

**Summer High School Ethics Bowl 2019 Cases**

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Questions prepared by the Janet Prindle Institute for Ethics at DePauw University

## Case 1: Death Algorithm

In May, 2018, Google's Medical Brain team published a paper in Nature announcing a new health care initiative, an Artificial Intelligence algorithm designed to predict patient outcomes, duration of hospitalization, even the likelihood of death during hospitalization. A great deal of attention is being paid to mortality statistics, or the death algorithm, which has been used in two instances. In the first case, at Hospital A, the algorithm was 95 percent accurate in predicting death; in the second case, at Hospital B, it was 93 percent accurate. In both of these cases, the AI algorithm preformed significantly better than the more traditional models or techniques of predicting patient outcomes.

Google researchers believe the algorithm will reduce health care cost, increase patient-physician face time, and reduce the burden of current data systems which rely heavily on cumbersome and labor intensive data mining techniques. The AI algorithm is based on very large amounts of anonymous patient data (one previous algorithm used forty-six billion pieces of data), for which use patients and hospitals had consented and approved. Proper safeguards or data security, privacy, and various other HIPPA concerns are a major issue, especially in light of data privacy concerns with companies in the past such as Facebook.

This technology may also be exciting for health insurance companies. Insurance companies love data because it allows them to better estimate the cost of covering an individual. The AI algorithm is the first of its kind due the large amount of data it uses, and promises to become one of the most effective tools for predicting health care cost and outcomes.

There are, however, many unknowns. How will this new AI affect health insurance and patient treatment? Will health insurance companies have access to the data? How will accessibility and affordability of health insurance change if there is reason to believe an individual has increased risk factors for disease progression, hospitalization, or death? Will physicians still use due diligence for medical diagnoses or will they simply rely on the AI outcomes? What will happen when the algorithm and a physician disagree?

### Questions:

1. To what extent should the AI algorithm be used by physicians and health insurance companies?
2. Should physicians tell patients the results of the AI algorithm?

## Case 2: Involuntary Commitment

In states like West Virginia, Ohio, and Kentucky, which have seen a significant number of deaths by overdose during the recent heroin/opioid “epidemics,” an increasingly popular solution to protecting the addicts is civil commitment or involuntary commitment. Research suggests that those who are involuntarily committed have outcomes at least comparable to the outcomes for people who make the decision to seek inpatient treatment themselves.

Shows like *Intervention*, *Recovery Road*, and *The Heroin Triangle* depict the frustration often experienced by family and friends of addicts who want only to protect and help their addicted loved one. Some family members of addicts see involuntary commitment as the last and only chance for their survival. “The only hope that many addicted individuals have is that someone will do for them what they are incapable of doing for themselves,” according to Charlotte Wethington, the mother of Casey Wethington, who overdosed from heroin at the age of twenty-three and is the namesake of Casey’s Law in Kentucky, a law that is considered by some recovery advocates to be a model law for involuntary commitment of substance abusers.

Civil commitment is not a new phenomenon, although it was previously reserved for those deemed a threat to themselves or others and diagnosed with some form of mental health issue. The use of civil commitment is controversial for those with mental health diagnoses as well, and its use has a long and storied history in the United States. Most states allow for involuntary commitment of individuals with substance-abuse disorders or alcoholism and a handful of states include substance abuse and alcoholism in their definitions of mental disorder, making involuntary commitment easier in those states.

In Massachusetts, where approximately 6,500 substance users/abusers were subject to civil commitment in 2017, those civilly committed can be housed not only in treatment facilities but also in prisons. Critics of incarceration for addicts point to the suppression of the rights of the addict, especially when the only available space is in a prison with violent criminals. When addicts are “committed” to prison areas with other prisoners who have actually been convicted of crimes, those other prisoners are resentful of the addicts as they receive special treatment like private cells and extensive therapy.

### Questions:

1. Should a family member or friend refrain from pursuing involuntary commitment if that person knows that the addict will quite possibly be housed in prison?
2. Is it permissible for families and friends to involuntarily commit an individual whose health is in danger due to substance abuse or mental illness?

### Case 3: Ministering to Tyranny

Almost three decades before last year's summit meeting in Singapore between US President Donald J. Trump and North Korean Chairman Kim Jong-un, another renowned American paid a visit to the so called hermit kingdom. Reverend Billy Graham was photographed in an historic embrace with Kim's grandfather, Kim Il-sung, the founder of the ruling Kim dynasty.

The presence of the American evangelical leader in Pyongyang marked a renewed interest by missionary and church relief programs in the totalitarian nation. At the time of Graham's visit, North Korea was discovering that it needed all the church-related aid it could get and more.

In 1995, North Korea made a plea to world governments and non-governmental organizations (NGOs), including churches, for help dealing with a devastating famine which took the lives of over a half million people. Soon, North Korea was receiving around a million tons of food every year.

The United States, alone, gave \$1.3 billion in aid over a thirteen-year period, including food as well as coal and oil for power generation. However, aid workers were reporting finding emaciated children in orphanages into the late 1990s. The US government came to suspect that much of the aid and food was going to the North Korea's political elites and to the military. Organizations such as Doctors Without Borders pulled out of North Korea, concluding that it was withholding food from those who needed it the most.

This coincided with on-again, off-again nuclear disarmament talks between North Korea, the United States and other nations. President George W. Bush labeled North Korea as part of the axis of evil in 2002 for its alleged support of terrorism and the pursuit of nuclear weapons. From 2006 to 2017, North Korea tested six nuclear weapons in a race to develop warheads and missiles capable of striking its enemies, including the United States. As a result, the United States and other nations imposed severe economic sanctions against North Korea in an effort to force it to the nuclear disarmament negotiating table.

United Nations' aid to North Korea is down almost 90 percent from its high point in the late 1990's. Former US Representative to the United Nations, Nikki Haley, was quoted as saying "You don't starve your own people in order to fund nuclear weapons."

