



NATIONAL HIGH SCHOOL ETHICS BOWL

Case Set for 2020 National Competition

Contents

A NOTE FROM THE NHSEB

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1. Are You My Mother?

Since 1987, over 1 million babies have been born in the United States through the use of in vitro fertilization (IVF) or other assisted reproductive technologies.¹ IVF success rates vary with many factors, and the procedure can be time-consuming, invasive, and expensive (with the average cost of IVF procedures lying between \$10,000 and \$15,000, and many insurance plans declining to cover fertility care). However, another kind of risk often comes to the fore in the context of fertility care.

Consider the case of Adrea Patel², who recently gave birth to two babies. Some time after the birth, she discovered that neither of the babies were related to her—or to each other. The lack of genetic relation was made clear to her because the babies' racial identity markers appeared to be different than Adrea or her husband (both of whom are of Indian descent). As it turns out, nine months earlier, three unrelated couples had gone to the same fertility center for IVF treatment and assistance getting pregnant. There was a mix-up at the clinic and the wrong embryos were implanted in Adrea's womb. Instead of embryos genetically related to her, she was implanted with embryos from the other two couples. One of the babies was genetically related to Anni and Ashot Manukyan, who had not been able to get pregnant successfully. When the Manukyans found out about the mix-up and the subsequent birth of a baby genetically related to them, they sued Adrea for custody. After all, they had spent a lot of time and money trying to become parents. Meanwhile, Adrea had spent nine months bearing the physical burden of pregnancy and she and her husband had been eagerly anticipating and preparing for the birth. They also spent weeks after the birth caring for the newborns. Eventually, a judge ruled in favor of the genetic parents—the Manukyans—and awarded them custody. In fact, the Patels were ordered to relinquish custody of both babies. According to the judge in their case, the genetic relation was important to the decision, but so was the fact that the Manukyans had intended to be parents.^{3 4}

In another such mix-up, Susan Buchweitz, who had previously been unable to get pregnant, decided to have a child using an egg donor and a sperm donor, both of whom she chose with the utmost care. The same day that she went to the fertility clinic to get the embryo implanted, Sean Cook and his wife were also there to get an embryo implanted that was created from an anonymous egg donor and Sean's sperm. After a year, Susan discovered that the wrong embryo had been implanted and her child was genetically related to Sean. After Sean sued for custody, a judge granted him (although not his wife, who was not genetically related to the child) partial custody. As a result, Susan had to send her child to a stranger's house several days a week and had to consult with Sean about major life decisions like what school the child would attend, and whether or not she could move.⁵

The ongoing possibility of errors like these raise important questions and arguments about the nature of parenthood, particularly as the usage of assisted reproductive technologies increases steadily.⁶ Some, like the judges in Adrea and Susan's cases, defer to genetic claims of parenthood. Critics might make note of the gestational burden of carrying these pregnancies to term, and the deep bond formed between mothers and children in their first weeks of life.

STUDY QUESTIONS

1. How should we weigh competing claims for parenthood (e.g., genetic, gestational, social)?
2. Should the intention of becoming a parent be relevant to questions about parenthood? Why or why not?
3. How should we weigh the needs of the child and the needs of adults in situations like these?

¹ <https://www.pennmedicine.org/updates/blogs/fertility-blog/2018/march/ivf-by-the-numbers>

² All names included in this case are pseudonyms. Those involved have chosen to remain anonymous.

³ <https://www.theatlantic.com/science/archive/2019/07/ivf-embryo-mix-up-parenthood/593725/>

⁴ <https://www.usatoday.com/story/life/parenting/2019/07/10/ivf-mix-up-second-couple-involved-alleged-baby-mix-up-sues-clinic/1694269001/>

⁵ https://www.bionews.org.uk/page_89371

⁶ <https://www.cnn.com/2014/02/17/health/record-ivf-use/index.html>

2. Digital Blackface

In early 19th century America, white actors began to darken their faces in order to portray black caricatures in plays, comedies, and later film. In cases of blackface, white actors assumed an improvised black identity, while at the same time mocking it—reducing and distorting the black image and persona for the sake of humor. Popular black characters of this period were most often represented through a series of harmful stereotypes: the deferential servant, the lazy drunk, the promiscuous beast, or the village idiot. These roles were designed to portray black people as second class, sub-human, and the proverbial butt of the joke. No example is more paradigmatic than the now-infamous improvised character, Jim Crow. Popularized by actor Thomas Rice, the character was the etymological basis for a generally pejorative term for black Americans, and later became the stand-in moniker for the oppressive segregation laws of the 20th century. In his portrayals of Jim Crow, Rice “darkened his face, acted like a buffoon, and spoke with an exaggerated and distorted imitation of African American Vernacular English.”¹

In the 21st century, some now argue that there is an analogous phenomenon occurring on social media platforms—digital blackface. Digital blackface refers to a white person’s use of a GIF, video, or other media that portrays a black persona (i.e., a face, voice, attitude, or expression) to add humorous emphasis to their own online reaction. According to its critics, digital blackface is similar to traditional blackface in that white users are “putting on” the black face and reducing black people to one-dimensional characters, which express stereotypical versions of attitudes like sass, anger, disgust, or dismissal. When a white person uses a GIF of a black person (sometimes accompanied by stereotypically black language, e.g., “bye Felicia,”) they use such memes to alter their personal voice, expressing their own thoughts through the lens of a black culture, black language, and black bodies. Critics suggest that the harms of digital blackface are two-fold. First, that the act itself embodies a pointed disrespect in using a black person as a mere means to the end of comedic affect. Second, that consequences of posting these GIFs include tacit acceptance and perpetuation of racist stereotypes, such as, for example, the sassy or angry black woman.

