

# **REGIONAL**

# **ETHICS BOWL**

# **CASES**

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**Editor's Note:** Please note that source materials cited may be used multiple times, but only identified once per case.

## 1. They Yearn for the Mines

In 1916, the Keating-Owen Act was passed as the first national effort to restrict child labor. The law set a minimum age of 14 for factory or cannery employment, and set a minimum age of 16 for work in mines or at night.<sup>1</sup> In 1918, the law was struck down by the Supreme Court.<sup>2</sup> National efforts to increase workplace safety in the early 20<sup>th</sup> century were often met with unsympathetic courts that ruled labor protections violated workers fundamental right to contract.<sup>3</sup> Federal protection for worker safety, including child labor, did not succeed until the Fair Labor Standards Act (FLSA) passed Congress in 1938 as part of the New Deal. The FLSA imposed a federal minimum wage, set the 40 hour workweek, and restricted children from “oppressive labor” including mining and other jobs “detrimental to their health or well-being.”<sup>4</sup>

After the success of federal “New Deal” programs, many States passed tighter, more specific child labor laws. However, recently, lawmakers in at least 10 states have sought to loosen child labor laws. The Ohio legislature “is on track to pass a bill allowing students ages 14 and 15 to work...later than federal law allows, so a companion measure asks the U.S. Congress to amend its own laws.”<sup>5</sup> In part the idea is to combat the most competitive labor market since WWII. With an unemployment rate at 3.4% there is a high demand for workers, which has exerted upward pressure on wages and has employers concerned about meeting their labor needs. Hospitality trade groups favor expanding working hours and roles for minors as a way to recover from pandemic employee losses. Employers in construction, factories, and meatpacking facilities tout the advantages for young employees including the development of valuable skills, work experience, and connections within industry.

From 2001-2021 employment of 16-19 year-olds fell by 21%, with many young people reporting that they are not seeking employment because they are in school.<sup>6</sup> Increased graduation rates and education are positive trends, but the benefits of these goods are not distributed equally. Among the nation’s immigrant and poor communities the additional income of child labor is still often seen as vital. This is reflected in an uptick in child labor violations—last year the U.S. Department of Labor identified 835 child labor violations involving 3,876 children which is a 283% increase from 2015. It seems that there are economic pressures on both employers and children that make illicit child labor seem like a good choice.

On one hand, some argue that prohibition of child labor merely fuels this black market and makes conditions worse by decreasing supervision. On the other hand, some worry that increased work hours for children will erode hard won educational gains and put children at risk

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<sup>1</sup>The Keating-Owen Act of 1916 (P.L. 249, 39 Stat. 675). [Keating-Owen Child Labor Act \(1916\) | National Archives](#)

<sup>2</sup> Hammer v. Dagenhart, 247 U.S. 251 (1918).

<sup>3</sup> See e.g. Lochner v. New York, 198 U.S. 45 (1905).

<sup>4</sup> 29 USC § 212; Susan Prince, Ed., (2005) Fair Labor Standards Handbook for States, Local Governments and Schools; APPENDIX I: FEDERAL STATUTES, WL 4891055.

<sup>5</sup> Venhuizen, Harm “Kids could fill labor shortages, even in bars, if these lawmakers succeed” AP News (May 25, 2023). [Kids could fill labor shortages, even in bars, if these lawmakers succeed | AP News](#)

<sup>6</sup> Elliott, Stephen “Lawmakers in 11 states seek to weaken child labor restrictions” USA Today (April 19, 2023). [Lawmakers in 11 states seek to weaken child labor restrictions \(usatoday.com\)](#)

of workplace harms. While there are economic and social concerns surrounding child labor, some contend that the state should play less of a role. On Sarah Huckabee-Sanders's account, parents are in the best position to know what will benefit or harm their children and should be able to consent to their children's employment without consulting the state.

### 3. Roll of Thunder

In 2020, the Burbank Unified School District removed five classic novels from school reading lists: *Adventures of Huckleberry Finn* by Mark Twain; *Roll of Thunder, Hear My Cry* by Mildred D. Taylor; *To Kill a Mockingbird* by Harper Lee; *The Cay* by Theodore Taylor; and *Of Mice and Men* by John Steinbeck. All but *Huckleberry Finn* have been required reading for district students.<sup>1</sup>

The superintendent of BUSD cited complaints from four parents, three of whom are Black, who alleged the classics could potentially harm the district's roughly 400 Black students because of the racism depicted and language used in these works. Further, exposure to racist culture and language in these books might suggest that attitudes have not changed—or even seem to provide support for racist (or sexist) attitudes that some students might already hold. One mother said her daughter was approached by a white student using the N-word, which he had learned from reading *Roll of Thunder, Hear My Cry*.<sup>2</sup> She added, “My daughter was literally traumatized. [...] These books are problematic ... you feel helpless because you can't even protect your child from the hurt that she's going through.” Another Black parent argued that the portrayal of Black people is mostly from a white perspective (although the author of *Roll of Thunder, Hear My Cry* is Black).<sup>3</sup>

Opponents note that the guidance of an informed and caring teacher can educate students about this shameful history and about the resilience and resistance of marginalized persons/societies; these discussions can move students from ignorance or complacency to becoming involved in the fight for social justice. Further, they note that assuming students of color are incapable of putting great literature into proper perspective is far more racist than studying these works.

Responses in the local paper and at a school board meeting to discuss the change uniformly opposed the decision; students who had read the books praised the works for opening their eyes to U.S. racist history and the long and ongoing attempts to address the fallout from racism. Several mentioned *To Kill a Mockingbird* as opening their eyes to the actual lived experience of racism and cited the behavior of Atticus Finch as a model of how a single person could stand against it.<sup>4</sup>

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<sup>1</sup> Sungjoo Yoon, *I'm a High School Junior. Let's Talk About 'Huckleberry Finn' and 'Mockingbird.'* New York Times (April 18, 2022). <https://www.nytimes.com/2022/04/18/opinion/school-book-bans-students.html?smid=nytcore-ios-share&referringSource=articleShare>.

<sup>2</sup> Samantha Lock, *'To Kill a Mockingbird,' Other Books Banned From California Schools Over Racism Concerns.* Newsweek (April 13, 2020). <https://www.newsweek.com/kill-mockingbird-other-books-banned-california-schools-over-racism-concerns-1547241>

<sup>3</sup> Dorany Pineda, *In Burbank schools, a book-banning debate over how to teach antiracism.* Los Angeles Times (November 12, 2020). <https://www.latimes.com/entertainment-arts/books/story/2020-11-12/burbank-unified-challenges-books-including-to-kill-a-mockingbird>.

<sup>4</sup> But cf., Laura Marsh, *These Scholars Have Been Pointing Out Atticus Finch's Racism for Years.* The New Republic (July 14, 2015). <https://newrepublic.com/article/122295/these-scholars-have-been-pointing-out-atticus-finchs-racism-years>.

