Case Study #1: Ethics & the Child Migrant Crisis

Read the sections on Mill and Kant in the chapter on Ethics in our text and the attached piece from the Collegian Central. The completed assignment should be three pages long, using 12 pt. fonts and single spacing with one inch margins. Each answer should be proportionate to the number of points possible and supporting quotes should be no longer than one or two short sentences. Quotes must be cited and if pulled from our text all you need do is indicate the page – if not from our text, a full citation is required. Please separate and number each response as shown in the example attached. This study is worth a total of 100 points. Your completed assignment is due on the 8th (MW)/ 9th (TTh) of October.

Keep Scrolling Down – Detailed instructions, rubrics and a sample completed assignment are on the pages following the Background!

Questions:

1. Paraphrase the argument made by Caroline King in the attached article from the Collegian Central concluding that these children coming in largely unaccompanied from Guatemala, Honduras and El Salvador should be regarded and treated as refugees and not illegal immigrants. Do not include the argument made in the comments which follow her article. (10 points)

2. Asking the Right Questions: What facts would you need to know about his case to make a reasonably informed judgment? In this section, note that you should be raising questions such as the trends or impact of immigration, the legal definition of refugees, the political and social climate of their countries of origin, etc. but not questions about Mill or Kant. Provide as a bulleted list and pose in question form. For this assignment, you do not have to do 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. (20 points)

3. Would Kant be likely to urge the US to grant asylum to these children? Defend your answer including specific details from Kant’s deontology & provide citations from Kant (primary source = Kant’s writings and does not include secondary commentary from Solomon or from me) to support your answer. (30 points)

4. Would Mill be likely to urge the US to grant asylum to these children? Defend your answer using specific details from Mill’s utilitarian approach to ethics & provide citations from Mill (primary source = Mill’s writings and does not include secondary commentary from Solomon or from me) to support your answer. (30 points)

5. Conclusion: Where do you stand on this issue? Having considered the relevant facts and the arguments you have gleaned using Kant and Mill, how do you think the US should address the status of these children? Briefly defend your answer without resorting to a repetition of points made in previous sections. (10 points)
Illegal immigrants waste our money, deplete our system, spread disease and crime — these were all accusations made earlier this summer against three buses full of undocumented child immigrants from Central America in Murrieta, California. Holding signs that read “Return to Sender” and “Illegals Out,” protestors blocked the roadway to the border processing station in Murrieta, forcing buses to turn around and head toward a different processing facility in San Diego.

While reading about the Murrieta protest in the Washington Post, I had to remind myself several times throughout the article that protestors were not demonstrating against a plague, alien invasion or other natural or supernatural disaster, but against children — against refugees. Similar protests have engulfed states along the U.S. Mexico border as the U.S. faces its newest immigration dispute, and what Obama himself has come to call a “humanitarian crisis” — the recent influx of child immigration. Over 52,000 unaccompanied minors, the majority from Guatemala, Honduras, and...
El Salvador, have made their way to the United States border since October, most to escape persecution.

It’s no secret that illegal immigration has been a point of contention for some time in our country, since it began almost 135 years ago to be exact, but this recent development is not about immigration — it is about displacement. According to Merriam Webster, a refugee is a person who has been forced to leave their country in order to escape war, persecution or natural disaster, while an immigrant is a person who comes to live permanently in a foreign country. These Central American children are not coming alone because they want to; they are coming because they have to.

According to Leslie Velez, senior protection officer at the U.N. High Commission for Refugees, in an interview with the National Journal, the sharp rise in immigration from Central America is indicative of a situation that surpasses immigration. Unlike others who have come before, seeking economic opportunities in the United States, these immigrants are migrating to escape life-threatening situations.

Honduras, El Salvador and Guatemala have some of the highest crime rates in the western hemisphere. According to Dara Lind, contributor to Vox.com, more people are likely to die in Honduras, El Salvador and Guatemala right now than were expected to die in combat in Iraq in 2007, and have recently experienced an influx of gang violence. Many of these gangs are targeting children and teens to recruit, threatening to kill recruits and their families if they refuse to join. In response, many children and teens are forced to flee these countries. This reality is reflected in an interview conducted by the U.N. High Commissioner earlier this year, in which 58 percent of the 404 children interviewed indicated that they were “forcibly displaced.”

