

Resolving an Ethical Dilemma

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For more detail on this topic, go to page 3.

So you've got an ethical dilemma on your hands. How do you figure out what to do? Generally speaking, there are two major approaches that philosophers use in handling ethical dilemmas. One approach focuses on the practical consequences of what we do; the other concentrates on the actions themselves. The first school of thought basically argues "no harm, no foul"; the second claims that some actions are simply wrong. Thinkers have debated the relative merits of these approaches for centuries, but for the purpose of getting help with handling ethical dilemmas, think of them as complementary strategies for analyzing and resolving problems. Here's a brief, three-step strategy that shows you how to combine them.

(By the way, we're going to assume that if there are any laws involved, you plan to obey them. This isn't to say that it's always morally wrong to break laws. But in ethical dilemmas that arise in business, the laws generally establish at least a bare minimum for how you should act. Besides, if a business regularly breaks laws, it becomes an anti-social force in society. And no matter how much money's involved, at that point, there's not a huge difference between a business and organized crime.)

Step 1: Analyze The Consequences

O.k., so you're going to stay on this side of the law. What next? It's probably easier to start by looking at the consequences of the actions you're considering. Assume you have a variety of options. Consider the range of both positive and negative consequences connected with each one.

- Who will be helped by what you do?
- Who will be hurt?
- What kind of benefits and harms are we talking about? After all, some "goods" in life (like health) are more valuable than others (like a new VCR). A small amount of "high quality" good can outweigh a larger amount of "lower quality" good. By the same token, a small amount of "high quality" harm (the pain you produce if you betray someone's trust on a very important matter) can outweigh a larger amount of "lower quality" pain (the disappointment connected with waiting another few months for a promotion).
- How does all of this look over the long run as well as the short run. And if you're tempted to give short shrift to the long run, just remember that you're living with a lot of long-term negative consequences (like air and water pollution and the cost of the S&L bailout) that people before you thought weren't important enough to worry about.

After looking at all of your options, which one produces the best mix of benefits over harms?

Step 2: Analyze The Actions

Now consider all of your options from a completely different perspective. Don't think about the consequences. Concentrate instead strictly on the actions. How do they measure up against moral principles like honesty, fairness, equality, respecting the dignity of others, respecting people's rights, and recognizing the vulnerability of individuals weaker or less fortunate than others? Do any of the actions that you're considering "cross the line," in terms of anything from simple decency to an important ethical principle? If there's a conflict between principles or between the rights of different people involved, is there a way to see one principle as more important than the others? What you're looking for is the option whose actions are least problematic.

Step 3: Make A Decision

And now, take both parts of your analysis into account and make a decision. This strategy should give you at least some basic steps you can follow.

Read more about Philosophical Ethics in the next section.

Philosophical Ethics

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1. Philosophical ethics

Ethics is the branch of philosophy that explores the nature of moral virtue and evaluates human actions. Philosophical ethics differs from legal, religious, cultural and personal approaches to ethics by seeking to conduct the study of morality through a rational, secular outlook that is grounded in notions of human happiness or well-being. A major advantage of a philosophical approach to ethics is that it avoids the authoritarian basis of law and religion as well as the subjectivity, arbitrariness and irrationality that may characterize cultural or totally personal moral views. (Although some thinkers differentiate between "ethics," "morals," "ethical" and "moral," this discussion will use them synonymously.)

Generally speaking, there are two traditions in modern philosophical ethics regarding how to determine the ethical character of actions. One argues that actions have no intrinsic ethical character but acquire their moral status from the consequences that flow from them. The other tradition claims that actions are inherently right or wrong, e.g. lying, cheating, stealing. The former is called a teleological approach to ethics, the latter, deontological.