The censorship of books is not new.<sup>5</sup> For example, after the Civil War, white Southerners worked to remove history books that negatively portrayed the role of the South in that conflict. But the nature of censorship changes over time. Jonathan Friedman, Director of PEN America's Free Expression and Education program said:

Challenges to books, specifically books by non-white male authors are happening at the highest rates we've ever seen. What is happening in this country in terms of banning books in schools is unparalleled in its frequency, intensity, and success. Because of the tactics of censors and the politicization of books, we see the same books removed across state lines: books about race, gender, LGBTQ+ identities, and sex most often. This is an orchestrated attack on books whose subjects only recently gained a foothold on school library shelves and in classrooms. We are witnessing the erasure of topics that only recently represented progress toward inclusion.<sup>6</sup>

Still, one wonders if there is a difference between opposing a book ban for reasons beyond mere content or consequences to readers. *Can book bans be opposed—or supported--on principled grounds?* Might requiring reading of *Mein Kampf* in a history course be banned by appealing to the moral principle of integrity, particularly commitment to the bedrock values of a community? Consequences aside, might Jewish communities legitimately support banning a book that egregiously misrepresented their culture and fomented widespread mistreatment of their members. Or what about banning *Lolita* in a course on post-traumatic psychotherapy? The professor might genuinely believe her students need a thorough appreciation of psycho-sexual trauma to enable them to counsel victims appropriately. As such, requiring her students to read *Lolita*<sup>7</sup> is a matter of professional integrity, one that a ban would inhibit.

The reasons for the proposed bans vary: Some books challenge longstanding narratives about American history or social norms; others are deemed problematic for language, sexual, or political content. In the abstract, the dispute is about First Amendment rights, the meaning of free speech, and which voices are heard. More specifically, it's about what should be taught to BUSD's roughly 15,200 enrolled students—who are 47.2% white, 34.5% Latino, 9.2% Asian and 2.6% Black—and how Burbank can aggressively address racism and racial conflicts with sensitivity. But Black parents in the district, who have a lifetime of dealing with micro—and macro—aggressions, are seeing their children plagued by the same issues. They also worry about the books' portrayal of Black history and whether these older books imply that racism was a problem in the past that has been laid to rest. One Black parent objects that the books portray

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<sup>5</sup> Report, PEN America. *1,586 School Book Bans and Restrictions in 86 School Districts Across 26 States*. (April 7, 2022). <https://pen.org/press-release/report-1586-school-book-bans-and-restrictions-in-86-school-districts-across-26-states/>

<sup>6</sup> *Ibid.*

<sup>7</sup> For a variety of interpretations of this novel, see <https://en.wikipedia.org/wiki/Lolita>.

Black people from a white perspective: “There’s no counter-narrative to this Black person dealing with racism and a white person saving them.”<sup>8</sup>

Finally, many parents argue that teaching children about the nature and management of social, political, or moral conundrums is a parental, not a school, responsibility. This approach allows parents to locate troubling issues within the family’s moral and social history with which the child is already familiar.

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<sup>8</sup> *Op.cit.* note 2. For a further interesting discussion of this issue, see Jess Row, ‘*American Dirt*’ and the tradition of the moral parable. Los Angeles Times (January 30, 2020) <https://www.latimes.com/entertainment-arts/books/story/2020-01-30/jess-row-on-sentimental-art-including-jeanine-cummins>.

## 5. Is David a Badie?

In March this year, 6<sup>th</sup> graders from 11-12 years old at the Tallahassee Classical School were exposed to Michelangelo's David. David, a biblical character known for slaying Goliath before ascending to lead Israel, is depicted as a young man, nude, 15 feet tall, carved from white marble. The children saw a photographic reproduction of the original sculpture, which is presently on display in the Galleria dell'Accademia of Florence, during a lesson on Renaissance art. Teachers at the school had shown this photograph in years past, but unlike previous years, the charter school did not notify the children's parents in advance of the lesson and some of them were upset.

Several parents of the sixth graders reportedly reached out to principal Hope Carrasquilla after the incident to express frustration and concern. One parent described the art history lesson as pornographic and was upset it had been shared with minor students. Two other parents were upset that they had not been notified in advance of the lesson. The chair of the school's board, Barney Bishop III, said the failure to warn parents was an "egregious mistake" and principal Carrasquilla was given an ultimatum: resign or be terminated. She chose to resign.

According to the school's public statement, "some parents send their children to charter schools, so they have more of a say over what goes on in the classroom," and principal Carrasquilla was a bad fit with the values of the institution.<sup>1</sup> The issue of parental control over children's education is one that has been taken up by Congress in both Florida and federally. For example, Florida passed HB 1557 which provided penalties for the teaching or even discussion of some restricted topics relating to sex and gender identity. And with H.R. 6056, the 'Parents Bill of Rights' would require schools to provide parents more notice of lesson plans and accept more input from parents on curriculum decisions.

The school has responded to the uproar over their firing of the principal, stating, "if [the parents are] not in favor of it, we're going to give them alternative curriculum," but the school does plan to keep the Renaissance art lesson next year.<sup>2</sup> This isn't the first time that famous art has resulted in scandal; it isn't even the first time for Michelangelo's David. Famously, Queen Victoria had a reproduction of David cast for display and upon seeing it was so shocked by the nudity that a fig leaf was used to cover the genitalia whenever the Queen was near. Modern society may still be recovering from the prudishness of the Victorian era, but many point to the historical and artistic value of appreciating art in its original form, and further emphasize that the taboo around nudity may also lead to scientific and social harms by teaching children to be ashamed of their bodies or shy to learn human anatomy or even safe sex practices when such

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<sup>1</sup> Statement: Tallahassee Classical School (March 31, 2023). <https://tlhclassical.org/wp-content/uploads/2023/04/TCS-Statement-Sets-Record-Straight-Retains-Lawson-Huck-Gonzalez-Law-Firm-2.pdf>

<sup>2</sup>Kim, Juliana, "A principal is fired, invited to Italy after students are shown Michelangelo's 'David'" NPR: All Things Considered (March 27, 2023). <https://www.npr.org/2023/03/27/1166079167/tallahassee-classical-michelangelo-david-principal-fired>

topics become age appropriate. Cecilie Hollberg, director of the Galleria dell'Accademia, welcomed all the parties to come see for themselves why this masterpiece is not pornography.



## 7. Sending Bad Signals

The Cigna Group is a managed healthcare and insurance company that oversees medical claims from over 18 million customers. In the case of an accepted claim, one might pay substantially less for medical treatment. Medical insurance claims can be denied by a provider for a variety of reasons, including limitations on coverage due to a specific plan or provider network,<sup>1</sup> but a common reason for a denied health insurance claim is that the treatment is *not a medical necessity*. If Cigna deems a certain treatment unnecessary, they can deny a customer's claim for said treatment.

