Regional Case Set
A NOTE FROM THE NHSEB

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1. The Social (Experiment) Network

Across the globe, Facebook users utilize the platform in a variety of ways, and more than a third of adults report regular use of Facebook as a news source.¹ Behind each user’s news feed is an algorithm that controls what that user will or will not see. The algorithm is based on a collection of factors—including which types of posts a user interacts with and what their Facebook friends are posting about. At one level, this process is practical. When a given user opens their news feed, there are thousands of posts that Facebook could show them. Processing through such a large number of posts would be overwhelming to the user. So, the algorithm streamlines a mere hundred posts to the user and selects posts that will presumably keep them coming back for more.²

However, some types of algorithm tinkering seem different. In 2012, Facebook intentionally altered the news feed algorithm of hundreds of thousands of users in order to conduct a psychological experiment.³ The experiment was designed to measure whether or not emotional states are contagious via social media networks, as they can be with in-person interactions. By changing the number of positive or negative posts that users would see, researchers concluded that, indeed, emotional states are contagious via a social media network.⁴ The experiment’s findings are informative, but many have questioned whether Facebook was morally justified in conducting such an experiment in the way it did.

Facebook withheld experimental information from hundreds of thousands of users about how the emotional tone of their news feeds was being directly and intentionally altered. Moreover, Facebook users were unaware that they were the subjects of a psychological experiment designed to impact their moods. However, Facebook users consent to the intentional alteration of their news feeds when they agree to the terms of service. So, defenders argue that Facebook had the requisite permission of its users to use them in the psychological experiment, regardless of whether or not the users were explicitly aware of their participation in the experiment or their consent to it.

DISCUSSION QUESTIONS

1. Are social media companies like Facebook ever morally permitted to conduct psychological research on their users without the direct knowledge of those users?
2. To what extent, if any, does the tacit consent of social media users—i.e., their agreement to the terms and conditions of utilizing a social media platform—grant social media companies the moral permission to conduct psychological experiments on them?
3. Under what circumstances, if any, might social media companies have a moral obligation to intentionally alter their algorithms or to modify what certain users see on their news feed?

¹ https://www.pewresearch.org/fact-tank/2021/06/01/facts-about-americans-and-facebook/
⁴ https://www.pnas.org/content/pnas/111/24/8788.full.pdf
2. Trust the Science

During the COVID-19 pandemic, the news media has played an essential role in communicating scientific information to the majority of people who receive their information as reported online and on TV. Although some media on the political extremes promoted sensationalism and misinformation, it is safe to assume that most mainstream media engaged in a relatively good faith effort to cover the many rapidly changing aspects of the pandemic. Yet, even in such good faith reporting, choices must be made about what, when, and how to report—choices which, for something as elusive and unpredictable as the pandemic, are not always easy to make.

A particular challenge for the media is that the situation on the ground, as well as the scientific community’s understanding of COVID-19 and its spread, changes so rapidly. For example, mask-wearing, which we now know is at the core of preventive practices, was deemed unnecessary and ineffective for healthy people in the beginning of the pandemic by scientific authorities.¹ This advice was quickly updated as new understandings of transmission were gained, but the about-face by the scientific community and the ways in which it was reported in the vast array of media outlets left many of the public confused about whether or not they should be wearing masks.

A very similar situation has been playing out with so-called ‘breakthrough’ infections, or the contraction of COVID-19 by already vaccinated people, particularly around the delta variant. The discussion of these breakthrough infections was ubiquitous and constant in the media in late summer 2021. Yet, at the time of drafting this case, there remained a great deal of disagreement among the experts on the delta variant, vaccine effectiveness, and whether or not such breakthrough infections were actually a significant problem.

Much of the media’s reporting has involved relaying scientific data and statistics to the public, with varying degrees of commentary. The problem is that even the best of us are notoriously bad at interpreting and understanding such information.² From the start, because of the nature of science, the numbers themselves are often uncertain, or valuable only for drawing very specific, narrow conclusions. Such nuance is often lost in reporting. In addition, the ways in which the numbers are reported can create both unintentional and deliberate distortions. For example, an increase in cases from 10 to 20, or from 1 million to 2 million, can both be reported as simply “cases doubled,” which lacks the context necessary for full understanding of the implications of the data. Add to all of this that even the most reputable media still rely on gaining consumers through attention-grabbing headlines and engaging content, and you have a recipe for confusion.

Such misunderstandings have real and significant consequences. For example, many resisted wearing masks because they had been previously been told masks were ineffective, and similarly the reporting on breakthrough infections led many who remained unvaccinated to resist getting the vaccine. What’s the point, some wondered, when the news says you’ll catch COVID whether you have the shot or not? Such a conclusion may not be totally accurate, but it’s also not unreasonable that people have come to hold such beliefs from the news.

