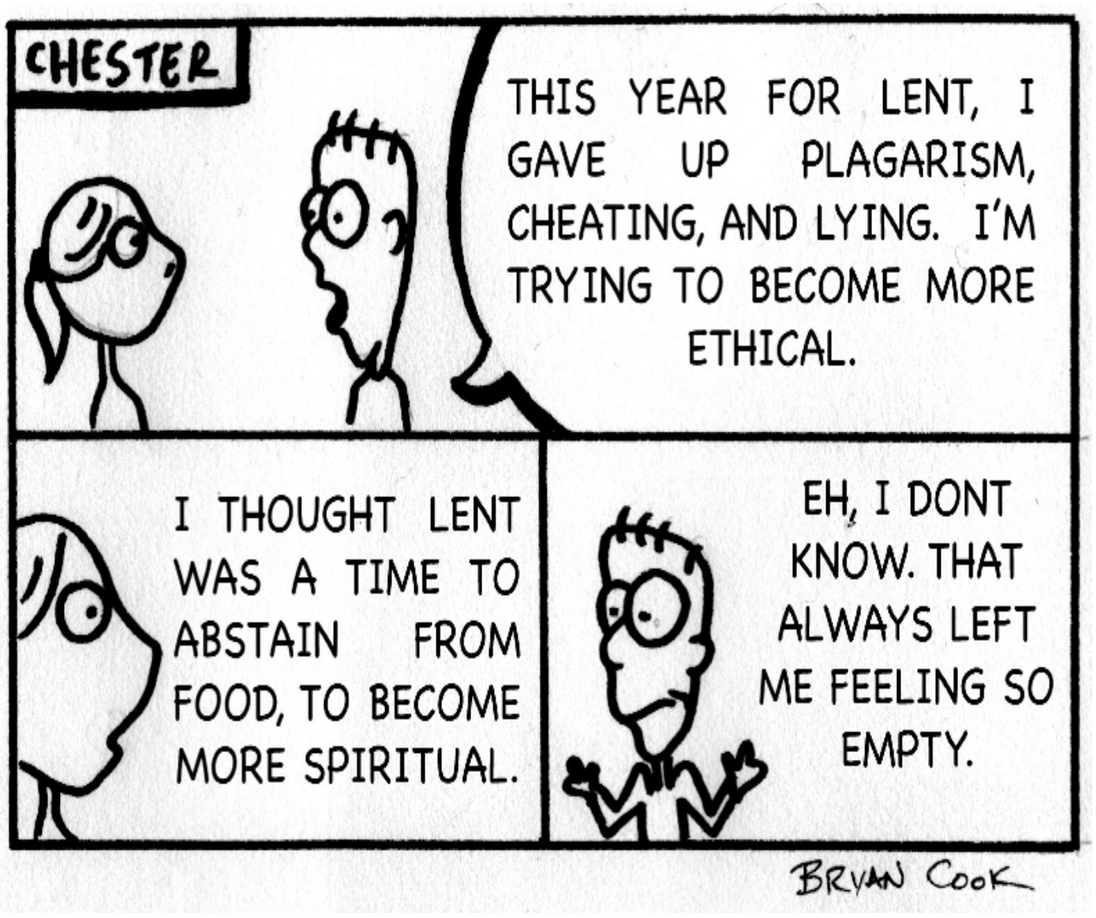

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Ethics on Call

Spring/Summer 2006

From the Editor

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The aim of *Ethics On Call* is to explore, through an accessible format and a topics-driven approach, several of the more complex moral dilemmas impacting healthcare, the law, business, international affairs, and pubic policy. In this Issue, a diverse range of virtue-based concerns is examined. Although these concerns target controversies directly affecting specific sectors of society, readers are encouraged to evaluate the rel-

IN THIS ISSUE...

From the Director

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Feminist Approaches to Bioethics

In order to be "feminist," an approach to bioethics must emphasize the role gender plays in the realm of healthcare. How does one's femaleness or maleness, one's femininity or masculinity, shape the way one thinks about and behaves within the worlds of medicine and science? And, of equal significance, how does one's gender affect one's power, prestige, status and personal value within systems and structures such as the hospital, managed care organization, hospice, physician's office, medical society and research institution? In an attempt to answer these questions, feminist men and women have developed a variety of ethical approaches, most of which fall under one of two headings: care-focused or power-focused.

Care-focused feminist approaches

Feminists who adopt care-focused approaches to bioethics often rely on the writings of Carol Gilligan and Nel Noddings, both of whom correlate being female with tending to cultivate such culturally-associated feminine virtues as caring, and being male with tending to cultivate such culturally-associated masculine virtues as justice. For example, while studying how each of 29 women decided whether it was right or wrong to have an abortion, Gilligan noted that, as a group, these women focused on how their decision would af-

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evance or utility of these topical matters for other facets of social life.

The Case Report considers the ethical limits (and strengths) of online instruction for today's college students, especially non-traditional learners. Of importance here is the role of technology in growing the educational experience. The **Commentary** addresses the notion of altruism and its existence for human and non-human species. Drawing on selected insights from biology, psychology, and neuroscience, the question is whether selflessness is fundamentally a part of our humanity or whether its presence can be attributed to other, previously under-studied, forces. The **Ethics & Public Policy Essay** tackles the thorny question of HIV/AIDS in sub-Saharan Africa. Interestingly, the role of bicycling, as a mode of transportation for the delivery of antiretroviral therapy, is suggestively explored. The **Student Corner** discusses a regional ethics bowl competition that occurred in St. Petersburg, Florida. Several UNC Charlotte students participated and, in preparation of the event, enrolled in the course, "Ethics and Everyday Life."

