



Cases for the 27th APPE Intercollegiate Ethics Bowl® National Championship

Held in conjunction with the 32nd Annual Meeting of the
Association for Practical and Professional Ethics

Portland, Oregon
Saturday, March 4 and Sunday, March 5, 2023

Prepared by:

Robert Boyd Skipper: Chair, Case Preparation Committee
Robert A. Currie
Abigail Feldman
Cynthia Jones
Sophia McWilliams
Heather Pease
Mallory Wietrzykowski



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by-nc-nd/4.0/>. © 2022 Robert Boyd Skipper, Robert A. Currie, Abigail Feldman, Cynthia Jones, Sophia McWilliams, Heather Pease, and Mallory Wietrzykowski

Case 1: Good Sports and Winners

The common image of a great athlete is of someone who works hard, makes healthy life decisions, treats their teammates, coaches, officials, and opponents with respect, and wins only by doing their best while encouraging others to do the same. From this image, athletes are often revered as individuals who have developed good character through the teachings of sports, which are often referred to as the “life lessons” of sports. The potential to develop good character from sports is sought by many, but good sportsmanship is a cornerstone in one’s development.

To practice good sportsmanship, an athlete must play for the sake of the game, respect the rules, respect their opponents, and encourage their teammates and competitors to do their best. In competition, they only win by working hard and doing their best. Sportsmanship differs from *gamesmanship*, which encourages “winning at all costs.” Furthermore, rule-breaking is often considered to be *cheating* only when the rule-breaker gets caught. Athletes are generally praised for good sportsmanship and criticized for gamesmanship, but this does not seem to be enough to prevent the latter.

While it ought to be the case that players, coaches, and spectators should be able to express disagreement, it is common for some critiques to go too far, or take place despite being obviously unfounded. Rowdy spectators, as well as athletes faking fouls and intentionally taking out their competitors to gain an advantage, often put sports competitions in a negative light. To challenge these unsportsmanlike behaviors, some organizations, such as the Eastern New York Soccer Association, have begun to emphasize the importance of good sportsmanship in their youth leagues. The goal of this program is to support good character development. Other actions to encourage accountability for bad sportsmanship have been taken by other programs as well. For instance, *USA Today: High School Sports* reported on January 8, 2022, that the head coach of the Sacred Heart Academy’s girls’ basketball team in Connecticut was suspended in the winter of 2022 for running up the score in a game that the team won by a score of 92-4.

Such efforts to inspire sportsmanship and suppress gamesmanship benefit athletes by supporting good character development. However, other athletic organizations seem to be moving away from sportsmanship and towards gamesmanship. There is a greater cultural desire for competition that is fast and lively. Slower sports like baseball have experienced a decline in spectators as a result. The baseball community has to add the “pie-slice rule,” which prohibits infielders from being near the second base area prior to a pitch. The “pie-slice rule” is meant to encourage athletes to move more on the bases, rather than only trying to hit home runs. Whether or not the “pie-slice rule” will change the athletic conduct of baseball, its inclusion seems designed to bolster interest in the sport.

Other sports have also adjusted their rules to capture a greater audience. The XFL is a professional football league that strives to be progressive and forward thinking about how football is played. The rules of the XFL are a bit different from the NFL. Specifically, XFL rules encourage faster and more violent games—the kind of games that fans want to see. This league is also known for its overhyped fanfare and oversexualized cheerleaders. While the XFL lost momentum during the COVID-19 pandemic it is set to be relaunched in 2023 and the XFL league managers intend to form partnerships with other professional football leagues to lead the way in changing how football culture and game laws progress into the future.

Case 2: Tied to the Track

If you attended primary or secondary school in the United States, chances are good that—at some point—a school official helped shape the trajectory of your academic career by setting you on a certain “track.” Perhaps you demonstrated a talent in mathematics as a young student. As you entered middle school, a teacher or administrator may have placed you in an honors math course, preparing you to take advanced courses before college. Conversely, if you struggled in English, say, you might have found yourself in a lower-level “college prep” or even a “basic” course.

This process of “tracking,”—also called “phasing” or “streaming,”—is the practice of separating students into different classrooms according to academic performance. Public middle schools and public high schools—as well as some elementary schools—across the country have adopted tracking as a means of accommodating the differing needs of students. Some tracking is subject-specific, as in the example above. Other schools separate students into average, above average, and below average tracks that dictate their course level across all school subjects.

The practice of tracking comes with its advantages. Teachers often advocate for tracking because it allows them to provide more individualized instruction and modify lessons for a narrower range of learning levels and needs. Instructors can offer greater support to students who need it without fear of falling behind in lessons, and students can reach their goals at a more tailored pace. For above-average achievers, tracking has been shown to produce significant gains, allowing students to learn more quickly and take on more advanced material.

On the other hand, while tracking has long been a common practice in US public schools, many policymakers argue that tracking has led to more harm than good. Officials from the US Department of Education have argued that tracking perpetuates class inequalities and constitutes a form of modern-day segregation, separating Black and Latino students—who tend to be placed into low-track courses—from White and Asian students. Other critics say tracking is a self-fulfilling prophecy. Dividing students based on performance may prompt lower-achieving students to think of themselves as inferior to upper-track groups, leading to reduced self-esteem and less academic engagement. Teachers, too, may fail to challenge lower-track students precisely because they have lower expectations.

