

The Ethics Cup

2024 Regionals Case Set

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1. AI in Schools

It's the year 2050.

Mr. Smith is a very good philosophy teacher. He cares about the pastoral and emotional needs of his students as well as helping them to pass their exams. He's good at communicating not only with students but also with parents and colleagues. His lesson planning is exemplary, and he never misses a deadline. He manages to respond to the needs of individual classes and students, and even volunteers to run an after-school club every day. His students get good results and are fond of him.

But now Mr. Smith's school, which is state funded, decides that all teachers should gradually be replaced by AI bots. These AI bots would teach lessons, mark work, attend teacher-parent meetings, tend to the students' pastoral and emotional needs, and be programmed to handle a variety of situations, including behaviour problems. AI teachers can make fine adjustments to their methods based on the students in the class, and never need breaks or leave. And, of course, they're immune to human error. Furthermore, they automatically accept new policies and assimilate new pedagogical techniques.

Naturally, the bot would cost the school significantly less money than does Mr. Smith.

- 1. Is there anything important that a human teacher can do that an AI bot cannot?
- 2. Does the monetary saving count strongly in favour of replacing Mr Smith?
- 3. Should Mr. Smith's school replace him with an AI bot?

2. Assisted Dying

A growing number of jurisdictions around the world permit some sort of physician-assisted dying. These include Belgium, Canada, Colombia, Luxembourg, the Netherlands, New Zealand, Portugal, Spain, Switzerland, most of Australia, and some states in the United States. Laws and practices vary widely. Some permit euthanasia—intentional killing of the patient by the clinician—while others permit only assisted suicide, so that the patient must administer a life-ending substance themselves.¹

Who is eligible for assisted dying also varies from place to place. One quite common eligibility criterion is that a patient should have a terminal illness. This means that the patient has an untreatable medical condition that doctors expect will cause their death within a limited period of time. For example, New Zealand permits assisted dying only when someone is "suffering from a terminal illness that is likely to end their life within six months," among other requirements.² On the other hand, Canada's medical assistance in dying legislation was changed in March 2021 to remove a condition of "reasonable foreseeability of natural death."³ Someone with advanced amyotrophic lateral sclerosis (ALS) who is not expected to die from their disease in the next six months could seek assistance in dying in Canada but not in New Zealand.

Proponents of restricting assistance in dying to individuals with terminal conditions argue that it is an important safeguard against potential abuse. Opponents argue that such restrictions discriminate against people who are suffering terribly but whose illnesses are not expected to lead to their deaths soon.

- 1. Is it unfair to patients who do not have terminal illnesses if a law permits assisted dying only for those with terminal illnesses?
- 2. Some people worry about a "slippery slope" once assisted dying is permitted, so that more and more classes of patients would become eligible over time. Is this a valid concern?
- 3. Should assisted dying laws contain a terminal illness requirement?

¹ https://www.bma.org.uk/media/4402/bma-where-is-pad-permitted-internationally-aug-2021.pdf

² https://www.tewhatuora.govt.nz/for-the-health-sector/assisted-dying-service/assisted-dying-information-for-the-public/assisted-dying-eligibility-and-access/

³ https://www.justice.gc.ca/eng/cj-jp/ad-am/bk-di.html

3. COVID-19 Challenge Trials

Medical progress relies on the conducting of experiments on human beings. Novel treatments must be tested on people with the condition to find out if the treatment is safe and effective. New preventive intervention, like vaccines, must be tested on people who are at risk of acquiring the condition.

Much more rarely, however, scientists will run an experiment in which they enrol healthy subjects and deliberately infect them with the condition to be studied. Experiments like this, called "challenge trials", tend to yield new knowledge faster than whatever the traditional alternative would have been.

In the thick of the COVID-19 pandemic, which up to March 2023 infected at least 676 million people and killed at least 6.9 million,⁴ scientists at Imperial College London (ICL) decided to run a challenge trial on the SARS-CoV-2 virus. In 2021 they deliberately infected 38 volunteers with the virus, in an experiment that yielded knowledge about the natural course of COVID-19, its transmissibility, and how it could be tested for reliably.⁵ At the time there was no approved antiviral medication for COVID, but all the volunteers survived.

