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Vulnerability, Preventability, and Responsibility: Exploring some Normative Implications of the Human Condition

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*Vulnerability, Preventability, and Responsibility:
Exploring Some Normative Implications of the
Human Condition*

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**Vulnerability, Preventability, and
Responsibility: Exploring some
Normative Implications of the Human
Condition**

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Vulnerability, Preventability, and Responsibility: Exploring Some Normative Implications of the Human Condition

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I am hopeful that you'll find my approach agreeable. What I plan to do is share a few stories—true stories—in which the ideas of vulnerability, preventability and responsibility loom large; make a suggestion about the links between and among these ideas and a principle that seems to emerge from them, and invite you to help me see where what I suggest is and is not worth taking seriously.

By way of anticipation, I will be pursuing this idea: Vulnerability has normative implications. I am not alone in thinking that this is so. For example, I should say that Hobbes and Locke, each in his own way, take it for granted in directing attention to and discussing what life would be like in the state of nature. Bentham also seems to embrace the idea when, in a footnote, well-known from the literature on animal rights, he speaks of the fact that while in “Gentoo and Mahometan religions, the interests of the rest of the animal creation seem to have met with some attention,” such attention is far from universal. In this footnote he alludes to the French Code Noir (black code; Louis XIV, 1685), which, among other things (e.g., requiring that all slaves be baptized Roman Catholics), provided some, quite limited, legal protection to slaves in French colonies; Bentham writes,

The day has been, I am sad to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing, as, in England for example, the inferior races of animals are still. The day *may* come when the rest of the

animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognised that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason or perhaps the faculty of discourse? But a full-grown horse or dog, is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they *reason?* nor, Can they *talk?* but, Can they *suffer?*ⁱ

Vulnerability seems to be an equalizer; or put another way, we are equal in this: we are all vulnerable in some measure. To be sure, just how vulnerable we are is a function of a large variety of things. It is certainly worth noting that many of these things are beyond our control: for example, when and where we were born, who our parents are, and whether we have the opportunity to acquire an education. Not everyone understands this, of course. And, sadly, quite a few who don't get it have convinced themselves that they are self-made women or men, that the advantages they enjoy are clearly deserved, and that those who have less, have less because they are lazy, ignorant or both. Another move involves a straightforward denial of the familiar normative assumptions of humanity or equality. John Caldwell Calhoun, for instance, denied equality by denying humanity when often and unambiguously saying, "Show me a nigger who can do a problem in Euclid or parse a Greek verb, and I'll admit he's a human being."ⁱⁱ I will, but he would not, apologize for the language.

Alexander Stephens, Vice President of the Confederate States of America, denied the assertion of equality in the Declaration of Independence in his "Cornerstone Speech": "Our new Government," he said, "is founded upon exactly the opposite ideas; its foundations are

laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition.”ⁱⁱⁱ

I will return to Calhoun shortly. But first, a story.... It’s a story about a black man, who escaped slavery in 1849, one year before the Fugitive Slave Act of 1850 of which Calhoun was a prominent advocate.

Henry Box Brown was born into slavery in 1816. He escaped from bondage after 33 years of life within that peculiar institution by quite incredible means: He had himself mailed to an abolitionist in Philadelphia, a Mr. James Miller McKim, in a box 3 feet long and two feet wide. Reading the *Narrative of the Life of Henry Box Brown, Written by Himself*, we learn that his life as a slave was much better than most—he and his brother “had shoes, vests and hats,” for example, and were given meat by their masters; indeed, in the first chapter he writes that “our master was uncommonly kind.” Box Brown hatched the plan for his escape after his wife and children were sold. Although he tried desperately to find a white man to help him buy his wife and children, he did not succeed. Here’s how he tells the story of that heart-wrenching event:

