian Evans, “In South Africa, judge outlaws burning Bibles, Qurans, other holy books,” Christian Science Monitor, <http://www.csmonitor.com/World/Global-News/2010/0910/In-South-Africa-judge-outlaws-burning-Bibles-Qurans-other-holy-books>, September 10, 2010.

¹⁴ Face the Nation, originally aired April 3, 2011, CBS, reposted by LiveFreeorDieReport (YouTube user) <http://www.youtube.com/watch?v=IC-JNUOjWXQ>.

¹⁵ Representative Dwight M. Bullard, District 118, Florida House of Representatives, <http://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/Minority%20Leader/Press%20Releases/Rep.%20Bullard%20Statement%20Sept%2008.pdf>, September 8, 2010.

¹⁶ “Qur’an burning an ugly but legal form of free speech,” American Civil Liberties Union (ACLU), <http://www.acluvt.org/blog/2010/09/09/quran-burning-an-ugly-but-legal-form-of-free-speech/>, September 9, 2010.

¹⁷ Christine Ferretti, “ACLU files brief supporting controversial Koran-burning pastor Terry Jones,” The Detroit News, <http://ibloga.blogspot.com/2011/04/aclu-files-brief-supporting-koran.html>, April 23, 2011.

Case #3: Doggie Livestock

In the months preceding Bo Obama's tenure as first dog, a fierce debate raged across the country about what sort of dog the President's family should adopt. Malia Obama's dog allergy made the selection of a family pet more difficult because they knew there were breeds available that produced less dander, but adopting a purebred pup went against some of their ethical beliefs.¹ And the first family is not the only group concerned about the ethics of adopting purebred dogs. Many groups, like The Humane Society of America, advocate the adoption of shelter pets rather than purebred puppies, as they need homes, are less expensive, and do not come from a system of forced breeding that occurs in "puppy mills."²

In response to perceived abuses in puppy mills, one state has sought to limit the practice of producing purebred pups in bulk. In Missouri last fall, the state voted for "Proposition B," which limits the number of dogs within each breeding facility, in addition to other regulations. Opponents of the bill distrust the regulation, and believe that it may indicate a movement toward increasing control of agriculture beyond dog breeding.³ The Humane Society of America and other proponents believe the regulations are long overdue, and represent minimum standards that good breeders will want to adopt for the welfare of their animals and business.

The vote was primarily split along urban-rural lines—with the urbanites voting to regulate raising puppies and dogs, and rural voters opposing state government intervention in "agricultural matters." Raising dogs for many Missourians is an income, no different than raising other livestock, and they have an incentive to keep the dogs healthy if they're going to sell them to pet stores.⁴ Missouri supplied, by some estimates, 40% of puppies and dogs to be sold in pet stores nationally.⁵ Further, many farmers and ranchers see Prop B as advocating an extreme version of animal rights that would require anyone raising livestock to take extreme measures for the welfare of their herds, essentially imposing hard-line vegan standards on unwilling breeders.⁶ Lastly, some argue that Prop B might actually lead to greater cruelty to many animals. Because the law prevents animals in overcrowded facilities from staying with their current owners, it would force many breeders to dispose of otherwise healthy animals by euthanasia or other means.⁷

¹ "Don't forget about Malia Obama's dog allergies," Dogtime.com presents Obama's Dog Blog: Tails from the White House lawn, <http://www.obama-dog.com/blog/allergies/>, last accessed June 20, 2011.

² The Humane Society, "Adopt a Shelter Pet," <http://www.humanesociety.org/issues/adopt/>, last accessed June 20, 2011.

³ Brent Engel, "Opponents of Proposition B vow to continue fight," Hannibal.net (online version of Hannibal Courier Post), <http://www.hannibal.net/features/x742794303/Opponents-of-Proposition-B-vow-to-continue-fight>, November 4, 2010.

⁴ See Comments, C.B. Chastain, "Proposition B, a reasonable measure to protect dogs, won't harm reputable breeders," Missourian.com, <http://www.columbiamissourian.com/stories/2010/09/14/letter-proposition-b-reasonable-measure-protect-dogs-wont-harm-reputable-breeders/>, September 14, 2010.

⁵ Missourians for the Protection of Dogs, "Facts," <http://missourifordogs.com/facts>, last accessed June 20, 2011.

⁶ Barb Shelly, "Prop B blew open Missouri's huge urban-rural divide," Voices.KansasCity.com (online version of the Kansas City Star newspaper), <http://voices.kansascity.com/entries/prob-b-blew-open-missouris-huge-urban-rural-divide/>, April 21, 2011.

⁷ "'NO!' On Missouri Proposition B," The Rockin' Conservative (blog), <http://rockinconservative.com/2010/09/15/no-on-missouri-propotion-b/>, September 15, 2010.

Supporters of Prop B argue that Missouri's status as the dog-breeding capital of the country comes from its lax regulations, and that these lax regulations lead to horribly inhumane treatment of animals known first and foremost as “man’s best friends.” Though the measure passed, the debate goes on as Missouri's state government passes bills to limit the impact of the Proposition.⁸

⁸ See, for instance, Chris Blank, “Missouri anti-puppy mill law, Prop B, overhauled by lawmakers for being too costly,” The Huffington Post, http://www.huffingtonpost.com/2011/04/15/missouri-anti-puppy-mill-law_n_849648.html, April 14, 2011.