2. Teleological (results oriented) ethics

A teleological outlook is particularly appealing because it takes a pragmatic, common-sense, even unphilosophical approach to ethics. Simply put, teleological thinkers claim that the moral character of actions depends on the simple, practical matter of the extent to which actions actually help or hurt people. Actions that produce more benefits than harm are "right"; those that don't are "wrong." This outlook is best represented by Utilitarianism, a school of thought originated by the British thinker Jeremy Bentham (1748-1832) and refined by John Stuart Mill (1806-1873).

a. Jeremy Bentham: quantifying pleasure

Strongly influenced by the empiricism of David Hume, Jeremy Bentham aimed at developing a "moral science" that was more rational, objective and quantitative than other ways of separating right from wrong. Bentham particularly argued against the ascetic religious traditions of eighteenth-century England that held up suffering and sacrifice as models of virtue.

Bentham begins with what he takes as the self-evident observations that 1) pleasure and pain govern our lives, and 2) the former makes life happier, while the latter makes it worse. These two concepts anchor Bentham's ethical outlook. "Nature has placed mankind," he writes in his Introduction to the Principles of Morals and Legislation, "under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne."

From this insight about pleasure and pain, Bentham develops as his ethical touchstone the notion of "utility": "that property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to

prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual." Utilitarianism therefore contends that something is morally good to the extent that it produces a greater balance of pleasure over pain for the largest number of people involved, or, as it is popularly described, "the greatest good of the greatest number." Pleasure is Bentham's ultimate standard of morality because "the greatest happiness of all those whose interest is in question . . . [is] the right and proper, and only right and proper and universally desirable, end of human action."

Aiming to make ethics practical, Bentham even proposed a system for measuring the amount of pleasure and pain that an action produces. Called the hedonistic calculus, Bentham's system identifies seven aspects of an action's consequence that can be used to compare the results of different deeds: the intrinsic strength of the pleasurable or painful feelings produced (intensity), how long they last (duration), how likely it is that these sensations will be produced by a given action (certainty or uncertainty), how soon they will be felt (propinquity or remoteness), whether these feelings will lead to future pleasures (fecundity) or pains (purity), and the number of people affected (extent).

The great advantage of the hedonistic calculus is that it provides a method for talking about ethics that is open, public, objective and fair. The benefits and harms produced by actions can be identified and measured. Furthermore, while everyone's happiness counts, no one's happiness counts for more than another's. Utilitarianism is in many ways very democratic.

For example, Bentham's system readily shows why it is wrong to steal money from people at knife-point. The theft will surely make the robber happy. But this pleasure is short-lived, lasting only until the money from each robbery runs out; the thief must also live with the worry of being caught. Moreover, the robber's happiness is outweighed by the victims' unhappiness. The negative feelings of the thief's targets will be intense and, very possibly, long-term. Furthermore, more people experience pain from the thefts than feel any pleasure. Bentham would therefore see such theft as clearly wrong, producing a greater balance of unhappiness over happiness among all those involved in the situation.

Notice that this discussion makes no appeal to "rights," a difficult moral theory, personal attitudes, or religious teachings. One need not be a lawyer, philosopher, person of good conscience or religious believer in order to uncover the moral status of actions. All that is required for determining whether or not an action is morally defensible is careful, thorough and fair examination of whom the action helps or hurts and in what ways.

Bentham's version of utilitarianism contains major flaws, however. This is evident as soon as we change some of the details of the above scenario, because the scales of the hedonistic calculus would tip the other way. Imagine that the thief is a "Robin Hood" like character who steals only exotic cars of rich people and uses his gains to feed many desperately hungry people. He neither threatens nor physically injures anyone, and his victims are reimbursed by insurance companies who spread the cost out over all policyholders. It's hard to see how Bentham's system would label the robberies "wrong." As long as the thief is appropriately altruistic with his bounty, his actions seem to produce more pleasure than pain.

b. John Stuart Mill: types of pleasure

John Stuart Mill, Bentham's godson and intellectual heir, was sensitive to the fact that utilitarianism appeared to defend actions that most people felt intuitively were wrong, such as lying and stealing. Accordingly, Mill revised utilitarianism, adding the idea that pleasures and pains could be classified according to quality as well as by amount. He also stressed the far-reaching effects of wrongdoing more explicitly than Bentham did.