There is no standard definition of medical necessity across companies or states,<sup>2</sup> nor even within companies themselves, which may make claim determinations on an ad hoc basis depending on the adjuster reviewing a claim. When a claim is initially rejected for lack of medical necessity, however, patients may still appeal that determination and request review by physicians in states like California<sup>3</sup> and Maryland,<sup>4</sup> which mandate these rights under state law.

In a recent article by ProPublica,<sup>5</sup> investigative reporters uncovered and described an automated system utilized by Cigna to either approve or deny payment for claims. The review caseload of Cigna's medical directors—physicians employed to review claims—was being supported and simplified by a fast automated review system. Instead of requiring that medical directors spend time reviewing each case individually, cases were being automatically classified by the automated system as medically necessary (or unnecessary) to save time.

This review system helps to ensure consistency across claims (so that patients are treated more equally), and to prevent claims that Cigna considers unneeded or harmful to patients without requiring its directors to spend time scrutinizing such claims. The truth, however, may be more sinister. According to one of the system's developers, Dr. Alan Muney, the system cuts down on "administrative hassle" and helps the company save "billions of dollars." Such focus on profits is precisely why an ever-growing contingent of healthcare advocates say that insurers, as the primary gatekeepers to healthcare access, should not be answerable to financial incentives to deny needed coverage. On the other hand, quicker claims review means that more patients may see relief, either in getting approved treatments more quickly, or allowing denied patients the ability to make informed decisions and adjusting to the denials. Cigna is a for-profit corporation and utilizes an automated review system as a matter of efficiency, allowing it to fulfill the claims it does approve in a timely and fair manner.

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<sup>1</sup> Elizabeth Davis, *Reasons for Health Insurance Claim Denials and What You Should Do*, Verywell Health, January 14, 2023, <https://www.verywellhealth.com/what-is-a-health-insurance-claim-denial-1738690>

<sup>2</sup> National Academy for State Health Policy, *State Definitions of Medical Necessity Under the Medicaid EPSDT Benefit*, April 23, 2021, <https://nashp.org/state-definitions-of-medical-necessity-under-the-medicaid-epsdt-benefit/>

<sup>3</sup> Cal. Code Regs. Title 10 §2695.7

<sup>4</sup> Md. Code, Ins. §15-10A-05

<sup>5</sup> Patrick Rucker et al., *How Cigna Saves Millions by Having Its Doctors Reject Claims Without Reading Them*, ProPublica, March 25, 2023, <https://www.propublica.org/article/cigna-pxdx-medical-health-insurance-rejection-claims>

“In 2017, 121 major health insurance issuers denied a total of more than 42 million claims. Consumers appealed less than 200,000 (0.05%) of these denials. Although consumers have the right to bypass their insurer’s internal appeals process and go directly to an external review, this happens in fewer than 1 in 11,000 denied claims (0.009%).”<sup>6</sup>

Cigna’s physician review system (much like the rest of its technologically-assisted claim review) is built to comply with state laws and regulations, but some argue that using similar, if not nearly identical automated review, violates the spirit, if not the letter of these laws.

Some critics of the review system, including Cigna customers, former Cigna employees, and insurance experts, emphasize that the intent of physician review requirements was to get a human to ask questions, look at a more complete health profile, and make a more thorough assessment of risks and benefits customized to the patient’s medical history and needs. These complaints are further highlighted when one considers recent ProPublica reporting that within a two-month period in 2022, Cigna’s medical directors denied 300 thousand claims with an average review time of just 1.2 seconds. Claims automatically routed for denial lack basic information, such as gender and race, drawing criticisms from doctors that the system is unfair to patients.

For example, the drug mifepristone—known informally as “the abortion pill”—has been approved by the FDA to treat Cushing’s syndrome.<sup>7</sup> Due to the legal complications surrounding abortion in the United States, an insurance claim regarding the prescription of mifepristone to a patient in Texas may be automatically denied in compliance with Texas law.<sup>8</sup> An automated system, however, may not highlight the fact that the patient is a man, or 80 years old, or has had a hysterectomy. As of 2023, Cigna does not list abortion as a medically necessary use of mifepristone,<sup>9</sup> and limits abortion access in accordance with state regulations.<sup>10</sup>

One patient, Nick van Terheyden, felt that the system had mistakenly denied his claim for a \$350 blood test on the basis of being “medically unnecessary.” Van Terheyden, a physician himself, was able to have his bill paid by Cigna (seven months after the blood test) after taking his rejection to an independent reviewer, who determined the test to be justified. Van Terheyden believes that such a system is “not good medicine” and constitutes a failure to care for patients.

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<sup>6</sup> Liz Helms, *Has Your Insurer Denied a Medical Claim? Stand Up For Your Rights*, Stat News, May 17, 2019, <https://www.statnews.com/2019/05/17/appeal-denied-medical-claim/>

<sup>7</sup> Caroline Hopkins, *The ‘Abortion Pill’ May Treat Dozens of Diseases, But Roe Reversal Might Upend Research*, NBC News, June 25, 2022, <https://www.nbcnews.com/health/health-news/abortion-pill-may-treat-dozens-diseases-ro-reversal-might-upend-resea-rcna34812>

<sup>8</sup> Tex. H.B. 2, Sess. 87(R) (Tex. 2021)

<sup>9</sup> The Cigna Group, *Drug and Biologic Coverage Policy: Mifepristone (Korlym®)*, December 15, 2022, [https://static.cigna.com/assets/chcp/pdf/coveragePolicies/pharmacy/ip\\_0092\\_coveragepositioncriteria\\_mifepristone.pdf](https://static.cigna.com/assets/chcp/pdf/coveragePolicies/pharmacy/ip_0092_coveragepositioncriteria_mifepristone.pdf)

<sup>10</sup> The Cigna Group, *Administrative Policy: Abortion*, November 15, 2022, [https://static.cigna.com/assets/chcp/pdf/coveragePolicies/medical/ad\\_a006\\_administrativepolicy\\_abortion.pdf](https://static.cigna.com/assets/chcp/pdf/coveragePolicies/medical/ad_a006_administrativepolicy_abortion.pdf)

## 8. Vive La Reform

Government-funded retirement benefits have become a point of financial pressure for various developed countries, particularly as life expectancy continues to increase yet retirement ages remain the same.<sup>1</sup> Raising the retirement age may even have social benefits, such as counteracting ageism through downstream corporate incentives to hire older workers for long-term positions.

In China, where the age of retirement can be as low as 50, the government has suggested raising the retirement age to prevent their pension system from running out of money.<sup>2</sup> In the United States, Republican lawmakers have suggested raising the age of eligibility for Social Security benefits to counteract the possibility of insolvency for the old age portion of Social Security.<sup>3</sup>

One of the most generous countries to retire in is France. The retirees of France have enjoyed an earlier average retirement and a higher pension compared to their average European counterparts. While the average statutory retirement age in the EU sits at 64.8, French pensioners—at least those who make sufficient contributions—can retire as early as 62.<sup>4</sup> Additionally, French pensioners enjoy an average post-tax income about 15-20% higher than pensioners in Britain and Germany.