Despite President Trump's assurance following the Singapore summit that North Korea no longer posed a nuclear threat, US intelligence agencies reported evidence of expansion of a North Korean missile base close to the Chinese border. At the same time, world health organizations estimate that four in ten North Koreans are undernourished and now, more than ever, are looking for help from Christian and other religious charities. However, in the face of continuing international sanctions, there is no guarantee that any aid to help it deal with its humanitarian crisis may not also strengthen North Korea's hand at the negotiating table.

Questions:

1. Is it morally permissible for states (countries) to refrain from giving humanitarian aid?
2. Is it morally permissible for religious organization to provide humanitarian aid when states are imposing economic sanctions?

#### Case 4: Who's up for an Outing?

If someone participates in a Pride march with their same-sex partner, knowing that media will be present, it doesn't seem problematic for others to assume that they identify as part of the LGBTQIA+ community. If the media is able to identify them and names them in a photo, this wouldn't violate any obvious ethical guidelines. But what if someone developed a website that listed names, addresses, and employers of "Known Gays"?

On August 12, 2017 a white nationalist rally in Charlottesville, Virginia, featured a large number of seemingly angry people, most of whom showed their faces openly, certainly cognizant of the significant media attention present. The most publicized part of the rally involved a purported white nationalist driving his car into a group of counter-protestors and vehicles at the event, killing one woman and injuring many others. On Twitter, Yes, You're Racist called upon people to identify rally participants, and the site then "outed" those who could be identified publicly and listed their information online. Yes, You're Racist incited controversy as some participants thus outed claim they received death threats, while others lost jobs and friends, and many experienced general shunning by family and social groups.

"Outing" traditionally refers to making public an individual's gender identity or sexual orientation. Outing has a long and storied history, including the outing of Kaiser Wilhelm II's confidant, Prince Eulenburg. LGBTQIA+ activists and critics alike have used outing on the one hand as a way to either call attention to gay rights issues and hatreds and prejudices, or on the other hand as a way to perpetuate negative reactions and stereotypes involving gay rights issues. Many argue that outing is morally problematic and involves at least a significant privacy invasion. But besides gender identity and sexual orientation, there are many personal issues that people often prefer to keep to themselves, like their ethnic ancestry or sexual history. Further, many prefer to keep their support of causes or groups that are not publicly popular to themselves, like membership in the Aryan Nations, communist organizations, or the American Civil Liberties Union.

#### Questions:

1. Is it permissible to reveal private information about someone who has purportedly done something you find morally reprehensible?
2. What, if anything, distinguishes the "Known Gays" website from "Yes, You're Racist"?

## Case 5: Please Pass the Tissues?

In 2014, federal agents raided the Phoenix-based facilities of Biological Resource Center (BRC), a company that referred to itself as a "non-transplant tissue bank." According to one of the people participating in the raid, "We expected two freezers and a few hundred pounds of body parts. Instead, we found forty freezers with ten tons of bodies and parts." According to Reuters, the frozen human remains included 281 heads, 241 shoulders, 337 legs, and 97 spines: overall, 1,755 body parts. Authorities filled 142 body bags. Plans to cremate the remains were delayed, however, as BRC and some of their clients objected that they were valuable commodities. So, bags containing parts from 851 people remained in three walk-in freezers for three years before they were finally cremated.

The raid at BRC arose from an investigation into one of its clients, Arthur Rathburn, a Detroit body broker accused of defrauding customers by shipping them contaminated body parts without warning his buyers. While it may seem surprising that the main legal charge was fraud, the fact was that the sale of human remains was and is legal and the body-parts industry was and is both extensive and largely unregulated. There are many uses for human body parts, ranging from medical school practicums to so called destructive testing by the military.

According to a special investigative report by Reuters in December, 2017, body brokers like BRC rely on donors who come disproportionately from the poor or uneducated. BRC offers to cremate the remains of donors for free, which is an attractive offer to those too poor to afford a funeral or cremation themselves. Sometimes, those who sign the consent forms are confused or unclear about what they are agreeing to. BRC, for instance, in their consent forms or in sales pitches to donors, might describe what they do as "retrieving tissue" from donors. To many people outside the industry, "tissue" means skin. The impression is that the donor agrees to give up skin samples in exchange for free cremation. Within the industry, however, "tissue" refers to any body part at all, such as a liver, a spine, or a head.

### Questions

1. Is there any moral value to a human corpse?
2. Is it okay that companies like BRC exist?

## Case 6: Selfieness

While emergency workers offered aid to a woman critically injured by a train at a station in northern Italy, a young man in white shorts stepped up to the platform, held his fingers in a “V for victory” sign, and snapped a selfie.

Voted Word of the Year by Oxford Dictionary in 2013, “selfie” denotes a picture one takes of oneself. Self-portraits are not new, of course. Humans have created pictures of themselves since cave drawing. The only change over centuries has been the medium and publication format.

Today smartphone owners around the globe snap digital self-portraits on a daily basis with seemingly little consideration for whether doing so may be morally inappropriate. When tourists take selfies at sites associated with evil, like the monuments to the Trail of Tears in the southeastern United States or the village of My Lai in Vietnam, it is questionable whether the ethics of doing so is even a fleeting concern. In 2017, a firestorm of criticism erupted around a figure of Hitler in a wax museum in Indonesia, in part because so many people wanted selfies with the figure.

Although police caught the selfie-taker and forced him to delete his picture, the journalist’s photograph of his act ignited a news and social media controversy across Italy and throughout Europe. Journalists, radio hosts, and social media postings characterized selfies as a “cancer that corrodes the Internet” and the selfie-taker as “an automaton of the Internet” and feared the human race was “galloping toward extinction.”

According to Giorgio Lambri, the journalist who photographed the selfie-taker at the train station accident, “We have completely lost a sense of ethics.” Lambri himself wrote about the experience in the Italian newspaper, *Liberta*, under the headline, “The barbarism you don’t expect: the ‘self’ in front of a tragedy,” and later posted on his Facebook page about the young man’s apparent lack of moral compass.

