CASE SET:
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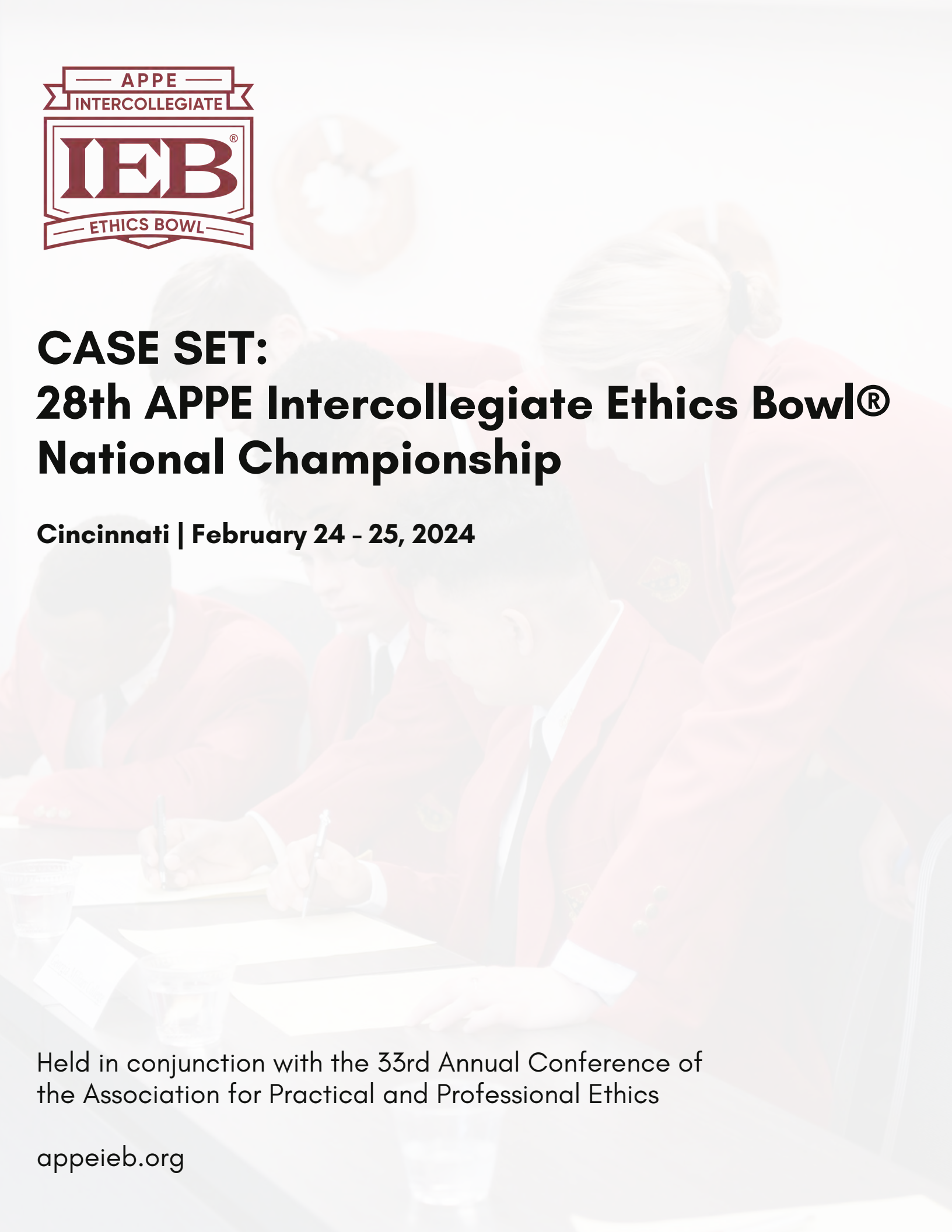

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Case 1: Cleaning Up?

BASF, the Germany chemical company, manufactures the compounds found in well-known cleaning products, including Cascade dishwashing detergent, Clorox, Mr. Clean, Febreze, and Swiffer. The production of these effective cleaning products depends on ethylene oxide.

According to a 2021 report by ProPublica, a non-profit investigative journalism organization, the production of ethylene oxide puts 1.5 million workers and those living near the BASF production facilities in the United States at an elevated risk for breast cancer, leukemia, and lymphoma. These citizens are at a higher risk than those living near or working at BASF facilities in Germany due to the more lenient federal and state environmental protections in the United States. ProPublica found that one of BASF's plants in the United States emits over "nine times as much ethylene oxide as its larger plant that makes the same chemical in its hometown of Ludwigshafen, Germany."

ProPublica claims that BASF's US footprint of carcinogenic air pollution is the largest among foreign-owned companies and is among the top toxic companies operating in the United States. A 2022 study by University of Massachusetts – Amherst included BASF in the top 100 toxic industrial air polluters in the United States, as well as the top 100 toxic industrial water polluters.

BASF also produces active pharmaceutical ingredients (API) used in the manufacture of drugs to treat cancer, including Taxol and Tykerb. The production of cleaning products and APIs contributes to the company's annual revenue of $93 billion. Evidently, the company profits both from putting people at risk and then providing the compounds to treat them when they become sick.

However, according to the Friedman Doctrine, the only responsibility of corporations is "to conduct the business in accordance with [their shareholders'] desires, which generally will be to make as much money as possible while conforming to the basic rules of the society, both those embodied in law and those embodied in ethical custom." Thus, it is not the business of a chemical company to act against the wishes of its owners and spend their investment dollars on social programs or on minimizing the company's environmental impact. That is the responsibility of governments. Regardless of whether the laws are strict or lax, they are the rules by which everyone plays.

Case 2: The Last Invention

In April of 2021, the European Commission proposed a general framework for regulatory laws governing the development and use of Artificial Intelligence (AI). Subsequently, in June of 2023, the Members of the European Parliament (MEP) adopted a preliminary version of the AI Act. This act places restrictions and, in certain cases, outright bans on specific AI systems, depending on the level of risk associated with their use. Among the practices prohibited are social scoring, real-time biometric identification, predictive policing, and indiscriminate scraping of facial images from the Internet. Notably, high-risk applications, such as the recommender systems used by social media platforms, will face stringent transparency requirements, requiring the disclosure of AI-generated content. The AI Act encourages testing AI systems within regulatory "sandboxes" (isolated, controlled, real-life environments) before their deployment within the EU community. Furthermore, it allows room for exceptions, and it safeguards the right of citizens to file complaints. At the time of composing this case, the European Council is deliberating the final form of the Act.