**DISCUSSION QUESTIONS**

1. What is the ethical responsibility of science reporters when discussing something like the COVID-19 pandemic?
2. Is it ever ethically acceptable for science reporters to withhold information in the interest of the public good?
3. Should the media collaborate with the government on reporting pandemic data? If not, why not? If yes, then given the value of an independent media, what are the limits of such collaboration?

¹ [https://www.npr.org/sections/health-shots/2020/03/31/824155179/cdc-director-ap-models-for-the-months-to-come-this-virus-is-going-to-be-with-us](https://www.npr.org/sections/health-shots/2020/03/31/824155179/cdc-director-ap-models-for-the-months-to-come-this-virus-is-going-to-be-with-us)

Ghosting—when one person stops texting or communicating with the other with no explanation or excuse. It happens all the time, with friends you’ve met or people you connect with on dating apps. No one seems to like it, and lots of people really hate it. But are there times it’s permissible to ghost? Or is it permissible for some people to ghost, even if it's not okay for others to do the same?

Imani is a first year college student. She wants to meet people, or maybe to start dating someone new. So she downloads a few dating apps over the weekend and starts swiping. A week or so later, she’s decided that online dating isn’t a good fit for her. She’s overwhelmed with school, and wants to make sure that she’s prioritizing her wellbeing. But also, she’s tired of the way that a bunch of guys treat her online—sometimes they’re demeaning or make inappropriate jokes, some send unsolicited explicit pictures, some just talk about themselves and don't think to ask her any questions. In the week she’s been active online, she’s made a bunch of matches on her different profiles. She’s started conversations with a handful of guys already, and logs in to look at a stream of unread messages.

Imani decides to talk about it with her best friend, Jake. She tells him that she just wants a clean break, but she’s conflicted. It would feel like a relief to go in and delete all her profiles in a few clicks. She’s sure she doesn’t want a relationship with any of these guys. And she doesn’t feel up to the task of messaging everyone she’s connected with to explain what’s up with her before going offline (she hasn’t met anyone in person yet). But she’s wondering whether it would be ok for her to just delete her profile without replying to anyone beforehand. She’s been ghosted before and it sucks. It usually leaves her wondering if she did anything wrong or if she’s an interesting person to talk to.

Jake tells her not to worry. He has dated online for a while now, and he ghosts girls all of the time. Sometimes it’s because he’s overwhelmed or busy, sometimes it’s because he feels like there’s just not a connection, and sometimes he just is interested in another match more. He tells her that he basically ghosts everyone who he’s never met and doesn’t click with, and even some people who he has met in person. “So don’t sweat it, just ghost them all,” Jake says.

After talking with Jake, Imani can’t decide if she feels any more sure. On the one hand, she didn’t find what she was looking for with anyone—and felt upset by a bunch of the people she did match with. But on the other hand, there’s three people she can think of who seemed really kind and thoughtful, and she can see herself interested in people like them in the future. She’s just not sure that Jake’s reasons seem like good ones for her to follow.

**DISCUSSION QUESTIONS**

1. Is there a difference between what Jake has done and what Imani wants to do? Does it matter that Imani is often treated poorly and disrespectfully, while Jake often ghosts because it’s convenient?

2. More broadly, how do gender norms and dynamics affect the way that individuals should approach dating? Do the same rules apply to everyone? Or is it permissible for some people to behave in certain ways while it would be impermissible for others to do the same?
4. Suffering in the Wild

Throughout most of human history, we have lacked the capacity to significantly reduce wild animal suffering. Recently this has changed. In some countries, wild animal populations are currently being vaccinated against diseases, such as rabies, that threaten domesticated animals or humans. In the future, larger-scale interventions may become feasible, as there are ongoing research efforts to explore effective ways of reducing the suffering of wild animals.\(^1\) Potential methods to reduce wild animal suffering include birth control and more extensive disease management. Even more ambitiously, some argue that gene editing technologies could be used to reduce the ability of wild animals to feel pain, change the reproductive strategies of animals so they have fewer offspring, or turn carnivores into herbivores.\(^2\)

In recent years, some philosophers, zoologists, and animal rights activists have argued that when it is in our power to reduce the suffering of wild animals without significant unintended negative consequences, we ought to do so. Since wild animal suffering is bad, we ought to prevent it if we can, as long as we don't thereby sacrifice anything of comparable moral importance. At the very least, some argue, we should invest more resources in researching potential interventions and their possible ecological effects. And others reason that since human actions already have massive effects on wild animals (via climate change and habitat destruction, for example), we should do our best to make our overall impact on wild animals a more positive one.