Case #4: Indigenous peoples vs. Endangered Species

In the Amazon rainforest of Brazil, indigenous fishermen kill pink river dolphins for profit. They use the dolphins' meat as bait to catch fish that they sell to customers outside of their community. They also sell the dolphins' genitals as good luck charms and oil from their fat as a treatment for rheumatism. Killing the dolphins is central to sustaining the native way of life. But the dolphins are an endangered species, with around 30,000 remaining and thousands killed every year.¹ Because the dolphin population may become extinct if the killing continues, Brazilian environmental laws make it illegal to kill a pink river dolphin. Indeed, the crime of killing a pink dolphin is punishable by up to four years in prison, setting up a potentially dramatic conflict between ancient culture and animal rights.²

Dolphins may not be the only part of the ecosystem in jeopardy. In recent years, the international community has begun to recognize the plight of indigenous peoples and their central role in ecosystems. Many argue that their cultures must be respected and preserved. Their practices contain potentially vital knowledge about natural food and medicine which has been passed on from generation to generation through the millennia. In fact, in 2007, the UN passed a resolution which recognizes that respect for indigenous knowledge, cultures, and traditional practices contributes to sustainable and equitable development and proper management of the environment. Because the practice of killing the pink river dolphin is not only an integral but also a traditional aspect of the indigenous fishing communities in Brazil, it cannot simply be dismissed as barbaric.

Environmentalists don't deny that indigenous cultures deserve respect, but the plight of the pink dolphin, among other species threatened by indigenous cultures, tests the limits of this respect. Animal rights groups argue that endangered animal species must be protected from the harms resulting from practices of indigenous peoples. While human beings have many different cultures, there is only one pink river dolphin species. They point out that the pink river dolphin is not only a part of the natural ecosystem of the rain forest but also an iconic figure in local folklore. These advocates may support protecting the pink river dolphin—and prioritizing enforcement of the laws that are already in place to protect them—despite the adverse consequences that may be suffered by the indigenous population.

¹ Hotel Arcos Del Real, "Habits and a new path towards sustainable fishing," <http://www.hotelarcosdelreal.com/2011/05/30/>, May 30, 2011.

² "Fisherman in Amazon See a Rival in Dolphins," The New York Times (April 17, 2011), <http://www.nytimes.com/2011/04/17/world/americas/17dolphins.html>

Case #5: Attractiveness discrimination in hiring

The hiring process had come down to three candidates: Jamal, Tanya, and Darrell. Deliberations had been going on for three days for the teaching position and the committee was nowhere close to deciding whom to hire. The committee had to make a good choice. They were replacing a professor who had damaged the reputation of their program. His research had brought controversy to the university and he had been incredibly disagreeable to work with as a colleague. Worst of all, his students had hated him. The committee had to select someone who would win back the support of the students in the upcoming semester.

One of the committee members said, “Well I’m just going to say what everyone else is thinking: we can’t hire Darrell. The students will never take to him.” A murmur went through the room. “I hate to say it, but he’s just—how do I say this—visually unappealing.”

It was true. In the interviews for the position, all three candidates had been professional, friendly, and had shown strong potential in their research. But there was no denying that while Jamal and Tanya had been young and attractive, Darrell did not fall into that social category. He was in the same age range as Jamal and Tanya, but he was morbidly obese. His hair was clean but stringy. His face was pocked with boils and looked like it had been for some time.

“We are all most certainly not thinking that!” Another member of the committee piped up. “Darrell was nothing but professional in his appearance and I thought his research showed better potential than the other two candidates. Furthermore, I really enjoyed our conversations with him. The joke he told over dinner showed that he had a great sense of humor, too.” A couple of the people at the table nodded their heads. Darrell’s research had been popular with the committee. It was exciting in a way that would bring good press to the university.

There was a silence in the room for a few seconds. One of the committee members who had not spoken yet sat back in his chair. “The other two candidates also had a good sense of humor, I thought. I’m not sure that can be our deciding factor. And there’s one more thing to consider. While we all thought that Darrell’s teaching demonstration was on par with the other two candidates, the students, well, didn’t.” This was also true. Student evaluations collected after the teaching demonstration had been on average a point and a half lower than for the other two candidates, even though all three candidates had covered the same material in a dynamic manner. “We have to pay attention to these scores. For whatever reason—and I’m not saying it’s his appearance—students didn’t like Darrell as much. We have a hard decision ahead of us and we have to rule someone out. I think it has to be Darrell.”

Everyone on the committee knew that good looks were not a qualification for the position. But appealing to students was a qualification for the position, and it appeared that attractiveness was unconsciously having an effect on students’ evaluations of the

teaching demonstration. Some people on the committee felt that this was enough of a factor to bring physical attractiveness into the picture. They also cited studies¹ that physically attractive people tended to enjoy more success than their less fortunate counterparts. Others argued strongly against this position, noting that candidates had no control over their basic physical attractiveness. They argued that bringing physical attractiveness into the process at all amounted to discrimination.

¹ Timothy A. Judge, Charlice Hurst, and Lauren S. Simon. "Does It Pay to Be Smart, Attractive, or Confident (or All Three)? Relationships Among General Mental Ability, Physical Attractiveness, Core Self-Evaluations, and Income," *Journal of Applied Psychology*, Vol. 94, No. 3.