Bioethicists were, from the very start, split on the ethics of running COVID-19 challenge trials. One group of bioethics argued that asking people to volunteer to be infected with the virus is analogous to asking people to become firefighters or live organ donors—practices with which we're comfortable despite the lethal risk involved.⁶ Another bioethicist deemed the ICL trial unethical, noting that the long-term effects of COVID-19 infection were unknown and there was no good treatment for the disease.⁷

- 1. Is the analogy between running a challenge trial and asking people to volunteer to become firefighters or live organ donors valid?
- 2. How much of an ethical difference does it make that the 38 volunteers in the ICL challenge trial were informed of the risks to their health and consented to that risk?
- 3. If you were on the ethics committee charged with deciding whether the ICL challenge trial should go forward, how would you have voted?

⁴ https://edition.cnn.com/interactive/2020/health/coronavirus-maps-and-cases/

⁵ https://www.imperial.ac.uk/news/233514/covid-19-human-challenge-study-reveals-detailed/;

https://www.imperial.ac.uk/news/245375/covid-19-human-challenge-study-reveals-more/

⁶ https://academic.oup.com/jid/article/221/11/1752/5814216

https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2780744#:~:text=The%20COVID%2D19%2 0pandemic%20does,the%20long%2Dterm%20risks%20of

4. The Corroboration Rule in Rape Trials

From December 2021 to March 2022 the Scottish Government ran a consultation on whether to make certain fundamental reforms to its legal system. The resulting bill, the Victims, Witnesses, and Justice Reform (Scotland) Bill, did not include one of the most controversial of the reforms under consideration: the elimination of the corroboration requirement.

The corroboration requirement states that for the accused to be convicted it must be established, by means of at least two independent sources, that the crime was committed and that the accused was the one who committed it. The rule is intended to protect against mistaken convictions.⁸

Part of what concerned the Scottish Government and drove it to consider ditching this hundreds-of-years-old requirement is how difficult it is to get a rape case tried and to have that trial result in a conviction. Over the course of 12 months in 2020-21 in Scotland, "there were 2,176 rapes and attempted rapes reported to the police, but only 152 prosecutions and just 78 convictions."⁹ There are many reasons for this, but corroboration is a big part of it: rape usually happens in private, and so by its very nature typically yields only one person who will corroborate the event. Rape Crisis Scotland has commended the elimination of the corroboration requirement as the removal of a "barrier to justice" for survivors.¹⁰

However, The Scottish Government, in its consultation document, raised the worry that removing the corroboration rule for a specific crime would create a "two-tier" criminal justice system.¹¹

- 1. Could victims of other crimes reasonably feel unjustly treated if the Scottish Government were to eliminate the corroboration requirement only for rape cases?
- 2. Rape isn't the only crime typically committed in private. Is there nevertheless a case for rape being treated specially by the criminal justice system?
- 3. Would it be right for the Scottish Government to eliminate the corroboration requirement only for cases of rape?

⁸ https://www.gov.scot/publications/not-proven-verdict-related-reforms-consultation/pages/6/

⁹ https://www.rapecrisisscotland.org.uk/resources-stats-key-info/#rlslider_3

¹⁰ See previous footnote.

¹¹ https://www.gov.scot/publications/not-proven-verdict-related-reforms-consultation/pages/6/

5. Ear Piercing

Piercing the earlobes is a practice which originates from a variety of ancient rituals, traditions, and beliefs around the world, making it the most common form of piercing globally.¹² In the UK, there is no legal age restriction for earlobe piercings and many parents choose to have their children's ears pierced at a very young age, including during infancy. A recent survey found one in six children in the UK have their ears pierced when aged five or under—in other words, before they are able to provide consent.¹³ The same survey further found that 60% of the British public believe the legal age to get ear piercings should be at least 16 (with or without parental consent).