Finally, the fact that children and families from these countries are not only fleeing to the United States, but to neighboring countries, some of which, as is the case with Nicaragua, are poorer than their own, reinforce the idea that this mass migration is not about economic opportunity; it is about survival. According to the National Journal, Canada, Mexico, Costa Rica, Panama, and Belize are also countries of choice for Central American refugees, though they primarily travel to Mexico, Costa Rica and the United States.

Regardless of their status as immigrants or refugees, the essential question remains the same: do they stay or do they go? Because of the William Wilberforce Trafficking Victims Protection
Reauthorization Act of 2008 passed by the Bush Administration, the United States is required to offer a hearing in immigration court to any person coming to the United States — with or without papers — fearing persecution in their home country to determine whether or not they are eligible for legal refugee status in the U.S.

As for children who travel unaccompanied who come from non-contiguous countries (as in the case of Central American immigrants), this act ensures that they have enhanced legal protections. Bush signed this into law when there were only 6,000 to 8,000 unaccompanied child immigrants per year instead of 52,000, which is partially why it’s difficult to expedite the cases and why the system is so overloaded. As for the politics in a nutshell, the boys on Capitol Hill are still hashing it out; the Republican Party would rewrite the existing laws in order to have a mass deportation, while Obama is proposing a $4 billion bailout to essentially take care of the children who are here now and strengthen the border.

It is difficult to devise an answer with an issue as complex as this one, but as a situation that involves refugees, we need a solution that addresses refugees. This is not about immigrants taking our jobs or raising our taxes, this is about a national responsibility to assist those claiming asylum with what resources we have — a responsibility that we voted into law in 2008, regardless of whether not it was convenient.

Collegian Columnist Caroline King can be reached at letters@collegian.com.

(Note: I have included the following to help with your development of your case study and should not be included as part of your paraphrase of the above argument.)

Comments:
• bafacts · 2 days ago
So let me dispute your findings with credible research that has been done on all of your points above. First, the documents and sites I reference are not part of the US media, nor are they US liberal or conservative views (unlike your liberal resources above). Many are from govt sources and independent non-partisan groups. These are not refugees by definition. You attempt to make them as such by stating as a 'fact' the reason they are refugees is due to displacement because of crime in Honduras, Guatemala, and El Salvador. According to the latest United Nations report (google - TOC Central America and the Caribbean for .pdf) published in 2012, crime actually has either stayed the same or decreased. Additionally, according to DHS report 'Estimates of the Unauthorized Immigrant Population for 2012" published in 2013, "an estimated 11.4 million unauthorized immigrants were living in the United States in January 2012 compared to 11.5 million in January 2011. These results
suggest little to no change in the unauthorized immigrant population from 2011 to 2012.” Taking these 2 resource points, the UN report and the DHS report suggests that crime is not the reason for the spike in in 2014. In fact, as a result of illegal immigration laws not being enforced, and US having an 'open border', a US Justice Department report from 2009 FBI.gov called 'National Gang Threat Assessment', indicated that one of the largest street gangs in the United States, Los Angeles-based Los Angeles based 18th Street gang has a membership of some 30,000 to 50,000 with 80% of them being illegal immigrants from Mexico and Central America and active in 44 cities in 20 states. The statistics also show a dramatic spike from 2013 to this year stating right after the president signed via executive power, his version of the Dream Act. You can also check direct liberal media publications from Honduras newspaper site where the paper early on stated that the reason people and children were coming illegally was because of rumors that the U.S. was providing 'Permisos' or permissions to stay in the U.S. (see LaPrensa.hn) where in early June (between the 8th and 15th) you will see articles in spanish where they state that the people believed these rumors The paper also mentions that reasons were not only because of violence, but because of poverty, economic situation, and better opportunities in the US. Shortly after these early articles in early to mid June, did the paper start attributing the migration to violence only, well after the president said they would be deported and that they should not be sending children alone (around 6/28 and thereafter). You may also want to check out the following document from intelligence source called The EPIC Intelligence Assessment, 233856565-Leaked-EPIC-Document. It confirms all of the above points. As for immigration reform, which in my opinion is another word for 'Amnesty' will not pass unless our borders are secured. In 1986, when Ronald Regan, passed 'immigration reform' it only encouraged more illegals to enter. With the non-enforcement of current laws, why would anyone believe that this administration or any other administration would secure our borders? Now I can also get into the impact of our economy, the unintended consequences, and the why most Americans are against this. Lets just say, would you leave your door open and allow someone in your house that you didn't know, no ID, give them food, let them sleep there, and give them money to get on their feet? Probably not. So please spare us with the ideology mantra, and let's get realistic to how this is going to affect the hard working people of this country, whose taxpayer dollars are being used to support all these folks in a time where citizens and legal residents can't find a job and retirement accounts are being depleted. Also, when posting things as facts, please do real research and don't base it on just one-sided opinions.