Case #6: Retroactive Grade Inflation

Last year, Loyola Law School Los Angeles retroactively inflated its students' GPAs by 0.333. In other words, an A- will automatically become an A and an A will automatically become an A+ under Loyola's new grading system. The change included all grades that had been earned while the school's existing grading system—adopted in 2004—had been in place. Loyola is only one of over ten law schools who have altered their grading policies in an effort to award their graduates higher GPAs to make their students more attractive in the highly competitive legal job market. Law schools are notorious for using a strict bell curve in grading and putting students under great pressure to make the cut. But now, some schools are making their curves more lenient. Other schools have dropped this practice altogether and have instituted a pass/fail system in its place. Yet more schools have employed tactics to increase their students' marketability without changing their grading policies. For example, some schools have paid firms to hire their graduates and other schools have given students stipends while they complete internships.

Law schools have adopted these changes to help their graduates find jobs during the economic recession, when many law school graduates are finding it difficult to gain employment and even begin paying off their large student loans. Additionally, these law schools must protect some of their own most important assets—their reputation and national rankings—despite the fact that they can no longer promise their students that their degrees will translate into gainful employment. The schools maintain that they are not artificially enhancing the students' grades, but merely bringing their students' grades in line with the grades received by students at other law schools.¹ According to Student Bar Association president Samuel Liu, “Loyola . . . had a mean first-year grade of 2.667; the norm for other accredited California schools is generally a 3.0 or higher.” Liu noted that the lower mean GPA prevented Loyola students from receiving clerkships with hard GPA cutoffs and disadvantaged them in their careers generally.

Retroactive grade changes have been met with a good deal of skepticism from the academic and legal communities because many consider the grades artificially inflated and an inaccurate reflection of student performance. Employers, in particular, are often aware when a school has changed its grading policy, so the higher marks may not make job candidates more any more attractive than they were before the change. Indeed, the change may be harmful to the students because employers may believe that the graduates were given the high grades undeservingly. Even students whose grades have been inflated are complaining that they will no longer be able to use their GPAs as an accurate measure of their performance in law school. Law students suggest that if law schools really wanted to help their students survive in a harsh job market, they would lower tuition.²

¹ Catherine Rampell, “In Law Schools, Grades Go Up, Just Like That,” *The New York Times*, <http://www.nytimes.com/2010/06/22/business/22law.html>, June 21, 2010; see also “Law school grade inflation: Rewarding losers?” *The Week*, <http://theweek.com/article/index/204345/law-school-grade-inflation-rewarding-losers>, June 23, 2010; Larry Gordon, “Loyola Law School boosts grades, provokes debate,” *Los Angeles Times*, <http://latimesblogs.latimes.com/lanow/2010/04/loyola-law-school-ups-grades-provokes-debate.html>, April 2, 2010.

² Anne Chaconas, “Law School Grade Inflation Causes Controversy,” *PowerScore: LSAT and Law School Admissions Blog*, <http://blog.powerscore.com/lsat/law-school-grade-inflation-causes-controversy/>, June 22, 2010; see also Elie Mystal, “Loyola Law School (L.A.) Retroactively Inflates Grades,” *Above the Law*, <http://abovethelaw.com/2010/03/loyola-law-school-la-retroactively-inflates-grades/>, March 31, 2010.

Case # 7: Disposal of the Dead

Often the details of burial are the last thing on a person's mind when she loses a loved one. However, the inevitable questions about the disposal of a loved one will come up, and the answers are often difficult. The first consideration is generally the wishes of the deceased, then the wishes of her loved one, and then other more pragmatic concerns like cost. The cost of burial averages around \$8,300, whereas the cost of cremation hovers around \$1,500.¹ But more recently, people have also considered green burial, wherein the use of certain embalming and burial materials is avoided. The aim is to reduce the impact of burial on the land, so long-lasting caskets, burial markers, and other traditional features of burial may be omitted from the process.²

The two most common choices at death, burial and cremation, each carry different environmental impacts that may affect a family's choice.³ For instance, traditional cemetery burial may require large amounts of water or fertilizer to maintain the grounds, in addition to the contaminants from the casket, human body, and the occupation of land that might be used for other higher or better uses (like housing the needy or growing food). Cremation causes air pollution, releasing contaminants stored up over a lifetime into the atmosphere, in addition to using a good deal of fuels (potentially fossil fuels) in order to complete the task.

The Grippen family is now confronted by the choices involved with burial when beloved Grandpa Joe passes away.⁴ Joe left three children and seven grandchildren, and has appointed his eldest daughter, Judith, as executor of his estate. Grandpa Joe was a traditional man with a modest life insurance policy and moderate estate. His wife, Ellen, died several years ago and opted for cremation. But, in conversation he had made it clear that he wanted to be buried in a local plot where several of his ancestors had been buried. In fact, once Joe had offhandedly mentioned that he wanted a posh mahogany metal-lined casket, a large marble gravestone, and to be buried with a few of his cherished baseball cards and other prized valuables.

Judith loves Grandpa Joe, but she is also a pragmatic woman and isn't sure that the requests of the dead should come first. As she works on his estate, she notices that Grandpa Joe had not included any instructions in his last will and testament to govern his burial. As she investigates what to do, she learns about the environmental impacts of the burial he had requested. She also considers the costs of his various requests. After meeting with family it becomes clear to Judith that her siblings would be comfortable with whatever arrangements she makes and have left the decisions in her hands. Judith will meet with the funeral director soon, but is still contemplating what she should do for dear Grandpa Joe.

¹ The Funeral Help Program, "Knowing Your Options," <http://dragonet.com/funeral/options.htm>, last accessed June 20, 2011.

