



National High School Ethics Bowl

Regional Cases, 2016-2017

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1. Virtual and augmented reality

Video games involving virtual reality (VR) and augmented reality (AR) components are advancing both in terms of the supporting technology and in popularity.^{1 2} VR involves a fully immersive experience, wherein the user puts on a headset and may look and move around in the fully virtual world. Meanwhile, AR involves the projection of virtual elements onto non-virtual images or videos, allowing for an “enhanced” experience of these images or videos. While we are at the beginning stages of these technologies, it is not difficult to see where they may lead. VR and AR will only become more sophisticated, more immersive, and more common. People will be able to use them to play games, travel, visit family, walk through museums, read translated signs, and engage in a number of other activities that used to require much more time, energy, and money in the real world. These new technologies raise a question: What is the value of “real” experience?

On one hand, we might worry that replacing real experiences with virtual or augmented experiences involves a loss of value. There is something meaningful and important about engaging with the world as it is, for better or worse, that we miss out on when we engage in virtual or augmented environments instead. We might even worry that a life lived in a video game is no life at all. No matter how convincing the simulation, experiences generated by programming are no more than illusions.

On the other hand, the feelings of excitement, entertainment, and togetherness that virtual or augmented experiences can create are as real as any other emotion. One might compare the virtual world of a video game to the imagined world of a novel or the constructed world of a film. The feelings evoked therein are intense, and valuable. Through fictional constructions, people might experience things they never otherwise would, like climbing Mt. Everest or flying through the air like a superhero. The happiness generated by such experiences surely outweighs any loss in authenticity.

Study Questions

- (1) Does a real experience have more value than a virtual or augmented experience if they feel the same? Why or why not?
- (2) Are there any other benefits that come along with navigating the real world that might not apply to navigating virtual or augmented environments, and vice versa?
- (3) Is there a morally relevant difference between virtual and augmented experience? Why or why not?

¹ <http://www.theverge.com/2016/3/14/11206552/vr-oculus-rift-htv-vive-valve-sony-psvr-gdc>

² <https://www.theguardian.com/technology/2016/jul/26/apple-earnings-pokemon-go-augmented-reality-steve-cook>

2. A hoodwink and a nudge?

Over the past decade, “nudge marketing” has become a widely practiced technique to shape consumer choice. Many companies are now employing strategies to subconsciously influence how and where customers spend money. Nudges can take the form of default settings, such as one European railroad’s automatic reservation of seats with every ticket purchase unless customers manually opt-out.¹ They can also take the form of environmental cues, as with one supermarket’s placement of green arrows on the floor in a path to the produce section. Nudging is controversial both due to how it works and the ends towards which it is directed. Through nudges, consumers are involuntarily guided to make choices perceived to benefit them or the companies they patronize. Nudges operate in a way that some perceive to be an unavoidable aspect of life and others perceive as a violation of individual autonomy.

Businesses can use nudges to help customers. For example, the use of nudges to direct people to purchase produce led to a 9% increase in produce sales. According to one professor of marketing, nudges can also “have virtuous effects, encouraging consumers to donate their organs, reduce their consumption of energy, and save more money.”² Thus, we might think that we should support nudging for its potential to create a happier and healthier society. However, even if we do, we might wonder if businesses are in a position to determine what makes for a healthy society.

Businesses can also use nudges to increase profit. Some restaurants, for example, include over-priced “decoy” items, omit dollar signs, and name dishes after family members to encourage sales.³ In another profit-motivated example, Facebook implemented a program that automatically posted members’ purchases for all to see, resulting in a lawsuit against Facebook and cooperating advertisers.⁴ Some argue that profit-motivated nudging is harmless and stimulates the economy; others argue that it unfairly manipulates customers into purchases they would not consciously choose.

Much of the controversy over nudging surrounds its methods. On one hand, critics argue that nudging manipulates consumers rather than allowing them to make informed, rational decisions. Real character stems from the development of our rational capacities, not from the temporary effects of subconscious motivation. Critics also argue that average individuals are in a better position to make decisions about their own wellbeing than businesses are. On the other hand, supporters of nudges argue that because default settings and environmental cues are unavoidable, we may as well put them to good use. However stores are designed, products are placed, or user interfaces are programmed, people will always subconsciously experience some options as more appealing and other options as less appealing.

Study Questions:

(1) Does nudging violate personal autonomy? If nudging has some good effects (such as encouraging healthy choices) as well as some bad effects (such as limiting character growth), how should we weigh these effects?

(2) Is there a morally relevant difference between a company nudging customers for the sake of profit rather than for the sake of the customer’s health and wellbeing? Why or why not?

(3) Is there a moral difference between a public or commercial entity engaging in nudging and a parent or educator doing so? Why or why not?