Moral philosopher Jonathan Pugh argues that selfies can remove us from our own experiences and quotes Sartre’s novel, *Nausea*: “Man is always a teller of tales, he lives surrounded by his stories and the stories of others, he sees everything that happens to him through them; and he tries to live his life as if he were recounting it. But you have to choose: to live or to recount.”

### Questions:

1. Is there any place where selfies should not be allowed? If so, what is the standard of prohibition?
2. What, if anything, distinguishes the moral appropriateness of selfies taken at the monuments to the Trail of Tears or the village of My Lai from photographs?



Lawrence movie. For example, the chart below shows the age gaps, ranging from two to 31 years, between Emma Stone and her leading male counterparts.

According to a San Diego State University Study of the top 100 grossing films in 2014, just 30 percent of female roles were written for characters age 40 and older, whereas the rate of male roles for characters over the age of 40 was nearly double. Similarly, the percentage of male characters in movies increased between the ages of 30 and 40, while it had the opposite effect for female characters within that same age range. Meryl Streep has called out Hollywood's attitude toward older women, telling *Vogue* that the industry sees them as "grotesque on some level," while Helen Mirren called the aging double standard for actresses "outrageous." There is a saying that art imitates life, but when it comes to Hollywood is it the other way around with life imitating art? Every time we see older man paired with younger women are our stereotypes and prejudices about aging reinforced? Some would argue that people can vote with their pocketbook. That is, if audiences wanted to see older actors, they would demand it. Others suggest that that lack of representation of older actors shapes our perceptions and how our society views older people and that actors should "act their age." To remedy this should Hollywood be mandated to include those over 40 in equal representation to the population?

Questions:

1. Do filmmakers have an obligation to accurately represent their audience?
2. Is there any moral problem with portraying relationships in films in which there is a wide age disparity between the two individuals?

## Case 8: Should We Keep Kosher?

Last year, the two main regions of Belgium passed laws prohibiting the slaughter of unstunned animals, joining several other countries such as Denmark, Switzerland, and New Zealand that already ban the practice. The laws will go into effect in 2019. These laws effectively prohibit slaughtering animals in accordance with Jewish kosher as well as Islamic halal standards, which require an animal to be fully conscious at the time it is quickly killed with a single cut to the throat so that its blood can be completely drained. These practices are an essential aspect of the Muslim and Jewish religions.<sup>2</sup> Once the laws go into effect, Belgian Muslims and Jews who want meat produced in accordance with their religious beliefs will have to have it imported.<sup>3</sup> Belgium's population is predominantly Catholic, and the laws enjoy wide support. As Ben Weyts, regional minister of animal welfare, puts it: "Unstunned slaughter is outdated...In a civilized society, it is our damn duty to avoid animal suffering where possible."<sup>4</sup> An interesting variety of figures and groups support banning unstunned slaughter, from defeated far-right French presidential candidate Marine Le Pen to the British Veterinary Association. The campaign director for the National Secular Society has said that "in 21st-century Europe, there is no good reason why animal welfare should be subservient to religious dietary rules." And, predictably, animal rights activist groups like PETA are staunchly against unstunned slaughter.<sup>5</sup> Muslim and Jewish groups have filed lawsuits challenging the Belgian laws. They claim that the laws target religious minorities and violate their right to freedom of religion guaranteed under the European Union's Charter of Fundamental Rights. Yohan Benizri, the president of one of the organizations that filed suit, argues that "[a] ban on kosher meat production sends a message to Belgian Jews that they can choose between living in Belgium and practicing their religion, but they cannot do both. It

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<sup>2</sup> Samuel Osborne, "Belgium just banned kosher and halal slaughter in its biggest territory," *The Independent*, May 8, 2017, <http://www.businessinsider.com/belgium-banned-kosher-and-halal-slaughter-in-its-biggest-territory-2017-5>; "Lawsuits filed against Belgium halal slaughter ban," *Arab News*, updated January 18, 2018, <http://www.arabnews.com/node/1227556/world>

<sup>3</sup> Erasmus, "The debate surrounding religious rules for slaughtering animals," *The Economist*, May 18th, 2017, <https://www.economist.com/erasmus/2017/05/19/the-debate-surrounding-religious-rules-for-slaughtering-animals>

<sup>4</sup> "Belgian region's plan to ban ritual slaughter upsets religious minorities," *Reuters*, March 30, 2017, <https://www.reuters.com/article/uk-europe-religion-belgium-slaughter/belgian-regions-plan-to-ban-ritual-slaughterupsets-religious-minorities-idUSKBN17126N>

<sup>5</sup> Logan Scherer, "The Cruelty Behind Muslim Ritual Slaughter," *PETA*, December 8, 2009, <https://www.peta.org/blog/cruelty-behind-muslim-ritual-slaughter/>; "PETA Reveals Extreme Cruelty at Kosher Slaughterhouses," <https://www.peta.org/features/agriprocessors/>.

sends a clear message to Belgium's Jewish and Muslim communities that they are not welcome here."<sup>6</sup>

Moshe Kantor, the president of the European Jewish Congress, feels similarly. He says "[t]his decision, in the heart of Western Europe and the centre of the European Union, sends a terrible message to Jewish communities throughout our continent that Jews are unwanted...It attacks the very core of our culture and religious practice and our status as equal citizens with equal rights in a democratic society. It gives succor to anti-Semites and to those intolerant of other communities and faiths." Calling for the laws to be repealed, Kantor went so far as to say that they were "the greatest assault on Jewish religious rights in Belgium since the Nazi occupation of the country in World War II."

On the other hand, the writer and Nobel laureate Isaac Bashevis Singer, a Jewish vegetarian, has said that: "As long as human beings go on shedding the blood of animals, there will never be any peace. There is only one little step from killing animals to creating gas chambers." And at least one Muslim organization, the Halal Food Authority, insists on animal welfare grounds that animals be stunned before slaughter. As the organization's president explains, "[t]he Koran says use your brain, ponder about things and that's what we are doing. . . . It's a question of animal welfare."

