



The Ethics Cup

2023 Finals Case Set

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1. Reporting on Undocumented Immigrants

Around the world, millions of people are undocumented immigrants, meaning they live in a country in which they do not have authorization to be.¹ This might be the result of someone's temporary study or work permit having expired; their request for asylum having been denied; or their entering the country illegally in an effort to flee war, environmental catastrophe, persecution, or economic instability elsewhere.²

Because undocumented immigrants live in secret, their experiences are invisible to most people. Undocumented immigrants often live in poverty and don't have all the legal protections of other immigrants. When migration authorities discover an undocumented immigrant they may detain them, put them on trial, separate them from their family and deport them somewhere dangerous.³

Many journalists are interested in reporting on undocumented immigration. However, it's not clear how a journalist could verify the accuracy of someone's claim that they are undocumented. By definition, an undocumented immigrant has no documents *proving* their status (though they might have corroborating evidence, such as an expired visa or a copy of their rejected asylum request). If a journalist contacts the country's immigration services to corroborate whether someone claiming to be undocumented is telling the truth, that could put the source in direct danger of being arrested or deported. Failing to confirm that information, however, could also lead to the journalist publishing false information.

This is what happened a few years ago in Canada, when a magazine published a first-person account of undocumented immigration without fact-checking the person's claim to being undocumented (though they checked all other facts in the story). A few weeks later, the editorial team retracted the story because it turned out the source had misled them about her immigration status. In an letter appended to the retraction, the editors wrote, "We have always committed to bringing down the barriers that oppressed people face when trying to tell their stories – so we will not force contributors to prove their immigration status to us. We will, however, continue to rigorously fact-check other [claims], be transparent with readers when we've made errors, and work toward a future where no person lives in fear because of their immigration status."⁴

Study Questions

1. Did the magazine's editorial team do something wrong by deciding not to fact-check the source's immigration status before publishing?
2. Would a reader of the magazine be right to feel betrayed by the publication and retraction of this story? (If so, who betrayed them—the journalists, the source, or both?)
3. Are journalists responsible for the safety of sources, such as undocumented immigrants, who might be put in danger by journalists' rigorously fact-checking their stories?

¹ <https://briarpatchmagazine.com/articles/view/what-is-a-migrant-and-is-she-a-revolutionary>
<https://www.pewresearch.org/global/2019/11/13/europes-unauthorized-immigrant-population-peaks-in-2016-then-levels-off/>

<https://www.bbc.co.uk/news/magazine-34061097>

² <https://www.pewresearch.org/global/fact-sheet/unauthorized-immigrants-in-the-united-kingdom/>

³ <https://www.theatlantic.com/family/archive/2020/05/isolated-undocumented-immigrant/612130/>

⁴ <https://briarpatchmagazine.com/articles/view/baby-book-documenting-undocumented-motherhood>

2. Liver Transplants for Drinkers

Alcoholic liver disease is the severe damaging of a liver due to excessive drinking.⁵ The scarring effects of the disease can cause the liver to permanently cease functioning, potentially leading to death unless the patient receives a liver transplant in time.⁶ In the UK, the number of people who need a new liver (a great number of whom suffer from alcoholic liver disease) is higher than the number of livers available, and this situation is expected to worsen over the next few years⁷.

In the past, a widespread practice in healthcare for determining who will be put on the waiting list for a liver transplant has been the “six-month rule”: patients with alcoholic liver disease are required to achieve six months of no-drinking before being admitted. Doctors have defended the practice by arguing that the patient’s stopping drinking for six months might be enough to stop the progress of the disease on its own⁸. Informally, the rule also serves as a kind of test for the patient, to ensure that, as one Canadian doctor put it, the donated organ does not go to someone who will “waste” it by continuing to drink after transplantation⁹.

Recent studies have questioned the usefulness of this rule: even if someone stops drinking when they’re sick, that doesn’t guarantee they won’t start drinking again once they’re healthy, i.e., once they have a new liver. What’s more, if stopping drinking is going to cause any substantial health improvement for a patient, it will usually be visible within three months of abstinence, not six¹⁰. A high number of patients have died while waiting to reach the six-month mark.¹¹ And many people are uncomfortable with the assumption, which they take to be implicit in the six-month rule, that people with substance use disorders (such as alcoholism) are making a choice or should be punished for their condition.