Since students in separate tracks learn material at differing paces, it is often impossible for lower-track students to achieve upward mobility in the track ranks. Students placed in high tracks, however, not only cover more material but also have greater access to college credit-granting advanced-placement courses and other opportunities, making them more attractive to higher education institutions and scholarship programs.

Despite these critiques, schools that attempt to eliminate their tracking programs often face a backlash from parents and community members who raise concerns about adequate support for both high- and low-performing students. Parents and caretakers of special education students, in particular, have raised concerns about their children falling through the cracks in a one-size-fits-all curriculum. Caretakers of students in gifted programs say their children deserve level-appropriate courses. Meanwhile, there seems to be growing interest among parents in having the public education system offer more non-college pathways in addition to college-focused education.

Case 3: Miles and Miles and Miles

In 1989, Jeffery Sedlik took a photographic portrait of the legendary jazz musician Miles Davis. In 2017, Katherine von Drachenberg, the tattoo artist known as Kat Von D, used the image as a reference to create a Miles Davis tattoo for a client. She then published photos of the tattoo to her Instagram account where she is followed by 900,000 accounts. Sedlik, who owns the copyright on the image, claims that the tattoo and the photos posted on social media infringe on that copyright.

Copyright owners like Sedlik are granted the rights to copy, publicly display, and create derivatives of their works. This protection lasts for the life of the author or artist plus seventy years. A photograph, such as the one at issue, is protected by copyright. Limited use of copyrighted works is allowed under the legal doctrine of Fair Use. Fair Use is a complex legal rule that involves considering the nature of the use, the nature of the work, the amount of the original work copied, the commercial impact, and whether its new use is transformative, i.e., whether it exists in a completely different manner than the original. All factors must be balanced and no single factor is determinative. Copyright owners may charge others to license their works, which gives them the opportunity to monetize those works. Sedlik has said that he believes the image in question had been licensed for use as a tattoo in the past.

There is no dispute that Von D used the original photograph in her creative process. In part, she created the tattoo by tracing the original photo. However, Von D argues that her version adds something new to the image: By changing the black background and adding waves of smoke around the image, Von D claims to have added the appearance of movement and a feeling of melancholy not present in the original.

Some claim a ruling against Von D could have a chilling effect on the tattoo industry and they cite expert testimony that it is standard practice to not seek permission to use a copyrighted work as the basis of a tattoo. A ruling in favor of Sedlik might make tattoo artists wary of tattooing their clients' requests.

Perhaps more seriously, some see this lawsuit as a threat to bodily integrity and personal expression arguing that a ruling for Sedlik would mean that showing one's tattoo in public would be a copyright infringement. Further, a tattoo is often deeply meaningful to its owner and what one chooses to have tattooed can say much about who one is and what one values. If those seeking tattoos must be wary of copyright law, it could limit their self-expression.

Contributed by Matthew Mangum, Clinical Assistant Professor of Business Law at Texas A&M University–San Antonio.

Case 4: Lots of Rules and No Mercy

Would you rather be judged by a human or by a machine? That is the question dividing proponents and critics of China's new system of "smart courts," designed—according to China's chief justice—to improve the "fairness, efficiency, and credibility" of the country's judicial system.

What started six years ago as merely a database has become an elaborate artificial intelligence (AI) system attached to the desk of every working judge in the country. The smart court "system of systems" (SoS) automatically screens court cases for references, recommends laws and regulations, and drafts legal documents, according to the *South China Morning Post*. The system is also designed to correct perceived human errors in verdicts, and China's Supreme People's Court requires judges to consult the AI on every case. Should the judge reject the system's judicial recommendation, that person must submit a written explanation to the machine for purposes of recordkeeping and auditing.

Prior to 2016, local Chinese courts maintained their own information systems and rarely shared cases with other institutions. The SoS forced local courts to convert documents to a uniform format and connect their databases to a central hub in Beijing, in turn allowing the Supreme People's Court to uniformly enforce the rule of law. Today, the SoS scans and learns from nearly 100,000 new cases every day.

While the AI system has not been universally welcomed by Chinese judges, it does come with useful features. The *Strategic Study of CAE*, an official journal run by the Chinese Academy of Engineering, reported that the smart court system has saved Chinese citizens more than 300 billion yuan (about \$45 billion) and cut judges' workloads by over a third. In addition to detecting indications of malpractice and corruption, the system also solves a longstanding issue for Chinese courts—verdict enforcement. Almost instantly after handing down the verdict, the AI finds and seizes the property of the convicted party and puts it up for online auction.

As the last point suggests, the influence of the smart court system extends far beyond the courtroom. The SoS interfaces with large databases maintained by police, prosecutors, and government agencies. It is also linked with China's controversial social credit system, which dictates Chinese citizens' ability to use services and transportation according to their social behaviors.

Critics of the SoS say judges adhere to verdict recommendations from the AI to save time and effort, even though the system may make decisions based on materials and laws that are unfitting for the case. Others argue that the SoS grants too much power to the technical experts who write the system's codes and maintain its databases.

