NATIONAL HIGH SCHOOL ETHICS BOWL

Case Set for 2020-2021 Regional Competitions

Note: This case booklet has been modified by the Prindle Institute and contains questions that do not appear in the original document devised by the NHSEB

UNC | COLLEGE OF ARTS AND SCIENCES
Parr Center for Ethics

Contents

1. Factory Farming

Nearly all animal products consumed in the United States come from animals raised on factory farms, which are industrial-scale agricultural facilities that keep hundreds to thousands of animals in high-density confinement.[1] These factory farms are only one component of the highly-consolidated animal agriculture industry, which is no longer controlled by family farmers, but by a handful of large corporations. The animal agriculture industry produces cheap animal products by prioritizing efficiency above all other considerations, including animal welfare, the environment, rural communities, human health, workers, and small family farms.

Industrial animal agriculture—when coupled with heavy government subsidies and a near total lack of regulation—makes animal products cheap at the grocery store and, therefore, available to people across socioeconomic statuses. In fact, animal products are cheaper than many plant-based products, and they tend to be ingredients in many processed foods. Most Americans enjoy eating animal products,[2] and such products are reliable sources of protein, vitamin B12, and other essential nutrients.

On the other hand, while the high costs of industrial animal agriculture are not reflected at the grocery store, they do exist—and they have been externalized to animals, the environment, rural communities, human health, workers, and small family farms. First, factory farmed animals suffer in filthy, cramped conditions with no opportunity to engage in natural behaviors, and their lives are cut short when they grow large enough to be trucked to the slaughterhouse. Second, factory farms are significant sources of greenhouse gases, which fuel climate change. They also create vast quantities of waste, which pollute the air, soil, and water (including drinking water). Third, this pollution disproportionately harms rural communities—especially rural communities of color and low-wealth communities,[3] which are targeted to host factory farms because they tend to lack the political power of white, affluent communities. Fourth, factory farm pollution and practices threaten human health in a variety of ways, including by causing severe respiratory and gastrointestinal illnesses, breeding antibiotic resistant bacteria, and spawning zoonotic diseases. In addition, diets heavy in animal products—especially red and processed meats—can increase risk of developing obesity, diabetes, heart disease, some forms of cancer, and other serious illnesses.[4] Fifth, factory farm workers—some of whom are imprisoned persons, undocumented persons, or are members of otherwise vulnerable populations—labor in filthy, dangerous conditions for low wages. Finally, the expansion of industrial animal agriculture into rural America is driving small family farms to extinction, as they simply cannot afford to compete with the hyper-efficient, corporate-dominated animal agriculture industry.

DISCUSSION QUESTIONS

1. Is it immoral to consume factory farmed animal products?
2. Is it unjust to prohibit the consumption of factory farmed animal products?
3. Does individual efficacy of our actions affect our moral obligations?
4. What, if any, moral considerations should guide the practices of the animal agriculture industry?
5. Who should take responsibility for the alleviating the high costs of industrial animal agriculture addressed in the case? The animal agriculture industry or consumers?

---

[1] CDC, "Understanding Concentrated Animal Feeding Operations and Their Impact on Communities"
[2] Gallup, "Nearly One in Four in US Have Cut Back on Eating Meat"
[3] Sustainable Development Law and Policy Brief (17:1, 2017), "CAFOs: Plaguing North Carolina Communities of Color" [4]
Journal of the American Osteopathic Association, "Is Meat Killing Us?" (116, 2016)

2. TikTok Infamous

TikTok, a relatively new and now widespread social media video-sharing platform, has taken over the virtual world. The app has topped 2 billion downloads[1], and is rapidly encroaching on Instagram's popularity among younger generations. Or, at least, it was, until some of the world's largest markets began to ban the app. India prohibited usage of TikTok on June 29, 2020, and President Trump has issued an executive order to ban TikTok in the United States by September 2020 if its central operations are not sold to an American company--ByteDance, the current parent company, is based in China. These two jurisdictions represent crucial markets for app developers, and substantial portions of TikTok's current user base. The app's future does not look bright elsewhere either.

What makes TikTok different from other apps like Snaphcat or Instagram is its origins and associations with the Chinese government. The internationally controversial regime of President Xi Jinping has the power to demand that TikTok turn over user data from all accounts, including over 100 million Americans. Regulations on how the government treats said information are very different and quite a bit more lax in China. In India, the government criticized ByteDance for "stealing and surreptitiously transmitting users' data in an unauthorized manner to servers which have locations outside India," and provided this as justification for their ban.[2] Fear of the same happening in America, as well as reports of the app secretly collecting clipboard data from its users provide the beginnings of a rationale for a similar ban in the U.S.[3] Perhaps of even further concern, China's own counterpart of TikTok, Douyin, which implements additional restrictions and censorship specific to the Chinese market, has allegedly collected facial recognition data, among other practices deemed invasive by critics.[3]

Most of these allegations are unproven, however, and in the cases of both the U.S. and India, as well as Australia, political and economical factors, not data privacy, are thought to be the main source of governmental concerns. President Trump has notoriously waged legal battles with Huawei, another Chinese tech giant, and now lumps TikTok into the same category. With elections happening soon, the administration's motivations are questionable. The same can be said to an even greater degree in India, where tensions with China are incredibly high.

DISCUSSION QUESTIONS

1. When, if ever, is it morally permissible for the government to have power to control the apps we use?
2. To what extent do national security considerations outweigh personal liberties?
3. Does this mean we can't, or shouldn't, use apps, software, or other products from countries with which conflicts might exist or arise?
4. Which value is more morally important: national security or personal liberty?

---

[1] TechCrunch, "TikTok tops 2 billion downloads"

[2] The Independent, "TikTok ban: Why is Trump considering action against Chinese app in US?" [3] The Independent, "TikTok ban: Why is Trump considering action against Chinese app in US?"