Many schemes for effecting the redemption of my family passed through my mind, but when the mornings sun arose I found myself on my way towards my masters house, to make another attempt to induce him to purchase my wife. But although I besought him, with tears in my eyes, I did not succeed in making the least impression on his obdurate heart My agony was now complete, she with whom I had travelled the journey of life in chains, for the space of twelve years, and the dear little pledges God had given us I could see plainly must now be separated from me for ever, and I must continue, desolate and alone, to drag my chains through the world. I received a message, that if I wished to see my wife and children, and bid them the last farewell, I could do so, by taking my stand on the street where they were all to pass on their

way for North Carolina. I quickly availed myself of this information, and placed myself by the side of a street, and soon had the melancholy satisfaction of witnessing the approach of a gang of slaves, amounting to three hundred and fifty in number, marching under the direction of a methodist minister, by whom they were purchased, and amongst which slaves were my wife and children. I stood in the midst of many who, like myself, were mourning the loss of friends and relations and had come there to obtain one parting look at those whose company they but a short time before had imagined they should always enjoy, but who were, without any regard to their own wills, now driven by the tyrant's voice and the smart of the whip on their way to another scene of toil.... These beings were marched with ropes about their necks, and staples on their arms, ... accompanied by a number of waggons loaded with little children of many different families, ... in the very foremost waggon [was] a little child looking towards me and pitifully calling, father! father! This was my eldest child, and I was obliged to look upon it for the last time that I should, perhaps, ever see it again in life; if it had been going to the grave and this gloomy procession had been about to return its body to the dust from whence it sprang, whence its soul had taken its departure for the land of spirits, my grief would have been nothing in comparison to what I then felt; for then I could have reflected that its sufferings were over.... Thus passed my child from my presence--it was my own child--I loved it with all the fondness of a father; but things were so ordered that I could only say, farewell, and leave it to pass in its chains while I looked for the approach of another gang in which my wife was also loaded with chains. My eye soon caught her precious face, but, gracious heavens! that glance of agony may God spare me from ever again enduring! My wife, under the influence of her feelings, jumped aside; I seized hold of her hand while my mind felt unutterable things, and my tongue was only able to say, we shall meet in heaven! I went with her for about four miles hand in hand, but both our hearts were so overpowered with feeling that we could say

nothing, and when at last we were obliged to part, the look of mutual love which we exchanged was all the token which we could give each other that we should yet meet in heaven.^{iv}

The agony, now complete, of which he writes, would and did lead many to say that slavery was wrong, an evil; Southern Whigs such as Henry Clay, for example, held that all Americans could agree on the "opinion and feeling" that slavery was wrong; their disagreement was about the most practicable way to respond to it. John Caldwell Calhoun would have none of it. Here, in an address delivered February 6, 1837, he articulated a view of slavery that quickly became predominant among Southerners:

Let me not be understood as admitting, even by implication, that the existing relations between the two races in the slaveholding States is an evil: - far otherwise; I hold it to be a good, as it has thus far proved itself to be to both, and will continue to prove so if not disturbed by the fell spirit of abolition. I appeal to facts. Never before has the black race of Central Africa, from the dawn of history to the present day, attained a condition so civilized and so improved, not only physically, but morally and intellectually.

.... I hold that in the present state of civilization, where two races of different origin, and distinguished by color, and other physical differences, as well as intellectual, are brought together, the relation now existing in the slaveholding States between the two, is, instead of an evil, a good - a positive good. I hold then, that there never has yet existed a wealthy and civilized society in which one portion of the community did not, in point of fact, live on the labor of the other. Broad and general as is this assertion, it is fully borne out by history.

