

# CASES

for the

## TWENTY-FOURTH

INTERCOLLEGIATE ETHICS BOWL<sup>SM</sup>

NATIONAL CHAMPIONSHIP

HELD IN CONJUNCTION WITH

THE TWENTY-NINTH ANNUAL MEETING OF THE

ASSOCIATION FOR PRACTICAL AND PROFESSIONAL ETHICS <sup>SM</sup>

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## Case 1: Georgia on My Mind

The Association for Practical & Professional Ethics (APPE) is hosting its 29<sup>th</sup> Annual International Conference this year in Atlanta, Georgia. APPE's annual conference is also the host of the Intercollegiate Ethics Bowl competition, where teams representing over thirty colleges and universities convene to discuss contemporary moral dilemmas. But this 2020 conference comes at a time when Georgia has just enacted a near ban on abortions in the state, restricting abortions to the period before a fetal heartbeat can be detected, which occurs roughly at six weeks, before some women would even recognize they are pregnant.

Many APPE members are not at all happy about spending money in a state they believe has significantly restricted reproductive rights for women. As one member said, "I make decisions on where and on what to spend my money based on my ethical judgments. I don't go to Chick-fil-A because they are anti-gay, Hooters because they exploit women's bodies, and Wal-Mart because their business practices are suspect. And I won't go to Georgia for an ethics conference." Other APPE members, however, support the new Georgia legislation and applaud Georgia for taking steps to overturn the *Roe v. Wade* decision.

Professional organizations such as APPE will sometimes take moral stands on contemporary issues or boycott locations because of their laws or policies. They will sometimes change their venues for conferences when changes in legislation or attitudes result in significant moral concerns for its members. The American Studies Association boycotted Israel in 2013, leading to vigorous academic debates over both Israeli policies and the appropriate role of professional organizations comprised of members who may hold disparate views on any given topic.

Not only professional organizations boycott locations. In the present case, businesses involved in movie and television production have been pulling or cancelling projects scheduled to shoot in Georgia because of the state's new legislation.

Decisions to boycott a location are not without consequences, however, including significant cost like cancellation fees and even the loss of membership fees from those who are not in agreement with the organization's moral stance. On the flip side, scandals have ensued when professional organizations failed to uphold a moral standard they have touted or fail to call for a boycott when many members think it should. The American Psychological Association has been attacked for its inconsistent stance on torture, and the Modern Language Association's refusal to boycott Israel led to numerous protests. Some professional organizations have themselves been subject to boycotts of sorts over their policies, like the American Medical Association and its stance on circumcision.

## Case 2: Advertising Goes Native

In the six years since the *Atlantic* magazine apologized to its readers for running brand content from the Church of Scientology, legacy news organizations have embraced advertising meant to resemble journalistic stories. The 2013 paid-for press release that mimicked the magazine's visual and editorial style was intended to give Scientology a positive spin prior to the impending publication of a book critical of the church and its leader. Instead, *The Atlantic*, which bills itself as a magazine for independent thinkers, took a hit to its credibility. The puff piece just didn't fit with the editorial content on the *Atlantic* website. Audience members were outraged. The Scientology-produced piece was quickly removed.

Now, the *Atlantic* accepts brand content, also called native advertising or sponsored content, without apology and with hands-on assistance from their own marketing team, *Atlantic Re:think*, to create advertisements that don't seem to be ads. The *New York Times* provides assistance for content sponsors with its *T-Brand* division. Other legacy news organizations have also created teams to promote native advertising. Publications use labeling and other subtle ways of separating advertising from journalistic copy, but in the end, the intent of native advertising is to attract audience members by fitting ads seamlessly with editorial content. But, unlike material produced by the organization's journalists, native advertising is intended to sell a product or the sponsor's point of view.

Back before the digital era, media content was what it seemed to be. An advertisement enticed audience members to buy a product, but could not be mistaken for the editorial content that surrounded it. An opinion piece expressed the writer's honest point-of-view and argument for holding that perspective. Editorial content referred to dispassionately produced stories meant to serve no interest other than what members of the audience needed or wanted to know.

The digital era, with its variety of platforms and changing business models, has delivered content with softened boundaries. Creators of native advertising pride themselves on how closely their production mimics the style and presentation of informational articles while subtly promoting products or particular points of view. Bloggers and other opinion writers mix glowing recommendations that they are getting paid to say with their own honest opinions. Restaurant owners and other retailers post fake negative reviews about their competitors. Research shows that more than half of the audience members surveyed did not understand that advertisers controlled "sponsored content" and more than half felt deceived upon understanding that the content they were consuming was sponsored.

The Federal Trade Commission and news organizations have created labeling rules to protect audience members from being misled by advertising that mimics other media presentations. But few audience members have been taught that "Presented by" and "Sponsored Content" signifies that the piece was paid for by an advertiser. And it is hard to escape the irony that journalistic publications, which maintain credibility by the truth and independence of their accounts, are complicit in advancing advertising that attracts the audience by looking like something it is not.