[3] Forbes, "Yes, TikTok Has A Serious China Problem—Here's Why You Should Be Concerned"

3. (Un)Charitable Donations

Mary worked a few extra hours this month and so has a bit more money than usual. She recently read a paper in her philosophy class arguing that she has an obligation to save lives by donating to charity. She decides that she'd like to donate her money, and selects Kiva as a charity she'd like to support. Kiva is a non-profit that provides microcredit—small loans—to very poor entrepreneurs in the Global South, especially women, to start their own businesses. The idea is that Kiva lends the money to entrepreneurs who then start businesses and, with their new stream of income, are able to repay the loan. The money can then be lent to another entrepreneur who will start a business and then repay the loan.[1] Mary loves the idea of her money helping many women start businesses to support their families.

Before she donates her money to Kiva, Mary tells her friend Sam about her plan. Mary had thought that Sam would be enthusiastic about her donating to Kiva. But instead he tells her that she should reconsider. In many parts of the world, he tells her, microcredit is actually associated with worse outcomes for the poorest. Microenterprises (the businesses started from microloans) often fail and the lenders often fail to repay their loans—leaving them with unmanageable debt. Most importantly, the emphasis on microenterprises means that microcredit has sometimes stifled the growth of larger businesses. When microcredit organizations like Kiva have become very active in a region, unemployment has often risen in that same region. Finally, microcredit organizations have often imposed high fees on microloans—in essence, some argue, driving a profit off the desperation of some of the world's poorest people.[2] Sam can tell that Mary is disappointed to hear this so he suggests an alternative: GiveDirectly. Unlike most charities, GiveDirectly gives cash to the disadvantaged with no strings attached. Rather than dictating how their gifts are used, they let people decide on spending priorities for themselves. This approach is fairly new, but some studies are already showing its effectiveness.[3] Furthermore, Sam argues that allowing the poor to choose how to spend relief funds does a better job of respecting the dignity of people who are often shunned or even shamed for their poverty.

Mary reflects on her choices. She still likes the idea of Kiva more than the idea of GiveDirectly—she wants to be able to help a woman start a business. After all, with GiveDirectly, she would have no idea who will get her money or how they will spend it. In addition, she knows that a lot of people believe in the mission of Kiva. She's no expert in economics so she can't determine for herself whether Sam is right. But Sam's advice gives her pause.

DISCUSSION QUESTIONS

1. Where should Mary send her money? What factors should she consider before making her decision?
2. When, if ever, it is morally permissible to make charitable contributions with "strings attached"?
3. Would Mary be less responsible for donating to a harmful charity if she didn't know about the possible harms?
4. Should people try to maximize good outcomes with their charitable donations, or does personal connection to a charitable donation matter as well?

---

[1] Vox, "Microcredit, explained: how microcredit can help the world's poorest"
[2] The Guardian, "Microcredit has been a disaster for the poorest in South Africa"
[3] NPR, "Is Giving Out Cash With No Strings Attached The Best Way To End Poverty?"

4. No More Teachers, No More Books

As the summer of 2020 drew to a close, parents, teachers, and students across the nation wondered what schooling would look like in the fall given the continued impacts of COVID-19. A primary question was if and when schools would open for face-to-face instruction. It was clear that, no matter what decision was made, some individuals and groups would experience significant hardship. While many schools opted for a virtual start to the semester, many also decided to begin their school year in person.

Many parents were and continue to be concerned about the health and safety of their children. In response to these concerns, people often claim that spread of the virus to and from children is rare. They point to studies which seem to support the conclusion that children are at low risk.[1] The sample sizes in such studies are often small, and evidence running counter to this conclusion abounds in the U.S.. In multiple states, for example, summer camps had to shut down because an overwhelming number of campers tested positive for coronavirus.[2] [3] While many international reports suggest that coronavirus has not killed any children, this is unfortunately untrue of the United States. Even if deaths are rare among children, we do know that it is possible for them to suffer severe organ damage, including brain damage.[4] Moreover, some viruses have symptoms that only show themselves much later in life (e.g., childhood chickenpox producing shingles cases). Coronavirus cases might appear mild in children, but we don't yet know enough about this virus to know what might happen down the road. Furthermore, even if parents grant that children are at low risk, the fact remains that COVID-19 clearly can be spread between adults who can suffer and die from it. Bringing children back to school in the fall doesn't just involve packing children into small buildings together, it involves packing adults together in close quarters too. In many cases, teachers and staff have been given no choice regarding their educational delivery method in the fall.[5] This includes teachers who are immunocompromised or those who have immunocompromised loved ones for whom they care. Continued employment, especially during a recession, is a compelling force. Many people can't afford to quit their jobs.

On the other hand, there is a recognized need for children to have formal education. Some argue that students have already experienced a developmental setback when classes transitioned online this past March.[6] This burden has fallen especially on the shoulders of already vulnerable populations, such as BIPOC students and students with special needs. Additionally, in many cases, parents can't constantly be the full-time caregivers for their children. Some jobs can't be done from home, and parents who work those jobs need a place for their children to go where they will be safe and fed. Many of these people are already suffering financial hardship, and they pay taxes to fund schools.

DISCUSSION QUESTIONS

1. Who should be or should have been involved in discussions about the reopening of schools? What principles should be used to make decisions?

2. What principles should be used in deciding whether to reopen schools?

3. Is there a meaningful difference between the way the decision to reopen is made by public schools as opposed to private or independent schools?