Others, however, are skeptical of these criticisms. Some have cited a concern about policing digital creative expression, when it is unclear which GIFs, if any, cause real harm. They also point out that not all GIFs that include black faces promote racial stereotypes. For instance, some well-known GIFs evoke emotions of surprise, or happiness. Other frequently used GIFs are videos of famous athletes or actors, who are aware their image will be used in the public sphere. These GIFs, they argue, are neutral with respect to the harms suggested by critics. Furthermore, some also worry about the downstream implications of recognizing and problematizing digital blackface—Are critics suggesting that a permissible digital presence requires that we segregate our digital expressions? The New York Times’ Amanda Hess cautions: “None of this means that white people should only use white people GIFs and black people should only use black people GIFs, but it does mean that even something as seemingly simple as trying to express happiness on the internet is complicated by structural racism.”²

STUDY QUESTIONS

1. Is digital blackface morally analogous to traditional blackface?
2. Does an ethical digital presence require that non-black people, in particular, think twice before sending or posting GIFs of black faces? Why or why not?

¹ <https://www.ferris.edu/jimcrow/origins.htm>

² <https://www.nytimes.com/video/arts/100000005615988/the-white-internets-love-affair-with-digital-blackface.html>

3. Pride, Inc.

In the summer of 2019, in celebration of the 50th anniversary of the Stonewall riots, WorldPride was held in New York City, in conjunction with the city's own annual Pride festival. It would become the biggest LGBT event in history, attracting roughly 4 million attendees. Despite this seeming success, however, some members of the LGBTQ+ community boycotted the event, organizing an alternative pride celebration which they dubbed the Reclaim Pride Coalition (RPC). The alternative event gathered 45,000 attendees. RPC's stated mission is to "march against the exploitation of our communities for profit and against corporate and state pink-washing, as displayed in Pride celebrations worldwide, including the NYC Pride Parade."¹ "Pink-washing" describes marketing or promotional strategies undertaken by companies or states in order to obscure their negative behavior where LGBTQ+ rights and issues are concerned. As Pride festivals have continued to become more mainstream, they have received increasing levels of corporate sponsorship with each passing year. Many events, once considered a form of countercultural resistance against legal LGBTQ+ discrimination, are now comprised of floats, booths, promotions, and targeted product placements from mega-corporations like CapitalOne, Walmart, Verizon, etc.²

Those who are concerned about the greater corporatization of Pride events often argue that corporations only participate in this form of advocacy in order to sell more of their own products (often in specially-promoted and rainbow-themed varieties³). Furthermore, many critics argue that the same corporations joining in on Pride celebrations simultaneously fund anti-LGBTQ+ causes. For example, in the same year that Adidas featured a thematic merchandise line called "Pride Pack," they were a major sponsor for the World Cup in Russia, a country with wantonly discriminatory and harmful anti-LGBTQ+ laws. Conflicts of interest like these lead many to believe that corporate support is largely aimed at the bottom line. While some companies promise to donate some portion of the proceeds from Pride products to LGBTQ+ charities, many companies often obscure what that portion is and where it goes. Additionally, critics worry that corporate sponsorship encourages "slacktivism," where the general population feel as though they are contributing to the cause by purchasing these products while it remains unclear whether these efforts contribute to any substantive changes for LGBTQ+ people.

On the other hand, some Pride officials say that corporate sponsorship is necessary in providing supplies, equipment rentals, insurance, security, and other important services for their events.⁴ Sponsorship also lightens the financial burden on advocacy groups and community nonprofits, who often struggle with ballooning costs. Moreover, others have argued that the corporatization of the LGBTQ+ movement isn't a problem and is actually a necessary step in its advancement. As Harvard scholar Michael Bronski contends: "what we're seeing in terms of corporatization and consumer influence is... a completely logical outcome of a gay rights movement that was predicated on a series of reforms... all [geared toward] acceptance... Full citizenship in America has always been predicated on the ability to consume. So why would it be different for LGBTQ people?"⁵

STUDY QUESTIONS

1. What role, if any, should private corporations play in social justice movements? Why?
2. Is purchasing or promoting popular Pride-themed products sufficient to make one an ally to the LGBTQ+ community? Why or why not?

