Adventures in Applied Ethics

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By

Dale Murray

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To all my teachers over the years, too numerous to name, who lent me their time, attention, patience, wisdom, and steadfast encouragement. Nothing even close to this work could have been possible without you ….

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INTRODUCTION

This is a casebook about *applied ethics*—a branch of *moral philosophy* dealing with ethical issues, practices, and policies pertaining to the professions and how they interact with individuals, society, technology, and government. Put simply, applied ethics is the application of thinking about what is morally permissible or impermissible to real world problems. The book's purpose is to critically examine moral issues that have recently arisen from several cutting-edge, actual case studies. They range across several professions—everything from engineering, to medicine, to law, to business, to information technology, to criminal justice, to journalism, to education.

When selecting cases, a key criterion was that each must involve ethical issues spanning across at least two professions and sometimes more. One could involve moral quandaries in *sports ethics* and *business ethics*. Another might have interesting questions in both *engineering ethics* and *medical ethics*, or yet another, intriguing implications for *legal ethics* and *digital ethics*. Sometimes problems emanate from these cases involving both broader and deeper theoretical areas of study than applied ethics, such as *ethical theory*, *political philosophy*, or *social justice*.

The rationale for this approach of picking case studies engaging more than one professional domain is threefold. First, they tend to be more complicated and thus harder to analyze and resolve. This renders them richer and much, much more interesting. The complexity observed in the first reason informs the second. The myriad issues originating from such multifaceted case studies exist in the real world, and part of the lesson is that the moral sphere is messy. Humans understandably crave a world that makes sense. However, ethics is hard not because anyone wants it to be that way—it just *is*. And despite the pleas for greater practicality and simplicity of moral thinking, it doesn't get any easier when principles and practices are applied to specific cases. The third reason is that cases with ethical issues incorporating more than one profession require critical attention from more than just one academic discipline. This means those involving more areas of human endeavor lend themselves well to interdisciplinary insights from history, philosophy, psychology, computer science, environmental studies, neuroengineering, and so forth.

A specific case may involve an intriguing push and pull between differing norms of professions, or between the perceived rightful functions of the institutions they serve. For example, the latest algorithms from computer tech companies quickly arrive on the market because their leaders believe this is part of the function of their field; even if this means building now and asking questions later. "Disruption" is valued. But all too often these advances unearth difficult normative problems that need addressing. These issues may involve privacy in medicine or violations of social justice where the most vulnerable are subjected to racist, sexist, or classist policies and practices.

While it wasn't my intent, it is likely unsurprising the preponderate number of case studies surveyed in this text involve *technology* and its role in our moral lives. Obviously, innovations in artificial intelligence, genetic engineering, and technological responses to climate change and global pandemics drive this trend. Recent high-tech enhancements pose promising developments that could provide astonishing benefits for our society. However, they can also erect extreme challenges to our rights as persons and dignity as humans. This book contributes to our understanding of these developments by not only chronicling potential advantages and concerns, but also by presenting deep and detailed philosophical analysis of the moral issues within them.

There often seems to be a presupposition and tendency for how practitioners of engineering and technology approach morally vexing subjects. All too frequently, it seems they downplay and eventual attempt to evade the tough ethical issues. Instead, there is the steadfast belief that if there is some major world challenge, such as oversaturation of carbon in the atmosphere, rapidly rising sea levels, or global food shortages, *technology alone* can solve it. But this completely disregards some core worries of humans about how technology is invented, deployed, and exploited. And who is to say the technical fix secured today won't merely be a band-aid, or worse, raise a different assortment of fresh ethical concerns? Sometimes, the cure is just as bad if not worse than the disease.

This is not an attempt to discount technological innovation and engineering entrepreneurship. They obviously play critical roles in addressing the most pressing issues humanity faces. That said, simply thinking there isn't really a moral issue, or even if so, there is no need to address it, or that even if we wanted to do so morality is too pliable or relative for serious consideration, and we instead need "real answers" that only techne can provide, does us no favors in the long run. The reason why moral issues continue to press us is because at root, they are timeless, even if they present

themselves in novel ways. We can't always just invent the next gadget or technique to lead us out of crises.

Ethical analysis of these case studies is therefore essential. We can learn from our past, and our first three historical cases set the tone for why such close investigation is imperative. All occurred within a few decades of the turn of the 20th century and are important contextually. The moral issues they raised did much to spur on contemporary policies and protocols concerning *public health and safety* in response. Case One recounts the Triangle Shirtwaist Fire and its impact on practices and policies of building and *labor safety* measures.

Case Two focuses on the Halifax explosion of 1917 in what was the largest human-made blast (though by accident) until the dropping of atomic bombs on Hiroshima and Nagasaki to end World War II in the Pacific Theatre. This case study highlights public safety in a community setting of possible measures to protect more sizable populations. It also underlines ethical quandaries of how to handle an immediate, larger-scale public health disaster.