---

[1] RIVM, "Children and COVID-19"

[2] FOX23, "85 campers and staff test positive for COVID-19 at YMCA summer camp"

[3] FOX13 Memphis, "Coronavirus outbreak at Missouri summer camp infects at least 82 campers, counselors, staff"

[4] CDC, "COVID-19–Associated Multisystem Inflammatory Syndrome in Children"

[5] The New York Times, "Teachers Push Back on Reopening In Florida"

[6] Salon, "As school closures continue, students could face long-term learning setbacks"

5. What's In A Name?

Across the country, businesses, schools, governments, and institutions of all kinds are reckoning with the deep roots of racial injustice in America. This is a driving factor behind renewed efforts to rename buildings on the campuses of America's colleges and universities.

To cite one example, this past July the Commission on History, Race and a Way Forward at the University of North Carolina at Chapel Hill recommended the removal of five names from buildings ranging from residence halls to student centers.[1] Four of these individuals were said to occupy "high positions of influence and public trust," and the historical record reveals degrading and racist rhetoric and decisive action in support of white supremacist violence and subordination. One of those individuals, a chief justice of the North Carolina supreme court, is said by one legal scholar to have presided over "the coldest and starkest defense of the physical violence inherent in slavery that ever appeared in an American judicial opinion" in the case of State v. Mann (1829).[2] Other individuals named actively worked to disenfranchise black voters and to uphold the regime of Jim Crow segregation.

Some say that these men were products of their racist times. They played a prominent role in advancing racist and unjust systems, but the difference between them and their contemporaries was a difference in degree not a difference in kind. The Commission at UNC thinks otherwise, claiming that these men "were not simply men of their times…they wielded power, wealth, and influence to define the historical moments in which they lived."

The presence of these names on college campuses presents many difficulties. Some have said that the very sight of racist names on campus buildings is demoralizing, dehumanizing, and psychologically burdensome for members of marginalized groups.[3] Building names might also express positive endorsement and valorization of their namesakes and the ideals they espoused, or a willingness to overlook serious wrongdoing for college benefactors or alumni.

But there are some who wonder whether we can meaningfully distinguish between good and bad actors in history in this way. Does the removal of some names rather than others imply that the names of those who remain are free from moral impunity? If it were the case that we should remove the names of all those who faltered morally, then it would be best to avoid human namesakes altogether. It is also striking how quickly our verdicts about past actors change over time. If our moral standards a decade ago differ so much from our standards today, is there any hope for making lasting decisions about building names?

DISCUSSION QUESTIONS

1. As task forces across the country continue to deliberate about the best way forward, what principles should guide their decisions to remove names?

2. What is the moral significance of building naming and renaming? Does it matter whether the buildings are publicly or privately owned? Does it matter what sort of institution to which the name is attached?

3. Are building names analogous to public monuments and memorials? How about other 'named' features of the academic world, such as labs, fellowships, endowed chairs, and so on?

4. What principles should guide decisions to name buildings, labs, fellowships, endowed chairs, etc. after individuals?

5. When deciding whether to remove the name, does it matter if the building or institution has developed a legacy of its own devoid of the namesake?

[1] UNC Commission on History, Race, and a Way Forward, "Resolution 001"

[2] Carolina Alumni Review, "History Commission's Research of the Names Behind Aycock, Carr, Daniels and Ruffin" [3] WRAL, "UNC-Chapel Hill moves toward scrubbing buildings of racist links"

6. Dining Out During a Pandemic

In early March 2020, in response to the COVID-19 pandemic, the United States economy began shutting down. To control the spread of the virus, states limited the operation of businesses deemed non-essential, and instructed their citizens to not leave their homes unless absolutely necessary. One of the major industries affected by these shutdowns was the restaurant and bar industry. By April, restaurants and bars had lost 5.9 million jobs, and this number was surely an undercount, as it did not include undocumented employees, or the many more who filed for unemployment since this data was collected in mid-April.[1] In May, states began easing restrictions and allowing restaurants to open, but many were forced to close again just weeks later as surges in cases were attributed to bars reopening.[2] By the summer, most states allowed outdoor dining to limit transmission, with some allowing limited indoor dining. But for many businesses, this came too late, or sustaining themselves with limited capacity was too difficult. Many had closed their doors for good before the reopening even started, and it's likely that many more will not survive this Fall.

Before the pandemic, going out to eat and exploring new restaurants was a favorite pastime of Megan and Andy's. They loved trying new foods, and were always among the first with a reservation at the new hot spots. When the shutdown began, they tried to support some of their favorite places by ordering takeout and buying gift cards, but they knew it was a drop in the bucket. What's more, they really missed going out! They enjoyed cooking out home, but it wasn't the same as experiencing the creations of other chefs, and having a chance to get out of the house.

When the reopening started, they were eager to visit one of their local favorites. It felt strange to be back after so long, but they felt more or less comfortable and safe, and they followed all of the appropriate safety rules. After they ordered, Megan asked Andy if he thought that it was right of them to be dining out. She was comfortable with the risk of possibly catching the virus herself, but if she did catch it, would she spread it to others? What about the staff at the restaurant? Even with the best safety protocols in place, the staff were being put at much higher risk than any of the patrons—and what about their family members? But, Andy offered, people need work, especially amidst ballooning unemployment rates. Andy and Megan knew that some were happy to finally be back working. Though unemployment benefits were available, many, such as undocumented workers, did not qualify. A lot of the staff were probably happy to be able to earn an income again, and, Andy thought, they could supplement that by leaving a big tip. The restaurants need to do business. If a place closes its doors forever, what looks like temporary unemployment for workers will become permanent.

It was obvious, Megan thought, that businesses and their employees were struggling, and if they took safety seriously the risk was probably low. But what if the staff don't actually feel safe, but felt like they had to work anyway? With so many unemployed, maybe they feel compelled to work. She wondered: Are we doing more harm than good by going out and being around strangers? Are we putting our enjoyment above the health and safety of others?

DISCUSSION QUESTIONS

1. Is it ethical to dine-in at restaurants in the midst of a pandemic such as COVID-19?

2. What responsibility do Andy and Megan have to protect the health of others, especially if those others chose to put themselves at risk?

