Case Study #1: Confucianism, Daoism & National Monuments

Read the sections on Confucianism and Daoism in the assigned chapters in our text and the attached piece from the Los Angeles Times. The completed assignment should be three pages long, (approximately 2000 words) using 12 pt. fonts and single spacing with one inch margins. Please follow the assigned format as exemplified at the end of this document. Each answer should be separated, numbered and proportionate to the number of points possible. This study is worth a total of 100 points. Your completed assignment is due on the 2nd of November.

Keep Scrolling Down – Detailed instructions, rubrics and a sample completed assignment are on the pages following the Background!

Questions:

1. Paraphrase the argument presented in defense of continuing protection for the current areas covered by National Monument designation which is included in the attached article from the Los Angeles Times. To find the premises, you must answer the following question: What reasons are offered in support of maintaining National Monument status for those areas under review? Remember, you’re not summarizing the whole article, you’re supposed to be paraphrasing an argument: look for hidden or implicit premises and, for the purposes of this case, focus solely on the argument in support of the current status of the National Monument lands and ignore any counter-considerations presented. (10 points)

2. Asking the Right Questions: What facts would you need to know about this case to make a reasonably informed judgment? In this section, note that you should be raising questions such as the kinds of protections afforded by National Monument designation, projected environmental and resource impacts, etc. but not questions about Confucianism or Daoism. Provide as a bulleted list and pose in question form. For this assignment, you do not have to do all the research but you need to raise the kind of questions that would drive such a project. These should be research questions and as such should be concrete and answerable. (20 points)

3. Would Confucius or Mencius be likely to have approved of shrinking the amount of land protected by National Monument status? Defend your answer including specific details from the theories of Kong Zhongni (Confucius) and/or Mengzi (Mencius) & provide citations from the Lun-yu (Analects of Confucius) or the Mencius (primary sources = writings credited to Kong Zhongni or Mengzi and do not include secondary commentary from Koller or from me) to support your answer. (30 points)

4. Would the Daoists be likely to have approved of shrinking the amount of land protected by National Monument status? Defend your answer using specific details from Daoism & provide citations from the Daodejing and/or the Chuang-tzu (primary source = writings credited to Laozi (Lao-tzu) or Zhuangzi (Chuang-tzu) and does not
5. **Conclusion:** Where do you stand on this issue? Do you think the current administration should shrink the amount of land protected by National Monument status? Briefly defend your answer without resorting to a repetition of points made in previous sections. (10 points)

**Background**: Case Study #1

**Los Angeles Times**

**Interior Department gives Trump list of 'a handful' of national monuments to shrink**

August 24, 2017, 11:40am

A man takes photographs on top of a hill, dwarfed by the colorful Temblor Range, in Carrizo Plain National Monument in San Luis Obispo County. (Francine Orr / Los Angeles Times)

Bettina Boxall and Evan Halper

The White House is getting ready to move on a contentious plan to shrink public lands in the West, which could involve the redrawing of borders at several national monuments that are home to unique geological formations, rare archaeological artifacts and pristine landscapes.

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1 Please note that you are not limited to the background offered – you may feel free to use any credible/reliable source as evidence for your arguments. Please provide full citation for all research.

The blueprint delivered to Trump on Thursday by the Department of Interior — but not yet shared with the public — represents an unprecedented effort to roll back protections on federal land.

Even before its release, state attorneys general, environmental groups and Native Americans have put the administration on notice that acting on it would be illegal.

The plan sent to the White House does not include elimination of any monuments, but it suggests the president make changes at “a handful,” according to comments Interior Secretary Ryan Zinke made to the Associated

Zinke said in a statement Thursday that the plan would “provide a much needed change for the local communities who border and rely on these lands for hunting and fishing, economic development, traditional uses, and recreation.”

Such changes could alter forever some of the country’s iconic landscapes. California had more monuments on the review list than any other state. The list included San Gabriel Mountains National Monument, which forms a backdrop to Los Angeles, Mojave Trails National Monument in the Southern California desert, Giant Sequoia National Monument in the southern Sierra Nevada, Carrizo Plain National Monument on the southwestern edge of the San Joaquin Valley and Berryessa Snow Mountain National Monument in Northern California.