¹<https://hbr.org/2008/12/nudge-your-customers-toward-better-choices>

² <https://hbr.org/2016/04/why-nudging-your-customers-can-backfire>

³ http://www.nytimes.com/2009/12/23/dining/23menus.html?_r=0

⁴<https://hbr.org/2008/12/nudge-your-customers-toward-better-choices>

3. Working while sick

Nearly 43 million private sector workers in the US hold jobs that do not offer paid sick leave. The majority of these workers are employed in the service sector, where interactions with customers form a key part of their jobs.¹

Kate, a server at a fast food restaurant called Blake's Burgers, is one of these workers. In the past, her bosses encouraged her to take the day off when she was sick, because coming in would put the health of her coworkers and customers at risk. Recently, however, the company cut her hours, and Kate could no longer afford to take a day off without pay.

A few months after the company cut her hours, Kate caught the flu and was unsure what to do. If she stayed home, she would lose the pay that she desperately needed, and run the risk of losing her job. She had been working for Blake's Burgers for many years, and she thought it was unfair that she could be fired for taking an action that would ultimately help the business.

On the other hand, going to work would pose a number of threats. Since Kate was likely contagious, she could get her coworkers sick, thereby confronting them with the same dilemma she faced now. Because her job involves handling food, she could also get her customers sick. Not only would this harm those customers, but it could have a negative effect on the business as a whole. After all, if people became sick from eating at Blake's Burgers, they would be more likely to avoid the establishment in the future, urge their friends to do the same, and ultimately harm the company's business.

On a national scale, the impact of Kate's dilemma is huge: The Center for American Progress estimates that unhealthy workers cost employers some \$160 billion a year in lost productivity.²

Study Questions:

(1) Is Kate morally permitted to work while sick, given that she needs the money and needs to keep her job? Why or why not?

(2) What, if anything, would change if Kate was a single mother whose children depend on her making money and keeping her job as well?

(2) What, if anything, would change if Kate interacted with coworkers but not customers at work?

¹ <http://money.cnn.com/2015/01/20/news/economy/paid-sick-leave/>

² http://www.huffingtonpost.com/2013/07/08/paid-sick-leave-us-workers-_n_3562419.html

4. Banning religious garb

There has been a long history, across multiple countries, of banning religious garb in certain contexts in the name of secularism. For example, Pennsylvania's Religious Garb Act, which was originally passed in 1895 and renewed in 1949, prohibits public school teachers from wearing religious garb to class.¹ At one point, 36 US states had such bans of religious garb, and some still remain on the books, despite not being enforced for many years.

In more recent years, France has both instituted and enforced bans on religious garb. In 2004, the French Assembly passed a law banning religious garb and display of religious symbols in public schools. Luc Ferry, the French minister of education at the time, said that the ban would "keep classrooms from being divided up into militant religious communities."² Many in France support this ban, arguing that the display of religious garb and symbols is antithetical to instilling national civic values in students, and thus leads to both lack of assimilation and increased potential for radicalization.

In 2010, France passed a law banning all face coverings in public places, which, though not explicitly directed at religious garb, was widely seen as a ban targeting the *niqab*, a veil worn by some Muslim women.³ Some argued in favor of the law on the basis that face-coverings prevent the clear identification of a person, which is both a security risk, and a social hindrance within a society which relies on facial recognition and expression in communication. However, many in France also argued explicitly that the *niqab*, and other such religious garb, must be banned because it prevents assimilation into French society.

Most recently, in 2016, a number of French towns have banned so-called *burkinis*, a type of full-body swimsuit, from French beaches. For example, Cannes passed a law according to which "access to beaches and for swimming is banned to anyone who does not have [bathing apparel] which respects good customs and secularism."⁴ The French prime minister, Manuel Valls, has expressed support for such bans, arguing that the burkini is "not compatible with the values of the French Republic."⁵

In the case of banning veils and full-body coverings, many have argued in favor of them on the grounds that they oppress women, as they are sometimes required of women, but never of men. Thus, they argue, whatever one thinks of banning religious garb in general, there are distinct reasons to ban veils and full-body coverings on the grounds that such garb promotes the oppression of women and is therefore incompatible with a secular, liberal society. Furthermore, they claim that Muslim women are often forced to wear religious garb by their families or spouses as a way of exerting control over them.

Opponents of such bans counter that most women who wear religious coverings such as the *burqa*, *niqab*, or *burkini* do so voluntarily, and, far from seeing themselves as oppressed, see themselves as free to assert their identity. Thus, opponents argue, banning such religious garb would actually serve to oppress women instead of liberating them. Furthermore, those who oppose all bans on religious garb argue that banning religious garb is incompatible with freedom of expression. Such debates raise interesting questions about when, if ever, and why, bans on religious garb are morally justified.

Study Questions

- (1) Are bans of veils and full-body coverings more morally justified than general bans?
- (2) Does wearing certain types of religious garb, such as the *niqab*, oppress women?
- (3) Are general bans on religious garb in places like public schools ever morally justified?

