



UNC  
PARR CENTER FOR ETHICS



**High School Ethics Bowl**  
**National Ethics Bowl Cases**  
**Season 2013-'14**

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## 1. The Tradition of Segregated Proms

The landmark Supreme Court decision, *Brown v. Board of Education* (1954),<sup>1</sup> put an end to racial segregation in U.S. schools. Even though schools have been integrated since the early 1970's, some Southern communities host two proms each spring: one for Caucasian students, and one for African-American students. Jon Paul Edge, a white student at Montgomery County High School, says, "I have as many black friends as I do white friends. We do everything else together." At the same time, he supports two proms because, "It's just a tradition."<sup>2</sup>

These segregated, invitation-only proms are not organized and funded by the schools, but by parents and social groups. Supporters argue that because these events are privately funded, there are no civil rights violations.<sup>3</sup> They also justify the two-prom system by claiming that it decreases conflict and violence that may arise when different races interact, prevents problems resulting from interracial dating,<sup>4</sup> and acknowledges that students have different tastes in music and dance. Since students self-segregate anyway, proponents argue, separate proms are in the best interest of the students.

Terra Fountain, a Caucasian student, says "Most of the students do want to have a prom together...But it's the white parents who say no."<sup>5</sup> Mareshia Rucker, an African-American student, asks, "What's wrong with dancing with me, just because I have more pigment?"<sup>6</sup> In the spring of 2013, a group of students at Georgia's Wilcox County High School challenged this traditional practice and organized their own integrated prom. They created a Facebook page that has over 25,000 "likes" and received donations to fund the event.

The students of Wilcox County High School received a great deal of media coverage both on TV and in print. The group Better Georgia urged the Georgia Governor Nathan Deal to support the integrated prom and the students of Wilcox County High School, but Governor Deal refused to comment on the issue, calling it a publicity stunt from a leftist group.<sup>7</sup>

### Study Questions:

- (1) Even if schools are not breaking any laws by holding privately-funded racially-segregated proms, is it morally wrong to do so?
- (2) Should schools be allowed to hold two separate proms based on race if the majority of the students want it?
- (3) Would segregated proms be more or less morally permissible depending on the extent they're supported and endorsed by school officials?
- (4) Does the Governor have a moral obligation to support an end to segregated proms?
- (5) Is tradition or an appeal to personal freedom a good justification to maintain practices that may be perceived as discriminatory?

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<sup>1</sup>[http://www.oyez.org/cases/1950-1959/1952/1952\\_1/](http://www.oyez.org/cases/1950-1959/1952/1952_1/)

<sup>2</sup><http://www.nytimes.com/2009/05/24/magazine/24prom-t.html?pagewanted=1>

<sup>3</sup><http://www.longisland.com/news/04-08-13/georgian-high-school-to-host-first-non-racially-segregated-prom.html>

<sup>4</sup><http://www.cbsnews.com/news/ga-students-plan-whites-only-prom/>

<sup>5</sup><http://www.nytimes.com/2009/05/24/magazine/24prom-t.html?pagewanted=1>

<sup>6</sup>[http://www.nytimes.com/2013/04/27/us/in-rural-georgia-students-step-up-to-offer-integrated-prom.html?\\_r=0](http://www.nytimes.com/2013/04/27/us/in-rural-georgia-students-step-up-to-offer-integrated-prom.html?_r=0)

<sup>7</sup><http://www.policymic.com/articles/34767/segregated-prom-georgia-gov-nathan-deal-refuses-to-comment-because-liberals>

## 2. The Last Abortion Clinic

In a campaign to reduce the number of abortions in the United States, groups opposed to abortion are using state laws to regulate the procedures and limit access to the clinics. As a result, there has been a great decline in the number of facilities and physicians conducting abortions. In Mississippi, only one abortion clinic is left, fighting to remain open.

Pro-life Mississippi, founded in 1984, has helped to close down five abortion clinics in the state. Its goal is to make Mississippi the first abortion-free state in the nation. In a 2005 PBS Frontline interview, Terri Herring, president of Pro-life Mississippi, suggested that only one Mississippi abortion clinic remains because “people have persistently and continually said that we do not want abortion in Mississippi. And so when it's known that there's one there, people are faithful to be there when the doors are open, and it makes it very uncomfortable. And I think it should be uncomfortable to go in someplace and kill your unborn baby.”<sup>1</sup>

Mississippi women who choose to have an abortion can either go to the Jackson Women’s Health Organization (JWHO) or travel to a neighboring state. The abortion clinic in one neighboring state receives hundreds of calls, and some women must travel over 200 miles to receive care. Access to transportation poses a problem for women who travel such long distances. The city of Clarksdale is one of the poorest cities in Mississippi, and 75% of the infants born there are born to single, teenage mothers living in poverty. Patricia White, a nurse midwife at the public health clinic, said, “A lot of the girls come in pregnant because they didn’t have access to birth control... Most of the girls have no option except to have the baby.” Many girls cannot afford to get an abortion, and most of them do not have health insurance. In 2002, Mississippi prohibited government funding to pay for abortion procedures except in cases of rape, incest, or risk of death.<sup>2</sup>

