



Journal of the Texas Tech University Ethics Center

A multidisciplinary journal

Issue 4
Volume 2
2020

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JOURNAL OF THE TEXAS TECH UNIVERSITY ETHICS CENTER

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A NOTE FROM THE EXECUTIVE EDITOR

This is the last issue of the Journal of the TTU Ethics Center for this incarnation of the Ethics Center. Here you will find contributions from the speakers from the 6th Annual Global Ethics Symposium held in October, 2019 at TTU. We are also including the 2020 participants in the TTU Ethics Center's Faculty, Student and Staff Ethics Symposium. Our featured piece, "Structural Violence in Texas Counties: An Ethical Problem with Uncontroversial Policy Solutions" by Dr. Robert Winn and TTU's Professor Dennis Patterson addresses a timely concerning the effects of unequal healthcare outcomes in Texas.

We want to thank you for this excellent journey. The Ethics Center team thanks the outstanding researchers who published in the journal and participated in our numerous programs. This issue winds down an initiative that we were proud to produce for the teaching and learning community. Through the journal, domestic and international organizations recognize the TTU commitment to promote and encourage ethical conduct. It is important to continue future research by students, staff, and faculty and to lean forward with ethical values that benefit human well-being.

Regards,

A handwritten signature in black ink, appearing to read 'Ralph Ferguson', with a large, stylized flourish above the name.

Ralph Ferguson, Managing Director, TTU Ethics Center

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STRUCTURAL VIOLENCE IN TEXAS COUNTIES: AN ETHICAL PROBLEM WITH UNCONTROVERSIAL POLICY SOLUTIONS

Robert Winn, MD Director, VCU Massey Cancer Center

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Abstract

When we think about violence in America, it is usually the tragic images of mass shootings that come to mind. These are horrific events that take the lives of Americans all too often, and, in spite of generating universal revulsion among Americans, they appear to resist any hope of a policy solution because of how this problem sits directly on the broad and deep partisan divide that currently characterizes American politics. This destructive, kinetic type of violence is not alone in causing Americans to suffer premature death because there is another type of violence that is less noticeable and much less likely to capture the full attention of the media or the policy process. This is nonetheless an insidious kind of violence that is very lethal and is known as structural violence, which is a social pathology that manifests itself in the premature death of numerous Americans whose misfortunes stem only from the fact that they do not have equal access to quality health care, a safe environment, and those other opportunities that allow them to live a complete and fulfilling life. We demonstrate the widespread lethality associated with structural violence by examining life expectancies of residents of Texas' 254 counties, where we highlight the disparities that exist in how long individuals, particularly those of different races and ethnicities, are likely to live. With these data, we then provide a mapping of the numerous residents of Texas counties who have died prematurely. In our analysis we offer some simple, uncontroversial policy solutions to help ensure that we increase the number of Americans who can live complete and fulfilled lives.

Introduction

It is an unfortunate fact of American life that we all too often witness senseless and tragic acts of mass violence. While the violence we see varies in terms of location, the numbers and characteristics of the victims, and the instruments of violence employed in the commission of such horrible acts, it typically comes in two different forms. The first is the most familiar type of mass violence and involves such

things as acts of terrorism, like the tragic events of 9/11, which Americans witnessed as the smoldering towers of the original World Trade Center collapsed after being struck by hijacked aircraft. It also involves mass violence that is witnessed in the form of home-grown mass killings of the innocent, particularly, mass shootings, where individuals with firearms purposely seek to create the largest amount of human carnage possible with the weapons and ammunition they possess.

These forms of mass violence are disheartening to observe because they all too often occur in what we think of as safe zones, that is, schools where children are the victims, like in Newtown, Connecticut and Parkland, Florida, or public gathering spaces where individuals and families are enjoying a film in an Aurora, Colorado movie theatre or an outdoor country music concert in Las Vegas. These horrific acts of violence have even occurred during church services, like the racism-motivated murder of members of an African American congregation in Charleston, South Carolina in 2015.

These acts of violence are perpetrated by individuals, and, as a result, they are known as behavioral violence, a form that is both kinetic and deadly. To be sure, this kind of violence generates universal revulsion and condemnation in all who witness it, but, unfortunately, it is not the most common type of violence many Americans are forced to endure. This is because there is a second type of mass violence that occurs in America – and in most countries around the world for that matter – and it is much more prevalent than its behavioral counterpart. Indeed, this kind of violence is truly lethal, taking the lives of far more Americans and people in other nations than acts of terrorism or mass shootings put together. Nonetheless, its incidence is almost unnoticed because it occurs much more subtly than behavioral violence in how it deprives individuals of living the full lives that those fortunate enough to avoid it are allowed to live. This is because it is an insidious form of violence known as structural violence, and the source of this quiet killer is unequal access to income and basic services such as health care, education, and other essentials such as clean water and air, which more often than not results in such social pathologies as premature death and immorally high rates of infant mortality.¹

¹There are social indicators other than those concerning public health that tell us about individuals who are subjected to structural violence, and these would include such things as incidences of disease contraction like COVID-19 or being subjected to higher than average rates of deadly crime.

Structural violence then is distinct from its behavioral counterpart not only in terms of it being more subtle, most often going unnoticed because it does not quickly capture the attention of the print and broadcast media, but more importantly because it is below the political radar unlike kinetic violence. This is important because structural violence typically does not engage the policy process in a way that invokes the virtually unbridgeable political divide that has increasingly defined American politics. This is perhaps best illustrated by political actors attempting to craft solutions to any type of problem associated with gun violence, which invariably heads into policy roadblocks set up by America's current political divisions. Because structural violence operates below the news media's radar, it does not typically provoke the political divisions that we witness when actors in the policy process respond to acts of behavioral violence. What this means is that, while behavioral violence will most likely continue to occur with no evidence of letting up, we have a much better chance of addressing the sources of structural violence with meaningful policy solutions.

Our purpose in the paper is to investigate this problem of structural violence by, first, defining structural violence and then providing some background discussion as to how it has been treated in the academic literature. This will also include a discussion of one investigation into the premature deaths of females in certain states in India and provinces in China during defined periods of time. We then turn to identifying and mapping the occurrence of structural violence and the human toll it takes. We will accomplish this by examining the life expectancies of residents of all 254 counties in the State of Texas. Our purpose in analyzing these county data is to show just how close this type of violence is to the daily lives of individual Americans in one of the county's largest and most diverse states, but we also want to detail how its incidence is clearly connected to the problems of race and inequality that exist in Texas and naturally in other U.S. states. We conclude our efforts with some thoughts on how to have the policy process address this problem and note that, while the policy process is so often unable to produce any effective solutions, particularly for such problems as gun violence and mass shootings even though they generate universal condemnation, it may actually be more able to deal with this insidious form of violence in American life.

The Causes and Consequences of Structural Violence

As stated briefly above, structural violence does not immediately generate the horror, disgust, and disbelief that behavioral violence

does because it is not manifested in the kinds of tragic, kinetic events that occur all too often in gathering places for children and adults in the United States. Indeed, structural violence occurs in the shadows of the country and out of the primary vision of many citizens and leaders. Even the actual victims of structural violence are typically not aware of the way that basic institutional arrangements in the United States lead to the profound social pathologies that they experience, which again are every bit as lethal as acts of behavioral violence. The reason for this is that, while structural violence does lead to harm in every sense of the term, it does so in a way that is almost invisible as its deleterious impacts earn their lethal status slowly, almost silently, by accumulating over extended periods of time. This is also because structural violence impacts individuals who are not responsible for the social pathologies it produces, which, again, emanate from institutional arrangements that are sustained by extant socio-economic structures and processes that, taken together, prevent certain individuals from having equal access to those necessities of life that allow individuals to enjoy full and prosperous lives.

The problem of Americans experiencing life expectancies well below the national average due to unequal access to life's essentials was first defined in an essay on peace research by Johan Galtung.² In this thought-provoking essay, Galtung (1969) explored the distinctions that exist between peace and violence in the hope of obtaining a better understanding of the phenomena with which peace researchers were beginning to grapple. In this essay, Galtung also explores several distinctions with respect to the different types of violence that exist, and among them he highlights the differences that exist between violence that is personal and direct from that which is structural and indirect. He notes that structural and indirect violence is built into the manner in which a society is put together whereby individuals, due to unequal access to life's essentials, are denied the opportunity to live to their full life expectancy. As a result, these individuals do not live as long as those individuals who are fortunate enough to have sufficient access to adequate nutrition, health care, education, and those other factors that allow for long and healthy lives.³ As stated briefly above, this structural inequality is partner to other deleterious consequences such as high infant mortality rates,

² See Galtung (1969).

³ Sen (1999) refers to this unequal access as a deprivation of basic freedoms, and, with this characterization, he restructures the entire economic development debate in terms that go beyond measures of income inequality to equal access to education, health care, personal security, which he sees as basic to individual freedom.

but whatever social pathology it causes, structural violence is most often tied to differences in socio-economic status, race and ethnicity, geography or region, gender, religion, and the other ways that societies are segmented.

While domestic socio-economic factors are most often attributed to the occurrence of structural violence, there is a growing literature that is uncovering an expanded set of factors that are responsible for this problem's ongoing deleterious consequences. The work of medical anthropologist, Paul Farmer, is illustrative here. While investigating connections between the history of Haiti as a slave colony and the contemporary medical problems its people face, particularly how tuberculosis and AIDS disproportionately impact certain parts of the Haitian population compared to others, Farmer (2004) notes how this unequal distribution of these maladies goes beyond Haiti's very uneven distribution of wealth. Specifically, in addition to Haiti's manifest problem of poverty, Farmer (2004) notes how its history as a slave colony combined with its leaders adopting economic policies based on neoliberal ideas to solve the country's development problems has helped keep nearly all Haitians, save for a small top-tier elite class in the country – which directly benefits from its direct connection to the international economy – from enjoying equal access to health care, resulting in many more of its poor suffering disproportionately from such diseases as AIDS and tuberculosis.⁴

In another investigation, the Nobel-prize winning economist, Amartya Sen, turned to China and India to explain why so many women in various regions of these countries during certain periods of time had perished prematurely. Amartya Sen has been called the conscience of the dismal science,⁵ and to uncover this tragedy of Chinese and Indian females experiencing premature death, he began with the well-established notion that women make up the majority of the world's population compared to their male counterparts. He illustrated this phenomenon by presenting a simple sex ratio, that is, the raw number of males divided into the raw number of females. He reasoned that, if access to the necessities of life were equally available

⁴ These ideas in Farmer's argument are based on the work of Wallerstein (1974).

⁵ While the origins of referring to the discipline of Economics as the dismal science is usually traced to Thomas Carlyle, the he referred to 19th century Political Economy in this way remains in dispute. Some argue it was a reference to the pessimistic predictions of Malthus while others argue it stemmed from his support of continuing slavery rather than relying on market forces to deal with the future of this horrific institution. See Levy (2001) for an interesting discussion of this controversy. What is not in dispute is that Amartya Sen was called the conscience of the dismal science because of the positive impact his work had on such problems as poverty, famines, feminism, and equality in economic development.

to females as they are to males, that is, if biology alone determines the number of years males and females typically live, then the ratio should range between 1.05 and 1.06. In spite of this, examining data from certain regions in China, South Asia, and West Asia, Sen (1990) notes that ratios of 0.94 or lower were not uncommon.

Sex ratios producing quotients below 1 are troubling because, as Sen (1990) notes, women have lower death rates "...when they get roughly similar treatment in matters of life and death." Sen also notes that there is sometimes significant within-country variation with respect to the life expectancies of women, particularly in countries like India and China. In the former, Sen (1990) found that in some states, like Punjab and Haryana, the ratio of women to men was 0.86 but in other states, like the State of Kerala, it was at the expected level of 1.03. Using the Chinese statistical yearbooks, Sen found ratios as low as 0.94 in 1979, 0.93 in 1985, and 0.94 in 1989.

These below normal ratios led Sen to investigate the possible causes of these unfortunate patterns and ruled out two of the most commonly cited factors. One involved a country having a sexist or misogynist culture such as certain nations in East and South Asia are reputed to have. While there may be some truth to this label for certain aspects of East and South Asian cultures, he concluded that it cannot explain the lower sex ratios he uncovered simply because such a label cannot subsume the within-country differences he identified. Sen also rejected simple poverty and underdevelopment explanations because he identified other poor countries as well as poorer regions within India as having sex ratios that indicated clearly that women were living to their full life expectancy.

In place of poverty, development, and culture, Sen notes first that one must examine the complexities associated with how economic and social factors as well as other explanatory variables can lead to such within- and between-country differences in female survival rates. This led to a focus on the inequities that exist for women in some families whereby the status and power of women is not equivalent to those of males, and, as a result, women suffer from an unequal distribution of essential benefits. These are part of what is known in the scholarly literature as "cooperation conflicts" that can negatively affect the power and status of women within their own homes. In some cases, indeed many more than one would facetly think, these status and power deficits can lead to shortages of nutrition, health care, and other essentials that ultimately lead to the premature death for females in that society.

Sen (1990) outlines four factors that not only help level the playing field for women but also elevate their power and status within their own homes, allowing them equal access to the necessities of life and reducing their chances of premature death. First, there is a distinct advantage for women who earn an income outside of the home and, second, for those whose work is recognized as contributing to the wellbeing of the home. In some cases, women may earn income, but its contribution to their power and status as females increases only with the amount it involves and the extent to which it is independent of the home, that is, income earned outside of the home. Third, the power and status of women is increased in direct proportion to the extent that female individuals own their own economic resources, which will offer them a position of strength compared to women who do not. Finally, the fourth factor Sen (1990) mentions concerns the extent to which other members of households, as well as the communities within which they live, have a clear recognition that females are indeed suffering from deprivation and there is at least some effort to alter this to provide women a more equitable access to the necessities of life in their respective households and communities.

This discussion of the academic literature suggests that we must consider several factors when conducting an empirical investigation of structural violence if we are to understand where and why it occurs, and if we are to have any chance of being successful at designing and implementing policy solutions aimed at its eradication. Specifically, we know that there will be a racial/ethnic component to this social pathology, and we also know that the incidence of structural violence will be related to the maldistribution of access to such socio-economic necessities as opportunities for gainful employment and sufficient income levels as well as opportunities for quality education and healthcare. In addition to these factors, higher incidences of premature death that are the avoidable consequence of structural violence will definitely spring from all other aspects of social, political, and economic underdevelopment that lead to opportunity deficits, limiting individuals' abilities to pursue and obtain a life that is fulfilling.

As stated briefly above, we will investigate structural violence empirically to reveal the prevalence of this unnecessary social pathology, particularly the all too high number of individuals who perish prematurely because of the root causes of structural violence, and why it takes on the distribution patterns it does. This case will be in one of the United States' largest and most diverse states, the State of Texas, which is an apt case to investigate the incidence, consequences, and causes of structural violence. This is true because

investigating structural violence in Texas counties will allow us to gather and present data that will confirm our expectations about why and against whom structural violence strikes. The analysis we complete will also offer some surprising patterns that we did not expect going into this empirical analysis of Texas counties. Both confirming expectations and uncovering surprising patterns that will be important parts of our analysis because they both contribute to a complete understanding of this unfortunate phenomenon in the United States. In addition to this, it is only with as complete an understanding as possible that we can hope to offer an effective policy response that will have any chance of addressing this very unnecessary problem of certain Americans being unable to live complete and fulfilling lives because they are all too likely to suffer from premature death.

Mapping Texans Who Die Prematurely

While the State of Texas is the U.S.'s second largest in terms of land area behind the State of Alaska and the second most populous behind the State of California, it is in so many other ways a national leader in terms of the diversity of its landscape, population, and economy. For example, the State of Texas is well known for its production of fossil fuels, but, at the same time, it is also generates more wind energy per capita than any other state in the U.S. In addition to this, its landscape is also perhaps the country's most diverse, including piney forests in the east, rolling prairies in the north, mountains and hills in central Texas and the Big Bend area, flat lands in the western plains of Llano Estacado, coastal areas along the Gulf of Mexico, and lush, productive land in its southern tip. This diversity of landscapes is reflected in the fact that Texas has more counties, the principal geo-political subdivision of the state, than any other state at 254.

Another aspect of Texas' diversity is witnessed in the number and characteristics of the residents of its 254 counties. For example, the state's most populous county is Harris which houses the City of Houston, one of the nation's most diverse, and contains nearly 5 million residents. There are several other Texas counties that contain over one million residents, and these include Dallas County at over 2 million and Tarrant County (Fort Worth) at nearly 2 million as well as Bexar County (San Antonio) and Travis County (Austin) both of which have over one million residents.⁶ At the other end of the continuum are counties that are so underpopulated as to have fewer than 1,000 residents. These low-population counties are in just about

⁶ There are also a number of counties that are just under one million residents like El Paso and Collin Counties.

every corner of the state and include Borden County, population 641, in West Texas and Kenedy County, population 416, on the Gulf of Mexico, south of Corpus Christi and north of Brownsville. There are also a significant number of counties that have just over 1,000 residents and, thus, are also very small in terms of population.

The diversity of Texas counties is also reflected in the different life expectancies of their residents. Current life expectancy in the United States is 78.93, and this is a number of years that is significantly behind that for many countries, including Japan, Hong Kong, Switzerland, Spain, Italy, and Singapore, which range from 83.57 to 84.89 years. Life expectancy in the State of Texas is also lower than that of these countries, and it is also slightly less than that for the United State at large at 78.50 years. There is more to this slightly lower life expectancy in Texas as the data in in Table 1 indicate. Specifically, these data tell us that there are stark differences in the life expectancies of men vs. women in Texas but also in terms of which county an individual resides in. The data are the average life expectancy for Texans living in the ten best counties and the ten worst counties. These data are also separated for males vs. females since there are significant gender differences in life expectancy of residents in Texas' counties.

The first pattern revealed in Table 1 is the anticipated fact that life expectancies for males are lower than they are for females, and this is true whether we are examining counties with the highest life expectancies or those with the lowest life expectancies. On average, female life expectancies are over five percentage points higher than those for males in the United States, and the same is true for the State of Texas where the life expectancy for females is 79.6 years but a much lower 74.1 years for males. We also see from the data in the table that, as we move from high life expectancy counties to those that are at the lower end, the gap between male and female life expectancies increases. We also see from the data that the life expectancy gap, that is the difference between those counties with higher life expectancies compared to those with the lowest life expectancies was great for males. Indeed, the gap between the best and worst performing counties was just under seven percentage points for females, but it was just over ten percentage points for males in Texas.

We see from the data in Table 1 that there are counties in Texas, albeit few, where males and females tend to live somewhat longer than the national average. On the other hand, there are far more Texas counties where the opposite is true, that is, where both males and females live shorter lives than would be expected at the national

level. This would describe most of Texas' counties, and, given these patterns, our next task is to determine what factors account for the variance we witness across the numerous counties of the State of Texas in terms of the life expectancies of males and females. This effort will involve an analysis of a number of factors that are measured in the aggregate at the level of county, and, to begin this analysis, we turn first to the variable that is to be explained, that is the life expectancy of both males and females in the two hundred and fifty four counties that comprise the State of Texas.

Dependent Variable

Given the data presented above, our purpose in the analysis that follows is to estimate statistical models that will allow us to calibrate the factors that account for why average life expectancies are higher in some Texas counties than in others. This means that the variable to be explained is simply the life expectancy for residents measured at the county level, and this includes both male and female life expectancy. To account for the differences we see across Texas counties for males and females, we must consider a number of socio-economic factors, particularly those that have been revealed in the scholarly literature to possess explanatory power.

Independent Variables

The explanatory factors we include in the models we estimate begin with indicators of the economic characteristics of a county. To this end, we include, first, a county's population, which as noted above involves an incredibly wide range from nearly five million to fewer than one thousand residents. Because of this wide range of county populations, we enter this variable in our models as the natural log of a county's population. In addition to the number of residents, Texas counties are distinguished in terms of whether their population is growing or declining, which offers us a way to calibrate whether a county is healthy and vibrant, or whether it is declining, telling us that conditions there are behooving residents to flee for other more desirable places. The average population growth rate since 2010 was 2.12% for all of Texas' 254 counties, but just over one-fifth of Texas counties experienced a population growth rate of over 20%. In contrast to this, 37% of Texas counties experienced a decline in population, and some of these rates of population decline were as high as 20%. This indicator of population growth is entered into our models as negative or positive percentage, depending on whether a county's population since 2010 expanded or contracted.

We also wanted to be certain that we captured the wealth and poverty of Texas counties, and, to accomplish this, we included two

measures. The first is the median income of all 254 Texas counties, which averaged \$38,681 but like population took on a very wide range of values. Indeed, county median income ranged from a low of \$17,556 and \$19,418 in Starr and Zavala Counties to a high of \$81,856 in Collin County on the north side of Dallas.⁷ We also wanted to determine the extent to which variation in life expectancy across Texas counties was due to poverty levels in these counties, and, to this end, we include the poverty rate of each county. County poverty rates are measured as the percentage of a county's population that is below the national poverty line and, like median income, counties revealed a wide range of poverty rates. The average percentage of a county population in poverty was 16.4% which is a rather high percentage, but 10% of Texas counties had rates of 10% or less and one quarter of Texas counties had poverty rates of over 20%.

We included three other sets of factors in our models to help explain the variation we observed in male and female life expectancy across Texas counties. The first of these is the role that we know from the literature that education plays in in the economic development of communities and countries. Our measure of education is the percentage of college graduates in each of Texas' 254 counties. Next, we know that there are racial and ethnicity components to structural violence and, thus, the variations we mapped in male and female life expectancy. Consequently, we included two indicators to capture these effects, and this first is designed to capture the racial face of structural violence and is measured by the percentage of county residents who are African American. Next, we also wanted to capture the ethnic aspect of structural violence and included the percentage of a county's population that is Hispanic. Both indicators involved wide ranges of values across Texas counties. Specifically, the percentage of county residents who were African American ranged from less than 1%, which characterized over 50 counties, to over one-fifth of Texas counties where over 20% of residents were African American. We also see that the Hispanic population of Texas Counties averaged 23%, but this was below 5% in some counties to several counties that were over 90% Hispanic.⁸

The social and economic indicators discussed thus far have been included in the models we estimate below to capture the direct impact of these various factors on variation in county life expectancies for both males and females. We also recognize that any

⁷ Because of this wide range of median incomes, this variable will be entered into the models we estimate below as the natural log of a county's median income.

⁸ These included Zavala, Webb, and Starr Counties, all of which are in South Texas.

direct effects we identify may not be the same for all of Texas' county residents and that some impacts may in fact be different for different groups of residents. Specifically, poverty rates and impacts associated with income and education levels may work in *sui generis* ways for county residents who are African American compared to whites and other ethnicities.⁹ For the analysis we conduct below, we capture these effects by including three interaction terms in our models, the first for African Americans and income, the second for African Americans and education, and the third for African Americans and poverty.

With both the dependent and independent variables defined and measured, we turn next to the format that our models will take given the task we have set out of explaining the variance in male and female life expectancy across the counties of Texas. The models we will estimate below take on the form,

$$Y_i^* = \alpha + X_{i...i-k}\beta + \varepsilon \quad i = 254,$$

where Y^* is a continuously valued, unobserved variable estimating the average number of years that residents of the i th county of Texas' two hundred and fifty four live, and this is captured for both male and female residents of that i th county, and $X_{i..i-k}$ is a one by ten vector containing the covariates. From the above discussion, we recall that two of the covariates are log-transformed continuous variables, capturing (1) a county's population and (2) a county's median income; five of the covariates are continuous variables capturing (3) the percentage of a county's residents who are college graduates, (4) the population growth of a county over the ten-year period from 2010, (5) the percentage of a county's residents living below the poverty line, (6) the percentage of a county's residents who are African American, and (7) the percentage of a county's residents who are Hispanic; and three interaction terms capturing (8) the interaction between African American residents and income, (9) the interaction of African American residents and college education, and (10) the interaction of African American residents and poverty.