I hope you enjoy these and the other items found in this Issue of *Ethics On Call.*

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fect their relationship with those persons to whom they were already related, as well as to the future persons within their wombs. On the basis of this and several other empirical studies of women's and, more recently, men's moral reasoning patterns, Gilligan concluded that for a variety of cultural reasons, women typically utilize an ethics of care which stresses social relationships and personal responsibilities, whereas men typically employ an ethics of justice which stresses individual rights and contractual duties.1

In a similar vein, Nel Noddings writes that traditional ethics have emphasized theoretical , as opposed to practical, modes of reasoning, favoring things that tend to be valued by men (independence, autonomy, intellect, hierarchy, domination, asceticism and war) as opposed to things that tend to be valued by women (interdependence, community, connection, sharing, emotion, body, trust, absence of hierarchy, nature, process, joy and peace).2

Eschewing the interpretive style of reasoning which is characteristic of the humanities and social sciences, most traditional ethicists have instead embraced the deductive-nomological style of reasoning which is characteristic of mathematics and the natural sciences. They have favored weighing the principles of autonomy, beneficence, nonmaleficence and justice against each other, hoping to discover through their rational powers which of these principles ought to take precedence over others in a given situation. In contrast, feminists who espouse care-focused approaches to bioethics have relied on their emotional resources - on human sentiments such as empathy and on what Noddings calls "human caring and the memory of caring and being cared for. . . "3

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frowning, laughing, crying, and exhibiting other emotions produced a similar response in the mirror neurons. Considering the nature of mirror neurons, when a person drapes a blanket over a cold and shivering beggar, is the individual compelled to do so for the sake of the beggar's pain, or for one's own? Likewise, if a person offers to help a fellow who is burdened with a heavy load, is it truly because the individual wishes to relieve his or her companion or is the person simply driven to quell the tension within that the beggar's suffering has stimulated?

The ability to personally identify with the emotions of others is an incredibly useful ability and is solely restricted to primates. It is without doubt the key to why humans have such remarkable abilities to socially interact. For humans in particular, mirror neurons' effects can cross the species gap. This may explain why many people are sensitive to the unjust treatment of animals. Whether or not this ability has much evolutionary merit or is simply a side effect of humans' highly developed mirror neuron system is not fully known.

Thus, with the discovery of the mirror neuron, the final bastion of altruism's claim to existence was laid to waste by critical analysis and research. The truth behind social interactions may not appear to be a necessarily glorious one, but the undeniable beauty of the truth shows through for those willing to accept it. Mirror neurons are the incentive that induces humans and other social animals to show kindness to one another. Simply put, they are the source of the "warm fuzzy feeling" experienced when one assists someone else in need. The ultimate source of the ever-present selfishness displayed in every living being's behavior can be traced back to DNA's urge to replicate. 13 DNA is a remarkable substance and its simplistic drive to reproduce has produced all of the spectacular creatures that walk the Earth. Through thousands of millennia of replication, this "greedy" molecule has managed to create what sets social animals apart from their single-minded relatives: compassion.

1. This excerpt was taken from a senior exit essay written by Aaron Maisto. Aaron is a Junior attending North Mecklenburg High School.

2. Dawkins, Richard. The Selfish Gene. 2nd ed. Oxford: Oxford University Press, 1989, p. 5.

3. Ibid., p. 169.

4. Ibid., pp. 169-170.

5. Ibid.

6. Gado, Mark. "A Cry in the Night: The Kitty Genovese Murder." Crime Library. 22 November 2005 <http://www.crimelibrary.com/serial_killers/predators/kitty_genovese/>

7. Ibid.

8, Winerman, Lea. "The Mind's Mirror." Monitor on Psychology (October 2005: 48-50), p. 49.

9. Azar, Beth. "How Mimicry Begat Culture." Monitor on Psychology (October 2005: 54-56), p. 55.

10. Oberman, Lindsay M. "Mirror Neurons." Science Cafe. Discovery Place, Charlotte. 17 Nov. 2005.

11. Ibid.

12. Winerman, Lea. "The Mind's Mirror." p. 50.

13. Dawkins, Richard. The Selfish Gene, p. 20.

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A striking example of how normal humans can be appallingly insensitive to other humans in distress is demonstrated in the Kitty Genovese case. In 1964, Catherine (Kitty) Genovese was brutally murdered and raped on an open street in a picturesque neighborhood of New York City, while 38 people stood by and watched.6 The killer cruelly stabbed and raped her over a period of thirty-one minutes, during which time not a single person in the vicinity called the police. 7 Most of the witnesses watched from the safety of their apartments, where calling the police would not have caused them any trouble. Even when the killer momentarily left the scene, and Genovese let out heartrending cries for help, none of them attempted to help her. The case of Kitty Genovese is a classic example of the dark side of human nature, and shows exactly how easily dampened our urge to help others can be, as a result of small environmental factors such as the Bystander Effect.

While it is obvious that there are factors which can easily dissuade a person from coming to the aid of another, the fact that seemingly clear cases of altruism still occur cannot be ignored. What is the motivation behind the charitable acts for which humans pride themselves? How could a human possibly be acting for its own benefit by draping a blanket over a cold and shivering beggar, or by assisting a friend carrying a heavy load, or by even risking its life to save a completely unrelated person from a burning building? For many years, it seemed as if there was no tangible explanation for the human tendency to comfort other humans, even complete strangers.

