

Ethics on Call

Center for Professional and Applied Ethics
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FROM THE EDITOR

Bruce A. Arrigo, Ph.D.
Professor, Department of Criminal Justice

This installment of the Newsletter examines a diverse array of ethical issues – both enduring and emerging. In our **Case Report**, Gordon Hull tackles the growing concern of intellectual property rights and its relevance for contemporary culture. He does this by using the recent Charlotte gasoline “shortage” (as well as trends in the music industry) as metaphor. Gordon notes that “the justification for property rights in intellectual goods becomes a lot more difficult, since the usual justification for property depends on the goods being rivalrous.” Thus, he ponders what economic and legal arrangements might surface in the absence of this rationale? In our **Commentary** section, two essays are featured. The first is authored by Christie Amato. She describes how “social entrepreneurship” as a pro-social mechanism of capitalist outreach can be used to address social problems in particular and benefit society in general. The second essay is written by Ellyn Ritterskamp. She questions the moral treatment of humans and non-human animals, especially with respect to terminating life. For humans, life is precious; fighting to maintain it – even to the bitter end – is ostensibly warranted. For non-human

animals (pets), the answer is quite different. She posits three explanations for why such differences on this issue exist. The **Ethics and Public Policy** essay addresses health care disparities. Coauthored by Blanca Ramos, Elizabeth Abernathy, and Cynthia Cassell, the article is a response to the growing health care disparities affecting the Latino, American Indian and African American populations within Charlotte and across the Carolinas. In our **Student Corner** section, undergraduate Zack Rearick discusses the ethics of confessional poetry. His assessment is relevant to our understanding of American poetry’s moral grounding. Moreover, his observations raise several thorny questions about the ethical dangers of engaging in such literary work for poets as well as for those whose lives are provocatively revealed and recounted in verse. The **Book Review** is written by graduate student Latoya Gardner. She comments on the book, *Hip Hop and Philosophy: Rhyme 2 Reason*, edited by Derrick Darby and Tommie Shelby. Latoya explains how the volume functions as a meditation on history and culture whose appeal is, indeed, infectious. Rounding out this Issue of *Ethics on Call* is a new installment of “Chester” the cartoon. Developed by undergraduate student, Bryan Cook, we are cleverly reminded why politics and ethics are the source of laughter and sadness.

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Editor: Bruce Arrigo, Ph.D.

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Case Report

Copyright and the Gas Pump

Gordon Hull, Ph.D.

Professor, Department of Philosophy
UNC Charlotte

Standard justifications for intellectual property rights are often economic, and that's what I'm going to talk about here. But I'd like to start with something a little more immediate, and a little more concrete: buying gas. If the Mayor's office and other sources are to be believed, Charlotte did not exactly experience a gasoline shortage this September. Instead, there were diminished but adequate supplies coupled with a group of panicking motorists who seized every available opportunity to top-up. Those motorists caused something analogous to a bank run: there would have been enough gas, if only people had not all decided at once to fill-up. Call this the WaMu problem. When selfish hoarders insist on topping up, otherwise adequate reserves become strained, and we see long lines and bags over pumps.

But let's spare a thought for the selfish hoarders. There is no FDIC for the morning commute, and out of gas means out of gas. If supply is constrained, and repeated promises that "things will be better in two days" turn out not to be true, you have a decision when you pass a station with gas. Do you top-off today, or Do The Right Thing and wait? If you wait, there's a decent chance that no gas will be available when you need it later. If you top-off, that becomes somebody else's problem. Is the hoarder selfish? Perhaps. Is the hoarder irrational? Certainly not.

In this sense, the gasoline shortage presents a basic collective action problem, and long lines at the pump were symptoms of a "tragedy of the commons." A textbook example talks about shepherds and a collectively owned pasture. If I take my sheep into the pasture, my incentive is to let them eat their fill of grass. If we all do this, we'll run out of grass. If I think we're going to run out of grass soon, I should get up earlier to make

sure my sheep get their fill. The group needs for everyone to conserve, and limit their sheep's consumption. But why would anyone individually want to do that? If I limit my sheep's consumption, there's no reason to think my neighbor will do the same. I get skinny sheep and their relative market value drops; if I conserve, I lose. Tragically, but predictably, everyone decides to let her sheep eat their fill, and the pasture is depleted. The problem and tragedy lie in the gap between the individually and collectively rational things to do. Collectively, we should conserve resources and avoid the shortages. But individually, we all have good reasons to top-up as often as possible.

What to do? The tragedy of the commons narrative presents one of the classic justifications for property rights. The problem that property solves is that hoarders and overgrazers don't directly suffer any of the negative consequences of their activities – they "externalize" the costs. If there was some way to make individuals directly bear the costs of their overuse of resources, then they would have a strong incentive to conserve. In this way, the individually and collectively rational thing to do would align. For example, if the common pasture was fenced off into individual plots, every plot owner would have a compelling reason not to overgraze: she'd run out of grass for her own sheep. By analogy, suppose that there was enough gas for everyone to consume exactly 30 gallons a week, and suppose it was rationed – everyone gets 30 gallons a week, no more. In such a world, there would be no reason to panic and queue at the pump. Instead, we'd all individually try to drive less, because we'd individually suffer for overuse.

Now let's imagine a different world. In the real world, the gasoline (and pasture) shortages are driven by a fundamental property of gasoline and pastures: they are rivalrous resources, meaning that one person's consumption of them inhibits another's. If I take the last 20 gallons of gas from the pump, you don't get any. In our different world, gasoline does not have this property: it is non-rivalrous. What would such a world look like? First, people would happily share their gasoline with others, since if you top up your tank from mine, the end result is that we both have full tanks.

Why would I not want to help you out? The lines at gas stations would disappear overnight, and the stations would need a new business model. Many would focus on other products – snacks and beer, for example. Some of them might still make money selling gasoline: they'd sell it very cheaply, guarantee its quality, and bundle it with attractive, value-added products like steak knives. But the ones that resisted changing their business model would rapidly go out of business. The producers would probably take a hit, too, because we'd have trouble figuring out why we needed them. We would experience this as a collective freedom. Oil producers would experience a financial crisis. No doubt oil industry lobbyists would start telling us that sharing gasoline is dangerous: who knows how much sugar your neighbor puts in the gas he shares? Did you know his neighbor hates him? Where does he get his gas? Congress might even pass a law making gasoline sharing illegal. These laws and pleas would fall largely on deaf ears. Most of us think our neighbors are decent folks, and in any case it would be a lot cheaper to buy filters for our gas tanks than to fill up every week at the gas station. And the odds of being sued or prosecuted would be pretty low. After all, everybody does it.