There are minor health risks to all piercings, including infection, allergic reactions, and scarring. Due to the associated risks and pain, some even consider piercing babies' ears child abuse.¹⁴ On the other hand, some consider it safer to pierce their child's ears during infancy due to the faster healing times of babies and argue in its favour on the basis that it is better to 'get it over with' whilst they are young and won't remember the pain or feel fear prior to the piercing.¹⁵ Similar arguments, both those in favour of and against, are also seen in the debates on the ethics of circumcising male babies. Aside from arguments about the physical risks and pain caused by piercings and circumcision, debates also centre on the parents' right to choose, and the autonomy they have over their child's body. Both also involve arguments about the cultural or religious significance of these practices. In certain cultures of India for example, piercing young children's ears is a centuries-long tradition that signifies a spiritual rite of passage, and is also believed to have health benefits by several areas of non-western medicine.¹⁶ On the other hand, many infants in the UK are still pierced for purely aesthetic purposes.

- 1. Is it right to compare the piercing of babies' ears to other practices such as circumcision?
- 2. Should the UK enforce a legal minimum age for ear piercing (with or without parental consent)?
- 3. Is it ethical for parents to have the ears of their infant or young child pierced?
- 4. Would your answers to the above change based on whether the reasons for the piercing were purely aesthetic or instead cultural/religious?

¹² https://www.body-piercing.com/blog/ear-piercing-its-history-and-evolution/

¹³ https://www.jewellerybox.co.uk/blog/the-piercing-debate/

¹⁴ https://www.today.com/parents/baby-ear-piercing-petition-aims-ban-practice-t25866

¹⁵ https://www.verywellfamily.com/when-can-i-get-my-babys-ears-pierced-

^{5223715#:~:}text=If%20you%20choose%20to%20pierce,piercing%20as%20they%20get%20older.

¹⁶ https://vedictribe.com/bhartiya-rights-rituals/karnavedha-sanskar-importance-of-ear-piercing-in-hinduism/

6. Fast Fashion

"Fast fashion" refers to inexpensive clothing produced rapidly by mass-market retailers in response to the latest trends.¹⁷ The fast-fashion industry is responsible for over 20% of global water pollution, including causing 500,000 tonnes of microplastics to enter into the ocean every year.¹⁸ It is also notorious for human rights abuses, such as child and slave labour: over 13 million people working in this industry are victims of modern slavery.¹⁹ Furthermore, it produces 1.92 million tonnes of textile waste every year due to fast-changing trends. With the impending climate crisis and our increasing awareness of the environmental and human rights violations associated with fast fashion, there has been a trend in the media, particularly with younger generations on social media, of moving away from encouraging the consumption of fast fashion in favour of supporting smaller, sustainable, and ethically run businesses.

However, small sustainable brands have been criticised for being inaccessible to certain groups.²⁰ This includes the working class, who are alienated by the high price tags, and plussized consumers, who find it much more difficult to find clothing options that are both size-inclusive and sustainable. Ethical, 'slow fashion' brands are also less able to keep up with the ever-changing micro-trends in fashion and thus cannot adequately compete with the range, speed and affordability of fast-fashion brands. By contrast, fast-fashion giants such as Shein provide clothing that is mass-produced at low enough prices that it is affordable and often size-inclusive, allowing working-class and plus-sized consumers to access current fashion trends.

- 1. Can those who continue to purchase from fast-fashion brands be considered in any sense morally responsible for unethical practices in which fast-fashion businesses take part?
- 2. Are we justified in criticising individuals who continue to purchase from fast-fashion brands?
- 3. How important should factors such as affordability and size-inclusivity be considered in comparison to environmental sustainability in determining whether a brand is ethical?
- 4. What would be the right thing to do as an individual in need of clothes, but who cannot afford, or find clothes that fit from sustainable brands?

¹⁷ Oxford Languages definition

¹⁸ https://earth.org/statistics-about-fast-fashion-

waste/#:~:text=The%20fashion%20industry%20is%20responsible,20%25%20of%20global%20water%20polluti on.