In 2021, the UK Liver Advisory Group published an update to their position on recommending patients with alcohol-related liver disease for liver transplantation, effectively undoing the six-month rule: patients now need only to have “shown their capacity to maintain abstinence from alcohol,” ideally for three months, to be eligible.¹⁰

Study Questions

1. Should a patient’s previous alcohol consumption be a pertinent consideration regarding whether they will be put on the list for a liver transplant?
2. What about their projected future alcohol consumption?
3. If doctors count a patient’s alcohol consumption against them when they seek medical treatment for alcoholic liver disease, then should they do the same for any other case where a patient is seeking medical treatment related to a lifestyle choice? (For example, counting eating habits in the case of diabetes or sexual activity against in case of an STI?)

⁵ <https://www.nhs.uk/conditions/alcohol-related-liver-disease-arld/>

⁶ <https://www.nhs.uk/conditions/cirrhosis/>

⁷ <https://www.basl.org.uk/uploads/LAG%20Alcohol%20Guidelines%202021.pdf>

⁸ <https://mjlh.mcgill.ca/2019/12/12/challenging-the-six-month-sober-rule-for-liver-transplants-in-canada/>

⁹ <https://www.theglobeandmail.com/opinion/article-who-deserves-a-donated-organ-when-the-alternative-is-death-how-moral/>

¹⁰ <https://www.basl.org.uk/uploads/LAG%20Alcohol%20Guidelines%202021.pdf>

¹¹ <https://khn.org/news/article/alcoholic-liver-disease-transplant-patient-6-month-sobriety-rule/>

3. Age Discrimination in Covid-19 Triage Policies

In early 2020, as the first wave of Covid-19 cases hit Europe, hospitals in several countries were overwhelmed by patients in acute respiratory distress. There were not enough intensive care unit (ICU) beds, mechanical ventilators, or trained personnel to treat all these patients. As a result, organizations in many Western countries published “triage” guidelines. Such guidelines provide criteria for deciding which patients should receive potentially life-saving care, when not all patients can be treated.

Some recommendations were uncontroversial. For example, it was agreed that care should not be rationed until all other options were exhausted, that patients who stood no chance of benefit should not be treated, and non-urgent care should be postponed. But there was a lot of debate over how hospitals should allocate scarce resources among Covid-19 patients who were at high risk of death and could potentially benefit from treatment. Should ICU beds and ventilators be allocated first-come, first-served? Should hospitals aim to maximize the number of lives saved? Should patients with other health conditions receive lower (or higher) priority?

One particular point of contention was the relevance of age. Patients who were old and frail were thought to be less likely to benefit from ICU care. Some guidelines therefore adopted age-based criteria. For example, the Swiss Academy of Medical Sciences recommended using age cut-offs in combination with measures of frailty to exclude patients from treatment when ICU beds became limited.¹² Other triage guidelines did not explicitly mention age, but some critics thought that they nonetheless indirectly discriminated against older people.¹³ For example, some guidelines aimed to maximize life-years saved. Since older people will live fewer years, on average, than younger people, more life-years can be gained by providing life-saving treatment to younger people.

Study Questions

1. Is it discriminatory to choose which patient will get life-saving treatment based on age?
2. If you answered ‘yes’ to Question 1, is discriminating on the basis of age discriminatory in the same way as if a hospital decided who to treat on the basis of sex or race?
3. If you answered ‘no’ to the Question 1, explain why allocation by age differs from allocation by sex or race, such that the one is discriminatory and the other is not.
4. Some writers distinguish between “direct” and “indirect” discrimination. Direct age discrimination means that age is explicitly used as a criterion for deciding who gets treated. Indirect age discrimination means that older patients will get lower priority on average because of other criteria used (this was the objection to using expected life-years as a criterion). Does it matter ethically whether discrimination is direct or indirect?

¹² <https://www.samw.ch/en/Ethics/Topics-A-to-Z/Intensive-care-medicine/Triage-intensive-care-medicine/Triage-in-case-of-bottlenecks-chronology.html>

¹³ Bhatt V, et al. “Human rights and COVID-19 triage: a comment on the Bath protocol.” *J Med Ethics* 2021;47: 464–466.