Groups opposed to abortion, like Pro-Life Mississippi and Operation Save America, have been advocating for laws to hinder access to abortion care and have been intimidating patients at JWHO. If these organizations successfully close this last abortion clinic in Mississippi, it will become almost impossible for many women to exercise their established federal rights, despite the existence of those legal rights. Dr. Willie Parker, a doctor at JWHO, asserted, “Any attempt to block a woman’s right to be self-determining when it comes to procreation is absolutely an assault on the integrity and the autonomy and the humanity of women.”<sup>3</sup>

### Study Questions:

- (1) Is it permissible for government funding to be provided to clinics that perform abortions and/or for abortion procedures?
- (2) Should laws that impede our ability to exercise our right to govern our own bodies be allowed? Is abortion a special case?
- (3) Would it be acceptable for a state to not have any abortion clinics?
- (4) Should a state be required to sponsor an abortion clinic even in cases where most citizens of that state oppose the practice?

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<sup>1</sup><http://www.pbs.org/wgbh/pages/frontline/clinic/interviews/herring.html>

<sup>2</sup><http://www.pbs.org/wgbh/pages/frontline/clinic/etc/script.html>

<sup>3</sup><http://truth-out.org/opinion/item/19723-dr-willie-parker-doctor-at-the-last-abortion-clinic-in-mississippi>

### 3. It's Just Fashion

On November 7, 2012, Karlie Kloss strutted down the walkway during Victoria Secret's annual fashion show wearing leopard print underwear and a Native American headdress. After the show, there was a huge backlash against Victoria's Secret for allowing a non-Native American model to don a Native American cultural identifier as an accessory. The company subsequently issued an apology.<sup>1</sup>

The wearing of Native American headdress has become popular; they are worn as part of Halloween costumes, and have become casual accessories referred to as the "Hipster Headdress."<sup>2</sup> The adoption of some specific elements of a culture to which one does not belong is known as 'cultural appropriation'. Some people argue that cultural appropriation is morally problematic, while others have argued that it is a sign of cultural progress.<sup>3</sup>

Those who criticized Kloss contend that casually wearing items like headdresses, which have important cultural significance to a certain group, is extremely disrespectful. They compare it to someone wearing a Purple Heart that was not earned in battle. Opponents also argue that the casual wearing of these items promotes stereotyping, and decreases the social value of such symbols.

Kloss's supporters claim that she wore the headdress for the sake of fashion. After all, Native American headdresses are beautiful and ornate, and wearing them in a fashion show – especially a show as prominent as the Victoria's Secret fashion show - can be perceived as a celebration of the beauty of Native American culture. Furthermore, it could be argued that if cultural artifacts aren't shared, we will have no access to cultures other than our own which means that we cannot learn from each other and expand our horizons.

#### Study Questions:

- (1) Is it acceptable for clothing companies to appropriate cultural identifiers in their fashion shows?
- (2) To what extent is it acceptable to wear accessories from another culture? For fashion or costume?
- (3) Are there certain cultural identifiers that are more acceptable to appropriate than others? And if so, what underlies the reasons for the acceptability of cultural appropriation?

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<sup>1</sup><http://www.usatoday.com/story/life/people/2012/11/12/victorias-secret-apologizes-for-use-of-headdress/1701413/>

<sup>2</sup><http://nativeappropriations.com/2010/04/but-why-cant-i-wear-a-hipster-headdress.html>

<sup>3</sup><http://www.reference.com/browse/cultural+appropriation?s=t>

#### 4. The People's Pornography?

The United Kingdom has recently taken steps toward limiting people's access to online pornography. Though online pornography will not be banned outright, Prime Minister David Cameron is working to make it exceedingly difficult—especially for children—to access the material. Cameron's plan involves setting up filters that will block out certain restricted content. Though families can opt out of the plan, the filters will remain active unless Internet subscribers choose to de-activate them. The plan also blocks certain violent content, material involving alcohol, smoking, and firearms, and “extremist and terror related content.”<sup>1</sup>

Some people think that habitually watching pornography and other material that has been deemed harmful has a detrimental affect on children's moral development and subsequent behavior. For example, viewing pornography may dispose one to see others as sex objects rather than persons, and viewing scenes of gratuitous violence is likely to have a desensitizing effect. If pornography and other related content corrupt the innocence of childhood, then one could argue that the government and Internet providers have a duty to block or restrict inappropriate content.

