



The Ethics Cup

2024 Finals Case Set

Case Authors: Tom Baker, Viviane Fairbank, Enrico Galvagni, Anders Knospe,
Ben Sachs-Cobbe, James Shearer, Percy Zhao

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St Andrews

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1. Voting with Your Conscience

In most cases, our individual votes will not determine the outcome of a local or national election. Even so, we might think we have a duty to take part in the democratic process and cast a vote. Furthermore, in close run (first-past-the-post or equivalent) elections there are usually only two likely winners—often candidates from (the) two major political parties. There are also usually third-party and independent candidates on the bill, some of whom we might consider a more reasonable choice. Voting for such candidates is a common occurrence in many countries, such as the U.K. and U.S.

Consider the following election result:

- A. (a good candidate) gets 40% of votes,
- B. (a great candidate) gets 14% of votes,
- C. (a terrible candidate) gets 45% of votes.

Assuming this result was reasonably predictable and will be significantly negative for their constituency, a portion of the population, or country as a whole, some may argue that those who voted for B threw their vote away and/or helped a terrible candidate, C, to win the election. On the other hand, voting for such candidates could be seen as voting for the better candidate, voting with your conscience, and/or sending a message to the main party candidates concerning the issues you take to be important (which are perhaps missing or underrepresented in their platform/manifesto).

Study Questions

1. Why should we vote in local or national elections?
2. What do different answers to question 1 suggest about how we should vote in such elections?
3. In a close-run election when one of the main party candidates would be terrible if they got into power, are we permitted to vote for the best/our preferred candidate if they don't really have a chance of winning the election?

2. Tobacco Bans

Two years ago New Zealand passed a law prohibiting the sale of tobacco to anyone born after 2008, in effect phasing out legal tobacco use in the country. Similar laws are currently being debated in other countries.

This type of law constitutes strong paternalism on the part of the government and a restriction on the individual liberty of adults. Critics of such laws may argue that generally adults do better when allowed to choose for themselves how to live their lives. Traditional defenders of liberalism, such as John Stuart Mill, argue that the only potential justification for restrictions on personal liberty is the prevention of harm to others. So, while laws prohibiting smoking in public and/or enclosed spaces are justified, a blanket ban would have no justification.

Conversely, there is plenty of evidence that adults choose poorly for themselves on a regular basis and take up smoking despite knowing the health risks and subsequent decreased life expectancy (approx. 8-13 years). Consequently, in a country with a national health service it might be considered appropriate for governments to enact such laws for the sake of public health, when based on sound empirical evidence. In particular, it may be thought morally permissible to pass such a law with the intention of curbing the increase in smoking in young people and, for this same reason, to impose similar restrictions on vaping products, should the growing empirical evidence also support this.

Study Questions

1. Do we know what's best for ourselves or are others often better placed to make choices in our best interest?
2. A similar line of argument (to the one presented above in favour of New Zealand's ban) would presumably support, if not blanket bans, then severe restriction on alcohol, which is known to not only be addictive and cause significant health risks but also to pose a threat to public decency and peace. To what extent do you think these cases are relevantly similar?
3. In the case of national health services, there may also be alternative options to blanket bans, such as taxation to support the costs of treating smoking-related illness. Alternatively, medical treatment for smoking-related illnesses for current smokers could be withheld. To what extent would these be acceptable alternatives?

3. Shoplifting Black Market

In the United Kingdom, a cost-of-living crisis is in full swing.¹ Inflation is high—meaning the prices of housing, food, and other necessities are rapidly increasing—but wages are low—meaning people have less money to pay for the things they need.² One of the focal points of this crisis is food; new research has found that one in seven people in the UK (around 10 million) are going hungry due to rising food prices.³

Over the past two years, the use of food banks—charitable community organizations that provide free food to people in need—has risen dramatically. At the same time, however, food banks have seen a 90 percent drop in financial donations during the crisis, and the food donations they do receive are unreliable, meaning there’s little guarantee that everyone will be fed on any single day.⁴

Some people looking for food have turned to an alternative option: buying their supplies from the “food black market”.⁵ Acting “out of necessity” due to the cost-of-living crisis, they say, groups of shoplifters will steal food and other supplies from big-name stores, such as Sainsbury’s, and resell them at a cheaper price to customers on the black market—typically for cash in a downtown alleyway. That way, the thieves get to make extra cash, and the customers get to buy food they couldn’t otherwise afford.