However, some critics worry that disrupting complex, dynamic ecosystems may, despite our best efforts, produce significant negative unintended consequences. Relatedly, some feel that by intervening, we are meddling with the natural order, or coercively interfering with the lives of wild animals in an objectionable way. Others argue that rather than devoting our attention to the suffering of wild animals not caused by human activity, we should focus on the suffering of non-human animals for which humans are responsible (such as the suffering of factory-farmed animals). Moreover, some critics argue that the scale of wild animal suffering is so large that there is unlikely to be a feasible, cost-effective way to address it. And others object that more radical proposals to reduce wild animal suffering—such as eliminating carnivores—require the mass extinction of species which bear sacred, irreplaceable, or intrinsic value.

**DISCUSSION QUESTIONS**

1. Should we intervene to reduce the suffering of wild animals if we can safely and effectively do so?
2. When is intervening to help others morally permissible or morally required, and when is it objectionably coercive or paternalistic?
3. Does being “natural” make something more valuable or worth preserving?

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\(^1\) Organizations promoting this research include Animal Ethics (https://www.animal-ethics.org/wild-animal-suffering-section), Wild Animal Initiative (https://www.wildanimalinitiative.org), and Rethink Priorities (https://rethinkpriorities.org/animal-welfare).

\(^2\) https://opinionator.blogs.nytimes.com/2010/09/19/the-meat-eaters
5. Predictive Policing

Recently, the Pasco County Sheriff’s Office (PCSO) in Florida sent out a letter to some of its residents informing them that they had been selected to be enrolled in the Prolific Offender Program. Here is an excerpt from the opening lines:

*This program provides you with an opportunity to receive assistance from the Pasco Sheriff’s Office and several community partners who will work with you to identify and overcome barriers that have hindered you in your life’s journey. Ultimately, the goal of this program is to empower you to live a lawful, productive and fulfilled life.*

The program uses various metrics, including, “an evaluation of your recent criminal behavior using an unbiased, evidence-based risk assessment” in order to identify what it called, “prolific offenders in our community.” The letter claims that barriers to “successful living” include struggles with mental health, substance abuse, domestic violence, homelessness, and employment. Enrollment is based on those criteria. Enrollees who refrain from criminal activity for two years are removed from the program.

PCSO also created a program designed to detect potential crimes and stop them before they happen. To do this, the office would use a variety of metrics including “arrest histories, social networks, and unspecified intelligence in order to create a list of potential criminals.” They would then use the list to preemptively investigate these individuals and perform regular checks on them.

PCSO and its supporters claim that these are innovative ways to prevent crime and to conduct policing in a less reactionary manner. By using known metrics that lead to criminal activity, police might be able to intervene before someone even has the opportunity to commit a crime. Part of this prevention might involve providing would-be offenders with the support they need in order to cut down on potential risk factors, including mental health care, support for substance abuse disorders, assistance in finding work or a place to live, and so on.

People who oppose these kinds of programs claim that it is overreaching and authoritarian. It leads to the kind of over-policing witnessed in the case where “deputies gave the mother of one teenage target a $2,500 fine because she had five chickens in her backyard.” Having some risk-factors associated with criminal activity is a far cry from actually committing crimes. Furthermore, regardless of how likely someone is to fall into criminal activity, perhaps no one should be subject to intervention and investigation until they actually commit a crime.

**DISCUSSION QUESTIONS**

1. What difference is there between predictive policing tactics that focus on prior offenders and those predictive policing tactics which focus on preventing non-offenders from becoming offenders?
2. Is it responsible for police departments to try to participate in preventative policing by stopping crimes before they happen? Is there a right and a wrong way to go about doing that?
3. Is there ever a time when certain “risk factors” should ever be considered in beginning an investigation?
4. Does something like the Prolific Offender Program run contrary to a notion in our justice system of “innocent until proven guilty?” Does it assume guilt on behalf of those that it enrolls in the program?

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3 [https://www.tampabay.com/investigations/2021/07/24/pasco-sheriff-s-office-letter-targets-residents-for-increased-accountability/](https://www.tampabay.com/investigations/2021/07/24/pasco-sheriff-s-office-letter-targets-residents-for-increased-accountability/)
6. AppleScare

One of the most enduring and fraught discussions centering upon privacy and technology is the practice of encrypting messages and files on mobile devices. We are promised that our personal devices are entirely private. At the same time, tech companies are struggling with the demands of governments to give access to the data circulating on our phones.

Law enforcement officials have frequently submitted legal orders to major tech companies such as Apple, Google, and Microsoft to hand over the contents of messages, photos, and files on consumers’ phones for criminal investigations. Yet, not all data on our phones is so easily accessible. In the interest of protecting user privacy, and perhaps out of concern for governmental abuse (whether by the United States or foreign entities), software developers created “end-to-end” encrypted chat apps (e.g. WhatsApp, Snapchat). These apps secure and hide the contents of a message until it reaches the other user’s phone. Only the two end users hold the decryption key; as a result, the phone-maker does not have the ability to hand over data because it was never readable on their servers in the first place.