Results of estimating our statistical models are presented in Table 2 for male life expectancies and Table 3 for female life expectancies.¹⁰ With respect to the average male life expectancy in the 254 counties of the State of Texas, the results in Table 2 confirm our expectations

⁹ See Farmer (1996) for a discussion of race and structural violence.

¹⁰ Diagnostic tests (Cook's D) revealed strong outlier impacts associated with the two lowest population counties. These two counties were removed from the analysis, which explains why the N 's for the estimated models are 252 and not 254.

about what explains the differences we witness across Texas' counties, but they also offer at least one unexpected result. As we would expect, living in a high-income community that is vibrant, as indicated by a county experiencing positive population growth, helped pushed male life expectancies higher. Specifically, for every unit increase in a county's log transformed median income, life expectancy grew by almost 200%. We do have to note here that this is a very strong relationship, which makes it worth reporting even though it is just out of range of the standard 95% level of confidence. We also see from the results in Table 2 that living in a growing and vibrant community did have a positive impact on male life expectancy, albeit a very small one to be sure.

Perhaps the most important of our expected results is the strong, negative impact associated with the percentage of a county's residents being African American. The coefficient on this variable tells us that for every 2.08 percentage increase in the population of African Americans living in a county, the average life expectancy for males in that county will decline by one year. This is a very significant impact that becomes even more clear when we consider the extent to which counties differ in terms of what percentage of their respective residents are African American. Specifically, an increase in the percentage of African American residents from 5% to 10% will result in a decline in male life expectancy of 2.4 years, while an increase from 5% to 15% will lead to an average decline of 4.8 years. Moreover, if a county's percentage of African Americans increases from 5% to 25%, male life expectancy is expected to decline by 9.6 years, that is, almost an entire decade.

Race then is clearly the most important factor leading to the lower life expectancies we witness across Texas counties, and while we also see that higher incomes for African Americans does result in an increase in life expectancy, this increment was not nearly enough to counter the incredibly deleterious impacts of race on life expectancy. While the extent of race's negative impact on the life expectancy of males was surprising, its overall impact was expected. The same cannot be said for the percentage of residents in Texas counties who are Hispanic, which did not involve any significant impact on the life expectancy of males. This same lack of impact was also true for female life expectancy as the results in Table 3 indicate, but more than this, we also see that the percentage of a county's residents who are African American also had no statistically significant impact on female life expectancy, even though its sign was in the expected, negative direction. In addition to this, there was only one statistically significant coefficient in the table of results for female life expectancy,

and that was the positive effect associated with a county experiencing population growth, which was small but positive and statistically significant.

As mentioned above, we recall that Texas is a state of many regions, and these regions are distinct in terms of geography, but they are also distinct with respect to the ethnic and racial makeup of their residents. The data in Table 4 involve dividing the state into seven regions and then mapping these regions in terms of the percentages of their residents who are African American and, also, with respect to the life expectancies of their male residents. Both of these factors are presented as ranges, specifically, the minimum and maximum values of these indicators. In terms of the percentages of African American residents, we see that there are counties in each region that have very low percentages of African American residents but that there are regions that contain counties with large proportions of residents who are African American. This is particularly true of East Texas, which has counties with the highest percentages of African Americans, followed by Central Texas and the Dallas-Fort Worth Metroplex.

We also see that regions are distinct with respect to male life expectancies where some have a narrower range than others. We notice from these data that the regions with both the lowest and highest male life expectancies are also those with the largest range in terms of residents who are African American. In light of these data, our next question is how much we would expect the life expectancy of males to decline if a region's percentage of African American county residents went from the regional minimum to its maximum. These predicted values are in the rightmost column, and we see that expected male life expectancies would drop the most in the regions that contain counties with the greatest range of life expectancies and percentages of African Americans. The greatest drop would occur in the counties of East Texas at a drop in life expectancy of fourteen and a half years. This expected decline in male life expectancy was followed by Central Texas counties at a decline of 11.85 y and then the DFW Metroplex as a 10.5 year drop.

Clearly the racial makeup of a county is the best predictor of the extent to which its male residents will have a normal life expectancy or one that is below the expected number of years. This undesirable finding leaves us then with the final empirical question of how many Texans have died prematurely? While there is no single method to estimate how many residents of Texas counties died prematurely, we begin with the idea that we do have an expectation of how long residents of Texas counties are expected to live, given equal access to all of life's necessities. When we compare these expectations to the

actual distribution of population in each county, we can estimate the number of individuals who have not lived to their full life expectancy. Looking at male residents of Texas counties, we estimate that more than 350,000 male residents of Texas's 254 counties have experienced premature death based only on data we examine for 2010. This is an astonishingly high number that should not be ignored by policy leaders in these counties.

Eliminating the Ethical Problem of Structural Violence

The findings presented above tell us that the premature death experienced by so many residents of Texas counties, particularly African American residents, is an ethical problem that behooves us to design and implement a policy solution so that unequal life expectancies across the State of Texas can be equalized. This then leads to the difficult question of what public policies can be designed and implemented that will help begin the process of eliminating structural violence, particularly, the racially based differences in male life expectancy with which it is associated, and any serious answer must first inquire into what level of government is most appropriate to design and implement the policies that can correct this pathology of premature death. Naturally, there is no quick answer to this difficult question, but even a perfunctory attempt to provide an answer must rest on the position that efforts by all levels of government will be necessary to equalize life expectancy across racial lines, even though different levels of government will address different aspects of this problem.

Clearly, a policy response from the federal government is absolutely necessary because eliminating the racially based disparities that exist in male life expectancy is in part a supply problem that only the government in Washington, D.C. has the financial means to address. What we mean by supply problem is that raising life expectancy of Americans of all racial and ethnic groups will require guaranteeing every American access to affordable and quality health insurance, and this is something that the federal government is best situated to accomplish. This idea of a supply problem also refers to the notion that it is only the federal government that has sufficient fiscal capacity to provide the funding necessary to be certain that all communities, both in Texas and throughout the United States, have sufficient supplies of high-quality physicians, nurses, medical technicians, and health facilities to make available the medical care necessary to eliminate this very treatable form of structural violence. Such policy efforts then render a federal response necessary, but there are two reasons in particular that a federal response alone will not be

sufficient to equalize male life expectancy, even if such a response is something we could be certain would happen in the near term.

The first of these reasons is related to the above discussion about national policy responses we have witnessed in the past to mass shootings. The point is that, federal funding for supplies of medical equipment and personnel is somewhat different from a policy that addresses mass shootings in terms of the potential for developing a consensus because increasing the supply of such facilities and personnel is both less controversial politically and also more possible because it is also the provenance of certain nongovernmental organizations like the American Medical Association and the American Nurses Association. On the other hand, providing access to affordable and quality health care for all Americans, a necessary aspect of addressing inequality of the life expectancies of Texas counties, is unfortunately a very different matter, as we know only too well how politically divided the policy process has been with respect to providing all Americans with access to affordable and quality health insurance.

While the recent pandemic and social movements against racial inequality and police brutality could conceivably push the federal policy process closer to favorable consensus on these supply issues, including quality and affordable health insurance for all, the important point here is that, even a perfect federal response on health care and the distribution of medical facilities and personnel, will not be enough to eliminate structural violence and equalize life expectancies of the residents of the counties of Texas or any other locality in the United States. The reason for this is that simply meeting the supply needs necessary to guarantee equal access to those health necessities that can equalize life expectancy does not necessarily mean that there will be an equitable distribution of those essentials at local levels. This is because distributions of such essentials are very much influenced by political institutions and processes at the local level.

We can perhaps best understand this problem of supply distribution at local levels by referring to an interesting point made by Amartya Sen (1999), who dedicated his career to studying the causes and consequences of such tragic phenomena as famines and hunger. His work covered many nations at many levels of development, but his insights between pre- and post-colonial India are particularly important here because of the fact that colonial India was subject to famines, which often led to mass starvation, but once India achieved its independence, it no longer endured these tragic events. Sen attributes this difference to many factors, but he also notes that, while

the federal government of post-independence India took sufficient action to prevent famines from continuing to break out, India still suffers from hunger and malnutrition, which remain a serious problem in some regions of the country. The relevant insight we can derive from this observation is that, while national governments are competent at solving certain problems, like the occurrence of famines or providing supplies of life's essentials like clean air and water, they cannot solve all problems, particularly those problems that involve local distributions of what should be indivisible public goods provided by national-level governments. This means that variations in the distribution of such things as adequate nutrition in India or life expectancies in the counties of Texas, derive from local institutions and processes at local levels.

This is a conundrum which makes clear that, even with federal policies guaranteeing both health care and sufficient supplies of medical personnel and equipment to all communities throughout the United States, differences in life expectancies for groups of residents in certain localities are likely to persist. This is because, even with adequate supplies of those necessities that help guarantee full and healthy lives, such essentials may not necessarily be available to all individuals at local levels. This is the problem of an equitable distribution, which can vary significantly at local levels due to the influence of a number of different factors, and while federal policy efforts can have a positive and mitigating influence overall, it is factors specific to different localities that also determine how equal distributions of all public goods will be.

For example, the federal government may provide a sufficient policy response to guarantee clean air and water to all residents of a hypothetical community, which on its face indicates that all residents of that community should have equal access to these life essentials if the policy response does in fact lead to clean air and water. The problem is that, if local land development policies and real estate practices direct members of certain racial and ethnic groups to living in limited and less desirable areas of that community, the result can certainly be that not all residents have equal access to clean air and water and, overall, a pollution-free environment. This is why the United States may be a world leader in the production of the most advanced technological research, but not all Americans are the beneficiaries of the fruits of such research.

To address this issue in the context of the racial disparities that exist in the life expectancies of residents of certain Texas counties, we need a set of initiatives at the local level that avoid the invocation of partisan divisions that exist at higher levels of government and, thus,

prevent policy makers at those levels from effectively addressing problems like the inequities that lead to racially based differences in life expectancy in Texas or any other state in the U.S. This is important because scholarly studies of policy efforts to improve the lives of Americans by eliminating those environmental problems and social pathologies that prevent some Americans from living to their full life expectancy are typically focused on this process at the national level. Unfortunately, a focus on the federal government, while important, will not solve the problem of racially driven differences in life expectancies across the counties of Texas without concurrent policy efforts that can be undertaken at the local level. Such a focus will require two emphases, the first involving the continued collection and analysis of data at the local level so that the impacts associated with more unexamined factors can be calibrated and better measures of the most important explanatory factors can be derived and a second effort that involves the continued development of a locally based, bottom-up perspective on solving the problems that local communities face. One such perspective, discussed at length by Katz and Nowak (2017) is known as the “New Localism,” and it has highlighted great success stories on how some urban and metropolitan areas in the United States have begun building more racially and ethnically inclusive, economically vibrant communities by connecting and enhancing public, private, civic, and nonprofit networks at the local level. This then is a promising perspective to investigate how such networks can be effective at eliminating the inequalities we witness in the life expectancies of different racial and ethnic groups in the U.S.’s localities.

Even though the work of politics invokes images of hopeless division and policy immobility, it is at this level that a true, uncontroversial effort can be initiated to address this structural violence problem of certain county residents not living to their respective full life expectancies. The first step in this effort requires communication, specifically, notifying political authorities in counties most affected by this structural violence problem with the fact that a segment of their residents are suffering and in need of attention. The counties of Texas have a chief executive, a County Judge, and they also have a legislative body, the Commissioners’ Courts, and the first step in designing and enacting a bottom-up approach to this unnecessary problem is to inform all of these county leaders that the problem does in fact exist. Next, continuing this information dissemination effort, it is necessary to be certain that counties affected in such a deleterious way use all official channels to be sure that all county residents are apprised of this social pathology, and this can be accomplished

through mainstream and social media outlets as well as community nonprofit organizations.

This information campaign is simply the first step, and it does not guarantee a solution. However, without this information campaign, the inability to provide a solution will be guaranteed because without knowledge that this structural violence problem exists, there is no reason to proceed with any policy effort that is designed to eliminate it. This means that the next step is open depending on the conditions that lead directly to the social pathology of premature death in the first place. This may mean a direct effort of medical infrastructure expansion so that access to health benefits are in sufficient supply to provide all county residents with the care necessary to begin equalizing life expectancies. Next, there may be more of a distribution problem where supply is adequate but access is not because of geography reasons. This will then require a different effort that combines bringing citizens to the wellness care they need or bringing the wellness care more directly to residents in need. Finally, there are a host of indirect efforts that county policy makers can initiate that revolve around encouraging more education and economic opportunity, and they may also involve efforts to get more federal resources to county residents to deal with distribution and supply deficits so that available health resources are less restricted from reaching county populations.

These are just a few of the types of bottom-up efforts that can be initiated to begin dealing with the racially-based inequities in life expectancy we have witnessed in the life expectancy of residents of Texas counties. These however, will not be effective without first a complete recognition of the ethical problem that exists in Texas counties with respect to African American Texans, on average, not living to their full life expectancy and then communicating this pathology to local policy makers who then can begin the process of addressing these unconscionable and unethical social pathologies that exist in the counties of the State of Texas.

Table 1			
Life Expectancy in Texas: Ten Best and Ten Worst Counties			
Males		Females	
Collin	80.5	Williamson	83.7
Williamson	79.8	Hidalgo	83.4
Cass	79.1	Collin	83.1
Fort Bend	78.8	Burnet	82.9
Travis	78.2	Cameron	82.7
Hidalgo	78.0	Webb	82.5
Denton	77.9	Comal	82.5
Hayes	77.7	Jeff Davis	82.3
Kendall	77.5	El Paso	82.3
Rockwall	77.5	Culberson	82.3
Males		Females	
Anderson	70.2	Falls	76.9
Polk	70.7	Newton	77.2
Newton	70.9	Limestone	77.2
Falls	71.0	Liberty	77.5
Limestone	71.1	Potter	77.6
Liberty	71.3	Ector	77.8
Orange	71.5	Loving	77.8
Shelby	71.7	Orange	77.8
Marion	71.9	Kaufman	77.8
Ector	72.0	Winkler	77.8
Source: Calculated by the Authors from the Texas Demographic Center.			

Table 2
Accounting for Male Life Expectancies in Texas Counties

	Coefficient	t-Ratio	P> t
County Population (Natural Log)	0.0496	0.61	0.541
Median County Income (Natural Log)	1.9991*	1.88	0.062
Percentage of College Graduates	0.0144	0.80	0.426
Population Growth Rate (2010-present)	0.0285**	2.45	0.015
Percentage of Residents in Poverty	-0.4791***	-3.36	0.001
Percentage of African Americans	0.0062	1.21	0.228
Percentage of Hispanic Residents	0.00001***	3.69	0.000
Interaction: African Am./Income	-0.0010	0.65	0.518
Interaction: African Am./Education	0.0043	1.11	0.270
Interaction: African Am./Poverty	51.8534***	4.54	0.000
Constant			
N	252		
F(10, 241)	16.95		
Pr. > F	0.0000		
R ²	0.36		

Source: Calculated by the Authors from the Texas Demographic Center.

*** P<.01, **P<.05, *P<.10

Table 3
Accounting for Male Life Expectancies in Texas Counties

	Coefficient	t-Ratio	P> t
County Population (Natural Log)	0.0878	1.28	0.201
Median County Income (Natural Log)	0.5658	0.63	0.530
	-0.0008	-0.50	0.957
Percentage of College Graduates	0.0252**	2.56	0.011
Population Growth Rate (2010-present)	0.0355	1.08	0.281
Percentage of Residents in Poverty	-0.1772	-1.47	0.142
Percentage of African Americans	0.0045	1.03	0.304
Percentage of Hispanic Residents	0.00001*	1.78	0.076
Interaction: African Am./Income	0.0002	0.12	0.904
Interaction: African Am./Education	-0.0015	-0.46	0.648
Interaction: African Am./Poverty	72.3544***	7.50	0.000
Constant			
N	252		
F(10, 241)	16.95		
Pr. > F	0.0000		
R ²	0.31		
Source: Calculated by the Authors from the Texas Demographic Center. *** P<.01, **P<.05, *P<.10			

Table 4
Race and Male Life Expectancy in Six Texas Regions

Region	African Am. Percentage: Min to Max	Avg. Life Expectancy: Min. to Max.	Min. To Max Change in Life Expectancy
Panhandle	0.0 to 11.6	72.0 to 75.4	-5.58 Years
West Texas	0.0 to 9.0	72.0 to 76.7	-4.33 Years
South Texas	0.1 to 14.1	72.4 to 78.0	- 6.73 Years
Central Texas	0.4 to 25.3	70.2 to 79.1	-11.85 Years
East Texas	3.3 to 33.8	72.4 to 80.0	-10.58 Years
DFW Metroplex	0.3 to 22.3		

Source: Calculated by the Authors from the Texas Demographic Center.

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ETHICAL CONSIDERATIONS AND RECOMMENDATIONS FOR RESEARCH INVOLVING CHILDREN IN FOSTER CARE

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Abstract

The importance of ethics in research design and practice cannot be overstated. Ethical standards exist to protect participants from harm, coercion, or exploitation. Vulnerable populations require special considerations to protect them from unethical research practices, lack of informed consent, or coercion whether intentional or not. Youth placed in foster care represent a unique population of children who require additional protections. This paper details the unique vulnerabilities of foster youth, the reasons these vulnerabilities exist, and what researchers, reviewers, editors, and IRB personnel can do to mitigate the risks to foster youth within the standards of ethical research.

Introduction

Children in foster care present some unique challenges to medical, legal, educational, and research professionals. They are difficult to identify and even more difficult to ascertain who, or which agency, is responsible for determining their best interests. In research settings, the challenges can be even greater as the considerations are broader and, in many cases, much less defined than in other settings. This paper lays out a rationale for why foster youth should be treated as a vulnerable participant class, some of the possible exemptions, and how researchers and Institutional Review Boards (IRB) can, or should, handle studies involving foster youth. Additionally, this paper seeks to give those planning to conduct research into foster youth an understanding of why this particular population is vulnerable and how to navigate topics such as informed consent, assent of the minor children, and potential issues related to coercion. This paper is directed at those who work under the umbrella of ethical inquiry, those who review the dissemination of those research studies (i.e. journal editors and reviewers, grant review panels, etc.), and those serving on IRB committees.

In 1974, the National Research Act was passed in response to concern about violations of ethics in research. Events such as the Stanford Prison Experiment, Tuskegee Syphilis Study, the Milgram experiments on obedience to authority, and other unethical research

studies continued even in the face of the Nuremberg Code – put in place after the Nuremberg trials uncovered the atrocities committed by the Nazis in the name of research (Moon, 2009). Out of this act, the Belmont Report was commissioned and led to three foundational principles under which all ethical research should be conducted: respect for persons, beneficence, and justice (HHS, 1979). In addition, Title 45, part 46 of the Code of Federal regulations (45 CFR § 46) specifies that prisoners (subpart C) and children (subpart D) have special considerations that apply to them as a result of vulnerabilities unique to these sub-populations. Further, the American Psychological Association (APA) code of ethics provides guidance regarding the rights and welfare of research participants. The publication manual of the APA, on which many scientific publications rely for proper formatting, also describes ethical principles and compliance in accordance with the APA code of ethics (APA, 2020). It is these documents which were primarily used to frame the justification for foster youth being considered uniquely vulnerable and in need of additional consideration when participating in human subject research studies.

Aren't They Just Children?

The short answer is, obviously, yes. However, there are several important distinctions and vulnerabilities which are unique to foster youth. These include a tangible comparison to prisoners, extreme trauma, and a lack of parental involvement or knowledge of the child.

Pre-existing Protections for Children

It is acknowledged that IRB and federal regulations already protect children as a broad category; however, this makes several assumptions not borne out in reality. First, 45 CFR § 46 clearly states that “Adequate provisions are made for soliciting the assent of the children and permission of their parents or guardians, as set forth in §46.408.” This statement assumes that the parents or guardians know the child well enough to give informed consent and that they are fully aware of factors that may cause the research to be detrimental to the child. Foster parents are provided fairly limited information related to the child’s history and, often, that history is still being investigated and gathered by law enforcement and child protective services.

Second, the “guardian” can have several different meanings and vary from case to case and by the location of the child in question. The assumption is often that the foster parent(s) have the best interests of the children in their care in mind when consenting on their behalf. Although not the majority, there are foster homes that exist solely for the monthly stipend received for fostering children (Donald, 1999).

Additionally, group homes are staffed with individuals tasked only with the safety and well-being of children with little more than a superficial knowledge of the child in question and the ability to give consent may rest with an organization administrator without any knowledge of, or interaction with, the child (Storer, Barkan, Stenhouse, Eichenlaub, Mallillin, & Haggerty, 2014). The existence of these possible scenarios and the potential lack of knowledge of even a caring and involved foster parent present reasons for extra caution to be taken in the planning and execution of research involving foster youth.

Additional considerations may involve changes in placement of foster youth during the research itself. Foster children move frequently. One study which examined 144 children in care reported the average number of placements was 8.02 with at least one child having 38 separate placements (Stott, 2012). The likelihood of moving during a research project is high and would potentially nullify the informed consent agreement.

Who has the ability to provide consent is also unclear. At a minimum, who the legally authorized representative (LAR) is varies by state, locality, and even depends on that to which may be consented. For example, in Texas, a foster parent can consent to medical and educational needs but is not permitted or allow to give consent for the child to change their hair style if the parental rights have not been severed (TXDFPS, 2020). Consent for this still resides with the birth parents. Even medical treatments require differing levels of consent and who is able to provide such consent varies by procedure or issue. Again, in Texas, birth parents must give consent for vaccines or contraceptive services, foster parents—if named medical consenters (typical)—can consent to medications and treatments for injuries, and only the conservatorship caseworker can consent to inpatient psychiatric treatment (TXDFPS, 2020). This presents an ethical issue around informed consent that is unique to foster youth.

Wards of the state are specifically called out in 45 CFR § 46.409. However, to apply this to foster youth, an assumption must be made that all children in foster care are wards of the state or court. This is not the case in all states and in many circumstances the child will never become a ward. The distinction is nuanced but critical. For example, the Code of Federal Regulations defines a ward of the state as a foster child (34 CFR § 303.37) but provides a specific exception if the child has a foster parent who meets the definition of a parent as defined in 34 CFR § 303.27. That section includes, as a definition of a parent, a foster parent (unless state laws or regulations expressly prohibit a foster parent from acting as a parent), a guardian, a relative

(considered foster care under kinship care), or a surrogate parent so long as there is a court order that identifies a specific person as long as that person is not acting on behalf of the state. In other words, unless the child is in the physical custody of the state and has no specific appointed foster parent, surrogate parent, or relative (or non-state agency acting as such), the child is not a ward of the state.

This very narrow definition of a ward places most children outside the definition and those children are therefore not afforded protections under 45 CFR § 46.409. Further complicating this is the fact that parental rights are not terminated until very late in the process and until that point the state is only granted temporary conservatorship and even that is not granted upon removal of the child(ren) but is only ordered after an additional court hearing or series of hearings.