¹ <http://www.washingtontimes.com/news/2014/dec/11/pennsylvania-teachers-cant-wear-religious-garb-to/>

² http://www.nytimes.com/2004/02/11/world/french-assembly-votes-to-ban-religious-symbols-in-schools.html?_r=0

³ <http://www.dailymail.co.uk/news/article-1312016/Frances-Senate-bans-women-wearing-burka-public.html>

⁴ <https://www.theguardian.com/world/2016/aug/11/cannes-mayor-bans-burkinis-beachwear-must-respect-secularism>

⁵ <https://www.theguardian.com/world/2016/aug/17/french-pm-supports-local-bans-burkinis>

5. Family and politics

Rachel is a passionate supporter of one of the two main political parties in the U.S. Unfortunately for Rachel, the majority of her immediate and extended family support the opposing political party. Furthermore, her family is part of an extremist branch of that party. Rachel believes the extremist branch holds views that will prove detrimental to the safety and wellbeing of U.S. citizens. She truly believes that a government in the hands of her political party would better the lives of millions of Americans. She already donates money to her political party, publicly shows her support, and volunteers for political campaigns, where she goes door to door trying to persuade others of the value of her political perspective.

At her annual family reunion, Rachel finds herself alone with her brother Sam's children. Her niece Kate is 5 years old and her nephew Alex is 10 years old. Sam is a staunch supporter of the extremist branch of the opposing political party. Rachel believes that Sam's political views are deeply harmful. Rachel also believes that, while Sam does not usually discuss politics with his children, he is still raising them in a way that will make them more likely to accept his views later in life. As Rachel spends more time with Kate and Alex, she wants to talk to them about her own views. However, she knows Sam would be upset if she did so. Rachel carefully considers how she should proceed in this delicate situation.

On the one hand, Rachel knows that Sam would be furious if he found out. He would say that as Alex and Kate's parent, he should have more control over their political education than his sister should. Rachel should have to ask for his permission before sharing her political beliefs with his children. He would also say that Rachel should respect his parental wishes, and that, in any case, any attempt to discuss politics with young children would be taking advantage of them. Sam believes that such information should be withheld from Kate and Alex until they are old enough to think rationally about the opinions they hear. Granted, Sam will likely have an influence on what views his children eventually adopt, but he would say that part of his role as a parent is to exercise that influence responsibly, and to control whether and to what degree other adults have the same influence.

On the other hand, Rachel believes that discussing politics with her niece and nephew would simply be a continuation of her work to make the world a better place. From her perspective, these issues are so important that it is morally wrong not to do everything she can to raise awareness about them. Granted, Rachel realizes that promoting her political views around young children, and especially around young children in her extended family, could be viewed as her taking advantage of them, and could have damaging consequences for family relationships. But she also believes that Kate and Alex will be bombarded with one-sided political information for the rest of their childhood, and that the risk of her brother being upset with her is much less significant at the end of the day than the risk of two more people growing up in the world with harmful political values.

Study Questions:

- (1) At what age does it become appropriate to speak with children about political issues, and why?
- (2) How much of a say should a parent have about whether or not other people speak to their children about political issues, and why?
- (3) When our duty to maintain healthy family relationships seems to conflict with our duty to advocate for issues that we think matter a great deal, how should we resolve that conflict in practice?

6. Public and private charity

The United States maintains five major entitlement programs including Medicaid, Medicare, Social Security, Unemployment, and 13 additional Welfare programs.¹ These Welfare programs include such initiatives as SNAP, Pell Grants, Head Start, WIC, TANF, Housing Assistance, and Job Training Programs. In 2016, the US spent approximately 1.1 trillion dollars on entitlement programs.² Supporters of entitlements argue that they provide essential services to vulnerable populations, whereas critics argue that they interfere with the value of limited government and individual autonomy.

On one hand, supporters of entitlements argue that the majority of beneficiaries paid for their benefits, and many are elderly and disabled.³ They say that entitlement programs protect the elderly, the sick, and the defenseless when no other help is available. This in turn benefits society at large by reducing the number of suffering and at-risk citizens. Many supporters of entitlements also argue that people have “positive rights,” or rights that require others to assist them, such as the right to education.⁴ Funding programs that provide this assistance is therefore the right thing to do.

On the other hand, critics of entitlements argue that the United States is over 19 trillion dollars in debt and is not capable of spending on every desired program.⁵ They also argue that each individual should be free to choose how much money they donate to charity, and to which charities they donate. Charitable donation is not moral if it is coerced. Furthermore, critics argue that mandated charity shifts responsibility for people from individuals to the government, incentivizes dependence through guaranteed public assistance, and disincentivizes informed personal sacrifice.

A related debate surrounds the effectiveness of public charity in the form of entitlement programs versus private charity. Some say that public charity is more effective than private charity because it can address social problems in a comprehensive, coordinated manner. Many individuals either do not donate money at all or donate only to pet causes, and only in amounts that do not inconvenience them. Others say that private charity is more effective because it does not require as much administrative overhead, thereby allowing private actors to work in a more efficient and transparent manner.

Study Questions:

- (1) In addition to having negative rights, i.e. rights not to be harmed, do people also have positive rights, i.e. rights to be helped in some situations? Why or why not?
- (2) If people do have positive rights, should each individual be fully in control over how they help others, or should the state play a role in determining how we help each other?
- (3) How, if at all, does helping people through taxes or donations affect our moral development? And how, if at all, does receiving help from others through public or private charity affect our moral development?