## Case 3: Gamers and Their Gals

Companies that create video games, computer games, and even more traditional role playing games have long been accused of representing some groups of people in one-dimensional or stereotypical ways. Female characters are often portrayed in an overly sexualized or unflattering manner while people of color and historically marginalized people, such as LGBTQIA+-identifying individuals, are often portrayed in accordance with damaging and demeaning stereotypes.

Stereotypical and one-dimensional female characters are not a new issue in gaming. Representations of female fighters in chainmail bikinis were a long-standing favorite in the first commercially available RPG, *Dungeons & Dragons*. Launched in 1974, D&D had an overwhelmingly male fan base. Illustrations for the D&D gaming books and the figurines some players used to represent characters mirrored the scantily-clad and curvaceous females found in comic books and graphic novels of the time.

The classic video game franchise Mario features a princess who is forever in need of rescuing and a villain (Bowser) with seven children, the only female of which has one major characteristic—she is female.

More recently, Rockstar Games was criticized for having a gratuitous rape scene in the popular *Grand Theft Auto* game. The company responded that the scene depicted naked cannibalism, not sexual assault. *GTA* is also infamous for homophobic references, stereotypical gay characters inserted for comic value, and gameplay involving the hiring and murdering of female prostitutes.

Some games, like *Skyrim* and *Oblivion*, have fan-made mods for the PC versions of the game that allow players to remove the clothes from female characters, even though the developer, Bethesda Games, didn't create or approve such mods. Other gaming developers build female sexuality directly into the game, like Bluehole Studios, with their popular MMORPG, *TERA*, featuring many unique races of characters, most of which are comprised of sexualized females in skimpy outfits, as well as impossibly muscular and buff males.

But the demographics of gamers is changing. Although males still make up the majority of many game platforms, females have become the main consumers of certain genres of games. For example, recent survey information shows females as the main users of app games. Interestingly, there is a general disdain among more “traditional” (mostly male) gamers regarding those games that are dominated by female players. These traditional gamers focus on the amount of time required to master a game, the difficulty of the game mechanics, and the depth of play and skill involved, leading to the inference that the games female gamers tend to play and prefer, and the games marketed to females, are not “real” games. Since the majority of real game players are male, the reasoning goes, why shouldn't the content be tailored to their interests and tastes? The game industry is in business to sell games, after all.

## Case 4: Balanced Reporting or Balanced Reporters?

The proliferation of news outlets in the digital era allows all users to find platforms that give them breaking news updates wrapped in the ideology of their choosing. Regardless of news organizations' claims of providing "all the news that's fit to print," or "fair and balanced reporting," research has confirmed, for example, that Fox News appeals to conservative audience members, while MSNBC appeals to more liberal viewers. Intentionally or not, news organizations frame news events to fit the particular demographics of their target audience.

As legacy news organizations have drifted from the pack-journalism model of the analog days to ideological framing, individual journalists have become social media celebrities. News organizations have sought to control the messages that journalists publish on their own social media sites on their own time. The *New York Times*, for example, encourages reporters and editors to use social media to "promote their work, provide real-time updates, harvest and curate information, cultivate sources, engage with readers and experiment with new forms of storytelling and voice." However, the *Times* cautions their employees from expressing partisan opinions, promoting political views, endorsing candidates, making offensive comments or taking sides on issues "that the *Times* is seeking to cover objectively." During the summer of 2019, *Times* editor Dean Baquet would not allow reporters to appear on Rachel Maddow's MSNBC show regardless of what *Times* reporters were booked to discuss as the Maddow program was closely aligned with partisan perspectives.

News organizations that attempt to control their employees' expression of opinions may find themselves answering to the National Labor Relations Board (NLRB). According to the NLRB, employers cannot restrict employees from publishing information that the employer labels confidential, or that includes criticism of the employer, or that might harm the image and integrity of the company. Employers cannot create the expectation that employees "abide by the same standards of behavior" while at work and on their social media sites.

Judges and others who work for the judicial branch of government are expected to keep their opinions to themselves so as not to lead to the appearance of bias on the bench. If judges can be expected to keep a non-partisan appearance, why not journalists?

## Case 5: Shooting Blind

Since 2011, blind and low vision Iowans can legally buy and possess firearms, unless they are ineligible on federal grounds. Federal guidelines prohibit gun possession if one is addicted to a controlled substance, has been adjudicated as “mentally defective” or has been committed to any mental health institution, is in the country illegally, is under indictment for or has been convicted of a crime punishable by one year or more of imprisonment, has been dishonorably discharged from the military, and so forth. But visual impairment or even blindness is not a reason for restricting ownership of guns. The Iowa law, for instance, SF2379, removed a restriction from a previous law that had required those applying for a permit to have some training on a firing range. That restriction, while not prohibiting those with visual impairment from owning a gun, had had the practical effect of discouraging blind people from applying for a permit. The new law made things easier.