In the early 1990s, a team of Italian neuroscientists led by Giacomo Rizzolatti, MD, discovered special neurons that fired in a monkey's brain when it grabbed an object, and also fired when it *witnessed* another monkey grab an object. 8 Though it may not seem too remarkable, some prominent researchers, such as Vilayanur Ramachandran, MD, believe this groundbreaking discovery could have the same impact on psychology that DNA had on biology. 9 These special cells, later named *mirror neurons*, were found to exist in other primates, and, more importantly, were especially prevalent in humans. 10

Though at first puzzled by what the possible purpose of mirror neurons could be, through research scientists discovered that they are what allow advanced social animals, such as primates, to understand the feelings of others through mimicry. Basically, mirror neurons allow primates' brains to mimic the sensations and feelings experienced by other related animals. It is noteworthy to mention that significantly fewer active mirror neurons are present in humans diagnosed with autism, a spectrum disorder characterized by a lack of empathy and other crucial social abilities. 11 Mirror neurons are the means by which primates, and primates alone, empathize with other creatures. Of chief importance to this is the principle that only organisms that are self-aware are capable of demonstrating true empathy. Self awareness is essential to being aware of the self of others.

Mirror neurons have innumerable future applications, ranging from furthering our understanding of the evolution of the human psyche, to possibly even contributing to the discovery of how autism is developed. Perhaps the most intriguing aspect of mirror neurons is their influence on primates' purportedly altruistic behavior. When a normal human witnesses someone being struck in a painful manner, there is an involuntary urge to grimace. Through recent research, the source of this imaginary pain has been revealed to be none other than the remarkable mirror neurons. Another behavior linked to mirror neurons was observed when scientists exposed human test subjects to a noxious odor while imaging their brains. Unsurprisingly, mirror neurons which had reacted when they wrinkled their noses in disgust also reacted when a short film of an actor wrinkling his nose was shown to them. 12

These experiments demonstrated that mirror neurons not only allow humans to mimic other humans' actions, but also their emotions. As researchers later discovered, exposing people to pictures of humans smiling,

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Feminist care-focused approaches to bioethics are not unproblematic. The virtue of care can be distorted. People can care too much about others and not enough about themselves, they can use caring words to manipulate people to get them to do things that are not in their own best interests or they can care too much about one person and not enough about another. Before care is hailed as healthcare's quintessential moral virtue, its relationship to justice, its primary competitor, must be better understood. I, for example, believe that "care" is not some sort of principle, rule or guideline that trumps "justice," but the passion or motive that makes us want to be just in the first place.

Power-focused feminist approaches

Feminists developing power-focused approaches to bioethics also value the virtue of care. However, as they see it, care cannot blossom as a moral virtue in an unjust society in which sexism, racism, ethnocentrism, classism and heterosexism thrive. Therefore, the most important task for feminist power-focused bioethicists is to expose and reform all healthcare systems, structures, institutions, principles, policies and procedures which neglect, trivialize or ignore women's and other vulnerable groups' interests, issues and identities.4 In order to accomplish this ambitious goal, these feminists have sharpened the so-called woman question: "Why is this man's world, not woman's world?" into an analytical tool for the purpose of "identify[ing] the gender implications of rules and practices which might otherwise appear to be neutral or objective."5

Aided by this probing instrument, power-focused feminist bioethicists ask, for example, why women have been excluded from so many clinical research studies; why so few women are hospital presidents and chiefs of medical staffs; why such professions as nursing and social work are female dominated; and why women are far more likely than men to fall prey to eating disorders like anorexia or bulimia. The ways to raise questions about the role gender (masculine and feminine) plays in our everyday lives are many indeed - a fact that power-focused feminist bioethicists interpret as a sign of how deeply gendered our society is, and how easily most people accept as "natural" the unjust megastructure of male domination and female subordination which human beings have gradually constructed and, for the most part, successfully internalized.

An integrated perspective

Both care-focused and power-focused feminist bioethicists use ways of thinking which promise to eradicate those invidious power relations that make our healthcare system less than just, and far from fully caring. For example, Dr. Joanne Lynn's remarkable essay, "Travels in the Valley of the Shadow," reveals an integrated perspective. Her story concerns an elderly man, whom she calls Mr. Phillips, who apparently was a victim of Alzheimer's type dementia and was unable to swallow. After she inserted a feeding tube and gave instructions to the home-care nurse about restraining him, Mrs. Phillips became distraught. She sobbed that she couldn't "tie" her husband down to their bed. Suddenly Dr. Lynn realized that Mr. Phillips was not "her problem of nutrition and hydration,"6 but Mrs. Phillips' husband, lover and partner. To tie him down to his bed was not, therefore, a straightforward "mechanical solution to the problem of keeping a feeding tube in place, but a deeply offensive abuse. . ."7

Reflecting on Dr. Lynn's story as a feminist bioethicist, it seems to me that she initially acted like the traditional non-feminist physician. She made her decision as the physician who knows what is best for her patient. But when Mrs. Phillips broke down, Dr. Lynn recognized how little thought she had given to the effects of her decision on the relationship between Mr. and Mrs. Phillips, let alone her relationship to the Phillipses. Locked into her own world, Dr. Lynn had failed to see the world from the position of the very vulnerable couple. A securely-fastened feeding tube might be the treatment of medical choice, but it was not what the Phillipses required. Only Dr. Lynn's ability and willingness first to hear, and then to converse with Mrs. Phillips permitted

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her to see that the right treatment for Mr. Phillips was not artificial food and hydration but the healing ministries of his wife. By sharing her power with the Phillips family, by admitting the ultimate authority of their own fundamental good, Dr. Lynn stopped acting like an oppressor and found a treatment for Mr. Phillips with which everyone, including herself, could live. She removed the feeding tube, revoked her restraint orders, and let Mr. Phillips "live as well as he had been living as long as it lasted."8 He died at home two months later.