Zinke had earlier announced that he would be recommending no changes to another California monument on the list, Sand to Snow National Monument.
Over the summer, California Democrats at both the state and federal level defended the designations and vowed to fight any changes.

“Once designated, a National Monument becomes part of our national heritage and the birthright of all future Americans,” Gov. Jerry Brown wrote Zinke in July.

In a June letter to the Interior Department, California Atty. Gen. Xavier Becerra vowed “to take any and all legal action necessary” to preserve the California monuments.

The state Legislature passed a resolution urging the Trump administration to retain the protections. And California’s two Democratic senators, Dianne Feinstein and Kamala Harris, also asked Zinke to leave California’s monuments alone.

But members of the congressional Western Caucus, including California Republican Reps. Paul Cook, Doug LaMalfa and Tom McClintock, urged Zinke to completely revoke the Berryessa Snow designation and reduce the size of all the other California monuments except Sand to Snow.

Trump had charged predecessors with an “egregious abuse of federal power” in their creation of some national monuments, and he signed an executive order in April calling for their review. Since that time, Zinke has been examining the 27 monuments larger than 100,000 acres established since the presidency of Bill Clinton. The public has weighed in too. Some 2.7 million people have sent comments to the department, more than 90% of them urging it not to ease protections.

White House officials said the report may not be released publicly for weeks, as they review and consider changes to Zinke’s plan. But the president is expected to order most if not all of Zinke’s plan implemented. Whether he has that authority is an open question. No president has attempted to unilaterally redraw the boundaries of the nation’s vast network of public lands.

Not every state is rushing to defend monuments under attack. Leaders in Utah lobbied Trump to rescind the 1.3-million-acre Bears Ears National Monument in the remote desert Canyonlands of their state. The monument was created by President Obama just
before he left office, and the move enraged state officials who complained it killed off potential oil, gas and mining jobs in the region. Zinke has already revealed publicly that his plan would shrink Bears Ears substantially.

The monument was created at the behest of five tribal nations eager to protect more than 100,000 cultural and archaeological sites they fear are vulnerable to looting and grave robbing.

The creation of Bears Ears was central to Obama’s environmental legacy, and it also intensified longstanding tensions between Utah and the federal government over monuments. The dispute stretches back to Clinton, whose creation of the 1.9-million-acre Grand Staircase Escalante National Monument riled Utah residents. The move derailed a proposed coal project in the area. It was decried as an economically destabilizing land grab.

The Trump administration also is considering changes to Grand Staircase.

Utah’s governor and two senators were at the ceremony where Trump signed the executive order calling for the review of the national monuments. Trump remarked on how heavily Sen. Orrin Hatch lobbied him to rescind the designation of Bears Ears.

But even with the fledgling Bears Ears monument, the easiest for Trump to target politically, voters are hardly as enthusiastic as politicians about dismantling it. Polls show they are divided. The campaign against Bears Ears triggered an intense backlash before Trump even signed his order, in which outdoor apparel company Patagonia led a boycott effort that cost Salt Lake City a major trade show that has been providing an economic boost to the city for 20 years.

It and other major retailers have mobilized customers in support of the monument, helping generate tens of thousands of the comments sent to the administration. Patagonia recently began running pointed commercials in Western states warning Zinke that the land belongs to the people and flashing images of once-pristine landscapes ravaged by logging and drilling.
The administration’s plan is rooted in a provision of the 1906 Antiquities Act that it argues limits presidents to protecting the smallest possible amount of land needed to preserve historic artifacts and ecologically significant landscapes. Zinke has suggested presidents have ignored the language in recent monument designations, pointing out that the average size of national monuments has grown substantially in recent decades.

“No president should use the authority under the Antiquities Act to restrict public access, prevent hunting and fishing, burden private land, or eliminate traditional land uses, unless such action is needed to protect the object,” said his statement Thursday.

**UPDATES:**

11:40 a.m.: This article was updated after the White House said it had received Zinke’s plan.