Foster Youth vs. Prisoners

Foster youth are not inmates or prisoners; however, they are children in the custody, and under the protection, of the state. This fact, when viewed within the context and perception of a child being remanded into the custody of the state, is little different than being detained as a result of criminal activity. The terms “protective custody,” “wards of the state,” and “remanded to custody” are all terms used in both criminal justice and foster care to characterize the individuals who are in one system or another through a court order and who have no or limited say in whether they are in the system or where they will be sent (Greiner et al., 2018; Lipscombe, 2007; Paris, 2008).

From the child’s perspective, there may be little difference between foster care and jail—especially those sent to group homes—since they may not be capable of understanding the nuanced differences and the simple fact that they are not allowed to leave. The only recourse for a foster parent or group home administrator if a child is to abscond, is to involve law enforcement which may result in actual criminal charges or involvement of the court system (such as juvenile probation). Regardless of the legal outcome, the runaway child will most likely be physically detained by law enforcement and returned to the home or facility. Running away can also be used as justification for a higher level of foster care up to and including a secure detention facility.

Even prisoners can be placed in residential settings and still receive the protections of inmates in a correctional institution. The language in 45 CFR § 46.303(c) is clear that the applicable definition of prisoner is not limited to prison or jail inmates but also includes “individuals detained in other facilities by virtue of statutes or commitment

procedures.” This regulatory definition includes residential drug-treatment facilities, in-patient and residential psychiatric facilities, parolees in a halfway house or other facility, and, potentially, individuals on house arrest. The key component to determining whether an individual is considered a prisoner and considered a protected class is whether they were ordered there by a court or other body with authority. At issue here is that foster youth are remanded into the custody of the state by a court to be placed in a residential or institutional setting without their consent at the discretion of the state department with authority and prisoners are remanded into the custody of the state by a court to be placed in a residential or institutional setting without their consent at the discretion of the state department with authority. This is a distinction without a difference especially to the children who are not able to parse the nuanced language and legal jargon to know they are not, in fact, prisoners.

The argument is that both literally and in perception there is no difference between foster youth and prisoners in how the process is applied and their ability to control the outcome. Additionally, most children in foster care blame themselves and their own actions for either the abuse or neglect that lead to their removal, the removal itself, or both (Baker, Creegan, Quinones, & Rozelle, 2016). This reinforces that they are being punished and have been remanded to state custody as a result. This perception is not distinct from the experiences of an adult accused of a crime.

Besides the admittedly dark comparison between foster care and prison, there is the rationale for prisoners to be a protected class in the first place. Prisoners have diminished autonomy as do children in foster care and as a result are far more susceptible to coercion and manipulation than other children and, as referenced above, do not necessarily have the protections parents or other guardians might provide through the informed consent process. Additional protections should be in place for an equally vulnerable population who, in addition to these concerns, lack the emotional, developmental, and cognitive maturity of their adult counterparts.

Extreme Trauma

All children experience trauma at some point in their lives. The difference for children in foster care is the severity and nature of that trauma. There is also a sequence to that trauma that is compounded at each step in the system as new traumas are added and previous trauma is exacerbated. No child enters the foster care system without an initiating trauma. This is the abuse, neglect, abandonment, or total loss of family that lead a court to place them in the care of the state.

This is often not a one-time event, but a lifetime of traumatic experiences that has finally garnered the attention of a concerned party or has reached a point of severity which leaves law enforcement and the courts to intervene (Greeson et al., 2011).

After the initial trauma comes the trauma of removal. This frequently involves law enforcement or child protection services (CPS) officers taking physical custody of the children and, against their will, placing them in an emergency shelter, the home of a relative, foster home, or in the CPS offices themselves. At this point, they are unable to see or speak with their parents and are likely in an environment of which they are completely unfamiliar. They may not know where the bathroom is, lack comforts like their own toiletries, familiar foods, or even their own clothing. They sleep in a bed unfamiliar to them and they cannot communicate with the people who they trust to take care of them – their parents. They also likely blame themselves and view their environment as a punishment for their actions or behaviors (Baker et al., 2016).

These events lead them to reach out for attention, affection, and safety. This may be manifested in exhibited negative behaviors in which the child is testing the placement to determine whether it is temporary or not, over-compensated displays of affection or promiscuity to attract or garner attention or affection, or withdrawal from socialization as to avoid creating connections they fear will be lost. They may also display more than one of these depending on the environment or people involved.

These traumas and resulting fear are continually compounded and reinforced as they move through the system. They also create a situation in which the children can be easily manipulated or coerced—even from well-meaning adults—and presents a risk not present for children outside of care. The trauma caused by events leading up to and from entering the system, loss of control and personal autonomy, and reliance on strangers for protection combined with a lack of cognitive, emotional, and developmental maturity leaves children in foster care more vulnerable than their non-fostered peers and in need of additional protections.

Coercion

The ability to be easily manipulated or coerced as a result of limited autonomy and severe personal trauma is evident in two key statistics, 80% of prison inmates have spent time in the foster care system (Juvenile Law Center, 2018) and 60% of sex trafficking victims recovered through FBI raids in 2013 were foster youth (Saar, 2014). These children are more vulnerable to exploitation than non-fostered

youth yet lack the protections non-fostered youth are more likely to enjoy.

Prisoners, the homeless, and the infirm are afforded additional protections and deeper review throughout the research process. The risk that foster youth are more easily coerced and share many of the same conditions as prisoners clearly differentiates them from other children and most adults. It is no coincidence that felons and sex-trafficking victims are most likely to have been in foster care. These children and the adults they become are more easily manipulated than their peers. They can be talked into actions more easily as a result of the traumas experienced and the need for attention and affection. This creates the possibility for them to consent/assent to research not in their best interest or simply for a tangible reward or feeling of acceptance. They may also lack adults who are able to look out for their best interest through the consent and research processes. For the same reason as prisoners and other groups who may have greater susceptibility to coercion, foster youth should be afforded similar protections.

Role of Researchers, Reviewers, and IRB

Much of the rationale for protection of special populations in research comes either out of nefarious research practices or research so poorly designed that it was unethical. In discussions and in teaching about ethical research, we use Tuskegee, MKUltra, and the Nazis as examples of abhorrent research practices. We teach that the Stanford Prison Experiment and Milgram's infamous obedience study are examples of well-meaning research that crossed ethical lines in either its design or lack of consideration of the long-term negative consequences of the studies. These are extreme examples of unethical research and not common breaches of ethics that are seen by review boards, dissertation committees, and the researchers themselves. Often, ethical violations are small and unintentional. Most are corrected through the review process or when discovered through the course of research. Those researchers who willfully violate ethical norms and pay little attention to potential risks are not the audience of this paper and do not represent the vast majority of researchers in the field.

This paper began as a desire to have foster youth deemed a specific protected population for IRB purposes. While I still believe that should be a goal, there are concerns that would need to be addressed prior to their addition. After consultation with IRB and policy experts, I determined that raising awareness of the issues related to ethical research with this population was a first step and to let this

paper serve as a starting point for further discussion. To frame this discussion, the Belmont Report (HHS, 1979) serves as a guide.

Beneficence

First, do no harm. A simple maxim reminding researchers to maximize the benefits of the research while minimizing the potential risks to the participants. For most research, this is a relatively simple task. It becomes more difficult when we are performing research that is invasive to a participant's body and intrusive to their mind. We know the psychological damage that can be inflicted from studies that do not take beneficence into account. Milgram and the Stanford experiments clearly demonstrate this. It is incumbent on us, as researchers and reviewers, to ensure we identify potential risks and take measures to reduce them. When working with children in foster care, the issues raised throughout this paper need to be considered when working with these children. This includes the questions asked in interviews and surveys and even in the consent process itself. Asking about parent involvement at home or asking a child to have their mom or dad sign the consent form may trigger a reaction in that child. If, in the course of the research, it is discovered that a child is in foster care, great pains should be taken to make sure that they are protected. However, as easy as it would be to just remove the child from the study, think of the harm isolation, lack of participation, or identification could do to that child.

Justice

Foster youth should be treated fairly and equally with respect to their non-fostered peers. Care must be taken to protect their identity as foster youth. When deciding whether or not to use this paper as a justification for the addition of foster youth as a protected population there was the fear that it could create a barrier to interventions or research studies that would be beneficial to them. This would include exclusion from research in educational or medical settings where their status as foster youth is irrelevant. Researchers should ensure that if participants are identified during the course of research, that care is taken to protect them as described in this paper. Children in foster care represent an invisible population and their status is generally protected. Rarely will they self-identify and will attempt to blend in even referring to strangers with whom they live as mom and dad to keep up appearances, or they may enter care during the study. It would be potentially detrimental to attempt to identify children in foster care as a result of regulations put in place without considering justice as a core tenant of that policy.

Respect for Persons

Generally, we consider people autonomous agents with the right and capacity to decide for themselves whether or not to participate in research. In some cases (prisoners and the infirm), we understand that there must be additional protections in place. Children are also protected, and although foster youth are children, the safeguards we assume children have in the informed consent process likely do not exist for this population. There is also a significant risk of coercion as detailed in this paper. Researchers should take care when working with these youth to ensure that incentives and other recruitment practices do not rise to this level even if they would not be considered coercive to non-fostered youth. Finally, ask yourself why you are conducting research that involves this population. Respect the fact that these children have no fault whatsoever in the reasons for placement and refrain from research on this population simply out of convenience or empathy. Avoid using these children as proxies for research into abuse or neglect or simply as at-risk students.

Normalcy

In foster care, we operate in the context of normalcy. We recognize that the lives of these children have been turned upside-down and irreparable harm has been done as a result of the process. With that in mind, every effort is made to make their experience as “normal” as possible. Research should be no different. Ensure these children are treated as everyone else in the study. If informed consent is, or appears to be, problematic, ensure that the child has the same access to beneficial treatments or experiences regardless of whether you are able to collect and use the data or not. Be mindful that in educational settings, there is a high likelihood that there is a child in foster care in every class. Ensure you are using inclusive language when referring to parents and not assuming they have them at home.

Conclusion

Adding foster youth as a protected class may be the best route to take. However, this needs more discussion and variety of opinion prior to developing a protocol for addressing research with this population. It is incumbent on researchers, editors, reviewers, and IRB panels to consider the issues raised in this paper when assessing studies and proposals which include foster youth. Researchers should investigate the state and local laws surrounding consent and include them as part of their methodology. Strong rationales should be given as to why this population should be specifically included and why other similar populations cannot be used. Recruitment should be scrutinized to ensure potential coercion is mitigated or eliminated

and the concept of normalcy is considered. Above all else, the principles of beneficence, justice, and respect for persons should be evident in the research and rationale for conducting it. These children are uniquely vulnerable and until such time as policy is able to be crafted for addressing these issues, great care must be taken to prevent any more harm being done to a group of children who have had enough trauma for several lifetimes.

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REQUISITE VARIETY AND ETHICAL DECISION-MAKING

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Abstract

Ethical decision-making is examined utilizing a model of requisite variety that introduces the concept of the Paradox of Increasing Knowledge and the reciprocal. This paradox is contrasted to the general question of how to evaluate ethical decision-making criteria and the management of social issues such as environmental management. The concept of social progress is conceptualized according to the hierarchical and progressive model of requisite variety established. The question --- "What is ethical decision-making given the parameters of requisite variety?" --- is addressed.

Introduction

Man is simultaneously nature's greatest accomplishment and nature's most dangerous component. Nothing less than the future of the planet rests on humankind's ability to make correct and ethical decisions relative to issues such as environment management. The premise of this paper is that the Paradox of Increasing Knowledge and requisite variety perspectives make it possible to understand any behavior as deemed ethical from the perspective of the decision-maker.

This paper is based on two related perspectives that flow from an analysis of requisite variety perspectives on ethical decision-making. One is that if a reasonable level of management of the consequences of negative/destructive decision-making is to be attained, such decision-making processes must come from the best possible understanding of the perspectives and points of view that yield the negative/destructive behavior. The other perspective is that it is possible to analyze negative/destructive behavior utilizing established ethical models and the concept of the perspective of the Paradox of Increasing Knowledge. The combination of these perspectives will produce a model based on requisite variety concepts that illustrates that negative/destructive behavior from the decision-maker's perspective can be seen: 1) to come from identifiable and replicative sources, and, 2) to form a decision-making base viewed as ethical by the decision-maker.

Requisite Variety

The Law of Requisite Variety (Ashby, 1956) can be used to illustrate many of these processes. Ashby based his conceptualization of requisite variety upon Shannon's Tenth Theorem (Shannon, 1949). Shannon's Theorem states that if a correction channel has capacity H , then equivocation of amount H can be removed, but no more. Ashby (1960) extended this concept, which was initially used by Shannon as referring to telephone or linked communications, to brain activity. As Ashby states:

The theorem can then be applied to the brain, or any other regulatory and selective device, when it says that the amount of regulatory or selective action that the brain can achieve is absolutely bounded by its capacity as a channel. Another way of expressing the same idea is to say that any quantity K of appropriate selection demands the transmission or processing of quantity K of information. (Ashby, 1960)

The Law of Requisite Variety as put forth by Ashby thus states "Only variety can destroy variety". However, this statement only refers to Ashby's limited example of a two-actor game in which Actor D's range of choice behavior is driven down by the limiting precedent decisions of Actor R. Thus, "only variety in R can force down the variety due to D". In order to more fully embrace the concept of requisite variety, it is necessary to put requisite variety in less technical language:

As an actor's variety of choices (defined by range of breadth and depth of alternatives) is enhanced, the extent of possible behaviors is as large as the range of choices; conversely, as an actor's variety of choices decreases, a more limiting range of choices ensues proportionately.

Requisite variety can be used as an analytical tool to compare the decision matrices of different decision makers. The decision maker with a higher level of requisite variety has an expanded range of choices, while the decision maker with a lower level of requisite variety has a more limited range of choices. Ashby confirms this conclusion as follows: "It (requisite variety) says that certain types of

arrangements cannot be made. It is thus no more dependent on special properties of machines than is, say the 'theorem' that four objects can be arranged to form a square while three cannot." (Ashby, 1956)

An example of the limiting aspects of requisite variety can be illustrated. In this case, a simple example of the elemental characteristics of a line (defined as the connection of two points) is utilized. Since the example will use geometric figures, the reader may find this example easier to follow if each "line" is thought of as a toothpick, thus making all lines of equal length and breadth. The issue is capacity by line "accumulation":

1 line = has directionality capacity only

2 lines = all of 1-line capacity (two lines in parallel can illustrate one direction) + 2 lines have multi-directionality capacity;
Note: 2 lines lack the ability to enclose or define a space

3 lines = all of the capacities of 1 line and 2 lines + 3 lines can make a triangle

4 lines = all of the capacities of 1, 2, and 3 + 4 lines can make a square (Note: an ability to stack lines/toothpicks makes a "4 lines triangle" possible with two lines stacked)

5 lines to 42 lines to infinite lines (assuming stacking ability) = all have the square making capacity

This simple model illustrates that systems of higher capacity (4 lines to infinity in this example) encompass all of lesser capacity (3 lines or fewer). However, lower capacity systems do not have the variety requisite to encompass higher levels. This framework has implications for the measurement and assessment of social progress and ethical decision-making. As a first example, let us examine the issue of perceptual awareness, with five levels depicting differing degrees of perceptual mastery:

1. Lack of perceptual awareness (unaware of the problem or opportunity)
2. Perceptual awareness of the challenge, but with an inability to manifest significant levels of influence

3. Perceptual awareness and partial management, but with an inability to manifest effective management or meaningful control
4. Perceptual awareness and accomplished capacity for management, but still only partial encompassment of the total challenge
5. The ideal – capacity for total encompassment of the challenge, characterized by a synergistic tapestry of mutual benefit. In essence, a co-habitation with the challenge without consequences of mutually destructive processes of entropy.

Now let us examine this five-level requisite variety model as applied to the challenge of environmental management:

1. Environmental forces are seen as random
2. Environmental forces are seen as magic***; the concept of environmental damage cannot be grasped or appreciated as to impact
3. Environmental forces are seen as subject to a level of management, but not really subject to control; environmental damage is recognized as a factor but addressing it is beyond technological control or meaningful management
4. Environmental forces are seen as subject to management and control; environmental damage can be brought under control; however, the choice of actualizing environmental damage controls may or may not be implemented
5. The ideal – The environment is embraced as a co-inhabiting “partner” with humankind

***Any sufficiently advanced technology is indistinguishable from magic...Arthur C. Clarke

How does this model inform us if the challenge of pollution is the variable? Under requisite variety parameters, only Level Four can meaningfully address pollution. Upon attaining Level Four, humankind can be said to have progressed; however, only potentially. Just having the knowledge or know how to reduce pollution does not mean that pollution will be reduced.

The decision, for example, to function at Level Four = *pollution addressed*, or Level Two = *pollution is not viewed as a relevant concept*, is a decision that is determined by ethical considerations sourced in a Level Four capacity. In contrast, a Level Two system manager, lacking the requisite variety to address the pollution issue, does not

have the option of considering a Level Four solution. Pollution containment and management in this example is determined by the combination of: 1) the capacity to address the situation, plus, 2) the willingness to follow through and execute that capacity. If the Level Four capacity system manager chooses to ignore pollution concerns, society may label that manager as irresponsible, as unethical, etc. However, we do not label the polluting Level Two manager as unethical since the Level Two manager cannot exceed his/her requisite variety limitations.

The Role of Perception and the Knowledge Paradox

Before additional ethical decision-making points are discussed, it is important to look at the concept of perception relative to behavior. All behavior is a function of perception. Human beings can only act out in the world they know, and that world is defined by the extent of their complete and comprehensive ability to perceive, comprehend, and select what is to them goal directed behavior. This is experienced by decision-makers as the Paradox of Increasing Knowledge. The Paradox of Increasing Knowledge asserts that the more we know in either breadth of knowledge (more alternatives to consider) or depth of knowledge (more understanding of the intended and unintended consequences of behavior as well as possible chain(s) of events that may follow a specific behavior), the more ways we find to analyze the world in which we exercise our goal directed behaviors.

The Paradox of Increasing Knowledge of Increasing Breadth functions to open windows of new awareness of alternatives not known or considered before. However, the Paradox of Increasing Knowledge as a function of breadth operates more dynamically than simple arithmetic addition of alternatives. This is due to the fact that an "open window" allows us to see vistas of additional windows not known or considered before. Therefore, the Paradox of Increasing Knowledge as a function of breadth can function to expand perception of alternatives both arithmetically and geometrically.

The Paradox of Increasing Knowledge of Increasing Depth has this same arithmetic/geometric dynamism. The Paradox of Increasing Knowledge as depth has five simultaneously operating mechanisms: 1) awareness of the manifestation of intended consequences, 2) awareness of the lack of manifestation of intended consequences, 3) awareness of the manifestation of unintended consequences, 4) awareness of the chain of events yielded by the outcome(s), and 5) awareness that a chain of events may precipitate subsequent additional chain(s) of events.

In summary, the Paradox of Increasing Knowledge illustrates that knowledge and awareness manifest in something more akin to an expanding sphere than a linear progression. The consequence of this phenomenon is that the more we come to know, the more we come to realize how much additional we do not know. Humankind has been unrelenting in exercising a spirit of inquiry and unfailing in the drive to progress in knowledge and accomplishment. Progress has been made with the Paradox of Increasing Knowledge affording us perspective on not only what we know, but also what we do not know. This progress, in an elemental and instructive form, has been described as “being confused at a higher level and about more important things”.

The Reciprocal of the Paradox of Increasing Knowledge

However, consider the ramifications of the reciprocal of the Paradox of Increasing Knowledge. The narrower one’s perception, the fewer alternatives there are to consider, the fewer windows of awareness that are open, and the more limited are the vistas of possibility. Similarly, shallow levels of understanding produce less of an awareness of the consequences of behavior (including both intended and unintended outcomes). Moreover, chain(s) of subsequent events are not readily identifiable or subject to consideration. Understanding this phenomenon gives rise to the old saw “ignorance is bliss”, and the understanding that it is impossible to be concerned about something of which you have no knowledge.

World Perception and the Consequences of Limited Requisite Variety

When the Paradox of Increasing Knowledge and requisite variety are applied to the case of an individual making a decision that can be assessed as to its ethical implications, it is desirable to highlight a number of requisite variety theorems:

- 1) **Theorem One:** Requisite variety has dimensions of both **scope** (breadth) and **penetration** (depth). The range of scope finds its limit at the number of alternative decisions an individual is able to identify and process to a meaningful level of understanding for that individual. The range of penetration finds its limit at the degree to which the individual is able to identify and track consequences. Identification of consequences relative to penetration is defined for this purpose as:

1. Intended consequences – the purpose of goal directed behavior
2. Unintended consequences – the possible byproduct(s) of goal directed behavior
3. Chain of event(s) consequences – the subsequent impact(s) of goal directed behavior and its byproducts

2) **Theorem Two:** An individual's world perception (capacity to perceive and engage in goal directed behavior as a function of his/her requisite perceptions) is as large, and no larger, than the range of his/her requisite variety **scope** and **penetration**.

3) **Theorem Three:** An individual, at a given point in time, has a world perception that is derived from the sum of their life experience to that point in time.

4) **Theorem Four:** Individual world perceptions are unique.

5) **Theorem Five:** An individual's world perception is subject to requisite variety constraints, and thus an individual's world perception can only contain that which is within its scope of variety (or lesser variety). This process establishes the extent of that individual's decipherable mapping of reality.

A higher requisite variety world perception can include a lower variety world perception. However, a person with a lower variety world perception can only partially encompass higher world perception frameworks. In straightforward language, this means that a person does not know what they do not know and, furthermore, cannot consider, for ethical decision-making purposes, that which they are not equipped to consider.

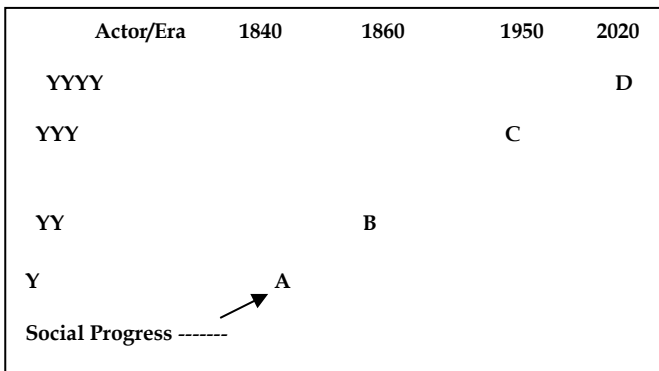
A "Social Progress" Illustration

Figure A below is a graphical portrayal of requisite variety capacity and social progress relative to an issue of race. The Y-axis of the graph is an assessment of "requisite variety capacity" running from lower to higher. The Y-axis construct assumes that enhanced levels of requisite variety include the requisite variety capacity of lower levels in dimensions of breadth and depth. In those cases where the lower level perspective Y has been supplanted by the higher-level perspective YY, it is hypothesized that the YY perspective encompasses the Y perspective.

The X-axis of Figure A is a representation of social progress relative to the concept of utilizing African-Americans as organizational laborers. "Social progress" as used here is a proxy for higher levels of requisite variety encompassment. In this example, the assertion is that as social progress is made, levels of increasing social progress include not only the capacity for the current/enhanced perspective, but also those precedent and "lower". Thus, while it is possible for an individual to be a racist in the year 2020, the "enlightened" perspective of the year 2020 baseball team owner would not reasonably be able to be manifested by an 1840's slave owner. Please accept that these value-laden concepts are grossly simplified here for the purpose of illustration.