Mill's version of utilitarianism rejects one of Bentham's fundamental premises--that all pleasures are equal. Bentham is disturbingly plain about this. He writes,

Let a man's motive be ill-will, call it even malice, envy, cruelty; it is still a kind of pleasure that is his motive: the pleasure he takes at the thought of the pain which he sees, or expects to see, his adversary undergo. Now even this wretched pleasure, taken by itself, is good: it may be faint; it may be short: it must at any rate be impure: yet while it lasts, and before any bad consequences arrive, it is good as any other that is not more intense.

Mill contends in his essay Utilitarianism, however, that

It is quite compatible with the principle of utility to recognize the fact that some kinds of pleasure are more desirable and more valuable than others. It would be absurd that, while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.

Accordingly, Mill opens the door for distinguishing what we might call "high quality" versus "low quality" pleasures and pains. Pleasures which Mill regards as intrinsically superior include those associated with intelligence, education, sensitivity to others, a sense of morality and physical health. Inferior pleasures include those arising from sensual indulgence, indolence, selfishness, stupidity and ignorance. A small amount of high quality pleasure could, then, outweigh a larger amount of low quality pleasure. Similarly, a small amount of high quality pleasure that is accompanied by substantial amounts of unhappiness would count as more pleasure than a greater amount of purer, but lower quality pleasure. When confronted with the issue of who determines the qualities of pleasures and pains, Mill replies: those with experience. "It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides."

Mill also takes pains to examine the far-reaching consequences of actions. Concerned that utilitarianism might seem to defend lying, for example, Mill argues that the wide-ranging, social harm that it does far outweighs the good experienced by its beneficiaries. "Thus it would often be expedient," writes Mill,

for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity is one of the most useful, and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth does that much toward weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilization, virtue, everything on which human happiness on the largest scale depends--we feel that the violation, for a present advantage, of a rule of such transcendent expediency is not expedient, and that he who, for the sake of convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies.

Mill's revisions of utilitarianism would probably take care of the most obvious weaknesses of Bentham's ideas. Mill would probably object to our "Robin Hood" scenario, then, by positing eventual harm to the thief and to society. The thief could become desensitized to the point that he might be less discriminating about the financial status of his victims, more tolerant of a less altruistic brand of thievery, more willing to resort to threats and violence, and so certain of the superiority of his personal moral compass

that he becomes dangerously self-righteous. Word of his exploits could lead to his being imitated by others in a way that impedes the broad social benefits that flow from respecting rights of ownership.

Yet even Mill's brand of utilitarianism cannot avoid certain difficulties. First, some questions arise about the mechanism of distinguishing types of pleasures. Mill's reliance on personal experience initially seems sensible. You would hardly ask someone who knew nothing about sound equipment to help you pick out a new audio system. In each case, you trust that these people know that the pleasure you will get from the stereo will outweigh the immediate pain of the high price you're paying. Why shouldn't it be the same with ethics? How could someone who had lived a life of cruel and selfish treatment of others be expected to understand the pleasures that come from being a good and decent person? How could someone who had always been scrupulously honest know the full range of negative consequences that come from lying? Yet recognizing only certain, "experienced" people as qualified to make moral judgments could jeopardize the fair, open, impartial and objective method of assessing consequences that a teleological outlook seeks. Many groups throughout human history have used claims of special moral insight to selfish and unscrupulous ends, defending the superiority of a certain class, race, religion or gender. Subjective decisions are not necessarily arbitrary, but the danger remains that they could be.

The central weakness of Mill's approach to ethics, however, is that as long as an action or policy produces enough high quality pleasure, any action is theoretically defensible. Imagine, for example, that benevolent slavery of only 1% of the world's population for the next century could somehow lead to permanent peace, the end of poverty and hunger, and the discovery of cures for all major diseases. Our slaves would be the subjects of a crash program of social, political and medical experiments sponsored by the United Nations and involving the brightest people from all countries. The aim is to solve the planet's worst problems once and for all. Imagine, further, that once these solutions are found, they are offered free to all countries. It is hard to imagine that the pain and suffering of the slaves would be greater than the centuries of benefits that would be enjoyed by billions of humans to come.

