



## **John Stuart Mill Cup**

### **2018 Case Set**

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## 1. Charitable Giving

There are now several organizations that rate charities for effectiveness—i.e. the amount of good they do for each pound they receive in donations.<sup>1</sup>

Anne is blind and makes use of a Seeing Eye dog, Rudy. She considers Rudy a godsend; her ability to participate in activities that are important to her was augmented dramatically when she received Rudy. She now wants to make a contribution to a charity—Charity A—that trains Seeing Eye dogs, because of how close to her heart this cause is. However, Charity A is not on the list of the most effective charities and neither is any other charity that trains Seeing Eye dogs.

Benoit, who currently lives in the U.K., is an immigrant from a West African country. When he was young his family received a set of insecticide treated bed nets as a malaria-prevention measure from Charity B. Benoit is now well off enough to consider giving to a charity and he intends to give to Charity B. Charity B, unfortunately, is not on the list of the most effective charities, but Charity C, which does exactly the same work as does Charity B, is. The distribution of bed nets means a lot to Benoit, and he would be happy to donate to Charity C. However, it would be especially meaningful, for him, were he to donate to Charity B.

### Study Questions

1. If Anne gives to Charity A and Benoit gives to Charity B, has Benoit done something worse than Anne, since he could have given to the cause that means so much to him while also giving effectively, while Anne could not have?
2. Should it matter to our ethical assessment of Anne how wealthy she is? Supposing she's very poor and could easily be forgiven for not donating to charity at all, would it then be easier to excuse her for giving to a less effective charity? Or is this not something for which she needs to be excused anyway?
3. Suppose Anne defends her decision to give to Charity A by pointing out that there is no generally accepted way of weighing the value of increased mobility for blind people against the value of other things charities do, like saving lives by distributing malaria nets. Is it reasonable to criticize the entire enterprise of charity effectiveness ratings in this way, and if so, does this leave us with *carte blanche* to give as we please?

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<sup>1</sup> E.g. Givewell and Animal Charity Evaluators.

## 2. #MeToo

In October 2017 The New York Times reported that several Hollywood actresses, including Ashley Judd and Rose McGowan, had accused film producer Harvey Weinstein of sexual harassment and that those accusations had been covered up by Weinstein's company, Miramax.<sup>1</sup> This led to Weinstein's dismissal from Miramax<sup>2</sup> and was followed by many more allegations against him—some of a similar nature, and some of sexual assault.<sup>3</sup>

The fall of Harvey Weinstein was the first of a wave of cases in which powerful men have been accused of behaving inappropriately to women and have, as a result, become pariahs, with little to no prospect of recovering their previous status, employability, and reputation. The outing of this sort of behavior is now a worldwide movement, most often called the "MeToo movement", in reference to a Twitter hashtag used by women reporting the inappropriate behavior.

In a great many cases, the accused men have denied all the reports against them and there is no evidence to corroborate the accusations, putting the public in the position of having to decide whom to believe. What is remarkable and transformational about the MeToo movement is that in most cases the women making the accusations are being believed.

### Study Questions

1. Do ordinary members of the public have an obligation to believe women who make accusations of inappropriate sexual conduct against men? Does it make a difference whether the woman in question is making an accusation that roughly matches that made by other women against the same man?
2. Can the professional associates of the men accused of this behavior ever have an obligation to refuse to work with those men in the future, or are such refusals simply good PR?
3. When there is no prospect of the accused man being tried in a court of law for his behavior, does the public thereby acquire a responsibility to try him, in the court of public opinion as it were, in a fair way, and punish him in a fair way (if it punishes him at all)? What does this involve? Does it mean there's something problematic about using social media to make accusations? Does it mean that the social ostracizing of the guilty party should be time-limited and that he should be welcomed back into society once he has proven himself rehabilitated?

