



## Debate and Deliberation 10 Day Curriculum Unit 2

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### Contents

Unit Overview (in brief; rationale; outcomes; themes; national standards; duration; materials needed)

Procedure and 10 Day Lesson Plan

Appendices:

Learning Journals, Quick Writes, and Persuasive Arguments

Quiz

National Council on Social Studies Standards Addressed

Michigan Educational Assessment Program Standards Addressed

### Unit Overview

#### **In brief**

Students will be introduced to the issues concerning capital punishment in a web/classroom/group-work environment. They will learn the arguments from both sides of the issue in order to reflect on their own position on the matter and make informed arguments for their positions. In addition, using the informed arguments and resources drawn from the Web site, the students will read and deliberate on the issues of ethics and justice using an actual case study in order to humanize the debate.

As early as the founding of the United States, the validity of capital punishment has been a contentious public issue. Recognizing the controversial nature of this subject, it is necessary for informed citizens/students to examine the issue from different perspectives. As a result, citizens and students alike will be able to investigate this topic and make informed, persuasive arguments concerning their position.

#### **Rationale**

The purpose of this unit is to engage students in an examination of the arguments concerning capital punishment, culminating in debates using an actual case study. In doing so they will learn about the history of the death penalty, the stages in a capital case, arguments for and against capital punishment, and insights drawn from expert testimony. In addition to learning about the complex issues associated with capital punishment, students will become more familiar with identifying and making sound arguments, engaging in critical evaluation of both sides of the issue, and marshaling evidence to support positions for both sides. Finally they will debate about capital punishment using an actual case

study and reflect on their own opinion of the death penalty.

**Outcomes** Students will be able to identify the central issues concerning the death penalty from the past to the present (early uses of the death penalty, deterrence, public sentiment and the death penalty, stages in a capital case, and--most importantly--the issues of fairness, equality, and justice). They will be able to identify the states that have and don't have the death penalty, in order to investigate issues of fairness and justice. Students will be able to explain the different positions on the capital punishment issue, using evidence from the site. The simulation will provide an opportunity for students to engage in substantive conversations regarding the issue. Students will also participate in a persuasive debate on the subject, using information provided by the web site as well as core democratic values for support.

**Themes** Fairness and equality under law; justice; purposes of punishment; identifying and constructing sound arguments.

**NCSS Standards addressed:** (See Appendix D for National Council on Social Studies Standards, and Appendix E for Michigan Standards.)

**Time:** 2 weeks +

**Materials needed:**

- 1.) Computer lab with Internet capabilities
- 2.) PowerPoint software or poster board and related display materials (for group presentations)
- 3.) Death Penalty Main Site:

Primarily:

- History of the death penalty (to provide historical context, thematic illustration of past and present public opinion, and to serve as evidence for reports)
- Arguments and expert testimony for and against the death penalty (to explore the various positions and use of evidence)
- Stages in a capital case (to show the process, from commission of the crime through trial, sentencing, and appeals)
- Four Death Penalty Case Studies (to serve as real life examples for students' deliberation, reports and discussion)

Secondarily:

- State-by-State Data (to use in investigating issues of fairness and justice - especially regarding differences between states and ethnicity)

**Assessment:** Quick writes; learning journal entries (See Appendix for descriptions); one quiz; group work consisting of site research and argument/rebuttal posters and presentations; one final essay; performance-based assessment of group work (in other words, how students work together, how effectively they share responsibility for the work, and how they engage the content covered).

## Procedure and Lesson Plan Outline

### Introduction to the issue and the site

Introduce and assign first quick write (see Appendix A for description):

**Days 1 & 2:** Questions (choose one):

What do you know about the death penalty?

What would you like to know about the death penalty?

Discuss what students wrote, keeping in mind that some students may have strong opinions about the issue. Consider using this time to explain the rationale for the unit and its emphasis on critically examining the arguments for both sides and the responsibility of citizens in making informed decisions on the issue.

Explain what will take place during the course of the unit, including the central themes you choose to cover (see **Themes** and **Rationale** above for direction).

In addition explain the following:

- Learning journal
- Quick writes (as part of the learning journal)
- Quiz
- Group work research (See **Days 6-8** for Criteria for group work presentations)
- Argument/Rebuttal posters and presentations
- Final essay

Using the teacher overviews, briefly go over the entire site as a class. Either go over it directly (if you are in the computer lab) or create printed handouts of the overview site to review with the class (if you are in your classroom).