It is widely acknowledged that the evolving capabilities of AI will probably be disruptive. Advances in automation will profoundly affect certain sectors of the job market. We must anticipate many unintended consequences from flawed programming, hidden biases, or interactions with complex environments. We must anticipate potential misuse of AI by bad actors and rogue states. However, from the beginning of AI development, a handful of people have warned about a possible existential threat to humanity due to the very nature of AI.

It seems inevitable that a "superintelligent" system will eventually emerge—an AI system that surpasses human intelligence in virtually every aspect. While many computer programs excel in specific tasks, such as playing chess, they do not qualify as superintelligent because their abilities do not go beyond that task. A superintelligent system, often referred to as an Artificial General Intelligence (AGI), would have a generalized intelligence superior to humans in virtually all areas. The greatest existential threat to humanity is often associated with the possibility of AGI, and it is linked to the notion of a "technology singularity," a point at which technological development becomes uncontrolled and irreversible. A superintelligent system, unlike the fictional HAL 9000, would presumably outsmart any human attempts to control it. In the words of I. J. Good, "the first ultraintelligent machine is the last invention that man need ever make, provided that the machine is docile enough to tell us how to keep it under control."

The competitive pressure within the AI development community are likely to push developers to innovate faster than safety measures can keep pace. Historically, governments are slow to

respond, making it likely that laws will be enacted, modified, or repealed too late to achieve their intended results. Out of apparent concern over the monster they are creating, many AI developers are urging governments to impose controls on their own work to delay the arrival of the singularity.

One notable AI, GPT ("Generative Pretrained Transformer"), was developed by OpenAI, and uses deep learning to generate high-quality text. ChatGPT, a variant of GPT, primarily produces conversational text in a natural language but can also write programming code. As of July, 2023, ChatGPT is all the rage, but other AI models are piling up fast. Auto-GPT, for instance, can decompose complex tasks into subtasks. As expressed in Wikipedia, "Auto-GPT was used to create ChaosGPT, which, given the goal of destroying humanity, was not immediately successful in doing so."

Case 3: Deadly Butterflies

In 1943, when the German Luftwaffe bombed the port city of Grimsby, England, and other towns in Northern England, they used a new type of munition referred to as butterfly bombs. These butterflies, though, were extremely lethal and treacherous. More than one hundred could be tucked inside a container that would explode high above ground, dispersing swarms of bomblets. Their winged fuses would spin, arming the butterflies for explosion in a number of ways—some once they hit the ground, others lying unexploded until touched or disturbed, and yet others with timers set to go off at different intervals. Butterfly bombs were the first type of cluster bombs.

Although the death toll was low by World War Two standards, the number of fatalities in the days after the bombings matched the number of deaths from the bombings themselves. Particularly alarming was the number of children who were killed when their curiosity led them to pick up the toy-sized explosives.

In the Vietnam War, The US military dropped cluster bombs in Vietnam and Laos. The unexploded munitions that remained on and under the earth have killed or maimed thousands of civilians in the past fifty years.

During its war with Afghanistan, Russia used cluster bombs to essentially make the rubble bounce in that perpetually war-torn country. And when Russia began its invasion of Ukraine in 2022, it used cluster munitions to level apartment buildings and vital Ukrainian infrastructure. Ukraine, in return, according to Human Rights Watch, has hurled thousands of rounds of cluster shells at the Russians—the same munitions it had received from its former ally when they were both part of the Soviet Union. When Ukraine ran out of its Soviet-era artillery shells, it turned to the United States which agreed to resupply the Ukrainians from US military stockpiles.

Although this has upset many of the over one hundred countries that signed onto the Convention on Cluster Munitions, which took effect in 2010, the United States says that without keeping Ukraine supplied with cluster munitions, Ukraine will not be able to match Russian firepower. It should be noted that neither the United States, Russia, nor Ukraine has agreed to comply with the accord. And Israel, which last used cluster weapons in its war with Hezbollah in Lebanon in 2006, has also chosen not to sign onto the convention.

American-made cluster munitions, according to US military officials, are safer for non-combatants because fewer of them will remain unexploded in contested areas of Ukraine. The

US military claims that only 3 percent or fewer US-made bomblets are duds, whereas up to 40 percent of Russian-made bomblets will remain unexploded and hazardous to civilians. Notwithstanding which country produces cluster bombs with the lowest dud rate, former US Senator Patrick Leahy and Senator Jeff Merkley, a Democrat from Oregon, in an editorial in the *Washington Post*, say sending cluster weapons to Ukraine would be a serious mistake. "[I]t would go against the two-thirds of NATO members and other allies and partners who are party to the [C]onvention [on Cluster Munitions], and whose support is critical to our collective defense of Ukraine. The last thing we need is to risk a rupture with key allies over a weapon that the United States should be leading the world to prohibit." Ironically, they add, the United States spends millions of dollars each year to help clear unexploded ordnance from former war zones.

Case 4: A Rogue's Gallery (of Art)

In the vibrant city of Rome, a controversial figure has emerged, captivating the attention of locals and tourists alike. Known only by her enigmatic pseudonym, "Scribe," this talented graffiti artist has gained immense popularity for her captivating and thought-provoking creations scattered across the city's walls and alleyways. However, Scribe's artistic endeavors have placed her at odds with the authorities, who refuse to grant authorization for her work. Despite this, the artist remains untouched by legal consequences due to her widespread support and popularity.

Though anonymous, Scribe's gender identity is known from interviews she has given by phone to local newspapers and also by her online publications. In one such interview with *Artistry Insights*, she discusses her journey as a female artist breaking boundaries in a male-dominated street art scene. Additionally, Scribe has mentioned her experiences of navigating public spaces as a woman, which have influenced some of her artworks centered around gender equality and women's empowerment.

Scribe's graffiti pieces stir emotions, provoke critical thought, and engage the public in dialogue. Her works encompass a wide range of themes, including social justice, environmental awareness, and political commentary. Perhaps her most well-known work, "The Wings of Unity," a mural in the heart of Rome's bustling Trastevere district, features a mesmerizing array of colorful wings, each adorned with symbols representing various cultures and identities. The artwork serves as a powerful message promoting inclusivity and celebrating the diversity of the city's inhabitants. Despite being unauthorized, the mural has become a beloved landmark, drawing visitors from all walks of life to admire its beauty and significance.

