



NATIONAL HIGH SCHOOL ETHICS BOWL

Case Set for 2020-2021 National Competition



COLLEGE OF ARTS AND SCIENCES
Parr Center for Ethics

Contents

A NOTE FROM THE NHSEB

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1. The Medical Brain Drain

Maryam just finished her medical training in Nigeria. She dreams of using her degree to gain citizenship in the United States. This hope was, in fact, the main reason she went to medical school in the first place. She knows that the U.S., like other countries, is facing a healthcare worker deficit and prioritizes health workers in their admissions policies. If she can leverage her degree for citizenship, she can ensure a life of comfort and stability for herself as well as her family.

Yusuf is one of countless Nigerian citizens in desperate need of medical care. While healthcare worker shortages are common, the need in low-income countries like Nigeria is particularly dire. Whereas the U.S. has 2.6 health workers per 1,000 citizens, Nigeria has 0.4.¹ This is not just because Nigeria cannot train enough health workers to meet their needs, but because places like the U.S. continue offering citizenship to Nigerians with medical degrees. According to a recent estimate, there are 8,000 doctors from Nigeria working in the U.S., whereas there are only 35,000 Nigerian doctors working in Nigeria.² Because of this shortage, Yusuf never receives the care that he needs.

This is known as the medical brain drain. It involves high rates of medical workers migrating from low- to high-income countries. And though there is disagreement on the empirical effects of the brain drain—including whether remittances adequately compensate, whether people pursue medical training because they can migrate, and whether return migration occurs enough to mitigate the problem—there is reason to think that the brain drain undermines the ability of low-income countries to meet the healthcare needs of their already underserved citizens. In other words, the cumulative effect of high-income countries and medical workers from low-income countries pursuing their interests through migration policies is that the globally least advantaged receive even less adequate healthcare. Such people likely die prematurely and live lives with more pain and less flourishing.

Critics of the brain drain allege that high-income countries are taking advantage of their bargaining power. Because they can offer medical workers salaries that are exorbitantly higher than those offered in low-income countries, they are able to secure a large number of medical workers without having to pay for their education. Critics also argue that emigrating medical workers are taking advantage of their communities. From birth and through their medical training, scarce state resources were used to help shape their in-demand skills. After receiving this education and training they immigrate to greener pastures and larger paychecks, leaving behind an already poor—and now even poorer—community.

However, their opponents note that none of the actions undertaken are at odds with everyday morality. High-income countries receive many more petitions for citizenship than they can, or will, accept. They simply use domestic labor needs as one way to decide between would-be migrants. Moreover, people like Maryam are just seeking to escape poverty and instability. And the rights to choose where to live, where to work, and what work we want to do are among the most important rights that we have.

DISCUSSION QUESTIONS

1. Does Maryam do anything wrong by choosing to leave Nigeria for the United States? What kinds of duties, if any, does she have to her fellow Nigerians and to the Nigerian government?
2. Is it unjust for the United States to offer residency or citizenship to people like Maryam over people like Yusuf? If so, what kind of immigration policies would be just?
3. If the brain drain undermines justice in healthcare in Nigeria, is it permissible for Nigeria to place restrictions on emigration, keeping people like Maryam there for several years upon graduation?

¹ <https://data.worldbank.org/indicator/SH.MED.PHYS.ZS?locations=NG>

² <https://www.un.org/africarenewal/magazine/december-2016-march-2017/diagnosing-africa's-medical-brain-drain>

2. Clothing of Calamity

Throughout Africa, the primary source of textile goods (especially clothing) is secondhand imports from the United States and other Western countries. Rwanda, and some other African nations, have decided to ban imported secondhand clothing. There are two primary reasons for this: (1) they want to protect their own developing textile industries and (2) they argue that the pervasiveness of secondhand clothing compromises the dignity of the Rwandan people.¹ Because Rwandans can buy imported secondhand clothes for so cheap, or even receive them for free, it has been impossible for the Rwandan textile industry to flourish. In fact, the importing of secondhand clothes is often cited as the reason that textile industries in East Africa collapsed in the 1980s and 1990s. For example, Ghana lost 80% of its textile-related jobs between 1975 and 2000 while Kenya had 500,000 textile industry jobs in the 1970s, it now has only 20,000.² A flourishing textile industry is an important part of economic development because it would create jobs and a revenue stream that Rwanda's economy badly needs.

In addition, the Rwandan government argues that the Rwandan people's reliance on secondhand clothing compromises their dignity. Throughout East Africa there are names for used clothing from Western countries. For example, in Kenya, people call them "clothes of dead white people" and in Mozambique they call them the "clothing of calamity." Clare Akamanzi, the CEO of Rwanda Development Board argues that the Rwandan government is looking out for its people. She says, "our citizens deserve better than becoming the recipients of discarded clothes from the western world. This is about the dignity of our people."³ In addition, there is a worry that the dignity of the country itself (not just the people who wear secondhand clothing) is compromised because of its dependency on Western countries.