While reducing judicial discretion could improve fairness in the court system, it also means humans could “gradually lose free will with an increasing dependency on technology,” according to Zhang Linghan, professor of law at the China University of Political Science and Law in Beijing. Is it best, after all, to limit the human judge’s power to make decisions based on experience and training?

Case 5: Drugs Ads Can be Habit Forming

You've seen the name, but do you know the drug? Dupixent, Rybelsus, Humira, Trulicity, and Xeljanz. Do you feel like you want one or any of them even if it's not exactly clear what they're meant to cure? Scared by the long list of side effects including ... DEATH? No matter, it's all good. It turns out, we have the United States Supreme Court and the US Food and Drug Administration (FDA) to thank for the seemingly ubiquitous amount of pharmaceutical advertising.

In *Va. Pharmacy Bd. v. Va. Consumer Council* (1976), the nation's top court ruled that pharmacies in Virginia could advertise the price of drugs. Commercial advertising, in the court's opinion, is covered by the First and Fourteenth Amendments. Thus, the United States became the first country in the world to allow drug makers to market their products directly to consumers. To date the only country to follow the lead of the United States is New Zealand.

In a dissenting opinion to that 1976 Supreme Court ruling, then Associate and future Chief Justice William Rehnquist warned presciently that consumers would drown in a flood of pharmaceutical advertising campaigns as a result of the ruling. Almost immediately after the ruling, pharmaceutical companies started placing one- and two-page ads in US magazines. But electronic media, specifically television and radio, didn't share in the ad dollar bonanza at first because the FDA, which regulates drug ads, had rules making TV and radio ads virtually impossible. Up until the early '80s, pharmaceutical companies were not allowed to say what an advertised drug was used to treat unless the commercial included not some but all the side effects associated with the drug's use.

Then, in 1997, the FDA relaxed its rules. Drug makers were allowed to tout a medicine's health benefits as long as it at least mentioned some of its major side effects. Viewers were directed to a phone number, print ad, or website for more detailed information. And thus the deluge of drug commercials Justice Rehnquist predicted began in earnest.

All of this advertising is still going on even though in 2015 the American Medical Association called for a ban on direct marketing of drugs to consumers because it believed that the "growing proliferation of ads was driving demand for expensive treatments despite the clinical effectiveness of less costly alternatives."

A working paper by Abby Alpert, Darius Lakdawalla, and Neeraj Sood, published in 2015 by the National Bureau of Economic Research, contained a study of advertising effectiveness tied to implementation of Medicare Part D coverage for the purchases of drugs. This study confirmed that direct-to-consumer advertising has increased the sale of drugs both to the intended population, older Americans, as well as to younger consumers. The study also found that those

already being prescribed drugs were reminded by the ads to take their medicine as recommended. However, consumers who had started a medication in response to advertising were more likely to discontinue its use prematurely.

Bloomberglaw.com reported that Medicare and its beneficiaries spent \$560 billion on drugs from 2016 to 2018, sixty percent of which was spent on advertising prescription drugs to consumers. Pharmaceutical companies were reportedly spending upwards of \$6 billion annually on advertising. From 2016 through 2018, drug makers sank a total of \$17.8 billion into direct marketing to consumers.

Case 6: Cute, Cuddly, and Costly

Ever since the extinction of the dodo, humans have become more aware of our impact on Earth and the creatures on it. Numerous nonprofits and organizations have grown to protect the more than 41,000 species that are currently considered under “threat of extinction” according to the International Union for Conservation of Nature’s Red List. Out of the thousands of species threatened by extinction, there is one that seems to attract more attention than others: the poster child of World Wildlife Fund, China’s diplomacy cash cow, and one of the costliest animals for any zoo, the *Ailuropoda melanoleuca*, or giant panda.

Modern day pandas have been around for over 180,000 years. Currently about 1,800 pandas live in the wild, with an additional 600 in captivity. While they are technically omnivores, pandas’ diets are 99 percent bamboo. As a result, the average panda spends twelve to fourteen hours every day eating anywhere between twenty-six and eighty-four pounds of their favorite plant, a diet that requires vast areas of land to support.

Pandas have no natural predators and aren’t affected by illegal poaching, yet the species was in decline until the 2000s. The factors contributing to the threat of extinction include a low reproductive rate, narrow diet, and the fragility of newborns. Pandas rarely successfully reproduce, due to mating rituals that take weeks, fertilization periods that are very short, the weakness of newborn pandas, and a high infant mortality rate. Many have argued that, unlike other endangered species, pandas would have gone extinct on their own, had it not been for human interference.

Because pandas are among the most recognizable animals worldwide, panda conservation is one of the most extensive among protected species. It is also one of the most expensive. With pandas being the center of attention for many wildlife preservation efforts, other less cherished but equally endangered species might have suffered. According to *Forbes*, annual costs for captive pandas in zoos exceeds \$500,000 in food alone for each panda. But there is money to be made from pandas, too. It is speculated that China annually nets somewhere between \$2.6 billion and \$6.9 billion per year for wild panda conservation efforts and that those efforts generate twenty times more revenue than expenses. Critics of panda conservation lament the fact that so much more could have been done with that money.