Case Three dives into a little remembered (but outsized in its implications for public safety) incident called the Boston Molasses Disaster. Here we are presented with moral issues dealing with structural construction standards. This tragic event also advanced the evolution of *codes of ethics* for engineers, reaching beyond merely the immediate relationship between professional practitioners and their clients. These codes were amended and expanded to include the public affected by structures when they malfunction.

Case Four allows the opportunity to transition from these historical cases to more contemporary ones using ethical issues in transportation infrastructure as the conduit. Boston's Central Artery/Tunnel (CAT) Project (or more commonly known as "The Big Dig") represents some problems of engineering and business from the past but framed in a more modern setting. It shows that even these days, grave moral difficulties still occur, and vigilant awareness remains necessary with substantial public engineering endeavors.

Instead of providing a further list of case studies in the order presented in the text, it is more illuminating to think instead of what might link them together. Moral and other philosophical theories, as well as more specific concepts emerge as common themes over groups of cases. Unsurprisingly, ethical theories are appealed to throughout. After all, if we are to take seriously claims that something is morally wrongful or praiseworthy, we need *reasons* for this besides "just because …." Ethical theory is ultimately the study of good and bad, and such theories are designed to provide unified and systemic accounts of what our moral rights and obligations are.

Three moral theories play prominent roles, helping to describe and analyze various case studies. *Utilitarianism* is key to our conceptual analyses in Cases Four, Seven, Eight, Thirteen, and Sixteen. In Case Four, involving the "Big Dig" project, the collapse of tunnel ceiling tiles led to death, injuries, destruction, and subsequently, lawsuits. In prosecuting such a case there is the choice in legal ethics between two courses of action. Should prosecutors proceed with the primary goal of getting companies convicted for criminal negligence—seeking justice, but with perhaps a lower probability of winning the case? Or should they attempt to secure the maximal financial compensation for their clients (with a higher probability of winning or accruing a settlement)? This cost/benefit analysis originates in the moral theory of utilitarianism whose goal is to garner the greatest good for the greatest number.

But what is the greatest good? For utilitarians, it is *happiness* or *pleasure*. In Case Seven, a utilitarian argument for the importance of happiness in our moral lives sets the stage for showing the vital connection between *privacy* and *autonomy*. The issue is whether rights to privacy and *informed consent* should extend to the collection, storage, and use of student-athletes' biometric data. But first, we need to know why we should care about privacy for this issue to matter. A utilitarian might argue privacy as a moral value is ultimately significant in its contribution to societal happiness. Case Thirteen involves the allocation of scarce medical resources—in this case, the question of how to justly distribute them during a health crisis, using the Covid-19 pandemic as an example. Here utilitarians would likely argue such resources ought to be meted out to maximize lives (or number of quality life years) saved.

Yet, critics complain utilitarians may rely too much on morally controversial calculations of individuals' *social worth*. This opens some interesting opposition to the theory's application to who gets crucial health care resources. In Case Sixteen, a more sophisticated understanding of utilitarianism comes into play with the distinction between two of its forms—*act* versus *rule utilitarianism*. With the emergence of Chat GPT, many academics believe the integrity of student work is greatly imperiled. But students may not be so concerned as to not take advantage of AI tools to do the work for them. In trying to convince them of why *academic dishonesty* is a significant moral wrong, background arguments against cheating from a utilitarian perspective may reveal that society will overall be worse off if, as a *rule*, students resort to cheating. But some think this case shows problems with utilitarianism. Even on this theory, one might believe cheating would be permissible for act utilitarians in some instances.

After all, in an individual *act* of plagiarism, the moral community may not experience disutility in *that particular* occurrence.

Case Eight doesn't so much use utilitarian justifications to try to settle the issue of whether *artificial intelligence* (AI) ought to be used in military conflict. Instead, the question is whether *any* of the rules of moral theories (including utilitarianism) could possibly be incorporated into algorithms to help govern the conduct of AI systems on the battlefield.

Another moral theory often used as a foil to utilitarianism, called *Kantian deontology*, is also relevant to many of the book's topics. This theory de-emphasizes the use of feelings and outcomes for determining the right thing to do. In lieu, Kantian deontology relies on choosing to follow the correct duties for the right reasons, even if the consequences are unfavorable and feelings are hurt. Predictably, this theory appears in several of the same case studies featuring utilitarianism. After all, it often serves as the background theory for counterarguments against utilitarian ones involving some of the same issues. This indeed occurs in Cases Four, Thirteen, and Sixteen.

Returning to Case Four, one might make the argument that it is most important to pursue justice even if the outcome for society is not optimal. That is, if companies are criminally negligent in their activities and legal proceedings are brought against them, a prosecutor's goal ought to be to make the strongest case possible to hold said companies accountable and not simply accept a financial settlement—even if this proves a harder route and may result in a legal defeat.