You can probably see where I'm going: this gasoline utopia is the nightmare world in which the entertainment industries suddenly find themselves. Most entertainment products are non-rivalrous in the relevant sense. We can all listen to the songs at once, and nobody's use of a song is diminished by the fact that somebody else is listening to it at the same time. Digitization, the growth of broadband internet, peer-to-peer networks, improved consumer electronics, and so forth, have made it essentially free to distribute and obtain intellectual goods. Technology drives the problem: sure, you could always copy out a book. But the result wasn't as nice as the original. Digital copies are a lot better, and a lot cheaper. Sharing might be more dangerous, in the sense that some people who share are unscrupulous, and Apple's iTunes makes a decent profit by being easy-to-use and providing a quality-guaranteed product. But millions and millions of people are filling their music tanks for free.

What's wrong with this universe? One problem is that the justification for property rights in intellectual goods becomes a lot more difficult, since the usual justification for property depends on the goods being rivalrous. The entire justificatory burden then instead falls on an incentives argument: if we fence off the pasture, I have an incentive to plant good grass on my plot. If we ration gas, I have an incentive to buy a Prius. Thus the record companies point out that it costs money to produce and market the first copy of a CD, even if subsequently sharing it is free. So if they can't make money selling it, they lose the money spent on production, and go out of business. It should also be pointed out that most artists don't sell a lot of CD's. So the files that are shared most – Britney Spears and the like – are the ones most important for the companies to make money on. Commercially successful artists like Spears have to pay not just for themselves, but for dozens of less successful artists. This line of argument also hits a snag: it might be true that the record companies would go out of business without copyright, but, the answer goes, who needs them anyway? It's getting cheaper both to produce and to distribute music using consumer technologies and the internet. The music industry doesn't just face a world where gasoline is non-rivalrous; it also faces a world where the cost of an oil well and refinery are within the reach of a lot of consumers. In other words, the argument that the middleman needs incentives only works if you need the middleman.

Both sides have a point, and if you've read this far, you've realized that I haven't saved enough column inches to solve these problems. That's because I don't have a solution. But I think it's worth trying to understand the economic arguments behind some of the current copyright battles, because the situation is more complex than most participants in the battles like to admit. They also get at important questions about how we as a society want to think about how we entertain ourselves. What kinds of entertainment and entertainment producers should the law favor? Is it better to have safer but more expensive gas stations, or cheaper, possibly less safe shared gasoline? And, finally, riding the bus provides lots of time to think of creative ways to use the gas shortage.

Commentary 1

Social Entrepreneurship: Using Capitalism to Solve Social Problems

Christie H. Amato, Ph.D.
Professor, Department of Marketing
UNC Charlotte

After the fall of the Soviet Union, capitalism in its various forms became virtually the only economic “game in town”. With the exception of China, a country that has actually adopted many aspects of capitalism, and a few other remaining pockets of state socialism, capitalism reigns supreme. Yet, questions can be raised regarding the ethics of capitalism. Any case for capitalism as an ideal system must rely upon the demonstration of efficiency. Efficiency results when resources are allocated based on the greatest value or utility. Farmer Jones, for example, can produce potatoes or corn on his land. If the profit earned for producing corn is greater than the profit earned for producing potatoes, he will produce corn. Producing corn provides the most efficient use of his resource, land. The beauty behind capitalism lies in the fact that there is no need for central planning. No one has to tell farmer Jones to plant corn. Jones follows his own self interest, profit, and in so doing produces the products that consumers value most. In this way markets under capitalistic systems are intelligent.

Because of the possibility of efficient markets, some economists believe that capitalism represents the fairest system for allocating resources. This belief is based on the fact that the market acts like an “invisible hand”, only rewarding productivity and not other factors such as station in life or cronyism. Such a claim may not hold up though when a system allows for inter-generational transfers of money, contacts and knowledge that give initial advantage to some, thus penalizing others. An argument can be made that rewarding achievement or productivity produces fair outcomes only when each participant begins the process with the same initial resources.

In addition, market failure can create inefficient markets. Pollution represents one form of market failure where the price of the product fails to include the full cost of producing the product, causing too much to be produced. Bad News Paper Company dumps chemicals into an adjacent river and can sell its product cheaper than a competitor, Good News Paper Company, that properly disposes of production waste. More of Bad News Paper Company’s product will be produced and sold unless government steps in to either reward Good News Paper Company through subsidies or use penalties such as taxes/fines to raise the costs and thus the price for Bad News Paper Company.

However, even with the government regulation of market failure, capitalism alone may not encourage companies to be socially responsible. Society must value companies that act responsibly by favoring their products and services and be willing in some cases to pay more for products from socially responsible firms. “Good” companies can use their socially responsible actions and philanthropy to gain a public relations edge on competitors. Target’s commitment to employees and to the local communities they serve, for example, may give them an advantage over Wal-Mart, who has received poor marks for employee treatment and for killing small, local businesses. As long as individuals seek out the products/services of companies who provide intrinsic values, the market mechanisms will provide them. If, on the other hand, individuals value cheap prices from sweatshop labor or companies that pollute, the market will provide those products instead. In many ways it is up to us to decide what kinds of companies we want to reward.

Individuals and groups of individuals are emerging who use capitalistic market forces to direct resources and organizations to meet social challenges. These social entrepreneurs identify and solve large-scale social problems. Unlike traditional business entrepreneurs, social entrepreneurs primarily seek to generate “social value” rather than profits. David Bornstein, the author of *How to Change the World: Social Entrepreneurs and the Power of New Ideas*, defines social entrepreneurs as follows:

“Social entrepreneurs identify resources where people only see problems. They view the villagers as the solution, not the passive beneficiary. They begin with the assumption of competence and unleash resources in the communities they’re serving.”

The resources social entrepreneurs utilize to solve problems and change systems come both from unleashing local resources as well as from traditional socially responsible businesses, private donors and foundations. Social entrepreneurs provide the vision and drive, often facing overwhelming odds, to recognize when a part of society is stuck and to provide new ways to get it unstuck. They help unlock society’s full potential to effect social change, encouraging the market to reward companies that help provide social value.