Law enforcement and government officials have claimed emphatically that disclosures of user data are necessary to combat terrorism, assure national security, and curb violent crime. One such area of concern is systemic child trafficking and child pornography.

In the spring of 2021, Apple disturbed the waters of this uneasy truce over encrypted communication. The tech giant partnered with the National Center for Missing & Exploited Children to formulate a way to scan the hard drives of iPhones for known “Child Sexual Abuse Material” (CSAM). This practice, first employed in limited contexts by the FBI, converts each known image of CSAM in its database into a unique numerical identifier. Meanwhile, every iPhone will regularly run the same algorithm—behind the scenes—to likewise convert files and photos on phones into numeric values. If there is a numeric match between the CSAM database and a file on a user’s phone, it raises a red flag to Apple that the phone owner is in possession of problematic material.

Apple insists that its software and algorithm does not “see” user images. Instead, the algorithm blindly converts images to numerical values (called a “hash”) and then simply looks for matches between user files and hashes in the criminal database. Thus, according to Apple, parents who take pictures of their infant children taking a bath, for instance, have nothing to worry about, because such pictures will not correspond to any pattern of known CSAM.

DISCUSSION QUESTIONS

1. How can tech companies reconcile the demands of law enforcement agencies with the demands of users for privacy?
2. To what degree, if at all, should government agencies be trusted with looking over our “private” data?
3. The same messaging encryption which lets investigative journalists communicate safely is also employed by violent criminals and terrorist actors. Is such encryption necessary for a free society? Is it a danger to social stability?
Nancy, who is in her late 50s, and two of her maternal cousins gave each other gene testing kits for Christmas this year, so that they could discover their ancestral genetic profiles. They fully expected to learn the same information about their maternal family members, as their three mothers are sisters. They were interested to learn how their three different fathers impacted their genetic profiles. However, when they received their results, they uncovered something surprising. Nancy’s maternal information is slightly different from her two cousins’.

It turns out that Nancy’s mother and her aunts most likely have different fathers. So, this means that Nancy’s grandmother Barbara most likely committed infidelity in her marriage with Nancy’s grandfather. Nancy and her cousins are faced with the question of whether or not to tell Nancy’s mother, who is in her late 80s. Her cousins’ mothers, Nancy’s aunts, have already passed away, as have both of her grandparents. She has asked her cousins not to say anything to her mother or to anyone else in their family, while she decides what to do.

Nancy never met her grandfather, as he died just before she was born. But Nancy knows that her grandmother Barbara and her grandfather had a very fraught marriage. Her grandfather was an alcoholic and was known to be verbally abusive and financially controlling to her grandmother Barbara. Nancy has always avoided alcohol, assuming that she might have inherited a genetic predisposition to alcoholism from her grandfather, as several of her cousins have struggled with excessive drinking as well. She feels drawn to the idea that her grandmother Barbara found some happiness outside of an abusive marriage, and she doesn’t mind thinking of her mother and herself as the results of her grandmother Barbara finding some independence. She is curious to talk with her mother about the possibility that they aren’t descended from the man they have always assumed was their father and grandfather. She would be interested in learning more information about her grandparents’ close friends, community and church members, or colleagues, on the off chance that she might be able to discover information that would lead her to her biological grandfather and potentially to other biological family members.

However, Nancy’s family is religious and they have strong beliefs about the importance of marriage and of being faithful to a spouse. Nancy feels like her mother has a right to know this information about her own parents and ancestry. And, her mother has only ever talked bitterly about her relationship with her father. Yet, she knows that this information might be deeply distressing to her mother. Though Nancy’s mother never seemed to express love for her father, she always talked with deep love and respect for her mother Barbara and held her up to Nancy as a role model of virtue and of religious faith. Nancy worries that revealing this information to her mother might cause her to question her relationship with her mother Barbara and to endure pain and sadness upon realizing that her mother Barbara kept secrets from her. Also, Nancy’s mother suffers from health problems and receives a twice-weekly home visit from a nurse. The nurse has advised Nancy that protecting her mother from stress is important for keeping her health stable.