In Case Thirteen, as *autonomy* is also central to Kantian deontology, this concept plays a major role in the allocation of scarce medical resources. But it is also crucial to clinical ethics in health care. There are two competing frameworks for health care professional conduct. One is the *public health ethic*, which emerges during health crises (such as the Covid-19 pandemic). This ethic tends to be utilitarian as the outlook is more communal and the goal is to save the most lives or maximize the most quality years of life possible across a society. However, the usual *clinical medical ethic* practitioners follow has more Kantian origins. Here, health care professionals look to respect patient autonomy in the healing process, seeing each individual as the locus of respect as beings capable of choice.

In Case Sixteen, Kant's *categorical imperative* is appealed to make a deontological argument against academic dishonesty. The categorical imperative is the absolute, universal moral law and is the yardstick by which all other moral rules are evaluated. But Kant thought lying violates this imperative as it is self-contradictory and self-defeating. As cheating and

plagiarism are forms of lying, they too are violations of the categorical imperative and thus morally wrongful.

One other instance where Kantian deontology is at issue, but not simply as a counter to utilitarianism, is in Case One. Here, we see Kantian reasons for the wrongfulness of *exploitation* of workers—that is, in using them *merely* as tools or instruments, as this does not respect them as persons capable of free will.

The final dominant moral theory appearing in this book is *virtue ethics*, often associated with the Greek philosopher Aristotle. As its name suggests, this theory exalts the *virtues* (positive moral traits) and alerts us to *vices* (negative moral traits). Cases One and Three respectively offer the opportunity to discuss the moral character development vital to the theory via the practice of the virtues and warns against character corruption. One main criticism of both the Triangle Shirtwaist factory and molasses refining tank owners is that they allowed the vices of greed, callousness, deceit, and negligence to corrupt their characters and intrude on their abilities to consider others besides themselves morally.

In Case Two, the moral significance of *gratitude* as a virtue is discussed in the context of the City of Halifax's continued expression of appreciation to the City of Boston for its aid during a dire catastrophe. Case Eleven involves reflections on the importance of social interaction and long-term development of moral character. These observations serve as cautionary notes for the possible detachment and social isolation that seem to be part and parcel of the pervasive spread of social media. In Case Thirteen, virtue ethics serves as an alternative to utilitarian and Kantian deontological thinking about how medical workers should respond to health crises like the Covid-19 pandemic.

The three moral theories just described, though arguably the main ones, do not exhaust the list appearing in this book. Parts of other moral theories (e.g., egoism, found in Case Sixteen) and various, specific moral principles also arise as relevant to some of the case studies. Even so, some concepts emerge more frequently than others, sometimes applicable to multiple cases. One example mentioned earlier is *exploitation*.

Discussion of the nature and problematic aspects of this concept are most germane to Cases One, Six, Eleven, Eighteen, and Nineteen. In Case One, some argue it is no accident the vast majority of workers killed in the Triangle Shirtwaist blaze were young women and girls with their safety largely disregarded. They were vulnerable already, many due to their age, as they were minors. But they were also disadvantaged as immigrant females living in a patriarchal society failing to acknowledge them as social equals with its more privileged members. These conditions were ripe for

what would qualify as exploitation on any of its definitions—one party's profiting from taking unfair advantage of another.

Similarly, in Cases Nineteen and Six, charges of exploitation emerge with the mining of lithium and cobalt, essential materials for the development of batteries needed to expand renewable energies in the green economy. Residents near the mines argue they must contend with disproportionate environmental burdens compared to the benefits garnered by foreign companies.

Exploitation also arises in Cases Seven and Eleven, as some note an even wider range of people are exploited, though this time not so much from having to endure environmental harms, but instead for their information. In Case Seven, some collegiate student-athletes (who are not paid) complain their biometric information is collected in conditions with no (or at least, dubious) *informed consent*. This information is then utilized by university athletic departments and sports gear companies to make millions of dollars.

Also, in Case Eleven, considering the staggering amount of information increasingly gleaned from customers within the Internet of Things (IoT) milieu, we can easily imagine it may be taken from them without proper consent. Correspondingly, this data could be used in ways whereby customers receive disproportionately lower benefits compared to companies who collect it, and in some instances may even be used against them.

In Case Eighteen, we can point to several examples of exploitation in Troubled Teen Industry (TTI) facilities and programs. Children are taken advantage of as those in positions of power can bully, coerce, manipulate, and deceive them, perhaps while emboldening staff members' feelings of *domination* and *power* over the vulnerable. Parents are promised educational benefits for their children by TTI facility operators (for a hefty fee no less) that are rarely delivered, leaving students deprived and parents fleeced. Additionally, any behavioral problems teens had upon entry to these facilities that were supposed to be lessened are more likely exacerbated instead.

Some moral issues directly impinge on different areas of applied ethics depending on the case study. The *moral hazard* problem is one example, appearing in Cases Eight (involving military ethics and business ethics), Ten (environmental ethics), and Seventeen (cyber ethics and business ethics).

In Case Eight, the worry is that overreliance on AI systems in war will allow military commanders and ordinary soldiers to absolve themselves of responsibility with respect to the use of force and possible harms or deaths caused to noncombatants. Some claim this is analogous to banks' irresponsible borrowing and lending practices with the prospect that

taxpayers would "bail them out" if they collapsed, as happened during the 2008 mortgage crisis.