However, Scribe's art has not been without controversy. The Roman municipal authorities, responsible for maintaining the city's aesthetic and cultural heritage, argue that the unauthorized graffiti compromises the historical integrity of Rome. They contend that Scribe's work, while artistically impressive, tarnishes the architectural beauty that the city is renowned for. The government's strict regulations on public art require artists to obtain official permits and adhere to specific guidelines, which Scribe has consistently defied.

Despite the authorities' disapproval, Scribe enjoys unwavering support from a significant portion of the public. Many argue that her art revitalizes neglected areas of the city, transforming them into vibrant cultural spaces that attract both locals and tourists. Supporters assert that the authorities should recognize the positive impact Scribe's art has on the community and adapt their policies to accommodate such creativity.

Supporters of Scribe contend that artistic expression should not be stifled by rigid regulations. They argue that her art serves as a form of public discourse, encouraging citizens to reflect on social and political issues. Furthermore, they assert that Scribe's popularity and positive impact on the community should be taken into account when assessing the legality of her work.

Note: This case is fictional and was written largely by ChatGPT, coaxed and cajoled by its faithful human sidekick, Navarchus.

Case 5: Health at Every Size

The last socially-acceptable bias?

Dr. Smith barely looks up from his handheld computer as the fidgeting teenager on the examination table rambles on about her abnormal menstruations. She describes excessive pain and irregular bleeding, despite diligently taking the oral contraception Dr. Smith had prescribed for her six months ago to address her symptoms. Dr. Smith peers over the top of his glasses at her and offers this sage advice: “As I’ve said before, you need to lose weight so you don’t have these problems anymore.”

Versions of this scene are repeated countless times every day in the United States: a woman goes to a healthcare provider for some ailment, symptom, or complaint, like shortness of breath, chest pains, lethargy, or menstrual cramps. Often, one of the first things she is told is some variant of: “You are overweight. You need to lose weight.”

A central theme in the emerging field of fat studies is that stigmas and stereotypes that shame and blame people for their size are not only socially acceptable but also socially encouraged. The Health at Every Size (HAES) movement aims to address these stigmas and shift the focus of healthcare away from size and toward the health of individuals in their particular contexts. HAES advocates point to the essential connection between fatphobia/weight-bias and racism. HAES advocates and fat studies researchers point to meta-studies and longitudinal studies to critique the view that what healthcare providers and diet and exercise companies promote as the proper or optimal weight range for women is not accurate.

One target of fat studies, as well as of many health researchers, is the perhaps outdated measurement of body mass index (BMI) that has for decades been directly linked to obesity and health. BMI is a function of weight and height, developed in the 19th century by Adolphe Quetelet for population statistics and his search for the ideal “average man,” not for individual health measurement. Despite decades of evidence that BMI is likely not a singularly predictive measurement for morbidity and mortality, its use is widespread in the weight-loss industry and medicine. The BMI has been influential in social Darwinism, eugenics, and attempts to ground racism in science.

On the other hand, many medical professionals and healthcare researchers focus on obesity as a national epidemic in both children and adults. Obesity, it is argued, is a major factor in the alarming rates of diabetes and hypertension, and obesity exacerbates other chronic health

conditions and significantly contributes to morbidity and mortality rates. Instead of shifting focus away from obesity, many healthcare professionals argue that we need to place more emphasis on obesity, especially in children, no matter what methods are required to address this public health crisis effectively.

Case 6: Thanks for All the Fish!

Did you know that orcas are actually dolphins? More commonly known as “killer whales,” orcas are large, carnivorous, endangered aquatic mammals found in oceans around the world. But don’t worry about the “killer” in their name; orcas have no recorded history of attacking humans, except in captivity. In fact, like most dolphins, they tend to view humans somewhat favorably. Recent reports may have you believing that these animals, while not deadly, do not come in peace.

The Iberian orca, a subpopulation of the species found off the coasts of Spain and Portugal, has had increasing contact with humans over the past three years. Since 2020, people have reported over 500 cases of interactions with Iberian orcas. Approximately half of these reports involve orcas curiously swimming around boats or gently nudging vessels as they swim alongside. However, 250 of these cases involve damage to boats, with over sixty reports of serious damage and even the sinking of three ships.

Most researchers attribute this behavior to playfulness, considering it a “fad” among the younger members of the herd. Most of the orcas engaged in these cases of aquatic vandalism are juveniles, and their focus appears to be only the boats’ rudders. According to a June 2023 *Washington Post* article, Dr. Deborah Giles said, “Orcas found off the coast of Seattle once carried dead fish on their heads for fun.” She added, “Elsewhere, they have recorded orcas playing with jellyfish or birds.” Experts believe that these playful antics will subside over time.

However, a different story has gained media attention—one that portrays orcas as bent on revenge against humans. This revenge story even has a main character. White Gladis, a large female orca is cast as the leader of the Iberian orca pod. It is suggested that she “may have had a traumatizing encounter with a boat or a fishing net. In an act of revenge, she is teaching her pod-mates how to carry out revenge attacks with her encouragement.” This speculation was offered in the second *NPR* article on the case titled “Revenge of the Killer Whales?”

This sensationalizing of the orcas with a vendetta, however, is doing more than just spreading misinformation; it’s inciting fear among the boatmen who share these waters with the Iberian orcas. An article by *Newsweek* says, “Many sailors are now arming themselves with guns and other weapons to defend their ships.”

Case 7: Shades of Noir

For years, Hollywood studios and television networks churned out productions that stuck to the belief that audiences were attracted to and identified with the characters wearing white hats, figuratively speaking. These characters were identified as heroes. Bad guys, of course, symbolically wore black hats. Then, by the end of the Second World War, a new genre of motion picture, known as film noir, began to treat moviegoers to storylines with no clear "white hat" or "black hat" roles.

Flash forward to the second decade of the twenty-first century, and you've arrived at the era where "black hat" antiheroes might seem to be gaining in popularity over the "white hat" heroes. Thanks to the success of movies and series produced by premium cable and streaming media services, there's an apparent appetite for programs that feature characters with few, if any, moral boundaries.

Why are shows about organized crime, drug dealing, underhanded politics, and cut-throat business executives winning so many loyal viewers? Is it affecting audience behavior in the real world?