¹<http://federalsafetynet.com/entitlement-programs.html>

²http://www.usgovernmentspending.com/us_welfare_spending_40.html

³<https://www.americanprogress.org/issues/economy/report/2011/12/16/10767/the-facts-about-americans-who-receive-public-benefits/>

⁴<https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/rights/>

⁵<http://www.usdebtclock.org/>

7. Suffering cat

Grumpy Cat has dwarfism, which involves a variety of genetic conditions that make her look like a kitten throughout her life.^{1 2} Her human companions take good care of her and have created a large web presence for her. Her popularity has created a demand for cats with dwarfism, and people are now breeding cats with dwarfism to meet this demand. However, it is hard to tell how severe this condition will be for any given litter in advance. Some cats might live relatively happy lives, and others might experience a lot of pain and suffering.

Sydney loves Grumpy Cat. She has shirts, mugs and even bed sheets with representations of Grumpy Cat on them, but what she wants more than anything is to adopt a cat who looks like Grumpy Cat. So, Sydney reads as much as she can about the genetic conditions that these cats face so that she can be prepared to care for one as well as possible. She then asks her local Humane Society to call her if they receive any cats with these conditions, and she signs up for a variety of mailing lists put out by pet rescue organizations in her area, including those that focus on disabled animals, so that she can be alerted when a cat is available near her. However, two years pass and no cats with the particular conditions she desires become available.

One day Sydney finds a web page for a breeder that breeds Munchkin cats, who have a type of dwarfism.³⁴ She immediately wants one of these cats, but she knows that, while Munchkin cats can have good lives, they can also have health problems that cause a great deal of pain and suffering. For example, they can have severe hip and back problems that may impact their mobility and necessitate multiple surgeries. As a result, many cat organizations do not endorse this breed. However, Sydney also knows that she would take excellent care of a Munchkin cat if given the opportunity. Furthermore, she reasons that we should not discriminate against animals on the basis of disability, and that once a Munchkin cat exists, they need a good home whether or not the people who bred them were right to do so.

Study Questions:

- (2) Is it morally permissible for people to breed Munchkin cats for the purpose of selling them? Why or why not?
- (2) If people do breed Munchkin cats, is it morally permissible for Sydney to purchase one? Why or why not?
- (5) If Sydney does purchase a Munchkin cat, is it morally permissible for her to post pictures online, if doing so might motivate other people to breed or purchase Munchkin cats? Why or why not?

¹ <https://www.grumpycats.com/about>

² <http://lilbub.com/about>

³ http://www.petmd.com/cat/breeds/c_ct_munchkin

⁴ <https://www.petassure.com/new-newsletters/071510/article1.aspx>

8. Tobacco 21

Recently the Institute of Medicine released a report evaluating the public health impact of changing the age at which citizens can purchase tobacco.¹ The report found that raising the age to 21 would have many health benefits. It would prevent chronic disease as well as other negative health impacts. It would also reduce medical costs, both for individuals and for public healthcare programs, since medical costs vary in proportion with the prevalence of disease. California and Hawaii have both raised the minimum age to 21.^{2 3}

Supporters of this legislation note that the health benefits of a higher age requirement are clear. Exposure to tobacco smoke, first or second hand, is the number one cause of preventable death in the United States.⁴ Also, the prevalence of tobacco use in the United States has been declining since the 1990s, and policies such as eliminating the selling of cigarettes in vending machines seem to be contributing to this decline. Tobacco control public health programs around the country work to reduce smoking by providing cessation programs and preventing the initiation of smoking. So if we raise the smoking age to 21, we can promote health not only by preventing people from smoking as teenagers, but also by making them less likely to pick up the habit later in life.

Critics of the legislation note that age 18 is widely accepted as an age at which citizens can make decisions for themselves. For instance, people can join the military and be tried for crimes as an adult at 18. Furthermore, the state requires citizens to sign up for selective service at 18, which means that they might have to put their lives on the line whether they like it or not. Thus, the state is allowing itself to impose health risks on its citizens without allowing them to impose other, less significant health risks on themselves. While smoking may not be a healthy choice, this does not mean that people should not be able to choose to smoke if they want to.

Supposing that we do raise the smoking age to 21, a related question is whether this law should apply to people who are currently between the ages of 18 and 21. Should they be “grandfathered” into the law by retaining the right to purchase tobacco, or should they have this right taken away, in spite of the fact that many of them are now addicted to a substance that they previously had the legal right to purchase?

Study Questions:

- (1) Should the state restrict people’s choices if doing so brings about good individual and public health consequences? Why or why not?
- (2) Should the age at which people can purchase tobacco depend on the age at which they can engage in other activities? Why or why not?
- (3) If the state does raise the smoking age, how should that policy affect people between 18 and 21, and why?

