



UNC
PARR CENTER FOR ETHICS

SQUIRE FAMILY FOUNDATION

Advancing Philosophy Education



**National High School Ethics Bowl
Regional Ethics Bowl Cases
2015-2016**

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1. Too Young to Vote?

In September 2014, the people of Scotland held a referendum: Asked to decide whether to become an independent country or remain part of the United Kingdom, they chose the latter. Among the 3.6 million voters who participated in this decision were more than 100,000 young people between the ages of 16 and 17, who were allowed to vote on this question.¹

In June 2015, the Scottish Parliament unanimously passed a bill to secure voting rights for 16 and 17 year olds in all local and Scottish elections. However, these young people will not be able to participate in other UK elections or referenda, as only those aged 18 and above are eligible to vote in such elections.

Scotland is not alone in extending voting rights to some citizens under 18. Argentina, Austria, Brazil, Cuba, Ecuador, and Nicaragua allow citizens as young as 16 to vote in national elections. 16 year olds are also allowed to vote in local elections in some areas of Germany, Israel, and Norway. Even two cities in the United States—Takoma Park and Hyattsville, MD—have lowered the voting age to 16 for local elections.² Youth activists in other communities, in the U.S. and elsewhere, have also urged their lawmakers to lower the voting age to 16.

Proponents of lowering the voting age argue that because minors are subject to the laws and are directly affected by political decisions, they should have a voice in determining those laws. In the U.S., many 16 and 17 year olds have jobs and pay taxes, and can often be tried as adults in criminal proceedings. Moreover, some claim that it is unfair that those who are 18 at a time of a presidential election will be able to vote, while those who are only a few days or weeks younger will not be allowed to do so for four years. Finally, some claim that allowing people to vote before adulthood would promote important democratic virtues at a younger age, and increase the likelihood that these voters will remain politically and socially engaged citizens. This would not only increase civic participation of young adults (between 18 and 25) who traditionally vote at far lower rates than older citizens, but also would promote a more participatory democracy overall.

Others argue that lowering the voting age is a bad idea. They worry that voting is too great a responsibility to entrust to minors—especially on matters of great national importance. Not only are 16 and 17 year olds less mature, these people contend, but also teenagers frequently lack the political knowledge, life experience, and independence needed to make wise political decisions. Although defenders of the status quo concede that young people are affected by political decisions, they argue that it is the parents' responsibility to take their children's interests into account when voting. Finally, some claim that lowering the voting age is the first step on a slippery slope: If 16 year olds are allowed to vote, why not 15 or 14 or 10 year olds?

Study Questions:

- (1) Why is the right to vote important?
- (2) What qualities are important for voting responsibly? Why are those qualities important?
- (3) Should the right to vote depend only on whether or not a person can vote responsibly, or should it also depend on factors such as whether or not a person is affected by the election, or would benefit from the experience of voting?
- (4) What are some major differences between adults and minors? Do these differences justify allowing only adults to vote?

¹ <http://www.bbc.co.uk/newsbeat/article/29279384/scottish-referendum-how-first-vote-went-for-1617-year-olds>

² <http://www.nytimes.com/2015/01/10/us/politics/students-in-maryland-test-civic-participation-and-win-right-to-vote.html? r=0>

2. Selecting for Deafness

Andre and Leslie want to have a child. They decide to use a process called preimplantation genetic diagnosis (PGD). In a 2006 story, the *New York Times* explained PGD as a process whereby “embryos are created in a test tube and their DNA is analyzed before being transferred to a woman’s uterus. In this manner, embryos destined to have, for example, cystic fibrosis or Huntington’s disease can be excluded, and only healthy embryos implanted.”¹ Andre and Leslie, however, wish to use PGD to select *for* a disability: Andre and Leslie are deaf and want to have a child who will grow up immersed in Deaf culture, who understands the experience of Deafness, and who communicates via sign language.

Some of their friends strongly object to their plan but find it hard to articulate exactly what is so wrong about selecting for deafness. Others argue that Andre and Leslie are compromising their child’s future by trying to engineer their deafness and that knowingly and willingly bringing someone into the world under these conditions is wrong. But Andre and Leslie respond that no child is born with an uncompromised future, and yet very few people think that having children is wrong in general. Many children are born into families whose circumstances are not considered optimal and in which opportunities may be limited, yet few would claim that these parents acted immorally by having children.

In fact, Andre and Leslie argue that their child would have a *better* life if born deaf because they would be in a better position to parent this child, and because the family would experience the world in similar ways. Andre and Leslie also explain that they are not harming anyone by creating a deaf child. After all, since they are choosing which of multiple frozen embryos to bring to term, a different person will come into existence depending on which choice they make. How could they harming their deaf child when the alternative is that embryo remains frozen and that child is never born at all?