That was the subject of a paper, "Why We're Obsessed with Antiheroes," published in the journal *Popular Media* (2021). Dara Greenwood, one of the co-authors of the study, was quoted in a *Psychology Today* interview, saying, "Of course, the downside is that we may become subtly conditioned to give bad behavior a pass or become desensitized to it."

An earlier study at Boston University, published in the journal *Communication Research Reports*, found that audiences who exhibit a low tolerance for immoral behavior are less likely to enjoy watching a program with characters who appear to act in an immoral way. However, if the show provides an understanding of the motivation behind a character's actions, the audience will be more likely to overlook bad behavior. "We may feel our own aggressive impulses are more justified or valuable," suggests Greenwood. "Both short-term and long-term research on the impact of media violence suggests it should not be dismissed as one (among many) risk factors for aggression."

On the other hand, people in real life are typically neither all good nor all bad. Failing to realize this fact can lead to snap judgments, intolerance, hatred, stereotyping, and a lack of empathy. Few people would like to return to the "good old days" when all programming conformed to the strict guidelines of the Hays Commission.

Case 8: Killology

"It can be very dangerous to see things from somebody else's point of view without the proper training." That's the warning attached to the Point of View gun created by the Deep Thought supercomputer in the 2005 movie, *The Hitchhiker's Guide to the Galaxy*. The Point of View gun makes the target see things from the shooter's perspective. It is a powerful, anti-weapon weapon.

The ability of seeing things from another person's point of view is commonly known as empathy and is often considered a prerequisite for ethical thinking. Until we can step outside our own perspective, we are untouched by the suffering of others, unconcerned with their interests, or undeterred by their human dignity. Those who lose the capacity to empathize, perhaps due to a brain injury, may become sociopathic.

But this essential human ability has its downside, which George Orwell described in his essay, "Looking Back on the Spanish War":

> Early one morning another man and I had gone out to snipe at the Fascists in the trenches outside Huesca. … [B]y sneaking out to a spot about a hundred yards from the Fascist trench you might, if you were lucky, get a shot at someone through a gap in the parapet. … At this moment a man, presumably carrying a message to an officer, jumped out of the trench and ran along the top of the parapet in full view. He was half-dressed and was holding up his trousers with both hands as he ran. I refrained from shooting at him. … I had come here to shoot at 'Fascists'; but a man who is holding up his trousers isn't a 'Fascist', he is visibly a fellow creature, similar to yourself, and you don't feel like shooting at him.

Once we fully grasp the humanity of others, we may find it hard to treat them as mere objects. Fortunately, this tendency to see the humanity of others seems to be deeply ingrained in us. Samuel Lyman Marshall's research into combat during World War II suggested that only a fraction of soldiers, possibly no more than one-quarter, actually fired their weapons in combat. While some military historians have accepted his conclusions, others have rejected them as myth. Whether Marshall's reported rate of fire is fact or myth, there have been many changes in how soldiers are trained for combat. This resistance to killing other humans is something that military training must overcome.

The field of killology explores strategies to overcome this inhibition. Proposed methods include using human-shaped targets instead of stationary bullseyes; employing simulations involving

hollowed cabbages filled with ketchup to mimic the effect of bullets; and dehumanizing the enemy through remote warfare technologies such as bombs, night-vision goggles, rocket launchers, and drones. Historically, militaries have demonized the enemy by emphasizing political, religious, moral, or racial differences. The righteousness of one's own cause may be emphasized, as well as the shame of letting down one's own team.

However, there is a clear danger in suppressing the natural reticence to kill, especially considering that most surviving soldiers will reintegrate into society. Citizens must see their opponents as fellow humans, and resolve their disagreements without violence. This is a challenge that every military must confront.

Case 9: You're Sort of Welcome Here

College and university websites use videos, photos, charts, and graphs adorned in school colors to recruit prospective students, dangle opportunities for donors, and present the best face to anyone from the public who lands on the homepage. These websites provide essential communication for students, faculty, and staff as they navigate classes, curriculum, and campus life. They also house the business infrastructure that makes running a complex campus possible. The highly visual virtual marketing invites everyone to the party. Well, it invites everyone except for those who cannot see the attractive images and animated design features or hear the music or moving narratives, whether due to disability or simply the lack of high-speed internet.

Since the passage of the Architectural Barriers Act (ABA) of 1968 and subsequent amendments, the United States has been transformed by the addition of curb cuts, ramps, and elevators that have made all physical public spaces accessible for people with disabilities. However, despite the implementation of the Americans with Disabilities Act in 1990, Section 508 of the Rehabilitation Act, and the 21st Century Communications and Video Accessibility Act, universal design has not become the norm in the virtual realm. A 2019 study by WebAIM found that 98 percent of the one million most visited websites in the world had accessibility obstacles. A study conducted four years prior by the National Federation of the Blind showed that 85 percent of US colleges and universities had at least one major accessibility issue on their homepage. The most common accessibility problems on higher education websites included missing or inaccurate alt text for images, insufficient contrast between text and background colors, unsupported or inaccessible video and audio content, difficult-to-use forms and menus, and a lack of keyboard navigation support. The problems only deepen as one navigates further into internal web pages, often making it difficult to reach crucial resources, such as student offices of accessibility.

Lack of accessibility is problematic for three reasons: it violates federal law, it discriminates against people with diverse needs by impeding their full participation in higher education, and it contradicts the schools' claims to welcome diversity and value the experiences of all. The answer may seem obvious: make websites accessible. However, finding a solution for US institutions of higher education is a complex task, both technically and conceptually. Designing accessible web navigation and content is a specialized skill that requires expertise. Most schools lack employees with the necessary training. Moreover, much of the online content produced by institutions of higher education is generated outside the marketing and communications office. For example, faculty members who design online classes and provide students with class materials online often do not even know what they don't know about accessibility issues. They may design virtual materials without ever taking into account the needs for students with diverse abilities. Another

issue for online accessibility lies in determining how to describe visual elements. Higher education websites illustrate the gender and racial diversity of their student population through images. However, characteristics that are readily apparent to visual users are hidden by alt text descriptions that merely state, for example, “five students working together at a conference table.”

In the United States, college and university students and employees seeking disability accommodations have historically been required to show documentation from a doctor. Such documentation may be justified if the issue is one of fairness, such as whether to grant a student extra time for exams. However, accessibility for a school’s website is more akin to having both an elevator and stairs available. This need cannot be addressed one user at a time.