In 2017 Rwanda raised import taxes on second hand clothing to such a high level that it functionally created a ban. The tax went from \$0.20 per kilo to \$2.50 per kilo and eventually to \$4 per kilo. But the United States relies heavily on Rwanda and other East African countries as a place to offload its overabundance of used clothing. As such the United States threatened to remove Rwanda from a preferential trade deal, the Africa Growth and Opportunity Act. This trade deal was originally created to help lift countries in sub-Saharan Africa out of poverty. However, the trade deal was also beneficial to the United States and the White House had the legal right to end the deal if it ended up no longer being beneficial. Rwandan leaders, though, argued that this was a form of coercion and that they were being punished for looking out for their own people. To be clear, there are important questions here about morality that are distinct from political rights. For example, there is no question that the United States did have the legal right to leave a trade agreement that no longer benefitted them, but that is a different question from whether the United States should do this, especially given the fact that they have dramatically more political and economic power than Rwanda.

DISCUSSION QUESTIONS

1. What kinds of obligations do nations have to each other? Are these obligations affected by things like economic, political, or military power?
2. Are countries obligated to create trade policies (and other kinds of policies) that are fair, or is it morally permissible for countries to seek whatever advantage they can?
3. Does the United States, because of its unique military and economic resources, have special responsibilities to poorer nations?

¹ <https://www.nytimes.com/2017/10/12/world/africa/east-africa-rwanda-used-clothing.html>

² <https://www.aljazeera.com/indepth/features/politics-hand-clothes-debate-dignity-181005075525265.html>

³ <https://www.aljazeera.com/indepth/features/politics-hand-clothes-debate-dignity-181005075525265.html>

3. Drinking Dilemma

James loves to host parties at his house. He also organizes wine and cheese receptions at the company he owns as well as birthday parties for his employees. But lately, James has been thinking about not serving alcohol anymore.

James enjoys celebrating his friends and employees. There is something valuable about the sort of “bonding” that happens when people hang out with drinks; it feels like there is an additional layer of intimacy that is important for developing relationships. Alcohol also tends to put people in a better mood, makes their jokes seem funnier, and loosens their tongues. It certainly seems to James like everyone has more fun when alcoholic drinks are widely available.

These benefits seem minor though in comparison to the potential risks. James is especially worried about sexual harassment happening at one of his parties. He knows that inappropriate jokes and gestures are not uncommon when people are drinking. Even offensive jokes about someone’s race, disability, or class have been made in the past. James knows a couple of his employees who have stopped attending his parties because of such incidents.

Alcohol can also lead to sexual contact happening faster and with less thinking. James knows of at least one unintended pregnancy that took place as a result of alcohol consumed at a party he organized, and plenty of sexual contact that one or both parties later regretted. Alcohol can also cause violent behavior – such as fights or domestic violence incidents. What he does worry about are driving accidents, especially since he’s seen more than a few people leave his parties a bit too tipsy to drive safely.

James’ concerns run pretty deep. However, he doesn’t want to be paternalistic. It’s not his problem if people have unprotected sex, make offensive jokes, or drive dangerously. He’s certainly not responsible for what they do. And most of his friends and coworkers drink lightly and responsibly at these parties anyway.

James is also considering giving up alcohol himself for some of these same reasons. He doesn’t want to do something he’d regret later. He’s also realizing that he spends way too much money on alcohol, and the money can surely be used for something better. But for now, the main decision he’s struggling with is that of serving alcohol at parties and receptions he organizes.

DISCUSSION QUESTIONS

1. Should James stop serving alcohol at his parties? Why or why not?
2. What are the best reasons for and against buying and serving alcohol to others?
3. Whose responsibility is it to take measures to mitigate the negative effects of alcohol: the consumer, the vendor, the society, or some combination thereof?

4. Cutting the Cord

Students, parents, friends, family, and streaming service executives are all too familiar with the prevalence of shared subscription service accounts. According to a study by Cordcutting.com, 44 million U.S. adults currently “borrow” streaming service subscriptions.¹ These adults most likely assume that this borrowing does not significantly undercut the business of streaming giants, like Netflix. It is estimated, however, that the “mooching” of streaming services represents a loss of \$2.72 billion in annual revenue from subscription fees for these companies.

Borrowed or shared accounts are most often paid for by parents, indicating that these arrangements generally arise as children reach the age of maturity and move out on their own but continue to utilize their parents’ subscriptions. Partners in relationships constitute the second largest paying group, reflecting the tendency of couples to share a set of subscription services. Lastly, siblings and friends make up a significant portion of shared accounts, reflecting favors between close individuals. The trend appears to be on the upside as the borrowing of streaming service accounts continues to rise: 14.4% more Netflix accounts were shared in 2020 than in 2019.