....I fearlessly assert that the existing relation between the two races in the South, against which these blind fanatics are waging war, forms the most solid and durable foundation on which to rear free and stable political institutions. It is useless

to disguise the fact. There is and always has been in an advanced stage of wealth and civilization, a conflict between labor and capital. The condition of society in the South exempts us from the disorders and dangers resulting from this conflict; and which explains why it is that the political condition of the slaveholding States has been so much more stable and quiet than that of the North.^v

A year later in the Senate (January 10, 1838), Calhoun repeated this defense of slavery as a "positive good":

Many in the South once believed that it was a moral and political evil; that folly and delusion are gone; we see it now in its true light, and regard it as the most safe and stable basis for free institutions in the world.^{vi}

I will turn to another story in a moment, from which, I think, a principle emerges that I will be asking you to consider and critique. As I intimated earlier, I see this principle as, in large part, a normative implication of vulnerability. As the title of the talk suggests, another factual condition is in play when the principle emerges. But now I want to suggest that here, with the peculiar institution of slavery, we find what is perhaps the clearest example of human vulnerability on the one hand, and willingness to ignore, discount or deny it on the other, in a context where it will be granted on all sides that the institution presses a value question of goodness as well as rightness.

By way of anticipation, I should say that after presenting the next story I will offer two examples of vulnerability that, I think, it would be extremely difficult to ignore, because they involve plain matters of fact and are very close to home; my hope is that they may serve as a test of the principle I will articulate shortly.

Here's the story:

Rana Plaza, an eight story building in Savar, a suburb of Dhaka, the capital of Bangladesh, collapsed on the 24th of April. The building

was home to five garment factories and some 3,000 workers. With a death toll of 1,127, the collapse of Rana Plaza is the deadliest accident in the history of the garment industry. Sad to say, deadly accidents are nothing new to the garment industry, not only in Bangladesh (in November 2012, for instance, more than 100 garment workers perished in a fire at Tazreen Fashions also near Dhaka)^{vii} but wherever the industry has flourished. For example, as M.T. Anderson observes, garment industry disasters like Rana Plaza happened here in the United States during “the first phase of our national industrialization — the 1878 Washburn mill explosion in Minneapolis, the 1905 Grover Shoe Factory disaster in Brockton, Mass., the 1911 Triangle Shirtwaist Factory fire in Manhattan — but...the most notorious was the 1860 collapse of the Pemberton Mill in Lawrence, Mass.” In the afternoon, on January 10th 1860, the Pemberton Building began to shudder. Flimsy iron columns, which had been known to be unsafe for years, but which would have been costly to replace, supported the upper floors of the building. The weaving machines, too many of them, had fallen into rhythm: “and the building tore itself apart. The columns cracked, the floors splayed, the walls bulged and then burst outward, and a hideous cataract of timber, men, women, working children and iron machines collapsed into a heap of blood and crushing tonnage.”^{viii}

Then, as now, such a tragedy raised vexing questions about responsibility, in the sense of liability (which presupposes culpability); and regulation, in particular, about its feasibility, justification, effectiveness, and consequences for the regulated businesses, workers, and the economies of which they are a part. These are important and difficult questions. In Bangladesh, for instance, which is second only to China in exports of apparel, this is especially true because economic progress has been closely tied to the growth of the garment industry. Writing about his country, as rescuers were still searching for survivors of the Rana Plaza collapse, Fazle Hasan Abed put the point this way in an op ed in the *New York Times*: “Economic opportunities from the garment industry have played an important role in making social change possible in my country, with about three million women now working in the garment sector.... Families living in poverty

have changed their vision of the future. More have acquired long-term goals, like educating their sons and daughters, saving and taking microloans to start new businesses, and building and maintaining more sanitary living spaces.”^{ix}

One salutary feature of Abed’s op ed is that, rather than engaging in the popular but only marginally useful game of blame (find the bad guy; “string him up”), he directs attention to steps that may ameliorate the problems of worker safety in Bangladesh. That is very different from what was going on in media coverage as well as “on the ground,” where leaders of the garment industry were blaming the owner of Rana Plaza, and Mr. Rana was blaming the owners of the factories^x and the engineer, Abdur Razzaque Khan, who, on the day before the collapse, having been summoned to the building to have a look at cracks in the structure, said that the danger was great enough that the building should be closed and experts should be brought in to conduct a thorough investigation.^{xi}

Here, like Abed, I will put aside questions of responsibility that presuppose blameworthiness. Instead, I will focus, briefly, on responsibility in the sense of what one ought ethically to do, which, I should say, nearly, if not completely, tracks with the query what one can be reasonably expected to do. I do this in the hope that looking at the features of a situation that prompt one to think about responsibility may cast some light on how one might go about determining what one’s responsibilities are.

