Case Study #1: Ethics & Net Neutrality

Read the sections on Mill and Kant in the chapter on Ethics in our text, and the attached articles from The Hill and The New York 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 the length proportionate to the number of points possible. This study is worth a total of 100 points. Keep Scrolling Down – Detailed instructions, rubrics and a sample completed assignment are on the pages following the Background! Your completed assignment is due on the 8th (MW)/ 9th (TTh) of October.

Questions:

1. Identification of key relevant ethical issues: (2-3 questions). The core moral issue for this case is, “Should net neutrality be preserved?” However, there are several related larger moral issues that must be identified in order to respond to this particular issue. Remember that a moral issue is normative – these are to be expressed as questions using normative terms (e.g. using terms such as “should” and “ought,” and concerning issues of right and wrong regarding moral rights & obligations, etc.) (10 points)

2. Asking the Right Questions: Before you can answer the overarching moral question for this case, you need to gather some evidence and critical information. 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 non-normative questions such as the current policies of internet providers, the revenue and costs of prioritizing various web-based retailers and media platforms, etc. but not questions about Mill or Kant. 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 with reference to assessable data and reliable sources. No bias or prejudice should be evident and the questions should be assessable and non-normative (no “ought,” “should,” “would,” or “could” questions). Think about facts that, if known might help determine how one should or could respond to the case. (20 points)

3. Would Kant be likely to justify the preservation of net neutrality? Defend your answer including specific details from Kant’s deontology & provide citations from Kant (primary source = Kant’s writings and does not include secondary commentary from Solomon or from me) to support your answer. Remember, I'm looking for an informed response with rich detail from the case to illustrate the specific key points Kant would find relevant. Be sure to raise a counter consideration to the argument and provide an appropriate response to the counter consideration. (30 points)

4. Would Mill be likely to justify the preservation of net neutrality? Defend your answer using specific details from Mill’s utilitarian approach to ethics & provide citations from Mill
(primary source = Mill’s writings and does not include secondary commentary from Solomon or from me) to support your answer. Remember, I’m looking for an informed response with rich detail from the case to illustrate the specific key points Mill would find relevant. Be sure to raise a counter consideration to the argument and provide an appropriate response to the counter consideration. (30 points)

5. **Conclusion:** Where do you stand on this issue? Do you think net neutrality should be preserved? Briefly defend your answer without resorting to a repetition of points made in previous sections. (10 points)

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**Background¹: Case Study #1**

**The New York Times**

The Repeal of Net Neutrality Is Official. Here’s How That Could Affect You.²

By KEITH COLLINS

© Mark Wilson/Getty Images Senator Charles Schumer, the minority leader, has opposed the repeal of net neutrality rules.

It’s official. The Federal Communications Commission’s repeal of net neutrality rules, which had required internet service providers to offer equal access to all web content, took effect on Monday.

The rules, enacted by the

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¹ Please note that in Sections 3, 4, & 5, you are not limited to the background offered. It is expected that you will do more in-depth reading to develop your thesis. You may feel free to use any credible/reliable source as evidence for your arguments. Additionally you may use additional material from Kant & Mill to defend your answers. Please provide full citation for all research.

administration of President Barack Obama in 2015, prohibited internet providers from charging more for certain content or from giving preferential treatment to certain websites.

After the commission voted to repeal the rules in December, it faced a public outcry, legal challenges from state attorneys general and public interest groups, and a push by Democratic lawmakers to overturn the decision. The opponents argued that the repeal would open the door for service providers to censor content online or charge additional fees for better service — something that could hurt small companies — and several states have taken steps to impose the rules on a local level.

Still, the repeal was a big win for Ajit Pai, the F.C.C.’s chairman, who has long opposed the regulations, saying they impeded innovation. He once said they were based on “hypothetical harms and hysterical prophecies of doom.”

These are the rules that were repealed

The original rules laid out a regulatory plan that addressed a rapidly changing internet. Under those regulations, broadband service was considered a utility under Title II of the Communications Act, giving the F.C.C. broad power over internet providers. The rules prohibited these practices:

**BLOCKING** Internet service providers could not discriminate against any lawful content by blocking websites or apps.

**THROTTLING** Service providers could not slow the transmission of data because of the nature of the content, as long as it was legal.

**PAID PRIORITIZATION** Service providers could not create an internet fast lane for companies and consumers who paid premiums, and a slow lane for those who didn’t.

What’s everyone worried about?

Many consumer advocates argued that once the rules were scrapped, broadband providers would begin selling the internet in bundles, not unlike cable television packages. Want
access to Facebook and Twitter? Under a bundling system, getting on those sites could require paying for a premium social media package.