3. How should decisions balancing the support of the economy and the protection of people's health be made during a pandemic?

4. How should decisions balancing the concern for restaurant and bar industry employment with the concern for people's health be made during a pandemic?

---

[1] Eater, "The Restaurant Industry Lost 5.5 Million Jobs in April"
[2] VOA News, "White House Adviser Supports Bar Closings as US COVID Cases Surge"

7. The Korean Pop Industrial Complex

Within the past decade, Korean Pop, more commonly known as K-Pop, has rapidly become a global sensation. South Korean artists have hit the Billboard Hot 100 chart at least eight times. In 2019, BTS became the first K-Pop group to be nominated for a Grammy. Adored due to its distinctive blend of catchy tunes, clean choreography, and glamorous idols, the K-Pop industry has grown along with the rise of Hallyu, a Chinese term which describes the popularity of South Korean culture internationally.[1] Via Korean pop, drama, skincare regimens, and more, South Korea has become a fixture in popular culture worldwide.[2]

In an increasingly globalized society, many think that the rise of K-Pop is a force of moral good. Cultural globalization allows people from all parts of the world to understand one another and appreciate different ideas, meanings, and values. In turn, this enables the ability to empathize and relate to others, no matter where they are from. K-Pop is also a way for South Korea to develop its "soft power", which describes the "intangible power a country wields through its image, rather than through hard force," such as military or economic power.[3]

However, for K-Pop performers, the journey to fame is a grueling one. Stories of tired performers putting up a happy front to excitedly greet fans is not uncommon in an industry where exploitative contracts, demanding beauty ideals, and even human rights violations are mainstay. K-Pop performers work long hours which go largely undercompensated, as the money their content earns is often funneled back into corporate hands or toward chipping away at looming debt.[4] Plastic surgery, too, is an open secret in the industry.[5] Many trainees are expected to go under the knife, with the most common procedures designed to achieve highly-coveted features like double eyelids or a straighter nose. Of additional concern, sexual exploitation is a quiet phenomenon and a common truth for women in Korean entertainment. Young performers are often taken advantage of by power brokers behind closed doors. In a culture which often stigmatizes sexuality, these scandals are obscured from public view.[6] Moreover, the K-Pop industry exists to meet and cater to the demands of a hungry fanbase, who are consistently starved for new content. Fans are often criticized for propagating a system which treats its artists poorly.

Still, many assert that K-Pop is a net good. Although the exploitative habits of the industry are suspect, performers voluntarily enter their contracts. Additionally, Korean culture emphasizes work ethic. According to the OECD, "South Koreans work more hours per week on average than all but one other country, and almost 50% more than famously industrious Germany."[7] To criticize the K-Pop industry based on the dedication of performers, some argue, would be inconsiderate of differing cultural values.

DISCUSSION QUESTIONS

1. Do listeners have a moral obligation to stop supporting the K-Pop industry if they know that performers are mistreated?

2. If people voluntarily enter contracts, does it matter that the terms of the contract are perceived as exploitative? How can we distinguish between coercion and voluntary agreement in a global entertainment industry?

3. Despite the "soft power" potential of the K-Pop industry, do listeners have a moral obligation to stop supporting it if they know that the performers are being exploited?

[1] Vox, "How K-pop became a global phenomenon"
[2] MartinRoll, "Korean Wave (Hallyu) - Rise of Korea's Cultural Economy & Pop Culture"
[3] Nye, Joseph, "Soft Power: The Means to Success in World Politics"
[4] Entertainment Cheatsheet, "The Shocking Dark Side of BTS and Other K-Pop Groups"
[5] The Atlantic, "The K-Pop Plastic Surgery Obsession"
[6] Vox, "K-pop is being rocked by a sex scandal. It's part of a bigger societal problem"
[7] CNN, "South Koreans are working themselves to death. The government hopes to change that"

8. Who Gets to Be Fashionable?

Shopping and fashion have long been favorite American pastimes, with shopping malls slowly giving way to online shopping and the increasing ability to buy clothing seen on social media with a push of a button. Sadly, this love of buying clothes can lead to some significant consequences. In 2017 alone, the EPA estimates that 11.2 million tons of clothing and textiles ended up in landfills, which accounted for 8% of all landfill waste.[1] One of the main targets which often gets the blame for this problem is the industry known as "fast fashion."

Fast fashion generally refers to large retailers of clothing that produce trendy, low cost items. They often borrow styles and looks from expensive designer brands, and make pieces quickly and affordably. Popular retailers include stores such as H&M, Gap, and Forever 21. To keep costs down, these companies produce lower quality and less durable items. There is, moreover, immense pressure to keep up with ever-changing trends and styles, some of which is generated by the companies themselves. A combination of these facts is leading Americans to discard clothing at striking rates. Furthermore, the production of fast fashion clothing is a major contributor to greenhouse gas emissions and other environmental damage, and some of the brands have been accused of making their clothing in sweatshop-like conditions in developing countries.

But, defenders of fast fashion reply that brands like these make nice clothing available to many who otherwise would not be able to afford it. Even if one doesn't buy designer brands, more durable and more sustainable clothing can be prohibitively expensive. A recent Cosmopolitan poll found that two thirds of respondents don't buy from sustainable fashion brands, and 80% say that it is because the clothing is too expensive.[2] This is not to mention that finding out which brands are truly ethical and sustainable can take a great deal of time and research, and it's difficult to know if the higher cost is because the brand is truly more sustainable, or because they believe people will pay a premium if they feel their choices are more ethical. After all, what is expensive for some might not be expensive at all for others. The solution, some argue, is not to reduce affordable options, but instead to improve the recycling and reuse of unwanted clothing. Clothes can be donated instead of discarded, and some brands such as H&M offer recycling programs for old clothes to keep them out of landfills. It should not be a mark of privilege, some argue, to be able to dress well, and to make sustainable decisions about clothing.

