Cases

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Case 1: Blood Samples

Alcohol-related traffic accidents continue to be a serious problem in America. Alcohol-related crashes are the leading cause of death for young Americans between the ages of 16 and 24 years old. In Texas, for instance, while the percentage of alcohol-related fatalities on the road remains steady, the actual number of such fatalities continues to rise. The latest figures provided by the Texas DPS shows an increase from 998 deaths in 1999 to 1047 deaths in 2000. Yet, DUI convictions are declining nationwide. Some people blame this decline on increasingly savvy defense attorneys. As convictions decline, police become discouraged and fail to make many arrests that they view as pointless.

In an effort to get more DUI convictions, eight states have now passed laws allowing police to use "reasonable force" to extract blood samples from suspects. The new laws compel emergency-room doctors to take blood samples from uncooperative suspects. Some doctors object that this practice is not respectful of the needs and privacy of the patient.

Case 2: Performance-Enhancing Drugs

In 2004, as in 2000, problems with illegal, performance-enhancing drugs marred the Olympics. Kostas Kederis and Ekaterini Thanou, from the host nation, Greece, made world headlines when they withdrew amid allegations of doping. Performance-enhancing drugs include human-growth hormone, steroids, testosterone, and various drugs that build muscle during training. During competitions, athletes sometimes use stimulants to improve performance. Most such drugs have legitimate medical uses and are legal in certain non-athletic contexts.

Such drug scandals are not confined to the Olympics, but permeate almost all sports. Increasingly, officials divert much money and effort into testing and enforcing bans on certain drugs. But, the practice looks like it will continue, giving an unfair advantage to those who get away with it. Irish distance-runner, Cathal Lombard insisted that doping has become an epidemic in professional sports. "I realize now that most of the people I'm speaking about on the professional scene are operating on a very sophisticated basis, with proper medical back-up and advice on how not to get caught," he said. "In comparison I was merely dabbling and made no attempt to cover it up. I acted independently."

Case 3: The Student as Customer

University administrators have become greatly enamored of the suggestion that students are just like customers. Not surprisingly, this analogy is very popular among students. To quote one student at George Mason University, "Students are most definitely customers. We pay, don't we? And isn't that one of the definitions of a customer: 'Someone who pays for a service'? We pay the university for the service of teaching classes, so we can attend the classes and earn a degree."

This particular analogy is more than just a convenient way of speaking. It has serious implications for how a university should shape its values, curriculum, policy, and governance. For instance, many things would probably need to be reviewed in terms of how well they please the student—things like attendance and grading policies, degree requirements, and the locations of student parking. Since the professor, more than anyone else on campus, typically has the lengthiest and most enduring contact with the student, the most far-reaching burden of this analogy falls on the shoulders of the teaching faculty. Not surprisingly, the student-customer analogy has generated less enthusiasm among faculty members.

Case 4: War in Iraq

The war in Iraq is a central issue in the 2004 U.S. presidential race, particularly U.S. motivations for invading Iraq in the first place and the conduct of the occupation that followed. The pre-emptive nature of the war made it a "first" in U.S. history. We had never before gone to war without at least the claim that the other country had first injured its neighbor or us.

The government offered three primary reasons to justify the war: (1) Saddam Hussein had weapons of mass destruction (WMD), had used them (against the Kurds and the Iranians), and had shown an inclination to use them again. (2) There was some connection between al-Qaeda and Iraq. (3) Saddam Hussein's regime was a corrupt, ruthless, totalitarianism that violated Iraqi human rights. After the invasion, a fourth justification emerged: The Middle East needs a new, viable democratic government to serve as a model of freedom.

Unfortunately, the reasons originally offered have largely evaporated. To date, no WMD have been found. Likewise, there is still no evidence that Saddam Hussein's government collaborated with al-Qaeda. Of the three original reasons, only the humanitarian argument remains. By itself, however, it does not seem adequate for singling out Hussein's offenses as a basis for the unprecedented invasion of Iraq. His government seemed no worse in this regard than many other equally repressive totalitarian regimes.