Keep scrolling down for rubrics and a sample completed assignment!
General Suggestions for Writing Case Studies

How not to write your paper:

I. Focus & Relevance
Be sure that you understand the assignment and have understood each question. Your responses should be focused on the questions I’ve asked & not the questions you wish I had asked! It is important to weed out all irrelevant considerations or concerns that an economist or historian or political scientist might have but are not strictly speaking, ethical concerns. Look at the completed sample case study for some ideas.

II. Format
You should copy & paste or re-type only the first part of the question (the portion in bold type). Please number each response corresponding to the assigned questions. Papers should be 2 pages, using 12pt. fonts and 1 inch margins all around. There should be an extra space separating your responses to each question. Again, please reference the completed sample case study and follow the format exemplified.

III. Tone/Voice
Ever since George Carlin pointed out that “using your own words” would result in a private and hence meaningless expressions, I’ve had to give up on the phrase, however a certain degree of originality is still important. Your task is to explain a concept as if you were the Teaching Assistant for this class. If you simply repeat the text or my lecture, you haven’t helped your imaginary student. You need to clarify the argument/concept in a way that demonstrates that you really understand it and can express the same ideas in a way that is different than has already been explained by the text or by me.

IV. Adequate and Balanced Defense of Your Argument
In question three, you are asked to make an argument using the philosopher we’re studying. You should be clear in your thesis early in the paragraph. It is important

3 Please note that these guidelines are for my class assignments. Individual instructors may have other format preferences and you should consult with your teacher for the details before completing your assignment.
to ensure that your application is consistent with the philosopher’s theory and that you support that application with a well-thought-out defense. You should include counter-considerations that are relevant to that theory and could impact the philosopher’s conclusions.

V. Quotes
Quoting is a way of supporting your interpretation of an argument or theory. Relevance to your response and to the question asked is critical. Quotes can be edited but be careful not to take the quote out of context, thus altering the intent of the author. The length of the quote must be appropriate to the length of the assignment: short papers require shorter quotes. All quotes must come from the original author’s works, neither from the secondary commentary of the author of our text nor from my lectures or power points. Quotes need only be cited with the page in our text where it was found (see sample completed assignment).

VI. Length
Part of the criteria for success is efficient use of the space allowed. If you write a single sentence for a one/third page assignment, you have not satisfied this criterion. However, this is not an invitation to use the additional space for stream-of-consciousness or irrelevant information not pertinent to the assigned issue. If you are having difficulties with the length, it is usually because you have not recognized or developed sufficiently the various issues involved. Conversely, if your draft is too long, you need to whittle it down to just the relevant essentials, perhaps editing out the anecdotes or redundancies; more is not always better! I am very willing to help if you submit drafts sufficiently before the due date.

VII. Rough Drafts
I have invited all of you to bring rough drafts of your completed assignment in for a preview reading. I do not offer re-writes after I have graded your papers. Rough drafts are brought in during my office hours or by appointment and I only read them in person - with the student present. Please do not submit rough drafts electronically nor should you drop them off in my box.

I support pro-active measures that encourage preparation and thought and with rough draft readings, both the student and I should benefit with the end result being a better final draft. If your work satisfies my criteria (see rubrics following) for “A” level work, and if the draft is formatted and printed in final draft format, I will sign off on the draft, guaranteeing those students somewhere between 100% and 90% of the points possible for this assignment. Your cut-off for rough draft submissions is 24 hours prior to the due date; I will read no rough drafts the day of or the day prior to the due date.

