A Primer on Decision Making through Ethical Analysis

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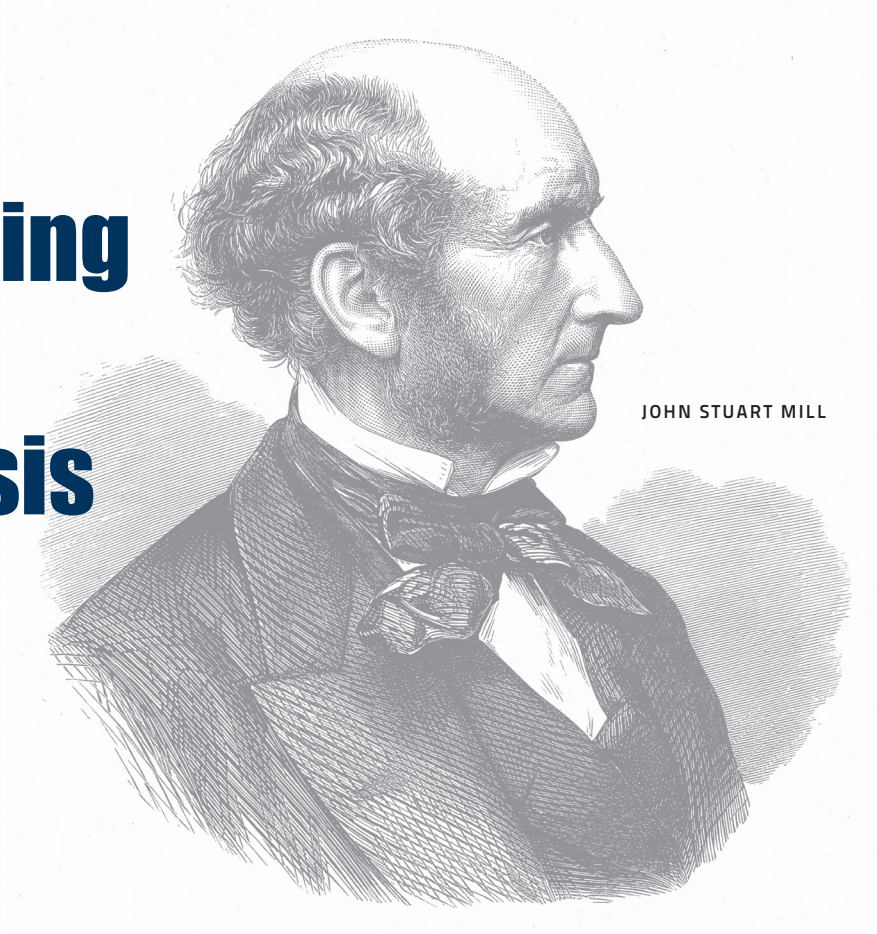

JOHN STUART MILL

Introduction

What follows is a brief overview of the primary approaches to ethical analysis, together with examples illustrating their use in decision making. The purpose of ethical analysis might be succinctly taken to be determining what is right and wrong, and why that is the case. But it can also have more personal effects. Ethical analysis can look backward, helping to explain and respond to feelings of remorse or pride concerning past actions. It can help address the present: we engage in ethical reflection and decisions every day, and having a more explicit understanding of the process and goals can help us make the better decisions faster. Ethics and ethical analysis are perhaps best directed toward the future, to help each of us discern the best way to unite our immediate choices with our long-term goals of being happy, doing right, and making ourselves and the world a little better. Ultimately, we have to live with our own choices, past, present, and future, and ethical analysis can help us find those choices that best allow us to sleep well at night.

When talking about ethical analysis, three fundamental concepts always come up: values, rights/duties, and persons. These concepts form the foundations of different approaches to ethical analysis. *Values* are the things and goals we associate with the good life. Human life is generally improved by the presence or addition of health, friends, knowledge, freedom, love, happiness, etc. Ethical theories that based on the goal of increasing such values fall under the umbrella term **Consequentialist Ethics**. *Rights* place limits or requirements on our actions; all claims of political rights, property rights, and human rights have moral foundations, and result in *duties* to avoid infringement on the rights of others. Other duties, such as keeping promises and making restitutions, describe general rules of moral conduct. Ethical theories based on adherence to duties and rights are labeled **Deontological Ethics**. The third fundamental concept focuses less on discrete actions or goals and more upon the moral agents who are making them. We can speak of a good choice, but we can also speak of a *person of good character*, and we can discern what makes up such character, and how to encourage it within ourselves. Ethical theories centering on character are generally categorized as **Virtue Ethics**.