The actors are: 1) **A**- a "deep south" 1840's slave owner utilizing captives from Africa as plantation labor, 2) **B**- a 1860's Mason-Dixon line plantation owner, 3) **C**- a 1950 major league baseball club owner (five years before Jackie Robinson) , and 4) **D**- a 2020 major league baseball club owner. The relative requisite variety of each actor is displayed in a stair step fashion in the center of the chart from Y to YYYY. The direction of "social progress" is indicated by the arrow at the lower left portion of the figure.

FIGURE A



A's Summary Sample Statement (Y): Africans are an important asset to my business. They are not people per se, but are property. They have no rights other than what I grant them.

B's Summary Sample Statement (YY): Africans have been an important asset to my business. Some governments view them as people, and some governments view them as property. Their usefulness to me and my ability to control their behavior is enhanced if they are property.

C's Summary Sample Statement (YYY): African-Americans are citizens of the United States, but they have to know their place, and one of their places is not in professional baseball except in segregated Negro baseball leagues. They are an important asset only to segregated Negro league teams.

D's Summary Sample Statement (YYYY): African-Americans are an important asset to my business, not only as players, but also as managers, coaches, trainers, and fellow owners. They have the same rights as any citizen. These rights are guaranteed by the government and are part of not only part of my personal ethical standards, but also part of my company charter.

A's sentiments and B's statements seem harsh and inhumane by our modern standards of civil conduct and business ethical codes. However, from the world perceptions generated by the era in which A and B functioned (and especially the agricultural/cotton crop driven deep South of A), these points of view were not only widely accepted in society, but also an integral part of the economic system in which actors A and B functioned.

If A were thrust into baseball club management in the year 2020, he would face some significant world perception challenges. Unable to control his African-American players (by his experiential standards), let us assume that he trades away all of them. A would be perceived as racist by 2020 critics. However, from A's world perception his management approach to African Americans would be to him not only ethical, but also sound from a total stakeholder perspective. In other words, A would be perceived by A as acting ethically ridding the system of troublemaking blacks.

Now, what would happen if D, also an ethical choice decision-maker, chose to do exactly the same thing in 2020? D would be viewed as racist (and unethical) by others in 2020. By choosing A's Y strategy, he would be accepting a lower requisite variety 1840 solution (Y) than his 2020 option of YYYY. Choosing a YYYY solution (no racism), D would be perceived by D as acting ethically.

The question thus arises – do we judge actor A as behaving unethically if A has only an 1840 Y requisite variety capacity? Is actor D more ethical than actor A, operating comfortably within the scope of his 2020 YYYY requisite variety capacity?

The bottom line, and the point of this example, is that social progress can only occur from a 2020 set of world perceptions when individuals operating in 2020 have: 1) enhanced levels of ethical choice variety, 2) the capacity to exercise such choices at higher levels of ethical

consequence, 3) the freedom to exercise such choices, and 4) the will to do so.

Perspective and Grace

Attaining a level of effective management and a capacity for meaningful control of a phenomenon, including ethical decision-making, are limited to the parameters of *perspectives* attainable at a given point in time. There is also a need to accept with *grace* the necessity to cope with variances endemic in the modern social system. When we “evolved ones” (with enhanced requisite variety capacity) manifest our attitudes and opinions on ethical decision-making, we may see others (with lower requisite variety capacity) as perhaps lacking a perspective on *perspective*, exhibiting behaviors we judge as unethical from our point of view.

This brings us to the point of taking a point of view on *grace*. To make this point, consider this quote from the modern techno writer William Gibson, from his book *All Tomorrow's Parties*. While Gibson's story character is speaking of a weapon (a knife actually), the words ring true when considering the requisite variety parameters of ethical decision-making. Here is what Gibson's character has to say about his knife when confronted as to the purpose(s) intended relative to the tool he has at hand: “That which is over designed, too highly specific, anticipates outcome; the anticipation of outcome guarantees if not failure, the absence of grace.” (Gibson, p. 242)

In other words, the relationship with the instrument becomes part and parcel of the instrument itself. This also rings true when ethical decision-making is used as a “knife edged” tool. Humankind's relationship with ethical decision-making should not be one of being subjugated to the judgment of others, nor should it be a challenge of how to dominate others. Rather, it should be one of grace and co-habitation with, understanding of, and toleration of others encompassing differing levels of requisite variety capacities from us.

Summary

The reciprocal of the Paradox of Increasing Knowledge illustrates that decision-makers are limited in their capacities to evaluate decision-making frameworks outside of their world perception frameworks. However, within those frameworks they can be acting within their requisite variety constrained capacities, and behaving (from their perspective) ethically. The management of social issues and the measure of social progress are thus consummated by individuals with world perceptions of a higher/broader variety being willing to understand and encompass this dynamic.

Judging those with ethical perspectives and decision-making alternatives that are lower in variety as evil, subhuman or even inadequate does not serve a constructive purpose. Such judgmental behavior puts the world perceptions of others under attack and functions to solidify and reinforce their extant behaviors. When attacked, people become more defensive and then they are less inclined to being open to alternative perspectives that could enhance their functioning level of requisite variety capacity. The world abounds with current examples of systems in crisis unable to break out of this vicious cycle.

One significant implication of requisite variety for ethical decision-making remains to be examined. This is the point of view that adoption of the requisite variety framework of analysis facilitates the management of social progress through examination and understanding the processes of ethical decision-making. The focus changes from simply judging behavior as unethical to understanding the world perceptions and points of view that yield the decision-making behavior being observed. This level of analysis facilitates: 1) recognizing that behaviors are often judged ethical by the behaving party as they operate at their particular requisite variety capacity, and 2) having higher requisite variety people accept the mantle of responsibility of managing social progress by first understanding and then expanding the world perceptions of others.

Humankind must develop and nurture *perspective* relative to ethical decision-making. An absence of “an absence of grace” is also needed. Our behaviors must exclude “over design” that is disrespectful or neglectful of others.

Epilogue

The paper closes by using the five-level requisite variety model to address humankind’s increasing levels of understanding and control of the component of nature we call “DNA”:

1. I am. We are.
2. Life (and all of its unsolved mysteries) is wondrous
3. Life comes from cells made up of genes transporting DNA. DNA can be identified and decoded.
4. Life can be enhanced with DNA and genetic manipulations. Crops can be enhanced. Cloning is possible. Disease detection is enhanced. Cells can be harvested for research and for medical applications such as gene therapy. Limb regeneration becomes an identifiable dream.
5. The ideal result occurs? What is the eventual set of outcomes?

Level Five is a work in progress. As humankind continues to function at level Four, the distinction between humankind and nature itself is becoming blurred. As mastery of Level Five approaches, we do not know where this story will go. Nonetheless, we do know that humankind, in order to harvest the benefits of DNA manipulation, will need to make a series of significant unprecedented decisions. Let us hope that those decisions are steered by ethical guidelines, and that the decision makers have the requisite variety needed to encompass the challenge.

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HAUNTED LANDSCAPES: A CASE FOR ETHICS IN THE SOUTHWEST

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A letter to my father from the Spanish Archives division of the General Land Office in Austin, Texas, dated May 5, 1977, reads: “Our records show that Manuel Barrera is the original grantee of the tract “La Tinaja de Lara” which comprised 25,684 acres located in Jim Wells County. On September 28, 1836, the grantee was put in possession of the tract, he having occupied it in 1833. It was patented to the original grantee on May 8, 1899.”

I remember early conversations about my family’s history and my great-great-great grandfather, Manuel Barrera. We had these around the dinner table during my high school years in the 1980s. Often these conversations focused on the fact that my father, as heir to the descendants of original owners of the Spanish and Mexican Land Grants, now called the Texas Land Grants, petitioned, in association with the *Asociación de Reclamantes*, that he was eligible to claim certain monies Mexico accepted responsibility of owing due to an exchange of debts with a treaty signed by the US and Mexico on November 18, 1941.

What did it mean that my great-great-great-grandfather was presumably the original grantee of the tract “*La Tinaja de Lara*,” which comprised all that land in Jim Wells County? Why was my family now in Laredo, and why were we not rich landowners? Could anybody really *own* the land, and what of the people or structures that occupied the area now? For that matter...what did it mean that I had Spanish, Mexican and indigenous blood and lived on what was once Mexican soil but was now the United States?

My father, whose family lineage traces to Old Spain, remained haunted by this history of dispossession to his death. After years of pushing through the proper channels in Austin, he gave up the ghost that was *La Tinaja De Lara*. In the end, he acceded that any land his family had once had a legal claim to had been so permanently altered by Anglo dispossession, commercial farming and agribusiness, and rampant growth that “no amount of radical idealism [could] get it back” (Comer, 1999, p. 222). I don’t think he ever believed he’d actually get the land back. But he remembered stories tied to the place, took great pains to trace our genealogical line, and contacted

others in similar predicaments. To me, he embodied a kind of isolation, as throughout his life he remained oriented by a future that was only possible by recalling the past. His memories of what *La Tinaja* meant to his father had left a hole in his heart, he said. He was haunted, he said. This was something I could not understand at the time. How could he be haunted by a loss he never directly experienced?

The late New Mexican poet, Sabine Ulibarrí encapsulates the significance of *la tierra* – the land – to Mexican Americans, *mestiza/os* and indigenous cultures in the American Southwest. In the award-winning PBS documentary, *Chicano! Quest for a Homeland*, he says: “The land was sacred because your parents and grandparents were buried there. Some of your children were buried there. And you would be buried there. The sweat, blood and tears of generations have filtered into the land; so it is holy, sacred...sacrosanct” (Ruiz, Galán, Cisneros, Moreno, and Ulibarri, 1996). Ulibarrí speaks to an ethical connection to place, what Raymond Williams calls a “structure of feeling” that returns to past traditions and places of origin as a basis and orientation for continued belief. Ulibarrí’s sentiment conjures a collective past, recognizing the claims others – our ancestors – have upon our bodies in the present. Michel de Certeau (1986) argues similarly. He writes: “While place is dogmatic...the coming back of time restores an ethic” (p. 592). If we imagine that place and ethics are intimately connected, that, as Pierre Nora (1989) has so eloquently argued, in the modern world we have so many *lieux de mémoire*, sites of memory, because we no longer have *milieu de mémoire*, “real environments of memory”

(p. 7), then how do we capture the paradox of abusive systems of power that yet speak and make themselves known via memory and narrative? How do we account for what Anne McClintock (2014) has termed “administered forgettings” (p. 821) that leave spectral traces and temporal disturbances, forms of “ghosting” that can effectively repudiate official US doctrine and policies?

I am a product of the South Texas *monte*. Growing up in Laredo in the 1970s and 80s, indoor games meant little to my friends and I. Our north side neighborhood dissolved into thickets of native *chaparral* and we lived to explore monolithic plateaus of sticky brush where we built endless forts from mesquite limbs snapped by families of wild *javelina*. We prowled the *senderos* and explored miles of untamed *monte* fed by natural creeks and reservoirs. But Laredo’s wild spaces, like those of South Texas, are vanishing. The city’s population has skyrocketed to over 260,000 inhabitants (not including those who live

and work in the area without official residency papers), and the infrastructure is notoriously disorganized. In short, the new wealth and substructure created by NAFTA have wrought havoc on the ecological limits of the landscape. In *Adios to the Brushlands* (1997), Arturo Longoria bemoans the systematic clearing of native *chaparral* in South Texas by large-scale ranching and dry farming practices that exploded in earnest in the 1970s and 80s. But this was only the beginning. Today, the devastation of the *chaparral* in the name of oil and gas exploration and unbridled corporate interests is choking the lifeblood of the *monte verde* that is our sacred heritage as *tejano/os*. With the impending possibility of an expanded border wall and a looming, intensifying military presence, it remains to be seen how this unique biosphere will fare.

A few years ago, I found myself driving from Lubbock to Laredo almost weekly. My father was suddenly and inexplicably dead, and my mother was alone in the home our family had occupied for over forty years. The drive was surreal. The I-35 corridor, old Highway 83, and even forgotten country roads on the outskirts of unexceptional towns like Asheron, La Pryor, and Carrizo Springs were thick with semi-trailer trucks, oil tankers, groundwater treatment trucks, wastewater treatment trucks, hazmat trucks, trucks full of sand, steel pipe, drill rigs, casings, missiles...and all those methane plumes that marked the escape of dangerous gases into the atmosphere. Rampant, unchecked industrialization and fracking had found a home in South Texas. My life, like the *chaparral* that formed an integral part of my identity, had become a place full of holes. I finally understood my father's sense of isolation; his loss, like mine, was not meant to be silenced.

In the pioneering work of cultural studies, *Borderlands/La Frontera*, Gloria Anzaldúa (2012) reminds readers of the ancient, continuous story that indigenous cultures and *mestiza/os* must recover on the path towards a historical accounting that insists upon a moral and ethical reckoning with ancestral places and originary sites of collective belief. She assesses counter evidence within US-Mexico Borderlands narratives and ideologies that have left material and spectral traces on *mestiza/o* bodies to evoke a Borderlands consciousness that is nothing short of utopic. Using primal metaphors tied to indigenous and embodied knowledge, she unearths deep and unexplored hidden transcripts with the goal of decoding a secret language that speaks of what is "Other" to compel individuals and, indeed, entire cultures, beyond fragmentation towards forms of remembrance and coherence. She writes: "I have a topoi, a place I call *el cenote*. In my imagination, I descend into this dreampool, sinkhole, deep well. I access my

culture's collective history as well as my own personal reservoir of memories. Memories collide, conflict, converge, condense and negotiate relationships between past, present and future" (1995). Under the earth, in a primal, metaphoric space marked by *el cenote* – a natural pit of accessible groundwater found throughout the Yucatán Peninsula of Mexico – she pieces together fragments of silenced collective memories. Evoking myths and stories that yet haunt an American genocidal past, she labors to excavate indigenous stories buried but not forgotten to re-write a *new* reality where Borderlands subjects can embrace history as a process linked to humanistic desires beyond the tangle of administered forgettings.

It was during my long drives that I became haunted by Anzaldúa's *cenote*. The *cenote*, deep and brimming in uncanny signs, seemed a good place to drown. Here, I thought, I could piece together the lost pieces of myself, fragments of both flesh and spirit rent asunder by the cage of a profit economy that left my father homeless in his heart and where my *monte* was for sale. Lost in my self-reflexive malaise, I wrote a coming of age novel and kept my protagonist underwater for a year. Here she would triumph, I told myself. Under the earth, I would seed her with the strength of the ancients – powers marked in the red and black ink of the lost metaphors and primal memories Anzaldúa so eloquently evoked. In many ways, it is an angry novel, but because it is geared to a young adult audience, it is full of hope and builds upon a narrative that overturns those crushing patterns of global capitalism that we often don't realize affect us directly. I hungered to insert a different story into the rhetoric of progress that so blindly gouged the landscape that was my birthright. I wanted to expose the weaknesses of our profit economy and make visible the fault lines in a way that placed the landscape – *la tierra* – at center stage. I needed to understand how I too, had become haunted.

Avery Gordon (2008) provides us with a language by which to identify hauntings, acknowledge the material and social effects they produce, and quite possibly establish "a reckoning" with their instrumentality (p. 18). For Gordon, haunted landscapes and haunted bodies expose the cracks and riggings of disturbances and disruptions that are not so easily silenced. Following Foucault, Gordon considers the politics of haunting as an avenue to understanding modern forms of dispossession, exploitation, and repression. Significantly, haunting, unlike trauma, seeks to produce an action, a future oriented "something-to-be-done" (2008, p. xvi). Gordon's methodology gives us both the vocabulary and the tools to reckon with what modern history has rendered ghostly by tracing the insights of "structures of feeling" of those who *sense* broader social

totalities yet imbricated within violent systems of modernity (italics in original, p. 18). It is the individual's horror of destruction and absence—conscious or not—that foments those ethical relationships with what is dead but not buried, with what remains impalpable, transient, and ghostly.

I am haunted by counter-narratives of nation-making and identity in Mexican and Native American and *mestiza/o* narratives that disrupt linear monologues embedded in modern neoliberal practices on the Borderlands. In my latest book project, *The Haunted Borderlands*, I look at people like my father and fictional characters who are haunted by or embody aspects of what Native and Mexican American scholars call “return and recovery.” These individuals long for a place or a homeland that has been rendered invisible or obsolete by the “brutal amnesias” that states and governments contrive to erase their own atrocities (Gordon, 2008, p. 820). To exist in a haunted landscape, I argue, is to fear what *could* return. Understanding the political force of haunting, then, is one way to understand how individuals negotiate spaces of memory and avenues of associative remembering. This path allows us to uncover cultural scripts that occur in those liminal spaces between the historical, the psychic and the spiritual, and the emotive and affective.

Laguna Pueblo author, Leslie Marmon Silko (1996) echoes Anzaldúa's sentiment regarding *el cenote* when she writes “the ancient Pueblo people depended upon collective memory through successive generations to maintain and transmit an entire culture, a worldview complete with proven strategies for survival” further acknowledging that “the ancient Pueblo people could not conceive of themselves without a specific landscape” (p. 268-269). A central tenet that links these two scholars' ways of knowing the world is epitomized in Paula Gunn Allen's (1986) characterization of a central tenet of Native American epistemology: “We are the land” (p. 119).

What insights come to those who embody the weight of cultural memory and history, and how do such forces operate within historical and public memory? How do we account for affective elements within the living present that speak to the embryonic or the not-yet articulate? Martha J. Cutter (2012), in an editor's introduction to a special issue of *MELUS* dedicated to haunting, argues that we can “ghost back” against the silenced and erased voices of the past in efforts to “move society and individuals beyond fragmentation, toward forms of remembrance and coherence” (p. 5-6). Following Gordon, Cutter insists on an understanding of haunting in terms of its political thrust, which she stresses is crucial for both healing and

social progress. She writes that understanding and “claiming the disremembered and unaccounted for events, bodies, and identities that haunt US history is vital to social progress” (p. 5). Ghosting back against our haunts moves individuals and society beyond fragmentation towards new ideologies of synthesis and renewal.

When we uncover and make visible “officially decreed forgettings” (McClintock, 2014, p. 824) in the public record, we open previously closed windows in ways that breathe justice into the symbolic wounds caused by administered forgettings. Further, we must desire to move beyond the cages of officially sanctioned cultural scripts in order that the traumas of past injustices be resolved; we must hunger for flipping scripts, getting “woke,” or whatever it takes to get the real story out. Only when we expiate these ghostly encounters will we curtail the ritualistic repetitions of history that continue to stifle healing and social progress of cultures historically othered. In the American Southwest, this is crucial to uncovering the narratives of Mexican American and indigenous voices that have been effectively relegated to the margins of the landscape itself or – as signified by my father’s isolationist sentiments – the recesses of memory.

I coined the term the “bordered frontier” to denote the dialogic nature entwined within the complex ideologies that comprise the intrinsic connections between border and frontier paradigms in the Southwest. Only a course that considers the possibilities inherent to both border discourse *and* a frontier paradigm is suitable to deconstruct conflicts based in the historical prioritizing of vast, open spaces and the imperatives of Manifest Destiny that stagnated, silenced, or erased the histories and stories of those necessarily othered by official US policy. This path requires a “topospatial” (Saldívar, 1997, 75) reading of the landscape that configures a palimpsest, a space worked upon, etched over in terms of history and modernist practices that occluded or erased earlier practices, belief systems and ways of being. For it is upon this palimpsest that American ideologies and indigenous and other ways of knowing contend for legitimacy.

The point, then is to re-situate the histories and ruling mythologies of cultures and people that have been effectively silenced by official doctrines and policies such as Manifest Destiny in the American Southwest. I believe there is an ethical component to affirming the Southwestern landscape as a cultural heritage site, a signifier of history for Mexican Americans, *tejanas/os* and *mestizas/os*. Private haunts and ghostly matters that entwine collective memories of dispossession signify ways of being-in-the world that remain

entombed within the landscape. When we break open embodied aspects hidden beneath the façade of geography to expose places and spaces where colonial and colonized cultures intersect and overlay, we reveal a palimpsest that remains haunted by history. A place-based ethics informed by the politics of haunting and *milieu de mémoire* doesn't simply manipulate dominant, often destructive narratives and patterns of being-in-the world. Rather, it imbues a sense of restoration and moral obligation within a contested landscape where various cultures and ethnicities continue to vie for rootedness.

Growing up on the Texas border meant that I grew up juggling conflicting ideologies and ways of being-in-the world. In Laredo, which straddles its Mexican "sister city" Nuevo Laredo to the south and an expansive frontier to the north, east, and west, this was not difficult to do. Almost everyone I came in contact with existed comfortably on both sides of more than one culture and language. Like U.S.-Mexico border writing, which José David Saldívar (1997) calls "bilingual and dialogic" (p. 14), the daily lives of most Laredoans encompass and flit between Mexico and the United States. But this is changing. Narco violence, border militarization, and detention centers bursting with economic, social, and climate change refugees now mark the terrain. Nonetheless, I continue to find my greatest solace, my most perfect moments of peace, when I ride my mountain bike over the rough terrain and through the *senderos* of my uncle's 5,000 acre-ranch off highway 359. On the way to the ranch, I pass a small *colonia* equipped with its own ballroom. I feel grounded on the ranch. What grounds me is the sameness of the dusty gravel under my feet, the constancy of the syrupy, bitter smell of mesquite. From the high ridges of this place, I see the mountains of Mexico; but I also see a new landfill and two new fracking sites. To the east and west the expanse of land is vast and what textbooks might term frontier-like, but this place has been called "the border" for at least 160 years.

I cut through an overgrown *sendero* and think about our modern condition, which Pierre Nora reminds us has us building and constructing so many "monuments" of memory—exhibitions, symbolic landmarks, memorials—because we no longer have "real" environments of memory. I love this place. Each thing that shoots up from the forever-parched earth sticks, needles, or prickles the skin. The thorns and spines that flourish here force me to maneuver with wide eyes. Rushing through this dry landscape is not just dangerous, it is impossible. I am rooted in and held by this dry, dusty place

where remain the traces of the ancients, spirits unsettled and teeming,
 where remains the dust of my father's bones.

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THE ORIGIN AND TREATMENT OF COMMON CCM VOCAL PROBLEMS

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Abstract

Singing has long been an integral part of the human experience, and audio documentation proves that style and technique are constantly evolving; a sound that early twentieth century vocal technicians might have lauded could very well seem distasteful to a modern-day singer, and vice versa. But as the study of music exits its storied ethnocentric mindset and begins to incorporate teachings and lessons from civilizations outside of the Western idiom, vocal style is likewise undergoing its own evolution. Where classical music once reigned supreme in the voice studio, other styles such as jazz, R&B, gospel, and pop have arrived on the pedagogical front and are becoming an undivorceable part of the curriculum. One of the most notable vocal styles made its first appearance on the American stage in the late 1800's and continues to be the most popular alternative to classical music. That style, Musical Theatre, accounts for a large percentage of new repertoire and an even larger percentage of the national revenue. Tallies estimate that professional musical theatre venues in New York City drew in more than \$1.8 billion dollars in revenue in 2018 alone, as opposed to the less than \$200 million garnered by city-wide professional operatic venues in the same year.^{1, 2} As attendance at Musical Theatre events continues to grow, so does pedagogical interest; students are seeking out professional and collegiate instruction worldwide and this interest creates a demand for vocal pedagogues and technicians. It stands to reason that instruction for the modern Musical Theatre (MT) singer would not deviate greatly from the instruction given to operatic singers, but one stylistic element, the belt voice, operates more actively in MT than in any other style. As Musical Theatre becomes a more present stylistic

¹ LLP, K. (2018). Consolidated Financial Statements. Retrieved 2018, from <https://www.metopera.org/globalassets/about/annual-reports/fy18-met-opera-financial-statements.pdf>

² Sanchez, D. (2019, January 07). Broadway Smashes Records With \$1.8 Billion In Annual Revenues. Retrieved from <https://www.digitalmusicnews.com/2019/01/04/broadway-record-breaking-revenue/>

consideration in vocal pedagogy, more attention must be paid to the study and correction of vocal faults related to the belt voice.