Case 7: Executing a Work of Art

The *New York Times* reported on July 6, 2022, about an art collector, Stephanie Clegg, who had purchased a watercolor painting from Sotheby's in 1994 for \$90,000. Sotheby's, in their 1994 catalog, had listed the painting, *Le couple au bouquet de fleurs*, as a work by Marc Chagall, and included its provenance. The work had been sold and resold a few times already. Sotheby's then reappraised the work in 2008 as being worth \$100,000. However, when Ms. Clegg attempted to sell it in 2020, Sotheby's, supposedly as a mere formality and with the owner's permission, sent it to the Comité Marc Chagall in Paris, France, for authentication. To everyone's surprise, the Committee declared the work to be a forgery. The Committee will not return it, and they plan to destroy it as a fake.

The Comité Marc Chagall, founded in 1988, has among its members two granddaughters of Chagall and has the final say on the authenticity of any work purporting to be by Chagall. The *New York Times* article quotes an art market lawyer not involved in the case as saying, "You could have a photograph of Chagall painting this and have his own written testimony that he did, but if the Comité says it's not by the artist then, for the purposes of the art market, it's not by the artist."

Because \$90,000 is a lot of money to shrug off, Ms. Clegg's lawyers are seeking some compensation from Sotheby's for having sold her a fake in the first place. Sotheby's points out that their guarantee of the authenticity of the work expired after five years. It may seem odd to put a time limit on the authenticity of a work of art, since a work produced by a forger in 2022 will always have been produced by a forger. But the time limit stems from the fickleness of art experts, whose imprimatur may change over time. Sotheby's has offered Ms. Clegg a credit of \$18,500 toward the fees they would charge on any works she would sell through them in the future.

In another incident from 2014, the Committee confiscated a work they pronounced as fake after Martin Lang, an English businessman, submitted it to the panel for authentication. Mr. Lang purchased the work, *Nude 1909-10*, in 1992, for £100,000, which was a fairly low price at that time. In Mr. Lang's case, a careful investigation showed that the painting used pigments that had not been produced until twenty years after the work was purportedly painted. Mr. Lang attempted to challenge the confiscation of the painting, but eventually gave it up as a fight too expensive to pursue. The painting is in France, he reasoned, and any trial would be in a French court, bound by French law.

As reported in the art magazine, *Apollo*, February 2, 2014, the Comité Marc Chagall "demanded that [Lang's] work be seized and burnt in front of a magistrate—a bizarrely medieval reaction

that is inexplicably provided for in French law.” As of the writing of this case, there is no word on how “Le couple” will be executed.

Case 8: Free Speech Zones

After the overturn of *Roe v. Wade*, Sarah's philosophy student club appointed her to secure the needed permissions to stage a protest on St. Xanthippe University's campus, a private university. Her request to have the event in the quad was denied, but the Dean of Student Affairs told her that her group could probably use the Free Speech Zone, an empty field next to Parking Lot H, near the baseball stands, and gave her an application form for facilities use. A week after submitting the application, she received the approval to use the space for three hours on Tuesday afternoon, together with a long list of prohibited behaviors.

When Sarah shared the disappointing news with her club, someone else did a quick search of the Foundation for Individual Rights and Expression (FIRE) database and found that St. Xanthippe was very low on the list of schools ranked by student perception of administrative support for free speech. The FIRE website also pointed out that, "Even though private institutions are not required to honor constitutional rights, most private colleges promise their students the right to free speech. Make sure to check your student handbook ..."

Free Speech Zones are attempts to balance a number of competing interests on a university campus. They are designated areas on campus in which protests and open discussion about controversial topics are permissible. Protests arise from a fundamental value of academia—namely, free speech—but they can also be disruptive to classes, a fundamental business of academia. The idea of a Free Speech Zone is to allow free speech on campus in ways that do not disrupt classes. Finding the right balance is not always easy. If the designated space is too small or too remote, then protesters are unable to bring their messages to the attention of their target audiences. If the allowed speech is "too free," it can provide a venue for hate speech and harassment.

Free Speech Zones are very popular with administrators because they can allow free discussion and debate about challenging topics, while at the same time satisfying boards of trustees, who tend to be more conservative or traditional. The Zones can encourage open and frank discussions of difficult issues, as is appropriate for a liberal arts education. But they can also justify the suppression of such discussions throughout the rest of campus. A lot depends on what sort of policies govern these zones.

The protests that swept across college campuses worldwide during the 1960s were a far cry from recent protests. It was during that period when administrators started limiting the spaces where protests were allowed. But now, even though protesters no longer take over administration buildings, throw Molotov cocktails, or immolate themselves, protest and free speech are often more heavily proscribed than they were fifty years ago.

Case 9: This Bud's Not for You

The Fédération Internationale de Football Association, or FIFA, decided on the location for the 2022 World Cup as early as 2010: The tiny country of Qatar. There were some unique features about this choice of a host country. It was, for one thing, the first time in the history of FIFA that the World Cup had been held in the Arabic world. Qatar was also the smallest country to host the World Cup. These factors and others combined to make planning an unusually difficult process. Most disruptively, perhaps, was the heat. Because average temperatures during the summer months exceed 100°F, the decision was made to hold the World Cup in winter instead of summer.