¹ <http://www.nationalacademies.org/hmd/Reports/2015/TobaccoMinimumAgeReport.aspx>

² <http://www.npr.org/sections/health-shots/2016/05/05/476872674/california-raises-age-of-tobacco-purchase-to-21-and-tightens-vaping-rules>

³ <http://health.hawaii.gov/tobacco/home/laws/>

⁴ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/

9. Listen to the music

Frankie greatly enjoyed the music of Pan Fried Onions. She bought all of their albums and went to all their shows when they came to town. She liked this band because they have a very light summery sound, and they always seemed like fun people in live performances. However, as Frankie learned more about this band, she discovered that the lead singer regularly makes sexist comments in interviews and donates to political organizations that Frankie believes are harmful to women. Most problematically, the lead singer recently pleaded guilty of criminal harassment for stalking and harassing his ex-wife.

Frankie is upset to learn that one of her favorite bands features an artist whose personal beliefs, values, and actions are, in her view, deeply morally wrong. She is also surprised to learn that this discovery does not affect her enjoyment of Pan Fried Onions very much. She might not feel as inclined to attend their shows as she used to be, but she finds that she still enjoys their music when it comes on the radio, and she sometimes still feels inclined to listen to it alone or with friends. She has mixed feelings about this fact. Part of her wishes that she could stop liking the music so that she could wash her hands of this person entirely. But given that she does still like the music, is it wrong for her to listen to it?

On one hand, Frankie thinks that she can separate the music from the musician. Sure, Pan Fried Onions have songs about dating and relationships, but these songs include very little evidence of the beliefs, values, and behaviors that Frankie finds so deeply objectionable. Also, if she listens to the music in the privacy of her own home, or with friends who understand that listening to this music is not an endorsement of the person writing and performing it, she struggles to see how her behavior could, in and of itself, be harmful. On the other hand, Frankie feels uncomfortable singing along with this artist, and she especially feels uncomfortable socially or economically supporting him. Maybe she should be seeking out other artists whose beliefs, values, and behaviors she can more fully support instead.

Study Questions:

- (1) Is it morally acceptable for Frankie to enjoy Pan Fried Onions even though she thinks the lead singer has morally problematic beliefs, values, and behaviors? Why or why not?
- (2) Is it morally acceptable for Frankie to socially and economically support this band, for example by posting their music on social media or by purchasing their albums, merchandise, or concert tickets moving forward? Why or why not?
- (3) If the lead singer demonstrated that he had problematic beliefs and values, but not (as far as Frankie could tell) problematic behaviors, would that change anything? Why or why not?

10. Armed police

Lately many people have been paying attention to the use of lethal force by police. Many people think that police violence is excessive, and studies show that it disproportionately affects Black people.¹ As a result, police departments across the United States have started implementing training programs to address police violence and the related issue of systemic racism. However, some people believe that training programs are not enough to address these issues. They think that in addition to training police more effectively, police departments should take away many of their guns.

On one hand, some people believe that a world in which police officers do not carry guns (or a world in which most police officers do not carry guns most of the time) would be better overall than a world in which they do. They think that when police are armed, they are more likely to use excessive violence, especially against Black people. Granted, if police did not carry guns, there might be some cases in which they were less able to prevent violence than they are now. But there would also be many cases in which they were less able to cause violence than they are now, and the hope is that the good effects of disarming police would outweigh the bad. Indeed, in countries such as Iceland, Ireland, Britain, New Zealand, and Norway, most police officers do not carry guns, and the results seem to be positive.²

On the other hand, many people believe that a world in which police officers carry guns is better than a world in which they do not. They think that police officers need guns to perform their duty – to protect citizens from the threat of dangerous criminals who intend to harm them. They also think that police officers need guns to protect themselves. After all, we are asking them to do a dangerous job. How can we ask them to serve and protect and then take away their means for doing so safely? Especially since, as Police Academy trainer Richard Fairburn points out, if some police officers are not armed, then others might have to risk their lives to save them.³ Indeed, even in places like the United Kingdom, people regularly debate whether or not to arm more officers whenever an officer dies on duty or whenever a terrorist attack takes place.⁴ Gun violence and terrorism are here to stay, and police need to be armed so that they can be prepared to confront any threat that might appear.

Study Questions:

- (1) Given that police officers already have risky jobs, is it morally permissible to make them even riskier for the sake of improving public safety overall?
- (2) How, if at all, would things be different if police violence did not disproportionately impact Black people?
- (3) How, if at all, would things be different if the general public had less access to guns as well?

¹ <http://www.nytimes.com/2016/07/08/us/study-supports-suspicion-that-police-use-of-force-is-more-likely-for-blacks.html>

² <https://www.washingtonpost.com/news/worldviews/wp/2015/02/18/5-countries-where-police-officers-do-not-carry-firearms-and-it-works-well/>

³ <https://www.policeone.com/police-products/firearms/articles/1716565-Why-cops-carry-guns/>

⁴ http://www.huffingtonpost.com/robert-koehler/should-the-police-be-armed_b_7083444.html

11. Contraception controversy

With the passage of the Affordable Care Act, employers with moral objections to various forms of birth control became unable to direct their insurance companies to omit this coverage. Since the law's passage, over a hundred business owners and organizations have filed lawsuits against the United States Department of Health and Human Services.¹ Opponents see the birth control mandate as a violation of their religious liberty, whereas supporters see it as a necessary component of full and equal healthcare coverage.