Gun control advocates, like blind musician Stevie Wonder, balk at the idea of blind persons owning guns, especially in light of the growing number of mass shootings in the United States. In a 2013 interview with the *CNN* host, Piers Morgan, Stevie Wonder said, “I was talking to one of my friends and I said, ‘You know what? You should go get me a gun or me go with you to get a gun and then show how easy it is for me to get a gun. Imagine me with a gun. It’s just crazy.’”

On the other hand, disability rights groups such as the National Federation of the Blind (NFB) applaud gun laws like those in Iowa, citing the Americans with Disabilities Act and the moral imperative of equal rights for persons with disabilities. An official statement issued by the NFB in 2013 declared, “Recognizing that laws and regulations regarding the granting of permits to own and/or carry firearms vary throughout our country, our single position on firearms regulation is that a permit to own and/or carry a gun should not be denied to any individual solely on the basis of blindness.”

## Case 6: Bot Rights?

Almost a century has passed since Alan Turing proposed a test for computers' ability to mimic human behavior. One human subject communicates with another human and with a computer via teletype and tries to determine which is which. If the subject cannot reliably tell which communicant is the human and which is the computer, the computer has passed the test. Over the years, computers have become more successful at fooling humans into thinking they are interacting with another human. Artificial Intelligence (AI) allows computers to learn speech patterns in specific contexts so that they are even more human-like in their interactions. Natural soundtracks and purposeful speech dysfluencies have replaced the tell-tale periods of computer silence and flat no-affect computer speech. For example, reservationists at restaurants and hair salons may be tricked into thinking that they are dealing with a human when the scheduling is instead being done by the Google Duplex app through Google Assistant. As businesses and individuals turn to Google Assistant in our brave new world, it is entirely possible for computers to interact with one another for these transactions while both sounding deceptively human.

The role played by social bots in the 2016 US election provided an object lesson in what can go wrong with simulated human communication. Humans have a tendency to assume that there is a real person behind interactions so they are deceived when there is not. Another problem is that the true intent behind the interaction may remain hidden. Is the story in my Facebook feed true? Does this product endorsement really represent a person's honest opinion? Is the sharer really a friend of a friend? No user knows for sure. Judging the credibility of the messenger has long been an aspect of judging the credibility of the message.

States have begun to step in where Federal lawmakers fear to tread. California's SB 1001 went into effect July 1, 2019, requiring that, for any communication received by a California user, bots be clearly identified as "artificial" if the bot's purpose is to sell products or services or to influence a vote in an election. There is state interest in protecting consumers and voters from being deceived by social bots, but, aside from these few specific exceptions, there is no state or federal law that prohibits deceiving other people.

This law and other states' laws in the making that are designed to protect consumer and citizen interests are likely to run into conflict with constitutional free speech expectations for requiring the "artificial" label and for disallowing anonymous speech. Some might argue that bots are not people and thus, do not have free speech rights. Yet corporations are "persons" under the law and have been found to have the right to political speech. So, why not bots, as agents of people or corporations?

## Case 7: Broken Laws, Broken Families

“Some laws need to be broken!” Those were the words spoken by renowned Guatemalan filmmaker Luis Argueta when asked about the plight of a fellow countryman living as an undocumented immigrant in rural Minnesota. The man had been arrested by agents of ICE (U.S. Immigration and Customs Enforcement) and was facing deportation despite public opposition in the agricultural community of Worthington.

Argueta was asked about the arrest during the showing of his documentary, *Abrazos*, in Austin, Texas, for the local chapter of the Peace Corps Association, an organization made up of former Peace Corps volunteers. The film focuses on a group of children from mostly undocumented Guatemalan families in Worthington who were going to visit their parents’ home country and to see grandparents and other family members for the first time in their lives.

The children, all born in the United States, could, of course, travel to Guatemala and later return unimpeded because they had birth certificates and passports. They were American citizens. Their relatives in Worthington, however, were not.

Argueta told the Austin audience that his film had brought the uncle of one of the children to the attention of ICE, which arrested the man and began the process of deportation. The number of Worthington residents both within the Guatemalan community and among long-time residents who mounted a public protest may have taken federal authorities by surprise. The public outcry was so effective that the government has reportedly agreed to postpone its efforts to expel the undocumented Guatemalan for up to three years.

Lesa Kremer, a Worthington community activist who helped start the church-based organization, “Abuelos Y Nietos (Grandparents and Grandchildren),” was in attendance at the screening of Argueta’s documentary in Austin. “I’ve lived in Worthington my entire life,” she said. “When I was growing up, everyone living there was white. Now, sixty percent of residents are of color—mostly Latino. Without them, our agricultural economy simply couldn’t exist.”