Critics of Cameron's plan, however, contend that this policy limits freedom and amounts to nothing short of censorship. Even though users can opt out of the plan, opponents of Cameron's plan claim that relatively few people will actually do so. As a result, whatever is deemed “restricted content”—content that, as critics highlight, includes much more than pornography—will be increasingly difficult to access. Moreover, Cameron's opponents argue that any online filter, regardless of its level of sophistication, will inevitably block access to legitimate content. Free speech advocates decry the plan as limiting certain fundamental liberties. Finally, some critics argue that in deciding whether or not online material is appropriate for children's viewing the government is overstepping its legitimate boundaries. It has been argued that such decisions are better left to families.<sup>2</sup>

#### Study Questions:

- (1) What role, if any, should governments have in deciding whether content is morally acceptable for children?
- (2) Granting Mr. Cameron's argument that pornography is morally corrosive to children, how should the UK balance claims of the greater good against free speech and other rights?
- (3) Is the UK case an instance of the greater good being at odds with human rights and liberty? If so, how should societies go about balancing these competing claims?

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<sup>1</sup>[http://www.huffingtonpost.com/2013/07/29/uk-internet-filter-block-more-than-porn\\_n\\_3670771.html](http://www.huffingtonpost.com/2013/07/29/uk-internet-filter-block-more-than-porn_n_3670771.html)

<sup>2</sup><http://www.ibtimes.com/internet-porn-filters-coming-uk-critics-cry-web-censorship-955748>

## 5. The Purpose of Public Education

The proper role of higher education is once again in the news. North Carolina Governor Pat McCrory recently stated that education isn't "based on butts in seats but on how many of those butts can get jobs."<sup>1</sup> State-funded colleges, McCrory argues, should offer those courses that prepare students for employment rather than those that are "popular" amongst student and faculty. McCrory also criticized majors that seem to offer little in terms of job preparation, saying, "If you want to take gender studies that's fine, go to a private school and take it...But I don't want to subsidize that if it's not going to get someone a job." McCrory and his supporters do not argue that the liberal arts and humanities are worthless but rather that the government's interest lies in subsidizing education that will eventually result in employment.

McCrory's critics disagree with this position for various reasons. Some take issue with McCrory's assumption that the humanities and liberal arts do not help students secure employment. These subjects teach students critical thinking, communication and writing skills, and the ability to quickly and accurately process and analyze information – skills that are clearly attractive to potential employers. According to this argument, the liberal arts have a considerable return on investment.

Others, however, argue that studying the humanities is intrinsically valuable and does not need any further justification, especially an economic justification. Art, literature, history, and philosophy are part of what makes us human, and studying these subjects affords us a richer, more fulfilling life. Thus, it is very much in the society's interest to educate students in these subjects. Defenders of the humanities also argue that one goal of education is to create informed and critical citizens so that civic communities and democracy itself can flourish.

### Study Questions:

(1) Should the government subsidize specific college majors and areas of study? If so, what criteria should they use to determine what to subsidize? Should they, for instance, subsidize only those majors that are most economically valuable, that best promote moral development, that are most personally fulfilling or that help build a democratic society?

(2) Note that Governor McCrory's comments were directed towards publicly funded institutions. Should we use a different standard to judge curriculum taught at private schools?

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<sup>1</sup><http://www.insidehighered.com/news/2013/01/30/north-carolina-governor-joins-chorus-republicans-critical-liberal-arts>

## 6. Gender and Sex in School

*Rolling Stone*<sup>1</sup> recently featured an article detailing the life and experience of Coy Mathis, a transgender child growing up in Colorado. When Coy was born, everyone thought he was a boy. By the time he was a toddler, Coy exhibited a love of pink, and insisted on wearing dresses and pinning up his hair. At first, his parents thought this was just a phase. As time went on, however, it became clear that Coy's preferences were deeper and more permanent: Coy wondered when he would get his "girl parts" and refused to leave the house wearing boy's clothing. Eventually Coy's parents realized that despite his anatomy, Coy saw himself as a girl. Coy's parents struggled to find a way to adjust to this reality: how would they tell Coy's teacher? Which bathroom would Coy use at school? With the help of psychologists, lawyers, and school administrators, the Mathis family worked out a feasible strategy: Coy would go to school as a girl.

When Coy began second grade, however, school officials decided that Coy must use the boys' bathroom despite Coy's preference to use the girls' bathroom. Under a new Colorado non-discrimination law, the Mathis family sued the school system and won. The Mathis family and their supporters see Coy's journey, and the journeys of other transgender students, as part of a larger LGBT rights movement.

Some argue, however, that accommodating Coy may impinge on the rights of others. They express concern for girls who may feel uncomfortable seeing Coy in the girl's bathroom. However, Coy's supporters liken this to the discomfort white women may have felt sharing a bathroom with African-American women during the Civil Rights era.

### Study Questions:

- (1) Should public recognition of a person's gender be determined by anatomy or personal identity?
- (2) Which bathroom(s) should a transgender student be allowed to use?
- (3) Do school officials have a moral obligation to seek a practical solution to the bathroom problem, such as a third bathroom for transgender persons, or more privacy in existing bathrooms? How might the costs of such solutions be balanced against other considerations?