As a hereditary monarchy with Islam as its state religion, Qatar is one of the handful of countries that prohibits the public consumption of alcohol, although it is permitted in specific locations, like hotels that cater to foreign visitors. As part of its bid for the right to host the World Cup, Qatar had agreed to allow beer to be consumed around the stadiums. Budweiser, the largest sponsor of FIFA, would be allowed to sell beer in areas within the stadiums.

In much of the world of sports, audiences expect to drink beer, and lots of it. Budweiser, of course, as the sole distributor of alcohol, anticipated quite a crowd of thirsty fans. Any event of this size involves enormous effort ironing out all the logistics. But Qatar does not produce or bottle beer, so the infrastructure wasn't already in place. All the necessary equipment had to be brought in from other countries: trucks, refrigeration units, and, of course, the beer itself. Estimates for the preparation costs for Budweiser, which the company will not confirm, are in the realm of \$5 million.

Arguably, drunk, rowdy fans at sporting events do not enhance the experience for everyone, and do not make such events family friendly. But for many people, beer is as familiar a sight at stadiums as team shirts.

Just eight days before the World Cup began, Qatar announced that the beer tents must be removed from inside the stadiums, but would still be allowed within the stadiums' perimeters. After a few days of scrambling to meet the new restrictions a second bombshell hit: Qatar declared that it would not allow any alcohol sales in or around the stadiums. To their credit, the marketing gurus at Budweiser did an abrupt pivot and flooded the stadiums with Budweiser Zero (an alcohol-free beer). What about the rest of the beer? It would go to the winning country, and the new slogan became: "Bring Home the Bud."

As smooth and upbeat as the transformation seemed, the official Budweiser Twitter account did tweet (and then almost immediately remove) one plaintive reflection: "Well, this is awkward."

Case 10: Gaming Against Racial Bias

In 1992, MTV's *The Real World* picked seven strangers from diverse backgrounds to live in a loft in New York City while the world watched what happened. Since then, reality TV shows have become a global phenomenon.

In 2000, *Survivor* introduced viewers to game-based competitive reality shows with a huge monetary prize for the winner of each season. In the same year, *Big Brother* kicked off, eventually becoming an amalgam of its predecessors by forcing diverse groups of people to live together while being under constant surveillance, and having them compete to be the last person standing. Participants choose to be in this Orwellian dystopia under constant surveillance, even while they sleep, shower, and eat.

Like many reality competition shows, *Big Brother* involves elaborate procedures for kicking people out, including Head of Household nominations, voting, the power of veto, and individual competition. Arguably, racism and bias have played a major role in who wins *Big Brother* over the years. It was only in Season 23 when a person of color finally claimed the prize for being the last person standing. In this season, a group of Black competitors formed a cabal they dubbed “The Cookout” to ensure that all six of them made it to the final alliance, thus guaranteeing that a person of color would win the season. The Cookout members exhibited extraordinary gameplay and strategy. They avoided openly conversing or socializing with one another to ensure that their fellow competitors did not suspect them of collaborating. The Cookout members introduced a clever race-based strategy that involved “white shields”—White housemates that each Cookout member befriended to shield them from suspicions of collusion with the other Black housemates.

The tactics employed by members of The Cookout were developed in response to the de facto racism that seemed to play a role in the first twenty-two seasons of the show. As all members of The Cookout were fans of the show and were familiar with past seasons, they developed strategies like white shields to combat the bias, implicit or explicit, when White competitors assumed that whenever two competitors of color who were openly friendly, they must have been in collusion. The members of The Cookout frequently expressed dislike for one another, but stayed true to the alliance to further the shared agenda to have a person of color in the winning position.

However, not everyone thought The Cookout's success was appropriate. Accusations of “reverse racism” flowed from some competitors and fans after the season aired. In response to issues involving race, CBS has vowed to have Black, indigenous, people of color represented in larger numbers—at least 50 percent of the starting contestants—to prevent implicit or explicit racial biases from dominating the selection process of a winner.

Case 11: Fix the Cause or Treat the Effect?

The Centers for Disease Control and Prevention (CDC) estimates that domestic violence (DV) costs in the United States exceed \$3.6 trillion a year when factoring in such things as medical costs, lost wages, and loss of productivity. And DV-related homicides account for more than half of all femicides in the United States. While DV is certainly not a new problem, COVID-19 has compounded the dangers for those already living with abusive partners or family members. Many jurisdictions reported substantial increases in requests for protective orders and calls to crisis lines.

Although people from all ethnicities, genders, socio-economic groups, and sexual orientations might experience domestic or family violence, it seems clear that many people who already are marginalized by one or more of their identities experience violence at increased and disproportionate rates. According to the most recent data from the National Crime Victimization Survey, for example, DV among people who identify as bisexual was eight times higher than straight-identifying people and DV among gay/lesbian-identifying people was twice the rate of straight-identifying people. The rates of DV for trans-identifying people, Black and indigenous females, and people with disabilities is also significantly higher than the rates for the baselines against which they are compared: straight, White and Asian, and non-disabled people, respectively.

