
Regional **Ethics Bowl** **Cases**

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Case 1: Euthanasia for Alc

appeal to patient autonomy, while opponents worry about potential abuse. Finally, the moral obligations of physicians to patients with refractory suffering is unclear.

Case 2: Why Suicide?

In March 2017 Netflix released an episodic web series based on a novel by Jay Asher called *Thirteen Reasons Why*. The series follows the lives of high school

The show's production team anticipated a controversial discussion about the show, given the prevalence of suicide, suicide attempts, and suicide ideation among teens. As producer Selena Gomez puts it, "this is happening every day...Whether or not you wanted to see it, that's what's happening. The content is complicated." According to the CDC "17.0% of students (grades 9-12) seriously considered attempting suicide in the previous 12 months (22.4% of females and 11.6% of males)."⁸ Though this data precedes the release of the show, the correlative evidence in a recent study has shown that "*13 Reasons Why*, in its present form, has both increased suicide awareness while unintentionally increasing suicidal ideation."⁹

⁸ "Suicide Facts at a Glance 2015," *Centers for Disease Control and Prevention*, August 9, 2017, <https://www.cdc.gov/violenceprevention/pdf/suicide-datasheet-a.pdf>.

⁹ John W. Ayers, "Internet Searches for Suicide Following the Release of *13 Reasons Why*," *Journal of the American Medical Academy*, July 31, 2017, http://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2646773?utm_source=Silverchair_Information_Systems&utm_campaign=FTM_07272017&utm_content=news_releases&cmp=1&utm_medium=email.

Case 3: Quarantines

On January 19, 2017, the Centers for Disease Control (CDC) enacted a new rule, effective February 21, 2017, to expand its powers to screen, test, and quarantine people traveling into or within the United States, in the presence of a sudden epidemic of an infectious disease (e.g., Ebola), when quick and decisive action is necessary to contain the threat.¹⁰ The new rule aims at preserving public health, but some epidemiologists, lawyers, and health organizations say it poses a serious threat to civil liberties, because it allows authorities to detain and examine people without ensuring due process, and completely eliminates the requirement for informed consent.¹¹ Indeed, a similar attempt proposed in 2005 was scrapped in 2010 after a wave of critical comments.¹² Moreover, in the past broad quarantine powers have been abused and used to harm minorities—such as a quarantine of San Francisco's Chinatown in 1900.¹³

In an op-ed for *The New York Times*, Kyle Edwards, Wendy Parmet, and Scott Burris argue that the present regulations do not have strict enough medical guidelines or sufficient protections for when errors in the decision to quarantine occur: "[T]he new rules give the C.D.C. significant in-house oversight of the decision to quarantine, with up to three layers of internal agency review. This internal review has no explicit time limit and could easily stretch on for weeks while a healthy person languishes in quarantine."¹⁴

¹⁰ Centers for Disease Control and Prevention, "Quarantine and Isolation," *Centers for Disease Control and Prevention*, March 21, 2017, <https://www.cdc.gov/quarantine/index.html>.

¹¹ Ed Yong, "The CDC's New Quarantine Rule Could Violate Civil Liberties," *The Atlantic*, December 30, 2016, <https://www.theatlantic.com/science/archive/2016/12/cdc-quarantine-rule-violate-civil-liberties/511823/>.

¹² John Blosser, "Obama Scrapped CDC Rule Giving Feds Power to Block Ill Travelers," *NewsMax*, October 3, 2014, <http://www.newsmax.com/Headline/Ebola-CDC-Obama/2014/10/03/id/598485/>.

¹³ Cyriaque Lamar, "In 1900, San Francisco's Chinatown Was Quarantined with Barbed Wire Fences," *Gizmodo*, January 24, 2012, <https://io9.gizmodo.com/5878877/in-1900-san-franciscos-chinatown-was-quarantined-with-barbed-wire-fences>.