Another major concern is that consumers could suffer from pay-to-play deals. Without rules prohibiting paid prioritization, a fast lane could be occupied by big internet and media companies, as well as affluent households, while everyone else would be left on the slow lane.

Some small-business owners are worried, too, that industry giants could pay to get an edge and leave them on an unfair playing field.

E-commerce start-ups have feared that they could end up on the losing end of paid prioritization, with their websites and services loading more slowly than those run by internet behemoths. Remote workers of all kinds, including freelancers and franchisees in the so-called gig economy, could similarly face higher costs to do their jobs from home.

Why it may not matter to you

Several states have taken measures to ensure the rules stay in effect. For example, in March, Gov. Jay Inslee of Washington, a Democrat, signed a law that effectively replaced the federal rules. Others, including the governors of Montana and New York, used executive orders to force net neutrality.

As of late May, 29 state legislatures had introduced bills meant to ensure net neutrality, according to the National Conference of State Legislatures.

Still, several of these measures have failed, some are still pending, and not every state has taken such actions.

The argument against regulation

The F.C.C. said it had repealed the rules because they restrained broadband providers like Verizon and Comcast from experimenting with new business models and investing in new technology. Its chairman has long argued against the rules, pointing out that before they were put into effect in 2015, service providers had not engaged in any of the practices the rules prohibited.

“America’s internet economy became the envy of the world thanks to a market-based approach that began in the mid-1990s,” Mr. Pai said in a speech at the Mobile World Congress in February.
“The United States is simply making a shift from pre-emptive regulation, which foolishly presumes that every last wireless company is an anti-competitive monopolist, to targeted enforcement based on actual market failure or anti-competitive conduct,” he said.

Several internet providers made public pledges that they would not block or throttle sites once the rules were repealed. The companies argued that Title II gave the F.C.C. too much control over their business, and that the regulations made it hard to expand their networks.

**The internet was already changed**

Perhaps the repeal won’t change the direction of the internet. In November, Farhad Manjoo argued in his New York Times column that the internet had already been dying a slow death, and that the repeal of net neutrality rules would only hasten its demise.

He wrote that the biggest American internet companies — Amazon, Apple, Facebook, Google and Microsoft — controlled much of the online infrastructure, from app stores to operating systems to cloud storage to nearly all of the online ad business.

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**More Background:**

**States defy FCC repeal of net neutrality**

BY HARPER NEIDIG - 06/05/18 06:00 AM EDT

States are pushing their own net neutrality laws and rules in defiance of the Federal Communications Commission’s (FCC) repeal, heightening the possibility that supporters will be waging another legal battle over the popular Obama-era regulations.

Washington and Oregon have already passed their own laws to fill the void left by the FCC’s repeal, and California appears to be close behind after the state Senate passed a net neutrality bill on Wednesday.

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A total of 29 states have proposed their own open internet legislation, according to Gigi Sohn, a fellow at Georgetown Law who’s been tracking the initiatives.

And five Democratic governors have gone with another tactic: issuing executive orders that prohibit the state from doing business with any broadband company that violates the principles of net neutrality.

The FCC’s repeal order included a provision preempting states from creating their own net neutrality rules, and this movement could lay the groundwork for a court battle over states’ rights to implement their own consumer protections.

A potential industry lawsuit against the states that have passed net neutrality laws could hold some promise for net neutrality supporters, says Marc Martin, a communications and technology lawyer at Perkins Coie.

“It’s not a slam dunk” despite the preemption clause, Martin said. “It’ll be interesting, I think that is one of the more vulnerable parts of the repeal overall.”

If companies like AT&T and Verizon do decide to sue California or Washington, it would open up yet another front in the fight over the net neutrality repeal, which has already prompted a lawsuit from a coalition of state attorneys general and consumer groups, as well as a Democratic legislative campaign in Congress to preserve the popular rules.

Even if some of the efforts face long odds of succeeding, Democrats see plenty of reasons for fighting back against the repeal.

Numerous polls have shown that the rules are extremely popular, and supporters warn that leaving a regulatory void over the broadband industry could give providers the ability to abuse their power over internet access by discriminating against certain sites or prioritizing ones with which they are affiliated.

The California bill that’s being considered by the state’s assembly was written by Sen. Scott Wiener (D), who says that state legislators now have a responsibility to regulate the industry and preserve an open internet.