The Origin and Treatment of Common CCM Vocal Problems

Musical Theatre often falls under a pedagogical and stylistic umbrella term known as “Contemporary Commercial Music,” known colloquially as “CCM.” The term “CCM” was coined to include a number of vocal styles that operate outside of classical music and often includes country, rock, pop, jazz, R&B, gospel, blues, contemporary Christian, and musical theatre styles. Degree plans at the collegiate level are beginning to reflect this title more officially, and degrees in CCM are available at institutions such as Berklee College of Music, Shenandoah University, Belmont University, and Brigham Young University.

Musical Theatre is the most widely academized of the CCM genres and as of 2019, there are more than 130 musical theatre programs operating in the United States alone.³ While there are no definitive statistics related to the housing of Musical Theatre programs, i.e., whether they operate primarily out of the Music Department, Theatre Department, or jointly between, a study by Jeanette Lovetri shows that around 85% of teachers who are primarily responsible for teaching MT at the collegiate level have no professional training or experience in how to do so.⁴ This is owed to the fact that MT is a relative newcomer in academia, with the first program only being offered in 1967 at the Cincinnati Conservatory of Music. Only one program in the country (UPenn) offers a degree in Musical Theatre Pedagogy, and this degree has been largely inactive for the past three years. As teachers endeavor to teach CCM at the collegiate level, they will find a wealth of knowledge in texts and journals.

CCM terminology has become widely used and is considered part of the vocal vernacular- while the aforementioned number of CCM genres all contain their own subset of stylistic rules and demands, they share in common a propensity for the “belt” voice. The “belt” voice is a thyroarytenoid-dominant sound that can be likened to “yelling” or “calling.” Musical Theatre pedagogue Mary Saunders Barton wrote in 2001 that, “Belting is a dynamic theater sound

³ “Collegiate Musical Theatre Programs.” Musical Theatre Resources, June 15, 2016. <https://musicaltheatresources.com/collegiate-musical-theatre-programs/>.

⁴ Lovetri, Jeannette. “Contemporary Commercial Music.” *Journal of Voice* 22, no. 3 (2008): 260–62. <https://doi.org/10.1016/j.jvoice.2006.11.002>.

produced from a mixed speaking voice. What we think of as the ‘belt sound’ is the apex of a spoken crescendo. Singing in a belt style, however, includes all the colors and mobility of a well-trained speaking voice. There is only high belting above the primary *passaggio*. There is no belting in head voice.”⁵ This style is considered an “acoustic phenomenon” by many pedagogues, including Professor Saunders Barton and Professor Kenneth Bozeman. Bozeman states that some of the same characteristics present when a person “yells” must be present when a singer belts, including a raised larynx, a shortened pharynx, and a widened mouth.⁶ While singing has historically called upon the open [a] vowel to instruct singers in *gola aperta*, MT is more likely to call upon the American [a] vowel; this sound calls upon a divergent vocal tract, as opposed to the convergent tract necessary to accommodate [a].⁷

When explaining the divergent vocal tract to a student, the metaphor of a “megaphone,” small at the end where the sound is produced and large at the end where the sound exits, can be a helpful image. When explaining the convergent vocal tract, using one’s hand to create the letter “c” can illustrate that there must be space in the back of the mouth (i.e., a raise soft palette and relaxed tongue) with a natural opening at the lips. The convergent vocal tract can be paired with narrowing of the aryepiglottic sphincter to create a sound often described as a “twang;” this sound is highly efficient, stemming from total cord closure and minimized air flow.⁸ Belt is not the only component of musical theatre singing and should be paired with a forward mix, a sound that is not unlike classical head voice; the mechanics of head voice remain, though the mix in “legit” is slightly nasalized for increased legibility.

Young MT singers often present with variations on the same few problems; this might be owed to the fact that MT has until this point been more of an oral tradition than an academic study. The first musical theatre singers on record were predominantly self-taught, the great Ethel Merman being foremost. In a famous exchange with George Gershwin, the composer asked her, “Ethel, do you know what you’re doing?” When she replied, “No,” he said, “Well, never go near

⁵ Spivey, Norman, Mary Saunders-Barton, and Mark Uhre. *Cross-Training in the Voice Studio: a Balancing Act*. San Diego, CA: Plural Publishing, Inc., 2018.

⁶ Bozeman, Kenneth W. *Practical Vocal Acoustics: Pedagogic Applications for Teachers and Singers*. Gahanna, OH: Pendragon Press, 2014.

⁷ Spivey, 47.

⁸ Bozeman, 70.

a singing teacher.”⁹ Humorous though this story may be, Merman is an anomaly in the industry and her unorthodox methods might be considered dangerous by many modern-day pedagogues. While Merman retained her famously strong belt voice well into old age, many famous musical theatre vocalists have not been so fortunate and vocal damage is common in MT circles. The reasons for this are numerous, but one of the most likely culprits in the case of vocal damage may lie with unsupervised mimicry. Broadway appeals to a young demographic and many singers report an interest beginning as early as age eight; because of the scarce nature of musical theatre pedagogues, it is not unusual to think that young singers might content themselves with listening to soundtracks and attempting to replicate these sounds in their bedrooms at home. While listening to accomplished singers is key to learning the nuances of any style, the nature of belting is such that an uninformed singer might equate it mechanically with screaming. The ear recognizes belting as a high-pressure sound, one that catches the attention and creates a thrilling product. Volume is often erroneously assumed to be an important factor in the belt voice, when acoustic science tells us that belt creates an inherently quieter sound than classical singing; opera singers remain largely un-mic’ed the world over while CCM is, by its own definition, meant to be performed into a microphone. When a voice is used incorrectly over a long period of time, vocal health issues follow soon after. It has been mistakenly decided in many pedagogical circles that belting is dangerous, likely due to the number of vocal injuries suffered in pursuit of it; this assumption is understandable, but it is more likely that vocal injuries sustained while belting are due to a lack of knowledge and supervision than an inherent danger in the actual act. Classical singing is a well-documented art form with a long, storied history of pedagogy beginning as early as Ancient Greece. Should a classical singer decide to study the mechanics of their instrument, they can seek out a wealth of books and articles to aid in their journey. An MT singer seeking the same information might feel stymied when faced with only three or four credible sources that address belt and belt technique. The industry is undergoing a zeitgeist shift and the number of sources is sure to multiply in coming years, with scores of pedagogy books reportedly slated to join the existing core texts in the year 2020.¹⁰

⁹ Rothstein, E. (1982, May 09). 'I guess I'm blessed with good lungs'. Retrieved December 10, 2019, from <https://www.nytimes.com/1982/05/09/arts/i-guess-i-m-blessed-with-good-lungs.html>

¹⁰ New Publication Catalog 2019-2020. (2019). Retrieved December 10, 2019, from https://www.pluralpublishing.com/application/files/7715/7314/5035/New_Publica

One of the most prevalent vocal issues in musical theatre pedagogy lies with vibrato and whether or not a student is allowing vocal freedom. When a student's voice does not present with vibrato, a number of factors could be at fault. Firstly, because belting is, as mentioned previously, a highly pressurized sound, students can sometimes wrongly assume that restricting the singing mechanism will present more typically satisfying or strong sounds. Secondly, students who have listened exclusively to certain kinds of music might not be familiar with vibrato as an element of singing and could have refrained from allowing freedom based on a lack of both knowledge and technical foundation. Thirdly, some students might argue that musical theatre does not demand vibrato as a stylistic preference; the soundtracks available to us would argue that vibrato is used frequently in MT, but that straight-tone singing is often used for the front half of a note and vibrato for the latter half. Vocal technicians have jokingly given this technique the name of "stick and wiggle," but some student assume because of the initial lack of vibrato on certain notes that they should forgo the discussion altogether.

Laryngeal compression is the factor most likely at fault for a lack of vibrato in musical theatre and can be caused by a number of culprits. Students could possibly be holding at the tongue root, which can be alleviated through gentle massage at the root itself, or by singing with the tongue moving continuously in a lateral loop as an alleviative exercise. Students could also be holding from the sternocleidomastoid muscles, sometimes colloquially referred to as the "cords of the neck." This problem is rife with young male singers and can often be a sign that support is lacking lower in the body; the cords of the neck will often be visibly tensed and bulging if holding is occurring. Explaining to students that engaging their intercostal muscles, feeling a sense of "fullness" or "suspension," or using their "pee muscles," can increase support while instructing a student to allow their head to lilt gently back and forth from the A-O joint can be a calming exercise for overtaxed sternocleidomastoids.¹¹ Lastly, holding of the digastric muscle can also contribute to a lack of or unevenness of vibrato. The digastric is one of the muscles responsible for opening the jaw and can be described to a student as a rubber band that they should access from the back of their skull; the sensation of activating the digastric can feel akin to loading and preparing to fire a slingshot. One effective method for easing digastric tension is telling students to

“sing like they were drunk,” or to feel vaguely like a bullfrog. When they have overcorrected their problem to the opposite extreme, ask them to find a more central resting place for their technique as a means of compromising.

Many young beltters suffer from a strained sound or appearance when they endeavor to belt; this issue shares many symptoms with a lack of vibrato, a fact owed to their shared commonalities of tension and holding. A strained sound can often be due to throat tension, which can be directly related to both jaw and tongue tension. Teachers should address jaw, tongue, and lip independence early in voice lessons to insure that students are not tensing their jaws or throats as they attempt to make their diction legible; the jaw, tongue, and lips move independently of one another and should be able to function as such in technically accurate singing.¹² A strained sound can also be due to a high larynx; it should be noted that the larynx is elevated in belting in a way that it should not be in classically singing, and this censure refers to a singer who is raising their larynx more than is stylistically appropriate.¹³ A stable laryngeal position is paramount to the technically fulfilled singer and teachers can instruct singers to feel the sensation of yawning or gagging when they sing to keep the larynx low. If the belt sound is then lost, vocalize the student on ascending and descending triads from their middle voice into their higher register to allow them the opportunity to carry a stable sensation into an unstable area. Lastly, students may be suffering from a lack of physical engagement that is contributing to their throat tension. If a student is swaying from side to side, dancing from foot to foot, or moving their hands nervously while singing, instructors should take special care to compliment the urge to move. Language such as “stand still” can prevent students from allowing natural movement and can hinder the introduction of positive physical engagement in the future. Instead, teachers can use language such as, “I see that you’re moving from side to side. The urge to move is good! It shows that you’re seeking physical engagement. Let’s make sure that this engagement comes from the right area.” The teacher can then begin a conversation about engaging the lower abdominals, pelvic floor, and intercostals. Students are also prone to locking their knees or isolating the top and bottom halves of their body. Remind the student that their legs are meant to have the weight of the body

¹² Shakespeare. (1921). *The art of singing: Based on the principles of the old Italian singing-masters, and dealing with Breath-control and production of the Voice, together with EXERCISES, entirely re-written.* Boston, MA: O. Ditson.

¹³ Bozeman, 70.

equally distributed and that singers should try to keep the physical processes of the body as natural and honest as possible. While singing is not necessarily the most natural pursuit for the human body or voice, it is a healthy one; to ensure that the body does not start trying to help itself in ways that are not conducive to good singing, the bodily functions should be kept as normal as possible.

Finally, musical theatre students often comment that they are displeased with their transition into their mix voice. Many musical theatre singers sing only in the Broadway style and may have learned about singing in a context that dispensed with talk of the mix or head voice. This sort of training leads to singers who sing in their chest voice almost exclusively, a pursuit that can cause unpleasant sounds, straining at the top, and diminished vocal ranges. Students who sing predominantly in their chest voice may have learned from recording mimicry or may have attempted to sing in their head voice and been displeased with the “weakness” of the sound in comparison with the brassy, bold chest voice. If a student is struggling to sing in their mix, the teacher must first address the psychological factors at play. Singing can be a very vulnerable experience for both performers and audience members, likely because the singing voice is not an attachment, such as a flute, but is native to the body. Criticism of the singing voice can, therefore, be mistakenly perceived as criticism of the self and should be given both thoughtfully and constructively to young singers. When addressing a student who struggles to sing in their mix, teachers might try asking what the student thinks of their mix voice. If they respond that they’re not sure about having one altogether, the teacher can ask for “hooty” or “light ooh” sounds that can then be demonstrated and repeated on a siren. Vocalizing a student from the top down in this instance is more efficient, as it can demonstrate how far the mix extends before the chest voice takes over. Explaining the mix voice in relation to the voice the student is already familiar with can establish a more permanent connection between them. If the student replied, when asked about their mix, that they find their existing mix to be “weaker or less pleasing than their belt,” a teacher might reply that while the student may not have used their mix voice as much as their belt voice, the engagement of the mix can be integral to improving the belt. While many listeners may assume that a Broadway star is belting all the way up to an F5 or G5, it is highly unlikely that this is the case; many accomplished starlets are actually giving way to a forward belt-mix around C5 or D5 and have learned to conceal this passaggio. Teachers might use singers such as Sutton Foster or Annaleigh Ashford as examples, as both have enjoyed fruitful careers and are masterful mixers. When

addressing the technical errors at play with mix transition, teachers should address whether or not the sound and vowel production is occurring too far back in the mouth; telling students that they should imagine making vowels with the front of their tongue but creating space with the back of their tongue can be a gateway for mix transition. Hyper-nasality is another common culprit and can be addressed with “comfortable shouting”; while comfortable shouting is often used in classical music to aid the young male singer, it can also be used to aid both the male and female belter in the musical theatre idiom. Shouting in the different registers on “ho” can preclude involvement of nasal resonance. Lastly, as with most vocal faults, a lack of support should always be investigated. As mentioned above, telling a student to “engage their pee muscles” is a simple way to address singers at any age; relating an unknown sensation to that of a known sensation creates a connection that promises longevity of knowledge, especially when the known sensation is one that is germane to the physical body.

While these are some of the more common vocal faults for CCM MT singers, an increase in optics and documentation will likely reveal a new set of problems for the next generation of beltters. As the field continues to grow, it is important that pedagogues take note of the acoustical challenges presented by comparing classical and musical theatre singing, and that each voice is taught for the voice that is today and not the voice that it will possibly someday be. Belt is not just a pursuit for Broadway performers and can even aid the classical performer as they endeavor to find new colors and textures in their own voice. If progress continues, the musical theatre vernacular is sure to reach the same academic heights as classical singing and will soon be a fixture at voice conferences worldwide.

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ETHICS OF DISCLOSURE IN FINANCIAL PLANNING: SHOULD THE FINANCIAL PLANNING INDUSTRY BE INTENTIONAL IN DISCLOSING PRACTICE VIOLATIONS?

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Introduction and Hypothesis

A Wall Street Journal article in the Summer of 2019 found that one of the largest financial planning organizations, the Certified Financial Planner™ (CFP®) Board, did not accurately disclose practice violations of CFP® professionals (Zweig, & Fuller, 2019). The article found that more than 6,300 CFP® professionals had practice-related violations and regulatory skirmishes from the Financial Industry Regulatory Authority (FINRA)¹ that were not mentioned on the CFP® Board's website: LetsMakeAPlan.org. LetsMakeAPlan.org is a website sponsored by the CFP® Board that, "allows you to find individuals who are currently authorized by CFP Board to use the CFP® certification marks, who have indicated they currently provide financial planning services to clients, and who accept new clients" (CFP® Board, 2019a). A tool that helps individuals locate financial planners that also does not accurately disclose the financial planners' practice violations, questions the level of organizational responsibility and transparency in the financial planning industry.

Consumers have check systems available to help them discover whether or not their financial planners have practice violations, such as FINRA's BrokerCheck, the Investment Adviser Public Disclosure (IAPD) database, the Electronic Data-Gathering, Analysis, and Retrieval (EDGAR) database, and others. These check systems serve as an alert system for consumers, letting consumers know whether or not their financial planner has a practice violation. The question begged is if it is up to the consumer to research this information or if it is up to the financial planning industry to be intentional in alerting consumers of their financial planner's practice violations.

The hypothesis of this study is that consumers are unaware of the existence of the financial planning disclosure check systems that are available to them. The lack of knowledge of these systems prevents consumers from having complete information when deciding to work

¹ It should be noted that the author of this study holds the CFP® designation and does not have any practice violations as defined by the FINRA BrokerCheck system.

with a financial planner. The findings of this study suggest that consumers lack awareness of the available resources that provide essential information when selecting to work with a financial planner. The conclusions drawn suggest that there is a need to promote transparency and disclosure in the financial planning industry.

Background

Clients of financial planners generally find their financial planner to be ethical and, generally, having the necessary technical competencies to fulfill their responsibilities as a financial planner (Cull & Bowyer, 2017). However, there are currently no legal or government-mandated requirements for an individual to hold themselves out as a financial planner and to practice financial planning; this is not to be confused with the security licensing requirements mandated for individuals who sell financial products. The lack of a formal licensing requirement is one area where the financial planning industry is vastly different from other professions, such as the legal or medical professions. Licensing requirements are formal regulatory ways to set minimum quality and ethical standards (Leland, 1979). In the absence of a minimum knowledge and ethical threshold, consumers considering working with a financial planner may look for other signals of market quality and ethical standards when selecting a financial planner, such as credentialing or the presence of a designation (Spence, 1973).

Consumers are more receptive to advice if it comes from people who they perceive as experts (Harvey, 1997), and the CFP® designation provides confidence to financial planning consumers (Gallouj, 1997; James, 2013). When individuals are asked to identify one professional from whom they would seek advice, Certified Financial Planners™ are the preferred resource (Murphy & Yetmar, 2010). 92% of individuals prefer their financial planner to have the CFP® designation, and individuals even prefer that their financial planner to have the CFP® designation over a master's degree (Bae & Sandager, 1997). The CFP® curriculum can be found in numerous undergraduate, graduate, and certificate programs in over 200 colleges and universities.

The most recognized designation or credential in financial planning is the CFP® designation (Alfest, 2004). With respect to the rigor of the technical competency required for the CFP® designation, the pass rate for financial planners testing to obtain the CFP® credential is 68% and 46% for first time takers and repeat test takers, respectively²

² Pass rates are from the posted CFP® Certification Examination Statistics from the July, 2019 exam. Historical Statistics are available on the CFP® Board's website in the CFP® examination

(CFP® Board, 2019b). With respect to the ethical competency to become a holder of the CFP® certification, 7% of the test to obtain the CFP® designation covers professional conduct, which includes testing on the CFP® Board's code of ethics³ (CFP® Board, 2019d). To maintain the CFP® designation, CFP® professionals are required to complete ethics training as a part of their continuing education requirements (CFP® Board, 2019e).

The primary motivations for financial planners to obtain a designation or credential are to broaden knowledge in financial advice and to establish professional credibility (Terry and Vibhakar, 2006). A financial planner obtaining a designation or credential, or multiple designations and credentials, may be a way to not only improve a financial planner's knowledge, but also may be a way to market to and attract consumers. Evidence shows that consumers who value designations pay financial planners more than those who did not have a designation (Raskie et al., 2017). A 2010 Wall Street Journal article notes that, "Increasingly, say regulators, financial advisers are using these dubious designations as marketing tools to win the trust of older, wealthier clients, in hopes of selling high-fee investments that are not appropriate for them" (Zweig & Pilon, 2010).

Financial planning is a credence service, and there is a high level of subjectivity in evaluating quality (Dulleck & Kerschbamer, 2006), and this asymmetric information presents opportunities for CFP® professionals to potentially take advantage of their consumers. When there is situational asymmetric information in financial planning, clients look to their CFP® professionals to be trustworthy, transparent, and provide full disclosure in delivering their service. Disclosure and transparency are a form of trust (McKnigh & Chervany, 1996), and trust builds commitment (Warrington, et al., 2000) and binds relationships (Ring, 1996). Without trust the objectives and desired outcomes from a given relationship are in chronic jeopardy (Johnson & Cullen, 2017). Trust and ethical behavior lead to higher levels of customer satisfaction (Román, 2003).

With so much trust placed in the hands of financial planners by their clients, the financial planning industry's responsibility should be to provide full transparency and disclosure. A code of ethics and

statistics.

³ The CFP® examination itself is one of several requirements to hold the CFP® designation. Other requirements include the attainment of a bachelor's degree from an accredited university or college, completing a CFP® Board registered education program, 3 years of financial planning experience or two years of apprenticeship, and completing the CFP® Board's candidate fitness standards (CFP® Board, 2019c).

mandated ethical training on its own may not be sufficient in achieving ethical behavior. Ethical behavior needs to be promoted, implemented and enforced (Brien, 1998). The public's trust in the financial services industry is still recovering from the 08-09 financial crisis and will likely persist (Collett, 2009). Clients of financial planners rated the ethical values of financial planners as more important than technical competence (Cull & Bowyer, 2017). Consumers should have complete information and be aware of any past violations of financial planning professionals before deciding to enter a financial planning relationship and deciding to continue ongoing advice from a financial planner.

Data and Methods

The 2015 wave of the investor survey of the National Financial Capability Study (NFCS) is utilized to examine consumers' level of knowledge of the available check systems in the financial planning industry. The NFCS is a project of the FINRA Investor Education Foundation. The goal of the NFCS is to understand how individuals can best manage and make decisions about their financial resources (FINRA 2015). The investor survey of the NFCS is self-administered by respondents on a website. The original survey data uses no additional weighting to account for non-response bias (FINRA 2015).

Data that are collected from the NFCS are utilized because of the relevancy of the questions that the survey asks its participants. The NFCS asks, "Have you heard of any of the following consumer information tools?"

- BrokerCheck
- IAPD (Investment Adviser Public Disclosure) database
- EDGAR (Electronic Data-Gathering, Analysis, and Retrieval) database

For each of the consumer information tools, the survey participants can select either: Yes, No, Don't know, or Prefer not to say. Don't know, Prefer not to say, and incomplete responses are dropped from the 2,000 original respondents in the sample. The sample size of this study is 1,894.

Below is information about each of the consumer information tools and resources:

BrokerCheck

The FINRA sponsored BrokerCheck resource is a, “trusted tool that shows you employment history, certifications, licenses, and any violations for brokers and investment advisors” (BrokerCheck, 2019). The check system tool allows users to find brokers barred by FINRA, find out whether or not a particular financial planner is registered to sell securities, find any pending Securities and Exchange Commission (SEC) litigations the financial planner may have, and the tool provides insight into the financial planner’s employment history, regulatory actions, and investment-related licensing information, arbitrations, and complaints.

IAPD

The IAPD, “provides instant access to registration documents filed by more than 25,000 SEC- or state-registered investment advisers” (IAPD, 2019a). The IAPD is a tool that provides users access to Form ADV filings and registration information filed with states of financial planners. Form ADV and the registration information provides financial planning consumers with information “about the investment adviser’s business, ownership, clients, employees, business practices, affiliations, and any disciplinary events of the adviser or its employees” and “the types of advisory services offered, the adviser’s fee schedule, disciplinary information, conflicts of interest, and the educational and business background of management and key advisory personnel of the adviser” (IAPD, 2019b).