Netflix and other streaming services are faced with a dilemma: where should a line on account sharing be drawn? Netflix’s terms of service indicate that your account is for “personal and non-commercial use only and may not be shared with individuals beyond your household.”² In order to prevent abuse of this policy, Netflix has instituted safeguards. Chief among these is the limitation of the number of simultaneous viewers an account may support. Many have felt the frustration of attempting to watch a show only to be met with the message “Too many devices are using the account right now.” Netflix has also introduced pricing bands based on the number of devices an account can support, ranging from \$7.99/month for one device to \$13.99/month for 4.

Executives at Netflix, Amazon Prime Video, Hulu, and Disney are all feeling pressure to maximize their profit margin. For a streaming service, the only effective way to do so is to expand the paying viewer base. With 44 million “freeloaders,” employees wonder whether more stringent policies should be enacted to limit streaming services to a single household, as outlined in their terms of service. To these streaming services, borrowing or sharing an account outside of a single-family unit constitutes a form stealing.

Users argue that the term “household” used in streaming service terms of service agreements is vague. A household could be considered a geographical proximity or a grouping of any number of tightly-knit family members. Others argue that they are “grandfathered” into a system, and wonder at what age they are obligated to get an account separate from that of their parents or siblings.

DISCUSSION QUESTIONS

1. In what circumstances would an individual be morally obligated to no longer share a streaming service account with their family?
2. Does borrowing a friend’s Netflix account constitute stealing?
3. Under what conditions, if any, is stealing morally permissible?

¹ <https://cordcutting.com/research/subscription-mooching/>

² <https://www.wsj.com/articles/youve-shared-your-netflix-password-with-your-entire-family-now-you-cant-watch-netflix-11591636619>

5. It's Just a Joke!

Four high school students—Nick, Tyrone, Grayson, and Zack—have known each other since kindergarten and have been friends since middle school. This year their schedules worked out so that they are able to sit together at lunch every day on the west end of the cafeteria. But there are some new changes for them. Zack now leaves once a week to each lunch with his new girlfriend, Della, and her friends. And once a week, Della joins Zack and his friends. Della and Zack are both happy with the arrangement after trying it out for a month. They are glad to spend time together, to get to know each other's friends, and make sure to spend time with their own friends. And, fortunately, both friend groups have been welcoming to their respective newcomers.

One day, Della joins Zack and his friends. "Hey, Della," Grayson says, "We're doing a game night on Tuesday over the break. You want to come?" Della is pleased by the invitation. "I would love to, but as Zack knows, I take self-defense classes on Tuesday evenings." The boys are surprised and impressed: "Whoa! Can you beat me up?" asks Grayson. "Wow! You must be stronger than you look!" says Nick. "What all can you do? Can you kick down a door?" Tyrone asks. Smiling, Della answers, "I don't know if I can kick down a door, but I can kick to disable. And I can strike an attacker in lots of ways, so I guess I could beat you up, Grayson, if I had to!" They all laugh. "What I would really like to learn how to do," Della continues, "isn't really self-defense, but I think it's cool. Knife-throwing. Wouldn't it be awesome to know how to do that?!" "Whoa!" says Nick. "Zack, you better be careful." The group laughs again. Nick, gesturing with his sandwich, adds "But you know, if she ever pulls a knife on you, just pull out some bread, ham, and mayo. Instincts will kick in and she'll make you a sandwich!" The boys chuckle. Della does not. "That's not funny," she says sternly. Zack looks down at his own sandwich on the table. "Oh, come on," Nick says, "It's just a joke! Lighten up!" "Listen, I've heard these stupid jokes forever," Della protests. "And most of the time, guys tell them because they mean them; they think women belong in the kitchen. So, do you mean it?" "Of course not!" Nick replies. "I thought you knew me better than that. I was actually making fun of those jokes. They're so, you know, predictable and obviously wrong. You want to throw knives and we all know you're not the type of girl who would be in a kitchen. It's a really stupid joke. I was just making fun of those jokes, not you."

DISCUSSION QUESTIONS

1. Do you think Nick's defense of his joke-telling is successful? Why or why not?
2. Independent of his defense, is it morally permissible for Nick to tell this joke in this context?
3. Do you think Della's reasons for taking offense are defensible? Why or why not?
4. Is it possible for a joke always to be morally wrong or does its morality always depend on context?
5. What do you make of Zack's response to this situation? Should he have done anything differently?