Domestic disputes are considered to be the deadliest type of calls to which police officers in the United States respond. Recent studies of law enforcement fatalities by type rank domestic disputes at the top of the list. And such cases are exceedingly difficult to prosecute for myriad reasons, including the large number of victims/survivors who recant their stories or refuse to press charges, even when there is ample evidence of substantial abuse.

What can be done to address this public health and criminal justice problem? Research suggests that working with a survivor advocate can mitigate some of the impacts of violence, especially in terms of safety planning, which has been shown to decrease future incidents of violence, from the survivor perspective. DV interventions that target victims/survivors, especially in terms of safety, can thus be very impactful for victims/survivors of domestic violence.

However, there is very little evidence that interventions with perpetrators of violence have much of an impact on their thinking or behaviors. Educational tools like the power and control wheel, which visually represents the cycle of violence in many abusive relationships, can be an effective tool for working with survivors, but its usefulness in changing perpetrator behavior is minimal at best. Other tools or training aimed at perpetrators similarly lack research-based effectiveness. Despite often being court-mandated for convicted DV offenders, programs like BIPP (Battering Intervention and Prevention Programming) have not been particularly effective in changing

perpetrator attitudes or behaviors. Some suggest this is because the attitudes and behaviors of abusive individuals may not be “fixable,” especially after they have perpetrated violence.

Psychologists like Dr. Ramamani Durvasula argue that the overwhelming majority of abusers fit the pattern of Narcissistic Personality Disorder or NPD. However, many of the characteristics of NPD are prized and rewarded in society, or at least tolerated, especially in men, which calls into question whether NPD should actually count as a “disorder” and be listed in the *Diagnostic Statistical Manual* (DSM) as such. Further, research on NPD doesn’t offer much evidence that NPD is “fixable” via psychotherapy or drug regimens, although some of the co-occurring mental health challenges that sometimes accompany NPD, like depression, can be so addressed. But perhaps we shouldn’t try to fix NPD at all, if this constellation of personality characteristics can be more positive than negative. Many famous and successful people who have changed the world arguably have characteristics of NPD and have been abusive towards others.

Case 12: I Am Vengeance

As the sun falls beneath the horizon, frenzied citizens conclude their daily tasks and seek shelter from the approaching darkness. They scatter off the streets and into homes, restaurants, and other buildings. The city grows quiet and the streets become desolate, gray, and abandoned. Old street lights hum faintly, silhouetting those bold enough to remain on the streets. Now is prime time for crime.

At the corner of Golden Road and Banner Street, a family walks out of the corner store. The two adults and their child hurry down the road, unaware of the person who follows them from around the corner, gun in hand. Beneath a flickering street light, the family pauses for a moment, turns around, and sees the figure. They freeze in fear. As the would-be assailant closes in on the family, he is blocked from view by a powerful black-cloaked figure. Bam! Pow! Whack! The cloaked savior restrains the mugger, ties him to a nearby lamp post, confiscates the gun, and disappears into the night as swiftly and silently as he had arrived.

This night-stalking, crime-fighting vigilante is truly a hero that the people of the city *do not deserve*. He serves the law and asks for nothing in return, although he sometimes enjoys gratitude or public recognition.

While such pulp-fiction vigilantes take law enforcement into their own hands, the US government generally prohibits citizens from dispensing justice when crimes have occurred. Instead, we have trained officers to enforce the laws and district attorneys to file charges on behalf of the public. However, two new laws provide citizens with the power to prosecute violators, even when those citizens are in no way involved in the crime.

The first is a Texas abortion law, known as SB 8, enacted in September 2021. In addition to banning abortions after a fetal heartbeat can be detected, the law also deputizes private citizens to bring a civil suit against any person who helps facilitate an abortion after a six-week limit. Such persons may include not only a doctor who performs the procedure, but also anyone who aids in the pregnant individual in receiving the abortion, such as nurses, insurance companies, and even Uber drivers who transport patients to a clinic. Individuals who successfully sue providers and abettors can collect a minimum of \$10,000, as well as legal fees.

Although the law was in many ways unprecedented, the Supreme Court voted five to four not to block SB 8, less than a day after the law went into effect.

Months later, in July, California Governor Gavin Newsom signed a new law modeled on SB 8 that focused on gun control. This law empowers Californians to sue manufacturers and citizens who distribute banned assault rifles and ghost guns. Newsom said the law presents a challenge to

the Supreme Court, which must either uphold the California law or reconsider its backing of the Texas abortion ban.

The two laws, though similar in many respects, have generated very different reactions from Democrats and Republicans. Critics of both laws, however, argue that the laws violate the constitutional rights of citizens and incentivize “bounty hunters” who will seek out rule breakers in order to collect cash judgments.

The vigilantes of fiction are loved for their commitment to enforcing universally accepted laws, but these new laws are themselves controversial. If laws are unjust, are vigilantes heroes or villains? In the stories, the vigilante heroes have no police authority to protect the city; thus, they do this by their own choosing. Would we look at them differently if they profited from their crusades and wore a badge?

Case 13: I'm Juicing Up!