(Note: for this primer, **ethical theories** will appear in bold, while *important concepts* that help explain a theory and how it is used will be italicized.)

Consequentialist Ethics

Consequentialist Ethics refers to the belief that whether an action or moral rule is right or wrong depends *solely* on the consequences of that action or rule. The most well-known consequentialist theory is that of **utilitarianism**, advocated by philosopher John Stuart Mill. In utilitarianism, when a person has to choose between various possible actions, a person should perform the action that leads to the *greatest happiness* (or welfare) *for the greatest number of persons*. This idea explains why we have moral intuitions holding murder and lying to be wrong, because very often they lead to less happiness than the alternatives. But if telling a lie (for example, to a Nazi soldier searching for Jews hiding in your house) provides for greater happiness to more persons than telling the truth, consequentialism would say that the *ends justify the means*. This version of utilitarianism is called **act-utilitarianism**, because every action is looked at in isolation.

Act-utilitarianism sometimes leads to conclusions that violate many persons' moral intuitions about right and wrong–for example, one might conclude that it is ethically correct to intentionally kill one person in order to save the lives of several others (see example below). To overcome this problem, another version of utilitarianism exists, called **rule-utilitarianism**, in which one follows the *general rule* of action that provides the greatest happiness/welfare for the greatest number.

For example, the rule "Lie only if you know it will make people happier", rather than the rule "Never lie", might follow from rule-utilitarianism. This type of reasoning is familiar from certain social customs, polices, and codes of ethics, which put forth rules like being courteous or not falsifying data in a research study.

Utilitarianism is the most commonly referred-to example of consequentialism, but it is not the only one. **Ethical egoism** holds that the right action is whatever makes only the *individual person* the happiest (in the short and long term). Some **libertarian ethics** hold that one's actions should *increase freedom* for all rather than happiness. **Situational ethics** holds that one's actions should have consequences that express the *most love*. What these and other consequentialist theories share is the idea that only the consequences of an act (or rule) matter.

Consequentialist Ethics in Action
Using a value such as happiness (for **utilitarianism**) to be the measure of what is good in life, and a way to quantify it on the individual and societal scales, the moral agent should perform the calculations to determine the change in happiness resulting from each possible choice. The ethical decision will be whichever choice (including not doing anything) leads to the *greatest amount of total happiness*. Consider the two following situations.

Student Steven considers whether to skip class, so he calculates the effects of his missing class on himself (extra free time but missing knowledge), his classmates, teacher, and other relations present and future, and compares them to the baseline of him attending. Does the fun he will have in his free time outweigh the unhappiness of his teacher, any classmates who miss his presence, and the future disappointment he will feel in himself for not knowing what was covered in class (such as when it is on a test)? Whichever choice has the *highest net-balance of happiness* is the choice that is ethically right for him to make.

Surgeon Sara is operating on a patient when she realizes he is a perfect tissue match for several other persons dying of organ failure. If her current patient dies on the table, his organs can be transplanted into the others, saving several lives. Sara calculates the effects on general happiness of killing her patient on herself (will she be caught?), the patient who will die, his family's resulting sadness, the others who will be saved, and their families' resulting joy. Will killing one person secretly in order to allow her to save many lives result in a *net gain to overall happiness*? If the answer is yes, the ethically right choice for Sara is to kill her patient; if the answer is no, she should perform the surgery normally.

(Note: for Rule Consequentialism, Steven can ask whether the rule of being able to skip class whenever you want is better than the rule of always attending. Similarly, Sara can ask whether the rule of killing one patient to save many when you can get away with it is better than the rule to never kill one patient to help others.)