In Case Ten, moral hazard concerns also arise with the possible future use of geoengineering techniques such as Solar Radiation Management (SRM) to combat global warming by reflecting light rays before they can enter our atmosphere and be captured as heat by greenhouse gases. The fear is that with such proposed technological fixes in place, there will be a strong disincentive to reduce the amount of CO_2 produced since SRM can simply be used if the level is too high. Of course, this may well disregard the possible negative effects of SRM (some forms of which entail spraying sulphur dioxide into the atmosphere).

Likewise, in Case Seventeen, the complaint is that with insurance in cases of hacking, parties who are supposed to be responsible stewards of sensitive data will shortchange that obligation. For example, to protect themselves against the possible legal and financial fallout of ransomware attacks (which have been greatly increasing) organizations (including universities) have invested in special insurance policies in case their IT services are hacked. The concern is that such indemnity plans allow covered organizations a disincentive to spend sufficiently for security measures upfront that might thwart attacks in the first place. Hacked organizations may also be incentivized to simply pay ransoms, which the FBI complains encourages cybercriminals to engage in further attacks, holding *even more* organizations hostage.

In philosophy, thought experiments play a crucial role in critical analysis and enter the moral deliberations of some case studies. A *thought experiment* is a hypothetical case that allows for testing our moral intuitions or clarifying concepts. One example is Robert Nozick's *experience machine* used in Case Twelve, where the issue is whether drugs should be developed that aid us with falling in love. One hesitation about endorsing this pharmacological approach to love is whether such affection would be "true" or "authentic." In his thought experiment, Nozick has us imagine a machine where we could experience any scenario of our choosing. He asks whether we would voluntarily enter, though with the provision that we would come out only occasionally, if at all. Nozick's intuition (and one he thinks we'll share if we closely consider it) is that we would decline, instead choosing "real life" over any simulated pleasant experiences. Analogously, would taking drugs that "make us love someone" result in true love? Or if you had become estranged from your romantic partner, and they use a love drug to rekindle adoration, would you think this showed they were genuinely in love with you again? Or would you find that "inauthentic" (or perhaps even insulting)?

Another famous thought experiment is the *trolley problem*, which appears in Case Five featuring driverless cars. While there are variations of it, the basic scenario is that we are to imagine riding a trolley on a track headed toward five workers who will surely be killed if we remain on course. Yet, there is a sidetrack and if you (as the trolley operator) pull a lever, the trolley will divert course onto it, killing only one person instead. Some think we can use this thought experiment to think through appropriate programming of navigation systems in self-driving vehicles. We can image that in their design, AI systems will need to be instructed how to deal with relevantly similar possible crash scenarios to those encountered in the trolley problem. Should cars be programmed to swerve onto sidewalks to avoid collisions with other cars, even if this means barreling into pedestrians? Should they be designed to always put their own passengers' safety first, even if that implicates innocent others who may be harmed or killed? The basic question of what we should do as trolley operators reflects back on different moral principles accepted by deontologists and utilitarians, underlining the relevance of these theories. This scenario admittedly features deontology more broadly construed than merely its Kantian version. Nonetheless, the main point is that for deontologists it is never permissible to kill one person even to save five, as in principle *we oughtn't ever kill*. Yet, it would seem utilitarian thinking would demand the trolley operator change tracks to maximize the number of lives saved, even if this means *causing* the death of someone who wouldn't otherwise be killed. In designing AI systems, which principles should be the guiding lights? Utilitarian or deontological ones?

A final thought experiment is used in Case Eight. Even with great improvements in AI development, some doubt its intelligence will ever be equivalent to that of humans. But, as militaries become more dependent on its automated use, the worry is such technology will also be relied on to replace human (especially *ethical*) decision-making on the battlefield. Some believe John Searles' *"Chinese Room" thought experiment* reinforces the intuition that on reflection, even though it at first *seems* computational systems "think," this is misleading. Ultimately, human cognition has layers of complexity even the most sophisticated AI systems will not be able to replicate, including the imagination, initiative, and intuition necessary to make moral decisions. If Searle is right that his thought experiment shows computers can't really think, we should have serious concerns about increased automated AI use in warfare.

Some case studies in this text pose moral concerns more specific to their subjects. For instance, Case Fourteen deals with the overharvest of peyote by recreational users, to the detriment of those Native Americans who use

it in their religious ceremonies. Here, the concept of reserved, *group-differentiated rights* of oppressed minority groups come into play. When the US government and indigenous groups signed treaties, the agreements sometimes entailed special provisions detailing land use. In exchange for their lands, some Native American groups were supposed to retain dispensations for continued use of the property for specific purposes such as hunting, fishing, and/or foraging. But of course, these contracts have not always been honored, and there have been recent attempts to reestablish these rights. This is pertinent to peyote harvesting, as perhaps one way to curb its overuse is by stricter enforcement of laws preventing non-native users from poaching peyote buttons. Other broader concepts come into play in this case study, such as the *freedom of religious practice* and *social justice*.

