

## PADP 8680, Policy Analysis II

## Memo I

by Andrew Zakharenka

## Vika Moroz: Kidnapped or Rescued?

In his lecture on *Incentives, Inequality, and Community*<sup>1</sup> G. Cohen addresses a problem of economic inequality: either rich people entitled or not to their wealth. He introduces Nigel Lawson case who brought the top rate of income tax in Britain down from 60 to 40% in March of 1988. Cohen explores different points of view in the light of this case, from the political right, central, and utilitarians, who are likely to say yes, rich are entitled to their wealth, to the left-wing liberals, rawlsians, and social egalitarians who might say, no, they are not entitled.

Cohen introduces an incentive argument: if the top rate of the income tax is lowered from 60 to 40%, talented and hard working rich will get an incentive to work even harder and thus creating more, including employment opportunities, for redistribution to poor. But is this true? Developing this argument, Cohen comes to a conclusion that the outcome of this dilemma depends on who presents the case to whom: if rich present this policy change to or decide on behalf of poor, it is likely to see one decision. However, if poor will have to decide, the outcome could be different. To analyze the incentive argument, Cohen introduces a tool, *Interpersonal Test*, and a space to operate in, *Justificatory Community*. As a result, Cohen concludes that the talented rich cannot justify incentive argument (p. 286, 304).

In developing his critique, Cohen brings in a dramatic example of an argument: “paying a kidnapper where the child will be freed only if the kidnapper is paid” (p. 276). In this memo I

---

<sup>1</sup> G.A. Cohen. 1991. *Incentives, Inequality, and Community*. The Tanner Lectures on Human Values. Stanford University.

would like to give a background on the actual case of Vika Moroz, a 10 year old disabled girl from Belarusian orphanage, for the further discussion in the class. For that reason, the problem will be shifted from economic inequality to moral and justice.

Belarus greatly suffered being covered with about 75% of the Chernobyl disaster's radioactive falloff in 1986. Since that time developed nations have been inviting Belarusian kids from contaminated areas to spend 6-8 weeks during summer holidays in their families abroad. Italy, a leading country, has been hosting 25-30, Germany - up to 10, Spain - up to 5.5, USA - up to 1.2 thousand kids from Belarus annually. About 57 thousand kids in total have been traveling and spending time in their host families free of charge each year<sup>2</sup>. Also, at least 5 thousand Belarusian kids, often disabled, have found a new home and family abroad being adopted since collapse of the Soviet Union in 1991.

Vika Moroz were expected to return back to her orphanage for kids with speech disabilities in Belarus from the holidays in her host Italian family on September 08, 2006. But the plane with other kids returned back without her. Mr. and Ms. Bornachin stated later that the girl who stayed with them 8 times before, this time came with numerous signs of physical abuse on her body. They documented it with help of a doctor and filed a petition to a local court asking to grant permission for Vika to stay at their family. From their words, Vika threatened that she "will drink a lot of salt water, will die, and will stay with Mum (Ms. Bornachin) forever". The court ruled in their favor. However, when it was a time to return to Belarus, Bornachins hid Vika in a remote monastery with help of villagers and grandparents being afraid that the girl will be taken by force.

---

<sup>2</sup> Department of Humanitarian Affairs, Office of the President Of the Republic of Belarus. 2002. <http://www.ngo.by/ru/gumanitar/b133aea89ea150d3.html>

This case became top news for the next three weeks in both countries beating down any other political news. Belarus accused Bornachins in girl's kidnapping and a high profile state commission including ambassador and Ministry of Education was set up to find solutions. Belarus also shut down all children exchange programs and adoption processes with Italy until Vika's return to the home country. In Italy the case went up to the Supreme Prosecutor and Deputy Minister of Justice. Initially, thousands of local protesters supported Bornachins in their initiative. However, later those who hosted other kids and especially those who filed documents for and were expecting adoption of Belarusian kids stated their strong opposition to Bornachins decision. In two weeks the girl was found in the monastery by police and returned on a special charter flight to Belarus on September 30<sup>th</sup>.

Six months later, on April 5<sup>th</sup>, 2007, Vika Moroz was denied a right for international adoption (Bornachins has been desperate to adopt her). The decision was made according to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. It was based on the fact that she was successfully adopted by Belarusian family, the one that previously adopted her brother, who she actually never met in her life. However, there were links to a statement from the family that they did not have resources or intention to adopt her.

In my understanding, this case gives us a unique opportunity for applying Cohen's concept of comprehensive justification, interpersonal test, and justificatory community to answer the question: *was it a moral decision of the Belarusian Government to deny Vika the right of international adoption?*

In order to facilitate class discussion I would like to quote Cohen's key positions and introduce the argument, policy, and questions.

Comprehensive Justification: Policy *P* obtains a CJ only if the projected behavior of population's subset *S* is indeed justified... (p. 279).

Interpersonal Test: "if, because of who is presenting it, and/or to whom it is presented, the argument cannot serve as a justification of the policy, then whether or not it passes as such under other dialogical conditions, it fails to provide a comprehensive justification of the policy." (p. 280)

Justificatory Community: "a set of people among whom there prevails a norm (which need not always be satisfied) of comprehensive justification". (p. 282)

The Argument: Vika's adoption by Bornachins will create a pre-case for seizure of other Belarusian orphans while on abroad holidays.

The Policy: Bornachins are allowed to adopt Vika

Questions:

1. Who is to be included into the Justificatory Community?  
(Belarusian and/or Italian side, Governments, Orphanage, Public, Other Host Families, Adopting Families, other?)
2. Is the Comprehensive Justification of the Policy reachable?
3. Does the Interpersonal Test holds?
4. What does it means?

This document was created with Win2PDF available at <http://www.win2pdf.com>.  
The unregistered version of Win2PDF is for evaluation or non-commercial use only.  
This page will not be added after purchasing Win2PDF.