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<sup>1</sup><http://www.rollingstone.com/culture/news/about-a-girl-coy-mathis-fight-to-change-change-gender-20131028>

## 7. Legal Personhood and the Status of Non-Human Animals

Historically, rights of bodily liberty have been granted solely to human beings, sometimes on the grounds that only humans possess a key feature of personhood—the capacity for higher reasoning. These rights declare that human beings cannot be owned or imprisoned. Of course, we can think of conditions under which these rights are impeded in order to ensure the safety and rights of others. For example, the government can decree that students need to attend school, and that people who break laws can be imprisoned to protect the rights of others.

The Nonhuman Rights Project (NhRP) insists that the capacities of personhood that we attribute to human beings also pertain to some non-human animals that possess sentience and high-level cognitive abilities. In 2013, in New York State, this group filed three lawsuits – the first of their kind – on behalf of chimpanzees being held in captivity in solitude and/or for medical testing purposes.<sup>1</sup> The group asked for these non-human animals to be granted legal personhood so that they can be entitled to “such fundamental rights as bodily integrity and bodily liberty.”<sup>2</sup> If these lawsuits are successful, these apes would not be forced to live their lives in cages, nor could they be purposely harmed or physically used for ends beyond themselves.

Although animal rights laws exist in every state of the country, these laws are based on the assumption that animals are objects, thus contingent largely on the discretion of their human ‘owners.’ Many activists find these laws too lax.<sup>3</sup> Additionally, these laws exempt the mistreatment of animals that are being used for human consumption and capital endeavors—those in the livestock, poultry, cosmetic, and medical testing industries, for example—because these animals are being used in the service of robust human endeavors or human survival itself.<sup>4</sup> For example, medical research on non-human animals to find cures for life-threatening human diseases can be justified as a means to aid human survival, while the forced fertilization of cows and chickens for the purposes of milk and egg production is justified in terms of human affinity for these products.

NhRP wants to expand the legal dialogue so that consideration of non-human animals is no longer based on species but rather on qualities and capacities.<sup>5</sup> Critics worry that this argument creates a slippery slope, and that it will result all kinds of species being granted inappropriate rights. Further, critics maintain that the legal rights that we afford to humans have nothing to do with their capacities but reflect a fundamental right, a right that extends even to people who do not exhibit certain characteristics which are sometimes attributed uniquely to human beings (for example, people who cannot communicate, are not self-conscious, and cannot use moral reasoning or make rational life plans), and which are argued by some to be the requirements of legal personhood.

### Study Questions:

- (1) What qualities and capacities are relevant to bestowing rights, moral status or personhood?
- (2) Is it morally permissible to eat animals, or to use them in medical research? What about cosmetics research? Should there be restrictions placed on how we can use animals?
- (4) If animals are granted rights, how should their rights be balanced against human rights? If animal rights come into conflict with human rights, how should we resolve the conflict?

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<sup>1</sup><http://www.wired.com/wiredscience/2013/12/chimpanzee-personhood-nonhuman-right/>

<sup>2</sup><http://www.nonhumanrightsproject.org/mission-goals-values/>

<sup>3</sup><http://www.petfinder.com/helping-pets/information-on-helping-pets/legal-rights-animals/>

<sup>4</sup><http://www.petfinder.com/helping-pets/information-on-helping-pets/legal-rights-animals/>

<sup>5</sup><http://www.nonhumanrightsproject.org/are-you-a-legal-person-or-a-legal-thing/>

## 8. Caring for Adults with Severe Developmental Disabilities

On June 28, 2012, Eva Cameron left her 19-year-old daughter Lynn outside a bar in Tennessee and drove back to her own home in Illinois. Lynn has severe intellectual and developmental disabilities. She has a spoken vocabulary of 30-40 words and is unable to say her own name. Eva explained her actions by saying that she brought Lynn to Tennessee because she understood services for disabled adults are better in Tennessee than in Illinois, where Eva lives.

A Tennessee grand jury decided not to press charges against Eva because she broke no law. Since Lynn is over 18, Eva is no longer Lynn's legal guardian. Parents are not legally responsible for the care of their children once they turn 18, regardless of whether their children have intellectual or developmental disabilities. "There is no disagreement that the actions of the mother, Eva Cameron, in this case were inexcusable." Lori Phillips-Jones, district attorney general for Campbell County Tennessee, stated in a news release. "However, Tennessee law has not anticipated such behavior and thus the Grand Jury was faced with conduct which was not necessarily indictable."<sup>1</sup>

"As terrible as it is, unfortunately there is nothing we can do," Assistant Police Chief Stephanie Smith of Caryville, Tennessee said. "There is no doubt we need a law for mental health rights, but pending this investigation, we just don't know what else to do."

Parents (or other family members) are often the primary caregivers of adults with intellectual or developmental disabilities. Caregivers are more likely to suffer from anxiety, depression, health problems, and challenges maintaining their careers. Eva, for instance, has stated that she lost her nursing job, that her husband's career suffered and that her family accumulated over \$12,000 in debt as a result of having to care for Lynn.<sup>2</sup> She denied that she had failed in her responsibilities to her daughter.

