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ABOUT THIS DOCUMENT

The cases in this set were compiled for the 2022 National High School Ethics Bowl, and edited for content, clarity, and pedagogical focus by NHSEB’s Executive Committee, in editorial collaboration with NHSEB’s newly-formed Case Advisory Committee.

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CASES FOR NATIONAL COMPETITION

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1. The Price of Knowledge

Alexandra Elbakyan, a graduate student from Kazakhstan, has attracted international praise—and a slew of lawsuits—for her creation of a website called Sci-Hub, which illegally hosts and distributes millions of research papers for free. Sci-Hub allows users to upload articles from scientific journals that can be downloaded by anyone.

Under current publishing conventions, university libraries negotiate expensive contracts with publishing companies like Elsevier and Wiley-Blackwell for access to the scientific journals they publish. If researchers are not connected to a university, or are members of one that cannot afford to pay, they must pay an individual fee to access an article, which can range from $20-$50 per article. These costs for researchers can add up quickly. Sci-Hub allows readers to bypass publisher paywalls and go directly to the research they are looking for.

Supporters of Sci-Hub argue that free access to research democratizes education and levels the playing field for scholars who do not work for well-resourced universities. According to Michael Eisen, a scientist at University of California, Berkeley, this also speeds up scientific discoveries, by making it easier for more researchers to build on each other’s work. Some Sci-Hub defenders also complain that publishing companies like Elsevier operate with profit margins of over 30 percent, while the scientists who produce the research do not receive a cut of the profits. Elbakyan herself claims that Sci-Hub “never received any complaints from authors or researchers.”

Publishing companies have been quick to file lawsuits against Elbakyan and Sci-Hub, claiming that no matter her intentions, this website breaks the law, and encourages users to steal their intellectual property. Alicia Wise, an employee at Elsevier, argues that defenders of Sci-Hub get things wrong: “as if somehow stealing content is justifiable if it’s seen as expensive... it’s not as if you’d walk into a grocery store and feel vindicated about stealing an organic chocolate bar as long as you left the Kit-Kat bar on the shelf.” Publishing companies also argue that they perform a valuable service for the academy and the public, and that sites like Sci-Hub undermine their ability to publish high-quality science.

DISCUSSION QUESTIONS

1. What is the value of scientific research? Should it be available to everyone?
2. Is it permissible for researchers to download articles from Sci-Hub?
3. Is it permissible for people who have access to well-resourced research libraries to upload papers to Sci-Hub?
4. What are the similarities and differences between Sci-Hub and websites that allow users to illegally download music or movies?

2 https://www.nytimes.com/2016/03/13/opinion/sunday/should-all-research-papers-be-free.html
2. Banking On Cash

Violet is passionate about local food movements. She is excited to finally open a small local produce shop after years of planning. She has made what feels like thousands of choices about the business, but has struggled with a final decision about customer experience: whether or not to accept cash.

At the beginning of the COVID-19 pandemic, Violet noticed that many stores in her community stopped accepting cash out of concern that it would spread the virus. While that theory has since been widely disproven, many shops continue to reject cash transactions. After speaking with some fellow business owners, Violet understands why.

Compared to electronic payments, handling cash often makes transactions inefficient by slowing down lines and reducing the number of transactions employees can process per hour. With cash, business-owners also risk being paid in counterfeit bills, short-changed by employees, or robbed. Violet is acutely aware of how hard it can be to start and run a profitable small-business, and after investing her entire life's savings into her shop, she wants to do all she can to keep it afloat. Additionally, as an employer, Violet feels a sense of responsibility towards her workers. By removing virtually any chance of robbery, Violet believes she is creating the safest possible working environment for her employees.

Violet is also worried about making time in her schedule to process and keep track of so much cash, let alone to prepare and complete bank deposits. She would rather spend that time connecting with customers, training employees, and working in the shop herself. After all, she chose to open the shop because of her love for local produce and desire to connect with people over food.