Critique of Consequentialist Ethics
Consequentialist Ethics explains most common sense rules of morality and their exceptions. In fact, it seems wrong to ever knowingly choose a worse outcome over a better one. Criticisms of consequentialism center around human rights having no meaning beyond being just convenient rules with exceptions. According to consequentialism, actions such as exploitation, torture, rape, and genocide have nothing bad about them except their consequences. It is also difficult to quantify the happiness (or freedom, love, etc.) in order to actually compare different consequences; one convenient way of doing so—using monetary amounts for cost-benefit analysis—seems to demean human life by putting a dollar value on it.

Deontological Ethics

IMMANUEL KANT

Deontological ethics refers to certain theories in which various *rules or duties* exist which make actions right or wrong, independent and regardless of their consequences. The theory most associated with deontological ethics is Kant's **categorical imperative**, which can be described in two ways. First, *it is always wrong to use someone as a mere means to your own ends or goals*, even if the consequences are very good for everyone. (Note that this rule would not make employing persons such as waiters or drivers immoral; it would be moral to employ the waiter or driver if you respect their personhood and do not merely use them to serve or drive you). Second, you have a duty to only follow the morals rules that would work if everyone else lived by them too; this would make things like freeloading or mooching off of relatives/friends immoral, because if they tried to do the same to you the system would collapse. According to Kant, obedience to these rules/duties should be the *only* motive in the decision, not a desire for happiness or good consequences (for oneself or for others).

These rules obviously judge things like murder and slavery to be immoral, but Kant argues that they would also consider all forms of lying to be immoral, even if the lie is carried out for the best of reasons or consequences. Lying fails both tests for the categorical imperative: lying deceives the person lied to, *using* them and their gullibility as a means to one's own goals (even if those goals are good); and, if *everyone* lies whenever they want, trust would not exist, and so lying would not successfully deceive anyone if everyone lied. Despite Kant's argument, the rule "Never lie no matter what" remains difficult for most persons to accept.

There are several other forms of deontological ethics. **Divine command theory** holds that certain actions are right and wrong regardless of consequences because they have been *so ordered by God*; so murder

is wrong not because of the consequences, but because of (for example) the Ten Commandments. Some versions of **Human rights theory**, for example, say that torture, murder, rape, genocide, etc., are always wrong no matter what consequences might try to justify them. Here, the *mere fact that someone is human* makes treating them in certain ways morally wrong.

Deontological Ethics in Action

According to the **categorical imperative**, we have a duty to only follow rules that would work if everyone follows them, and a duty never to use anyone as a means to an end. Consider the following two cases.

Student Steven wonders whether he should cheat on a test. He would be following the rule "You should cheat on a test when doing so gets you a better grade." He considers a world where everyone cheats whenever they can get a better grade; in such a world, tests are no longer an assessment of how much a student knows, and so the tests become worthless. The tests therefore would have no weight in a grading system, and so cheating in this world would not get a student a better grade. Thus, *allowing everyone* to follow the rule *undermines the rule itself*. Since Steven would only want to cheat if most others did not, through this ethical analysis he would decide that he should not cheat.

Surgeon Sara is operating on a patient when a man with a gun breaks in and demands to know if the patient is a certain Mr. Smith, whom the gunman wants to kill. Sara knows that the patient is in fact Mr. Smith; she also believes that if she tells the gunman that Mr. Smith has been discharged, he will leave the hospital and can be picked up later by police. However, telling a lie to the gunman is *using him* (his gullibility) as a *means to her own end* (saving Mr. Smith's life). Since it is always wrong to use someone as a means to an end, Sara's decision based on this ethical analysis would be to tell the gunman the truth about her patient being Mr. Smith.

Critique of Deontological Ethics

Deontological Ethics has an appeal in that certain actions such as torture, slavery, and genocide are wrong, and other actions such as keeping promising or telling the truth are right, simply because of how these actions treat humans and without having to examine their consequences. There seem to be times when doing the right thing ought to take precedence over just making everyone happy (or otherwise focusing only on consequences). On the other hand, using rules you believe in to justify letting others be worse off (if the consequences of disobeying the rule lead to a better outcome) seems self-centered – for example, not torturing someone who knows the location of a nuclear bomb about to explode. Some versions of Deontological Ethics also offer insufficient guidance when two rules conflict with each other in a particular situation.