² The Green Burial Council, "FAQs & Fiction," <http://www.greenburialcouncil.org/faqs-fiction/>, last accessed June 20, 2011.

³ See Chesterfield Borough Council, "The Environmental Impacts of Burial and Cremation Services," <http://www.chesterfield.gov.uk/default.aspx?CATID=611&CID=6555>, last accessed August 1, 2011.

⁴ The Grippen family is hypothetical.

Case #8: Home schooling:

In 2010, the U.S. granted asylum to the Romeike family. They fled their native Germany because they faced stiff fines and legal prosecution for home schooling their children — a crime under German law. They are now free to educate their children at home, pursuant to the requirements set forth for home schooling within Tennessee's state and local school systems.

The purpose of mandatory public schooling is to foster citizens' "ability to peacefully interact with different values and different religions."¹ A 2007 survey by the U.S. Department of Education² confirms that many parents home school their children because they disagree with public schools' "liberalism... [and] humanism."³ Eighty three percent of polled parents claim to home school their children in order "to instill religious or moral values."

Critics of home schooling note that lack of exposure to contrary views leads to ideological extremism.⁴ They claim that home schooling not only harms children (by depriving them of the opportunity to develop their own values) but also is detrimental to the public good. As Chris Lubiensky argues, "home schooling undermines the ability of public education to improve and become more responsive as a democratic institution."⁵ Such concerns likely precipitated Germany's current political disfavor for home schooling, given the country's history with Nazism, genocide, and resulting world wars.

On the other hand, the Tennessee judge who granted asylum to the Romeikes deemed the parents' right to educate their offspring of paramount importance, and he denounced the German law for being "utterly repellent to everything we believe as Americans."

¹ Campbell Robertson, "Judge Grants Asylum to Home Schooler," The New York Times, <http://www.nytimes.com/2010/03/01/us/01homeschool.html>, February 28, 2010.

² "Kitchen-Classroom Conservatives," The Economist, http://www.economist.com/node/14177435?story_id=E1_TOTSSOPV, August 6, 2009.

³ Robin West, "The Hams of Homeschooling," Philosophy and Public Policy Quarterly 29, no.3/4 (Summer/Fall, 2009): 7-11.

⁴ "The Big Sort," The Economist, <http://www.economist.com/node/11581447>, June 19, 2008.

⁵ Chris Lubienski, "Whither the Common Good? A Critique of Home Schooling," Peabody Journal of Education, 75, 1 (2000).

Case #9: De-Sexing Children¹

Most children grow up gradually learning to make decisions about what they like to eat, what games they like to play, and when to do their homework. Typically, children do not have to choose their gender identities because most parents assume that their children will identify with the gender associated with their physical sex and raise the children accordingly. But recently some parents are allowing their children to choose their own gender identities free of outside influence.

Traditionally, the birth of a new child is followed by gender-specific gifts from friends and family: blue gifts if the child is a boy, pink if a girl. But not in the Talvarez family. The gender of the Talvarez children was not included on birth announcements. Instead, they just listed two gender-neutral names: Jordan and Riley. Their friends (and even close family) were mystified. “Baby girls like some things and baby boys like others. That’s not a radical theory; it’s just reality,” said Ronnie Bratman, a close friend of the family.

The Talvarez family plans on going even further than not disclosing the sex of their children to family and friends. They also plan on letting their children make all of their own choices about gender. “We don’t dress them in just one kind of clothes. And once they get old enough we plan on letting them choose their own clothes from the store. We’ll just let them pick something that appeals to them as individuals. If Jordan wants to grow long hair and wear dresses, so be it. If Riley decides to take up dancing and play with trucks, we’ll support that too,” says Chris Talvarez. Ultimately, the family just wants to give their children the freedom to create their own gender identities instead of allowing society to dictate who they should be and how they should act.

Child psychologists and educational experts would tend to agree that the Talvarez family has the right to raise their children the way they see fit. But they also note that this decision is not without risks to their children; the Talvarezes should be conscious of those risks. Child psychologists and educational experts argue that while adults have a lot of information and experience with which to make choices about gender roles, children can feel lost and confused if left to their own devices. Parents can be tempted to think that children naturally know what is good for them, but that may not always be true. Some draw an analogy to food: if you let a child make all of her own choices in the grocery store, it is unlikely she will get adequate nutrition.

The parents respond that they do not plan on hiding anything from their children, just promoting choice. “We just think that society wants to put us all into neat little categories. Life can be so much richer than that. Gender is about more than what happens between your legs. Our society needs to stop making so many choices that limit our children’s lives.”

¹ This case is based on real events, but names and circumstantial facts have been changed to respect the privacy of those involved.

Case #10: Deadly Drug Run

The legality of the death penalty has long been debated, with specific groups like rapists (Coker v. Georgia, 1977), the mentally incompetent (Atkins v. Virginia, 2002), and youthful offenders (Roper v. Simmons, 2005) finding Constitutional protection.¹ Similarly, the manner of imposing the death penalty has also come under fire over the years, and certain methods have been challenged; most recently, lethal injection (Baze v. Rees, 2008).² However, beyond the legality of the practice, some states have had difficulty implementing the death penalty for much more practical reasons – the primary lethal injection drug, barbiturate sodium thiopental (BST), has become scarce.³ A domestic supplier stopped producing BST, and importation of the drug is highly regulated and increasingly difficult. States have therefore resorted to trading BST with one another, using whatever means necessary to import it, or substituting other drugs in an attempt to keep executions on track.