Nonetheless, this flaw should not overshadow the genuine advantages of a teleological approach to ethics. For the most part, it makes great common-sense to link the ethical character of actions or policies to their practical outcome. Bentham's attempt to scrupulously catalog the consequences of actions points out the numerous ways that pleasures and pains can differ. It also imposes an objectivity and impartiality on ethical analysis that protects against prejudice, stupidity or self-interest masquerading as moral wisdom. Mill's revisions of Bentham's ideas enjoy these same virtues, and Mill's discussion of types or kinds of pleasure and pain provides us with yet another important way to identify the consequences of actions.

The difficulty of employing a teleological approach should not be underestimated, however. As Mill's ideas imply, a full account of an action's results means not only careful analysis of the immediate consequences to all involved and astute discernment of the quality and comparative value of the sensations experienced, but an uncovering of the subtle, indirect, far-reaching and long-term results as well. An accurate teleological analysis requires great patience, impressive powers of observation and a keen understanding of how people actually respond to various experiences.

3. Deontological (act oriented) ethics

The second major tradition in philosophical ethics is a deontological approach. This outlook is based on the idea that teleological thinkers flatly deny--that actions have intrinsic moral value. Some actions are considered inherently good (truth-telling, keeping promises, respecting the rights of others); others are bad (dishonesty, coercion, theft, manipulation). No matter how much good comes from lying, argues a deontological thinker, the action will never be right.

a. Immanuel Kant: a universal moral law

Philosophy's most representative deontological thinker is Immanuel Kant (1724-1804). Kant believed that he had discovered the fundamental moral law that would determine the ethical character of an action without regard to its consequences. Kant called his moral law the categorical imperative--a command that holds no matter what the circumstances. He believed further that the validity of this ethical principle stemmed from reason itself and from our nature as free, rational moral agents with inherent value. Even more so than we saw above with Aristotle, Kant assesses the moral character of actions by focusing on the internal, particularly the rational aspect of human conduct. Kant sees the validity of his ethics as being so steeped in reason that commentators have noted that his *Foundations of the Metaphysics of Morals* could

have been called Ethics Based on Reason. Kant notes that the basis of moral obligation "must not be sought in the nature of man or in the circumstances in which he is placed, but sought a priori solely in the concepts of pure reason."

For an action to be good, Kant believes that it must not simply conform to a moral law, but be done for the sake of a moral law. Indeed, Kant claims that the only thing inherently good is a good will, that is, one that follows reason's guidance and acts from a sense of duty. A good will chooses what it does simply and purely because it is the right thing to do, not because it is inclined to do some deed nor because it has positive consequences. Moreover, Kant claims that reason dictates that the principle according to which one is willing, what Kant terms an action's "maxim," should be able to be a universal law. As Kant expresses it in his first formulation of the categorical imperative: "Act only according to that maxim by which you can at the same time will that it should become a universal law of nature."

Kant's initial formulation of the categorical imperative reflects the belief that since ethics is essentially a rational enterprise, ethical principles should have the same character as such rational activities as logic and mathematics. For example, they should be internally consistent and universally valid. Kant argues that if one can will the maxim of one's action as a universal law, the principle on which one's deed is based meets these requirements and thereby conforms to a sense of duty. Maxims which fail this test are, by contrast, self-defeating and contradictory. Kant illustrates this with the example of a false promise. He writes,

[A] man finds himself forced by need to borrow money. He well knows that he will not be able to repay it, but he also sees that nothing will be loaned him if he does not firmly promise to repay it at a certain time. He desires to make such a promise, but he has enough conscience to ask himself whether it is not improper and opposed to duty to relieve his distress in such a way. Now, assuming he does decide to do so, the maxim of his action would be as follows: When I believe myself to be in need of money, I will borrow money and promise to repay it, although I know I shall never do so. Now this principle of self-love or of his own benefit may very well be compatible with his whole future welfare, but the question is whether it is right. He changes the pretension of self-love into a universal law and then puts the question: How would it be if my maxim became a universal law? He immediately sees that it could never hold as a universal law of nature and be consistent with itself; rather it must necessarily contradict itself. For the universality of a law which says that anyone who believes himself to be in need could promise what he pleased with the intention of not fulfilling it would make the promise itself and the end to be accomplished by it impossible; no one would believe what was promised to him but would only laugh at any such assertion as vain pretense.