### Study questions:

- (1) What are the responsibilities of parents of adults with intellectual and developmental disabilities? Do parents ever have the right to decide to sever a relationship with an adult child, even if the adult child needs care?
- (2) What, if any, government assistance should be available to parents who are caregivers to adults with intellectual and developmental disabilities?
- (3) If a parent fails to care for a child under 18 (or make adequate arrangements for another caregiver), that parent is subject to criminal punishment for neglecting his or her child. Should Eva's refusal to care for her adult daughter be subject to criminal punishment on similar grounds?

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<sup>1</sup>[http://articles.chicagotribune.com/2012-12-10/news/chi-alogonquin-woman-disabled-daughter-20121210\\_1\\_eva-cameron-tennessee-bar-disabled-daughter](http://articles.chicagotribune.com/2012-12-10/news/chi-alogonquin-woman-disabled-daughter-20121210_1_eva-cameron-tennessee-bar-disabled-daughter)

<sup>2</sup>[http://articles.chicagotribune.com/2012-07-23/news/ct-met-tennessee-abandoned-daughter-20120723\\_1\\_disabled-daughter-eva-cameron-young-woman](http://articles.chicagotribune.com/2012-07-23/news/ct-met-tennessee-abandoned-daughter-20120723_1_disabled-daughter-eva-cameron-young-woman)

## 9. Media Coverage of Mass Murders

The First Amendment to the United States Constitution guarantees that the freedom of the press may not be abridged. Some stories in the press, however, may cause great harm. It has been argued, for example, that media coverage of the perpetrators of mass killings may instigate copycat killings.

When investigators examined the belongings of Adam Lanza, who killed 20 children and six adults at Sandy Hook Elementary School, they discovered that he had been obsessed with the 1999 shootings at Columbine High School. According to the report released by the investigators, Lanza had “hundreds of documents, images, videos pertaining to the Columbine H.S. massacre.”<sup>1</sup>

Lanza was not the only mass killer interested in Columbine. Seung-Hui Cho, who killed 32 people at Virginia Tech University, compared himself to the Columbine killers. Professor Ralph W. Larkin of the John Jay College of Criminal Justice at the City University of New York studied school rampages in the eight years following Columbine. He found that eight out of 12 shooters “directly referred to Columbine.” Larkin also found that prior to Columbine, the only country other than the U.S. to experience a rampage shooting at a school was Canada. Since Columbine, there have been mass shootings at several schools around the world. Six of 11 shooters outside the U.S. also specifically referred to Columbine.<sup>2</sup>

Recently, *Rolling Stone* magazine angered many readers when it featured Boston Marathon bomber Dzhokhar Tsarnaev on its cover in a way that some people thought made him look glamorous. Boston Mayor Thomas Menino wrote a letter to *Rolling Stone*'s publisher saying that the cover sends a “terrible message that destruction gains fame for killers and their 'causes.’”<sup>3</sup>

### Study questions:

- (1) Should the freedom of the press to cover mass killings be protected if it can be shown that such coverage may lead to more killings?
- (2) Even if the media are legally permitted to publish stories about mass murders, what are their moral obligations with regards to how they report on these sorts of stories?
- (3) If it turned out to be the case that media coverage of mass killings did not cause copycat killings, are certain kinds of press coverage of mass killers nevertheless morally wrong? Should magazines be legally allowed to “glamorize” mass murderers?

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<sup>1</sup><http://www.latimes.com/nation/nationnow/la-na-nn-landa-columbine-20131127,0,5187796.story#ixzz2qFZU36P8>

<sup>2</sup> *ibid.*

<sup>3</sup><http://www.usatoday.com/story/news/nation/2013/07/17/dzhokhar-tsarnaev-boston-marathon-bombing-rolling-stone/2523891/>

## 10. Obligations of Historical Fiction Writers

Historical fiction purports to describe actual events and people. In his 1960 play *A Man for All Seasons* (later adapted as a film), playwright Robert Bolt fictionalizes some of the events surrounding the efforts of King Henry VIII of England to divorce his first wife, Catherine of Aragon, and marry Anne Boleyn. Henry's Chancellor at the time, Sir Thomas More, was roundly critical of Henry's desire to divorce Catherine. Henry had More tried for treason and executed. Thomas Cromwell, one of Henry's chief ministers, supported Henry in his divorce efforts.

In Bolt's play, More is a pious and courageous man, devoted to his family and unafraid to speak truth to power. Cromwell, on the other hand, is conniving, corrupt, and jealous of More's purity of soul.

*Wolf Hall*, a novel by Hilary Mantel, fictionalizes the same events. In her novel, however, More is rigid and sadistic, a man who belittles his wife and enjoys burning heretic Protestants at the stake. The Thomas Cromwell of *Wolf Hall*, on the other hand, is a man who achieved his success in life through his abilities and hard work, not by birth. He is honest, kind, and tolerant, with little taste for the religious persecution common at the time.

Obviously, these portrayals cannot both be correct. It seems quite likely that either Mantel or Bolt has depicted a man as more villainous than he really was. Other historical fiction writers have also misrepresented historical figures.