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<sup>1</sup> <https://www.nytimes.com/2017/10/05/us/harvey-weinstein-harassment-allegations.html>

<sup>2</sup> <https://www.nytimes.com/2017/10/08/business/harvey-weinstein-fired.html>

<sup>3</sup> <http://www.bbc.co.uk/news/entertainment-arts-41594672>

### 3. Sugar Tax

As of April this year the U.K. has a tax on sugary drinks. If its full cost is passed on to consumers, the tax will add 18p to the cost of a litre of a beverage containing 5g of sugar per 100ml.<sup>1</sup> The government hoped the tax would encourage soft drink companies to produce less sugary versions of their products<sup>2</sup>, and it appears that that is exactly what is happening.<sup>3</sup> The purpose of the tax is to combat childhood obesity, which now stands at 20% of Year 6 Students in England.<sup>4</sup>

#### Study Questions

1. Given that the tax is specifically targeted at childhood obesity, can the government be criticized for overriding parents' discretion over how to raise their children?
2. One might defend this tax as a way of forcing soft drink producers to do what they ought to have been doing all along. Do you agree? Do food and drink producers share in the ethical responsibility for the nation's obesity problem?
3. Is this tax unfair on those who consume sugary drinks as part of a healthy diet?
4. Can one defend the tax by saying that it forces those who consume sugary drinks to pay the cost of their own choices—i.e. the cost in terms of strain on the NHS?

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<sup>1</sup> <https://www.ft.com/content/1e9703e0-0401-11e7-aa5b-6bb07f5c8e12>

<sup>2</sup> <https://www.gov.uk/government/publications/soft-drinks-industry-levy/soft-drinks-industry-levy>

<sup>3</sup> <https://www.ft.com/content/55900cd4-b8d4-11e6-961e-a1acd97f622d>

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/613532/obes-phys-acti-diet-eng-2017-rep.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/613532/obes-phys-acti-diet-eng-2017-rep.pdf)

#### 4. Gig Economy

From a recent article in *The Guardian*:

Will Diggle, 22, is in the first year of a master's at The Royal College of Music. A baritone singer living in "disgustingly expensive" London in order to pursue his desired career, he works three three-hour shifts a week for Deliveroo, while also working as a barista. The pay from his Deliveroo gig mostly covers his food—then he has rent and tuition fees to cover....Diggle organizes his shifts in advance and is paid an hourly rate of £7, plus a £1 "drop fee" for every delivery he makes. Other Deliveroo riders (or "roos" as the company likes to call them) work on an ad-hoc basis, logging in to the app whenever they choose...and earning between £3.75 and £4.25 for each drop.<sup>1</sup>

Victoria, as a matter of principle, refuses to use Deliveroo, and for that matter won't use Uber, TaskRabbit or any of the or "gig economy" service providers. She believes that these companies exploit their workers, and would be willing to use them only after the law is changed so that those who work for these companies are given the same rights as employees have, such as rights to paid holiday leave and to be paid the minimum wage—rights that they currently lack because they are classified as self-employed. But Victoria herself doesn't take part in the political process.

#### Study Questions

1. Do Deliveroo, Uber and TaskRabbit wrongfully exploit their self-employed workers?
2. If these companies are indeed wrongfully exploiting their workers, would that mean that as consumers we are obligated to do as Victoria has done and boycott them? How does Victoria's approach compare to the approach of a person who focuses instead on pushing for changes to the labour law? Are these approaches equally valid, ethically speaking?
3. One can imagine Will complaining that however unfair his arrangement with Deliveroo might be, Victoria's boycott hurts him and others who need the money their gigs get them. Would this be a valid complaint? Can Will in turn be accused of undermining people who are in traditional, i.e. non-gig, food delivery employment?

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<sup>1</sup> <https://www.guardian.com/business/2017/oct/17/sometimes-you-dont-feel-human-how--gig-economy-chews-up-and-spits-out-millennials>

## **5. Inheritance**

Over the coming years a large part of the UK population, commonly known as “Baby Boomers”, will begin to leave their wealth to their children.<sup>1</sup> The average age of those who stand to inherit this wealth will be 61.

Peter, 75, is a terminally ill man who is writing his will so as to leave his wealth to his 50 year-old daughter, Mary. Peter was fortunate to have bought his London house when prices were comparatively cheaper, and in addition he invested, early on, in long-term Government bonds and blue-chip stocks. His house is worth close to million pounds, and his savings amount to about half of that. Consequently Mary is in line to inherit a considerable amount of wealth. Peter worries that his daughter will need the money to support herself in retirement and for health complications that might arise in the future. Mary has, at the moment, a comfortable life with a house of her own, some investments and steady salary. She is generally healthy and does not now require her father’s wealth.