Clearly, care-focused and power-focused feminist approaches to bioethics, despite their differences, can and do merge in the decisions and actions of people like Dr. Lynn. Although Dr. Lynn did not describe her decision and action in this case as feminist, it is, nonetheless, the decision a feminist would make and the action a feminist would take. In order to make the world of healthcare one that structures and organizes itself so as to serve men and women - and, by parity of reasoning, people of different races, ethnic backgrounds, socioeconomic classes, religions and cultures - equally well, feminist bioethicists must develop ways of thinking which permit people with differences to establish caring relationships among themselves.

Feminist bioethicists do not regard their many-faceted approaches to bioethics as consisting of self-contained bioethical theory meant to rival traditional bioethical theories, but as a series of corrective lenses that are meant to improve moral vision. Thus, feminist bioethics invite all bioethicists to reflect upon the status of women and other subordinate groups in the realm of healthcare. By focusing on issues related to gender, but also to class and race, for example, bioethicists will be able to play a more effective role in making the realm of healthcare a truly just world which fully cares about women's interests, issues, values and experiences as much as men's - indeed, a world that cares passionately about anyone who finds himself or herself deeply in need of the healing that only caring heads, hearts and hands can deliver.

1 Gilligan C. In a Different Voice. Cambridge, MA: Harvard University Press, 1982:76-92.

2 Jaggar AM. Feminist ethics: projects, problems, prospects. In Card C (ed): Feminist Ethics, Lawrence, KN: University of Kansas Press, 1991:85-90.

3 Noddings N. Caring: A Feminine Approach to Ethics and Moral Education. Berkeley, CA: University of California Press, 1984:1.

4 Jaggar AM. A feminist ethics. In Becker L, Becker C (eds): Encyclopedia of Ethics New York: Garland, 1992:363-364.

5 Barlett KT. Feminist legal methods. In Weisberg DK (ed): Feminist Legal Theory. Philadelphia, PA: Temple University Press, 1993: 551.

6 Lynn J. Travels I the valley of the shadow. In Spiro HM, McCrea MG, Peschel E, St. James D (eds): Empathy and the Practice of Medicine: Beyond Pills and the Scalpel. New Haven, CT: Yale University Press, 1993: 43-44.

7 Ibid., p. 44.

8 Ibid., p. 44.

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the survival of the *individual* only evolve when they benefit the individual's offspring.

When we casually observe behavior, altruism seems to occur. Similarly, the Sun appears to rise, but through careful systematic and scientific observation, we know that the Sun does not rise. Instead the Earth rotates. Organisms may appear to help others in an altruistic manner, at least to the casual observer, but upon closer examination these actions are revealed to not be altruistic at all; instead, they may be very self-serving. When a parent protects its offspring, is that truly altruism, or is it simply a matter of "genetic preservation", thus rewarding? The ultimate function of any living organism, bacteria or human, is to prolong the DNA encoded within it, and it is accomplished through the process known as reproduction. By protecting its offspring, an organism is ensuring the fulfillment of its natural purpose. Thus this behavior is not altruistic, especially when it is considered that most parent organisms have no care whatsoever for offspring besides theirs.

Male lions have been observed killing the cubs of former alpha males once they have taken over the pride, though they will defend to the death their own offspring. Black-headed gulls are notorious for their cruel method of swallowing chicks of other broods once the parents' backs are turned. 2 The self-less acts of bees to protect their hives are easily explained as well, as are the actions of other social insects. Worker bees, ants, termites, and other insect drones are nothing but mindless units created for the sole purpose of maintaining the hive. Also notable is the fact that they are sterile; therefore, their only purpose is to serve the hive. The loss of a few worker drones is nothing to the queen, just as the loss of a few skin cells is nothing to the dog that rends them from its body in order to remove a few fleas.

One of the most puzzling examples of apparent altruism is the "bird call". Some social prey animals will cry out to alert their companions when they detect a predator within their vicinity. In addition to warning the flock or clan of the predator's presence, the call also draws extra attention to the animal that cried out, increasing its chances of becoming the predator's first victim. Why would any prey, in a healthy mental state, commit an act that would so blatantly endanger itself? There are two surprisingly simple solutions to this enigma. On certain occasions the call is not intended to be loud enough to be heard by the predator, but only the prey. This call is meant to notify the other prey that a predator is near and they must act in a way so the predator does not notice them. This benefits all of the prey, as the predator is less likely to attack any of them, including the caller and any of its offspring that may be in the group. 3 The other explanation is that by crying out loud enough for the prey and the predator to hear, the caller intends for the prey to scramble to get away, masking itself in the resulting chaos. 4 If it were to fly away on its own, the predator would immediately target it.

As the reader may have already noticed, examples of human altruism have so far been omitted, save for a brief reference in the introduction. Humans, and their primate relatives, are probably the most social creatures to walk the Earth. The enormous variety of interactions that occur among humans is unsurpassed by any other organism. As such, the large assortment of altruistic behaviors among humans is also daunting. Primates other than humans, exhibit some social behaviors which are similar to ours, but humans are clearly superior in terms of the complexity of their relationships. Most humans show a noticeable tendency to help other humans and sometimes even other animals in need. This tendency is a particularly malleable one however, as humans will more readily protect their offspring than the offspring of others. Also notable are the many factors which can have a significant influence on whether or not a human will help another. For instance, a factor known as the "Bystander Effect" has meant the difference between life and death for a few ill-fated people. The Bystander Effect is an environmental factor that causes our chances of aiding someone in need to decrease in proportion to the number of people present. 5

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knowledge of philosophical discourse is not a necessary precursor to participation in reasoned discussion about everyday ethical issues. Thus, every student should have a chance to compete in an event like the Ethics Bowl. Moreover, more classes like Ethics in Everyday Life should be available.