Some concepts are revealed in less apparent moral issues as sometimes injustices are veiled. But just because these problems are harder to see, doesn't make them any less important—and may make them even more insidious. For example, Case Nine involves the expansion of algorithms into criminal justice as judicial systems are using them to reduce the workloads of judges by making sentencing and parole recommendations. Yet studies have shown these algorithms may systemically work against African-American convicts and parolees. This may not be anyone's intent, but the historical information used by such algorithms reflects past and present prejudices. The point of *implicit bias* is that background data and attitudes are residual and hide just under the surface, but in ways just as (if not more) detrimental to historically oppressed peoples.

Other concepts serve as normative principles in even our basic communication. For instance, Case Fifteen features a study of the cyberattack on Sony Pictures by a North Korean hacker group purporting to being offended by the content of the movie, *The Interview*, due to the unfavorable depiction of its leader, Kim Jong-Un. The concepts of *freedom of speech* and *censorship* play major roles in this case study with an analysis of John Stuart Mill's arguments for free expression and possible counter arguments.

Sometimes, moral issues arise even when communication may be by indirect means, such as through art. In Case Twenty, we learn generative AI could end up benefitting the fine arts by enhancing forgery detection and creating interactive presentations to lure patrons into museums. Yet, concerns remain about its uses and implications in both the artworld and greater society. In the arts, will artists be replaced by AI systems if the latter can produce excellent art?

Social justice issues also arise as some argue women are already disproportionately burdened by deepfakes produced with generative AI. This technology is not mainly used to create works better than Rodin's or

Pollock's, but instead to produce authentic looking pornographic content. By scanning copious images of women, generative AI can produce sex videos depicting acts they never really performed. These uses of deepfakes have, argue its opponents, already led to *exploitation*, *domination*, *degradation*, *humiliation*, and sometimes *extortion*. Moreover, some argue deep faking images of politicians and entrepreneurs imperil not only some of their members, but democratic societies themselves.

Obviously, this introduction cannot do justice to the entire catalogue of moral concepts, principles, and theories featured in this book. That said, hopefully some semblance of their range and importance has been underlined to prepare you to dive into what you will hopefully find to be useful descriptions and analyses of some of the most puzzling and compelling moral issues of our time.

CASE ONE

THUD, DEAD. THUD, DEAD.
THUD, DEAD. THUD, DEAD.

Study Questions

1) What were some conditions that led to the Triangle Shirtwaist Factory Fire? What were some circumstances that increased its death toll?
2) What fire safety equipment and safe building designs were available at the time of the fire? Even with the available equipment, why wasn't it integrated into many buildings at the time?
3) What were some worker safety and other labor reforms resulting from the fire?

We sometimes find events that set the stage for issues not only in one area of professional life and work, but in others as well. In 1911, one historic case brought to light a group of complex issues, consideration of which ultimately led to the development of management and labor ethics in business, engineering ethics, and public safety ethics.

The questions that arose may seem like "no brainers" for us today but were novel at the turn of the twentieth century. Tragic events, like the Triangle Shirtwaist Factory Fire made our society begin to ask several questions about public safety. Why do we design buildings the way we do? How should we construct our buildings? How do we do so in a way that promotes greater safety? Shouldn't business owners and management teams make sure there are safety procedures in place in case of an emergency? And certainly, don't they have an obligation *to at least not impede* the safety of their employees? What kind of oversight and regulatory action makes sense in the workplace? Shouldn't we design our workflow space in a way that avoids the terrible outcomes that were experienced in the Triangle case?

There had been some infamous cases of tragic fires before the Triangle blaze. A history of large segments of American cities being incinerated are

some of the most obvious examples.[1] But there were more specific instances of large structures destroyed by fire as well. In 1903, the Iroquois Theatre in Chicago, a supposedly "fireproof" building, burned to the ground, killing 602 (mainly women and children) who were attending a matinee. This fire is to this day the worst single-structure blaze in United States history.

The investigation of the Iroquois Theatre fire led to some worrying discoveries, with many of the supposed fire prevention measures proving unsuccessful. The asbestos curtain that was supposed to impede the spread of a backstage fire to the main auditorium failed.[2] The building's design also did not allow for efficient emergency exiting. Winding corridors around the auditorium were difficult to navigate when the lights were low. It certainly didn't help that some doors were bolted shut *from the outside* and others only opened inward. *De facto*, these impediments literally trapped theatregoers inside, especially as they panicked in trying to quickly exit the burning structure.[3]

In the aftermath of the Iroquois disaster, there were some significant changes to Chicago's fire codes. For example, building codes were revised with new standards for clearly marking exits. These requirements quickly became a worldwide phenomenon, as theatres were retrofitted in several countries.[4] But oddly and importantly for the Triangle case, these new building code requirements did not extend to factories.[5]

One might be tempted to think fire prevention measures simply did not exist at the turn of the twentieth century. Furthermore, one might surmise from the idea that if something can't be done, how could it be anyone's moral responsibility to do it? Yet, what is interesting is how many fire prevention and safety measures *did exist* at that time. For example, fire walls, fire extinguishers, fire alarms, steel fire-resistant structures, and automatic sprinkler systems were all on offer for owners of buildings who wanted to implement them.