**DISCUSSION QUESTIONS**

1. Should Nancy tell her mother about her suspicions? Is it at all significant that there is some degree of uncertainty about the conclusion she is drawing?
2. How do her mother’s health concerns factor into this decision?
3. Do we owe others, especially those near and dear, the hard truth? What if they would be “better off” not knowing?
4. How, if at all, do the facts about Nancy’s grandmother Barbara’s fraught relationship with her grandfather change the moral dimensions of Nancy’s decision?
8. Art with an Asterisk

The National Gallery of Art in Washington decided to indefinitely postpone a Chuck Close exhibition after the artist was accused of making lewd comments to and asking invasive questions about potential portrait models. While Close called the allegations “lies,” this news resurfaced the question of “whether the work of [...] artists accused of questionable conduct needs to be revisited or recontextualized.” Outside of the art galleries, similar questions have been asked about a range of prominent members of the entertainment industry—from Harvey Weinstein and Kevin Spacey to Louis C. K. and Bill Cosby—whose careers were extinguished by sexual harassment and assault accusations, even before a courtroom determined guilt.

What role do those who curate the art play in determining an answer to this question? Amidst the accusations levied against Close, the National Gallery decided to postpone its exhibit indefinitely, but the Pennsylvania Academy of the Fine Arts opted to leave its exhibition featuring the artist open, altering it to become a space of dialogue. Netflix went ahead with the final season of House of Cards without its main actor Kevin Spacey, but viewers can watch the previous 5 seasons of his portrayal of Frank Underwood without any asterisk affixed to the series or warning that the star might have been sexually predatory. These examples highlight the variety of ways organizations that house the art of disgraced artists have reckoned with this dilemma.

Some are more willing than others to separate the art from the artist, at least in certain cases. Jock Reynolds, the director of the Yale University Art Gallery, told The New York Times: “Pablo Picasso was one of the worst offenders of the 20th century in terms of his history with women. Are we going to take his work out of the galleries? At some point you have to ask yourself, is the art going to stand alone as something that needs to be seen?”

Some argue that we should not endeavor to separate the art from the artist and instead explore what, if any, connection there is between Chuck Close’s alleged harassment of potential portrait models and the genre-defining portraiture he would create as a way of better understanding his art. As Amanda Hess notes, “If a piece of art is truly spoiled by an understanding of the conditions under which it is made, then perhaps the artist was not quite as exceptional as we had thought.” Perhaps seeing the artist's asterisks is the way to truly appreciate the artist’s art.

DISCUSSION QUESTIONS

1. If it is possible to celebrate the art without excusing the transgressions of the artist, what form should that celebration take? If it is not, what becomes of the art?

2. Suppose the work is historically transformative and has produced an immeasurable amount of good for humanity—akin to a revolutionary advancement in technology or medicine. Does celebration of the art excuse the (possibly unrelated) transgression(s) of the artist?

3. What does it mean to display art “with an asterisk?” How much consideration should curators give to the psychological safety of art consumers?

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9. Priorities, Priorities...

In the United States, COVID-19 cases continue to rise, and, this fall, reached the highest number of new cases since January of 2021. A consequence of this is an increased number of hospitalizations and COVID-19 patients in Intensive Care Units (ICUs). When ICU beds are full, states must activate standards for triage to guide hospitals in determining which patients receive access to the limited resources.

As a result of the increased numbers, “about one in 4 U.S. hospitals with intensive care units, or 889 total hospitals, recently reported that at least 95 percent of their I.C.U. beds were full. In the week ending September 2, an average of 80 percent of intensive care hospital beds were occupied nationwide, according to a dataset released weekly by the Department of Health and Human Services.” As a result of the lack of beds, some people who need care for COVID-19 or for other medical issues either cannot receive it or have to be transferred outside of areas where their insurance can cover their treatment.

According to multiple studies reported on by the CDC, COVID-19 vaccines reduce the risk of COVID-19, “including severe illness” by 90% or more. The vaccine also helps to prevent the spread of the disease in general. Vaccines, however, are not mandatory, and the CDC simply recommends that you “get a COVID-19 vaccine as soon as you can.” Still, in the U.S., just over half of the population is fully vaccinated at 53.2%, with 62.5% of the population having received at least one dose at the time of this writing.

The vast majority of people being hospitalized because of COVID-19 infections are unvaccinated. Since there is good reason to believe taking the vaccine might have prevented their hospitalizations, and they chose to remain unvaccinated, people have asked whether unvaccinated people should be allowed to occupy ICU beds that other people need, or whether they should at least be given a lower priority when it comes to triage considerations (excepting, of course, those who had legitimate medical reasons for remaining unvaccinated).

DISCUSSION QUESTIONS

1. Should personal choices (like whether to go snowboarding or whether to get vaccinated) be grounds for consideration when making triage decisions?

2. What role do individual autonomy and risk tolerance play when making medical decisions that can affect the public health of a broader society?

3. When, if ever, can doctors refuse to treat patients seeking care?
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.\(^2\) 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 Patel\(^3\), 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’ physiological racial identity markers appeared to be different from Adrea and 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.\(^4\)

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.

