Case Study #1: Ethics & “The Interview”

Read the sections on Mill and Kant in the chapter on Ethics in our text and the attached pieces from The Los Angeles Times and CBS News. The completed assignment should be three pages long, (approximately 2200 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. Supporting quotes should be no longer than one or two short sentences. Quotes must be properly cited – see instructions, rubrics and example provided. This study is worth a total of 100 points. Your completed assignment is due on the 9th (MW)/ 10th (TTh) of March.

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

Questions:

1. **Paraphrase** the argument made by David Horsey in the attached article from The Los Angeles Times. Hint: the conclusion is stated in the title of the article. (10 points)

2. **Asking the Right Questions:** There are several moral issues here but the one on which you should focus for this case study is whether the major theater chains should have “capitulated” to the threats and pulled their scheduled showings of this film. 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 assessed credibility of the threats & censorship laws, 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 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 data-driven, concrete and answerable. (20 points)

3. **Would Kant be likely to urge the movie theaters to pull their showing of this film?**
   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. (30 points)

4. **Would Mill be likely to urge the movie theaters to pull their showing of this film?**
   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. (30 points)

5. **Conclusion:** Where do you stand on this issue? Having considered the relevant facts and the arguments you have gleaned using Kant and Mill, how do you think the US movie theaters should have responded to the threats? Briefly defend your answer without resorting to a repetition of points made in previous sections. (10 points)
Kim Jong Un has made Seth Rogen's silly film the must-see movie of the year

By DAVID HORSEY

The hack attack on Sony is a bizarre scenario that deserves a movie of its own. Seth Rogen may make juvenile movies, but Kim Jong Un is the world's biggest brat.

The bizarre saga of the cyberattack against Sony Pictures Entertainment could provide the story line for a better movie than “The Interview,” the film that inspired the hack. Still, much like Seth Rogen’s goofball comedy about the fictional assassination of North Korea’s baby-faced despot, Kim Jong Un, the real world tale is not a profile in courage or maturity.

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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. It is expected that you will do a bit 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.

Start with Seth Rogen. He and his creative partner, Evan Goldberg, have been buddies since they were kids and retain the comic sensibility of 14-year-old boys. Trying to widen the scope of their work beyond the pratfalls and bodily functions of amiable stoners and binge-drinking frat boys, they came up with what they considered a more adult concept: a movie about two knuckleheaded TV journalists being recruited by the CIA to “take out” North Korea’s pudgy potentate.

It’s an idea with great satiric promise, but, according to reviewers who managed to preview the film before Sony canceled its release, it is promise unfulfilled. The one thing it does deliver, though, is Kim’s on-screen death. However hilarious his pretend demise may be, Rogen should have put down his bong long enough to consider that somebody in North Korea might not be amused. Think of how outraged Americans would be if China or Iran produced a film making a joke of President Obama being killed. (Admittedly, not all
Americans would be outraged; some would be lining up at theaters to see it, right Limbaugh fans?)

The thing is, Rogen has never claimed to be the adult in the room. He just makes the movies; somebody else gives them the green light. In this case, it is the Sony executives in Culver City who decided to grant Rogen free rein, ignoring the concerns of the chief executive of Sony Corp., Kazuo Hirai. Given that the Tokyo-based boss might have a little more insight into Kim’s temperament, the American management might have been smart to listen to him. Still, I suppose they should be commended for erring on the side of artistic freedom, especially since they have paid dearly for it.

The hack has paralyzed Sony’s computer system, cost the company tens of millions of dollars, drawn lawsuits from current and former employees who say the company failed miserably in protecting their private information, and inspired speculation that the studio will soon be put up for sale. Besides all that, the exposure of private emails has been deeply embarrassing, especially for the studio’s co-chairman, Amy Pascal. She has had to do penance for a string of jokey emails that insinuated Obama’s taste in movies would not extend beyond pictures with African American actors and themes like “Django Unchained,” “12 Years a Slave” and “The Butler.”

For his part, Obama has branded the Sony bosses as a bunch of wimps – not for sending dumb emails, but for shelving “The Interview” in response to the hackers’ threats. Sony gave the major theater chains permission to back out of commitments to screen the film and the theater owners, worried that moviegoers would be scared away from the multiplexes, happily took them up on the offer. Obama said this capitulation was wrong.

“We cannot have a society in which some dictator someplace can start imposing censorship here in the United States,” the president said. “Because if somebody is able to intimidate folks out of releasing a satirical movie, imagine
what they start doing when they see a documentary that they don't like or news reports that they don't like.”

Hackers have no right to steal private images of celebrities

Obama, like the grown-up stepping in to sort things out among a brood of naughty children, is pledging to take action based on the FBI’s preliminary finding that the North Koreans are the principal culprits in this crime.