So then, why didn't more building owners, architects, and engineers utilize these safety features? Most likely because building codes at that time

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[1] These include fires in New York in 1845, San Francisco in 1851 and 1906, Portland, Maine, in 1866, Chicago in 1871 and 1874, Boston in 1872, and Baltimore in 1904. This, of course, is not an exhaustive list.

[2] Marilyn Dyrud, "Management Ethics and the Triangle Shirtwaist Fire," in *Proceedings of the 2007 Association for Business Communication Annual Convention*, October 10th-12th 2007, p. 1.

[3] Nat Brandt, *Chicago Death Trap: The Iroquois Fire of 1903* (Carbondale, IL: Southern Illinois University Press, 2003).

[4] Dyrud, p. 2.

[5] Ibid.

didn't require them. If owners were faced with having to pay the cost for safety initiatives, found it more expensive than they wanted to pay, yet *didn't have* to install them by the letter of the law, this combination of factors was often too tempting and such safety provisions were not made. Note that even fire drills were not required at the time.

It is likely not surprising then that the owners of the Triangle Shirtwaist Factory, Max Blanck and Isaac Harris, refused to pay $5,000 for an automatic sprinkler system for their building. They also decided not to add additional elevators or extra fire escapes as had been recommended before the fire. One might also think that at this time, it was prohibitively expensive to retrofit the factory with these safety devices, particularly if it were perceived that the risk of a serious blaze was low. But in such calculations, one must also consider, if something does go wrong, how massive the consequences might be. Additionally, as noted above, there was already evidence (the Iroquois fire being just one case) of what might happen if these precautions were ignored. The Shirtwaist Factory housed many materials that would prove to be easily ignitable and volatile including fabrics and paper patterns. And it wasn't as if one couldn't, even before the Shirtwaist Fire, imagine that the building could ignite given the shop floor conditions, and further how dangerous the scenario *might* be, if such a blaze started.

The afternoon of March 25, 1911, in New York City started well as it was pleasantly mild. However, the day turned tragic when a fire broke out on the eighth floor of the factory, located in Greenwich Village near Washington Square. The eighth through tenth floors of what was then known as the Asch Building were occupied by Triangle, with garment workers on the eighth and ninth, and mainly management offices on the tenth.[6] Before long the eighth floor was engulfed in flames. People around Manhattan could see the fire, likely drawn to it by the long plumb of smoke emanating from the building. There were even onlookers from further downtown, such as the Lower East Side near the Financial District, who journeyed uptown to see what was happening. But all onlookers watched helplessly as they heard the horrible screams coming from the eighth and ninth floors as garment workers and others tried to escape the inferno.

It was a Saturday with an estimated 500 workers in the factory. Most of them were teenaged, immigrant girls, some as young as fourteen. The fire started at 4:45pm, about fifteen minutes before the end of the day's shift. Although no one seems to know definitively, it appears either someone dropped a match or a lit cigarette into a drawer or bin with discarded fabric.

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[6] The building still exists and is now known as the Brown Building.

Whatever its exact origins, the fire spread quickly fueled by the tinder of cloth and paper. Several workers tried to escape through the main exit, but it was locked from the outside, allegedly to deter union organizers from entering the shop floor. Even if it had been open, there would have been the issue that the staircase wasn't very wide (only 33'' across) and would have slowed the workers' exit considerably. It didn't take long for the area near the exit to be jammed and some were crushed in the panic. Others were beating the door with their fists, but it didn't budge. Most of those who were on the ninth floor saw the smoke early enough, climbed to the tenth-floor roof, and were able to scramble over to an adjoining building. They were assisted by New York University law students, whose building was one floor higher and who had rigged ladders to the Triangle factory building roof below. Hundreds of others were able to escape via the elevators, with thirty people stuffed into cars designed to fit only half as many.

On the eighth floor, terrified workers were looking for alternative ways out, but they were closing off fast. The main entrance doors were no longer an option and the extreme heat from the fire made the last elevator non-operational by 4:55pm. Some tried to shimmy down the elevator cable or jumped down the shaft to ride the top of the car. Still others were pushed down the shaft by the force of those moving toward the elevator doors. The blaze was now spreading from the eighth floor to the ninth, but there were still at least 200 trapped in the building. Bodies started to pile up in front of the locked exit as some were burned, and others succumbed to smoke inhalation. The remaining workers hurried to the fire escape on the far western end. Though about twenty workers managed to escape via this route, the rusted metal supports soon pulled out of the wall and several workers fell to their deaths.