It is unfortunate that academic competitions do not get the support or draw in the crowds like their athletic counterparts. Muscles are conditioned with practice—the brain can too if given the same careful attention. If such classes as Ethics in Everyday Life, as well as events like the Ethics Bowl, were more available, participation would be worthwhile for any student who wants to learn to think more critically. Perhaps they would begin to evaluate everyday problems with their newly polished conceptual tools and open minds. If not, we can dream, can't we?

COMMENTARY

(Editor's Note: This Commentary raises a host of questions about ethical decision making based on the doctrine of altruism. Responses are strongly encouraged, especially those that take exception to or endorse the ensuing argument in relation to legal practice, public policy, international relations, health care and business.)

ALTRUISM…DOES IT EXIST?

Aaron Maisto
North Charlotte Mecklenburg High School

Altruism is generally defined as a behavior that benefits others without any reward or personal benefit. There are countless instances in nature where altruistic behavior appears to occur: parents will often put themselves at great risk in order to ensure the survival of their offspring, humans may devote considerable amounts of their resources in order to shelter and sustain the less fortunate, and bees will go so far as to sacrifice their lives in order to inflict a single painful sting upon any who would dare to defile their hives. Behaviors such as these are the basis upon which social interactions are founded. However, whether or not these many instances are true examples of altruism is a matter of debate among scientists. In fact, the mere existence of actual altruism is considered unlikely by many. While it may seem that altruism is a common behavior among social organisms, it could not be rarer. **Upon critical analysis, drawing from evolution, neuroscience, and simple logic, it becomes clear that true altruism, may not exist at all.**

One cannot draw inferences regarding any form of behavior without mentioning the cornerstone of biology: the theory of evolution through natural selection. Darwin's theory redefined biologists' understanding of the myriad of traits and qualities living organisms display. For any particular adaptation to emerge within a species, it must somehow increase the chances of individuals who possess it to successfully bear offspring who are capable of prolonging that gene. A crucial component of the theory of evolution is the assertion that evolution does not occur within individuals, but that it occurs within species over a period of millions of years. A simple speculation derived from this, would be that altruistic behaviors should eventually arise within species, because they can be useful to the survival of the species. Many people have come to believe in this logical fallacy. The problem with this assumption is that an individual putting him- or herself at risk for the sake of others is less likely to survive and reproduce; therefore, the gene responsible for this trait would not be passed on. Behaviors not benefiting

Center Advisor Highlight

Karen A. Popp, J.D., Partner, Law Office of Sidley Austin, LLP, Washington, D.C.

Karen A. Popp is a partner in the Washington, D.C. office of Sidley Austin LLP and a member of the firm's corporate criminal and civil enforcement defense, corporate governance, internal investigations, and commercial litigation practice groups. Sidley Austin LLP is an international law firm with more than 1600 lawyers in 15 offices world-wide. Ms. Popp has extensive experience in representing companies and individuals in high-profile matters that may contain legal, political and public relations risks. Ms. Popp's broad skills arise from her experiences in the government and private sectors.

Since joining Sidley, Ms. Popp has represented clients in a wide-range of matters involving allegations of criminal and civil wrongdoing. Her practice also includes advising corporate compliance and ethics departments and training Board Members, management and other personnel in effective compliance programs and other matters relating to government enforcement actions. Ms. Popp has worked on a number of confidential internal investigations and defended clients in matters alleging securities fraud, accounting irregularities, bribery, corruption, kickbacks, OFAC and FCPA violations, tax fraud and other commercial fraud and violations. Her clients are from a diverse range of industries, including finance, retail, pharmaceutical, healthcare, communications, technology, insurance, charitable groups, transportation, labor and the government.

Among those public matters is her representation of a labor-related company under investigation by state and federal authorities, as well as Congress, for certain corporate transactions. Ms. Popp also represented the former Vice President of Accounting at McKesson HBOC in the accounting irregularity investigation by the SEC and the U.S. Attorney's Office in San Francisco. Ms. Popp was also part of the team on a yield burning case and she represented a client in the market timing investigations.

As for non-public matters, Ms. Popp has been retained to conduct internal investigations into allegations of alleged fraud, misuse of corporate assets, false claims, bribery, kickback, OFAC violations and other commercial wrongdoing. In addition, she is representing several major clients in performing world-wide internal investigations in the organization's global operations. Ms. Popp currently also represents companies and individuals in local, state, and federal investigations for alleged accounting irregularities, illegal market timing, kickbacks, commercial fraud, and other misconduct.

Ms. Popp previously represented a major psychiatric hospital corporation against several government investigations and in an effort to stop the airing of a 60 Minutes II program based upon a hidden camera in one of the psychiatric hospitals. She also defended a partner of a major accounting firm who was criminally and civilly investigated by the government for work as a health care consultant and represented the President of a kidney dialysis and laboratory company against a government investigation into alleged criminal conduct.

Ms. Popp also represents clients in civil and ethics proceedings, including those parallel to criminal investigations. Her practice includes representing Fortune 500 companies in major commercial litigation. These matters have included representing Microsoft in an anti-trust case brought by Netscape relating to the Internet browser wars. Ms. Popp led a team of litigators, bankruptcy lawyers and securitization specialists in connection in representing two New York companies in a "cybersmearing" lawsuit in the securitization industry, the ensuing bankruptcy of the plaintiff company and the workout of the underlying three securitization transactions. The cyberlaw cases involved claims of securities fraud, defamation, misappropriated trade secrets, breach of contract and fiduciary duty, unfair trade practices and other commercial charges based upon the alleged posting of Internet messages.