¹ <https://reclaimpridenyc.org/why-we-march>

² <https://www.vox.com/2018/6/25/17476850/pride-month-lgbtq-corporate-explained>

³ <https://www.newsweek.com/these-30-brands-are-celebrating-pride-giving-back-lgbt-community-1441707>

⁴ <https://www.nytimes.com/2019/06/20/nyregion/nyc-pride-march.html>

⁵ <https://www.them.us/story/corporate-pride>

4. Trolling for a Refund

In 2019, the average wedding cost nearly \$35,000.¹ In order to have the wedding of her dreams, Linda decided to do all the planning to stay within her \$15,000 budget. She researched and thoughtfully selected every detail of the big day—the location, the flowers, the food, the photographer, etc. One hundred of her closest friends and family shared in the celebration, and she felt that the day went smoothly.

Linda was not able to afford the best wedding photographers, but she was able to find a new photography company that had a few good reviews online. She met with the photographer in person, reviewed their portfolio, and discussed the kinds of photos she wanted. She provided the photographer with a schedule and notes on the kinds of photos that she wanted, and she felt the photographer understood what she envisioned. However, on the day of the wedding, the photographer she met with didn't show up, sending someone else instead. Linda didn't worry about it on the wedding day, but the photos appeared to be average, as if taken by an ordinary person. Some of the shots she wanted were not done, and the lighting in the video was dim. She feels that she could have had a friend do the same quality of work for free, and the \$3,000 could have helped fund other wedding plans. She contacted the photography company multiple times to ask for a partial refund without receiving a response. As a last resort, Linda mass-emailed her wedding list guests, requesting that they post bad reviews of the company on social media. The criticism that she asked her guests to post was true, and she felt that she deserved an apology and a partial refund. It was upsetting to Linda that the company ignored her messages, and even more upsetting when her best friend, Viola, criticized her request to post negative reviews on social media.

Viola is uncertain about whether to participate. Viola doesn't have respect for social media trolls, and she does not want to participate in an act she has criticized others for. Even though she believes that Linda deserved better service, Viola doesn't think that the company should be forced to provide a refund. As Linda's best friend, Viola feels that Linda expects her to post, but Viola doesn't want to. Viola thinks to herself, "Am I a bad friend if I don't do this for Linda?" Viola expressed her hesitation to Linda, and Linda got upset that she would have to justify herself to her best friend.

STUDY QUESTIONS

1. Should Viola honor her friend Linda's request? Why or why not?
2. Under what circumstances, if any, is it morally permissible to post negative information online in order to force a company to take action?

¹ <https://www.cnbc.com/2020/02/13/how-much-the-average-wedding-cost-in-2019.html>

5. Nandi's Choice

Nandi is a newly married young man living in India who comes from a financially modest background. A month after his wedding, Nandi and his wife receive two pieces of important news. First, they learn that they have a child on the way. Second, Nandi learns that he has received a scholarship to pursue a college education at a prestigious university in the United States. After discussing his options with his wife and his parents, he decides to seize the opportunity and move with his wife to America. They promise, however, that they will return home to his family after Nandi receives his Bachelor's Degree.

While living in America, Nandi, his wife, and their daughter begin to assimilate to American culture. After four years of hard work, Nandi is presented with another opportunity—a place in one of the best Ph.D. programs in the world with the promise of full funding and the prospect of a successful and lucrative career upon completion. Given this life-changing opportunity, Nandi decides to postpone fulfilling the promise that he made to his family to return home until he completes his Ph.D. As time goes by, four years becomes five, five becomes six, and six becomes seven. After seven years away from home, Nandi receives a call from his mother with the news that his father has passed away. He immediately books a flight home with his wife and daughter to see the rest of his family.

It is Indian tradition that, when a father dies, his eldest son must complete his final rites. Moreover, it is expected that the eldest son will support his mother and welcome her into his home. Nandi's mother, however, refuses to leave her four daughters (Nandi's younger sisters) and the country that she has lived in her entire life. She adds that Nandi's promise to return home is three years overdue, and she urges him to stay in India rather than returning to the United States to complete his Ph.D. His mother worries that if he does not, she will have no one to live with and support her, and she will grow old without ever getting to know her granddaughter.

STUDY QUESTIONS

1. Does Nandi have an obligation to abandon pursuit of his Ph.D. for the sake of his mother and Indian tradition?
2. What are the relevant factors Nandi should consider when making his decision?
3. Does the fact that Nandi has a daughter who has spent the first seven years of her life in America make an important difference to how you consider this case?

6. Burning Cash

In 2017, a fire raged through the Columbia River Gorge in Oregon. Almost 47,000 acres burned. Months later, a local teenager admitted to starting the fire by throwing fireworks into a nearby canyon. It seems clear that the teenager did not intend to start a fire, especially one that was so destructive. However, the teenager's recklessness obviously had a huge negative consequence.

