

# Case Study #1 - Covid-19: Health, Human Rights, Justice

## Case 1a: Covid-19 in the Caymans

On November 29, 2020 Skylar Mack, an 18-year-old student from Georgia, and her boyfriend Vanjae Ramgeet, a 23 year old Cayman Islander and jet ski professional, were both arrested by Cayman Islands police. Mack had arrived on November 27 to watch Ramgeet participate in a race on November 29, but leaving her residence violated Cayman Islands' 14-day Covid-19 quarantine protocols. Ramgeet was charged with aiding and abetting after



picking up Mack from her residence and taking her to the jet ski event. Both individuals interacted with members of the public for nearly 7 hours without masks or adhering to any social distancing guidelines.

Mack and Ramgeet were both found guilty and were given 40 hours of community service and a \$2,600 fine--making them the first individuals arrested under the new Cayman Island Covid-19 health regulations. Under the law, which went into effect November 27, anyone who violated the mandatory isolation could face a \$10,000 fine and up to 2 years in jail. The judge's initial ruling was challenged by the Prosecutor's office, which argued the sentence was too lenient, and instead asked for 4-6 months of jail for both. Mack's family wrote to both the State Department and President Trump, asking them to intervene on behalf of Skylar.

"We're not asking for her to get an exception," Skylar's grandmother Jeanne Mack said during a media interview. "We're asking for her not to be the exception." On December 15 the judge approved a stiffer penalty of 4 months in jail, noting that "the gravity of the breach was such that the only appropriate sentence would have been one of immediate imprisonment." The case was appealed and on December 22 the judge reduced the jail time to 2 months for both individuals. Ramgeet was stripped of his November 29 victory at the jet ski event (including forfeiting prize money and trophy). He was also required to write a formal apology to the Cayman Islands Watercraft Association (CIWA) and was banned from riding in jet ski races until mid-2021.

### **Ethical Reflection Questions:**

1. Do you think it was fair for Mack to serve jail time for violating Covid-19 rules?
2. Do you think it was fair for Ramgeet to be punished for helping Mack?
3. How should countries balance protecting public health and ensuring personal freedom?
4. What other ethical considerations does this case raise?

## Case 1b: Immigrant Health Justice and the #Uterus Collector

In mid-September of 2020, Dawn Wooten, a former nurse at the Irwin County Detention Center (ICDC) in Georgia, filed a [whistleblower complaint](#) alleging immigrant women were being abused at the ICDC, which operates as an Immigration and Customs Enforcement (ICE) detention center. The complaint, submitted to the inspector general of the Department of Homeland Security (DHS), described a pattern of systemic abuses of detainees' rights as well as unsafe Covid-19 working conditions in the center. Most troubling, the complaint alleges some female detainees suffered forced hysterectomies or other invasive procedures without their consent by an outside gynecologist named Mahendra Amin.



Wooten said she was concerned that immigrant women had been forcibly sterilized without informed consent, often signing documents or agreeing to procedures without being informed in their native language what they were agreeing to or why procedures were needed. The complaint alleges one detainee went in to have an ovarian cyst removed, but the doctor removed the wrong ovary. After realizing the mistake, the doctor removed the other ovary, leading to a total hysterectomy. Wooten noted that other nurses working at ICDC had raised concerns about Dr. Amin, the outside gynecologist, who some female detainees referred to as “the uterus collector.”

The complaint charges staff with routinely "[refusing] to test detained immigrants for COVID-19 who have been exposed to the virus and are symptomatic, shredding of medical requests submitted by detained immigrants, and fabricating medical records." Additional allegations about ethics violations surfaced in an October report to Congress that found both the doctor and the ICE detention facility "took advantage of the vulnerability of women in detention to pressure them to agree to overly aggressive, inappropriate, and unconsented medical care." ICE and ICDC have both denied these allegations. The DHS Office of Inspector General (OIG), which handles investigations, has yet to announce if they will open a probe into ICE and ICDC practice. On December 21 a [class action lawsuit](#) was filed against ICDC on behalf of 43 affected women.

### Ethical Reflection Questions:

1. What ethical obligations does the US government have towards immigrant detainees?
2. What should happen if private prisons like ICDC violate Covid-19 health guidelines?
3. If the OIG refused to investigate this matter, what steps should a concerned public take?
4. What should happen to doctors found to have performed non-consensual hysterectomies?