Study Questions:

- (1) Can we harm or benefit a child by bringing them into existence? Why or why not?
- (2) If a parent has the power to decide which of two people will come into existence, and if they know that one of these people will have a better life than the other, do they have a moral obligation to choose the person who will have a better life? Why or why not?
- (3) What is the relationship between disability and wellbeing? All else equal, is it better to be born without a disability than with one? Why or why not?
- (4) In the case presented, the parents are choosing to bring to term an embryo with naturally occurring deafness. Compare the ethics of this scenario with the ethics of a scenario where parents seek to render an embryo with the potential to develop normal hearing deaf.

¹ http://www.nytimes.com/2006/12/05/health/05essa.html?_r=0

3. Ice Water Ethics

During the summer of 2014, the “Ice Bucket Challenge” went viral on social media sites and across the internet. The challenge consisted of dumping ice water on one's head, posting a video of it, and daring others to either do the same or donate \$100 to the ALS Association. Among the millions of people who completed the challenge and posted their videos were dozens of celebrities, several of whom also made large donations. In a few months the phenomenon raised over \$100 million for research into ALS, a life-threatening neuron disease with no known cure.¹ On its face, the challenge was hugely successful, raising awareness and funding for an organization that is seen by charity watchdogs as efficient and well-run.¹

However, the challenge also drew heavy criticism. Some commentators labeled it “slacktivism,” pointing out that most people participating in the challenge made no contribution at all to ALS.² In addition, William MacAskill, Vice-President of Giving What We Can, argued that the challenge led to so-called “moral licensing.” This refers to the observation that people who feel that they have already done a good deed feel less obligated to do good in the future. “Because people on average are limited in how much they’re willing to donate to good causes,” he argued, “if someone donates \$100 to the ALS Association, he or she will likely donate less to other charities.”³ He later said that ALS, though harmful and tragic, is a problem that affects only a few thousand people every year.⁴ Third-world diseases like malaria, which affect millions of adults and children, can be easily prevented at relatively low cost. To extend the life of a very sick ALS patient by three months would cost approximately \$55,000, an amount that could instead save over a dozen children from malaria.⁵ Some extend this argument to claim that it is in fact unethical to donate to ALS rather than to a more effective cause.

Proponents counter that the Ice Bucket Challenge directly caused people to give money to the ALS Association that will prolong and improve the lives of thousands of ALS patients. At the same time, the event was considered great fun, and raised awareness of the disease. Moreover, proponents argue that, even if supporting the ALS Foundation does much less good than supporting, say, the Against Malaria Foundation, it also does much more good than many of the other things that people do with their time, energy, and money, such as have a nice dinner out or see a Broadway musical. Are we prepared to say that all of these actions are unethical – indeed, even more unethical than participating in the Ice Bucket Challenge – as well?

Study Questions:

- (1) Is it morally problematic if charitable donors believe they are doing more good than they actually are?
- (2) Is it unethical for a charity to solicit more donations than it needs, knowing that the extra money could be much better used elsewhere?
- (3) Is it unethical for an individual to donate to a charity knowing that the money could be much better used elsewhere?
- (4) How demanding is morality in general? For example, do we have a moral obligation not to spend \$100 on new clothes when we could be saving lives with that money instead? And, either way, what does that imply about the morality of our personal projects and relationships?

¹ <http://www.alsa.org/news/media/press-releases/ice-bucket-challenge-082914.html>

² http://www.huffingtonpost.com/ben-kosinski/icebucketchallenge-why-yo_b_5656649.html

³ <http://qz.com/249649/the-cold-hard-truth-about-the-ice-bucket-challenge/>

⁴ <http://qz.com/250845/this-week-lets-dump-a-few-ice-buckets-to-wipe-out-malaria-too/>

⁵ <http://www.givewell.org/international/top-charities/AMF#Whatdoyougetforyourdollar>

4. A For-Profit 21st Century School

Mark Zuckerberg, founder of Facebook, donated \$100 million for the “reimagining and transforming education with a proprietary technology platform” to AltSchool, which was founded in 2013 by Max Ventilla.¹ AltSchool is a collaborative community of micro-schools that uses teachers, deep research, and tools to offer a personalized, whole-child learning experience in San Francisco, Palo Alto, and Brooklyn for pre-kindergarten to 8th grade students.²

Each micro-school has a mixed-age class of 25 to 30 students with two teachers. Children enrolled in AltSchool use laptops and tablets to complete a daily, personalized “playlist” of lessons, projects, and activities. Children might work on a lesson from Khan Academy or collaboratively create a skit about cell anatomy. A student’s “playlist” also incorporates parents’ input as to the skills they want emphasized for their child. The cost of enrollment for AltSchool in Brooklyn is \$27,500.³

What makes AltSchool different from other for-profit schools is its paired function as a tech company. AltSchool employs engineers and researchers to collect and analyze data on enrolled students for Research & Development. Each classroom is outfitted with fisheye-lens cameras and a sound recorder. AltSchool engineers are working on a wearable device for students with a radio frequency ID tag to track all movements. The goal is to use this data to improve teaching techniques and/or assess student mastery, thereby benefiting the students attending these schools, and potentially future students as well.