EDGAR

“All companies, foreign and domestic, are required to file registration statements, periodic reports, and other forms electronically through EDGAR” (EDGAR, 2019). This system allows users to see information for companies and others who are required by law to file forms with the U.S. Securities and Exchange Commission. The companies that the EDGAR check system tracks include financial planning and advising companies such as J.P. Morgan, TD AmeriTrade, Charles Schwab, and others.

Table 1 provides insight into the number of individuals that have heard of BrokerCheck, IAPD, and EAGER. Roughly, 14.47% have heard of BrokerCheck, 12.94% have heard of IAPD, and 21.44% have heard of EAGER. Table 1 also provides insight into the sample’s distribution across various demographic variables. The sample includes respondents with an average non-retirement investment account value between \$50k and \$250k, income of around \$100k, and is weighted toward older individuals. 38.49% of the sample have college degrees, 55.91% identify as male, and 79.78% identify as white.

To examine whether or not the demographic variables of the sample affect whether or not the sample has heard of these consumer information tools, a probit analysis is performed on each of the consumer information tools. Each of the consumer information tools serves as dependent variables, coded as a “1” if the survey participant responded with a “yes” response and a “0” for “no” responses. The demographic variables from Table 1 serve as the explanatory variables for the probit analysis. The non-retirement account value, income, and age variables enter the models categorically, where non-retirement account values below \$2,000, income less than \$50,000, and ages 18 to 35 serve as the respective reference categories. College degree, gender, and race enter the model dichotomously, where no college degree, female, and non-white serve as reference categories.

Discussion

Table 2 presents the average marginal effects from the probit regression models. Generally, higher levels of non-retirement investment account values are associated positively with having knowledge of the availability of the consumer information tools

tested. Non-retirement account balances may serve as a proxy for net worth, and individuals with higher levels of net worth may receive greater utility from knowing whether or not their financial planner has any practice violations. Interestingly, income is not a significant predictor of whether or not consumers have heard of any of the check systems. An individual that has a college degree is associated positively with having heard of BrokerCheck. Males, compared to females, are more likely to have heard of BrokerCheck and EAGER. An individual that is white is associated negatively with having heard of all three consumer information tools.

Although the results of the probit regressions provide demographic insight, Table 1 reveals the reason that this study was conducted. The low percentages of individuals who are aware of the existence of financial planning violation check systems is alarming. All three check systems have no cost to the consumers and are simple to navigate. The financial planning industry can take steps to inform consumers that these resources are available. Promoting awareness of the check systems can close the asymmetrical information gap that exists between consumers and financial planners.

Another potential, and perhaps more pragmatic step forward, is for the financial planning industry to require financial planners to inform their consumers of any practice violations as a part of their client onboarding process. Increasing public policy efforts that require additional disclosures in the financial planning industry also can provide consumers with greater transparency.

Conclusion

The results of this study support the hypothesis, showing that financial planning consumers are unaware of the check systems they have available. Roughly, 14.47% of individuals have heard of BrokerCheck, 12.94% of individuals have heard of IAPD, and 21.44% of individuals have heard of EAGER. Consumers are unaware of these tools. Providing full disclosure minimizes information asymmetry for consumers when they select their financial planners. The financial planning industry should take reasonable action to promote transparency between consumers and financial advisors.

Tables

Table 1 - Descriptive Statistics

	Mean	Std. Dev.	Min	Max
BrokerCheck ¹	0.1447	0.3519	0	1
IAPD ¹	0.1294	0.3357	0	1
EAGER ¹	0.2144	0.4105	0	1
Non-Retirement				
Accounts ²	6.3289	2.4095	1	10
Income ³	2.1399	0.7319	1	3
Age ⁴	2.3495	0.7471	1	3
College Degree (no degree as base)	0.3849	0.4867	0	1
Gender (female as base)	0.5591	0.4966	0	1
Race (non-white as base)	0.7978	0.4018	0	1

Data collected from the 2015 wave of the investor survey of the National Financial Capability Study (NFCS).

N = 1,894

¹Indicates the fraction of “yes” responses when survey participants are asked if they have ever heard of this resource.

²What is the approximate total value of all of your investments in non-retirement accounts?

1 Less than \$2,000

2 \$2,000 to less than \$5,000

3 \$5,000 to less than \$10,000

4 \$10,000 to less than \$25,000

5 \$25,000 to less than \$50,000

6 \$50,000 to less than \$100,000

7 \$100,000 to less than \$250,000

8 \$250,000 to less than \$500,000

9 \$500,000 to less than \$1,000,000

10 \$1,000,000 or more

98 Don't know

99 Prefer not to say

³Household income

1 <\$50K

2 \$50-\$100K

3 \$100K+

⁴Age

1 18-34

2 35-54

3 55 +

Table 2 – Marginal Effects from Probit Regressions:

	BrokerCheck		IAPD		EAGER	
	Marginal Effect	Standard Error	Marginal Effect	Standard Error	Marginal Effect	Standard Error
Non-Retirement Accounts						
(less than \$2,000 as base)						
\$2,000 to less than \$5,000	0.0417	0.0270	0.0331	0.0288	0.0263	0.0474
\$5,000 to less than \$10,000	0.0737***	0.0278	0.0346	0.0261	0.0114	0.0426
\$10,000 to less than 25,000	0.0853***	0.0263	0.0729***	0.0276	0.0681	0.0431
\$25,000 to less than 50,000	0.1027***	0.0276	0.0486*	0.0258	0.0278	0.0410
\$50,000 to less than \$100,000	0.1195***	0.0234	0.0779***	0.0239	0.0779*	0.0384
\$100,000 to less than \$250,000	0.1506***	0.0233	0.1207***	0.0245	0.1218***	0.0379
\$250,000 to less than \$500,000	0.1916***	0.0274	0.1582***	0.0284	0.1464***	0.0406
\$500,000 to less than \$1,000,000	0.1820***	0.0333	0.1574***	0.0344	0.1650***	0.0459
\$1,000,000 or more	0.1064***	0.0341	0.1238***	0.0375	0.1836***	0.0507
Income						
(<\$50K as base)						
\$50-100k	0.0002	0.0227	-0.0129	0.0224	-0.0223	0.0263
\$100k+	-0.0214	0.0247	-0.0313	0.0242	0.0259	0.0299
Age						
(18-34 as base)						
35-54	-0.1359***	0.0320	-0.1549***	0.0311	-0.0353	0.0326
55+	-0.2558***	0.0296	-0.2373***	0.0294	-0.1742***	0.0302
College Degree						
(No Degree as base)						
	0.0280*	0.0166	0.0179	0.0160	-0.0208	0.302
Gender						
(female as base)						
	0.0303*	0.0158	0.0038	0.0151	0.0679***	0.0187
Race						
(non-white as base)						
	-0.0473**	0.0183	-0.0584***	0.0174	-0.0412*	0.0224

Data collected from the 2015 wave of the investor survey of the National Financial Capability Study (NFCS).

N = 1,894

*** Significant at the one-percent level ** Significant at the five-percent level * Significant at the ten-percent level.

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THE ETHICS OF CHEGG

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Cheating is an evergreen ethical issue in academia, with cheating occurring at almost all levels of study, in almost all cultures, and almost all of the time. Students will usually condemn people who are viewed as cheaters, but students frequently have different ideas on what constitutes cheating from both each other and faculty. Our analysis focuses on the ethical considerations of students using Chegg.

For our discussion, we presuppose that using Chegg, and other websites, to view and copy solutions to problems as being a form of cheating. We arrive at that conclusion, because using these resources, a student presents work or ideas as their own that they have not spent the time or effort to produce.

The ethical dilemmas involved in cheating stem primarily from the fact that students are pursuing an immediate improvement in their grade and/or trying to avoid committing their own resources to developing the grade. Usually, the instructors attempt to discourage cheating by implementing punishments with the assumption that students will not cheat if there is an inherent risk when cheating. Currently, this model is not very effective. What this paper discusses is the fascinating phenomenon that occurs when it comes to cheating with Chegg as opposed to other cheating techniques such as copying classmates on tests or other manners of cheating.

What's fascinating about the concept of Chegg versus other manners of cheating is that it includes the process of essentially paying to cheat. Since Chegg members have to pay a monthly subscription for access to their service, the psychological decision-making process is different than copying a colleague's homework. Most forms of cheating don't require a payment (except possibly paying someone to complete a paper or homework assignment, but Chegg is arguably used more often). Therefore, when one decides to pay for Chegg, they are making a long-term "investment", knowing that they will have access for at least a month, and with payment being recurring it usually lasts for even longer. With 40 million customers, Chegg offers enough benefits to retain their clientele ("Chegg reaches..", 2016).

In many ways, it might appear to the student that they are commissioning someone to produce the intellectual work for them similar to how a Medici would commission a work of art. While we believe that this is inaccurate, because the student is still submitting this work as their own product, it does influence how students think about Chegg. Indeed, when we were talking with a small group about cheating and Chegg, a classmate overheard and asked us if Chegg actually counted as a form of cheating.

We wanted to try and understand why people are willing to cheat, despite many viewing cheating as unethical. In some surveys a majority of students indicated that cheating was ok, although our survey showed that over 85% of our respondents viewed cheating as unethical. At the same time, surveys have indicated rates of cheating exceeding 85% of students, while our survey indicates rates in excess of 75% with only 5% of students confident that they have not cheated (Kessler International, 2018). Taken together, this indicates that a large percentage of students view cheating as unethical but still engage in cheating. Our goals are to understand why some people may not view cheating as unethical, and why some people engage in cheating despite believing it to be unethical.

We suggest two different approaches to determine the ethics of cheating. Our first will use an approach grounded in Kantian ethics and try to universalize maxims in different situations. Our second approach will analyze cheating based on utilitarianism.

Our first approach will consist of us proposing a maxim that states a reason to cheat, ie I will cheat because I want to have an advantage over my classmates. It will then look at the effects of universalizing the maxim, i.e. if everyone cheats. We will then examine the results of universalization, and see if the maxim is still valid or if there have been any other issues that arise. We assumed that most cheating would occur to gain an advantage over a student's peers or as a way of insuring success from an academic grade perspective. In any case where the universalization of the maxim leads to a contradiction, we conclude that the maxim is unethical. (Kant, 2019)

Using Kantian's methodology, it would follow:

Chegg Cheating: A student decides to use Chegg to finish their homework. Is it unethical?

a. The maxim of the action is, "I will use Chegg [action] when I don't know the

answer[circumstances] for the motive of _____ [motive].”

b. The universal law is, “Everyone will use Chegg when they don’t know the answer for the motive of _____.”

If we initially assume our maxim is “we will cheat in order to gain an advantage over our classmates” or “we will cheat in order to be competitive,” the maxim will not be universalizable. If everyone adopts this maxim, everyone would share this same “advantage/competitive edge.” Since everyone shares this advantage, we can assume that it becomes the norm and does not actually provide anyone an advantage. Therefore, it is impossible to universalize the maxim that one should cheat to gain an advantage over others is impossible, so we conclude that it is not ethical to cheat for the purpose of gaining an advantage over others.

Alternatively, we could consider the maxim that we should cheat in order to improve our academic grade. If we universalize the maxim, every student would cheat in order to improve their grade. If a professor graded on a true bell curve, then even though everyone cheated the grades would remain more or less stagnant since the curve would be adjusted for the now higher academic grades which would prevent the universalization of the maxim. We assume that most professors do not grade on a true bell curve, and we would point to the numerous articles on grade inflation as proof of this assertion. We therefore believe that universalizing the maxim would not inherently defeat it. That being said, everyone always cheating would cause the education system to be meaningless, since the results would not be indicative of what students have learned. Due to it rendering the educational system meaningless, it would appear that the underlying goal of the student, proving that they have learned marketable skills, is made impossible.

No matter what maxim we assume for cheating, we do not believe it is possible to justify cheating from an approach grounded in Kant’s ethics. The fact that Kant considers motive equally as important as the consequences means that you seriously have to consider the hearts and minds of the students who participate in cheating. It seems that no matter how you slice it, there doesn’t seem to be a reasonable motive for utilizing Chegg when it comes to Kantian thinking that deems it appropriate. The reality that universalizing the action always yields negative impacts on others means that in order to act ethically, one must consider that the short-term effects of cheating

using a service like Chegg doesn't outweigh the long-term negative impact that cheating as a whole has on society. Which leads one to consider, are students not educated in the long-term effects of cheating, or are students willingly ignoring the facts in order to reap whatever benefit the student receives from cheating?

Moreover, when considering the consequences, you have to look beyond simply the initial results of the cheating (i.e. an improved score on an online quiz), and look at the long term effects in terms of how universalizing the law leads to unforeseen consequences that create an unethical standard. Therefore, based on previous commentary, it could be presumed that the mindset of the student is superficial, since logically if one cared for the well-being of society, they would do what others in society expect them to: discipline themselves to learn, grow, and better themselves for their future occupations and thus better their community and society. Obviously, with the amount of cheating that occurs at universities, especially while using Chegg, we see that their mindsets are set on temporary convenience rather than on the long-term goal of bettering society.

Utilitarian ethics is concerned with choosing the action that will maximize the utility of society (Driver, 2014). In this case, we can assume that so long as a student is not caught cheating, their utility will only remain the same or increase, at least in the short term. Since they are not suffering any immediate repercussions from being caught, we assume that their utility cannot be decreased. Additionally, the act of cheating implies that they accomplish something without using as many resources. By definition, successful cheating, managed to gain the advantage and not get caught, would increase the student's utility. If the student cheated, was not caught, but also did not manage to get an advantage, the student's utility will be unchanged. In the unlikely event that the student is caught cheating, their utility would decrease significantly. Overall, we suggest that students assume that there is either no probability of being caught cheating or at the very least a very small probability. The overall conclusion for a "rational" student then is that their utility is increased by cheating.

At the societal level, students probably assume that cheating is a "victimless crime." After all, by copying another student's answer, a student improves their grade without changing their peer's answer and therefore grade. Essentially, on small time scales cheating would not decrease the utility of others. By combining the change in the student's expected change in utility with the expected change in society's utility, a student would reach the conclusion that cheating

was permissible with utilitarian ethics, since it increases the overall utility of society.

On larger timescales, cheating has adverse effects on the student and society, even if the student is never caught. A student who cheats, will almost certainly not learn as much as they would by doing the work properly. That means that if they are ever required to recall that information, they will probably not be able to. In extreme cases, this can lead to career-ending mistakes which would significantly decrease that individual's utility. Whoever employs that student will lose utility, if they have to teach that individual something that they should have learned but did not learn due to cheating. Schools with widespread cheating and anyone associated with that school can suffer a long term loss in utility since their reputation will decrease if it becomes known that a significant number of students receive high marks despite not learning everything that is needed. In the long term, adverse consequences from cheating will decrease the utility of both the cheater and the rest of society.

We would also like to acknowledge that most of the utility loss in the long time horizon comes from abstract effects, i.e. loss of reputation. Students probably are less likely to factor these concerns in, since abstract concerns are easier to ignore, harder to predict, less certain, and more difficult to understand. Combined with the fact that these events happen after a time delay, and students are unlikely to take these effects into account. This means that students can naively apply utilitarian ethics, ignoring long term abstract effects, and come to the conclusion that cheating is ethically permissible. In fact, we believe that students use this technique without realizing it, since our limited survey indicated most students who cheated said they cheated because it seemed like an easy way to help their grades without affecting others. It appears that the students take the short-sighted view that cheating helps them without immediate concrete consequences.

We propose that students are willing to cheat, even if they view it as unethical due to what amounts to economic concerns. They do an internal cost analysis and conclude that their utility is most likely improved by cheating. They then choose to follow this course of action because they cannot see how it will affect other people. Despite "knowing" that cheating is wrong, students cheat because they use an informal form of utilitarian ethics to justify cheating.

Chegg could potentially be an amazing resource for students. Some of the features that usually aren't mentioned are textbook rentals, online tutoring and other extremely beneficial services. The problem

is that for the typical student in an entry level class (which can be an extremely important first step for more advanced classes), homework assignments tend to turn into a constant cycle of copying the question, pasting in google, and clicking the first Chegg link that pops up and immediately scrolling down to the example. It's the inevitable step. They may tell themselves that they will use it to check answers, then progress to "I'll use it to see how they did it". However, reliance leads to convenience, and the internal cost and benefit analysis leads to their minimizing time spent on assignments, thus an easy way out by solely copying the answers.

Beyond the ethical philosophies there is one question: in the long-run, does using Chegg to cheat (or even cheating in general) benefit society? It's very easy to see the mindset of the cheater: one incident won't impact anything. The reality is that when we create an environment that allows or even encourages cheating, we lead essentially to the universalization of the law as previously discussed in the Kantian section of this paper. Much in the way that people don't vote because the impact of their vote is miniscule, students cheat. Yet with the amount of people cheating, one must wonder how much better society would be without Chegg. Would students be better prepared for their future careers? Would universities have better reputations based on the type of graduates they push out? While students have cheated for longer than Chegg has existed, the fact remains that Chegg has facilitated a lack of discipline among students. Thus, whether or not you

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JAZZ, EB, AND ME: AN ETHICAL DILEMMA

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Not the best planned study, nor the perfect review from my university's IRB could have predicted the ethical dilemma I experienced in implementing my doctoral degree requirements requiring a research project. I chose to research students at a Disciplinary Alternative Education Placement (DAEP) who were placed due to various offenses as serious as bringing a gun to school, fighting or as frivolous as being considered a classroom disruption. Bochner's and Ellis's (2016) words of relational care and justice ethically clashed when two participants, Jazz and EB (pseudonyms), negatively crossed paths and left me at a cross-roads with an ethical dilemma. This dilemma involved the students' relationships established at their home school, relational confidentiality, and because of their being participants in my study, participant confidentiality.

Participant confidentiality is a common ethical practice in qualitative narratives and interviews to protect and ensure participants can freely communicate and speak their truth without retaliation or reprisal (Connelly & Clandinin, 1990; Flick, 2014; Kim, 2016). Connelly and Clandinin (1990) deemed the process of narrative inquiry as an ethical matter framed in terms of principles that establish the boundaries the researcher functions within in their study. My study followed the University's protocol of my attaining the Collaboration Institutional Training Initiative (CITI, 2020) ethics certification. The University's standard participant consent form was used in the study. The dilemma I encountered was not even something my University could have foreseen. The dilemma was the fault of public education falsely placing a student, Jazz, in DAEP when an earlier participant in my study, EB, arranged to have Jazz beat-up. Jazz's cries for help to her teachers and her principal were not acted on for weeks prior to the fight incident. Her mother's calls and emails were also ignored. When the fight did occur, Jazz was sent to DAEP, but not EB. The principal at DAEP, with full knowledge of Jazz's predicament, asked me if I would take her into my study. I was not privy to any of the background of Jazz's unjust placement, at least not until she started her narratives and post interviews. The dilemma then came to light.

Given (2008) relates relational ethics as a current approach to explaining how actions and ethics are situated in relationships. The

relational rational is if ethics is about how we should treat and live out ourselves in our relationships then it is essential that we should live together in an ethical manner. EB was a student in my first round of student narratives in my study at DAEP. She had been placed at DAEP for fighting at her home school. She was a willing subject, but caustic the entire time she was in the study. Three weeks into the study EB's parents moved her to relatives in another town. This is not an uncommon practice parents used to get their child out of their DAEP placement. The child then returns to their home school for the next six weeks, and the school district allows her to re-enroll. EB's parting words when she left DAEP will forever be with me: EB leaned into me and with a pleading whisper she cried, "I can see myself on a good path making right decisions. I'm smart and can make good grades when I want to. I can see myself maybe being a nurse – those things are out there. But when it comes down to it, those good choices get so beat deep down in me, it's just too easy to stay bad. Please help me, I really don't want to be bad." She then walked out of DAEP and out of the scope of my authority as a researcher. While EB was away with relatives, Jazz enrolled in EB's home school.

The study was structured to have the students sharing why they were placed in a DAEP facility, which included a mandatory placement for serious indiscretions such as fighting with other students, hitting a teacher or administrator, taking illegal drugs, bringing a gun to school; and a discretionary placement for minor offenses such as choosing to be a constant classroom disruption. I was exploring if students sent to off-campus-ISS facilities could develop a sense-of-self through writing five narratives / five interviews that guided them to realize their self-worth and to be more self-directed. These narrative writings were meant to have 6th through 12th grade students become aware of their choices and that they had the ability to control their choices leading to better educational outcomes. The participants' narratives were to be coded into data; as Bochner & Ellis state, their "narratives under analysis" (Bochner & Riggs, 2014, in Bochner & Ellis, 2016, pp. 183-184). At the end of my exploration the student relationship between two of my participants, Jazz and EB, Jazz's narratives exposed EB's actions against her. Those actions corroborated that EB, as she'd previously confessed in her own narratives at the beginning of the study, had been bullying other students. After EB's re-enrollment both EB and the newly-enrolled Jazz were at the same school. An altercation, orchestrated by EB, caused Jazz to be unjustly placed in a DAEP, an off-campus lock-up facility. The collision of participant confidentiality and relational ethics with the two girls and with me created an unexpected

intersectionality between myself and the two participants that became an unexpected artifact and took my initial study into an unforeseen ethical dilemma.

It was a struggle to honor my relational ethics of confidentiality to both participants' narratives. I did consult my research supervisor and was told I could not divulge the truth of Jazz being falsely incarcerated and placed in DAEP. Being a former teacher, I knew what having a DAEP placement on Jazz's school record would academically and socially do to her. This stigma would negatively follow her throughout her public education journey. Neither of my participants were ever privy to the fact that I knew each of their stories connecting them to their DAEP placements. To my knowledge, Jazz did not know EB had been a participant at the beginning of my study. Counseling each participant, at different stages of the study, EB at the beginning of the study, and Jazz in the last session of the study, I knew information that intersected the truth of what EB did that could have exonerated Jazz from being in DAEP. I was now collateral damage to Jazz's injustice. By staying true to my research ethics, I feel I ultimately, and ethically, failed all three of us. First, I did not consider I would have participants in the study that may have preyed upon each other. Second, my focused thoughts were of the students' narratives based on the actions in the classroom concerning their teacher or their curriculum. I served as the uncomfortable common denominator that tied their narratives to each other and I had to be silent while Jazz was unjustly blamed for their fight, handcuffed in front of her peers, and removed from her classroom to be taken to DAEP. Even though EB had weeks prior been released from DAEP and returned to her home school, nothing happened to EB for orchestrating Jazz's having to defend herself. My research ethics in effect did not allow me to intervene on behalf of Jazz to report that EB had ordered the beating of Jazz. This was an agonizing position to be placed in as a researcher.

I intently listened to Jazz's story without ever mentioning EB. When possible, I would emphatically say things like, "Be sure to tell your mother to talk to the police and tell them what you have told me." Jazz was assigned a parole officer who did act on her mother's trail of emails and pleas for help before Jazz was forced into an altercation arranged by EB to take out the new girl at school. It took four weeks to undo Jazz's arrest and DAEP placement. Jazz was released early and returned to her home school. Both Jazz and EB were once again at the same school even though EB was arrested and re-placed in DAEP starting at the beginning of the next school term. The die was

cast for innocent Jazz in the eyes of her teachers and peers — she was now forever labeled a ‘DAEP student!’

DAEP and Jazz, EB and Me

I had completed my third group of participant narratives and interviews when Mr. Wills, the campus counselor, asked me to consider doing another round of students for the last six weeks of the Disciplinary Alternative Educational Placement (DAEP) — an off-campus ISS facility. Relieved that my project was so readily accepted at DAEP, I excitedly agreed to work with the students he felt would benefit the most.