¹⁹ https://www.walkfree.org/global-slavery-index/findings/global-findings/

²⁰ https://mila-ar.medium.com/is-sustainable-fashion-inclusive-probably-not-6d3809a6c704

7. FTX's Charitable Donations

In November 2022, FTX, one of the world's largest cryptocurrency exchanges, collapsed and filed for bankruptcy. In the aftermath, it transpired that customer deposits had been used by Alameda—an associated hedge fund—to make risky trades that had not paid off. When customers attempted to withdraw their money, FTX didn't have it. More failures of corporate control were discovered during the bankruptcy proceedings and several FTX executives have been charged with fraud. At least a billion dollars of investors' assets is apparently still missing.

FTX founder and CEO Sam Bankman-Fried was a proponent of *effective altruism*—the movement that aims to use "evidence and reason to figure out how to benefit others as much as possible, and [take] action on that basis."²¹ The FTX Foundation donated more than \$100 million to effective altruist organizations in 2022, including to grant-making organizations who themselves distributed the funds to individuals and organizations they judged were doing good.²²

FTX's collapse has led to much soul-searching among effective altruists. But among some recipients of FTX support it prompted a more immediate ethical question. FTX announced a process for voluntarily returning funds to the FTX estate.²³ Should FTX grantees make efforts to return some or all of the funds they received?²⁴ After all, it appeared that these funds resulted from defrauding innocent people who thought that their cryptocurrency holdings were safely deposited at FTX.

In defence of not voluntarily returning funds, it might be argued that effective altruist organizations are already using the money to do the most good in the world. If the money would go towards saving children from dying from malaria, then that is more important than trying to return it to someone who has spare cash to invest in crypto. Or it might be argued that if the money is already spent there is no case for getting it back: just as a plumber working on an FTX building would not have to return their wages, so a charity working to help others does not have to return spent donations. On the other hand, it might be argued that the FTX funds came from fraud and so constitute stolen goods. Stolen goods should be returned to their owners. More pragmatically, an effective altruist might think that more good would be done in the long run if people in the movement were seen as honest.

- 1. If someone was paid using stolen money, do they have an obligation to return the money to the victim?
- 2. Does it make a difference if the recipient had no idea that the money might be stolen?
- 3. Should the recipients of unspent funds from FTX try to return the money?

²¹ https://www.centreforeffectivealtruism.org/ceas-guiding-principles

²² https://www.vox.com/future-perfect/2022/8/8/23150496/effective-altruism-sam-bankman-fried-dustin-moskovitzbillionaire-philanthropy-crytocurrency

²³ https://www.prnewswire.com/news-releases/ftx-debtors-announce-process-for-voluntary-return-of-avoidable-payments-301706546.html

²⁴ https://forum.effectivealtruism.org/posts/CcNaQmrtdeC9PPixK/under-what-conditions-should-ftx-grantees-voluntarily-return;

8. Geriatric Parents

In 2023 Hollywood legends Robert De Niro and Al Pacino made headlines when they announced they had recently become fathers, at the ages of 79 and 83, respectively. (For reference, the mothers of their newborn children are 45 and 29 years old, respectively.) While fathering children past what is generally considered the middle-age period of one's life (roughly, past one's mid-sixties) is not unprecedented, it is not particularly common either, and given the De Niro's and Pacino's celebrity status, the news garnered a lot of media attention.

Some of this attention was decidedly negative. As one can expect when reading reactions on the Internet these days, the news was subject to ridicule. And many commentators on platforms such as Twitter/X and Reddit were quick to claim that having a child this late in one's life is irresponsible and that they felt sorry for the newborn children, who will likely not be able to spend a decade (if that) with their fathers.

At first blush, the concerns raised by readers seem warranted. On the one hand, advanced paternal age increases the risk of one's children being born with certain genetic disorders,²⁵ such as cerebral palsy (although this isn't *unique* to the father's age).²⁶ On the other hand, older parents might be able to provide greater financial stability (among potential non-material benefits) than younger parents. Furthermore, it seems unfair to suggest that someone should not be able to exercise their right to reproductive autonomy simply due to their advanced age.