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Keep scrolling down for rubrics and a sample completed assignment!
How not to write your paper:

I. **Focus & Relevance**
   Be sure that you understand the assignment and have understood each question. Your responses should be focused on the questions I’ve asked & not the questions you wish I had asked! It is important to weed out all irrelevant considerations or concerns that an economist or historian or political scientist might have but are not strictly speaking, ethical concerns. Look at the completed sample case study for some ideas.

II. **Format**
   You should copy & paste or re-type only the first part of the question (the portion in bold type). Please number each response corresponding to the assigned questions. Papers should be 3 pages, using 12pt. fonts and 1 inch margins all around. There should be an extra space separating your responses to each question. Again, please reference the completed sample case study and follow the format exemplified.

III. **Tone/Voice**
   Ever since George Carlin pointed out that “using your own words” would result in a private and hence meaningless expressions, I’ve had to give up on the phrase, however a certain degree of originality is still important. Your task is to explain a concept as if you were the Teaching Assistant for this class. If you simply repeat the text or my lecture, you haven’t helped your imaginary student. You need to clarify the argument/concept in a way that demonstrates that you really understand it and can express the same ideas in a way that is different than has already been explained by the text or by me.

IV. **Adequate and Balanced Defense of Your Argument**
   In questions three and four, you are asked to make an argument using the philosophers we’re studying. Your thesis should be stated clearly in the first

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Please note that these guidelines are for my class assignments. Individual instructors may have other format preferences and you should consult with your teacher for the details before completing your assignment.
sentence of each response. It is important to ensure that your application is consistent with the philosopher’s theory and that you support that application with a well-thought-out defense. You should include a counter-consideration that is relevant to that theory and could impact the philosopher’s conclusions.

V. Quotes
Quoting is a way of supporting your interpretation of an argument or theory. Relevance to your response and to the question asked is critical. Quotes can be edited but be careful not to take the quote out of context, thus altering the intent of the author. The length of the quote must be appropriate to the length of the assignment; short papers require shorter quotes. Quotes illustrating the philosophers’ positions must come from the original author’s works, not from the secondary commentary of the author of our text. If the quotes are drawn from the assigned text for this course, they need only be cited with the page number where it was found (see sample completed assignment). Quotes drawn from other sources including those pertaining to the case require full citation. You may not use quotes that I’ve already used in my lectures or power-point slides!

VI. Length
Part of the criteria for success is efficient use of the space allowed. If you write a single page for a three page assignment, you have not satisfied this criterion. However, this is not an invitation to use the additional space for stream-of-consciousness or irrelevant information not pertinent to the assigned issue. If you are having difficulties with the length, it is usually because you have not recognized or developed sufficiently the various issues involved. Conversely, if your draft is too long, you need to whittle it down to just the relevant essentials, perhaps editing out the anecdotes or redundancies; more is not always better! I am very willing to help if you submit drafts sufficiently before the due date.

VII. Rough Drafts
I have invited all of you to bring rough drafts of your completed assignment in for a preview reading. I do not offer re-writes after I have graded your papers. Rough drafts are brought in during my office hours or by appointment and I only read them in person - with the student present. Please do not submit rough drafts electronically nor should you drop them off in my box.

I support pro-active measures that encourage preparation and thought and with rough draft readings, both the student and I should benefit with the end result being a better final draft. If your work satisfies my criteria (see rubrics following) for “A” level work, and if the draft is formatted and printed in final draft format, I will sign off on the draft, guaranteeing those students somewhere between 100% and 90% of the points possible for this assignment. Your cut-off for rough draft submissions is 24 hours prior to the due date; I will read no rough drafts the day of or the day prior to the due date.
Standards (Rubrics) for Grading Case Studies

The excellent paper (100-90% of points) will exhibit the following qualities:

Question 1:
- Conclusion is clearly identified in the first sentence.
- Major supporting premises are identified.
- Relevant and critical minor supporting premises are identified.
- Argument has been presented with good logical flow.
- Paraphrase has eliminated all irrelevant or unnecessary information.
- Paraphrase is original and not merely a verbatim repetition of original argument.
- Argument is clearly understood and consistent with the author’s intent.
- No critique, analysis or irrelevant commentary is provided.