Greg Mortenson, the author of *Three Cups of Tea* and a recent speaker at UNC Charlotte, epitomizes this new breed of social entrepreneurs, building dreams through grit, determination and local citizen involvement. Mortenson, a rugged individualist who battled the forces of nature to

successfully climb some of the world’s most challenging mountains, learned to draw on his internal strength to survive when he was separated from his guide in an unsuccessful ascent of K2, one of the world’s deadliest mountains. He never successfully climbed K2, but the lessons he learned from mountain climbing led to success in a more difficult challenge, working toward creating peace by building schools throughout Pakistan.

Mortenson’s entrepreneurship and the forces of capitalism came together to create schools. Free-market capitalism may not be perfect, but no other system can match its efficiency and power to create wealth. Mortenson’s venture, from securing benefactors to acquiring materials and organizing villagers to build schools and infrastructure, demonstrates the value of enlightened self-interest. Providing Pakistani children with the skills to prosper in a global, free-market economy inoculates them from the influence of terrorist propaganda and encourages building free, democratic governments. Without guidance, market forces were unlikely to enhance the lives of Pakistani children. However, Mortenson’s example demonstrates that caring individuals can use the market as a tool to accomplish social objectives.

Commentary 2

Humans Should Think About Going to the Dogs

Healthcare Law and Ethics

Ellyn Ritterskamp

Professor, Department of Philosophy
UNC Charlotte

I have been bothered by an ethics question for several years, and may have finally found an answer. Maybe three. I wanted to know why we humans believe we are being humane and compassionate when we send our pets to their next

life, or to their graves, or wherever they go, but then we insist that humans should fight and scratch and claw to stay alive as long as possible.

I reached some insight on this on learning the four principles of healthcare ethics, one of which is missing from the principles that guide our treatment of animals. I gained two more concepts when I spoke with my veterinarian, which I will explain after the four principles.

Principlism

All ethical systems are founded on basic premises. This particular model, developed by James Childress (University of Virginia) and Tom

Beauchamp (Georgetown University), has four principles, adopted by many contemporary healthcare professionals. They are non-maleficence, beneficence, autonomy, and justice. I will explain each briefly, and show which one does not fit the veterinary model.

Non-maleficence basically means we should not make the patient worse. Doctors take an oath to "do no harm," which is obvious in some cases, but in others, we must weigh the potential harms of acting in various ways, or doing nothing. We are reminded that good intentions are not enough. We must do our best to anticipate potential outcomes, and select the one which does not make things any worse.

Beneficence means we should actively make the patient better, or "do good". Sometimes this is a matter of selecting which treatment will work best. But in many cases, doing nothing will allow the body to heal itself, so we should be careful about our "active" approaches.

The principle of *autonomy* means that persons are self-governing. In healthcare, this generally means the patient should make as many decisions about her care as she is able, rather than having a paternalistic model in which the doctor knows best. It is because we believe in the idea of autonomy that we have developed informed consent, in which patients are told the risks, benefits, and alternatives in their cases.

Justice, in the medical arena, requires that all patients should be treated with similar care and respect, to the degree that is possible. For example, it may mean that people should not be treated with less respect if they have a lesser ability to pay for healthcare.

What's different about animals?

I asked my veterinarian if the key difference between our moral treatment of humans and animals is that animals are not thought to have autonomy. To be sure, many of them are sentient and even rational to some degree. But we cannot ask them what they want, though some of us are certain we can understand many of their wishes. So this is the principle that makes our treatment of animals different from our treatment of humans. This is the first reason why we treat them differently from humans. But it does not answer

why we believe we are merciful sometimes when we end their lives.

It's not only the autonomy problem

To explain why we feel most "humane" when we put our pets to sleep if they are in pain, I asked my vet for reasons. She agreed that autonomy is not a principle used in her field, at least not the autonomy of the animals. The oath veterinarians take has a clause that strikes me as very liberal:

Being admitted to the profession of veterinary medicine, I solemnly swear to use my scientific knowledge and skills for the benefit of society through the protection of animal health, *the relief of animal suffering*, the conservation of livestock resources, the promotion of public health and the advancement of medical knowledge [italics mine].

I am glad that relieving animal suffering is open to the doctor's judgment, rather than their having to commit to not ending lives. My vet is right; animals tell us when they are ready to go. We must listen, and now and then we should listen to the people in our lives who are ready to go as well. This commitment to relieving suffering is the second piece to the puzzle of why we do not give humans the same peaceful ending we give animals.

The big answer

But the third answer I found, of why we put animals to sleep but not people, is the one that gives the most comfort, and allows us room to find a similar path for humans.

I asked the vet if she sees the distinction I am making between human and animal patients. She said she must end pets' lives every day, and the reason she can sleep at night is this: animals are not afraid of death. They are afraid of pain, like us, but unlike many humans, they are not afraid of death.

I think that in the animals' minds, this is just the next thing that happens. I once read that cats and dogs who go blind are not as distraught about it as people are, because they don't know this isn't just the next thing that happens to them. I am reminded also that many human groups who were at first not influenced by Western thinking (Hmong and Buddhists, for example) are also unafraid of death. It would not occur to most folks in these groups to

resist death, or to artificially prolong their lives beyond minimal tactics.

We can learn a lot from animals, and from humans who are not afraid. Letting our lives be over is maybe the most genuine act of autonomy we can make.

Ethics and Public Policy

Health Care Disparities, Ethics, and Public Policy: Charlotte and the Carolinas

Blanca Ramos, Ph.D., MSW

Elizabeth Abernathy, MD

Cynthia Cassell, Ph.D.

On September 24, 2008, the University of North Carolina at Charlotte (UNCC) Center for Applied and Professional Ethics held a conference on disparities in health status and health care in Charlotte and the Carolinas. This conference was also sponsored by the Mecklenburg County Health Department, Davidson College, Departments of Biology and Public Health Sciences, UNCC, and the Colleges of Liberal Arts and Sciences and Health and Human Services, UNCC. During the conference, participants were informed of the health disparities among Latino, American Indian, and African-American populations in the county and in the state. The conference concluded with a presentation by Cheryl Emanuel, MS, CSAPC, Community Health Administrator for Mecklenburg County Health Department, Charlotte, N.C. She is a founding member of the Carolinas Association for Community Health Equity and has received numerous awards for her efforts to collaborate and partner with communities to target resources where they are needed the most. Her talk was on approaches for reducing health disparities in the county and the state. After her presentation, three panelists responded, and below are their reflections.

