

Moral Dilemmas in Law

Final paper instructions /Fall 2017

The assignment: You need to write a short essay, 5-7 pages (up to 2,500 words), in answer to one of the five questions given below. Please write your essay in response to the question asked. Your essay should rely on the reading material and discussions in class. There is no need to rely on literature or cases beyond those listed in the syllabus, but you may do so if you wish. Either way, make sure to provide exact references to any literature you rely upon.

The general instructions about writing a philosophy essay, given for the midterms, apply here as well. They are pasted below.

Submission:

Papers have to be submitted by email attachment, in Word format, no later than December 7th, 4:30PM. Please make sure to put your name in the subject line of the email, *and* on the first page of your paper.

Please submit the paper to this, and only this, email address: lz446@cornell.edu

The deadline for submissions is final: Late papers will be deducted 1/3 of a grade for each day late (i.e., if an A paper is one day late, it will receive an A-, two days late B+, and so on.).

The Questions (choose one):

1. Five spelunkers get stranded in a deep cave. Their only route of escape is a tiny opening in the cave wall; if they cannot escape through that opening they will all die. The first spelunker to try to exit is a particularly large guy and he gets stuck in the opening; there is no way to move him. As it happens, the spelunkers have explosives with them and they blow up the large guy, thus killing him but opening their route of escape. Did the spelunkers act in self defense?

2. A biomedical research lab, following years of expensive research, discovered a gene mutation called BRCA that causes certain types of cancer. (The mutation is found in a not insignificant number of people in certain populations.) The lab filed a request to patent the gene mutation, which would give the lab property rights to demand payment for any scientific use of the mutation, and for any testing for it. The US Supreme Court decided that genes (mutated or not) cannot be patented. What would be the best moral argument in support of the lab's position? And what would be the best moral argument supporting the court's decision?

3. *Easy Money* is a large Wall Street hedge-fund managing co. Alex and Brenda, long time senior employees, were the two main candidates for heading one of the main departments in the company. After extensive background checks and interviews with Alex's and Brenda's colleagues, the Co. Board chose Alex. Minutes of the Board's decision revealed that the board hesitated to appoint Brenda, even though she seemed slightly more qualified than Alex, on two main grounds: first, it appears that several of Brenda's colleagues complained that she is too bossy and "behaves too much like a man". Second, the Board was worried that the job requires fairly regular dinner and lunch meetings, one on one, with male colleagues and male clients, and those would feel rather uncomfortable to have a dining engagement with a single woman. Do you think that Brenda has been wrongfully discriminated against, on each of these two grounds?

4. *Facebook* users explicitly consent to *Facebook's* policy of using targeted advertising to users based on their postings. Suppose, however, that unknown to users, *Facebook* uses a very sophisticated algorithm that generates a fairly complete psychological profile of its users based on their postings, keeps this profile on its servers, and makes use of it to target advertising individually to users. Do you think that in creating such psychological profiles *Facebook* would be violating its users right to privacy? (Assume that this entire process is automated, no person is actually involved in creating and using the profiles.) Would your answer change if *Facebook* also sells these profiles to other companies for advertising purposes?

5. The constitution of Spain, like that of the US, does not allow for any legally valid procedure of secession of any part of the country. Recently the Parliament of Catalonia (one of Spain's more prosperous regions) declared independence from Spain, following the results of an unauthorized and constitutionally invalid referendum in the region. Catalonia's claim to independence rests on its long history of a culture and language separate from Spanish. Polls tend to show, however, that only about 40-45% of the residents of Catalonia support outright independence, though most Catalonians (60%) support their right to make the decision about independence in an orderly democratic manner. The parliamentary leaders behind the independence movement have been removed from office and face charges of treason and incitement to rebellion, both very serious criminal offenses. Do you think that the Spanish authorities are morally justified in prosecuting the Catalan independence leaders?

General Guidelines for Writing (Short) Essays in Philosophy

Things to do:

- Think about what you want to say as an answer to a question; if you cannot formulate a question you try to answer, you don't really know what you aim to accomplish. And then the reader will not know either.
- First write up a general plan for the paper, then a rough draft based on it. Then revise and revise again. Read every sentence you wrote carefully, make sure that each sentence is understandable and complete.
- Make sure that your paper has some structure: for example, there is a question it presents, an answer to it supported by an argument or two, possible objections to the argument, perhaps a revised or better argument instead, etc. Give the reader a clear sense of what is the issue and how you are going to proceed.
- In relying on any literature or academic source, provide exact references. Quotations should always appear in quotation marks, accompanied by reference to the source. If you paraphrase somebody else's ideas or arguments etc., make sure the reader knows that you paraphrase, and what the source is. Be very careful with sources you find on the Internet: It's totally fine to use academic publications from journals and books, but other sources might be of dubious quality. Don't rely on a webpage unless you know where exactly it comes from and who wrote it. If it's not clear from a webpage who the author of the text is, don't rely on that text.

Things to Avoid:

- Avoid lengthy introductions. Get to the point from the start.
- There is no need to try to be original or to invent a new idea to share with the world. A philosophy paper at undergraduate level should exhibit that you understand the material and are able to express some critical thoughts about it. Even at professional level, philosophy progresses in very small steps. You are not expected to make progress in the profession, only to show that you understand the arguments and their relative strengths and weaknesses.
- Formulate your essay in clear and simple English. Don't try to be cute, funny, or poetic.
- Avoid overly judgmental expressions, either derogatory or praiseworthy. No need to tell your readers what you think of this or that person; a philosophical essay is about arguments, not about their authors. Remember that you are writing a paper, not grading somebody else's.
- Avoid repetitions. Make a point and move on, no need to repeat the same idea over and over again.
- It is totally OK to use "I", as in "I'm going to argue that...". But please try avoid the expression "I feel that...". A philosophy essay is not about your feelings.