Using the collected data, AltSchool is also developing software to build an operating system for education. This software will combine elements of a learning management system, administrative functions (enrollment, recruitment, finances, record keeping), and a social network for parent-teacher communication. Ventilla plans to market the software to charter, private, and public schools. By outsourcing these basic administration functions, the argument goes, educators can focus on serving students.

Not everyone is a fan of this model. Some argue that education ought to level the playing field, and this technology doesn’t. In a technology-saturated world, students at schools that can afford this kind of education may be more advantaged, thus furthering the inequities that already exist. Also, Bryan Alexander, an education technology expert, believes this software model is too expensive for many K-12 schools. He also argues, “Issues of funding, technical support and confusing and sometimes conflicting state and federal policies make adopting new technology very difficult. In short a new platform would have to be astonishing to be worth the battle.”⁴

Study questions:

- (1) What is the purpose of education? Should part of its purpose be to level the playing field?
- (2) Is it morally problematic that children in school systems that can afford this technology can get this service, while children in other school systems cannot?
- (3) Is it morally appropriate for schools to partner with technology companies in this kind of way? If so, what limits and safeguards, if any, should there be on such partnerships?
- (4) Is it morally appropriate for schools to conduct research on students in this kind of way? If so, what limits and safeguards, if any, should there be on such research?

¹ <http://www.bloomberg.com/news/features/2015-06-10/what-happens-when-an-ex-google-executive-creates-a-school-system->

² <https://www.altschool.com/>

³ <http://www.npr.org/sections/ed/2015/05/04/403577703/a-for-profit-school-startup-where-kids-are-beta-testers>

⁴ <https://medium.com/bright/a-peek-into-silicon-valley-s-latest-bet-altschool-abf6c6973ecd>

5. Reacting to Racist Chants

During a 2014 Russian soccer match between two Moscow teams, the Torpedo and the Dynamo, fans of the Torpedo began reciting racist chants, and Congonese-native Christopher Samba of the Dynamo responded with an “unpleasant gesture.”

This was not the first time Samba had responded to racist insults from the crowd. In January 2013, a banana was thrown at him. He threw it back into the stands and received no punishment. Samba asserted, “I want to play football and not have to listen to racial taunts.”¹

Although Samba apologized for his “unpleasant gesture,” the Russian Football Union (RFU) suspended him for two matches. The RFU explained, “We took into account what happened on the pitch and he was provoked. Therefore we decided on the lightest possible punishment.”² The RFU also punished Torpedo stadium officials who were ordered, for the upcoming match, to close the area of the stadium where the most vocal fans sit. The organization hoped this would send a message to fans that racism would not be tolerated.

However, racist chanting at soccer matches continued. For example, Spartak fans at a match in St. Petersburg made racist “monkey chants” towards a Brazilian-native Givanildo Vieira de Sousa, or the “Hulk.” In response, the RFU banned Spartak fans from attending the next home match, which was scheduled to take place in Yekaterinburg, 900 miles away.

Some might argue that, if fans continue to make racist chants, then the RFU should make further changes to address the issue, and that Samba can permissibly react with as much anger as he likes in the meantime. In contrast, others might argue that, whether or not fans continue to make racist chants, there are limits to what the RFU can do to address the issue, and there are also limits to how Samba can permissibly react to these chants.

Study Questions:

- (1) Should athletes be held to a higher standard of behavior because they are in the public eye?
- (2) Does Samba have an obligation to act “professionally” in the face of racist chants? If so, does he also have an obligation to apologize for his “unpleasant gesture”? If not, what ethical limits, if any, should there be on his reactions?
- (3) To what extent should Samba be punished, if at all?
- (4) Is it fair to punish a large number of fans because of the actions of a few racist fans?

¹ <http://www.washingtonpost.com/blogs/early-lead/wp/2014/10/02/russian-soccer-fans-hurl-racist-insults-at-brazils-hulk-and-englands-christopher-samba-this-week/>

² <http://www1.skysports.com/football/news/11095/9493520/former-qpr-defender-chris-samba-banned-by-russian-football-union-after-retaliating-to-racist-abuse>

6. Fire at the Louvre

Paul is a scholar of Renaissance art history and a curator at the Louvre in Paris. One morning, a fire sweeps through the museum. As people are evacuating the museum, Paul has an important decision to make. Should he risk his own life by attempting to rescue anything? He sees that he has at least two options. First, he could rescue Leonardo da Vinci's *Mona Lisa*, his favorite painting in the world and the museum's most prized work. Second, he could rescue a museum visitor who seems to have lost consciousness, and who therefore seems to be incapable of rescuing themselves.