- **Respondent:** Blanca M Ramos, PhD, MSW, Associate Professor, Department of Social Work, College of Health and Human Services, UNCC

I can appreciate the passion and enthusiasm that accompanied the remarks of Cheryl Emanuel. It is always refreshing and motivating for those of us in academia to hear what “health disparities” means in the real world and how the concepts, definitions, and knowledge in general are implemented by and with real people.

Cheryl described and illustrated several strategies for reducing health disparities. These indeed offer glimmers of hope. I would like to offer some brief comments on a few of Cheryl’s remarks.

First, efforts are underway to organize and bring together the various groups, agencies, programs, and activities intended to address health disparities in Mecklenburg County and the state of North Carolina. The benefits of such strategies could be far-reaching given the potential for working together, sharing resources, avoiding duplication of services, and strengthening outcomes.

Cheryl also reminded us of the need to reach out to the most vulnerable and at-risk populations. I thank her for such a reminder as I think particularly about immigrant populations, which are rapidly growing in Charlotte and the state of North Carolina, and who are likely to experience profound health and healthcare disparities. Many have emigrated from Latin America, although it is important to keep in mind that not all Latinos are recent immigrants. Some have been in this country for many years, and others are second or third generation Latinos. Cheryl described some initial efforts to reach out to the local Latino community through the Church, which is encouraging and commendable.

Finally, throughout her presentation, Cheryl emphasized the crucial role of policy in order to move forward in our quest for the elimination of health and healthcare disparities. Along these lines, the need for research to inform policy and support

advocacy efforts is of utmost importance. Community-academic partnerships can prove optimal in this regard.

- **Respondent:** Elizabeth Abernathy, MD, Department of Internal Medicine, Carolinas Medical Center

In the last few years, I have encountered several worrisome trends working with uninsured and underinsured patients in a variety of settings.

One concerning pattern has been a number of patients who have lost their insurance and are immediately dismissed from their physicians' practices. This is accomplished either directly or indirectly through financial intimidation, such as demands for hundreds of dollars in upfront cash to see the physician. This trend is likely being driven by declining reimbursement as practices struggle to meet the bottom line. Rather than abrupt dismissal of patients with chronic disease, practices should work with patients on financial plans to pay off outstanding medical debt and continue to provide needed care for the patient until adequate referral is made to local resources for underinsured or uninsured patients. It is essential that physicians monitor business practices and redirect staff to assist rather than dismiss patients who lose their insurance. The financial forces that drive our currently fragmented and directionless healthcare system do not justify patient abandonment; in fact, they demand an enhanced provider commitment to vulnerable patients.

Recently, a patient presented with incurable metastatic breast cancer after she waited six months from lump detection while she applied and was approved for Medicaid. Many working poor are unaware of resources to assist uninsured patients. Almost daily, I see patients with preventable complications from chronic disease who did not seek care out of concern for the cost or wait until they are so impaired that they can no longer work. Many of these patients are working uninsured and too embarrassed to seek care, do not know where they can get care without insurance, or how to seek financial assistance. As has been consistently

demonstrated by groups such as the Commonwealth Fund, the vast majority (nearly 80%) of the uninsured come from working families, and an increasing proportion come from the middle class. Our community needs to ensure that individuals who work but are uninsured are not punished by a system that rewards dependency on social insurance.

There are many resources in Charlotte for uninsured patients including the Mecklenburg County Health Department, the hospital-based clinics supported by Carolinas Medical Center, the Charlotte Community Health Clinic, Inc., partnered with Presbyterian Healthcare, the Charlotte- and Matthews-based Volunteers In Medicine Clinics, and the Physicians Reach Out network. In addition, there are other advocacy and support resources available in Charlotte through a variety of sources.

A coordinated approach that effectively combines these resources to maximize utilization and cooperation is essential to providing care for the increasing number of uninsured and underinsured patients in Mecklenburg County. This requires local community, government, and healthcare system leaders to work together to encourage providers in efforts to provide care for the uninsured. The dominant healthcare systems in Charlotte should support and empower physicians to uphold the ethical responsibilities to care for the uninsured as outlined by the American Medical Association and the American College of Physicians. This begins with a coordinated local needs assessment, identification of available resources, and a centralized referral system. While this system could be facilitated by the health department, it *must* be continuously and enthusiastically supported by dedicated and innovative leadership from the community and local healthcare systems to be successful. Physicians and administrators must recognize moral and ethical obligations as well as the financial and community benefit of providing healthcare to uninsured patients and become engaged in the process of providing that care.

- **Respondent:** Cynthia H. Cassell, PhD, Assistant Professor, Department of Public Health Sciences, College of Health and Human Services, UNCC

I'd like to briefly discuss my previous experiences and research interests, which will serve as the framework for my remarks. This is my second year at UNCC and before coming to Charlotte, I worked for five years as a statistician in the birth defects registry with the North Carolina State Center for Health Statistics in Raleigh, North Carolina. My current research interests include outcomes, quality of life, and health service utilization, which I use broadly to include timeliness of services, access to and cost of care among children with special health care needs. First, I am going to discuss health disparities among children with special health care needs, which rarely gets attention. Then, I am going to briefly discuss the issue of biases in statistics with regards to racial and ethnic health disparities. Because I am also interested in research ethics and public health ethics, I will conclude by briefly discussing some ethical issues in eliminating health disparities.

According to the federal Maternal and Child Health Bureau, children with special health care needs are defined as children that are usually at an elevated risk for a chronic developmental, physical, emotional, or behavioral condition and generally need health and related services beyond those required by children in general. This definition includes children with asthma, autism, attention deficit disorder and other chronic conditions. About 13% of children <18 years old have a special health care need in the U.S., which is about 9.4 million children. The prevalence does vary by the child's race and ethnicity in the U.S. and in North Carolina. Prevalence rates are highest among Native American/Alaska Native children, multiracial, and non-Hispanic White children, and the lowest prevalence rates are found among Hispanic children and non-Hispanic Asian children. In terms of access to services, it is well-established that Black and Hispanic children with special health care needs are less likely to have a usual source of care, even when controlling for socioeconomic status. A subset of children with special health care needs is children

with birth defects, which include anomalies such as spina bifida (a neural tube defect), Down syndrome, and orofacial clefts (cleft lip with or without cleft palate). The prevalence of certain birth defects does vary by race and ethnicity. For example, with orofacial clefts, the prevalence is higher among mothers of Asian and American Indian descent. So, within subgroups of children with special health care needs, racial and ethnic disparities exist with regards to prevalence rates, service use and access to care.