### Study questions:

- (1) Do writers of historical fiction, or writers of any fiction based on a true story, have any obligation to represent events accurately? How does the desire to create a good story impact this question?
- (2) Is it morally wrong to depict an actual historical figure as more cruel or less virtuous than he or she really was?
- (3) Usually, most people think harming someone involves causing him or her to suffer. Since they are dead, neither More nor Cromwell can experience suffering. Can defamation of a person's character harm him or her even after death?

## 11. Repatriating War Spoils and Cultural Artifacts

Recently, German officials announced the discovery of a treasure trove of paintings and drawings, estimated to be worth more than \$1 billion, in the apartment of Cornelius Gurlitt.<sup>1</sup> The paintings, including some by Matisse, Picasso and Gauguin, were originally obtained by Cornelius's father Hildebrand Gurlitt who was a Nazi era dealer of "degenerate art." Currently Germany is trying to ascertain the original owners since much of the art obtained by the Nazis was confiscated from Jews in Germany and neighboring countries. The Gurlitt case is one of many examples of looted art to have come to light in recent decades.

Historically, looting has been considered the right of conquerors, as a means of supplementing the meager payments given to soldiers, and as a way to fund and glorify war. The Lieber Code of the United States adopted during the Civil War states: "If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace."<sup>2</sup> More recently, a Hague Convention stipulates that an occupying power should take measures to preserve cultural property in the absence of other authorities.<sup>3</sup> Critics say that such provisions are difficult to maintain and could result in the same type of confiscation that occurred during World War II.

Looting has also been connected to aspects of archaeological work. From 1801 to 1802 British ambassador Thomas Bruce removed half of the remaining sculptures from the Parthenon, a famous temple in Greece. Britain refuses to return the sculptures claiming that under the museum's charter no parts of its collection may be returned, and that the sculptures have their own cultural significance for Britain. Another common argument is that such action would set a risky precedent since most museums own artworks that were obtained in a similar manner. Greece argues that the Marbles are of global significance and belong to the Parthenon as a global culture site as opposed to a national one.<sup>4</sup>

Numerous cultural artifacts are taken in the name of research from their original locations. Those who defend such actions point out that these artifacts have been rescued from further damage by their removal from the war zone or locations in which they were not being taken care of properly. Opponents point to the imperial legacy of such actions, since countries were robbed of their cultural heritage as a result of foreign archeological research.

### Study Questions:

- (1) Does a collector who unknowingly bought looted art have a moral obligation to return the items?
- (2) Is it morally justifiable for the government to take stolen artwork from the collector, and if so should there be any compensation?
- (3) If a cultural artifact is of value to all of humanity, and its current owner is not taking proper care of it, should another entity (a nation, organization or even person) have the right to take this artifact from its current owners to protect it for all of us? Do we have a *duty* to do so?

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<sup>1</sup>[http://www.nytimes.com/2013/11/18/world/europe/a-private-life-amid-a-tainted-trove-of-art.html?hp&\\_r=0](http://www.nytimes.com/2013/11/18/world/europe/a-private-life-amid-a-tainted-trove-of-art.html?hp&_r=0)

<sup>2</sup>[http://avalon.law.yale.edu/19th\\_century/lieber.asp](http://avalon.law.yale.edu/19th_century/lieber.asp)

<sup>3</sup><http://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=9F651FEFC1BDEDC9C12563CD0051CA7A>

<sup>4</sup><http://www.nytimes.com/2009/06/24/arts/design/24abroad.html?adxnnl=1&pagewanted=all&adxnnlx=1385914119-1JwSq>

## 12. Wonder Medicine for Cancer Treatment

In 2011, Nick Auden was diagnosed with stage 4 melanoma, an aggressive form of skin cancer that kills 90 percent of patients.<sup>1</sup> Although combinations of various drugs helped temporarily reduce the growth of Auden's tumors, doctors determined that a new drug developed by only two drug companies could eliminate the tumors altogether and save his life. The medication, which was not yet approved by the FDA, was used in clinical trials that were open only to patients with specific stages of the cancer or people who did not have cancer at all.

The medication was not being offered for "compassionate use," meaning it was not available for people who were not technically eligible for the trials but still wanted the drug. According to the FDA, patients can be denied compassionate use if there is not enough data on the drug's safety. However, other reasons to deny use of medication include ensuring that the scientific method is being properly carried out and that "including a particular patient [does not] dilute the data or confuse the results of the trial and so delay the ultimate approval for the drug and its time to market."<sup>2</sup> Such delays harm patients who would have been able to receive the drug earlier had it emerged on the market.

The clinical studies of the melanoma drug revealed that 38 to 52 percent of participants benefitted—their tumors successfully shrank. "[It] is not the kind of medicine that if it works, it works for a few weeks and stops working. If medications like this work, they tend to benefit people for months or years. Some people might even be 'cured,'" said a melanoma specialist at Memorial Sloan-Kettering Cancer Center in New York.