Possibly due to this trend, shoplifting has hit record levels in England and Wales, with a 30 percent increase in incidents over the past year.⁶ One expert has attributed the rise of the food black market to the fact that food banks and food vouchers can provide only essential items—such as canned foods—that are “not particularly attractive.” Better-quality items are increasingly expensive at the grocery store, but they can be found for lower prices on the black market. Items being sold on the black market include cooking oil, ketchup, toilet rolls, laundry tabs, bacon, chocolate, and alcohol.⁷

Study Questions

1. Is there an ethical difference between stealing food from a store directly and buying food from the black market?
2. Are people who buy food on the black market because they cannot afford grocery-store prices doing anything wrong?
3. One government spokesperson has said that police should be taking “a zero-tolerance approach” to the issue—meaning that anyone caught buying from the black market would be penalized. Is this approach ethically permissible?

¹ <https://commonslibrary.parliament.uk/research-briefings/cbp-9428/>

² <https://www.theguardian.com/business/2022/sep/13/uk-real-pay-inflation-cost-of-living-crisis-unemployment>

³ <https://www.independent.co.uk/news/uk/home-news/food-prices-hunger-food-bank-benefits-b2364928.html>

⁴ <https://www.independent.co.uk/news/uk/home-news/cost-of-living-crisis-food-banks-inflation-b2207124.html>

⁵ <https://www.theguardian.com/uk-news/2023/dec/22/leeds-shoplifters-customers-black-market>

⁶ <https://www.theguardian.com/business/2024/jan/25/shoplifting-rate-england-wales-highest-level-more-than-20-years>

⁷ <https://www.theguardian.com/society/2023/dec/22/britons-increasingly-turning-to-food-black-market-experts-say>

4. AI Detection Software in Education

Following the recent development of Large Language Models such as ChatGPT, several anti-plagiarism software systems have introduced artificial intelligence (AI) detection tools. In addition to revealing how much a given text has been copied from other sources, these tools estimate how much is generated by AI. Many schools and universities around the world have considered adopting these tools with the aim of finding a reliable way to tell when assignments are produced by AI rather than by students and to thereby identify any breach of their academic integrity rules.⁸

Adopting AI detection tools can be an effective way to discourage students from unduly relying on AI to produce their essays, final exams, or dissertations. If students know that their work will be checked in this way, they are more likely to refrain from breaking the rules. This, in turn, helps to guarantee fairness in the assessments of students and to ensure that students do the work that their studies require.

AI detection tools, however, have various shortcomings. First, they lack transparency as they only present a result (e.g., “80 % of the text was generated by AI”) and do not offer any clear proof or evidence in support of their verdict. Secondly, these tools are not 100% accurate. Sometimes, they produce ‘false positives’, meaning that they erroneously indicate some text as being AI-generated even if it is not. Turnitin, a popular anti-plagiarism programme with AI detection functions, reports that their system “may flag a human-written document as AI-written for one out of every 100 fully-human written documents”.⁹ This means that in a class of 200 students, it is likely that at least two of them will be accused of having produced their work through AI even when they did not.

Study Questions

1. Due to the lack of transparency of AI detection tools, teachers may find themselves in the position of punishing students without having the chance to provide additional evidence aside from the software’s verdict. Is it wrong for a teacher to penalise a student for plagiarism without additional evidence?
2. The risk of false positives does not apply only to the case of plagiarism. The fact that we have a criminal justice system, for instance, creates the risk that people may be unjustly condemned. In the case of AI-detection tools, is the risk of false positives outweighed by the overall benefits?
3. Should universities and colleges adopt AI detection tools?