Despite all this, Violet does have some reservations about refusing cash payments. She worries that, by doing so, she may be running a discriminatory business. Opening a bank account and getting a credit or debit card often requires some form of photo ID, a utility or another bill, a significant sum of money as a starting deposit, and a decent financial history. All these requirements mean that low-income, homeless, or undocumented people are unlikely to have bank accounts and are thus unable to shop in cashless stores. About a quarter of Americans lack stable and sufficient access to banking services. In Washington D.C., as just one example, nearly a third of residents rely on cash because they lack a bank or credit card. These consumers are more likely to belong to racial or ethnic minority groups, and often have less education than their card-holding counterparts. Violet also feels conflicted about rejecting cash because it is a valid form of currency in the United States. If people hold it and want to use it, she doesn't feel she can be the one to tell them “no,” since she views dealing with cash as an aspect of functioning within the country's market economy.

DISCUSSION QUESTIONS

1. Given the hastening rise of a digital economy, what are the key moral factors that should guide Violet's decision making?
2. What responsibilities do small businesses have to their customers?
3. How far are businesses obligated to go to ensure their services are available to everyone? What factors might this depend on?
4. Should it be up to businesses to decide whether or not they will accept cash payments? If so, why? If not, who else should get to decide?

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2 https://www.npr.org/2020/02/06/803003343/some-businesses-are-going-cashless-but-cities-are-pushing-back
3. Yucca’’tta Be Kidding Me

Given serious concerns about the projected effects of global climate change, many people advocate for expansions of nuclear energy, which contributes significantly less to greenhouse gas emissions than existing energy sources in coal and natural gas. Hailed by some as the “energy of the future” in terms of sustainability, nuclear energy currently accounts for 10% of the world’s energy production.¹

However, nuclear energy is not without its costs. Most significantly, serious questions remain about what to do with nuclear waste, which is not only highly radioactive (and thus potentially dangerous) but remains so for thousands of years. To meet this challenge, the Yucca Mountain Nuclear Waste Repository project was established in the 1980s. This project created a secure underground storage site built inside the mountain. It is located in the Nevada desert, about 100 miles away from the city of Las Vegas.

The Nuclear Waste Repository, which was originally established with a $15 million budget, has a current capacity for 70,000 tons of nuclear waste. Despite this significant capacity, the Yucca Mountain Nuclear Waste Repository is currently empty and shuttered. The project was stalled in 2010 after resistance from various stakeholders in Nevada and around the country.²

Opponents to the Yucca Mountain project have cited environmental concerns, such as the catastrophic possibility of nuclear material entering the water supply.³ Additionally, Nevadans complain that their state, which is home to no nuclear power plants itself, should not be asked to serve as a dumping ground for waste product from all of the other states. Finally, some critics object to the projected $96 billion cost of completing the site’s intended construction.

Supporters of the Repository argue that the project was canceled for political rather than technical or scientific reasons.⁴ They argue that Yucca Mountain was highly researched and selected strategically, as being the best place to store high-level radioactive waste safely. They also contend that using the Yucca Mountain facility is much better than leaving the waste in temporary storage spaces across the country, a current practice which is both less secure and unsustainable over the longer term.

Currently, 79,000 tons of nuclear waste in the US await long-term storage, exceeding the current capacity of the Yucca Mountain facility.

DISCUSSION QUESTIONS

1. What are the risks and benefits of nuclear power? Do the benefits of shifting towards nuclear energy outweigh the costs? Why or why not?

2. How should government actors balance the need for safe, long-term storage of nuclear waste, with the potential risks to specific communities that a particular storage site would bring?

3. How much of a say should the people of Nevada have regarding the establishment of a national nuclear repository in their state?

² https://www.hcn.org/articles/is-yucca-mountain-back-from-the-dead
4. Married to the Name?

The institution of marriage—a widespread and enduring practice across many cultures—retains traditions that some people consider sexist, such as the expectation that women assume their husband’s last name. About 70% of women who are married to men in the US take their husband’s surname; in Britain, the number is around 90%. In Japan, where married couples are legally required to share the same name, the wife takes the husband’s name 96% of the time.

In 1981, Quebec adopted a new policy: when applying for a driver’s license or signing a contract, married women must use their surnames they were given at birth. In other words, women cannot use their husbands’ last names. In social situations, however, women are free to use whichever last name they prefer. Still enforced today, this statute was originally enacted to eliminate the social pressure women felt to take their husbands’ last names. Proponents of the statute argue that it protects women’s identities and furthers gender equality. One woman said: “It is for me an indication that I belong to myself.” Others saw this law as important because it underscored Quebec’s dedication to protecting women’s rights as a matter of law.