## Case Study #2 - Climate Refugees & Climate Justice

### Case 2a: Climate Refugees

As global climate change continues to worsen, impacts to people around the world are growing. This is especially true for those whose livelihoods are directly tied to the land, such as farmers and fisherfolk. Over the last two decades, a growing body of research has documented the role of climate change in causing both internal displacement and global migration. The [2020 Global Report on Internal Displacement](#) found that "Nearly 1,900 disasters triggered 24.9 million new displacements across 140 countries and territories in 2019."



These displacements were driven by floods, storms, hurricanes, cyclones, drought, wildfires, and extreme temperatures, all of which are linked to climate change. These threats are even more pronounced for coastal communities and island nations, where rising sea levels and vanishing coasts are rapidly making many areas uninhabitable. As the UN High Commissioner for Refugees noted, "Climate change itself is magnifying the impact of other threats that drive displacement – worsening poverty and intensifying pressures on resources and governance in ways that can stoke conflict and violence." The UNHCR further warned in a 2019 report, [The Cost of Doing Nothing](#), that "without ambitious climate action and disaster risk reduction, climate-related disasters could double the number of people requiring humanitarian assistance to over 200 million each year by 2050." Even more troubling, the 2020 [Ecological Threat Register](#) report further noted that an "estimated 1.2 billion people are at risk of displacement by 2050" due to direct climate impacts, in particular threats to food cultivation and access to clean water.

As the risks grow, climate advocates are asking who should bear responsibility for climate refugees. Many have argued the countries most responsible for historical climate change, such as the US, have a moral responsibility to help by offering financial aid and providing a home for refugees. In international climate debates this idea was enshrined in the 1992 Rio Earth Summit as the principle of "common but differentiated responsibilities." Others have denied countries like the US have any moral responsibilities for climate, but are willing to support some level of financial or technological help, as long as all other countries agree to equally contribute.

### **Ethical Reflection Questions:**

1. We do not currently recognize climate refugees as a legally protected category under international law. Should climate refugees receive equal consideration as other refugees?
2. Should countries that contributed more to causing global warming (US, etc.) be required to pay more to address climate change? Should we accept more climate refugees?
3. Should individual countries or corporations be held legally responsible for their role in contributing to global climate change?

## Case 2b: What Do We Owe Future Generations?

The issue of climate refugees is one important ethical dilemma facing the world today. Another key ethical issue involves climate equity and intergenerational justice. Put simply, do those of us alive today have a moral obligation to protect the planet for future generations? While this question has been raised by many different groups, it has been most powerfully expressed by youth climate activists and global climate strikes, such as Fridays for the Future, a climate event started in 2018 by Greta Thunberg.



These ethical questions gained renewed attention in 2015 when a group of 21 youth filed the first ever climate lawsuit, [Juliana vs United States](#). The suit argued that for decades the US government has "ignored experts they commissioned to evaluate the danger to our Nation" and that the government was aware of the "unusually dangerous risks of harm to human life, liberty, and property that would be caused by continued fossil fuel burning" but still chose not to act. A three-judge panel issued a split 2-1 decision against the youth plaintiffs in January 2020, stating that the court could not provide a legal remedy to fix climate change, and therefore the issue should be raised with Congress instead. The dissenting judge Josephine Staton issued a scathing opinion against the ruling, arguing the court had failed in its legal duties. "Plaintiffs' claims are based on science, specifically, an impending point of no return. If plaintiffs' fears, backed by the government's *own studies*, prove true, history will not judge us kindly. When the seas envelop our coastal cities, fires and droughts haunt our interiors, and storms ravage everything between, those remaining will ask: Why did so many do so little?" The case is currently under appeal.

The welfare of future generations is only one aspect of these climate change debates. Another important question involves ethical obligations that humans have to other species and the planet itself, issues highlighted by growing deforestation, habitat loss and species extinction. The combined force of human population growth, resource extraction, and urban development has put increasing strain on ecosystems around the world. The World Wildlife Federation's (WWF) [Living Planet Report 2020](#) noted that the "evidence is unequivocal – nature is being changed and destroyed by us at a rate unprecedented in history. The 2020 global Living Planet Index shows an average 68% fall in populations of mammals, birds, amphibians, reptiles and fish between 1970 and 2016." Can human ethical frameworks help protect other species as well?

### Ethical Reflection Questions:

1. Should people today worry about whether their actions will harm future generations? Or put differently, do we have any ethical obligations to unborn future generations?
2. Do humans have a moral obligation to protect the planet for all species, or just our own?
3. How should we balance ethical concerns about humans and nonhumans when they clash, and can human ethical systems be extended to include moral concern for other species?