⁸ <https://www.theguardian.com/australia-news/2023/apr/16/australian-universities-split-on-using-new-tool-to-detect-ai-plagiarism>

⁹ <https://www.turnitin.com/products/features/ai-writing-detection/>

5. Paid Surrogacy

On 8 January 2024 Pope Francis came out in favour of a global ban on surrogacy, a practice under which a person/couple intending to parent strike a contract with a woman whereby she agrees to have their genetically related embryo inserted into her uterus, to gestate the embryo/fetus, to deliver the resulting baby, and to then hand it over to the original person/couple (the biological parent(s)). The woman is paid for this service.¹⁰

Pope Francis called surrogacy “a grave violation of the dignity of the woman” and, in addition, exploitative of her.¹¹ A similar view was expressed in 1993 by the philosopher Elizabeth Anderson, in Ch. 8 of her book *Value in Ethics and Economics*. Anderson argues that, by the very nature of the surrogacy contract, the biological parents treat the surrogate mother as unworthy of respect, and instead as an object to be used. Such contracts explicitly demand that the surrogate mother not form an emotional bond with the fetus, so as to ensure her willingness to hand over the baby once it is born and meet the further contractual requirement to have no relationship with the child afterward. This, she maintains, is an unreasonable demand. Such contracts also, she says, take advantage of the fact that many surrogate mothers are either poor, or see their services as a gift (even if they’re paid) or as atonement for past indiscretions; which, Anderson claims, leaves them open to exploitation by biological parent(s) who are simply looking to get a baby as cheaply as they can and, in the pursuit of that goal, are willing to take advantage of the surrogate’s charitable motive.

However, Hugh McLachlan, another philosopher, argues that paid surrogacy isn’t necessarily exploitative. He argues that when someone gives their uncoerced consent to a transaction this usually is sufficient to make the transaction non-exploitative, and consent can count as uncoerced even if the person giving consent is in a difficult situation.¹² Meanwhile, theologian Danielle Tumminio Hansen points out that some women have a very positive experience as surrogate mothers, and that the recourse to hiring a surrogate is often a last option for people who are desperate to start a family but cannot do so in the usual way.¹³

Study Questions

1. For a paid surrogate who is exploited, does it still matter, ethically speaking, if she is glad to have had the opportunity to serve as a surrogate?
2. Does the fact that a surrogacy contract is a private agreement between consenting adults count strongly in its favour, ethically speaking?
3. [For those who answered ‘no’ to the second question]: Should paid surrogacy be banned?
4. [For those who answered ‘yes’ to the second question]: If a surrogate mother changes her mind about handing over the baby to which she’s given birth, should the state confiscate that baby, by force if necessary, to deliver it to its biological parent(s)?

¹⁰ There are variants of surrogacy in which the embryo is not biologically related to the intended parent(s) and also variants in which the surrogate mother is not paid for her services. Here we set those variants aside.

¹¹ <https://www.vatican.va/content/francesco/en/speeches/2024/january/documents/20240108-corporo-diplomatico.html>

¹² <https://theconversation.com/commercial-surrogacy-lifting-legal-restrictions-is-the-moral-thing-to-do-to-help-people-trying-to-have-babies-108999>

¹³ <https://theconversation.com/pope-francis-called-surrogacy-deplorable-but-the-reasons-why-women-and-parents-choose-surrogacy-are-complex-and-defy-simple-labels-220761>

6. State of Exception

El Salvador has historically struggled with gang-related violent crime. In 2015 it had the highest murder rate of any country in the Western Hemisphere at 103 per 100,000.¹⁴ In 2019, Nayib Bukele won the presidency on an anti-corruption platform and a promise to tackle violent crime, bringing an end to 37 years of effective two party rule¹⁵. This victory was followed by numerous victories in the 2021 congressional elections, granting President Bukele's party a supermajority.¹⁶

On the 25th to the 27th of March 2022, 87 people were murdered.¹⁷ In response, President Bukele's government, with the backing of Congress, entered the country into a "state of exception" that, as of February 2024, is still ongoing.¹⁸