The recent major garment industry disasters in Bangladesh (Rava Plaza, the November 2012 fire at Tazreen Fashions) share three features:

- (i) they were preventable^{xii}
- (ii) the cost of prevention in each case would have been small^{xiii} and
- (iii) resistance to preventative measures was strong and they were, accordingly, not taken.^{xiv}

In this, and in being horrific, they are quite like the Pemberton Mill disaster discussed briefly earlier. They resemble Pemberton in another

er way. The workers —the victims— were *vulnerable*, because, among other things, they *needed* the work and were better off for having it. However, and consequently, just as they were in no position to negotiate or demand better wages, they were in no position to negotiate or demand safer working conditions.

Here, then, we stand at the intersection of three value-laden ideas: vulnerability, preventability, and responsibility. Two of these, namely, vulnerability and responsibility, are, as it were, inherent in the human condition. All of us, though we do often forget it, are vul-

Average worker pay per hour:

Bangladesh	24 cents
Cambodia	45 cents
Pakistan	52 cents
Vietnam	53 cents
China	\$1.26

<http://video.msnbc.msn.com/up/51932077/#51932048>

nerable in some measure. And, with very few exceptions, for example, the very young and those who have severe cognitive impairments, we all have responsibilities. There are, in other words, things that it is our responsibility to do (i.e., that we are rightly expected to do) as, for example, a friend, spouse, parent, professional (e.g., architect or doctor), or manager. The third idea, preventability, is tied to the human condition in that whether something is preventable turns, in the end, on the reach of our control in a situation. Partly, control is a matter of physical wherewithal, but the larger part, to use Peter Drucker's terminology, is a matter of competence and authority.^{xv}

The question then appears to be something like this: Could we agree that responsibility is in some sense a function of the two factors called out above in discussing the garment industry disasters, namely, vulnerability and preventability? Supposing that the answer is yes, we might say that responsibility (the legitimate expectation that we will act) increases with the vulnerability of persons and the extent to which harm is preventable in the situation.

The ethical principle suggested by this is that when harm is within an agent's/organization's ambit of competence and authority and it can be prevented (without substantial cost *comparable* to and greater than

the cost of the preventable harm), it is the agent's/organization's responsibility to take steps to prevent it.

This principle implies that, for example, retailers contracting with garment manufacturers in Bangladesh have a responsibility to take steps to make garment factories safer places to work. (If we could travel back in time, we'd find ourselves saying the same thing about the situation in Lawrence, Massachusetts in 1860. The implication respecting the South's peculiar institution would be more far reaching, primarily because we recognize the humanity of those held in bondage.)

You will recall, I hope, that the idea I have put on the table and explored briefly with you emerged from the thought that examining the features of a situation that prompts one to think about responsibility might cast some light on how to go about determining what one's responsibilities are. The principle that emerged seems to do that. However, although the story about Bangladesh, from which the principle emerges, is timely, and thus quite unlike the story about the South's peculiar institution, its otherness—in the sense of distance from us—is undeniably a salient feature of it. The reach and appeal of the principle would increase if there were situations in which (a) it is clearly apposite and (b) *our* vulnerability is clear. In the arena of high tech communication, for instance, it seems clear that we, as users, are vulnerable, particularly with respect to our being able to maintain privacy in any meaningful sense. However, although it may be hard to imagine, there is a way to substantially diminish if not entirely eliminate our vulnerability: stop using the internet, mobile phones and other high tech devices.

But consider this—yes, another story; it's the last one.