On April 15, 2023, a proposal to raise the minimum retirement age in France was enacted into law.<sup>5</sup> President Emmanuel Macron, who had unveiled the plan in January, used a special power in French legislature to push the plan through without a vote from the National Assembly, France's legislative body.<sup>6</sup> Macron defended his plan, citing the financial strain on the French pension system as a factor in raising the retirement age.<sup>7</sup> With French pension spending being as high as that of Italy, Greece, and Spain (all of which experienced significant economic turmoil within the past 10 years), the raise in retirement age (and other reforms to the pension system) is hoped to avoid a 13+ billion-euro shortfall every year.

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<sup>1</sup> Peter Feuerherd, *Why Retirement Age Is 65 (And Why It's Getting Higher)*, JSTOR Daily, May 8, 2017, <https://daily.jstor.org/why-retirement-is-age-65-and-why-its-getting-higher/>

<sup>2</sup> Farah Master & Raju Gopalakrishnan, *China to Raise Retirement Age to Deal With Aging Population – Media*, Reuters, March 14, 2023, <https://www.reuters.com/world/china/china-raise-retirement-age-deal-with-aging-population-media-2023-03-14/>

<sup>3</sup> Howard Gleckman, *The Worldwide Debate Over Raising The Retirement Age*, Forbes, March 15, 2023, <https://www.forbes.com/sites/howardgleckman/2023/03/15/the-worldwide-debate-over-raising-the-retirement-age/?sh=1f733d031402>

<sup>4</sup> Leigh Thomas, *Macron Pension Reform Ends Cherished French Exception*, Reuters, April 20, 2023, <https://www.reuters.com/world/europe/macron-pension-reform-ends-cherished-french-exception-2023-04-18/>

<sup>5</sup> The Associated Press, *Macron's Unpopular Plan to Raise France's Retirement Age is Enacted Into Law*, NPR, April 15, 2023, <https://www.npr.org/2023/04/14/1170238212/macrons-pension-age-france>

<sup>6</sup> Conor Murray, *Here's What To Know About France's Controversial Pension Reforms As Macron Survive No-Confidence Vote*, Forbes, March 20, 2023, <https://www.forbes.com/sites/conormurray/2023/03/20/heres-what-to-know-about-frances-controversial-pension-reforms-as-macron-survives-no-confidence-vote/?sh=7b6e1352675f>

<sup>7</sup> Sylvie Corbet, *Macron Says He Hears France's Anger, But Defends Pension Law*, Associated Press, April 17, 2023, <https://apnews.com/article/france-macron-protests-pensions-6bd2716fb8352505650440182ed68fc7>

French experts have been skeptical of the reform. Macron and French Prime Minister Elisabeth Borne have cited budget shortfall as a rationale behind their pension reform, but an independent 2022 report from the Pensions Advisory Council in France found that claims about “excessive pension spending” were unsupported by real figures.<sup>8</sup> Economist Michaël Zemmour, an outspoken critic of the age increase, believes that such reform is inequitable.<sup>9</sup> While a few extra years may not mean much to white-collar workers, blue-collar workers might struggle with extraneous factors such as injuries and chronic conditions resulting from manual labor.

The reform in France has not been popular with the public either. In the weeks leading up to the law’s passing, over a million protesters took to the streets to show their disagreement with the proposal.<sup>10</sup> These protests continued long past the plan’s passage and implementation, and labor unions continued to organize demonstrations and strikes into June.<sup>11</sup> The majority of French citizens backed such protests, showing sustained and widespread dismay at the changes to retirement age and the pension system. A major charge against the French government is that the law does not respect the will of its citizens, as a politically legitimate democracy should be an extension of the collective will of its citizens—however, these same citizens elected the leaders making these decisions, and sometimes the votes simply do not recognize the necessity of austerity measures when a country’s populace demands more services or benefits than the budget can feasibly bear.

Determining an appropriate age of retirement and reasonable benefits for pensioners may become more urgent as global labor needs are driven down further by recent advances in AI and automation. Artificial intelligence and its contribution to economic inequality has been observed by various economists,<sup>12</sup> potentially affecting white-collar jobs similarly to robotic automation affecting blue-collar jobs.<sup>13</sup> Measures to raise the retirement age and constrain pension spending may exacerbate the economic inequality caused by automation, however there may be ways in which AI and automation can positively impact workers at large. If artificial intelligence and robotic automation allow for less working hours in a week or improved working conditions, these technologies might help ameliorate some of the difficulties experienced by older workers and accommodate higher retirement ages.

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<sup>8</sup> Romain Brunet, *Macron’s Pension Reform: Necessary Changes to an Unsustainable System?*, France 24, January 1, 2023, <https://www.france24.com/en/france/20230109-macron-s-pension-reform-necessary-changes-to-an-unsustainable-system>

<sup>9</sup> Lisa Louis, *Why the French Are Protesting Against Pension Reform*, Deutsche Welle, January 30, 2023, <https://www.dw.com/en/france-pension-reform-plans-trigger-public-backlash/a-64513082>

<sup>10</sup> The Associated Press, *More Than 1 Million Demonstrate Across France Against Pension Reforms*, NPR, March 24, 2023, <https://www.npr.org/2023/03/24/1165759889/more-than-1-million-demonstrate-across-france-against-pension-reforms>

<sup>11</sup> Kevin Varley, *French Anger Over Pension Law Tops Worldwide Protests in 2023*, Bloomberg, June 2, 2023, <https://www.bloomberg.com/news/articles/2023-06-03/french-anger-over-pension-law-tops-worldwide-protests-in-2023>

<sup>12</sup> David Rotman, *How To Solve AI’s Inequality Problem*, MIT Technology Review, April 19, 2022, <https://www.technologyreview.com/2022/04/19/1049378/ai-inequality-problem/>

<sup>13</sup> Jay Fitzgerald, *Robots And Jobs in the US Labor Market*, The NBER Digest, National Bureau of Economic Research, May 2017, <https://www.nber.org/digest/may17/robots-and-jobs-us-labor-market>

## 9. Making Money Off of Murders

Fascination with true crime is nothing new—violent crimes have captivated the public since the 1800s and that fixation has only continued to grow. Shows such as *Tiger King* and *Making of a Murderer* have become household names, even making their way into academic discourse. True crime media has increasingly emphasized the entertainment dimensions of its gruesome stories, leading to a significant moral dilemma.

While many watchers are just tuning in to tune out, some argue that watching the true crime genre can have several destructive outcomes on its viewers and victim's families. It has been noted that the true crime genre can warp viewers' expectations and understanding of the legal system, may desensitize viewers to violence, and is disrespectful to the victims and their families.<sup>1</sup> This leaves many viewers wondering if they are participating in a societal problem that goes beyond bingeing Netflix.

