CHAPTER 2 – Determining Moral Behavior

CHAPTER 2 CONTENTS

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CHAPTER OBJECTIVES

1. Define deontological and teleological ethical systems, and explain ethical formalism and utilitarianism.
2. Describe how other ethical systems define what is moral – specifically, religion, natural law, ethics of virtue, and ethics of care.
3. Discuss the argument as to whether egoism is an ethical system.
4. Explain the controversy between relativism and absolutism (or universalism).
5. Identify what is good according to each of the ethical systems discussed in the chapter.

CHAPTER SUMMARY

In this chapter, the most well-known ethical systems are presented. These systems give students the tools to analyze ethical dilemmas. You may want to discuss the Ramparts scandal from the perspective of Detective Russell Poole. Have students walk through his dilemma from the perspective of every ethical system to see if different results may occur under the various ethical systems. It is important to stress that while our discussion of these system emphasizes the differences between them, most day-to-day ethical dilemmas present questions that would result in the same answers from most systems. Also, be consistent in the analysis of dilemmas so that the class discussion always starts with the questions posed below:
   1. *Identify the facts.*
   2. *Identify relevant values and concepts.*
   3. *Identify all possible moral dilemmas for each party involved.*
   4. *Decide what is the most immediate moral or ethical issue facing the individual*
   5. *Resolve the ethical or moral dilemma by using an ethical system or some other means of decision making.*

CHAPTER OUTLINE

ETHICAL SYSTEMS
   - Ethical systems have a number of characteristics.
      - They are the source of moral beliefs.
      - They are the underlying premises from which you make judgments.
      - They are beyond argument.
   - They might be called *moral theories* or *moral philosophies.*
   - To be accepted as an ethical system, the system of principles must be internally consistent, must be consistent with generally held beliefs, and must possess a type of "moral common sense."
   - Baelz described ethical systems as having the following characteristics:
      - Prescriptive

- o Authoritative
- o Logically impartial or universal
- o Not self-serving
- Judgments come from basic moral rules which are derived from *ethical systems* (Ethical pyramid).

The Ethics of Virtue
- The *ethics of virtue* asks the question, "What is a good person?"
- The roots of this system are in the work of Aristotle, who defined virtues as "excellences."
- Aristotle believed that we are, by nature, neither good nor evil but become so through training and the acquisition of habits.
- The principle of the golden mean is that virtue is always the median between two extremes of character.
- Virtues that a good person possesses include thriftiness, temperance, humility, industriousness, and honesty.
- Moral virtue comes from habit, which is why this system emphasizes character.
- Josephson Institute lists six Pillars: trustworthiness, respect, responsibility, fairness, caring, citizenship.
- One difficulty is in judging the primacy of moral virtues.
- *Do you think most people do the right thing out of habit or reason?*
- *Do you think that people who have the virtues discussed above never perceive moral dilemmas because they always do the right thing?*

Natural Law
- In the *natural law* ethical system, there is a universal set of rights and wrongs that is similar to many religious beliefs, but there is no reference to a specific supernatural figure.
- Morality is part of the natural order of the universe.
- For instance, the preservation of one's own being is a basic, natural inclination, and thus is a basic principle of morality.
- Other inclinations are peculiar to one's species. For instance, humans are social animals; thus, sociability is a natural inclination that leads to altruism and generosity.
- The pursuit of knowledge or understanding of the universe might also be recognized as a natural inclination of humans; thus, actions that conform to this natural inclination are moral.
- According to the social contract theory, members of society originally were engaged in a "war of all against all." The "contract" is one where individuals give up the freedom to aggress against others in return for their own safety.
- *What are "natural rights?" Are they rights that everyone has purely by virtue of being alive?*
- *What are the "natural" inclinations of human beings?*

Religion
- Religious ethics includes Judeo-Christian ethics, Buddhism, Confucianism, and Islam among others.
- Many religions have their own version of the Golden Rule.
- The legalist position is God is inviolable and that positions on moral questions are absolute.
- The situationalist position is that something may be right or wrong depending on the circumstances.
- According to Barry, human beings can "know" God's will in three ways:
  - o *Individual conscience.* An individual's conscience is the best source for discovering what God wants one to do. If one feels uncomfortable about a certain action, it is probably wrong.
  - o *Religious authorities.* They can interpret right and wrong for us and are our best source if we are confused about certain actions.
  - o *Holy Scriptures.* The third way is to go directly to the Bible, Koran, or Torah as the source of God's law.