4. Not in My Backyard

In July of 2021, the California-based company Arevia Power announced that they were scrapping plans for a large solar farm in southern Nevada. The initiative, known as the Battle Born Solar Project, would have created the largest solar farm in the United States and provided daytime power to around 500,000 homes.¹⁴ Despite assurances from Arevia Power that the project would be set far enough back on the nearby mesa so as not to be visible from the closest town, local residents fought against the construction of the solar farm. They argued that the solar farm would discourage popular recreational activities such as biking, driving ATVs, horseback riding, and visiting the famous environmental art sculpture *Double Negative*.¹⁵

Proponents of the project argued that it would have created 2,600 jobs and helped Nevada toward its goal of producing 50% of its energy from renewable sources by 2030. A ballot question in 2020 found that a majority of Nevada residents supported a transition towards renewable energy. One of the residents event said, “I’m not against renewable energy, I’m just against losing this beauty.”

People who oppose such projects are said to have an attitude of “Not in my backyard!”—often shortened to ‘NIMBY’. When residents of towns and neighbourhoods disagree with a project being built near them, they will often band together to oppose it. The protested projects vary wildly in their impacts to the community—everything from zoning changes and energy projects to affordable housing developments and landfills. While some argue that NIMBYism has contributed to rising housing costs and blocked many beneficial projects, others argue that communities have a right to oppose projects that will affect their neighbourhood’s character.

Study Questions

1. Under what circumstances is a NIMBY attitude towards development morally permissible?
2. Are decision-makers morally permitted to discount even those NIMBY attitudes that are themselves morally permissible?
3. How should we evaluate the tradeoffs between the good of a larger entity (a state/nation, a country, or the world) and the good of a local community?

¹⁴ <https://apnews.com/article/technology-government-and-politics-environment-and-nature-las-vegas-nevada-9bf3640dfefbc6f7f45a97c6810f5ff7>

¹⁵ <https://electrek.co/2021/07/26/us-largest-solar-farm-is-scrapped-because-nevada-locals-dont-want-to-look-at-it/>

5. Airbnb Crackdown

On 26 January 2023 New York city announced new regulations aiming to limit Airbnb use in the city. The city's goal is to ensure that anyone who lets a home for short period of time physically reside in that home; this amounts to a complete ban on Airbnb bookings where the guest books the entire unit. In defence of the move, Christian Klossner, an official in the mayor's office, noted that the city was in the midst of a housing shortage and couldn't afford to sacrifice housing units that might otherwise be occupied by permanent residents.¹⁶ Likewise, worries about housing stock and high rental prices motivated Toronto to take similar measures in 2019.¹⁷

On the other hand, such a restriction could be seen as an infringement of property rights since, ordinarily, owning a property entails being free to rent it out wholesale to someone else. Moreover, New York could, if it chose, allow the rentals that it now bans, but tax them and then use the money for the general good, including the good of long-term renters. In addition, the more short-term housing options there are in a city, the more affordable that city is for holidaymakers. Finally, housing shortages are a serious problem in cities round the world, and many causes of such shortages have nothing to do with Airbnb and the like; thus, it could be argued that New York-style regulations amount to a sticking plaster that punishes people for a problem that is not their fault.

Study Questions

1. In light of the problems caused by the proliferation of Airbnb lets in tourist hotspots like New York, would an ethical New York holidaymaker refuse to book on Airbnb, or at least refuse to book an entire unit?
2. Are the New York regulations justified?

¹⁶ <https://www.theguardian.com/us-news/2023/jan/26/nyc-airbnb-short-term-rental-new-law>

¹⁷ <https://www.theguardian.com/world/2019/nov/19/olympic-committee-deal-airbnb-angers-paris-authorities>

6. Deposit Scheme

On 20 January 2023 DEFRA announced plans to put in place a deposit return scheme for plastic bottles and drinks cans in England, Wales, and Northern Ireland beginning in 2025.¹⁸ Under the scheme, the consumer will pay an extra amount for the container—an amount that will be refunded to them if and when they take the container in for recycling at a designated return point. A similar scheme in Scotland will go live on 16 August 2023, with 20p the amount of the deposit.¹⁹

These schemes have a variety of selling points. Environment Minister Rebecca Pow points up the benefit in terms of reducing the amount of plastics “polluting our green spaces or floating in our oceans and rivers”.¹ And Iain Gulland, Chief Executive at Zero Waste Scotland, says that Scotland’s scheme will reduce the country’s carbon footprint.²