Virtue Ethics

Virtue ethics refers to the set of moral theories that are not focused on particular actions, but rather argue that matters of character—striving to be virtuous and avoid vices—come first. Virtue ethics starts by considering the purpose of being human or what it means for a human to flourish, then looks at the character traits that result from this consideration, and only then examines at how those character traits determine the actions should be chosen. One method for making an ethical decision is to consider what a very virtuous person would do if they were confronted with the same situation. In modern Christianity, the slogan *"What Would Jesus Do?"* is an example of applying the virtuous person test to one's own actions. Other *moral exemplars* (virtuous persons) commonly referred to are Socrates, Benjamin Franklin, Mohandas Gandhi, and Martin Luther King, Jr.

ARISTOTLE

The prime example of virtue ethics is that of **Aristotle**. His notion of human flourishing was guided by the rational ability that humans alone possess, and place value on a life of contemplation that should temper our other desires for things like pleasure or honor. Aristotle noted that many virtues, such as courage, fall between two vices, in this case cowardice and recklessness. Other examples are the virtue of modesty falling between the vices of shyness and shamelessness, and the virtue of financial responsibility falling between the vices of miserliness and extravagance. Contemplation is necessary for a person to discern and pursue their own *golden mean*, which is the proper balance between the two extremes that is most virtuous for themselves; this is the virtue of prudence, or practical wisdom. This view was later taken up and expanded by **Christian philosophers**, notably Thomas Aquinas. In the past century, there has been a resurgence in secular virtue ethics, drawing on its classical roots and continuing to focus on character, balance, and practical wisdom.

Related to and sometimes included with virtue ethics theories are those that emphasize *relationships*. Such theories include the **Feminist ethics of care**, which focuses on how persons are *interdependent* and must work together and care for each other, emphasizing that morality is not a choice between options, but a matter of continually working with others to achieve results. Other ethics that focus on relationships include **Confucian role ethics**, which look at how individuals should interact based upon what relationship they have, e.g., parent-child, ruler-subject, friend-friend, etc.

Virtue Ethics in Action

In **Aristotelian virtue ethics**, virtues lie on a *golden mean* in between two extremes which are vices, such as bravery lying between cowardice and recklessness. Each person's traits and history, as well as the circumstances they are facing, will dictate which action best exemplifies the balance between the two extremes of character traits that a person should strive for.

Student Steven has been asked to join his friends at a party, but he has a project due tomorrow. He wants to be available to his friends, but *not to the point of being at their beck and call*. He wants to reliably meet his deadlines, but *not to the point of being a workaholic.* Depending on Steven's track record with class and his friends, he should try to *strike a balance* where he is able to finish his assignment and still have fun with his friends; this may be leaving the party early or arriving late, prioritizing the next party by getting his work done earlier, or proposing to take his friends out the next night.

Surgeon Sara is in line for a promotion. While at a hospital social event, her boss catches her eye and walks over. Normally self-effacing and somewhat critical of the hospital administration, Sara wonders how to make a good second impression with her boss. She wants to be honest about her own merits, but *not to the point of being boastful*. She wants to be friendly with her boss (showing him she can work well with others), but *not to the point of being flattering or overly familiar*. She should choose her words and manners appropriately to best inform her boss of what her previous attitude and history may not have shown him: her competence in surgery and with people, and her ability and desire to continue upward on her career path.

Critique of Virtue Ethics

Virtue Ethics has appeal in that what is good in the real world seems to be more about people and less about choices taken in abstract. Virtue Ethics emphasizes prudence and judgment rather than duties or calculations of consequences. A difficulty in using virtue ethics as a guide is that there is no clear decision procedure that enables a person to know what is right or wrong, particularly when the guidance suggested by two virtues (or two virtuous persons) may conflict with one another. Furthermore, virtues and moral exemplars may vary between cultures, while morality should be universal.