But recycled and donated clothes don't always follow the path we might envision. Because the U.S. secondhand clothing market is flooded with donations, much gets shipped to developing nations, where the sale of such clothing potentially competes with the local economy, or ultimately ends up being burned or dumped. Unfortunately, the same fate awaits much of the clothing dropped into a recycling bin. Still, improving the reuse of clothing might be the better option than forcing up the price of all clothes, especially since no matter how much a person wants to buy more sustainably, they just may not be able to afford it.

DISCUSSION QUESTIONS

1. Is it unethical to buy fast fashion clothing? What if those are the only brands that one can afford?

2. Does wealth allow a person to make more ethical choices than if they were poor?

3. Do corporations in the fast fashion industry have a moral obligation to make their clothing more sustainable, even if by doing so their prices will be too high for much of their market?

[1] EPA, "Textiles: Material-Specific Data | Facts and Figures about Materials, Waste and Recycling" [2] Cosmopolitan, "Sustainable fashion - is it only for the rich?"

9. Wholesome Discipline

The aim of punishment is often framed in terms of retribution for past wrongdoing and deterrence of future wrongdoing. A rapidly spreading alternative to these traditional conceptions of punishment is known as restorative justice, which does not primarily aim to "inflict punishment on the offender, but rather, to restore all parties to a prior state of 'wholeness.'"[1]

In response to dissatisfaction with zero-tolerance policies in schools and their disproportionate impact on disadvantaged students, educational leaders have turned to restorative discipline. Many use mediation between victims and offenders, between a group of offenders, or between the community and the offender as a vehicle for healing and growth. For example, if a student is guilty of bullying, school leaders might facilitate a conversation between the bully and their victim(s), or a discussion among a group of bullies in order to unearth their motivations, to educate them on the harms of bullying, and to repair injuries caused.[2] While a more punitive model of discipline in schools would use familiar modes of punishment (detention, suspension, shaming, legal citations), restorative practices aim for reconciliation, reform on the part of wrongdoers, and collaborative problem-solving to address infractions and their causes.

Advocates argue that such restorative practices lead to increased accountability, more supportive school environments, positive social and emotional learning, and a more equitable distribution of punishment in schools. There is a distinctive educational value, too. Restorative practices present opportunities for students to learn the sorts of social skills and character traits necessary for students to flourish as adults. However, restorative practices in schools are not yet well understood by researchers. One study found that restorative practices in Pittsburgh public schools improved school climate and decreased the average suspension rate, but also that those same programs led to a worsening of academic and disciplinary outcomes.[3] Another study found that restorative intervention "did not yield significant changes in the treatment schools," but self-reports by participants showed signs of positive impact on school climate for the future.[4] Yet another study found that "students attending schools with collaborative climates and less punitive approaches to discipline have lower risk of being suspended and better academic outcomes."[5]

Some take the widespread support for such practices in the absence of a solid body of research to be a sign that moral sentiment has moved ahead of demonstrable results.[6] Critics also worry that leniency in punishment does not sufficiently penalize students who misbehave and fails to deter future misbehavior. Some also see restorative practices as a way of artificially driving the number of reported school suspensions down, thereby papering over underlying problems among students and within schools. When minor behavioral problems are ignored, they may turn into serious infractions, thereby exacerbating the school-to-prison pipeline.

DISCUSSION QUESTIONS

1. Is there a morally significant difference between the use of restorative disciplinary practices on young children in schools as opposed to adult offenders?

2. What obligations do victims (whether individuals or communities) have to offenders?

3. What obligations do offenders have to their victims?

4. What should be the aim of discipline in schools and what disciplinary practice should be used to achieve that aim?

---

[1] "Prisons Today and Tomorrow"

[2] Colorado School Safety Resource Center, "Examples of Restorative Justice Actions in Schools"

[3] RAND, "Can Restorative Practices Improve School Climate and Curb Suspensions?"

[4] Evaluation of a Whole-School Change Intervention: Findings from a Two-Year Cluster-Randomized Trial of the Restorative Practices Intervention

[5] Discipline in Context: Suspension, Climate, and PBIS in the School District of Philadelphia

[6] The Cart Before the Horse: The Challenge and Promise of Restorative Justice Consultation in Schools

10. Dating After Prison

Recently, Antoine and Jack sat down with a few other men to talk about what dating might be like, now that they've been released from prison.

Antoine went to prison when he was 18 for a crime he didn't commit. He wasn't able to afford a good lawyer, and the court appointed one did a terrible job at defending him. Antoine had a couple of casual relationships in high school before coming to prison, but he's never had a serious sexual or romantic relationship. He is now 26 years old and eager to start dating.

Jack is 45 years old now. He was also 18 when he was convicted of murdering someone. Jack freely admits to committing the crime he was charged with, but feels like he is a completely different person now. He was young then and he didn't know himself; his tough childhood didn't leave him with a lot of coping mechanisms aside from alcohol. His sense of belonging came from a gang he was part of, which provided him with support, friendships, food, and a roof over his head. But it also got him in trouble. After 27 years in prison, over two decades of being sober, a lot of self reflection, learning, therapy, and maturing, he doesn't even feel like he is the same person as the young Jack that committed that crime.

As Antoine and Jack sit down with some friends to talk about what life might be like after prison, dating quickly came up. While dating is difficult and confusing under any circumstances, dating for the formerly incarcerated has an extra layer of complexity. They both agree that it is important to be open to the people they date about the time they served. But when should they disclose this information? On a first date? That seems like the most honest approach, but it's unlikely to lead to a second date. Could they wait a bit? After all, nobody ever reveals that much on a first date; people rarely talk about having problems with addiction, financial difficulties, or mental health issues. And Antoine and Jack certainly don't consider their incarceration a defining part of their identities. So, could Antoine and Jack also wait to talk about the time they served in prison? If they wait, how long can they wait?