However, deposit schemes, which have been around in various countries for decades now, are frequently criticised as badly targeted. Unlike VAT, which costs you more when you buy more expensive products, or income tax, which hits you harder the more money you earn, deposit schemes treat all buyers the same: everyone pays the same flat deposit per container. The less money you have, the less you can afford to pay the deposit and not get your deposit refunded. Deposit schemes are therefore sometimes labelled “regressive”.²⁰

Study Questions

1. Given that all deposits can be refunded, and thus cost no one anything, is it still fair to say that a flat deposit is harder on less wealthy people?
2. Various fines, such as those given for speeding or illegal parking, have the same flat structure as does DEFRA’s scheme. Can we justify a flat deposit by comparing it to such fines?
3. For those who answered ‘no’ to Question 2: Can we justify a flat deposit at all?
4. For those who answered ‘yes’ to Question 2: Why wouldn’t it be more just to charge higher speeding and parking fines to wealthier people?

¹⁸ <https://www.gov.uk/government/news/deposit-return-scheme-for-drinks-containers-moves-a-step-closer>

¹⁹ <https://www.gov.scot/news/scotlands-deposit-return-scheme/>

²⁰ <https://environmentjournal.online/articles/deposit-schemes-arent-answer-need-joined-response-recycling-litter/>; <https://theconversation.com/container-deposit-laws-past-their-use-by-date-15234>

7. George Santos

George Santos was elected on 8 November 2022 to the U.S. House of Representatives to represent New York's 3rd District. On 19 December The New York Times published a bombshell report alleging that Santos lied about his background and experience. Subsequent reporting by a variety of media revealed additional lies. Santos is now known to have lied about being Jewish and his grandparents escaping the Holocaust, about his mother dying in the attack on the World Trade Center on 11 September 2001, about having been openly gay for years, about which universities he attended and obtained degrees from, and about having worked for Citigroup and Goldman Sachs.²¹

Santos is now a member of Congress and has said that he has no intention of resigning. However, once in Congress he became subject to Congress's ethics procedures, and he could be removed from office by a two-thirds majority vote in the House of Representatives.²²

Furthermore, as it happens, it is for the House to judge who has won each House seat. Consequently, before Santos was sworn into Congress there were calls for the House to refuse to seat him. And now that he's a sitting member, many are calling for the House to kick him out. The case in favour is clear: Democracy requires that the voters know some basic facts about those who stand to represent them, and in this case that requirement was flagrantly breached.

However, Jonathan Turley has mounted an argument in Santos's favour. First, all (or very many) politicians lie and are not removed from office. Second, the House's authority over the election of its own members has never been interpreted as going beyond counting who got the most votes. Third, the House's ethics process is designed to hold House members accountable for their conduct *while in office*.²³

Study Questions

The facts given above reflect what was known of Santos's case as of 24 January 2023; answer the questions below as if discussing the issue on that day

1. How dishonest does the winning candidate in a democratic election have to be during their candidacy to morally disqualify themselves from office?
2. Should the House have refused to seat Santos?
3. Should the House expel Santos?

²¹ <https://www.theguardian.com/us-news/2023/jan/22/george-santos-lies-republican-party-future>

²² <https://eu.usatoday.com/story/news/politics/elections/2023/01/03/george-santos-congress-impeached-lies/10977576002/>

²³ <https://thehill.com/opinion/judiciary/3794268-sinner-or-saint-george-santos-must-be-seated/>

8. Deadline Extension

During the COVID-19 pandemic, it was common policy at many universities for students to be able to “self-certify” that they were sick and in need of a deadline extension for their essays and exams.²⁴ Under this policy, students did ‘not need to provide medical or other supporting evidence’, and all extension requests were automatically granted.²⁵ It was thought that by removing the requirement to provide a doctor’s note (and given that many students were actually falling sick with COVID-19 during this period), this would avoid ‘placing extra pressure on the NHS’.²⁶

John is a student who believes that many, perhaps a majority, of his classmates have dishonestly given themselves an extension, despite not being sick, and are therefore receiving more time to produce their work. John is also not sick but is worried that he is likely to receive a lower grade than the dishonest students who get extra time to produce higher-quality work, and who face no administrative repercussions for their lie. Receiving lower grades than his classmates might plausibly have some impact on John’s future, such as when he applies to graduate programs or jobs.