Paul realizes that no one would blame him if he did not attempt a rescue at all, given the personal risk involved. He also realizes that, if he does attempt a rescue, he faces a separate question: What /whom should he rescue? Paul thinks of himself as a kind and humane person. Watching a human being die as he saves a painting would be devastating. But he has dedicated his entire life to studying and preserving Renaissance art, and he loves the *Mona Lisa* more than anything else in the world. Moreover, approximately six million people visit the painting every year, and its destruction would be an immeasurable cultural loss.

Study Questions:

- (1) Does Paul have an obligation to try to rescue anything at all? If so, can he permissibly choose what / whom to rescue, or does he have an obligation to favor the painting or the person? Explain.
- (2) How, if at all, would things change if Paul was a firefighter?
- (3) How, if at all, would things change if the museum visitor were still conscious (yet still immobile), or if the painting were less famous (yet still cherished by Paul)?
- (4) What kind of value does art have? What kind of value do persons have? How, in general, should we compare the value of art and the value of persons?

7. Technology's Graveyards

Discarded computers, smartphones, and other devices decay in landfills or are incinerated, releasing dangerous amounts of toxic chemicals—lead, cadmium, polyvinyl chloride—that leach into the ground or are released into the air.¹ Internationally, about 20 to 50 million tons of electronics are discarded each year.²

Much of the e-waste from developed countries ends up in China, India, and developing West African nations. For example, in 2005, 50-80% of the 2.6 million tons of e-waste generated by the U.S. was exported to other countries for disposal.³ Workers in these poorer countries then break down the electronics to resell valuable materials, but lacking the tools to properly dispose of the toxic components, they endanger their own and others' health and safety. A report by Green Cross Switzerland estimates that about 250,000 people are affected by the toxic fumes from an e-waste landfill in Accra, Ghana.⁴ Another study found that the area surrounding an e-waste dump in Guiyu, China, had lead levels 50% higher than the safe standards set by the Centers for Disease Control and Prevention.

To tackle this problem, some propose government regulation. European Union electronics manufacturers, for example, are now required to take back used electronics and recycle or dispose of them locally.⁵ Some areas in the United States have passed similar laws, but most take-back programs in America are still voluntarily started by companies.⁶ The Basel Convention, ratified by many countries but not the U.S., puts limits on the transport of hazardous waste across borders.⁷ The Ban Amendment, not yet widely adopted, completely bans the transport of hazardous waste from developed nations to developing nations.^{8,9} Even among those countries who have signed the convention or the amendment, enforcement has proven extremely difficult: Inspections of 18 European ports in 2005 found that up to 47% of the waste being shipped was illegal.¹⁰

Others argue that this problem should be tackled by reducing the amount of waste we produce. This responsibility would fall on both manufacturers who would need to rethink the notion of "planned obsolescence" (intentionally manufacturing products with short lifespans so that consumers are compelled to buy new ones) and on consumers who need to rethink the notion of "perceived obsolescence" (the rush to discard functional devices when newer versions are marketed).¹¹ Both of these factors have increased the rate at which we replace our technology: According to Greenpeace, "the average lifespan of computers in developed countries has dropped from six years in 1997 to just two years in 2005."¹²

Study Questions:

- (1) Are governments morally permitted or required to regulate the disposal of their country's waste? Why or why not?
- (2) Is it morally permissible for developed nations to sell potentially hazardous e-waste to willing buyers in developing nations?
- (3) Do manufacturers have a moral obligation to take back and dispose of the products that they create? Do consumers have a moral obligation to participate in this process?
- (4) Do manufacturers have a moral obligation to create products with longer lifespans, even if they would earn less money as a result? Similarly, do consumers have a moral obligation to keep products as long as they can, even if they would prefer to replace them? Explain.

¹ <http://ewasteguide.info/hazardous-substances>

² <http://www.greenpeace.org/international/en/campaigns/detox/electronics/the-e-waste-problem/>

³ <http://www.pbs.org/frontlineworld/stories/ghana804/map/map.html>

⁴ <http://www.theafricareport.com/West-Africa/ghana-e-waste-pollution-plagues-accras-agbloboshie.html>

⁵ http://ec.europa.eu/environment/waste/framework/pdf/BPE%20Inspection/9.%20Inspection_WEEE%20enforcement%20-%20addressing%20leakage%20in%20the%20take-back%20scheme%20%28NL%29.pdf

⁶ <http://www.pbs.org/frontlineworld/stories/ghana804/resources/ewaste.html>

⁷ http://legal.un.org/avl/pdf/ha/bcctmhwd/bcctmhwd_e.pdf

⁸ <http://www.basel.int/Implementation/LegalMatters/BanAmendment/tabid/1484/Default.aspx>

⁹ https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-3&chapter=27&lang=en

¹⁰ <http://www.greenpeace.org/international/en/campaigns/detox/electronics/the-e-waste-problem/where-does-e-waste-end-up/>

¹¹ <http://www.green24.com/science/plannedobs.php>

¹² <http://www.greenpeace.org/international/en/campaigns/detox/electronics/the-e-waste-problem/>

8. Reporting on a Scandal

Charlie is an editor on the staff of her high school's newspaper. Recently, she learned that the community service group at her school which raises money for Doctors Without Borders lost its status as a school-approved group.