One result of society's fixation on true crime is something called the "Serial Effect" (a reference to the podcast Serial, which famously covered Adnan Syed's murder trial). The Serial Effect theory suggests that true crime media "can lead to jurors holding unrealistic expectations of forensic evidence and affect their decisions."<sup>2</sup> The possibility of swaying a jury and potentially causing an unfair conviction is just one of the potential negative effects that true crime media may have.

Another critique of true crime media is that it has a negative effect on grieving families. When Netflix's dramatized true crime series, *Dahmer—Monster: The Jeffrey Dahmer Story*, was released, one of Dahmer's victim's families spoke out, stating that not only are series like these insensitive to victims and their families, but that they "[keep] the obsession' with killers going."<sup>3</sup> It's been debated that extensive coverage of crime incentivizes people who desire notoriety to commit crimes (especially when it comes to mass shootings)<sup>4</sup> however, like the link between video games and violence, this connection can be hard to prove.<sup>5</sup>

In addition to potentially being disrespectful to victim's families, some say that profiting off of tragic events is distasteful, if not outright immoral. The act of producing and making

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<sup>1</sup> Di Tella, Rafael, Lucia Freira, Ramiro H. Gálvez, Ernesto Schargrofsky, Diego Shalom, and Mariano Sigman. "Crime and Violence: Desensitization in Victims to Watching Criminal Events." *Journal of Economic Behavior & Organization* 159 (March 2019): 613–625.

<sup>2</sup> Reetz, Noelle "The 'Serial Effect' Unpacking the Phenomenon of the True-Crime Podcast" Georgia State University Research Magazine. <https://news.gsu.edu/research-magazine/the-serial-effect>

<sup>3</sup> Porterfield, Carlie "Dahmer Victim's Mother Blasts Netflix Series After Actor Wins Golden Globe—Latest Family Member To Speak Out" *Forbes* (Jan 12, 2023). <https://www.forbes.com/sites/carlieporterfield/2023/01/12/dahmer-victims-mother-blasts-netflix-series-after-actor-wins-golden-globe-latest-family-member-to-speak-out/?sh=356e47b15804>

<sup>4</sup> Meindl JN, Ivy JW. Mass Shootings: The Role of the Media in Promoting Generalized Imitation. *Am J Public Health*. 2017 Mar;107(3):368-370. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5296697/>

<sup>5</sup> Hagan, Ekua "The Psychology of 'Copycat Killers' Exploring the relationship between crime-related media coverage and murder" *Psychology Today* (July 13, 2021). <https://www.psychologytoday.com/us/blog/the-human-equation/202107/the-psychology-copycat-killers>

money off of true crime is something that even the producers of this media themselves have had a difficult time grappling with. When Ned Parker, the executive producer of *I Am a Killer*, received “letters of opposition” from the family of one of the victims highlighted in the docuseries, he said “that he had never encountered such a ‘moral dilemma’ in his career.”<sup>6</sup>

Dramatized TV series that are more geared toward entertainment aren’t the only subgenre of true crime to receive criticism by victims’ family members; documentaries have received similar critiques. The sister of Brooke Preston spoke out against a documentary about her murder that was made by Hulu, saying that she wants to be able to grieve in peace.<sup>7</sup> The director of the documentary, Skye Borgman, said that her documentary is fair to both sides, including the person responsible for the murder who claimed he was sleepwalking.<sup>7</sup>

Proponents of true crime emphasize that such media is meant to educate others and prevent these crimes from happening again. Kat Albrecht, a criminology scholar, asserts that people being educated about the judicial system should be viewed as positive, but it’s determining if the information that they’re getting is accurate that should be the issue. The educational role of true crime has led to wrongful convictions being overturned as well as to rightful convictions in cases that had long turned cold.<sup>8</sup> Overall, true crime has also spread awareness of the ways that injustice can be carried out through the judicial system. Additionally, there might even be a preventative role that these shows, movies, and podcasts have in helping citizens avoid being victims of violent crimes. In light of these observations, the question seems to be more about what parameters true crime media should stay within to avoid the negative outcomes that it can have.

Many streamers and podcast listeners may just want to ‘Dateline and chill,’ yet the question remains if we all might be victims of ‘true crime’ in the long run. However, the line between true crime, fictionalized crime, and news coverage of true crime, as well as the educational benefit that these forms of media might bring, raise many questions regarding what ethical standards we should impose on crime media.

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<sup>6</sup> Chan, Melissa “‘Real People Keep Getting Re-traumatized.’ The Human Cost of Binge-Watching True Crime Series” TIME (April 24, 2020). <https://time.com/5825475/true-crime-victim-families/>

<sup>7</sup> Hirwani, Peony “Dead Asleep: Murder Victim’s Sister Asks Hulu to Remove Documentary” The Independent (June 16, 2022). <https://www.independent.co.uk/arts-entertainment/films/news/dead-asleep-murder-victim-hulu-documentary-b2102307.html>

<sup>8</sup> Ali, Lorraine “True-crime TV often exploits its subjects. This game-changing duo wants to end that” LA Times (September 28, 2022). <https://www.latimes.com/entertainment-arts/tv/story/2022-09-28/reasonable-doubt-id-investigation-discovery-fatima-silva-chris-anderson#:~:text=%E2%80%9CReasonable%20Doubt%2C%E2%80%9D%20which%20airs,for%20such%20compelling%20television%2C%20though>



## 10. Your Right to The Great Outdoors

The responsibility humans have to the environment currently cannot be overstated—with record-breaking high temperatures each summer, increasingly fragile ecosystems leading to dangerous mudslides and higher chances of unstoppable, devastating fires, many climate experts say that our window to change the future of our environment is slowly closing.<sup>1</sup>

Many citizens are impelled to protect the environment due to their participation in outdoor sports—seeking time in nature is often perceived as a virtuous activity that has the potential to increase human knowledge of and responsibility for protecting the environment. An increase in the time spent in the ‘great outdoors’ instills a valuable perspective that humans are just but one species in a world full of biodiversity, and often reinforces a renewed sense of responsibility to be aware of one’s ‘carbon footprint’ and an interest in being a more active environmental steward. For these reasons and many others, humans enjoy engaging in outdoor sports activities, including activities that arguably may have a net negative impact on the environment.

One of the most criticized forms of outdoor sports in relation to the climate is off-roading. Some argue that off-roading erodes soil and contributes to carbon pollution—the emissions from an off-road vehicle alone make it a sport with a more substantial impact on the environment than most other outdoor sports.<sup>2</sup> Additionally, there are often physical traces of off-roading, with black tire marks covering the sides of beautiful rock formations which show the designated trails.