DISCUSSION QUESTIONS

1. When should Antoine and Jack tell someone they are dating that they served time in prison?

2. Is there a moral difference between Antoine and Jack? If so, what might the difference be?

3. If instead of dating we were discussing friendships, would your answer be different? Why or why not?

4. When are people morally obligated to disclose information about themselves to their dates? (e.g. mental health issues, addictions, traumatic experiences, having children, financial difficulties?)

11. Contraceptive Controversy

Jeremy and Ayla are involved with the Parent Teacher Association at Heritage High School, where both of their children attend. In the most recent meeting of the PTA, a major topic of discussion was a student at Heritage who had gotten pregnant. In discussing how to prevent teenage pregnancies in the future, a number of suggestions were made. There was a clear push to better educate students about contraceptive measures and to move away from abstinence-only education in their health classes. One parent suggested that they should start giving out condoms for free in the school bathrooms, as many university campuses do.

On the drive home, Jeremy and Ayla continue to discuss their daughter's classmate's pregnancy, and the PTA's suggestions. Ayla dislikes the shame that the pregnant student faced at school and thought that giving out condoms in bathrooms was a good way to destigmatize sex and make students feel more comfortable asking questions about it. Remembering her friends' stories from high school, Ayla reasons that there is no way to prevent teenagers from having sex altogether, and that the best thing to do is to ensure that they are doing so safely, so as to prevent unwanted pregnancy and sexually transmitted infections. Ayla thinks that offering condoms in bathrooms is a good way of making sure that contraceptives are accessible to all students, even those whose parents may not support other avenues of birth control. Additionally, it is a good way to educate about safe sex. Though she strongly dislikes the idea of either of her children having sex while in high school, the idea of either one of them getting pregnant or getting an STI as a result is a much scarier proposition for Ayla.

Jeremy disagrees, however, and thinks that giving out condoms encourages students to have sex, and would enable teenagers to have sex earlier than they otherwise might (or should). Jeremy and Ayla's daughter has just turned sixteen, and Jeremy doesn't like the idea that free condoms might be the thing that convinces her it is a good idea to start having sex. Jeremy, too, thinks back to his own experiences in high school, and remembers that for a lot of his peers, not having access to contraceptives did prevent them from having sex, or at least played a role in their decisions to wait. Making condoms available at school, Jeremy reasons, would make it easier for younger Heritage students to access them in a way that they couldn't before. Many juniors and seniors can drive themselves to a store to buy contraceptives, and have spending money from summer and seasonal jobs. Most freshmen and sophomores, on the other hand, have no way to purchase condoms without the help of someone older. The way Jeremy sees it, handing out condoms is exactly that. Jeremy supports better education in classrooms about various contraceptive methods, but feels that teenagers should still wait until adulthood to become sexually active. He thinks that the school has an obligation to do as much as they can to discourage students from having sex any sooner than that.

Much like the PTA as a whole, Jeremy and Ayla are not able to come to an agreement about whether it is a good idea for Heritage to start giving out condoms in the school bathrooms. As the car ride home comes to an end, they realize they'll have to spend a lot more time talking about the matter before the next PTA meeting.

DISCUSSION QUESTIONS

1. When, if ever, is it appropriate for schools to implement policies that directly contradict the students' parents' cultural, moral, or religious values?

2. How much of the responsibility for educating teenagers about contraceptives and safe sex lies in the hands of schools, and how much lies in the hands of parents?

3. How, if at all, is the responsibility for a teenage pregnancy shared between multiple people, and who shares it?

12. Harper's Bizarre

 In its July 2020 issue, *Harper's Magazine* published an open letter, cautioning that "the free exchange of information and ideas, the lifeblood of a liberal society, is daily becoming more constricted" by a set of "moral attitudes and political commitments that tend to weaken our norms of open debate and toleration of differences in favor of ideological conformity."[1] *Harper's* "Letter on Justice and Open Debate" was signed by 153 public figures and leaders from various sectors and walks of life. Among them were such varied signatories as journalist Fareed Zakaria, dystopian novelist Margaret Atwood, popular historian Malcolm Gladwell, early feminist icon Gloria Steinem, and J.K. Rowling of *Harry Potter* fame. The letter condemns the rise of a social climate characterized, according to the writer Thomas Chatterton Williams, by the stifling of dissenting voices, the suppression of unpopular ideas, and social ostracism "for perceived transgressions of speech and thought."

 Worries about so-called "callout" or "cancel culture" are not new to American social and political life. Treatments of the issue have seemingly emerged from all political quarters in the last few years. *Rolling Stone* editor Matt Taibbi, *New York Magazine* columnist Andrew Sullivan, and *The Atlantic's* Yascha Mounk have all recently penned statements expressing similar worries. The premise is a reasonable one on its face, given unprecedented attacks on the free press in the U.S., the proliferation of anti-democratic autocracy around the world, and the persistence of a convoluted information environment filled with fake news and conspiracy theories. Signatories of the *Harper's* letter contend that free speech, thought, and expression are the cornerstone of a democratic society and its professed aims, going as far to suggest that the restriction of unbridled debate will only harm those who would seek to bring about justice, and undermine democratic participation for all. In a contemporary deployment of John Stuart Mill's views on the freedom of speech[2], they argue that no-holds-barred debate is a key tool in defeating ideas which threaten human dignity and equality. Others worry about the practical effects of "cancellation" for those who are targeted for their purportedly divergent views: from online shaming and abuse[3] to social ostracism, to lost followers, business, and careers.[4]

 On the other hand, some argue that there are ideas which are so wrong or harmful that they should never be voiced. If and when they are, such an argument might go, the consequences for doing so should be so severe as to deter their continued expression. Calling out these ideas and addressing their criticism accordingly, some argue, is central to changing social and political norms.[5] As one writer puts it, such a culture "might seem harsh, especially to those who have fallen foul of it, but it's a necessary part of creating the best possible spaces we can."[6] Others worry that 'absolutist' defenses of free speech and expression often emerge where those in power seek to shield themselves against criticism and the consequences of real-life harms their speech may cause. It is no accident, they say, that signatories of the *Harper's* letter are among the most powerful and advantaged in their respective fields.