In the question-and-answer session after the film, a couple of former Peace Corps audience members commented on the role the US government has played in the history of Guatemala and the consequences for its citizens. They mentioned the CIA-run coup of Guatemala’s democratically-elected president Jacobo Árbenz in 1954 and the support of the United Fruit Company, an American corporation that, after two mergers, is today known as Chiquita Brands International. At the time, it controlled the prime banana-growing areas of Guatemala to the detriment of local growers. Some have blamed the United States, by its support of a string of Guatemalan dictators, for the continued unrest among the disenfranchised indigenous population. Economic conditions continue to give Guatemalans a reason to seek refuge further north.

Since US immigration policy favors visa applicants who are highly skilled workers, only a little over 6,000 Guatemalans were allowed into the United States legally in 2018. However, there are around a million Guatemalan immigrants living in the United States. It is uncertain how many of those are living here in violation of US immigration laws.

Obviously, Luis Argueta is not alone when he says, “Some laws need to be broken.”

## Case 8: “Just” discrimination?

Caster Semenya, a 28-year-old female Olympic gold medal runner from South Africa, is facing a new hurdle, testosterone regulation. She, along with a handful of other female athletes have intersex characteristics due to a medical condition called “hyperandrogenism.” This condition has many characteristics, but one is of particular interest: high levels of hormones such as testosterone. Testosterone occurs naturally in both men and women and is associated with neuromuscular function and “explosive power” such as that needed for some athletic endeavors. As a result of Semenya’s high testosterone level, the International Association of Athletics Federations (IAAF) has passed a regulation requiring female athletes to reduce these levels to a range closer to that typically seen in females and maintain those levels for at least six months prior to certain international competitions. Semenya and Athletics South Africa each filed a request for arbitration with the Court of Arbitration for Sport (CAS), however the CAS, in a press release dated May 1, 2019, announced that it has dismissed these requests, albeit with some reservations that leave the matter open for future action.

It’s not surprising to see Olympic-class athletes with extraordinary physical abilities—after all, that is what athletic competitions are about—so it may seem odd to say that someone is naturally too physically able. In the past, questions have been raised regarding transgender athletes and whether they should compete according to the sex they were assigned at birth or according to the sex with which they identify, but hyperandrogenism is different. Semenya is not a transgender person; she is trying to compete according to the sex she was assigned at birth: female. Additionally, Semenya has been competing against world class female athletes for many years, and though she may be one of the world’s best runners, she is not undefeated.

Semenya is now the center of a worldwide legal and ethical debate, which raises the question: Is it fair for her to compete as a woman? Many say this debate is discriminatory and sexist. Others ask what is the point of world-class athletes competing if those who are among the “best” must be subjected to criticism for being an extraordinary athlete. One argument focuses on the importance of preserving a fair and equitable competition for women by supporting efforts to regulate her testosterone levels. But Semenya herself believes this whole investigative and legal process is discriminatory and abusive as she is now “destroyed” both “physically and mentally.”

In its press release, the CAS said the regulations “are discriminatory but the majority of the Panel found that, on the basis of the evidence submitted by the parties, such discrimination is a necessary, reasonable and proportionate means of achieving the IAAF’s aim of preserving the integrity of female athletics in the Restricted Events.”

## Case 9: PreCrime, Inc.

Predictive policing is being implemented by more and more law enforcement agencies across the United States. It is the practice of applying algorithms to large data sets—big data—in order to better direct policing activities and resources in the community and in some cases even to identify the potential victims or perpetrators of crimes.

The literary example most often cited in articles written about the subject is science fiction writer Philip K. Dick's 1956 short story, "Minority Report." In it though, data-crunching computers are replaced by three clairvoyant humans, referred to as "precogs." They could foresee crimes that had not yet been committed, who would do them, and to whom they would be done.

As readers of *Minority Report* and viewers of the more recent movie and television series that it spawned are aware, there was a flaw in that fictional, human-centric system. But even mathematically-driven predictors are far from flawless, at least the ones that have emerged over the past two decades. After all, these programs still depend on human beings to gather the data, pick which to use and how to analyze it, and decide how to apply the results in the real world. People are still the prime actors in the process.

Starting in 1994, the New York Police Department began putting together data analysis of crime statistics throughout the eight boroughs of the city and used it to single out hotspots for crime. It focused on seven major index crimes such as murder, rape, armed robbery, etc. It was called CompStat, short for "compare statistics." Its goal was to get information about hotspots into the hands of police commanders as quickly as possible so that police officers could be pre-positioned where they would most likely be needed. Before CompStat, crime reports were tallied every three months. By the time those reports reached managers, they were, literally, history and of little use.

CompStat was more than a collection of charts and graphs. It was a management tool, used to develop best practices. Its success has spurred the adoption of predictive policing programs in sixty cities across the country. CompStat has been credited with lower crime statistics in New York City across almost all categories.

For the most part, other police departments that employ predictive policing algorithms—rather than reinvent the wheel and in an effort to get up and running quickly—have hired contracting firms which are usually relatively new businesses using their own proprietary software. Although these companies may lay claim to impressive improvements in crime statistics for their customers, few have been verified by independent studies.