A community run shelter for the homeless located close to Peter is in financial difficulty. Peter has, for much of his life, donated a five pounds a month to help. But if the shelter does not receive a significant amount of funding soon it will not be able to continue to help those in need.

### **Study Questions**

1. Is Peter wrong to prioritize his special connection to his daughter over the homeless shelter? What if his main motivation for investing shrewdly and living a modest life was so as to be able to leave a significant inheritance to his daughter?
2. Suppose that, within limits, it is ethically OK to leave some of one’s wealth to one’s descendants. Would this mean that the government cannot be justified in imposing high taxes on inheritance as a way of securing equality of opportunity for the next generation?
3. Suppose that, within limits, it is ethically OK for the government to tax inheritance. Would the government be justified in imposing a lower level of tax on money left to non-profit organizations? Or is it not the government’s proper business to give a helping hand to such organizations?

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<sup>1</sup> <http://www.resolutionfoundation.org/publications/-million-dollar-be-question-inheritances-gifts-and-ir-implications-for-generational-living-standards/>

## 6. Refusing Surgery

“The NHS was created out of the ideal that good healthcare should be available to all, regardless of wealth.”<sup>1</sup> Founded in 1948, the central tenets of the NHS are 1) that it meet the needs of everyone, 2) that it be free at the point of delivery, and 3) that it be based on clinical need, not the ability to pay.

In recent years, the NHS has suffered a great deal of pressure, due to an ageing population, cuts to its budgets, shortages of staff, and people’s poor lifestyle choices.<sup>2</sup> In a bid to resolve these issues, a number of English NHS trusts have introduced delays on non-urgent surgeries for members of the public who are either obese or are smokers.<sup>3</sup> More recently, Clinical Commissioning Groups in Hertfordshire have drawn up rules requiring patients “who smoke or whose weight is classified as obese to improve their health before they have non-urgent surgery – unless waiting for surgery would be more harmful.”<sup>4</sup>

On the one hand, these proposals to delay or postpone surgeries from smokers and obese patients free up the limited resources of the NHS and seem to provide an incentive for citizens to make better lifestyle choices with respect to their health, thus alleviating some pressures on the health service. On the other hand, such measures arguably go against the central tenets of the NHS, in particular, the principle that it meets the needs of everyone, and that it is based on the clinical need of patients. The Royal College of Surgeons, which has criticised this proposal, has claimed that “denying or significantly delaying access to NHS treatment does not help patients to lose weight or stop smoking.”<sup>5</sup>

### Study Questions

1. In light of the fact that its founding principles make no allowance for budget-based decision making, how should NHS trusts manage their budget problems?
2. Is the refusal to give patients surgeries, based on their life-style choices, a form of unethical discrimination, like racial or sex discrimination?
3. Should smoking, which is a choice, be a factor in one’s eligibility and priority for NHS treatment? If yes, then where does one draw the line? (What about the choice to go skiing, which of course is dangerous? What about the choice to take up a career in farming, the most dangerous job of all?<sup>6</sup>) If no, then, again, where does one draw the line? (What about the choice to take up silly and dangerous social media fueled challenges like the Cinnamon Challenge?)

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<sup>1</sup> <https://www.nhs.uk/NHSEngland/nhs/about/Pages/nhscoreprinciples.aspx>

<sup>2</sup> <https://www.telegraph.co.uk/news/2017/10/17/nhs-provokes-fury-indefinite-surgery-ban-smokers-obese/>

<sup>3</sup> <http://www.valeofyorkccg.nhs.uk/our-work/optimising-outcomes-from-elective-surgery/>

<sup>4</sup> <http://www.enhertsccg.nhs.uk/news/201710/east-and-north-hertfordshire-nhs-service-changes---decisions-announced>

<sup>5</sup> <https://www.opendemocracy.net/ournhs/why-you-can-t-solve-nhs-s-funding-problems-by-banning-smokers-and-obese-from-treatment>

<sup>6</sup> <http://uk.businessinsider.com/most-dangerous-jobs-in-britain-2017-2/-2-construction-8>