As punishment, an Oregon Circuit Court judge ruled that the teenager must pay \$36 million in restitution. In addition, he must write apologies to 152 people who were trapped on a trail (but not injured) by the fire, and complete 1,920 hours of community service. "The restitution, [the judge] wrote, includes more than \$21 million on behalf of the U.S. Forest Service, \$12.5 million to the Oregon Department of Transportation, more than \$1.6 million to the Oregon State Fire Marshal, more than \$1 million to Union Pacific Railroad and varying amounts to Oregon State Parks, Allstate Insurance, and Iris Schenk, who lost her home in the fire."¹

Many, including the teenager's lawyers, have called this ruling absurd, noting that there is no way the teenager will ever be able to pay the fine. Paying \$10,000/month, it would take 300 years for the teenager to pay off his fine. However, anticipating this sort of objection, Judge John Olson writes in his opinion: "restitution is clearly proportionate to the offense because it does not exceed the financial damages caused by the youth."² Further, Judge Olson has allowed for the possibility that the teenager can make payments on his debt for 10 years and, so long as he commits no further crimes and satisfies the conditions of his probation, the debt can be forgiven.

STUDY QUESTIONS

1. Is it just to punish a teenager with a fine of \$36 million, even when they have caused this much damage?
2. Does it matter that the teenager in this case did not intend to start the fire, and admitted to his actions and apologized?
3. Is it morally permissible to pursue extreme punishments in order to deter crimes?

¹ <https://www.washingtonpost.com/news/post-nation/wp/2018/05/21/teen-who-started-massive-oregon-wildfire-with-fireworks-must-pay-36-million-judge-rules/>

² <https://www.npr.org/sections/thetwo-way/2018/05/22/613374984/judge-orders-boy-who-started-oregon-wildfire-to-pay-36-million-in-restitution>

7. Foreign Activists

In May of 2018, Ireland held a referendum on abortion; Irish citizens voted to repeal the eighth amendment to the country's constitution. This meant that the government would be able to overhaul an abortion law that was among the most restrictive in Europe.

Just before the referendum, hundreds of foreign activists arrived in Ireland to advocate for the “no” or the “yes” side. For example, young Americans working with the Colorado-based non-profit Let Them Live travelled to Ireland to encourage voters to keep abortion illegal. Critics were very publicly weary of this sort of outside influence, often making two distinctive arguments: Firstly, it is up to the Irish people (and perhaps only the Irish people) to decide for themselves how they wish to govern their society. Secondly, foreign activists often do not understand the relevant material and cultural history in Ireland (e.g., of birth control or abortion access, etc.), or the distinctive types of arguments that the Irish people are struggling with.

Others argued that such activism is not just morally permissible, but that it is praiseworthy. Proponents might cite Martin Luther King, Jr., who argued that “An injustice anywhere is a threat to justice everywhere.” King, in the context of the American Civil Rights Movement, was obviously talking about people who live in the United States traveling from one state to another, but some could argue that his ideas apply internationally. His underlying point does seem to apply to the present day—when technology, social media, international trade, climate change, and global economies have made us more connected across more kinds of borders than ever. As King admonished, “We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial ‘outside agitator’ idea.”

Many find it deeply troubling when foreign groups are shipped in by well-resourced foreign organizations, or when these organizations pay hundreds of thousands of dollars to fund these activists or promote their causes in the media. Many in the United States, for instance, are uneasy or even outraged at the thought that Russian-funded ads and activists on social media played a role in the Presidential election of 2016, and are projected to play a role in 2020 as well.

On another hand, we may have reason to be cautious of restricting or outlawing foreign activism, too. Sometimes, governments accused of violating human rights use accusations of terrorism to rebuff global NGOs and advocacy groups. Human rights advocates and activists have been arrested around the world under this guise. Countries occasionally go as far as to forbid foreign agencies or groups from entering their borders, observing their elections, or donating money to local causes. One might worry that this allows governments to abuse and exploit their citizens, violate international agreements, and obfuscate their bad behavior.

STUDY QUESTIONS

1. Is there a morally relevant difference between activists traveling to a different country to advocate for a cause and foreign groups funding local causes?
2. Does it matter if the activists flying into Ireland before the referendum are of Irish descent? Or if they are Americans who have lived in Ireland for many years prior to the referendum?
3. If having outside groups allowed to advocate locally is justified in some cases but not others, how can we distinguish between these cases?
4. Does a government ever have the right to bar foreign activists, or to block foreign ads on social media?

8. Ethics Bowl vs. Prom

Jake goes to a small midwestern high school. In the Fall of his senior year, in addition to applying for college, he takes on two new commitments. First, he promises to take his girlfriend, Alice, who is also a senior, to the senior prom in the Spring. Secondly, he joins his school's team to compete in the National High School Ethics Bowl. After preparing for months to field a three-person team, he and his teammates, Carly and Dana, who are both juniors, win their regional High School Ethics Bowl and qualify for this year's National competition in North Carolina.

He soon learns, however, that the National competition schedule conflicts with prom, such that there is no way for Jake to *both* go to prom and participate in Nationals. Unfortunately, there is also no one else at the school to take Jake's place in the tournament, so if he goes to the prom, Carly and Dana can't compete in Nationals, as there is a three-person team minimum to qualify.