Case 10: Quitting the Classroom

It's a tough time to be a teacher. Here in the post-pandemic world, K-12 instructors are faced with the overwhelming task of filling the academic and social-emotional gaps magnified by the COVID-19 crisis. In response, teachers are leaving the profession in droves.

The number of educators leaving the industry peaked in August 2020, when 133,000 teachers quit their jobs. That number has remained high throughout 2023, far outpacing the number of layoffs, transfers to new schools, discharges, retirements—and new hires. A recent survey by the National Education Association (NEA), the largest teachers' union in the country, found that, among those still teaching, more than half were considering leaving the profession.

"It's like a five-alarm fire right now," according to NEA president Becky Pringle. "This is not new, but like everything else, the pandemic made it worse."

To be sure, leading a classroom has never been easy. Teacher salaries have stagnated for decades, leading to an 18.7 percent pay gap between teachers and people in comparable professions in 2019. The 2010s marked a decline in government investment in education, resulting in larger classes and fewer resources for teachers. Meanwhile, teachers have found themselves increasingly answering to parents concerned about their children's prospects of attending highly selective universities, as well as those who blame instructors for poor student behavior.

In the wake of the pandemic and recent political upheaval, the situation has only become more complicated. The rapid switch to online learning during the pandemic left many teachers feeling burnt out. With school violence—from fighting in the hallways to gun-related incidents—on the rise, many teachers worry for their safety. Others say they are frustrated or fearful they will be thrust under the political microscope, as others recently have for purportedly promoting Critical Race Theory or LGBTQ rights in the classroom.

On the other hand, for students, the teacher shortage has persisted in a time of great need. Absenteeism is high, enrollment is low, and failing grades are on the rise across the United States. Country-wide tests given to fourth and eighth graders in 2022 indicated that reading skills had dropped to the lowest level in thirty years, according to the National Assessment of Educational Progress. Among eighth graders, 40 percent of students could not understand basic math concepts—the largest percentage since testing began in 1969.

Then there are the social-emotional impacts of the pandemic, which experts warn amount to a "mental health state of emergency." As many as one in five children in the nation show signs of a mental health disorder, which often leads to poorer grades and goes hand-in-hand with an increased risk of drug use. Mental health crises resulting in emergency-room visits have increased even among young children, according to data from the Centers for Disease Control and Prevention.

Education experts fear our opportunity to fix these deficits may be rapidly closing. While specialized tutoring, summer education programs, and extended school days have been found effective in minimizing the pandemic's impact, most schools lack the resources—and teachers—to implement these interventions. Some experts warn the result will be a "lost generation" of students who enter adulthood and society with fewer opportunities and more problems.

"There's a whole cohort of young people who are not going to get the kind of education that's going to allow them to get the best jobs," said Geoffrey Canada, founder of the Harlem Children's Zone. "It's going to cost lots of kids tens of thousands of dollars over their earnings."

For many who have quit the classroom, the decision to leave was not one taken lightly. A majority working in public schools have devoted years of their life to acquiring specialized classroom training. A number chose to resign knowing that they would forgo the chance to have student loans forgiven. Others who have spoken to reporters about quitting described teaching as their "dream job"—before it became nightmarish. Yet, in so many school board meetings and parent-teacher conferences, the sentiment among caregivers is that schools—and teachers—simply haven't done enough. Is this the time to call it quits?

Case 11: Affirmative Action Anyway

In June 2023, the US Supreme Court ruled in *Students for Fair Admissions v. Harvard*, and *Students for Fair Admissions v. University of North Carolina*, that race could no longer serve as a legitimate factor for US colleges and universities in making admissions decisions, with the possible exception of service academies. These institutions, based on what the Court labeled "distinct interests," were allowed to continue their affirmative action programs, at least for the moment.

Chief Justice Roberts wrote in a footnote to the majority opinion, "The United States as *amicus curiae* contends that race-based admissions programs further compelling interests at our Nation's military academies. No military academy is a party to these cases, however, and none of the courts below addressed the propriety of race-based admissions systems in that context. This opinion also does not address the issue, in light of the potentially distinct interests that military academies may present." Justice Sotomayor, in a dissenting opinion, asked why these interests are compelling, while others are not.

While leaders from the other 4,000 or so US institutions of higher education may see this affirmative action exception as a distinction without a difference, they are each preparing in their own way to balance legal compliance with their goal of maintaining diversity.

Not one college or university president has said that they will step back from their commitment to achieving diversity. Instead, they are reengineering their admissions policies and procedures to meet the same goal.

As the President of Brown University wrote in response to the ruling, "I want to underscore that Brown is and will remain firmly committed to advancing the diversity that is central to achieving the highest standards of academic excellence and preparing our students to grow and lead in a complex world."

The Court seemed to provide loopholes by allowing universities to use race-neutral policies, like awarding admission points to first-generation college students, even if the intention is to enhance diversity. And while the Court no longer permits admissions committees to award points based on race alone, it is permissible for schools to consider "an applicant's discussion of how race influenced their life, whether through experiences of discrimination, inspiration, or other factors."

“But,” Roberts warns, “despite the dissent’s assertion to the contrary, universities may not simply establish through application essays or other means the regime we hold unlawful today. (A dissenting opinion is generally not the best source of legal advice on how to comply with the majority opinion.)”

In response, admissions standards are likely to place less emphasis on objective criteria like test scores and class rank and more emphasis on an individual’s personal qualities. For instance, Danielle Ren Holley, the incoming president of Mount Holyoke, envisioned an application question that might read something like: “One of the core values of Mount Holyoke College is diversity of all kinds. Please tell us why you value it, and what you think you bring to the Mount Holyoke community in terms of diversity.” Schools are planning to give preference to high-achieving students from low-income families and are investing more in need-based financial aid. Some are also pulling “legacy preference” programs that had previously admitted less-qualified applicants who were related to alumni or donors, as these applicants tended to be wealthy and white.

For critics of affirmative action, deciphering a university’s intentions will become even more challenging than it now is. How can one know whether an admissions decision was based on an essay showcasing an applicant’s courage, their ability to overcome obstacles, or their race? In September 2023, Students for Fair Admissions filed a lawsuit challenging the use of race and ethnicity as admissions factors at the United States Military Academy.