Their systems may depend on crime statistics from their client police agencies as well as information scraped from social media and other personal data accessible through the Internet. It could also incorporate video streams from surveillance cameras. One can speculate, but there is no way for the

public to find out how information is being collected and analyzed, because company algorithms are trade secrets, essentially existing inside a black box.

## Case 10: This Little Piggy Went to Med School

Modern medicine is truly amazing. The United States is known for producing some of the best physicians and surgeons in the world. But some people are concerned about the way surgeons are being trained, or more specifically, on *what* they are being taught to operate: pigs. Pigs have the closest anatomy to humans of any other animal, which explains why they have been used for surgical training. Surgical medical students, such as those going into cardiovascular surgery, practice procedures on live, healthy, pigs.

Supporters of the training technique say that advanced medical students must practice on something that is alive, because living tissue behaves differently from tissue found in cadavers or a synthetic analog. Others, such as PETA (People for the Ethical Treatment of Animals) say the pigs undergo undue pain and suffering, making their use in surgical training unethical. One thing is for sure, medical schools must continue training the surgeons of tomorrow.

## Case 11: It's for Your Own Good

In the month before the start of the academic year, Gerri joined other first-time-in-college students for freshman orientation. Orientation had the feel of summer camp with friendly staff and empathic upper-class counselors; however, every moment had been carefully planned, based on predictive data analysis. The college's goal was to graduate each one of these newly admitted students in four years. From orientation and during all of the students' undergraduate years, several hundreds of data points could be gathered on each, including class attendance, grades, email exchanges between students and instructors, ID card swipes that showed time spent in labs and in the library, their use of the school's meal plan and recreational facilities, along with card swipes indicating what time they returned to their residence halls for the night. Low performance in class or other concerns could trigger the aggregation of a student's data for analysis so that advisors had full information before reaching out to assist the student.

By the time Gerri attended orientation, the college had compiled enough information to predict the subjects in which she might require tutoring. Advisors used that knowledge in helping Gerri choose classes but did not share with her the profile that they had created. While Gerri had a right to review the profile, it never occurred to her to ask if such a profile existed.

In a pre-digital age, freshman orientation would have subjected Gerri and her peers to a mountain of paperwork. Now, electronic forms with "I Agree" buttons and automatic signature options made the process far less cumbersome. Gerri scrolled through the various forms, used her electronic signature to agree and acknowledge, and declined written copies, as did her peers.

If she had read, rather than skimmed through the forms, she might have noticed that the school linked to Google, a bookstore, and a for-profit learning management system, along with other external sites. Without reading the form, Gerri clicked the "I Agree" button to allow these affiliated third-party vendors to sell her data or contact her about goods and services.

But the school was not entirely upfront with the students. For example, one of the policies reassured students that the school would not make decisions based solely on student profiles the school created; however, students were not fully informed about all the information that would be gathered for those profiles. So, when Gerri would meet with her academic advisor in the future, she wouldn't imagine that the advisor already knew she had gotten back to the residence hall late the night before and skipped breakfast and class that morning. Nor would she suspect that the advisor had already reviewed the email exchange between her and one of her instructors.

The Federal Family Educational Rights and Privacy Act (FERPA) protects unauthorized use of students' personal information, but few students know what they have or have not authorized. As colleges and universities primarily collect personal data to help students succeed, many administrators don't see the need to be transparent with students beyond the perfunctory request for consent. Besides, if Gerri declined to share information with the school, she would not have been able to use the school's

website. If she couldn't use the website, she couldn't use the library or learning management system required for her to attend classes.

## Case 12: The War, on Drugs

Because of budget cuts, the US military deploys fewer fighter and bomber aircraft at air bases outside the United States. Therefore, when the US Air Force performs missions in war zones on the other side of the globe, its pilots and crew members are often required to sign waivers and accept “go pills” — amphetamines or Modafinil—in order to ward off the effects of fatigue during missions that can take up to twenty hours or more. If a pilot were to refuse the pills, it could mean being removed from the mission and endangering his or her military career.

When US military personnel were being prepared to launch the 2003 Iraq War, they were given a drug prophylactically to protect them from suspected chemical and biological weapons. The drug, however, was not approved for that purpose. When there were objections to forcing service members’ submission to this experimental inoculation, Congress decided that the President alone had the authority to order them to take it.

On the other hand, special-forces units, looking for performance enhancements, have actively sought drugs to give them a battlefield advantage. Research by the Defense Advanced Research Projects Agency (DARPA) has funded research into drugs and nutritional supplements that can reportedly help Navy SEALs, Army Special Forces, and other elite units must go for days without sleeping or eating yet stay mentally sharp. DARPA is also funding research into possible genetic modification to enhance the survivability of war fighters.

If any of these programs were to exist in the civilian medical world, serious ethical restraints would be applied to ensure the morally appropriate application of scientific research. The US Department of Defense, however, operates within its own ethical sphere where gaining enhanced performance from its soldiers through drugs and other means is seen as a good thing. War is not a sport. When lives may be saved and battles won it is felt that the potential benefits outweigh the risks.