- 1. Have De Niro and Pacino (as with others past their mid-sixties) exceeded the limits of reproductive autonomy? That is, has their right to reproduce expired?
- 2. Could one make a convincing case that one *should* become a parent later in life (say, in one's forties or later)?
- 3. Is criticism or ridicule of De Niro and Pacino a case of people failing to mind their own business?

²⁵ https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2566050/

²⁶ https://pubmed.ncbi.nlm.nih.gov/36372095/

9. Orphan Drugs

An orphan drug is any drug that treats a very serious condition where the condition is so rare, and the cost of developing the drug so high, that it is unlikely that a drug company would ever recuperate the development costs that would go into researching and developing the drug.

Given that public funds are limited there is a straightforward rationale for public health services to treat orphan drugs as a non-problem. If they're expensive and few people will benefit from them, why worry about them never getting produced? Certainly utilitarianism, the ethical theory that instructs us to produce as much good as we can, would require us to not spend any public funds on orphan drugs.

However, the National Institute for Health and Care Excellence (NICE), which is responsible for deciding which drugs will be provided for free on the English NHS, rejects this reasoning. It says that "a simple utilitarian approach...is unlikely to produce guidance which would recognise the particular circumstances of" orphan drugs. Normally NICE makes its decisions based on how many additional years of good life—Quality-Adjusted Life Years, or QALYs—a drug is likely to confer on those who take it, and at what monetary cost, and only those drugs that yield QALYs at the cheapest rate get approved: generally speaking, any drug more expensive than £20-30,000 per QALY gets rejected. This is NICE's utilitarian decision procedure. But for orphan drugs NICE is willing to pay more than £100,000 per QALY.²⁷

Sally has severe depression, with symptoms including lack of motivation, sleep deprivation, sadness, loneliness, and loss of appetite. The results are crippling; she is unable to go out, maintain relationships and keep down a job. She's been struggling with this for years and has tried a variety of anti-depressants, all of which have been ineffective. She's also tried therapy, but because of the nature of her depression it has not improved substantially.

Her psychiatrist is now recommending that she try a drug called orphanillin, an orphan drug, as a last resort. As it happens, NICE is about to decide whether orphanillin should be provided on the NHS. It's much too expensive for Sally to afford on her own, so she's desperate for NICE to approve it. However, it costs £100,000 per QALY.

- 1. Is the case for utilitarian reasoning being abandoned in the case of NICE and orphan drugs any stronger or weaker than the case for utilitarian reasoning being abandoned more generally by agencies whose job it is to distribute public funds?
- 2. Does Sally's desire for orphanillin to be approved—a decision that will lead to the population served by the English NHS being less healthy overall—show a flaw in her character?
- 3. If NICE had no special policy for orphan drugs would this be unfair to people who have rare conditions and would therefore be systematically disadvantaged by NICE's decisions relative to people suffering from common conditions?
- 4. Should NICE approve orphanillin?

 $^{^{27}\} https://www.nice.org.uk/media/default/about/what-we-do/nice-guidance/nice-highly-specialised-technologies-guidance/hst-interim-methods-process-guide-may-17.pdf$

10. Predictive Algorithms in Parole Decisions

As reported in *The Conversation* in July 2023, "Justice systems around the world are using artificial intelligence (AI) to assess people with criminal convictions." One area in which this technology is used is for making probation decisions. One widely used system, Oasys, works as follows: "The algorithms consume the data probation officers obtain during interviews and information in self-assessment questionnaires completed by the person in question. That data is then used to score a set of risk factors...linked to risks of reoffending." The link between the information obtained and the risk factor scores is based on scientific research on what sets apart people who reoffend from people who don't. The factors include the offender's age, criminal history, lifestyle, and attitudes.²⁸

These predictive algorithms are supposed to "reduce the burden on understaffed agencies, cut government costs and—ideally—remove human bias".²⁹ In so doing, they address what is undoubtedly a serious problem, as the criminal justice system is notorious for meting out wildly disparate punishments for similar crimes.³⁰ Ironically, though, the main concern about such algorithms is that they'll make the bias problem even worse than it already is.

