

Thinking Ethically

A Framework for Moral Decision Making

MANUEL VELASQUEZ ET AL.

Moral issues greet us each morning in the newspaper, confront us in the memos on our desks, nag us from our children's soccer fields, and bid us good night on the evening news. We are bombarded daily with questions about the justice of our foreign policy, the morality of medical technologies that can prolong our lives, the rights of the homeless, the fairness of our children's teachers to the diverse students in their classrooms.

Dealing with these moral issues is often perplexing. How, exactly, should we think through an ethical issue? What questions should we ask? What factors should we consider?

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The first step in analyzing moral issues is obvious but not always easy: Get the facts. Some moral issues create controversies simply because we do not bother to check the facts. This first step, although obvious, is also among the most important and the most frequently overlooked.

But having the facts is not enough. Facts by themselves only tell us what *is*; they do not tell us what *ought* to be. In addition to getting the facts, resolving an ethical issue also requires an appeal to values. Philosophers have developed five different approaches to values to deal with moral issues.

The Utilitarian Approach

Utilitarianism was conceived in the 19th century by Jeremy Bentham and John Stuart Mill to help legislators determine which laws were morally best. Both Bentham and Mill suggested that ethical actions are those that provide the greatest balance of good over evil.

To analyze an issue using the utilitarian approach, we first identify the various courses of action available to us. Second, we ask who will be affected by each action and what benefits

or harms will be derived from each. And third, we choose the action that will produce the greatest benefits and the least harm. The ethical action is the one that provides the greatest good for the greatest number.

The Rights Approach

The second important approach to ethics has its roots in the philosophy of the 18th-century thinker Immanuel Kant and others like him, who focused on the individual's right to choose for herself or himself. According to these philosophers, what makes human beings different from mere things is that people have dignity based on their ability to choose freely what they will do with their lives, and they have a fundamental moral right to have these choices respected. People are not objects to be manipulated; it is a violation of human dignity to use people in ways they do not freely choose.

Of course, many different, but related, rights exist besides this basic one. These other rights (an incomplete list below) can be thought of as different aspects of the basic right to be treated as we choose.

- *The right to the truth:* We have a right to be told the truth and to be informed about matters that significantly affect our choices.
- *The right of privacy:* We have the right to do, believe, and say whatever we choose in our personal lives so long as we do not violate the rights of others.
- *The right not to be injured:* We have the right not to be harmed or injured unless we freely and knowingly do something to deserve punishment or we freely and knowingly choose to risk such injuries.
- *The right to what is agreed:* We have a right to what has been promised by those with whom we have freely entered into a contract or agreement.

In deciding whether an action is moral or immoral using this second approach, then, we must ask, Does the action respect the moral rights of everyone? Actions are wrong to the extent

The Case of Maria Elena

Maria Elena has cleaned your house each week for more than a year. You agree with your friend who recommended her that she does an excellent job and is well worth the \$30 cash you pay her for three hours' work. You've also come to like her, and you think she likes you, especially as her English has become better and you've been able to have some pleasant conversations.

Over the past three weeks, however, you've noticed Maria Elena becoming more and more distracted. One day, you ask her if something is wrong, and she tells you she really needs to make additional money. She hastens to say she is not asking you for a raise, becomes upset, and begins to cry. When she calms down a little, she tells you her story:

She came to the United States six years ago from Mexico with her child, Miguel, who is now 7 years old. They entered the country on a visitor's visa that has expired, and Maria Elena now uses a Social Security number she made up.

Her common-law husband, Luis, came to the United States first. He entered the country illegally, after paying smugglers \$500 to hide him under piles of grass cuttings for a six-hour truck ride across the border. When he had made enough money from low-paying day jobs, he sent for Maria Elena. Using a false green card, Luis now works as a busboy for a restaurant, which withholds part of his salary for taxes. When Maria Elena comes to work at your house, she takes the bus and Luis baby-sits.

In Mexico, Maria Elena and Luis lived in a small village where it was impossible to earn more than \$3 a day. Both had sixth-grade educations, common in their village. Life was difficult, but they did not decide to leave until they realized the future would be bleak for their child and for the other children they wanted to have. Luis had a cousin in San Jose who visited and told Luis and Maria Elena how well his life was going. After his visit, Luis and Maria Elena decided to come to the United States.

Luis quickly discovered, as did Maria Elena, that life in San Jose was not the way they had heard. The cousin did not tell them they would be able to afford to live only in a run-down three-room apartment with two other couples and their children. He did not tell them they would always live in fear of INS raids.

After they entered the United States, Maria Elena and Luis had a second child, Jose, who is 5 years old. The birth was difficult because she didn't use the health-care system or welfare for fear of being discovered as undocumented. But, she tells you, she is willing to put up with anything so that her children can have a better life. "All the money we make is for Miguel and Jose," she tells you. "We work hard for their education and their future."

