



National High School Ethics Bowl National Cases 2017-2018

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1. Electoral College in Question¹

America's founding fathers adopted a system for choosing the president called the Electoral College (EC), in which each state chooses electors sent to a convention to elect the president on behalf of their state. The Constitution does not demand that the winner of the popular vote in a state receive all of that state's electors; however, this has traditionally been the manner in which electors are awarded (though a minority of states do apportion their electors based upon the percent of the popular vote won by a candidate). The EC has been criticized by many in recent decades, especially after George W. Bush and Donald J. Trump won the presidency despite losing the national popular vote.²

Proponents of the EC argue that it is necessary to ensure that the electorate does not vote into office someone who is unqualified. For instance, in *Federalist No. 68*, Alexander Hamilton writes, "The immediate election should be made by men most capable of analyzing the qualities adapted to the station... A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations."³ In addition, proponents argue that the EC guarantees that larger states are not able to exercise tyranny over smaller, less populous states. The EC, these proponents claim, is the only way to ensure that the interests of larger states are not overrepresented in the presidential election.

Some opponents of the EC, on the other hand, argue that its origins undermine its present-day justification. In particular, constitutional law scholar Akhil Amar has argued that slavery—not the avoidance of tyranny—was the *raison d'être* of the EC.⁴ And because the point of the EC was to ensure the continued oppression of African American slaves, he argues, we should dismantle the institution today. Other opponents of the EC argue that the effect of the EC is not equal representation of the interests of small and large states in presidential elections but rather an overrepresentation of the interests of small states.⁵ For instance, a vote in Wyoming is worth 3.6 times more than a vote in California, which some argue violates the principle of equal protection under the law.⁶

Study Questions:

1. What is the value of an informed electorate? Should we have protections in place to ensure that an uninformed (or misinformed) electorate doesn't exercise too much political power through voting?
2. If some institution has morally troubling origins, does that fact affect whether the institution is morally justified today?
3. Should all votes count equally in a presidential election?

¹ This case is inspired by one in the Intercollegiate Ethics Bowl 2017 Regional Case Set. Thank you to the IEB! Please visit <http://appe-ethics.org/ethics-bowl/> for more information.

² <http://www.pewresearch.org/facttank/2016/12/20/why-electoral-college-landslides-are-easier-to-win-than-popular-vote-ones/>

³ http://avalon.law.yale.edu/18th_century/fed68.asp

⁴ <http://time.com/4558510/electoral-college-history-slavery/>

⁵ <https://www.nytimes.com/2016/11/21/upshot/as-american-as-apple-pie-the-rural-votes-disproportionate-slice-of-power.html>

⁶ http://www.huffingtonpost.com/leon-friedman/is-the-electoralcollege-b_13079652.html

2. Dry Wedding

Aparna is attending Mary's wedding. Because no alcohol is being served, Aparna has snuck in a flask and is passing it around to her friends. Mary catches sight of the flask and walks over to the group. She says: "I'm feeling really nervous, and there is nowhere for me to get a drink! Can I have some of whatever is in that flask?"

Ordinarily, Aparna would not hesitate to share. But yesterday she learned sensitive information that is private so far as she knows: that Mary is a recovering alcoholic who is avoiding drinking any alcohol. (In fact, this is the reason no drinks are being served at the wedding.) In light of this knowledge and uncertain how to respond, Aparna thinks quickly and decides to lie: "Sorry, Mary, it's empty!" But Aparna's friend snatches the flask from her and hands it to Mary, saying: "Quit lying, Aparna, it's still half full."

Aparna freezes. She feels guilty because she knows Mary shouldn't be drinking alcohol. On the other hand, no one else in the group seems to know anything about Mary's substance abuse, and Aparna does not see how she can prevent Mary from drinking without revealing this very personal and private information. Aparna doesn't want to cause Mary embarrassment on her wedding day but at the same time she wants to be a supportive friend.

Study Questions:

1. Was it wrong for Aparna to bring the flask to Mary's wedding?
2. What is Aparna's responsibility in this situation?
3. To what extent does the ethics of this situation depend on Arpana's relationship with the couple? For example, does it matter if she is the groom's sister? Mary's oldest friend? Attending the wedding as a plus one and has never met Mary before?

3. Oh, SNAP!

The United States assists citizens who have very low or no income with food costs through the Supplemental Nutrition Assistance Program (SNAP). SNAP is funded by public tax money and those that receive SNAP benefits are often targeted to be enrolled in Medicaid.¹ This enrollment means that their healthcare is also paid in part by public funds. People with SNAP benefits can purchase vegetables, meat, and grains among many other kinds of food, including items that are not nutritionally valuable such as soda and candy. SNAP beneficiaries can also purchase seeds or plants that will grow food for their household to consume. One cannot use SNAP benefits to purchase non-food items such as alcohol, vitamins, or soap.²

Some people have advocated reforming the SNAP program to prevent these funds from being used to purchase unhealthy food. One proposal, for instance, is to stop people from purchasing soda with their benefits. Soda is not a necessary part of a healthy diet and is linked to obesity.³ Obesity is a serious health issue in the United States and is linked to chronic diseases such as heart disease, cancer, and diabetes.⁴ Obesity has a number of causes including poor nutrition, lack of physical activity, and genetic dispositions. Advocates of this reform argue that lowering soda consumption would help fight obesity. Not only would this be better for SNAP beneficiaries, but this would also help to reduce overall Medicaid costs. Some assert that it is unfair to expect taxpayers to help those on public assistance pay for their unhealthy choices and then also pay for the added healthcare costs associated with those choices.