## Case 13: The Green New Deal

Global warming *is* happening, there's no good argument against it. The Green New Deal bill was introduced in February 2019 by Rep. Alexandria Ocasio-Cortez (D-N.Y.) and Sen. Ed Markey (D-Mass.). The purpose of the bill is to achieve "net-zero" greenhouse gas emissions (i.e., 100% renewable energy) by 2030. Renewable energy is attainable. Technologies such as wind, solar, and hydro-electric have been becoming more popular over the past twenty years and are expected to be key factors in achieving net-zero emissions. The proponents of the bill claim that the transition from fossil-fuels to renewable energy will protect the environment, create jobs, and boost the economy.

There are many parts of the American life that would have to change in order to achieve this goal. One thing in particular that would be needed is the elimination of internal combustion engines (those that run on gasoline and diesel fuel). Automobile manufacturers such as Nissan, Chevrolet, Kia, and BMW have been producing a wide variety of hybrid and electric vehicles in anticipation of regulatory change.

Electric vehicles require regular maintenance and recharging just as any internal combustion engine would. Many large business, retail shopping centers, and health care facilities are adding recharging stations to their parking structures to meet growing customer demand. Residential charging options are available, both solar and electric. But this requires equipping one's home with the necessary technology and equipment, which is not included in the price of the vehicle. Additionally, regular maintenance needs to be completed by a certified technician, which means the vehicle needs to be taken to a dealership with the proper tools and know-how. This may not seem like a big deal to middle-class or upper-class city dwellers, but what about those who live in rural areas or to the roughly thirty-nine million people living at, or below, the poverty level? Internal combustion engines have been around for a long time. Many people who are not "automotive technicians" have learned how to repair their vehicles, enabling them to both keep driving and save money.

The problem is this bill would disproportionately burden those with the lowest incomes, since the total cost of owning, operating, and maintaining an electric vehicle is much greater than that of an internal combustion vehicle.

## Case 14: Sisyphus Achievement Awards

The urge to play seems to be deeply embedded in our natures. Children the world over invent and play games spontaneously, and adults can easily be drawn into playing. Gameplay is not confined to humans, either. Many higher animals, especially when young, engage in behavior that can only be called playful.

Gamification is the inclusion of gamelike elements in a non-game activity, essentially turning something that is not a game into one. In recent years, thanks to great advances in the psychology of play, surveillance technology, data collection, and data processing, many companies have experimented with gamifying their products or services. Retailers issue bonus bucks, coupons, frequent flyer miles, or similar prizes to loyal customers. Makers of educational software, like Duolingo, award achievement badges and create leaderboards to motivate learners through rewards and competition. Health apps keep track of steps taken, calorie intake, heart rate, and so forth. Examples abound of how the natural urge to play has been channeled into an artificial urge to consume, study, or exercise.

Everyone knows that a good way of motivating oneself for a boring task is to make a game of it, especially when the only carrot or stick lies in the future, like a paycheck or a pink slip. It's no surprise that some businesses have gotten into the game, so to speak, by gamifying the workplace. Production levels used to be measured monthly, weekly, or daily, and workers learned the good or bad news at regular performance reviews. But new systems now allow managers to keep track of workers in real time, and workers themselves can instantly see how they're doing. The Disneyland Resort Hotel in California, for instance, has installed scoreboards throughout their laundry facility, according to an article published by *Aeon* on October 10, 2018, that display color-coded names of workers: green if the worker is meeting the goals set by management, yellow if the worker slows down, and red if the worker falls behind. Individual laundry machines at the facility monitor the rate of input and flash warning lights directly at the workers if they slow down.

While such systems do not directly administer physical punishment or reward, they nevertheless tap into a deep-seated urge toward competitive play, spurring workers on through nonstop monitoring that is hard to ignore. Managers don't need to make the rounds with stopwatches in hand. The system itself micromanages workers to a degree undreamt of by the efficiency engineers of the early twentieth century. One might even call it Taylorism on steroids. According to the *Aeon* article, workers themselves at the Disney facility called it "the electronic whip." According to one union organizer, Beatriz Topete, what had once been a collegial environment turned into a competitive race in which pregnant workers fell behind, people skipped bathroom breaks, injuries increased, and the faster workers resented those who didn't keep up.

## Case 15: Postponed Reparations

It all started in 1619 when a Dutch ship delivered twenty African slaves to the Jamestown colony in Virginia. The English settlers there were looking for a way to replace indentured servants, mostly poor Europeans, with a cheaper, more plentiful source of labor.

Over the next 254 years, an estimated 600,000 Africans were shipped to the United States and the slave economy boomed across the southern tier of states, from Delaware to Texas. These were states where cotton and tobacco farmers and others got rich off the backs of their chattel.