6. Man's Best Friend

According to the American Veterinary Medical Association, more than 48 million American households owned a dog, totaling more than 76 million dogs in homes across the United States in 2017.¹ Research indicates that dog ownership makes Americans happier, healthier, and more social, perhaps explaining dogs' popularity as pets.² However, is "man's best friend" getting the short end of the stick? Out of 192 registered dog breeds in the U.S., many suffer from a higher risk of inherited diseases and health issues.³ For example, the Labrador Retriever—in 2020, America's most popular dog breed from the 29th year in a row—is genetically predisposed to ear infections, skin diseases, hip dysplasia, obesity, and other ailments.⁴

For thousands of years, *Canis lupus familiaris* has been humanity's closest animal companion. Working dogs have been—and, in some industries and regions—continue to be indispensable as herders, soldiers, guides, guards, detectors, and more. However, with people today more reliant on technology than canine companionship, most dogs in developed regions have been relegated to auxiliary roles such as pets or show dogs. With this in mind, some argue that dog breeding may no longer be necessary, or for that matter, ethical. After all, purebred dogs come at a cost. The selective breeding required to produce canines with desirable instincts or physical traits also generates inherited diseases and unhealthy exaggerated features.⁵ Critics of dog breeding say that these consequences outweigh the benefits of purebred dogs, arguing that their suffering exceeds their utility.

At the same time, supporters of dog breeding argue that purebred dogs are important to human society and to various cultures therein. Purebred dogs may no longer be strictly "necessary" in places like the U.S., but they still play an integral role in popular pastimes such as hunting and birding. Furthermore, there is a strong argument to be made that some dog breeds do remain necessary. For instance, despite modern innovations, the Labrador Retriever and similar mid-sized breeds are irreplaceable as guide dogs for the visually impaired.

Additionally, some might question the ramifications of deeming dog breeding unethical. After all, not every purebred dog will fall victim to faulty genetics—many will live full lives with loving families, never developing the diseases or health issues to which they are genetically predisposed. Even purebred dogs that do develop these ailments will likely enjoy years—perhaps a decade or more—before their health becomes a severe detriment to their happiness. Demonizing dog breeding, some argue, would prevent people who wish to adopt a purebred dog from doing so, and the dogs whom they would have adopted from ever existing at all. Furthermore, some question whether dog breeding might be unethical in the first place, due to the suffering it can inflict on the animals themselves.

DISCUSSION QUESTIONS

1. Is dog breeding a morally acceptable practice? Why or why not?
2. What moral considerations should prospective dog owners take into account before adopting?
3. Is there a morally relevant distinction between breeding purebred and mixed-breed dogs? Why or why not?

¹ <https://www.avma.org/resources-tools/reports-statistics/us-pet-ownership-statistics>

² <https://www.psychologytoday.com/us/blog/the-social-self/20107/friends-benefits-pets-make-us-happier-healthier>

³ <https://www.scientificamerican.com/article/although-purebred-dogs-can-be-best-in-show-are-they-worst-in-health/>

⁴ <https://www.akc.org/expert-advice/dog-breeds/2020-popular-breeds-2019/>

⁵ <https://www.scientificamerican.com/article/although-purebred-dogs-can-be-best-in-show-are-they-worst-in-health/>

7. Don't Check That Box!

During the 2017-2018 school year, 40,000 prospective college students did not disclose their race on the CommonApp application- 3.7% of the total.¹ This so-called “race box,” which lists options such as Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White, reflects colleges’ growing interest in applicants’ race as a factor in university admissions. The box is used for The College Board’s (the organization which owns the CommonApp in addition to both the ACT and the SAT standardized test systems) own research purposes. While designed to evaluate applicant pools and increase diversity at college institutions, the box raises controversy on racial discrimination allegations and privacy concerns.

Proponents of race-blind admissions believe that such factors are limiting and may result in discrimination and stereotyping against certain groups. For instance, organizations like Students for Fair Admissions (SFFA), the group that sued Harvard University for alleged discrimination against Asian-American applications, believe that race boxes limit talented students and reflect the “explicit bias” Universities hold against certain applicant groups.² Research from the National Study of College Experience conducted in 1997 demonstrates that Asian-Americans have to score 140 points higher on the SAT to receive an equal chance of admission compared with a Caucasian applicant score, adjusting for factors like sex, citizenship status, AP tests taken, and many more.³ Such boxes also exemplify how quotas are used in racial balancing, where colleges “seek out a specified racial composition of a class rather than using race merely as a ‘plus factor’ in evaluating an individual.”⁴ In addition, such race boxes only allow for one selection. For students who are mixed-race or who do not identify with any of the given options, these boxes can be stifling and unrepresentative of their identity.