Ethical Formalism

- *Ethical formalism* is a deontological system because the important determinant for judging whether an act is moral is not its consequence, but only the motive or intent of the actor.
- According to Immanuel Kant (1724–1804), the only thing that is intrinsically good is a *good will.*
- Kant believed moral worth comes from doing one's duty.
- Review the difference between categorical imperative and hypothetical imperative
- The following comprise the principles of Kant's ethical formalism:
    - *Act only on that maxim through which you can at the same time will that it should become a universal law.*
    - *Act in such a way that you always treat humanity, whether in your own person or that of any other, never simply as a means but always at the same time as an end.*
    - *Act as if you were, through your maxims, a lawmaking member of a kingdom of ends.*
- A system such as ethical formalism is considered an absolutist system: if something is wrong, it is wrong all the time.
- However, to not tell the truth when the attacker doesn't deserve the truth is not a lie, but if one intentionally and deliberately sets out to deceive, then that is a lie—even if it is being told to a person who doesn't deserve the truth.
- *Are there any situations in which lying is acceptable?*
- There are several criticisms of ethical formalism.
    - *It seems to be unresponsive to extreme circumstances.*
    - *Morality is limited to duty.*
    - *The priority of motive and intent over result is problematic in some instances.*

Utilitarianism

- *Utilitarianism* is a teleological ethical system: what is good is determined by the consequences of the action.
- Jeremy Bentham (1748–1832), a major proponent of utilitarianism, believed that the morality of an action should be determined by how much it contributes to the good of the majority.
- The following are some criticisms of Utilitarianism:
    - All pleasures or benefits are not of equal value
    - Utilitarianism presumes that one can predict the consequences of actions.
    - There is little concern for individual rights in utilitarianism.
- In *act utilitarianism,* the basic utility derived from an action is alone examined.
- In *rule utilitarianism,* one judges that action in reference to the precedent it sets and the long-term utility of the rule set by that action.
- Rule utilitarianism may be closer to the principles of ethical formalism, because it looks at general universal laws; the difference between the two is that the laws themselves are judged right or wrong depending on the motives behind them under ethical formalism, whereas utilitarianism looks to the long-term consequences of the behavior prescribed by the rules to determine their morality.
- *Can you think of any acts that result in bad consequences but should still be considered good acts? What about bad acts that result in good consequences?*
- *In the movie, Sophie's Choice, a woman was forced to choose which one of her children to send to the gas chamber. If she did not decide, both would be killed. How would ethical formalism resolve this dilemma? How would utilitarianism?*
- *There is a continuing debate over whether the U.S. needed to bomb Hiroshima and Nagasaki. Present the arguments on both sides. Now consider: are they utilitarian arguments, ethical formalist arguments, or some other?*

The Ethics of Care

- The *ethics of care* emphasizes human relationships and needs (Nell Noddings)
- The ethics of care has been described as a feminine morality because women in all societies are the child bearers and consequently seem to have a greater sensitivity to issues of care.
- Carol Gilligan's work on moral development identified a feminine approach to ethical dilemmas that focuses on relationships and needs instead of rights and universal laws.
- Applying the ethics of care leads not to different solutions necessarily, but perhaps different

questions.

- Eastern religions, such as Taoism, are consistent with the ethics of care.
- In criminal justice, the ethics of care is represented more by the rehabilitative model of corrections than the just-deserts model.
- The "restorative justice" movement is consistent with the ethics of care.
- Braswell and Gold (2002) discuss a concept called *peacemaking justice:* connectedness, caring, and mindfulness.

EGOISM: ETHICAL SYSTEM OR NOT?

- *Egoism* postulates that what is good for one's survival and personal happiness is moral.
- *Psychological egoism* refers to the idea that humans naturally are egoists and that it would be unnatural for them to be any other way.
- *Enlightened egoism* may mean that one should treat others as we would want them to treat us to ensure cooperative relations. Even seemingly selfless and altruistic acts are consistent with egoism, since these acts benefit the individual by giving self-satisfaction.
- Capitalism is based on the premise that everyone pursuing his or her self-interest will create a healthy economy.
- Egoism is rejected by most philosophers because it violates the basic tenets of an ethical system.