Jake is friends with Carly and Dana and enjoys ethics bowl a lot, but he would prefer to go to the prom with Alice. In addition, he values his relationship with his girlfriend more and is, accordingly, more concerned about disappointing her than about disappointing his teammates. He did, after all, promise Alice he would take her to the prom, but he never explicitly promised he would participate in Nationals if the ethics bowl team won their regional. So, given all this, he plans to go to prom with Alice, and makes this decision clear to Carly and Dana.

Carly and Dana, understandably, are unhappy about this. They critically point out that he is letting down two people instead of just the one (as he would if he broke his promise to Alice). They argue that participating in the regional amounts to making a tacit commitment to participating in Nationals if you win, even if it doesn't involve an explicit promise. Furthermore, they point out that all this is further complicated by the fact that the school has logistically and financially supported the team this year. They maintain that this fact generates for Jake some obligation to the school to represent it at Nationals, accordingly. Frustrated with Jake's position, Carly and Dana insist that ethics bowl is more valuable than going to a prom—that it is just a more important kind of activity—one that merits more support in cases of conflict. Finally, they argue that, since they won their regional bowl, the team deserves to compete at Nationals, and that Jake's going to prom would prevent them from getting something they have worked hard for and deserve. While Alice would enjoy going to the prom, they maintain, this is not something she earned. They hold that it is worse to deprive someone of something they earned than to deprive them of something which may be nice, but was, in their view, unearned.

STUDY QUESTIONS

1. Should Jake reconsider his decision to go to prom with Alice? Why or why not?
2. What difference, if any, is made by the fact that Carly and Dana are juniors (and so could try again next year), while Jake and Alice are in their final year of high school?
3. Does the team's composition make a difference? If the team had four members (and could thus still go to nationals without Jake), would Jake's obligations differ? What if Jake's non-participation would lessen the chances of the team doing well?

9. Self-Interested Voting

It's election day in the United States. Fang still hasn't made up her mind who to vote for. It's been a long cycle, and the two main contenders are all but tied in the polls. They both have extensive political experience, and would most likely make equally effective Presidents if elected. So, for Fang, it comes down to their policy platforms.

On the one side, Governor Candi Date represents a party that seeks to raise taxes on the wealthy to support programs for the poorest of the country's citizens. Governor Date had much success enacting policies like this in her state. For instance, she levied a heavy tax on the top 10% of earners to expand government-provided healthcare programs for the unemployed. On the other side, Senator Hope Full represents a party that seeks to slash taxes on the wealthy, who provide large donations to her party and her campaign. Senator Full has had much success getting bills with policy measures like this to be voted on in Congress. For instance, she recently sponsored a bill that proposed a flat rate of income tax for all earners. This would be a radical change from the current graded income tax system whereby those who earn more pay a higher percentage of their earnings. Senator Full's bill didn't pass, but it's the kind of policy that she has promised to enact if she and her party win in the election.

Fang is a wealthy professional who makes around \$130,000 a year. That puts her in the top 10% of earners and so she would be subject to the kind of tax increases that Governor Date would be likely to implement. Moreover, she'd have to pay significantly less tax if Senator Full wins the election. Fang thinks that she is well off, but could use the extra money. She has an expensive mortgage, and two children who will soon be going to college; she wants to help pay their tuition. Moreover, she has debt from previous medical bills. Fang is not at immediate financial risk, but the extra money from Senator Full's likely tax cuts would allow her to clear her debts and better help her children.

While this speaks in favor of voting for Full, Fang is conflicted. She believes it extremely important for everyone to have access to healthcare; if she hadn't had healthcare when she was previously ill, she would now be bankrupt instead of merely in debt. Governor Date's policies are unlikely to help her personally—they'll make her worse-off financially—but Fang thinks voting for Date is the morally correct decision. Fang has asked her friends for advice and gotten two conflicting recommendations, both of which sound plausible to her. In favor of Date, she's heard that voting is an action like any other, to be morally evaluated on its own merits. But, in favor of Full, she's heard that the whole point of representative democracy is to vote in your own interest.

STUDY QUESTIONS

1. Is it morally wrong to vote in your own interest at the expense of others?
2. Is it permissible to vote for a candidate even if you think that's not the morally correct decision?
3. Would Fang be hypocritical if she voted for Senator Full? Does that matter, morally speaking?

10. Universal Basic Income

The idea of a universal basic income (UBI) policy has been proposed in many different forms. At its most basic, it consists in a guaranteed stipend provided by the state to its citizenry.¹ Proposals for UBI have recently regained political traction as economies face a new kind of industrial revolution, which continues to change the labor market landscape at unprecedented rates. Proponents of UBI proposals often argue that with work automation cutting entire labor markets, new jobs cannot be created quickly enough to replace those lost and that laid off workers cannot gain the new skills necessary to make them competitive in the new job landscape while looking for a new position. In the United States, a proposal for UBI has been most notably defended by now-former Democratic presidential candidate Andrew Yang. Yang's proposal would guarantee an unrestricted \$1,000 monthly stipend, which he calls a "Freedom Dividend," to every U.S. citizen over 18 years of age. To support the proposal, Yang contends that 1 in 3 Americans is at risk of losing their job within 12 years, and that UBI would give them a chance to both remain afloat and gain the skills necessary to reenter the job market without being haunted by the fear of absolute poverty.² This proposal would be paid for by assessing a new value-added tax, and would replace some existing social welfare programs with UBI by giving program recipients a choice between the two plans.