Taking for granted the fact that the U.S. permits capital punishment, states have an obligation to impose the punishment in a manner that does not violate the prohibition on cruel and unusual punishment. States have long employed a three-drug cocktail that first induces a coma (where the BST is employed). A second drug paralyzes the inmate, and a final drug induces cardiac arrest.⁴ In Texas, officials substituted pentobarbital (commonly used in animal euthanasia)⁵ for BST, in order to continue with its scheduled executions. This is an off-label use of the drug, but has not proven to cause any objectionable side effects. In fact, BST is generally metabolized into pentobarbital by those who are exposed to it.⁶ However, the manufacturer has expressed concern over the use of its drug to kill humans.⁷

Other states engaged in suspicious efforts to import BST from overseas. One Department purchased BST directly from a British wholesaler, rather than going through the usual channels of healthcare companies and pharmacies. Further, this department followed the suggestion of this seller to use a particular shipping company that was less likely to delay delivery due to customs inspection. Another state routed shipments through ports less likely to delay shipments, labeled the drug for veterinary use, and used a broker to assist in the transport. All of these acts helped the states accomplish their legal mission to successfully impose the death penalty as required by their laws. But the American Civil Liberties Union (ACLU) and local public defenders are using these questionable tactics to continue their fight against a practice they oppose, despite its continued constitutionality.

¹ “Capital punishment in the United States,” Wikipedia, last accessed June 20, 2011.

² James Vincini, “Top court clears way for executions to resume,” Reuters.com, <http://www.reuters.com/article/2008/04/16/us-usa-execution-court-idUSWAT00935320080416>, April 16, 2008.

³ John Schwartz, “Seeking Execution Drug, States Cut Legal Corners,” The New York Times, <http://www.nytimes.com/2011/04/14/us/14lethal.html>, April 13, 2011.

⁴ Ariane de Vogue, “Drug Shortage Disrupts Lethal Injection Mix,” <http://abcnews.go.com/Politics/death-penalty-drug-shortage-disrupts-execution-lethal-injection/story?id=13148874>, March 16, 2011.

⁵ “Guidelines for Euthanasia (by Agent),” Duke University, http://vetmed.duhs.duke.edu/guidelines_for_euthanasia_agents.htm, (quoting American Veterinary Medical Association Guidelines, at: http://vetmed.duhs.duke.edu/documents/reference/pdf/avma_panel_on_euthanasia.pdf).

⁶ “Sodium Thiopental,” Wikipedia, http://en.wikipedia.org/wiki/Sodium_thiopental#cite_note-25, last accessed June 20, 2011.

⁷ Associated Press, “States moving quickly to switch execution drug,” USA Today, <http://www.usatoday.com/news/nation/2011-04-21-execution-drug-pentobarbital.htm>, April 21, 2011.

Case #11: Selling Sex?

As the saying goes “sex sells,” and advertisers have used sexual motifs for decades with increasing gusto. Today sexuality is ubiquitous in advertisements for beer, media, perfume, clothes, etc. Occasionally, sexuality is integral to the product being sold, but it is often used to attract attention or generate positive association with an unrelated product. Industry experts report that the measurable result of such advertising on sales is mixed.¹ Others suggest that the use of sexuality to sell has gone too far and begun to shape the character of consumers in ways that make rape more acceptable, glorify unhealthy body images and encourage sexualizing the young.²

Clothing manufacturer American Apparel (AA) has been a prime target of criticism since the company launched in 1997. Frequently described as a “hipster” or “alternative” Gap, commentators describe AA’s ads as “soft porn” and their sexualized models as “pre-pubescent” or “cocaine chic.”³ Some have found the company’s advertising line so offensive that they have started boycotts, and in at least one instance an ad was deemed too offensive for publication in the UK.⁴ Far from moving away from their pornographic image, AA has seemingly embraced this strategy by using adult film stars in some of their ad campaigns⁵ and lining the walls of retail outlets with 70’s era pornographic magazines such as *Oui* and *Penthouse*. An adult film news source describes AA’s website as “one of the finest soft-core Web sites going these days.”⁶

Supporters of AA emphasize that the company has taken a stand on many controversial political issues aside from sexuality. For example, the company’s manufacturing, based in Los Angeles, California, is committed to avoiding sweatshop labor, paying the average manufacturer nearly twice the minimum wage, and subsidizing health insurance, English language classes and meals.⁷ It opens retail outlets in economically depressed areas of metropolitan centers with an eye toward revitalization. The company has also publicly supported immigration liberalization with their “Legalize LA” T-shirts.⁸ Further distinguishing AA from other clothing brands is the fact that their ad campaigns commonly feature company employees, shoppers, and amateur models, they do not touch-up or airbrush most images, and they often include short biographic

¹ Tom Reichert, “Does sex in advertising work?” *Advertising and Society Review*, Vol. 8, Issue 2, 2007.

² Jessica B., “Sex in advertising: Where is the line?” *Designers Couch*, <http://designerscouch.org/view-article/Sex-in-Advertising-Where-is-the-line-221>, May 5, 2010.

³ Hilary Moss, “American Apparel Back to Porny Ads,” *Huffington Post*, http://www.huffingtonpost.com/2011/01/12/american-apparel-ad-porn_n_808061.html, January 12, 2011; 20/20, “Sexy Sweats Without the Sweatshop,” *ABC*, <http://abcnews.go.com/2020/Business/story?id=1362781>, December 2, 2005.