# Case Study #3 - Black Lives Matter and Intersectional Justice

## Case 3a: #BLM Protests and Racial Justice in America

In recent years we have seen a growing demand to address the historical legacies and ongoing inequalities resulting from racial injustice in the United States. These demands have been elevated by the Black Lives Matter (#BLM) movement and nationwide protests against police brutality, sparked by the killings of Trayvon Martin, Tamir Rice, Breonna Taylor, Ahmaud Arbery, George Floyd and [hundreds of others](#) across the US. As the Prison Policy Initiative noted in a



2020 briefing on policing in America, "Nearly 1 million people in the U.S. experience the threat or use of force by police annually, and they are disproportionately Black and Latinx."

As many experts have pointed out, these problems have been with us since before the founding of the country. From the theft of land and genocide faced by Indigenous peoples to the enslavement of Africans during the trans-Atlantic slave trade, millions of people of color have faced systemic racism and discrimination by white Americans.

The ongoing effects of this history are well documented. The average white family has 10 times the wealth of a Black family, while Blacks make 60% less on average compared to whites for the same jobs. Less than 10% of whites live in poverty, compared to over 20% for Black. From housing and employment to health and education, people of color continue to face widespread and systemic inequalities in the US. The [COVID Tracking Project](#) noted about the racial character of the coronavirus pandemic, "Black people are dying at 1.7 times the rate of white people." These racial dynamics are not an accident and must be actively sustained.

The last four years under former president Trump have made it clear the US public is deeply divided when it comes to issues of race. White supremacist ideologies found vocal support from the highest level of government, leading to further social unrest. This resurgent white nationalism has been met with the toppling of statues honoring slaveholders and other icons of the Civil War and southern segregation. Clashes between ANTIFA, BLM, and Proud Boys, as well as calls to Defund the Police, are reflections of this deep racial divide. How can we as a nation come to terms with these racial dynamics and their ethical implications? Can we really talk about "liberty and justice for all" while treating people differently based on race?

### **Ethical Reflection Questions:**

1. How should we respond to a rising threat posed by armed white supremacists in the US?
2. Do you think individuals should have a moral obligation to fight against racial injustice? Are these moral obligations different for white people?
3. What should we do when (mostly white) police officers continue killing people of color?

### Case 3b: Intersectional Politics and Acting Ethically

To fully appreciate the complexities of politics requires examining the different ways in which political issues and social identities intersect. Social beliefs shaped by race, class, and gender (among other issues) go to the heart of the kind of moral questions that philosophers of ethics spend their time thinking about. These ethical concerns have also given rise to numerous social movements in the past. As Dr. King famously wrote from a jail cell in Birmingham, Alabama in 1963: "I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly."



The idea that my liberation is tied up with your liberation, and therefore everyone has a vested interest in looking out for each other, is one shared by those calling for climate action. We literally can't live without the Earth, so we have a vested interest in protecting the planet, both for those alive now as well as those who come after us. What happens if what I'm fighting for is in direct conflict with what you believe? As Ibram X. Kendi argues, "From the beginning of the American project, the powerful individual has been battling for his constitutional freedom to harm, and the vulnerable community has been battling for its constitutional freedom from harm...There is no way to reconcile the enduring psyche of the slaveholder with the enduring psyche of the enslaved." How do we navigate these ethical dilemmas?

These are common issues that emerge when we look at ethical debates over reproductive rights or gun ownership, but similar dilemmas have emerged in recent months on many more issues. Should governments remove Confederate statues and monuments from public spaces? Should openly transgender service members be allowed to serve in the military? When do public protests and civil unrest become necessary? Is there a line when they go too far? Before we can answer these kinds of questions, we have to know what it means to act ethically. Our ethical frameworks go a long way to telling us what really matters when push comes to shove. It also forces us to ask whether there is something we believe so strongly in that we are willing to face arrest or worse. These are lasting ethical challenges we are all wrestling with today.

#### Ethical Reflection Questions:

1. How does your own identity and background intersect with the issues under discussion?
2. What should we do when two incompatible ethical systems are competing for power, especially when questions of public policy are at stake in how we answer?
3. What are some common obstacles that prevent people from acting ethically, even if they know what they are doing is unethical?
4. Can someone be a vocal supporter of white supremacist ideas and still act ethically?