However, there is a more profound worry lurking: a worry about procedural justice that is nicely captured by the reaction of Darnell Gates who, after finding out that his onerous probation requirements were due to his having been deemed high risk by a predictive algorithm, said, "You mean to tell me I'm dealing with all this because of a computer?"³¹ The worry is that, whatever decision is made in an individual probation case, it is unjust that it is so heavily influenced by the workings of a computer programme. As pointed out in *The Conversation*, statistics are generalisations: they tell us what's likely to be true of us based on a limited number of facts about us. Since these predictive algorithms are based on statistics, they're making recommendations in individual cases in the absence of the full picture of the individual, which might tell a very different story from that told by the *statistical* picture of the individual.

- 1. If predictive algorithms were programmed to take account of as many of a person's characteristics as do human probation officers, would that make a serious difference as to how justifiable their use is?
- 2. Algorithms treat like cases alike; their decision making isn't influenced by irrelevant factors such as whether they're in a good mood. Does this make a serious difference as to how justifiable their use is?
- 3. What use, if any, of predictive algorithms in probation decisions is justifiable?

 $^{^{28}\} https://the conversation.com/a-black-box-ai-system-has-been-influencing-criminal-justice-decisions-for-over-two-decades-its-time-to-open-it-up-200594$

²⁹ https://www.nytimes.com/2020/02/06/technology/predictive-algorithms-crime.html

³⁰ Daniel Kahneman, Olivier Sibony, and Cass R. Sunstein, Noise: A Flaw in Human Judgment (London:

William Collins, 2021), pp. 13-21.

³¹ See the previous footnote.

11. Punching Nazis

In 2016, prominent alt-right white nationalist Richard Spencer was punched in the face during a public interview in which he was explaining the meaning behind the "Pepe the Frog" badge he was wearing, which is used as a hate symbol amongst groups associated with Nazism.³² The video of the incident went viral, and as it did, a hugely controversial topic arose once again: is it morally permissible to punch a Nazi? "Punch a Nazi" became a meme, and further violent incidents against far-right extremists became an internet trend. This led to criticism from both sides of the political spectrum, with some arguing it provided a wider platform to their extremist views, martyring them in some circles and feeding the alt-right narrative that anti-fascists are the real instigators and white supremacists are "under siege".³³

Much of the controversy centres on the question whether these acts of violence are selfdefence, on the basis that some of the violent acts were against individuals who were verbally expressing violent, supremacist, antisemitic and racist beliefs, or publicly displaying the swastika and other alt-right hate symbols. Therefore, an argument could be made that physical retaliation is justified for the sake of minimising the promotion of a violent ideology. Whether punching Nazis is morally permissible may thus depend on whether one agrees with Karl Popper, who said that the "paradox of tolerance" is that fighting intolerant views with intolerance, although seemingly contradictory, in fact creates a more tolerant society overall.³⁴ In other words, the ends justify the means, even if they are violent, for they might ultimately prevent violence by Nazis in the future. Some therefore consider violence against Nazis to be a clear exception to the idea that violence is bad, with some even considering it a moral duty.

On the other hand, these incidents might be seen as unprovoked. Many of these incidents involved one-sided physical violence, not instances where a Nazi threw the first punch. Some consider these acts of violence to be the top of a slippery slope that endangers free speech and compromises our basic morals. There are also concerns that if anti-fascists argue that violence against those with opposing views is justified, those they disagree with may utilise their own logic against them, ultimately leading to fascists justifying further violence against anti-fascists.

- 1. To what extent can Popper's Paradox of Tolerance justify violence towards Nazis?
- 2. Is punching a Nazi, or endorsing the act, inconsistent with the value of freedom of speech?
- 3. Is the martyrdom of Nazis who have been attacked a problem for those who hold that violence against the alt-right is ethically justified?

³² https://edition.cnn.com/2017/01/20/politics/white-nationalist-richard-spencer-punched/index.html

³³ https://www.latimes.com/local/lanow/la-me-neo-nazi-stabbed-20160626-snap-htmlstory.html

³⁴ https://miro.medium.com/v2/resize:fit:800/1*TnDoAk0BjC7x4OuBISbYCw.jpeg