My second remark is to briefly discuss biases in racial and ethnic statistics. Working with vital statistics and other administrative data sources over the last couple of years, I frequently come across and analyze the variable "race" and "ethnicity." Different individuals can complete the birth certificate such as the mother, father, nurse, physician or other health care professional. On these records as with other data sources, race and ethnicity can be self-reported. Currently, the NC birth certificate includes the following categories for race: White, Black, American Indian, Chinese, Japanese, Hawaiian, Filipino, Other Asian, Other non-White and unknown. For ethnicity, the categories only relate to Hispanic ethnicity. If an individual is born bi-racial, for example, from a White mother and African-American father, there is not a way to accurately record this on the birth certificate. Similarly, with other vital statistics data like death rates and even the Census, bi-racial individuals are not accurately classified. When we analyze data from minority populations, often small numbers exist for minority groups such as Asian American, Pacific Islander, and American Indian. As a result, these categories are often collapsed into other categories and sometimes under the "White" category, especially if they are in the "unknown" category. Often times, we have only three or four categories of race: White/non-Hispanic, Black/non-Hispanic, Hispanic, and other, with this latter category often being heterogeneous. Hence, often times individuals' race and ethnicity gets misidentified or not identified at all. We heard several examples given throughout this health disparities conference.

One such example was from a recently published report from the State Center for Health Statistics that was mentioned earlier at this conference. This report was on the extent of misclassification of race among non-federally recognized American Indians in the state to examine the impact on cancer incidence rates, specifically with prostate, colorectal, lung and female breast cancer. Among 14 counties, about 18% were not identified as American Indian in the NC Central Cancer Registry (CCR). When the age-adjusted rates for American Indians were compared for 1996-2000 before and after the misclassification, the authors found an increase in rates: 19% for all cancers, 10% for lung, 11% for colorectal, 18% for female breast cancer and 41% for prostate cancer. There are also differences of how we categorize race and ethnicity with primary and secondary data collection, as also mentioned throughout this conference. These discrepancies have grave implications when we are discussing prevalence and incidence of diseases such as cancer, as well as leading to lower resources for prevention, screening, and treatment programs and lower funding for research.

So, I'd like to reiterate that how we capture, record and categorize racial and ethnic minorities needs to change so we can accurately portray and measure health outcomes such as mortality, morbidity, and access to and quality of care among such populations. Until we do this, our statistics on racial and ethnic disparities are biased, and individuals are being misclassified by racial and ethnic status.

Many ethical issues surround health disparities not only in research, but also in health outcomes. This is especially true with vulnerable populations such as children, minorities, and the elderly. Ms. Emanuel and others at this conference mentioned some of them. One issue focuses on respect for autonomy and informed consent. We need to ensure minority populations like Native Americans and Hispanics understand the risks and benefits associated with medical treatment and research. To do so requires culturally competent

tools like consent forms, bi-lingual interpreters in health care and research environments, cultural sensitivity to the needs of minority populations, and involvement of the community in research. Ensuring vulnerable populations are not subjected to undue influence and coercion with incentives is yet another ethical issue. In addition, there are issues surrounding justice, discrimination and stigma. Practitioners and researchers need to give careful consideration to decreasing discrimination associated with minority populations and health outcomes such as mental health. Safeguards need to be in place for the confidentiality and protection of health information, especially when there are small numbers among minority populations. With small numbers, it is possible to identify individuals through deductive disclosure, which can lead to discrimination. With the Human Genome Project and ethical issues concerning genetic research, race is an important issue. Many researchers think race should play a role in the treatment and study of disease due to the fact that the risk of common disease is determined by race-related genes. However, some researchers think this can potentially lead to abuse and injustices of unfair delivery of services, screening, treatment and discrimination by health insurance companies and thus ultimately affect health outcomes. Lastly, ensuring equitable access to health care for racial and ethnic minorities whether under the auspices of universal health care or some other form is definitely an ethical issue. However, valuing some of these ethical principles can run contrary to public health practice in that it focuses on the individuals' rights and not necessarily the communities' rights. This is just a short list of the types of ethical issues involved with health disparities. In conclusion, I commend Ms. Emanuel on her efforts on ensuring communities' participation and collaboration with public health researchers in Mecklenburg County and in the state, and I concur with her that we must have more valid and accurate data to drive better health policies.

Student Corner

The Ethics of Confessional Poetry

Zack Rearick

English/Philosophy Double Major
UNC Charlotte

When Robert Lowell's *Life Studies* was published in 1959, it was the first drip in an oncoming tidal wave. Lowell's book wasn't just groundbreaking in terms of the subjects it addressed, it re-configured the world of American poetry entirely; it was the difference between more accurately calculating the positions of the stars and realizing that the sun doesn't revolve around the earth. Lowell's book proposed a new focus, a new narrative figure in American poetry which would become increasingly popular as the century rolled on: the author himself. Rather than constructing a persona-narrator, Lowell used his own life experience as the foundation for the poems in *Life Studies*. But he didn't just draw from them, he drew them out. He did not build poems on the events of his life but instead made the events of his life into poems, recording the important details and flatly refusing to censor the shameful portions. Lowell's *Life Studies* was the first book to truly appropriate the author-as-narrator dynamic; it did not read (as the poetry of the British Romantics does) like the author's expression, it read like the author's existence.

Lowell's work remains extremely influential today. What M.L. Rosenthal called "confessional poetry" has produced some of the biggest names in American poetry in the latter half of the 20th century: Plath, Sexton, Berryman, Snodgrass. In the 21st century, confessional poetry is so much a part of the literary landscape that its influence is often hard to extricate. Writers from Louise Gluck to Charles Bukowski pull directly and often unflinchingly from their personal experience in their artistic expression. Even the style has proven imitable, as contemporary writers often link their poems together by using recurring figures from

their lives, usually family members or intimate relationships, and focus their work on personal trauma and triumph and the lasting effects of these incidents. Confessional poetry also remains a favorite of amateur poets, particularly those writing in the years when the establishing of personal identity is at the forefront of everyday experience.