“I have an interesting female’s profile and I suggest you meet with this new intake today; there are some aspects I think you will find, ugh, I think you will find interesting,” Mr. Wills continued. Mr. Wills handed me her folder and to my surprise he immediately sent for her. Minutes later an articulate, demur, Hispanic, young lady stood before me. Her 5’4” stature instantly conveyed confidence, the same confidence that precipitated her being threatened and beat-up. “What did Wills think was so interesting?” I pondered. The only thing I had time to read in her file was the word, fight.

The minute I saw her I knew she was different.

“Good morning, I’m Ms. B., Mr. Wills thought you might be interested in being in a study I am conducting with DAEP students,” I explained. “Please have a seat.” She sat across a table from me and for the next ten minutes I gave her the details of the study; she looked me straight in the eyes and listened intently, but showed no emotions, no drama. Most of my DAEP participants listened but rarely looked me in the eyes. I felt they really didn’t hear me because they were so anxious to espouse their drama of, “I am innocent — She / He started it--I didn’t do anything — I’m not supposed to be here” were the typical student reactions when they met with me.

“Do you have any questions?” I paused to let her contemplate all she had been told.

“No Ma’am.” she softly murmured.

“Is this study something you may be interested in participating and writing the required five narratives, each followed by an interview about what you have written?” I inquired.

She leaned forward toward me and just as softly spoken as before, she said, “Yes, I would very much like to write those narratives; I have a lot to say.”

“Great, I look forward to reading your narratives.” I then repeated the explanations for the consent and assent forms. I stressed again the option to stop the study at any point if she felt she no longer wanted to participate. I then stressed that she could not start writing until the consent/ assent forms were returned. I handed her the forms and thanked her for her interest in the study.

In her soft voice, she adamantly stated, “I will return these forms in the morning. Then she asked, “May I start writing tomorrow?”

“Of course, you may.” I said as I noticed her manners reflecting social skills I had yet to witness in a DAEP child.

Mr. Wills escorted her back to the gym where new intakes are processed into the system for their first five days of a 30-day lock-up at the DAEP facility.

Curiosity engulfed me. “How did she get here? Something is missing with this participant that the other students presented the minute they met me; she clearly does not belong here? Why isn’t this child in AP classes instead of this off-campus lock-up that is often referred to ‘warehousing’ the ‘throw-away’ students?” I hate those terms, ‘warehousing’ and ‘throw-away’.” All of these questions and realizations collided in my mind. My last question startled me back into the present. “Why wouldn’t an AP child be capable of being sent to a DAEP facility?” I snapped back at myself.

The student profile assigned to an off-campus lock-up facility clearly is not the profile of an AP student who conforms to the established educational mold found in American schools. Chills flashed through me—I physically shuddered. I was sure that there had to have been a huge mistake made by sending this child to an off-campus lock-up facility. Opening her folder, I began to read—nothing presented that could be a red flag. Again, my mind went racing through the system processes to find where the breakdown in communication could have tragically happened. I then argued with myself, “Hold on B, you were a teacher for over 20 years, and you’ve taught long enough to know there are two sides to every story and then there is the truth. You had better reel in these preconceived societal expectations of AP students and let her narratives unfold what she feels happened.” I then gave myself a stern warning, “Whatever went wrong, you are just the means to provide her the opportunity to examine her choices through narrative writings!”

The DAEP principal had arranged for me to meet students from 10 am to 11 am for their writing and interviewing time.

"Yes, you are thirty minutes early to be with the students," I admitted aloud while sitting in my car outside DAEP. I finally go into the facility at 9:45am. I, slower than usual, put myself through the sign-in process to obtain a paper badge permitting me to be in the building. Securing the paper badge to my chest, I stopped at the assistant principal's hall monitoring station and made polite conversation with Mr. Worthington, while keeping one eye on the clock and one ear on our conversation. Finally, I was allowed to go to Mr. Wills' office, the acting counselor for DAEP. He assures me my new participant had returned her permission forms. There was a little excitement in his steps as he scurried off to the intake gym to retrieve my new participant. While Mr. Wills went to the gym, I reminded myself of my stern warning, "Whatever has gone wrong in the system, you stay out of this! Just provide the means for her to write her narratives."

"Good morning Ms. B," she whispered in her soft calm voice.

"Good morning, please have a seat at any table in the room that you feel comfortable writing your narratives (this is what was said to all DAEP participants). Mr. Wills gave me your consent forms this morning. Thank you for being so prompt with the consent forms signed and returned. If you still want to write this morning, we can get started with the first narrative of 'How I Got to DAEP'."

She responded with a sweet smile and nodded yes. I let her choose her writing journal and writing pen that I provided for all of my participants. I then recounted the study's purpose and procedures. I also reminded her she could stop the study at any time without any repercussions. She took the journal and writing pen and sat at one of the many tables in our assigned room. In the same tone I used with all of the participants, I requested she write a pseudonym name on her journal. I requested she write Jazz. I then provided her with the first writing prompt and asked if she had any questions. She communicated with another smile and a nod, no. Trying not to show any emotions, my mind began to chase rationalizations of why this child was sent to DAEP. I felt awkward. Thoughts of, do not say or show any body language to influence her narratives, echoed in me as I presented Jazz with her first writing topic.

"I will be sitting across the room working on a class assignment of my own; please let me know when you are through with your first narrative," I instructed. Jazz opened her journal and wrote the date and title of the writing as requested. Trying with every ounce of research objectivity that came so natural with my other participants, I took my seat across the 42' room and busied myself with reading a book. I kept having to reread each page because I could not stay

focused on the information on the pages. I periodically glanced at the large clock on the wall to be sure minutes, not hours had passed.

When Jazz finished her first narrative, I thanked her for her participation and reminded her she could stop the study without any penalty as I calmly closed her journal and then called for Mr. Wills to escort Jazz back to the gym to continue her first week of conditioning at DAEP. Once they were out of sight, I read the following written in her journal.

Jazz 4/13/2016

“My Story About How I Got to DAEP” by
Jazz

I feel like the situation could have been dealt with in a different way. I was being picked on for three weeks and I did what I was supposed to do, I told teachers and principals first. When they didn't do anything about it, that kind of made me angry because teachers are supposed to do something about people being picked on. So, then I told my mom and she called the principal and left several messages. Still nobody did anything about it. I tried to be cool about everything, but a person can only stand something for so long.

This girl texted me and said, “You better be ready tomorrow because I'm going to beat your a**.”

Okay, I ignored that text. When I got to school, and everyone started forming a circle around the two of us and she ended up pushing me and it happened. I don't like fighting at all and I stay to myself so I feel like I shouldn't be getting picked on nor should anyone else.

It wasn't fair that she only got suspended for three days and I had to come to DAEP. Teachers need to handle things better. I feel

like I can't trust those teachers. The girl that I fought was Mexican and only had gotten suspended for three days.

CBs notes

Jazz's writing is the best I have seen a participant produce. Something has to be missing with this participant's story. She did all she could to protect herself, but she wasn't protected. She is obviously frustrated but there is no overwhelming anger issue presenting, yet. I wonder what her mother is feeling about all of this. Maybe more will surface through the rest of the writings. Maybe during tomorrow's interview over this first writing more information will come to light. Something is definitely not adding up.

Each student in the study does five writings over their assigned stay at DAEP. Titles are assigned to lead students to think about their part in being removed from their home campus. After students write their assigned topic, the next day I gave the participating students the opportunity to read aloud and discuss their narratives. The writings end with the students telling what steps they intend to take to prevent their return to DAEP.

Jazz's first interview 4/18/2016:

CB "Good Morning Jazz, if you choose to, today you have the opportunity to tell me about your first narrative. Do you feel like talking about what you have written?"
With a smile she nods yes.

Jazz "It's just like I said, I was singled out. I told my teachers, I told my principal, and my mom called and left messages for the principal, but nobody helped me."

CB Why do you think you were singled out by this girl?

Jazz Oh, it wasn't one girl. There was a gang of girls led by this girl called ____ (my EB from the beginning of my study. I don't even talk to EB but she decided she was going to 'cut-me-down-to size, as she put it. I don't understand how somebody I don't even know or talk to wants me beat-

up. That girl, EB, was recently sent here [DAEP] and when she got back to school it all started. None of this makes any sense to me. I don't understand how I got here."

The second Jazz mentioned EB's name, I momentarily stopped breathing. EB was one of the first participants in my DAEP study. Her mother took her out of DAEP and told the district they were moving to the another area. EB's parting words to me were, "Please, help me. I don't want to be bad." Quickly pushing the memory of EB aside, I heard myself say to Jazz, "Would you like to write about what you would have liked to have happened?"

A gentle "Yes ma'am" was whispered as she reached for her pen.

Jazz

How I Would Have Liked for It to Go

Well, I wish that the whole thing would never happen because I don't like to fight and argue with people. I'm nice to people or I'm quiet. I'm very athletic. But coming to DAEP is so not cool. I feel like the teachers could have handled it a different way. Like suspending me for one little fight that lasted 8 seconds. It wasn't fair how the situation went, and it wasn't even her first fight, but it was mine. She was only picking on me for no reason at all. She should be the one here, not me. But I'm just going to do the right thing to get out of here so that I can go back to my normal school and stay to myself like I did before.

When I go back to school, I feel like people are going to be messy and start something. I just feel like she or her cousin is going to start picking again.

Without the chance to discuss her response, it was time for Jazz to return to the gym. I thanked her for her willingness to be in the study. I reminded her she could stop the study at any time. I then asked her if she would like to continue the narratives; she nodded, then whispered a soft, "Yes."

Jazz was escorted back to the gym.

CBS Notes

I did not see this complication of one, supposedly reformed, participant in this study go back to her home school to prey on yet another child. Jazz is the one sent to DAEP while EB goes free to bully anyone she feels intimidated by. What can I do? What do the demands of the ethics of my study dictate? What's to dictate when an innocent child is incarcerated because of the acts of a veteran fighter? Will this invalidate my study with my professor, who is counting on publications from this study? Why didn't I see this possibility when planning the study? I will consult with my professor, but I have a feeling I already know what I will be told to do. Absolutely nothing!

The study was to get the participant narratives based on five set topics that were meant to lead the participants to the realization that they were responsible for their actions and could change their thinking, thus change their course in life by having a more positive sense of self.

I sat bewildered by this poised young lady. It was like putting Mother Teresa in Rikers Island prison for jaywalking across a busy street. Did my facial expression reinforce her belief that she did not belong here? Did it show when she mentioned EB my instant dilemma? Was I being as objective with her as a participant as I did with my other participants? Jazz is not the stereotypical disruptive classroom student. Oh my God, did I just stereotype my participants? I clearly was not expecting to have a participant who did not belong in DAEP. I seriously questioned if I could be objective with this participant's plight, especially since EB was involved in getting her sent to DAEP. My moral compass wanted me to go to her school, sit down with her principal and be an advocate for this child.

"No, I can't do that in the middle of this study. This is not what I am here for. There must be more. Let her narratives unfold," I muttered aloud to myself.

On consulting my professor, she advised me to ignore the fact that EB was the cause of Jazz being locked up. I was to just get the narratives. From that point on I felt like I was trapped in a glass box hermetically sealed so as to not contaminate the narratives; I had no way out. I had to see the encompassing dynamics of what was going on but could not break the glass to intervene in stopping a gross injustice to a child. My emotions ran the gamut of disgust to shame. As a teacher, when I needed to advocate for a student, I used to remind myself, "You're the adult in the room, do the right thing!" Now look at me.

Shackled by bureaucratic research ethics, founded on getting a publication. What's ethical about letting an innocent child be locked-up every day for thirty days when you know EB is the one who should be locked-up!

Jazz's 2nd narrative 4/19/2016

"Is This Who I Really Want to Be?"

No, not at all. I rather be at a real school learning more than I'm learning here at DAEP. I don't like the feeling of being here or wearing these cloths period [new entries had to wear orange overalls – like people in prison wear]. It's just a very bad feeling and I'm not a bad person. I don't even know what the principal or district put on my record. I feel like I should be in CA doing sports right now, not here not being able to do anything. But it's kind of giving me a break away from those girls. But then again, I think when I go back to school, I'm going to have a lot to catch up on and extra tutoring so that I won't fail my classes. I wasn't even at that school half a year. I was at D_____ and I didn't even have a bad record there. The only two girls I know that surrounded the circle was EB and her cousin.

CB's notes

I feel nauseated and dizzy just knowing my hands are tied. I have an obligation to this study, but I have an obligation to my research subjects, both of them – Jazz and EB. The narratives, you are here to provide the opportunity for the students to find themselves in their narratives. I must stay focused on the study. Surely there is more to this situation between the two girls than I know.

Jazz told me that she and her mother had a visit from a probation officer. She was surprised she was considered 'on probation.' Jazz was more concerned than angry. I have yet to observe her presenting anger. She is so level-headed for her age. Jazz presents a high emotional IQ. I would love to meet her mother.

The following is what Jazz wrote about the probation officer.

Jazz April 26, 2016

“Probation Officer”

Yesterday, I had a meeting with my probation officer. It was my first time seeing him or knowing him. His name is T__ P__. What I found out yesterday is what they told him is not the true story. They told him about something that I didn't even have nothing to do with. The officer said I fought because of my friend fought. I didn't even know where that came from. But my mom told him what really happened and he believed it so they made me and my mom sign a form and that got me off of probation and they said if I don't get in anymore trouble this will clear off of my record when I turn 17. He told me and my mom to go talk to the District Attorney and they will do something about the other girl because they thought that it wasn't fair for her to not get in trouble and I did.

They charged me with another girl's fight and the principal told them [probation officer] I fought because of her. But at the end of my eight seconded fight, they handcuffed me, took me straight to jail. I didn't talk to anyone, not even the principal. He never talked to me.

CB's notes

After Jazz finished writing, she recounted her narrative about the probation officer. She confided that her mom was so upset that no one ever responded to her phone calls and emails asking for someone to help me because of the threats from the other girls. The mom was encouraged by the probation officer to take all those emails and phone records to the local District Attorney.

This sounds like a lawsuit. I can't help but wonder if the principal even knew who Jazz was as a student or that she was new to the school. He certainly knows who EB and her cousin are and what they

are capable of doing based on their previous offences. The probation officer has made it clear that the principal didn't have all the facts of this case when he hastily had Jazz taken from her classroom in handcuffs to an off-campus ISS lock-up facility, DAEP. How many other children have been treated this way? And what about the assistant and associate principals, or the counselors? How did they factor into letting Jazz be unprotected and falsely blamed? Oh God—the students—what about other students in Jazz's position? They saw this injustice take place and may realize they may be the next victim with no one to help protect them. These are 6th graders for God's sake. How do these children see our society? No wonder many students are disenfranchised from school and society; they probably feel safer by not being a part of the insanity of adults not properly doing their jobs. I can't believe this—that's exactly why I left the classroom, I could not be a part of the insanity of adults in education not properly doing their jobs. And now I have to ask myself, "Have I properly done my job concerning Jazz or EB?" Does my knowing the truth make me one of the non-responsive adults? Or does this make me disenfranchised like the students? This can't be; it just can't be.

The more Jazz reveals in her narratives, the more I feel I have to hide beneath my researcher façade pretending I know nothing of what EB is capable of doing to other children. I don't want to be silent to Jazz's principal. I don't want to fail her like he did.

Right or wrong I had to do something. The only thing I felt I could do to be true to my ethics and to the study was to encourage Jazz to be sure her mother files a case against the school district to the fullest extent of the law. I encouraged her to stay in contact with the probation officer as a consultant to get through the legal red tape in hopes that Jazz's name will be cleared on her education records. My conscience went so far as to let her know my distain for the system and then I retreated back to my glass box to let things naturally unfold. I never let her know that I knew EB or that she was in the study. Ethically, that was easy to do but ethically, I felt I failed Jazz for not being able to break my confidentiality about EB's capabilities to prey on other students. If I had spoken on Jazz's behalf and exposed EB's part in arranging the fight, then ethically I would have betrayed EB. This ethical dilemma is now an artifact of my study; a study I have yet to publish.

Jazz continued her narratives to the end of the study even though she was sent back to her school earlier than her original assigned sentence at DAEP. I had the opportunity to say good-bye to Jazz and wish her well. I was thankful I was afforded at least that much closure for me.

Since it was the third week in May, I knew EB would start her DAEP assignment at the beginning of the next school year for her part in the debacle with Jazz. I somewhat felt as bad for EB as I did Jazz. Being a participant in the study, EB had gained a sense-of-self while in DAEP. But the study failed her because once she returned to her regular school environment, she regressed back to what she knew best, her anger and aggression.

If anything, I learned from my study is that developing a sense-of-self is not enough to change a person's belief system to think and act more positively for themselves. After EB found that life changing opportunity of discovering her sense-of-self, there needed to be more scaffolding for her new-found identity to mature for her grow into who she realized she and all the EBs of this world could be.

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THE ETHICS OF TEACHER CARING AT THE SCHOOL LEVEL: HOW DOES IT AFFECT BEGINNING TEACHER WORK ENJOYMENT?

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Abstract

This study examined how teacher caring contributed to teacher work enjoyment compared with good student behaviors and competence in student behavioral management. While teacher caring has unique importance in terms of educational ethics and student educational outcomes, little research has been done on how teacher caring benefits the psychological well-being of teachers themselves. In contrast to what is found in the literature, which considers the emotional aspect of teacher caring costs, our findings indicate that teacher caring contributes significantly to teacher work enjoyment. Research indicates that student behaviors and competence in managing student behaviors are strong predictors of teacher job satisfaction, this study showed that teacher caring contributed significantly more to teacher positive emotion compared with the model that combines both good student behaviors and competence in student behavioral management.

Introduction

Work enjoyment is a very important part of a teacher's professional life (Bredmar, 2013; Sargent & Hunnum, 2005). Negative emotions have a negative effect on teacher job commitment. Teachers leave their jobs because of emotional exhaustion (Skaalvik & Skaalvik, 2011). However, little research has been conducted on teacher work enjoyment. Even less research has been conducted on beginning teacher job satisfaction. Beginning teachers experience more emotional exhaustion and stress in teaching (Lina, 2017), and attrition is especially high for beginning teachers (Smith, & Ingersoll, 2004). It is important to examine what contributes to beginning teacher work enjoyment.

Considering that student misbehaviors cause stress to teachers (e.g., Buchanan, 2010), teaching can be more enjoyable and satisfying when students help to create a pleasant learning environment and when students are more attentive and less disruptive. Related to student behaviors is the construct of teacher classroom behavioral management, the competence in controlling disruptive behaviors, such as getting students to follow rules or calming a student who is

disruptive or noisy (Klassen & Chiu, 2010). If teachers have better classroom management skills, they may enjoy the work more. Research shows that classroom management affects teacher well-being and teacher job satisfaction (Klassen & Chiu, 2010). Teacher competence in classroom management should improve student behaviors in classrooms. Therefore, student behaviors, behavior management, and teacher work enjoyment are correlated.

On the other hand, caring is an essential part of teacher professional ethics (Nodding, 1984; Perez, 2000). If teacher caring requires extra effort for emotional management (Yuu, 2010), teacher caring could be stressful for teachers. While much research examines how caring is important for students to learn (e.g., Teven & McCrosky, 1997), little research has been done to examine how the important teacher ethics or caring, influences teacher work enjoyment. This study intends to examine how teacher caring is related to student behaviors and classroom management respectively and compares the contribution of teacher caring to teacher enjoyment with the contribution of student behaviors and classroom management together. This study intends to examine the following 2 questions.

Question 1, How are student behaviors, teacher behavior management, and teacher work enjoyment related?

Question 2, which of the two models, the model with teacher caring alone and the model with both student behaviors and teacher classroom behavior management, explains significantly more of the outcome variable, beginning teacher enjoyment?

Theoretical Framework and Literature Review

The theoretical conceptualization that frames this study is the assumption of caring by Noddings (1984). The basic assumption of Noddings' caring theory is the differentiation between the people who care for and the people who are being cared for. In an educational setting, the teacher is in the position for caring for students while the students are in the position of being cared for. In this relationship of caring and being cared for, the teacher needs to have a sense of responsibility for forming the caring ethic. According to Noddings (1992), teachers who recognize an ethic of care in their practice view themselves as the ones responsible for establishing good relationship with their students, respecting students and empowering students. The caring ethic suggests that teachers

perform caring for students independently of whether student behaviors are disruptive or respectful. Based on this conceptualization, teacher caring is not only a voluntary humanistic concern (e.g., Yuun 2010), but also a professional and ethical obligation independent of whether student behaviors are disruptive or respectful. Teacher caring, student behaviors, and classroom management are not overlapping but distinctive constructs. This study will examine how teacher caring, student behaviors, and classroom management are correlated. If teacher caring is a professional ethics, it is important to examine whether teacher caring contributes to teacher work enjoyment because if the teacher's ethics of caring does not contribute to teacher work enjoyment, the ethics of caring will alienate the teacher from the teaching job, and the job will be inherently dissatisfying.

Methods

Items were selected from the Teaching and Learning International Survey (TALIS) to assess the variables, teaching satisfaction, teacher caring, student behaviors, and teacher efficacy in managing classroom behaviors. The TALIS survey was administered to teachers in 34 countries by the Organization for Economic Co-operation and Development (OECD) in 2013 to assess the following 6 areas: learning environment, appraisal and feedback, teaching practices and classroom environment, development and support, school leadership, and self-efficacy and teacher job satisfaction (OECD, 2013). The items selected for this study are in Figure 1. The scores for each variable are the total scores on each of the items assessing the variable. Participants were randomly selected with the teaching experience less than 5 years from the international data set using the TALIS survey.

Teacher work enjoyment	Item TT2G46E, I enjoy working at this school. Item TT2G46G, I would recommend my school as a good place to work. Item TT2G46L, I am satisfied with my performance in this school.
Student Behaviors	Item TT2G41A, When the lesson begins, I have to wait quite a long time for students to quiet down. Item TT2G41B, Students in this class take care to create a pleasant learning atmosphere Item TT2G41C, I lose quite a lot of time because of students interrupting the lesson. Item TT2G41D, There is much disruptive noise in this classroom.
Classroom Management Abilities	Item TT2G34D, I am able to control disruptive behavior in the classroom. Item TT2G34H, I am able to get students to follow rules. Item TT2G34I, I am able to calm a student who is disruptive or noisy.
Teacher Caring at the School Level	Item TT2G45A, In this school, teachers and students usually get on well with each other. Item TT2G45B, Most teachers in this school believe that the students' well-being is important. Item TT2G45C, Most teachers in this school are interested in what students have to say.

Figure 1. Items used to assess the variables.

Results

To address the first question, correlation analyses were conducted. There was a significant correlation between student behavior and classroom management, $r = .33, p < .001$. There was a significant correlation between student behaviors and teacher caring, $r = .09, p < .01$. There was a significant correlation between classroom management and caring, $r = .09, p < .01$. Teacher satisfaction is significantly related with student behaviors, $r = .23, p < .001$, with classroom management, $r = .17, p < .001$, with caring, $r = .50, p < .001$. The correlations between student behaviors, classroom management and teacher caring are in the lower range, supporting the conclusion that they are not overlapping, but belong to different constructs.

Table 1

Correlations of Student Classroom Behaviors, Classroom Management Ability, Teacher Caring and Teacher Satisfaction.