Question 2:
- All items are listed as normatively neutral questions. No immediate bias is evidenced and no questions center on what “ought” or “should” be the case.
- All critical questions have been raised given the space allowed.
- Questions are relevant to the case and would be likely to be relevant to the philosopher/theory being applied to the case.
- Questions are likely to drive effective and informative research. The questions should be factual and answerable (think in terms of hard data, authoritative studies, historical events or past trends).
- Questions are not phrased in terms of what will or could happen but what has happened; remember one cannot gather data from events that have yet to occur.
- Questions are grammatically correct and are presented in a bulleted list.

Questions 3 & 4:
- A clear thesis statement is made in the first sentence.
- Argument is focused on the key issues.
- Argument is clear and well organized.
- Argument is consistent with the assigned philosopher’s theory.
- Argument is effectively supported with relevant reasoned discussion.
- At least one primary counter-consideration is discussed.
- Sufficient detail from the philosopher’s theory is provided.
- Argument is effectively supported with relevant quotes from the philosopher’s primary work & all quotes are cited properly. (Note that in the example to make the most effective use of space allowed, endnotes were used; endnotes do not count as part of the 3 page limit.)
- Quotes provided are not too numerous or disproportionate to student’s original discussion; they play a supporting role not a starring role. No quotes are used from lectures or power-point presentations.
Responses reflect thoughtful and detailed consideration of not only background material provided but also a further familiarity with the events and history surrounding the issue.

No immediate personal bias is evidenced.

Question 5:

- Thesis is clearly stated in 1st sentence
- Discussion is not repetitive of any previous section.
- The argument satisfies the ARG criteria.

Overall Impressions:

- Study presents evidence of a thoughtful and deliberative approach.
- Language is clear and explanations/arguments are original
- Effective use has been made of space allowed with the length of each section proportionate to the number of points possible for that section.
- Study reflects careful consideration of background material provided.
- Study reflects that the author has explored the issue beyond the background material provided.
- The study is scholarly, with effective use of the essays and relevant philosophical theory.
- There is good logic flow from one response to another – issues raised in earlier questions must link logically with responses to later questions.
- Quotes have been provided which are relevant – supporting arguments made, are of appropriate length, are cited properly, are principally from primary source material and quotes are not those which have been used in lectures.
- Assignment format has been followed.

Good (89-80% points)

The good paper will demonstrate all the above qualities but perhaps to a lesser degree or, will demonstrate some of the above qualities excellently, but not all of the qualities will be presented at a consistently high level.

Satisfactory (79-70% points)

The satisfactory paper will present all of the above qualities but not as strongly as the good paper or, some qualities may be stronger with some not as strong. Insight is not usually present.

Needs Work (69-60% points)

This paper is weak on many of the desired qualities.

Really Needs Work – Pretty Much Unacceptable (59-0% points)

This paper presents few if any of the desired qualities.

Good (89-80% points)
The good paper will demonstrate all the above qualities but perhaps to a lesser degree or, will demonstrate some of the above qualities excellently, but not all of the qualities will be presented at a consistently high level.

**Satisfactory (79-70% points)**
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**Needs Work (69-60% points)**
This paper is weak on many of the desired qualities.

**Really Needs Work – Pretty Much Unacceptable (59-0% points)**
This paper presents few if any of the desired qualities.

*Keep scrolling down for a sample completed assignment!*
Case Study #1: Kant, Mill & Arizona & House Bill 2281

1. **Paraphrase:** This film presents a condemnation of AZ House Bill 2281 which the makers of the film charge as targeting the teaching of ethnic studies in AZ high schools. The film argues that the funding of ethnic studies in the high schools is a critical and significant contributor to student success and fulfills the needs of underrepresented students that are not otherwise met in the conventional curriculum. Further it is argued that those supporting AZ HB2281 are motivated by a poor understanding of the ethnic studies program and at the very least a callous indifference to the needs of those underrepresented students. Lastly, it is argued that AZ HB2281 is tantamount to censorship.

