Case Study #2: Kant & Alcohol Use during Pregnancy

Read the assigned section in our text on Kant, the section from *Groundwork of the Metaphysics of Morals* for which there is a link provided on the syllabus, and the attached Case #2 from the Association for Practical and Professional Ethics National Championship Cases for 2017, and then answer the following five questions. **The completed assignment should be two pages long, (approximately 1400 words) using 12 pt. fonts and single spacing with one inch margins. Please follow the assigned format** as exemplified at the end of your first case study assignment. Each answer should be separated, numbered and proportionate to the number of points possible. This study is worth a total of 60 points.

Your completed assignment is due on the 12th (M/W)/13th (T/Th) of April.

Please refer to the first assignment for general suggestions, grading rubrics, and a sample completed assignment!

1. **Identify the key relevant moral issues associated with this case** (2-3 questions). The core moral issue for this case is, “Should alcohol use by pregnant women be legally prohibited?” However, there are several sub-issues that must be identified in order to respond to this larger issue. Remember that a moral issue is normative – these are to be expressed as questions using normative terms (e.g. using terms such as “should” and “ought,” and concerning issues of right and wrong regarding moral rights & obligations, etc.). (5 points)

2. **Asking the right questions:** What facts would you need to know about this case to make a reasonably informed judgment? In this section, note that you should be raising questions such as the incidence of fetal alcohol syndrome, the nationwide and worldwide variance of current rules regarding alcohol use by pregnant women, etc., but **not** questions about Kant. **Provide as a bulleted list and pose in question form.** For this assignment, you do not have to do all the research but you need to raise the kind of questions that would drive such a project. These should be research questions and as such should be concrete and answerable with reference to assessable data and reliable sources. No bias or prejudice should be evident and the questions should be non-normative (no “ought” or “should” questions). Think about **facts** that, if known might help determine how one should or could respond to the case. (15 points)

3. **Kant’s Position:** How do you think Kant would respond to this case? Should alcohol use by pregnant women be legally prohibited? Be sure to provide properly cited quotations from Kant (**primary source = Kant’s writings and does not include secondary commentary from Rosenstand or from me**) to support your answer. Note that this question carries the highest weight in points. (25 points)

4. **Critical Objection:** Identify one key problem with Kant’s deontic approach ethics as it applies to this particular case. **Hint:** start with the objections to the theory and determine if any become especially relevant to this case. (10 points)
Conclusion: Should alcohol use by pregnant women be legally prohibited? You may incorporate the APPE case study which includes areas of comedy and entertainment. Defend your answer without resorting to a repetition of points made in previous sections. (5 points)

Background¹: Case Study #2

Case 2: Drinking for Two

The New York City Commission on Human Rights released guidelines on May 6, 2016, that state, "Any policy that singles out pregnant individuals is unlawful." Thus, bars and restaurants cannot refuse to serve alcohol to women solely on the basis of pregnancy or perceived pregnancy.

Other jurisdictions treat the issue of alcohol use by pregnant women differently. According to ProPublica, pregnant women who use alcohol may be charged with child abuse in at least eighteen states. Wisconsin, for example, has prosecuted women who admit to their doctors that they used alcohol while pregnant. These women were charged with violating 1997 Wisconsin Act 292 that protects “unborn children who are at substantial risk of serious physical injury due to the habitual lack of self-control of their expectant mothers in the use of alcohol beverages…”

Several states have adopted fetal rights laws. Some of these statutes provide special protection for pregnant women, by imposing harsher penalties for violence against them, for example. Other fetal rights laws focus particularly on the unborn child by granting legal status to the fetus. Even if the intent of the law is to protect both mother and child, these very laws have been used against women who drink during pregnancy.

A number of concerns have been raised about the rights of pregnant women and the health of their fetuses. Society’s interest in protecting the health of the unborn has led some to question an expectant mother’s right to engage in activities potentially harmful to the fetus. People disagree about where to draw the line between the health of the fetus and the rights of the mother. Some would like to prohibit pregnant women from extreme activities such as white-water rafting, bungee jumping, and scuba diving. Others argue that expectant mothers should not even exercise vigorously or eat brie cheese.

¹ Please note that you are not limited to the background offered. It is expected that you will do a bit more in-depth reading to develop your thesis. You may feel free to use any credible/reliable source as evidence for your arguments. Additionally you may use additional material from Aristotle to defend your answers. Please provide full citation for all research.
Some object to judging or sanctioning the behavior of pregnant women because it infantilizes and devalues them. They claim that passing laws that criminalize otherwise legal behavior, only because of the condition of pregnancy, discriminates specifically against women in a way that endangers their civil and human rights. They further contend that such restrictions give equal or greater consideration to the rights and interests of the fetus over those of the mother.

There are compelling moral and social interests in protecting the health of unborn children. There seems to be little consensus, however, on the appropriate means to do so, particularly when the rights of the mother appear to compromise the health of the fetus.