Many economists support, or have supported UBI, including staunch anti-welfare advocates like Friedrich Hayek and Milton Friedman. Hayek argued that a minimum income floor was a necessary condition for modern life, while Friedman proposed a 'negative income tax', providing enough to survive on but low enough to serve as an incentive to strive for more. Both of these economists, as well as those who follow their schools of thought, believed that UBI should completely replace social welfare program, unlike many of the plans until now implemented.³

Perhaps the best known among UBI policy experimentation is a pilot program conducted in Finland between January 2017 and December 2018. The Finnish government supplied unemployed citizens with the equivalent of \$634/month, with the objective of determining whether such a safeguard would help recipients find jobs. The results were notably inconclusive: The unemployment rate was the same as the control group that did not receive the cash transfer, but the beneficiaries *did* show a marked increase in happiness. Critics of the program argue that its goal was skewed to begin with, but its results remain valid.⁴ The long-term effects of UBI also remain unproven, as most experiments undertaken thus far last no longer than the one conducted in Finland.

Both critics and proponents of UBI make arguments based on fairness as well. Proponents argue that a minimum income, or, more specifically, an unconditional one, would provide a basic level of autonomy for every individual in society to pursue their goals without the fear of poverty, and even provide a safety net to take more economic risks. Critics, on the other hand, argue that society's allocating unconditional income to people who make no effort to receive it is fundamentally unfair to those who produce the economic value from which the funds for UBI would be redistributed.⁵

STUDY QUESTIONS

1. Is an unconditionally-guaranteed income unfair to those who have been economically successful? Why or why not?
2. Would specifying conditions for UBI make a moral difference in terms of fairness? If so, what conditions should be implemented?

¹ <https://basicincome.org/basic-income/history/>

² <https://www.yang2020.com/what-is-freedom-dividend-faq/>

³ <https://www.bloomberg.com/opinion/articles/2019-02-19/universal-basic-income-wasn-t-invented-by-today-s-democrats>

⁴ <https://www.bbc.com/news/world-europe-47169549>

⁵ <https://www.pressenza.com/2018/07/philippe-van-parijs-the-biggest-objection-to-a-basic-income-is-moral/>

11. The Wishes of the Dead

Yvonne and Zaina are in their fifties, and have enjoyed many happy years of partnership. Unfortunately Yvonne has been taken ill with a terminal illness. She has three wishes that she wants Zaina to keep after she dies. She reiterates them on her deathbed. First, Yvonne has become convinced that ingesting too much caffeine was the main cause of her illness. She has no real evidence for this, but nonetheless asks Zaina never to drink coffee again. Second, Yvonne has a large sum of money to leave after she dies. She wants to set up a fund for research into caffeine's disease-causing effects. She asks Zaina to set up a trust that will allocate funds for that, and only that, purpose in perpetuity. Third, Yvonne cannot bear the thought of Zaina getting married again. She realizes that Zaina may have other relationships, and gives them her blessing, but draws the line at remarrying. Yvonne wants to keep marriage unique to her and Zaina's relationship. So she asks Zaina never to remarry. Zaina promises to do all three of these things.

Ten years pass, and Zaina has kept her promises. But she's starting to wonder whether she needs to keep doing so. In general, although she wants to respect the wishes of her dead spouse, Zaina thinks that it is perhaps more important to consider those still living. More specifically, although Zaina doesn't think her life is substantially worse without coffee, it seems silly to keep a promise about something so trivial. Worse, the funds in the trust cannot be used for any other purpose than investigating caffeine and are legally protected. This, Zaina thinks, is not just silly but irresponsible. There is still no conclusive evidence to suggest that caffeine intake causes chronic disease, and the funds in the trust are going to waste when they could be used for much better purposes. Finally, Zaina has now been in a committed relationship for several years, and her partner has proposed to her. Zaina would like to marry her partner, but is conflicted by the thought of breaking her promise to Yvonne.

STUDY QUESTIONS

1. Is it permissible for Zaina to break some of the promises she made to Yvonne? If so, which ones may she break and which not? What explains these differences?
2. When, if ever, is it permissible to ignore the wishes of the dead?
3. What, if any, are the morally significant differences between a promise made to someone who is now dead and a promise made to someone who is still alive?

12. Working While Sick¹

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

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

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

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

On a national scale, the impact of Kate's dilemma is huge: The Center for American Progress estimates that unhealthy workers cost employers some \$160 billion a year in lost productivity. In addition, a substantial trend of workers continuing to perform their duties while sick is particularly concerning during moments of crisis and concern for public health, such as the currently developing COVID-19 "Coronavirus" outbreak across the United States and the world.