However, race does remain intrinsic to many peoples’ identities. Race boxes allow for applicants to further express themselves and their individuality. Additionally, race boxes can help Universities better understand their applicant pools. Race as a factor in college admissions may illuminate unique challenges applicants face, and provide context for the rest of the application, including essays and personal questions. For historically and systemically marginalized groups, understanding an applicant’s race may provide important background needed to understand the applicant’s cultural upbringing and access to resources. Not only this, data collected from race boxes can help colleges better accommodate underrepresented minorities. Affirmative action, a process that admits minority students with equal qualifications over a student of a majority group, is designed to provide minority groups with equitable access to education while promoting diversity. At its best, affirmative action and factoring race into college admissions takes into account the unique struggles faced by minorities and people of color, factors ignored by “colorblind” approaches.

DISCUSSION QUESTIONS

1. Should racial identity be a considered factor in college admissions? Why or why not?
2. What is the goal of affirmative action programs? Are these programs successful at meeting those goals?

¹ https://www.washingtonpost.com/local/education/which-boxes-to-check-college-hopefuls-weigh-race-identity-and-affirmative-action/2018/12/23/d8458af0-f7d9-11e8-8d64-4e79db33382f_story.html

² <https://www.newyorker.com/news/our-columnists/the-many-sins-of-college-admissions?verso=true>

³ <https://www.vox.com/2018/3/28/17031460/affirmative-action-asian-discrimination-admissions>

⁴ <https://www.newyorker.com/news/our-columnists/the-many-sins-of-college-admissions?verso=true>

8. Killer Art

Since the arrival of postmodern art, and in particular performance art, there have been legitimate concerns raised about the impropriety of some artworks. Whereas in the past artworks have generally only been considered capable of being instrumentally immoral, some new art works seem to be in themselves morally dubious.

Cases of such artworks abound. In 1974, grandmother of performance art, Marina Abramovich, created a piece called 'Rhythm 0' which invited audience members to do anything they liked to her with a variety of items. The items ranged from feathers, to knives, to a loaded gun. She is reported to have said "I was ready to die."¹ In the event, she was groped, stripped of her clothes, cut with razor blades, and had a loaded gun aimed at her head.² Other examples include Marco Evaristti's 'Helena & El Pescador'. This work displayed 10 food blenders each containing a live goldfish. The visitors were given the option of blitzing the fish and some did.³ Finally, famous Chinese artist, Ai Wei Wei, photographed himself smashing a 2000-year-old, Han dynasty urn.⁴ Such an act of destruction was considered unethical by many.

To be sure, each of these performance pieces varies immensely in their potential ethical transgressions. Assuming any blame is warranted at all, it's not clear the artists themselves are blameworthy—in the first two cases, they merely set the conditions for others to do harm. Though none of the aforementioned works were found to be illegal, they may still be immoral.

These works all have commendable ethical intentions – they seek to improve the audience's moral sensibilities in an educational and challenging way. Abramovich's piece is a warning of people's potential to violence when they are absolved of responsibility; Evaristti's piece forces the audience to confront humanity's immense power over animals, and Wei's piece encourages the audience to preserve art and heritage. As a result, it could be argued that a piece of art successful in conveying its message might generate more overall good than is lost in producing the piece. Additionally, many argue that the principle of artistic freedom is important. For example, when defending Evaristti, his lawyer argued that, "an artist has the right to create works which defy our concept of what is right and what is wrong."⁵ Limiting art might do more harm than good.

However, as regards the good intentions of the artists, it's not always clear that an artist's intended message is the one actually received. In general, when people engage in acts of harm, it's plausible that people become desensitised to harm and are more likely to commit further harm. It's also not clear why it's necessary for the works to be immoral themselves in order to achieve an effective message: many people believe conventional art is highly successful in achieving moral education.

DISCUSSION QUESTIONS

1. Should artists ever create unethical, or even illegal, artworks?
2. Should unethical art, such as is mentioned in the case, be censored? Should art ever be censored? If so, by whom?
3. Suppose art should sometimes be permitted to blur ethical boundaries. In virtue of what should it be allowed to do this? Is all art like this or only some art?
4. If a piece of performance art is unethical, who is blameworthy? Consider each of the examples given in the case.

¹ <https://www.theguardian.com/artanddesign/2014/may/12/marina-abramovic-ready-to-die-serpentine-gallery-512-hours>

² <https://www.elitereaders.com/performance-artist-marina-abramovic-social-experiment/>

³ <https://blogs.wsj.com/speakeasy/2013/08/28/marco-evaristti-and-his-goldfish-are-still-making-waves/>

⁴ <https://www.futurelearn.com/courses/art-crime/0/steps/11886>

⁵ <http://news.bbc.co.uk/1/hi/world/europe/3040891.stm>

9. Sleeping on Homelessness

Many urban areas have implemented hostile architecture to their cities.¹ Hostile architecture are architectural designs that prevent certain uses of those spaces--like spikes under overhangs (to prevent sitting or sleeping on the ground), studs on flat surfaces (to prevent skateboarding), benches that are segmented or sloped (to prevent sleeping on the bench), or subtle high pitched noises (to prevent young people from loitering).²

Some private business owners use hostile architecture to prevent homeless individuals from sleeping in front of their storefront so as to promote order and cleanliness around the store. Private business owners may worry that having a homeless individual in their storefront may discourage business, as shoppers feel uncomfortable or unsafe around them. Because homeless populations are often associated with crime, they may also implement hostile architecture to protect their property values. Additionally, having individuals live outside in public places takes a toll on the upkeep of these public places. By implementing hostile architecture, cities may cut back on costs needed to address the consequences from individuals living outside.