However, oncologists acknowledged that the medication could cause fatal brain swelling. The drug companies also cited safety concerns when asked why they could not allow the drug to be used by cancer patients who did not qualify for trials. One company claimed that although it was trying to find a way to make the drug accessible, "all available supplies were being used in clinical trials." Production was accelerated "faster than any other research program in nearly 20 years," said a drug company representative.<sup>3</sup>

Auden's wife said that they "had no idea how difficult it would be to convince the drug companies to give it to [Nick]." One of the companies "said they would open compassionate use trial in the third quarter of 2014. It was their last offer to us."<sup>4</sup> According to Auden, who passed away from his illness on November 22<sup>nd</sup>, 2013, "When you've been given a terminal diagnosis, you're prepared to accept a drug that's 50 percent effective... Safety concerns don't really figure in the same way."

Although patients who are denied use of drugs in trial have the right to bring drug companies to court, Auden and other patients turned to organizations such as Change.org to garner support through virtual petitions. The petition quickly reached its original goal of 150,000 signatures and later reached 500,000.<sup>5</sup>

### Study Questions:

(1) Under what conditions is it ethical for drug companies to allow compassionate use of drugs?

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<sup>1</sup><http://gma.yahoo.com/dying-dad-pleads-unapproved-cancer-drug-101306450--abc-news-topstories.html>

<sup>2</sup>[http://www.acegroup.com/us-en/assets/ace\\_compassionate\\_care\\_whitepaper.pdf.pdf](http://www.acegroup.com/us-en/assets/ace_compassionate_care_whitepaper.pdf.pdf)

<sup>3</sup><http://abcnews.go.com/Health/dad-pleading-unapproved-cancer-drug-dies/story?id=21004482>

<sup>4</sup>[http://www.denverpost.com/breakingnews/ci\\_24625182/nick-auden-who-lobbied-use-experimental-ski](http://www.denverpost.com/breakingnews/ci_24625182/nick-auden-who-lobbied-use-experimental-ski)

<sup>5</sup><https://www.change.org/petitions/merck-bristol-myers-squibb-save-locky-s-dad-provide-nick-auden-access-to-the-pd1-drug-on-a-compassionate-basis>

(2) Was it morally permissible for the drug companies to deny the treatment to Nick?

(3) To what extent is it ethical to consider the scientific method over the open distribution of drugs that are still in testing stages?

### 13. State Secularism

In November 2013, the Canadian province of Quebec's ruling party introduced Bill 60 in the Quebec National Assembly to enshrine secularism as an official value of the Government of Quebec.<sup>1</sup> If adopted, Bill 60 would ban all public-sector employees from wearing "conspicuous" religious symbols such as large crosses for Christians, headscarves for Muslim women, turbans for Sikhs, and any other religious symbol deemed by the government to be conspicuous. This would apply not only to all public sector workers, but also to private workers who had Quebec government contracts. Furthermore, under Chapter III #7 of Bill 60, "Persons must ordinarily have their face uncovered when receiving services from personnel members of public bodies."<sup>2</sup>

Not only may these provisions violate the rules of some religions, detractors counter that the bill would disproportionately affect certain religious groups.<sup>3</sup> Additionally, the opt-out provisions that are allowed are targeted at universities and hospitals receiving public funding, which in Quebec are predominantly Catholic. Adding to the controversy, the bill was introduced in the meeting chamber of the Quebec National Assembly, which contained a large Catholic crucifix, justified as a symbol of Quebec's heritage. Although the government has offered to let lawmakers vote on whether or not to keep the crucifix if Quebec adopts the secular charter, its removal was not in the bill itself.<sup>4</sup> Thus, opponents argue that the provisions of the bill essentially separate Quebec citizens along religious lines, giving preferences to the Catholic Quebecois majority.<sup>5</sup>

Proponents of the charter point out that it is meant to promote equality between men and women since some religious customs require women to cover more of their bodies than men. Additionally, advocates say that the charter would protect the rights of all by ensuring government neutrality in religious matters.<sup>6</sup>

#### Study questions:

- (1) Should a government be allowed to require its employees to abide by policies that cause them to violate their religious beliefs?
- (2) Is it morally permissible for a government to put restrictions on religious freedom? If so, in what circumstances is it permissible? If not, why not?
- (3) Should the government be able to require citizens to violate their religious beliefs in order to receive government services?