Case 5: Parent Care

A former fighter pilot and lover of wide-open spaces, Clint lived alone in a rural area of Oklahoma. In his mid-seventies, he had a crotchety personality, and few friends. But Joanne, one of his few remaining friends, on a visit to check up on him, found him seriously disoriented, dehydrated, and malnourished. She called Clint's daughter, Ellen, right away to let her know that her father was in such poor condition.

Ellen, a professional with offices in San Antonio, immediately flew to Oklahoma with her older brother, Richard, and together they convinced Clint to come back with them to San Antonio, for medical evaluation in a hospital. Doctors diagnosed a form of dementia and put him on medications while his physical condition stabilized.

Ellen and Richard found an apartment for him in a complex where their mother, Clint's ex-wife, Carol, lived. A retired nurse, Carol agreed to look in on him regularly after his discharge from the hospital to make sure he was eating and taking his medications.

Unfortunately, the arrangement lasted less than a month. Clint grew restive, took his medication only irregularly, and began demanding to return to Oklahoma. He grew resentful of Ellen and Richard. They consulted an attorney who said that if they wanted to keep him in San Antonio, they must declare him mentally incompetent, take on medical power of attorney for him, and commit him to a treatment facility. Before taking such a drastic step, they confronted Clint, and begged him to stay in San Antonio. They pointed out that if he returned to Oklahoma, his health would surely deteriorate again, and that this time he would probably die. His response was, “I don’t care. I want to go home.”

Case 6: Beauty Contests

Beauty contests have been popular for many years all over the world. The Miss World competition, which has been running annually since 1951, attracts around 3 billion viewers in 115 countries. A beauty contest, obviously, must focus on beauty, and no matter how talented or smart a woman may be, physical beauty is a necessary condition for having any chance of winning such a contest.

Many people worry that such contests promote an ideal of female beauty that very few women can achieve and that creates an unrealistic ideal, imposed by men, against which women measure themselves. Such an ideal encourages unhealthy dieting, eating disorders, and cosmetic surgery as a means to a better self-image.

Defenders of beauty contests point out that all sorts of contests are just like that. Take weightlifting or bodybuilding, for instance. There is more to a person than how much weight he or she can lift. But weightlifting contests are perfectly legitimate competitions. Winning any contest does not prove that you are a better person, only a better contestant.

Case 7: Civilian Contractors

The Taguba Report on abuses at Abu Ghraib prison claimed that two civilian contractors were "either directly or indirectly responsible for the abuses." A civilian contractor is an employee of a private military firm (PMF): a for-profit corporation that provides armed soldiers (and other military support) for hire. In the last ten years, PMFs have grown to a $100 billion industry. Best estimates put the numbers of these mercenaries in Iraq at somewhere between 20,000 and 30,000 soldiers, making them an even greater military presence than Britain. The main reason offered for hiring PMFs (at three to four times the pay of regular military personnel) is that they lighten the load of regular military personnel: without PMFs, we might need to reinstitute the draft.

Unfortunately, PMFs do not operate under military law, are not bound by the Geneva Convention, are not prosecutable under criminal law, and yet work alongside military forces in a support role. On March 31, four contractors for Blackwater USA unwisely took a shortcut through Falluja and were murdered. Before the incident, Lieutenant General James T. Conway, commander of the First Marine Expeditionary Force in Falluja, had a plan for gaining military command over the city. However, the political pressure resulting from the incident compelled two battalions of Marines to enter the city prematurely, killing hundreds of civilians and combatants.

In the late 1990s, Virginia-based DynCorp won a large contract to maintain American planes and helicopters in Bosnia. Several DynCorp employees became involved in local prostitution rings, in collusion with the Serbian mafia. Along with purchasing illegal weapons and passports, they also bought personal sex slaves. American military police, acting on a tip, raided DynCorp's hangar at Comanche base in Bosnia. As a result, several employees were dismissed and sent home; but no criminal charges were ever brought against them, and the whistle-blowers were fired. In 2003, the United States granted DynCorp a contract potentially worth hundreds of millions of dollars to "re-establish police, justice, and prison functions in post-conflict Iraq."