The Civil War was fought in large part over whether slavery should be allowed to continue. President Abraham Lincoln signed the Emancipation Proclamation in 1863, but slaves were not freed until two years later, at the end of the Civil War and passage of the 13th Amendment. By then, the numbers living in servitude in the United States stood at around four-million men, women, and children out of a total population of almost thirty-six million. But this was hardly the beginning of good times for former slaves.

Historian Jim Downs estimates that in the four years after the war former slaves without jobs or means of support and without medical care or other critical resources, faced disease, starvation and death. As much as a quarter of the black population is believed to have perished.

Those who survived found themselves in a familiar place—at the mercy of not just their former owners but also of a society based on racial privilege. Jim Crow laws in the South, convict leasing, sharecropping, itinerant farming, and other menial labor jobs trapped almost all non-whites and some lower class whites in a subsistence lifestyle.

What they needed, what they were promised by many in Congress and by President Lincoln, was simple enough: Forty acres and a mule to raise a livelihood from the land they had tilled before for free. In 1865, General William T. Sherman, following orders signed by President Lincoln, set aside 400,000 acres of coastal land to be awarded to former slaves. But, less than a year later after Lincoln's assassination, his successor, Andrew Johnson, rescinded the order.

In 1896, the US Supreme Court's *Plessey v. Ferguson* decision turned segregation and the "separate but equal" doctrine into the law of the land. Blacks were being lynched mostly in Southern states but elsewhere as well. At the same time, a movement arose, led by former slaves, to create a pension fund similar to the one for Civil War veterans, which would compensate freedmen for their indentured labor. But that too succumbed to resistance from Congress and from a trio of government agencies including the Department of Justice, the Bureau of Pensions, and the US Post Office.

By the end of the nineteenth century, only 21 percent of the black population had been born into slavery and would thus have been eligible for reparation payments. Had the government decided to pay

at that point, there would have been a relatively small number of recipients, roughly 1.89 million. Today the African-American population stands around 43 million.

The twentieth century saw many achievements in civil rights movement: Brown V. Board of Education and the desegregation of schools, The Civil Rights Act, The Voting Rights Act.

Now, in the twenty-first century, there is a renewed effort to bring up the issue of reparations for slavery. By the time of his retirement in 2017, after thirty years in Congress, US Representative John Conyers, Jr., of Michigan had submitted a bill creating a commission to study the proposal in every Congress in which he served. Not until 2019 did it receive its first hearing under its current sponsor, Representative Sheila Jackson Lee of Texas. “I simply ask: Why not?” she says. “And why not now?”

## Case 16: The Devil Made Me Think It

In 1641, Rene Descartes published his *Meditations on First Philosophy*. In it, the first meditation ended with this despairing thought: “So I shall suppose that some malicious, powerful, cunning demon has done all he can to deceive me .... I shall think that the sky, the air, the earth, colours, shapes, sounds and all external things are merely dreams that the demon has contrived as traps for my judgment .... and even if I can’t learn any truth, I shall at least do what I can do, which is to be on my guard against accepting any falsehoods .... This will be hard work, though, and a kind of laziness pulls me back into my old ways. Like a prisoner who dreams that he is free, starts to suspect that it is merely a dream, and wants to go on dreaming rather than waking up, so I am content to slide back into my old opinions; I fear being shaken out of them because I am afraid that my peaceful sleep may be followed by hard labour when I wake, and that I shall have to struggle .... in the imprisoning darkness of the problems I have raised” (Jonathan Bennett’s translation).

Toward what should we now direct our powers of doubting? In George Orwell’s dystopian novel, *1984*, Winston Smith says, “The Party told you to reject the evidence of your eyes and ears. It was their final, most essential command.” This deep cynicism toward official news (as well as against one’s own experience) is echoed by modern-day conspiracy theorists who doubt all the official evidence offered for major newsworthy events such as the Sandy Hook shootings, the 9/11 attacks, all six moon landings, or even the Holocaust. But in order for any of these event to have been faked, a truly massive conspiracy must have existed, encompassing the news media, NASA, the US government, thousands of so-called crisis actors, the entire community of academic historians, and so forth. To many people, such massive conspiracies seem quite plausible, especially when the name of a very powerful or very rich mastermind is included in the theory. For these doubters, Descartes’ evil demon has been replaced by the mainstream media, academia, or the government.

But if one doubts the government, the mainstream media, and so forth, whom can one trust? Apparently, one trusts anyone who self-publishes “all the news the mainstream media won’t tell you.” These invented stories are more outrageous than real news, so they often go viral, fueled by hatred, fear, or contempt, and, the more outrageous these stories, the faster they spread. During the 2016 election, hundreds of hoaxes spread like wildfire through the social media websites. Traditional news media countered and exposed them, but to the mind of a conspiracy theorist, every attack on a trusted guru was just more evidence that some great, demonic *they* was desperate to hide something.