Talking to former group members, Charlie learned that the group had not functioned according to school rules. For the most part, group members had fundraised instead of engaging in service-based activities like raising awareness. In addition, Jason, the leader of group for Doctors Without Borders, had often awarded service hours in exchange for money raised. Some students, behind on hours, had simply donated chunks of money, up to several hundred dollars, and Jason had signed them off on their community service.

Jason was initially defensive about these allegations and refused to be quoted in the article Charlie was writing. However, Jason later emailed Charlie, asking her not to publish the allegations, saying that they could hurt his college applications. Regretting his poor judgment managing the group, he explained that he had been too caught up in the cause to examine whether his methods were appropriate, and he now wanted to put the situation behind him.

Charlie was unsure how to proceed. She believed that Jason realized he had made a mistake and regretted his actions. She also wanted to respect his privacy, and she knew that releasing the information could damage his reputation among peers and teachers and affect his chances of college admission.

However, Charlie also knew that journalists have a professional obligation to run important stories no matter how controversial they are, and to hold those in power accountable for their actions. Jason's abuse of the system had affected many students by encouraging cheating, and by devaluing the community service experiences of those who had put in hours honestly. Her paper, she felt, ought to expose the wrongdoing.

Study Questions:

- (1) What responsibility do journalists have to uncover the truth? What responsibility do they have to respect individuals' right to privacy? How should these responsibilities weigh against each other?
- (2) Should private citizens have a greater right to privacy than public officials? If so, should Jason count as a public official or a private citizen for purposes of a student newspaper story about a student group leader?
- (3) Suppose that Jason decided to break the rules because he believed that his group could do more good through fundraising than through other activities. Would his behavior be justified in this case? Why or why not?
- (4) Suppose that Jason did not believe that he acted wrongly, and therefore his only regret was that he got caught. How, if at all, should that change Charlie's thinking about what to do?

9. “Don’t Help Me!”

Tom is a sophomore at a prestigious college. He comes from a low-income household and is the first member of his family to attend college. During his freshman year, Tom did well academically and socially, though he sometimes consumed alcohol at parties, and he was twice cited by the school for drinking in the dorms. Going into his sophomore year, Tom already had “two strikes”: One more citation for underage drinking on school property and he would lose his scholarship.

During the semester, Tom and his friend Kevin are drinking at a party in a university-owned apartment. Tom, dancing merrily, accidentally smashes a glass bottle and badly cuts his hand. Bleeding profusely, Tom begins to feel lightheaded and wobbly. Concerned for his friend and beginning to panic, Kevin reaches for his phone to call for help. But Tom pleads, “Just bandage me up as best you can—if you call for help the school will find out I’ve been drinking and I’ll lose my scholarship! I’ll go to the health center tomorrow morning and everything will be fine.”

Kevin is uneasy with this plan. He’s not trained to clean and bandage a wound and doesn’t want to be responsible for Tom sustaining a serious, permanent injury. On the other hand, Tom insists that the decision to seek help is not Kevin’s to make. Tom says that he’s willing to risk his health in order to avoid getting kicked out of school and compromising his future. By calling an ambulance, Kevin might be changing Tom’s life forever.

Study Questions:

- (1) Is it morally wrong of Tom to ask Kevin not to call for help? Why or why not?
- (2) Can Kevin permissibly do what he thinks is best? If not, is this because he should call for help or defer to Tom’s judgment? Explain.
- (3) Imagine that Kevin calls for help and that Tom ends up losing his scholarship. Would it be reasonable for Kevin to feel guilty? Alternatively, imagine that Kevin defers to Tom’s judgment and Tom ends up suffering permanent damage in his hand. Would it be reasonable for Kevin to feel guilty? Explain.
- (4) Suppose that Tom is clearly too drunk to be capable of making an informed decision about what to do, but that Kevin is fully aware of his academic and disciplinary situation. What should Kevin do in that case?

10. Feeding Cover Up

Kristal Snow Tomko was dining at the Big Fish Grille, in Wilmington, Illinois when her six-month-old son needed feeding so she began nursing. The manager soon approached her explaining that other customers felt uncomfortable. He asked Tomko to cover herself with a napkin or move to a more private spot. Kristal refused until the manager insisted that she stop nursing or move. She later explained on Facebook, “I went quietly and quickly to my van where I cried and nursed.”¹ Her Facebook post was shared more than 1,000 times, and a number of other mothers threatened to hold a protest “nurse-in” at the restaurant.