Give the students time to explore the site on their own.

As a class, turn to the history section of the site. Have the students work in pairs. Each pair should be assigned one of the pages under History of the Death Penalty . They should compile the important dates from their page. Draw a time line on the board (or on poster board), beginning with The Code of Hammurabi in the 18th century BC and ending with the present. Have the pairs, in numeric order, come to the board, describe and place their significant times/dates on the time line. This will take more

than one class period.

Plan on about 40 minutes to complete this activity. (If your lab doesnât have a board, or if you are not sure it will still be there the next day, use poster board, chart paper or some other media you can find.) This will give students a sense of historical scope and highlight the past and present public concerns about the death penalty. As a class, identify the themes that appear to be similar across time. (For example, the moral and ethical dimensions of the death penalty, or whether the death penalty is cruel and unusual punishment? Issues of fairness and equality under law. Who lives? Who Dies? And for what reasons/crimes?)

### **Time line completion and initial position statement**

Complete the time line as a class. Have students copy it in their learning journal for future reference (or post the poster boards around the class).

**Day 2:**

Learning journal assignment in class and/or as homework:

What are your impressions of the death penalty as represented by the web site?

Where do you stand on the issue and what reasons can you give to support your position?

Has the definition of Cruel and Unusual punishment changed over time? If so, how? If not, why?

### **State by State differences**

**Day 3:** Provide each group with a blank map of the United States and have them turn to the state by state data in order to identify the states with and without the death penalty, and the methods of execution employed in the states with the death penalty. Encourage students to investigate the statistics on race, gender, etc. Be sure to have them visit the state by state summary to see the history with regard to your own state. (Keep in mind that some states have not had the death penalty in recent times, so there may not be as much information about the death penalty in those states.)

Review the map and discuss the following with the class.

What does the state by state data tell us about how the death penalty is used?

What might this data tell us about issues of equality and how justice is exercised?

What are the methods of execution in your own state, if any?

Learning Journal assignment:

Is Justice equal for people across all 50 states? Why or why not?

Example: Students may write that it is equal because states have the right to choose for themselves what punishments are justified for particular crimes, or that it is not equal because of the disparity between both level of punishment (death or not) or method of execution. Either way, it is important for students to start coming to their own conclusions -- this is a good first step for the final section of the unit.

### **Stages in a Capital Case**

Assign a quick write with reference to the map completed the previous day: Is the death penalty fair? Why or why not?

**Day 4:** Take time to discuss their responses to the quick write.

Have students visit the Stages in a Capital Case section of the site in groups of 2 or 3. Have them read the information, take notes, and construct a graphic representation, flow chart or drawing of the stages. (These can later be posted around the room.)

Learning Journal assignment:

What aspects of the stages in a capital case are designed to protect the rights of the accused? Do you believe that this system is sufficient to guarantee that only the guilty are convicted?

Review for quiz:

Central themes; purposes of the death penalty through history; challenges and questions concerning the death penalty; state by state data and issues of justice; and stages in a capital case.

### **Quiz, Review, and Introduction to Arguments and Persuasive Debate**

**Day 5:** Review for quiz. Design a short quiz based on the themes you have selected or topics that have come up as a result of class discussions, or state by state info including one short essay, addressing at least one theme equality, for example. (A Sample Quiz is provided in Appendix B.)

Review the quiz and recap the salient issues to date. It will be instructive for you to review the daily lesson plans at the end of the unit to guide your instruction.

Review Stages in a Capital Case in light of civic standards such as the purposes of government, ideals of government, and democratic action drawn from the MEAP and NCSS standards, in light of the themes you have chosen to emphasize (e.g., fairness, equality, and justice).

Critical Thinking objectives:

Introduce and model a method for persuasive arguments, for example, establishing claims, evidence, and recognition of

opposing points of view. (An example of persuasive arguments is provided in Appendix A.) You may choose to build on the writing process from English or any other persuasive writing curriculum your school or district employs. Explain that understanding an opposing point of view not only helps you understand that position but also helps you better understand and support your own opinion.

Learning journal assignment (select one):

What do you now know about the death penalty that you did not know before?

What new questions do you have in light of what we have covered?