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Standards (Rubrics) for Grading Case Studies

The excellent paper (100-90% of points) will exhibit the following qualities:

Question 1:
- Conclusion is clearly identified in the first sentence.
- Major supporting premises are identified.
- Relevant and critical minor supporting premises are identified.
- Argument has been presented with good logical flow.
- Paraphrase has eliminated all irrelevant or unnecessary information.
- Paraphrase is original and not merely a verbatim repetition of original argument.
- Argument is clearly understood and consistent with the author’s intent.
- No critique, analysis or irrelevant commentary is provided.

Question 2:
- All items are listed as normatively neutral questions. No immediate bias is evidenced and no questions center on what “ought” or “should” be the case.
- All critical questions have been raised given the space allowed.
- Questions are relevant to the case and would be likely to be relevant to the philosopher/theory being applied to the case.
- Questions are likely to drive effective and informative research. The questions should be factual and answerable (at least in terms of probabilities or projections backed up with historical data).
- Questions are not phrased in terms of what will or could happen but what has happened; remember one cannot gather data from events that have yet to occur.
- Questions are grammatically correct and are presented in a bulleted list.

Questions 3 & 4:
- A clear thesis statement is made in the first sentence.
- Argument is focused on the key issues.
- Argument is clear and well organized.
- Argument is consistent with the assigned philosopher’s theory.
- Argument is effectively supported with relevant reasoned discussion.
- At least one primary counter-consideration is identified.
- Sufficient detail from the philosopher’s theory is provided.
- Argument is effectively supported with relevant quotes from the philosopher’s primary work & all quotes are cited properly. (Note that in the example to make the most effective use of space allowed, endnotes were used; endnotes do not count as part of the 3 page limit.)
- Quotes provided are not too numerous or disproportionate to student’s original discussion; they play a supporting role not a starring role.
• Responses reflect thoughtful and detailed consideration of not only background material provided but also a further familiarity with the events and history surrounding the issue.
• No immediate personal bias is evidenced.

Question 5:
• Thesis is clearly stated in 1st sentence
• Reasons offered in support of thesis reflect a thoughtful and fair approach to the details of the case and the details of Mill’s theory.
• Discussion is not repetitive of any previous section.

Overall Impressions:
• Study presents evidence of a thoughtful and deliberative approach.
• Language is clear and explanations/arguments are original
• Effective use has been made of space allowed
• Study reflects careful consideration of background material provided.
• Study reflects that the author has explored the issue beyond the background material provided.
• The study is scholarly, with effective use of the essays and relevant philosophical theory. All quotes and references are properly cited.
• There is good logic flow from one response to another – issues raised in earlier questions must link logically with responses to later questions.
• Assignment format has been followed.

Good (89-80% points)
The good paper will demonstrate all the above qualities but perhaps to a lesser degree or, will demonstrate some of the above qualities excellently, but not all of the qualities will be presented at a consistently high level.

Satisfactory (79-70% points)
The satisfactory paper will present all of the above qualities but not as strongly as the good paper or, some qualities may be stronger with some not as strong. Insight is not usually present.

Needs Work (69-60% points)
This paper is weak on many of the desired qualities.

Really Needs Work – Pretty Much Unacceptable (59-0% points)
This paper presents few if any of the desired qualities.

Keep scrolling down for a sample completed assignment!
1. **Paraphrase:** This film presents a condemnation of AZ House Bill 2281 which the makers of the film charge as targeting the teaching of ethnic studies in AZ high schools. The film argues that the funding of ethnic studies in the high schools is a critical and significant contributor to student success and fulfills the needs of underrepresented students that are not otherwise met in the conventional curriculum. Further it is argued that those supporting AZ HB2281 are motivated by a poor understanding of the ethnic studies program and at the very least a callous indifference to the needs of those underrepresented students. Lastly, it is argued that AZ HB2281 is tantamount to censorship.