Now, however, her mother in Mexico is dying, and Maria Elena must return home, leaving Luis and the children. She does not want to leave them because she might not be able to get back into the United States, but she is pretty sure she can find a way to return if she has enough money. That is her problem: She doesn't have enough money to make certain she can get back.

After she tells you her story, she becomes too distraught to continue talking. You now know she is an undocumented immigrant, working in your home. What is the ethical thing for you to do?

This case was developed by Tom Shanks, S.J., director of the Markkula Center for Applied Ethics. Maria Elena is a composite drawn from several real people, and her story represents some of the ethical dilemmas behind the immigration issue.

This case can be accessed through the Ethics Center home page on the World Wide Web: www.scu.edu/Ethics/. You can also contact us by e-mail, ethics@scu.edu, or regular mail: Markkula Center for Applied Ethics, Santa Clara University, Santa Clara, CA 95053. Our voice mail number is (408) 554-7898. We have also posted on our homepage a new case involving managed health care.

that they violate the rights of individuals; the more serious the violation, the more wrongful the action.

are not imposed. Both favoritism and discrimination are unjust and wrong.

The Fairness or Justice Approach

The fairness or justice approach to ethics has its roots in the teachings of the ancient Greek philosopher Aristotle, who said that "equals should be treated equally and unequals unequally." The basic moral question in this approach is: How fair is an action? Does it treat everyone in the same way, or does it show favoritism and discrimination?

Favoritism gives benefits to some people without a justifiable reason for singling them out; discrimination imposes burdens on people who are no different from those on whom burdens

The Common-Good Approach

This approach to ethics presents a vision of society as a community whose members are joined in the shared pursuit of values and goals they hold in common. This community comprises individuals whose own good is inextricably bound to the good of the whole.

The common good is a notion that originated more than 2,000 years ago in the writings of Plato, Aristotle, and Cicero. More recently, contemporary ethicist John Rawls defined the common good as "certain general conditions that are . . . equally to everyone's advantage."

In this approach, we focus on ensuring that the social policies, social systems, institutions, and environments on which we depend are beneficial to all. Examples of goods common to all include affordable health care, effective public safety, peace among nations, a just legal system, and an unpolluted environment.

Appeals to the common good urge us to view ourselves as members of the same community, reflecting on broad questions concerning the kind of society we want to become and how we are to achieve that society. While respecting and valuing the freedom of individuals to pursue their own goals, the common-good approach challenges us also to recognize and further those goals we share in common.

The Virtue Approach

The virtue approach to ethics assumes that there are certain ideals toward which we should strive, which provide for the full development of our humanity. These ideals are discovered through thoughtful reflection on what kind of people we have the potential to become.

Virtues are attitudes or character traits that enable us to be and to act in ways that develop our highest potential. They enable us to pursue the ideals we have adopted.

Honesty, courage, compassion, generosity, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues.

Virtues are like habits; that is, once acquired, they become characteristic of a person. Moreover, a person who has developed virtues will be naturally disposed to act in ways consistent with moral principles. The virtuous person is the ethical person.

In dealing with an ethical problem using the virtue approach, we might ask, What kind of person should I be? What will promote the development of character within myself and my community?

Ethical Problem Solving

These five approaches suggest that once we have ascertained the facts, we should ask ourselves five questions when trying to resolve a moral issue:

- What benefits and what harms will each course of action produce, and which alternative will lead to the best overall consequences?
- What moral rights do the affected parties have, and which course of action best respects those rights?
- Which course of action treats everyone the same, except where there is a morally justifiable reason not to, and does not show favoritism or discrimination?
- Which course of action advances the common good?
- Which course of action develops moral virtues?

This method, of course, does not provide an automatic solution to moral problems. It is not meant to. The method is merely meant to help identify most of the important ethical considerations. In the end, we must deliberate on moral issues for ourselves, keeping a careful eye on both the facts and on the ethical considerations involved.

Critical Thinking

1. Describe briefly each of the five approaches to solving ethical dilemmas.
2. Set up a table for the five approaches and show how each approach would address The Case of Maria Elena.

This article updates several previous pieces from *Issues in Ethics* by **MANUEL VELASQUEZ**—Dirksen Professor of Business Ethics at SCU and former Center director—and **CLAIRE ANDRE**, associate Center director. "Thinking Ethically" is based on a framework developed by the authors in collaboration with Center Director **THOMAS SHANKS, S. J.**, Presidential Professor of Ethics and the Common Good **MICHAEL J. MEYER**, and others. The framework is used as the basis for many Center programs and presentations.

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