DISCUSSION QUESTIONS

1. What, if any, ideas are worthy of cancellation, and who decides this standard?
2. When, if ever, can free speech be overridden by other values?

---

[1] Harper's Magazine, "A Letter on Justice and Open Debate"

[2] John Stuart Mill, *On Liberty*

[3] The Atlantic, "The Destructiveness of Call-Out Culture on Campus"

[4] The New York Times, "Everyone Is Canceled"

[5] Vice, "In Defense of Cancel Culture"

[6] The Huffington Post UK, "In Defence of Callout Culture"

13. (De)funding the Police

In the summer of 2020, protests erupted across the United States in response to the killings of George Floyd and Breonna Taylor by police officers, and to continued trends of police violence against Black Americans more generally. More recently, many activists have begun calling for state and local governments to "defund the police." However, as Matthew Yglesias of Vox renders it: "A three-word slogan is not a detailed policy agenda, and not everyone using the slogan agrees on the details."[1]

The most radical proposal associated with the slogan conceives proposes "defunding" as a literal goal, and advocates for abolition of policing, at least as the institution currently exists. As one activist argues, American policing wasn't always around. Its early days are associated with enforcing slavery and rebuffing labor activism.[2] This checkered history, coupled with ever-increasing militarization in equipment and tactics, which studies have shown disproportionately affect Black Americans[3], motivates some activists to offer that Americans once lived without this kind of policing and can do so again.[4]

Others advocate divesting funds from police departments and reallocating them to other community and public initiatives, such as education, employment resources, social work, and mental health services. Police, after all, are often called to respond to issues ranging from cats in trees to mental health crises and domestic violence. Studies have shown that up to 9 in 10 calls for emergency service involve non-violent offenses.[5] This doesn't, of course, mean that the resolution of such calls will remain non-violent, and many activists insist that police officers themselves often worsen outcomes by arriving, often armed, and leaning into escalatory engagement tactics.[6] Advocates of such an approach point to studies showing no correlation between increases in police funding and decreases in crime, and consistent social science research which points to educational[7] and employment[8] equity, not increased policing, as more effectively reducing crime.

Many Americans, however, remain skeptical of proposals to defund, divest from, or otherwise alter the basic structure of American policing, citing concerns about their safety and that of their communities, as well as the lack of clear alternatives for responding to crimes when they are committed.[9] Many from vulnerable demographic groups want police presence in their neighborhoods to stay the same, rather than decreasing or refocusing.[10] [11]

While a FiveThirtyEight poll indicates that a majority of Americans oppose "defunding the police" (58% to 31% on average), many municipalities are making changes consistent with the movement—from banning particular engagement tactics, to adjusting hiring priorities, to restructuring entire departments.[12] While a strategy pursuing "reallocation" may be more palatable to many, advocacy for "defunding" surely seems to have captured some attention, and is already having an impact on policing across the United States.

DISCUSSION QUESTIONS

1. Does the history of examples of racism in policing mean that the institution is incapable of reform and, thus, should be abolished?

2. When, if ever, are activists obligated to make their demands more palatable to the public in order to achieve their goals?

[1] Vox, "What does "defund the police" mean?"

[2] TIME, "The History of Police in America and the First Force"

[3] PBS NewsHour, "Police militarization fails to protect officers and targets black communities, study finds"

[4] The New York Times, "Opinion: Yes, We Mean Literally Abolish the Police"

[5] The Brookings Institution, "What does 'defund the police' mean and does it have merit?"

[6] ProPublica, "We Reviewed Police Tactics Seen in Nearly 400 Protest Videos. Here's What We Found."

[7] Lance Lochner and Enrico Moretti, "The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports"

[8] Christopher Uggen and Sarah Shannon, "Productive Addicts and Harm Reduction: How Work Reduces Crime – But Not Drug Use"

[9] The Boston Globe, "Amid cries to defund the police, what are the alternatives?"

[10] Gallup, "Black Americans Want Police to Retain Local Presence"

[11] The CATO Institute, "Policing in America: Understanding Public Attitudes Toward the Police. Results from a National Survey" [12] USA Today, "2020 protests impact: City and state changes to policing"

14. American Dirt

American Dirt, a novel by Jeannine Cummins, centers on the perilous journey that a Mexican mother, Lydia, and her son, Lucas, undertake in order to seek refuge in the United States. The book is fast-paced and engrossing, and received widespread interest and acclaim leading up to its release in January, 2020. Cummins received a seven-figure advance from her publisher; the book was optioned for a film adaptation prior to its release; Oprah picked up the title for her book club.[1]

Immediately following the release, however, there was a massive backlash against the novel and against Cummins. Critics maintain that the book is rife with problematic stereotypes, and does little to address some of the biggest challenges facing immigrants from Latin America. In an influential review, Parul Seghal of the *New York Times* says that the book, despite its topic, is "determinedly apolitical. The deep roots of these forced migrations are never interrogated; the American reader can read without fear of uncomfortable self-reproach. It asks us only to accept that 'these people are people,' while giving us the saintly to root for and the barbarous to deplore—and then congratulating us for caring."[2]

Complicating issues is the fact that Cummins herself is white (though she has some latinx heritage), and is not an immigrant. This leads many people to wonder why Cummins's voice should get so much uptake and acclaim, when people of more relevant demographics aren't receiving comparable attention. Furthermore, there are questions about how accurately a white, non-immigrant woman can represent the struggles that she herself has never faced.