2. **Asking the right questions:**
   - What is the population distribution by race/ethnicity of AZ high school students?
   - What was the drop-out rate for AZ Latino students before vs. during the program? How did the drop-out rate of students who participated in the program compare to the overall drop-out rates of the school district?
   - Are there statistical correlations between drop-out rates and unemployment, homelessness and crime?
   - What portion of tax revenue is spent on crime prevention and mediation in Arizona?
   - Are there estimates of lost tax revenue due to unemployment and homelessness in Arizona?
   - How have the students in the ethnic studies program performed on standardized tests as compared to the general population of students in the district?
   - Was there an increase in school violence or public disturbances linked to racial tension during the period the program was taught?
   - Have any scientific studies been performed to link diversity of curriculum to student success?
   - To what degree is the contribution of non-white persons included or recognized in current curriculum not focused specifically on ethnic-studies?
   - What was the racial background of the students who participated in the program?
   - What is the ethnic/racial background of those who serve in the AZ House?
   - Is the public funding of AZ schools very limited or decreasing & how does AZ per student spending compare to other states in the US?
   - Have there been significant changes to the tax revenue or apportionment towards education in the state of Arizona & how does the percentage of proportionment compare to other states in the US?
   - How much does the ethnic studies program cost per student compared to the general courses taught and how many students as a percent of the total school district population does it serve?
   - In other states/cities/districts what impact has the institution of ethnic studies programs had on the students who participate in terms of completion, transfer and continuing success post-graduation?

3. **Mill’s Position on AZ House Bill 2281:**
   Mill would ultimately argue that Arizona is not morally justified in passing this bill. At first glance it might seem that as a utilitarian, Mill would be forced to support this bill. Public school funds are always limited and schools across the nation are largely in a situation of economic triage –allowing those who won’t succeed without intervention to languish and sacrificing the programs geared towards the most excellent in order to serve the middle majority of students. Mill, as a utilitarian, would weigh the moral worth of this bill
in terms of outcomes and the number of people affected. From such a cost-benefit analysis, it appears that the ethnic studies programs are more expensive and do serve a smaller population of students. Since the utilitarian credo demands acting to promote the good for the greatest number of people and does not demand an egalitarian distribution, it might seem that the cash-strapped state of Arizona might make the same argument other schools have been forced to make regarding music, art and language courses. However, looking more carefully, there are three critical reasons why Mill would have rejected Arizona’s House Bill 2281.

First, the previous argument ignores the fact that the outcomes were significant in terms of greater retention and graduation rates, better scores on standardized exams, higher transfers to colleges, and a significantly more motivated student body who felt empowered to work towards issues of social justice and equal opportunities for Latinos. Under the old system, one must consider the cost of educating students who fail or drop-out. The waste of finite public resources, combined with the social cost of high school drop-outs in terms of quality of life, higher incidences of crime, unrealized potential and lost productivity cannot be disregarded.

Secondly, Mill held there is a connection between education, a just society and the greatest good or ‘happiness’ as he called it. For Mill, happiness involved free will, empowered action, a sense of pride and most importantly, a kind of higher rational dignity. (p.720) He argued, “The present wretched education and wretched social arrangements are the only real hindrance to its being attainable by almost all.” If it can be adequately shown that the ethnic studies do contribute to such qualities for a significant number of students – and anecdotal evidence supports this – then this is just the sort of program of which Mill would most approve. Many of the participants reported a significant change in their understanding of how their ancestors contributed to this country and that they had gained a real sense of empowerment and optimism about their own future.

Finally, as a classic libertarian, Mill was opposed to excessive government intervention. (p.811) He wrote, “The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” (p.811) There appears to be little evidence to support that there was an active harm incurred through the teaching of ethnic studies. Contrarily, there is good evidence that an ethnically diverse curriculum is pedagogically defensible. The Arizona state legislators’ move has effectively curbed a cherished practice of academic freedom which is clearly consistent with Mill’s position on governmental overreach. Encyclopedia Britannica defines academic freedom as, “…the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure.” In order to justify this Bill, the legislators needed to demonstrate positive harms such as proving a clear link between an increase in racially motivated violence and the program. Mill argued strenuously against censorship in On Liberty, “If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.” It seems clear that, in this case, there are greater harms in censorship and the erosion of freedom than there are gains made in the name of consistency and standardization. When one includes the books that were also banned, this looks like a bad Bill likely to result in worse consequences.