Animal welfare advocates believe that kosher and halal slaughtering practices are cruel because without stunning, animals suffer more pain and distress. For example, according to the Farm Animal Welfare Council, evidence suggests that slaughtered chickens and turkeys were likely conscious for about 20 seconds while their blood drained.<sup>7</sup> But opponents of the bans point out that kosher and halal slaughtering practices were developed in part to cause animals the least amount of pain possible and have been serving that purpose for centuries. They suggest that it is unclear whether modern methods of stunning animals is an improvement in terms of the animals' welfare.<sup>8</sup>

Questions:

1. Imagine a scenario in which all countries except for the United States have outlawed the slaughter of unstunned animals and that the United States acts as the sole exporter of Jewish kosher and Islamic halal standard meat. Is it permissible for the United States to

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<sup>6</sup> Lianne Kollrin, "Legal fight starts for Belgian kashrut," The JC, November 30, 2017, <https://www.thejc.com/news/world/legal-fight-starts-for-belgian-kashrut-kosher-1.449313>

<sup>7</sup> Martin Hickman, "End 'cruel' religious slaughter, say scientists," The Independent, June 22, 2009, <https://www.independent.co.uk/news/uk/home-news/end-cruel-religious-slaughter-say-scientists-1712241.html>

<sup>8</sup> Jonathan Romain, "Walloon's decision to recommend a ban on kosher and halal slaughter is misguided," The Independent, May 10, 2017, <https://www.independent.co.uk/voices/walloon-belgium-kosher-meat-halal-meatstunning-animal-rights-a7727626.html>

follow suit and ban the practice, effectively foreclosing all people's ability to satisfy this religious tenet?

2. Is it permissible for Belgium to ban religious practices in order to prevent animal suffering?

## Case 9: Voting Rights for Felons

In ten states, felons are barred from voting even after they've served their prison time. This adds up to approximately six million people who would otherwise be eligible to vote—2.5% of the potential voters in the country. Even in states where felons' right to vote can be restored, suppressive voting rules can make it difficult. In 48 states incarcerated people cannot vote, and in 33 states that extends to those on parole or probation.<sup>9</sup> Recently, however, the movement to restore former felons voting rights has been picking up steam.<sup>10</sup>

Marc Mauer of the Sentencing Project—an organization that has been working on this issue for decades—explains: "The trend on felony disenfranchisement policy nationally has been solidly in the direction of reform over the past 20 years. Two dozen states have enacted reforms designed to scale back the categories of disenfranchisement, enhance voter registration, and ease rights restoration."<sup>11</sup> For example, in Florida the Second Chance Voting Restoration Amendment will be on the ballot in the November 2018 election. The amendment provides that a person's voting rights will be automatically restored upon completion of a felony sentence, including parole, probation, and restitution. People convicted of murder or sexual offenses are excluded from the measure. In Alabama, the legislature passed a law that allowed many people convicted of lesser felonies to be eligible to vote again.

Also worrisome is the racist history of many of these laws, especially the ones in the South, which were enacted with the specific intent to disenfranchise African Americans and were based on the noxious belief that black people are innately prone to criminality. The Mississippi Supreme Court stated in an 1896 decision upholding such a law, "[r]estrained by the federal constitution from discriminating against the negro race, the convention discriminated against its characteristics and the offenses to which its weaker members were prone." These laws continue to disproportionately affect African Americans as well as other minorities. Indeed, on a national level, African Americans are disenfranchised at three times the rate of the population as a whole.<sup>12</sup> This is just one symptom of a criminal justice system that is biased

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<sup>9</sup> ProCon.org, "State Felony Voting Laws" (last updated 4/23/18), <https://felonvoting.procon.org/view.resource.php?resourceID=000286>; ProCon.org, "Number of People by State Who Cannot Vote Due to A Felony Conviction" (last updated 10/4/17), <https://felonvoting.procon.org/view.resource.php?resourceID=000287>

<sup>10</sup> Amy Sherman, "Understanding felon voting rights restoration," Politifact, April 25, 2018, <http://www.politifact.com/truth-o-meter/article/2018/apr/25/understanding-felon-voting-rights-restoration/>

<sup>11</sup> Miles Rapoport, "Movement in the Fight for Voting Rights Restoration," The American Prospect, February 5, 2018, <http://prospect.org/article/movement-fight-voting-rights-restoration>

<sup>12</sup> Daniel Nichanian, "The Case for Allowing Felons to Vote," The New York Times, February 22, 2018, <https://www.nytimes.com/2018/02/22/opinion/new-jersey-voting-rights-felons.html>

against black people, as evidenced by the fact that they are significantly more likely than white Americans to be arrested, convicted once they are arrested, and sentenced to long prison terms once they have been convicted.<sup>13</sup>

Against this backdrop, advocates argue that restoring voting rights to former felons would help remedy this imbalance. Moreover, voting is a key element of citizenship in a democratic government. Former felons, as citizens, should not be deprived a voice in their government. Allowing former felons to vote would also help them re-enter society and become contributing members of their community. And finally, it is unfair to continue to punish ex-felons by stripping them of their right to vote even after they've served their time and thereby paid their debt to society.<sup>14</sup>

However, others maintain that it is perfectly reasonable to limit felons' right to vote. People who have committed serious crimes have demonstrated that they lack good judgment and are not trustworthy. Laws preventing children and mentally incompetent people from voting serve a similar purpose and are generally not controversial. Ex-felons have committed crimes, violating not only the rights of the individual victims but the social contract as a whole. People who are not willing to follow the law should not be involved in deciding what the law should be. Accordingly, it makes sense to bar ex-felons from voting.