Hostile architecture is often criticized for being a “quick fix” to a problem that does not have any quick fixes. Homeless individuals need safe housing. As such, cities cannot rely on hostile architecture for managing homelessness because it does not solve the underlying problem. Instead, it reduces access to places for sleep that are covered or elevated. Critics of hostile architecture argue that it decreases the welfare of the homeless and distracts from other necessary policies (like increased funding to homeless shelters). In addition, critics argue that cities and businesses that use hostile architecture do not treat homeless individuals with dignity. For example, benches in public parks are an important tool for some homeless individuals to get comfortable sleep at night. By unnecessarily adding a slope to the bench, the city reduces the usefulness of the bench for everyone (who wants to sit on an uncomfortable bench?) solely to be sure that this public bench cannot be used by the homeless.

Many people have found ways to make hostile architecture less hostile. For example by placing mattresses or cushions over spikes. Additionally, there have been social media movements seeking to spread awareness about hostile architecture. Some uses of social media are benign, such as petitions. But some uses are more questionable. For example, there are Youtube videos that teach people how to remove skateboard studs from concrete.

DISCUSSION QUESTIONS

1. During the COVID-19 pandemic, there has been an increase in homelessness. Does the moral permissibility of hostile architecture change in circumstances like these?
2. Hostile architecture can be used to prevent homeless individuals from sleeping in certain places or to prevent skateboarding. Is the moral permissibility of hostile architecture different when it is used for different purposes?
3. Is it ever morally permissible to illegally destroy hostile architecture (e.g., removing studs)?
4. Is there a difference in the moral permissibility of using hostile architecture in public spaces and private spaces?

¹ <https://www.nytimes.com/2019/11/08/nyregion/hostile-architecture-nyc.html>

² <https://www.vice.com/en/article/kzm53n/photos-of-the-most-egregious-anti-homeless-architecture>

10. Do You See What I See?

Netflix's *Bird Box* has been a fan favorite for its thrilling and unique plot; however, it still does not escape careful analysis by society's critical eye. *Bird Box* involves the depiction of a human experience that often captures the curiosity of many but also easily goes unseen: blindness. In the movie, an apocalyptic creature is roaming the world, and if you see it with your own eyes, it will cause you to go blind and commit suicide. For this reason, many characters in the film lose their sight either voluntarily and temporarily or permanently.

The film has been critiqued because most, if not all, of the actors depicting blindness and visual impairment are not actually visually impaired in real life. Films and shows with blind characters are often criticized because of the misrepresentation of what it's like to live life in the real world as a blind person. There are many common misconceptions about blindness. Many people who are blind or visually impaired still have the ability to watch TV, interpret body language, drive, or perform other tasks that fully sighted people may not expect or understand. Blindness is not "all or nothing"--different blind people have different visual capabilities. It is important to keep in mind that the term 'legally blind' is not necessarily the most appropriate means of differentiating sight experiences. Worries about inaccurate portrayal can be mitigated by working with accessibility consultants during production. However, some people argue that even if additional measures are taken on a set, casting an able-bodied character with a disability inevitably perpetuates the existing exclusion of visually impaired actors in the film and TV industries. There are similar concerns about the portrayal of racial and gender minorities by actors that do not have those identities. For example, *Ghost in the Shell* was criticized for casting Scarlett Johansson (a white woman) instead of an Asian actress and *The Danish Girl* was criticized for casting Eddie Redmayne (a cisgender man) instead of a trans woman.

Also arising from the popularity of *Bird Box* was the 'Bird Box Challenge', where fans would attempt to do basic everyday activities with a blindfold on. This led to some dangerous situations, but even seemingly benign versions can have negative outcomes--disability activists have criticized this type of role-play because it treats disability like a game and inaccurately portrays the experience of being disabled. A sighted individual can never truly understand the experience of living life without sight, therefore, this experience can become easily misrepresented, and the potential to deliver an effective example of the diverse range of visual impairment experiences (to a majority-sighted audience) can be limited.