John believes it is unfair that honest students do worse than dishonest students and is therefore considering applying for the extension. This will simply require him to tick a box self-certifying that he has been sick (which he has not). John doesn’t want to be dishonest but thinks he will be unfairly disadvantaged if he tells the truth. Given his belief that so many healthy students have self-certified as sick, he thinks self-certifying might even be a way to correct for an injustice and level the playing field. On the other hand, there are some students who really *have* had their work affected by sickness during the pandemic, and this policy was intended, in part, to level the playing field for those students. John is therefore confused about what is the right thing to do.

Study Questions

1. Is it morally permissible for John to apply for an extension?
2. Did the university do wrong by putting in place a policy that made it so easy to falsely self-certify?

²⁴ For an example, see: <https://www.ucl.ac.uk/news/2020/sep/students-will-be-allowed-self-certify-extenuating-circumstances-14-days-2020-21>

²⁵ Ibid.

²⁶ Ibid.

9. Marriage Conversion

Interfaith marriage provides an ongoing source of controversy among all major religions. Concerns for interfaith couples include with which beliefs and values to raise their children. For religious institutions, a concern is that interfaith marriage might lead to a weakening, altering or eventual abandonment of the religious identity. A complicated issue, interfaith marriage is treated differently by different denominations within all major faiths. By way of example, Orthodox Judaism does not tolerate interfaith marriage, and considers it a rejection of Judaism.²⁷ Reform Judaism, on the other hand, allows rabbis to officiate over interfaith marriages and encourages the acceptance of the non-Jewish partner.²⁸ In the US, this is reflected in the fact that 98% of married Orthodox Jews have a spouse who is also Jewish, but fully 71% of non-Orthodox Jews married since 2010 have wedded non-Jews.²⁹

Sally, who is strongly atheistic, has fallen in love and wants to marry her partner, Yaron, who comes from an Orthodox Jewish family. Yaron's family, however, are not accepting of marriage outside of their own faith and would ostracise both Sally and Yaron if they were to marry outside of the religion. However painful ostracism would be, the family believe this is what is commanded by their faith. From their point of view, it is Yaron who is actively pursuing a path that rejects the Jewish faith and identity, and thereby subjecting the family to the consequences of his choices, not vice versa.

Though Sally has no intention of changing her actual beliefs, she is considering formally converting to Judaism so that the marriage is acceptable to the family. This would require her to falsely perform a ceremony she finds somewhat objectionable, and to perhaps keep up a pretence of religiosity around Yaron's family. Yaron deeply loves Sally and is not demanding that she convert. He knows and respects her views and would marry her even at the cost of being shunned by his family. But Sally does not want Yaron to face such a hardship for her sake and knows that a performative conversion would alleviate the family's concerns.

Study Questions

1. Is it morally permissible for Sally to formally convert to the religion?
2. Are Yaron's family justified in putting such demands on him?
3. If Yaron believes just as much as his family that interfaith marriage is dictated against by his faith, is he blameworthy, praiseworthy, or neither for following his heart?

²⁷ <https://www.bbc.co.uk/news/magazine-26067980>

²⁸ <https://www.reformjudaism.org.uk/reform-judaism-1000-words-intermarriage/>

²⁹ <https://www.pewresearch.org/religion/2021/05/11/marriage-families-and-children/>

10. Qatar 2022

In 2010, Fifa made a decision to host the World Cup in Qatar. This decision was remarkable for many reasons. It was the first time the World Cup would be held in a Middle-Eastern country. Also, Qatar is a very small country, with little footballing history, which, at the time did not have suitable infrastructure to hold such a tournament (including stadiums which needed to be built). Because of the heat, the tournament – usually a summer affair – had to be moved to the winter. Even with this allowance, stadiums needed to be air-conditioned to maintain suitable temperatures in the desert. Because of the required building projects, the tournament was criticised for its enormous carbon footprint.³⁰