Some disagree, however. Sandra Cisneros, a well-known Mexican American author, wrote a blurb endorsing the book. Even after the backlash, she came out in the support of the novel.[3] The likely reader, said Cisneros, is "going to be someone who wants to be entertained, and the story is going to enter like a Trojan horse and change minds. It's going to change the minds that, perhaps, I can't change."

Cummins stands by her novel. She says: "Not everyone has to love my book. I endeavored to be incredibly culturally sensitive. I did the work, I did five years of research. The whole intention in my heart when I wrote this book was to try to upend the stereotypes that I saw being very prevalent in our national dialogue. And I felt like there was room … for us to examine the humanity of the people involved."[4]

DISCUSSION QUESTIONS

1. To what extent do we have a duty to refrain from telling certain stories, even if these stories are fictional?

2. To what extent does who we are impact the sorts of stories we can and should tell?

3. Parul Seghal criticizes the book for being "determinedly apolitical". Is it morally impermissible for works of fiction to be apolitical?

4. To what extent does the artist herself matter in evaluating the quality of the art?

5. Do the intentions of the artist make a difference to the quality of the art that artist creates? Does the moral character of the artist make a difference to the quality of the art that artist creates?

6. Cummins maintains that she "did the work" and only wanted to "upend the stereotypes that I saw". Did Cummins herself do anything morally blameworthy in writing the novel?

---

[1] The Atlantic, "The 'American Dirt' Controversy Is Painfully Intramural"
[2] The New York Times, "A Mother and Son, Fleeing for Their Lives Over Treacherous Terrain"
[3] The Los Angeles Times, "As the 'American Dirt' backlash ramps up, Sandra Cisneros doubles down on her support"
[4] NPR, "Latinx Critics Speak Out Against 'American Dirt'; Jeanine Cummins Responds"

15. The Tiger King[1]

A popular Netflix documentary series released earlier this year tells the story of a collection of eccentric collectors of big cats, and the community that they form together. A key relationship in the series is depicted between a man called Joe Exotic, "[a] self-described 'gay, gun-carrying redneck with a mullet' who amasses one of the country's largest collections of wild cats," and his competitor Carol Baskin, the founder of Big Cat Rescue in Florida and an animal rights activist.[2] The series enjoyed widespread success. Yet it is troubling that it depicts Joe Exotic as a sympathetic character in the conflict, while demonizing Carole Baskin. The series exposes the viewer not only to the abuse of the animals at the center of the story, but also to the abuse of his employees, not to mention Joe Exotic's attempt to arrange for Mrs. Baskin's assassination. It portrays Mr. Exotic's zoo as an equivalent to organizations like Big Cat Rescue, and thus casts aspersions across the entire industry of big cat conservation.

Tiger King became a source of popular fascination online, fueling numerous memes and even petitions to #FreeJoeExotic. The real-life consequences of the series have affected the lives of its characters. Furthermore, several accusations of poor ethical conduct have been leveled against the show and its producers.

Kathleen Walsh, a reporter at *The Independent*, notes the repeated misogyny at work within the series, and specifically the toxicity Mr. Exotic leveled against Carol Baskin. Of particular note is the insinuation made by the series that Baskin played a role in the disappearance of her ex-husband in 1997, and its failure to note Baskin's history of dedicated conservation efforts. Walsh writes, "It is worth noting that Baskin's park, Big Cat Rescue, has the approval of accredited animal rights groups like the Humane Society, which has praised the organization's "highly effective and tireless work to end abuses," noting, "Big Cat Rescue has taken in dozens of abused tigers, lions and other wild animals over the years and is accredited by the Global Federation of Animal Sanctuaries."[3]

The ethical waters of documentary filmmaking are notoriously murky. Unlike fictional filmmaking, the manner in which a story is presented, how its characters are portrayed, and the limits of nuance that can be conveyed within the medium, can have lasting consequences for anyone involved with producing a documentary. And yet, the popularity of extreme depictions of larger than life, ethically dubious characters is undeniable.

These challenges are exacerbated by the lack of a governing authority over the industry. The New York Film Academy writes, "There are three main ethical challenges that arise for documentary filmmakers; their subjects, viewers, and their envisioned artistic presentation. As of now, there isn't a specific documentary code of conduct for ethical standards, simply a floating version that most, but certainly not all, abide. Some of these ethical codes that are universally adopted include doing no harm, protecting the vulnerable, and honoring the viewer's trust." For a series like *Tiger King*, which leads the viewer into normative judgments about the ethical performance of its characters, *how* the story is told may be just as important as the story itself.[4]

DISCUSSION QUESTIONS

1. How should documentaries portray ethically dubious characters?

2. To what extent is moral and ethical editorializing an inevitable part of telling a story through documentaries?

3. When portraying real-life individuals, should filmmakers be more concerned about accuracy and fidelity to the truth or effective storytelling?

4. Is it morally desirable to ensure that filmmakers' stories are absent of problematic assumptions and norms? If so, how should that be accomplished and who is responsible for it?

---

[1] A previous version of this case appears in the APPE Intercollegiate Ethics Bowl's 2020 Regional Case Set. It is reproduced here with permission. For more information about APPE IEB, visit https://www.appe-ethics.org/about-ethics-bowl.
[2] Slate, "Tiger King review: Netflix's documentary series is ethically questionable and spectacular"
[3] The Independent, "Nobody is talking about the misogyny of Tiger King so I will"
[4] NY Film Academy, "How To Deal With Ethical Challenges In Documentary Filmmaking"