STUDY QUESTIONS

1. Is Kate morally permitted to work while sick, given that she needs the money and needs to keep her job? Why or why not?
2. What, if anything, would change if Kate was a single mother whose children depend on her making money and keeping her job as well?
3. What, if anything, would change if Kate interacted with coworkers but not customers at work?

¹ This case was originally used in the National High School Ethics Bowl's 2016-2017 Case Set for Regional Competitions. We have brought it back and updated it in the wake of the 2020 COVID-19 ("Coronavirus") outbreak in the United States and across the world.

13. “Just” Discrimination?¹

Caster Semenya, a 28-year-old female Olympic gold medal runner from South Africa, is facing a new hurdle, testosterone regulation. She, along with a handful of other female athletes have intersex characteristics due to a medical condition called hyperandrogenism. This condition has many characteristics, but one is of particular interest: high levels of hormones such as testosterone. Testosterone occurs naturally in both men and women and is associated with neuromuscular function and “explosive power” such as that needed for some athletic endeavors. As a result of Semenya’s high testosterone level, the International Association of Athletics Federations (IAAF) has passed a regulation requiring female athletes to reduce these levels to a range closer to that typically seen in females and maintain those levels for at least six months prior to certain international competitions. Semenya and Athletics South Africa each filed a request for arbitration with the Court of Arbitration for Sport (CAS), however the CAS, in a press release dated May 1, 2019, announced that it has dismissed these requests, albeit with some reservations that leave the matter open for future action.

It’s not surprising to see Olympic-class athletes with extraordinary physical abilities—after all, that is what athletic competitions are about—so it may seem odd to say that someone is naturally too physically able. In the past, questions have been raised regarding transgender athletes and whether they should compete according to the sex they were assigned at birth or according to the sex with which they identify, but hyperandrogenism is different. Semenya is not a transgender person; she is trying to compete according to the sex she was assigned at birth: female. Additionally, Semenya has been competing against world class female athletes for many years, and though she may be one of the world’s best runners, she is not undefeated.

Semenya is now the center of a worldwide legal and ethical debate, which raises the question: Is it fair for her to compete as a woman? Many say this debate is discriminatory and sexist. Others ask what is the point of world-class athletes competing if those who are among the “best” must be subjected to criticism for being an extraordinary athlete. One argument focuses on the importance of preserving a fair and equitable competition for women by supporting efforts to regulate her testosterone levels. But Semenya herself believes this whole investigative and legal process is discriminatory and abusive as she is now “destroyed” both “physically and mentally.”

In its press release, the CAS said the regulations “are discriminatory but the majority of the Panel found that, on the basis of the evidence submitted by the parties, such discrimination is a necessary, reasonable and proportionate means of achieving the IAAF’s aim of preserving the integrity of female athletics in the Restricted Events.”

STUDY QUESTIONS

1. Is it permissible for the IAAF to ask Semenya to alter her body chemistry in order to compete? Is it fair? Why or why not?
2. Does it matter, morally, that Semenya’s increased testosterone levels are the product of a naturally occurring condition (as opposed to, for example, artificial hormone treatments)? Why or why not?

¹ An earlier version of this case originally appeared in the 2020 APPE Intercollegiate Ethics Bowl Nationals Case Set. Many thanks to the Association for Practical and Professional Ethics (APPE) and IEB for allowing us to use it! For more information, please visit: <http://appe-ethics.org/ethics-bowl/>

14. Saving the World, Barbie Style

“Barbie Savior” is a popular Instagram account that features satirical, photoshopped images of a Barbie doll traveling the world and taking selfies with the disadvantaged—those in poverty, those affected by disaster, orphans, etc. With over 160,000 followers on Instagram, “Barbie Savior” is a satirical representation of growing concern over the multibillion dollar so-called “voluntourism” industry.¹ The captions from Barbie Savior are often comically self-directed and seek to highlight how volunteer work abroad, if not engaged in carefully, can be superficial, empty, and even harmful.

Every year, over 1.6 million people volunteer abroad, usually with good intentions of helping out in underserved communities.² However, critics of voluntourism point out that the damage done to communities can quickly outweigh the benefits. Volunteers who are untrained or unspecialized in building, for instance, may produce unsafe, shoddy work that will have to be taken down and rebuilt by locals. Additionally, if there is no shortage of locals who are able and willing to work, bringing in foreign volunteers can displace local jobs. To make things worse, not all volunteer aid organizations do have the best intentions, and may exploit rather than help local communities. One orphanage in Cambodia, for example, forced children to toil in rice paddies and beat and starved them, all while pocketing charitable donations.³ While many aid organizations are not comparably fraudulent or corrupt, critics contend that voluntourism can support an unsustainable and repressive dependence on Western nations which enforces racialized hierarchies and stereotypes without providing longer-term solutions that empower the communities being served.