## 7. Fake News on Social Media

In developed countries social media are becoming the predominant way in which people get their news; in 2016 50% of American 18-29 year-olds reported often turning to online sources for news.<sup>1</sup> Lately the spreading of fake news via social media has become so widespread that many say that the election of Donald Trump to the U.S. Presidency and the U.K. voting to leave the European Union would not have happened otherwise. Citing the importance of truthful news in a democracy, there have recently been calls to make social media companies, such as Facebook and Twitter, legally responsible for the content posted on their platforms. This would be a stark change from the current system in the U.S. and E.U., where, with few exceptions, there is no such legal responsibility.<sup>2</sup>

Perhaps in an attempt to forestall such regulation, recently Facebook voluntarily implemented a system designed to reduce the spread of fake news, relying on users to flag up fake stories, which can lead to those stories being put next to links to content from reputable sources.<sup>3</sup> However, this voluntary measure is seen by some as inadequate, with one report worrying that “the mere act of fact-checking is meaningless for those who consume fake news in order to confirm their existing biases or for readers who distrust traditional media”.<sup>4</sup>

In light of this, legal options are being explored. In Germany, social media firms can now be fined for failing to remove hate speech from their platforms;<sup>5</sup> this could obviously be extended to fake news. Another option is to treat social media outlets exactly like traditional news media outlets.<sup>6</sup>

### Study Questions

1. Is it ethically permissible to hold social media companies responsible for content that they do not create, taking into account the number of posts generated on a daily basis?
2. What ethical responsibility does the individual citizen have to make sure s/he is in command of the facts regarding important public matters? If there is such an individual responsibility, does this mean that it's *not* a corporate responsibility (of, e.g., Facebook, Twitter), or could it be both?
3. One might argue that genuine democracy in countries with many millions of citizens isn't possible without social media, because otherwise the average citizen has no way of getting his/her voice heard. To whatever extent this is true, is the payoff for democracy in quantity of participation worth the price in quality of participation?

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<sup>1</sup> <http://www.journalism.org/2016/07/07/pathways-to-news/>

<sup>2</sup> [https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding\\_out\\_fake\\_news\\_v3\\_web.pdf](https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding_out_fake_news_v3_web.pdf)

<sup>3</sup> <http://www.bbc.co.uk/news/technology-42438750>

<sup>4</sup> [https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding\\_out\\_fake\\_news\\_v3\\_web.pdf](https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding_out_fake_news_v3_web.pdf)

<sup>5</sup> <https://www.guardian.com/media/2017/jun/30/germany-approves-plans-to-fine-social-media-firms-up-to-50m>

<sup>6</sup> [https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding\\_out\\_fake\\_news\\_v3\\_web.pdf](https://www.martenscentre.eu/sites/default/files/publication-files/mc-weeding_out_fake_news_v3_web.pdf)

## 8. Burqa Bans

A burqa is a one-piece veil that covers an individual's face and body. In some Muslim traditions it is considered obligatory for a woman to wear a burqa in public, based on various passages in the Koran that indicate that women should dress modestly.

France, Belgium and the Netherlands have each, in the last decade, enacted some form of a ban on the wearing of burqas in public places, and the European Court of Human Rights has upheld France's ban.<sup>1</sup> Such bans have been publicly defended in various ways. In Belgium, Daniel Bacquellaine, the MP who proposed the ban, called burqas in public "not compatible with an open, liberal, tolerant society."<sup>2</sup> Francoise Fillon, France's prime minister at the time it enacted a ban, cited similar values in its defense but also appealed to public order and gender equality.<sup>3</sup> Finally, Mark Rutte, the Dutch prime minister, called the ban a matter of security. Meanwhile, opponents of the ban are worried that it stigmatizes Islam and that it targets a way of demonstrating religious devotion that some Muslim women value having the option to undertake. All of this takes place, of course, against a backdrop of rising intolerance of and violence against Muslims in Europe.

### Study Questions

1. Are burqa bans ethically permissible? Does it depend on the public justification offered for the ban? Does it depend on the actual motives of the lawmakers who vote for it? Or are justifications and motives irrelevant?
2. Is it objectionably patronizing or paternalistic to take an option away from someone because the exercising of that option is seen as a way of debasing oneself?
3. What attitude should liberal states have toward illiberal cultures in their midst—i.e. cultures that don't embrace freedom and equality? Should they ever see such cultures as providing for meaningful lives for their members, and protect those cultures on those grounds? Should they encourage assimilation to the majority liberal worldview, and, if so, how forcefully?