However, some argue that not allowing women to decide their name for themselves is just as paternalistic as requiring it. On this view, empowering women means letting them decide whether or not they want to participate in this tradition. Other women are offended by the state’s implication that if they take their husband's last name, they lose some facet of their personal identity. Indeed, many women want to be able to identify as part of a single family unit with their spouses—and with their children, who are often given their father’s last name by default. Others are upset that the government is regulating such a personal part of their life.

Contemporary trends show that married couples increasingly use both of their surnames using hyphenation, double names, or new combined names in order to express their new status as a family unit. There are also complex naming dynamics related to cross-cultural and religious marriages.

DISCUSSION QUESTIONS

1. Can a law that primarily affects women be considered an equal protection of rights?

2. On an international scale, because practices vary so much from culture to culture, is it permissible for governments to codify their cultural practices?

3. Is there any moral difference between requiring the practice of one spouse taking their partner’s last name and prohibiting it?

3 https://globalnews.ca/news/2404384/does-quebecs-ban-on-married-names-infringe-on-womens-rights/
5. Privatized Parenthood

When we think of adoption, we may think of acts of selflessness: a child with unfit, unwilling, or absent parents is taken under the wing of some generous figure(s) who raise the child as their own, preventing them from ending up alone or in the public foster care system. However, in recent years, the privatized adoption industry in the United States has undergone a major shift: more families want to adopt children than ever, but fewer mothers are giving their children up for adoption. According to some studies, between one and two million couples are waiting to adopt, but only 4% of the children born from unwanted pregnancies are placed through adoption. These trends present a problem both for couples hoping to adopt and the privatized adoption industry which depends for its profit on the influx of children into its system.

Some opponents of privatized adoption take issue with the fundamental idea of paying a company in exchange for a child. Families are often able to “shop” for certain features, by filtering children according to race, ethnicity, sex, disability, and age. Some worry that the private adoption industry is coercive or predatory towards the poor. By seeking out women of low socioeconomic status, promising funds for prenatal care, and fear mongering about the burden of childcare, adoption agencies might be creating perverse incentives for women who would prefer to keep their own children, even thought they might struggle to afford to care for them.

Advocates of privatized adoption, however, point to benefits of the system. Perhaps the largest is the efficacy of it: when adoption agencies are involved in the placement of a newborn, they are able to quickly and effectively match birth mothers with potential adoptive parents. Potential adoptive parents most commonly seek young children, so, in cases where adoption is the legitimate wish of all involved parties, the quick placement and legal management of adoption agencies makes the process as quick and painless as possible for the birth mother, child, and adoptive parents.

Adoption advocates cite how public and private adoptions can allow parents to avoid the environmental impact of contributing to population growth and providing care for a child already in need of it. Additionally, adoption is commonly used by couples who are biologically unable to conceive children for reasons including infertility, age, and sexuality. Given that many people believe that raising children is one of life's greatest joys, some celebrate adoption for removing barriers to parenthood while providing for children in need.

DISCUSSION QUESTIONS

1. What regulations, if any, would help limit abuses in the adoption industry?
2. How does the for-profit nature of private adoption agencies affect the ethics of adoption? If all adoption were done through public institutions, how would this change the ethical considerations one way or another?
3. How should we balance the need to provide for expectant mothers with adoption plans and concerns that such support might be considered coercive?
6. Wilding Out

For the past several years, June, the mother of 16-year-old Liam, has struggled to manage his behavioral problems as they increase in both frequency and intensity with his age. Ranging from recreational abuse of prescription medication to run-ins with the police over thefts and assaults, Liam has become, from June’s perspective, essentially uncontrollable. She has attempted to take a preventative approach to his behavior by, for example, taking his car keys and eliminating his allowance, but Liam continues to subvert her efforts. Soon, Liam is prescribed psychiatric medication to help him deal with his emotional struggles. June has repeatedly sought professional help for him, even going so far as to have him committed to a treatment facility, hoping to get him help for mental illness and drug abuse. A key problem though, June has found, is that Liam sees no real problem with his behavior and is not motivated to change or get better. Feeling that she is out of other options, June is considering sending Liam to a wilderness therapy program.

Wilderness therapy programs are “designed to help troubled teens struggling with addiction, substance abuse, violent behaviors, sexual promiscuity, academic underachievement, and more,” according to a website promoting one such program. These programs will, they claim, allow troubled teens to experience responsibilities and natural consequences by setting up their own camps, hiking several miles every day, and cooking/transporting all of their own food and resources, while also engaging in focused therapy.