Views also vary widely on not only if ex-felons' right to vote should be restored in the first place but also, if so, when.<sup>15</sup> While some believe that ex-felons' right to vote should be automatically restored, others argue that voting rights should only be restored on a case-by-case basis. Considering high rates of recidivism, some argue there should be a period of time after release during which the ex-felon can show that they have turned over a new leaf. One author suggests that the right to vote could be restored in a courthouse ceremony before friends and family, which would celebrate the ex-felons' full re-entry into society.<sup>16</sup> At the other end of the spectrum, a couple of states permit felon voting during incarceration.<sup>17</sup>

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<sup>13</sup> The Sentencing Project, "Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System," April 19, 2018, <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

<sup>14</sup> Jerry Shaw, "Voting Rights: Six Reasons Ex-Felons Should Vote," Newsmax, April 15, 2015, <https://www.newsmax.com/fastfeatures/felons-voting-rights/2015/04/15/id/638738/>

<sup>15</sup> Jerry Shaw, "Voting Rights: Six Reasons Ex-Felons Shouldn't Vote," Newsmax, April 15, 2015, <https://www.newsmax.com/fastfeatures/felons-voting-rights/2015/04/15/id/638743/>

<sup>16</sup> Roger Clegg & Hans A. Von Spakovsky, "There are Good Reasons for Felons to Lose the Right to Vote," National Review, April 8, 2018, <https://www.nationalreview.com/corner/there-are-good-reasons-for-felons-to-lose-the-right-to-vote/>; Roger Clegg, "Our Amicus Brief in a Felon Voting Case," Center for Equal Opportunity (last accessed 6/15/18), <http://www.ceousa.org/voting/voting-news/felon-voting>

<sup>17</sup> ACLU, Felony Disenfranchisement Laws (Map) (last accessed 8/12/18), <https://www.aclu.org/issues/votingrights/voter-restoration/felony-disenfranchisement-laws-map>

Questions:

1. Florida's Second Chance Voting Restoration Amendment provides a right to vote for felons as long as they were not convicted of murder or a sexual offense. Is drawing this line justified?
2. Under what circumstances would it be permissible to remove an individual's right to vote?

## Case 10: Fake News

In 2017, news outlet Aljazeera.com disabled comments on its stories. This move was in response to what Aljazeera perceived to be the racism, maliciousness, and false information that some users regularly spread through its comments section. Ideally, the comments section for online news sources should be, as Al Jazeera put it, to “serve as a forum for thoughtful and intelligent debate that would allow our global audience to engage with each other.” However, Aljazeera.com argues that while discussion is important, it was spending too much of its resources policing behavior in the comments section and that the “vitriol, bigotry, racism, and sectarianism” the comments produced precluded “the possibility of having any form of debate.”<sup>18</sup> Critics of the move decried the decision as censorship, which is particularly disturbing coming from a media company.

Al Jazeera has joined a growing number of online news sites that have disabled their comments in recent years due to the perception of trolling and abusive content. One of the first to do so was Popular Science in 2013, in response to a study showing that comments can “have a profound effect on readers’ perceptions of science.”<sup>19</sup> Another disturbing effect of such comments is that they appear to discourage marginalized and targeted individuals from engaging in discussions. One of the ideals of online comments is to provide a voice to those whose perspectives and opinions are underrepresented in public conversations. The internet can be a haven for marginalized groups to share their perspectives, but that opportunity is missed when they are subjects of the same antagonism and hostility that they experience in the offline world.<sup>20</sup> Thus, it is tempting for many online news outlets to disallow all comments, rather than make choices about which comments contain the hate and prejudice they want to avoid.

Other criticisms of the move to disable comments include claims that it 1) prohibits readers from challenging journalists who might include bias, misrepresentations or false information in the original news articles, and 2) affects advertising revenue, since the majority of people who spend the most time on news sites, renew their subscriptions, and return most often are those who leave comments.<sup>21</sup> According to Wired, “The Financial Times found that its

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<sup>18</sup> “Why we’re disabling comments on Aljazeera.com,” Medium.com, August 30, 2017, <https://medium.com/@AJEnglish/why-were-disabling-comments-on-aljazeera-com-a9ffbac61f10>

<sup>19</sup> Matthew Green, “No Comment! Why More News Sites Are Dumping Their Comment Sections,” KQED, January 24, 2018 <https://www.kqed.org/lowdown/29720/no-comment-why-a-growing-number-of-news-sites-are-dumpingtheir-comment-sections>

<sup>20</sup> Tauriq Moosa, “Comment sections are poison: handle with care or remove them,” The Guardian, September 12, 2014, <https://www.theguardian.com/science/brain-flapping/2014/sep/12/comment-sections-toxic-moderation>

<sup>21</sup> Andrew Losowsky, “Actually, do read the comments—they can be the best part,” Wired, October 6, 2017, <https://www.wired.com/story/actually-do-read-the-commentsthey-can-be-the-best-part/>

commenters are seven times more engaged than the rest of its readers. The Times of London revealed recently that the 4 percent of its readers who comment are by far its most valuable.” Statistics from this article indicate that disabling comment sections may adversely affect online readership. Thus, critics argue, in the effort to prevent trolls from having a platform, news sites are actually abandoning one of their most valuable assets.

Alternatives to disabling comments (e.g., moderation and algorithms) are also problematic because not every outlet has the money or resources to be effective. Al Jazeera stated in a Medium post that, “We feel that rather than approaching the problem with a collection of algorithms and an army of moderators, our engineering and editorial resources are better utilized building new storytelling formats that resonate with our audience.” One option could be to force commenters to use real names. However, one wonders if forcing commenters to use their real names will effectively discourage expressions of racism, sexism and bigotry.

Questions:

1. When is censorship okay to employ and what should be standard for censorship?
2. Imagine that the government mandated that all online journalism outlets have to have a comments section that forces anyone posting to use real names and further requires media companies to use moderators to police that content. Is such a policy justified?

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## Case 11: Trolley Problems?