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<sup>1</sup> <https://www.guardian.com/world/2017/mar/14/headscarves-and-muslim-veil-ban-debate-timeline>

<sup>2</sup> <https://www.guardian.com/world/2010/mar/31/belgium-public-ban-burqa-niqab>

<sup>3</sup> <https://www.guardian.com/world/2011/mar/03/niqab-ban-france-muslim-veil>

## 9. Brain Drain

NHS England has always employed health care professionals recruited from overseas. But with Brexit looming there has already been a significant decrease in applications for NHS posts from citizens of other EU countries.<sup>1</sup> Because of this, the NHS is looking to ramp up its recruitment from non-EU countries, some of which are economically underdeveloped.

The opportunity to live and work in a stable, developed, wealthy country like England is obviously quite valuable for people from underdeveloped countries. And of course their employment is of significant value to the NHS patients they help to treat, especially considering how difficult the NHS has found it of late to fill its vacancies.<sup>2</sup> Furthermore, migrants who work for the NHS have the opportunity to send money to those they left behind in their native country.

On the other hand, such recruitment contributes to brain drain in the targeted underdeveloped countries, making it more difficult for citizens of those countries to receive adequate health care. In response to such concerns, the NHS has implemented a programme called ‘earn, learn, and return’, in which trained nurses from India come to work for the NHS, earn a new specialist qualification while doing so, and then return to India.<sup>3</sup>

### Study Questions

1. Do immigration rules slanted in favour of people who can fill an economic need unfairly discriminate against people who are less well educated?
2. Do standard NHS recruitment practices that target underdeveloped countries wrong those countries by depriving them of an important element of their workforce and taking advantage of those countries’ educational systems? If so, does non-standard ‘earn, learn, and return’ system constitute a meaningful improvement, ethically speaking?
3. Do highly educated citizens of underdeveloped countries have an ethical obligation to their fellow citizens to not emigrate, or at least to not emigrate before having done several years of productive work? Does it make a difference how their education was paid for?

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<sup>1</sup> <https://www.guardian.com/society/2017/jun/12/96-drop-in-eu-nurses-registering-to-work-in-britain-since-brexit-vote>

<sup>2</sup> <https://www.guardian.com/society/2018/jan/23/nhs-england-recruitment-crisis-nursing-vacancies>

<sup>3</sup> <https://rcni.com/nursing-standard/newsroom/news/health-education-england-recruiting-overseas-nurses-earn-learn-and-return-scheme-123916>

## 10. Google Tax

In April 2015 the U.K. diverted profits tax took effect and a similar tax, announced by Chancellor Philip Hammond in November 2017, will take effect in April 2019.<sup>1</sup> These measures allow the government to collect tax on transactions involving U.K. customers where the profits from those transactions are registered to separate entities in low-tax countries overseas.<sup>2</sup> Both tax laws have been given the “Google Tax” nickname, for the way in which they seem to target large multinational corporations that do business in the U.K., such as Google.

The amount of money at stake here is staggering. The OECD has estimated that governments across the world collectively are deprived of \$240 billion in taxes each year due to tax avoidance schemes.<sup>3</sup> The U.K.’s initial Google tax raked in £281 million in the 2016-17 fiscal year alone.<sup>4</sup>

There is no suggestion that Google or other multinationals were doing anything illegal prior to the enacting of se taxes. Economists distinguish tax avoidance, which is minimizing one’s tax burden within the constraints of the law, with tax evasion, which is failing to pay the tax that one by law ought to pay. But some would argue that not all kinds of tax avoidance are created equal, ethically speaking, and that what Google and others have been doing is ethically wrong.

### Study Questions

1. Is there an importance ethical difference per se between tax avoidance and tax evasion, or does it all depend on the kind of tax avoidance and the kind of tax evasion in question?
2. Corporations often respond to proposed corporate taxes by saying that they will take their business to some other country if the tax is enacted. Is there anything wrong with a corporation attempting to influence policy with such announcements? Is there anything wrong with following through on them?
3. Is it ever permissible for a government to leave tax loopholes in place, even when it thinks those loopholes are unfair, because closing the loophole would risk driving away a corporation that provides employment and a significant source of tax revenue?