Opposing wilderness therapy programs, many former “troubled teens” and their advocates argue that the programs are inhumane, unregulated, and legitimately dangerous to the physical wellbeing of the children they claim to help. For example, a 14-year-old boy died of dehydration when he was placed, unconscious, into his sleeping bag and left there. Opponents of these programs maintain that teens are asked to hold themselves responsible for past abuses against them and are humiliated constantly in front of their group mates. Teens can only return home when they have been stripped of their self-worth and traumatized into leading predictable, conforming lives.

However, some feel that these programs do work. Graduates leave valuing their freedom, and with a new awareness that they should behave appropriately to continue to enjoy it. After spending several months at rock-bottom, covered in dirt and bug bites, and experiencing physical exertion, self-destructive behavior such as drug abuse or crime loses much of its allure. Learning to appreciate nature, self-sufficiency, and collaboration with others are values that people often celebrate. Because these programs are construed as rehabilitative rather than punitive, many see them as more productive and humane in desperate cases than, for example, incarceration or military school.

For her part, June struggles with the allure of a wilderness therapy program; if it would provide a long-term solution to Liam’s problems, keeping him away from drugs and out of prison into adulthood, might it be worth the risks to his physical and emotional wellbeing?

DISCUSSION QUESTIONS

1. To what extent is it permissible for rehabilitative therapies to cause physical or emotional distress as part of the process?
2. How responsible are parents for the behavior of their children?
3. To what extent is it permissible for parents to act counter to what their teenage children want?

1 https://www.wingatewildernesstherapy.com/g/wilderness-therapy-programs-for-troubled-teens
2 https://www.vox.com/2016/7/7/1150/wilderness-therapy
7. CRISPR Conundrum

Recent scientific innovations like CRISPR-Cas9 gene-editing technology have made it possible to treat diseases connected to genetic mutations by pinpointing the defective genetic material and splicing in healthy genetic code. For example, by “editing” a patient’s blood stem cells to create healthy red blood cells, researchers have been able to successfully treat sickle cell anemia in research trials. This type of somatic gene editing affects only targeted cells within the patient's body and cannot be passed on to offspring. CRISPR also has promising applications for treating muscular dystrophy, blindness, AIDS, and cystic fibrosis.1

Another type of gene editing affects the germline (reproductive) cells and is highly controversial. Germline gene editing involves altering the genome of a human embryo in its early stages such that changes are copied in other cells of the body and may be inherited by offspring. In 2018, a Chinese researcher named He Jiankui reported that he had edited the genes of two human embryos to prevent them from contracting AIDS from the father. The embryos were brought to term. His experiment was widely condemned by the scientific community for taking unnecessary risks and disregarding norms of research and ethical standards. Eighteen months later, Jiankui was arrested and sentenced to three years in prison.

Critics of gene editing argue that scientists should not be allowed to “play God” by altering the human genetic code. Human nature should be respected and preserved as it is, they maintain. Some point to the dystopian prospect of gene editing being used to create “designer babies” whose genetic advantages (for example, enhanced height, memory, or immune response) will translate into social and economic dominance of the rich over the poor. Others claim that parents selecting desired traits for their children is an act of hubris that destroys the mystery of conception and undermines the natural parent-child relationship.

Supporters of the new technology argue that both somatic and germline gene editing serve essential medical and social purposes and, despite certain risks, should be pursued for their potential benefits: the treatment of disease, the enhancement of human capabilities, and, eventually, the eradication of known genetic disorders. They maintain that one unfortunate experiment by a rogue scientist (Jiankui) should not be used as grounds to curtail all germline gene-editing research.

“The power to control our species’ genetic future is awesome and terrifying,” writes CRISPR co-inventor Jennifer Doudna. “Deciding how to handle it may be the biggest challenge we have ever faced.”2

DISCUSSION QUESTIONS

1. Should scientists be permitted to alter the human genome? Under what circumstances is it morally permissible or impermissible to do so?
2. Is there a moral difference between using gene editing technology to enhance human capabilities (for example, to increase athletic performance or life expectancy) and using it to cure disease?
3. Should the fact that our biological attributes are “natural” influence the morality of whether or not it is acceptable or desirable to change them?
4. Who should make decisions about the permissibility of germline gene editing?