Case Study

There is industry-wide concern regarding a recent upswing in the number of deaths among technicians who service cell phone towers. Proportionally, it is one of the most dangerous jobs in the nation. The continual efforts of the competing wireless services to outdo each other with higher speeds or expanded coverage has resulted in the crews of contract technicians working longer shifts and taking fewer days off (if any) in attempts to meet deadlines put forth by the wireless companies. Ultimately each technician is responsible for his or her own safety, but it is a concern that incentives such as pricing based on time of completion, or the possibility of landing more contracts, may create a working environment that favors cutting corners over safety. At the same time, restrictions on contractual work based on safety concerns would result in a higher cost and slower upgrade/expansion time for wireless carriers, negative consequences that would be passed on to cell phone users. It also may disproportionately affect the smaller carriers trying to expand service, or carriers trying to upgrade their data speeds on many towers, while favoring those who can distribute the cost among a larger number of subscribers. What is the appropriate ethical response?

Consequentialist Ethics:
The question becomes how to balance reducing the risk to these contracted service technicians with the increased cost and other *consequences*. There will likely be a series of proposals to address the situation, that might include any of the following: police the towers more stringently with on-the-job spot checks to enforce safety measures; require additional proof of safety training, or additional safety training time; place limits on contractual agreements that require a certain minimum of service time per tower serviced, or mandate maximums of 10 work-hours per day or 6 work-days per week; and so forth. Consider all variations of such policies, and their resulting consequences. How many lives are projected to be saved? What are the direct costs to the companies, the technicians, and the consumers? What are the indirect results of such policies, e.g., will any companies have unfair advantages, will the rates of network expansion and data rate improvements slow so as to adversely affect other areas of society, and if so to what extent? Will the *general happiness* (for **utilitarianism**) be adversely affected by these safety measures, and if so is the resulting drop in overall happiness made up for by the happiness of the lives of those who are saved (and their friends/family)? With a value such as happiness that is to be the measure of what is good in life, and a way to assign a number to it and calculate it on the individual and societal scales, perform the calculations to discover the value for each option. Whichever policy choice (including not doing anything) leads to the *greatest amount of total happiness*, becomes the ethical choice for the **utilitarian** version of consequentialism.

Deontological Ethics:
First we must look at whether any *duties or rights* have been violated. Which duties or rights we look at depend on which deontological theory is considered, as well as the role of the person. Using Kant's **categorical imperative**, we can ask, from the perspective of the managers, are the contracted technicians merely being *used as a means to an end* (the servicing of the cell towers), or do the contractual arrangements respect them as full persons: Are appropriate allowances made for the technician safety (e.g., providing the necessary equipment and training, and instituting appropriate incentives/disincentives to follow safety rules, requesting and responding to feedback for safety improvements), for their health, for their own goals in life that are served by agreeing to this contract? Or are the technicians being encouraged to work as fast as they can to increase the company's bottom line? From the perspective of the technicians, are they using their employer *merely as a means to an end* (a way to get a paycheck)? Or are they following their duties to abide by the safety rules, and to give feedback to managers when they observe possible safety issues. For the company directors, are they following their duties by providing the managers with resources to allow the work to be done safely, and providing realistic expectations that do not pressure the manager to act rashly, etc.?

Virtue Ethics:
Looking first at the character of the individuals involved, a virtue ethics response must begin with a series of questions. Following **Aristotle**'s *golden mean* approach, we can ask whether the various persons involved have let themselves fall away from the mean into a vice that tends toward an extreme. Are the managers stingy with their money, such that they would accept risks to others if it saved them money? Are the contractors rash, taking on jobs they know will strain their technicians but ignoring the added risk? Are the technicians avoiding reckless behavior, while safely and courageously doing their job? Or are the technicians greedy, seeking bonuses and additional work at the expense of their own safety precautions? Are the company directors selfish, more concerned with their profits than with the lives of those who work for their company? Are all sides honest, sharing information about the strains faced by the technicians, and the adequacy of their safety training? Are consumers selfish, more concerned with their mobile phones than with the lives of those who enable them to work? From such questions we can begin to form a picture of what virtues are present or absent in the situation, and then can consider how each party can best be virtuous by avoiding the extremes of vice, and then how that virtue will be exemplified in particular policies and actions.