



John Stuart Mill Cup

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1. Workfare Schemes

In the US and Australia, ‘workfare’ schemes are schemes which require long-term unemployed people to work in order to receive benefits. In a 2011 *yougov* poll it was shown that a majority of the UK public believe that public benefits are too generous, too available, and that people should have to work for their benefits.¹

Proposed workfare schemes in the UK would compel the unemployed to take part in community work, such as litter-picking, gardening or charity work (though in a trial of the scheme some participants carried out menial work for private companies such as *Poundland*).² Claimants would work 30-hour weeks to claim their Jobseeker’s Allowance, which can, depending on their previous National Insurance contributions, put them below the minimum wage, in terms of the hours of compulsory work for their benefits.

In addition to the popular support of the public, proponents further argue that workfare schemes would reduce levels of unemployment and give the unemployed valuable work experience, which will in turn improve their employment prospects.³

Opponents argue the workfare scheme is comparable to community service schemes that criminals undertake, as both involve compulsory community work. They also argue that these schemes will lead to the redundancy of those currently being paid to do such work and that it gives employers the opportunity to underpay those carrying out those menial tasks.

Study Questions

1. Is it fair to make citizens’ benefits conditional upon community labour?
2. Are workfare schemes unfair to people who are currently employed to do the jobs that people on the workfare schemes would be required to do?
3. In the current system the Jobseeker’s Allowance is often less than what one would earn for a 30-hour-per-week job paid at the minimum wage. Does this mean that participants in workfare schemes should be paid more than the Jobseeker’s Allowance to which they would otherwise be entitled? If so, by how much?

¹ <https://www.telegraph.co.uk/news/politics/8469819/Jobless-should-work-for-their-benefits-say-four-in-five-voters.html>

² <https://www.theguardian.com/business/2017/aug/30/poundland-work-free-government-scheme-dwp>

³ <https://www.theguardian.com/commentisfree/video/2013/dec/17/workfare-unfair-video-debate>

2. Transgender Rights and Prisons

Generally speaking prisons are designated either as “for males” or “for females”, thus forcing the government to try to devise a way to handle transgender inmates while operating under a gender binary.

Previous government guidelines for England and Wales required transgender prisoners to have a gender recognition certificate in order to be assigned to a prison matching their gender, though some flexibility was permitted for those sufficiently advanced in the gender reassignment process.¹ This policy was updated in 2016 by the National Offender Management Service in order to reflect changing public perceptions of transgender people, but also in response to claims that the previous rules had resulted in the deaths of two transgender inmates and a case in which a transgender woman was first sent to a male prison and then moved to a female prison following public petition. Under the new policy some transgender people who lack a gender recognition certificate and have not undergone a gender reassignment process can be assigned to a prison matching their gender. In response, some have argued that any trans person with a history of sexual violence perpetrated towards members of their reassigned gender should not be incarcerated in prisons designated for that gender.² The motivation here is the protection of the other prison inmates who may become victims of sexual violence.

In response, opponents point out that trans people have higher rates of suicidal thoughts and attempts than do cisgender people and are often abused when assigned to prisons with people of the other gender.³ Thus they are not protected by the prison system if their identities are ignored.

Study Questions

1. Do you agree with the above argument as to why it’s ethically objectionable to take a trans person with a history of same-gender sexual violence and imprison them with people of the other gender?
2. If your answer to Question #1 is ‘yes’, is this ethical objection strong enough to outweigh the wrong that would arguably be done to the same-gender prisoners with whom the trans person would be imprisoned?
3. If your answer to Question #1 is ‘no’, do you believe that cisgender people with a history of same-gender sexual violence should be imprisoned with people of the other gender?

¹ <https://www.theguardian.com/uk-news/2018/oct/11/transgender-prisoner-who-sexually-assaulted-inmates-jailed-for-life>

² <https://www.theguardian.com/uk-news/2018/sep/09/sexual-assaults-in-womens-prison-reignite-debate-over-transgender-inmates-karen-white>

³ <https://www.mentalhealthtoday.co.uk/innovations/when-will-the-prison-service-act-upon-the-vulnerability-of-transgender-people>

3. The Drone Wars

Drones are fast proving to be a popular military technology among the UK and U.S. governments.

Supporters of the drones note that they can be used to mount an attack without risking ‘friendly’ lives—that is, the lives of members of the attacking force—since drones can be controlled remotely.¹ They also note that drone technology is becoming advanced to the point where it may be possible to target specific individuals and groups, thus minimizing the risks of civilian deaths, and reducing collateral damage.