Before joining Sidley, Ms. Popp served as Associate Counsel to the President of the United States, where she

Center Advisor Highlight Cont.

advised President Clinton and the White House staff on Congressional and grand jury investigations, including the Monica Lewinsky and campaign finance scandals. She also worked on various domestic policy issues, including law enforcement, anti-crime, health care and other matters. She worked with Senior Administration officials at various federal agencies as well as Congressional and staff members on the Administration's policy initiatives.

Prior to joining the White House, Ms. Popp served in the Office of Legal Counsel at the U.S. Department of Justice where she advised Attorney General Janet Reno and the Department, the White House and other agencies of the Executive Branch on a wide range of legal matters, including constitutional and criminal law. Before moving to Washington, D.C., Ms. Popp was an Assistant U.S. Attorney in the Organized Crime and Racketeering Section of the U.S. Attorney's Office for the Eastern District of New York from 1991 to 1995. There she prosecuted members of the five Italian Mafia Families in New York: Gambino, Luchese, Colombo, Genovese & Bonanno. Her cases included RICO and other charges involving fraud, extortion, tax evasion, money laundering, obstruction of justice, witness tampering, and perjury.

Ms. Popp was a commercial litigator in New York City at Sullivan & Cromwell from 1986 to 1991. While on Wall Street, Ms. Popp represented corporations and investment banking firms in a wide range of securities related litigation matters. In addition, she represented several clients who were either targets or aggressors in hostile corporate takeovers.

Ms. Popp graduated cum laude from the University of North Carolina School of Law in 1985. She served as an editor on the North Carolina Law Review and was a member of the Order of the Coif. Upon graduation from law school, Ms. Popp clerked for the Honorable Sam J. Ervin III of the U.S. Court of Appeals for the Fourth Circuit. She received her undergraduate degree from the University of North Carolina at Charlotte, where she graduated cum laude in 1980 and thereafter studied law at Oxford University before attending law school in this country.

Ms. Popp is currently a member of the Advisory Board to the Center for Professional and Applied Ethics at UNC Charlotte, a member of the UNC Law School Campaign Committee, and a member of the UNC Charlotte Foundation Board of Directors. She is also a member of the Edward Bennett Williams Criminal Defense Inn of Court, and co-founder of the Women's White Collar Defense Bar of Washington, DC. In recent past, Ms. Popp served as President of the North American Alumni of St. Peter's College, Oxford, was a member of the Board Directors for the UNC School of Law Alumni and of the Advisory Board for Best Buddies International, Inc. In 1997, Ms. Popp received the Distinguished Alumna Award at the University of North Carolina at Charlotte.

Ms. Popp is an instructor with the NITA Program at Georgetown Law School and currently serves on the program's Advisory Board. Ms. Popp was an Adjunct Professor at Fordham Law School where she taught a Criminal Prosecution Clinic from 1993-95. Ms. Popp is a frequent speaker at national conferences and before various other groups. She has appeared on CNN and Fox News to discuss legal topics.

STUDENT CORNER

Reflections on Ethics in Everyday Life and the Ethics Bowl

Catharine Crain (undeclared major)

Few places are available for students to discuss the social implications of gangster rap or the effects of gossip. The Philosophy Department, the Honors Program/College, The Belk College of Business Administration, and the Center for Professional and Applied Ethics sponsored a prep class last fall for a small group of students to discuss these issues and more.

Ethics in Everyday Life was led by Dr. Bruce Arrigo, a Professor of Crime, Law, and Society. The course was designed to prepare a team of students for the National Ethics Bowl, an academic competition that the group had planned to attend in the spring. The small group was mostly comprised of business students, one philosopher and me. Unlike a class where discussions are dull and perhaps even painful at times, the topics we discussed were interesting and challenging. For example, should library hours be extended at the expense of book runs for the elderly? Is it ethical for a woman to take memory-relieving drugs after being groped by an armed gunman?

While we did little but argue about these issues during the first few sessions, the process became easier once we agreed on the particular paradigm from which we would approach the various issues. We quickly began working as a team, thinking as a team, and slowly preparing for the national competition.

While unable to attend in the spring, three of us were able to compete in the regional competition which took place last November in St. Petersburg, Florida. Eric Firestone, Stephanie Bosak, and I attended the event.

While we had the 12 cases we would be debating in advance, the three of us had little time to prepare since we learned about the competition only weeks prior to attending the event. When we arrived in St. Petersburg, we did what any dedicated honors students would do -- we ordered Chinese takeout and watched cartoons. Nevertheless, the panic set in soon after and we spent the rest of the night polishing our responses to the various cases. Our motivations were a mix between wanting to represent our school to the best of our abilities and desperately not wanting to look like bumbling idiots. We knew there would be no cheering fans adorned with green and gold body paint to cheer us on, and even if we won the competition, we assumed there would be no parade through the campus or rioting in the streets. We wanted to do well anyway.

There were 17 teams in the competition. Most were from nearby colleges and universities. Because of the short notice, our instructor was unable to attend; however, Dr. Richard "Dick" Toenjes, an associate professor of philosophy from UNCC, was there to offer a few words of encouragement. Despite the fact that the orientation was overtly relaxed, we were unbearably nervous. Between the three of us there was plenty of nervous coin jingling, water drinking, and finger tapping. We were already well versed in the rules and therefore the organizer's long drawn out recapitulation of the process only perpetuated our jittery anticipation.