The trolley problem was introduced in 1967 by philosopher Phillipa Foot at Oxford University to defend the doctrine of double-effect by testing which kinds of intentions pre-theoretically seem to matter to us. Its two best-known versions were formulated by philosopher Judith Jarvis Thomson at Massachusetts Institute of Technology.<sup>22</sup> It has since been re-imagined by so many philosophers and instructors that there are now almost countless variations. The classic formulation presents you with a moral dilemma: a runaway street-car is about to run over five oblivious railroad workers, but by pulling a lever you can change its course so that it only runs over one worker. It is, in other words, a type of Kobayashi Maru; there are no good choices, and the point of the experiment is not to test your ability to choose correctly, but to provide insight into our strongest intuitions about what is ultimately morally required.

Critics of using trolley problems to teach ethics or morality argue that the situations are horrific, unrealistic, and teach students little about morality or moral decision-making in the real world. For example, Brianna Rennix and Nathan J. Robinson write, "It's not just that, as the additional conditions grow, there are not any obvious right answers. It's that every single answer is horrific, and wild examples like this take us so far afield from ordinary moral choices that they're close to nonsensical."<sup>23</sup> No matter what you do, even if you do nothing at all, death is certain, and you are either directly or indirectly responsible for that death. Since few (if any) students believe they will ever find themselves in situations even closely resembling such fantastical and macabre dilemmas, teachers often find that the exercise is met with ridicule rather than serious consideration. Critics of trolley problems argue that students would gain a better understanding of morality using examples that are applicable to their lives.

On the other hand, supporters of trolley problems claim that they are a useful tool for teaching students how to examine their own moral intuitions and distinguish the differences between two popular moral theories: utilitarianism and deontology. If students decide to sacrifice one railroad worker to save five, teachers often say they are focusing on the consequences and the minimization of suffering, thereby making a utilitarian calculation. If they instead argue that killing is always wrong, even if it is to save more lives, then teachers often suggest they are adhering to deontological justifications where adherence to duty is more important than consequences.

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<sup>22</sup> Lauren Cassani Davis, "Would You Pull the Trolley Switch? Does it Matter?" *The Atlantic*, October 9, 2015, <https://www.theatlantic.com/technology/archive/2015/10/trolley-problem-history-psychology-morality-driverlesscars/409732/>

<sup>23</sup> Brianna Rennix and Nathan J. Robinson, "The Trolley Problem will tell you nothing useful about morality," *Current Affairs*, November 3, 2017 <https://www.currentaffairs.org/2017/11/the-trolley-problem-will-tell-you-nothing-useful-about-morality>

One troubling extension of the way that trolley problems are often used in the classroom is the suggestion that similar thought experiments may be used to set rules in real life. Researchers at MIT have created an online interactive trolley problem style website that gathers data about how people report they would decide a range of difficult moral dilemmas. Some have suggested that this data could be used to implement human-style morality in autonomous machines such as self-driving cars. This proposed application is disconcerting in part because the people taking the online quiz in a spare moment surely are not grappling with the significance of their choices in a robust way. Further, this sort of self-report, especially of hypothetical values, is highly unreliable. It is also far from obvious that a democratic approach to the morality of autonomous vehicles is desirable—perhaps some principles should override the wishes of the majority.

Referring to the newest application of the old thought experiment, Lauren Cassani Davis from *The Atlantic* writes, “[a]s human agents are replaced by robotic ones, many of our decisions will cease to be in-the-moment, knee-jerk reactions. Instead, we will have the ability to premeditate different options as we program how our machines will act...this is the perfect example of where theory collides with the real world—and thought experiments like the trolley problem, though they may be abstract or outdated, can help us to rigorously think through scenarios before they happen.”<sup>22</sup> Unfortunately, it is far from clear that trolley problem thought experiments help us to think rigorously about real world situations.

Questions:

1. What is the value of moral intuitions generated by thought experiments like trolley problems?
2. Should education programs be tailored to suit the situations students are most likely to find themselves in?

## Case 12: MeToo Far

Sexual harassment law was initially envisioned to encompass a limited scope - it was not aimed to enforce civility code, but to redress actual measurable harms upon people based upon their sex and came at a time when women were often frozen out of entire industries or harassed so strongly/frequently that meaningful participation in the workforce was prevented. Massive strides have been made over the last 30-40 years, but work remains to be done and sexual harassment and even sexual abuse in some industries still festers.

However, with the recent #MeToo movement, some worry that what the U.S. Supreme Court wanted to avoid - the civility code, may now be emerging and impeding personal freedom — one author has termed this more recent #MeToo trend a moral panic, like the Salem Witch Trials (or a more McCarthyism may also be an apropos comparison).<sup>24</sup> While much good can come from this moral panic insofar as we push the window of acceptable behavior to a more appropriate place, a minority worries that the sanitization of workplaces can sap a lot of the fun out of human interactions and harm the ability of some who are limited in their socialization opportunities of the chance of meeting Mr. or Mrs. Right.

Of course, as exhibited at the funeral services for Aretha Franklin, #MeToo still appears to be an essential movement given the distance women have to go.<sup>25</sup> Singer, Arianna Grande performed at the services, but found herself the target of jokes about her name and familiar touching by the officiant at the funeral, but many commenting on the services found more to complain about with regard to Ms. Grande's costume choice than the actions of her male colleague, visible to a national audience, and apparently outside the bounds of normal decorum.

Notably, the minister involved in the service apologized and claimed not to have realized where his hand was placed. His actions by no means approach the level of gross misconduct perpetrated by other famous figures like Harvey Weinstein, Bill Cosby, Matt Lauer, and others, but nevertheless, the public was torn between accusing Ms. Grande of failing to comply with the unwritten code for funerary fashion, whereas others focus on the actions of her male colleague in getting familiar with the young singer.