Those suing for exemption from the birth control mandate believe that life begins at conception and object to birth control in part because all forms of chemical contraception can act as abortifacients.² Respect for life is a fundamental tenet of many religions, including Roman Catholicism. For example, Pope Francis recently said that all life has inestimable value, and "even the weakest and most vulnerable, the sick, the old, the unborn and the poor, are masterpieces of God's creation."³ Thus, plaintiffs believe that the birth control mandate requires them to formally cooperate with grave evil and substantially burdens the free exercise of their religion.⁴ Under federal law, the government can only substantially burden religious practice if doing so ensures a compelling government interest through the least restrictive means. This mandate arguably fails both tests because many women can easily obtain birth control coverage through other means, and the Obama administration exempted many larger companies for trivial reasons like administrative ease.

Those on the other side of the issue characterize the mandate as an issue of health, and seek to provide "free access to birth-control drugs and techniques [to] millions of women...no matter for whom they work or where they go to school or where they get served by a charity."⁵ They either hold that life begins later than conception, or that the issue of when life begins is subordinate to the issue of what is necessary to protect women's health and bodily autonomy. They argue that 99% of sexually active women have used some form of birth control, and that it is one of the top ten public health achievements of the century.⁶ Defendants object to allowing business owners' religious beliefs to supersede those of their employees, many of whom do not share their employers' religious identities. They also argue that the accommodations provided by the Obama administration – which offer a degree of separation between organizations and objectionable coverage – sufficiently protect religious employers' consciences.

Study Questions:

- (1) If a business owner opposes a certain practice on religious grounds, and they provide employees with benefits that make it easier to engage in that practice, does that make the business owner complicit when employees choose to engage in that practice? Why or why not?
- (2) When it comes to public policy that affects everybody, how should the state balance the goal of protecting religious liberty with the goal of promoting public health?
- (3) Should some perspectives carry more weight than others in this debate? If so, which perspectives – for example, those of women, doctors, judges, religious authorities, or unborn children – should carry more weight, and why?

¹ <http://www.scotusblog.com/2015/07/the-aca-birth-control-controversy-made-simple/>

² https://www.washingtonpost.com/national/religion/whats-abortifacient-disputes-over-birth-control-fuel-obamacare-fight/2014/01/28/61f080be-886a-11e3-a760-a86415d0944d_story.html

³ <https://cnsblog.wordpress.com/2014/01/21/top-13-quotable-quotes-by-pope-francis-on-sanctity-of-life/>

⁴ <http://www.nationalreview.com/article/433051/little-sisters-poor-supreme-court>

⁵ <http://www.scotusblog.com/2015/07/the-aca-birth-control-controversy-made-simple/>

⁶ <https://www.minnpost.com/community-voices/2014/03/birth-control-not-religious-issue-it-basic-health-care-issue>

12. White Privilege II

Seattle rapper Ben Haggerty, aka Macklemore, is a popular white rapper. In his 2005 song “White Privilege,” he raps about how being white is an advantage in the music industry. In 2016, Macklemore collaborated with Chicago singer Jamila Woods to release the sequel, “White Privilege II.” The first verse depicts his experience at a protest over the Ferguson grand jury decision not to indict police officer Darren Wilson over the shooting death of Michael Brown.¹ He asks, “Is it my place to give my two cents? Or should I stand on the side and shut my mouth?”² This question has multiple dimensions. First, should Macklemore get involved in anti-racist activism in general, and in the Black Lives Matter movement in particular? And if so, what kind of role should he play?

First, should Macklemore get involved at all? On one hand, we might think that he should, since he benefits from being a white person in hip hop, and he has a platform that he can use to reach a wide audience with important messages. Thus, we might think, Macklemore has a moral obligation to advocate against racism, and to do so in consultation with organizations such as Black Lives Matter. On the other hand, we might think that Macklemore does not have a moral obligation to get involved with any particular cause or with any particular organization. Sure, he should support good causes in general. But he should also be free to choose which causes he supports, rather than having a stronger obligation to support some causes than others because of his identity or his chosen line of work.

Second, if Macklemore does get involved, what kind of role should he play? On one hand, we might think that recording songs like White Privilege II is a good thing for him to do, because it allows him to draw mainstream attention to issues that might otherwise remain marginalized. On the other hand, we might think that recording this kind of song is a bad thing for him to do, because it centers his perspective as a white person and allows him to benefit from his participation in anti-racist activism. Indeed, even Macklemore expressed conflict about releasing this song, claiming in an interview, “I had to continue to come back to, ‘Is this record, with all of the inherent flaws in it, ... better in the world, or not?’ And I couldn’t answer that just by myself.”³

Study Questions:

- (1) If a person benefits from a certain system of oppression, do those benefits provide them with a stronger obligation to advocate around that issue than they would otherwise have? Why or why not?
- (2) If a person has a platform they can use to reach a wide audience, does that platform provide them with a stronger obligation to advocate around certain issues than they would otherwise have? Why or why not?
- (3) What kind of role should white people play in anti-racist activism? What forms of participation are helpful, what forms of participation are harmful, and why?