Those who oppose this restriction argue that the hyper-management of the food choices of people in need is inappropriately controlling. People receiving public assistance should be able to exercise their autonomy in their food choices. Besides, where should such limits end? If health is the ultimate aim of SNAP, we can imagine many other additional constraints. Evaluating each food product for nutritional value would open the door to costly evaluation of all foods in order to sort them into those that can and cannot be purchased with SNAP. Additionally, if obesity is not a problem for a particular beneficiary, then they should not be restricted from moderate enjoyment of soda or other unhealthy foods. A complete ban on soda would not allow these beneficiaries to purchase soda using SNAP.

Study Questions:

1. Should the SNAP program ban the purchase of soda?
2. Do those who receive public assistance have a moral obligation to practice healthy behaviors? Why or why not?
3. Is a ban on soda in the SNAP program morally harmful to SNAP recipients?

¹ http://www.communitycatalyst.org/blog/enrolling-thousands-of-medicaid-beneficiaries-is-a-snap-pun-intended#.V5_VDLgrI2w

² <http://www.fns.usda.gov/snap/eligible-food-items>

³ <https://www.hsph.harvard.edu/nutritionsource/sugary-drinks-fact-sheet/>

⁴ <https://www.cdc.gov/healthyweight/effects/index.html>

4. Confederate Monuments

Across the United States, people are wrestling with questions about the appropriate place of Confederate monuments—including statues of notable Confederate soldiers such as Robert E. Lee and Stonewall Jackson—in public spaces. To some, these monuments honor the horrific ideals that undergirded the slave trade in the United States and should therefore be removed. To others, they are reminders of an important chapter in American history and ought to remain where they are. In Charlottesville, Virginia, the decision by City Council to remove a statue of Robert E. Lee sparked a demonstration by white supremacists that became violent when a counter-protestor was killed by a car driven by a demonstrator. This sparked protests and civic action across the U.S. both for and against the removal of Confederate monuments.¹

Some polls show that a majority of Americans think that Confederate monuments should not be moved.² At the same time, many continue to organize around efforts to have them removed from places of honor throughout the American South. In numerous cases, state and local governments are heeding calls to remove these monuments while in others, Confederate statues are being brought down by community members without governmental approval.³

Mitch Landrieu, Mayor of New Orleans, articulated many of the reasons that motivate the removal of such monuments. For one thing, these monuments, many of which were erected soon after the Civil War, are seen as efforts to rewrite history through what is called the “Cult of the Lost Cause”, which aimed to sanitize the Confederacy—“ignoring the death, ignoring the enslavement, and the terror that it actually stood for.”⁴ To maintain such monuments as they are would continue to honor the racist and pro-slavery views for which they were erected.

Those who advocate for Confederate monuments to remain as they are in public spaces emphasize the importance of free speech; people’s wishes to maintain ties to their own heritage;⁵ the commitment not to lose the historical significance of Confederate monuments, contested though it may be; and the fear that removal will whitewash U.S. history in public spaces.⁶

Study Questions:

1. What roles do public monuments or memorials play in society? When are monuments valuable? When can monuments be problematic?
2. What is the most morally pressing aspect of the debate over Confederate monuments?
3. What should happen to Confederate statues currently in public spaces and why? Should they remain? Be destroyed? Moved elsewhere? Or something else?

¹ <https://www.npr.org/sections/thetwo-way/2017/08/14/543471538/charlottesville-rally-aimed-to-defend-a-confederate-statue-it-may-have-doomed-it>

² <https://www.theguardian.com/us-news/2017/aug/21/polls-shows-majority-of-americans-think-confederate-statues-should-remain>

³ <http://www.wral.com/durham-da-to-drop-felony-charges-in-toppling-of-confederate-statue/17250017/>

⁴ <https://www.nytimes.com/2017/05/23/opinion/mitch-landrieus-speech-transcript.html>

⁵ <https://www.nbcnews.com/think/news/opinion-why-i-feel-confederate-monuments-should-stay-ncna767221>

⁶ https://www.washingtonpost.com/opinions/i-detest-our-confederate-monuments-but-they-should-remain/2017/08/18/13d25fe8-843c-11e7-902a-2a9f2d808496_story.html?utm_term=.ab3661375dfc

5. Wool and Leather

Xi is a vegetarian because she believes that eating meat causes animals to suffer and die unnecessarily, and she believes that is wrong. However, she is not sure how she feels about the morality of purchasing clothing that involves animal products, such as wool and leather. In particular, Xi wonders whether it would be hypocritical to be a vegetarian for moral reasons while continuing to purchase wool and leather products.

Xi has noticed that some vegetarians continue to purchase wool and leather products. Some of them argue that this is different from eating meat, since shearing sheep does not necessarily kill or harm them. And leather, while it must be obtained from dead animals, can be obtained from animals that die from natural causes. But Xi knows that others argue that buying wool and leather is morally wrong for precisely the same reasons eating meat is—that it causes the unnecessary suffering and death of animals. For example, leather is often obtained from the same livestock that is raised for meat. And while wool production does not necessarily kill or harm sheep, she has heard that sheep bred for wool production sometimes produce so much wool that they die from heat exhaustion or develop infections in the folds of their skin. Xi worries that if the production of wool and leather is inhumane in the same ways as meat production, she will have to give those products up too.