Where do you stand on the issue and why?

What evidence have you discovered that has either changed your mind or supported your position?

(Emphasize the purposes of revisiting these questions as strategies for building a persuasive argument.)

**Divide class into groups; explain group work responsibilities; visit argument, rebuttal, and testimony section of the site and present information to class**

**Days  
6 to 8:**

(print an *argument, rebuttal, and testimony* packet for each group)  
Divide class into four groups. (The average group will be composed of approximately six students.) Each group will be responsible for researching and reporting on one of the four principal questions drawn from the site; however, all groups will be responsible for familiarizing themselves with all of the arguments, rebuttals, and expert testimony for the final debate and assignment. Each group will post their work around the room.

Group #1 Deterrence Proposition: The death penalty prevents future murders.

- At least 1 group member researches and takes notes on the argument.
- At least 1 group member researches and takes notes on the expert testimony of the argument.
- At least 1 group member researches and takes notes on the rebuttal.
- At least 1 group member researches and takes notes on the expert testimony of the rebuttal.

Group #2 Retribution Proposition: A just society requires the death penalty for the taking of a life.

- At least 1 group member researches and takes notes on the argument.
- At least 1 group member researches and takes notes on the expert testimony of the argument.
- At least 1 group member researches and takes notes on the rebuttal.
- At least 1 group member researches and takes notes on the expert testimony of the rebuttal.

Group #3 Innocence Proposition: The risk of executing the innocent precludes the use of the death penalty.

- At least 1 group member researches and takes notes on the argument.
- At least 1 group member researches and takes notes on the expert testimony of the argument.
- At least 1 group member researches and takes notes on the rebuttal.
- At least 1 group member researches and takes notes on the expert testimony of the rebuttal.

Group #4 Arbitrariness & Discrimination Proposition: The death penalty is applied unfairly and should not be used.

- At least 1 group member researches and takes notes on the argument.
- At least 1 group member researches and takes notes on the expert testimony of the argument.
- At least 1 group member researches and takes notes on the rebuttal.
- At least 1 group member researches and takes notes on the expert testimony of the rebuttal.

Criteria for group work presentations:

For the *argument* and *rebuttal* sections, each group is responsible for identifying three arguments and reasons pertaining to their particular *proposition*, and then posting and briefly presenting them to the class.

One example of the three required:

Proposition: The death penalty prevents future murders.

Argument (Claim):

Society has always used punishment to discourage would-be criminals from unlawful action.

Reason (Evidence):

In 1973 Isaac Ehrlich employed a new kind of analysis which

produced results showing that for every inmate who was executed, 7 lives were spared because others were deterred from committing murder. Or, as Ernest van den Haag stated, whatever people fear most is likely to deter most.

Rebuttal (Claim):

The overwhelming conclusion from years of deterrence studies is that the death penalty is, at best, no more of a deterrent than a sentence of life in prison.

Reason (Evidence):

Even most supporters of the death penalty now place little or no weight on deterrence as a serious justification for its continued use. Some criminologists, such as William Bowers of Northeastern University, maintain that the death penalty has the opposite effect: that is, society is brutalized by the use of the death penalty, and this increases the likelihood of more murder.

For the expert testimony sections, each group is responsible for providing examples drawn from the expert testimony and working with the appropriate argument/rebuttal group member to begin the construction of an argument for their poster.

Students should create posters with argument and main points pro and con. These should be posted on the walls of the classroom.

*The posters will serve as models and a living Web site for students to interact with the arguments as they deliberate on the worth of the death penalty as public policy.*

**Role play presentations and legislative decision (this may take two days).**

Group work on arguments, rebuttals, and expert testimony--unlimited

**Day 7:** access to the site in order to construct posters and presentations.

**Day 8:** Group presentations of arguments and expert testimony pertaining to propositions. Remind the students that these arguments, rebuttals, and expert testimony will serve as models for their discussion of a case and their final writing assignment.