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<sup>1</sup><http://www.ctvnews.ca/canada/quebec-government-tables-controversial-values-charter-1.1531854>

<sup>2</sup><http://www.nosvaleurs.gouv.qc.ca/medias/pdf/Charter.pdf>

<sup>3</sup><http://www.montrealgazette.com/life/Highly+qualified+Muslim+immigrants+face+employment+discrimination/9463890/story.html>

<sup>4</sup><http://o.canada.com/news/updated-values-charter-parti-quebecois-considers-removing-crucifix-from-legislature/>

<sup>5</sup><http://o.canada.com/news/philippe-couillard-over-my-dead-body/>

<sup>6</sup><http://www.nosvaleurs.gouv.qc.ca/medias/pdf/Charter.pdf> (Full text of the Charter)

## 14. Overbearing Mamabear

Over the last decade, technological advancements in mobile devices have revolutionized the way our society functions: we get directions from GPS maps, stream videos for news, and check our email all the time. Smart phones and other advancements have created new levels of efficiency and connectedness, but this comes at a cost. Some may argue, for example, that children and teenagers have become much more vulnerable to cyber predators. The internet provides a great deal of anonymity, allowing dishonest people to operate from behind a veil, or worse, to disguise themselves as people they are not. Betsy Landers, president of the National Parent Teacher Association, says “Predators now can prey on our kids online when they are totally unaware that they're dealing with an adult.”<sup>1</sup>

How can parents best protect and monitor their children’s online activity? Some parents are using special software that monitors their children’s social media accounts and web searches. One app, MamaBear, allows parents to “Discover when your kids get tagged in a photo or check-in[s] with friends at a location on Facebook and Instagram,” and “Learn when your kids make new friends on Facebook or Instagram and get alerted to bad language or signs of bullying”.<sup>2</sup> It even allows parents to track their children’s cellphone with GPS and find out if they are in a car that is traveling over the speed limit. Another program called Web Watcher “logs every email, instant message, and keystroke” of the child’s mobile phone.<sup>3</sup>

Other parents, however, see MamaBear and other similar software programs as intrusive, claiming that it undermines the trust that exists between parents and their children. Many teens whose parents monitor their internet activity and social media accounts often create two accounts: one for parents to monitor, and another as a secret outlet for supervision-free activity. Perhaps more importantly, children may feel like they aren’t trusted or that their privacy is being invaded. Lynn Schofield Clark, the author of *The Parent App*, says, “When parents are engaged in these kind of monitoring activities, they end up being interpreted by their young people as spying.”<sup>4</sup>

### Study Questions:

- (1) Are parental monitoring apps morally permissible?
- (2) In times of rapidly evolving technology and resulting safety concerns, what would be a morally permissible way to keep children safe? In other words, do new threats due to advanced technology change the permissible range of monitoring?
- (3) To what extent should parents be allowed to monitor their children’s activity? Is an intrusion of trust and privacy justified if it ensures the safety of the child?

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<sup>1</sup><http://www.npr.org/blogs/alltechconsidered/2012/11/21/165485240/know-what-your-kids-do-online-there-s-an-app-for-that>

<sup>2</sup><http://mamabearapp.com/>

<sup>3</sup><http://www.npr.org/blogs/alltechconsidered/2012/11/21/165485240/know-what-your-kids-do-online-there-s-an-app-for-that>

<sup>4</sup><http://www.npr.org/blogs/alltechconsidered/2012/11/21/165485240/know-what-your-kids-do-online-there-s-an-app-for-that>

## 15. Head Transplant

A recent medical article released by *Medical News Today* alludes to the possibility of the first successful human head transplantation surgery. This project, code-named HEAVEN/GEMINI, is being spearheaded by prominent neurosurgeon, Dr. Sergio Canavero. Although head transplantation surgery has been attempted in the past on primates, the attempts proved futile as the doctors were unable to reconnect the spinal cord to the new head. However, according to Dr. Canavero, forming spinal linkage will no longer be an issue due to advances in surgical technology: “the greatest technical hurdle to such endeavor is of course the reconnection of the donor's and recipient's spinal cords. It is my contention that the technology only now exists for such linkage.”<sup>1</sup>

The surgery would include inducing hypothermia in both the donor and recipient and severing the spinal cord precisely so that it would be possible to fuse it with the donor body's spinal cord.<sup>2</sup> “As the human brain can only survive without oxygen for one hour, the surgeons would have to remove both heads and connect the recipient's head to the circulatory system of the donor body within this time frame.”<sup>3</sup> According to Canavero, prime candidates for this type of transplantation would be brain-dead patients and those with advanced cancer.

Not everyone is excited about this medical advancement. Given that the cost of a head transplant would be approximately \$13 million, only wealthy individuals could afford it. Moreover, some worry that older, wealthy members of our society might pay vulnerable young people for their bodies. Some even worry that humans may be farmed for their bodies.<sup>4</sup>

### Study Questions:

- (1) Is head transplantation morally permissible?
- (2) Should we legalize medical procedures that have the potential to create exploitive conditions for vulnerable members of society?

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<sup>1</sup><http://www.medicalnewstoday.com/articles/262948.php>

<sup>2</sup><http://abcnews.go.com/blogs/health/2013/07/02/human-head-transplants-could-become-reality/>

<sup>3</sup><http://www.medicalnewstoday.com/articles/262948.php>

<sup>4</sup>[http://www.huffingtonpost.com/2013/07/06/head-transplant-italian-neuroscientist\\_n\\_3533391.html](http://www.huffingtonpost.com/2013/07/06/head-transplant-italian-neuroscientist_n_3533391.html)