CHAPTER 2 – Determining Moral Behavior

CHAPTER 2 CONTENTS

Ethical Systems

Egoism: Ethical System or Not?

Other Methods of Ethical Decision Making

Relativism, Absolutism, and Universalism

Toward a Resolution: Situational Ethics

Conclusion

Chapter Review

Study Questions

Writing/Discussion Exercises

Key Terms

Ethical Dilemmas

**2**

LEARNING 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, ethics of virtue, natural law, religion, 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 systems 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

**3**

1. Ethical Systems

**LO 1:** Define deontological and teleological ethical systems, and explain ethical formalism and utilitarianism.

**LO 2:** Describe how other ethical systems define what is moral—specifically, ethics of virtue, natural law, religion, and ethics of care.

* Ethical systems provide the answer to the question of why something is wrong or right.
* **Ethical systems** 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
	+ Authoritative
	+ Logically impartial or universal
	+ Not self-serving
* Judgments come from basic moral rules, which are derived from ethical systems (ethical pyramid).
1. **The Ethics of Virtue**

**4-5**

* The ethics of virtueasks the question, “What is a good person?”
* The roots of this system are in the work of Aristotle, who believed that to be good, one must do good and possess the virtues of thriftiness, temperance, humility, industriousness, and honesty.
* Aristotle believed that **eudaimonia** was the goal of life. More than just having pleasure, one should live a good life, reach achievements, and attain moral excellence.
* He defined virtues as “excellences.”
	+ Intellectual virtues (wisdom, understanding) as distinct from moral virtues (generosity, self-control)
* 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 thatvirtue is always the median between two extremes of character.
* Moral virtue comes from habit, which is why this system emphasizes character.
* The Josephson Institute of Ethics lists Six Pillars of Character: trustworthiness, respect, responsibility, fairness, caring, and 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?

**6-7**

1. **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 and is the same across cultures and times.
* This system presupposes that the essence of morality is what conforms to the natural world. 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.
* Natural law has been employed to restrict the rights and liberties of groups of people because the parameters that define what is natural are interpreted differently by different people.

**8**

1. **Religion**
* **Religious ethics** are based on religious beliefs of good and evil; what is good is that which is God’s will.
	+ Includes Judeo-Christian ethics, Buddhism, Confucianism, and Islam among others
* Many religions have their own version of the Golden Rule.
* The legalist position is that God is inviolable and that positions on moral questions are absolute.
* The situationalist position is that God’s will varies by time and place.
* According to Barry, human beings can “know” God’s will in three ways:
	1. *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.
	2. *Religious authorities.* They can interpret right and wrong for us and are our best source if we are confused about certain actions.
	3. *Holy scriptures.* The third way is to go directly to the Bible, Quran, or Torah as the source of God’s law.

**9-11**

1. **Ethical Formalism**
* **Ethical formalism** is a **deontological ethical 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**:
	+ Hypothetical imperatives are commands that designate certain actions to attain certain ends.
	+ Categorical imperatives command action that is necessary without any reference to intended purposes or consequences.
* 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.
1. **Utilitarianism**

**12-13**

* **Utilitarianism**is the ethical system that claims the greatest good is that which results in the greatest happiness for the greatest number.
* Utilitarianism is a **teleological ethical system**, meaning, 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 equal value.
	+ Utilitarianism presumes that one can predict the consequences of one’s actions.
	+ There is little concern for individual rights in utilitarianism.
* In **act utilitarianism**,onlythe basic utility derived from an action is 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.

**14-15**

1. **The Ethics of Care**
* The **ethics of care** emphasizes human relationships and needs (Nel Noddings).
* The ethics of care has been described as a feminine morality because women in all societies are the childbearers and consequently seem to have a greater sensitivity to issues of care.
* Jean-Jacques Rousseau argued that it is humans’ natural compassion that is the basis for human action and that morality is based in emotion rather than rationality.
* 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**, which is composed of three parts:connectedness, caring, and mindfulness.

**Class Discussion/Activity**

Ask students to discuss the differences between natural law and utilitarianism.

**Class Discussion/Activity**

Ask students to discuss the differences between ethical formalism and religion.

**What If Scenario**

What if one person’s death meant the survival of a dozen other people? Would you seek the death of the one?

**What If Scenario**

What if someone asked you if you were a good person and you answered yes? What examples would you give to convince that person?