A Clemson colleague, Dr. Aleda Roth, was prompted to investigate the risks of an international supply chain for food after her dog got sick. Roth's dog, Lady, survived, though many other cats and dogs who, like Lady, had elevated kidney enzymes, died of kidney failure. The culprit was melamine, an organic base chemical "widely used in

plastics, adhesives, countertops, dishware, [and] whiteboards,” that found its way into “wheat gluten and rice protein concentrate exported from China and used in the manufacture of pet food in the United States.”^{xvi}

Americans take food safety for granted. Yet, as Roth points out, with “most processed foods [one] buys in the supermarket, the country of origin for all their ingredients is unknown.” Further, “many companies are unwilling to disclose this information to consumers, even when queried.”^{xvii} While we know little about the quality of imported ingredients, it is clear that in emerging market countries, like China, farming and sanitation practices would not meet our domestic standards. In any case it is clear that high levels of pollution, which are common in emerging market countries, can adversely affect food supplies. Acid rain is a good example. Acid rain, which is an upshot of using fossil fuels,^{xviii} increases the amount of mercury in the environment;^{xix} the rub is that mercury is a neurotoxin.^{xx} The best example, perhaps, is an obvious one: it can scarcely be doubted that irrigating crops with water from waterways into which untreated industrial and human waste are dumped is obviously worrisome. It seems clear from Roth’s research that as the supply chain gets longer, more convoluted and more international, safety/health risks increase. If there were any doubt about our vulnerability here, surely it would fade when we learn that while 15 to 20 percent of the food Americans eat is imported, the FDA inspects no more than 2 percent of food imported to the United States and does not routinely check for heavy metals^{xxi} (e.g., cadmium, lead, and mercury) that accumulate in the body over time “causing chronic problems in the skin, intestine, nervous system, kidneys, liver, and brain,” and were recently acknowledged by the Chinese government as a serious pollutant in “one-fifth of its arable land.”^{xxii}

Before telling this story I suggested that the reach and appeal of the principle introduced earlier would increase if there were situations in which (a) it is clearly apposite and (b) *our* vulnerability is clear. This situation seems to satisfy those conditions and thus to set the stage for a discussion of the suggested principle.

When harm is within an agent's/organization's ambit of competence and authority and it can be prevented (without substantial cost *comparable* to and greater than the cost of the preventable harm), it is the agent's/organization's responsibility to take steps to prevent it.

I wonder what you think. Is the principle too strong (in the sense that it implies responsibilities that no one playing with a full deck could accept or reasonably expect others to fulfill)? Is it unrealistic? Does it ignore critical factors or conflict with other sound principles?

Notes

ⁱ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, Chp. XVII n. 122:

<http://www.econlib.org/library/Bentham/bnthPML18.html>

ⁱⁱ “Education: Human Beings,” Time magazine Monday, May 16, 1938:

<http://content.time.com/time/magazine/article/0,9171,759701,00.html>

ⁱⁱⁱ Alexander Stephens, “Cornerstone Speech,” March 21, 1861:

<http://www.civilwarcauses.org/stephans.htm>

^{iv} Henry Box Brown, *Narrative of the Life of Henry Box Brown, Written by Himself, (1849; 1851 England)*:

<http://docsouth.unc.edu/neh/brownbox/brownbox.html>

^v John C. Calhoun, “Slavery a Positive Good,” February 06, 1837:

<http://teachingamericanhistory.org/library/document/slavery-a-positive-good/>

^{vi} John Caldwell Calhoun, *The Works of John C. Calhoun: Speeches ... delivered in the House* ed. by Richard Kenner Crallé (1853) p 180:

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^{vii} Vikas Bajaj, “Fatal Fire in Bangladesh Highlights the Dangers Facing Garment Workers,” *New York Times* 25 November 2012:

http://www.nytimes.com/2012/11/26/world/asia/bangladesh-fire-kills-more-than-100-and-injures-many.html?_r=2