Brains are a pretty big deal. They are literally the brains behind what and who we are, how we think, how we act, how we move, and how we remember. One humble component to the brain that is critical to health yet rarely gets discussed is brain juice, known more formally as cerebrospinal fluid (CSF). Despite its low profile, CSF is much more important than most people realize. Briefly, CSF helps maintain brain function while also providing the brain with cushioning or buoyancy, immunological protection, homeostasis, and removal of waste. The fluid is produced non-stop via the brain's four ventricles and is absorbed back into the brain through the arachnoid granulations. Every twenty-four hours, the brain produces, uses, removes, and replaces the entire volume (approximately five fluid ounces) of CSF at least four times.

Scientists are trying to better understand the role and benefits of CSF. Studies conducted on mice have shown that an infusion of young mouse brain juice into an older mouse's ventricles leads to improved brain function in the hippocampus, which is responsible for declarative memory (memories of facts and events). While memory is a critically important brain function for most living things—without it, we would be unable to navigate our world—it is not always permanent and is often one of the first competencies to fade as we go through the aging process. Approximately 40 percent of individuals experience some form of meaningful memory loss by the time they are sixty-five years old.

Aside from age-related memory decline there are also medical conditions that mostly affect memory and can lead to a significant loss of ability to live an independent and autonomous life. The most common of these physiological memory conditions are Alzheimer's and dementia. Additionally, memory impairment or distortion accompanies various psychological conditions such as dissociative amnesia, post-traumatic stress disorder, and depression. A slew of other factors can affect memory such as drugs and alcohol, or cardiovascular disease. Clearly, a lot of people could potentially benefit from "juicing up" with young brain juice.

The medicinal benefits of juicing are easy to see, but what if you just want a memory boost? Maybe you are studying for a grad school entrance exam. Perhaps as an older adult, you long to recover your once youthful state of mind. Maybe you want to juice up for *Jeopardy!* The possible applications are endless. But there are always those messy details, aren't there? From where will our precious young brain juice come? Which young-brained persons will give up their own cerebrospinal fluid? And how will the valuable brain juice be harvested?

Case 14: Hopeless Medical Screening

Medical schools in the United States routinely send students to areas where they can gain diverse experiences and do the most good or have the most impact on the population. Communities with limited access to healthcare resources are frequently chosen, and this category includes areas along the US/Mexico border known as colonias. Residents in colonias typically lack access to basic needs that are usually provided by the infrastructure of incorporated communities and so, in many ways, colonias exist “off the grid.” The vast majority of colonias are found in the Texas/Mexico border regions. These communities frequently arose by providing affordable housing for migrant farmworkers, who are indispensable to the region’s agricultural sectors.

Aspiring physicians often use their pre-professional skills to provide medical screenings for health issues commonly found in colonias, such as diabetes, hypertension, and childhood obesity. Interactions with residents of these communities can have positive impacts on the medical students as well as on the colonias residents. Medical students may be introduced to health problems and access issues that they likely did not face in their own educational journeys, but which may be more common within the population they end up serving as physicians. They also gain important skills in interacting with people from diverse backgrounds and performing the repetitive tasks of checking blood pressure, drawing blood, and checking vitals.

If knowledge is power, then informing colonias residents of current and potential threats to their health through screenings should empower them to gain greater health literacy and to change their behaviors. All in all, having medical students travel to colonias to perform screenings for common health threats would seem to be a win-win situation. Such programs can be great publicity for the medical school.

Unfortunately, residents of colonias not only lack access to necessities like potable water, reliable sewage, and safe paved roads, they also lack access to affordable medical care. Telling people who cannot access health care that they have Type 2 diabetes or extremely high blood pressure might only marginalize them further without any follow-up plan or any real way to prevent the heart attacks, amputations, and early deaths that result from untreated hypertension and diabetes. Although working with diverse patients in general is likely a positive learning situation for medical students, it may reinforce stereotypes of noncompliance that some US physicians associate with poverty and race. What does it actually teach medical students when they screen for diseases with no hope of prevention?

Case 15: Forced Retirement

Elijah (a political science major) and Mia (a psychology major) just arrived at their parents' house after running around town picking up items for their father's retirement party. The college senior and junior were overjoyed that the party fell on the same week as fall break at the university, giving them time to both socialize and study for the upcoming midterms. The siblings had been talking about what it would feel like to work for a lifetime and then just stop, and retire. It was almost impossible for them to relate (before even beginning a career) and they struggled to understand the true significance of the event.

Later that week at the retirement party Elijah and Mia overheard a conversation their father was having with a colleague. While it was hard to hear everything being said, the phrase "forced retirement," caught their attention. Elijah googled the phrase and learned that several professions, including their father's, have ages at which one must retire. Their father, an air traffic controller, was required by law to retire at age sixty-five. Other professions that have required retirement ages include pilots, federal law enforcement officers, national park rangers, and firefighters. Mandatory retirement ages in these professions are typically justified by citing risks stemming from age-related cognitive changes and slower cognitive processing speed. The interaction of these two factors could lead to a decrease in one's ability to safely perform their job-related duties.