⁴ “Semi-Nude model ‘looked under 16,’ ” *BBC*, http://news.bbc.co.uk/2/hi/uk_news/8232162.stm, September 1, 2009.

⁵ Mark Morford, “Porn Stars in My Underwear,” *San Francisco Chronicle*, <http://www.sfgate.com/cgi-bin/article.cgi?file=/gate/archive/2005/06/24/notes062405.DTL>, June 24, 2005.

⁶ Jamie Wolf, “And you thought Abercrombie and Fitch was pushing it,” <http://www.nytimes.com/2006/04/23/magazine/23apparel.html?pagewanted=1&adxnml=1&adxnmlx=1309480055-xlw6MENbioMAU%20uk/lwew>, April 23, 2006.

⁷ Christopher Palmeri, “Living on the Edge at American Apparel,” *Business Week*, http://www.businessweek.com/magazine/content/05_26/b3939108_mz017.htm, June 27, 2005.

⁸ “Legalize LA,” *American Apparel*, <http://americanapparel.net/contact/legalizela/>, June 14, 2010.

descriptions of the models. These factors have led some in the advertising industry to praise the company's honesty.

By most accounts, AA's sexually-charged advertisements are a reflection of the company's internal atmosphere and the guiding force of company founder and CEO, Dov Charney. The CEO encourages the hiring of physically attractive people at all levels of the company and favors open sexual relationships between coworkers. According to Charney, "Sex is a way to bring people closer," and people engaged in or hoping for such close relationships will be encouraged to happily spend time at work. Further, Charney sees AA as confronting taboos against natural sexual expression in the same way it confronts unfair labor practices. Accordingly, Charney is open about his widespread sexual relationships with subordinate employees and his use of "the language of the street," including referring to women using words like "slut" and "cunt."⁹

Several former employees of Charney have objected to the sexualized culture at AA and have alleged that the company violates sexual harassment laws. Charney reportedly required retail outlets to send him pictures of staff members and encouraged firing "ugly people."¹⁰ According to one ex-employee, Irene Morales, Charney demanded sex as a condition of employment. Many others contend that AA's atmosphere is so open to sexual conduct that Charney masturbates in front of employees and gives others vibrators saying "these are great in bed."¹¹ Supporting such claims is an interview with Claudine Ko of *Jane Magazine*, during which Charney reportedly had oral sex with an employee and masturbated.¹²

According to Charney, "any sexual activities described in the *Jane* article were, A, consensual; B, enjoyable for both parties; and C, occurred in a private setting." Ko confirms that she consented to be present for the activity, but former employees argue that the culture at AA represents an intolerably hostile work environment. Charney views the sexualized climate of his company as a natural extension of the fashion industry. AA now requires employees to sign a statement acknowledging that they will be exposed to racy language and images. Critics point out that no private action can justify sexual harassment and contend that the sexual culture at AA is beyond anything justified by fashion.

⁹ Josh Mankiewicz, "Sexy marketing or sexual harassment," Dateline MSNBC, http://www.msnbc.msn.com/id/14082498/ns/dateline_nbc/t/sexy-marketing-or-sexual-harassment/, July 28, 2006.

¹⁰ The Cajun Boy, "We Predict more lawsuits in Dov Charney's future," Gawker, <http://gawker.com/5323472/we-predict-more-lawsuits-in-dov-charneys-future>, July 27, 2009.

¹¹ Mireya Navarro, "His way meets a highway called court," The New York Times, <http://www.nytimes.com/2005/07/10/fashion/sundaystyles/10HARASS.html?pagewanted=all>, July 10, 2005.

¹² Claudine Ko Jane, "Meet your new boss," Jane, <http://www.claudineko.com/storiesamericanapparel.html>, July 2004.

Case #12: Mixing Politics and Medical Practice

It's no surprise to many who follow the political process that healthcare policy and politics are closely linked. But until lately, most people believed that politics stopped outside the waiting room door. After the recent debate over the Patient Protection and Affordable Care Act (in some circles referred to as Obamacare), however, at least one physician is using his medical practice to make a political point.

In the wake of the passage of new healthcare legislation, Dr. Jack Cassell, a Florida urologist, put a sign on his door advising supporters of President Obama and his healthcare plan to "go elsewhere"¹ for their healthcare needs.² In Dr. Cassell's view, the Affordable Care Act harms his ability to provide the best healthcare services to his patients, potentially putting him in violation of the Hippocratic Oath that physicians take to "do no harm."³

Critics charge that Dr. Cassell is violating the Hippocratic Oath himself and acting unethically by making political affiliation a factor in caring for patients. If a person needs urological care and saw the sign on Dr. Cassell's practice, they might end up turning away and not receiving the care that they need. Also, they may worry that if their support for President Obama's healthcare legislation became clear, they might receive a different standard of care from Dr. Cassell.

Dr. Cassell is quick to point out that he is not turning away patients; he is merely exercising his right to express his opinion about President Obama's policies. While his sign advises people to "go elsewhere," it does not say that he will not treat supporters. Such a thing would be unethical according to him. Furthermore, his supporters say that physicians have the right to turn down patients for a number of reasons. Physicians who only take some types of insurance, for example, don't accept patients whose bills are not likely to be paid in a timely fashion. Some physicians' practices also refuse to see Medicare or Medicaid patients, as they deem these insurance plans' reimbursement rates too low to be profitable for the practice. Cassell also reports that he has seen a marked increase in patients since putting up his sign.⁴

Some bioethicists fear the wider impact of physicians who choose to make politics a deciding factor in whether to treat patients. While patients might know that they

¹Dr. Cassell's actual sign read: "If you voted for Obama, seek urologic care elsewhere. Changes to your health care begin right now, not in four years."