OTHER METHODS OF ETHICAL DECISION MAKING

- Krogstand and Robertson said
    - The *imperative principle* directs a decision maker to act according to a specific, unbending rule.
    - The *utilitarian principle* determines the ethics of conduct by the good or bad consequences of the action.
    - The *generalization principle* is based on this question: "What would happen if all similar persons acted this way under similar circumstances?"
- Ruggiero proposed that
    - Ethical dilemmas be evaluated using three criteria: one should examine one's obligations & duty (Ethical formalism), examine moral ideals (Ethics of virtue), and evaluate if act will result in good consequences (Utilitarianism).
- Close and Meier apply these methods more specifically to criminal justice:
    - Does the action violate another person's constitutional rights, including the right of due process?
    - Does the action involve treating another person only as a means to an end?
    - Is the action under consideration illegal?
    - Do you predict that your action will produce more bad than good for all persons affected?
    - Does the action violate department procedure or professional duty?
- The "front page" test asks us to evaluate our decision by whether or not we would be comfortable if it was on the front page of the newspaper.

RELATIVISM AND ABSOLUTISM

- There are two main arguments for relativism.
    - There are many different moral standards of behavior.
    - We do not know how to determine the absolute rules.
- *Cultural relativism* defines "good" as that which contributes to the health and survival of society.
- It must be noted that even absolutist systems may accept some exceptions.
- The *principle of forfeiture* associated with deontological ethical systems holds that people who treat others as means to an end or take away or inhibit their freedom and well-being forfeit the right to protection of their own freedom and well-being.
- Relativism allows for different rules and different judgments about what is good.
- Universalists would argue that if moral absolutes are removed, subjective moral discretion leads to egoistic (and nationalistic) rationalizations.
- Absolutists would argue that the reason that things like the Holocaust, slavery, the slaughter of Native American Indians, etc., is because people promoting what they consider to be a good end

do not apply absolute rules of morality and ethics and, instead, utilize relativism: it is okay for me to do this, at this time, because of what I consider to be a good reason.

TOWARD A RESOLUTION: SITUATIONAL ETHICS
- Situational ethics:
  - There are basic principles of right and wrong.
  - These can be applied to ethical dilemmas and moral issues.
  - These principles may call for different results in different situations, depending on the needs, concerns, relationships, resources, weaknesses, and strengths of the individual actors.
- Situational ethics is different from relativism because absolute norms are recognized, whereas under relativism there are no absolute definitions of right and wrong.
- Examples of moral absolutes norms could start with
  - Treat each person with the utmost respect and care.
  - Do one's duty(ies) in such a way that one does not violate the first principle.

CONCLUSION
- As mentioned previously, ethical systems are not moral decisions as such; rather, they provide the guidelines or principles to make moral decisions.
- When there is no agreement concerning the accepted facts in a certain case, it is confusing to bring in moral arguments before resolving the factual issues.
- Few people follow such strong moral codes that they *never* lie or *never* cause other people harm.
- One can condemn the act and not the person.
- "The Major Ethical Systems" summarizes the key principles for these ethical systems.
  Ethical formalism: *What is good is that which* conforms to the categorical imperative.
  Utilitarianism: *What is good is that which* results in the greatest utility for the greatest number.
  Religion: *What is good is that which* conforms to God's will.
  Natural law: *What is good is that which* is natural.
  Ethics of virtue: *What is good is that which* conforms to the Golden Mean.
  Ethics of care: *What is good is that which* meets the needs of those concerned.
  Egoism: *What is good is that which* benefits me.
- Relativism and absolutism are contrary principles but may be reconciled using the concept of situational ethics.
- The concept of situational ethics is offered as a way to reconcile the question as to whether ethics are universal
- Each of these ethical systems answers the question, "What is right?" in a different way.