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<sup>1</sup> <https://www.guardian.com/uk-news/2017/nov/23/google-tax-crack-down-avoidance-internet-firms-uk-amazon>

<sup>2</sup> <https://www.ft.com/content/4f7aed86-989f-11e7-a652-cde3f882dd7b>

<sup>3</sup> <https://www.guardian.com/global-development-professionals-network/2016/may/10/were-losing-240bn-a-year-to-tax-avoidance-who-really-ends-up-paying>

<sup>4</sup> <https://www.ft.com/content/4f7aed86-989f-11e7-a652-cde3f882dd7b>

## 11. Self-Driving Cars

Ford, General Motors, Tesla and other auto companies are investing heavily in the development of self-driving cars.<sup>1</sup> Trials are underway in various locations, with Gatwick airport recently announcing a plan to test the use of driverless shuttles to move people between terminals.<sup>2</sup> And Chancellor Philip Hammond has said he wants driverless cars, without a safety attendant, in use by 2021.<sup>3</sup>

Self-driving auto technology holds out the promise of massive gains to transport efficiency, with attending benefits in terms of carbon emissions reduction. And, of course, the hope is that such cars will be much safer than those operated by people. And yet self-driving cars will, inevitably, be imperfect, as evidenced by the recent case of an Arizona pedestrian being struck and killed by a self-driving car.<sup>4</sup>

Self-driving auto technology creates an ethical headache by threatening to make the very idea of an auto accident outdated. We could be looking at a future will there will be no more accidents in the literal sense, but rather collisions that were entirely predictable and indeed programmed for—though only as the lesser of evils, of course. This forces us to decide which bad outcomes we want to avoid, and at what cost in terms of raising the frequency of other bad outcomes. It also threatens to make a mess of our normal understanding of ethical responsibility for collisions.

### Study Questions

1. Driverless cars will be programmed to make decisions that we would ordinarily think of as ethically laden—such as whether to veer suddenly into an elderly person, killing that person, so as to avoid hitting and killing a teenager who darted out in front of the car. Since people disagree about ethics there is no obvious answer as to which ethical system should govern the programming of these cars. How should it be decided which ethical system to use? One can imagine anything from a totally centralized system, in which the relevant bits of code are government-mandated, to a market-driven system, in which each automaker writes its own code, to a forced-choice system, in which one is forced, at the point of purchase, to decide how one's car will be programmed with respect to the various ethically laden decisions. How best can we balance the ideals of adherence to core ethical constraints, respect for differing value systems in a pluralistic society, and the autonomy of the individual?
2. Is there something to be said, ethically speaking, for allowing self-driving cars but banning driverless cars, i.e. requiring that there be a human behind the wheel of every car who is always able to take over the driving of it? This would make arguably make it much easier to identify the ethically and legally responsible party in a case of a collision caused by a self-driving car.

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<sup>1</sup> <http://www.bbc.co.uk/news/business-43459156>

<sup>2</sup> <https://www.times.co.uk/article/driverless-buses-to-arrive-at-gatwick-h0j6fccsp>

<sup>3</sup> <http://www.bbc.co.uk/news/business-42040856>

<sup>4</sup> <https://www.nytimes.com/2018/03/19/technology/uber-driverless-fatality.html>

## 12. Organ Donation

According to the NHS there are about 6,500 people currently on organ transplant waiting lists and about 500 people die each year for want of a donor organ.<sup>1</sup> In response to this Wales has moved to a presumed consent system for organ donation<sup>2</sup> and the Scottish government has announced a plan to implement a soft opt-out system.<sup>3</sup> However, in England, where only 39% of the population has signed the organ donation register,<sup>4</sup> there are no immediate plans to alter the status quo.

Under the English status quo organs cannot be taken from a person's dead body unless that person signed the organ donation register or made it clear to family or friends that s/he wished to be a donor. Under the new Welsh system and the planned Scottish system, by contrast, everyone is eligible for organ donation upon death unless their family objects or they signed up to the non-donor registry while alive.

The obvious benefit of presumed consent/soft opt-out systems is the expected increase in organs available for donation. One might argue, in addition, that they do a better job of respecting people's wishes, since most people are willing to be an organ donor. On the other hand, it could be argued that it is a violation of the recently deceased person's autonomy to remove his/her organs for transplantation unless s/he explicitly agreed to be a donor.