² Stephen Hudak, "Doctor tells Obama supporters: Go elsewhere for health care," Orlando Sentinel, http://articles.orlandosentinel.com/2010-04-02/news/os-mount-dora-doctor-tells-patients-go-aw20100401_1_health-care-doctor-patients, April 2, 2010.

³ "Florida Doctor Stands By Anti-'Obamacare' Sign Despite Threat of Complaint," Fox News (The Associated Press contributed to this report), <http://www.foxnews.com/politics/2010/04/05/florida-doctor-stands-anti-obamacare-sign-despite-threat-complaint/>, April 5, 2010.

⁴ "Front & Center: Dr. Jack Cassell on 'Obamacare' and Rick Scott's reforms," Orlando Sentinel, http://articles.orlandosentinel.com/2011-02-14/news/os-ed-front-center-021411-20110211_1_jack-cassell-rick-scott-victor-schaffner, February 14, 2011.

would not be refused care, overall public health might suffer if people start trying to choose physicians based on their political beliefs as opposed to other factors. Physicians cannot discriminate against patients on the basis of race, gender, or religion. Many believe discriminating on the basis of political affiliation to be equally unjust.

But others argue that while physicians provide an important public service, they are independent businesspeople who ultimately have the freedom to run their businesses as they see fit. Furthermore, some physicians see the new healthcare bill as a significant assault on public health, and if they blindly go along with it they risk being part of a gradual decline in healthcare standards in the United States. Physicians, according to these arguments, have a duty to the health of the public at large in addition to their individual patients.

Case #13: Working into the Golden Years

According to Economics professor Robert Clark, the “fundamental reform in public sector pensions”¹ will be an unavoidable task in the next decade. State and local governments have consistently underfunded their pension plans, creating a \$3 trillion shortfall. In fact, the pension deficit of all U.S. states combined is “equal to a quarter of the gross federal debt.”² The need for reform is unquestionably urgent. However, policy makers are divided on how to allocate the burdens of the public pension debt.

Since pensions are a transfer of income from one generation to another, one possible solution would involve higher taxes. In effect, working-age adults would have to take a pay-cut to provide for retired citizens. A second solution would be to “bring all new state...workers into Social Security,” thus ameliorating states’ responsibility for future retirement payouts. The downside of this alternative is that the Social Security system is also facing economic strain. In 2011 it ran a cash deficit—the first time this has happened since 1983.³ This occurrence is a harbinger of the situation that might unfold once the baby-boomers retire and begin to collect Social Security benefits. Given that people are living longer, federal pension schemes might also be underfunded. Another option would involve reducing retirement benefits and/or raising the retirement age to 70. Those skeptical of the latter solution claim that it would unfairly burden “those in physically demanding jobs, those in poor health or in low-income groups whose life expectancy hasn’t gone up much.”⁴ Some of these harms could perhaps be mitigated by offering disability and supplemental income programs.

However, advocates of raising the retirement age face opposition from yet another quarter: in many states, workers’ pension rights are sacrosanct and protected by law.⁵ One such case is that of school teachers in the state of New York, who may retire and begin to collect a lifetime pension of \$60,000 a year at the age of 55.⁶ Given our current life expectancy in the U.S., such a pension scheme needs to be generously funded to pay for, perhaps, a 40-year long retirement.

Opponents of pension reform argue that changing current pension schemes would be not only legally burdensome but also morally problematic. As Democratic Chairman John S. Wisniewski declared regarding proposed changes to pension benefits in New Jersey, “[t]his is a very simple argument: It’s about keeping a promise...; we all learned at a very young age that a promise is a special thing, and when you give your word, you keep your word.”⁷

¹ Chris Farrell, “‘Pension Envy’ Vexes Underfunded Public Workers,” Bloomberg, <http://www.bloomberg.com/news/2011-01-12/pension-envy-vexes-underfunded-public-workers-commentary-by-chris-farrell.html>, January 12, 2011.

² Philip Coggan, “Falling Short,” The Economist, <http://www.economist.com/node/18502013>, April 7, 2011.

³ “70 or Bust!” The Economist, <http://www.economist.com/node/18529505>, April 7, 2011.

⁴ Jeanne Shahdie, “The Red-Hot Debate over Raising the Retirement Age,” CNN Money, http://money.cnn.com/2010/08/02/news/economy/social_security_retirement/index.htm, August 2, 2010.

⁵ “Sharing the Burden,” The Economist, <http://www.economist.com/node/18502041>, April 7, 2011.

⁶ Joel Klein, “Scenes from Class Struggle,” The Atlantic, <http://www.theatlantic.com/magazine/archive/2011/06/the-failure-of-american-schools/8497/> (online title: “The Failure of American Schools”), June 2011.

⁷ Jason Method, “NJ Democrats’ Leader Wants Pension Promises Kept,” Asbury Park Press, reprinted at <http://blogs.app.com/capitolquickies/2011/04/26/wisniewski-wants-millionaires-tax-state-to-find-a-way/>, April 26, 2011.

Case #14: Recruiting International Students

With increasing costs and a poor economy, the quest for quality, prestige, and ultimately income has led some universities to look abroad to bolster their incoming classes. While universities stand to benefit from the tuition dollars and diversity such students bring with them, the methods used to recruit these students is controversial.