Others would say that the very purpose of acting is to employ the ability to portray someone other than oneself. The general awareness of a certain identity that a film or show generates, particularly if that piece of work becomes extremely popular, might be an important gateway to diving into deeper issues that can be explored outside of the entertainment industry. Even some visually impaired viewers describe *Bird Box* as an entertaining experience that they enjoyed. Many controversial decisions in screen-acting that are identified by some as damaging and demeaning to the disability community (such as consistently being portrayed as helpless, supernatural, or inspirational) are interpreted by others as an important means of generating empathy for a commonly overshadowed life challenge.

DISCUSSION QUESTIONS

1. To what extent is the representation of identity in film and TV morally important? How should such representation be accomplished?
2. Who has the right to portray whom in a movie or TV show? Are there differences between cases concerning disability, race, gender, etc., on this score?
3. In what ways does our own entertainment and pleasure conflict with the ways that we understand our own identities?

11. All the Opinions Fit to Print?¹

Every day for more than a century, the *New York Times* masthead has proudly proclaimed, “All the News Fit to Print,” reminding readers, sources, advertisers, and employees of the news organization’s commitment to impartiality, balance, and fairness. In early June, 2020, editorial page editor James Bennett was forced to resign, and deputy editorial page editor Jim Dao was reassigned to the newsroom, leaving some people to wonder if all opinions were fit to print.

An opinion piece written by Senator Tom Cotton (R-AK), published in the June 3, 2020 issue of the *Times*, had sparked the controversy leading to Bennett’s resignation. Cotton expressed his view that the US military should be deployed to quiet the civil unrest in the country at that time. Protesters were demanding federal and state response to the newest wave of police killings of black men. Cotton accused radicals, rioters, and Antifa for promoting anarchy among the Black Lives Matter protesters. Senator Cotton encouraged President Trump to invoke the Insurrection Act and send in the military to deal with US civilian citizens. “One thing above all else will restore order to our streets: an overwhelming show of force to disperse, detain and ultimately deter lawbreakers.”² Some readers and many NYT employees were horrified by the op-ed piece, claiming that the Senator’s language was overly dramatic and dangerous. Some felt that publishing such opinions could lead to further violent outcry among citizens who felt unheard and vulnerable. *Times* employees signed a letter which said, in part, “We believe [Senator Cotton’s] message undermines the work we do, in the newsroom and in opinion, and violates our standards for ethical and accurate reporting for the public’s interest.”³

The New York Times’ apology for publishing the essay appeared within days of the op-ed’s publication and continues to be attached to the piece on the news organization’s [website](#). The newspaper took responsibility for not challenging overstatements and for writing a provocative headline to accompany the piece.

Critics of the *Times* say that the news organization caved in to reader and employee backlash. They point out that the newsroom, which indeed is dedicated to balanced and accurate reporting, is different from the editorial offices, which has the responsibility of providing a diversity of opinion on timely matters. They think that readers of the *New York Times* should know the positions that their elected officials hold, even if a position is not popular or trades more on emotion than fact. Critics charge that leadership’s response reveals the news organization’s liberal bias.

DISCUSSION QUESTIONS

1. Is there a morally relevant distinction between written and spoken media that is political and controversial in nature?
2. What responsibilities do news publications have to their audiences? In what ways should they regulate and limit the views that get expressed in their editorial venues?
3. How should editors balance the need to represent a diversity of views with the danger of giving voice to views that may have a foreseeable risk of misinformation or incitement?

¹ A previous version of this case appears in the APPE Intercollegiate Ethics Bowl’s 2021 National Case Set. It is reproduced here with permission. For more information about APPE IEB, visit <https://www.appe-ethics.org/about-ethics-bowl>.

² <https://www.nytimes.com/2020/06/03/opinion/tom-cotton-protests-military.html>

³ <https://www.vanityfair.com/news/2020/06/new-york-times-employees-rebel-against-tom-cotton-send-in-the-troops-op-ed>

12. Left Behind, at Warp Speed

Since COVID-19's earliest days, there has been much discussion of the pandemic's acute and longer-term ethical ramifications, and its costs have been substantial. Early on, social and economic disparities were exacerbated and thrust into full public view, as the virus disproportionately and substantially affected some people, communities, and societies more than others. Many among the American middle class enjoyed the freedom to work from home, while others working in contact-heavy industries lost their jobs, and still others on the front lines worked with little choice but to expose themselves to the virus. The poorest communities suffered the most as health care systems buckled, here and around the world.¹ People in black and brown communities, we quickly learned, were experiencing disproportionate rates of COVID transmission and complications from the disease.