The false promise, then, is morally wrong because the maxim on which it is based is internally inconsistent. Universalizing it destroys the very concept of a promise which it aims to use. Such a principle of volition is illogical. The behavior of anyone who follows such a principle is morally flawed because it is literally irrational.

Kant's initial account of the moral law focuses on our rational nature, but later in the Foundations he defines the categorical imperative in terms of human dignity and freedom. He writes: "Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never simply as a means." Kant believes that we have a dignity that must be respected in our dealings with each other. Treating people as "ends" requires seeing them as autonomous beings who are entitled to control their own fate and not to be deceived or manipulated. Actions which are consistent with the dignity and autonomy of moral agents are intrinsically good. Treating people simply as a "means," however, is to regard them as something that we use for our own purposes without their full and free consent. Such actions are thus inherently wrong.

Kant returns to the issue of the false promise to illustrate this idea:

[A] man in need finds himself forced to borrow money. He knows well that he won't be able to repay it, but he sees also that he will not get any loan unless he firmly promises to repay it within a fixed time. He wants to make such a promise, but he still has conscience enough to ask himself whether it is not permissible and is contrary to duty to get out of difficulty in this way. . . . [He] will immediately see that he intends to make use of another man merely as a means to an end which the latter does not likewise hold. For the man whom I want to use for my own purposes

by such a promise cannot possibly concur with my way of action toward him and hence cannot himself hold the end of this action.

The person who was deceived by the false promise was tricked into doing something that he or she would not have consented to had all the facts been known. Even if the debt is ultimately paid, it does not change the fact that one person imposed his will on another and treated him simply as a means to an end. Moral agents, for Kant, are free and autonomous. Being used against our will simply as a means to someone else's end violates this freedom.

Kant's discussions of the categorical imperative reveal the heart of a deontological outlook, but the details of his philosophy are complex. A less technical way of describing a deontological approach, however, might be to say that the ultimate ethical standard is whether an action fits with, is consistent with or is appropriate to the fact that it is done to or performed by a being of a special sort—one that is rational and free. Indeed, this is the basic premise of claims that humans have rights. To say that we have basic human rights is to claim that we are entitled to treatment of a certain sort simply because of the very fabric of our being. That is why these rights are sometimes spoken of as "inalienable." They reflect characteristic and defining features of our nature. Legal rights are created and bestowed by governments, but fundamental moral rights inhere in our nature and are simply recognized, not granted by countries. A deontological approach to ethics, then, sees rights to fairness, equality, justice, honesty, and the respect of our dignity as rooted in the fundamental characteristics that define our nature.

Like a teleological approach to ethics, a deontological outlook has much to commend it. Analyzing an ethical dilemma takes on a much narrower focus than when approached teleologically. The only question is: Which actions are inherently good? Instead of engaging in complex projections of the primary and secondary consequences of some act, we focus simply on the deed itself. Does it respect the basic human rights of everyone involved? Does it avoid deception, coercion and manipulation? Does it treat people equally and fairly?

The primary difficulty with this approach, however, is its inflexibility. If lying is intrinsically wrong, there is no way to justify it even when it produces more good than harm. If we lie or steal in order to help someone, for example, a deontological approach still condemns it. And this total lack of compromise makes a deontological standard a difficult one to live by.

4. Evaluating the moral character of actions

Between teleological and deontological approaches to ethics, then, we see the basic elements that can be used in determining the ethical character of actions. One school of thought points to the results, the other to the actions themselves. So between them they reveal a wide array of internal and external factors of human action that have moral consequence. While these two outlooks conflict in theory, they complement one another in practice. In the pragmatic challenge of identifying and resolving ethical dilemmas, then, neither should be ignored; each acts as a check on the limitations of the other.