2. **Asking the right questions:**
   - What is the population distribution by race/ethnicity of AZ high school students?
   - What was the drop-out rate for AZ Latino students before vs. during the program? How did the drop-out rate of students who participated in the program compare to the overall drop-out rates of the school district?
   - Are there statistical correlations between drop-out rates and unemployment, homelessness and crime?
   - What portion of tax revenue is spent on crime prevention and mediation in Arizona?
   - Are there estimates of lost tax revenue due to unemployment and homelessness in Arizona?
   - How have the students in the ethnic studies program performed on standardized tests as compared to the general population of students in the district?
   - Was there an increase in school violence or public disturbances linked to racial tension during the period the program was taught?
   - Have any scientific studies been performed to link diversity of curriculum to student success?
   - To what degree is the contribution of non-white persons included or recognized in current curriculum not focused specifically on ethnic-studies?
   - What was the racial background of the students who participated in the program?
   - What is the ethnic/racial background of those who serve in the AZ House?
   - Is the public funding of AZ schools very limited or decreasing & how does AZ per student spending compare to other states in the US?
   - Have there been significant changes to the tax revenue or apportionment towards education in the state of Arizona & how does the percentage of proportionment compare to other states in the US?
   - How much does the ethnic studies program cost per student compared to the general courses taught and how many students as a percent of the total school district population does it serve?
   - In other states/cities/districts what impact has the institution of ethnic studies programs had on the students who participate in terms of completion, transfer and continuing success post-graduation?

3. **Mill's Position on AZ House Bill 2281:**
   Mill would ultimately argue that Arizona is not morally justified in passing this bill. At first glance it might seem that as a utilitarian, Mill would be forced to support this bill. Public school funds are always limited and schools across the nation are largely in a situation of economic triage –allowing those who won’t succeed without intervention to languish and sacrificing the programs geared towards the most excellent in order to serve the middle majority of students. Mill, as a utilitarian, would weigh the moral worth of this bill
in terms of outcomes and the number of people affected. From such a cost-benefit analysis, it appears that the ethnic studies programs are more expensive and do serve a smaller population of students. Since the utilitarian credo demands acting to promote the good for the greatest number of people and does not demand an egalitarian distribution, it might seem that the cash-strapped state of Arizona might make the same argument other schools have been forced to make regarding music, art and language courses. However, looking more carefully, there are three critical reasons why Mill would have rejected Arizona's House Bill 2281.

First, the previous argument ignores the fact that the outcomes were significant in terms of greater retention and graduation rates, better scores on standardized exams, higher transfers to colleges, and a significantly more motivated student body who felt empowered to work towards issues of social justice and equal opportunities for Latinos. Under the old system, one must consider the cost of educating students who fail or drop-out. The waste of finite public resources, combined with the social cost of high school drop-outs in terms of quality of life, higher incidences of crime, unrealized potential and lost productivity cannot be disregarded.

Secondly, Mill held there is a connection between education, a just society and the greatest good or ‘happiness’ as he called it. For Mill, happiness involved free will, empowered action, a sense of pride and most importantly, a kind of higher rational dignity. (p.720) He argued, “The present wretched education and wretched social arrangements are the only real hindrance to its being attainable by almost all.” If it can be adequately shown that the ethnic studies do contribute to such qualities for a significant number of students – and anecdotal evidence supports this – then this is just the sort of program of which Mill would most approve. Many of the participants reported a significant change in their understanding of how their ancestors contributed to this country and that they had gained a real sense of empowerment and optimism about their own future.

Finally, as a classic libertarian, Mill was opposed to excessive government intervention. (p.811) He wrote, “The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.” (p.811) There appears to be little evidence to support that there was an active harm incurred through the teaching of ethnic studies. Contrarily, there is good evidence that an ethnically diverse curriculum is pedagogically defensible. The Arizona state legislators’ move has effectively curbed a cherished practice of academic freedom which is clearly consistent with Mill’s position on governmental overreach. Encyclopedia Britannica defines academic freedom as, “…the freedom of teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure.” In order to justify this Bill, the legislators needed to demonstrate positive harms such as proving a clear link between an increase in racially motivated violence and the program. Mill argued strenuously against censorship in On Liberty, “If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind.” It seems clear that, in this case, there are greater harms in censorship and the erosion of freedom than there are gains made in the name of consistency and standardization. When one includes the books that were also banned, this looks like a bad Bill likely to result in worse consequences.