With all escape routes severed, the remaining workers were desperate, moving to the open windows. Meanwhile, a large crowd gathered on the street below. Firefighters tried to quickly raise a rescue ladder by cranking it up furiously, but it still proceeded slowly. Even when fully extended, there was one significant problem—it only reached to the sixth floor. Despite having some of the most modern fire-fighting equipment in the country at the time, and with a force of thirty-five engines, the firefighters were not able to rescue the rest of the workers. The only way to escape the flames would be to jump, as was soon horrifically realized by the crowd below.

At around 5:05, Dominick Cardiane, a laborer, was pushing his wheelbarrow near the scene when he heard a muffled blast followed by the sound of shattering glass. When he looked up, he saw what he at first thought were dark bundles of clothes falling from the building. He then heard a thud, but one too loud for a bale of clothes. Some others came down,

but now on fire. But it was soon apparent what was really happening. Girls and young women were jumping off the building to avoid the flames. Some tried to cling to the ledge, but to no avail as they too fell. Soon several bodies were falling as noted in police chief Edward Worth's testimony, hitting the sidewalk "just like rain." To add to the horror, there was an iron fence below the building with some of the workers impaled on it after they jumped. Onlookers reported never forgetting the sight with the terrible memory of it etched on their minds.[7]

William Shepard was a reporter at the time for the United Press. He called in his story from a pay phone across the street from the Asch Building:

> I learned a new sound, a sound more horrible than description can picture. It was the thud of a speeding, living body on a stone sidewalk. Thud, dead. Thud, dead. Thud, dead. Thud, dead. There was plenty of chance to watch them as they came down. The height was 80 feet. The first ten 'thud, deads' shocked me. I looked up—saw there were scores of girls at the windows. The flames from the floor below were beating in their faces. Somehow, I knew that they too must come down. I even watched one girl falling, waving her arms, trying to keep her body upright until the very instant she struck the sidewalk and came the thud—then a silent, unmoving pile of clothing and twisted, broken limbs.[8]

Onlookers gazed in terror as groups of three and four women and girls joined hands and leapt from the ledge together. Firefighters below pled with them not to jump, as the fire nets meant to catch them were now in tatters. But with little choice more leapt to their deaths. By 5:15, the scene on the street was chaotic with many workers in nearby factories letting out for the day, pushing against the barricades, and the police not being able to hold rank. Horses used by the fire department reared at the stench of blood that was beginning to emerge from the pavement.

Shockingly, the terrible event was over in about a half an hour. Dozens of bodies completely charred were found on the factory floor the next morning, some still bent over the sewing machines. The final death toll was 146 people, most of them teenaged, immigrant girls. It was the greatest industrial disaster in New York City's history. At a temporary morgue set up near the Triangle Factory, it took three, full, ghastly days for family and friends to identify the dead. Seven could not be identified at that time given the high level of charring on their remains. Those inspecting the site

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[7] "Triangle Shirtwaist Fire of 1911," (online video), October 25, 2016. Available at https://www.youtube.com/watch?v=cT8fah14WDs (accessed May 23, 2024).
[8] Ibid.

afterwards found eleven engagement rings among the carnage.[9] 120,000 people joined in the funeral procession for the unknown fire victims and another 400,000 viewed from the sidewalk.

It is hard to overemphasize the impact of this event on American labor and business relations at the time. The despair of the victims' suffering was both deep and widespread among residents of the city, state, and nation. The resulting anger about how the fire and ensuing tragedy could have happened was soon channeled into action. The Triangle Factory owners, Blanck and Harris, were put on trial for manslaughter. During the proceedings, their defense attorney, Max Steuer, discredited Kate Alterman, a key witness.[10] Steuer charged that Alterman had simply been coached to memorize her story of what she saw during the fire.[11]

Blanck and Harris were acquitted as the prosecution was unable to prove definitively that the owners knew the exits were blocked at the exact time of the fire. Therefore, as they had broken no law, they were let go. Blanck and Harris soon relocated the factory to another site and commenced production. However, they didn't seem to be emotionally moved by the tragedy, at least in any way that changed their mode of operation. Fire inspectors found upon the new location's opening that the exit doors were again blocked, this time by sewing machines lined against them.

While specific legal remedies to the Triangle case were not secured against Blanck and Harris, a larger shift to socially reform workplace safety kicked into high gear. First, New York City authorities needed to come to terms with the reality of poor working conditions in several of the city's factories and the decades-long call for regulating sweatshops. Of course, one might wonder what was different after *this* fire since workers' rights advocates had been clamoring for reforms consistently, but ineffectively, for years. However, what appeared to have changed was just how *public* the Triangle tragedy had been. It seems New Yorkers were not going to stand for the existence of these kinds of sweatshop conditions in the state any longer. The next step seemed to be to find ways whereby such a catastrophe would never happen again.

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[9] Ibid.

[10] Peter Liebhold, "Why the Triangle Shirtwaist Factory Fire Makes for a Complicated History," *Smithsonian Magazine*, (website), December 21, 2018. Available at https://www.smithsonianmag.com/smithsonian-institution/triangle-shirtwaist-factory-fire-makes-complicated-history-180971019/ (accessed May 23, 2024).