**DISCUSSION 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?
3. How should we weigh the needs of the child and the needs of adults in situations like these?

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1 An earlier version of this case was included in the 2020 NHSEB National Case Set, but was not ultimately used for competition due to the cancelation of the 2020 National Championship at the onset of the COVID-19 pandemic.
3 All names included in this case are pseudonyms. Those involved have chosen to remain anonymous.
6 [https://www.bionews.org.uk/page_89371](https://www.bionews.org.uk/page_89371)
11. Just the Facts

On May 19, 2021, journalist Emily Wilder was fired from the Associated Press after three weeks on the job.1 Wilder, who is Jewish, was fired after right-wing media sources began publicizing her involvement in pro-Palestine activism in college, and drew attention to tweets she had made about the topic.2 In late May 2021, Alexis Johnson was told by her employer, the Pittsburgh Post-Gazette, that she would not be allowed to cover the Black Lives Matter movement. Johnson, who is Black, was told this was because she had demonstrated bias in a tweet that she had posted the day before.3 Felicia Sonmez was banned in 2018 from reporting on cases dealing with rape and sexual assault at her job at the Washington Post after she wrote about her experience as a survivor of sexual violence.4

Some people see these actions by news organizations as justified measures to protect the objectivity of the reporting in question. News organizations should strive for objectivity, and this is impossible when the person reporting has made it clear that they have strong personal views on the matter. Most reporters have opinions about the things they report on. However, they are expected to put these opinions to one side while they are reporting. It is inconsistent and irresponsible, one might argue, only to prevent those who are public about their opinions (or, in the case of Sonmez, their experiences) from reporting on controversial issues. It may also constitute discrimination.5

What is better, say critics of objectivity, is to report the facts while also acknowledging one’s (limited and biased) point of view. This is a sign of humility, and it may also have the benefit of opening up more ethical reporting standards. Perhaps shrugging off the myth of objectivity would release journalists from lending undue credence to what they take to be morally problematic stances, in the name of remaining neutral.6

However, if objectivity and neutrality are completely discarded, some worry that this would effectively mean the end of fact-based reporting. This brings to the fore another important issue: trust. If media consumers find out that a story was written by someone who has an undisclosed personal stake in the matter, this might erode the trustworthiness of the reporting or the news outlet. This, according to Felicia Sonmez, is the reason that she was not allowed to cover stories involving sexual assault. “The reason I’ve repeatedly been given by senior editors,” she said in a tweet, “is that they are worried about the ‘appearance of a conflict of interest’ if they allow me to write on sexual assault. They’ve told me they don’t believe there’s an actual conflict, or even that my writing would be biased in any way.” Thus, even if Sonmez can report responsibly on these issues, perhaps she should not be permitted to do so, given the fact that some readers might believe her to be untrustworthy.

DISCUSSION QUESTIONS

1. Do news organizations have an ethical duty to maintain a certain relationship to the general public? If so, what is the nature of that relationship?
2. In which contexts, if any, is it permissible for employers to restrict (or impose consequences for) their employees’ speech outside of work hours?
3. What, if any, is the value of objectivity in journalism?

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5 https://lawandcrime.com/high-profile/washington-post-reporter-sues-the-newsroom-and-marty-baron-for-discrimination-claiming-she-was-punished-after-sexual-assault-disclosure/
6 https://medium.com/@lewispants/objectivity-is-dead-and-im-okay-with-it-7fd2b4b5c58f
7 https://twitter.com/feliciaomp/status/1376274997216017644
12. Paralympic Pay Parity

The Tokyo 2020 Summer Olympics, held in summer 2021 due to COVID-19, was the first time that the U.S. Paralympic athletes received the same monetary prizes for winning medals as the Olympic athletes did. After public outcry in 2021 because Australian Paralympians received no prize money at all, the Australian government also committed funding such that both Olympians and Paralympians would receive the same prizes. Advocates of Paralympic pay parity argue that it is an important way to signal to athletes that they are equally valued and celebrated as representatives of their countries. They also argue that the prize money can play a significant role in offsetting the costs of training, especially for Paralympians who are less likely to sign high-paying sponsorship deals.

However, other countries do not take the same approach. Canadian Olympians get up to $20,000 for winning, whereas Canadian Paralympians win no money for medaling. This difference is due to the fact that different organizations run the Canadian arrangements for the Olympic and Paralympic Games. One organization has the funds to offer medal prizes and the other simply does not.

Japanese Paralympians do win cash for medaling, but at lower amounts than Japanese Olympians. The Japanese Para-Sports Association (JPSA) explained that the disparity between the prize value of a gold medal for a Paralympian and an Olympian comes in part because the JPSA prioritizes having prize money be distributed more equally among all three medal levels. And, Japan offers non-prize financial support to meet the unique challenges faced by Paralympic athletes, by sponsoring needs like prosthetic limbs and medical treatments.