This wasn’t an isolated case. An American Airlines flight attendant told a nursing mother that she needed to put a blanket over her nursing son “because there are kids on this flight.”² Complaining to customer service, the mother received a letter explaining the company’s policy that nursing during flights should be “done with certain discretion and modesty” so as to not offend other passengers: “We believe it is reasonable to ask that the mothers’ cover-up [sic] in an appropriate manner during feeding.” In another incident, a lifeguard at a Moline IL YMCA told a nursing mother that she had to nurse her son in the bathroom, not poolside.³ “I thought, ‘I’m not going to take her into the bathroom and feed her, because I don’t even eat in the bathroom,’” the woman told a local news station. Even Facebook has been criticized for removing images of nursing mothers on the grounds that these photos violating the website’s policies against nudity.⁴

In the Illinois cases, the law was on the women’s side: “A mother may breastfeed her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother’s breast is uncovered during or incidental to the breastfeeding.”⁵ Many other states have similar statutes.

Some people believe that a woman’s openly baring breast while feeding is obscene or indecent, and that such displays should not be allowed in public places – especially those frequented by children or teenagers. Others argue that laws requiring business owners to allow breastfeeding violates their rights to determine what happens in their establishments. Additionally, some contend that since many women do cover up when breastfeeding, the practice cannot be considered too onerous.

Advocates of public nursing disagree, arguing that it is often emotionally hurtful to be asked to cover up or to feed their children in a restroom. Tomko, for instance, reports, “I was made to feel embarrassed and shamed, as if I were doing something wrong.” Many people are concerned that society already places too much pressure on mothers, and forcing them to cover up while feeding makes an already difficult job even harder; it can even be counterproductive, drawing more attention to the situation. Either way, they argue, women should be able to choose how and when to feed their babies. Some go further, arguing that those who are offended by the sight of a nursing mother are in the wrong. These critics maintain that breasts (or images of breasts) are not necessarily sexual, and that because breastfeeding is perfectly natural, nursing women have nothing to be ashamed about.

Study Questions:

- (1) When should business owners have a right to control the types of behaviors that are allowed in their businesses?
- (2) What does it mean to say that breastfeeding is natural? Does it matter morally whether or not an activity is natural in this sense? Why or why not?
- (3) Is it appropriate to feel offended or disgusted by the sight of a woman nursing a child? Why or why not?
- (4) Is there a morally relevant difference between a woman baring her breasts in order to feed her baby and a woman baring her breasts for other (non-sexual) purposes? Why or why not?

¹ <http://www.forbes.com/sites/tarahalle/2015/05/07/breastfeeding-in-public-illinois-restaurant-shows-how-to-right-a-wrong/>

² http://www.huffingtonpost.com/2013/08/07/american-airlines-breastfeeding-flight-attendant_n_3719655.html

³ http://www.huffingtonpost.com/2013/09/14/illinois-mom-breastfeeding-ymca_n_3927113.html

⁴ <https://www.washingtonpost.com/news/the-intersect/wp/2015/02/26/facebook-is-embroiled-in-yet-another-breastfeeding-photo-controversy/>

⁵ <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=093-0942>

11. Transgender and Medicaid

Transgender people self-identify with a different gender than the one society bestows upon them. For example, a transgender person might self-identify as male despite having been raised female. Cisgender people, in contrast, self-identify with the same gender society bestows upon them.

Some transgender people suffer greatly from the discontinuity between their gender identity and their physical features, which affect how others perceive their gender identity. The American Psychiatric Association's *Diagnostic Statistical Manual of Mental Disorders - Fifth Edition (2013)* identifies this condition as a gender dysphoria. Treatments include surgery and hormone therapies to synchronize a transgender person's internal identity and outward appearance.

New York State recently added coverage for transgender care under Medicare and Medicaid¹. The coverage includes psychological counseling and hormone therapy as well as surgical procedures. However, the limits of this coverage are uncertain; for example, it is unclear if procedures such as breast augmentation and hair removal are covered.

Proponents of this change consider it a major victory for transgender inclusion, ensuring that especially vulnerable members of the LGBTQ community have access to services that they would otherwise be unable to afford. Moreover, proponents hope that providing treatment will help transgender people feel less distress, thereby reducing the unusually high rate of suicide attempts in this community².

Those who oppose this change argue that these procedures, like other cosmetic procedures, are all elective, and should not be paid for with tax dollars³. For example, cisgender women may experience relief after undergoing breast augmentation, but this procedure is not covered by Medicaid. Moreover, including transgender care will raise the cost for Medicaid in NY by an estimated \$6,737,000.⁴ Instead of expanding coverage for these procedures, opponents argue that the state should use scarce medical resources to treat more serious medical problems and diseases.

Study Questions:

- (1) Is there a morally relevant difference between medical treatment of gender dysphoria, on one hand, and medical treatment of other physical conditions that interfere with people's sense of identity and wellbeing, on the other hand?
- (2) Is there a morally relevant difference between a cisgender and transgender woman's desire to have breast augmentation if both seek the procedure in order to better conform to society's (problematic) expectations surrounding women's physical appearance?
- (3) Should all of the treatments for gender dysphoria be covered by private medical insurance?