[11] Howard Lee Schwab, "Cross Examination of the Infant Witness: A Review of Lessons Learned from the Triangle Shirtwaist Fire Case and Related Trial Experiences," *Trial Lawyers Section Digest* (2006) 53: 1-8 at 4.

Hence, beginning in 1913, a tsunami of progressive legislation was unleashed at the heart of which were safety regulations, with several new laws and initiatives resulting from the fallout of the Triangle fire. Among the changes to building design were that factory owners would have to install enclosed staircases. They would also have to provide fire extinguishers, as well as proper ventilation and appropriate lighting on the shop floor. Children under the age of fourteen would no longer be allowed to labor in factories, and women could work no more than fifty-four hours a week.

Though the fruits of their labor for worker safety reform would arrive years later, some worker's rights advocates were spurred on by their experiences of witnessing the Triangle tragedy. Frances Perkins was so emotionally scarred by seeing girls and young women jumping from the building to their deaths that over the next twenty years, she worked vigorously for labor reform. She declared, in reflecting on the Triangle fire, that it was "[t]he day the New Deal was born." Perkins became the first woman to serve in a US presidential cabinet, being appointed Secretary of Labor by Franklin Delano Roosevelt.[12] She aided in passing worker protections nationally, including the National Labor Relations Act and the Fair Labor Standards Act. Combined, these pieces of legislation helped to protect workers' rights to organize and engage in collective bargaining in the private sector. They also set standards for the minimum wage, limits to child labor, and overtime pay, as well as several other protections.

By the end of June 1911, the Factory Investigating Commission was formed. Along with presiding over public hearings and touring factories, the Commission interviewed workers. These efforts led to the creation of at least thirty safety and health laws. This legislation was the spark for later labor laws created on a national scale—leading to the investigation of nearly 2,000 factories from different industries. Some of these laws applied new standards for fire safety, including outwardly swinging exit doors, higher standards for sanitation and ventilation, and installation of fire sprinklers.[13] Business interests, to say the least, were not pleased. The leader of the New York Real Estate Board declared when the first of these reforms came into effect, "To own a factory in New York is now a calamity."[14]

Among the moral issues involved in the Triangle case were obviously determining what the obligations ought to be for labor safety standards regarding management ethics. Also, ethical design of buildings with respect

[12] BuzzFeed Unsolved Network, "The Tragic Story of the Triangle Shirtwaist Factory Fire," (online video), July 6, 2022. Available at
https://www.youtube.com/watch?v=MP5qn1fNfek (accessed May 23, 2024).
[13] Ibid.
[14] "Triangle Shirtwaist Fire of 1911," 2016.

to codes and obligations to public safety became front and center, which fit squarely into engineering ethics. Some business ethics commentators point to this case study as simply being a clash of *compassion* and *human rights to worker safety* versus *greed* and/or *callousness*. Certainly, the optics of Harris and Blanck's reactions to the fire are damning. But *virtue ethicists*[15] would say the issue is more than just public perception, but a defect in the owners' moral characters that is most alarming. Simply placing all energy into operating again immediately, with no sense of publicly mourning the loss of life or seemingly having any regret for the tragedy on the part of Shirtwaist Factory ownership, does smack of callousness. Moreover, reinstating obstacles to worker safety in their new factory with the tragedy still fresh in many minds, may point to worse vices than just callousness.

Business and engineering ethicist Marilyn Dyrud makes the argument that the overall moral issue in this case study is *greed*.[16] She begins by setting the context for how the workers were treated even before the Triangle fire. Dyrud points out that laborers in the Shirtwaist Factory received pitiful wages even by 1911 standards, about $2 per day. Also, Blanck and Harris may have locked the doors to the shop floor due not only to worries about union agitation, but also because they claimed workers were stealing fabric and lace.

Yet, Dyrud questions if there was genuine worry of theft. During the trial, Harris revealed that the total cost of stolen goods was around $25, amounting to only roughly $100 today.[17] Where the claim of Blanck and Harris's greed no doubt intensifies is when we realize they *actually profited* from the fire. Despite settling on paying out $75 dollars per victim in separate civil suits, Triangle's owners still *garnered $455 per victim* through payments from their insurance policy. That is, their high insurance premiums ended up paying off, as they secured almost $65,000 more than they lost in fines and the value of the contents in the factory destroyed by the fire.

Dyrud also argues the vice of callousness plays a heavy role in the ethics of the Triangle case. She cites the testimony of New York City fire chief John Kenyon, who believed that "no life would have been lost" if an

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[15] Virtue ethics is a broad term for moral theories that underline the role of character and virtues (positive moral traits) as opposed to simply acting out of duty or relying on the consequences of actions to determine rightful versus wrongful actions.
[16] Dyrud, p. 6.
[17] Doug O. Linder, "The Triangle Shirtwaist Factory Fire: An Account," *Famous Trials*, (website), 2002. Available at
https://www.famous-trials.com/trianglefire/964-home (accessed May 23, 2024).