“They caused a lot of damage,” Obama said. “And we will respond. We will respond proportionally, and we'll respond in a place and time and manner that we choose.”

A lot of people are wondering if North Korea has already been hit by an American response. At 2 a.m. on Tuesday the country's Internet service went kaput. The outage lasted nine-and-a-half hours. It could have been the U.S. getting retribution -- no one was saying -- but experts also said the rickety Internet link has failed all on its own more than once in Kim Jong Un's backward nation.

By far the most childish person in this weird scenario is Kim. He praised the Sony hack but, like a schoolyard bully who is too cowardly to take responsibility for his misdeeds, Kim denies he had anything to do with it. Kim is such a deluded, petulant punk that even the Chinese leaders who have propped up the dismal North Korean “Hermit Kingdom” for nearly seven decades are now engaged in a very public debate about whether they should let Kim and his regime collapse.
There could not be a more deserving and ripe target for sharp political satire than Kim. “The Interview” may have gone too far by killing him off, but may not have gone far enough in portraying him as the world’s most obnoxious brat. At least that’s what the critics say.

Sooner or later and one way or another, we will all get to see for ourselves, of course. Kim may have wrecked Sony, but he also has made Rogen’s juvenile farce the must-see movie of the year.

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CBS NEWS

“THE INTERVIEW” HITTING THEATERS AFTER BEING RELEASED ONLINE

CBS/AP December 25, 2014, 3:31 AM

Last Updated Dec 25, 2014 12:25 PM EST

LOS ANGELES -- Amid a swell of controversy, backlash, confusion and threats, "The Interview" was being seen in theaters for the first time on Christmas Day.

Sony Pictures broadly released "The Interview" online Wednesday - an unprecedented counterstroke against the hackers who sought to spoil the Christmas opening of the comedy depicting the assassination of North Korean leader Kim Jong Un.

"The Interview" became available on a variety of digital platforms Wednesday afternoon, including Google Play, YouTube Movies, Microsoft’s Xbox Video and a separate Sony website.

Tickets for the film "The Interview" are seen being held up by theater manager Donald Melancon at Crest Theater in Los Angeles on December 24, 2014

**REUTERS**

On Tuesday, Sony and independent theaters agreed to release it in over 300 venues on Christmas.

"It has always been Sony's intention to have a national platform on which to release this film," Sony Pictures chair and CEO Michael Lynton said in a statement. "We chose the path of digital distribution first so as to reach as many people as possible on opening day, and we continue to seek other partners and platforms to further expand the release.

**"The Interview" opens in theaters**

"The Interview" co-star and co-director Seth Rogen and co-director Evan Goldberg showed up at the film's first Los Angeles showing, just after midnight on Christmas Day, and thanked those who attended and the Cinefamily Theater for screening it, reports CBS Radio's Steve Futterman.

There was a very festive atmosphere, Futterman says. A man dressed like Santa wore an Uncle Sam hat and carried an American flag. Hot chocolate was served to patrons waiting in line. And the theater brought in Christmas carolers to sing.

CBS News Digital Journalist Brandon Jacobsen reports the show was sold out -- some 170 seats were filled. People started lining up as early as 9:45 pm. He said it almost looked like a big Hollywood premiere -- with a red carpet, velvet ropes, and dozens of photographers lined up to get the perfect shot of the first people walking into the theater.

- Fans react to "The Interview" release
Once inside, the crowd cheered loudly when Rogan and Goldberg surprised them by walking on stage. Rogan was holding what appeared to be a can of beer with an L.A. Dodgers logo on it. He dropped quite a few "F-bombs" in his "thank you" speech, Jacobsen noted.

In New York City on Thursday, security was stepped up at the Cinema Village Theater before the first of seven daily screenings. Many of the showings quickly sold out. Theater manager Lee Peterson told CBS News' Marlie Hall, "I think it's fantastic. I'm proud to be involved. I think it's an unprecedented chance to show the world this is how we express our freedom."

**Seth Rogen thanks crowd at "The Interview" screening**

Elsewhere, some people hosted viewing parties once the film became available for online streaming Wednesday.

In San Francisco, Jonathan Cole wasted no time in downloading the film, and had his friends over to his apartment to watch it.

"We don't have to worry about a government that is going to come, take what we built and tell us that we're not allowed to say what we feel," Cole told CBS San Francisco station KPIX-TV.

The movie costs $5.99 to stream or can be purchased in HD for $14.99.

The **wide digital release** is the culmination of a set of deals that have been in the works since the major theater chains last week dropped the movie that was to have opened on as many as 3,000 screens.

*Play VIDEO*

**Sony releases "The Interview" online**

Kim Song, a North Korean diplomat to the United Nations, condemned the release, calling the movie an "unpardonable mockery of our sovereignty and dignity of our supreme leader." But Kim said North Korea will likely limit its response to condemnation, with no "physical reaction."