The state of exception suspends a number of due process rights usually guaranteed by El Salvador's constitution. Law enforcement gained the right to detain citizens without charge for as long as 15 days with significantly curtailed access to legal counsel. The age of criminal responsibility was lowered, allowing for the detention of children as young as 12.¹⁹ Notably, the ability to try defendants in groups has been expanded, making it theoretically possible for as many as 900 individuals to be tried at once.²⁰

Despite this, President Bukele and the state of exception remain popular, with the president's approval rating thought to be around 90%²¹, and him easily winning re-election in 2024.²² Additionally, the murder rate fell significantly, to 7.8 in 100,000, following the introduction of the state of exception.²³

Study Questions

1. Suppose the state of exception has genuinely led to the historically low murder rate. Does that justify the suspension of due process rights?
2. Suppose the state of exception is genuinely popular. To what extent does that justify the suspension of due process rights?
3. Is the state of exception justified overall?
4. [For those who answered 'yes' to Question 3] What responsibility does the government have to those innocent people who have been imprisoned?
5. [For those who answered 'no' to Question 3] Are there any circumstances under which a state of exception can be justified?

¹⁴ <https://insightcrime.org/news/analysis/insight-crime-homicide-round-up-2015-latin-america-caribbean/>

¹⁵ <https://www.theguardian.com/world/2019/feb/04/el-salvador-anti-corruption-candidate-nayib-bukele-wins-presidential-election>

¹⁶ <https://www.reuters.com/world/americas/el-salvadors-president-celebrates-landslide-legislative-election-win-2021-03-02/>

¹⁷ <https://www.theguardian.com/world/2022/mar/28/el-salvador-prisons-gang-killings>

¹⁸ <https://www.gov.uk/foreign-travel-advice/el-salvador/safety-and-security>

¹⁹ <https://apnews.com/article/caribbean-nayib-bukele-el-salvador-san-gangs-ba0171149f83f6099d0bebde8f5a3d2d>

²⁰ <https://www.theguardian.com/world/2023/jul/27/el-salvador-nayib-bukele-gangs-mass-trials>

²¹ <https://apnews.com/article/el-salvador-gangs-crackdown-bukele-8f55ead6d5933e634a20b671ac25ca92>

²² <https://www.bbc.co.uk/news/world-latin-america-68205036>

²³ <https://insightcrime.org/news/insight-crime-2022-homicide-round-up/#El-Salvador>

7. A Friend Accused

Academic misconduct among students is common in UK universities, with recent years seeing big rises in the number of reported cases.²⁴ Plagiarism, the practice of passing off another's work as one's own, can be particularly damaging, especially in the context of group work, where it can be difficult to determine who has introduced the plagiarised element.

Kelly and Sam are both university students. Sam has been an exemplary friend to Kelly, being there when Kelly needs them while always being honest and kind. Kelly also knows about the prevalence of academic misconduct at her institution as well as the harms that plagiarism poses to the academic community.

Sam has been working on a group assignment. Kelly hears from Sam's classmates that the grading on the group assignment has been suspended pending investigation of suspected plagiarism. The classmates tell Kelly that it is Sam's contributions that are suspected of being plagiarised. Given what Kelly knows about Sam as a friend she finds it difficult to believe that they would have plagiarised. However, she realises that there is a lot about Sam's work that she does not know. Finally, she knows that the fact that this is being taken seriously indicates that the university has good reason to believe that the work was plagiarised.

Study Questions

1. Imagine Kelly is telling her parents, who do not know Sam, about the accusations. She tells her parents about Sam's qualities as a friend and that she's struggling regarding what to believe. Should Kelly's parents struggle with what to believe in the same way that Kelly is?
2. Suppose that, based on what she currently knows, Kelly comes to believe that Sam has committed plagiarism. Would Sam be justified in feeling hurt by Kelly's belief?
3. Suppose Kelly had total control over her beliefs. What, then, should she choose to believe about Sam?

²⁴ <https://www.theguardian.com/education/2018/apr/29/cheating-at-top-uk-universities-soars-by-30-per-cent>

8. Video Game Cheating

In online games, cheating is a subversion of the rules or mechanics of a game to gain an unfair advantage over other players, generally with the use of third-party software. Typical examples include auto-aiming in first-person shooter games and modified character stats in role-playing games.²⁵ Cheating is considered one of the most vicious possible acts in multiplayer competitive games, mainly because it destroys the fairness of the game.