Recruiting international students for both undergraduate and graduate studies has been a common practice for many years in Australia, the UK, and other countries which have sizable populations of international students, while American universities have enjoyed the privilege of being the destination of choice for graduate students—especially in science and engineering—for decades. Numbers have dwindled in recent years, however, as India and other countries start to offer their own local high quality graduate programs. But with increasing competition for tuition dollars, universities in the U.S. have started to actively recruit international students to bolster their undergraduate programs as well. In response to this demand, companies have sprung up to assist universities in their recruitment efforts.

The cost of recruiting international students without the use of outside agents is high. Traditionally, universities employ their own salaried recruitment officers to find students, but recruiting from Africa and Asia is an entirely different skill than recruiting from the next state over. Companies that recruit for universities in other countries often possess more intimate knowledge of foreign countries and students' needs in those countries, and save universities from having to employ and train specialized recruiters for each unique region.

Many educational observers are nervous about the motives of agents working for these companies,¹ especially since the agents can be paid a *per-student commission*, as opposed to a salary. Though this practice is common in Australia and the United Kingdom, U.S. federal law and laws in several states prohibit institutions from compensating recruitment agents in that manner. Compensating recruitment agents with a portion of these students' tuition is being discussed by institutions such as Indiana-Purdue University.² According to the Chronicle of Higher Education, the National Association for College Admission Counseling (NACAC) is even set to vote in July on a proposal prohibiting member colleges from paying commissions to recruitment agents abroad.

In better economic times, most universities would not consider using for-profit recruitment agencies. But in the aftermath of economic recession—when universities must do more with less—the practice looks much more appealing, if not necessary to keep afloat. Unlike scholarship-hungry domestic students, international students often pay full tuition, and cannot rely on subsidized student loans from the federal government. Often, they are also at an informational disadvantage compared to U.S. students. They often do not have the tradition of higher education in their home countries, making any offer from a U.S. university quite appealing. They can also lack the information to bargain and compare offers from competing

¹ Marjorie S. Smith, "Why Overseas Agents Don't Work," The Chronicle of Higher Education, <http://chronicle.com/article/International-Student/127931/#smith>, June 16, 2011.

² Elizabeth Redden, "Ethical debates surround U.S. colleges' use of international recruiters," USA Today, http://www.usatoday.com/news/education/2010-06-01-ihe-international-students_N.htm, June 1, 2010.

U.S. colleges. Sometimes they pay more for an education from a comparatively lower-quality school.

And international students may not be the only ones to suffer. With increasing competition for limited domestic spots on college campuses, U.S. students may find themselves priced out of colleges that might have offered them scholarships in more prosperous times. Faced with a choice between a qualified but somewhat lesser prepared international student who can pay full tuition and a U.S. student who cannot, cash-strapped universities will have to make tough choices. The competition among top students will become increasingly intense. Top-scoring U.S. students tend to expect to be courted with fellowships, scholarships, and on-campus perks. Top-scoring international students do not necessarily have these expectations, making them more desirable from the perspectives of prestige *and* the pocketbook.

Case #15: Pediatricians Asking Parents about Guns

Florida recently passed the Privacy of Firearm Owners Act, which prohibits physicians and other healthcare providers from asking patients whether they own guns unless they have a good faith belief that the question is “relevant to patient’s medical care or safety, or the safety of others.” Physicians also cannot include information about gun ownership in patients’ medical records. Significantly, the new law also prohibits pediatricians from asking children or parents whether they have guns in their home.¹

In response, physicians’ groups have sued the State of Florida in federal court. The groups argue that the “Physician Gag Law” is unconstitutional because it is a violation of doctors’ right to free speech. They point out that doctors sometimes ask patients whether they have a gun in their home in order to give them information on safe storage and prevent accidents, which are common and often involve children.² They contend that their ability to give advice on such an important safety issue should not be subject to a “government-approved filter.”³

But proponents of the law such as the National Rifle Association see the law as a victory. They argue that physicians should not be allowed to invade patients’ and parents’ privacy by asking them about gun ownership. They believe that physicians who question patients or their parents about guns in the house have a political agenda against gun ownership. In response to concerns of child safety, they point out that ultimately, a child’s safety is the parent’s responsibility—not the pediatrician’s. A pediatrician’s job is to provide medical care.⁴ Furthermore, such advocates also argue that a physician who advises patients or their families to give up or lock away a gun might even potentially undermine the patient’s or family’s safety.

¹ Aaron Deslatte, “Gov. Rick Scott signs ‘docs and Glocks’ bill,” Orlando Sentinel, http://articles.orlandosentinel.com/2011-06-02/news/os-scott-signs-multiple-bills-20110602_1_physician-groups-gun-bill-rick-scott, June 2, 2011.

² The Injury Prevention Program, “Gun Safety: Keeping Children Safe,” American Academy of Pediatrics, <http://www.healthychildren.org/English/safety-prevention/all-around/Pages/Gun-Safety-Keeping-Children-Safe.aspx>, 2004.

³ Stacy Singer, “Doctors sue Florida over gun-speech law,” The Palm Beach Post, <http://blogs.palmbeachpost.com/on-call/2011/06/06/doctors-sue-florida-over-gun-speech-law/>, June 6, 2011.

⁴ “REPORT: Florida Governor Rick Scott Signs Two Pro-Gun Bills into Law,” National Rifle Association Institute for Legislative Action, <http://www.nraila.org/Legislation/Read.aspx?id=6866>, June 2, 2011.