As the world works to hasten the end of the pandemic, things are beginning to look up. Today, the makers of the three vaccines which have been rushed into mass production—AstraZeneca, Pfizer, and Moderna—estimate a production capacity of 5.3 billion doses for 2021.² With the recent approval of Johnson and Johnson's one-dose vaccine, things are looking even better, at least in the United States, where President Biden has publicly promised enough vaccine doses for every American adult by May 2021.³

While important advances have been made, there remains cause for concern. In the U.S., early data show striking race and class disparities in vaccine distribution.^{4 5} Internationally, poorer countries have struggled more with the pandemic, and, when vaccines began shipping in late 2020, they were offered little reprieve, as most initial doses went to industrialized nations. Of the future dosage capacity estimated by pharmaceutical companies producing vaccines, much of the stock is already spoken for. Of those 5.3 billion doses mentioned above, over half have been pre-ordered by affluent nations like the United States, Canada, and EU member states.⁶ Many of those countries' purchasing contracts include blanket provisions for even more doses in the future, despite the fact that their citizens only represent 13% of the global population.

This system for distribution leaves a quickly dwindling vaccine supply for the world's less affluent nations. Most will rely on COVAX, a joint fund for equitable distribution of COVID-19 vaccines led by a consortium of NGOs. This program has secured an estimated 700 million vaccine doses so far and wants to provide 2 billion by the end of 2021, with the aim of providing coverage to at least 20% of the population of participating countries. As arguments continue among domestic policymakers as to the best distribution mechanism here at home (e.g., considering medical need, social function, poverty, disadvantage or other risk factors, etc.), some worry that the world's less advantaged are being left behind. As Duke University's Andrea Taylor puts it: "Now that we are seeing really good results, everyone is feeling more optimistic... But it's quite a scary picture at the minute, because so many countries are missing."⁷

DISCUSSION QUESTIONS

1. What principles should govern domestic vaccine distribution during a pandemic? Are those principles different on an international stage?
2. Should the country in which a vaccine is invented, developed, or produced receive special access to that vaccine? Why or why not?
3. What obligations, if any, do affluent nations have to safeguard the welfare of lower-income nations and their citizens during a global pandemic?

¹ <https://time.com/5800930/how-coronavirus-will-hurt-the-poor/>

² <https://www.nature.com/articles/d41586-020-03370-6>

³ <https://www.washingtonpost.com/health/2021/03/02/merck-johnson-and-johnson-covid-vaccine-partnership/>

⁴ <https://www.npr.org/sections/coronavirus-live-updates/2021/01/28/961703505/early-data-shows-striking-racial-disparities-in-whos-getting-the-covid-19-vaccin>

⁵ <https://www.nytimes.com/interactive/2021/03/05/us/vaccine-racial-disparities.html>

⁶ <https://www.nature.com/articles/d41586-020-03370-6>

⁷ <https://www.nature.com/articles/d41586-020-03370-6>

13. Universal Basic Income¹

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.² 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 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.³ 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 the social welfare program, unlike many of the plans until now implemented.⁴

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.⁵ 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, 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.⁶

DISCUSSION 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 This case was previously included in the 2020 NHSEB National Case Set, but was not ultimately used due to the cancelation of the 2020 Nationals during the onset of the COVID-19 pandemic.

² <https://basicincome.org/basic-income/history/>

³ <https://www.yang2020.com/what-is-freedom-dividend-faq/>

⁴ <https://www.bloomberg.com/opinion/articles/2019-02-19/universal-basic-income-wasnt-invented-by-today-s-democrats>

⁵ <https://www.bbc.com/news/world-europe-47169549>

⁶ <https://www.pressenza.com/2018/07/philippe-van-parijs-the-biggest-objection-to-a-basic-income-is-moral/>

14. Digital Blackface¹

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.”²

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.”³

DISCUSSION 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 This case was previously included in the 2020 NHSEB National Case Set, but was not ultimately used due to the cancelation of the 2020 Nationals during the onset of the COVID-19 pandemic.

² <https://www.ferris.edu/jimcrow/origins.htm>

³ <https://www.nytimes.com/video/arts/100000005615988/the-white-internets-love-affair-with-digital-blackface.html>

15. Pride, Inc.¹

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."² "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.³

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 varieties⁴). 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.

At the same time, some Pride officials say that corporate sponsorship is necessary in providing supplies, equipment rentals, insurance, security, and other important services for their events.⁵ 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?"⁶

DISCUSSION 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 This case was previously included in the 2020 NHSEB National Case Set, but was not ultimately used due to the cancelation of the 2020 Nationals during the onset of the COVID-19 pandemic.

² <https://reclaimpridenyc.org/why-we-march>

³ <https://www.vox.com/2018/6/25/17476850/pride-month-lgbtq-corporate-explained>

⁴ <https://www.newsweek.com/these-30-brands-are-celebrating-pride-giving-back-lgbt-community-1441707>

⁵ <https://www.nytimes.com/2019/06/20/nyregion/nyc-pride-march.html>

⁶ <https://www.them.us/story/corporate-pride>