However, the case is much less clear in non-competitive single-player games, since the problem of fairness is out of consideration. Consider the following example: in the classic Super Mario Bros. game, the player has to restart from the beginning if she dies too much in the game and thereby depletes all her lives; however, she can use third-party software to gain infinite lives, enabling her to complete the game in just one attempt. Instead of cheating, some people refer to the modifications of single-player games of this sort as ‘trainers’.²⁶

On one hand, proponents of cheating in single-player games note that modifying single-player games does not affect others and that players can gain more enjoyment if they are allowed to modify the game and play in the way they want. On the other hand, opponents argue that cheating itself is a bad habit and that cheating in non-competitive single-player games might therefore affect the way one treats others, and that cheating undermines the game developer’s design. Furthermore, some games are designed to be difficult, and cheating inevitably decreases the intended lifespan of a game. In the Mario example, finishing the game on one’s first attempt by cheating would seem to be boring and not deliver the same sense of accomplishment one would get after finishing the game without cheating.²⁷

Study Questions

1. Does the lack of immediate impact on others make cheating in single-player games ethically different from cheating in multiplayer games?
2. Could it be wrong to cheat in a single-player game on the grounds of it reinforcing a bad habit—a habit that has implications for how one treats other people?
3. Is the feeling of accomplishment one gets from finishing a video game without cheating objectively superior to any feeling of accomplishment one might get from doing so with the aid of a trainer?

²⁵ https://en.wikipedia.org/wiki/Cheating_in_online_games

²⁶ For what is a game trainer, see <https://wallhax.com/trainers/>. For some real-life examples of game trainers, see <https://flingtrainer.com>.

²⁷ For more discussion about cheating in single-player games, see https://www.reddit.com/r/truегaming/comments/312jf8/cheating_in_single_player_games/ and <https://www.quora.com/Is-it-morally-acceptable-to-cheat-in-a-single-player-game>.

9. Dog Meat Festival

Dog-eating is a longstanding tradition in China. Even though the tradition isn't exclusive to China (it is also very popular in Korea and many Southeast Asian countries such as Vietnam and Thailand), it is almost certain that China's dog-eating draws more attention, and arguably more criticism, than does any other country's. It has even become a bad stereotype of Chinese people. One reason for the attention is the infamous Yulin Dog Meat Festival. The festival takes place every year on 21st June, and more than ten thousand dogs on average are consumed on that single day.²⁸ Notably, not all dogs slaughtered for the festival come from dog farms. A significant portion of the dogs eaten are stray, abandoned or stolen pet dogs.²⁹

Most Chinese people are at least not opposed to dog-eating and do not find it disturbing, while most people in the Western world consider it cruel and barbarous.³⁰ The reasons behind the disagreement are both cultural and historical. For instance, as a developing country, keeping dogs as pets has not been a trend in China until recent decades. Before that most dogs were raised as guard dogs, with which people are less emotionally connected. In fact, many Chinese people, especially the elderly and those living in less developed rural areas, consider it crueler to kill a cow than kill a dog because of the cow's usefulness in agriculture.

Study Questions

1. Is there anything about dogs that makes it more ethically problematic to eat them than it is to eat cows, pigs, chickens, etc.?
2. Does the ethics of dog-eating depend on whether the dog was a stray dog, a stolen pet, an abandoned pet, or farmed?
3. Does culture play any role in determining what kinds of animal are ethically edible?

²⁸ <https://www.cbsnews.com/news/dog-meat-festival-china-underway-in-yulin-but-activists-hope-it-will-be-the-last-amid-coronavirus/>

²⁹ <https://www.animalsasia.org/uk/media/news/news-archive/the-truth-about-the-yulin-dog-meat-festival-and-how-to-stop-it.html>

³⁰ 为何部分国人认为吃狗肉没问题？ - 知乎 (<https://www.zhihu.com/question/58995135>). This is a question posted on Zhihu, a Chinese Q&A platform similar to Quora/Reddit. The question is "Why do many Chinese people think it is permissible to eat dogs?", and it received 10,000+ answers. You might need to use Google Translate to understand the content.