Despite the name, off-roaders are typically traversing routes that have existed for decades, and which have been thoughtfully chosen to avoid negative impacts on fragile ecosystems. Further, off-roaders themselves are more inclined to engage in birding, mountain biking, backpacking, and enjoying nature with their families than non-off-roaders, activities that greatly contribute to an overall commitment to sustainability and an interest in environmental protection than many other hobbies.<sup>12</sup>

Off-roaders also note that the overall carbon impact of recreational activities like off-roading is minor compared to other human activities, such as consuming meat or regularly flying in an airplane.<sup>3</sup> In fact, some off-roaders are hunters, which they also believe is a net-positive when it comes to the environment given the negative environmental effects of factory farming.<sup>13</sup> (Hunting, another outdoor sport onto itself, also plays a significant role in controlling animal

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<sup>1</sup> Mandel, Kyla and Worland, Justin “The Window to Adapt to Climate Change Is ‘Rapidly Closing,’ Warns the IPCC” TIME (February, 2022). <https://time.com/6152183/ipcc-report-climate-change-adaptation/>

<sup>2</sup> King, Lindsey B. “The Environmental Impact of OHV Recreation” 5280 (April 24, 2020). <https://www.5280.com/the-environmental-impact-of-ohv-recreation/>

<sup>3</sup> Siler, Wes “In Defense of Off-Roaders” Outside (July 12, 2018). <https://www.outsideonline.com/outdoor-gear/cars-trucks/defense-roading/>

overpopulation, though this sport and its environmental effects are just as contentious as off-roading).<sup>4</sup>

Rock climbing, an increasingly popular outdoor (and indoor) sport, has had its own share of climate critique. The chalk climbers use to grip rocks has contributed to a similar “visual pollution” as the tire marks of off-roading and has a negative effect on the growth of several species, leading some National Parks to ban its use all together.<sup>5</sup> However, climbers themselves have committed to codes of ethics where they seek to minimize human interference in ecosystems. Some climbers make short-term safety sacrifices over a long-term desire to minimize their environmental impact, such as refusing to add more gear than necessary to a climbing route to reduce its visual impact.<sup>6</sup>

Even seemingly low-impact outdoor sports, like hiking, have also received criticism about their negative environmental effects. Hiking contributes to soil erosion, tree defoliation, and an increase in litter and human waste in and around trails. It seems that no outdoor sport is completely neutral in its potential climate effects.

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<sup>4</sup> “Does Hunting Help or Hurt the Environment?” Scientific American (November 10, 2009). <https://www.scientificamerican.com/article/earth-talks-hunting/>

<sup>5</sup> Snow, Jackie “Rock climbing is getting more popular—and that concerns conservationists” National Geographic (July 23, 2021). <https://www.nationalgeographic.com/travel/article/rock-climbing-is-more-popular-than-ever-is-that-a-good-thing>

<sup>6</sup> Climbing Ethics, The American Alpine Club, (1990). <http://publications.americanalpineclub.org/articles/12199007600/Climbing-Ethics>



## 11. Is Watney Worth It?

The Apollo program, which first landed humans on the moon, closed in 1972 and humans have not been back to the moon. In 2017, the National Aeronautics and Space Administration (NASA) began the Artemis program with hopes of reinvigorating public excitement for space exploration. Artemis I involved an Orion module successfully orbiting the moon. Artemis II, announced in March 2023 and set to launch in November of 2024, will be a ten-day mission around the Moon and back with a crew of four astronauts boarding the Orion spacecraft. However, the enormous cost of sending four people to the moon has caused some to balk. The projected cost of the mission from 2012 to 2025, \$93 billion, raises concerns about how best to spend public funds.<sup>1</sup>

According to Mike Sarafin, the lead flight director for Exploration Flight Test-1, “Together, these test flights will demonstrate the capabilities we need to land humans on the Moon and enable long-term missions for decades to come. We will take the experience gained exploring the Moon to prepare for the next giant leap to Mars.”<sup>2</sup> Such capabilities include the performance of life support systems, such as providing crew members with breathable air and carbon dioxide removal, along with ensuring optimal performance of the communication and navigation systems of the Orion.

The exploration of space has led to many discoveries with terrestrial benefits, including cordless drills, the laptop computer, UV water purification, efficient insulation, and many more.<sup>3</sup> These innovations tied to space exploration have been economically beneficial and made our existence on Earth more comfortable. Further, the exploration of asteroids, the moon, and other planets for resources raises the exciting prospect of nearly limitless resources and possible new frontiers to explore or even inhabit. Some hope to mitigate this expensive governmental endeavor by outsourcing or partnering with private enterprises to gain competitive efficiencies.

Critics maintain that even more efficient space programs would still be expensive. Considering the significant resources required to solve issues on our planet, rather than looking up to space, perhaps we should start acting on Earth. Pouring billions of dollars into space exploration to the Moon while the Earth needs life-sustaining changes to our food production, carbon emissions, and wealth distribution systems could be viewed as wasteful. Resource allocation to real-time problems that face humanity would seem to suggest focusing on earth since there is no current crisis on the moon requiring billions of dollars to fix. If the needs of

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<sup>1</sup> Venditti, Bruno. “The Cost of Space Flight Before and After SpaceX.” Visual Capitalist, January 27, 2022. <https://www.visualcapitalist.com/the-cost-of-space-flight/>.

<sup>2</sup> Hambleton, Kathryn. “First Flight With Crew Important Step on Long-Term Return to Moon.” *NASA*, March 29, 2023. <https://www.nasa.gov/feature/nasa-s-first-flight-with-crew-important-step-on-long-term-return-to-the-moon-missions-to>.

<sup>3</sup> California Institute of Technology. “20 Inventions We Wouldn’t Have Without Space Travel.” NASA Jet Propulsion Laboratory (JPL), May 20, 2016. Accessed July 3, 2023. <https://www.jpl.nasa.gov/infographics/20-inventions-we-wouldnt-have-without-space-travel>.

humanity are paramount, it seems we must decide whether to better divide our current resources or try to expand on Earth's limited resources.

There is precipitous desertification due to global warming brought about by increased CO<sub>2</sub> emissions.<sup>4</sup> Raw resources such as timber and the need for agricultural land have led to the shrinking of the Amazon rainforest.<sup>5</sup> Energy is constantly in deficit, and we are in search of more resources to the detriment of our world. The United Nations' International Resource Panel (IRP) has put out a report stating, "Through a combination of resource efficiency, climate mitigation, carbon removal, and biodiversity protection policies, this report finds that it is feasible and possible to grow economies, increase well-being and remain within planetary boundaries."<sup>6</sup>

However, many argue that our planet is already too far gone and we should look beyond our Earth for new homes. One of the long-term goals is to land on Mars, a planet many scientists have coveted as a possible second home for humans due to its similarity to Earth's gravity and stores of water. By investing in Artemis II and subsequent missions that are predicated on its success, we will be able to study Mars and possibly find ways to terraform its surface making it habitable for humans. These hypothetical stretch goals stand in contrast to the immediate billions of dollars in spending.

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<sup>4</sup>Mulhern, Owen. "Is the Sahara Desert Growing?" Earth.Org, August 20, 2021.