Opponents of drone warfare argue that the lowered risk of friendly deaths is likely to make governments more trigger happy, since going to war no longer forces our country to consider the loss of human life. In addition the public might be less inclined to oppose wars if this risk is reduced. As a consequence, they argue that this could result in more frequent warfare. Moreover, they point to the fact that despite the claims of precision, casualty recorders still detail large numbers of civilian casualties from drone attacks, and that these casualties are occurring “in urban areas which would not perhaps previously have seen large-scale bombing, but are now targeted as we have precision weapons.”² (Chris Cole, 2018)

Study Questions

1. To what extent, if at all, is it right for a government to prioritize the safety of its soldiers over that of innocent civilians?
2. Supposing it’s true that drone technology does or will make governments more trigger happy, is that the basis of a solid ethical objection to drones?
3. While it is true that drones reduce the number of friendly casualties, the claim that the precision of drones also means fewer casualties on the other side has been called into doubt. Should the possibility of an increase in civilian casualties on the other side have any impact on our assessment of whether drone use is ethical?

¹ <https://www.theguardian.com/commentisfree/video/2013/dec/02/unmanned-military-drones-battle-ethical-video-debate>

² <https://dronewars.net/2018/10/29/why-we-persist-in-opposing-the-growing-use-of-armed-drones/>

4. Lowering the Age of Consent

Tatchell¹ and Ashton² note that as many as a third of all 14-15 year olds are sexually active in Britain. As a response they propose a revision of the age of consent, which is currently 16, with Ashton arguing in favour of lowering it to 15.

Tatchell is motivated by concerns that current regulation can lead to the older partner in sexual relations occurring between adolescents who are close together in age, say a 15 year old dating a 16 or 17 year old, being cautioned by police, placed on the sex offenders list, and in rare cases being convicted of statutory rape. As a solution, he proposes that the legal age limit be lowered to 14, but that it be legal to have sex with someone under the age of 16 only if one is no more than two years older than that person. As such, a 14 year old could have sex with a 16 year old, but not with anyone older than that. A different argument from Ashton is that the “current legal limit prevented sexually active younger teenagers from getting support with issues of disease and contraception.”³

Opponents to these arguments highlight the dangers of lowering the age limit, in terms of teenage pregnancy and abuse. For instance, Clegg argues that lowering the age of consent could lead to an increased risk of teenage pregnancy and highlights broader concerns regarding the sexualisation of young people. In a video debate with Tatchell, Ellie Cumbo argues that the problems of underage sex can be resolved by a stronger focus on improving the sexual education of minors.⁴ She also highlights that while we tend to be more focused on sexual abuse of minors from much older people, she notes that it can occur among members of the same age bracket, and that lowering the age of consent may enable this to occur more frequently.

Study Questions

1. Ashton argues that lowering the age of consent will improve minors’ access to and awareness of contraceptives, while Clegg notes a risk of increased child pregnancy. These positions seem incompatible. One way to make them compatible is to posit that if the age of consent is lowered more adolescents will have sex and thus there will be a higher number of teenage pregnancies but the percentage of sexual acts among teens resulting in pregnancy will decrease due to better access to contraceptives. If this is true, then should we care more about the number of teenage pregnancies that occur (Clegg’s position), or the percentage of sexual acts among teens resulting in pregnancy (Ashton’s position)?
2. Tatchell’s proposal to lower the age of consent allows adolescents to have sexual relations only in their own age brackets. Is it ethical to limit the sexual activity of adolescents in this way?
3. A common argument against reducing the age of consent is that minors are not capable of consenting and that they are more easily manipulated than are adults. Do you find this argument convincing?

¹ <https://www.theguardian.com/commentisfree/video/2014/jan/14/should-legal-age-of-consent-be-lowered-video-debate>

² <https://www.independent.co.uk/news/uk/home-news/health-expert-calls-for-age-of-consent-to-be-lowered-to-15-8945235.html>

³ Ibid.

⁴ <https://www.theguardian.com/commentisfree/video/2014/jan/14/should-legal-age-of-consent-be-lowered-video-debate>

5. Adoption and Fertility Treatments

In the UK, adoption rates have plummeted by 62% in the last 40 years.¹ A major factor often noted is the difficulty of the adoption process. While it is the status quo for anyone who produces their own children to be the legal caregivers, those who seek to adopt must prove that they would make suitable parents – something simply assumed of biological parents. In addition, the adoption process takes an average of two years. Given this and perhaps a widespread desire to have biologically related children, we might find it unsurprising that adoption rates have fallen so significantly.