### Questions:

1. Are there different moral standards for different environments?

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<sup>24</sup> "The Warlock Hunt," Claire Berlinski, The American Interest, December 6, 2017, <https://www.the-americaninterest.com/2017/12/06/the-warlock-hunt/>

<sup>25</sup> "Bishop Apologizes to Ariana Grande For 'Too Friendly' Grope During Aretha Franklin Funeral," Jem Aswad, Variety, September 1, 2018, <https://variety.com/2018/music/news/bishop-apologizes-to-ariana-grande-for-gropeartha-franklin-funeral-1202924472/>.

2. How much regulation of behavior should we pursue to prevent sexual harassment and abuse?

### Case 13: Terms of Service

Cambridge Analytica, a British based data analytics consulting firm co-founded by Steve Bannon, was at the heart of a scandal surrounding the 2016 Brexit vote and the US Presidential election. During the campaigns Cambridge Analytica acquired personal data on approximately 87 million Facebook users through a third-party app called “This is Your Digital Life.” This data was subsequently used to target voters with advertising and engagement tailored to user specific psychographic data. Users never consented to provide this information to Cambridge Analytica and some watchdogs worry that voter manipulation skews the democratic process. The Former president of Facebook says the platform was “designed to exploit human vulnerabilities.”<sup>26</sup> In response to criticism Facebook maintains that developers behind “This Is Your Digital Life” breached Facebook’s terms of service by sharing personal data with an outside consulting firm. However, in British Parliamentary hearings Facebook’s chief technical officer reported that Facebook had only limited vetting of third-party apps; saying “We did not read all the terms and conditions.”<sup>27</sup> Following up on promises to crackdown on malicious users and fake accounts Facebook has disabled over 1.3 billion accounts in the last six months. At the same time Facebook has seen significant user decline and has lost approximately 120 billion dollars — around 20% of its market value.

Despite recent losses in revenue Facebook continues to have an enormous amount of personal information about users and seemingly little in the way of regulation on the use of that information. Some have suggested regulating Facebook in ways similar ways to media companies such as radio and television stations. Facebook has publicly responded to calls for regulation by emphasizing that it is not a media company but, rather, a technology company. It has also voluntarily introduced political advertising disclosure rules which will “require all election-related ads and many issue-related political ads placed on its platform and on

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<sup>26</sup> <https://www.axios.com/sean-parker-facebook-was-designed-to-exploit-human-vulnerability-1513306782-6d18fa32-5438-4e60-af71-13d126b58e41.html>

<sup>27</sup> Erica Pandey, “Sean Parker: Facebook was designed to exploit human “vulnerability” Axios, Nov. 9th 2017. [https://www.washingtonpost.com/news/the-switch/wp/2018/04/26/facebook-didnt-read-the-terms-and-conditions-for-the-app-behind-cambridge-analytica/?noredirect=on&utm\\_term=.cd8934703ebc](https://www.washingtonpost.com/news/the-switch/wp/2018/04/26/facebook-didnt-read-the-terms-and-conditions-for-the-app-behind-cambridge-analytica/?noredirect=on&utm_term=.cd8934703ebc)

Instagram to disclose the buyer's identity, the advertising budget, how many people saw the advertisement and their demographic information — age, location and gender."<sup>28</sup>

Facebook's internal guidelines go farther toward disclosing "soft-money" contributions than is required by campaign finance laws. However, some worry that entrusting private entities with campaign finance disclosure and personal information gives tech giants like Facebook too much power. Worries about the monopolistic power of tech companies have also been discussed at the highest levels of government. In this environment the General Data Protection Regulation has provided some data privacy protections for EU users but does little to secure fair elections. One wonders what terms of service might be necessary for safeguarding democracy?

Questions:

1. What, if any, role do social media companies have in safeguarding America's democracy?
2. Imagine that everyone provided consent to Facebook to share their user data with whomever Facebook wished. Is there any reason for government to be involved?

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<sup>28</sup> Paul Blumenthal, "Facebook's New Ad Rules Prove It's Basically In Charge Of Regulating Elections Now" Huffpost, May 25th 2018. [https://www.huffingtonpost.com/entry/facebook-addisclosure\\_us\\_5b070d61e4b05f0fc8463453](https://www.huffingtonpost.com/entry/facebook-addisclosure_us_5b070d61e4b05f0fc8463453)

## Case 14: Amish Midwives

The Amish are a traditionalist religious community in the US with roots in Protestant Anabaptism. As part of their religious commitment so-called “old order” Amish live simply and tend to avoid the conveniences and technologies of modern life. In part what this means is that pregnant old-order Amish women favor home births attended by unlicensed traditional midwives without the medical interventions common in US hospital births. While individual liberty rights protect the choice to eschew modern medicine, when traditional midwives employ the tools of modern medicine they risk overstepping their legal rights.

Two experienced Amish midwives, Sylvia C. Eicher and Lydiann S. Schwartz, were arrested after providing care for two pregnant Amish women.<sup>29</sup> One woman under Eicher’s care came to her at 33 weeks pregnant presenting with symptoms including a severe headache and high blood pressure. Eicher recommended that she seek further treatment at a local hospital and once admitted the woman disclosed to staff that Eicher had previously administered two injections. Upon investigation authorities learned that Eicher had administered veterinary medication to support fetal development.

In a separate incident Schwartz provided prenatal, postnatal, and, delivery care for an Amish family. In this case the infant was delivered in late April 2017. During the delivery Schwartz administered Pitocin (a synthetic form of oxytocin used to progress stalled or inadequate contractions.) The delivery went normally, and Schwartz monitored the infant for several hours. Several days later the infant returned to Schwartz for an enzyme test which involved a heel stick blood draw. Fourteen days later the infant died of a congenital heart defect in a local hospital. Schwartz reports having heard no swishing or heart murmur during postnatal examination with a stethoscope.

Although the clear majority of deliveries in the United States occur in hospitals, there is no evidence that this is the best practice for pregnancy. Most deliveries can be safely conducted in low tech environments. The Dutch, for example, rely on hospitals for delivery in only approximately one third of cases. There is also evidence from at least one long-term study of old order Amish showing that rates of infant mortality in these communities are on par with the outcomes produced by the surrounding modern medical community.<sup>30</sup>

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<sup>29</sup> “Amish women plead not guilty during court appearance” Wane.com, May 4th, 2018.