Explanations of the pay disparities cite that the Olympics is much more popular than the Paralympics among viewers and attendees. Critics of the activist movements for equal pay argue that focusing on having equal prize money only benefits the small percentage of athletes who actually win. They also worry that it distracts from the larger need of directing funding to increasing sports access at all levels, not just at the elite stage.

Though some countries do pay their athletes outright, in other countries, including the U.S. and Canada, medal prizes are not considered payment for work, like salaries. The athletes are not employed by the government nor by a private organization. In these countries, no athletes, Olympians or Paralympians, earn salaries for competing. If prize money is an extra bonus for athletes and not their primary income, then the governments or private organizations that give the prize money do not have an employee-employer obligation in which athletes can expect to rely on receiving payment.

DISCUSSION QUESTIONS

1. Do governments have an obligation to provide equal award money for Paralympians and Olympians, either by paying them directly or by paying their organizing committees?

2. Does it matter that the medal awards are prize money and not salaries? Do countries who do pay athletes need to pay them equally, regardless of which competition they play in?

3. Ought public popularity and viewership to be factors in determining athlete pay?
13. Fake Views

Recent technological developments in artificial intelligence have enabled new techniques of manipulating images, audio, and video. Of particular concern among these is the ability to create and deploy AI-generated media, or “deepfakes.” Innovations in machine learning have greatly increased the availability and sophistication of fake audio and video clips, which make it possible to realistically depict people saying or doing things they never actually said or did.

Deepfaking video footage for entertainment purposes may bring some interesting benefits. Recent examples have used deepfaking technology to create new fan-fiction content based upon the film industry’s CGI representations of older or deceased actors in some of its most popular films. A now-viral video builds upon footage from Lucasfilm’s 2016 Rogue One: A Star Wars Story and showcases lifelike and foreboding footage of franchise villain, Grand Moff Tarkin (portrayed by Peter Cushing, who died in 1991). The video also shows a “de-aged” portrayal of a youthful Princess Leia Organa, one of the Star Wars franchise’s most beloved characters (portrayed by Carrie Fisher, who was in her late 50s at the time Rogue One was produced). Deepfake clips like these have delighted fans across the internet, and the YouTube creator who produced them has since been hired as a special effects artist at Lucasfilm.

Given the fact that many citizens’ information environments are already complicated by an increased frequency of speculation, misinformation, and motivated reasoning, some researchers worry that deepfakes will cause worsening “truth decay” by engaging citizens’ cognitive biases in ways that open both individuals and groups to “novel forms of exploitation, intimidation, and personal sabotage.”

Potential concerns about deepfakes range from questions about the accuracy of media portrayals to worries about the ability to convincingly put words into the (digital) mouths of high-profile public figures. In one recent case, documentary producer Morgan Neville admitted to commissioning a software company to create a synthetic audio voice for the documentary’s deceased subject, the late television star Anthony Bourdain. Neville did not disclose the presence of the AI-generated voice in the film, allowing viewers to believe that the voice was indeed Bourdain’s own.

Others worry about the more profound social and political implications, for example, of synthetic viral videos which falsely depict House Speaker Nancy Pelosi as visibly intoxicated during a press conference, or which have put words that were never actually said into the mouth of former President Barack Obama. Many worry about an environment in which we can no longer trust what we see with our own eyes. As philosopher Regina Rini suggests, “we ought to think of images as more like testimony than perception. In other words, [we] should only trust a recording if [we] would trust the word of the person producing it.”

DISCUSSION QUESTIONS

1. How, if at all, should the use of AI-driven “deepfake” technology be constrained by policymakers?
2. What skills and dispositions are needed for internet users to engage knowledgeably and deftly in an information world characterized by deepfakes?
3. In what ways are deep fakes a new and distinctive threat to public discourse and understanding? In what ways are they not so different from other forms of misinformation?

3 https://www.newyorker.com/culture/annals-of-gastronomy/the-ethics-of-a-deepfake-anthony-bourdain-voice
4 https://www.washingtonpost.com/technology/2020/08/03/nancy-pelosi-fake-video-facebook/
5 https://ars.electronica.art/center/en/obama-deep-fake/
14. Familial Obligations

Amir is an immigrant to the United States, and has been living in Denver, Colorado, for just over ten years. Both he and his wife work very hard, sometimes holding down multiple jobs each. However, these jobs are low-wage, and the family’s expenses are high, especially the medical bills for one of their children, who has a number of health issues. As a result, Amir’s family is poor, and they often feel like they are just barely able to make ends meet.