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1 [https://theobserver.qiaa.org/crispr-cas-9-and-the-genome-is-it-ethical](https://theobserver.qiaa.org/crispr-cas-9-and-the-genome-is-it-ethical)
2 Jennifer Doudna, A Crack in Creation: Gene Editing and the Unthinkable Power to Control Evolution.
United States citizens are routinely asked to fill out forms for school and work that require them to check a box identifying their race: “White, Black or African American, Native Hawaiian or Pacific Islander, Asian, Hispanic and American Indian or Alaskan Native.” However, many racial identities cut across these categories, and others do not neatly fit into any.

Khadijah, a high school student, was born in the United States to Muslim parents who immigrated from Algeria. Throughout her youth, Khadijah struggled with her racial and cultural identity and was often bullied for wearing a hijab. She watched as her father, Ziad, who has a Masters Degree in Mathematics, struggled to find a job due to increasing skepticism toward and discrimination against Muslims and those of Arab descent in the workforce, particularly after the events of 9/11. Khadijah knows she is North African, but often doesn’t know how to answer her friends when they press her: “But are you white or black?”

For the majority of her youth, Khadijah did not know what box to check off on forms that asked about race. She wished there was a box that read simply “Other.” If no such box appeared, and without knowing which box she should legally check, she’d often choose a box at random.

When she began applying to college, Khadijah stumbled upon information suggesting that, in the United States, people of Middle Eastern and North African descent are most often classified as white. However, Khadijah was reluctant to think of herself as white because she never felt that people from her culture enjoyed the privileges associated with that racial identity. Ultimately, she filled out her applications, which did not include an “Other” box, by checking off a random racial identity that was not white. She later worried that this would be considered fraud or that she would be accused of exploiting policies like affirmative action.

**DISCUSSION QUESTIONS**

1. How could Khadijah’s sense of identity be impacted by the confusion surrounding her race?
2. Is Khadijah’s behavior exploitative of education policies put in place to protect minority groups? Is it justified? Why or why not?
3. Should Khadijah consider herself as belonging to a minority group, even if she is recognized as white by the U.S. Census?
9. Home for the Holidays

For the first thirty years of her life, Ellen loved eating meat. However, after learning about the cruelty involved with factory farming, she became vegetarian.

Ellen was happy with her decision until the Christmas holidays approached. Tradition is important in her Italian family: her parents always serve lasagna with meat sauce, made according to her grandmother’s recipe, which Ellen knows she doesn’t want to eat. To prevent a rift with her parents, Ellen called home a few weeks beforehand, to explain her new diet to her parents, and to ask if they can prepare the sauce without meat.

The conversation didn’t go well. Ginny, Ellen’s mom, felt personally attacked. Cooking with Ellen had always been one of her favorite mother-daughter activities. She viewed Ellen’s decision to become vegetarian as a rejection of her childhood, and as a judgement of her parents’ values. Ginny also believed that Ellen’s decision was a way of implying that her parents were risking their own health and weren’t acting ethically.

When her family gathers for the holiday meal, Ellen immediately sees that the lasagna contains meat. She asks if she can have some pasta and tomato sauce instead. Ginny becomes very upset, accusing Ellen of rejecting an important family tradition and ruining the meal for everyone. Tension floods the room.

Ellen feels terribly guilty. She treasures her family and its traditions—in fact, in past years, she helped her parents prepare the meat sauce. But now she is convinced that eating meat is unethical. Despite her best intentions—the fact that she proactively alerted her family to her new diet and explained her reasons for change—her vegetarianism has become an emotional flashpoint for her family.

Ellen wants to help her parents understand the unethical practices of factory farming, and to live what she considers a more ethical lifestyle. But at the same time, she doesn’t want to impose her choices on them or stoke the already high tension.

DISCUSSION QUESTIONS

1. If Ginny is not vegetarian, is she still obligated to adapt family meals to ensure they align with her daughter’s values?

2. What is the value of tradition? How should we balance the value of upholding traditions with the fact that our values might change over time?

3. Is it morally permissible for Ellen to be aware of the damaging effects of the meat and dairy industry on animals and deliberately not share this information with her parents in order to preserve their relationship?