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| **Media Tool**What is the story about? How would ethics apply to this? Can any of the ethical approaches in this chapter be used to justify the trips? <http://www.washingtonpost.com/investigations/10-members-of-congress-took-trip-secretly-funded-by-foreign-government/2015/05/13/76b55332-f720-11e4-9030-b4732caefe81_story.html>  |

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| **Media Tool**Why not cheat? View the video segment, and find out if cheating can be justified. <https://www.youtube.com/watch?v=ubGOBvTPRjw>  |

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| See Assignments 1–3 |

**16**

1. **Egoism: Ethical System or Not?**

**LO 3:** Discuss the argument as to whether egoism is an ethical system.

* **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 we 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.

**17-18**

1. **Other Methods of Ethical Decision Making**

**LO 4:** Explain the controversy between relativism and absolutism (or universalism).

**LO 5:** Identify what is good according to each of the ethical systems discussed in the chapter.

* Krogstand and Robertson said the following:
* 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 can be evaluated using three criteria:
	+ Examine one’s obligations and duties (ethical formalism).
	+ Examine moral ideals (ethics of virtue).
	+ Evaluate if the 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 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.

**19**

1. **Using Ethical Systems to Resolve Dilemmas**
* Identify the facts.
* Identify relevant values and concepts.
* Identify all possible moral dilemmas for each party involved.
* Decide what is the most immediate moral or ethical issue facing the individual.
* Resolve the ethical or moral dilemma by using an ethical system or some other means of decision making.

**20-21**

1. **Relativism, Absolutism, and Universalism**
* Ethical relativism describes the position that what is good or bad changes depending on the individual or group, and that there are no moral absolutes.
* **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 argue that if moral absolutes are removed, subjective moral discretion leads to egoistic (and nationalistic) rationalizations.
* Universalists argue that the reason that things like the Holocaust, slavery, the slaughter of Native American Indians, and so on happen 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.

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| **Media Tool**How strong is your ethical compass? Discuss the questions after watching this video. <https://www.youtube.com/watch?v=Lhwhgf01Ozw>  |

**22**

1. **Toward a Resolution: Situational Ethics**
* **Situational ethics**: although there are a few universal truths, different situations call for different responses; therefore, some action can be right or wrong depending on situational forces.
* Hinman defines the balance between absolutism and relativism as **moral pluralism**:
	+ There are basic principles of right and wrong.
	+ These can be applied to ethical dilemmas and 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 or duties in such a way that one does not violate the first principle.

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| **Class Discussion/Activity**Explain the controversy between relativism and absolutism (or universalism). |

**23**

1. **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.
	+ Ethics of virtue: What is good is that which conforms to the principle of the Golden Mean.
	+ Natural law: What is good is that whichis natural.
	+ Religion: What is good is that which conforms to God’s will.
	+ Ethical formalism: What is good is that whichconforms to the categorical imperative.
	+ Utilitarianism: What is good is that whichresults in the greatest utility for the greatest number.
	+ Ethics of care: What is good is that whichmeets the needs of those concerned.
	+ Egoism: What is good is that whichbenefits me.
* While philosophical discussions typically emphasize the differences between ethical systems, in most cases where individuals face an ethical dilemma, the ethical systems agree.
* Ethical systems are more complex to apply than they are to explain. The concept of situational ethics is offered to reconcile the question as to whether ethics are universal or not.

KEY TERMS

**ethical system**: A structured set of principles that defines what is moral.

**ethics of virtue**: The ethical system that bases ethics largely upon character and possession of virtues.

**eudaimonia**: The Greek term denoting perfect happiness or flourishing, related to the way to live a “good life.”

**principle of the Golden** **Mean:** Aristotle’s concept of moderation, in which one should not err toward excess or deficiency; this principle is associated with the ethics of virtue.

natural law: The idea that principles of morals and rights are inherent in nature and not human-made; such laws are discovered by reason but exist apart from humankind.

religious ethics: The ethical system that is based on religious beliefs of good and evil; what is good is that which is God’s will.

ethical formalism: The ethical system espoused by Kant that focuses on duty; holds that the only thing truly good is a good will, and that what is good is that which conforms to the categorical imperative.

deontological ethical system: The study of duty or moral obligation emphasizing the intent of the actor as the element of morality.

**hypothetical imperatives:** Statements of contingent demand known as if-then statements (if I want something, then I must work for it); usually contrasted with categorical imperatives (statements of “must” with no “ifs”).