It was announced that there were to be three rounds; two cases would be debated in each round; we would go first once, and have a chance to respond once in each round. While this process was familiar, we could not help but feel that we were in over our heads. Fortunately, it only took us a few minutes to realize that most everybody else felt the same way we did. We won our first round, lost our second, and won the third, placing roughly fifth overall.

In all, the Ethics Bowl was a wonderful experience and I would participate again if given the chance. I am obviously not a philosopher and I do not even consider myself rational on most days. As Mark Twain once said, "Man is incurably foolish." Despite this fact, we cannot help but try to put our best efforts forward on the front of rationality. As our adventure proved, an impressive

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prevalence rate is an astounding 7.2%.1 Although access to antiretroviral therapy (ART) is improving, at best, only one in ten Africans in need of such medications were receiving them by the middle of 2005.2

So why, in the face of this grim situation, did Peter Piot, the Executive Director of the UNAIDS mention bicycles in his recent speech in Washington, D.C.? Because Piot recognizes that efforts to end the epidemic must go beyond HIV programs and interventions to consider the important role that other factors, such as transportation, have in stopping the disease. Piot told a story of traveling in Tanzania with the director of UNICEF. In talking with some of the people living with HIV, the two discovered that one of the biggest barriers to HIV treatment was not the lack of availability of ART, but rather they could not afford bus fare to travel to the clinic to get the medications.3

What role can bicycles play in improving the delivery of health care to those infected with HIV/AIDS in Sub-Saharan Africa? According to Aimee Gauthier of the Institute for Transportation and Development Policy, there are three bottlenecks facing health care delivery in Africa – lack of medical providers, the cost of medicine, and the cost of transportation. And although the cost of medicine has decreased 98% in recent years, very few Africans have access to ART. Gauthier suggests that this is, in a large part, due to the lack of affordable transportation.4

Due to the challenges of transportation, particularly in rural areas, the style of ARV distribution from a clinic or hospital that is standard in the United States is not realistic in many parts of Africa. Instead, many emerging programs are focused on providing medications and medical services to individuals in their rural communities. This has placed the transportation burden on health care workers who often have no means other than their feet. Enter bicycles. A health care worker who usually travels by foot will be able to see far more patients in much less time on a bicycle. A hospice service in South Africa found that nurses on bicycles were able to cover three times the distance and see fifteen times more patients than on foot. 4

Clearly, bicycles can increase the capacity of health care workers to deliver ARV and medical care in some rural settings in Africa. And many organizations seem to be recognizing their utility. For example, organizations such as Save the Children, World Vision, and Doctors Without Borders have all incorporated bicycles into their health care delivery systems.4 Trek Bicycles, in collaboration with ITDP, has developed the California Bike specifically to be affordable while meeting the challenges of cycling in Africa.5 Kona Bicycles, in cooperation with Bristol-Myers Squibb and Bicycling Magazine, is set to roll out a program in two cities in Botswana to provide their custom "Africabike" to health care workers providing medications and care for those living with HIV/AIDS.

As Peter Piot suggests, the entire landscape of the HIV/AIDS epidemic in Africa must be considered in order to stop its devastation. The utility of bicycles in helping in the fight should not be ignored.

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CASE REPORT

Ethical Considerations for Online Instruction

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There are several instructional delivery systems available for today's college student. A student can enroll in a traditional face-to-face course where students and instructor meet regularly, an online course where students and instructor never meet face- to- face, or a type of hybrid course that combines online work with some face-to-face student-instructor interaction. Technology has made distance education more available and sophisticated for today's student. Online education is a response to the needs and requests of learners, particularly the non-traditional adult learners who are enrolling in college in order to obtain a degree not earned years earlier, to update skills, or to change careers. For many students, online education is extremely appealing because of the flexibility of time and location it affords. Students want and actively seek opportunities that offer an education to fit their lifestyles, and colleges and universities are responding.

Traditional brick and mortar universities should remain current and competitive in the educational market. They should offer a variety of instructional approaches that will meet the needs of a diverse student population. They should make their programs accessible to individuals who desire to better themselves through education. However the move into the arena of online instruction poses a number of ethical questions for students, instructors and institutes of higher education. Before a college or university introduces online instruction they should take the time to ask and answer several questions. The first of these questions deals with the motivation for offering online courses.

In addition to being appealing to students, online education can be attractive to colleges and universities because of the business efficiency it can provide. Online education reduces the physical space required to conduct classes, and increases the number of students that can be enrolled in a class. However, students should remain at the center of decision-making and colleges and universities should ask: Are the interests of students the primary consideration for offering online instruction? Online distance education has been lauded as being anytime, anywhere education, but this should not be misinterpreted as being instruction that is appropriate for all courses or for all learners. Educational leaders should ask themselves if the content of specific courses is best delivered via online instruction, face-to-face instruction, or a type of hybrid format. Faculty input into these questions should be carefully considered by the administration.

Students should be encouraged to enroll in online education because they will meet with success, not because their doing so will meet objectives of the university administration. Students enrolled in distance education should be organized, self-directed learners who are comfortable with the technological knowledge necessary for computer delivered instruction. Not all students are. Many students are better served in a more traditional setting. Universities can and should assist students in this regard. Before enrolling a student in an online course universities should inform students of the skills and abilities that will be necessary for successful completion of the course. For example, a checklist that helps students focus their self assessment would be a useful tool universities could provide for their students. Universities should also think through the procedures they will follow once students enroll in an online course only to find that a traditional classroom delivery better meets their educational needs. While these procedures might not differ from what is currently in place for traditional courses, students should be aware of financial and academic consequences of enrollment in online courses.