4. Kant’s Position on AZ House Bill 2281:

I will argue that Kant would also reject the passage of AZ House Bill 2281. There are two critical reasons that would drive Kant’s rejection of this bill. First, the bill is inconsistent with the duty of an educator. Kant is a deontologist, not a utilitarian; this means we have to act based solely on the idea of duty and not on anticipated outcomes. Kantian duties are to be derived by looking at the meaning or intention behind the actions – we are to act from what Kant calls “pure practical reason.” (p. 698) “But if
pure reason of itself can be and really is practical, as the consciousness of the moral law proves it to be [cf. §2.2 on the “fact of reason”], it is still only one and the same reason which, whether from a theoretical or a practical perspective, judges according to a priori principles….vi Kant’s idea of “a priori principles” is that we cannot rely on subjective preference or individual anecdotal experience – principles must be drawn from what things are. This means that to figure out the duty of an educational program, one must look at the purpose or definition of education. Kant wrote, “It is, however, not enough that children should be merely broken in; for it is of greater importance that they shall learn to think. By learning to think, man comes to act according to fixed principles and not at random.”vii If the principle purpose of education is to create a climate for and growth of critical thinking and the ethnic studies programs serve that purpose well, then the ethnic studies are not only defensible but obligatory. There is very good evidence that critical thinking is a significant part of the design of this curriculum.

Secondly, passage of the AZ House Bill 2281 is in direct conflict with Kant’s conception of respect for persons. When discussing duties, Kant emphasizes the importance of developing and preserving that “ennobling” characteristic of human dignity and that this should be the practical content of a child’s educational experience. Under much of the standardized curriculum, a child only reads about the contributions of one particular culture or ethnicity – often in the case under consideration in AZ, one to which the child does not belong. Certainly embedded in Kant’s idea of human dignity is respect – a sense of inherent worthiness – for every person as “end in itself.” (p. 705) To be consistent in our commitment to respect for persons, we cannot talk about respect for only some persons. When some people, solely by virtue of their ethnicity, are excluded from the narrative in the curriculum, a clear message is sent that those groups of people are not only less worthy than others but that their contributions are culturally and historically insignificant. Given his dedication to the idea of telling the truth, I doubt Kant would approve of this message which is tantamount to a lie and thus entirely inconsistent with being respectful! (p.705)

However, I also don’t believe that Kant would be completely unequivocal in his rejection of AZ House Bill 2281. It might be reasonably argued that Kant would reject any curriculum focused on specific ethnicities or student populations. For Kant, one of the most important criteria for moral action is the principle of universalizability. This means that we can’t approve of an action or policy unless it can be applied to all persons as a “universal law.” (p.699) Certainly there are good reasons to be concerned about preserving a common core educational experience. This seems to imply that Arizona would have to either cover all ethnicities in every class for every student or ignore the issue of ethnicity entirely which could lead to the loss of important sociological, psychological and even philosophical insights. Kantian approaches do result in the possibility that sometimes conflicts of duties result in a scenario of no perfect options available. I believe that for Kant, the better – but not perfect choice – would ultimately be to support these ethnic studies until at some point in the future, the core curriculum becomes more inclusive or in some very distant future, ethnic identity becomes irrelevant.

5. Conclusion: I believe these programs need to be supported – not at the sacrifice of other programs or student populations but as an addition and enhancement of their educational opportunities. The argument in Arizona thus far, has been presented as a bit of a utilitarian false dilemma: either serve the majority at the sacrifice of the minority or serve the minority, thus diminishing the good to the majority. My answer to those utilitarians is to serve all, and in doing so, increase the good for current and future generations. The means by which this can be accomplished is to increase school funding as AZ is one of the lowest states in per student spending in the nation.ix Further, I believe that Kant has left out a big piece of the educational experience when he omits the subjective aspects; the passion and engagement that these programs are capable of generating must be preserved. If a student’s education is not relevant to that student, all efforts become futile. At some point in the future, with the development of more inclusive curriculum and texts, these programs may not be as essential, but until then, they are absolutely critical.


Ibid.