The comedy that prompted an **international incident** with North Korea, **threats of violence**, and **outrage over its canceled release**.
Seth Rogen, who stars in the film he co-directed with Evan Goldberg, cheered the decision.

"I need to say that a comedy is best viewed in a theater full of people, so if you can, I'd watch it like that. Or call some friends over," he tweeted.

It was unclear whether the company will recoup the $40 million cost of the film and the millions more spent on marketing by deciding to release it online through affordable formats.

Sony has not ruled out the possibility of screenings of the film by major theater chains, though their symbiotic relationship has eroded in recent days.

Decisions by Google and Microsoft to show the movie could open their sites to hacking. Microsoft reported technical problems with its Xbox sign-in system Wednesday, though it wasn't known whether it was the result of hacking. Microsoft declined to comment.

Sony's initial decision not to release the film was widely criticized, with President Obama one of the harshest critics.

U.S. officials have blamed North Korea for the hacking, and White House spokesman Eric Schultz said the president welcomed the latest development.

Mr. Obama, who is vacationing with the first family in Hawaii, paused his golf game and smiled when asked whether he plans to watch the film. "I'm glad it's being released," he said on the 18th hole.

Mr. Obama was golfing with Malaysian Prime Minister Najib Razak at a military base in Hawaii.

Among the early viewers was 11-year-old Marco Squitieri of Washington, D.C. Squitieri had wanted to watch "The Interview" since seeing a preview earlier this year and had followed the news about Sony pulling the movie and then permitting its release. Squitieri's family purchased "The Interview" from Xbox for $14.99.

"It's pretty funny," Squitieri said, laughing as he praised the chemistry of Rogen and Franco and adding that he could understand why the North Korean government wouldn't like it. "They make fun of North Korea a lot."

Amy Hurley, an executive assistant who lives in Detroit, paid $5.99 to rent the movie on YouTube Movies and was disappointed. A fan of Rogen and Franco, she found Franco's character "way over the top" and thought the jokes "were old and kept going on and on."
"It was kind of a mess overall," said Hurley, 42. "I was a little bummed because I was looking forward to seeing it."

The move to make the film available for rental and purchase before its theatrical release had never before been done with a mainstream film. Studios have released smaller indie and foreign movies simultaneously in theaters and on digital platforms, but analysts said the situation with "The Interview" left Sony little choice.

"This isn't being done because Sony wants to do it regularly, but rather out of necessity prompted by the exhibitor boycott," said Wedbush Securities analyst Michael Pachter.

Doubt cast on North Korea as source of Sony hack

"Sony is in a delicate situation here since they normally never go this route with a major film, but theater chains also know this is a unique back-against-the-wall situation," added Gitesh Pandya, editor of BoxOfficeGuru.com.

Experts say the release will be closely watched to see how moviegoers and theater chains react to a simultaneous debut. It's a challenge to the longstanding practice of "windowing" - opening a movie first in theaters to maximize box-office revenue before making the movie available in other stages of home video, streaming and television.

While Pandya said interest would likely wane in January, for now, the curiosity and enthusiasm is still palpable. Tyler Pulsifer, manager of the Hartford Spotlight Theaters in Hartford, Connecticut, said he had received 32 calls from people interested in seeing "The Interview" during the first 90 minutes the theater was open on Christmas Eve.

"I'd be willing to bet we're going to sell out," Pulsifer said. The theater has four showings on Christmas, and five each for Friday and Saturday nights.

"People want to see it because they've been told not to," he said.

Josh Levin, general manager and co-founder of the West End Cinema in Washington, said demand for the film has been unprecedented.

"The phone has been ringing incessantly with people trying to buy tickets for this film," Levin said. "I've had more than one of my very artsy regulars say they would not normally be caught dead watching a Seth Rogen, James Franco comedy but principle is so important they're going to be here."
Darrell Foxworth, a special agent for the FBI in San Diego, said the agency is sharing information with independent movie theater owners showing "The Interview" out of "an abundance of caution" and to educate them about cyber threats and what help the FBI can offer.

"There's nothing that's specific or credible at this time," Foxworth said. "We're sharing information with theater owners and will assist them. We want to raise awareness that cyberattacks are increasing."

He added: "If you see suspicious activity, make sure to contact local law enforcement."

Lynton said the release represented the company's commitment to free speech.

"While we couldn't have predicted the road this movie traveled to get to this moment, I'm proud our fight was not for nothing and that cyber criminals were not able to silence us," he said.

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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
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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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.
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 counter-considerations that are 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. All quotes must come from the original author’s works, neither from the secondary commentary of the author of our text nor from my lectures or power points. Quotes need only be cited with the page in our text where it was found (see sample completed assignment). 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 (at least in terms of probabilities or projections backed up with historical data).
- 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
• 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. **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.” 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. viii 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.” (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.