4. How can Ellen preserve her relationship with her mother while remaining vegetarian?
10. Death and Taxes

As a child, Shannon was always encouraged to work hard, save her earnings, and plan for retirement from a young age. She took this lesson to heart. For over three decades she worked for the same company. She started by packing boxes in a warehouse as a college student, and retired last year as the firm's General Counsel and Chief Legal Officer. She consistently saved much of her salary—a figure which grew with her experience and education over the years. By carefully investing her savings, Shannon has developed a sizable fortune of $20 million. Shannon sees this fortune as her legacy, and she wishes to bequeath it to her children upon her death. She believes this money will help her children live with more security and comfort once she is gone.

However, Shannon must pay an estate tax on any money she passes on after her death. Shannon and her partner speak with a tax lawyer about a will and testament and are taught about techniques tax lawyers use to minimize their clients' tax burdens. By minimizing their estate tax burden, Shannon and her partner can give a larger portion of their wealth to their children. All of the planning options offered to them are perfectly legal and are used by many people with Shannon's degree of wealth. The lawyer explains that they will pay their fair share of taxes under the law, but will only pay as little as is legally compliant. The lawyer points out that parents often think that nobody deserves their financial assistance more than their own children, whom they love more than any other. Nonetheless, the planning options leave Shannon with a bad taste in her mouth. Talk of shell corporations, tax credits, and loopholes seems dishonest and unfair to her.

Shannon takes this issue up with a close friend, Selene. Selene takes pride in her political activism and desire to improve the world. She is primarily concerned with wealth inequality. While Selene does not necessarily want Shannon to give her fortune away to charity, she does vehemently oppose any form of "tax dodging." Selene points out the government programs which rely on such tax funding to operate, including programs like Medicare and Medicaid, food stamps, schools, and food subsidies. Shannon knows that she herself has benefitted from many of these programs, and thinks we should all happily contribute to these programs for the benefit of other people. But, Shannon also thinks that it might be giant corporations and mega-billionaires who are primarily responsible for an underfunded social system, not individuals who worked hard and saved diligently.

Shannon is unsure of what to do. With the tax planning strategies, she could preserve several million more dollars for her children. On the other hand, Shannon wants to perform her civic duties, and she worries that using tax loopholes does not honestly fulfill these duties. Furthermore, Selene raised concerning points about Shannon's position of privilege in a harmful system of wealth inequality. Though Shannon intends only on helping her children, she wonders what the social cost of her actions may be.

**DISCUSSION QUESTIONS**

1. Is minimizing tax payments using legal methods morally permissible? Why or why not?
2. What obligations, if any, does a person of significant means have with regard to wealth redistribution? How do these differ from obligations toward charitable giving?
3. To what extent are individuals obligated to recognize and change substantial inequities that they themselves benefit from?
11. Tips for Good Living

Ronald and his wife Tina are co-owners of the Good Food Café in their hometown. He is the chef and she manages the restaurant. They’ve operated the business for 10 years and have become part of a dedicated and close-knit community of local restauranteurs. The restaurant has a lot of regular customers for breakfast and lunch and is a beloved spot for special occasion dinners, like birthdays, wedding anniversaries, and prom nights.

The servers, busboys, and dishwashers are all paid using a system which has a baseline of hourly pay combined with income from tips. Ronald and Tina already pay their staff a baseline of $8/hour, which is significantly more than the federally required minimum of $2.13/hour for restaurant workers. Most of their staff have been with the restaurant for a long time. They all work hard to keep a respectful and safe working environment for everyone, and Ronald and Tina manage a local mutual-aid fund to help support workers in the restaurant industry when they face emergencies or hardships.

Recently, local activists sparked a debate in the Chamber of Commerce about whether there should be a campaign for local restaurants to all switch from the tipping model to a “living wage” model, where workers are not permitted to accept tips but are guaranteed to be paid at least $17 an hour. The activists argue that tipping models allow for discrimination and create systemic poverty for workers in the restaurant industry. Their campaign calls for local restaurants to abandon the tipping model and asks local restaurant owners to sign-on to a petition calling for a state law to require living wage guarantees for all restaurants in the state.

The anti-tip campaign explains that servers interacting with customers are relying on those customers to provide the majority of their earnings, which creates a serious power imbalance that is often abused. Studies show that tipping disproportionately rewards white men over women and people of color. Workers in the restaurant industry report sexual harassment at rates 5 times higher than any other industry.