ETHICAL DILEMMAS

Situation 1
You are a manager of a retail store. You are given permission by the owner of the store to hire a fellow classmate to help out. One day you see the classmate take some clothing from the store. When confronted by you, the peer laughs it off and says the owner is insured, no one is hurt, and it was under $100. "Besides," says your acquaintance, "friends stick together, right?" What would you do?

Judgment: Report the friend and have him fired.

Rules:　One should always follow the law.
　　　　One should be honest.
　　　　One should not be an accomplice to a crime.
　　　　One owes a duty to one's employer.

Ethical system (choose one):

Ethical formalism:
1. Do one's duty (protect the store's assets).
2. Act in such a way that you will it to be a universal law: no one could agree that everyone should let friends steal from stores.
3. Treat each person as an end and not as a means: the friend was using you (that is wrong); you would be using your position and your boss, by implication, to protect your friend.

Check to see if the moral rules are consistent with the ethical system chosen – in this case ethical formalism would obviously compel you to do your duty as a manager.

Egoism: Egoism might allow you to protect your friend is egoism, but not even egoism would justify a cover up if it came at a risk to self.

Utilitarianism: Ask the students if there is any way that utilitarianism might support covering for the thief. Since utilitarianism is concerned with the "greater good," the theft might be justified under this system if the friend explains that he was taking shoes to give to a battered women's shelter, for instance.

CLASSROOM ASSIGNMENTS

1. Take one or more of the ethical dilemmas at the back of the chapter and put them on the ethical pyramid. Work especially with the students in their ability to create moral rules (i.e., One should…) that are consistent with any of the ethical systems. First assign them an ethical system and make them create moral rules and a judgment that is consistent with the ethical system and then (for another dilemma), let them start with the judgment that they believe and work down, to allow them to figure out what ethical system they might be using to make the judgment.

2. Watch a movie or video of someone making an ethical decision and analyze their actions using the ethical pyramid to identify which ethical system they seem to be using.

3. Have students work in groups and assign each group a different ethical system and then compare how they resolved an ethical dilemma.

EXERCISES

EXERCISE 1

The Prisoner's Dilemma

This group exercise illustrates some of the issues that have been discussed in this section. The scenario is that there are two prisoners. They are told that if one confesses, that person will go free, but the partner will face the death penalty. If neither confesses, they will both get two years. If both confess, they will both get life. Of course, the decision has to be made *without knowing* what the other prisoner will choose. One sees that if a prisoner depends on the other's cooperation, he or she may suffer serious consequences. Assign two individuals to be the prisoners, and have the individuals make decisions in successive trials. Or do it as a group exercise, and have two groups be the prisoners. See what happens over six trials of the game.

What happened after several trials of the game? Did people learn to trust or learn to distrust? What would an egoist do? What would a utilitarian do? What would someone who followed the ethics of care do?

EXERCISE 2

Ethics Self-Survey
1. Do I confront difficult ethical decisions directly? Do I attempt to think through the alternatives

involved? Do I attempt to think through the principles involved? Am I inclined to make decisions on grounds of convenience, expediency, pressure, impulse, or inertia?

2. Do I systematically review my behavior as an administrator and question whether what I do is consistent with my professional values?

3. If someone asked me to explain my professional ethics, what would I say?

4. Have my values and ethics changed since I began working as a public administrator? If so, why and how have they changed? What are the primary influences that have changed my thinking?

5. Looking ahead to the remainder of my career, are there particular areas of my ethical conduct to which I would like to pay closer attention?

6. Do I ever find myself in situations in which providing equitable treatment to clients, members of my organization, or members of other organizations creates ethical conflicts? How do I handle such dilemmas? Can I perceive any consistent pattern in my behavior?

7. Where do my professional loyalties ultimately lie? With the Constitution? The law? My organization? My superiors? My clients? The general public? Do I feel torn by these loyalties? How do I deal with the conflicts?

8. Do I ever confront situations in which I feel that it is unfair to treat everyone in the same way? How do I determine what to do in those cases? How do I decide what is fair?

9. When I am responsible for some activity that turns out to be inappropriate or undesirable, do I accept full responsibility for it? Why? How?

10. Do I ever dismiss criticism of my actions with the explanation that I am only "following orders"? Do I accept any responsibility for what happens in these circumstances?

SOURCE: Adapted from American Society of Public Administrators, 1979: 22–23.