**Final Assessment Essay**

Have students write an essay on the following question:

**Day 9:** As a voter and a citizen, do you support the death penalty? If so, under what conditions? If not, why not? You will be graded on the following criteria:

1. Clearly state position
2. Support with data
3. Support with basic democratic principles
4. Support with information from current events or history
5. Present and refute the opposing argument

### Case Study Discussion

Pass out a case study. Have the class read the case situation. Discuss with them the efficacy of the death penalty. You may find that the

**Day 10:** discussion changes when a real person is involved. Be sure to touch on the following questions:

- What if the defendant was someone you knew?
- How much of a chance is there that this person is innocent?
- Can you enact legislation to ensure that in the future the death penalty is a fair and effective part of the judicial process?
- Is the death penalty good public policy, in light of all available evidence?

It will be a challenge for you, as a teacher, to ensure that all students can be heard and that their arguments are based in fact, not emotion.

*Remember: This is an issue that extends beyond the walls of the classroom and has implications for their participation in a democratic society.*

[back to top](#)

## Appendix A

### Details about teaching methods

#### Learning Journal:

- A learning journal usually takes the form of a binder that every student has (some teachers choose to keep these in class to prevent them from becoming misplaced). Assignments, quick writes, homework and other materials can be completed and inserted in the binder. The journal is an important resource for students and teacher alike for keeping track of progress and studying for tests and assignments.
- The purposes of the learning journal are to focus a student's attention on the particular subject matter at hand in your class.
- The assumption behind a learning journal is that by listening and participating in discussion, taking notes, and reflecting on your opinions given the evidence presented facilitates deeper knowledge and personalizes it especially when students can put the issues, concepts, and ideas in their own words.
- A learning journal is a reflective document where students are free to express themselves and their opinions.
- A learning journal is an effective assessment tool for teachers. It aids a teacher in determining how students are processing and interacting with the material and content you are covering.
- A learning journal provides a continuity of direction and focus given that most students are in at least five classes a day.
- It is important to use learning journals daily for quick writes, journal assignments, notes, quizzes etc.
- Teachers should read and comment on learning journal assignments and student writing on a weekly basis.
- Assure the students that the learning journal is a confidential document between the student and the teacher. However, some sections may be used in class as appropriate.

#### Quick write:

- The purposes of quick writes have similar goals as the learning journal in that it helps focus student attention and assess prior knowledge, or initiate a new idea.
- Quick writes are usually done at the beginning of the class as a means of assessing students understandings of the material in order for the teacher to make instructional decisions such as reviewing previous content that students may have had difficulty with.
- Quick writes are frequently used to as a spark to focus and stimulate class discussion.

#### Persuasive arguments:

- Persuasive arguments are a significant component of any curriculum that emphasizes critical thinking. Although the models for this vary, the basic principles are similar among the models.
- A common model for persuasive arguments usually contain the following

principles:

1. A clearly stated position
2. Support for the position with data
3. Additional support (warrants) drawn from general democratic principles that are part of any social studies curriculum. For example, in the state of Michigan they consist of the Core Democratic Values a few examples pertaining to this particular unit: Equality before the law, justice before the law, individual liberties vs. the common good.
4. Support your point with outside knowledge that is not part of the content that you are teaching. In other words, bring in an example from history or current real world events.
5. Describe and refute the opposing argument to your

## Appendix B

### Quiz

Name \_\_\_\_\_

#### Death Penalty Unit

1) Approximately how many states currently have the Death Penalty?

- a) 48
- b) 38
- c) 28
- d) 18

2) Number in order the stages in a capital case from the list below:

- a) guilt phase \_\_\_\_\_
- b) penalty phase \_\_\_\_\_
- c) pre-trial \_\_\_\_\_
- d) post-conviction review \_\_\_\_\_
- e) direct appeal \_\_\_\_\_
- f) clemency \_\_\_\_\_
- g) execution \_\_\_\_\_
- h) federal habeas corpus \_\_\_\_\_

3) Women have, historically, not been subject to the death penalty at the same rate as men. In the United States women have constituted what percentage of executions?

- a) 16%
- b) 1%
- c) 3%
- d) 13%

4) Not believing in the true God was once grounds for receiving the death penalty in the New York Colony instituted by the Duke's Laws of 1665.

- a) True
- b) False

5) The existence of the brutalization effect (that the death penalty actually encourages criminal activity) was argued by Dr. Benjamin Rush -- signer of the Declaration of Independence. This opposes the death penalty argument of:

- a) Retribution
- b) Deterrence
- c) Arbitrariness
- d) Risk of executing the innocent

Short answer:

6) What are the current methods of execution used in the United States today?