A second significant cause of the drop in adoption rates is the availability of in vitro fertilisation (IVF) treatments. Women under 40 who are having difficulty conceiving can receive up to three treatments for IVF paid for by the NHS, while those between 40 and 42 can get one treatment.² However, IVF does not guarantee success. For women under 35, the success rate is only about 29%, whereas for those between 40 and 42, it is about 9%. Furthermore, IVF treatments are not cheap. It is estimated that providing IVF to people struggling to conceive costs the NHS in England and Wales approximately £400 million per year.

Forty years ago, many parents who struggled to conceive adopted children. Those children didn't have to live so long in foster care, saving money for the taxpayer and providing stability earlier on in life for the adopted children. Nowadays many couples who struggle to conceive choose an option that doesn't help orphaned children and, on top of that, is a cost to taxpayers. On the other hand, prospective parents wouldn't go through the often long and emotionally wrenching process of IVF treatment if they didn't strongly value having a biological child.

Study Questions

1. Is it appropriate to require potential adoptive parents to prove their fitness to parent, when other parents do not have to?
2. How should we weigh the interests of orphans against the desire of prospective parents to have biologically-related children?
3. Would it be reasonable for a government to end all funding for IVF? If this happened, a likely consequence is that only wealthier individuals would be able to make use of the treatment. Would it be an injustice if only wealthy people had access to IVF?

¹ <https://www.bbc.co.uk/news/health-46081726>

² This is now the case in both England (<https://www.nhs.uk/conditions/ivf/availability/>) and Scotland (<http://www.fertilityfairness.co.uk/nhs-fertility-services/ivf-provision-in-scotland/>).

6. Environmental Activism

Global warming is a looming disaster. It seems as though every week a new study comes out warning us that the situation is worse than we thought,¹ and in 2015 the global temperatures hit a mean of 1 degree above pre-industrial levels. Meanwhile, the Paris Climate Accords saw almost all of the world's nations agree to limit global warming to within 2 degrees Celsius above pre-industrial levels, but many scientists now warn that even hitting 1.5 degrees above will have catastrophic consequences, and despite the Paris agreement we still seem to be on course to not only hit the 2 degree mark but to exceed it by *four* degrees by the end of the century.²

Because of this kind of finding, many are dissatisfied with what they perceive as a lack of real action on behalf of our political leaders. In November 2018, climate protesters glued themselves to the gates of Downing Street, resulting in 27 arrests.³ Despite the action being disruptive and illegal, some politicians, including the Green Party peer Jenny Jones, supported the action. We may see acts of this sort becoming increasingly frequent as the scientific evidence builds.

There is a rich history of civil disobedience in the face of injustices. For example, in 1955, in the prelude to the Montgomery bus boycott, Rosa Parks was asked to give up her seat so that white people could sit down. She was arrested and convicted of violating segregation laws. Because of her resistance and the political actions that ensued, bus segregation was ruled unconstitutional in 1956.⁴ Despite her criminal behaviour, she is heralded as a hero of the civil rights movement.

Study Questions

1. There are avenues available by which people can legally raise their concerns about carbon emissions, like writing to members of parliament, signing petitions or campaigning for politicians with different environmental policies. What are the advantages of breaking the law in protesting climate change, given the option to draw attention to the issue in a law-abiding way? What worries might we have about people engaging criminal behaviour to try to instigate political change?
2. How serious does an issue have to be in order to justify breaking the law to draw attention to it? Does climate change rise to that level? If the situation was sufficiently extreme, could it be morally wrong *not to* break certain laws?

¹ E.g. <http://nymag.com/intelligencer/2018/10/un-says-climate-genocide-coming-but-its-worse-than-that.html?fbclid=IwAR1ibloCZAjSa7mezJwMPPqB7Y0xTA1riAJ8LLixQuEUwpworujf6KFbcAA>

² Ibid.

³ <https://www.bbc.co.uk/news/uk-england-london-46213454>

⁴ <https://www.history.com/topics/black-history/rosa-parks>

7. Gay Cakes?

In July 2014, Ashers Baking Company in Belfast declined an order from a gay rights activist.¹ The gay rights activist wanted a cake featuring *Sesame Street*'s Bert and Ernie, and the phrase "Support Gay Marriage". Ashers Baking Company runs six bakeries across Northern Ireland, and is owned by Christians who do not support same-sex marriage.