¹ <http://www.npr.org/2016/01/29/464707970/-this-song-is-uncomfortable-macklemore-on-the-contradictions-of-white-privilege>

² <http://genius.com/8557356>

³ <http://www.rollingstone.com/music/news/4-things-macklemore-told-us-about-white-privilege-ii-20160125>

13. Toastmaster disaster

Marcy (48), Richard (50), and Anne (52), are siblings. They have friendly relationships with each other, but they live in different parts of the country and they are not as close as they would like to be. Family reunions are pleasant enough but are also a bit stiff; phone calls are sporadic and awkward. Still, there is no bad blood between any of them, and they all love and care for each other, cherishing memories of their childhoods.

When Marcy gets engaged, she asks Richard and Anne to make speeches at her wedding, and they accept. But as the wedding draws near, Richard and Anne struggle with the task. Marcy is the most creative and sentimental of the three, and Richard and Anne, though they care about Marcy, feel less comfortable sharing their feelings and more jaded than their little sister about the state of the family.

Anne and Richard don't want to let Marcy down, though, so they decide to hire a professional toastwriter. After speaking with the two siblings for an hour about Marcy, the writer crafts a lighthearted toast. The rhyming 10-stanza tribute focuses on the things that make Marcy a good match for her new husband, Dale:

“... Two free spirits, you both love to dance,
we're so glad you've found romance.
Cooking, laughing, hiking, you're a perfect match,
Cherish her, Dale, she's really a catch....”

Anne and Richard deliver the toast at the wedding and it goes over well. The crowd finds their delivery charming and Marcy is heartened by their collaboration. They decide not to tell Marcy that they bought the toast.

But when another family member finds out that Anne and Richard bought the toast, she is horrified: “You *paid* someone to write a wedding toast? That's supposed to be personal,” she says. But Anne and Richard think that they did nothing wrong. After all, they gave the toastwriter all of the information about Marcy and they genuinely believed everything they said. There are no official rules about wedding toastwriting, they reason. Also people hire ghost writers in plenty of other contexts, for example when writing books or political speeches. Why, then, should it be wrong to hire a toastwriter in this case?

Study Questions:

- (1) How, if at all, does the content and quality of the purchased toast affect the morality of buying and delivering it? Explain your answer.
- (2) Suppose that Anne and Richard know that Marcy would be disappointed to learn that they purchased the toast. Should they tell her that they did so? Why or why not?
- (3) Is there a morally relevant difference between hiring a toastwriter to help with a wedding toast, on one hand, and hiring a ghost writer to help with a book or political speech, on the other hand?

14. Donor babies

Marissa Alaya was born on April 3, 1990 to the Alaya family, which included two parents, a brother, Airon, age 20, and a sister, Anissa, age 19, who was dying of leukemia. This kind of cancer kills 80-90% of patients within 5 years, and 20-25% of bone marrow recipients (which is the recommended treatment) die from infection or rejection. Marissa was conceived to be a bone marrow match and eventual donor for her sister when she reached 14 months. The Alaya family was one of few families to publicly announce their decision to conceive with the intent of having a donor baby.¹

Between 1985-1990, 40 families publicly announced their conceptions of donor babies. Doctors and ethicists believe that many more conceived with similar intentions but did not announce their decisions. In these cases, doctors typically perform amniocentesis to determine if the fetus is a match. If the answer is no, the mother can then elect to have an abortion. If the answer is yes, as it was for the Alaya family, the mother can then elect to have the baby, with the aim of eventually drawing marrow out of her through a medical procedure involving long needles.

Advocates of donor babies claim that families love and cherish donor babies just as much as other babies. They also reason that most people have at least some selfish reason for having a baby, and that, from the perspective of the baby, it is better to come into existence in part to help someone else than to not come into existence at all. However, critics worry that the practice of conceiving donor babies will cheapen the perceived value of human life. If parents have a donor baby, they will see that baby as a means to an end, and donor baby might one day see themselves the same way. Thus, critics argue, we should not bring a child into existence for any reason other than to love and cherish them for their own sake.

Study Questions:

- (1) Is it morally permissible to bring a person into existence in part so that they can donate tissue to somebody else?
- (2) If people do bring a person into existence as a donor baby, should they tell their child later in life? Why or why not?
- (3) What, if anything, depends on how painful or risky the surgical procedure is, and why?

¹ <http://www.nytimes.com/1991/06/04/health/more-babies-being-born-to-be-donors-of-tissue.html>

15. Online privacy

In the last several years, the United States Congress has proposed various laws to combat cyber threats, all of which have raised controversial questions regarding online privacy. One, the Cyber Intelligence Sharing and Protection Act, or CISP, is a proposed law that was passed by the House of Representatives in 2013, and again in 2015. Its stated aim is “to provide for the sharing of certain cyber threat intelligence and cyber threat information between the intelligence community and cybersecurity entities, and for other purposes.”¹ A similar law, the Cybersecurity Information Sharing Act, or CISA, passed the Senate in 2015. The stated aim of CISA is “to improve cybersecurity in the United States through enhanced sharing of information about cybersecurity threats, and for other purposes.”² Neither bill has passed in both houses, but both have received considerable support in Congress, while also generating considerable controversy among online communities. But given the similarity between the two bills, and the fact that each has passed in one house of Congress, many think it is likely that some version will become law soon.