7) If your state has the death penalty what methods are used?

**Appendix C**

NCSS Standards addressed: Thematic Strands:

**Strand 1.**

CULTURE  
AND  
CULTURAL  
DIVERSITY

Social Studies teachers should possess the knowledge, capabilities, and dispositions to organize and provide instruction at the appropriate school level for the study of Culture and Cultural Diversity.

*Learner Expectations*

In a democratic and culturally diverse society, students need to comprehend multiple perspectives that emerge from within their own culture and from the vantage points of the diverse cultural groups within that society and with whom the society may interact. These understandings allow them to make appropriate sense of the actions, ideas, and products of others as well as to relate to and interact with people within their diverse society and throughout the world.

**Strand 2.**

TIME,  
CONTINUITY,  
AND CHANGE

Social studies teachers should possess the knowledge, capabilities, and dispositions to organize and provide instruction at the appropriate school level for the study of Time, Continuity and Change.

*Learner Expectations*

The study of time, continuity, and change allows learners to understand their historical roots and to locate themselves in time. Learners also draw on their knowledge of history to make informed choices and decisions in the present.

*Teacher Expectations*

Teachers of social studies at all school levels should provide developmentally appropriate experiences as they guide learners in the study of time, continuity and change. They should

- provide learners with opportunities to investigate, interpret, and analyze multiple historical and contemporary viewpoints within and across cultures related to events, recurring dilemmas, and persistent issues, while employing , skepticism, and critical judgement
- enable learners to apply ideas, theories, and modes of historical inquiry to analyze historical and contemporary developments, and to inform and evaluate actions concerning public policy issues.

**Strand 5.****INDIVIDUALS,  
GROUPS,  
AND  
INSTITUTIONS**

Social studies teachers should possess the knowledge, capabilities, and dispositions to organize and provide instruction at the appropriate school level for the study of interactions among Individuals, Groups, and Institutions.

*Learner Expectations*

Institutions such as schools, churches, families, government agencies, and the courts all play integral roles in our lives. These and other institutions exert enormous influence over us, yet institutions are no more than organizational embodiments to further the core social values of those who comprise them. Thus, it is important that learners know how institutions are formed, what controls and influences them, how they control and influence individuals and culture, and how institutions can be maintained or changed.

*Teacher Expectations*

Teachers of social studies at all school levels should provide developmentally appropriate experiences as they should

- guide learners in the study of interactions among individuals, groups and describing the connections and interactions of individuals, groups, and institutions in society;
- help learners analyze group and institutional influences on people, events, and elements of culture in both historical and contemporary settings;
- explain to learners the various forms institutions take, and explain how they develop and change over time;
- assist learners in identifying and analyzing examples of tensions between expressions of individuality and efforts used to promote social conformity by groups and institutions;
- enable learners to describe and examine belief systems basic to specific traditions and laws in contemporary and historical movements;
- challenge learners to evaluate the role of institutions in furthering both continuity and change;
- guide learner analysis of the extent to which groups and institutions meet individual needs and promote the common good in contemporary and historical settings;
- assist learners as they explain and apply ideas and modes of inquiry drawn from behavioral science and social theory in the examination of persistent social issues and problems.

**Strand 6.****POWER,  
AUTHORITY,  
AND  
GOVERNANCE**

Social studies teachers should possess the knowledge, capabilities, and dispositions to organize and provide instruction at the appropriate school level for the study of Power, Authority, and Governance.

*Learner Expectations*

Understanding the historical development of structures of power, authority, and governance and their evolving functions in contemporary American society, as well as in other parts of the world, is essential for the development in learners of civic competence. Through study of dynamic relationships among individual rights and responsibilities, the needs of social groups, and concepts of a just society, learners become more effective problem solvers and decision-makers when addressing persistent social problems encountered in public life.

*Teacher Expectations*

Teachers of social studies at all school levels should provide developmentally appropriate experiences as they guide learners in the study of power, authority, and governance. They should

- help students to understand the purpose of government and how its powers are acquired, used, and justified;
- help learners to analyze and explain governmental mechanisms to meet the needs and wants of citizens, regulate territory, manage conflict, and establish order and security;
- have learners identify and describe the basic features of the American political system, and identify representative leaders from various levels and branches of government;
- challenge learners to apply concepts such as power, role, status, justice, and influence to the examination of persistent issues and social problems;

**Strand 10.****CIVIC  
IDEALS  
AND  
PRACTICES**

Social studies teachers should possess the knowledge, capabilities, and dispositions to organize and provide instruction at the appropriate school level for the study of Civic Ideals and Practices.