Drop/add policies for online instruction are not the only consideration for university administrators. A broader question should be asked. What policies must be cre-

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ated to govern online instruction? Issues such as academic integrity, plagiarism, acceptable use, copyright, and software licensing, while not unique to online instruction, take on greater significance, and pose more challenges when applied to online instruction. Colleges and universities must analyze how these issues apply to online instruction and create policies that address the specific needs of this non-traditional form of instruction. These policies and the consequences for violation of these policies must be clearly articulated to students and faculty members.

Other important questions for consideration deal with the college faculty. Does the faculty at this institution support online instruction? Are they adequately prepared to deliver quality instruction using new technology? Requiring instructors to engage in online instruction without adequate time to investigate this non-traditional form of instruction is unwise and unfair to students. Expecting instructors to deliver online instruction without proper preparation is akin to introducing block scheduling or multi-age education at the K-12 level without adequate faculty commitment and preparation. Because an individual is a successful teacher in a traditional classroom setting does not automatically mean that same individual can be a successful teacher in a non-traditional, technology driven setting without appropriate pedagogical skills. Often this translates into new or updated skills. Professional development or mentoring programs for university instructors venturing into distance education for the first time might be useful considerations for colleges and universities.

The efforts of colleges and universities to remain current should be applauded. However, colleges and universities need to maintain a high quality of online instruction and that will only occur if the administration takes the time to adequately prepare. Instructors should be supportive of online instruction and well versed it its delivery. Students should be ready to learn in this venue, and feel confident that the course content is appropriate for successful online learning. Policies should govern the unique situations presented by online instruction. Administrators should carefully consider and address these ethical issues related to online instruction if they hope to maintain the integrity of their instructional program and be successful in their efforts.

ETHICS & PUBLIC POLICY

CALL FOR PAPERS

Praising and Blaming Generations: What Should We Think As Baby-Boomers Return to Dependency?

By William P. Brandon, Ph.D., MPH
Associate Editor

As the first wave of the post-World War II baby-boomers turns 60, the popular culture has featured a number of negative judgments about this generation. Although not logically entailed, Tom Brokaw's The Greatest Generation 1, a paean to the generation that survived the depression and fought World War II, seems inevitably to call forth indictments of the baby-boom generation.

At the beginning of their lives the baby-boomers greatly increased what demographers and policy analysts call the dependency ratio. The practical result of this statistical change was a massive increase in school construction and employment opportunities for teachers; it was followed by a similar expansion of higher education. Within a decade members of this generation will again return to the numerator in the dependency ratio of dependent population to working age population. 2 It seems highly unlikely that the trend in popular media toward frequent and increasingly shrill evaluations of this generation will be reversed.

Thus, in keeping with the general goal of focusing on Social Security, other entitlement programs and President Bush's "ownership society" that I suggested in inaugurating the first "Ethics and Public Policy" section, I propose to devote the section in the fall 2006 and spring 2007 issues to questions surrounding evaluating generations.

Specifically, this Call for Papers seeks to identify two authors who will lay out the opposing cases for and against the baby-boom generation in the fall 2006 issue. The authors should take a values-based approach to their assessment of the baby-boom generation. The publication of an ethics center needs to focus on the ethical and moral dimensions of an assessment.

The spring 2007 issue would then be devoted to one or two pieces that ask whether it makes any sense to treat a generation as praiseworthy or blameworthy. If such judgments are in order, ethically do they not constitute allocation of collective guilt? Ironically, the question of group-blame is also an issue raised by the "Greatest Generation," if one rejects the U.S.-centric perspective by including the vanquished as well as the victors. On the other hand, what happens to the accepted ethical concept of intergenerational justice if we do not judge the fundamental activities of wealth creation and wealth depletion as the acts of groups of people alive and in power at a given time?

Ideally, there will be four articles in order to assert the pro and con positions in each discussion. Each piece should be the length of an op-ed column, about 600 words. Judicious use of endnotes is encouraged.

Anyone interested in contributing one of these articles should contact Bill Brandon, Associate Editor for "Ethics and Public Policy" by email at wilbrand@email.uncc.edu or by phone at 704-687-3886.

Notes:

Tom Browkaw, The Greatest Generation (New York NY: Random House, 1998).

The overall dependency ratio is commonly computed as the number of children ages 0-14 + the population 65 and over divided by the population 15-64. Barry P. Bosworth and Benjamin Keys, "Increased Life Expectancy: A Global Perspective," in Coping with Methuselah: The Impact of Molecular Biology on Medicine and Society, edited by Henry J. Aaron and William B. Schwartz (Washington DC: Brookings Institution Press, 2004), pp. 251-254.

See "**Inaugurating 'Ethics and Public Policy**,'" *Ethics on Call* (Spring/Summer 2005):8. .

ETHICS & PUBLIC POLICY ESSAY

Cycling for Life: Bicycles and HIV Treatment in Africa

Sara H. LeGrand, M.S., Doctoral Student in Health Services Research Ph.D. Program in the College of Health and Human Services

An epidemic that barely raises an eyebrow among the majority of Americans and scarcely receives media attention in the United States is the leading killer worldwide among those ages 15-59. It has claimed the lives of more than 25 million and currently infects around 40 million.1 That killer is HIV/AIDS.

Globally, the region most heavily impacted by HIV/AIDS is Sub-Saharan Africa. Only 11-12% of the world's population resides in Sub-Saharan Africa, but 64% of HIV/AIDS cases are found there. The adult