	1	2	3	4	Mean	Standard
Deviation						
1. Student Behaviors					2.76	.64
2. Classroom Management	.33**	--	--	--	3.25	.59
3. Teacher Caring	.09**	.09**	--	--	3.41	.48
4. Teacher Enjoyment	.23***	.17***	.50**	--	3.32	.50

Note. * $p < .05$. ** $p < .01$. *** $p < .001$.

To address the second question, which of the two models, the model with caring alone or the model with both student behaviors and teacher classroom behavior management explains significantly more of the outcome variable of teacher work enjoyment, the two reduced models were compared using the Z-test for non-independent correlations (Meng, Rosenthal, & Rubin, 1992). The model with Caring only ($R^2 = .24$, $F(1, 1134) = 352.99$, $p < .001$) accounted for significantly more variance in teacher satisfaction than the model including the student good behaviors and teacher efficacy in managing behaviors ($R^2 = .06$, $F(2, 923) = 28.87$, $p < .001$), ($Z = 6.35$, $p < .001$).

Discussions

The study intends to examine how teacher caring, student behaviors and classroom management are related and compare the contribution of teacher caring with the contribution of student behaviors and classroom management to teacher work enjoyment. The findings indicate that the correlations are in the low range, suggesting that teacher caring, student behaviors and classroom management are not overlapping. Research indicates that student behaviors and teacher competence in managing student behaviors are strong predictors of teacher satisfaction (Klassen, & Chiu, 2010), this study shows teacher caring contributes significantly more to teacher work enjoyment compared with the model that combines both good student behaviors and competence in student behavioral management.

Yuu (2010) indicates that caring for students requires extra emotional expenditure by teachers, which led to stress, and stress has negative effect on job satisfaction (Klassen, & Chiu, 2010). Our findings indicate that caring for students could benefit teachers psychologically. Teacher caring for students in schools is important

for an enjoyable teaching experience. Previous research indicates that teacher caring for students is essential for student learning (Lumpkin, 2007; Teven & McCrosky, 1997). This research indicates that teacher caring also contributes to teacher positive emotions. This research expands the understanding that "Caring is the very bedrock of all successful education." (Noddings, 1992, p 27)

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MEDICAL ETHICS AND TRANS AND INTERSEX BODIES

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The following is an edited transcription of Dr. Malatino's talk for the 6th annual Global Ethics Day Symposium at Texas Tech University

I want to talk a little bit about my research over the past ten years. That research has been primarily concerned with intersex and trans rights and specifically the right to non-discriminatory medical technology and medical treatment. This work emerged out of a preoccupation of mine with what is basically non-consensual infant genital surgery performed on people with intersex conditions.

Intersex is an umbrella term. Sometimes people also use the term DSD for 'disorders of sex development' or in less pejorative language, 'differences of sex development'. It's a category that can encompass up to, depending on who's counting and what they're counting, about sixty different conditions that manifest in some sort of sex atypicality. A discontinuity between the supposedly naturalized linkage between XX chromosomes, female-typical genitalia, and female-typical hormonal levels, or conversely, XY chromosomes, male-typical hormonal levels, male-typical genitalia. Not all of these conditions manifest in genital ambiguity, like visual, genital ambiguity at birth, but some of them do. And for a very long time, the dominant medical protocol in both the US and Western Europe where it was predominantly developed, but also transnationally, has been to select a gender for these children and then perform what amounts to non-consensual genital surgery on them to normalize the appearance of their genitalia.

For technical, medical reasons, most of these children are reassigned female and they are forced to undergo what amounts to clitoridectomy. So, either removal or reduction of the size of the phallo-clitoral structure. This usually happens within the first few years of a child's life. The reason this happens, the reason the assignment is typically female is because surgically, especially when you're working with children that young, it's much easier to perform vaginoplasty and clitoridectomy than it is to perform phalloplasty. And that remains true for adults. The procedures for vaginoplasty, or the surgical reconstruction of a vagina are much more refined than

phalloplasty or the surgical construction of male-typical genitalia is. Being assigned female, coercively or non-consensually having surgery performed on them, immediately raises ethical problems. For one, it amounts to making medical decisions for another person. And the counter argument to that is, well, consent abdicates to the parents or caretakers in this instance. But, when you consider the uneven power dynamics that shape doctor-patient relationships and then try to speculate about what most parents choose in a context of a world where we understand both biological sex and gender in pretty strictly binary terms, most parents decide to do what the doctor wants when they're presented with the possibility of gender reassignment and surgical reconstruction.

So even when the parents consent, it happens within a coercive situation. And it's coercive because of that unequal power dynamic between doctors and patients. It also happens because in the context of a culture where intersex bodies are basically an impossibility, where so few people know about them, so few people are aware of the realities of intersex embodiment, and many people are invested in the construct of binary sex, in that case, you can see why parents would decide 'ok, make my child normal' right? 'I can't imagine what their life would be beyond this'.

Another red flag that might appear when you're thinking about non-consensual infant genital surgery is that as that child develops into an adult and their body begins to change, there's no consideration of what they may feel like they should be. It's not a provisional gender assignment. It would be very possible to assign a provisional gender of rearing and postpone surgery until the child is able to consent to whatever surgical procedures they desire and until the child has a sense of what gender identity they are. A lot of activists have been fighting to change the medical protocol. Currently it overrides the possibility of self-determination and bodily autonomy for those children.

From the perspective of what happens to a body in the context of performing a clitoridectomy or genital reconstructive surgery on infants, loss of sensation is a big problem with clitoridectomy. A clitoridectomy, a wholesale removal of the clitoris or a reduction performed on an infant with very, very small structures, often results, even for a reduction, in radically reduced genital sensation and clitoral sensation particularly. So many intersex people come of age and realize what's happened to them, and oftentimes it's shrouded in secrecy because parents have been told not to tell their children that they're intersex. They've been told to make up some other sort of story, so they don't feel like freaks as they're growing up. So intersex

people come of age and then are really, really pissed off that they are unable to experience sexual pleasure because some doctor decided that this was the right course of action for them. Because, to have atypical genitalia would be too psychologically deleterious for them as they grew up. That was the medical line. So there are all these obvious issues which raises the question, why does this practice persist both in the United States and transnationally? Why does this practice persist even though it's so obviously ethically troubling?

It's this moment where the cultural entrenchment of this investment in binary gender and also binary sex, seems to trump medical common sense, and in such a way that first principles like 'do no harm' are being completely violated. A lot of my work is about grappling with that fact. Why is it that this investment in binary gender and sex can run roughshod over the rights of whole, large demographics of people? Why is it then understood as both socially and medically acceptable for it to happen? And why are activists that are doing advocacy work around these issues so routinely ignored? And also, by extension, why are so few people educated about the realities of intersex embodiment and the ethical issues that attend it? So that is the background to the research in my first book that was mentioned earlier: *Queer Embodiment: Monstrosity, Medical Violence and Intersex Experience*.

One of the things I was really keen to look at in that book is that I went back to look at medical archives and sexological archives concerned with intersex conditions and I got a lot of case studies. Case studies that were drawing on patient interviews with intersex subjects but then sort of interpreted and evaluated by medical professionals who were invested in this dominant medical treatment protocol of choosing a gender and then non-consensually performing surgery at young ages. So, you can imagine that as they interpreted those patient interviews and those case studies, they were really radically, at least I think, and I argue, that they were really radically misinterpreting what the patients were saying. There are moments in the archives where you see kids actually actively arguing with physicians and telling them that they don't want to see them any longer. And then the physicians arguing, the psychologists they're working with, arguing that this is just happening because of the psychic cost of being intersex, or having a mixed sex body. So they completely deny even the moments of resistance that they're receiving from the patients, which is really bonkers, I think. This happens over and over again. There's no continuity, no long-term, qualitative studies on intersex folks and in large part because most of them refuse to see doctors at a certain point. Because they've

encountered such traumatic treatment at the hands of medical professionals invested in this paradigm that at some point, they're just like 'no, I'm not going to see you anymore.' So most folks are going AWOL from the medical record which means we don't have any quality longitudinal medical studies on intersex conditions. At the same time you have this really troubling ethical protocol. It's a hot mess. That's like the summary that I have of a lot of the work that I've done over the years.

I just want to mention a little bit how it dovetails with questions of trans rights and biomedical stratification that shapes trans access to health care. By biomedical stratification, I just mean the stratification to access to biomedical technologies and procedures. And that it may be of no surprise to many of you that for a very long time, and still, trans subjects were paying entirely out of pocket for surgical transition and for hormonal transition because it was explicitly excluded by insurance policies. It remains explicitly excluded by insurance policies, in many states, depending on the insurance you have. But at the same time, the technology that was developed, that trans subjects are fighting for access to have been greenlit by insurance companies for years and years for intersex subjects. So you have this situation where access to the very same technologies, genital reconstructive surgery, hormonal treatment etc., is being imposed on intersex subjects and then really rigorously gate-kept for trans subjects. Covered for intersex subjects and not covered at all in many instances for trans subjects. And that seems a little bit baffling to me. It raises questions like why is this happening? Why do intersex subjects have these treatments forced upon them in many instances while trans subjects are not allowed to have them?

And I think, to answer that question, or to explore that question I've had to think a lot about the way that intersex subjects are constantly positioned as natural errors that can be remediated with the wonders of modern technoscience and restored. So somehow it's like using contemporary biomedical technologies to correct a natural mistake for intersex subjects. When you can obviously say, ok, well maybe we could just grant that biological sexes are way more complicated than a binary conception of sex allows and then reform the way that we understand nature when it comes to sex differentiation. But apparently that's not acceptable.

While at the same time you have trans subjects being positioned continuously as these like unnatural and monstrous threats to the social order who don't deserve rights and who don't deserve access to biomedical technologies that might make their lives and indeed do make their lives infinitely easier in terms of their ability to navigate

the social environment, their ability to experience pleasure in their bodies etc., etc. I just want to mark that division. Even though the technologies and the doctors that were working on developing these technologies were working on both intersex and trans subjects, in the same clinics, at the same historical moments.

It's very clear to me when you look at the medical records and the archive, and also when you look at the terrain of intersex advocacy over the course of the last 25 years, that the psychological costs that intersex subjects who have experienced non-consensual or coercive surgical treatments, the negative psychological consequences they've experienced, come directly from that treatment. And that that far outweighs the potential difficulty of living in a non-surgically modified intersex body. So, if bodies aren't modified, that doesn't necessarily matter, right? Because people go about their daily lives, not everybody's genitals are visible in the context of social interaction and there are many many ways that even folks with very diverse and sex atypical embodiments can generally pass as one gender or another, especially if they decide to take hormones later in life, or not. And even if they don't, if they're visibly atypical or non-binary, that's still far less deleterious than the sort of fall out and trauma that most folks have from these medical practices.

It isn't worse to wait until the person grows up. I think that the trauma and the psychological difficulty stems pretty intensively from being the subject of what amounts to really unethical medical treatment. I think that causes much more deep psychological trauma for intersex subjects, and I also say this as an intersex person, far more trauma than being non-medically intervened upon. You could not be in a provisional gender. You could be raised male or female without having non-consensual surgery performed. And it's also important to mention that when talking about these forms of surgery, it's not just a moment of surgical treatment, there's also months and years of things like post-surgical vaginal dilation that the parents have to perform on a child. Meaning that you insert something into the reconstructed vagina to keep it open and allow it to not heal itself as a child ages. That's traumatic. There's an echo of trauma from that practice. And of course, being in the context of a parent-child relationship where that's what you've been told to do as a parent by a medical professional or a team of medical professionals puts you in a really strange position. Because the practice itself is deeply problematic I think for obvious reasons.

I could go on listing all of the possible traumas from the treatment, but I'll stop there, and just say, most of us, before we hit puberty, are raised in a gender that is not directly manifesting at the level of

embodiment in terms of secondary sex characteristics. And we now have the ability to put people on hormone blockers if they're not sure when they hit puberty what they want to identify as, what gender they want to be. So we can postpone these things until somebody is at an age of consent when they can decide how they want their bodies to develop. And that's been the big ask on the part of intersex advocates, of the medical profession. Not to end gender as we know it, but to just postpone surgery until consent is possible on the part of the child. I think that doing that is much more healthy for intersex folks in the long term than whatever possible fallout there would be with having sex atypical genitalia for the few people who will encounter them as you're growing up. You might have to avoid locker rooms or have special consideration for where you change in public institutions. Those provisions can be made pretty easily if parents are on board and supportive of their children. And not kowtowing to the dominant medical protocol

I would argue that female genital mutilation is the same thing. A clitoridectomy is a clitoridectomy is a clitoridectomy. I think they're all forms of mutilation if you want to use that language. Where we're removing healthy tissue that is also a source eventually of sexual pleasure for no purpose other than to shoehorn bodies into a particular form of social arrangement that is typically negative for the people who experience that. So I would think of them as essentially the same or at least on a continuum with one another.

I think that intersex bodies trouble our entrenched cultural investment that's also mirrored and reified at every institutional level that biological sex is a binary even though biologists know better. Most folks move through the world with this common sense that sex is binary and when bodies manifest otherwise, the entrenched medico-scientific belief has been that they're just natural errors. And that's specifically the language that's been utilized for a very long time. So until with shift that deep epistemological underpinning in how we think about biological sex differentiation, which would also entail restructuring education, restructuring institutional life in the way it relies on gender binaries, it's much easier to fix or remediate individual bodies than it is to shift toward a non-binary culture when it comes to both sex and gender. But I also think that we're in the process of making that shift culturally currently which is why trans issues such an enormous issue politically right now.

THE ETHICS OF SUSTAINABILITY

Dr. John Barkdull Director of Global Studies

Sustainable development has become a central value of the United Nations and a broadly accepted goal for policy makers around the world. In part, the case for sustainable development asserts ethical obligations to the poor, historically disadvantaged countries, and future generations. Such ethical obligations have become embodied in international law and practice. The most widely recognized definition states: "Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."¹ This is elaborated to emphasize the essential needs of the poor and that achieving sustainable development requires bringing human society into a right relationship with the natural environment.

The question arises as to what we aim to sustain and what threatens sustainability. To raise the problem of sustainability implies that something we value and want to persist is subject to deterioration, decay or disruption of some kind. An ethic of sustainability would suggest a set of norms, values, and social practices that maintain — and develop in a positive direction — what the Intergovernmental Panel on Climate Change has termed a "system of interest." Unless the system of interest is specified, we cannot know whether our policies and actions enhance or undermine its sustainability. Even less can we know whether we are meeting ethical standards pertaining to sustainable development.

What, then, do we want sustained? Perhaps the most salient answer is that we want our ways of life, more or less in the same or better condition as we now experience, to be sustained during our own lifetimes and to persist for future generations. The system of interest, in broad strokes, is the modern society built up over the last several centuries. That would include the major elements of contemporary civilization, including reliance on advanced technology, an extensive infrastructure to support industrial, commercial and urban life, historically high standards of living available to all, or nearly all, people, and a degree of civil liberties and freedoms. Thus, sustainability means far more than simply ensuring that the human species does not go extinct.

¹ World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1990).

This is not to say that every part of the world should remain as it is today. To the contrary, the term ‘development’ implies change toward an improved state of affairs. In international contexts, we think of development as movement toward a more prosperous, more free, and perhaps more democratic society. In particular, we want the poor, developing countries of the world to rise to higher living standards, longer life spans, lower infant mortality and other signs of economic and social progress. Presumably, when and if the world ever achieves its development goals, further development would not be necessary and the emphasis can fall on sustainability.

The problem for this formulation arises in recognition that a “high mass consumption society” worldwide, one in which all humans are lifted out of poverty and can enjoy lives more or less in line with western standards, could render sustainability impossible. The old development goals of rising wealth and income for all require industrialization and extensive infrastructure. This means, in turn, increasing production of the energy needed to drive a global industrial economy and extraction of large amounts of natural resources. Consequently, pollution, depletion of natural resources, and global warming remain challenges even in a world that has adopted the commitment to sustainable development.

Squaring the circle has not proven easy. Since the 1970s, scientists and scholars have warned us that industrial society would one day reach the limits to growth. More recently, scientists have identified nine planetary boundaries that define the environmental context for civilization as we know it,² which has emerged and grown during the benign “Holocene.” Human activities have become so profound that we may now be in the “Anthropocene,” a period during which human endeavors undermine the conditions for civilization.³

As things stand, the most likely future is that the Holocene conditions for civilization will continue to degrade and maintaining life as we know it will become increasingly untenable. To take the most prominent and pressing case, global warming is likely to worsen, with global average temperature rising about 4°C by 2100. According to Kevin Anderson of the Tyndall Centre, 4°C “is incompatible with any reasonable characterization of an organized, equitable and civilized

² Johan Rockstrom et al. “Planetary boundaries: exploring the safe operating space for humanity.” *Ecology and Society*. 14 (2): 32.

³ Ian Angus, *Facing the Anthropocene: Fossil Capitalism and the Crisis of the Earth System* (New York: Monthly Review Press, 2016).

global community.”⁴ Global warming is only one of many challenges. Among others, it is difficult to see how a global society in which enough nuclear weapons exist to destroy civilization can be called sustainable. Moreover, economic growth, rather than broadly benefiting the great majority of society has instead resulted in a historically high concentration of wealth at the top. A handful of the ultra-rich own as much as half the world’s population. Again, how this can be compatible with sustainable development is difficult to see.

The current situation thus calls for demanding ethical standards. Has the international community promulgated and adopted such challenging standards? Yes, it has, but the degree of implementation is in doubt. Human rights provide the foundation for the ethics of sustainable development. Examining international law, as expressed in treaties and other documents, we find these ethical principles:

- Intergenerational equity
- Common but differentiated responsibilities
- Polluter pays
- The Precautionary Principle
- Human security

Taken together, implementing and abiding by these principles would hold considerable promise for furthering sustainable development.

Intergenerational equity requires that development take account of the long-term impacts of what we do today. Common but differentiated responsibilities means that everyone must play a part in achieving sustainable development, although wealthy industrialized countries have duties towards the less advantaged that reflect different capacities and accountability for past practices. The polluter pays principle asserts that no enterprise or country should expect a free ride; it is not acceptable to push costs onto third parties to gain an advantage today. The precautionary principle argues that we should demand that those who introduce new chemicals, technologies and processes should show that they do not harm others either directly or indirectly. Potentially dangerous new methods or products are guilty until proven innocent.

Human security challenges the traditional state system’s emphasis on national security.⁵ Although not as well reflected in international law

⁴ Kevin Anderson, “The hidden agenda: how veiled techno-utopias shore up the Paris Agreement,” Comment on Climate, kevinanderson.info/blog/the-hidden-agenda-how-veiled-techno-utopias-shore-up-the-paris-agreement/, 2016.

⁵ United Nations Trust Fund for Human Security, “What Is Human Security?” United Nations, <https://www.un.org/humansecurity/what-is-human-security/>, n.d.

as the previously noted principles, human security reflects growing recognition that, from an individual perspective, securing state interests can itself be harmful to human rights and well-being. The state justifies itself as the protector of its people. Thus, military expenditures are ethically valid because they are required to prevent foreign attacks on the people and their interests. But states sometimes adopt military capabilities, such as nuclear deterrence, that could do far more harm to the people than can be justified. Thus, one element of sustainable development has to be to secure the conditions that ensure human security. In combination, all these ethical principles could point the way toward a more just, free, and peaceful global society, one that can be sustained for generations to come.

OAS EDUCATION & EXCHANGE OPPORTUNITIES

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The Organization of American States (OAS), comprised of 34 active member states in the Western Hemisphere, is characterized by great geographic, cultural, economic and linguistic diversity. The member states stretch from North America through Central America, the Caribbean to Argentina. The four OAS official languages are English, Spanish, Portuguese and French.

The OAS is the world's oldest regional organization, dating back to 1890 when the Pan American Union was formed to promote cooperation among the countries of Latin America and the United States.

Dr. Leo Stanton Rowe was the Director General of the Pan American Union for a quarter of a century, until his sudden death in 1946. He was to be the Secretary General of the Organization of American States; which was founded in 1948. He left an endowment to financially assist Latin American youth in their pursuit of studies in the United States.

For over seventy years of existence, the OAS has sought to prevent conflict and to bring political stability, social inclusion and prosperity to the region through its four pillars: promotion of democracy, hemispheric security, human rights, and integral development.

Being somebody's role model

Dr. Rowe was recognized for his great human values, devotion to his work, simplicity, humor, wisdom in finding solutions to difficult problems and empathy towards others. His life revolved around two main passions: advancing integration, peace and welfare of the Latin American nations and promoting education.

His sincere love for individual students gave him a place in history. Hundreds of students became deeply indebted to him. Not only did he serve as a professor in universities in the United States, Chile and Argentina, but he became a guardian to many international students studying in the United States. His ideas, attitudes, words, and deeds,

inspired those who knew him, including Dr. Gabriel Betancur, the founder of the first student loan program in Latin America (ICETEX in Colombia). I had the opportunity to meet Dr. Betancur in 2001, a year prior to his death. Dr. Betancur told me first hand stories about Dr. Rowe and, how Dr. Rowe had mentored him during his final year of graduate studies at Syracuse University. Dr. Rowe continues to inspire many civil servants who relentlessly and little by little work for the progress of humanity.

The OAS strives to improve the lives of everyone in the Hemisphere

The OAS invests in programs and initiatives that promote ethical governance, such as electoral observer missions, and sanctions anti-corruption and unethical practices at all levels. As part of the goal to afford more rights for more people, the OAS has taken action against discrimination and intolerance in all its forms by acknowledging the rights of afro-descendants, indigenous peoples, and by being a pioneer in recognizing the rights of women and youth.

The OAS has always been committed to investing in youth, particularly through education, empowering and providing tools so that their voices are heard. Now more than ever, young people are an essential part of shaping the future of the world. The Executive Secretariat for Integral Development supports the efforts of member states to increase access to quality education and life-long learning opportunities for youth.

In this sense, the OAS has a number of programs that directly benefit youth, such as:

The Rowe Fund Program for studies in the United States

The Rowe Fund program offers interest-free loans to international students from Latin America and Caribbean countries to help finance their studies at universities in the United States. Prospective applicants must be completing their last two years of undergraduate or graduate studies.
(www.oas.org/en/rowefund)

The Scholarship Program

The Scholarship Program offers study opportunities for masters, doctorates, undergraduate, research and training in the

Americas and around the world.
 (<http://www.oas.org/en/scholarships/>).
 The Partnership Scholarship and Training Program (PAEC) program is offered in partnership with governments and universities.

The Educational Portal of the Americas

The Educational Portal of the Americas is an OAS initiative committed to generating access to quality education in the Americas through the use of information and communication technologies. The Portal offers online courses for professional development training, technical assistance projects, and capacity development initiatives to enable innovation in education.

(<https://portal.portaleducoas.org/>).

The OAS Internship Program

The OAS Internship program offers a unique opportunity to acquire experience in different areas of expertise in an international and multicultural environment. The OAS internship provides significant knowledge of the OAS, its mission, pillars, structure and projects in the Hemisphere.

(<http://www.oas.org/en/saf/dhr/internships/>)

The Model OAS Program

The Model OAS program is a simulation exercise of the main political bodies of the Organization of American states: the Permanent Council and the General Assembly. Through their participation in the MOAS, students represent the policies and interests of the 34 active OAS member states and gain valuable experience on the

role of diplomacy, politics and leadership.
(<http://www.oas.org/en/asg/moas/>)

Through his words and deeds, Dr. Rowe stimulated many of us to help shape the world one-step at a time, thinking collectively rather than individually, and seeing the humanity in everyone we encounter.