But are the effects of confessional poetry beneficial? Certainly confessional poetry has allowed for the creation of some canonical works of American literature (the aforementioned *Life Studies*, Plath's *Ariel*, Berryman's *The Dream Songs*, to name a few), but what may be said of the ethical implications of confessional poetry? Many argued during Lowell's time that confessional poetry was unseemly or potentially dangerous; however, much of these criticisms were aimed at the violation of taboos which is a side effect but not a primary goal of confessional poetry. Less has been said of the ethical problems which arise from the very nature of confessional poetry itself, perhaps because the objections seem almost pedestrian. When Ted Hughes (who was, himself, not specifically a confessional poet) refused to speak of the personal details of his marriage to Sylvia Plath after her suicide, the literary world was in an uproar. How could he deny the public intimate knowledge regarding its quickest-rising star, especially when her poetry bared so much? Hughes' vilification is mostly his own fault for a variety of interesting but currently irrelevant reasons; however, much of the anger which was directed at him was the result of an attitude bred out of confessional poetry which persists to this day. It seems almost criminal for the mundane workings of a few peoples' lives to get in the way of the creation of truly brilliant poetry.

And yet, this issue is not a silly or selfish one. The confessional poet is not a reporter, he deals in metaphor and exaggeration. The pictures which he paints of his family or his spouse or even his acquaintances are not separate from his life experience, and they do not exist in a vacuum. Though he may make it clear that he is not a detached observer, though he may caution that his poems are not meant to convey reality or even anything more objective than his fractured thought, his words,

when printed, do carry weight. Many confessional poets refused to have certain poems or books published until the people involved were dead; a nice gesture, but ultimately meaningless. What the confessional poet creates is a fictional world of caricature to parallel the one we occupy. The poems do not claim to be wholly accurate, but this rarely robs them of their verisimilitude. And it would not do confessional poetry as a whole a great injustice to remark that the majority of it is centered on the broken and ugly side of the human condition.

But there is more here than an invasion of privacy. Most confessional poets strayed from using the real names of their friends and relations (the notable exception being if those involved were poets themselves, in which case their names are nearly always used), and it was much more common for players in their poetic world to be referred to figuratively than to be identified as "sister" or "boss." Of course, it was often easy to de-cypher the poems, as confessional poetry placed an emphasis on unrestricted expression. Regardless, the major ethical issue is not limited to personal privacy, it is rather a question of manipulation and its relation to art. The phrase "confessional poetry" is apt; most poets in this school used their poetry both as a medium of expression and a means of therapy. In this way, the confessional poet did not just create poetry as art, he created it as a means to alleviate pain and to unravel emotional and psychological knots. By doing this in a public forum, the confessional poet both achieves catharsis and advances his career. In essence, he is using his personal experience as tool to make himself more mentally stable and publicly successful. This is perhaps not an issue when it comes to depictions of the poet himself; after all, he knows the risks of what he is doing. But to involve friends and family, many of whom did not at the time fully comprehend the exact nature of the poetry in which they were being included, is to manipulate both one's experience with those people and those people's individual identity as therapy and artistic expression. This act can be extremely damaging both to the reputation of those individuals and to their own understanding of their identities, as well as complicating their relationship with the actual poet, a relationship

which was often one of great importance.

Though confessional poetry has been extremely important to the progress of American poetry, the ethical considerations involved may be strong enough to warrant further examination of its potential danger to the lives of both the individuals involved in the poems and those individuals whose understanding of human interaction is influenced by the poems (this can include any reader of poetry). A few major questions need to be answered: Is this invasion of privacy justifiable in the wake of the poetry it creates? Is bad confessional poetry somehow more morally culpable than good confessional poetry? Does permission to be included in a poem truly allow the poet freedom to say anything he chooses to say? Can confessional poetry even exist if freedom must first be obtained? Without asking these questions, I fear that confessional poetry may continue to be an art form which is allowed to irresponsibly harm many unsuspecting (and suspecting) individuals.

Book Review

Review of Hip Hop & Philosophy: Rhyme 2 Reason, edited by Derrick Darby and Tommie Shelby

Latoya Gardner
Ethics and Applied Philosophy Masters
Program
UNC Charlotte

I have been rejuvenated by DJ Khaled's passionate reminder at the 2008 Black Entertainment Television (BET) Hip Hop Awards that he worked hard to make an impact on the world of hip hop. And when the BET Hip Hop Awards

broadcast *The Cypher*¹, introducing me to K'Naan and Hime, I could not wait to Google these newly introduced international rappers to figure out what they had to offer me and to contribute to the world of hip hop. By the time Jadakiss had closed out the third round of *The Cypher* by declaring that “hip hop is not dead/ change gone come just like Barack said,” I was in agreement with the claim by Marcyliena Morgan that “hip hop brought back the search for reality and truth within a modern, highly advanced world of ideas, technology and modes of communication. For many youth, hip hop conducts its real business in the counterpublic where it is actualized through a central edict that is constantly repeated and reframed: represent, recognize, and come correct” (207).

Hip hop is the creative genre of music, dance, and culture developed by black urban youth around the mid 1970's. Hip hop has exploded internationally and earned economic respect in a market-driven world. Hip hop is the carving out of a space to express ideas regarding politics, identity, justice, economics, God, and language for groups that often feel silenced and ignored. Hip Hop is the demand for recognition and legitimacy. What is up for debate in the academy and the world, is the form in which the demand for recognition and legitimacy has appeared in hip hop and in what ways it proclaims to help in the search for truth. This book, a collaboration between philosophy and hip hop, is a legitimate critique of hip hop culture. Accordingly, as hip hop continues to transcend geographical, sexual, and racial boundaries, the ideas and issues taken up in hip hop will further develop and demand the critical attention of philosophy.