Both bills call for government agencies, businesses and other organizations to share information about cybersecurity threats with one another, and require the Director of National Intelligence, along with the Departments of Homeland Security, Justice and Defense, to develop procedures to share cyber threat information with both private companies and nonfederal government agencies. Furthermore, both bills allow and encourage private companies to share information relevant to addressing cyber threats with the federal government, and, in some cases, with authorized nonfederal government agencies and other private entities. Both bills would also provide liability protection to private companies that voluntarily share and receive cyber threat indicators and defensive measures with other entities or the government.

Senator Dianne Feinstein, one of the most prominent supporters of CISA, argues that passing such a law “is an important step to shore up our cybersecurity, and that it “balances security, personal privacy and liability protection.”³ Feinstein, and other proponents of CISA, argue that cyber threat information sharing between the government and private companies will help these different groups better prepare themselves to identify and defend against hackers trying to steal information from their online systems. Furthermore, they argue that because all such information sharing is voluntary, and the proposed measures require private companies and the government to review all information prior to sharing in order to remove any irrelevant personally-identifiable information, such a law would not infringe on the privacy rights of these companies or their users.

Opponents counter that the language of the proposed laws leaves plenty of room for abuse by companies and government agencies, effectively making CISA an authorization of government surveillance of private citizens. The Center for Democracy and Technology, which opposes CISA, argues that the proposed laws permit “information shared under the bill to be used for a myriad purposes completely unrelated to cybersecurity, including prosecuting espionage and trade secrets violations and other crimes,” as well as “responding to or mitigating an imminent threat of death, serious bodily harm, or serious economic harm.”⁴ Thus, they argue, CISA allows for pervasive and deeply unethical infringement of the privacy rights of consumers by both companies and the government.

Study Questions:

- (1) What is the moral relevance of the fact that CISA concerns specifically *online* privacy?
- (2) When, and with whom, is it morally acceptable for companies to share user information?
- (3) Under what circumstances, if any, is it morally acceptable to infringe privacy rights?

¹ <https://www.congress.gov/bill/114th-congress/house-bill/234>

² <https://www.congress.gov/bill/114th-congress/senate-bill/754>

³ <http://www.feinstein.senate.gov/public/index.cfm/2015/10/debunking-myths-about-cybersecurity-information-sharing-act>

⁴ <https://cdt.org/blog/cybersecurity-information-sharing-in-the-ominous-budget-bill-a-setback-for-privacy/>

16. Moral offsetting

John is aware that many of the things that he does in everyday life contribute to harmful practices. When he eats factory farmed meat, dairy, and eggs, he participates in an industrial agricultural system that causes a great deal of harm to animals and the environment. When he takes joyrides in his car, he participates in a transportation system that emits dangerous levels of greenhouse gases. When he takes long showers, waters his lawn, or plays a round of golf, he participates in practices that contribute to water shortages in nearby communities. And there are many other examples as well.

John feels conflicted about his participation in these harmful practices. On one hand, he feels badly about causing unnecessary harm through his behavior. He wants to live a happy, healthy life, and he also wants to allow others to do the same. On the other hand, John enjoys many of these activities, and he worries that it would be extremely demanding for him to give them all up. Indeed, given how harmful many industries are, John has a hard time even imagining what it would be like to commit to a life in which he did not cause any unnecessary harm.

John initially decides to resolve this conflict by adopting a practice of moral offsetting. This is the practice of balancing harms that you cause by donating to charities that address those harms. For example, John starts offsetting his consumption of meat, dairy, and eggs by donating to animal charities that advocate for reforms to industrial animal agriculture and adoption of vegan diets. Similarly, John starts offsetting his consumption of energy and water by donating to environmental charities that advocate for conservation of scarce natural resources. John reasons that, if he donates even a small amount of money each month to these charities, then the good that he does through his philanthropy will outweigh the harm that he causes through his own behavior.

However, John still feels uncomfortable. On one hand, he thinks that it would involve a lot of self-sacrifice to cause less harm through his behavior, and he also thinks that he is doing more good than harm overall. On the other hand, he recognizes that moral offsetting does not always seem appropriate. For example, it would not be appropriate for John to bully people at school, and then offset that behavior by donating to charities that address bullying at schools. Instead, John thinks, he has a moral obligation to avoid bullying people at school whether or not he donates to such charities. So if moral offsetting is inappropriate in some cases, then is it really appropriate in other cases? If so, why? And if not, what should John do about all the harm that he contributes to?

Study Questions:

- (1) If John harms a particular group and then helps that same group, do his good actions “cancel” his bad actions? Why or why not?
- (2) Is there a morally relevant difference between John offsetting the harms that his consumer behavior contributes to, on one hand, and John offsetting the harms that his personal behavior contributes to, on the other hand?
- (3) Do we have a moral obligation not to contribute to unnecessarily harmful practices, even if not contributing to them seems demanding? Why or why not?