Amir’s sister, Yusra, is still in their home country of Lebanon, where she lives with her four children. She is a widow, and Amir and Yusra’s elderly mother also lives with her. The poverty they live in is much more severe than any poverty Amir has experienced in the United States and has grown especially dire as the country endures a financial crisis. Yusra was thrilled when her brother was finally able to move to the U.S. She was happy for Amir’s family, but also her own. She imagined that he would be able to send some money back home to help her larger family there. They all understood that it might take Amir a few years to establish himself, but now that ten years have passed, they are confused and frustrated because he has not sent money. They tend to think that he doesn’t sufficiently care for his extended family back home, and they have remarked that he must think he’s too good for them now that he has a new life elsewhere.

Everyone back home believes that Amir is quite wealthy because he lives in the U.S. Thus far, he has done nothing to contradict their impression. He would feel embarrassed and humiliated if they found out how much he was struggling financially. He also thinks it would deeply upset his mother to know that her son and grandchildren are suffering. So, Amir continues to let his family believe that he’s well-off and thriving in America. At least this way, he reasons, his mom is happy for him and proud that her son is so successful. Amir does sometimes feel terrible for giving his mother a false impression, but he tells himself that there’s no point in breaking her heart with the hard truth. He’s resigned himself to the thought that when his children want to visit their family back home, they can bring gifts for everyone, but otherwise, he can’t contribute much. He certainly won’t be sending money regularly. Amir often wonders if he’s doing the right thing.

DISCUSSION QUESTIONS

1. Has Amir done anything wrong?
2. Does Amir have an obligation to share details about his financial situation with his sister or mother?
3. Is Amir morally obligated to help his family back home financially? Would a change in his own financial situation change your answer?

15. All Eyes On You

Agustín, 15, is a tenth-grader attending a public school in Charlotte, North Carolina. One Saturday evening, he posts a photo on Instagram of himself and a group of his friends (most of whom are also tenth-grade boys) with the caption “Me and The Crew.” The boys in the photo display a variety of hand gestures—peace signs, thumbs-up signs, and other signs whose meanings are unclear. Agustín’s school, which makes use of a third-party social media scanning program, is alerted by the company, whose algorithms have defined the photo as “suspicious.”

Monday morning, his school’s Principal, Mr. Raines, asks the school resource officer (SRO) to question Agustín about the post. Unsatisfied with the explanation that the photo just shows him and his friends enjoying each other’s company, the officer follows Agustín through the halls during class changes. The SRO also reviews footage of Agustín from school security cameras, and Mr. Raines alerts Agustín’s teachers that he is suspected of possible gang involvement. Later that day, Agustín’s smartphone is confiscated by his Biology teacher because he was caught text messaging during class. On Monday evening, while doing homework on his school-issued Chromebook, Agustín confides in a friend via email that he is feeling depressed and anxious about the SRO, and angry at a mutual friend of theirs, Manuel. Within the hour, a different police officer knocks on the door of his home, telling Agustín’s parents that he is there to conduct a “wellness check” based on concerns raised by his email.

The ability of schools to keep tabs on their students is on the rise, particularly in the wake of accelerating technology adoptions brought on by widespread school violence across the U.S., as well as the COVID-19 pandemic. Digital learning platforms like Canvas and Moodle not only streamline students’ assignments and grades, but provide extensive data profiles on millions of students to private corporations each year. Web, email and social media “listening” platforms like Varsity Monitor, Gaggle, and Bark allow administrators to track student communications, web usage, and search histories, in school and out. District-level purchasing of these platforms saw a tenfold increase between 2013 and 2018. Cameras and facial recognition technology are now essential parts of schools’ security strategies, with the number of schools conducting video monitoring having risen from 19% in 2000 to 83% in 2018.

Administrators and district officials often argue that these strategies are common sense measures to keep students safe from harassment, bullying, and gun violence. Critics argue that students’ privacy rights are being violated with invasive technologies whose effectiveness is thus far unproven. Furthermore, for students of color, who often face disproportionate disciplinary measures in schools, new kinds of surveillance may be especially harmful.

DISCUSSION QUESTIONS

1. Is the fact that Agustin was outside school when he sent the email morally relevant?
2. How, if at all, do the privacy rights of minor students differ from those of their adult counterparts? What about those rights associated with freedom of speech?
3. How should schools balance the objectives of student safety with student privacy? What is the relative importance of these goals?
4. When, if ever, are schools justified in disciplinary interventions based on students’ personal communications?

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1 This story is adapted from an illustrative compilation of student experiences by Barbara Fedders, “The Constant and Expanding Classroom: Surveillance in K-12 Public Schools,” North Carolina Law Review 1673 (2019).
2 https://www.brennancenter.org/our-work/research-reports/school-surveillance-zone
3 https://nces.ed.gov/fastfacts/display.asp?id=334