### Study Questions

1. Under what circumstances it is a violation of a deceased individual's autonomy to take his/her organs for transplantation?
2. What is the proper role of next-of-kin in organ harvesting decisions? Should they be consulted no matter what? Only if the deceased person never expressed his/her wishes? Or should they not be consulted at all?
3. Taking into account your answers to the previous two questions, what is the best system of law for regulating organ donation from deceased individuals? Current English law? Current Welsh law? Something else entirely?

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<sup>1</sup> <https://www.nhsbt.nhs.uk/what-we-do/transplantation-services/organ-donation-and-transplantation/>

<sup>2</sup> <https://www.guardian.com/society/2016/sep/04/wales-deemed-consent-organ-donation-system-promising-results>

<sup>3</sup> <https://www.guardian.com/society/2017/jun/28/scotland-to-introduce-soft-opt-out-system-for-organ-donations>

<sup>4</sup> <https://www.guardian.com/society/2017/sep/04/silence-transplants-deadly-organs-shortage-nhs>

### 13. Extradition

On the 1<sup>st</sup> of October 2017, the Spanish region of Catalonia conducted an independence referendum. The Spanish Parliament, however, did not consent to the referendum and the Spanish Constitutional Court ruled it illegal.<sup>1</sup> Consequently, on that day the Spanish police forcibly blocked many voters from accessing the polls.

Recently, the Spanish state has sought to have certain people involved with the referendum extradited back to Spain to face trial. For instance, former Catalan leader Carlos Puigdemont was recently taken into custody by German police.<sup>2</sup> However, some worry about the ability of these Catalanian leaders to get a fair trial in Spain. Indeed, Belgium's migration minister has suggested that Puigdemont might be a candidate for asylum on the basis of this worry,<sup>3</sup> and the German court that heard his case ruled that he should not be extradited to Spain to face a rebellion charge.<sup>4</sup> On the other hand, a spokesperson for the European Commission said that Catalonia's independence drive is an "internal matter" for Spain to deal with and that the European Union should not intervene.<sup>5</sup>

### Study Questions

1. Does every people have an unqualified right to secede from any political union to which it is party? If so, on what basis? If not, what are the qualifications?
2. Under what circumstances does it become the international community's business how a political union deals with the desire of one of its members to secede?
3. On what basis should other European countries decide whether to extradite Catalanian leaders to Spain to face trial?

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<sup>1</sup> <http://www.bbc.co.uk/news/av/world-europe-41463955/catalonia-referendum-violence-as-police-block-voting>

<sup>2</sup> <https://www.nytimes.com/2018/03/25/world/europe/germany-carles-puigdemont.html>

<sup>3</sup> <https://uk.reuters.com/article/uk-spain-politics-catalonia-belgium/not-unrealistic-for-catalan-leader-to-get-asylum-in-belgium-minister-idUKKBN1CY05Q>

<sup>4</sup> <https://www.independent.co.uk/news/world/europe/carles-puigdemont-catalonia-germany-extradite-charges-rebellion-spain-arrest-a8290806.html>

<sup>5</sup> <https://www.independent.co.uk/news/world/europe/catalan-independence-referendum-not-legal-spanish-constitution-european-commission-juncker-spain-law-a7978386.html>

## 14. Shooting Galleries

In 2017, Glasgow city council and NHS officials announced a plan to open the UK's first legal drug consumption room—a place where drug users, in this instance heroin addicts, can go in order to take medical-grade heroin in a safe, sanitary environment supervised by medical professionals.<sup>1</sup>

Research carried about by the Glasgow Alcohol & Drugs Partnership has identified approximately 500-600 people injecting drugs in public places in and around Glasgow city centre.<sup>2</sup> Public drug use leads to discarded needles, which pose significant public health risks, in addition to the health risks facing injectors taking drugs in unsanitary conditions. Furthermore, cases of diseases related to injection use, such as HIV, saw a 35% increase in 2015. Injection facilities (or “shooting galleries”) are a proposed solution to these problems, as they allow drug users to take drugs in a safe, monitored environment, away from the public.