The gay rights activist who requested the cake raised the issue with Northern Ireland's Equality Commission. While discrimination against people based upon their sexuality is illegal, the bakers cited their right to religious freedom in fighting their case. While the bakers lost the case and a subsequent appeal, the Supreme Court later ruled that the refusal was not discriminatory. They concluded that the bakery did not refuse the customers based upon their sexual orientation, but because they objected to the message on the cake. It was found that because they refused to endorse the message on the product, regardless of the characteristics of who was purchasing it, they were acting within their rights of freedom of expression.

Study Questions

1. Should a bakery be legally permitted to refuse to produce a cake containing a message they disagree with? Because the ruling distinguishes between refusal to create a product because of the content and refusing based on the characteristics of the customer, there are worries that the ruling might carve out too large of a right to refuse service. If, for example, someone asked for a cake celebrating a Jewish or Islamic holiday, we can imagine a baker refusing to comply because they do not endorse the implicit message. Is there a difference between this type of case and the gay cake case?
2. In this particular case, the activist was able to find an alternative bakery that happily complied with the request. If, however, all the bakeries in the area were owned by people with the views of Ashers Baking Company, they may not have been so lucky. Should the courts take this factor—the availability of other outlets for one's expression—into account in future cases?
3. What's the difference between disapproving of a message someone is trying to put out and disapproving of the person him/herself?

¹ <https://www.bbc.co.uk/news/uk-northern-ireland-45789759>

8. Nazi-Saluting Pugs

In 2018, Mark Meecham – also known as “Count Dankula” – was found guilty of a hate crime. He trained his girlfriend’s pug, Buddha, to respond to Nazi commands. The dog responded to a variety of Nazi phrases including “Gas the Jews”, and performed a form of Nazi salute in response to “Sieg Heil”.¹ He uploaded videos of the dog’s responses to YouTube, and was subsequently charged with grossly offensive conduct under the 2003 Communications Act.

Meecham defended his conduct by saying he was pulling a prank on his girlfriend. He said that he was attempting to annoy her. As she thought her pug was “the cutest thing in the world”, Meecham claimed that he wanted to subvert that by training Buddha to act like the ugliest thing he could think of – Nazis.

The sheriff judged that Meecham’s conduct was “anti-Semitic and racist in nature”. Meecham was found guilty and fined £800.

Study Questions

1. If Meecham really did mean it as a joke, would that be okay? Are any jokes about Nazis okay? If so, what differentiates okay Nazi jokes from impermissible Nazi jokes? If not, why not?
2. Ricky Gervais publicly defended Meecham, saying ““If you don't believe in a person's right to say things that you might find 'grossly offensive', then you don't believe in Freedom of Speech.” Do you agree? Should Mark Meecham’s conduct have been protected by free speech? If not, who should decide what counts as offensive?
3. Meecham was found guilty of “grossly offensive” behaviour. Do people have a right not to be offended? To what extent do people have a responsibility to avoid looking at things that might cause them offense?

¹ <https://www.bbc.co.uk/news/uk-scotland-glasgow-west-43864133>

9. Easy for You to Say

At the Edinburgh International Book Festival in August 2017, author Zadie Smith told the audience of her frustration at the amount of time her 7 year-old daughter was spending in front of the mirror attending to her appearance. According to Smith, “I explained it to [my daughter] in these terms: you are wasting time, your brother is not going to waste any time doing this.” She also lamented the rise of a makeup regimen known as ‘contouring’, which, she said, takes an hour and a half to complete.²¹

Some of the coverage of Smith’s remarks made a point of noting Smith’s own physical appearance, with Megan Reynolds of *Jezebel* calling Smith a “very attractive human being”²² and Twitter posts saying, “Zadie Smith is literally one of the most beautiful women who has ever graced the earth”, and “Of course if I looked like Smith I would never use make up.”²³ The implicit response to Smith that these comments seem to be making is, “Easy for you to say”.