Xi has considered only buying wool and leather products from local farmers and artisans who vouch for the humane conditions in which their animals are raised, in order to avoid supporting inhumane practices. However, she would never buy meat from these farmers, in part because she knows that raising livestock—even grass-fed, humanely raised livestock—is also bad for the environment. But she’s not sure to what extent the same is true of wool and leather. Well-made wool and leather products seem to last a long time, whereas meat is gone as soon as it is eaten. On the other hand, Xi worries that if wool and leather are coming from the very same animals that are being killed for meat, then she is contributing to the same system that she was trying to avoid by giving up meat.

Xi enjoyed eating meat, but she became a vegetarian because she didn’t want to contribute to the unnecessary suffering and death of animals. She enjoys wearing wool and leather products, too. She thinks they are better quality and more fashionable than synthetic products, so she is reluctant to give them up. But now she wonders if that is exactly what she must do.

Study Questions:

1. Do humans have a moral responsibility to consider the impact on non-human animals when making consumer decisions? If so, how much weight should we give these considerations? If not, why not?
2. Are wool and leather similar morally speaking? Or are there relevant differences between them? What about between wool or leather and fur?
3. Is there a morally relevant difference between leather that comes from pigs and cows, and leather that comes from kangaroos or alligators? What about leather that comes from dogs and cats? Or secondhand leather or wool purchased from thrift stores?

6. No Fly Lists

Since shortly after the 9/11 attacks, the United States Federal Bureau of Investigation has maintained a “no-fly list,” which prevents certain people from flying into or within the United States. The main use of the list is to prevent those suspected of terrorism or sympathy with terrorists from boarding aircraft and potentially perpetrating a terrorist attack. As of 2016, there were approximately 81,000 people on the no-fly list, although fewer than 1,000 of those are “U.S. persons.”¹ Since its existence became public, the no-fly list has been a source of significant controversy.

Those who oppose the list, such as the American Civil Liberties Union, usually do so on grounds that it is an unjustified violation of civil liberties.² Because a person need not be convicted of any crime to be put on the list, that person might be deprived of a civil liberty (the ability to fly) without any criminal conviction—and, in fact, without ever being formally charged with a crime. Some argue that since it is wrong to deprive a person of civil liberties without a criminal conviction, the no-fly list is morally objectionable. The list has also been criticized on the grounds that there is no adequate means for people to challenge their inclusion on the list, or even to know when they are on the list in the first place. Furthermore, the no-fly list has been shown to register false positives, which leads to people, including young children, who share names with people on the list being prevented from flying.³

However, the FBI’s Terrorist Screening Center, which is in charge of the no-fly list, argues that it is an important counterterrorism measure.⁴ Those in favor of the no-fly list argue that if the FBI thinks maintaining such a list is necessary to prevent terrorist attacks on the scale of the 9/11 attacks, then the stakes are too high to be concerned with the fact that a few people are unable to fly because of it. Moreover, they argue, a person’s name wouldn’t be on the list unless they were a reasonably significant threat, and we should be focused on defending the civil liberties of good people, not suspected terrorists. The no-fly list is there to protect the rest of us from these suspected terrorists, not just by preventing them from flying, but by restricting them in other ways, such as from purchasing firearms.⁵ If we were to allow suspected terrorists to enjoy the full range of civil liberties, including not just flying but also purchasing firearms, this would, proponents of the list claim, compromise the safety and security of the country.

Study Questions:

1. When the values of liberty and security conflict, how should we weigh them against each other?
2. What, if anything, is morally objectionable about curtailing civil liberties for people who haven’t been convicted of a crime?
3. How morally important is it that some people are mistakenly prevented from flying by the no-fly list?

¹ <https://www.washingtontimes.com/news/2016/jun/20/fbi-no-fly-list-revealed-81k-names-fewer-1k-us/>

² <https://www.aclu.org/issues/national-security/privacy-and-surveillance/watchlists>

³ http://archive.boston.com/news/nation/articles/2005/08/16/no_fly_list_grounds_some_unusual_young_suspects/

⁴ <https://www.npr.org/sections/tellmemore/2010/08/13/129177545/the-terrorist-screening-center-defends-no-fly-list>

⁵ <http://www.latimes.com/opinion/op-ed/la-oe-edgar-watch-list-no-fly-guns-20160617-snap-story.html>

7. Paying for High Test Scores

Students in the United States frequently lag behind their peers on international tests, particularly in science and mathematics. For example, in 2015, the math literacy of U.S. high school students ranked 40th in the world as measured by Program for International Assessment, scoring significantly lower than students in other industrialized countries like Germany, Canada, and Singapore. Results on science tests weren't much better.¹ Furthermore, large achievement gaps in science and math within the United States persist between white students and students of color, and between students of higher and lower socioeconomic status.²

Recently, some economists and school administrators have argued that cash incentives—paying students and teachers for higher test scores in math and science—are an important part of the solution to those problems. For example, in 2007, an organization called The National Math and Science Initiative sponsored a program that paid participating students up to \$500 for top scores on Advanced Placement exams;³ the Initiative also offered large bonuses—as much as \$7,300—to teachers whose students scored exceptionally well on the exams.⁴ Cash incentive programs have in some cases been financed with public funds (as in Baltimore), and in others with large private donations from companies like Exxon-Mobil, and foundations like the Bill and Melinda Gates Foundation.