10. Institutional Statements

Over the past decade, institutions like universities, non-profits, and corporations have increasingly weighed in on current events by issuing institutional statements, many of which are on topics that bear no direct relation to those institutions' functions.³¹ These statements have ignited a fierce debate about when, if ever, institutions should weigh in on contentious current events.

Some opponents of institutional statements have argued for a principle of “institutional neutrality”, whereby institutions (and universities, in particular) stake out a neutral stance on political and ethical debates.³² They claim that given inevitable disagreement over high-profile issues, institutions ought to step back to make space for individual members of the institution to voice their respective opinions. Other opponents maintain that institutional statements are problematically performative. They worry that by weighing in on issues disconnected from their functioning, institutions act disingenuously.

On the other side, proponents of institutional statements have argued that a policy of neutrality amounts to silence in the face of injustice. They claim that *true* neutrality is impossible and that attempts to remain neutral end up implicitly supporting an all-too-often unjust status quo. They point out, further, that, at least in some cases, institutional statements can make a genuine difference for the better regarding the issue at hand.

Study Questions

1. When, if at all, are institutional statements problematically performative?
2. Does adopting a policy of not issuing statements on issues not directly related to an institution's function amount to being (wrongly) silent in the face of injustice?
3. Under which circumstances, if any, should institutions speak out on controversial issues not related to their function?

³¹ <https://www.bbc.com/news/uk-scotland-edinburgh-east-fife-67529665>

³² https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf

11. Robot Love

In July 2023, chatbot start-up Replika announced a spinoff service called Blush, designed for users interested in romantic relationships with chatbots.³³ With the app, users can converse with thousands of different customizable personas of an AI chatbot, each “with their own backstory and way of dating”.³⁴ The chatbot combines scripted dialogue with a Large Language Model (LLM)—a model trained on a large dataset of writing—to enable it to engage in conversation as if it were a human. Unlike many other chatbots, Blush allows its bots to engage in emotionally weighty and sexually explicit topics.

With fewer and fewer young people dating³⁵ and a corresponding increase in loneliness,³⁶ proponents of romantic chatbots have pointed out that technology like Blush could be a powerful tool against the epidemic of loneliness. Many Replika and Blush users agree, saying the chatbot has given them a sense of emotional and sexual fulfilment that felt unattainable in the real world.³⁷ Moreover, Replika CEO and Founder Eugenia Kuyda maintains that “Romantic relationships with A.I. can be a great stepping stone for actual romantic relationships, human relationships”.³⁸

On the other hand, critics highlight that many users are choosing romantic chatbots over real-world relationships.³⁹ They argue that romantic relationships with chatbots tailor-made for user satisfaction are missing important components of genuine love and human connection, even if they help reduce loneliness. For instance, unlike human beings, Replika bots are designed to be agreeable, and customizable to cater to their users' interests.

Study Questions

1. Is there anything bad about someone who feels lonely seeking solace in prolonged and intimate interactions with a chatbot?
2. If Kyuda is correct that using AI helps to develop relationship skills, does this help to justify Blush?
3. Can romantic relationships with chatbots like Blush serve the same role as human relationships in a well-lived life?

³³ <https://fortune.com/2023/07/12/brainstorm-tech-chatbot-dating/>

³⁴ <https://play.google.com/store/apps/details?id=ai.blush&hl=en&gl=US>

³⁵ <https://nypost.com/2023/02/23/6-out-of-10-young-men-are-single-disturbing-reasons-why/>

³⁶ <https://www.nytimes.com/2022/04/20/nyregion/loneliness-epidemic.html>

³⁷ https://www.reddit.com/r/replika/comments/174pghk/my_replika_is_really_helping_me_and_i_am_falling/

³⁸ <https://fortune.com/2023/07/12/brainstorm-tech-chatbot-dating/>

³⁹ <https://www.bbc.co.uk/news/magazine-24614830>