In *Hip Hop & Philosophy: Rhyme 2 Reason* (2005), editors Derrick Darby and Tommie Shelby take the reader through a five-disk philosophical journey with the intent to, “highlight the often suppressed, fifth element of hip hop--knowledge--to represent the funky ass ways that philosophy is carried out in everyday life, often in unexpected places and using unconventional means” (pg. xvii). Darby and Shelby rely on contemporary philosophers, “aka [the] Wu Tang Clan of highly skilled philosophers who are hip hop fans” to analytically make the case that hip hop is a philosophically significant phenomenon by investigating the ways in which hip hop contemplates and attempts to answer the same questions posited by philosophers such as St. Thomas Aquinas, Jean -Paul Sartre, Frantz Fannon and John Stuart Mill.

Darby, as well as all the other contemporary philosophers who contribute essays, remain true to the stylistic form of hip hop and use the canonical philosopher's thoughts as a sampling while dealing with complex multi-dimensional ideas in hip hop. The focus of disk one titled, “*Da Mysteries: God, Love, and Knowledge*” is an investigation into the understandings of love, perception, and an omnipotent God, as viewed in hip hop by particular rappers such as Rakim. While Rakim claims that God “created the sun, all planets, and all forms of life including man, as well as one of his best designs, man's mind” in *The 18th Letter*, Darby shows the reader how St. Thomas Aquinas, Descartes, and Samuel Clarke have investigated the question of God's power. Darby gives the reader a lesson in logic by illustrating the validity, or lack thereof, of an omnipotent God by postulating the following claims:

¹ In hip-hop, a “cypher” is an improvisational free-styling jam session (dance, graffiti, or rap) in which each person is allowed to flow (in this case rap) one after another. The contributors (rappers) offer ideas regarding any subject matter of interest or respond to an idea that has been posed by the other rappers. The cypher functions with the purpose of spreading ideas or knowledge, much like the oral literary tradition, and encourages or demands the rappers to creatively defend their ideas. The BET Awards Show broadcast video segments of a session filmed just for the show and entitled “The Cypher.”

If God can roll a blunt so strong that even he can't hit it, then there will be at least one thing that God can't do. If God can't roll a blunt so strong that even he can't hit it, then there will be at least one thing that God can't do. Either he can't hit the blunt he just rolled or he can't roll the blunt to smoke the claim that God can do all things by virtue of being

omnipotent is shown and proven to be plainly false (7).

Darby's exploration into the plausibility of God gettin' high is inspired by the challenge of hip hop to create a heaven where one can be "buried a G" and smoke weed all day. Hip hop's challenge suggests that "being good and getting high are not necessarily incompatible." To resolve the "paradox of the blunt," as Darby puts it, he suggests that the reader turn to St. Thomas Aquinas' *Summa Theologica* for guidance when inquiring about an all-powerful God.

Darby's use of hip hop claims and philosophical methods provides a nice introduction to building good arguments. Darby illustrates that simply making a claim is not enough to support an argument; rather, one must build logical connections between claims to fully support an argument. One must fully define the important and ambiguous terms in such arguments whether they are laid down over a phat beat or written for a research paper. Additionally the ability to look at an argument from more than one perspective enhances one's ability to discern its legitimacy. Darby leaves this track having enlightened the reader on the importance of using reason to recognize meaning and the effects of those particular meanings.

Thomas Shelby contemplates the meaning of love in "Ain't (Just) 'bout da Booty: Funky Reflections on Love" which is track two of disk one. The media may have us believe that a love derived from hip hop would be a vulgar love that is soaking wet with the sweat of infatuation due to the gyrating booty that is always used in videos to emphasize the bass line. But Shelby points out one cannot be too quick to make any claims about love without reflecting on the meanings of love and the value of love conceptually in hip hop and philosophy. Shelby approaches the meaning of love by looking historically at the way in which love has been defined, starting with Plato's *Symposium*. Shelby points out that during the Symposium, conducted in a form similar to a cipher, Plato and his fellowfreestylers contemplated the meaning of love and introduced Western philosophy to dialogues. As each ancient freestyler stepped to the

mic, the meaning of love was further defined, beginning with Pausanias' vulgar and spiritual love, moving to Aristophanes' claims that we are incomplete and discontent without true love, and ending in Socrates' rebuttal that both claims about love are incomplete because the previous freestylers fail to acknowledge that, "love is wanting to possess the good forever" (20). Then enters the man who would be considered the 50 cent² of the times, Alcibiades, who has the ability to keep momentum up, tell first person stories wit' his flow, and question the realness/authenticity of what previous freestylers claim.

Shelby connects the historical definitions of love with rappers such as Andre 3000, Lil' Kim, Method Man, and Lauren Hill. Lyrics excerpted from music by Andre 3000 and Lil' Kim support Pausanias' claims about physical or vulgar love, and Shelby characterizes the two artists as "love haters" because in their lyrics they choose to keep sex as either a trade-off for goods or youthful behavior. Shelby warns that the videos which allow love to become synonymous with sex should not be confused with love. Method Man steps up to support his homie Aristophanes' claim that true love is wholeness in his collaboration with Mary J. Blige titled, "I'll Be There For You/You're All I Need to Get By." Yet, Method Man and Mary J. Blige's addition to Aristophanes' claim about love is not enough to render Aristophanes' claim as truth, because as noted by Shelby, "this conception of love is likely to be compelling only to those who feel incomplete and imperfect to begin with ... for individuals who already feel self-sufficient or who value highly their independence...as Jay-Z says, 'if you havin' girl problems, I feel bad for you, son/ I got ninety-nine problems but a bitch ain't one'" (18). As Shelby further investigates what philosophy and hip hop have to say about love, we are left with the very valuable lesson that there is more than one way to define a term and the value that is imbedded in the meaning of that particular term. Furthermore, with the hip hop artists Shelby uses to explore the concept of love in ancient times and currently, one can see that different people have

² 50 cent is a multi-platinum record selling American rapper and founder of G-Unit records.

different experiences and bring different understandings to particular terms. Because terms can be defined in relation to experience, hip hop is a tool to express and emphasize the advantages and disadvantages of difference. Shelby does a solid job in using one work to show how one term has a different meaning for different people.