Proponents of cash incentives argue that they motivate students and teachers to higher levels of academic achievement, increase interest in important fields like math and science, and improve teaching methods. Opponents, on the other hand, argue that financial incentives crowd out intrinsic motivation, discouraging students from valuing learning for its own sake. Moreover, they claim that cash incentives encourage perverse practices by teachers (such as counselling lower performing students out of A.P. classes in an attempt to protect their bonuses), divert resources from more promising solutions (like extended instructional time and smaller class sizes), and fail actually to achieve the promising effects that their proponents claim. Finally, opponents worry that offering such incentives selectively devalues the courses in which cash incentives aren't offered.

Study Questions:

1. What is the purpose of high school education? How, if at all, might offering students incentives for good performance in certain courses promote this purpose? How, if at all, might offering students incentives for good performance in certain courses run contrary to this purpose?
2. Does incentivizing good performance in AP STEM (Science, Technology, Engineering, and Mathematics) courses decrease the value of Social Studies, Language, and Art courses? If so, is this problematic?
3. Is there a moral difference between schools offering students cash incentives for academic performance, and parents offering cash rewards to their children for high grades?

¹ <https://www.mecd.gob.es/inee/dam/jcr:54fd088e-f421-49c7-8ee2-852aff57682f/pisa2015-results-eng-voll.pdf>

² https://nces.ed.gov/nationsreportcard/subject/studies/pdf/school_composition_and_the_bw_achievement_gap_2015.pdf

³ <https://www.wsj.com/articles/SB121928822683759447>

⁴ <http://www.nytimes.com/2011/10/03/education/03incentive.html>

8. Male Circumcision

In the United States, male circumcision is very common. Between 1979 and 2010, male circumcision rates were consistently over 55% with a high of 64.9% in 1981.¹ Though the practice was once rarely questioned, and was often considered a routine medical procedure performed at birth (or shortly thereafter), it has become a topic of controversy. For example, a bill currently before the Icelandic parliament would prohibit male circumcisions performed for non-medical reasons.²

For some religions, male circumcision is an important initiation rite. Many Jewish and Muslim parents, for instance, see circumcision as a key part of their religious and cultural identity, and therefore believe that they have an obligation to circumcise their sons.³ Given its religious significance, defenders of male circumcision claim that they have a moral right to continue this practice.

Additionally, some proponents of male circumcision stress its medical benefits. There is evidence that male circumcision decreases the risk of urinary tract infections, penile cancer, and the spread of sexually-transmitted diseases—especially HIV. For these reasons, proponents sometimes claim that circumcision is morally on par with vaccination. Because there are strong moral reasons to vaccinate children, there are also strong moral reasons to circumcise male children.

Opponents of male circumcision present two arguments for their view. First, they claim that the medical benefits are overblown. The increased risk of urinary tract infections is about 1% (which means that 100 boys would have to be circumcised to prevent one urinary tract infection) and the increased risk of penile cancer is very small (more than 300,000 boys would have to be circumcised to prevent one case of penile cancer).⁴ Finally, though there does seem to be strong evidence that circumcision can slow the spread of HIV, especially in areas with high rates of HIV, the problem is not nearly as significant in areas with low rates of HIV and can be prevented by practicing safe sex anyway.

All that said, the main argument that opponents of male circumcision give for their position is that male circumcision is morally wrong. Some might argue that this is so even when performed for religious or cultural reasons. It is, after all, a form of invasive surgery, performed without the consent of the patient, that permanently removes a part of the body. In that sense, male circumcision is wrong for some of the same reasons that female circumcision is often considered to be wrong: It violates autonomy, it violates bodily integrity, and it causes pain. Opponents grant that female circumcision is morally worse because it is usually performed for reasons having to do with the oppression of women whereas male circumcision isn't. But most opponents of female circumcision don't think that it is wrong only because of the oppressive conditions under which it is performed. Though many forms of female circumcision are more physically damaging than male circumcision, nonetheless that's a difference in degree and not in kind.

Study questions:

1. Should parents be allowed to have their sons circumcised?
2. What considerations should parents take into account when making decisions on behalf of their children?
3. Is there a moral difference between performing male circumcision for medical purposes and performing it for religious or cultural reasons?

¹ https://www.cdc.gov/nchs/data/hestat/circumcision_2013/circumcision_2013.htm

² <https://www.theguardian.com/society/2018/feb/18/iceland-ban-male-circumcision-first-european-country>

³ http://www.bbc.co.uk/religion/religions/judaism/jewishethics/circumcision_1.shtml

⁴ <https://www.nytimes.com/2016/05/10/upshot/why-science-cant-help-you-much-in-deciding-on-circumcision.html>