¹⁴ Kyle Edwards, Wendy Parmet and Scott Burris, "Why the C.D.C.'s Power to Quarantine Should Worry Us," *The New York Times*, January 23, 2017, <https://www.nytimes.com/2017/01/23/opinion/why-the-cdcs-power-to-quarantine-should-worry-us.html?mcubz=0>.

To be clear, while the internal review might stretch on for an indeterminate amount of time, the law only expressly allows for an individual to

Case 4: Muslim Ban?

Shortly after taking office earlier this year, President Donald Trump signed an executive order “Protecting the Nation from Foreign Terrorist Entry into the United States.”¹⁹ The order would suspend admission of Syrian refugees, as well as travel to the United States from seven Muslim-majority countries (Iraq, Iran, Sudan, Syria, Yemen, Libya, and Somalia). The order immediately sparked large-scale protests across the country, particularly at airports, where travelers were being detained and deported pursuant to the order.²⁰ It was also swiftly challenged in court.²¹

The executive order is based on Trump’s call during his presidential campaign for “a total and complete shutdown of Muslims entering the United States,” in order to prevent terrorist attacks.²² He criticized his opponent, Hillary Clinton, for policies that he believed would

Though the executive order did not mention

gender apartheid—which is in so many [Muslim] countries around the world—they are not to be heard. It is a liberal cause, or it should be.”³⁶

³⁶ Ibid.

Case 5: Boycott, Divest, Sanction

Citing security concerns, in the early 2000s Israel began to build a wall across the occupied territories of the

In response to Israel's policies, "Nobel laureate Archbishop Desmond Tutu...[has called] for international campaigners to treat Israel as they treated apartheid South Africa."⁴⁴ The BDS (boycott, divestment and sanctions) movement against the alleged Israeli apartheid has garnered support all around the world, on college campuses and even within Jewish groups, like Jewish Voice for Peace. According to Rebecca Vilkomerson, the executive director of Jewish Voice for Peace, the BDS movement "is a

movement is counterproductive and immoral, for it “imposes the entire blame for the continuing Israeli occupation and settlement policy on the Israelis.”⁵⁰

⁵⁰ Alan, Dershowitz. “Ten Reasons Why BDS Is Immoral and Hinders Peace,” *Haaretz*, June 12,

Case 6: The War against Fake News

The 2016 presidential election brought to the forefront the issue of fake news—the publication of false information packaged as news, often with the intention of misleading readers. Some of the most egregious examples were the story about Pope Francis endorsing Donald Trump for President of the United States, and the report that ISIS urged American Muslims to vote for Hillary Clinton.⁵¹ The concern over fake news became heightened when *The Washington Post's* Craig Timberg published a controversial story claiming that the election of Donald Trump received the “support from a sophisticated Russian propaganda campaign that created and spread misleading articles online with the goal of

Chris Hedges, and other “flagship publications of the progressive left.”⁵⁶ In an ironic twist, *The Washington Post’s* attempt to expose fake news resulted in “far more fake news than it exposed,”⁵⁷ observed journalists Ben Norton and Glenn Greenwald from *The Intercept*.

While the publication of fake news is not a new phenomenon, technological advances, such as the Internet and social media, have had a dramatic impact on the dissemination of false information. Because of social media platforms like Facebook, “[c]ontent can be relayed among users with no significant third-party filtering, fact-checking, or editorial judgment.”⁵⁸ Given that “62% of adults get news on social media,”⁵⁹ Facebook and Google are taking steps to make sure fake news is eliminated from searches and feeds. For example, Google modified search algorithms to prevent holocaust-denial sites from appearing in search results.⁶⁰ Meanwhile, Facebook announced last year that it would partner with fact-checkers who would be “labeling, and burying fake news and hoaxes in its News Feed.”⁶¹ In the future, Facebook will be relying on artificial intelligence with “the capability of sweeping through Facebook posts, searching for keywords, sentences, paragraphs or even the way a story is