4. Kant’s Position on AZ House Bill 2281:

I will argue that Kant would also reject the passage of AZ House Bill 2281. There are two critical reasons that would drive Kant’s rejection of this bill. First, the bill is inconsistent with the duty of an educator. Kant is a deontologist, not a utilitarian; this means we have to act based solely on the idea of duty and not on anticipated outcomes. Kantian duties are to be derived by looking at the meaning or intention behind the actions – we are to act from what Kant calls “pure practical reason.” (p. 698) “But if
pure reason of itself can be and really is practical, as the consciousness of the moral law proves it to be [cf. §2.2 on the “fact of reason”], it is still only one and the same reason which, whether from a theoretical or a practical perspective, judges according to a priori principles....vi Kant’s idea of “a priori principles” is that we cannot rely on subjective preference or individual anecdotal experience – principles must be drawn from what things are. This means that to figure out the duty of an educational program, one must look at the purpose or definition of education. Kant wrote, “It is, however, not enough that children should be merely broken in; for it is of greater importance that they shall learn to think. By learning to think, man comes to act according to fixed principles and not at random.”vii If the principle purpose of education is to create a climate for and growth of critical thinking and the ethnic studies programs serve that purpose well, then the ethnic studies are not only defensible but obligatory. There is very good evidence that critical thinking is a significant part of the design of this curriculum.

Secondly, passage of the AZ House Bill 2281 is in direct conflict with Kant’s conception of respect for persons. When discussing duties, Kant emphasizes the importance of developing and preserving that “ennobling” characteristic of human dignity and that this should be the practical content of a child’s educational experience.viii Under much of the standardized curriculum, a child only reads about the contributions of one particular culture or ethnicity – often and in the case under consideration in AZ, one to which the child does not belong. Certainly embedded in Kant’s idea of human dignity is respect – a sense of inherent worthiness – for every person as “end in itself.” (p. 705) To be consistent in our commitment to respect for persons, we cannot talk about respect for only some persons. When some people, solely by virtue of their ethnicity, are excluded from the narrative in the curriculum, a clear message is sent that those groups of people are not only less worthy than others but that their contributions are culturally and historically insignificant. Given his dedication to the idea of telling the truth, I doubt Kant would approve of this message which is tantamount to a lie and thus entirely inconsistent with being respectful! (p.705)

However, I also don’t believe that Kant would be completely unequivocal in his rejection of AZ House Bill 2281. It might be reasonably argued that Kant would reject any curriculum focused on specific ethnicities or student populations. For Kant, one of the most important criteria for moral action is the principle of universalizability. This means that we can’t approve of an action or policy unless it can be applied to all persons as a “universal law.” (p.699) Certainly there are good reasons to be concerned about preserving a common core educational experience. This seems to imply that Arizona would have to either cover all ethnicities in every class for every student or ignore the issue of ethnicity entirely which could lead to the loss of important sociological, psychological and even philosophical insights. Kantian approaches do result in the possibility that sometimes conflicts of duties result in a scenario of no perfect options available. I believe that for Kant, the better – but not perfect choice – would ultimately be to support these ethnic studies until at some point in the future, the core curriculum becomes more inclusive or in some very distant future, ethnic identity becomes irrelevant.

5. Conclusion: I believe these programs need to be supported – not at the sacrifice of other programs or student populations but as an addition and enhancement of their educational opportunities. The argument in Arizona thus far, has been presented as a bit of a utilitarian false dilemma: either serve the majority at the sacrifice of the minority or serve the minority, thus diminishing the good to the majority. My answer to those utilitarians is to serve all, and in doing so, increase the good for current and future generations. The means by which this can be accomplished is to increase school funding as AZ is one of the lowest states in per student spending in the nation.ix Further, I believe that Kant has left a big piece of the educational experience when he omits the subjective aspects; the passion and engagement that these programs are capable of generating must be preserved. If a student’s education is not relevant to that student, all efforts become futile. At some point in the future, with the development of more inclusive curriculum and texts, these programs may not be as essential, but until then, they are absolutely critical.