9. Eminent Domain

In almost all developed countries, governments claim the power of eminent domain, which allows them to seize private property for public use. This is often used to make way for large-scale public works. For example, the government may want to build a highway that will ease traffic between two major cities, but if there are homes along the way and even one homeowner refuses to relocate, that refusal would prevent the construction of a public resource that would benefit hundreds of thousands of people. Additionally, if homeowners know that the government needs their land for major infrastructural projects, they may be tempted to hold out for longer than they otherwise would, in order to pressure the government into paying an exorbitantly high price for their land at public expense. That said, at least in the United States, if a mutually satisfactory transaction cannot be agreed upon and eminent domain is exercised, the Constitution requires that homeowners receive “just compensation” for the seized property.¹ Of course, determining just compensation can at times be difficult. Courts have determined that property owners need only to receive “fair market value” for their property—the price that a similar property would command if sold on the market at the time. Importantly, the fair market value is *not* necessarily the same thing as how much the property is actually worth to the owner, particularly if the property has some intangible, sentimental value to the homeowner. Furthermore, if eminent domain has to be invoked, then it seems to follow that homeowners value their homes at a price higher than the market would offer: otherwise, the homeowner and government would have reached an agreement of sale freely, and no invocation of eminent domain would be needed.

Even more controversially, however, is the use of eminent domain for the construction of *private* projects. Recently, the Supreme Court declared in *Kelo v. City of New London* that eminent domain can legitimately be invoked for private developments so long as they benefit the community at large. In this case, the City of New London, Connecticut, delegated its power of eminent domain to a private developer, arguing that the redevelopment project in question would create new jobs, increase tax revenue, and revitalize an urban area—therefore serving an important public purpose. The Court’s majority decision in favor of New London, however, drew powerful criticism. In particular, many critics argued that it is wrong to take property away from some people in order to help companies increase their profits. Moreover, critics argue, delegating eminent domain to private parties will inevitably favor the rich, powerful, and influential over less privileged citizens.²

Study Questions:

1. Under what conditions is it appropriate to seize property from someone against their will?
2. Is there a moral difference between using eminent domain for a public project and a private project, if both have the same benefit to the community at large?
3. If there were no power of eminent domain, would it be ethical for a homeowner to stall a public development project in order to obtain an extraordinarily high price for their property?

¹ U.S. Const. amend. V. https://www.law.cornell.edu/wex/fifth_amendment

² <http://www.ncsl.org/research/environment-and-natural-resources/summary-of-kelo-v-new-london635308174.aspx>

10. #ExposeTheAltRight?

In August 2017, the “Unite the Right” rally in Charlottesville, Virginia, turned violent and sparked a national controversy over the white nationalist, alt-right, KKK, and neo-Nazi ideologies that many demonstrators espoused. On social media, photographs of the demonstrations were widely circulated, especially images of the now infamous tiki-torch march during which demonstrators chanted white supremacist slogans. Notably, Twitter user @YesYoureRacist began to gather and release the names of right-wing demonstrators photographed in Charlottesville, using the hashtag #ExposeTheAltRight. Their photographs, with identifying details (names and hometowns), were retweeted tens of thousands of times and the demonstrators faced real-life consequences. One was publicly disowned by his family; another was fired from his job.¹

Logan Smith, the man behind @YesYoureRacist, explained the motivation for his viral tweets: “[Demonstrators] are out and proud. I think if they are so proud of their beliefs and proud to stand shoulder-to-shoulder with neo-Nazis and KKK members and white supremacists of all stripes, then I think their communities need to know who they are.”² Smith’s actions were praised on social media, and others used their platform for similar tactics. Actress Jennifer Lawrence posted images of the demonstrations with the caption: “These are the faces of hate. Look closely and post anyone you find. You can't hide with the internet you pathetic cowards!”³ Proponents of these tactics contend that they are only giving exposure to people who chose to endorse an objectionable ideology in public and therefore forfeited a right to anonymity.

Critics, however, have called this practice “doxing,” a catch-all term for the internet tactic of exposing personal details as a form of shaming, intimidation, or vigilantism.⁴ They worry that retweeting people’s images with their names is an undemocratic form of mob justice. They also point out that people who take justice into their own hands will harass, threaten, or even assault not only a target, but also his or her family.⁵ Some also raise a worry about the possibility of misidentification, which could expose uninvolved people to harm, such as harassment or defamation. In the wake of Charlottesville, some people were initially misidentified as having been at the rally. Though these misidentifications have since been corrected, harms may linger.⁶

Study Questions:

1. What, if any, right to privacy does someone who attends a public event have?
2. To what extent are people who publicize a demonstrator’s identity responsible for the negative consequences that the demonstrator faces?
3. Doxing currently takes place related to many different issues and events and from various groups. Under what conditions, if any, is it morally permissible? When is it not permissible?

¹ <https://www.wired.com/story/doxing-charlottesville/>

² <http://www.newsobserver.com/news/local/article167142317.html>

³ https://www.huffingtonpost.com/entry/jennifer-lawrence-charlottesville-march-white-supremacists_us_5991e436e4b09071f69ba084

⁴ <http://blogs.lse.ac.uk/mediapolicyproject/2017/08/18/the-dangers-of-doxing-and-the-implications-for-media-regulation/>

⁵ <https://www.npr.org/sections/alltechconsidered/2017/08/15/543566757/twitter-account-names-and-shames-far-right-activists-at-charlottesville>

⁶ <https://www.npr.org/sections/thetwo-way/2017/08/14/543418271/on-the-internet-everyone-knows-you-re-a-racist-twitter-account-ids-marchers>

11. Man’s Search for Meaning

In 1939, despite his relative youth, Viktor Frankl was already one of the most eminent psychiatrists in all of Austria. After spending more than seven years working with suicidal patients at the University Clinic in Vienna, Frankl was appointed as the Head of the Department of Neurology at Rothschild Hospital. He was also hard at work on a new, revolutionary theory of psychiatry—“logotherapy”—based on his decade of experience treating suicidal patients and on his careful study of human neurology and psychology.