“That’s How I’m Livin’: Authenticity, Blackness, and Sexuality” enlightens us on how one can appreciate hip hop and be a feminist. Disc three is filled with passionate reflections on identity, sex, and community, and the philosophers on this disc offer the reader a critique of hip hop without throwing the baby out with the bath water. That is to say that, even though they recognize and discuss the problems with hip hop, they do not believe that hip hop should be disregarded because of its contradictions or because of its ability to call out the hegemony and injustices in a Western society through music. Arguably the best track on this disc is Kathryn T. Gines’ “Queen Bees and Big Pimps: Sex and Sexuality in Hip Hop.” Gines has taken up the “beef” with those who have misunderstood the message that Tupac was trying to send through his music by pointing out that C. Delores Tucker’s disgust for Tupac was due to a lack of understanding and generalization of all rap as gangsta and pornographic. Gines points out that Tupac’s, “Wonder Why They Call U Bitch” is a criticism of the “unequal exchange of sex for money...he isn’t attempting to reduce all women to bitches and hos” (94). Gines suggests that while Tupac was offering a, “descriptive analysis which functions as a mirror of our society’s attitudes about the sexuality of Black men and women,” unfortunately, he as well as hip hop have failed at creating a different image of the black woman and reinforces the stereotype of the hyper-sexualized black woman. On the other end of the spectrum is Nelly’s “Tip Drill” where women are in fact reduced to sexual objects without a state of personhood, and metaphors are used to reinforce ideas of domination. Gines goes on to discuss the power that stereotypes have in understanding oneself in relation to a world in which one is trying to gain agency, and reminds the reader that every individual plays a role in the performing of gender roles in one’s decision to accept or resist

stereotypes. Hip hop has an opportunity to reshape gender roles and eliminate the stereotypes that persist by “not conform[ing] to preexisting stereotypes” and choosing to be “authentic or inauthentic in our performance” (103). Gines posits questions that require performers in hip hop to choose between living authentic or inauthentic lives by denying the stereotypes that have historically objectified black men and women.

Hip Hop & Philosophy: Rhyme to Reason is a dope conversation about an historical phenomenon, and yes there is a parental advisory for explicit content. As hip hop continues to transcend racial and geographical boundaries, the way in which hip hop has dealt with questions such as God, agency, sexuality, gender, economics, politics, and the search for what is real will change to include the views and voices of those who are not Western or Black. *Hip Hop & Philosophy: Rhyme to Reason* has provided a solid foundation in which to continue the investigation into the ways that hip hop has posed the questions, attempted to answer them, and added valuable insight into the human condition.

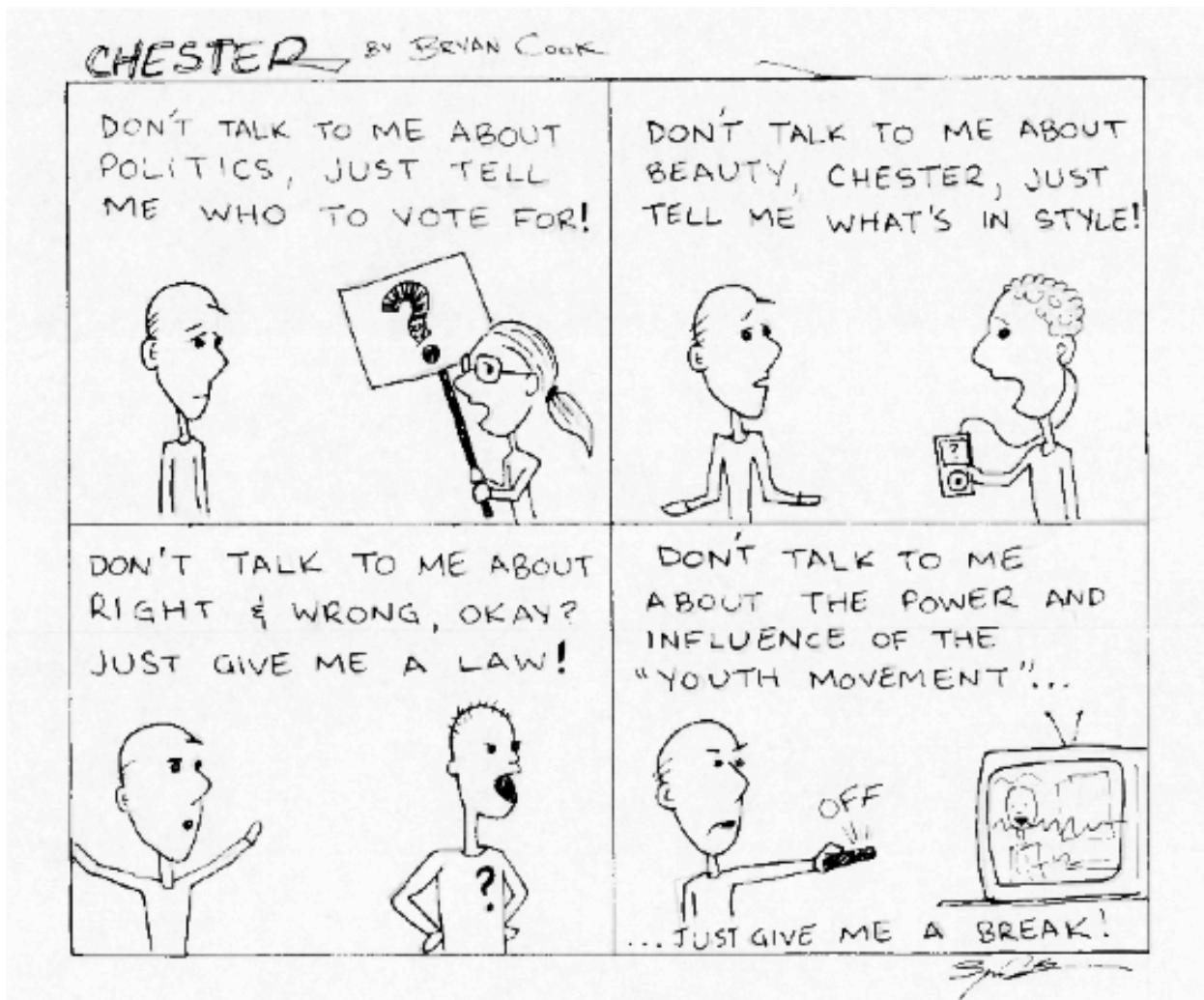
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CARTOON

Chester

By

Bryan Cook



Center for Professional and Applied Ethics
University of North Carolina at Charlotte
9201 University City Boulevard
Charlotte, NC 28003-0001
704-687-3542
ethicscenter@uncc.edu
www.ethics.uncc.edu

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