⁵⁶ Max Blumenthal

framed.”⁶² Though the packaging of lies as fact has been widely recognized as a serious obstacle to a functioning democracy, journalists and media scholars⁶³ have expressed worries about placing “absolute editorial control in a small set of hands with no apparent recourse and no documented appeals process.”⁶⁴

Case 7: Professor Blackface

In October 2016, University of Oregon law professor Nancy Shurtz decided to throw a Halloween costume party at her house, inviting friends, colleagues, and students. Upon arriving, the guests immediately noticed their host's costume: Shurtz, a white woman, was wearing a white lab coat, a stethoscope, an afro wig, and black make-up on her face and hands. In short, Shurtz had donned blackface, a style of make-up associated with minstrelsy. (Minstrel shows were an early 19th-century form of entertainment that featured mostly white actors wearing black face p 523.06 674.3ss

diversity in the law school student body, has led to minority students feeling further disenfranchised

discomfort and disruption—even if that discomfort is a natural consequence of constitutionally protected speech, and even if the disruption is plainly someone else’s responsibility.⁷⁴

⁷⁴ Jaschick.

Case 8: Goldwater Taking on Water

Earlier this year, a small group of psychiatrists held a town-hall meeting at Yale Medical School to discuss President Donald Trump's mental health. Dr.

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Dr. Gartner's position is controversial because the American Psychiatric Association's code of professional conduct forbids psychiatrists from publically commenting on the mental health of living public figures without first personally examining them. This rule is informally known as "the Goldwater rule," after the man who led to its creation. In 1964, over 1000 psychiatrists signed a petition opining that the Republican presidential nominee, Barry Goldwater, was psychologically unfit for the office of president. The petition was published in *Fact* magazine, which Goldwater later sued for libel and won.⁷⁸ So it is no wonder that psychiatrists today are hesitant to publically declare President Trump mentally unfit, even if they might personally believe he is.

Indeed, as a group of mental health professionals express

but unfairly stigmatizes people who actually suffer from mental illness.⁸² On the other hand, to his supporters, Trump's behavior is not

Case 9: Electoral Co

President wisely.⁸⁸ Additionally, the EC was implemented in order to ensure that the more populous cities and states did not exact tyranny over the less populous regions—the agrarian middle of America—which provided strong economic support and essential goods and services to the metropolises.⁸⁹ In short, the EC was essentially enacted to avoid tyranny of the majority, and was a necessary concession at the Constitutional Convention made to the small states to secure the formation of the United States.⁹⁰

This standard account of the EC has been challenged by constitutional law scholar Akhil Amar, who has argued that slavery—not the avoidance of tyranny—was the *raison d'être* of the EC. Amar explains

to maintain their electoral power, there are serious barriers to any change in the system.

Case 10: Running Away from the Competition

In 2014, Indian sprinter Dutee Chand gold medaled in the 200-meter sprint and the 4x400-meter relay at the Asian Junior Athletics Championships in Taipei, Taiwan. South African runner Caster Semenya, competing in the women's 800 meter run, won gold in the 2009 World Championships, and

cases, the female competitors will have elevated (for women) levels of testosterone in their blood.

However, at the 1996 Olympic Games, seven of eight women found to have a Y chromosome were

of Arbitration for Sport (CAS)—the Supreme Court for sports disputes—which heard her appeal in 2015.

In July 2016 the CAS ruled that scientific evidence was insufficient to prove that women with high levels of testosterone have a

Case 11: Mind over Matter?

On April 29, 2017, the Ditchling Museum of ART + CRAFT opened a new exhibit: *Eric Gill: The Body*. Gill was one of the finest British artists of the 20th century; his sculptures stand in buildings across the world, including Westminster Cathedral (London) and the United Nations Building (NYC). His sculptures, engravings, and drawings permanently reside in prestigious museums. According to Ditchling's web page, "[w]ithin Gill's work, the human body is of central importance; this major exhibition asks whether knowledge of Gill's disturbing biography affects our enjoyment and appreciation of his depiction of the human figure."¹⁰⁹ The "disturbing biography" referred to is Gill's sexual abuse of his two oldest daughters during their teens.