By 1942, however, Austria was under the control of the Nazis, and Rothschild Hospital, the only Jewish hospital in Vienna, was ordered closed. A Jew himself, Frankl was in immediate danger of being deported and, ultimately, confined to a Nazi concentration camp. The American consulate in Vienna offered Frankl a visa to immigrate to the United States—but visas weren’t offered to his aging parents, who would likely be sent to concentration camps in his absence. Upon receiving his invitation to retrieve his visa from the U.S. consulate, Frankl recounted: “I suddenly hesitated...The question beset me: could I really afford to leave my parents alone to face their fate, to be sent, sooner or later, to a concentration camp, or even to a so-called extermination camp? Where did my responsibility lie? Should I foster my brain child, logotherapy, by emigrating to fertile soil where I could write my books? Or should I concentrate on my duties as a real child, the child of my parents who had to do whatever he could to protect them?”¹ No matter how hard he thought, Frankl couldn’t decide what he should do: he was paralyzed.

One afternoon, when Frankl was still undecided about what to do, he noticed a piece of marble lying on a table in his family home, with a single Hebrew letter engraved on the piece. He discovered that his father had salvaged the piece of marble from the ruins of what had been the largest synagogue in Vienna, recently burned to the ground by the Nazis. It had been a part of a tablet on which the Ten Commandments were inscribed. Frankl asked his father which of the Commandments the letter had represented. “Honor thy father and thy mother that thy days may be long upon the land,” his father answered. At that moment, Frankl decided to let his American visa lapse, and stay with his parents in Europe.² Soon thereafter, all three were sent to concentration camps.

Study Questions:

1. Did Frankl make the right decision? Why or why not?
2. Frankl seems to have let an apparent coincidence—the appearance of a salvaged piece of marble on his family table—decisively influence his course of action. Was it ethical for Frankl to make such an important decision partly on that basis? Suppose he had found on the table some other salient artifact—say, a copy of the Hippocratic Oath salvaged from his shuttered hospital. Would he then have been justified in making a different decision?
3. What obligations, if any, do we have to our parents? What, if anything, is the basis of such an obligation?

¹ Viktor E. Frankl, *Man’s Search for Meaning*, Preface to the 1992 edition:

https://edisciplinas.usp.br/pluginfile.php/3403095/mod_resource/content/1/56ViktorFrankl_Mans%20Search.pdf

²https://edisciplinas.usp.br/pluginfile.php/3403095/mod_resource/content/1/56ViktorFrankl_Mans%20Search.pdf

12. Feminist Choice

Brandy—a college senior—was accepted to a prestigious law school but is no longer sure that she should attend. While she has been interested in a legal career since high school, she is now more interested in starting a family. She and her fiancé, James, will be married this summer. They are both interested in trying to have children right away. Not only does Brandy doubt her ability to excel in law school while also being a new mother, she and James think that it would be better if one of them could be a stay-at-home parent—at least while their children are young. She is looking forward to life as a mother and often likes the idea of being a homemaker.

When discussing her dilemma with her best friend, Wynona, she was surprised at how strongly her friend reacted. From Wynona’s perspective, not only would Brandy be throwing away a huge opportunity, she would also be wasting her talents. This seems especially wasteful, given how much work Brandy put into school, internships, and studying for the LSAT. Moreover, Wynona almost feels like this would be a betrayal to generations of feminists who fought to expand opportunities for women. Giving up a potentially lucrative professional career to start a family plays into the still all-too-common idea that a woman’s place is in the home. Instead, Wynona argues, by becoming an influential female professional, Brandy could be a valuable role model for young women—including, potentially, her own daughter or daughters. While Wynona wants Brandy to have the family that Brandy has always wanted, she doesn’t want Brandy to lose her professional aspirations in the process. Like many other women, she can have both. If Brandy and James are certain that one of them should put their career on hold to be a stay-at-home parent, why shouldn’t it be him?

Brandy doesn’t think things are so clear cut. For instance, she thinks that it makes more sense for her to choose being a homemaker than it would for James to choose this—this path simply resonates with her a lot more than it resonates with him. Additionally, Brandy thinks, different people have different strengths and inclinations. She would probably be a better and more engaged caregiver than James would. Moreover, she doesn’t think that this choice would make her less of a feminist. If being a feminist is about expanding women’s options, why shouldn’t being a homemaker be one possibility among others, if that’s what she is interested in doing? In fact, she thinks, criticizing someone for choosing to be a homemaker over being a lawyer is itself anti-feminist. Domestic and caregiving work is genuinely important and valuable work, she thinks, but this work is often devalued and marginalized—in large part because of its longstanding association with women, especially working class and minority women.

Study Questions:

1. What values are at stake in this debate, and what criteria should be used to decide between the two positions?
2. How, if at all, would the values at stake in this debate differ if it were a man (such as James) deciding whether to pursue a career or to be a stay-at-home parent and homemaker?
3. Is the decision about what career path to pursue a purely personal decision? Or do we have responsibilities to other people when making such decisions? When it comes to this decision, who else (if anyone) does Brandy have a responsibility to in this case, and what (if anything) is the nature of that responsibility?