But switching to a living wage model worries Ronald and Tina. They would have to significantly raise prices in order to accommodate living wage legislation. Most weeks of the year, their workers typically take home pay above the current living wage guidelines. However, there are typically some slow periods during the year, and Ronald and Tina worry that they wouldn’t be able to bring in enough business to maintain that level of pay when business slows down. They worry that they would have to close the restaurant for part of the year, and that they wouldn’t be able to guarantee consistent employment for their workers. Their servers are also worried that the living wage plans would actually result in a pay cut for them, because they often earn well above the living wage threshold, even after they have done a generous tip payout to workers in the kitchen.

**DISCUSSION QUESTIONS**

1. What are the most important moral factors for restaurants to consider in deciding whether to adopt a living-wage or a tipping model?

2. Does tipping affect the customer-server relationship in a problematic way? Or is it a morally neutral practice?

3. How should restaurant workers’ interests be weighed against the interests of restaurant owners in the decision to retain a tipping system?

4. Should governments regulate tipping for the restaurant industry, or should individual restaurants be allowed to decide for themselves which model to follow?

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1. https://www.huffpost.com/entry/abolish-tipping_n_599796
12. Unwarranted Interventions?

Not all policing occurs on city streets or in residential communities. Scrutiny of American policing practices is beginning to turn to hospitals and emergency rooms as sites of modern law enforcement and investigation. Police officers are frequently present in emergency rooms to serve as security, but the lines between security and surveillance are blurred in some cases. In hospitals, police officers may easily obtain patient names—when a patient signs in, in the waiting room, or when a visitor checks in—and they can search for outstanding arrest warrants. In some jurisdictions, officers have parked outside of emergency rooms at patient drop-off zones and scanned the plates of all incoming traffic to likewise search for warrants. Finally, patients’ bodies and belongings may be subject to search upon emergency room entry and admission.

In some states, mandatory reporting requirements can require hospital staff to activate police involvement. For example, in North Carolina, physicians are mandated to report to the police any gunshot wound, any stab wound which appears to be the result of a criminal act, or any serious, non-accidental injury to a minor. Critics of these practices have argued that police are opportunistically taking advantage of people at their most vulnerable: specifically, when they are suffering from potentially life-threatening sickness or injury and in need of medical care. Individuals may forgo necessary medical care in order to avoid potential encounters with law enforcement, even for lower-level misdemeanor charges of shoplifting or drug possession, or for minor parole violations. Healthcare is a right to which even prisoners are entitled, critics argue, so hospitals should not be allowed to serve effectively as “traps” for those not yet convicted of crimes.

Defenders of policing in emergency rooms argue that physicians, nurses, and staff have a right to know they are safe from potentially violent offenders, and that warrant screenings are the best way of effectuating this. They contend that any member of the public without an active warrant against them has nothing to fear. Finally, law enforcement agencies point out that arrest warrants are issued when there is probable cause or a reasonable likelihood of an individual’s criminal activity, and that suspects should not be able to escape responsibility just because they get sick or injured. It sets a bad precedent, they hold, to tell police officers to turn a blind eye to crime just because someone falls ill.

DISCUSSION QUESTIONS

1. Are there compromises that could be reached on this issue, or does any police presence in the hospital effectively deprive some portion of the public from access to emergency healthcare?
2. Should decisions about policing be left up to individual hospitals and law enforcement departments, based on local needs, or would such regional flexibility perpetuate the very uncertainty that keeps some people from receiving healthcare?
3. Are police officers in or around emergency rooms acting in a predatory fashion, or are they just efficiently fulfilling their socially assigned jobs?

2 https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/BySection/Chapter_90/90-21.20.html
13. 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 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 Agustín 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?
14. 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?
15. 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?

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1 The Executive Committee and Case Advisory Committee have voted to re-use a small number of Regional Cases for the NHSEB National Championship on an experimental basis. This case originally appeared in the 2021-2022 Regional Case Set. The committees welcome participant input on this practice, and feedback can be directed to ethicsbowl@unc.edu.


5 https://www.washingtonpost.com/technology/2020/08/03/nancy-pelosi-fake-video-facebook/

6 https://ars.electronica.art/center/en/obama-deep-fake/

16. 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. 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.

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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