¹ <http://www.governor.ny.gov/news/governor-cuomo-announces-proposed-regulations-provide-medicare-coverage-transgender-care-and>

² <http://articles.latimes.com/2014/jan/28/local/la-me-ln-suicide-attempts-alarmed-transgender-20140127>

³ <http://www.capitalnewyork.com/article/albany/2014/12/8558382/insurers-raise-concerns-over-new-transgender-treatment-rule>

⁴ https://www.health.ny.gov/regulations/recently_adopted/docs/2015-03-11_transgender_related_care_and_services.pdf

12. Ban the Box

It can be very difficult for former prisoners to find employment upon release. Employers in both public and private settings ask about criminal history on job applications. Employers can reject qualified applicants based on their criminal history alone. Many companies have human resources departments that screen and reject job applications before hiring supervisors see them.

Vermont's governor recently instituted "ban the box," an executive order that removes questions regarding criminal history from the initial application for state jobs. In other locations, "ban the box" legislation also applies to private employer applications.¹

"Ban the box" advocates argue that ex-convicts who have served their sentences have paid their debt to society, and should not continue to be punished when seeking meaningful employment. Offenders who have served their time should be presumed ready and able to become productive members of society. Others argue that these exclusions are counterproductive: Ex-offenders who cannot find jobs are more likely to commit crimes in the future. Some refer to the fact that even those convicted of non-violent and petty crimes are also affected by this policy. Finally, some have observed that this policy has racial implications. In the U.S., for instance, 60% of the 1.6 million people in prison are Black or Hispanic males.² Hiring policies that discriminate against ex-convicts therefore have a disparate impact on communities of color. One solution, advocates argue, is for employers to delay the background check. Questions about criminal history should come after those responsible for hiring have met with job candidates; this way, factors like a criminal record can be understood in context of who the ex-convict has become.

Opponents of these laws point out that private employers should have the right to screen applicants with criminal histories since previous behavior speaks to character. That is, employers have a right to ask about criminal history because committing a crime is an action people choose to undertake rather than an immutable characteristic such as skin color. An employer also deserves to know, for example, if the accountant she is planning on hiring was convicted of theft. Employers also don't want to waste time and resources interviewing candidates that they will turn down for employment at a later phase of selection.

Study Questions:

- (1) Is it morally permissible for employers, including state entities, to ask about criminal history on an application?
- (2) Is it morally permissible for the state to prevent employers from asking about criminal history on an application?
- (3) Assuming that employers do ask about criminal history on an application, is it morally permissible for them to reject all applicants with a criminal history?
- (4) If a government employer refuses to hire someone with a past criminal conviction, does this count as an additional punishment? If so, is it fair for the government to impose such an additional punishment? If a private employer refuses to hire someone with a past criminal conviction, does this count as an additional punishment? If so, is it fair for that private employer to impose such an additional punishment?

¹ <http://www.nelp.org/publication/ban-the-box-fair-chance-hiring-state-and-local-guide/>

² <http://www.bjs.gov/content/pub/pdf/p10.pdf>

13. Paying a Ransom to Save Your Family

In 2014, ISIS posted a video of its adherents beheading James Foley, a captured American journalist. Although the United States attempted to rescue Foley and others, it maintains a strict policy of not paying ransoms for hostages.¹ One of the main arguments supporting this policy is that paying ransom not only incentivizes the taking of hostages, but also funds future heinous acts undertaken by the hostage-takers. An argument against this policy is that it fails to respect the incomparable value of innocent lives taken by groups like ISIS.

Recently, it was revealed that the American government not only refuses to pay ransoms for hostages but also legally threatens those who might try to do so, including the Foley family.² The rationale for this policy is that, if private citizens paid ransoms, then they would bring about many of the same harms as public officials, albeit to a lesser degree. However, not everybody is in favor of applying this policy to public officials and private citizens alike. For example, Diane Foley said, “I was surprised there was so little compassion.” According to Michael Foley, this policy hampered the Foley family’s efforts to save James. “It slowed my parents down quite a bit. They didn’t want to do anything that could get them in trouble. It slowed them down for months in raising money. Who knows what might have happened?” In other words, some argue, even if the U.S. government has a policy against paying ransom for hostages, this restriction should not apply to private individuals.

More recently, the government announced that it will not threaten to prosecute families who try to pay ransoms for family members who are taken hostage.³ As President Obama said, “These families have suffered enough, and they should never feel ignored or victimized by their own government.”⁴

Study Questions:

- (1) Assuming it has a policy against paying ransoms for hostages, is it morally justifiable for the government to enforce this policy on its own citizens, when they try to pay ransoms?
- (2) Does the fact that ransom payments will likely contribute to further violence by hostage-takers make it morally impermissible for families to try to financially secure the release of family members taken hostage? Why or why not?
- (3) If a public official or private citizen was confident that they could pay a ransom secretly, so that it would secretly but not openly support violence by hostage-takers, would that make a difference in your view? Why or why not?