Prior to mounting the exhibition, Ditchling's director, Nathaniel Hepburn, convened a workshop that included academics, museum professionals and curators, critics, and journalists to consider not whether, but how, the exhibition might usefully examine this sexual abuse. Journalist Rachel Cooke, a workshop participant, queries: "For me, though, the biggest question remains unanswered: why do this show at all? The darkneses in Gill's life have been public knowledge... [since] 1989. It is not as though this information is secret. Why force it on visitors?"¹¹⁰

Certainly some viewers will be distressed—perhaps mightily distressed—to see sculptures and engravings of ~~ex(iew)10ecb6(u)-8rred~~

Case 12: Gonzo Journalism

The Society of Professional Journalists was started in 1909 by DePauw University students who were interested in careers in journalism, and wanted to "uphold high standards in the profession."¹¹⁵ The group spread to other college campuses and evolved into a professional organization. In 1926 the group adopted its first code of ethics, borrowed from the American Society of Newspaper Editors. This code of ethics was revised five times, with the most recent revision in 2014. In the 1973 version of the code of ethics, the guidelines require being objective, free from bias, and avoiding morbid curiosity or excessive coverage of vice and crime.¹¹⁶ The 2014 code of ethics

Ms. Goodman's case for throwing out the riot charges against her,¹¹⁹ but some note that the proliferation of digital and social media and the advent of the "citizen journalist" have made it much harder to distinguish between those involved in the story and those merely seeking to cover it (and even those who may hope to make a story out of the police interactions with large groups).¹²⁰

Similarly, during the inauguration in Washington, D.C. in 2017, a number of journalists were rounded up with "antifa" (i.e., anti-fascist) protesters, and some such journalists were charged with crimes for allegedly participating in the chaos that they were reporting.¹²¹ Some of these journalists claim that their footage would show that they were not participating in the riots, but merely covering the story.¹²² Even worse, however, are the more recent claims that some of these journalists were subjected to rape as punishment while under arrest.¹²³

Clearly there are some instances when the journalist's involvement in the story is beyond their control, such as in the claimed rape during arrest. In other instances, however, upon running with "antifa" protesters using Facebook Live, occasionally cursing and otherwise using an informal voice, the journalist may become harder to recognize as he or she goes gonzo. We charge the police with a difficult task of deciding what "counts" as journalism when deciding who should be charged during a protest. The question remains whether the journalist has a duty not to become a part

¹¹⁹ Sam Levin, "Judge Rejects Riot Charges for Journalist Amy Goodman after Oil Pipeline Prot

of the story, and/or whether there are contexts when proximity to the story is inappropriate.

Case 13: The Ethics of Podcasting

The true crime podcast *Serial* is wildly popular, so much so that it has spawned many imitators since it came out a few years ago. In *Serial*, journalist Sarah Koenig investigates the 1999 killing of Hae Min Lee, for which her ex-boyfriend Adnan Syed was convicted and sentenced to life in prison.¹²⁴ Koenig presents the story with a catchy theme song, in weekly installments, with

pipeline has created thousands of jobs, and “has brought hundreds of millions of dollars in investment in heavy equipment” to North Dakota.¹³⁸

Unfortunately, the construction of the Dakota Access Pipeline may itself have occasioned human rights violations. The Standing Rock Sioux Tribe maintains that the land through which the Dakota Access Pipeline passes was included in an 1853 treaty between several

Case 15: Rivers Are People Too

On March 15th, 2017, New Zealand passed a law declaring the Whanganui River a legal person. The Whanganui is the first river to gain legal personhood, but India quickly followed suit and granted personhood to both the Ganges and Yamuna rivers.¹⁴² Court-appointed guardians are

Others critics