It’s entirely possible that Smith’s remarks had less power than the same comments would have had coming from another woman, due to Smith being beautiful by conventional standards. Because of her beauty, they might have even caused offense. On the other hand, it would be difficult to deny the importance of the issue to which Smith was calling attention. Certain social media apps, including Instagram and Snapchat, have the effect of encouraging people focus on their appearance. This, according to an article in *The Guardian*, is contributing to a rise in “body dissatisfaction” among girls and young women and a corresponding sharp rise in anxiety and depression in that same group.²⁴

Study Questions

- 1 Is it fair to criticise Smith for saying what she said?
2. What advice should parents be giving their young daughters about makeup and grooming? On the one hand, there are lots of good reasons not to obsess about one’s appearance. But on the other hand, one might insist that parents are obligated to prepare their daughters for the world as it is, not the world as it ought to be, and in the actual world a woman’s appearance is a major factor in how she is treated.

²¹ <https://www.thetimes.co.uk/article/girls-are-fools-to-waste-time-on-beauty-says-zadiesmith-pd9jhzzbb>

²² <https://jezebel.com/zadie-smith-says-its-foolish-for-young-women-to-waste-t-1798308441>

²³ <https://www.buzzfeednews.com/article/ariannarebolini/zadie-smith-thinks-makeup-is-a-waste-of-time#.bubBVV2o4>

²⁴ <https://www.theguardian.com/society/2017/sep/23/stress-anxiety-fuel-mental-health-crisis-girls-young-women>

10. Social Credit

In 2014 China announced an ambition to develop what has become known in the west as a ‘social credit’ system, whereby a record of each citizen’s good and bad behaviour is kept and rewards and punishments are handed out accordingly. Human Rights Watch has already labelled the idea “chilling”.²⁵ A column in *The Washington Post*, on the other hand, says that these programmes might be more useful in China than they would be in other countries and might better fit with Chinese political values than they would with western values.²⁶

Under the already existing pilot programmes, people can have their ability to buy plane or train tickets reduced, their internet speeds slowed down, or their ability to enrol their children in top schools eliminated. There is also talk of the creation of a “blacklist”, on which people would be publicly identified as bad citizens.²⁷ For now the punishments are given out mainly in response to law breaking, but there is speculation that the systems will eventually be used to encourage charitable donation²⁸ and to penalize “playing video games, wasting money on frivolous purchases and posting on social media”.²⁹

There is a way of looking at the planned social credit system on which it’s simply a scaling-up of other systems that are relatively uncontroversial, even in the west. For instance, your credit score already determines your ability to get a credit card or a loan, and not paying your taxes can result in your being “named and shamed” on an official government website.³⁰ In Bologna, the government rewards citizens with ice cream and beer for reducing their auto use.³¹ Ratings are also key to the operations of shared economy platforms like Airbnb and Uber. On the other hand, with the government in control there seems to be no barrier to the system’s growth, and there are worries that it some day could be used to control just about every facet of a person’s life.

Study Questions

1. People are already judged and punished for their actions, whether informally (e.g., getting shunned by one’s neighbours) or formally (e.g., through their credit score or Uber rating). One might say that it’s good for the government to take over judgment and punishment to the extent possible, as long as the government is democratic, because then the system by which people are judged and punished will be more transparent and accountable. Is this argument sound?
2. In western countries the dominant political ideologies converge on the idea that the government should stay out of people’s personal lives to a large extent. One might argue that these ideologies are correct, and that a social credit system would be wrong because it would violate them. Is this argument sound? If so, can it be applied to China even though the dominant political ideology there is quite different?

²⁵ <https://www.hrw.org/news/2017/12/12/chinas-chilling-social-credit-blacklist>

²⁶ https://www.washingtonpost.com/news/theworldpost/wp/2018/11/29/social-credit/?utm_term=.587d1e2d0af1

²⁷ <https://www.independent.co.uk/life-style/gadgets-and-tech/china-social-credit-system-punishments-rewards-explained-a8297486.html>

²⁸ <https://thediplomat.com/2018/12/chinas-great-social-credit-leap-forward/>

²⁹ <https://www.businessinsider.com/china-social-credit-system-punishments-and-rewards-explained-2018-4?r=UK&IR=T#2-throttling-your-internet-speeds-2>

³⁰ <https://www.gov.uk/government/publications/publishing-details-of-deliberate-tax-defaulters-pddd/current-list-of-deliberate-tax-defaulters>

³¹ <https://www.thetimes.co.uk/article/bologna-peddles-free-beer-for-commuters-who-cycle-p6vcn93cj>

11. 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.³²

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?

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?

³² E.g. Givewell and Animal Charity Evaluators.