¹ <https://news.yahoo.com/officials-us-rescue-mission-syria-failed-223157934--politics.html>

² <http://abcnews.go.com/International/government-threatened-foley-family-ransom-payments-mother-slain/story?id=25453963&singlePage=true>

³ <http://www.washingtonpost.com/blogs/post-politics/wp/2015/06/23/u-s-government-will-stop-telling-families-of-hostages-that-they-could-face-criminal-prosecution-for-paying-ransom/>

⁴ <http://www.npr.org/sections/thetwo-way/2015/06/24/417160008/u-s-clarifies-hostage-policy-saying-it-won-t-prosecute-families-over-ransom>

14. Swimming for Free

Angel has a college degree but is underemployed, working full-time and struggling to make ends meet. Mark, one of the college students with whom Angel shares an apartment, attends an expensive private college nearby where his tuition includes membership to the school gym and pool. Angel loves to swim to stay in shape, but he cannot afford to join a gym or have access to a pool. Since Mark does not swim, he agrees to let Angel use his school ID. Angel and Mark do not look identical, but they look similar enough that they can reasonably expect that no one will notice if Angel uses Mark's ID.

Angel thinks that if Mark has already paid for pool access through his tuition fees and is not using it, then Angel can use the membership. It is not as if they are both using the membership. The private college, with its big endowment, is not losing money on the deal.

However, the college pool is open but not free to the public: Non-college personnel are charged fees that help maintain the facilities. The school considers access a special benefit to the students of the college that would be devalued if open-access were allowed.

Study questions:

- (1) Is it morally permissible for Angel to use Mark's ID to swim in the pool?
- (2) If Angel were an employee or an alumnus of Mark's college, how, if at all, might this change the moral permissibility of their behavior? Explain.
- (3) If Angel were earning enough to afford a gym membership, how, if at all, might this change the moral permissibility of their behavior? Explain.
- (4) If Mark attended an affordable public college rather than an expensive private college, how, if at all, might this change the moral permissibility of their behavior? Explain.

15. The Modern Debtors' Prison

In colonial times, people who were unable to pay a court-ordered judgment went to debtors' prison. In 1833, a federal law abolished the incarceration of people who failed to pay off debts. Recently, the term "debtors' prison" has resurfaced, referring to the punishment for people, commonly from underprivileged socio-economic backgrounds, who are arrested and jailed for failure to pay their legal fees after being convicted of a crime, who have unpaid fines and fees for traffic offenses and other low-level offenses, or who fall behind on their payments.¹

Civil rights activists and some politicians claim that these people are being "locked up for being poor." These activists maintain that impoverished people face harsher treatment than others who commit identical crimes but can afford to pay. In addition, defendants and offenders are charged for many government services that were once free, including those that are constitutionally required.² For example, defendants can be charged for using a public defender, for room and board while imprisoned, for probation and parole supervision, and for the electronic monitoring devices they are forced to wear. Some courts sometimes tack on extra fees such as penalties for missed payments—and may even charge interest—all of which can add up to hundreds or even thousands of dollars. Although there are alternatives to paying some fines, such as doing community service, joining county work crews, or serving a limited jail time, even these alternatives can cost up to \$500.

Alexis Harris, a sociologist at the University of Washington, says people mostly likely to face arrest and go through the courts "...tend to be people of color, African-Americans and Latinos, they tend to be high school dropouts, they tend to be people with mental illness, with substance abuse. So these are already very poor and marginalized people in our society."³ When people fail to keep payments, they violate probation; penalties can include losing their driver's licenses, food stamps, subsidized housing, or the right to vote, imposing a new set of hardships. People who have to drive to their jobs, for example, risk getting stopped for driving without a license, and may then go back to jail where they incur more fines and fees; those who don't risk driving without a license find it more more difficult to get to their jobs or available public programs.

Some communities argue that the collected fees and fines pay for public services for disadvantaged communities. In 2012, Washington's Benton County collected \$13 million—a fraction of all the fines and fees it was owed.⁴ Furthermore, some argue that no one should break the law in the first place—especially those who cannot pay the fines. Others claim that all those who break the law should be treated equally, and that penalties should be imposed regardless of financial status. It would be unfair to let some criminals get away with their irresponsible, law-breaking behavior. The system of imposing fines and penalties can also be viewed as a deterrent.

Study questions:

- (1) What are the circumstances, if any, under which it would be morally permissible to put people in jail for failing to pay their debts?
- (2) The case states that people imprisoned for failing to pay these sorts of fees tend to be undereducated minorities who are in some cases suffering from mental illness. Do these factors impact the permissibility of imprisoning persons for failing to pay these sorts of fees? Explain.
- (3) How should we balance interests that justify imposing fines in the first place with the equity and justice interests raised in this case?

¹ <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/debtors-prisons>

² <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>

³ <http://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor>

⁴ https://www.aclu.org/files/assets/InForAPenny_web.pdf