^{viii} M.T. Anderson, “Clothed in Misery,” *New York Times* 29 April 2013: <http://www.nytimes.com/2013/04/30/opinion/bangladeshs-are-only-the-latest-in-textile-factory-disasters.html?pagewanted=all>. Also see: “HORRIBLE CALAMITY.; Falling of the Pemberton Mills at Lawrence, Massachusetts. Five Hundred Persons in the Ruins. TWO HUNDRED OPERATIVES KILLED. ONE HUNDRED AND

FIFTY WOUNDED. The Ruins on Fire Probably a Hundred Persons Burned to Death." *New York Times* Published: January 11, 1860: <http://www.nytimes.com/1860/01/11/news/horrible-calamity-falling-pemberton-mills-lawrence-massachusetts-five-hundred.html>

^{ix} Fazle Hasan Abed, "Bangladesh Needs Strong Unions, Not Outside Pressure," *New York Times*, 29 April 2013: <http://www.nytimes.com/2013/04/30/opinion/bangladesh-needs-strong-unions-not-outside-pressure.html?pagewanted=all>

^x Jim Yardley, "Tears and Rage as Hope Fades in Bangladesh," *New York Times* 28 April 2013: <http://www.nytimes.com/2013/04/29/world/asia/after-building-collapse-tears-and-rage-as-hope-fades-in-bangladesh.html?pagewanted=all>

^{xi} Jim Yardley and Julfikar Ali Manikmay, "Bangladesh Arrests Engineer Who Warned of Dangers," *New York Times* 2 May 2013: http://www.nytimes.com/2013/05/03/world/asia/engineer-arrested-in-bangladeshi-building-collapse.html?_r=0

^{xii} Julfikar Ali Manik, Steven Greenhouse, and Jim Yardley, "Western Firms Feel Pressure as Toll Rises in Bangladesh," *New York Times* 25 April 2013: <http://www.nytimes.com/2013/04/26/world/asia/bangladeshi-collapse-kills-many-garment-workers.html?pagewanted=all>

^{xiii} M.T. Anderson, "Clothed in Misery," *New York Times* 29 April 2013: <http://www.nytimes.com/2013/04/30/opinion/bangladeshs-are-only-the-latest-in-textile-factory-disasters.html?pagewanted=all>

^{xiv} Harold Meyerson, "The Mind-set That Survived the Triangle Shirtwaist fire," *Washington Post* 22 March 2011: http://www.washingtonpost.com/opinions/the-mind-set-that-survived-the-triangle-shirtwaist-fire/2011/03/22/ABh20rEB_story.html

^{xv} Peter Drucker, *Management: Tasks, Responsibilities, Practices* (New York: Harper and Row, 1973) 102; Peter Drucker, *Post-Capitalist Society* (New York: HarperCollins, 1993) 347-48.

^{xvi} World Health Organization, "Questions and Answers on Melamine" <http://www.who.int/csr/media/faq/QAmelamine/en/>

^{xvii} Clemson Head On, "Daring to Ask":
<http://www.clemson.edu/headon/supply-chain/>

^{xviii} National Atmospheric Deposition Program, "Acid Rain":
<http://nadp.sws.uiuc.edu/educ/acidrain.aspx>

^{xix} National Atmospheric Deposition Program, "New Research Underscores Health Warnings on Mercury in Fish":
<http://nadp.sws.uiuc.edu/educ/hgfish.aspx>

^{xx} United States Environmental Protection Agency, "Mercury....Human Health":
<http://www.epa.gov/mercury/health.htm>

^{xxi} Clemson Head On, "Daring to Ask":
<http://www.clemson.edu/headon/supply-chain/>

^{xxii} Ari LeVaux, "Heavy metals are poisoning Chinese food. Here's how that affects yours," *Monterey County Weekly* 10 July 2014
http://www.montereycountyweekly.com/archives/2014/0710/heavy-metals-are-poisoning-chinese-food-here-s-how-that/article_291feb12-07ac-11e4-a06a-0017a43b2370.html

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