Despite some possible pitfalls, volunteering abroad does have the potential to provide needed, powerful, and lasting benefits to both the community and the volunteer. Proponents insist that, if operated as a mutual exchange of knowledge, skills, and resources, development projects can make lasting and meaningful change in communities where it is needed. For example, non-profits that place locals in charge of projects and partner with existing community organizations emphasize a “bottom-up” approach that focuses on empowerment and building self-sustaining, resilient programs, rather than merely providing short-term resource handouts. Respecting local culture and customs and recognizing that local people understand their own needs, barriers, and capabilities best are key to performing work ethically, aid organizations argue. In this way, travelers can avoid having the “savior” mentality satirized above—where they assume that they know more or have more skills just by virtue of coming from a more developed country. Instead, volunteers can use this opportunity to listen and learn, to form deep connections with the local people, and to grow their senses of empathy and compassion that will hopefully lead to more selfless acts in the future.

Others worry, however, that discouraging or regulating voluntourism may end up doing more harm than good because volunteers, at the very least, bring money and attention to notable causes. For instance, FORGE, a charity for refugees, shifted away from volunteers towards a model designed to help people more effectively. However, their income fell drastically because volunteers were their primary fundraisers.⁴ Despite critiques that voluntourism focuses too much on the volunteers’ experience rather than the impact and effectiveness of their programs, it may be the reality that volunteers, even “bad” ones, are vital for some organizations to do their work in the first place.

STUDY QUESTIONS

1. What factors should individuals consider when deciding whether to engage in volunteer work abroad?
2. Can intentions be morally good if they are also self-serving? Why or why not?

¹ <https://qz.com/africa/665764/instagrams-white-savior-barbie-neatly-captures-whats-wrong-with-voluntourism-in-africa/>

² <https://www.savethechildren.org.au/Our-Stories/The-truth-about-voluntourism>

³ <https://www.theguardian.com/world/2017/aug/19/the-race-to-rescue-cambodian-children-from-orphanages-exploiting-them-for-profit>

⁴ <https://80000hours.org/2012/10/how-to-be-a-high-impact-volunteer/>

15. The Pernkopf Atlas

Steve, a recent graduate of a prestigious medical school, is working his first full shift as a surgeon at a rural hospital near his hometown. The first operation Steve is scheduled to perform is an emergency appendectomy. Appendectomies are common, and are generally considered safe and low-risk procedures. However, as is the case with any surgery, complications are still possible. Just before beginning the first operation of his professional career, Steve becomes nervous and disoriented, feeling the need to consult an anatomical reference book. The hospital staff provides Steve with an old copy of the so-called *Pernkopf Atlas*, originally published in 1937 by medical doctor and known supporter of the Nazi movement in 20th century Germany, Eduard Pernkopf. Steve, loosely aware of the history of this particular reference book, asks a nurse for another but is told that this is the only reference book available. Steve knows that without consulting the reference book, he is putting the patient at a higher risk. However, given the nature of the procedure, if Steve chose not to consult the Atlas, the increased risk would be a small one with any kind of complications remaining unlikely.

Like many anatomical reference books of its day, the *Pernkopf Atlas* was designed to be a detailed rendering of human anatomy for study and surgical practice. Almost 80 years later, the *Pernkopf Atlas* is still considered by many medical professionals to be one of the most detailed and anatomically correct reference books ever created. The Atlas itself has been out of print since 1994, but the drawings created by Pernkopf can still be found in current medical textbooks and original copies sell for many thousands of dollars.¹ While doctors and educators get great use of the Atlas, its history is troubling for reasons beyond Pernkopf's Nazi party affiliation. In 1998, Pernkopf's former employer, the University of Vienna, conducted a study that found that during Nazi occupation the University had received the corpses of executed prisoners and political dissidents.² Of the 800 drawings in the Atlas, at least half have so far been determined to be based on surgical experimentation on the bodies of those prisoners. While in the past, efforts were made to conceal the origins of the Atlas by airbrushing out insignias and removing references to the Nazi party, there is more effort today to come to terms with the resource's history.³

Those who might argue in support of using the Atlas could claim that to not use it would be to erase the suffering of the victims and that, while its origins are unfortunate, the medical benefits that it yields are enormous. In a recent survey, 69% of neurosurgeons indicated that they were comfortable using the Atlas, and 13% said they still use the Atlas in their practice. Additionally, some Rabbinic authorities have stated that while its origins are fraught it is permissible to use the Atlas as long as its history is made known.⁴ Those who might oppose Steve's use of the Atlas could claim that, while there are benefits to using it, the drawings in the Atlas were obtained in such a morally reprehensible way that it is difficult to justify using it.

STUDY QUESTIONS

1. Is it morally permissible for Steve to use the Pernkopf Atlas to inform his medical practice? Why or why not?
2. Is it permissible to commit morally impermissible acts in the service of some greater good, like the reduction of overall suffering? Why or why not?
3. How should we treat scientific advances made by repressive or totalitarian regimes?

¹ <https://www.statnews.com/2019/05/30/surgical-dilemma-only-nazi-medical-text-could-resolve/>

² <https://science.sciencemag.org/content/329/5989/274.2>

³ <https://www.bbc.com/news/health-49294861>

⁴ <https://www.bbc.com/news/health-49294861>