<https://www.wane.com/news/crime/amish-midwives-charged-with-illegally-practicing-medicine/1157556452>

<sup>30</sup> “Perinatal, Infant, and Child Death Rates among the Old Order Amish” American Journal of Epidemiology, Volume 139, Issue 2, 15 January 1994, Pages 173–183.

<https://academic.oup.com/aje/articleabstract/139/2/173/197031?redirectedFrom=PDF>

Both women were subsequently charged with practicing medicine without a license. They pled guilty to the lesser charge of practicing midwifery without a license and accepted two years of probation.<sup>31</sup> The women admit to the actions in question but say they have delivered thousands of babies and have religious grounds for rejecting standard medical training and interventions. Eicher and Schwartz left school in 12th and 6th grade respectively, but they claim to have received instruction on some modern techniques and medicines from local physicians. The local Amish community has been supportive of the traditional midwives and their practices.

Questions:

1. Is the practice of Amish midwifery morally permissible?
2. What, if any, obligations does the government have to enforce safe practices for childbirth?

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<sup>31</sup> "2 Adams County Amish Woman Get Probation in Midwifery Case" U.S. News and World Report, August 24th, 2018. <https://www.usnews.com/news/best-states/indiana/articles/2018-08-24/2-adams-county-amish-woman-getprobation-in-midwifery-case>

## Case 15: FelonyandMe

The Golden State Killer was linked to numerous murders and rapes through the 1970s and 1980s. Though the case had been cold for decades, law enforcement recently arrested a suspect. Investigators linked the suspect to the crimes by uploading his DNA profile under a pseudonym to a genealogy website that uses DNA samples to match relatives. A distant relative of the suspect uploaded a profile, and the familial match led law enforcement to the suspect.

This process took months. Investigators worked with genealogy consultants to construct numerous family trees, tracing the suspect's family back to the 1800s. They also used traditional police methods, looking through census and death records. They finally narrowed their focus to one man who lived in the vicinity of the crimes, fit the killer's physical description, and was about the right age. A surveillance team was sent to observe the man and collect a discarded item for DNA testing. It was a match.<sup>32</sup>

But the relative submitted his or her DNA for the purpose of genealogy—not to help catch criminals. A lawyer for the genealogy site reiterated: "The purpose [of the site] was to make these connections and to find these relatives. . . . It was not intended to be used by law enforcement to identify suspects of crimes." However, the lawyer admitted that it did not technically violate the site's policy to join for the purpose of catching criminals.<sup>33</sup> Indeed, most similar sites state that if presented with a warrant, the site will turn customers' genetic information over to law enforcement.<sup>34</sup>

Many find this a worrisome invasion of privacy, especially considering how popular genealogy services have become. As one ethicist who studies DNA forensics puts it: "This is really tough. . . . He was a horrible man and it is good that he was identified, but does the end justify the means?" One law professor agrees that this is problematic, especially because so much information can be learned about an entire family through a single family member's

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<sup>32</sup> Tim Arango, "The Cold Case That Inspired the 'Golden State Killer' Detective to Try Genealogy," *The New York Times*, May 3, 2018, <https://www.nytimes.com/2018/05/03/us/golden-state-killer-genealogy.html>; see also Tim Arango, Adam Goldman, and Thomas Fuller, "To Catch a Killer: A Fake Profile on a DNA Site and a Pristine Sample," *The New York Times*, April 27, 2018, <https://www.nytimes.com/2018/04/27/us/golden-state-killer-casejoseph-deangelo.html>

<sup>33</sup> Gina Kolata and Heather Murphy, "The Golden State Killer Is Tracked Through a Thicket of DNA, and Experts Shudder," *The New York Times*, April 27, 2018, <https://www.nytimes.com/2018/04/27/health/dna-privacy-goldenstate-killer-genealogy.html>

<sup>34</sup> Rebecca Robbins, "The Golden State Killer Case Was Cracked with a Genealogy Web Site," *Scientific American*, April 28, 2018, <https://www.scientificamerican.com/article/the-golden-state-killer-case-was-cracked-with-agenealogy-web-site1/>

DNA. In other words, “[i]f your sibling or parent or child engaged in this activity online, they are compromising your family for generations.” We cannot predict how this information may be used in the future.<sup>35</sup>

It is also important to remember that DNA tracing is not infallible, and sometimes it can lead to mistakes. For example, one woman’s DNA showed up at numerous crime scenes throughout Europe, leading detectives to believe that they were on the trail of a serial killer. But it turned out that it was the DNA of a woman who worked in the factory that manufactured the cotton swabs that the police used to collect samples.<sup>36</sup>

On the other hand, considering the seriousness of the Golden State Killer’s crimes, it is hard to argue against using any available information to find the perpetrator of such heinous acts. And the investigators only used the genealogy site after checking with a FBI lawyer who gave them the go-ahead, advising them it was legal. The lead detective, who had been looking for the Golden State Killer for over twenty years, was “blown away” with what the genealogy site could offer their investigation. It is easy to see the great potential these sites have for helping law enforcement identify and catch criminals. Protecting the public from these offenders may justify using genealogy sites and outweigh the privacy concerns involved.

Questions:

1. Is there any information that would be morally impermissible for law enforcement to use in attempting to catch a criminal?
2. What moral obligation, if any, do companies have to respect the personal or private information of their customers?

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<sup>35</sup> “The ethics of catching criminals using their family’s DNA,” *Nature*, May 2, 2018, <https://www.nature.com/articles/d41586-018-05029-9>

<sup>36</sup> Sara Chodosh, “Consumer DNA tests can’t tell you much, but they sure can get your relatives arrested,” *Popular Science*, May 2, 2018, <https://www.popsci.com/consumer-dna-tests-golden-state-killer>