“The FCC’s action left a huge void with real-life ramifications in terms of the [internet service providers] being able to pick winners and losers on the internet, which is exactly what net neutrality prohibits,” Wiener said in a phone interview with The Hill.
Wiener’s bill would put in place the restrictions against blocking sites, throttling connection speeds and creating so-called internet fast lanes that were in the 2015 order. But it would also go a step further in banning certain forms of “zero rating,” a practice by which wireless providers let consumers use certain services without it counting against their data limit. The legislator argues that zero rating is used to steer consumers away from smaller competitors.

The California state Senate passed another net neutrality bill in January, but supporters say that Wiener’s is more comprehensive. Sohn, who served as an adviser to former Democratic FCC Chairman Tom Wheeler, says it’s the strongest bill being considered at the state level.

“If it passes the general assembly, it automatically becomes the de facto standard by which every other net neutrality law is measured, which is why the [internet service providers] are so desperate to block it,” she said.

The industry and most Republicans have also been pushing for Congress to pass a replacement to the FCC rules that would codify some of the net neutrality principles and put an end to the uncertainty that broadband providers are facing now that they’ve pushed through the repeal.

“If the states prevail, you’re going to have a patchwork quilt of regulations,” said Martin. “It’s just calling out for a federal solution.”

But those who supported the 2015 rules don’t believe that federal legislators can come up with protections that go far enough.

“With this Congress and this president, my confidence level is not high,” Wiener said. “I would love to have one uniform, robust federal standard protecting net neutrality, but given that the FCC has left a void, the states have to fill it.”

--This report was updated at 3:32 p.m.

Keep scrolling down for rubrics and a sample completed assignment!
General Suggestions for Writing Case Studies

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

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4 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.
In question three and four, you are asked to make an argument using the philosophers we’re studying. You should be clear in your thesis in the first sentence of the first paragraph of section #3 & #4 (and your own thesis should be in the first sentence of section #5). 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. Your analysis should reflect a degree of familiarity with not only the philosophical theory but also the key facts of the issue gleaned from a number of reputable sources. You should include counter-considerations that are relevant to that theory and could impact the philosopher’s conclusions.

V. Quotes & Citations

Quoting is a way of supporting your interpretation of an argument or theory and is critical to a scholarly endeavor. 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 and number of quotes must be appropriate to the length of the assignment; short papers require shorter and perhaps fewer quotes. All quotes must be from primary sources – i.e. must come from the original author’s works, neither from the secondary commentary of the author of our text nor from my lectures nor my power points. If the quote was found in our text, they need only be cited with the page number of our text where it was found (see sample completed assignment). However, quotes from all other sources must be fully and completely cited. You may not use quotes that I’ve already used in my lectures or power-point slides! No quotes should come from sources such wiki-quotes, intelli-quotes, brainy-quotes, Mill-quotes, etc. as these are insufficiently scholarly and often include misquotes. All close paraphrases and every piece of data/factual reference should also be cited though not necessarily encapsulated in quotation marks. All citations should be presented as endnotes – not as footnotes nor as works cited. (See example provided.) The endnote citations do not count as part of your page limit.

VI. Length

Part of the criteria for success is effective 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.

Keep scrolling down for rubrics and a sample completed assignment!
Standards (Rubrics) for Grading Case Studies

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

Question 1:
- Issues identified are of a normative/moral nature. (i.e. they contain normative terms such as “Should” or “ought” and are concerned with issues of right and wrong regarding moral value, rights & obligations, etc.)
- Each issue is distinct and not repetitive of other issues raised.
- Issues are presented as grammatically correct questions and are presented in a bulleted list.
- Issues cited include the most central, relevant issues associated with the topic.

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 assessable/answerable (think in terms of hard data, authoritative studies, historical events or past trends).
- Questions are not phrased in terms of what will, might 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. Responses should be reasonably well informed, citing credible and relevant facts about the case/issue assigned.

- 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.

Keep scrolling down for a sample completed assignment!
1. **Key Moral Issues:**
   - What obligations do school districts have to research and develop diverse curriculum?
   - Should high school curriculum reflect proportionately the ethnic demographics of the students who attend?
   - Does the passage of AZ House Bill 2281 equate to unwarranted censorship and thus conflict with issues of academic freedom?

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 as evidenced by inclusion in texts and other course material?
   - 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. **Kant’s Position on AZ House Bill 2281:**
   I will argue that Kant would 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.” “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…. 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.” If the principle purpose of education is to create a climate for and growth of critical thinking and if 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 and 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.” 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!

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.” 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.

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

Mill would ultimately also 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. 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. 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.” 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.

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. 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 as they are currently given the lack thereof.
i Text, p. 698
iv Ibid.
v Text, p. 705
vi Ibid.
vii Ibid.
x Text, p. 720
xii Text, p. 811
xiii Ibid.