**categorical imperative:** The concept that some things just must be, with no need for further justification, explanation, or rationalization for why they exist (Kant’s categorical imperative refers to the imperative that you should do your duty, act in a way you want everyone else to act, and don’t use people).

**utilitarianism:** The ethical system that claims that the greatest good is that which results in the greatest happiness for the greatest number; major proponents are Bentham and Mill.

**teleological ethical system:** An ethical system that is concerned with the consequences or ends of an action to determine goodness.

**act utilitarianism:** The type of utilitarianism that determines the goodness of a particular act by measuring the utility (good) for all, but only for that specific act and without regard for future actions.

**rule utilitarianism:** The type of utilitarianism that determines the goodness of an action by measuring the utility of that action when it is made into a rule for behavior.

**ethics of care:** The ethical system that defines good as meeting the needs of others and preserving and enriching relationships.

**peacemaking justice:** An ancient approach to justice that includes the concepts of compassion and care, connectedness, and mindfulness.

**egoism**: The ethical system that defines the pursuit of self-interest as a moral good.

**psychological egoism:** The concept that humans naturally and inherently seek self-interest, and that we can do nothing else because it is our nature.

**enlightened egoism:** The concept that egoism may appear to be altruistic because it is in one’s long-term best interest to help others in order to receive help in return.

**imperative principle:** The concept that all decisions should be made according to absolute rules.

**utilitarian principle:** The principle that all decisions should be made according to what is best for the greatest number.

**generalization principle:** The principle that all decisions should be made assuming that the decision would be applied to everyone else in similar circumstances.

**cultural relativism:** The idea that values and behaviors differ from culture to culture and are functional in the culture that holds them.

**principle of forfeiture:** The idea that one gives up one’s right to be treated under the principles of respect for persons to the extent that one has abrogated someone else’s rights; for instance, self-defense is acceptable according to the principle of forfeiture.

**situational ethics**: The philosophical position that although there are a few universal truths, different situations call for different responses; therefore, some action can be right or wrong depending on situational factors.

**moral pluralism:** The concept that there are fundamental truths that may dictate different definitions of what is moral in different situations.

**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?

**Example of Analysis:**

Moral 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, 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 the clothing to give to a battered women’s shelter, for instance.

**Situation 2**

You are in a lifeboat along with four others. You have enough food and water to keep only four people alive for the several weeks you expect to be adrift until you float into a shipping lane and can be discovered and rescued. You will all perish if the five of you consume all the food and water. There is the suggestion that one of you should die so the other four can live. Would you volunteer to commit suicide? Would you vote to have one go overboard if you choose by straws? Would you vote to throw overboard the weakest and least healthy of the five? If you were on a jury judging the behavior of four who did murder a fifth to stay alive, would you acquit them or convict them of murder? Would your answer be different if the murdered victim was your son or daughter?

**Situation 3**

You aspire to be a police officer and are about to graduate from a criminal justice department. Your best friend has just been hired by a local law enforcement agency, and you are applying as well. When you were freshmen, you were both caught with marijuana in your dorm room. Although you were arrested, the charges were dismissed because it turned out that the search was illegal. The application form includes a question that asks if you have ever been arrested. Your friend told you that he answered no because he knew this agency did not use polygraphs as part of the hiring process. You must now decide whether to also lie on the form. If you lie, you may be found out eventually, but there is a good chance that the long-ago arrest will never come to light. If you don’t lie, you will be asked to explain the circumstances of the arrest, and your friend will be implicated as well. What should you do?

**Situation 4**

You have a best friend who has confessed a terrible secret to you. Today the man is married and has two children. He has a good family, has a good life, and is a good citizen. However, 14 years earlier he killed a woman. A homeless person was accused of the crime but died before he could be tried and punished. Nothing good can come of this man’s confession. His family will suffer, and no one is at risk of being mistaken as the murderer. What would you advise him to do? (Some may recognize this dilemma as coming from Dostoyevsky’s *The Brothers Karamazov.*)

**Situation 5**

You are working in internal affairs, and in the course of another investigation, you discover disturbing evidence regarding the police chief’s son, who is also an officer in the department. Several informants have confided in you that this individual has roughed them up and taken their drugs, yet you find no record of arrest or the drugs being logged in the evidence room. When you write your report, your sergeant tears it up and tells you that there is not enough evidence to justify an investigation and for you to stick to what you are told to do. What would you do? What would you do if the chief calls you into his office the next day and offers you a transfer to a high-status position that will lead to a promotion?

**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. (LO 1–5)
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.