Elijah pulled Mia aside and told her what he had learned. He also recalled from school that thirty-one US states and the District of Columbia have age limitations for judges. In most of these states, judges must retire at the age of seventy. Additionally, each state has the ability to modify the law if the voters approve. After some more googling, Mia pointed out how odd it was that the persons who interpret the law are held to different standards than those who write and enact them. The members of the 117th Congress range in age from thirty-three to eighty-seven. The average age of a member of the House is fifty-eight and the average age of a member of the Senate is sixty-three. Additionally, 32 percent of House members are age sixty-five or older, as are half of all US senators. Elijah shrugged his shoulders, said, "Oh well, it is what it is," gave his sister a hug, and went back to socializing with the party guests.

Mia's feelings of injustice weren't so easily dismissed. She could not understand why her father was forced to retire at sixty-five while members of the House and Senate could still hold office into their nineties. This bothered Mia, especially because it was these very members of Congress who made the laws regarding public safety. She started thinking about her Psychology of Aging class. Slipping away from the party, she went to her room and quickly referenced the course materials, looking for the most common psychological and physiological changes that occur during the normal aging process. The course had covered a lot, so she focused on age-related changes in the brain and executive function or the ability to engage in independent, appropriate,

purposive, and self-serving thoughts and/or behaviors. While she did find scientific evidence supporting age restrictions, she was still upset about who the restrictions targeted. If the safety of the people and public were indeed the primary concerns, why would other professions (e.g., medicine, engineering, pharmacists, and legal offices) not have the same forced retirement age of sixty-five? Didn't John Glenn return to space when he was seventy-seven? Mia thought perhaps this is just another case of discrimination, or maybe she and her brother are just too young to see the whole picture.

Case 16: Let Me Out of Here!

In August 2020, Disability Rights California filed a lawsuit against the Patton State Psychiatric Hospital arguing for the release and transfer of hundreds of patients. *The Los Angeles Times* reported on January 13, 2021, that Disability Rights California filed the suit to protect the patients at Patton who could not be voluntarily discharged and experienced living conditions that increased their vulnerability to COVID-19 infection.

At the time of the suit, around 1,300 patients resided at Patton. While many of the patients had preexisting medical conditions that increased their risk for contracting a severe COVID-19 infection, their living conditions could not accommodate social distancing. As a result, the patients at Patton had an increased risk of morbidity and mortality to COVID-19. Furthermore, vaccines could not feasibly be distributed to the patients and staff to prevent the spread of COVID-19.

While patients who are admitted voluntarily to psychiatric hospitals may be voluntarily discharged, patients who are admitted under a judge's ruling may not. The majority of the patients at Patton have been accused of violent crimes, but because of their mental illness were found not guilty. So, these patients were non-voluntarily admitted to Patton by a judge. Since they were admitted to Patton non-voluntarily, they cannot be discharged until a judge has determined that they no longer pose a threat to themselves or to others.

Similar concerns to those at Patton had also been observed in jails and prisons. Many incarcerated persons also have a greater risk of morbidity and mortality to COVID-19 infections. This increased vulnerability is likewise due to preexisting conditions and also to the limited ability that incarcerated persons have to practice social distancing. While there are already movements to abolish the prison system altogether, the pandemic has given some force to the idea of thinning out the numbers of incarcerated persons by letting them leave.

Neither incarcerated persons nor non-voluntarily committed psychiatric patients can leave their residing institution voluntarily. An individual's "right to leave" is taken because of the potentiality that either personal harm may come to the individual or that the individual may harm others. However, instead of lessening the potential for harm to inmates, these institutions increase the potential of harm to them from COVID-19.

Case 17: Potter's Prized Possession

Harry Potter is the main character in a literary series which captivated (and still captivates) the minds of young and old alike. The stories of adventure, exploration, struggle, friendship, and family come together in a beautifully harmonious fashion. Have you ever wondered what it would be like to be Harry Potter? You would be a wizard or witch with your own wand, broom, and maybe even your own cloak of invisibility! Fear not my friend, your day to solemnly swear you are up to no good may come sooner than expected.

A collaboration undertaken by Chinese and Taiwanese scientists resulted in the development of a new material that might just grant such powers.

Called Broadband Achromatic Metalens, the technology uses metamaterials to make an object (or person) undetectable across multiple lightwave spectra, including near ultraviolet, near infrared, shortwave infrared, and thermal. Objects cloaked in this material are nearly invisible not only to the human eye but also to night-vision cameras and other devices. This stunning scientific feat works by manipulating the normal refraction and distribution of light waves (similar to eyeglass lenses). And yes, even the shadow of the cloaked object disappears! The technology is still young and far from Harry Potter quality but one Canadian company, Hyperstealth Biotechnology Corporation, has already started capitalizing on the science and is showing no signs of abandoning their foothold in what is sure to be a product of profound significance in multiple ways.

Harry Potter's invisibility cloak was used thirty-seven times throughout the book series. Nearly every time the cloak was used, someone was breaking a school rule, trespassing, manipulating, stealing, or engaging in some sort of mischief. The dubious gift of invisibility has haunted our imaginations from Plato to Tolkein, and it is almost never thought of as a force for good. So, before Potter's prized possession becomes available in retail stores—maybe within another decade or two—it might be time to seriously plan for the foreseeable impact of un-seeable technology. What will the military, law enforcement, government leaders, and scientists do when they have access to the materials? What would everyday citizens and criminals do if they were invisible? Or, what would *you* do?