Of course a common defense of liars is to accuse their accusers of lying. Fake news sources are quick to call debunkers fake news. Snopes ([snopes.com](http://snopes.com)), Media Bias / Fact Check ([mediabiasfactcheck.org](http://mediabiasfactcheck.org)), FactCheck.org and other organizations dedicated to exposing bias or lies have been attacked by groups that don’t like their reports. Accusations and counter-accusations of fakery fly back and forth. No source has emerged as the universally accepted arbiter of the truth, nor is such a savior ever likely to emerge, as long as liars lie about truth-tellers and by doing so recruit an army of disciples.

In our own lifetimes, virtually everything we know about the world we have come to know only through the testimony of others. So now more than ever before, trust is at the core of our world. And the most trustworthy form of testimony has long been the video recording. One may not have been there, but seeing the video is believing.

Yet now, thanks to the emerging technology of deep fake videos, so called from the deep learning AI underlying it, anyone can become a Cartesian evil demon. In a *New York Times* article, published on March 4, 2018, Kevin Roose related how he tested out the freely available software, FakeApp, to alter videos of various celebrities by superimposing his face on their bodies. The end product ultimately cost him a few day's time and about \$86, a small price to pay for the ability to alter reality. FakeApp is a technology that is only at its beginning. It is now mostly used to make joke videos or fake porn, and the results are not all that hard to detect. However, given the potential for both innocent and harmful mischief, deep fake technology will surely develop rapidly, growing more sophisticated and harder to detect, while the wet-blanket technology of fake detection will lag far behind. Deep fake videos, will soon force us to confront the hard labor that Descartes's dreaming prisoner so dreaded.

Descartes discovered he could not reason his way out of the "imprisoning darkness" in which his doubts had confined him. His solution was to demonstrate that God exists and is no deceiver, thus legitimizing the evidence of his reason and senses. Where is your God now?

## Case 17: They Sure Don't Fake 'Em Like They Used To

Another plagiarist. Or was it? Hard to tell. Dr. Jillian Farnholdt closed her laptop with a sigh. Grading student papers was the worst part of teaching, as far as she was concerned, not because of the papers that were so bad, but because of the ones that were so good.

Before the Internet, students would steal the words of others and copy them by hand into their own papers. They would check out a book from the library and copy passages, word for word, into their own essays. Sometimes they would copy whole paragraphs or even whole articles. Those were the good old days, Farnholdt thought. She could always spot the stolen passages easily, for they were like erudite flotsam on an incoherent ocean. The fun part had always been the detective work involved in tracking down the original source. She would scrutinize the purloined passages for subtle clues as to their sources. Was it an academic article? A book chapter? An encyclopedia entry? Was the real author an American or from the UK? Was some turn of phrase hauntingly familiar?

With the emergence of the Internet, students were no longer confined to what was in the school library. They could snatch articles from anywhere in the world and weave a tapestry of ideas from mismatched sources. There had been a certain charm to those textual collages.

Then there were the contract cheaters: students who would hire ghost writers to produce their essays or term papers for them. These were easy to spot, also, but not as much fun. Ghost writers always conformed perfectly to every detail of the assignment, wrote boring paragraphs of a uniform length, and never made an error in spelling or grammar. Five minutes of questioning students usually made clear whether they had any clue as to what their own papers said.

The Internet turned out to be a double-edged sword on the cheater's battlefield. Technology that made it easy for students to plagiarize also made it much easier for professors to detect plagiarism. Cut and paste a particularly literary passage into Google and voila! Up pops the page from GradeSaver, SparkNotes, or eNotes. So students learned to be craftier about stealing their essays. They would tweak or modify the passages, thus eluding some searches. Professors started using plagiarism-checking software, like SafeAssign or Turnitin. So students started plugging their pilfered essays into so-called article spinners that would replace several words with synonyms, defeating the plagiarism checkers. Of course, the result of an article spinner was incoherent at worst and downright hilarious at best. But, Farnholdt thought, the AI would soon get good enough to fool even the human reader. It was just a matter of time.

Cheating had never been a problem at her undergraduate school, because there was an honor code, strictly enforced by student council. All tests were take-home and none were proctored. Students wrote and signed a simple pledge on everything they turned in, promising they had neither given nor received help on it, and that was all there was to it. Because everyone benefited from the honor code, students most of all, the students were diligent in detecting and unforgiving in prosecuting infractions.

But the school where Farnholdt currently taught was not her alma mater, so she dealt with the high levels of cheating as best she could. Last year, she had found three cases, but, instead of failing the students outright, she had announced to the whole class, “I know for a fact that some of you have cheated this semester. The penalty for cheating in any form, as I say in the syllabus, is that you fail the course, and I report you to the Dean. But I’m going to give you a break. If you turn in a signed, written confession by noon tomorrow, describing what you cheated on and how you did it, I will fail you for the assignment only, but not necessarily for the course and it will not go on your record. And of course, if you don’t confess, you fail the course.” She had known of three cases in advance, but she received six confessions. And every student who confessed was grateful. That little scheme had worked so well last year, she wondered if it would work again this year, even though she wasn’t certain anyone had plagiarized.