[https://earth.org/data\\_visualization/the-past-present-and-future-of-the-sahara-desert/](https://earth.org/data_visualization/the-past-present-and-future-of-the-sahara-desert/).

<sup>5</sup> "Brazil's Lula Lays out Plan to Halt Amazon Deforestation, Make Country 'Global Reference' on Climate | Britannica," n.d. <https://www.britannica.com/news/18707/d24fdc687f8e1ef27da2265bf70aad2f>.

<sup>6</sup> "Global Resources Outlook Global Resources Outlook." Resource Panel, December 3, 2018. Accessed July 3, 2023. <https://www.resourcepanel.org/reports/global-resources-outlook>.

## 12. Dragged Down

The headline on the Drag Syndrome website boasts, “FRESHLY FIERCED! Drag collective featuring highly addictive queens & kings with Down-Syndrome.”<sup>1</sup> The troupe performs internationally at drag shows with the twist that all of the performers have Down syndrome. Since its beginnings in the UK in 2018, many have applauded the show for giving individuals with Down syndrome a place to shine and perform for an adoring audience as they highlight instead of hide their disabilities and break gender norms. The expressed purpose of the show is to do away with “prejudices about life with Down syndrome” giving performers a platform to express their sexuality and artistic ambitions. However, some critics are concerned that the show exploits people with intellectual impairments, while others worry it diminishes the authenticity of drag as an art form.

One critic, Peter Meijer, owns a venue in Grand Rapids, Michigan, where the troupe was scheduled to perform. Meijer expressed concerns about exploitation and specifically questioned the capacity of troupe members to give their “full and informed consent.”<sup>2</sup> When Meijer refused to allow the troupe to perform at his venue, the American Civil Rights Union (ACLU) filed a civil rights complaint alleging discrimination on the basis of disability and sex. Meijer responded saying, “I fundamentally don’t understand how someone can take my very good faith concern about the potential for exploitation and spin that into discriminating against people with a disability.”

Down syndrome occurs when a person is born with an extra, third, chromosome at the 21<sup>st</sup> genomic locus. The syndrome manifests differently in different people, but it nearly always involves physical and intellectual disabilities.<sup>3</sup> The creative director behind the troupe is Daniel Vias, who notably does not have Down syndrome.<sup>4</sup> In a promotional video, he states, “I believe people with Down syndrome have an extra chromosome that brings them extra talents.” He also addresses critics of his show by stating that they “don’t want people with Down syndrome to be part of contemporary culture and like to suppress the other.”

The drag kings and queens have shared their testimonies of how they felt ostracized by others due to their condition, but found confidence and an uplifting community when they joined the Drag Syndrome troupe.<sup>5</sup> When the performers were asked by Gay Times about their favorite parts of donning their drag show personas, one of the drag queens, Otto Baxter, who performs as Horrora Shebang answered, “The thing I like about drag is meeting other people, lots of makeup

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<sup>1</sup> Drag Syndrome. “Drag Syndrome,” n.d. <https://www.dragsyndrome.com/>.

<sup>2</sup> “Complaint Filed After Door Closes on Drag Performers With Down Syndrome” NYT Julia Jacobs Published Sept. 5, 2019 [Complaint Filed After Door Closes on Drag Performers With Down Syndrome - The New York Times \(nytimes.com\)](https://www.nytimes.com/2019/09/05/us/politics/drag-performers-down-syndrome-complaint.html)

<sup>3</sup> Faragher, R.; Clarke, B., eds. (2013). [Educating Learners with Down Syndrome: Research, theory, and practice with children and adolescents](#). Taylor & Francis. pp. 6-9. ISBN 978-1-134-67335-3.

<sup>4</sup> Drag Syndrome. “Drag Syndrome on CNN,” May 31, 2019. <https://www.youtube.com/watch?v=DzKiSLKNAZc>.

<sup>5</sup> Daniel Megarry “Drag Syndrome are the revolutionary group defying expectations” Gay Times [Drag Syndrome are the revolutionary group defying expectations | Amplify by Gay Times](#)

artists, drag artists, lots of new faces and old faces. It's exciting, it makes me feel sexy, I do lots of outrageous things. It makes me feel confident.

Despite being heavily criticized and prevented from being shown at certain venues, the show has continued in Europe. A recent show in Germany, on May 5, 2023, coincided with the European Day of Protest for Equality for People with Disabilities. The drag kings and queens are all adults and professional performers who have expressed their desire to be treated as equals in entertainment. The performances involve dramatic portrayals of sexual acts and innuendos, crude humor, and cross-dressing, which many view as inappropriate. However, according to Vais, people with Down Syndrome are stereotyped as “as very angelic, very innocent, [and] very cute,” which can be interpreted as unfairly infantilizing them, especially those that are adults.<sup>6</sup> The Drag Syndrome show allows the performers to express their sexuality. For example, Baxter, explains “people with Down syndrome like sex...Horror Shebang is definitely the sexiest character that I've played.”<sup>7</sup>

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<sup>6</sup> Bianco, Deana. “The Drag Troupe For Kings and Queens With Learning Disabilities.” Vice, December 18, 2018. Accessed July 3, 2023. <https://www.vice.com/en/article/7xyq4x/downs-syndrome-drag-queens-kings-learning-disability>.

<sup>7</sup> Catherine Chapman Oct. 13, 2018, “‘Drag Syndrome’: Performers with Down syndrome find outlet for their creativity” NBCNews [‘Drag Syndrome’: Performers with Down syndrome find outlet for their creativity](https://www.nbcnews.com/storyline/drag-syndrome/drag-syndrome-performers-with-down-syndrome-find-outlet-for-their-creativity-n1111111) (nbcnews.com)

### 13. Too Cool for School

Dr. Jones is a polarizing figure—both within New York University and in the psyches of his former students. He literally wrote the book on organic chemistry—a notoriously challenging subject that is a significant academic crucible for undergraduates. In many universities the outcome of a ‘weedout’ or ‘stumble’ course such as organic chemistry can serve as a significant division in life path for thousands of aspiring physicians.<sup>1</sup>

Following a distinguished career at Princeton University, Dr. Jones happily lived out a quasi-retirement punctuated by frequent contract opportunities to teach his specialty at NYU. He won awards, was lauded as a ‘cool’ professor, and remained respected by peers and students alike over a long and illustrious career. Many who studied under Dr. Jones appreciated his rigor, commitment to his subject, and capacity to bring out the best in his students.

Other former students describe Dr. Jones’s class as far too difficult. After repeated student complaints to administrators and a multi-year period of declining student test scores NYU offered some concessions to students demands. These concessions included grade reviews and a ‘one-time exemption’ offer to retroactively withdraw from the course. One university official defended such moves as necessary to “extend a gentle but firm hand to the students and those who pay the tuition bills.” Nevertheless, complaints about Dr. Jones’s difficulty piled up and eventually the University declined to renew Dr. Jones’ contract.