On top of all these complaints, Qatar has been criticised for its treatment of migrant workers, who were needed to construct the new stadiums, and for its human rights record. Despite claims from organisers that 37 workers died constructing the stadiums, an analysis from The Guardian estimated that the real figure was over 6,500.³¹ Workers were also subjected to horrific living conditions.³² As part of the kafala system, many workers were also required to hand over their passports to their employers, so were unable to change jobs or to leave the country without their employers' permission. Furthermore, homosexuality is illegal in Qatar.³³ It has been suggested that regimes with poor human rights practices can use tournaments like this to launder their reputations – sometimes known as “sportswashing”.³⁴

Some football fans responded to the negative attributes of the Qatar World Cup by boycotting it. By boycotting, one can express a solidarity with those who have suffered.³⁵ However, in the vast majority of cases, boycotting the World Cup would not affect the profits made by the Fifa and the organisers. It also does nothing to materially help workers currently in Qatar or the families of deceased workers.

Study Questions

1. Were people who watched Qatar 2022 on television complicit in any harms suffered in the event's production?
2. Were players who participated in the competition complicit in the harms that occurred?
3. Boycotting is seen by some as expressing solidarity with those who have suffered. One alternative would be to watch matches, but donate some money to Amnesty International. Which of these options is ethically preferable?

³⁰ <https://www.bbc.co.uk/sport/football/63466168>

³¹ <https://www.theguardian.com/football/2022/nov/27/qatar-deaths-how-many-migrant-workers-died-world-cup-number-toll>

³² To see an example of this, consider John Oliver's report on Qatar 2022

(<https://youtu.be/UMqLDhl8PXw?t=675>) Living conditions featured from around...11:15.

³³ <https://www.theguardian.com/commentisfree/2022/nov/09/world-cup-lgbtq-abuses-british-regimes-qatar-tournament>

³⁴ <https://www.prindleinstitute.org/2022/07/liv-laugh-launder-the-morality-of-sportswashing/>

³⁵ <https://www.publicethics.org/post/should-we-boycott-the-2022-world-cup>

11. Leonardo DiCaprio: Dating Young

Several news outlets have reported about the dating preferences of Leonardo DiCaprio.³⁶ A general pattern has been termed ‘Leo’s Law’, according to which DiCaprio cannot date anyone over the age of 25. A further confirming instance occurred when DiCaprio ended his relationship with Camila Morrone, shortly after her 25th birthday. DiCaprio is 48.

DiCaprio’s tendency has been the source of comedy, with many making jokes at DiCaprio’s expense.³⁷ Some, however, have suggested that this may be more sinister. Arma Mahdawi suggests that there is something “creepy” about someone consistently dating partners half their age.³⁸ While all the women in DiCaprio’s case are legally adults, she raises a suspicion that the older person “isn’t actually looking for a partner, but an admirer”.

Some features of relationships with ages gaps may seem appealing to the younger person. For instance, younger people, in many cases, are less wealthy. In such a situation, an older romantic partner may be able to offer a lifestyle that the younger partner would otherwise be unable to enjoy. They older partner may pay for nice meals or extravagant holidays. The intention behind this can be entirely reasonable – we want the people we care about to have fun, and if we have the resources to treat them, this might be harmless. On the other hand, disparities of wealth may mean that the younger partner feels pressured into doing things they may not want to, feeling that the relationship – and the benefits that come with it – is contingent upon whether they make their partner happy.

Study Questions

1. Is there anything inherently wrong with seeking a relationship with someone considerably younger (who is still an adult)?
2. Is such a thing more morally concerning when it’s an older man seeking a relationship with a younger woman?
3. Setting aside whether it’s *wrong* to do so, if someone regularly seeks out relationships with much younger partners, as does DiCaprio, is this suggestive of a character flaw?

³⁶ E.g., *The Mirror* (<https://www.mirror.co.uk/3am/celebrity-news/picky-leonardo-dicaprios-bizarre-25-27881012>), *The Sun* (<https://www.thesun.co.uk/tvandshowbiz/6979606/all-the-reasons-leonardo-dicaprio-has-only-dated-women-under-25-for-the-past-20-years/>).

³⁷ E.g., <https://www.thedailymash.co.uk/news/celebrity/have-you-passed-too-many-life-milestones-to-be-leonardo-dicaprios-next-girlfriend-20220902225238>

³⁸ <https://www.theguardian.com/commentisfree/2022/sep/03/leonardo-dicaprio-girlfriend-breakup-25-week-in-patriarchy>