13. Felon Disenfranchisement

In 2017, Brianna Ross, at the age of 53, voted in her first election.¹ Ross, a resident of Virginia, had lost her right to vote after being convicted of a felony when she was 19. But recently, she had this right restored by then-Governor Terry McAulliffe, as did more than 168,000 other Virginian ex-felons.

Nationwide, more than 6 million American citizens cannot vote because of their criminal records.² Voting rights for convicted criminals vary dramatically from state to state. While even prison inmates are allowed to vote in Vermont and Maine, other states prohibit this. Many states add further restrictions, such as requiring that ex-prisoners first complete years of probation or parole before regaining their right to vote. In some states, citizens with a felony conviction permanently lose the right to vote unless those rights are restored by the Governor—as happened in Virginia.

Critics of these so-called “felon disenfranchisement” laws argue that these policies are anti-democratic, relegating millions of people to second-class citizenship. These citizens have no say in how laws are made and are thus less likely to be adequately represented by their government. Like Ross, such citizens often see themselves as “unimportant and invisible” because of their inability to vote. Additionally, many critics argue that laws that disenfranchise ex-convicts are unjust forms of punishment. According to this line of argument, once someone has completed their sentence we should not continue to punish them by denying them their basic political rights. Moreover, some critics add, stripping offenders of their political voice is potentially counterproductive and might discourage some offenders from being more civically-minded.

Defenders of these laws insist that felons have failed to uphold their responsibilities as democratic citizens and thus deserve to lose their political rights, at least temporarily. First, some argue that those who engage in certain types of criminal behavior—murder, assault, robbery, and fraud, for example—have demonstrated that they cannot be trusted to act in the public interest. If so, we cannot expect them to exercise their vote responsibly, and in ways that promote the public good. Second, if someone willfully breaks the law, they shouldn’t then be allowed to help make the laws that other citizens are then expected to obey.

Finally, regardless of whether felon disenfranchisement laws can be justified in the abstract, some critics argue that these laws are unjust in practice. Critics routinely point out that nationwide, African Americans lose their voting rights at four times the rate of non-African Americans (7.4% compared to 1.8%). In Florida, Kentucky, and Tennessee, more than 20% of adult African Americans have lost their voting rights. Such extreme disparities, critics argue, establish that these laws are seriously racially unjust.

Study Questions:

1. Why is the right to vote important or valuable?
2. What qualities are important for voting responsibly? Should political rights be contingent on the expectation that those rights will be exercised responsibly? Why or why not?
3. How, if at all, do racial disparities in felon disenfranchisement laws influence the justifiability of these laws?

¹ https://www.huffingtonpost.com/entry/virginia-restoration-of-voting-rights_us_5a026556e4b092053058cd0e

² <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>

14. You Can't Chant That!

Cheyenne is thrilled to have scored tickets to the upcoming basketball game between her school, State, and its biggest rival, A&M. Both are doing very well this season. All week leading up to the game, State has hosted events to increase excitement for the match-up, including pep rallies and a parade through their small city. Cheyenne is most excited because State's fans are known to be some of the most passionate in the country, creating an atmosphere that gives their team a significant edge. The State fans cheer for their own players, of course, but they also try to distract the visiting team with coordinated booing, chanting, and other attempts to get into opponents' heads. She is excited to be a part of such an intensely spirited match-up.

When game day arrives, fans have set their sights on A&M's top player, Ishmael. He is the biggest threat to State's chances. If he is on his A-game, A&M would be hard to beat. So, every time he commits a foul, the State fans point and chant "You-Can't-Do-That!"; every time he makes a mistake, they point and scream "It's all your fault! It's all your fault!"; every once in a while, during a dead ball they yell, in unison, "Hey, Ishmael... NO ONE LIKES YOU!"

Cheyenne loves feeling involved in the State community of fans but as the game goes on, she feels conflicted about the targeted chanting against Ishmael. On the one hand, the crowd's antics feel a little like bullying to her, ganging up on someone, even trying to belittle him, with the explicit purpose of hindering his performance. Cheyenne's friends, on the other hand, stress the importance of the context of the interaction with Ishmael. "Of course, it's nothing personal," they say. "Everyone understands that the fans are part of the game. It's all in fun and in the spirit of the competition. Plus, it's the biggest game of the season!"

Study Questions:

1. What does it mean to be a good fan? What value is there in being a good fan?
2. Is it wrong to cheer when an opposing player makes a mistake or misses a shot? Why or why not?
3. To what extent, if at all, does the ethics of heckling depend on its effectiveness? What if, for example, Ishmael tells reporters that he feeds off the crowd's jeers and that they help him to focus? What if it's clear that they significantly disrupt his concentration?

15. Racial and Ethnic Matching in Adoption

In recent years, several controversies have arisen over racial and ethnic matching between parents and children in adoptions. For example, in June 2017, a British Sikh couple was denied by an adoption agency on the grounds that only white children were in need of adoption, so white applicants would be given preference.¹ The couple, Sandeep and Reena Mander, said that they would be happy to adopt a child from any racial or ethnic background. However, they were told by the agency, Adopt Berkshire, that they could not put their names down as potential adopters.