Case 12: Overendowed

Institutions such as universities, museums, hospitals, and charitable foundations love their endowments. An endowment is a financial asset or a fund that generates income for ongoing operations, programs, or initiatives. It is established through gifts from donors, benefactors, or supporters who expect the principal amount to remain intact, with only the interest or investment returns going towards funding the organization's activities. A big endowment can provide financial stability, limit the need for external funding, and help keep the institution running for generations to come.

But how big is too big? Harvard claims the top spot as the wealthiest university in the world in terms of endowments, boasting over $50 billion in 2022. The size of Harvard's endowment has sparked debates among some alumni who argue that there are many charities and nonprofits more deserving of charitable donations than Harvard. Essentially, they question their fellow alumni who continue to grow Harvard's hefty endowment.

In November 2021, St. Jude's Children's Hospital significantly increased its support for patients' family members, seemingly in response to allegations that its already substantial endowment continued to grow while some parents were compelled to sleep in the hospital's parking lot to be near their children. St. Jude's was ranked as the 10th-best children's cancer hospital by *U.S. News & World Report* in 2019, yet during that same year it raised more money than all nine of the higher-ranked hospitals combined.

In 2021, ProPublica published a scathing article that questioned the size of St. Jude's endowment, its aggressive and emotional fundraising tactics, and the amount of money it spends on fundraising. Other questions have been raised about the American Lebanese Syrian Associated Charities (ALSAC), the fundraising arm of St. Jude's, and its persistent pursuit of bequests from wealthy donors. ALSAC also frequently engages in legal battles to secure money from estates when donors alter their wills, trusts, or estates, or when family members contest such changes.

Some ethicists argue that those who have benefitted from the generosity of others, such as receiving a scholarship to college or having a family member whose cancer was effectively treated free of charge, have a moral obligation to pay it forward in ways other than overfilling the coffers of wealthy institutions. Donors should evaluate not just how much to give, but also to whom they should give it.

Case 13: Pummeled

Most people agree that physicians should help or at least not harm their patients. But what if their patients' job is to beat the crap out of each other? The Nevada Athletics Commission describes the role of ringside physicians as follows:

> A ringside physician, through pre-fight physicals, determines the medical suitability of participants. During contests, physicians monitor and evaluate participants and confer with the referee when necessary. Ringside physicians conduct post-fight physicals and administer emergency assistance to participants until emergency medical personnel assume responsibility.

Thus, ringside physicians should ensure that fighters are healthy enough to compete and should address serious injuries immediately. They may also stop a fight if they judge a fighter to be too badly injured to continue. However, stopping a fight against the wishes of the competitors can make the physician very unpopular.

One such unpopular decision made by ringside physician and neurologist Dr. Nitin K. Sethi occurred during a mixed martial arts (MMA) fight between Jorge Masvidal and Nate Diaz. Dr. Sethi stopped the fight in the third round, leading to harassment and numerous threats. He defended his decision, saying, "I made an objective call based on my assessment of the fighter, not just the cut, but the overall assessment of the fighter (and) how the fight was going. Once I felt I could not guarantee the health and safety going forward, I had to make a tough call. The moment I lose my objectivity and I'm concerned how my actions are viewed by the UFC, by the fans, by the media, then I cease to be a ringside physician, and I cease to be doing my job. I have to be objective, and objectively, you make a call."

Ringside physicians have come under increased scrutiny, particularly following four deaths in 2019 that were a direct result of bouts. Although the number of deaths in boxing has declined in the 140 years or so, the sport still poses risks, including traumatic brain injuries and even death. But, to be fair, many other sports and hobbies, such as mountain climbing, skydiving, college football, and soccer, have a comparable share of injuries and fatalities each year.

What draws a physician to this line of work? Recent stories in *The Athletic* and *The New York Times* describe the motivations of several ringside physicians. Most have separate medical practices or positions outside of their roles as ringside physician. Dr. Danielle Fabry, a primary care physician from Nashville, Tennessee, started boxing while in medical school to relieve

stress and began working ringside due to her love of the sport. Dr. Paul Wallace, a cosmetic surgeon and Army veteran, says he serves as a ringside physician primarily to support young boxers from economically disadvantaged backgrounds. Dr. Wallace has faced his share of criticism for unpopular decisions, notably after ending a heavyweight fight between Lennox Lewis and Vitali Klitschko in 2003.

However, the motivations of Drs. Farby and Wallace seem to conflict with the stance of the American Medical Association (AMA), the World Health Organization, and many other physicians. These organizations and physicians argue for the elimination of combat sports, citing extensive research into the long-term effects of boxing and MMA, particularly traumatic brain injuries. Some go as far as to compare ringside physicians with doctors involved in enhanced interrogations, a practice explicitly condemned by the AMA. In their defense, ringside physicians argue that they are no different from doctors who may condemn the unhealthy choices made by smokers or heavy drinkers, but nevertheless treat their illnesses. Realistically, however, combat sports, glorified as they are by Hollywood and media outlets, remain immensely popular and bring in billions of dollars annually, making them unlikely to be curtailed in the foreseeable future.

Case 14: The Sandwich Generation

Families are complicated. Generational divides, culture clashes, and differing ideals are all factors that make families hard to keep together. While each family has its own complexities, a few general trends can be seen in homes around the world. One such trend is the increasing number of families where adults find themselves in the role of caring not only for their children, whether minors or adults, but also for their aging parents. These caregivers are often referred to as the "sandwich generation." (Note that while some sources define the sandwich generation as those adults caring for children and having at least one living parent, this term here is used in the more specific context of those who provide care or financial support for at least one child and parent.)

A recent *Washington Post* article from 2023 discusses these sandwichers, some of whom have even undertaken to care for grandchildren, grandparents, and other extended family members, in addition to their own children and aging parents. While the struggles of the sandwich generation are often overlooked, sandwichers often cope with exhaustion and frustration stemming from the inevitable economic, emotional, and social challenges that come with caring for both children and aging relatives.

A 2013 article from the Pew Research Center reports that approximately 15 percent of middle-aged adults support both an aging parent and a child. In 2022, the same study was conducted again and found that a quarter of all adults belong to the sandwich generation.