*Learner Expectations*

The study of civic ideals and practices prepares learners

for full participation in society and is a central purpose of the social studies. Examining civic ideals and practices across time and in diverse societies prepares learners to close the gap between present practices and the ideals upon which our democratic republic is based. Learners confront such questions as: What is civic participation and how can I be involved? How has the meaning of citizenship evolved? What is the balance between rights and responsibilities? What is the role of the citizen in the community, in the nation, and in the world community? How can I make a positive difference?

### *Teacher Expectations*

Teachers of social studies at all school levels should provide developmentally appropriate experiences as they guide learners in the study of civic ideals and practices. They should

- assist learners to understand the origins and interpret the continuing influence of key ideals of the democratic republican form of government, such as individual human dignity, liberty, justice, equality, and the rule of law;
- guide learner efforts to identify, analyze, interpret, and evaluate sources and examples of citizens' rights and responsibilities;
- facilitate learner efforts to locate, access, analyze, organize, synthesize, evaluate, and apply information about selected public issues--identifying, describing, and evaluating multiple points of view;
- provide opportunities for learners to practice forms of civic discussion and participation consistent with the ideals of citizens in a democratic republic;
- help learners to analyze and evaluate the influence of various forms of citizen action on public policy;
- prepare learners to analyze a variety of public policies and issues from the perspective of formal and informal political actors;
- guide learners as they evaluate the effectiveness of public opinion in influencing and shaping public policy development and decision making;
- encourage learner efforts to evaluate the degree to which public policies and citizen behaviors reflect or foster the stated ideals of a democratic republican form of government;
- support learner efforts to construct policy statements and action plans to achieve goals related to issues of public concern;
- create opportunities for learner participation in activities to strengthen the "common good," based

upon careful evaluation of possible options for citizen action.

## Appendix D

Michigan "MEAP" Standards addressed

### Strand I.

#### *Standard 1.4 Judging Decisions from the Past*

HISTORICAL  
PERSPECTIVE

All students will evaluate key decisions made at critical turning points in history by assessing their implications and long term consequences.

### Strand III.

#### *Standard 3.1 Purposes of Government*

CIVIC  
PERSPECTIVE

All students will identify the purposes of national, state and local governments in the United States, describe how citizens organize government to accomplish their purposes and assess their effectiveness.

#### *Standard 3.2 Ideals of American Democracy*

All students will explain the meaning and origin of the ideas, including the core democratic values expressed in the Declaration of Independence, the Constitution, and other foundational documents of the United States.

#### *Standard 3.3 Democracy in Action*

All students will describe the political and legal processes created to make decisions, seek consensus, and resolve conflicts in society.

### Strand V.

#### *Standard 5.1 Information Processing*

INQUIRY

All students will acquire information from books, maps, newspapers, data sets, and other sources, organize and present the information in maps, graphs, charts, and time lines, interpret the meaning and significance of information, and use a variety of electronic technologies to assist in accessing and managing information.

#### *Standard 5.2 Conducting Investigations*

All students will conduct investigations by formulating a clear statement of a question, gathering and organizing information from a variety of sources, analyzing and interpreting information, formulating and testing hypotheses,

reporting results both orally and in writing, and making use of appropriate technology.

**Strand VI.**

*Standard 6.1 Identifying and Analyzing Issues*

PUBLIC  
DISCOURSE  
AND  
DECISION  
MAKING

All students will state an issue clearly as a question of public policy, trace the origins of the issue, analyze various perspectives people bring to the issue, and evaluate possible ways to resolve the issue.

*Standard 6.2 Group Discussion*

All students will engage their peers in constructive conversation about matters of public concern by clarifying issues, considering opposing views, applying democratic values, anticipating consequences and working toward making decisions.

**Strand VII.**

*Standard 7.1 Responsible Personal Conduct*

CITIZEN  
INVOLVEMENT

All students will consider the effects of an individual's actions on other people, how one acts in accordance with the rule of law, and how one acts in a virtuous and ethically responsible way as a member of society.