Britain's Equality and Human Rights Commission noted in a letter to the agency that this appears to violate the country's Children and Families Act of 2014, which prohibits policies that match adoptees only to parents of the same race or ethnicity.² However, though such policies are now prohibited, recent polls have found that many in Britain think that ideally, children should be adopted by parents of the same racial, ethnic, and religious backgrounds.³ Similar issues arise in the United States, where it has been illegal since 1996 to consider race in facilitating adoptions.⁴

Despite the fact that laws often prohibit such racial and ethnic matching on the grounds that it is discriminatory, supporters of matching continue to argue that adopted children are better off when placed with parents from the same racial or ethnic background. Supporters of matching contend that adopted children will feel a stronger sense of belonging when adopted by parents of the same race or ethnicity, and that being adopted into a family of a different race or ethnicity might exacerbate adopted children's lack of a sense of belonging, or lead to parents who cannot understand their children. Even if adoption agencies shouldn't be allowed to match adoptees *only* to parents of the same race or ethnicity, they argue, race and ethnicity should be taken into account.

Study Questions:

1. How might having a parent who doesn't "look like" them affect the life of an adopted child? How, if at all, does this compare to children who have parents who are from a different race or ethnicity than the other?
2. What rights do would-be parents have when it comes to adopting children? Does matching adoptees and would-be parents on the basis of race conflict with those rights?
3. What say should children have in choosing their adoptive parents? Should children who are up for adoption and of a certain age be allowed to choose the race of their parents?

¹ <https://www.theguardian.com/society/2017/jun/27/british-sikh-couple-take-legal-action-after-being-advised-not-to-adopt>

² <https://www.theguardian.com/society/2017/jun/27/council-berkshire-refusal-british-sikh-couple-adopt-white-child-sandeep-reena-mander>

³ <http://www.telegraph.co.uk/news/politics/9767506/Racial-matching-in-adoption-a-white-obsession-poll-shows.html>

⁴ <http://content.time.com/time/health/article/0,8599,1809722,00.html>

16. Haunted by Tinder

Kira is a young professional who has recently downloaded a dating app, Tinder, hoping to find a romantic partner. In the app, Kira is presented with a seemingly endless number of interesting women. Each profile consists of a few pictures and a short bio. When a profile pops up Kira can either “like” it or “pass” it. A “like” indicates that she is interested in the profile and a “pass” indicates that she is not. If two people “like” each other’s profiles they are both notified and set up in a private chat.

Kira enjoys the app and gets to know various women through light, silly chat conversations. Some pique her interest while others fade away naturally. One particularly good match is with Audrey, a visual arts enthusiast and an avid hiker. The two women really hit it off and after a few days of messaging agree to meet for a date at Smelly Cat, the local coffee shop.

After only a few sips of her coffee, Kira realizes that she is not as interested in Audrey as she initially thought. To Kira, Audrey is a little dull, rambles on about unimportant things, and can’t seem to stay off her phone. After what feels like days, the date ends with a brief “Nice to meet you! Let’s be in touch.” The two go their separate ways.

Kira’s roommate, Cam, is excited to hear about the meet-up. “Audrey seems kind and intelligent, but I didn’t feel anything romantic between us,” explains Kira. “I was bored the *entire* time.” As they are talking, they hear a “ping” from across the room. It’s a message from Audrey. “That was a fantastic date!” Audrey writes, “I feel like we instantly clicked. Can’t wait to meet up again sometime soon!” The roommates both grimace.

“You should totally just ghost her,” Cam suggests. “What do you mean?” Kira asks. “It’s when you cut off all contact without having to explain,” he elaborates. “It’s the perfect way to send a message without actually saying anything or making things complicated.” Kira ponders this option. “I don’t know... that’s a pretty hard cold shoulder.” “No, it happens all the time on dating apps!” Cam urges. “You see a bunch of pictures, share a few lines of text, maybe meet up for a couple of hours or dates, and then move on. You’re still basically strangers. You don’t owe each other anything. Plus, it’s a clean break. No confrontation, no problem.” Kira pauses, sighs, and puts down her phone, effectively ghosting Audrey.

A couple weeks pass and Kira continues to talk to other women on Tinder. Suddenly, she hears a stream of “pings” and opens her phone to a slew of angry messages from Audrey. “I thought you were a nice person but it’s pretty rude to meet someone and then act like they don’t exist! I’m a real person, you know! More than a few pictures on a screen! Plus, it doesn’t take much to send a quick ‘sorry - not interested’ message... Ghosting is pretty cowardly.”

Kira turns to Cam. “I feel like such a jerk. Here’s this nice girl and I’m acting like she’s nothing, all because it’s over an app rather than in person.” “No, no, no,” Cam says, “she’s just being dramatic. Plus, she’ll find another match in no time. There are so many options on Tinder in this city. Don’t worry about it!” Kira shrugs. Cam presses on, “Now, tell me about your other match, Faye. When are you two meeting up?!”

Study Questions:

1. What values are at play when determining how we should interact with people we meet through online dating platforms? Are these values different from those at play when determining how we should interact with people we meet in other settings?
2. When, if ever, is ghosting someone morally acceptable? Does the morality of ghosting change once you’ve met someone in person? What about if you’ve met the person multiple times?
3. Was Kira justified in feeling “like a jerk” for ghosting Audrey? Why or why not? If it depends, what does it depend on?