While many might think it an honor to care for their parents, not everyone wishes to assume this responsibility, and not all adults maintain good relationships with their parents. Nevertheless, the responsibility of caring for their aging parents often falls to them. For example, one interviewee for the *Post* article reported that she had been estranged from her elderly mother for several years but still assumed the role of her caregiver. Traditional social structures tend to place the responsibility of caring for aging adults on their families, but not everyone is in a position to shoulder this burden for social, economic, and emotional reasons. Caring for aging adults can profoundly affect one's emotional well-being, social life, finances, and career development. Some caregivers, for example, must delay their retirement to support both their children and aging parents. Organizations, such as *AARP Family Caregiving* or the *National Alliance for Caregiving* offer support to aging adults and their children who have taken on the role of caregivers, but it remains challenging to care both for one's own children and for other family members. When societal norms dictate that family members should provide the caregiving, what happens to childless adults when they can no longer care for themselves?

Case 15: Romancing the Code

"The heart wants what the heart wants," and sometimes what it wants is something so perfect it's fictional. Luckily you can now find a fictional lover, thanks to the ever-growing dating sim industry.

Dating sims (short for dating simulation games) are a genre of video games where the goal is for one player to romance (or "date") a pre-scripted character. These digital relationships are often emotionally engaging and fulfilling, giving players a sense of connection and affection for their 2-D lovers. These relationships may address players' emotional needs and let them explore their ideas of romance and sexuality, without real-life consequences. There is a difference between dating sims with a predominantly female-identifying and those with a predominantly male-identifying audience. The former, known as otome games, tend to have more emotional connections while the latter tend to have more sexual themes.

Players are fully aware they are engaging with a script and that their choices are superficial at best, but the care and attention players receive from these fictional companions can still feel remarkably genuine. One avid dating sim user, known as Wild Rose, was quoted in a 2018 *Guardian* article as saying, "I don't think Saeran (the fictional character she is romancing in the dating sim Mystic Messenger) is human. But I think my love for him can be real even if he isn't."

But some players take this virtual love too far, developing an unhealthy reliance and co-dependence on their fictional lives and romance. In an infamous 2010 case, a South Korean couple became so obsessed with their virtual relationship and family in a life simulation game similar to Second Life that they let their own three-month-old daughter starve to death. Furthermore, dating sims often contain tropes that perpetuate harmful stereotypes, like older mentors, teachers, or relatives who are presented as love interests. Such stereotypes can be highly problematic, particularly from a Western standpoint.

The popularity of dating sims has continued to grow, leading to questions about their larger-scale societal impact. In countries where dating sims are popular, particularly in places where many of these games are made, like South Korea, Japan, and China, and more recently the United States, questions have been raised about whether dating sims could be or become a factor in lowering birth rates. No direct correlation between dating sims and lowering birth rates has yet been found.

Case 16: A Dark Side of a Light Metal

A passion for rare gemstones led Mary and Gary Freeman to stumble upon the world's richest known lithium deposit five years ago. The couple, experienced gem seekers drawn to Maine in search of hard-to-find tourmaline crystals, came across spodumene, a rock source of lithium, in one of their digging pits near the small town of Newry. If mined, the deposit is estimated to be worth about $1.5 billion, which would be an enormous gain for both the Freemans and for the Biden Administration's push to create a domestic supply chain for critical minerals. The only problem: Maine, with its strict environmental policy and mining regulations, won't allow them to dig.

The Freemans' discovery, now dubbed Plumbago North for the mountain on which the deposit was found, comes at a time when lithium is highly coveted for the country's transition to renewable energy technology. This mineral is an essential component of the batteries used in electric cars, wind turbines, and solar panels. Motivated by supply chain shortages during the pandemic, the Biden Administration has incentivized domestic mining for lithium, cobalt, and nickel, among other metals, which are crucial for supporting a local clean energy economy. This move is also an effort to reduce the United States' dependence on China, which controls the market for many of these resources.

Furthermore, lithium is becoming harder to find. In order to meet climate goals set by the Paris Agreement, the International Energy Agency estimates that the world will need to mine forty-two times as much lithium as it did in 2020. Without new mines or breakthroughs in processing technology, mining operations will not keep up with the needs of the auto industry.

Despite the promise of Plumbago North, Maine residents have reason to be skeptical of a burgeoning domestic lithium industry. The Pine Tree State relies heavily on its environmental resources as well as tourism to support its economy. To protect the area's natural beauty from pollution, the Maine government has imposed some of the country's strictest mining and water quality standards.

Locals are also familiar with the dark side of the mining industry. The old Callahan Mine of Brooksville, Maine, used for harvesting copper and zinc in the 1960s, was declared a Superfund site more than twenty years ago after researchers found toxic metals in the water and fish. The cost of the cleanup, which remains in progress, has been borne by taxpayers and is estimated to total between $23 million and $45 million.

While mines that generally benefit the surrounding community do exist, tales similar to that of the Callahan Mine are vastly more common. Of the more than 57,000 abandoned mines documented by the Bureau of Land Management in the western United States alone, more than 80 percent require environmental remediation. Even the most up-to-date mines, developed in accordance with the latest US regulations, degrade the environment due to operational failures. Among environmentalists and policymakers who acknowledge the negative impact of mineral mining on the local environment, some see the problem as a necessary evil, and a lesser one than importing foreign metals. After all, if lithium isn't mined in the United States, which has some of the strictest regulations in the world, it will almost certainly be mined elsewhere under worse conditions.

Others are skeptical that mining more lithium is the right path to a sustainable future. Many tech companies, anticipating a future scarcity in the lithium supply chain, are already exploring alternative means of manufacturing batteries. Some argue that the boom in electric vehicle production and the mining that comes with it is actually more destructive than the impact of vehicles running on fossil fuel. The gold-rush mentality driving critical metal prospecting is not so different from the one that led us to our current energy crisis. Perhaps the problem has more to do with our unwillingness to adopt more sustainable systems and habits, and less to do with the particular resources powering our technologies.

Case 17: Familial Favors

The day before classes began, Sunita and Tariq, both college seniors, attended an address by one of their university's professors, Dr. Graciela Archer, entitled, "Stumbling into Success." Career Services sponsored this presentation to help the soon-to-be graduates feel less anxious about life after college. Dr. Archer spoke energetically about how she, the first in her family to go to college, had found herself and discovered new abilities by trying new opportunities. She explained that her undergraduate major in anthropology had little to do with her graduate studies in philosophy and had not really defined any of the career choices she made.