Dr. Jones noted that student test scores in his classes have been falling over the past decade, and that students have lost focus. The pandemic’s exacerbation of anxiety, disconnection, and increased mental health burdens on students prompted even further precipitous test score drops. Unstable internet connections and spotty in-person attendance at his lectures also didn’t help. Some students turned to cheating—in Dr. Jones’ classes and in those of his colleagues.

A colleague of Dr. Jones noted that, while Jones’ stuck with his long-established teaching style and methods, the expectations from students had changed considerably—to an expectation of far more support from faculty when students are finding course content challenging. In the current era of student sensitivity, faculty and university administrators are noticing a significant change in the student-professor relationship, from one where rigor was expected, to one where more of a ‘supportive, student-centered approach’ is demanded.

NYU’s dean for science alleged that Dr. Jones did not rise to the standards expected of teaching faculty, due to his “dismissiveness, unresponsiveness, condescension and opacity about grading.” Other professors in the department disagree with this characterization, and express support for rigorous instruction to prepare students for their chosen career. They note that swift action to dismiss professors, particularly those that are not tenured, sets a dangerous precedent

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<sup>1</sup> Saul, Stephanie “At N.Y.U., Students Were Failing Organic Chemistry. Who Was to Blame?” NY Times (Oct. 3, 2022). <https://www.nytimes.com/2022/10/03/us/nyu-organic-chemistry-petition.html>

that runs counter to the value of the rigorous instruction necessary to prepare students for the highly intellectually demanding medical profession.

## 17. Gift Aversion Conversion Subversion\*

Exchanging gifts can be complicated. It's difficult to pick out a gift that is both unique and well-received. At the same time, it isn't easy to appreciate every gift that just anyone gives you. Exchanging gifts gets even trickier when done via network shopping services like Amazon. For example, that sweater your Auntie Marge sends you may be especially likely to be the wrong type, color, or size when ordered online. But surely Auntie Marge shouldn't have to hesitate to send you a token of her care. Perhaps this is part of why Jeff Bezos and Colin M. Bryar filed a patent in 2006 for a system and method for converting gifts in online gift exchanges.<sup>1</sup>

The patent, awarded in 2010, allows Amazon users to exchange unwanted gifts for more desirable goods without notifying the sender.<sup>2</sup> The system offers Amazon users the option to set up "gift conversion rules." A user, for example, could configure a rule that automatically converts certain gifts, or even gifts from particular senders, into a gift card or a gift certificate. If you tend not to like the gifts your brother sends you, you can set up a rule that converts gifts from him into a gift card. The rule permits you to rest assured that another unwanted gift will not show up on your front porch, at least not in an Amazon package.

While Amazon has yet to implement its gift conversion system, the patent itself has been met with some disapproval. Some argue that the system goes against the very spirit of gift giving<sup>3</sup>, where it is the thought that counts, not the gift itself. Amazon's conversion system could shift the gift recipient's attention away from the thought and onto the exchange value of the gift itself, it is argued. Admittedly, exchanging gifts can be a stressful process. But the practice nonetheless plays a crucial and symbolic role in many relationships. Exchanging gifts helps members of a society to build and maintain healthy social bonds, and as a result, many claim it is a social practice we should be loath to give up.<sup>4</sup> They fear that Amazon's newly patented system threatens not only to undermine a valuable social practice, but also to promote ingratitude. Traditional gift giving practices tell us that we ought to be grateful for the gifts we receive, regardless of whether we like them or not. Critics claim that Amazon's gift conversion system eliminates an important opportunity for gratitude, and pausing to remember the giver behind the gift.

Nevertheless, others argue that Amazon's new system serves to encourage the spirit of gift giving rather than eliminate it. Indeed, it was in recognizing anxieties involved in shopping for and giving gifts online that Bezos and Bryar filed the patent, with the hope of improving the experience for givers and receivers alike.

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<sup>1</sup> [US Patent US7831439B1, "System and method for converting gifts"](#)

<sup>2</sup> [The Guardian, "Return to Santa – Amazon calls time on the unwanted gift"](#)

<sup>3</sup> [The Denver Post, "Amazon.com patents procedure to let recipients avoid unwanted gifts"](#)

<sup>4</sup> [Scientific American, "The Obligation of Gifts"](#)

## 18. Storming the Barnes: Collection or Conspiracy?\*

In 1922, art-collector and philanthropist Albert C. Barnes chartered the Barnes Foundation with the goal of improving the American public's understanding and appreciation of art. In the ensuing decades, Barnes' combination of wealth and passion allowed him to assemble the world's greatest private collection of post-impressionist and modern art.<sup>1</sup> In his Pennsylvania home, he hung the paintings of Cezanne, Picasso, Renoir, and Matisse alongside African, Indigenous American, and medieval European art. Estimates of the value of the collection sit at around \$25 billion USD.

When Barnes died in 1951, his living trust made it explicit that the Barnes Foundation was to keep his collection exactly as he had left it: displayed in his private residence and available for viewing only by appointment. The trust even specified that the paintings were to remain in the exact position they had occupied in Barnes' expansive home while he was alive. Barnes had carefully planned every detail of his collection's layout: arranging his paintings not by creator or historical period, but by shape, color, and theme.<sup>2</sup> Barnes was insistent that his collection be used only for art education—seminars, school tours, and workshops for working class art enthusiasts—and not for general display. The Barnes foundation was not, according to the intentions of its creator, a museum open to the viewing public.

The arrangement changed in 2004 when a court granted a request from the Barnes' Foundation's board of trustees to move the collection from Barnes' home to a new public gallery in Philadelphia. The move drew sharp criticism from some art-world figures and friends of Barnes who considered it a betrayal of the ideals of the organization's founder. After all, the paintings belonged to Barnes, and his wishes had explicitly forbidden the transformation of his collection into a public museum with admissions fees. Some, like attorney John Anderson, accuse the city of Philadelphia of colluding with the Barnes Foundation's Board to cash in on a lucrative opportunity to increase tourism downtown.<sup>3</sup> During his lifetime, Barnes was a vocal critic of what he saw as the commercialization and corruption of art, and wanted his Foundation to be insulated from commercial pressures. Some artists, most notably Henri Matisse, agreed with Barnes' view, calling his suburban home the only "sane place" to view art in the United States.<sup>4</sup>

Others view the decision differently, arguing that a new facility open to the public increases access to beautiful and historically significant works of art. In their view, the intentions

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<sup>1</sup> [The Barnes Foundation, "About the Barnes"](#)

<sup>2</sup> The designers of the Foundation's new home have taken considerable pains to preserve the collection's original layout. See [NPR, "Barnes Foundation Changes Location, But Little Else"](#).

<sup>3</sup> [NPR, "Art Of The Steal": Actual Heist Or Conspiracy Theory?"](#)

<sup>4</sup> [Philanthropy Roundtable, "Outsmarting Albert Barnes"](#)



of a long-dead donor are less important than the good the collection could do if the paintings were easier for the public to see and enjoy.