Critics of shooting galleries, such as Professor Neil McKeganey of the Centre for Substance Use Research, worry that such facilities suggest “a real danger that we’re moving steadily away from a commitment for services to get addicts off drugs.”<sup>3</sup> According to his own research, when asked what they want from drug treatment, “less than 5% [of drug users] said they wanted help to inject more safely and the overall majority said they wanted help to become drug free.”<sup>4</sup> On the other hand, proponents of the facilities, such as Glasgow Central MP Alison Thewliss, point to evidence from several established shooting galleries that suggests that such facilities reduce levels of drug addiction and improve public safety by reducing discarded needles and other drug paraphernalia in the streets.<sup>5</sup>

### Study Questions

1. Is it morally permissible to facilitate further dangerous drug abuse, even if in doing so one makes that drug abuse safer?
2. Should our concern for drug users be focused on reducing the amount of use or on making each use safer?
3. What should weigh more heavily in our deliberations about this, our concern for drug users or our concern to protect the non-user public from the effects of public drug use?

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<sup>1</sup> <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-41941699>

<sup>2</sup> <https://www.glasgow.gov.uk/index.aspx?articleid=19727>

<sup>3</sup> <https://www.telegraph.co.uk/news/2016/10/31/drug-addicts-to-be-given-heroin-in-uks-first-state-shooting-gall/>

<sup>4</sup> <https://www.telegraph.co.uk/news/2016/10/31/drug-addicts-to-be-given-heroin-in-uks-first-state-shooting-gall/>

<sup>5</sup> <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-41941699>

## **15. Media Coverage of Terrorism**

Mark Rowley, an assistant commissioner with the Metropolitan police force, and one of Britain's top counterterrorism officers, recently urged media outlets to rein in their coverage of major terrorist attacks. His concern is that such coverage might be seen as bringing glory to the perpetrators of those attacks and therefore could be used as recruitment material by Isis and other terrorist organizations. Speaking to a Society of Editors conference, he told his audience: "If [Isis] are looking to influence, you have to ask, are you helping them to influence?" Cressida Dick, the force's commissioner, supported Rowley's plea.<sup>1</sup>

This request obviously raises questions about the balance between public safety and the freedom of the press. On the one hand, the U.K. was victimized by four major terrorists attacks in 2017, and therefore the need to find better ways to protect the public is evident. On the other hand, the free press serves important democratic purposes, including creating an informed public and holding public officials to account.

### **Study Questions**

1. Should media outlets ever allow their editorial decisions to be influenced by worries about their coverage of terrorist attacks being used to inspire further attacks? Why or why not?
2. When a media outlet is doing something ethically wrong is it permissible for public officials to use their influence to pressure that outlet into changing its ways, or is it always inappropriate for public officials to interfere with the operations of the free press?

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<sup>1</sup> <https://www.guardian.com/uk-news/2017/nov/13/rein-in-isis-and-terrorism-coverage-police-chiefs-tell-media>

## 16. The People's Pornography?

Through the Digital Economy Act 2017, Parliament has taken steps toward limiting people's access to online pornography. The Act requires pornographic websites to ensure that their users are aged 18 or over and requires Internet service providers to block customers' access to pornographic websites until those customers opt in to having access to those sites.<sup>1</sup>

Some people believe that habitually watching pornography has a detrimental effect on children's moral development and subsequent behavior. For example, viewing pornography may dispose one to see others as sex objects rather than persons. If pornography corrupts the innocence of childhood then one could argue that the government and Internet service providers have a duty to block or restrict such content.

On the other hand there is a worry that the Act limits freedom and amounts to nothing short of censorship. Furthermore, it's been argued that under the Act the government could block access to any site that has any nude images at all, with one critic speculating that this "censorship regime will then be extended to other crimes against decency."<sup>2</sup> Finally, one might think that the job of determining which pornographic media, if any, children should have access to is solely the job of their parents.

### Study Questions

1. What role, if any, should governments have in deciding which Internet content is appropriate for children?
2. Granting the claim that pornography is morally corrosive to children, how should the government balance claims of the greater good against free speech and other rights?
3. Do pornography purveyors bear any moral responsibility for degrading and violent treatment of women that is inspired by their videos, or does the responsibility lay entirely with the perpetrator of the treatment?

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2017/30/contents/enacted>

<sup>2</sup> <https://www.theguardian.com/technology/2017/jul/17/age-checks-introduced-porn-websites-uk-credit-card-details>