Dr. Archer had gleefully pursued decades of career adventures and misadventures after graduate school. She was fired from her first job at the county clerk's office for blowing the whistle on a corrupt judge. She taught Spanish at a charter school, and she gave ethics seminars at retreats for major corporations. She even built a governmental ethics office from the ground up while teaching full-time at a research-intensive university. Over the years, she had taught in two different departments in three universities and had even gained tenure once, only to give it up and move on to another career. She had worked her way through college waiting tables, of course, and had sometimes fallen back on that type of work while interviewing. She never felt threatened by the prospect of getting fired, despite her edgy approach to life and research. Why should she? She always landed on her feet, finding work that taught her something new. Today, she was here to tell her audience not to worry about their futures either, since those futures were wide open to them.

Not everyone in the audience was worried. Sunita, in fact, was mostly envious. She had worked two summers in the family law firm. Abiding by her dad's advice, she majored in finance, which was an area in which the firm lacked expertise. Her dad paid for her undergraduate college tuition and promised to pay for her to get a graduate degree in accounting if she didn't get into law school. She knew she should be grateful that she didn't have to worry about finding a job, but her worry-free future didn't seem so wide open.

Tariq, sitting nearby, also felt funneled into his post-college life. His mom managed a local grocery store in a regional chain. Tariq started sacking groceries and stocking produce when he was sixteen. The district manager had promised him a job in human resources at the central office after he got his industrial psychology degree. He didn't plan to stay there forever, but it would help pay off his student loan.

In this audience, which was reflective of US trends, 30 percent of those graduating already had jobs lined up for them, thanks to their parents. Their first jobs out of college would probably pay more than those of their fellow classmates, and they would continue to earn more than their peers who lacked family connections. Such are the benefits of nepotism.

There are many good reasons to hire a relative, chief among them being trust. But comfort, too, seems to be a driving factor. Research has shown that response to resumés at an employment website depends more on the applicant's name than their qualifications. In experiments using equivalent resumés, applicants with Euro-American names had a 50 percent higher chance of being invited for an interview over applicants with names thought to reflect other ethnicities. However, while hiring within the family is often safe for both employer and employee, it might harm others employees as well as the community at large. When relatives step into positions, they take jobs that could otherwise diversify the workforce, and promotions are almost guaranteed for them at the expense of others. Furthermore, for young graduates like Sunita and Tariq, working for relatives may relieve them from worries about getting hired but also shields them from the growth that comes with making scary choices in a wide-open future.

About The Case Writers

ChatGPT is an AI language model created by OpenAI. It doesn't have personal experiences, professional affiliations, or a specific identity like a human author. However, it can provide information and assist with various topics, including ethics and case writing, based on the knowledge it had been trained on.

Robert Currie is a retired television news and documentary producer whose career included serving as executive producer of CNN's investigative unit in Washington, DC; helping launch the long-running "America's Most Wanted" series on the Fox network; and helping start the Primetime Live magazine show on ABC. Among numerous awards, he has received four Emmys, the George Polk Award, the Ohio State University Award, and the Investigative Reporters and Editors Award for investigative reporting, as well as recognition from the American Bar Association. Currie is currently working with his wife, Salwa Khan, also a retired journalist, to produce "Mothering Earth," a radio series and podcast on sustainable living.

Deni Elliott, EdD, is Professor Emerita. She held the Poynter Jamison Chair in Media Ethics at the University of South Florida from 2003 to 2023. She did shorter stints in that time as Department Chair, Campus Ombuds, and Interim Regional Vice Chancellor of Academic Affairs. Prior, Deni held the Mansfield Chair in Ethics at the University of Montana. She also served there as Director of the Practical Ethics Center. After completing her interdisciplinary graduate degree at Harvard, she became the first full-time Director for Dartmouth's Ethics Institute. Deni continues to apply ethical reasoning to anything that moves. Now, she writes articles and books for general, rather than academic, audiences. Deni's University of Montana Ethics Bowl team won the first national competition. She has been hooked on Ethics Bowl writing, coaching, and judging since then.

Abigail Feldman was a member of the first Ethics Bowl team from Tufts University to advance to the national championship competition. Following graduation, she spent a year in Spain on a Fulbright scholarship teaching English to elementary school students and received an Ed.M. from the Harvard Graduate School of Education. She has worked as a reporter for *The Boston Globe* and was a teaching assistant for philosophy courses at Tufts, including Introduction to Ethics and the Ethics Bowl course for undergraduates. She helped design and facilitate the Ethics Bowl program for incarcerated students at MCI-Concord in Massachusetts.

Cynthia Jones, PhD, is a Professor of Philosophy and the Director of the Office for Advocacy & Violence Prevention at the University of Texas Rio Grande Valley, where she also served for

eight years as the founding director of the university's ethics center. Her research includes end-of-life issues in medicine, health disparities, moral issues in funding, and survivor advocacy, and she is the current or past PI on more than twenty grant and donor projects. She has coached teams or served as a case writer and judge for Ethics Bowl for nineteen years.

Sophia McWilliams is a December 2022 Communications graduate from Berea College, a small liberal arts school, located in the Appalachian Mountains of Kentucky. An avid gamer, and a published fantasy author, Sophia likes to try and bring a touch of wonder to everything she works on. She has been helping with Ethics Bowl since before she was in high school; back then she would help research for other case writers and supply ideas that were more "in" or "hip with the kids." Now as an official member of the team, her cases tend to focus on animals/environmentalism, fantasy, creativity, or interpersonal connections.

Robert Boyd Skipper, PhD, is a newly retired professor of philosophy, formerly at St. Mary's University in San Antonio, Texas. He has been with the regional and national Ethics Bowls since 2000 and with the national case-writing committee since 2006. In 2016, he became chair of the committee. He has taught numerous philosophy courses, but his favorite has been "Philosophy of Film." He loves playing tournament chess and has a USCF rating of about 1550. As a case-writer, he enjoys futuristic, speculative cases about emerging technologies, as well as cases with a high gag factor or those that will trouble your sleep.

Mallory Wietrzykowski is a graduate student in St. Louis University's philosophy and bioethics PhD program with research interests in applied ethics, bioethics, public health ethics, and feminist and queer philosophy. Mallory's interests in ethics and philosophy arose from undergraduate coursework and her experiences competing on her undergraduate university's club Ethics Bowl team. Mallory has since graduated with her BA in philosophy from Grand Valley State University and her MA in philosophy from Kent State University.